

City of Woodcreek Special City Council Meeting - Amended

August 22, 2019; 6:30 p.m.

Woodcreek, Texas

Notice of Agenda

This notice, as amended, 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 Special City Council Meeting on August 22, 2019, 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. Roll Call

3. Public Comments:

Interested persons are required to sign up with the presiding officer or designee before the meeting begins and shall indicate the topic about which they wish to speak. Speakers shall refrain from offensive comments or comments regarding the character of staff, elected officials, or council appointed committee members. Delegations of more than five persons shall appoint one person to present their views before the City Council. The City Council may not discuss comments, except to direct information to the appropriate channels for resolution. Comments will be limited to three (3) minutes per speaker.

4. Agenda:

- A. Public Hearing on an Application from Peter & Coleen Parchesky, 207 East Meadow Lane, Wimberley TX 78676 to Replat Lot 49, Cypress Creek Acres, Establishing Lots 49-A and 49-B within the City of Woodcreek's Extra Territorial Jurisdiction. This Property is Further Identified by the Hays County Central Appraisal District by Identification Number R25613
- B. Consider Recommendation from Planning and Zoning on the Application from Peter & Coleen Parchesky, 207 East Meadow Lane, Wimberley TX 78676 to Replat Lot 49, Cypress Creek Acres, Establishing Lots 49-A and 49-B within the City of Woodcreek's Extra Territorial Jurisdiction. This Property is Further Identified by the Hays County Central Appraisal District by Identification Number R25613
- C. Discussion and Take Appropriate Action on an Application from Peter & Coleen Parchesky, 207 East Meadow Lane, Wimberley TX 78676 to Replat Lot 49, Cypress Creek Acres, Establishing Lots 49-A and 49-B within the City of Woodcreek's Extra Territorial Jurisdiction. This Property is Further Identified by the Hays County Central Appraisal District by Identification Number R25613
- D. Discussion and/or Take Appropriate Action on Chapter 91: Trees of the City of Woodcreek, Texas Code of Ordinances, passed and approved on August 14, 2019 per Mayor Scheel's request for reconsideration. (Mayor Scheel)
- E. Discussion and Take Appropriate Action on Recommended Amendments to Chapter 91: Trees of the City of Woodcreek, Texas Code of Ordinances. (Councilmember Jackson)
- F. Discussion and Take Appropriate Action on the Joint Election Agreement Between Hays County and the City of Woodcreek (City Manager Lewis)

- G. Discussion and Take Appropriate Action on Rescinding the Motion on Setting the Proposed Tax Rate at \$.2235 per \$100 Valuation for Fiscal Year 2019-2020 (City Manager Lewis)
- H. Discussion and Take Appropriate Action to Set the Proposed Tax Rate for Fiscal Year 2019-2020 (City Manager Lewis)
- I. Public Hearing
 - i Tax Rate: Proposed Tax Rate for 2020
 - ii Staff Briefing
 - iii Public Hearing: All persons wishing to speak about this item shall be heard.
- J. Public Hearing
 - i 2019-2020 Budget: Proposed Budget for the City of Woodcreek for Fiscal Year Beginning October 1, 2019 and Ending September 30, 2020
 - ii Staff Briefing
 - iii Public Hearing: All persons wishing to speak about this item shall be heard.
- K. Budget Workshop

5. Adjourn

Executive sessions held during this meeting will generally take place in the City Manager's office, at the discretion of the City Council.

The City Council may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code; deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code. Action, if any, will be taken in open session.

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

Attendance by Other Elected or Appointed Officials:

It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

The City of Woodcreek is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call the City Secretary's Office at 512-847-9390 for information. Hearing-impaired or speech disabled persons equipped with telecommunications devices for the deaf may call 7-1-1 or may utilize the statewide Relay Texas program at 1-800-735-2988.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

I certify that the above notice was posted on the 19th day of August, 2019 at 5:00 p.m.

By: Brenton B. Lewis by Linda Land
Brenton B. Lewis, City Manager



**SUBDIVISION PLAT SUBMITTAL FORM
SUPPORTING INFORMATION
Hays County, Texas**

To be included with Plat Submittal
All **APPLICABLE** entries must be completed

NOTICE TO APPLICANT: *It is strongly recommended that you meet with County planning, subdivision, and environmental staff PRIOR to beginning the process to subdivide and develop property.*

<i>For Office Use Only</i>	
Tracking Number:	_____
Date App. Received:	_____
Fee: \$	_____
Precinct # in which located:	_____
Lot Size Designation:	_____
A (surface water):	_____
B (community):	_____
C (private):	_____

TYPE OF APPLICATION:

- Manufactured Home Rental Community
- Replat/Revision
- Condominium Development

Waiver of Preliminary Plan (see page 6)
Request for administrative approval

PROPOSED NAME OF SUBDIVISION: Cypress Creek Acres, Lot 49 Replat

OWNER/APPLICANT/CONTACT INFORMATION:

Name in which the Development Authorization is requested to be issued: _____
 Property Owner's Legal Name: Peter and Coleen Parchesky 7820
 Property Owner's Email Address: pparch@gmail.com Phone: (512) 808-7628
 Property Owner's HCAD Owner ID Number: R25613

Applicant's Legal Name: J Thompson Professional Consulting
 Applicant's Email Address: jthompsonconsultingds@gmail.com Phone: (512) 568-2184
 Designated Contact's Name: Jon Thompson
 Designated Contact's Email Address: jthompsonconsultingds@gmail.com Phone: (512) 568-2184

BUSINESS ENTITIES (FOR SERVICE OF PROCESS):

Name of registered agent: _____
 Address of registered agent: _____

CONSULTANTS:

List all professionals involved in the preparation of this Application or any of the supplemental information provided herewith:

	Name	Email Address	Phone
Licensed Professional Engineer:	_____	_____	_____
Registered Professional Land Surveyor:	<u>Kyle Smith, RPLS</u>	<u>ks.byrn@gmail.com</u>	<u>(512) 396-2270</u>
Registered Sanitarian:	<u>Andy Grubbs, RS</u>	<u>grubbsi@centurytel.net</u>	<u>(512) 644-5361</u>
Geoscientists:	_____	_____	_____
Attorney:	_____	_____	_____

PROPERTY INFORMATION:

4A-C

PROPOSED NAME OF SUBDIVISION: Cypress Creek Acres, Lot 49 Replat

911 street address for the main entrance, if established: 207 E. Meadow Lane, Wimberley, Texas

Current legal description: Cypress Creek Acres, Lot 49

HCAD Property ID Number: R25613

Hays County Precinct in which the subject property is located: 3

Total current land area: 5.0

Located in city ETJ: No City Name: Woodcreek

Is the development over the Edwards Aquifer Recharge Zone? Yes No

Is the development over the Contributing Zone of the Edwards Aquifer? No

List all political subdivisions in which the subject property is located (see tax certificate):

School District(s): Wimberley ISD

Emergency Services District(s): ESD # 3 & 7

Groundwater District(s): Hays Trinity Groundwater Conservation District

Other: _____

Is the Hays County Habitat Conservation Compliance Form completed? Yes No

Per the Hays County Habitat Conservation plan, does the subject property contain potential habitat for the golden-checked warbler or black-capped vireo? Yes No

Total current acreage of property proposed for development: 5

Total acreage to be subdivided into lots: 5

Total number of lots: 2 Average size of lots: 2.5

NUMBER OF LOTS: Greater than 10 acres: 0 Larger than 5 but less than 10 acres: 0

Between 2 and 5 acres: 2 Between 1 and 2 acres: 0

Less than one acre: 0

At full buildout, what is the maximum number of lots for all phases: 2

Intended use of the lots (in detail): Residential

If the Application is for a replat/revision, the reason for the proposed replat/revision: To divide the lot into two separately platted lots.

FRONTAGE ON EXISTING ROADS:

County Road Name: East Meadows Lane Linear footage of frontage: 355

County Road Name: _____ Linear footage of frontage: _____

County Road Name: _____ Linear footage of frontage: _____

County Road Name: _____ Linear footage of frontage: _____

PROPOSED NAME OF SUBDIVISION: Cypress Creek Acres, Lot 49 Replat

State Road Name: _____ Linear footage of frontage: _____
 State Road Name: _____ Linear footage of frontage: _____
 State Road Name: _____ Linear footage of frontage: _____
 State Road Name: _____ Linear footage of frontage: _____
 Private Road Name: _____ Linear footage of frontage: _____
 Private Road Name: _____ Linear footage of frontage: _____
 Private Road Name: _____ Linear footage of frontage: _____
 Private Road Name: _____ Linear footage of frontage: _____

List all roads by which the property can be accessed: East Meadows Lane

PROPOSED NEW ROADS IN THE DEVELOPMENT:

Linear footage of Public Roads: N/A
 Linear footage of Private Roads: N/A

(Proposed road names must be shown on the Preliminary Plat)

List all contiguous property owners (including those which share a common boundary as well as those only separated by a roadway, utility corridor or aquatic feature. Properties that are separated by a roadway, utility corridor or aquatic feature within two hundred feet are considered Contiguous Properties.):

R25603, R25598, R25612, R25615, R113274, R25578,

UTILITY INFORMATION:

SOURCE OF WATER:

Individual Wells Rainwater Collection System(s)

State Permitted System: From Groundwater From Surface Water Provider: _____

ANTICIPATED WASTEWATER SYSTEM:

Conventional On-Site Sewage Facilities Advanced On-Site Sewage Facilities System

Public Sewer Provider: _____

PRE-SUBMITTAL CHECKLIST

- Current Tax Certificate(s) from the Hays Central Appraisal District – Showing all taxes and fees due on the subject property have been paid prior to submission of the Application
- All applicable review fees
- Preliminary Plan - 6 eighteen inch (18") by twenty-four inch (24") copies (Hays County may require up to 8 additional copies of the Preliminary Plan)
- Final Plat – 6 eighteen inch (18") by twenty-four inch (24") copies (Hays County may require up to 14 additional copies of the Final Plat)
- Final Plat – 1 digital data file of the signed/sealed final drawings in accordance with the Hays County Digital Data Submittal Standards
- A copy of the deed or deeds documenting current ownership of the Subject Property.

PROPOSED NAME OF SUBDIVISION: _____

A Water and Wastewater Service Plan, if required by Chapter 715 of the Hays County Development Regulations

Water Service Utility Provider Letter (if utilizing an existing Public Water Supply)

A roadway design report prepared in accordance with Chapter 721, unless exempted pursuant to Chapter 721, Subchapter 5

Completed Utilities checklist (see page 7)

Proof of notification of political subdivisions and contiguous property owners

Facilities Planning Report as required by 30 TAC Chapter 285 for property that will use on-site sewage facilities for wastewater disposal (if applicable)

All other documents or reports required pursuant to these Regulations and any associated bonds or letters of credit.

Hays County ESA Acknowledgement Form

Other - List any other supplemental information submitted with this Application:

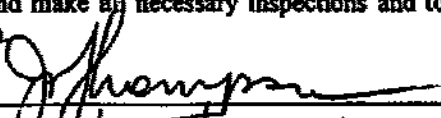
ADDITIONAL INFORMATION REQUIRED FOR REPLATS/REVISIONS ONLY:

A copy of all existing recorded plats affected by the proposed revision.

Six (6) eighteen inch (18") by twenty four inch (24") hard copies of the proposed revised plat.

OWNER'S/APPLICANT'S CERTIFICATION:

I hereby certify that I have carefully read the complete application and know the same is true and correct. I hereby agree to comply with all provisions of local, State, and Federal Laws whether they are herein specified or not. As the Owner of the above property or a duly authorized Applicant, I hereby grant permission to the County to enter the premises and make all necessary inspections and to take all other actions necessary to review and act upon this Application.

Signed: 

Address: PO Box 172, DS, TX 78620

Print Name: Jon Thompson

Phone Number: (512) 568-2184

Date: 02/27/19

Fax Number: _____

STATE OF TEXAS §

PROPOSED NAME OF SUBDIVISION: _____

COUNTY OF HAYS §

Subscribed and sworn to before me this 27 day of February, 2019.



Notary Public, State of Texas
My Commission expires: 5/30/21

OWEN PERMITS (If applicable):

I hereby certify that I have given permission for the above Applicant to submit this Application and to represent me in all matters affecting said Application.

Signed: [Signature]

Address: 207 E Meadow Ln, Winbecky, TX 78671

Print Name: Peter Paichesky

Phone Number: 512-808-7828

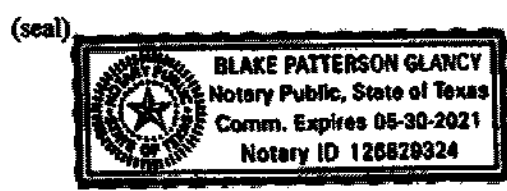
Date: 2-27-2019

Fax Number: _____

STATE OF TEXAS §

COUNTY OF HAYS §

Subscribed and sworn to before me this 27 day of February, 2019.



Notary Public, State of Texas
My Commission expires: 5/30/21

PROPOSED NAME OF SUBDIVISION: _____

NOTE TO APPLICANT:

Prior to submission of any application materials, you must meet with the Commissioner for the Precinct in which the proposed subdivision is located. Email communication with the Precinct Commissioner may be sufficient in some cases. A copy of the email may be submitted in lieu of this signed document.

Precinct Number: _____

Date of meeting: _____

Signature of Commissioner: _____

Commissioner's

Notes

:

REPLAT/REVISION: The purpose of the Application is to adjust lot lines or consolidate lots. Waiver of the filing of a Preliminary Plan is hereby approved and the Applicant may submit a Final Plat Application only.

Signature of Commissioner: _____

PROPOSED NAME OF SUBDIVISION: _____

UTILITY CHECKLIST:

Prior to submitting this Application to the County, the Applicant is required to take a copy of the preliminary plan to each utility for its review and comment. All comments must be corrected prior to submission of the Application and preliminary plan to the County. If the requirement for a preliminary plan has been waived, the Applicant must follow the same procedure for the final plat.

NOTE TO UTILITY COMPANIES: Please sign this Checklist ONLY if all comments submitted by you to the Applicant have been addressed in full.

ELECTRIC UTILITY: Company Name: PEL
Date of Final Approval: _____
Signature: _____ Title: _____

TELEPHONE UTILITY: Company Name: Frontier
Date of Final Approval: _____
Signature: _____ Title: _____

WATER UTILITY (If Applicable): Company Name: Wimberley Water
Date of Final Approval: _____
Signature: _____ Title: _____

SEWER UTILITY (If Applicable): Company Name: _____
Date of Final Approval: _____
Signature: _____ Title: _____

TEXAS DEPARTMENT OF TRANSPORTATION (If frontage on State-maintained roadway)
Date of Final Approval: _____
Signature: _____ Title: _____



Hays County Development Services
P.O. Box 1006 San Marcos TX 78667-1006
2171 Yarrington Road San Marcos TX 78666
512-393-2150 / 512-493-1915 fax

Endangered Species Act Information Addendum and Certificate of Acknowledgment

1. Background

Hays County is home to several species listed as threatened or endangered under the Federal Endangered Species Act, 16 U.S.C. 1531, et seq. (ESA). The U.S. Fish and Wildlife Service (USFWS) has determined that certain land uses may cause "take" of listed species, as that term is defined by the ESA and relevant regulations found at 50 C.F.R. 17.3. Generally, take of listed species of wildlife is prohibited by the ESA, unless USFWS has issued authorization in the form of an incidental take permit (ITP) pursuant to ESA section 10 or a biological opinion and incidental take statement pursuant to ESA section 7. For a list of endangered and threatened species potentially present in Hays County, please visit USFWS' website at www.fws.gov/endangered.

Hays County has received an ITP from USFWS that authorizes incidental take (take associated with otherwise lawful land use activities such as clearing trees for agriculture or development purposes) of the golden-cheeked warbler and black-capped vireo (Covered Species) so long as the County implements the terms and conditions of the ITP. A map depicting potential Covered Species habitat located in Hays County may be accessed at www.hayscountyhcp.com/maps.html. The County may allow individuals and entities to "participate" in the ITP and, thereby, receive incidental take authorization through the County's ITP. Relevant information regarding the participation process may be found at www.hayscountyhcp.com. For additional information on complying with the ESA, please visit www.fws.gov/endangered or contact the USFWS Ecological Services Austin Field Office at (512) 490-0057.

2. Applicant and Property Information

Applicant Contact Information:

Project Name: Cypress Creek Acres, Lot 49 Replat
Property Owner: Peter Parchesky Email and Phone: pparch@gmail.com (512) 808-7628
Project/Property Address, or nearest street intersection if address unavailable: _____
207 E. Meadow Lane, Wimberley, Texas

Contact Person Name (if different from Property Owner): Jon Thompson
Phone: (512) 568-2184 Email: jthompsonconsultingds@gmail.com
Relationship to Owner: Real Estate Development Consultant

Application Type (check one):

TexNew Subdivision Manufactured Home Rental Community

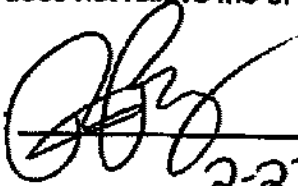
Replat/Revision Condominium Development

Certificate of Acknowledgment

(a) I, Peter Purchesky, acknowledge receipt of the Hays County Endangered Species Act Information Addendum. I also acknowledge that in undertaking my land use activity, I am obligated to comply with all relevant federal, state, and local laws, including specifically the federal Endangered Species Act, 16 U.S.C. 1531 et seq.

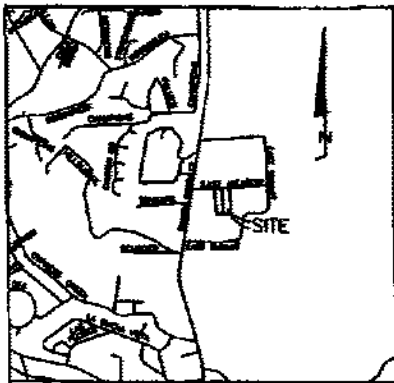
(b) I, Peter Purchesky, further acknowledge that receipt of a permit or approval from Hays County does not relieve me of the obligations set forth in paragraph (a) above.

Signed



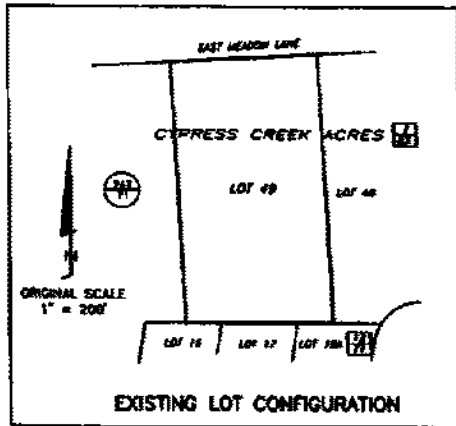
Date:

2-27-2019



VERIFY MAP - 1" = 200'

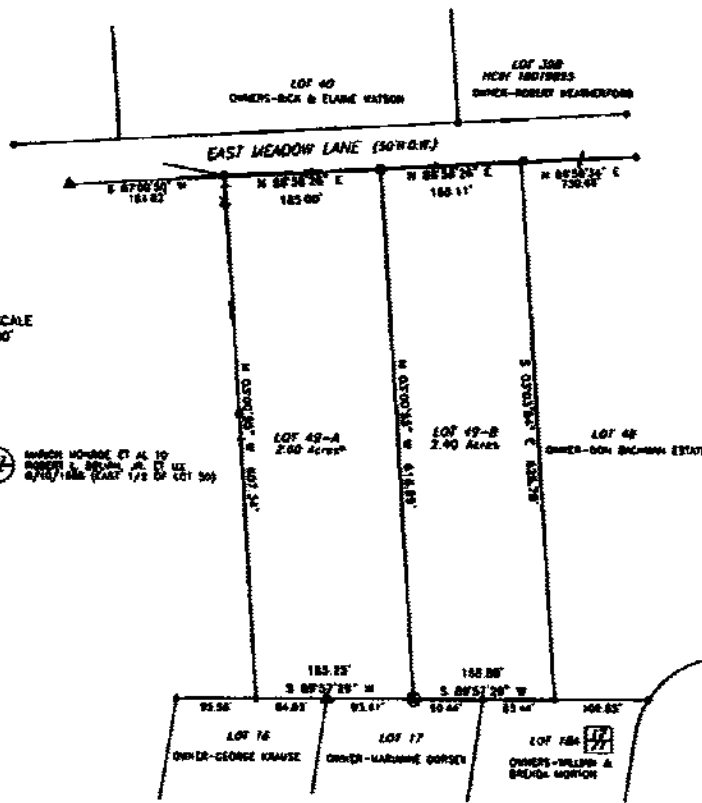
- LEGEND**
- ⊙ THIS COUNTY, STATE, LOCAL, PROPERTY OR SURVEY PUBLIC RECORD
 - ⊙ 1/2" LINE RUN BY THIS PLAT OR OTHER "THIS SURVEY"
 - ⊙ 1/2" LINE RUN FROM AN ADJACENT PLAT
 - ⊙ CONCRETE WALL WITH NUMBER SHOWING "THIS SURVEY"
 - ⊙ END OF ROAD
 - INL. BUILDING SETBACK LINE
 - — — — — DRIVE LANE, POLE AND OUT



ORIGINAL SCALE
1" = 200'



SECTION 10, RANGE 12 N, MERIDIAN 10 W, COUNTY OF HAYS, TEXAS
PART OF THE S.W. 1/4 OF SECTION 10, RANGE 12 N, MERIDIAN 10 W, COUNTY OF HAYS, TEXAS



REPLAT

- USE, SETBACKS**
- 1. TOTAL NUMBER OF LOTS = 7
 - 2. MINIMUM LOT SIZE = 2.00 ACRES
 - 3. LOTS LARGER THAN 2.00 ACRES
 - 4. LOTS LARGER THAN 2.00 ACRES AND SMALLER THAN 3.00 ACRES
 - 5. LOTS LARGER THAN 3.00 ACRES AND SMALLER THAN 4.00 ACRES
 - 6. LOTS SMALLER THAN 2.00 ACRES

- UTILITIES**
- ELECTRIC - POWERLINE DUCTING COOPERATIVE
 - SEWER - SANITIZED TOILET SUPPLY
 - WATER - MUNICIPAL ON-SITE STORAGE SYSTEM

PROPERTY LINE ADJUSTMENT

IN ORDER TO PROVIDE SAFE USE OF ROADS AND PREVENT THE OBSTRUCTION OF PUBLIC ROADS, NO DRIVEWAY OR DRIVEWAY ON ANY LOT WITHIN THIS SUBDIVISION SHALL BE PERMITTED UNLESS A PUBLICLY FINANCED ROADWAY VEHICLE STOP & STOPPING POINT HAS BEEN ESTABLISHED BY THE ENGINEERING DEPARTMENT OF THIS COUNTY AND THE SURVEYOR HAS DETERMINED THAT THE ADJACENT PROPERTY OWNERS MAY WITHIN THE DIVISION OF THE HAYS COUNTY DEVELOPMENT REGULATIONS.

ALL DRIVEWAYS WITHIN THIS COUNTY SHALL BE CONSTRUCTED WITH COUNTY STANDARDS FOR HAYS COUNTY DEVELOPMENT REGULATIONS, CHAPTER 70, SUBCHAPTER 2.01.

WATER UTILIZATION

WATER UTILIZATION REGULATIONS, THIS SUBDIVISION IS COUNTY FROM THE REQUIREMENTS TO ESTABLISH THE NECESSARY WATER SERVICE.

THE SURVEYOR IS PROMPTED TO THE HAYS COUNTY DEVELOPMENT REGULATIONS, CHAPTER 70, SUBCHAPTER 2.01.

CLIENT: PARDONRY, PERCY
DATE: 2/28/2018
OFFICE: HANCOCK, E. SMITH
DRAFT: HANCOCK, E. SMITH
PL/PC: PERCY, PERCY
PLAT NO: 27630-02-0

- REMARKS**
1. POINTS NUMBER
 2. BEARINGS, DISTANCES AND AREAS IN PARALLELS ARE FROM RECORD INFORMATION.
 3. ACCORDING TO SCALING FROM THE CURVED LEGAL, PLAIN SURFACE RATE AND THE ASSUMPTION, 62500 1/2 INCH, THIS TRACT LIES WITHIN ZONE 1, SUBJECT TO BE OUTSIDE THE 6.25 ANNUAL GRADIENT (SLOPE).
 4. THE BEARING DATA FOR THIS SURVEY PLAT HAS DETERMINED FROM GPS OBSERVATION AND REFERRED TO THE NORTH OF THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, NORTH COORDINATE, 2011.
 5. ACCORDING TO SCALING FROM THIS STATE MAP, ALL OF THIS SURVEY LIES WITHIN THE BOUNDARIES OF THE HAYS COUNTY DEVELOPMENT REGULATIONS AND IS SUBJECT TO THE REQUIREMENTS OF THE HAYS COUNTY DEVELOPMENT REGULATIONS.
 6. THE SURVEY LIES WITHIN THE BOUNDARIES OF THE HAYS COUNTY DEVELOPMENT REGULATIONS.
 7. THE SURVEY LIES WITHIN THE CITY OF WOODRICK, TEXAS HAYS COUNTY DEVELOPMENT REGULATIONS, CHAPTER 70, SUBCHAPTER 2.01.
 8. THE SURVEY LIES WITHIN THE BOUNDARIES OF HAYS COUNTY DEVELOPMENT REGULATIONS, CHAPTER 70, SUBCHAPTER 2.01.

STATE OF TEXAS
COUNTY OF HAYS

BEFORE ME, THE COUNTY CLERK OF HAYS COUNTY, TEXAS, ON HAYS COUNTY, THIS PLAT HAS BEEN FOR RECORD BY MY OFFICE ON THE _____ DAY OF _____ 2018, AT _____ O'CLOCK _____ A.M., AND ONLY RECORDED ON THE _____ DAY OF _____ 2018 AT _____ O'CLOCK _____ A.M. IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN DOCUMENT NUMBER _____.

STATE OF TEXAS, COUNTY CLERK HAYS COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF HAYS

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED PERCY PARDONRY AND PERCY PERCY, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBMITTED TO THE HAYS COUNTY DEVELOPMENT REGULATIONS AND ACCORDING TO ME THEY CREATED THE DATA FOR THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN DOCUMENT NUMBER _____.

STATE OF TEXAS, COUNTY CLERK HAYS COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF HAYS

I, CLARE M. DUNN, COUNTY CLERK OF HAYS COUNTY, TEXAS, ON HAYS COUNTY, THIS PLAT HAS BEEN FOR RECORD BY MY OFFICE ON THE _____ DAY OF _____ 2018, AT _____ O'CLOCK _____ A.M., AND ONLY RECORDED ON THE _____ DAY OF _____ 2018 AT _____ O'CLOCK _____ A.M. IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN DOCUMENT NUMBER _____.

STATE OF TEXAS, COUNTY CLERK HAYS COUNTY, TEXAS

I, THE UNDERSIGNED, DIRECTOR OF THE HAYS COUNTY DEVELOPMENT SERVICES DEPARTMENT, HAYS COUNTY, TEXAS, THIS SUBDIVISION PLAT COMPLIES TO ALL HAYS COUNTY DEVELOPMENT REGULATIONS AS STATED IN THE HAYS COUNTY DEVELOPMENT REGULATIONS, CHAPTER 70, AND THE CITY OF WOODRICK, TEXAS HAYS COUNTY DEVELOPMENT REGULATIONS, CHAPTER 70, SUBCHAPTER 2.01.

CLARE M. DUNN, DIRECTOR HAYS COUNTY DEVELOPMENT SERVICES

NO INTERFERE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC UTILITY SYSTEM OR TO AN ON-LINE UTILITIES SYSTEM WHICH HAS BEEN APPROVED AND PERMITTED BY HAYS COUNTY DEVELOPMENT SERVICES.

NO INTERFERE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC UTILITY SYSTEM OR TO AN ON-LINE UTILITIES SYSTEM WHICH HAS BEEN APPROVED AND PERMITTED BY HAYS COUNTY DEVELOPMENT SERVICES.

NO INTERFERE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC UTILITY SYSTEM OR TO AN ON-LINE UTILITIES SYSTEM WHICH HAS BEEN APPROVED AND PERMITTED BY HAYS COUNTY DEVELOPMENT SERVICES.

PERCY PERCY, P.E., C.F.S.
HAYS COUNTY PLANNING ADMINISTRATOR

CLARE M. DUNN, DIRECTOR
HAYS COUNTY DEVELOPMENT SERVICES

THIS REPLAT OF LOT 48, CYPRESS CREEK ACRES, HAS BEEN SUBMITTED TO THE CITY OF WOODRICK, TEXAS AND IS BEING APPROVED.

APPROVED THIS THE _____ DAY OF _____ 2018.

I, C. BOB COOPER, CITY ENGINEER OF THE CITY OF WOODRICK, TEXAS DO HEREBY CERTIFY THAT THIS SUBDIVISION PLAT COMPLIES TO ALL REQUIREMENTS OF THE HAYS COUNTY DEVELOPMENT REGULATIONS TO WHICH APPROVAL IS REQUIRED.

C. BOB COOPER, P.E., CITY ENGINEER
CITY OF WOODRICK, TEXAS

I, STEPHEN B. LEWIS, CITY ENGINEER OF THE CITY OF WOODRICK, TEXAS DO HEREBY CERTIFY THAT THIS SUBDIVISION PLAT COMPLIES TO ALL REQUIREMENTS OF THE HAYS COUNTY DEVELOPMENT REGULATIONS TO WHICH APPROVAL IS REQUIRED.

STEPHEN B. LEWIS, CITY ENGINEER
CITY OF WOODRICK, TEXAS

I, THE UNDERSIGNED, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS IS TRUE AND CORRECTLY MADE AND IS PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE HAYS COUNTY DEVELOPMENT REGULATIONS AND THAT THE SURVEYOR HAS DETERMINED THAT THE ADJACENT PROPERTY OWNERS MAY WITHIN THE DIVISION OF THE HAYS COUNTY DEVELOPMENT REGULATIONS.

PERCY PERCY, P.E., C.F.S.
HAYS COUNTY PLANNING ADMINISTRATOR



PERCY PERCY & ASSOCIATES, INC.

SURVEYING

P.O. BOX 1432 SAN MARCO, TEXAS 78687
PHONE 512-396-2270 FAX 512-392-8845
FAX NO. 10070508

REPLAT OF LOT 48, CYPRESS CREEK ACRES, HAYS COUNTY, TEXAS

March 11, 2019

To: Jon Thompson
Staudt Survey Inc.
16746 Fitzhugh Road Suite 102
Dripping springs, Texas 78620

Project: Cypress Creek Acres, Lot 49, recorded in Hays County Instrument Number 17035686 of the Hays County Official Public Records, replat of Lot 49, Cypress Creek Acres in accordance with the plat shown heron in Wimberley, Texas

In reference to the above-mentioned Development, and subject to applicable laws, franchises, regulations and tariffs, Frontier Communication Inc. will supply communication service at the Development if we receive the proper information, easements and payments needed such as:

1. One full set of development plans at no cost to Frontier.
2. Mailing addresses for each building when they become available to start to establish the 911 database.
3. It will be the developer's responsibility to provide Documentation granting all required rights-of-way and easements at no cost to Frontier as well as provide a suitable combination of conduit and trenching and/or riser conduit to accommodate our network communications cable within the confines of the complex.
4. Where applicable, payment in full of required advance construction payment based on estimated costs. For planning purposes, the average cost to provide new facilities is typically \$1,000-\$3,000 per unit in a development. The actual cost to you will depend on such factors as lot size, the proximity of existing feeder facilities, the existing feeder capacity, terrain and other environmental conditions (e.g., railroads, waterways). Please contact Frontier if you require a more precise estimate of construction costs for the Development.

Additionally, circumstances not currently known to Frontier may hinder or impede the installation of communication services and Frontier reserves the right to react to such circumstances in its discretion. Should you need any additional information, please do not hesitate to contact me.

Sincerely,

Brenda Mc Williams | Frontier Communications
Supervisor-Network Operations
2020 Loop 306
San Angelo, Texas 76904
(325) 949-0884 (o)



March 13, 2018

Mr. Jon Thompson
J. Thompson
J Thompson Professional Consulting
PO Box 172
Dripping Springs, Texas 78620

Re: 207 East Meadow Lane – Wimberley, Texas 78676

Dear Mr. Thompson:

Thank you for your interest in establishing service with Pedernales Electric Cooperative. The above referenced property in Wimberley, Texas is within the Cooperative's service area. We will extend service to this location in accordance with our Line Extension Policy, which requires that you apply for electric service and pay connection fees for each metered account. Also, if construction of electric service facilities is needed, you must pay all construction fees and grant or acquire all necessary easements before construction can begin.

If you have any questions, please call me at 1-800-868-4791, Extension 7525, Monday through Friday, between 8 a.m. and 5 p.m.

Sincerely,

Jessica L. Garcia
Distribution Planner

Wimberley Water Supply Corporation

P.O. Box 10
Wimberley, Texas 78676
(512) 847-2323

March 6, 2019

Jon Thompson,

The provided area located at 207 East Meadows Lane, Cypress Creek Acres Subdivision, Lot 49 lies within the CCN boundaries of Wimberley WSC. Therefore, Wimberley WSC is the water provider for this location.

If you have any questions, please call me at 512-847-2323.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Allen". The signature is written in a cursive style with a large initial "G" and a long horizontal stroke.

Garrett Allen
General Manager

TAX CERTIFICATE

712 S. Stagecoach Trail
 San Marcos, TX 78666
 Ph: 512-393-5545 Fax: 512-393-5517

This certificate includes tax years up to 2018

RSP - Special Road Dist
 FWI - Wimberley Fire Hays Co ESD #4

SWI - Wimberley ISD
 GHA - Hays County
 EWI - Wimberley ESD #7

Property ID : 11-2265-0000-04900-8
 Quick-Ref ID : R25613

Owner ID : 00255263

Value Information

207 E MEADOW LN
 WIMBERLEY TX 78676

Land HS	:	\$101,060.00
Land NHS	:	\$0.00
Imp HS	:	\$168,010.00
Imp NHS	:	\$0.00
Ag Mkt	:	\$0.00
Ag Use	:	\$0.00
Tim Mkt	:	\$0.00
Tim Use	:	\$0.00
HS Cap Adj	:	\$0.00
Assessed	:	\$269,070.00

PARCHESKY PETER & COLEEN
 207 E MEADOW LN
 WIMBERLEY, TX 78676

Ownership: 100.00%

CYPRESS CREEK ACRES,
 LOT 49, ACRES 5.00

This is to certify that after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code Section 33.46 are due on the described property for the following taxing unit(s)

Entity	Year	Taxes	Penalties	Interest	Other	Total
SWI	2018	3,325.94	0.00	0.00	0.00	0.00
RSP	2018	114.35	0.00	0.00	0.00	0.00
GHA	2018	1,029.61	0.00	0.00	0.00	0.00
FWI	2018	106.01	0.00	0.00	0.00	0.00
EWI	2018	166.82	0.00	0.00	0.00	0.00

Total for current bills if paid by 3/31/2019 : \$0.00
Total due on all bills 3/31/2019 : \$0.00
 2018 taxes paid for entity SWI \$3,325.94
 2018 taxes paid for entity RSP \$114.35
 2018 taxes paid for entity GHA \$1,029.61
 2018 taxes paid for entity FWI \$106.01
 2018 taxes paid for entity EWI \$166.82
2018 Total Taxes Paid : \$4,742.73
Date of Last Payment : 12/17/18

If applicable, the above-described property has / is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate.


 Signature of Authorized Officer of the Tax Office

Date of Issue : 03/04/2019
 Requestor : PARCHESKY PETER & COLEEN
 Receipt : DS-2019-055400
 Fee Paid : \$10.00
 Payer : JON PATRICK THOMPSON

U.S. Postal Service
CERTIFIED MAIL RECEIPT

OFFICIAL USE

Postage and Fees: \$13.50

Postage and Fees: \$12.80

Postage and Fees: \$10.55

Postage and Fees: \$8.85

Post Office: 05/07/2019

To: *Rich & Elaine Wilson*
301 East Summit Dr.
Winchester, TX 76676

U.S. Postal Service
CERTIFIED MAIL RECEIPT

OFFICIAL USE

Postage and Fees: \$13.50

Postage and Fees: \$12.80

Postage and Fees: \$10.55

Postage and Fees: \$8.85

Post Office: 05/07/2019

To: *Joseph & Suzanne Hatfield*
301 East Summit Dr.
Winchester, TX 76676

U.S. Postal Service
CERTIFIED MAIL RECEIPT

OFFICIAL USE

Postage and Fees: \$13.50

Postage and Fees: \$12.80

Postage and Fees: \$10.55

Postage and Fees: \$8.85

Post Office: 05/07/2019

To: *William & Linda Martin*
301 East Summit Dr.
Winchester, TX 76676

U.S. Postal Service
CERTIFIED MAIL RECEIPT

OFFICIAL USE

Postage and Fees: \$13.50

Postage and Fees: \$12.80

Postage and Fees: \$10.55

Postage and Fees: \$8.85

Post Office: 05/07/2019

To: *Debra K. Smith*
301 East Summit Dr.
Winchester, TX 76676

U.S. Postal Service
CERTIFIED MAIL RECEIPT

OFFICIAL USE

Postage and Fees: \$13.50

Postage and Fees: \$12.80

Postage and Fees: \$10.55

Postage and Fees: \$8.85

Post Office: 05/07/2019

To: *Heidi Dorothy Dumbert*
301 East Summit Dr.
Winchester, TX 76676

U.S. Postal Service
CERTIFIED MAIL RECEIPT

OFFICIAL USE

Postage and Fees: \$13.50

Postage and Fees: \$12.80

Postage and Fees: \$10.55

Postage and Fees: \$8.85

Post Office: 05/07/2019

To: *Don & Barbara Smith*
301 East Summit Dr.
Winchester, TX 76676

U.S. Postal Service
CERTIFIED MAIL RECEIPT

OFFICIAL USE

Postage and Fees: \$13.50

Postage and Fees: \$12.80

Postage and Fees: \$10.55

Postage and Fees: \$8.85

Post Office: 05/07/2019

To: *Robert & Leanne Johnson*
301 East Summit Dr.
Winchester, TX 76676

U.S. Postal Service
CERTIFIED MAIL RECEIPT

OFFICIAL USE

Postage and Fees: \$13.50

Postage and Fees: \$12.80

Postage and Fees: \$10.55

Postage and Fees: \$8.85

Post Office: 05/07/2019

To: *Marianna Weaver*
301 East Summit Dr.
Winchester, TX 76676

U.S. Postal Service
CERTIFIED MAIL RECEIPT

OFFICIAL USE

Postage and Fees: \$13.50

Postage and Fees: \$12.80

Postage and Fees: \$10.55

Postage and Fees: \$8.85

Post Office: 05/07/2019

To: *Alison Korman*
301 East Summit Dr.
Winchester, TX 76676

U.S. Postal Service
CERTIFIED MAIL RECEIPT

OFFICIAL USE

Postage and Fees: \$13.50

Postage and Fees: \$12.80

Postage and Fees: \$10.55

Postage and Fees: \$8.85

Post Office: 05/07/2019

To: *Robert Weathers*
301 East Summit Dr.
Winchester, TX 76676

RECEIVED
AUG 09 2019
CITY OF WOODCREEK

Council Meeting Date: 8/22/2019

AGENDA ITEM COVER SHEET

Subject/Title:

Discussion and/or Take Appropriate Action on Chapter 91: Trees of the City of Woodcreek, Texas Code of Ordinances, passed and approved on August 14, 2019 per Mayor Scheel's request for reconsideration. (Mayor)

Item Summary:

At the last Council Meeting, an Ordinance was passed amending Chapter 91: Trees of the City of Woodcreek. Since the Mayor returned the Ordinance with potential problems, Chapter 91 has been submitted for another vote.

Financial Impact:

Cost of re-codifying

Recommendation:

Reconsideration of this ordinance

Attachments:

Ordinance No. 19-265 with revisions suggested at City Council Meeting on Aug. 14, 2019.

Letter from Mayor Scheel to the City Council on Aug. 16, 2019.

Submitted By:

Mayor Scheel

**ORDINANCE NO. 19-265
CITY OF WOODCREEK, TEXAS**

AMENDMENT TO CHAPTER 91 OF THE CODE OF ORDINANCES

AN ORDINANCE ESTABLISHING AN AMENDMENT FOR THE CITY OF WOODCREEK CODE OF ORDINANCES AMENDING CHAPTER 91 – TREES; TO ESTABLISH POLICIES FOR DEALING WITH: OAK WILT, PUBLIC NUISANCE TREES, INSPECTIONS OF TREES WITHIN THE CITY, ABATEMENT REQUIREMENTS, TREE-TRIMMING, AND COSTS;

ADDING SECTIONS 91.12 THROUGH 91.14 OF THE CITY CODE RELATING TO TREE PROTECTION; AND AMENDING 91.99 TO INCLUDE PENALTIES FOR UNLAWFUL TREE REMOVAL OR TRIMMING.

DEFINING TERMS, PROVIDING PENALTIES, AND PROVIDING FOR ENACTMENT, REPEALER, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE, AND FINDING PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Woodcreek (“City Council”) desires to declare the City proud of its trees and to be a protector of all trees;

The City Council finds that:

- (1) The urban forest has social, ecological, cultural, economic, historical, and aesthetic benefits for the citizens of Woodcreek.
- (2) A healthy urban forest enhances the health and welfare of the citizens of Woodcreek.
- (3) The urban forest is an asset and important part of the City's infrastructure that city policy seeks to protect.
- (4) The health of the urban forest is entrusted to the City Council for the benefit of current and future citizens of Woodcreek.
- (5) The potential for development to negatively impact the urban forest, including the largest and most significant trees, requires reasonable regulations.

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

1. FINDINGS OF FACTS

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

2. ENACTMENT

Chapter 91: Trees of the Code of Ordinances of the City of Woodcreek is amended as to read as Attachment A, which is 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 91, 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 caption of this ordinance.

7. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed and 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 14th day of August, 2019, by a vote of 3 Ayes and 2 Nays and 0 Abstentions of the City Council of Woodcreek, Texas.

CITY OF WOODCREEK:

ATTEST:

William P. Scheel, Mayor

Linda Land, City Secretary

Attachment A
City of Woodcreek – Code of Ordinances

CHAPTER 91: TREES

Section

- 91.01 Title
- 91.02 Purpose
- 91.03 Definitions
- 91.04 Establishment of a Tree Board
- 91.05 Tree Trimming Permit Required
- 91.06 Protected trees
- 91.07 Tree Preservation and Care
- 91.08 Certain trees declared a public nuisance
- 91.09 Inspections
- 91.10 Notice to owner
- 91.11 Abatement required; preventive measures; city may abate
- 91.11 Enforcement
- 91.12 Costs of preventive measures, treatment or removal and replacement
- 91.99 Penalty

§ 91.01 TITLE & JURISDICTION

This chapter shall be known and may be cited as the Tree Ordinance. Under the authority of sections 212.002 and 212.003 of the Local Government Code, Chapter 91: Trees, is applicable to both the City of Woodcreek and its ETJ.

(A) Rules of interpretation. Words and phrases used in this article shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth in the code. Words and phrases not defined in the Code of Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the plural number shall include the singular number (and vice versa), and words in the masculine gender shall include the feminine gender (and vice versa). The word “shall” is always mandatory, while the word “may” is merely directory. Headings and captions are for reference purposes only.

§ 91.02 PURPOSE.

The provisions of this chapter are deemed to be necessary to promote the health, safety, property and general welfare of the residents of the city.

§ 91.03 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words used in this chapter and not defined herein shall have their ordinarily accepted meaning.

Specific definitions. City Manager. The chief administrative officer of the city. City council. The governing body of the city, which includes the mayor. City permit. A city license, certificate, approval, registration, consent, permit, or other form of authorization required by a city ordinance, regulation, or rule in order to develop, construct, and operate the improvements on the property. Code. The Code of Ordinances enacted by the city, as may be amended from time to time.

Cedar (JUNIPERUS) Stand means a group of cedars where 65% are over 10 feet tall and range over an area at least 10 feet wide.

DBH (diameter at breast height). The tree trunk diameter of an existing tree measured in inches at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

DISEASED TREES. Oaks infected by the fungus *Ceratocystis fagacearum*. Other trees infected by any disease rendering them unsustainable.

ESCROW. A deposit of a cash bond with the city in accordance with this article.

FIREWOOD. Branches and limbs larger than two inches in diameter cut from diseased oaks; also, such branches and limbs from an unknown source that may potentially harbor the oak wilt fungus.

FUNGICIDE. A chemical treatment used on non-symptomatic or slightly symptomatic trees within the trench line that could be vulnerable to infection.

HERITAGE TREE.

- (1) Means a tree that has a trunk diameter of twenty-four (24) inches in caliper or greater measured at DBH;
- (2) A multi-trunked hardwood tree having a total trunk DBH of thirty (30) inches or more (not counting trunks less than eight (8) inches in diameter); or

And is one of the following species:

- a) Ash, Texas
- b) Cypress, Bald
- c) Elm, American

- d) Elm, Cedar
- e) Madrone, Texas
- f) Maple, Bigtooth
- g) All Oaks
- h) Pecan
- i) Walnut, Arizona
- j) Walnut, Eastern Black
- k) Cedar Stand, (Juniperus)

This list of eligible heritage tree species may be supplemented, but not reduced, as prescribed by rule.

LIVE OAKS. Members of a distinct group of the genus *Quercus* characterized by leathery oval leaves that includes two Texas species: plateau live oak (*Quercus fusiformis*) and coastal live oak (*Quercus virginiana*).

NATURAL AREA. An area where the naturally grown landscaping is left primarily undisturbed, except for the removal of poison ivy, greenbrier, and similar vegetation, oak wilt removal and/or prevention measures, and allowing for maintenance of the trees to maintain vigorous growth.

OAK WILT. A vascular wilt disease of oaks. The fungus responsible, *Ceratocystis fagacearum*, invades the water-conducting tissues of oak roots, trunks and limbs. *Ceratocystis fagacearum* does not actively grow anywhere in nature except in oak trees. Spores of this fungus can be moved around by certain insects and by humans.

OAK WILT CENTER. A site where the oak wilt fungus is spreading through the roots of diseased trees to infect healthy oaks, creating an area of sick, dead and dying oaks.

OWNER. A person with legal control over property in question, to include lessees. Person. A human individual, corporation, agency, unincorporated association, partnership, or sole proprietorship, or other legal entity.

PARK TREES Defined as trees, shrubs, bushes and all other woody vegetation in city parks having individual names, and all areas owned by the City, or to which the public has free access as a for use. (*Tree City USA*)

PREVENTIVE MEASURES. Actions that prevent the spread of oak wilt from diseased to healthy oaks, including but not limited to oak wilt suppression trench installation and the removal and destruction of diseased red oaks and firewood from any diseased oak.

PROTECTED TREE. Means a tree with a diameter of 19 inches in caliper or greater measured at DBH;

RED OAKS. Members of a distinct group of the genus *Quercus* characterized by lobed leaves tipped by small soft spines, including but not limited to Texas red oak (*Quercus texana*, also called *Quercus buckleyi*), Shumard oak (*Quercus shumardii*), Southern red oak (*Quercus falcata*), and blackjack oak (*Quercus marilandica*).

REMOVAL. Means an act that causes or may be reasonably expected to cause a tree to die, including uprooting, severing the main trunk; damaging the root system; and/or excessive pruning.

STREET TREES Defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side or the middle of all streets, avenues, or ways within the City. (*Tree City USA*) In keeping with the rural feel of the City of Woodcreek, all street trees currently existing inside roadways are hereby listed as "Designated" trees, subject to the protections of this ordinance.

SUBSTANTIALLY DEAD TREE. Trees in which more than 90% of the previously healthy branches have died due to any cause, or which have been certified by an arborist

SUSCEPTIBLE SPECIES. All varieties of the genus *Quercus* that may be infected and killed by *Ceratocystis fagacearum*, including live oaks and all species of red oaks.

TCEQ. The state commission on environmental quality, or its successor agency.

TREE BOARD. The City of Woodcreek Tree Board consisting of a minimum of seven members, citizens and residents of this city, who shall be appointed by the city council. The Parks & Recreation Board may substitute in this capacity.

TRENCHING. Short for **OAK WILT SUPPRESSION TRENCH INSTALLATION**, a method used to isolate the infected area between healthy and diseased trees. **TRENCHING** equipment is used to cut connecting roots so that the fungus cannot spread between trees.

WOODY DEBRIS. Branches and limbs smaller than two inches in diameter cut from diseased trees; also, such branches and limbs from an unknown source that may potentially harbor the oak wilt fungus.

§ 91.04 ESTABLISHMENT OF A TREE BOARD

(A) There is hereby created and established a City Tree Board, which shall consist of seven (7) members, five (5) regular members and two (2) alternates who are resident citizens and qualified voters of the City of Woodcreek. Each Council Member shall provide two names, one for regular appointment and one for alternate. Alternates will be drawn from the five candidates submitted by Council Members for appointment as alternates. The Parks & Recreation Board may serve as the Tree Board.

(B) Appointments to the Board shall be for staggered two (2) year terms. Upon initial appointment, three (3) members shall serve for two (2) years and two members shall serve for one (1) year. Both alternates shall serve for a two (2) year term. The determination will be made by drawing names with the first three selected for the full two-year term. After initial appointment, all members shall serve for two (2) years. If a vacancy occurs on the Board, at the first regular meeting of the City Council after notification of the vacancy, the Council Member

who originally appointed that member shall appoint a person, with approval of the Council, to fill the unexpired term

(C) Members of the board shall serve without compensation

(D) It shall be the responsibility of the Board to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City.

The Board, when requested by the City Commission, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

(E) The Board shall choose its own officers, make its own rules and regulations and keep minutes of its proceedings. A majority of the members shall be a quorum for the transaction of business.

§ 91.05 TREE-TRIMMING PERMIT REQUIRED.

No property owner, person, individual, firm, corporation, contractor, landscape contractor, tree trimmer, builder, utility service or any other type of business entity shall trim, prune or remove any tree within the city without having first obtained a permit from the city. Permits shall be issued based on the current fee schedule. Permits shall be effective for 30 days from the date of issuance and shall apply only to the lot or parcel of land for which it is issued. The permit shall be posted in a place where it can be seen from the nearest street while the work is in process.

§ 91.06 PROTECTED TREES

This section applies to all commercial and residential developments or subdivisions within the incorporated municipal boundaries (i.e., city limits and ETJ) for which site plan approval by the city is required under the city's Code of Ordinances. This article applies to actions taken after the date of enactment.

(A) TREE FUND A fund is hereby created in which any cash-in-lieu paid to the city pursuant to the mandates of this article shall be deposited. The fund will be administered by the Tree Board and may be drawn upon by the city to implement landscaping improvements on city land and city-controlled rights-of-way.

(B) Damaging or removing trees. No person shall damage or remove protected or heritage trees, in violation of this article.

§ 91.07 TREE PRESERVATION AND CARE

(A) A grading and tree survey shall be submitted with all commercial and subdivision development site plans.

(1) The tree survey shall include all existing, live, healthy trees with a fourteen-inch DBH in diameter and larger. The survey shall indicate the size (DBH) and species of tree. Trees observed to be distressed will be indicated with an asterisk on the tree list. Trees

shall be represented by circles using the formula of one (1) foot of radius for every 1 inch of trunk diameter. Unbroken circles indicate trees that are to remain. Dashed circles indicate trees that are to be removed (including trees identified to be distressed).

(2) Healthy designated Heritage and Protected trees that require removal to accommodate the development shall be replaced at a ratio of 1:1, or cash-in-lieu may be paid to the city Tree Fund, the amount equal to the cost of nursery stock required to replace the caliper amounts lost and the cost of installation on a per-unit basis, not to exceed one hundred dollars (\$100.00) per caliper inch or six thousand dollars (\$6,000.00) per acre (prorated for sites of more or less than one acre) for the entire site. Trees identified as distressed shall not be included in tree preservation requirements evaluation.

(3) Pre- and post-construction fertilization is required for existing trees that will be or have been disturbed by construction activities, including disturbance of the critical root zone. Fertilizers must be phosphate-free.

(4) The planting, preserving, and maintaining of trees which are contagiously diseased trees, or the storage of cut oak unless first determined by a certified arborist to be devoid of oak wilt or properly treated, shall be deemed a public nuisance and is prohibited.

(5) During construction, take measures to protect trees, including rigid fencing, shielding, and signage, as necessary. Rigid fencing shall be placed with a radius of at least ten (10) feet from the trunk or at the critical root zone, whichever is greater, unless property lines or other features prohibit a complete radius. Rigid fencing shall consist of chain-link or wood fencing not less than four (4) feet high at the drip line of the tree. Stakes shall be no more than six (6) feet apart and at least one and one-half (1-1/2) deep into the ground. Rigid fencing shall be at least three (3) feet in height.

(6) The city manager or designee shall inspect and approve installed tree protection before issuance of any permit to commence with any construction activity.

(7) Tree protection shall remain in place until final landscaping installation as approved by the city manager or designee.

(8) Parking or storing of vehicles, equipment or materials allowed within the critical root zone is prohibited.

(B) For all commercial and residential developments or subdivisions, during extreme drought classifications for this region as determined by the National Drought Mitigation Center, the city manager, or designee, may accept a fiscal deposit of the amount equal to the cost of purchasing and installing the trees and other required landscaping into the city's drought tree fund in lieu of the installation of trees and other landscaping required by this chapter for the issuance of a certificate of occupancy permit, or the city manager or designee may accept an escrow equal to the cost of purchasing and installing the trees and other required landscaping. The city shall only accept the fiscal deposit or escrow if an erosion control plan consistent with section xxx of this code has been reviewed and accepted by the city manager or designee. Failure to maintain and adhere to an approved erosion control plan during periods of extreme drought classification shall be deemed a violation and the fines and penalties under section xxx of this article shall apply.

(1) Persons requesting that the city accept a fiscal deposit in lieu to the Tree Fund shall provide the city with written documentation from an entity that sells tree the cost of purchasing and installing the trees and other landscaping required by this chapter.

(2) If no cost for the installation of trees required by this chapter is provided to the city, the city shall require sixty-six (66) percent of the cost of the tree to be paid as the installation cost in addition to the cost to purchase the tree.

(3) Any fiscal deposits for trees paid to the city pursuant to this section shall be held in escrow. The escrow may be drawn upon by the city to implement tree requirements for the depositing property owner, or the funds shall be released to the depositing property owner to implement tree requirements within thirty (30) days when the drought mitigation center determines that this region is no longer in an extreme drought condition or higher classification. Failure to implement the tree requirements within thirty (30) days of release of the fiscal deposit to the depositing property owner shall be deemed a violation and the fines and penalties under section xxx of this article shall apply.

(4) Whenever necessary to enforce any provision of this article or implement tree requirements on the depositing property owner's property, city staff, or the city's contractor, may enter upon depositing property owner's property at any reasonable time to inspect or perform any duty imposed by this article during an extreme drought classification for this region. If entry is refused, the city shall have recourse to every remedy provided by law and equity to gain entry.

(5) The city is the custodian of any cash funds or bonds on deposit in the property owner's escrow account. The city has a fiduciary duty to the depositing property owner and may dispose of the escrowed funds only in accordance with this section.

(C) PUBLIC TREE CARE The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. All such work will be conducted under the auspices of the Tree Board.

The City Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. *(Adapted from Tree City USA)*

(D) PRIVATE TREE CARE Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street, sidewalk or right of way. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes visibility of any traffic control device or sign. The City will notify citizens of intent to prune trees or shrubs at least 7 days in advance of commencing this work. *(Adapted from Tree City USA)*

(E) **OAK WILT REPORTING.** Any person who discovers or suspects the presence of oak wilt infestation or an oak wilt infected tree shall report that information to the City Manager/Administrator within ten (10) business days.

§ 91.08 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

(A) All oak trees diseases with oak wilt, alive, dead or substantially dead, and all wood from oak trees diseased with oak wilt to which any bark is still attached, are hereby declared to be public nuisances

(B) The City shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owners' property tax notice. *(Tree City USA)*

(C) A person may, without a variance, remove a damaged heritage or protected tree that is an imminent hazard to life or property if the tree is removed within seven days of being damaged. The director may extend this deadline for widespread and extensive storm damage.

(D) The Tree Board may grant a variance for removal of a heritage or protected tree after determining the tree:

- (1) is dead;
- (2) is an imminent hazard to life or property, and the hazard cannot reasonably be mitigated without removing the tree; or
- (3) is diseased and:
 - (a) restoration to sound condition is not practicable; or
 - (b) the disease may be transmitted to other trees and endanger their health.

No application fee and no mitigation are required for a variance request under subsection.

§ 91.06 INSPECTIONS FOR OAK WILT.

(A) The city and the Texas A&M Forest Service, and their agents are authorized and empowered to enter upon any lot or parcel of land in the city at any reasonable hour for the purpose of inspecting any oak tree(s) or dead oak wood situated thereon.

(B) If such premises are occupied, the above personnel shall first present credentials and request entry.

(C) If such premises are unoccupied, the city shall first make a reasonable effort to locate the owner or other persons who have charge or control of the premises and request cooperation for entry.

(D) Permission of the owner, occupant or person in control of the premises is necessary for entry. If such entry is refused and the city has probable cause to believe that there exists on the premises a public nuisance as defined herein, the city shall go before the Municipal Court Judge and seek to obtain a search warrant. The purpose of the warrant is to determine the presence of a public nuisance and to obtain such specimens of trees as are required for the purposes of analysis to determine whether the same are infected.

§ 91.07 NOTICE TO OWNER.

(A) If, on laboratory analysis of specimens removed from any red oak tree, it is determined that such tree is a public nuisance, as provided in this chapter, or if it is determined that any dead or substantially dead tree, is a public nuisance, as provided herein, and if it is determined that any such tree should be removed, the city may serve or cause to be served a written notice upon the owner of record and upon all lienholders of the lot or parcel of land on which the tree or dead oak wood is located, requiring such owner to comply with the provisions of this chapter. Diagnosis may be obtained via laboratory verification by the Texas A&M Forest Service or through a field survey by trained personnel.

(B) Service of notice provided for in this chapter shall be by certified mail to the owner's address as listed on the Hays County Appraisal District's tax roll. Notice to a lienholder or its agent may be made by personal service or by certified mail. Certified mail returned as "unclaimed" or "refused" shall be deemed delivered.

§ 91.08 ABATEMENT REQUIRED; PREVENTIVE MEASURES; CITY MAY ABATE.

(A) Upon receipt of written notice by the city as described in § 91.07 it shall be unlawful for any owner of any lot or parcel of land within the city to permit or maintain on any such lot or parcel any dead oak wood or oak tree which is a public nuisance as defined in this chapter, and it shall be the duty of the owner of such to promptly remove and destroy such oak tree by cutting the tree off at ground level and removing all dead oak wood and woody debris as directed by the city.

(B) Should the property owner fail to abate the public nuisance within 60 days following the receipt of notification, the city shall have the right to cause the removal and destruction of the diseased trees. The full cost of such removal and destruction shall be assessed to the property owner. Should the property owner fail to pay the city within 30 days from the date of invoicing the city may, at its discretion, file a lien against the property in the amount of all costs incurred by the city, plus interest. The assessment of expenses and lien shall follow the procedures established in Tex. Health and Safety Code Ch. 342.

(C) Oaks known or suspected to have died of oak wilt may not be retained for firewood under any circumstances due to the high risk of fungal mat formation and insect transmission.

(D) Oaks that are dead or dying of oak wilt as determined by the city staff or the Texas A&M Forest Service shall be cut at ground level, with all firewood and woody debris covered and hauled away or disposed of by burying, burning or chipping within three working days.

(E) It shall be unlawful to stack firewood taken from live oaks known to be infected or suspected of being infected by the oak wilt fungus.

(F) It shall be unlawful for any person to transport or sell firewood within the city that was taken from oak trees known or suspected to be infected by the oak wilt fungus.

(G) Pruning or cutting of oak trees shall be prohibited in the spring months of February through June when fungal spore formation and beetle activity are highest unless such activities are completely unavoidable in order to protect the safety of people and property or the health of the tree. A permit from City Hall must be secured prior to pruning or cutting in this situation.

(H) Pruning or cutting of oaks is permitted from July through January. Pruning apparatus must be disinfected between trees.

(I) Regardless of the time of year that the wound occurs, black tree wound dressing must be applied immediately to all wounds of any size on susceptible oaks, including the cut surface of healthy oak stumps, pruning cuts, construction damage, or any spot where the bark has been removed to expose the wood beneath, in order to discourage potential insect/disease contamination. Failure to seal any wound immediately upon creation of the wound is an unlawful violation of this chapter.

§ 91.09 ENFORCEMENT.

The City Manager or designee is charged with the enforcement of the provisions of this chapter.

§ 91.10 COSTS OF PREVENTIVE MEASURES, TREATMENT OR REMOVAL AND REPLACEMENT.

(A) The city shall appropriate funds as deemed appropriate by the City Council for oak wilt suppression.

(B) The city has no obligation to pay for preventive measures on any private property.

(C) Fungicide treatment for non-symptomatic or slightly symptomatic trees or removal of infected or dead trees shall be the responsibility of the landowner.

§ 91.99 PENALTY.

It shall be unlawful for any person, firm or corporation to violate the provisions of this chapter. Any person violating any provision hereof shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every such violation and for each and every day or portion thereof during which any such violation continues or occurs. Upon the conviction of such violation, such offense shall be punishable by fine which shall not exceed \$500 for each separate offense.

(A) Compliance. Violators of this article will be required to come into compliance within sixty (60) days, unless a variance has been approved by the city. Compliance with this article may be grounds for withholding of other related pending permits for the project by the city.

(B) Enforcement. The city shall have the power to administer and enforce the provisions of this article as may be required by governing law. Any person violating any provision of this article is subject to a stop work order, suit for injunctive relief, and/or prosecution for criminal violations. Any violation of this article is hereby declared to be a nuisance. Any violation of this

article may serve as grounds to withhold or delay issuance of other permits and revocation of a certificate of occupancy.

(C) **Civil remedies.** Nothing in this article shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including but not limited to the following:

(1) **Injunctive relief.** Injunctive relief to prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article;

(2) **Civil penalty.** A civil penalty up to five hundred dollars (\$500.00) a day to be deposited in the landscaping fund, when it is shown that the defendant was actually notified of the provisions of this article and after receiving notice committed acts in violation of this article or failed to take action necessary for compliance with this article, and other available relief; and

(3) **Stop work order.** In the event work is not being performed in accordance with this article, the city shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect.



City of Woodcreek



Friday, August 16, 2019

To the City Council, City of Woodcreek, Texas

Please take notice that I am NOT signing Ordinance #19-265, passed by Council at its meeting on August 14. I am requesting reconsideration for the reasons as follows:

1. The ordinance, in general, is a vast over reach way too much regulation and process for a small city. I suggest starting over and creating an ordinance from scratch, just for us, rather than copying one from a big city.
2. Section 91.04, The Tree Board, creates a much too cumbersome process for our community. History and experience suggest that it would be difficult to impossible to find seven qualified or even interested people to fill positions.
3. Section 91.04(D) – Second paragraph states: "when requested by the City Commission..." To what does this refer? Which commission is this?
4. Section 91.06 is not clear enough as to where it does and does not apply. This needs to be more specific.
5. Section 91.07(A)(5) needs to define what is the "critical root zone."
(A consulting urban forester has stated to me that one should calculate the critical root zone to be that area inside a line which is as far in feet as the tree caliper in inches at the DBH. For example, if a tree has a caliper of 24" at the DBH, any construction or construction traffic should not intrude in this 48' diameter zone.)
6. Section 91.08(B). The city is not in control of taxation (which is a county function) so this would not work.
7. As was stated by Mr. Jeff Etheridge at the Council meeting on August 14, Quicksand Golf Course (one of the two largest tree and land owners in the city) was not consulted or involved in the development of this ordinance. It should have been and needs to be before this ordinance is presented again.
8. The City Attorney needs to sign off on any new ordinance that it is "approved as to form."

William P. Scheel, Mayor

Council Meeting Date: 8/22/2019

AGENDA ITEM COVER SHEET

Subject/Title:

Discussion and/or take Appropriate Action on Recommended Amendments to Chapter 91: Trees of the City of Woodcreek, Texas Code of Ordinances. (Councilmember Jackson)

Item Summary:

At the last Council Meeting, an Ordinance was passed amending Chapter 91: Trees of the City of Woodcreek. Since the Mayor returned the Ordinance with potential problems, Chapter 91 was re-amended and submitted for another vote.

Financial Impact:

Cost of re-codifying

Recommendation:

Adoption of this ordinance

Attachments:

Proposed Ordinance No. 19-265 with revisions by Councilmember Jackson

Submitted By:

Councilmember Jackson

DRAFT C. JACKSON – SUGGESTED AMENDMENTS

ORDINANCE NO. _____

CITY OF WOODCREEK, TEXAS

AMENDMENT TO CHAPTER 91 OF THE CODE OF ORDINANCES

AN ORDINANCE ESTABLISHING AN AMENDMENT FOR THE CITY OF WOODCREEK CODE OF ORDINANCES AMENDING CHAPTER 91 – TREES; TO ESTABLISH POLICIES FOR DEALING WITH: OAK WILT, PUBLIC NUISANCE TREES, INSPECTIONS OF TREES WITHIN THE CITY, ABATEMENT REQUIREMENTS, TREE-TRIMMING, AND COSTS;

ADDING SECTIONS 91.12 THROUGH 91.14 OF THE CITY CODE RELATING TO TREE PROTECTION; AND AMENDING 91.99 TO INCLUDE PENALTIES FOR UNLAWFUL TREE REMOVAL OR TRIMMING.

DEFINING TERMS, PROVIDING PENALTIES, AND PROVIDING FOR ENACTMENT, REPEALER, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE, AND FINDING PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Woodcreek (“City Council”) desires to declare the City proud of its trees and to be a protector of all trees;

The City Council finds that:

- (1) The urban forest has social, ecological, cultural, economic, historical, and aesthetic benefits for the citizens of Woodcreek.
- (2) A healthy urban forest enhances the health and welfare of the citizens of Woodcreek.
- (3) The urban forest is an asset and important part of the City's infrastructure that city policy seeks to protect.
- (4) The health of the urban forest is entrusted to the City Council for the benefit of current and future citizens of Woodcreek.
- (5) The potential for development to negatively impact the urban forest, including the largest and most significant trees, requires reasonable regulations.

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

1. FINDINGS OF FACTS

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

2. ENACTMENT

Chapter 91: Trees of the Code of Ordinances of the City of Woodcreek is amended as to read as Attachment A, which is 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 91, 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 caption of this ordinance.

7. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed and 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 14th day of August, 2019, by a vote ofof the City Council of Woodcreek, Texas.

CITY OF WOODCREEK:

William P. Scheel, Mayor

ATTEST:

Linda Land, City Secretary

Attachment A
City of Woodcreek – Code of Ordinances
CHAPTER 91: TREES

Section

91.01 Title

91.02 Purpose

91.03 Definitions

91.04 Establishment of a Tree Board

91.05 Tree Trimming Permit Required

91.06 Protected trees

91.07 Tree Preservation and Care

91.08 Certain trees declared a public nuisance

91.09 Inspections

91.10 Notice to owner

91.11 Abatement required; preventive measures; city may abate

91.11 Enforcement

91.12 Costs of preventive measures, treatment or removal and replacement

91.99 Penalty

§ 91.01 TITLE & JURISDICTION

This chapter shall be known and may be cited as the Tree Ordinance. Under the authority of sections 212.002 and 212.003 of the Local Government Code, Chapter 91: Trees, is applicable to both the City of Woodcreek and its ETJ.

(A) Rules of interpretation. Words and phrases used in this article shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth in the code. Words and phrases not defined in the Code of Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the plural number shall include the singular number (and vice versa), and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

(Ord. 15-206, passed 2-11-2015)

(Ord. 15-206, passed 2-11-2015)

§ 91.02 PURPOSE.

The provisions of this chapter are deemed to be necessary to promote the health, safety, property and general welfare of the residents of the city.

(Ord. 15-206, passed 2-11-2015)

§ 91.03 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words used in this chapter and not defined herein shall have their ordinarily accepted meaning.

Specific definitions. **City Manager.** The chief administrative officer of the city. **City council.** The governing body of the city, which includes the mayor. **City permit.** A city license, certificate, approval, registration, consent, permit, or other form of authorization required by a city ordinance, regulation, or rule in order to develop, construct, and operate the improvements on the property. **Code.** The Code of Ordinances enacted by the city, as may be amended from time to time.

Cedar (JUNIPERUS) Stand means a group of cedars where 65% are over 10 feet tall and range over an area at least 10 feet wide.

COMMERCIAL DEVELOPMENT means any new non-residential development that is intended to be used primarily for commercial activities and is subject to the requirements of the International Building Code.

DBH (diameter at breast height). The tree trunk diameter of an existing tree measured in inches at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

DISEASED TREES. Oaks infected by the fungus *Ceratocystis fagacearum*. Other trees infected by any disease rendering them unsustainable.

ESCROW. A deposit of a cash bond with the city in accordance with this article.

FIREWOOD. Branches and limbs larger than two inches in diameter cut from diseased oaks; also, such branches and limbs from an unknown source that may potentially harbor the oak wilt fungus.

FUNGICIDE. A chemical treatment used on non-symptomatic or slightly symptomatic trees within the trench line that could be vulnerable to infection.

HERITAGE TREE.

- (1) Means a tree that has a trunk diameter of twenty-four (24) inches in caliper or greater measured at DBH;
- (2) A multi-trunked hardwood tree having a total trunk DBH of thirty (30) inches or more (not counting trunks less than eight (8) inches in diameter); or

And is one of the following species:

- a) Ash, Texas
- b) Cypress, Bald
- c) Elm, American
- d) Elm, Cedar
- e) Madrone, Texas
- f) Maple, Bigtooth
- g) All Oaks
- h) Pecan
- i) Walnut, Arizona
- j) Walnut, Eastern Black
- k) Cedar Stand, (Juniperus)

This list of eligible heritage tree species may be supplemented, but not reduced, as prescribed by rule.

LIVE OAKS. Members of a distinct group of the genus *Quercus* characterized by leathery oval leaves that includes two Texas species: plateau live oak (*Quercus fusiformis*) and coastal live oak (*Quercus virginiana*).

NATURAL AREA. An area where the naturally grown landscaping is left primarily undisturbed, except for the removal of poison ivy, greenbrier, and similar vegetation, oak wilt removal and/or prevention measures, and allowing for maintenance of the trees to maintain vigorous growth.

OAK WILT. A vascular wilt disease of oaks. The fungus responsible, *Ceratocystis fagacearum*, invades the water-conducting tissues of oak roots, trunks and limbs. *Ceratocystis fagacearum* does not actively grow anywhere in nature except in oak trees. Spores of this fungus can be moved around by certain insects and by humans.

OAK WILT CENTER. A site where the oak wilt fungus is spreading through the roots of diseased trees to infect healthy oaks, creating an area of sick, dead and dying oaks.

OWNER. A person with legal control over property in question, to include lessees. Person. A human individual, corporation, agency, unincorporated association, partnership, or sole proprietorship, or other legal entity.

PARK TREES Defined as trees, shrubs, bushes and all other woody vegetation in city parks having individual names, and all areas owned by the City, or to which the public has free access as a for use. (*Tree City USA*)

PREVENTIVE MEASURES. Actions that prevent the spread of oak wilt from diseased to healthy oaks, including but not limited to oak wilt suppression trench installation and the removal and destruction of diseased red oaks and firewood from any diseased oak.

PROTECTED TREE. Means a tree with a diameter of 19 inches in caliper or greater measured at DBH;

RED OAKS. Members of a distinct group of the genus *Quercus* characterized by lobed leaves tipped by small soft spines, including but not limited to Texas red oak (*Quercus texana*, also called *Quercus buckleyi*), Shumard oak (*Quercus shumardii*), Southern red oak (*Quercus falcata*), and blackjack oak (*Quercus marilandica*).

REMOVAL. Means an act that causes or may be reasonably expected to cause a tree to die, including uprooting, severing the main trunk; damaging the root system; and/or excessive pruning.

RESIDENTIAL DEVELOPMENT means any new housing development, such as a series of townhouses, an apartment complex or a residential subdivision, that identifies the name and/or the address of the residential development.

STREET TREES Defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side or the middle of all streets, avenues, or ways within the City. (*Tree City USA*) In keeping with the rural feel of the City of Woodcreek, all street trees currently existing inside roadways are hereby listed as "Designated" trees, subject to the protections of this ordinance.

SUBSTANTIALLY DEAD TREE. Trees in which more than 90% of the previously healthy branches have died due to any cause, or which have been certified by an arborist

SUSCEPTIBLE SPECIES. All varieties of the genus *Quercus* that may be infected and killed by *Ceratocystis fagacearum*, including live oaks and all species of red oaks.

TCEQ. The state commission on environmental quality, or its successor agency.

TREE BOARD. The City of Woodcreek Tree Board consisting of a minimum of seven members, citizens and residents of this city, who shall be appointed by the city council. The Parks & Recreation Board may substitute in this capacity.

TRENCHING. Short for **OAK WILT SUPPRESSION TRENCH INSTALLATION**, a method used to isolate the infected area between healthy and diseased trees. **TRENCHING** equipment is used to cut connecting roots so that the fungus cannot spread between trees.

WOODY DEBRIS. Branches and limbs smaller than two inches in diameter cut from diseased trees; also, such branches and limbs from an unknown source that may potentially harbor the oak wilt fungus.

(Ord. 15-206, passed 2-11-2015)

§ 91.04 ESTABLISHMENT OF A TREE BOARD

(A) There is hereby created and established a City Tree Board, which shall consist of seven (7) members, five (5) regular members and two (2) alternates who are resident citizens and qualified voters of the City of Woodcreek. Each Council Member shall provide two names, one for regular appointment and one for alternate. Alternates will be drawn from the five candidates submitted by Council Members for appointment as alternates. The Parks & Recreation Board may serve as the Tree Board.

(B) Appointments to the Board shall be for staggered two (2) year terms. Upon initial appointment, three (3) members shall serve for two (2) years and two members shall serve for one (1) year. Both alternates shall serve for a two (2) year term. The determination will be made by drawing names with the first three selected for the full two-year term. After initial appointment, all members shall serve for two (2) years. If a vacancy occurs on the Board, at the first regular meeting of the City Council after notification of the vacancy, the Council Member who originally appointed that member shall appoint a person, with approval of the Council, to fill the unexpired term

(C) Members of the board shall serve without compensation

(D) It shall be the responsibility of the Board to study, investigate, council and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City.

The Board, when requested by the City Commission, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

(E) The Board shall choose its own officers, make its own rules and regulations and keep minutes of its proceedings. A majority of the members shall be a quorum for the transaction of business.

§ 91.05 TREE-TRIMMING PERMIT REQUIRED.

No property owner, person, individual, firm, corporation, contractor, landscape contractor, tree trimmer, builder, utility service or any other type of business entity shall trim, prune or remove any tree within the city without having first obtained a permit from the city. Permits shall be

issued based on the current fee schedule. Permits shall be effective for 30 days from the date of issuance and shall apply only to the lot or parcel of land for which it is issued. The permit shall be posted in a place where it can be seen from the nearest street while the work is in process.

(Ord. 15-206, passed 2-11-2015) Penalty, see § 91.99

§ 91.06 PROTECTED TREES

This section applies to all commercial and residential developments or subdivisions within the incorporated municipal boundaries (i.e., city limits and ETJ) for which site plan approval by the city is required under the city's Code of Ordinances. This article applies to actions taken after the date of enactment.

(A) TREE FUND A fund is hereby created in which any cash-in-lieu paid to the city pursuant to the mandates of this article shall be deposited. The fund will be administered by the Tree Board and may be drawn upon by the city to implement landscaping improvements on city land and city-controlled rights-of-way.

(B) Damaging or removing trees. No person shall damage or remove protected or heritage trees, in violation of this article.

§ 91.07 TREE PRESERVATION AND CARE

(A) A grading and tree survey shall be submitted with all commercial and subdivision development site plans.

(1) The tree survey shall include all existing, live, healthy trees with a fourteen-inch DBH in diameter and larger. The survey shall indicate the size (DBH) and species of tree. Trees observed to be distressed will be indicated with an asterisk on the tree list. Trees shall be represented by circles using the formula of one (1) foot of radius for every 1 inch of trunk diameter. Unbroken circles indicate trees that are to remain. Dashed circles indicate trees that are to be removed (including trees identified to be distressed).

(2) Healthy designated Heritage and Protected trees that require removal to accommodate the development shall be replaced at a ratio of 1:1, or cash-in-lieu may be paid to the city Tree Fund, the amount equal to the cost of nursery stock required to replace the caliper amounts lost and the cost of installation on a per-unit basis, not to exceed one hundred dollars (\$100.00) per caliper inch or six thousand dollars (\$6,000.00) per acre (prorated for sites of more or less than one acre) for the entire site. Trees identified as distressed shall not be included in tree preservation requirements evaluation.

(3) Pre- and post-construction fertilization is required for existing trees that will be or have been disturbed by construction activities, including disturbance of the critical root zone. Fertilizers must be phosphate-free.

(4) The planting, preserving, and maintaining of trees which are contagiously diseased trees, or the storage of cut oak unless first determined by a certified arborist to be devoid of oak wilt or properly treated, shall be deemed a public nuisance and is prohibited.

(5) During construction, take measures to protect trees, including rigid fencing, shielding, and signage, as necessary. Rigid fencing shall be placed with a radius of at least ten (10) feet from the trunk or at the critical root zone, whichever is greater, unless

property lines or other features prohibit a complete radius. Rigid fencing shall consist of chain-link or wood fencing not less than four (4) feet high at the drip line of the tree. Stakes shall be no more than six (6) feet apart and at least one and one-half (1-1/2) deep into the ground. Rigid fencing shall be at least three (3) feet in height.

(6) The city manager or designee shall inspect and approve installed tree protection before issuance of any permit to commence with any construction activity.

(7) Tree protection shall remain in place until final landscaping installation as approved by the city manager or designee.

(8) Parking or storing of vehicles, equipment or materials allowed within the critical root zone is prohibited.

(B) For all commercial and residential developments or subdivisions, during extreme drought classifications for this region as determined by the National Drought Mitigation Center, the city manager, or designee, may accept a fiscal deposit of the amount equal to the cost of purchasing and installing the trees and other required landscaping into the city's drought tree fund in lieu of the installation of trees and other landscaping required by this chapter for the issuance of a certificate of occupancy permit, or the city manager or designee may accept an escrow equal to the cost of purchasing and installing the trees and other required landscaping. The city shall only accept the fiscal deposit or escrow if an erosion control plan consistent with section xxx of this code has been reviewed and accepted by the city manager or designee. Failure to maintain and adhere to an approved erosion control plan during periods of extreme drought classification shall be deemed a violation and the fines and penalties under section xxx of this article shall apply.

(1) Persons requesting that the city accept a fiscal deposit in lieu to the Tree Fund shall provide the city with written documentation from an entity that sells tree the cost of purchasing and installing the trees and other landscaping required by this chapter.

(2) If no cost for the installation of trees required by this chapter is provided to the city, the city shall require sixty-six (66) percent of the cost of the tree to be paid as the installation cost in addition to the cost to purchase the tree.

(3) Any fiscal deposits for trees paid to the city pursuant to this section shall be held in escrow. The escrow may be drawn upon by the city to implement tree requirements for the depositing property owner, or the funds shall be released to the depositing property owner to implement tree requirements within thirty (30) days when the drought mitigation center determines that this region is no longer in an extreme drought condition or higher classification. Failure to implement the tree requirements within thirty (30) days of release of the fiscal deposit to the depositing property owner shall be deemed a violation and the fines and penalties under section xxx of this article shall apply.

(4) Whenever necessary to enforce any provision of this article or implement tree requirements on the depositing property owner's property, city staff, or the city's contractor, may enter upon depositing property owner's property at any reasonable time to inspect or perform any duty imposed by this article during an extreme drought classification for this region. If entry is refused, the city shall have recourse to every remedy provided by law and equity to gain entry.

(5) The city is the custodian of any cash funds or bonds on deposit in the property owner's escrow account. The city has a fiduciary duty to the depositing property owner and may dispose of the escrowed funds only in accordance with this section.

(C) **PUBLIC TREE CARE** The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. All such work will be conducted under the auspices of the Tree Board.

The City Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. *(Adapted from Tree City USA)*

(D) **PRIVATE TREE CARE** Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street, sidewalk or right of way. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes visibility of any traffic control device or sign. The City will notify citizens of intent to prune trees or shrubs at least 7 days in advance of commencing this work. *(Adapted from Tree City USA)*

(E) **OAK WILT REPORTING.** Any person who discovers or suspects the presence of oak wilt infestation or an oak wilt infected tree shall report that information to the City Manager/Administrator within ten (10) business days.

§ 91.08 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

(A) All oak trees diseases with oak wilt, alive, dead or substantially dead, and all wood from oak trees diseased with oak wilt to which any bark is still attached, are hereby declared to be public nuisances

(B) The City shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owners' property tax notice. *(Tree City USA)*

(C) A person may, without a variance, remove a damaged heritage or protected tree that is an imminent hazard to life or property if the tree is removed within seven days of being damaged. The director may extend this deadline for widespread and extensive storm damage.

(D) The Tree Board may grant a variance for removal of a heritage or protected tree after determining the tree:

(1) is dead;

(2) is an imminent hazard to life or property, and the hazard cannot reasonably be mitigated without removing the tree; or

(3) is diseased and:

(a) restoration to sound condition is not practicable; or

(b) the disease may be transmitted to other trees and endanger their health.

No application fee and no mitigation are required for a variance request under subsection (Ord. 15-206, passed 2-11-2015)

§ 91.06 INSPECTIONS FOR OAK WILT.

(A) The city and the Texas A&M Forest Service, and their agents are authorized and empowered to enter upon any lot or parcel of land in the city at any reasonable hour for the purpose of inspecting any oak tree(s) or dead oak wood situated thereon.

(B) If such premises are occupied, the above personnel shall first present credentials and request entry.

(C) If such premises are unoccupied, the city shall first make a reasonable effort to locate the owner or other persons who have charge or control of the premises and request cooperation for entry.

(D) Permission of the owner, occupant or person in control of the premises is necessary for entry. If such entry is refused and the city has probable cause to believe that there exists on the premises a public nuisance as defined herein, the city shall go before the Municipal Court Judge and seek to obtain a search warrant. The purpose of the warrant is to determine the presence of a public nuisance and to obtain such specimens of trees as are required for the purposes of analysis to determine whether the same are infected.

(Ord. 15-206, passed 2-11-2015)

§ 91.07 NOTICE TO OWNER.

(A) If, on laboratory analysis of specimens removed from any red oak tree, it is determined that such tree is a public nuisance, as provided in this chapter, or if it is determined that any dead or substantially dead tree, is a public nuisance, as provided herein, and if it is determined that any such tree should be removed, the city may serve or cause to be served a written notice upon the owner of record and upon all lienholders of the lot or parcel of land on which the tree or dead oak wood is located, requiring such owner to comply with the provisions of this chapter. Diagnosis may be obtained via laboratory verification by the Texas A&M Forest Service or through a field survey by trained personnel.

(B) Service of notice provided for in this chapter shall be by certified mail to the owner's address as listed on the Hays County Appraisal District's tax roll. Notice to a lienholder or its agent may be made by personal service or by certified mail. Certified mail returned as "unclaimed" or "refused" shall be deemed delivered.

(Ord. 15-206, passed 2-11-2015)

§ 91.08 ABATEMENT REQUIRED; PREVENTIVE MEASURES; CITY MAY ABATE.

(A) Upon receipt of written notice by the city as described in § 91.07 it shall be unlawful for any owner of any lot or parcel of land within the city to permit or maintain on any such lot or parcel any dead oak wood or oak tree which is a public nuisance as defined in this chapter, and it shall be the duty of the owner of such to promptly remove and destroy such oak tree by cutting the tree off at ground level and removing all dead oak wood and woody debris as directed by the city.

(B) Should the property owner fail to abate the public nuisance within 60 days following the receipt of notification, the city shall have the right to cause the removal and destruction of the diseased trees. The full cost of such removal and destruction shall be assessed to the property owner. Should the property owner fail to pay the city within 30 days from the date of invoicing the city may, at its discretion, file a lien against the property in the amount of all costs incurred by the city, plus interest. The assessment of expenses and lien shall follow the procedures established in Tex. Health and Safety Code Ch. 342.

(C) Oaks known or suspected to have died of oak wilt may not be retained for firewood under any circumstances due to the high risk of fungal mat formation and insect transmission.

(D) Oaks that are dead or dying of oak wilt as determined by the city staff or the Texas A&M Forest Service shall be cut at ground level, with all firewood and woody debris covered and hauled away or disposed of by burying, burning or chipping within three working days.

(E) It shall be unlawful to stack firewood taken from live oaks known to be infected or suspected of being infected by the oak wilt fungus.

(F) It shall be unlawful for any person to transport or sell firewood within the city that was taken from oak trees known or suspected to be infected by the oak wilt fungus.

(G) Pruning or cutting of oak trees shall be prohibited in the spring months of February through June when fungal spore formation and beetle activity are highest unless such activities are completely unavoidable in order to protect the safety of people and property or the health of the tree. A permit from City Hall must be secured prior to pruning or cutting in this situation.

(H) Pruning or cutting of oaks is permitted from July through January. Pruning apparatus must be disinfected between trees.

(I) Regardless of the time of year that the wound occurs, black tree wound dressing must be applied immediately to all wounds of any size on susceptible oaks, including the cut surface of healthy oak stumps, pruning cuts, construction damage, or any spot where the bark has been removed to expose the wood beneath, in order to discourage potential insect/disease contamination. Failure to seal any wound immediately upon creation of the wound is an unlawful violation of this chapter.

(Ord. 15-206, passed 2-11-2015) Penalty, see § 91.99

§ 91.09 ENFORCEMENT.

The City Manager or designee is charged with the enforcement of the provisions of this chapter.

(Ord. 15-206, passed 2-11-2015)

§ 91.10 COSTS OF PREVENTIVE MEASURES, TREATMENT OR REMOVAL AND REPLACEMENT.

(A) The city shall appropriate funds as deemed appropriate by the City Council for oak wilt suppression.

(B) The city has no obligation to pay for preventive measures on any private property.

(C) Fungicide treatment for non-symptomatic or slightly symptomatic trees or removal of infected or dead trees shall be the responsibility of the landowner.

(Ord. 15-206, passed 2-11-2015)

§ 91.99 PENALTY.

It shall be unlawful for any person, firm or corporation to violate the provisions of this chapter. Any person violating any provision hereof shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every such violation and for each and every day or portion thereof during which any such violation continues or occurs. Upon the conviction of such violation, such offense shall be punishable by fine which shall not exceed \$500 for each separate offense.

(A) Compliance. Violators of this article will be required to come into compliance within sixty (60) days, unless a variance has been approved by the city. Compliance with this article may be grounds for withholding of other related pending permits for the project by the city.

(B) Enforcement. The city shall have the power to administer and enforce the provisions of this article as may be required by governing law. Any person violating any provision of this article is subject to a stop work order, suit for injunctive relief, and/or prosecution for criminal violations. Any violation of this article is hereby declared to be a nuisance. Any violation of this article may serve as grounds to withhold or delay issuance of other permits and revocation of a certificate of occupancy.

(C) Civil remedies. Nothing in this article shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including but not limited to the following:

(1) Injunctive relief. Injunctive relief to prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article;

(2) Civil penalty. A civil penalty up to five hundred dollars (\$500.00) a day to be deposited in the landscaping fund, when it is shown that the defendant was actually notified of the provisions of this article and after receiving notice committed acts in violation of this article or failed to take action necessary for compliance with this article, and other available relief; and

(3) Stop work order. In the event work is not being performed in accordance with this article, the city shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect.

(Ord. 15-206, passed 2-11-2015)

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Special Council Meeting Date: 08/22/2019

AGENDA ITEM COVER SHEET

Subject/Title:

Discussion and Take Appropriate Action on the Joint Election Agreement Between Hays County and the City of Woodcreek

Item Summary:

This item is to enter into the agreement to designate Hays County as the City of Woodcreek Elections Administrator for elections held between from August 1, 2019 to July 31, 2020.

Financial Impact:

Cost of Election (Proposed Budget for 2019-2020 has \$4,000 allocated)

Recommendation:

Authorize Mayor Scheel to execute the agreement on behalf of the City of Woodcreek

Attachments:

Joint Election Agreement

Submitted By:

City Manager Lewis

JOINT ELECTION AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF WOODCREEK

This Joint Election Agreement ("Agreement") is made this the 20th day of August, 2019, between the City of Woodcreek, Texas, (the "City") 41 Champions Circle, Woodcreek, Texas 78676 and Hays County (the "County"), 111 E. San Antonio Street, Suite 300, San Marcos, Texas 78666, pursuant to Chapter 271 of the Texas Election Code.

Pursuant to Chapter 31 of the Texas Election Code, Chapter 791 of the Texas Government Code and Section 271.002 and 271.003 of the Texas Election Code, the Joint Election Agreement set forth below is entered into by and between the City and the County agree as follows:

Section 1. *Scope of Joint Election Agreement.* The City enters this Joint Election Agreement ("Agreement") for the conduct of the elections to be held from August 2019 through July 2020.

Section 2. *Appoint Election Officer.* The City appoints the Hays County Elections Administrator to serve as the Election Officer (the "Officer") in order to perform and supervise the duties and responsibilities of the Election Officer for any election from August 2019 through July 2020.

Section 3. *Early Voting Polling Locations.* To facilitate the administration of elections, and as a convenience to the voters, during the early voting period established by statute, the City agrees to designate the Hays County Election Administrator's Office, 712 South Stagecoach Trail St, 1012, San Marcos, Texas 78666 as the main early voting polling place for the City. Furthermore, the City agrees to designate temporary branch early polling places in accordance with Section 85.062, Election Code, V.T.C.A. as called out in the latest Election Orders.

Section 4. *Voting by Mail Ballot.* The City and County agree that early voting by mail ballot shall be conducted in accordance with the applicable provisions of the Texas Election Code and that 712 South Stagecoach Trail Ste 1045 San Marcos, Texas 78666 is the early voting clerk's mailing address to which ballot applications and ballots voted by mail shall be sent for the City.

Section 5. *Election Day Polling Locations.* Election Day voting shall be held in vote centers where appropriate at the dates, times, and locations recommended by the Election Officer and authorized and ordered by the governing body of the City.

Section 6. *Election Day.* On Election day, all forms used in the conduct of the election, including but not limited to the poll list, signature roster, ballot registers, expense accounts, and all oaths and certificates will be used jointly by the two agencies. All forms will be returned to the Hays County Election Administrator who shall keep them in her custody for the period of time prescribed by the Texas Election Code. The County agrees to furnish the City with copies of any election documents upon the City's request at no charge.

Section 7. Use of Common Ballot. It is agreed by the parties to this Agreement that a common ballot will be used for joint elections. The Mobile Ballot Boxes ("MBBS") containing the voted ballots for an election will be delivered by the Election Judges to the Hays County Election Administrator's office at 712 South Stagecoach Trail Ste 1045, San Marcos, Texas and the MBBS will remain in the Hays County Election Administrator's custody, except that the County agrees to provide the City with the necessary documentation, if requested, for canvass of an election or in the event the voted ballots are required for a recount or any court proceedings in which the City may be a party. The County agrees to maintain custody of the MBBS containing the voted ballots for the period of time prescribed by the Texas Election Code. All MBBS that are not placed in active voting equipment will remain locked in the Officers' office. MBBS will not be replaced without being logged out and checked out by the Officer at any time during an election. An audit shall be conducted to ensure that all MBBS are present and accounted for. A spreadsheet shall be completed at the end of Early Voting and Election Day returns that will identify the number of signatures on the Combination Log and the Number of Cancelled booths, for a representation of voter totals. All replaced equipment will remain secured until after tabulation to ensure that all checks and balances have been satisfied.

Section 8. Reporting of Returns. The Officer shall prepare the unofficial and official tabulation of precinct results under Section 66.056(a) of the Texas Election Code. The unofficial tabulation of Early Voting precinct results and Election Day precinct results shall be made available to the City via email as soon as they are prepared and may be released under law, but no earlier than 7:00 p.m. on Election Day. The Officer or their designee will use their best efforts to post all reports for public review on the Hays County Elections website at www.co.hays.tx.us/elections as soon as reasonably possible.

Section 9. Cost Sharing. The City agrees to the cost sharing provisions below. This includes Hays County, the school districts of the county, the cities of the county, and the water districts and all other entities contracting for election services. The costs incurred with Early Voting locations and Early Voting Clerks will be shared only by entities utilizing the polling location for their individual election contest.

The formula is as follows:

Example:

Registered Voters in County -	135,000	$135,000/255,000=$	52.94% of total cost
Registered Voters in Joint Entity A -	100,000	$100,000/255,000=$	39.23% of total cost
Registered Voters in Joint Entity B -	20,000	$20,000/255,000=$	7.84% of total cost
Aggregate Registered Voters -	255,000		

\$1,000 dollar minimum cost for elections that don't exceed that total. Since programming and supplies would exceed the cost of elections with very small voter registration populations. Equipment Rental Fees allocated separately.

Section 10. *Amendments.* This Agreement may not be amended or modified except in writing and executed by both the City and the County. Neither party may assign this Agreement without the written consent of the other party. However, the Officer may assign deputies to perform any of the contracted services and may contract with third persons for election services and supplies.

Section 11. *Effective Date.* This Agreement contains the entire agreement between the parties and supersedes all prior understandings and agreements between the parties regarding such matters. The term of this Agreement will commence on August 1, 2019 and end on July 31, 2020.

Section 12. Should any provision in this Agreement be found or deemed to be invalid, this Agreement will be construed as not containing the provision and all other provisions which are otherwise lawful will remain in full force and effect, and to this end the provisions of this Agreement are declared to be severable. In case any one or more of the provisions contained in this Agreement are for any reason held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability will not affect any other provision thereof, and this Agreement will be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

Section 13. Any notice provided for under this Agreement will be forwarded to the following addresses:

Hays County Elections Administrator
Government Center
712 South Stagecoach Trail Ste 1045
San Marcos, Texas 78666

City of San Marcos City Clerk
City Clerk's Office
630 E. Hopkins Street
San Marcos, Texas 78666

Section 14. Nothing contained in this Agreement will authorize or permit a change in the office with whom or the place at which any document or record relating to the Election(s) is to be filed, or place at which any function of the canvass of the election returns is to be performed, or the officer to serve as custodian of voted ballots or other election records.

Section 15. This Agreement shall take effect immediately upon execution by both parties hereof and shall inure to the benefit and be binding upon the administrators, successors and assigns of the Parties hereto.

WITNESS OUR HANDS this 20th day of August, 2019

Hays County Elections Administrator

City of Woodcreek

Jennifer Anderson
Elections Administrator

William P. Scheel
Mayor

Attest:

Attest:

Linda Land, City Secretary

Special Council Meeting Date: 08/22/2019

AGENDA ITEM COVER SHEET

Subject/Title:

4 ~~G~~ Discussion and Take Appropriate Action on Rescinding the Motion on Setting the Proposed Tax Rate at \$.2235 per \$100 Valuation for Fiscal Year 2019-2020

and

4 H Discussion and Take Appropriate Action to Set the Proposed Tax Rate for Fiscal Year 2019-2020

Item Summary:

During the Special City Council Meeting of August 7th, 2019 the proposed tax rate was set at \$.2235 per \$100 Valuation. The proposed rate will cause the City to no longer be a Small Taxing Unit and will place more requirements and publications on the City during the budget process.

Financial Impact:

Reduction of Costs

Recommendation:

To set the proposed tax rate for Fiscal Year 2019 – 2020 at the rollback rate of \$.2169

Attachments:

None

Submitted By:

City Manager Lewis

4G#H

City of Woodcreek
2019-2020 Proposed M O Budget
2nd Draft

RECEIVED

AUG 13 2019

CITY OF WOODCREEK

M&O Budget	2019-2020 Proposed	2018-2019 7/31/2019	2018-2019 Amended	2018-2019 Budget	2017 - 2018 Actual	2017 - 2018 Budget	2016-2017 Actual	2016-2017 Budget	2015-2016 Actual	2015-2016 Budget	Actual 2014-2015	Budget 2014-2015
REVENUE												
Estimated Balance Forward	7,090		135,460	127,030				18,930				
3000 Ad Valorem Tax	280,000	268,262	280,000	280,000	288,879	280,000	233,418	233,500	214,339	198,000	194,680	189,228
3005 State Sales Tax	50,000	47,564	50,000	45,000	51,745	50,000	45,793	45,790	38,506	50,000	36,410	76,895
3010 Mixed Beverage Tax	500	501	1,000	1,000	978	1,000	1,414	1,500	1,322	800	899	496
3020 Electric Franchise Revenue	34,000	32,887	34,000	34,000	33,385	34,000	21,172	31,000	27,158	30,000	29,836	30,700
3030 Cable Services Franchise Fee	25,000	26,689	25,000	25,000	32,529	39,000	30,014	30,000	27,189	20,000	26,057	19,591
3030.10 TWC - PEG Cable Revenue	3,290	3,290	5,000	5,000	6,433		3,196	4,570	4,422	-	5,211	-
3040 Water Service Franchise Fee	96,000	91,567	96,000	96,000	94,977	95,000	92,069	92,100	87,738	83,000	83,403	82,590
3050 Disposal Service Franchise Fee	17,000	16,935	14,500	14,500	16,759	16,800	10,649	14,000	14,036	10,000	13,172	12,274
3060 Telephone Franchise Fee	1,500	944	1,500	1,500	1,414	2,000	977	1,500	1,119	1,000	1,676	1,949
3070 Golf Course Franchise Revenue	500	650	500	500	500	500		500	-	500	500	500
3080 Reimbursement	3,000		500		0			13,000	-	-	-	-
3080.1 Engineering Reimbursement		338		0	0				-	-	115	3,220
3080.2 Legal Reimbursement		-			0				-	-	-	5,476
3080.3 Admin Reimbursement		528			0		12,276		10	-	113	-
3090 Development Revenue		13,822	15,000	15,000		38,000			14,498	15,000	27,569	14,935
3090.01 Residential	13,000	15,812			24,029		11,020	14,000				
New Home Permits	4,000											
Other Permits	3,500											
Inspections	5,500											
3090.02 Commercial		612			9,631		160	200				
3090.03 Other		804			5,000		2,288					
Subdivisions/Plats/Re-Plats	1,000											
3093 Liquor License Revenue	600	1,310	560									
3095 Sign Fees	500	265	500	500	985	940	1,065	300	295	-	120	-
4000 Interest Income	22,500	28,025	29,500	6,000	9,310	8,000	3,067	4,000	3,602	2,400	2,236	800
4010 Other Revenue	1,000	791	2,500	2,500	2,370	3,000	986	3,010	357	100	530	450
4015 Oak Wilt Containment		-							1,061	-		-
4020 Municipal Court Revenue	1,500	909	1,500	3,000	3,233	3,000	500	1,000	140	1,500		1,900
4040 Donations Received	5,000	6,000	6,000	5,000		5,000	5,000	5,000	5,030	5,000	5,145	-
Total Gen Fund Revenues	562,980	544,681	699,020	661,530	582,157	576,240	475,064	513,900	440,822	417,300	427,672	441,004
Expenditures:												
5000.01 Salaries and Wages	160,000	123,923	150,700	166,180	139,392	143,900	108,512	135,065	96,889	85,500	85,643	81,000
5000.02 Insurance Stipend	7,200	6,632	7,200	7,200	3,617	3,600	1,000	1,200	225			
5000.03 City Manager Car Allowance	8,350	6,958	8,350	8,350	8,350	8,350	6,958	8,350	4,820	-		
5000.05 Elected Officials Pay	0	630	840	840	880	840	700	840	630	660		
5000.20 Payroll Tax		-	-					11,585	8,658	7,300	8,156	8,477

[Handwritten signature]

City of Woodcreek
2019-2020 Proposed M O Budget
2nd Draft

M&O Budget		2019-2020 Proposed	2018-2019 7/31/2019	2018-2019 Amended	2018-2019 Budget	2017 - 2018 Actual	2017 - 2018 Budget	2016-2017 Actual	2016-2017 Budget	2015-2016 Actual	2015-2016 Budget	Actual 2014-2015	Budget 2014-2015
5000.21	FICA/OASDI	12,240	10,138	11,760	12,540	11,371	11,720	9,052					
5000.22	Unemployment Insurance	500	36	180	180	499	180	144					
5000.40	Retirement	13,600	10,860	13,600	13,600	10,243	9,370	3,467	5,100	3,203	3,200	3,089	2,378
5000.50	Direct Deposit Expense								130	115	120		108
5000	Personnel Services	201,890	159,177	192,630	208,890	174,352	177,960	129,834	162,270	114,540	96,780	96,888	91,963
5500.05	Bank Fees & Charges		(216)	(220)		304				33	-	38	-
5500.10	City Hall Maintenance/Repairs	2,500	2,014	2,500	2,500	1,501	2,000	2,616	2,500	14,624	2,500	614	2,500
5500.20	City Hall Cleaning Costs	1,500	1,250	1,500	1,500	1,375	1,500	270					
5500.30	IT & Radio	1,000	1,625	1,000	650	727	700	640	7,000	6,220	5,000	5,638	6,700
5500.40	Newsletter		-	-					0	-	1,500	999	632
5500.50	Office Supplies	4,500	3,674	4,500	2,500	2,257	2,000	1,641	3,500	3,715	3,500	3,131	3,600
5500.60	Postage & Shipping	1,500	690	1,500	1,800	1,444	1,800	791	1,620	1,678	1,000	1,165	1,500
5500.61	Printing & Reproduction	2,500	3,777	5,000	5,000	6,243	6,000	3,755	4,000	3,548	1,500	1,908	2,400
5500.62	Printing Costs - Newspaper	3,000											
5500.70	Storage Rental		108	110	0	1,291	1,250	797	1,250	1,110	1,000	908	980
5500.80	Software and Subscriptions	8,000	5,219	7,000	7,000	6,263	8,300	3,918					
5500	Office Expenses	24,500	18,141	22,890	20,950	21,405	23,550	14,429	19,870	30,928	16,000	14,401	18,312
6000.01	Audit Expenses	10,000	9,860	9,860	9,860	9,100	9,100	10,905	9,000	6,600	6,600	6,600	6,200
6000.10	Codification	4,000	1,384	4,000	4,000	2,743	3,000	571	1,000	847	1,900	2,309	6,500
6000.11	Contract Labor	3,000	-	3,000	3,000	0	500	417	6,750	7,255	7,000	8,060	7,100
6000.15	Engineering	20,000	16,725	20,000	10,000	13,206	10,000	12,139	10,000	1,850	2,500	4,438	5,100
6000.20	Legal Expenses			40,000	18,000	0	20,000		25,000	19,538	30,000		25,000
6000.21	General	18,000	24,482			12,037		14,020		14,471		23,213	
6000.22	Legal Reimbursable		53			27		420		-		1,475	
6000.25	Special Cases	22,000	8,872	-		5,597				5,068		20,053	
6000.30	IT Services	12,560	6,585	8,000	8,000	8,540	8,500	7,540					
6000.40	Accounting	11,000	8,917	10,000	10,000	10,500	10,000	7,851					
	Law Enforcement	63,660											
6000	Professional Services	164,220	76,878	94,860	62,860	61,750	61,100	38,472	51,750	36,091	48,000	66,148	24,900
6500.01	Deer Removal	1,000	900	1,200	1,000	900	1,000	525	2,500	1,125	10,000	2,325	1,500
6500.15	Mowing	3,000	1,228	3,000	4,000	1,080	1,200	1,945	5,500	3,420	5,500	5,612	5,000
6500.20	Oak Wilt Containment		-	-		0	0		1,000	-	2,000	675	2,000
6500.21	Greenspace Maintenance		7,730	30,000	30,000	12,726	15,000	5,527	30,000	11,662	12,000	15,407	5,500
	Landscape Maintenance	10,000											
	Contract Services	1,000											
	Playground Maintenance												

City of Woodcreek
2019-2020 Proposed M O Budget
2nd Draft

M&O Budget		2019-2020 Proposed	2018-2019 7/31/2019	2018-2019 Amended	2018-2019 Budget	2017 - 2018 Actual	2017 - 2018 Budget	2016-2017 Actual	2016-2017 Budget	2015-2016 Actual	2015-2016 Budget	Actual 2014-2015	Budget 2014-2015
6500.25	ROW Tree Trimming	15,000	-	15,000	10,000	11,100	12,000		10,000	1,235	1,500	16,581	18,000
6500.30	Street Maintenance	50,000	45,453	150,000	150,000	1,255	1,300	43,057	43,100	25,369	25,000	21,485	60,000
	Street Safety												
6500.31	Street Signs	4,000	2,756	4,000	6,000	501	750	1,253	1,200	627	1,000	3,823	1,000
6500.35	Storm Damage Reserve	1,000	-	1,000	1,000	0	7,000		7,000				
6500.40	Tree Limb Pick-Up		-	-		0		5,200	5,200	9,675	3,500	3,355	1,700
6500.50	Equipment Maintenance	2,000	1,485	2,500	750	549							
6500.60	Water Quality Testing CCWPP	2,000											
6500	Area Care/Maintenance	89,000	59,552	206,700	202,750	28,111	38,250	57,507	105,500	53,113	60,500	69,263	94,700
7000.01	Ad Valorem Tax Expense	3,700	2,270	2,500	2,500	3,061	3,100	1,409	2,000	1,800	2,000	1,746	1,800
7000.02	Building Inspections	5,000	8,265	8,000	6,500	6,935	6,500	6,820	5,500	8,325	5,500	5,120	2,800
7000.03	Code Compliance	1,500	-	1,500	1,500	1,898	2,000		1,500	20	1,500		7,300
7000.04	Dues & Memberships	2,400	2,472	3,000	3,000	2,683	3,000	2,460	1,800	1,691	1,250	1,341	1,315
7000.05	TML Dues	600											
7000.05	Election Expense	4,000	3,552	3,560	3,500	0		3,113	3,200	2,592	2,400		2,314
7000.15	Meeting Expense	1,200	1,141	500	500	1,487	1,600	1,183	1,600	1,646	1,500	1,165	2,000
7000.20	Public Notices	5,000	3,494	1,500	1,500	1,317	2,000	990	1,500	1,536	1,000	1,020	1,000
7000.30	Employee Travel	2,000	1,255	1,500	4,500	4,047	4,000	2,391	4,000	472	3,000	3,585	3,000
7000.31	Elected Body Travel	3,000	931	3,000									
7000.40	Training & Prof Development				0	3,847	5,000	2,629	5,000	1,769	1,000	908	1,000
7000.41	Elected Body	2,500	1,675	2,500	3,500								
7000.42	Staff	1,500	2,362	4,000	1,500								
7000.50	Community Events	3,000	1,990	3,000	3,000								
7000	Other Operating Expenses	35,400	29,408	34,560	31,500	25,275	27,200	20,996	26,100	19,851	19,150	14,885	22,529
7500.01	City Hall Utilities	3,000		3,000	3,000	0	3,200		2,700	2,364	3,000		3,000
7500.11	Electricity		1,251			1,406		942				1,164	
7500.12	Water		1,315	-		1,518		1,359				1,424	
7500.20	Outdoor Utilities	4,000		4,000	4,000		4,000		3,600	3,354	3,000		5,000
7500.21	Electricity		1,115			1,331		1,113				1,343	
7500.22	Water		1,580			2,158		1,879				2,162	
7500.30	Telephone & Internet	3,200	2,588	3,200	4,000	3,935	4,000	2,713	3,000	2,676	3,000	2,916	3,000
7500	Utilities	10,200	7,849	10,200	11,000	10,348	11,200	8,007	9,300	8,394	9,000	9,009	11,000
7600.01	TML Insurance	3,520	3,514	3,520	3,500	3,288	3,500	2,908	2,910	2,514	2,750	2,618	2,362
7600	Insurance	3,520	3,514	3,520	3,500	3,288	3,500	2,908	2,910	FALSE	2,750	2,618	2,362
8020.20	MC Judge	3,600	3,000	3,600	3,500	3,000	3,500	3,000	3,500	3,100	3,400	3,400	4,200

City of Woodcreek
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2nd Draft

M&O Budget		2019-2020 Proposed	2018-2019 7/31/2019	2018-2019 Amended	2018-2019 Budget	2017 - 2018 Actual	2017 - 2018 Budget	2016-2017 Actual	2016-2017 Budget	2015-2016 Actual	2015-2016 Budget	Actual 2014-2015	Budget 2014-2015
8020.25	Misc. Court Costs	2,500	6,313	8,500	8,000	4,395	5,000	990	1,000	735	1,000	1,431	3,000
8020.30	Prosecutor	5,000	6,352	7,000	1,000	5,125	6,000		2,400	-	2,400	3,014	4,000
8020.40	State Comptroller Costs	700	567	700	700	572	700		500	106	1,000	341	3,000
8020.41	Supplies	200	-	200	200	47	200	77	200	-	200	162	200
8020.60	Law Enforcement		31,826	63,660	56,680	35,425	30,000	21,255	28,000	28,340	40,000	20,835	38,580
	Court Baliff	750											
8020	Municipal Court Costs	12,750	48,058	83,660	70,080	48,564	45,400	25,322	35,600	32,281	48,000	29,183	52,980
	Contingency Reserve	0		50,000	50,000	0			77,930	-	117,240		97,528
	Miscellaneous									-	-	113	-
8900.10	Reconciliation Discrepancies									207	-		-
8900	Miscellaneous		3,633							207	117,240	113	-
8900	Projects	21,500				16,129		63,300					
	Miscellaneous	21,500	3,633	50,000	50,000	16,129	0	7,640	12,610				
	Total Gen Fund Expenditures	562,980	406,210	699,020	661,530	389,222	388,160	368,413	503,840	295,404	417,420	302,508	318,746
	Revenues less Expenditures	0	138,472	-	-	192,935	188,080	106,651	10,060			125,164	

8900	3 Radar Signs and 4 Posts	13,500	Budgeted in 8900 Miscellaneous										
	Recodification												
	Website Development												
	Agenda Mgmt Intial Cost	8,000	Budgeted in 8900 Miscellaneous										
		21,500											

Capital Projects

Revenue	Estimated Balance Forward	80,000	
	Transfers from Reserves	160,000	
Total			215,000
Expenses			
	Street Upgrades	150,000	
Street Total			150,000
	Playground Equipment	35,000	
	Trails	15,000	
	Park Projects	15,000	
Park Total			65,000
Total			215,000

The City of Woodcreek

STATEMENT OF FINANCIAL POSITION

As of July 31, 2019

	TOTAL
ASSETS	
Current Assets	
Bank Accounts	
1003.1 Municipal Court Petty Cash	100.00
1007 TX Regional 061, Operating	325,785.29
1007.5 Municipal Court Funds In Operating Account	-18,771.07
1007.51 MC General Fund	18,732.74
1007.52 MC Security Fund	16.45
1007.53 MC Tech Fund	21.88
Total 1007.5 Municipal Court Funds In Operating Account	0.00
Total 1007 TX Regional 061, Operating	325,785.29
1008 TX Regional 053, Investment	0.00
1008.2 PEG Funds	36,580.78
1008.3 Reserve Funds	544,808.65
Total 1008 TX Regional 053, Investment	581,389.43
1009 TX Regional 095, Bond Proceeds	144.25
1010 Petty Cash	-41.00
1011 TX Regional 819, Payroll Account	10,000.00
1020 Investment Account - Class 0001	469,429.53
Total Bank Accounts	\$1,386,807.50
Accounts Receivable	
1120 Delinquent Taxes Receivable	7,987.61
Total Accounts Receivable	\$7,987.61
Other Current Assets	
1121 Allowance for Uncollectible	-3,676.26
1121.01 1121.01-CPA Debt Service	-716.93
Total 1121 Allowance for Uncollectible	-4,393.19
1124 Sales Tax Receivable	9,124.68
1125 Franchise Fees Receivable	85,302.58
1150 Due From Capital Project Funds To Operating	167,425.08
Total Other Current Assets	\$257,459.15
Total Current Assets	\$1,652,254.26
Fixed Assets	
1200 Office Furniture / Equipment	35,704.46
1225 Land	37,850.00
1226 Building & Improvements	130,602.00
1227 Street Pavement	144,126.00
1228 Street Improvements 2017	1,479,824.71
1231 Storage Building	9,055.00
1233 Radar Sign	3,633.00

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	TOTAL
1235.1 Kawasaki Mule 2016	7,840.64
1240 Accumulated Depreciation - All	-195,372.00
Total Fixed Assets	\$1,659,263.81
Other Assets	
1250 Deferred Revenue	-3,008.25
1250.01 1250.01-CPA Debt Service	-586.58
Total 1250 Deferred Revenue	-3,594.83
1599 1599-CPA Due From General Fund	9,017.86
Total Other Assets	\$5,423.03
TOTAL ASSETS	\$3,310,941.10
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
1901 Accts Payable At Year-End	211,712.66
1902 Municipal Court Funds Payable To State	97.60
2000 Payroll Tax Payable	3,338.42
2020 State Unemployment Liability	10.58
2021 Accrued Wages Payable	6,430.99
2400 Due To Operating From Capital Project Funds	167,425.08
2599 2599-CPA Due To Debt Service Fund	9,017.86
Total Other Current Liabilities	\$398,033.19
Total Current Liabilities	\$398,033.19
Total Liabilities	\$398,033.19
Equity	
9997 Net Investment In Capital Assets	144,132.96
9998 Opening Balance Equity	333,537.47
9999 Retained Earnings	2,290,571.18
Net Revenue	144,666.30
Total Equity	\$2,912,907.91
TOTAL LIABILITIES AND EQUITY	\$3,310,941.10