

City of Woodcreek Regular City Council Meeting

August 14, 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 Regular City Council Meeting on August 14, 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. Invocation

3. Pledge of Allegiance:

A. To the Flag of the United States of America

B. To the Flag of the Great State of Texas

4. Roll Call

5. 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 official, or council appointed committee membership. Delegations of more than five persons shall appoint one person to present their views before the City Council. The City Council may not discuss comment, except to direct information to the appropriate channels for resolution. Comments will be limited to three (3) minutes per speaker.

6. Citizen Communications:

7. Consent Agenda: All the following items are considered self-explanatory by the Council and may be acted upon with one motion. There will be no separate discussion of these items unless a Councilmember or Citizen so requests. For a Citizen to request removal of an item from the Consent Agenda, a written request must be completed and submitted to the City Manager.

A. Approval of the Minutes of the Special City Council Meeting of July 17th, 2019 and the Special City Council Meeting of July 26th, 2019

B. Approval of Financial Statements for July 2019

8. Regular Agenda:

A. Public Hearing on the Proposal to Re-Zone Lot 18, Woodcreek, Section 4-A, 155 Champions Circle, Woodcreek, Texas from SF-1(Single Family Residential) with a Special Use Permit (Commercial Use for Day Rental and Overnight Lodging) to SF-1 (Single Family Residential) and Revoke the Special Use Permit (Commercial Use for Day Rental and Overnight Lodging). This Property is Further Identified by Hays Central Appraisal District Property ID R48940

B. Consider Recommendation from Planning and Zoning on the Proposal to Re-Zone Lot 18, Woodcreek, Section 4-A, 155 Champions Circle, Woodcreek, Texas from SF-1(Single Family Residential) with a Special Use Permit (Commercial Use for Day Rental and Overnight Lodging) to SF-1 (Single Family Residential) and Revoke the Special Use Permit (Commercial Use for

- Day Rental and Overnight Lodging). This Property is Further Identified by Hays Central Appraisal District Property ID R48940
- C. Discussion and Possible Action Regarding the Proposal to Re-Zone Lot 18, Woodcreek, Section 4-A, 155 Champions Circle, Woodcreek, Texas from SF-1(Single Family Residential) with a Special Use Permit (Commercial Use for Day Rental and Overnight Lodging) to SF-1 (Single Family Residential) and Revoke the Special Use Permit (Commercial Use for Day Rental and Overnight Lodging). This Property is Further Identified by Hays Central Appraisal District Property ID R48940
 - D. Executive Session – Pursuant to the Texas Local Government Code Section 551.074 – to Discuss a Possible Communication Work Plan for City Manager Lewis
 - E. Discussion and Possible Action Regarding a Possible Communication Work Plan for City Manager Lewis
 - F. 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
 - G. 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
 - H. 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
 - I. Consider and Take Appropriate Action on Revocation of Authority and Dissolution of “Ordinance Review Committee” (Councilmember Jackson)
 - J. Discussion and Take Appropriate Action on an Ordinance Establishing an Amendment for the City of Woodcreek Code of Ordinances Amending Chapter 152 – Signs; Defining Terms, Providing Penalties, and Providing for Enactment, Repealer, Severability, Codification, and Effective Date, and Finding Proper Notice and Meeting (Councilmember LeBrun, Councilmember Jackson, Citizen Advisory Workgroup)
 - K. Discussion and Take Appropriate Action on Recommended Amendments to Chapter 91: Trees of the Woodcreek Texas Code of Ordinances (Councilmember Jackson, Councilmember Lebrun, Planning & Development Work Group Citizens)
 - L. Consider and Take Appropriate Action on Appointment of the City of Woodcreek Representative to the 2019 Texas Municipal League Business Meeting (Mayor Scheel)
 - M. Consider and Take Appropriate Action on Authorizing the Submission of a Resolution on Pipelines Affecting Texas Cities to the Texas Municipal League (Councilmember Jackson)

- N. Discuss and Take Appropriate Action on the First Consideration of Chapter 30 of the Woodcreek Code of Ordinances as it Relates to the Board of Adjustment (Councilmember LeBrun, Councilmember Jackson, Citizen Advisory Workgroup)
- O. Discussion and Take Appropriate Action on Repealing Resolution No. 14-051401 as it Relates to Establishing Employee Status and Authorizing Pay for Elected Officials
- P. Consider and Take Appropriate Action on Trimming of Trees on all Streets Within the City of Woodcreek (City Manager Lewis)

9. 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.

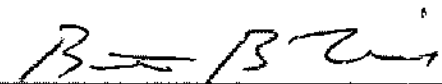
Attendance by Other Elected or Appointed Officials:

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 9th day of August, 2019 at 2:00 p.m.

By: 

 Brenton B. Lewis, City Manager

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APR 11 2021

CITY OF WOODCREEK

Dear Mayor and Woodcreek City Council Members,

My name is Pamela LeCompte and I live at 17 Woodcreek Dr. I have owned my home for five years and love this city and its community. I also own three other properties in the city of Woodcreek. Currently, I am out of town and would like to voice my concern over several pertinent issues.

First, I would like to address the STRs. I would like the current ordinances enforced and to have 155 Champion Circle special use permit terminated. Due to the complaints and violations of the current ordinance, this property needs to be zoned the same as similar properties in Woodcreek, single family zoning.

Second, please revoke the Tree City USA designation and tree ordinance. We don't need more government regulations in our city. The benefits do not outweigh the negatives. I understood the tree ordinance would not affect current owners, only commercial and new development. I own a vacant lot and according to how this ordinance is currently written, I would be greatly penalized if I wanted to remove some trees to build a house on it. What if there is no room to replace the same size tree on the lot? Who will be the one counting the inches and controlling where that replacement tree will go? We don't need rules that are onerous. It is wrong to penalize current owners under this ordinance.

Finally, spending of the City of Woodcreek's funds should be spent for the common good of all residents. Priorities should be security, water and our roads. I hope I will see spending in the 2020-2021 Budget for these issues and less on our Parks and Recreations. I also hope to see more transparency by the current council and less closed-door meetings.

I want to thank you for your service and appreciate the time to voice my concerns.

Respectfully submitted,



Pamela LeCompte

City of Woodcreek Special City Council Meeting
July 17, 2019; 6:30 p.m.
Woodcreek, Texas

Minutes

1. **Call to Order:** Mayor Scheel called the meeting to order at 6:30 p.m.
2. **Invocation**
3. **Pledge of Allegiance:**
 - A. **To the Flag of the United States of America**
 - B. **To the Flag of the Great State of Texas**
4. **Roll Call: Present:** Mayor William P. Scheel, Mayor Pro Tem Nancy Britner, Councilmember Aurora LeBrun, Councilmember Ray Don Tilley, Councilmember Cyndi Jackson, City Manager Lewis, Woodcreek Attorney Casandra Cascos Ortiz, Director of Public Works Frank Wood, City Secretary Linda Land
Absent: Councilmember Eric Eskelund
5. **Public Comments:**

Jana White expressed concern about tree ordinances on lots with existing houses.
Kathy Maldonado expressed concern about council responsibilities, and volunteer procedures and suggested requiring two readings at City Council meetings for ordinances.
Emma Davenport spoke against the short-term rental at 155 Champions Circle
Jeff Rasco spoke about Item 9C and against speeding.
Monica Rasco spoke against Item 9D and spoke for requiring two readings for ordinances.
6. **Citizen Communications:** The following written communications were received and noted:
Suzanne Gordon – support for repealing Ordinance 00-65P
7. **Consent Agenda**
 - A. Approval of the Minutes of the City Council Meeting of June 12th, 2019 and Special City Council Meeting of June 25th, 2019
 - B. Approval of Financial Statements for June 2019

Mayor Pro Tem Britner moved to approve the Consent Agenda in its entirety. Councilmember Jackson seconded the motion, which passed with a vote of 4-0-0.

Mayor Scheel rearranged the Agenda to the following order:
8. **Regular Agenda:**
 - J. **Consider and Take Appropriate Action on a Change in Scope of Services Provided by HOT IT to the City of Woodcreek.** Casey Massey, HOT IT, explained current services and options. Councilmember Jackson moved to accept additions to I.T. services. The motion was seconded by Councilmember LeBrun and passed with a vote of 4-0-0.
 - A. **Discussion and/or Take Appropriate Action on Procedures for Amending and/or Repealing Ordinance No. 00-65P - Special Use Permit #4 - Island House for 155 Champions Circle.** City Manager Lewis explained the public hearing and notification process. Mayor Pro Tem Britner moved to schedule public hearings on Aug. 13, 2019 during the Planning and Zoning Commission Meeting at 5:00 PM and on Aug. 14, 2019 during the City Council Meeting at 6:30 PM. Councilmember LeBrun seconded the motion which passed with a vote of 4-0-0.

- B. Discuss and Take Appropriate Action on a Resolution Cancelling the Regular City Council Meeting of October 9th, 2019 and Scheduling a Special City Council Meeting on October 16th, 2019.** Councilmember Jackson moved to change the date to allow council and staff to attend another meeting. The motion was seconded by Mayor Pro Tem Britner and passed with a vote of 4-0-0.
- H. Discussion and possible action on committee assignments for Wimberley Valley tasks forces.** Hays County Commissioner Lon Shell explained ideas for a Wimberley Valley-wide planning effort. After discussion, Councilmember LeBrun moved to make the following committee assignments: Transportation & Traffic – LeBrun, Britner; Development & Ordinances: Eskelund, Lewis; Water Resources & Wastewater – Jackson, LeBrun; Parks, Open Space & Conservation: Tilley, Britner. The motion was seconded by Mayor Pro Tem Britner and passed with a vote of 4-0-0.
- C. Discussion and Take Appropriate Action on Authorizing the Purchase of One (1) Trailer Mounted Modular Battery and/or Solar Powered Speed Radar Sign.** After discussion, Councilmember Jackson moved to ask the safety committee to come back with a plan for pole locations and pricing for 3 new signs. The motion was seconded by Councilmember Tilley and passed with a vote of 4-0-0.
- D. Discussion and Take Appropriate Action on an Ordinance Establishing an Amendment for the City of Woodcreek Code of Ordinances Amending Chapter 157 – Parks and Recreation; to Establish Policies for Appointments: Terms, Qualifications, Defining Terms, Providing Penalties, and Providing for Enactment, Repealer, Severability, Codification, and Effective Date, and Finding Proper Notice and Meeting.** Mayor Pro Tem Britner removed this item from agenda consideration.
- E. Discussion and Take Appropriate Action on an Ordinance Establishing an Amendment for the City of Woodcreek Code of Ordinances Amending Chapter 152 – Signs; Defining Terms, Providing Penalties, and Providing for Enactment, Repealer, Severability, Codification, and Effective Date, and Finding Proper Notice and Meeting.** After discussion, Councilmember LeBrun moved to send proposed changes to Chapter 152 in the Code of Ordinances to the Ordinance Review Committee for review and proper changes. The motion was seconded by Councilmember Jackson and passed with a vote of 4-0-0.
- F. Discussion and Take Appropriate Action on an Ordinance Establishing the Creation of a Noise Ordinance Known as Chapter 97: Noise Under Title IX: General Regulations; Providing for Enactment, Repealer, Severability, Codification, and Effective Date, and Finding Proper Notice and Meeting.** After discussion, Councilmember LeBrun moved to adopt the ordinance as presented. The motion was seconded by Councilmember Jackson and passed with a vote of 4-0-0.
- G. Discussion and Possible Appropriate Action regarding the City of Woodcreek 2030 Comprehensive Plan Goals, Objectives, & Strategies.** Councilmember Jackson explained the process for developing the 2030 Plan and reviewed each of the goals. Councilmember Tilley moved to adopt the 2030 Comprehensive Plan. After discussion and legal advice to make a grammatical change in the adopting ordinance and to add the effective date,

the motion was seconded by Councilmember Jackson. The motion passed with a vote of 4-0-0.

- I. Consider and Take Appropriate Action on an Ordinance Calling and Ordering the General Election to be Held on November 5th, 2019 for the Purpose of Electing a Mayor and Two Councilmembers.** City Attorney Ortiz suggested language changes about early voting to meet state requirements. Councilmember Jackson moved to adopt the ordinance as discussed. The motion was seconded by Mayor Pro Tem Britner and passed with a vote of 4-0-0.
- K. Consider and Take Appropriate Action on Trimming of Trees on all Streets Within the City of Woodcreek.** After discussion, staff was directed to get more bids.
- L. Discussion and Take Appropriate Action on the Possible Modifying of the Guardrail Fencing at the Box Culverts on Brookhollow Drive.** After discussion, Councilmember LeBrun made a motion to table this item and explore other options in consultation with legal counsel. Councilmember Tilley seconded the motion which passed with a vote of 4-0-0.
- M. Consider and Take Appropriate Action on an Ordinance to Amend the 2018-2019 Fiscal Year Budget.** After discussion, Councilmember Jackson moved to adopt the presented ordinance. The motion was seconded by Councilmember LeBrun which passed with a vote of 4-0-0.
- N. Discussion and Take Appropriate Action on Transparency Stars, Additional Costs, and Requiring Pay Checks be Direct Deposit Only.** Councilmember Tilley moved to approve the additional costs and changes. The motion was seconded by Councilmember Jackson which passed with a vote of 4-0-0.
- O. Consider and Take Appropriate Action on a Resolution Establishing a City of Woodcreek Payroll Bank Account and Designating Authorized Signatures.** Councilmember Jackson moved to adopt the resolution as presented. The motion was seconded by Councilmember LeBrun which passed with a vote of 4-0-0.
- P. Consider and Take Appropriate Action on House Bill Number 2439 as it Relates to Chapter 151: Building Regulations; Construction and Chapter 156: Zoning - Masonry Requirements.** After discussion, Councilmember Tilley moved for City Council to recognize that as of September 1, the city will no longer be able to enforce ordinances that conflict with House Bill 2439. The motion was seconded by Councilmember LeBrun which passed with a vote of 4-0-0.
- Q. Hold an Executive Session to Consult with the City Attorney Regarding City Council Responsibilities and Reporting Pursuant to Section 551.071 of the Government Code, Consultation with the City Attorney.**

Adjourn into Executive Session: 8:59 p.m.

Return to Regular Session: 9:12 p.m.

- R. Discuss and/or Take Appropriate Action Regarding City Council Responsibilities and Reporting.** Councilmember Tilley moved that Council

submit written reports that would be included in the packet and anything that requires discussion will be an agenda item. The motion was seconded by Mayor Pro Tem Britner and passed with a vote of 4-0-0.

9. Report Items:

- A. Director of Public Work's Monthly Report (Director of Public Works Frank Wood)**
- B. City Manager's Monthly Public Report (City Manager Brenton Lewis)**
- C. Council Responsibilities Reports**
 - i City Hall (Mayor Scheel)**
 - ii Planning & Development (Councilmember LeBrun)**
 - iii Public Safety (Mayor Pro-Tem Britner)**
 - iv Communications (Councilmember Tilley)**
 - v Community Affairs (Mayor Scheel)**
 - vi Infrastructure (Councilmember LeBrun)**
 - vii Parks and Recreation (Councilmember Tilley)**
 - viii Executive/Administrative (Mayor Scheel)**

10. Adjourn. There being no further business, the meeting was adjourned at 9:13 p.m.

William P. Scheel, Mayor

Linda Land, City Secretary

City of Woodcreek Special City Council Meeting

July 26, 2019; 10:00 a.m.

Woodcreek, Texas

Minutes

- 1. Call to Order:** Mayor Scheel called the meeting to order at 10:00 a.m.
- 2. Roll Call: Present:** Mayor William P. Scheel, Mayor Pro Tem Nancye Britner, Councilmember Aurora F. LeBrun, Councilmember Ray Don Tilley, Councilmember Cyndi Jackson, Councilmember Eric Eskelund, City Manager Lewis, Director of Public Works Frank Wood, Office Administrator Maureen Mele, City Secretary Linda Land.
Absent: Woodcreek Attorney Casandra Ortiz
- 3. Executive Session for the Deliberation Regarding Real Property, Pursuant to Chapter 551.072 of the Texas Government Code.**

Adjourn into Executive Session: 10:03 a.m.

Return to Regular Session: 10:25 a.m.

Suzanne Gordon spoke against using the lot on the Southeast corner of the entrance to Woodcreek for recreation and expressed concerns about parking and drainage.

- 4. Discuss and/or Take Appropriate Action Regarding Real Property.** Councilmember Jackson moved to authorize Councilmember Tilley and City Manager Lewis to negotiate for some property on behalf of the City of Woodcreek. The motion was seconded by Councilmember LeBrun and passed with a vote of 5-0-0.
- 5. Budget Workshop for the 2019-2020 Fiscal Year**
- 6. Adjourn.** There being no further business, the meeting was adjourned at 1:08 p.m.

William P. Scheel, Mayor

Linda Land, City Secretary

7A

Treasurer's Report

For the Period: October 2018 - July 2019

Percent Complete: 83.33%

	2018-2019			2017-2018			Y/Y Monthly Comparison		
	YTD	Budget	%	YTD	Budget	%	Jul-19	Jul-18	Difference
Revenues									
3000 Ad Valorem Tax Revenue	268,262	280,000	96%	282,157	280,000	101%	1,049	2,845	(1,796)
3005 State Sales Tax Revenue	47,564	50,000	95%	40,457	50,000	81%	5,088	4,190	897
3010 Mixed Beverage Tax & Fees Rev	501	1,000	50%	636	1,000	64%	-	178	(178)
3020 Electric Franchise Fee Revenue	32,887	34,000	97%	23,900	34,000	70%	6,146	6,952	(806)
3030 Cable Services Franchise Rev	29,979	30,000	100%	19,533	39,000	50%	-	-	-
3040 Water Service Franchise Revenue	91,567	96,000	95%	27,688	95,000	29%	8,929	9,372	(443)
3050 Disposal Service Franchise Rev	16,935	14,500	117%	16,759	16,800	100%	4,865	3,027	1,838
3060 Telephone Franchise Revenue	944	1,500	63%	886	2,000	44%	3	3	0
3070 Golf Course Franchise Revenue	650	500	130%	500	500	100%	150	-	150
3080 Reimbursements	866	500	173%	-	-	n/a	528	-	528
3090 Development Revenue	-	15,000	0%	-	-	n/a	-	-	-
3090.01 Residential	15,812	-	n/a	21,701	-	n/a	3,405	4,556	(1,151)
3090.02 Commercial	612	-	n/a	9,631	-	n/a	-	-	-
3090.03 Other	804	-	n/a	5,000	38,000	13%	-	1,500	(1,500)
Total 3090 Development Revenue	17,227	15,000	115%	36,332	38,000	96%	3,406	6,056	(2,651)
3093 Liquor License Revenue	1,310	560	234%	-	-	n/a	750	-	750
3095 Sign Fees	265	500	53%	770	940	82%	45	70	(25)
4000 Interest Income	28,025	29,500	95%	5,213	8,000	65%	3,006	1,028	1,978
4010 Other Revenue	791	2,500	32%	2,370	3,000	79%	20	50	(30)
4015 Oak Wilt Containment	-	-	n/a	-	-	n/a	-	-	-
4020 Municipal Court Revenue	909	1,500	61%	2,740	3,000	91%	272	1,301	(1,029)
4040 Donations Received	6,000	6,000	100%	-	5,000	0%	-	-	-
4050 General Fund Transfer	-	135,460	0%	-	-	n/a	-	-	-
Uncategorized Revenue	-	-	n/a	-	-	n/a	-	-	-
Total Revenues	504,880	638,020	79%	458,941	575,240	80%	34,257	35,073	(816)

Expenditures									
5000 Personnel Services	-	-	n/a	-	-	n/a	-	-	-
5000.01 Salaries and Wages	123,923	150,700	82%	106,672	143,900	74%	11,216	11,769	(553)
5000.02 Ins Expense Reimbursement	6,632	7,200	92%	1,000	-	n/a	663	100	563
5000.03 City Manager Vehicle Reimbursement	6,958	8,350	83%	6,958	8,350	83%	696	696	-
5000.05 Elected Official Pay	630	840	75%	740	840	88%	-	70	(70)
5000.20 Payroll Tax Expense	10,174	11,500	88%	11,445	11,900	96%	913	960	(48)
5000.40 Retirement	10,860	13,600	80%	7,984	9,370	85%	993	1,022	(29)
5000.50 Direct Deposit Expense	-	-	n/a	-	-	n/a	-	-	-
5000.51 Health Insurance Stipend	-	-	n/a	-	3,600	0%	-	-	-
Total 5000 Personnel Services	159,177	192,630	83%	134,800	177,960	76%	14,481	14,617	(136)
5500 Office Expenses	-	-	n/a	-	-	n/a	-	-	-
5500.05 Bank Fees & Charges	(216)	(220)	98%	89	-	n/a	-	47	(47)
5500.10 City Hall Maintenance / Repairs	2,014	2,500	81%	1,467	2,000	73%	424	-	424
5500.20 Cleaning Costs	1,250	1,500	83%	1,125	1,500	75%	125	125	-
5500.30 IT & Radio Expenses	1,625	1,000	163%	69	700	10%	924	-	924
5500.40 Newsletter	-	-	n/a	-	-	n/a	-	-	-
5500.50 Office Supplies	3,674	4,500	82%	1,712	2,000	86%	218	156	62
5500.60 Postage & Shipping	690	1,500	46%	1,259	1,800	70%	-	504	(504)
5500.61 Printing & Reproduction	3,777	5,000	76%	4,479	6,000	75%	231	231	-
5500.70 Storage Rental	108	110	98%	971	1,250	78%	-	108	(108)
5500.80 Software & Subscriptions	5,219	7,000	75%	4,915	8,300	59%	219	219	-
Total 5500 Office Expenses	18,141	22,890	79%	16,086	23,550	68%	2,141	1,389	751
6000 Professional Services	-	-	n/a	-	-	n/a	-	-	-
6000.01 Audit Expense	9,860	9,860	100%	9,100	9,100	100%	-	-	-
6000.10 Codification	1,384	4,000	35%	1,782	3,000	59%	-	954	(954)
6000.11 Contract Labor	-	3,000	0%	-	500	0%	-	-	-
6000.15 Engineering	16,725	20,000	84%	7,831	10,000	78%	3,034	1,155	1,879
6000.20 Legal Expenses	33,406	40,000	84%	15,522	20,000	78%	3,276	40	3,236
6000.30 IT Services	6,585	8,000	82%	6,834	8,500	80%	569	738	(169)
6000.40 Accounting	8,917	10,000	89%	7,337	10,000	73%	1,916	729	1,187
Total 6000 Professional Services	76,876	94,860	81%	48,405	61,100	79%	8,795	3,616	5,179
6500 Area Care/Maintenance	-	-	n/a	-	-	n/a	-	-	-
6500.01 Deer Removal	900	1,200	75%	675	1,000	68%	-	150	(150)
6500.15 Mowing	1,228	3,000	41%	960	1,200	80%	210	-	210
6500.20 Oak Wilt Containment	-	-	n/a	-	-	n/a	-	-	-
6500.21 Outdoor Beautification	7,730	30,000	26%	5,840	15,000	39%	-	160	(160)

7B

	2018-2019			2017-2018			Y/Y Monthly Comparison		
	YTD	Budget	%	YTD	Budget	%	Jul-19	Jul-18	Difference
6506.25 ROW Tree Trimming	-	15,000	0%	6,215	12,000	52%	-	4,715	(4,715)
6506.28 Street Maintenance	45,453	150,000	30%	1,255	1,300	97%	-	1,209	(1,209)
6506.31 Street Signs	2,756	4,000	69%	30	750	4%	235	-	235
6506.35 Storm Damage Reserve	-	1,000	0%	-	7,000	0%	-	-	-
6506.40 Tree Limb Pick-Up	-	-	n/a	-	-	n/a	-	-	-
6506.50 Equipment Maintenance	1,485	2,500	59%	285	-	n/a	-	-	-
Total 6500 Area Care/Maintenance	59,552	206,700	29%	15,250	38,250	40%	445	6,234	(5,789)
7000 Other Operating Expenses	-	-	n/a	-	-	n/a	-	-	-
7000.01 Ad Valorem Tax Expense	2,270	2,500	91%	2,317	3,100	75%	-	-	-
7000.02 Building Inspections	8,265	8,000	103%	5,130	6,500	79%	1,010	1,265	(255)
7000.03 Code Compliance	-	1,500	0%	1,898	2,000	95%	-	-	-
7000.04 Dues & Membership	2,472	3,000	82%	2,683	3,000	89%	-	135	(135)
7000.05 Election Expense	3,552	3,560	100%	-	-	n/a	-	-	-
7000.10 Depreciation Expense	-	-	n/a	-	-	n/a	-	-	-
7000.15 Meeting Expense	1,141	500	228%	1,048	1,600	65%	151	14	137
7000.20 Public Notices	3,494	1,500	233%	990	2,000	50%	99	99	-
7000.20 Travel & Vehicle Exp Reimb.	1,255	1,500	84%	3,401	4,000	85%	-	-	-
7000.31 Elected Official Travel	931	3,000	31%	-	-	n/a	-	-	-
7000.40 Training & Prof Development	-	-	n/a	3,197	5,000	64%	-	640	(640)
7000.41 Elected Body	1,675	2,500	67%	-	-	n/a	665	-	665
7000.42 Staff	2,362	4,000	59%	-	-	n/a	(985)	-	(985)
7000.50 Community Relations	1,990	3,000	66%	-	-	n/a	90	-	90
Total 7000 Other Operating Expenses	29,408	34,560	85%	20,664	27,200	76%	1,030	2,153	(893)
7500 Utilities	-	-	n/a	-	-	n/a	-	-	-
7500.10 City Hall Utilities	2,566	3,000	86%	2,367	3,200	74%	277	262	15
7500.20 Outdoor Utilities	2,695	4,000	67%	2,893	4,000	72%	239	320	(82)
7500.30 Telephones & Internet	2,588	3,200	81%	3,380	4,000	84%	286	278	8
Total 7500 UTILITIES	7,849	10,200	77%	8,640	11,200	77%	802	860	(58)
8000 Insurance	3,514	3,520	100%	3,288	3,500	94%	-	-	-
8020 Municipal Court Costs	-	-	n/a	-	-	n/a	-	-	-
8020.20 MC Judge	3,000	3,600	83%	2,500	3,500	71%	300	250	50
8020.25 Misc. Court Costs	6,313	8,500	74%	4,395	5,000	88%	226	-	226
8020.30 Prosecutor	6,352	7,000	91%	4,465	6,000	74%	933	40	893
8020.40 State Comptroller Costs	567	700	81%	302	700	43%	195	-	195
8020.41 Supplies	-	200	0%	47	200	24%	-	-	-
8020.60 Public Safety	31,826	63,660	50%	21,255	30,000	71%	-	-	-
Total 8020 Municipal Court Costs	48,058	83,660	57%	32,964	45,400	73%	1,654	290	1,364
8900 Miscellaneous	-	-	n/a	47	-	n/a	-	-	-
8900.10 Reconciliation Discrepancies	-	-	n/a	-	-	n/a	-	-	-
8900.20 Contingency Reserve	-	50,000	0%	-	-	n/a	-	-	-
Total 8900 Miscellaneous	-	50,000	0%	47	-	n/a	-	-	-
9077 General Fund Accrual	-	-	n/a	-	-	n/a	-	-	-
Unapplied Cash Bill Payment Expenditure	-	-	n/a	-	-	n/a	-	-	-
Total Expenditures	407,575	639,020	58%	280,154	386,160	73%	29,348	29,159	189
Net Operating Revenue	142,105	-	n/a	179,787	188,080	96%	4,910	5,914	(1,754)
Other Revenue	-	-	-	-	-	-	-	-	-
4010 Proceeds from Capital Leases	-	-	n/a	-	-	n/a	-	-	-
8500 Capital Improvement Income	144	-	n/a	3,770	-	n/a	0	93	(93)
Other Expenditures	-	-	-	-	-	-	-	-	-
8506.25 Capital Improvement Expense	-	-	n/a	-	-	n/a	-	-	-
8001 Capital Lease Principal	-	-	n/a	-	-	n/a	-	-	-
8002 Interest on Capital Lease	-	-	n/a	-	-	n/a	-	-	-
8085 Bond Interest Paid	-	-	n/a	-	-	n/a	-	-	-
8008.01 Capital Expenditures - CY	3,633	-	n/a	16,856	20,000	84%	-	9,055	(9,055)
8008.01 Capital Project Expenditures - FY	-	-	n/a	-	-	n/a	-	-	-
8008.11 2017 Street Improvements	108,183	-	n/a	1,007,760	-	n/a	-	-	-
8008.13 2017 Street Improvements Leases	-	-	n/a	20,369	-	n/a	-	-	-
8010.01 Sinking Fund Revenue	(192,096)	-	n/a	(148,110)	-	n/a	(740)	(1,001)	262
8010.02 Sinking Fund Interest	17,678	-	n/a	7,529	-	n/a	8,114	-	8,114
8010.03 Sinking Fund Principal	172,000	-	n/a	143,000	-	n/a	-	-	-
8000.02 Other Miscellaneous Expenditure	(211,816)	-	n/a	(1,188,595)	-	n/a	-	(9,055)	-
8088 Reconciliation Discrepancies	-	-	n/a	-	-	n/a	-	-	-
Net Other Revenue	2,562	-	n/a	144,352	(20,000)	-722%	(7,375)	1,094	586
Net Revenue	144,667	-	n/a	324,139	168,080	79%	22,433	7,008	15,163

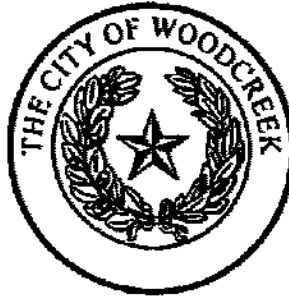
The City of Woodcreek

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	130,802.00
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

	TOTAL
1235.1 Kawasaki Mule 2016	7,840.64
1240 Accumulated Depreciation - Ali	-195,372.00
Total Fixed Assets	\$1,653,263.81
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



Public Notice

The City of Woodcreek proposes to re-zone Lot 18, Woodcreek Section 4-A, 155 Champions Circle, Woodcreek, Texas, from SF-1 (single family residential) with a Special Use Permit (commercial use for day rental and overnight lodging) to SF-1 (single family residential) and revoke the Special Use Permit (commercial use for day rental and overnight lodging). This property is further identified by Hays Central Appraisal District Property ID R48940.

On Tuesday, August 13, 2019 at 5:00 p.m., the Woodcreek Planning and Zoning Commission will conduct a public hearing at Woodcreek City Hall, 41 Champions Circle, Woodcreek, Texas of this re-zoning. On Wednesday, August 14, 2019, the Woodcreek City Council will conduct a public hearing at its regularly scheduled meeting set to begin at 6:30 p.m. at Woodcreek City Hall, 41 Champions Circle, Woodcreek, Texas and possibly take action.

This notice is issued pursuant to Chapter 211 of the Texas Local Government Code, Chapter 156 of the City of Woodcreek Code of Ordinances and Ordinance No. 00-65P (Special Use Permit #4—Island House). Interested parties may contact the City of Woodcreek for more information. All interested parties are encouraged to attend and testify before the Commission and/or Council.

Posted 7/23/2019 4:15 p.m. J. Land



City of Woodcreek

Public Notice

July 24, 2019

Re: Short Term Rental at 155 Champions Circle

Dear Property Owner,

Your property is located within 200 feet of 155 Champions Circle. Please see the attached official notice.

This notice serves to inform you that two public hearings will be held to discuss the Short Term Rental Status of the property at 155 Champions Circle. The public hearings will be held on August 13, 2019 at 5:00pm and also at August 14, 2019 at 6:30pm. The location of the public hearings are at Woodcreek City Hall at 41 Champions Circle, Woodcreek.

Thank you for your attention,

A handwritten signature in black ink, appearing to read "Brenton B. Lewis".

Brenton B. Lewis, City Manager

155 Champions Circle
Property Owners Within 200 Feet

LOT NO.	LAST NAME	FIRST NAME	STREET	CITY	STATE	ZIP	WOODCREEK ADDRESS
R48940	OLIVER	MS. SUZANNE	350 SCENIC WAY	WIMBERLEY	TX	78676	155 CHAMPIONS CIRCLE
R48941	DAVENPORT	DRS. MEREDITH AND ANDY	153 CHAMPIONS CIR	WOODCREEK	TX	78676	SAME
R48942							
R48943	LASSETTER	MR. AND MRS.	4 TREMONT TRACE	WOODCREEK	TX	78676	SAME
R48944	ETHEREDGE	MR. AND MRS.	6 TREMONT TRACE	WOODCREEK	TX	78676	SAME
R48939	SHARP	MS. LINDA	10 CHISHOLM TRAIL	WIMBERLEY	TX	78676	157 CHAMPIONS CIR
R48938	HARRINGTON	MR. AND MRS.	159 CHAMPIONS CIR	WOODCREEK	TX	78676	SAME
R48937	FELLOWS	MS. VIRGINIA	161 CHAMPIONS CIR	WOODCREEK	TX	78676	SAME
R48917	ROBERT MORRISON	ESTATE OF	14425 FRIENDSWOOD LANE	AUSTIN	TX	78737	
R48916	EDGAR	MR. AND MRS.	148 CHAMPIONS CIR	WOODCREEK	TX	78676	SAME
R48915	GERMAIN	MR. AND MRS.	149 CHAMPIONS CIR	WOODCREEK	TX	78676	SAME
R48914	PRICE	MR. PASCHAL	146 CHAMPIONS CIR	WOODCREEK	TX	78676	SAME
R48956	ALVORD	MS. MARY	5 TREMONT TRACE	WOODCREEK	TX	78676	SAME
R52669	PARTNERS LTD	WIMBERLEY SPRINGS	31 W. VALLEY SPRINGS RD	WIMBERLEY	TX	78676	SAME
R60944	WATER RESORT LLC	WIMBERLEY	1600 BELLEWOOD LANE	CANYON LAKE	TX	78133	1 WOODCREEK CIR



City of Woodcreek

July 29, 2013

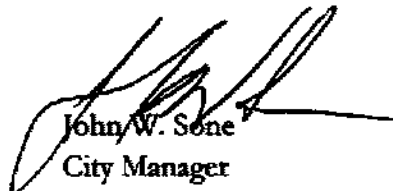
H. Winston Ault
201 Blue Hole Ln
Wimberley, TX 78676

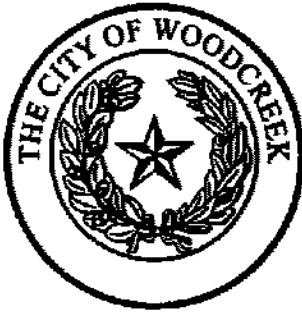
Dear Mr. Ault:

The City of Woodcreek Board of Adjustment convened on July 22, 2013, to consider your request for a Special Use Permit to allow your property at 155 Champions Ci (doing business as Island House) to be used for day rental and overnight lodging.

The City approved the attached ordinance, a copy of which will be placed into the permanent record for 155 Champions Circle.

Sincerely,


John W. Sone
City Manager




THE STATE OF TEXAS §

COUNTY OF HAYS §

I, John W. Sone, City Manager of the City of Woodcreek, Texas, do hereby certify that the foregoing instrument is a true and correct copy of City of Woodcreek Ordinance No. 00-65P consisting of two (2) pages, as approved by the City Council of Woodcreek, Texas, at a Called Meeting on the 22nd day of July 2013, as on file at the Woodcreek City Hall.

WITNESS my hand and official seal of the City of Woodcreek at Woodcreek, Texas, this 29th day of July 2013.



JOHN SONE
CITY MANAGER
CITY OF WOODCREEK, TEXAS

**ORDINANCE NO. 00-65P
SPECIAL USE PERMIT #4 – ISLAND HOUSE**

**AN ORDINANCE OF THE CITY OF WOODCREEK, TEXAS,
AMENDING THE ZONING ORDINANCE BY ISSUANCE OF A
SPECIAL USE PERMIT FOR A TRACT OF LAND WHICH PERMIT
SHALL BE IN ADDITION TO THE CURRENT ZONING OF THE LAND;
MAKING FINDINGS OF FACT AND PROVIDING FOR RELATED
MATTERS**

WHEREAS, the owner of the Property described hereinafter (“the Property”) has requested that the Property be rezoned, amending a Special Use Permit currently applicable to the Property; and

WHEREAS, the Property is zoned “Residential Single Family 1”, and has operated as an overnight rental business for three years, without a Special Use Permit (the “Permit”), not subject to the conditions established by the governing body; and

WHEREAS, after the Planning and Zoning Commission reviewed this Special Use Permit request and forwarded its recommendations to the City Council, and after giving ten days’ written notice to the owners of land within two-hundred feet of the Property, City Council held a public hearing on the proposed Special Use Permit; and

WHEREAS, after publishing notice of a public hearing at least fifteen days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in zoning of the Property, has transpired;

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Amendment of Zoning Ordinance. Ordinance 00-65O, as amended, the City of Woodcreek Zoning Ordinance (the “Zoning Ordinance”), is hereby modified and amended by issuing a Special Use Permit permitting additional and conditional uses of the Property, as set forth in Section 3.

Section 3. Property Granted a Special Use Permit. The subject Property is located:

155 Champions Circle, Woodcreek, Texas (Woodcreek Section 4-A Lot 18)

Ordinance 00-65P, Special Use Permit 155 Champions Circle

is and shall remain zoned as Single Family 1. The Zoning Ordinance allows for additional or conditional uses to be permitted that are in addition to the current zoning, through a Special Use Permit. The Property is accordingly hereby granted a Special Use Permit to allow for the following additional and conditional uses, in addition to the uses permitted in the current zoning district in which property is located, to-wit: commercial use for day rental and overnight lodging.

Section 4. Special Use Permit Conditions. The Special Use Permit authorized herein shall be effective upon passage. The terms and conditions for the Special Use Permit conditions are:

Occupants for overnight rental are not to exceed six (6) guests (two per bedroom). No more than four (4) cars may be parked on the premises at one time. No fireworks or firearms will be allowed on the premises. Guests must maintain a quiet noise level appropriate to a residential neighborhood. No additional commercial uses are permitted on this property, including but not limited to food preparation and service. The property must be insured as a day rental operation. Violations of City Ordinances and/or State Law by tenants and/or their guests may result in citations being issued to the property owner. Violations of City Ordinances and/or State Law may result in the termination of this Special Use Permit.

Section 5. Revocation. The City may terminate or revoke the Permit for failure to comply with the terms and conditions herein stated. Upon notice to the owner of a violation on the Property, the City Council may hold a public hearing to immediately revoke the permit authorized herein.

Section 6. Open Meetings. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meeting Act, Chapt. 551, Loc. Gov't Code.

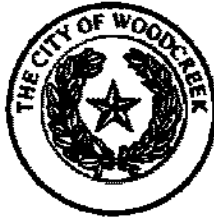
PASSED AND APPROVED this, the 22nd day of July, 2013, by a 3 (ayes) to 0 (nays) and 0 (abstentions) vote of the City Council of Woodcreek, Texas.

CITY OF WOODCREEK


Eric C. Eskelund, Mayor

ATTEST:


John Sone, City Manager



APPLICATION FOR CITY OF WOODCREEK CITIZEN COMPLAINT (Page 1 of 3)

TO: CITIZEN COMPLAINANT WISHING TO FILE A COMPLAINT AGAINST ANOTHER CITIZEN

THESE SPECIFIC POINTS ARE UNDERSTOOD BY THE UNDERSIGNED:

- 1) The citizen must, in good faith, make full, fair, and honest disclosure of all facts and circumstances known to him/her at the time this application for complaint is filed. The facts, as presented, must be in the form of an affidavit and provided under oath. Said affidavit will form the basis of any further investigation and the charging instrument.
- 2) The citizen-complainant must be sworn and sign both the application for complaint and the complaint (when prepared by the city prosecutor).
- 3) The citizen-complainant must be willing to appear in Court to testify against the defendant if the charges are contested (i.e., the accused pleads not guilty).
- 4) The prosecutor reserves the right to subpoena the presence of the citizen-complainant and enforce the subpoena by ordering a police officer to bring the citizen-complainant to Court.
- 5) The defendant may file a counter-complaint if the citizen-complainant has also been involved in some illegal activity. Please be advised that any statement made at this time or in the future to a police officer, prosecutor, or other city investigative personnel may be used against you should the counter-complaint go forward to trial. Please be advised that when speaking to the prosecutor, the prosecutor represents the State of Texas, and no attorney-client relationship is established by any communications with regard to the application for the complaint or any matters related thereto.
- 6) Once this complaint is accepted by the prosecutor and filed with the court, only the judge, upon recommendation of the prosecutor, has the authority to dismiss a complaint.



Citizen-Complainant Signature

6 July, 2019

Date

APPLICATION FOR COMPLAINT

DATE: 6 July, 2019
COMPLAINANT'S NAME: Louis Davenport
ADDRESS: 153 Champion Cir
CITY, STATE, ZIP: Wimberley, TX, 78676
PHONE (HOME): 512-262-9969 WORK: _____

NAME OF DEFENDANT: _____
ADDRESS: 155 Champion Cir
CITY, STATE, ZIP: Wimberley, TX, 78676
PHONE (HOME): _____ WORK: _____
PLACE OF EMPLOYMENT: _____

DESCRIPTION OF DEFENDANT

RACE: _____ SEX: _____ DATE OF BIRTH: _____
WEIGHT: _____ BODY STYLE: _____ AGE: _____

VEHICLE INFORMATION (IF APPLICABLE)

MODEL: _____ MAKE: _____ YEAR: _____
COLOR: _____ BODY STYLE: _____ SPECIAL FEATURES: _____
LICENSE PLATE: _____ STATE OF REGISTRATION: _____

DATE OF OFFENSE: _____ TIME OF OFFENSE: _____
LOCATION OF OFFENSE: 155 Champion Cir, Wimberley, TX 78676
TYPE OF PREMISES: Short-Term Rental Business in Residential Setting

WHAT IS YOUR COMPLAINT? (Describe with as much detail as possible - use as many pages as necessary to fully, fairly, and honestly relate all material facts and circumstances.)

Please see attached:

1. Application for City of Woodcreek Citizen Complaint - Narrative
Re: 155 Champion Circle - Short-Term Rental (STR).
2. E-mail to City Council from Meredith Davenport, 12 June, 2019
3. Multi-media files located at website: <http://155cc.weebly.com>

APPLICATION FOR CITY OF WOODCREEK CITIZEN COMPLAINT (Page 3 of 3)

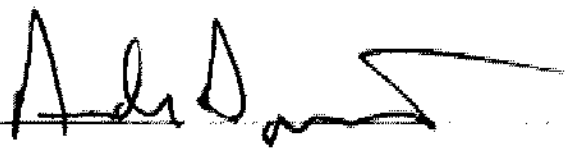
LIST OF WITNESSES (Use additional pages if necessary.)

NAME: Meredith Davenport
ADDRESS: 153 Champion Cir
CITY, STATE, ZIP: Wimberley, TX, 78676
PHONE (HOME): 512-262-9969 WORK:

NAME: Emma Davenport
ADDRESS: 35 Brookmeadow St
CITY, STATE, ZIP: Wimberley, TX, 78676
PHONE (HOME): 210-363-1187 WORK:

NAME:
ADDRESS:
CITY, STATE, ZIP:
PHONE (HOME): WORK:

I swear that the statements made herein are within my personal knowledge and are true and correct.

 7/11/19
Citizen Complainant's Signature Date

 7/11/19
Court Clerk's Signature Filing Date

DO NOT WRITE BELOW THIS LINE

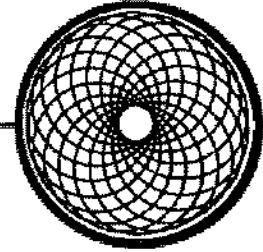
REVIEWED BY: _____ (City Prosecutor)

RECOMMENDATION: _____

OFFICE OF LOUIS A. DAVENPORT, MD, MPH

153 Champion Cir, Wimberley, TX 78676

LDAVENPO@GMAIL.COM



**Application for City of Woodcreek Citizen Complaint - Narrative
Re: 155 Champion Circle - Short-Term Rental (STR)**

To Whom It May Concern,

The purpose of this complaint is to follow procedural guidance regarding how we are to address the challenging situation of having a short-term rental (STR) business located immediately next door to our residence. Communicating our concerns to the property manager has produced no noticeable improvements. I have been advised during a meeting with Brenton Lewis, Linda Land, and Meredith Davenport on 14 June, 2019 at Woodcreek City Hall that a formal complaint is required in order to investigate and determine a resolution. This accounting is supplemental to the "APPLICATION FOR CITY OF WOODCREEK CITIZEN COMPLAINT" dated 6 July, 2019.

My complaint specifically is that allowing the property at 155 Champion Circle to operate as a business for a short-term rental is negatively impacting the ability for our family to live within an environment appropriate to our residential neighborhood.

My wife, Meredith, has already articulated the substance of our concerns in a message drafted to the City Council on 12 June, 2019. That message is attached as an addendum for reference. I would like to take a moment to summarize the points we feel are most important as a result of what seems to be a very high turnover rate of renters staying at 155 Champion Circle.

1. **QUALITY OF LIFE** - The actions of these renters are consistently interfering with the ability of our family to live under the same peaceful, residential environmental conditions afforded all other residents of Woodcreek who do not live immediately next door to a hospitality business. I'd like to express my understanding that the actions in-and-of-themselves may not necessarily be incompatible with residential living, rather it is the continuous nature of these insults that mandate this complaint. Any family might, on occasion, have a pool party at 11pm, though likely only once or twice a year for some special occasion. Renters are using the house at 155 Champion Circle for these exact special occasions and they are doing the things they likely wouldn't normally do in their own house and lives. The problem is that the next renters do the same, and then the next the same, and so on. For the renters, their rental may be a rare special occasion, but to we neighboring residents it is an intrusion that occurs every few days. It is a never-ending party there and it is severely impacting the quality of our lives.

2. **SAFETY** - With the constant turnover of renters at 155 Champion Circle, we never know what people are within mere feet of our property. We have children (ages 8, 12, and 13) who know neighbors up and down our road and want to go out and play, but we never know from one day to the next who is next door to us. Of course they are likely good people, but for the most part they have come to party. Recently there was a group of young men staying there drinking in the back yard. Though there may be nothing wrong with that per se, since we didn't know them at all, their increasing level of "fun" made us anxious about letting our young children be in our own yard without our direct supervision. We have no way to gain any security of knowing our neighbors when they change out every few days. This causes us considerable anxiety for the safety and wellbeing of our children, our family, and of our Woodcreek neighborhood.

At our meeting on June 14th we were advised to document examples of conditions supporting our position and any specific violations of the Special Use Permit. Though walking out on our back porch in the middle of the night to try and make a recording was awkward and uncomfortable at first, our frustration with the constancy of this intrusion led me to install a security system with video monitoring.

According to the City of Woodcreek Ordinance No. 00-65P "Special Use Permit #4 - Island House", Section 4 specifies the terms and conditions which are summarized as:

1. * **Not to exceed 6 guests**
2. * **No more than 4 cars on the premises at one time**
3. **No fireworks or firearms**
4. * **Guests must maintain a quiet noise level appropriate to a residential neighborhood**
5. **No additional commercial uses**
6. * **Property must be insured as a day rental**

(Asterisk/bold are conditions we believe to be in violation.)*

The following are the pertinent items we have been able to document over just the past three weeks. We will continue to track and document similar items but are submitting what we have now in time for the Woodcreek City Hall meeting for July 2019.

Please recognize that the following are descriptions only. It is critical to review the online photos and video to have a complete understanding. I will include pictures emphasizing the dates/times, but hearing and seeing what we live with will make it real.

Audio/Video documentation can be accessed at <http://155cc.weebly.com>.

1. Not to exceed 6 guests
 - a) It seems too intrusive/awkward to document the specific guests. I can attest, however, that on many occasions there have been more than 6 guests (there have been 9 over the July 4th weekend - one of the renters there shared with me a description the of all the people who were there with her).

2. No more than 4 cars on the premises at one time
 - a) 07/04/19 - there are 6 cars on the premises (5 cars on the property a 6th across the driveway. I watched a person walk from and back to 155CC from the 6th car.)
 - b) PHOTOS
 - i. "Five Vehicles" and "Six Vehicles"

3. No fireworks or firearms
 - a) None observed

4. Guests must maintain a quiet noise level appropriate to a residential neighborhood
 - a) There are consistently activities lasting late into most nights and even into early mornings on some occasions.
 - b) TEXT MESSAGE CONVERSATION - showing the date/time of our dealing with this: (Text 1, Text 2, Text 3, Text 4): 05/11/19 - Four guys hanging out on the back porch until 02:32 AM on 5/12/19
 - c) VIDEO
 - i. 06/14/19 - Two kids just starting to swim at 10:12pm. Woke us both; Meredith (post and pre-call) jumped up thinking it was our own children. They kept us awake until they went inside at 10:53pm. [VIDEO LINK]
 - ii. 06/18/19 - Dog barking 11:30pm. [VIDEO LINK]
 - iii. 06/20/19 - Excessive music / rowdiness starting at 9pm. [VIDEO LINK]
 - iv. 06/22/19 - Swimming at 10:15pm.
 - v. 07/03/19 - Swimming at 10:48pm. Girls screaming woke up our whole family. Adults smoking on the back porch blowing into our yard. [VIDEO LINK]
 - vi. 07/04/19 - Swimming until 11pm. Pool lights on all night. [VIDEO LINK]

5. No additional commercial uses
 - a) None observed

6. Property must be insured as a day rental
 - a) We were told that this was in violation

Sincerely,



LOUIS A. DAVENPORT, MD, MPH

Five vehicles parked on the premises of 155 Champion Cir



Violation of Special Use Permit Condition:

**“No more than four (4) cars
may be parked on the premises
at one time”**

Six vehicles parked on & across the premises of 155 Champion Cir



Violation of Special Use Permit Condition:

**“No more than four (4) cars
may be parked on the premises
at one time”**

**The following examples
support:**

Violation of Special Use Permit Condition:

**“Must maintain a quiet noise level
appropriate to a residential
neighborhood”**

**(There are also three audio files
[video taken at night]
documenting our concerns which
can not be printed here. They are
available online at:**

<http://155cc.weebly.com>

(1)

Tue, May 6, 3 55 PM

Turns out that short-term rentals are NOT allowed in Woodcreek. I did not intentionally tell on the owner of the house next door to you - it came out inadvertently in conversation after the Council meeting because in going over ordinances, it was mentioned that, among other things, chickens (sorry) and short-term rentals are not allowed.

Yes, I knew this BUT our Steve is a friend and this family actually lives in the house as a home to have the house as a short-term rental.

Now, if we started ignoring, probably workers can be evicted. The last people were evicted now they're back and it's a mess. The people who live there are also quiet and love the area. I don't want to get involved in this. I'm not particularly fond of this about that house - just now.

(3)

I'm not sure having a business rental in the middle of a neighborhood is going to work. It might be one thing if the house were only used on occasion as a "guest house", but I can't go through this with new people staying there every weekend all summer! I'm afraid this might come to a head.

Maybe the light flipping did get their attention.... they just went back inside (02:32 am).

I'll snap a screenshot of this to save the time stamp (since I'm waiting to send it....)

Thank you for your help contemplating a reasonable resolution....

PS - It occurs to me that the house on the other side (157 Champion Cir) of the short term rental (155 Champion Cir) is ALSO being rented out, only for long-term rentals. When we were purchasing this home we were told that when houses along the creek here come on the market, they are often purchased as second homes by people who may not even live in the state. Woodcreek needs to be careful with any precedent being set or they'll end up with all of these houses becoming guest/rental properties. In fact, if we were to move away, I too might be inclined to keep the property and just rent it out (like we did in Galveston and in TX).

It's now after 3am and I'm going to try to go back to sleep....

(2)

Sat May 11, 6 50 AM

I won't send this until morning, but it's 2:20am and I'm awake listening to the loud music hanging out on the back porch next door....

I flipped on my back porch light, but that may be too subtle and I'm not sure they even noticed.

1) I shouldn't be awakened in the first place at 2am.

2) But our family shouldn't have to get out of bed and the lights on, get dressed, go outside, and try to communicate with the neighbors by yelling at them over the fence.

3) I feel like if I am awakened, the most I should have to do is text the owner who should immediately take charge of communicating with their guests.

These guys are not doing anything outrageous - they're just hanging out on their back porch. On the one hand, if they've rented the house and want to stay up and talk all night, they should be able to do that. Unfortunately for someone that does it seem to be in line with the rest of the residents in this dark and quiet neighborhood setting.

(4)



new people staying there every weekend all summer! I'm afraid this might come to a head.

Maybe the light flipping did get their attention.... they just went back inside (02:32 am).

Time Stamp!

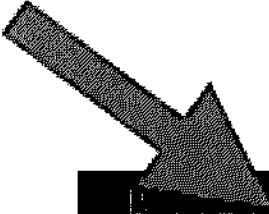
I'll snap a screenshot of this to save the time stamp (since I'm waiting to send it....)

Thank you for your help contemplating a reasonable resolution....

Swim Party underway at 10:52pm



**Pool Party at 10:55pm
(pool lights on all night)**



2017-09-07 10:55:19



From: Meredith Davenport mddavenp@gmail.com
Subject: Re: Personal Experience with Short Term Rental: Owner 153 Champion Circle
Date: June 12, 2019 at 5:38 PM
To: mayor@woodcreektx.gov, nancye.britner@woodcreektx.gov, aurora.lebrun@woodcreektx.gov, raydantilley@woodcreektx.gov, cyndi.jackson@woodcreektx.gov, Eric.Esirelund@woodcreektx.gov
Cc: Andy Davenport ldavenpo@gmail.com



Dear Mayor and City Council Members,

My name is Meredith Davenport. My family and I moved to Woodcreek in November 2018. I would much prefer to meet you in person this evening, but this is an incredibly busy time for my family and it is simply not possible tonight. However, I understand that on the agenda is a proposal to allow additional short term rentals in our community. As I understand it, I live next to the only short term rental in Woodcreek and would like to share my experiences with you.

For background, my husband, Andy, and I are both full-time physicians currently in practice. Andy has also recently been promoted to the position of Director of Operations for the Texas Air National Guard after having served as an instructor pilot at Kelly AFB in San Antonio (his part-time job). He is currently on a short deployment in this capacity. We have 3 children, ages 8-13.

When we moved to the area in 2011, due to my need to be close to the hospital in Kyle, we purchased a home in Kyle. After looking at schools in all of the surrounding areas, there was just simply something different and delightful about the connections and energy I experienced in Wimberley. For this reason, all 3 of my children attended Wimberley Montessori School until I transitioned my oldest child to Danforth JHS 3 years ago. Although we were living in Kyle, my heart has been in Wimberley since day 1.

After having participated in several community activities, I implored my mother-in-law, Emma Davenport, to consider moving to Wimberley as the heart of this community is something that I have simply not experienced anywhere else in my life and I felt that it would likely be a good match for her as well (plus the added benefit of living within 20 minutes of each other). She moved to Woodcreek about 2 or 3 years ago.

Around this same time, my husband and I began looking for a retirement property in Wimberley with the intention of purchasing land and then building on it. In October 2018, my realtor reached out to me regarding a home available in Woodcreek on Cypress Creek. Although the home was not what we had envisioned as our retirement home, as soon as we both saw it, we knew it would be our "forever" home. Fortunately, a shift in my need to be in close proximity to the hospital in Kyle has allowed it to be our current home, as well as our "forever" home.

My husband and I were very mindful of our decision to purchase our home in Woodcreek. We were concerned about the potential noise from the bands that played at the Back Porch - so we explored the nearby area while the bands played to assess noise levels and stop times for the bands. We were also made aware by our realtor of the short term rental next door, so we researched the rental house through the rental site and met some people who were renting the house annually for a girls week together.

We moved in during the month of November and there was a lovely couple that stayed for, I believe, 3 months during the winter. We enjoyed meeting our Winter Texan "neighbors" and had a mutually respectful relationship with them. Andy & I have always believed in the power of good neighbor relationships and make a point to know names, obtain contact numbers and offer ours in the event of emergencies or other issues that arise. So far, we have made wonderful neighbor connections - friends for each of my children & ourselves, sources of community information, a helping hand when I needed back-up childcare. We have a lot more meeting & greeting to do as we get settled into our home and we look forward to expanding our

connections.

Unfortunately, our experience with the short term rental after our 3 month "neighbors" left has been intermittently frustrating. The experience of having strangers arrive at unexpected intervals and staying for an unknown number of nights has completely shifted my children's experience in our neighborhood. After the move, I felt completely at ease letting my kids go their new friends' homes, each a few doors away. Now, that is simply not the case - I find that either my husband or I have to walk them over or witness them getting safely to the intended location, as I simply have no idea who is at the house next door on any given day or time. There have been school and work nights where renters are enjoying their time away from home with music, loud conversation, and laughter on the back patio or in the home well past midnight that is well above an acceptable noise level. There was once a barking dog for a couple of days that never seemed to tire and there has been tobacco smoke overwhelming my backyard and preventing my outside enjoyment of the creek view (despite the no-smoking policy on the rental site). These nights have definitely kept my husband & children up well past their respective bedtimes despite sound machines & ear plugs. More surprising, is that the noise even keeps me up and, as a sleep deprived obstetrician, I can sleep through just about anything. Lucky for us so far, these incidents are not every night, nor even every group; however, it is troubling as there is nowhere to lodge a complaint or initiate a respectful discussion as the owner is not really our neighbor.

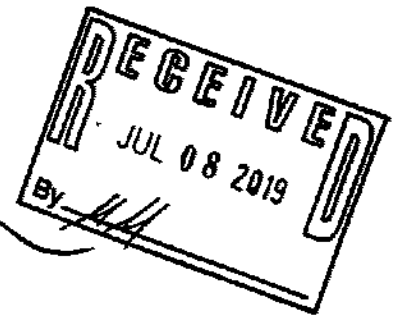
My greatest concern is that if short term rentals are allowed throughout the community, that our community will no longer be what I felt when I fell in love with Wimberley and felt the pull in my heart to relocate here. The depth of connections, the development of mutual respect for one's neighbors and the sense of ownership and pride in our community - it simply cannot be expected of folks who do not consciously choose to live here - whether choosing to raise their families here, retire here or whatever else calls someone to be a part of this community.

My husband and I would welcome an opportunity to further share our experiences if that would be of benefit to the community discussion. At the least, as many parents like us are at our busiest in the summer months, I respectfully request that there is not a rush to a decision on the short term rental proposal before more community members have an opportunity to participate in the dialogue. I intend to keep my heart open to the process by which our community decisions are made and I will trust that there will be a recognition of the unique and loving community which has been created here which is what drew me and my family to move here. Please take a moment to pause and consider the long view that a change like this will have on the community that has been lovingly created over time by folks who live here consciously.

Thank you for your time.

With compassion,
Meredith Davenport

153 Champion Circle



**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.*

For Office Use Only	
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.bym@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:

8F

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? Yes 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 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:

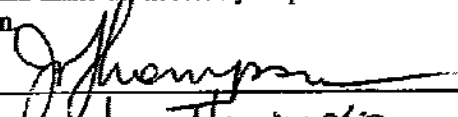
ADDITIONAL INFORMATION REQUIRED FOR REPLATS/REVISIONS ONLY:

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: 

Print Name: Jon Thompson

Date: 02/27/19

Address: PO Box 172, DS, TX 78620

Phone Number: (512) 868-2184

Fax Number: _____

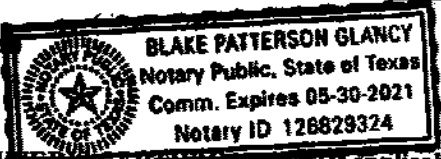
STATE OF TEXAS §

PROPOSED NAME OF SUBDIVISION: _____

COUNTY OF HAYS §

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

(seal)



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

OWEN PERMISSION (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 Pachosky

Phone Number: 512-803-7828

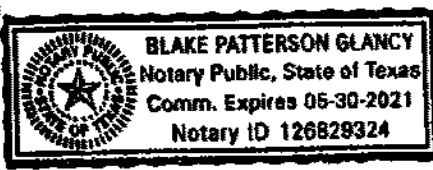
Date: 2-27-2019

Fax Number: _____

STATE OF TEXAS §
COUNTY OF HAYS §

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

(seal)



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: PEC
Date of Final Approval: _____
Signature: _____ Title: _____

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

WATER UTILITY (If Applicable): Company Name: Nimberley 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

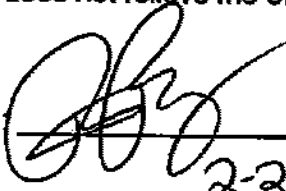
Replat/Revision Condominium Development

Certificate of Acknowledgment

(a) I, Peter Paichosky, 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.

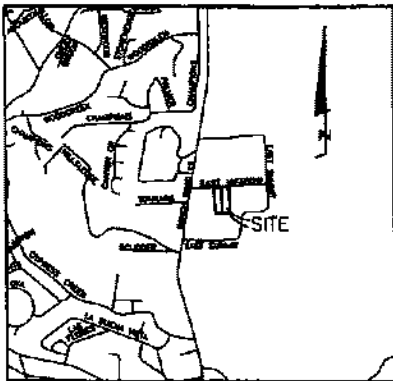
(b) I, Peter Paichosky, further acknowledge that receipt of a permit or approval from Hays County does not relieve me of the obligations set forth in paragraph (a) above.

Signed



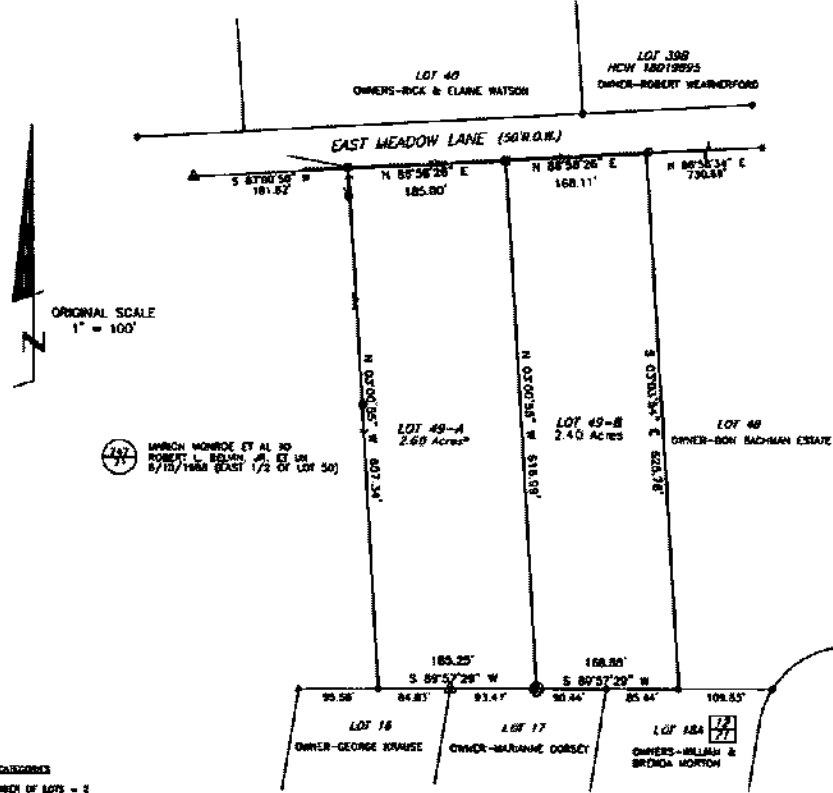
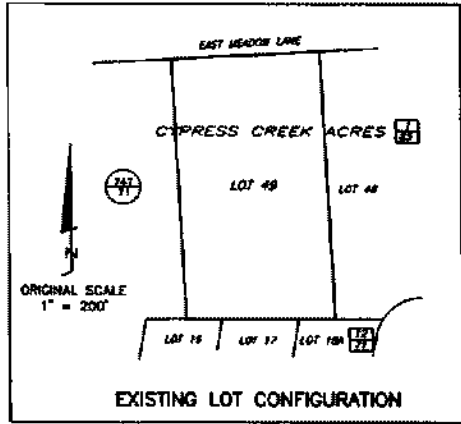
Date:

2-27-2019



VICINITY MAP - 1"=200'

- LEGEND**
- 1/2" IRON ROD SET WITH PLASTIC CAP MARKED "TRIM SURVEY"
 - 1/2" IRON ROD FOUND OR BRASSER MARKED
 - CONCRETE NAIL WITH BRASSER MARKED "TRIM SURVEY"
 - IRON NAIL FOUND
 - BUILDING SETBACK LINE
 - UTILITY LINE, POLE AND CUT



ORIGINAL SCALE 1" = 100'

WHICH MONROE ET AL TO ROBERT L. BELTON, JR., ET AL 8/15/1988 (EAST 1/2 OF LOT 50)

- MIN. SIZE REQUIREMENTS**
- TOTAL NUMBER OF LOTS = 2
 - MINIMUM LOT SIZE = 2.00 ACRES
 - LOTS LARGER THAN 10.0 ACRES
 - LOT LARGER THAN 3.0 ACRES AND SMALLER THAN 30 ACRES
 - LOTS 2.00 ACRES OR LARGER UP TO 3.00 ACRES
 - LOTS LARGER THAN 1.00 ACRE AND SMALLER THAN 2.00 ACRES
 - LOTS SMALLER THAN 1.00 ACRE

- UTILITIES:**
- ELECTRIC - FERRISVALES ELECTRIC COOPERATIVE
 - WATER - MUNICIPAL WATER SUPPLY
 - SEWER - MUNICIPAL ON-SITE SEWAGE SYSTEMS

GENERAL STATEMENTS:

IN ORDER TO PROMOTE SAFE USE OF ROADS AND PRESERVE THE CONDITIONS OF PUBLIC ROADS, NO DRIVEWAY CONSTRUCTED ON ANY LOT WITHIN THIS SUBDIVISION SHALL BE FINISHED ACCESS ONTO A PUBLICLY DESIGNATED HIGHWAY UNLESS (1) A DRIVEWAY PERMIT HAS BEEN ISSUED BY THE TRANSPORTATION DEPARTMENT OF THIS COUNTY AND (2) THE DRIVEWAY SURFERS THE MINIMUM SPECIFIC REQUIREMENT FOR DRIVEWAYS SET FORTH IN CHAPTER 721 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS.

ALL CALCULATIONS REQUIRED SHALL COMPLY WITH THE CURRENT HAYS COUNTY ORDINANCES, PER HAYS COUNTY DEVELOPMENT REGULATIONS, CHAPTER 720, SUBCHAPTERS 2 & 6.

WATER AVAILABILITY NOTE:

UNDER EXISTING REGULATIONS, THIS SUBDIVISION IS EXEMPT FROM THE REQUIREMENTS TO SUBMIT A WATER AVAILABILITY STUDY. FURTHER SUBDIVISION IS PROMOTED FOR THE DURATION OF FIVE YEARS FOLLOWING THE RECORDING OF THIS PLAN.

CLIENT: PARCHESEY, PETER
DATE: 2/18/2018
OFFICE: HADEN, K. SMITH
CREW: HADEN, K. SMITH
FILE NO: 754/715
PLAT NO. 27028-10-c

- REMARKS NOTE**
1. FENCES MARKED.
 2. BEARINGS, DISTANCES AND AREAS IN PARENTHESES ARE FROM RECORD INFORMATION.
 3. ACCORDING TO SCALING FROM THE CURRENT F.E.M.A. FLOOD INSURANCE RATE MAP NO. 49060C0200, DATED 5/2/2008, THIS TRACT LIES WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).
 4. THE BEARING DATA FOR THIS SURVEY PLAN WAS DETERMINED FROM GPS OBSERVATIONS AND REFERS TO GRID NORTH OF THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, SOUTH ZONAL ZONE.
 5. ACCORDING TO SCALING FROM 2008 MAP, ALL OF THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE EDWARDS AQUIFER CONTRIBUTING ZONE AND NO PART OF THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE EDWARDS AQUIFER RECHARGE ZONE.
 6. THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF THE WHEELWRIGHT SCHOOL DISTRICT.
 7. THIS SUBDIVISION LIES WITHIN THE CITY OF WOODCREEK EXTRA TERRITORIAL JURISDICTION.
 8. THIS SUBDIVISION LIES WITHIN THE BOUNDARIES OF HAYS COUNTY EMERGENCY SERVICES DISTRICTS 4 AND 7.
 9. NAIL MARKS PLACED WITHIN THE BOX SHALL BE OF AN APPROVED DESIGN OR FROM DESIGN, PER HAYS COUNTY DEVELOPMENT REGULATIONS, CHAPTER 720, SUBCHAPTERS 2.01.

STATE OF TEXAS
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS, THAT WE, PETER PARCHESEY AND COLLEEN PARCHESEY, OWNERS OF LOT 49, CYPRESS CREEK ACRES, AS SHOWN TO US BY DEED DATED OCTOBER 3, 2012, AND LOCATED IN HAYS COUNTY, SUBDIVISION NUMBER 27028 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, DO HEREBY RELEASE THE PROPERTY TO BE SHOWN AS NOTED OF LOT 49, CYPRESS CREEK ACRES, IN ACCORDANCE WITH THE PLAN SHOWN HEREIN, SUBJECT TO AND WITH ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, AND DO HEREBY WARRANT TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS SHOWN HEREON.

PETER PARCHESEY
307 EAST MEADOW LANE
WIMPELEY, TX, 76775

COLLEEN PARCHESEY
307 EAST MEADOW LANE
WIMPELEY, TX, 76775

STATE OF TEXAS
COUNTY OF HAYS

BEFORE ME, THE UNDERSIGNED JUDICIAL OFFICER, ON THIS DAY PERSONALLY APPEARED PETER PARCHESEY AND COLLEEN PARCHESEY, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ADMITTED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS ____ DAY OF _____, A.D., 2018.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

STATE OF TEXAS
COUNTY OF HAYS

I, CLARE H. CARROLL, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THIS PLAN WAS FILED FOR RECORD IN MY OFFICE ON THE ____ DAY OF _____, 2018, AT _____ O'CLOCK ____ A.M., AND DULY RECORDED ON THE ____ DAY OF _____, 2018 AT _____ O'CLOCK ____ A.M. IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN DOCUMENT NUMBER _____.

CLARE H. CARROLL, COUNTY CLERK
HAYS COUNTY, TEXAS

I, THE UNDERSIGNED, DIRECTOR OF THE HAYS COUNTY DEVELOPMENT SERVICES DEPARTMENT, HEREBY CERTIFY THAT THIS SUBDIVISION PLAN CONFORMS TO ALL HAYS COUNTY REQUIREMENTS AS SET FORTH IN THE INTERLOCAL COOPERATION AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF WOODCREEK FOR SUBDIVISION REGULATION WITHIN THE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF WOODCREEK.

CATHERY STRICKLAND, DIRECTOR
HAYS COUNTY DEVELOPMENT SERVICES

NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN INTERNAL WATER SUPPLY OR A CITY APPROVED CENTRALIZED SEWER SYSTEM. DUE TO REQUIRED WATER SUPPLIES AND ENSURING WATER QUALITY, PROTECTIVE PROPERTY CANNOT BE EXERCISED BY HAYS COUNTY TO CONSIDER THE SLIGHT CONCERNING SHALLOW GROUND AVAILABILITY. NEW WATER COLLECTION IS ENCOURAGED AND IN SOME AREAS MAY OFFER THE BEST AVAILABLE WATER RESOURCE.

NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNLESS CONNECTED TO A PUBLIC SEWER SYSTEM OR TO AN ON-SITE SEWAGE TREATMENT SYSTEM WHICH HAS BEEN APPROVED AND PERMITTED BY HAYS COUNTY DEVELOPMENT SERVICES.

NO CONSTRUCTION OR OTHER DEVELOPMENT WITHIN THIS SUBDIVISION MAY BEGUN UNTIL ALL HAYS COUNTY DEVELOPMENT PERMIT REQUIREMENTS HAVE BEEN MET.

BOB POPE, P.E., E.T.M.
HAYS COUNTY PLANNING ADMINISTRATION

CATHERY STRICKLAND, DIRECTOR
HAYS COUNTY DEVELOPMENT SERVICES

THIS REPLAT OF LOT 49, CYPRESS CREEK ACRES, HAS BEEN SUBMITTED TO ME BY OWNER, BOB BACHMAN, AND IS HEREBY APPROVED.

APPROVED THIS THE ____ DAY OF _____, 2018.

I, C. BOB CONROY, CITY ENGINEER OF THE CITY OF WOODCREEK, TEXAS DO HEREBY CERTIFY THAT THIS SUBDIVISION PLAN CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS TO WHICH APPROVAL IS REQUIRED.

C. BOB CONROY, P.E., CITY ENGINEER
CITY OF WOODCREEK, TEXAS

I, BRADLEY B. LEWIS, CITY MANAGER OF THE CITY OF WOODCREEK, TEXAS HEREBY CERTIFY THAT THIS SUBDIVISION PLAN CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS TO WHICH APPROVAL IS REQUIRED.

BRADLEY B. LEWIS, CITY MANAGER
CITY OF WOODCREEK, TEXAS

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY STATE THAT TO THE BEST OF MY SKILL AND KNOWLEDGE, THIS PLAN IS TRUE AND CORRECTLY MADE AND IS PREPARED FROM AN ACCURATE SURVEY OF THE PROPERTY HEREIN UNDER MY SUPERVISION OR IN THE PRESENCE OF THE SURVEYOR. WORKMANSHIP WAS PROPERLY PLACED UNDER MY SUPERVISION.



REGISTERED PROFESSIONAL LAND SURVEYOR
KYLE SMITH, P.L.S. NO. 3392

KYLE SMITH
2007
REGISTERED PROFESSIONAL LAND SURVEYOR

BYRN & ASSOCIATES, INC.

SURVEYING

P.O. BOX 1433 SAN MARCOS, TEXAS 78667
PHONE 512-396-2270 FAX 512-392-2845
FIRM NO. 10070500

REPLAT OF LOT 49, 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

Issue Date : 3/4/2019

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 Information

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

Value Information

207 E MEADOW LN WIMBERLEY TX 78676	Land HS	:	\$101,060.00
	Land NHS	:	\$0.00
	Imp HS	:	\$188,010.00
	Imp NHS	:	\$0.00
CYPRESS CREEK ACRES, LOT 49, ACRES 5.00	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

Owner Information

Owner ID : 00255263
PARCHESKY PETER & COLEEN
207 E MEADOW LN
WIMBERLEY, TX 78676

Ownership: 100.00%

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 33.48 are due on the described property for the following taxing unit(s)

Entity	Year	Tax	Penalty	Interest	Other Fee	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

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WHIPPLE TX 78676

OFFICIAL USE

0620

05/07/2019

POST OFFICE

Send to: *Rich & Elaine Watson*
257 East Summit Dr
Wimberley, TX 78676

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WHIPPLE TX 78676

OFFICIAL USE

0620

05/07/2019

POST OFFICE

Send to: *Janet & Dynamic Hatfield*
250 E. Woodrow Lane
Wimberley, TX 78676

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WHIPPLE TX 78676

OFFICIAL USE

0620

05/07/2019

POST OFFICE

Send to: *William & Brenda Moore*
201 East Summit Dr
Wimberley, TX 78676

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WHIPPLE TX 78676

OFFICIAL USE

0620

05/07/2019

POST OFFICE

Send to: *George Krause*
257 East Summit Dr
Wimberley, TX 78676

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WHIPPLE TX 78676

OFFICIAL USE

0620

05/07/2019

POST OFFICE

Send to: *H.E. & Dorothy Summit*
257 East Summit Dr
Wimberley, TX 78676

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WHIPPLE TX 78676

OFFICIAL USE

0620

05/07/2019

POST OFFICE

Send to: *Don Beckman Estate*
257 East Summit Dr
Wimberley, TX 78676

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WHIPPLE TX 78676

OFFICIAL USE

0620

05/07/2019

POST OFFICE

Send to: *Robert Cecile Robinson*
257 East Summit Dr
Wimberley, TX 78676

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For delivery information, visit our website at www.usps.com

WHIPPLE TX 78676

OFFICIAL USE

0620

05/07/2019

POST OFFICE

Send to: *Mariann Harvey*
201 East Summit Dr
Wimberley, TX 78676

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For delivery information, visit our website at www.usps.com

WHIPPLE TX 78676

OFFICIAL USE

0620

05/07/2019

POST OFFICE

Send to: *Diane Kenyon*
257 East Summit Dr
Wimberley, TX 78676

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For delivery information, visit our website at www.usps.com

WHIPPLE TX 78676

OFFICIAL USE

0620

05/07/2019

POST OFFICE

Send to: *Robert Weatherford*
257 East Summit Dr
Wimberley, TX 78676

RECEIVED
AUG 09 2019
CITY OF WOODCREEK

Council Meeting Date: 8/14/2019

AGENDA ITEM COVER SHEET

Subject/Title:

Revocation of authority and dissolution of the "Ordinance Committee"

Item Summary:

An ordinance committee was previously formed for the purpose of reviewing existing ordinances and suggesting streamlined updates. I believe the committee has fulfilled its duties and is now obsolete. It is the responsibility of elected officials to initiate ordinance changes.

Financial Impact:

0

Recommendation:

City of Woodcreek disband the formerly authorized "Ordinance Committee" and relegate authority to the elected officials who are responsible for these activities.

Attachments

Submitted By:

Councilmember Jackson

Council Meeting Date: 8/14/2019

Item No. _____

AGENDA ITEM COVER SHEET

Subject/Title

Final Adoption of Sign Ordinance, Chapter 152.

Item/Summary

Approved in May. With changes to the definition of "balloon" after discussion at July 17, 2019 Council Meeting.

Financial Impact

Cost of recodifying

Recommendation

Approve change to definition of "balloon" and adopt Ordinance

Attachment

Amended Ordinance

Submitted by

Councilmember LeBrun, Council Member Jackson, Citizen Advisory Workgroup

85

ORDINANCE NO. _____

CITY OF WOODCREEK, TEXAS

REVISIONS OF CHAPTER 152 - SIGNS OF THE CODE OF ORDINANCES

AN ORDINANCE ESTABLISHING REVISIONS TO THE CITY OF WOODCREEK CODE OF ORDINANCES CHAPTER 152 – SIGNS. SUCH REVISIONS AS: TO ESTABLISH THE PURPOSE OF SIGNS AND THEIR REGULATIONS, TO MANAGE THE DIRECTION AND STRENGTH OF THE ILLUMINATION OF SIGNS TO COMPLY WITH WOODCREEK’S DARK SKY INITIATIVE, TO MODIFY DEFINITIONS, AND TO EXPAND THE PLACEMENT OF RIGHT-OF-WAY SIGNS; 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 keep the City an aesthetically pleasing community;

WHEREAS, the City Council has general authority to adopt the regulations herein relating to the display of signs within the City limits and the Extraterritorial Jurisdiction (ETJ),

WHEREAS, the City Council being a general-law municipality, the City has exclusive control to regulate the signs and their display within the City limits,

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 90: Animals 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 90, 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 ____ day of _____, 2019, by a vote of
___ Nays ___ Ayes ___ Absent and Not Voting

CITY OF WOODCREEK

ATTEST:

William Scheel, Mayor

Linda Land, City Secretary

City of Woodcreek - Code of Ordinances

CHAPTER 152: SIGNS

Section

General Provisions

- 152.01 Popular name
- 152.02 Jurisdiction
- 152.03 Purpose
- 152.04 Compliance required
- 152.05 Definitions
- 152.06 Sign maintenance
- 152.07 Legal non-conforming signs
- 152.08 Waivers

Design Guidelines

- 152.20 Policy
- 152.21 Location
- 152.22 Configuration
- 152.23 Placement
- 152.24 Materials
- 152.25 Lighting
- 152.26 Right-of-way signs

Prohibitions and Restrictions

- 152.40 Exemptions for certain signs
- 152.41 Prohibited signs generally
- 152.42 Prohibited signs in residential districts
- 152.43 Restrictions on certain signs
- 152.44 Uniform sign restrictions

Permits

- 152.55 Permit and fee required
- 152.56 Permit application
- 152.57 Permit exemptions
- 152.58 Actions exempt from permit
- 152.59 Expiration of permits
- 152.60 Modifications

- 152.99 Penalty

GENERAL PROVISIONS

§ 152.01 POPULAR NAME.

This chapter shall be commonly cited as the "Sign Ordinance".
(Ord. 08-118, passed 11-12-2008)

§ 152.02 JURISDICTION.

The provisions of this chapter shall apply within the city limits and extraterritorial jurisdiction (ETJ) of the city as defined by state law.

(Ord. 08-118, passed 11-12-2008)

§ 152.03 PURPOSE.

Signs are an important medium of political, religious, or personal messages for which there are no exact alternatives. A sign, unlike handbills or newspapers, readily identifies the "speaker." Signs may be subject to a regulation by a municipality, such as the City of Woodcreek, but such regulation must be consistent and not outweigh the rights to free speech. This Ordinance follows this principle and the mandates of the U. S. Supreme Court as it relates to free speech while providing for an orderly process and uniform standards.

(A) *General.* This chapter is adopted to provide for the orderly construction, erection, repair, demolition, maintenance, removal and relocation of signs within the corporate boundaries and extraterritorial jurisdiction of the city. These rules and regulations are designed to provide uniform sign standards and to promote a positive city image reflecting order, harmony and pride. More specific objectives include the following.

(B) *Safety.* To promote the safety of persons and property by providing signs that:

- (1) Do not create a hazard due to collapse, fire, collision, decay or abandonment;
- (2) Do not obstruct services by first responders or law enforcement
- (3) Do not create a traffic hazard by impairing the driver's ability to see other vehicles, pedestrians, street signage, or obstacles on the road.

(C) *Communications efficiency.* To promote the efficient transfer of information by providing for signs that:

- (1) Give priority to messages and information most needed and sought by the public;
- (2) Allow businesses and services to identify themselves;
- (3) Allow customers and other persons to locate a business or service;
- (4) Do not arbitrarily deny any person or group the use of the lines of vision from the public right-of-way; and
- (5) Do not overwhelm persons by the number of messages presented or do not inhibit the observer's freedom of choice to observe or ignore said messages, according to the observer's purpose.

(D) *Landscape quality and preservation.* To protect the public welfare and to enhance the appearance and economic value of the city, by providing those signs that:

- (1) Do not interfere with scenic views;
- (2) If illuminated and containing 1 or more lamps and include any lenses, reflectors, and shields designed to direct the light in a defined manner comply with the City's Dark Skies Ordinance Chapter 156.041;
- (3) Do not create a nuisance or present a hazard to persons using the public rights-of-way;
- (4) Do not create a nuisance to occupants of any property by their brightness, size, height or movement; and
- (5) Do not diminish or are not detrimental to land or property values.

(Ord. 08-118, passed 11-12-2008)

§ 152.04 COMPLIANCE REQUIRED.

No person may construct, place, erect, repair, maintain or use a sign after the

effective date of this chapter unless such erection, construction, reconstruction, repairs, maintenance or use meets all the provisions of this chapter, and all other applicable ordinances adopted by the City Council.

(Ord. 08-118, passed 11-12-2008) Penalty, see § 152.99

§ 152.05 DEFINITIONS.

(A) *Interpretation.* Words and phrases not defined in this chapter 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. Unless otherwise expressly indicated, references to state and federal laws, final regulations and formal guidance shall refer to the then current enactment of such laws, final regulations and formal guidance, as they are amended from time to time.

(B) *General definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AREA. As applied to any sign, means the square foot area enclosed by the perimeter of the sign face with each face contributing to the aggregate area. The area to be measured encompasses the extreme limits of the writing, representation, emblem or other display together with any material or color forming an integral part of the background of the display or used to differentiate the sign material from the backdrop or structure against which the sign is placed, but excludes any sign supports or supporting framework. In cases where a sign, or a portion of a sign, is composed only of letters, figures or other characters standing against no sign face background, then the sign face **AREA** is the area of the smallest simple imaginary figure (circle, triangle, rectangle or other) which fully contains the sign content. The **AREA** of a sign with more than one face is the sum of the areas of all sign faces visible from any one point. However, a sign structure with two faces back-to-back, oriented in opposite directions and separated by not more than three feet, with the same copy on both sides, shall be counted only as the **AREA** of one face.

ATTACHED SIGN. All wall signs, awning signs, canopy signs and projecting signs.

AUXILIARY SIGN. A sign of any construction, not exceeding one square foot in area, which is not part of another sign and which is customarily secondary and incidental to the principal use of any non-residential premises, such as one indicating hours of operation, credit cards accepted or restrictions of sale to minors, or which is customarily secondary and incidental to a residence, such as "no soliciting" or "beware of the dog".

AVERAGE ILLUMINATION. As applied to any sign means the calculated average value using the maximum illumination and the minimum illumination (maximum illumination + minimum illumination / 2).

AWNING SIGN. A sign painted on or attached to the outside of an awning, canopy or any similar structure such as is typically extended in front of a window or door or over a patio, deck or walkway as a protection from the sun or rain, regardless of whether the structure is retractable. A sign which is suspended from or projects into the space beneath an awning, canopy or similar structure, or which is painted on, attached to or

suspended from interior surface, so as to be read from within the area enclosed by the structure, is a canopy sign.

BALLOON. A flexible bag, cylinder, or other device regardless of material, designed to be inflated with hot air or with gas, such as helium, that is lighter than the surrounding air, causing it to rise and float in the atmosphere.

BANNER. A sign intended to be hung either with or without frames, made of paper, plastic, fabric or any other flexible material, and which is used by its colors, characters, lettering, illustration or ornamentation to call attention to an establishment, product or event on the site thereof or which is a community service sign. Flags are distinguished from **BANNERS** for the purposes of this chapter.

BEACON. Any light with a beam directed into the atmosphere or directed at a point which is not on the same lot or tract of land as the light source or a light with one or more beams that rotate or move.

BILLBOARD. Any sign which is used or designed to be used to advertise, inform or call attention to any product, commodity, real estate or service which is to be obtained or is located at a place other than on the premises on which the sign is located, or to advertise or call attention to any establishment, business or activity which is not located on the same premises as the sign. The term includes what is commonly referred to as an **OFF-PREMISES SIGN**.

BULLETIN BOARD. A sign that is principally devoted to posting announcements of interest to the members or clientele of an organization concerning the activities of the organization, such as is customarily erected by a governmental entity, church, social club, society, school or charitable organization.

CANOPY SIGN. A sign that is suspended from the underside of an awning or canopy structure or which projects into the space enclosed within or beneath an awning or canopy structure. A sign which is painted on or attached to the outside of an awning or canopy structure is an awning sign.

CHANGEABLE COPY SIGN. A sign or part of a sign on which characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign, such as a theater marquee, a gasoline price sign or a sign identifying the occupants of a shopping center. A sign on which the only copy that changes is a matter of general public information, such as the current time and temperature or an index of stock market averages, and which contains no other commercial message, is a public service sign. Any sign other than a public service sign on which the message changes more than once per day is a flashing sign.

CITY. The City of Woodcreek, a duly incorporated municipality located in Hays County, Texas.

CITY COUNCIL. The governing body of the City of Woodcreek.

CITY LIMITS. The corporate municipal boundaries. The term does not include the city's extraterritorial jurisdiction (ETJ), as that term is defined by state law.

CITY MANAGER. The administrative officer appointed by the City Council, or a city official designated by Council.

COMMERCIAL COMPLEX. Any development such as a shopping center, office park or industrial park, that consists of two or more establishments on a single platted lot, or that is designed, developed and managed as a unit.

COMMERCIAL SIGN. Any sign, regardless of its location or construction, whose

wording or other contents, directly or indirectly, names, advertises or calls attention to any business, product, service, institution, organization, event, purpose or other activity.

COMMUNITY SERVICE SIGN. A sign which solicits support for or participation in a non-profit, non-political, community, public or social purpose, cause, event or activity, such as one marking a holiday or holiday season, or one supporting school activities, charitable programs, religious activities or events of community interest.

CONSTRUCTION SIGN. A sign placed on a construction site identifying or announcing the character of the project and/or the names of the owners, developers, financiers, architects, engineers, contractors, leasing agents and others associated with the project.

DIGITAL SIGNS. An illuminated sign that displays digital images or wording that are changed by a computer every few minutes. A digital sign may be permanent, integrated to the building, or portable.

DIRECT ILLUMINATION. As applied to any sign means that illumination arriving directly from a light source without reflection from other objects.

DIRECTIONAL SIGN. A sign which is separate from other signs, incidental and secondary to the principal use of the land on which it is located, and whose primary purpose is to give directions such as to parking lots, exits, entrances or drive-through windows, or directives such as "no parking" or "loading only".

DRIVE-THROUGH WINDOW SIGN. A sign which is secondary to the principal use on the premises of an establishment having a drive-through window for customer service, devoted to informing customers approaching the drive-through window of information such as the menu, services available or prices at the establishment.

ESTABLISHMENT. A building on any land used for any purpose regardless of the commercial, non-profit or public nature of the activity, but excluding a building used solely as a residence.

EVENT SIGN, OFF-SITE. A sign giving directions to an occasional event at another location, other than a business event at an establishment, such as directions to a civic or other non-commercial ceremony, to an event for the members of an organization, or to an event at a residence such as a garage sale, home for sale, real estate open house or private party.

EVENT SIGN, ON-SITE. A sign which is placed to advertise or mark the location of an occasional event on the same site, other than a business event at an establishment, such as a civic or other non-commercial ceremony, an event for the members of an organization, or an event at a residence such as a garage sale, home for sale, real estate open house or private party.

EXTRATERRITORIAL JURISDICTION. The extraterritorial jurisdiction (ETJ) of the City of Woodcreek, Texas, being that land not within the city limits, but land over which the city has jurisdiction by virtue of Tex. Local Gov't Code Ch. 42, as amended, and other applicable law.

FACILITIES LOCATION SIGN. A sign which is placed to provide directions to either the entrance of a facility within the city, such as Quicksand Golf Course and Camp Young Judaea, each constituting a major facility within the city limits.

FIXTURE. An assembly of one or more light sources and related components.

FLAG. A piece of fabric of distinctive design of any governmental jurisdiction or a piece of fabric of distinctive design adopted by a business, institution or other

organization and containing only the name, logo or other symbolic emblem of that business, institution or organization.

Flags include "feather flags" or "banners" use in advertising which are traditionally large, flexible flags designed to attract attention of drivers and passersby.

FLASHING SIGN. A sign with flashing, blinking, moving, rotating or traveling lights, or with lights that change in color or intensity, whether the sign is an illuminated sign or not, or a sign which uses lights to form traveling messages or messages which change more than once per day. This term does not include a public service sign. A flashing sign must meet the requirements of Chapter 156.041, Outdoor Lighting Regulations.

FOOT CANDLE. A standard unit of illumination (engineering term) defined as one lumen per square foot.

FREESTANDING SIGN. A sign that is attached to a self-supporting structure. A freestanding sign may be a pole or monument sign. Any sign, other than a freestanding pole sign, placed upon or supported by the ground independently of any other structure.

GARAGE or YARD SALE SIGN. A sign that advertises the location, time and/or date of a garage sale (sale of individual items) at a residence within the city limits or ETJ.

HEIGHT. As applied to any sign, the vertical distance between the highest attached component(s) of the sign or of its supporting structure, whichever is higher, and the average established ground level beneath the sign. The established ground level beneath the sign is the lower of the existing grade prior to construction of the sign or the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign, unless the curb elevation at the street in front of the sign is higher than the established ground level, in which case the **HEIGHT** shall be measured from curb level.

ILLUMINATED SIGN. A sign illuminated in any manner by an artificial light source of any kind, either detached from the sign or a part thereof. Signs that are only incidentally and indirectly illuminated as a result of a lighting plan primarily designed as security lighting or landscape lighting are not **ILLUMINATED SIGNS**. Illuminated Signs must meet the requirements of Chapter 156.041, Outdoor Lighting Regulations as to size, intensity, design, and must not constitute a public nuisance or public safety issue.

ILLUMINATION. As applied to any sign, the intensity or brightness of light expressed in foot candles that are in compliance with the City's Outdoor Lighting Regulations at Chapter 156.041, as follows: "The maximum illumination on any outdoor surface or object, including signs, from all fixtures or light sources, whether installed before or after the effective date of this section, including lighting of externally illuminated and internally illuminated signs, shall not exceed:

- (a) Six footcandles in districts SF-1 through SF-6, TH/C, DU-1, 4PLX, MF-1, MF-1 A, MF-2, RR, PUD, and unzoned tracts where a residence exists;
- (b) Eighteen footcandles in other districts and unzoned tracts where a business exists and is open; or
- (c) Three footcandles in other districts and unzoned tracts where a business is closed or does not exist;"

INTEGRAL SIGN. A sign indicating the name of a building, as distinct and clearly distinguished from the name of a business, institution or other entity occupying the building, or indicating the date or other information of historical interest about the building's construction, when such sign is cut or molded into a masonry surface which forms part of a wall of the building or when it is constructed as a plaque or tablet of bronze or other noncombustible material and permanently mounted on the face of the building.

LEGAL NON-CONFORMING SIGN. A sign that lawfully existed as of 4-11-2007 (the original adoption date of this chapter), but does not conform to all of the regulations contained in this chapter upon the effective date of the amendments to this chapter. This term does not include signs that existed as of 4-11-2007, on trees, utility poles or pedestals or on public land or public rights-of-way without the express consent of the owner of such property.

LENS. As applied to any sign, a transparent or translucent material enclosing, surrounding or placed between a light source and the area it illuminates.

LIGHT SOURCE. As applied to any sign, any construction, including a primary transparent or translucent envelope, that emits light; such as but not limited to an incandescent lamp, an arc lamp, a fluorescent tube or a neon tube.

LINE OF SIGHT. As applied to a light source used to illuminate any sign, a straight line from the eye of an observer three feet or more above the ground to the light source and/or its lens and/or an intended or incidental specular reflecting surface.

LUMEN. A standard unit (engineering term) of light flux defined as the flux emitted by a light source of one candle.

MAXIMUM ILLUMINATION. As applied to any sign, the illumination at the point on the sign having the greatest illumination.

MINIMUM ILLUMINATION. As applied to any sign, the illumination at the point on the sign having the least illumination.

MODEL HOME SIGN. A sign that is located on the same lot as a model home in a residential subdivision and which calls the attention of prospective buyers to the model home.

MONUMENT SIGN. A sign that is built as a monument directly on the ground. This term does not include a self-supported sign.

MONUMENT SIGN, CHANGEABLE COPY. A monument sign that incorporates a changeable copy feature into the sign.

MOVING SIGN. A sign or any part of a sign which rotates, moves or uses lighting to simulate motion or animation.

NAME PLATE. A sign, mounted flat against the wall of a building and not projecting more than one inch from the face of the wall, indicating the name and/or address of the building, and/or the name of an occupant thereof, and/or the practice of a permitted home occupation therein.

NON-RESIDENTIAL SIGN DISTRICT. Any lot or tract of land located inside the city limits or in the city's extraterritorial jurisdiction, and which is not within a Residential Sign District.

PERSON. Any human individual or corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity; this term includes a responsible party.

PET SIGN (LOST/FOUND). A sign that provides notice that a pet (e.g., dog or cat) has been lost or found. Such signs provide information regarding the pet's name and description, as well as relevant contact data.

POLITICAL SIGN. A sign that supports or opposes any candidate for public office or any proposition to be voted upon at an election, or which makes a political or ideological statement in the nature of constitutionally protected non-commercial free speech.

PORTABLE SIGN. Any sign that is not permanently attached to the ground or to a permanent structure, or a sign designed to be transported, whether on attached wheels or otherwise. This term does not include construction signs, on-site event signs, off-site event signs, realty signs, sidewalk signs and political signs.

PROJECTING SIGN. Any sign whose outside edge extends more than 12 inches from the face of a wall to which it is attached, or which extends at any point above or beyond the end of a wall to which it is attached. This term does not include an awning sign or canopy sign.

PROMOTIONAL SIGN. Any generic sign promoting a product or service by brand name and that is not specific to the establishment displaying the sign. Such signs are typically provided to vendors by distributors or manufacturers and can be used by any vendor of such products or services.

PUBLIC RIGHT-OF-WAY. The area on, below, above or bordering a public roadway, highway, street, sidewalk, alley, water way or easement, in which the city, any other governmental entity or any public utility has an interest.

PUBLIC SERVICE SIGN. A sign or part of a sign that is devoted to messages of general public information without other commercial content, such as the current time and temperature, the location or an event, services being provided by the City or other public entity within the City and its ETJ, such as a school, Church, or community center.

REALTY SIGN. A sign which advertises the property on which it is located for sale, lease or rent.

REFLECTED ILLUMINATION. As applied to any sign, the light from a light source used to illuminate the sign reflected from any surface.

RESIDENTIAL DEVELOPMENT SIGN. A sign at the entrance to a residential development within the City, 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.

RESIDENTIAL SIGN DISTRICT. Any lot or tract of land which is located inside the city limits or in the city's extraterritorial jurisdiction, and which:

- (a) Is vacant;
- (b) Is in any form of agricultural use;
- (c) Has a residence as the principal use; or
- (d) Is zoned for residential use, including multi-family residential of any form.

RESPONSIBLE PARTY or PARTY RESPONSIBLE. The person, firm, organization or other entity whose establishment, product, service, activity or enterprise of any character is announced or advertised by the sign, or whose message is carried by the sign, and the owner of the land upon which the sign is located and the owner of the sign. The term expressly includes a tenant/lessee who exercises control or authority over a sign.

ROOF SIGN. Any sign that is mounted on or above the roof of a building or is

supported by or painted on or applied to the roof of a building. This term does not include a projecting sign whose principal support fixtures are attached to a wall.

SELF-SUPPORTED SIGN. A permanent sign above the ground that is erected on supports placed on or anchored in the ground, and which is independent of any other structure for its support. This term does not include a monument sign.

SIDEWALK SIGN. A sign, regardless of its construction, that is designed to be placed temporarily on the ground or sidewalk adjacent to or in the immediate vicinity of an establishment in order to advertise or call attention to the goods or services offered at that establishment.

SIGN. Any structure, display, light device, figure, painting, drawing, message, plaque, poster, billboard, letter or series of letters, symbol, trademark, logo or device designed, intended or used to advertise, inform, convey or attract the attention of people to the subject matter thereof, including an individual, firm, profession, business, organization, institution, commodity, product, service, activity, cause or purpose. This term includes signs that, as part of a Holiday Display, are designed to attract the attention of people to a specific subject matter, including a cause or purpose. This term does not include a traffic-control device erected or maintained by a governmental entity.

SINGLE-FAMILY ADDRESS SIGN. A sign that identifies the name of the occupants and/or the address of a single-family or duplex residence. This term does not include any commercial sign or a name plate.

SPECULAR REFLECTING SURFACE. Any mirror-like surface, whether part of a fixture or not, that reflects an image (no matter how imperfect or distorted) of a light source.

VEHICULAR SIGN. A vehicle, whether motorized on a trailer, that is mounted above the ground as a sign or part of a sign, or any sign attached to or painted on such a vehicle, including a digital or changeable sign, which is mounted above the ground or which is parked so as to be visible from a street when such vehicle is not actually used for transportation in the day-to-day affairs of its owner, as evidenced by current license plates and a current state inspection sticker. This term also includes signs in a vehicle advertising the vehicle itself for sale.

WAIVER. A deviation or departure from a strict standard, or application of one or more specific provisions in this chapter.

(C) *Types of signs.* Particular types of signs are defined by their purpose or use, by their location, and by the nature of their construction, and therefore any one actual sign may be encompassed by multiple definitions and subject to the regulations in multiple sections of this chapter. Types of signs that are regulated by this chapter are defined as follows.

WALL SIGN. A sign painted on or mounted parallel to a wall of any building; provided that, the sign does not project over any public land or street right-of-way, or extend more than 12 inches from the face of the wall to which the sign is mounted, or extend at any point above or beyond the end of such wall. This term does not include a name plate or an integral sign. This term includes any sign which is painted on or placed inside or upon a door or window, or another opening in such wall or which is placed inside a building and oriented so as to be read from any such opening.

WALL SIGN, CHANGEABLE COPY. A wall sign, which incorporates a changeable copy feature into the sign. This term includes any sign which is painted on or placed

inside or upon a door or window, or another opening in such wall, or which is placed inside a building and oriented so as to be read from any such opening.
(Ord. 08-118, passed 11-12-2008)

§ 152.06 SIGN MAINTENANCE.

(A) *Maintenance required.* All signs must be maintained in a structurally safe condition, freshly painted and/or in good repair. The City Manager shall notify, by certified mail, the responsible party for any sign not so maintained, and the responsible party shall be required to perform the necessary maintenance or repairs within 30 days of the postmark on the notice. Any sign not repaired within the allotted time may be removed by the city and the actual cost of such removal shall be charged to the responsible party for the sign. If a sign is removed by the city and remains unclaimed for a period of more than 30 days, the city may destroy, sell or otherwise dispose of the sign.

(B) *Removal of hazardous signs.* Any sign which, in the judgment of the City Manager or their authorized representative, has become an imminent hazard to public safety, either because it causes a traffic hazard or because of neglect that makes it creates an unsafe condition, shall be repaired or removed by the responsible party within 72 hours of notice. Notice of the existence of the hazard shall specify the maximum time which may be allowed for repairs or removal in order to ensure public safety, and the notice may be served upon the responsible party by any means available. A hazardous sign which is not repaired or removed within the time specified in the notice shall be removed by the City and the cost of such removal shall be charged to the responsible party.

If, in the judgment of the City Engineer, the sign presents an immediate risk, the sign may be removed by the City without notification to the sign owner. If a sign has been removed by the city as a hazardous sign and the sign remains unclaimed for a period of more than 30 days, the city may destroy, sell or otherwise dispose of the sign.

(Ord. 08-118, passed 11-12-2008) Penalty, see § 152.99

§ 152.07 LEGAL NON-CONFORMING SIGNS.

(A) *Continuation in use.*

(1) Legal non-conforming signs may be continued in use. However, if the use of a legal non-conforming sign is discontinued because it does not contain any message for a continuous period of 90 days or more, then the sign must be removed or brought into full compliance with this chapter by the responsible party. Any future use of the sign must be in full compliance with this chapter.

(2) A legal non-conforming sign must be removed or brought into full compliance with this chapter if the sign names, advertises or calls attention to a business, service, institution, purpose, organization, cause or activity that was in existence on or before the original adoption of this chapter on 4-11-2007, but subsequently ceased existence or has been discontinued for a continuous period of 90 days or more. The owner of a legal non-conforming sign in existence on or before the original adoption of this chapter must provide proof of prior acceptance or approval by the city for the legal non-conforming sign. Proof of prior acceptance or approval must be provided to the City Manager/Administrator. Acceptable forms of proof include, but are not limited to permits, receipts, letter from the city and the like. An owner of a legal non-conforming sign that is

unable to provide proof of prior acceptance or approval by the city for the legal non-conforming sign must apply for a waiver from the city, according to § 152.08 of this chapter.

(3) The lighting installation for a legal non-conforming illuminated sign shall be brought into conformity with this Chapter and the City's Dark Skies Ordinance (Chapter 156.041) within a period of three years from the effective date of the ordinance.

(B) *Limitations on modification.* No legal non-conforming sign may be enlarged in area, increased in height, expanded, moved, altered or remodeled in any respect unless and until a responsible party applies for and receives a sign permit and is in all respects brought into conformity with this chapter. However, subject to division (C) below, a legal non-conforming sign may be repainted or repaired, provided that no other change is made in the construction of the sign. Legal non-conforming signs that are prohibited by §§ 152.41 and 152.42 of this chapter may not be enlarged in area, increased in height, expanded, moved, altered or remodeled in any respect. Legal non-conforming signs enlarged in area, increased in height, expanded, moved, altered or remodeled without a sign permit shall lose its legal non-conforming status and be subject to enforcement pursuant to this chapter.

(C) *Removal of destroyed signs.* A legal non-conforming sign shall be considered destroyed if the cost of repairing the sign is more than 60% of the cost of erecting a new sign of the same type at the same location. A destroyed sign must be removed by the responsible party without compensation by the city and within 30 days of the damage. A legal non-conforming sign that has been destroyed may not be replaced or rebuilt, except by a sign which is constructed and located in full conformity with this chapter. (Ord. 08-118, passed 11-12-2008) Penalty, see § 152.99

§ 152.08 WAIVERS.

(A) *Presumption.* There is a presumption against the granting of waivers to this chapter.

(B) *Timing.* A waiver request will be reviewed more favorably when submitted concurrently with one of the following applications:

- (1) Plat;
- (2) Building permit;
- (3) Rezoning; or
- (4) Site development.

(C) *Application and fee required.* A waiver is a written approval to depart from the strict application of one or more specific provisions of this chapter. Any person, business or other organization desiring to continue a use, construction or placement of any sign which does not conform to the provisions of this chapter may make an application to the City Council for a waiver allowing the continued use, construction or placement of such a sign. The application shall be filed with the City designated City Staff accompanied by the appropriate fee established by the Master Fee Schedule and include a drawing or sketch with sufficient detail to determine the location and type of construction for the proposed sign.

(D) *Standards for waivers.* The City Council may approve a waiver only if it makes affirmative findings, reflected in the minutes of the City Council's proceedings, as to all of the following:

- (1) The waiver will not authorize a type of sign which is specifically prohibited by §

152.41 of this chapter;

(2) The waiver will not authorize a type of sign which is prohibited by § 152.42 of this chapter;

(3) The waiver is not contrary to the public interest;

(4) Due to special conditions, a literal enforcement of this chapter would result in unnecessary hardship. Ordinarily, hardship that is self-induced or that is common to other similarly classified properties will not satisfy this requirement. Financial or economic hardship alone will not ordinarily satisfy this requirement.

(5) The spirit and purpose of this chapter will be observed and the design guidelines set forth in §§ 152.20 through 152.25 of this chapter are substantially met and substantial justice will be done.

(E) *Conditions of waivers.* The City Council may impose such conditions or requirements in a waiver as are necessary, in the City Council's judgment, to protect the overall character of the community and to achieve the fundamental purposes of this chapter. A violation of such conditions or requirements shall constitute a violation of this chapter. A waiver if granted, shall be for a specific event, use or other application of a business and shall not continue with the property. If a waiver is granted and the sign so authorized is not substantially under construction within six months of the date of approval of the waiver, the waiver shall lapse and have no force or effect.

(F) *Master sign plan.* Any project seeking city approval of more than three signs that require waivers must submit to the city a master sign plan.

(Ord. 08-118, passed 11-12-2008)

DESIGN GUIDELINES

§ 152.20 POLICY.

It is the policy of the city to encourage signage which is appropriate to the hill country setting and the rural scale of the city and the county, and to discourage signs which are in conflict with the established character of the community. To this end, all sign owners are required to conform to the following guidelines for sign location, configuration, placement, materials and lighting.

(Ord. 08-118, passed 11-12-2008)

§ 152.21 LOCATION.

Signs shall be located with sensitivity to preserving the natural landscape, and scenic setting, or environment. Signs shall be incidental complements to the principal use of a site, and should never be allowed to visually dominate a site.

(Ord. 08-118, passed 11-12-2008) Penalty, see § 152.99

§ 152.22 CONFIGURATION.

The height, width and area of a sign must all be in proportion to the dimensions of a building to which the sign is attached and in architectural harmony with surrounding structures. Sign dimensions should respect the size, scale and mass of a building facade, the height of the building and the rhythms and sizes of window and door openings.

(Ord. 08-118, passed 11-12-2008) Penalty, see § 152.99

§ 152.23 PLACEMENT.

No sign should be placed upon a building or structure in any manner that would disfigure, damage or conceal any significant architectural feature or detail of the building.

(Ord. 08-118, passed 11-12-2008) Penalty, see § 152.99

§ 152.24 MATERIALS.

Sign materials shall be predominantly natural, such as native stone, rough cedar, pine or other types of wood, metal or materials that simulate natural materials and sign colors should be in harmony with the natural surroundings.

(Ord. 08-118, passed 11-12-2008) Penalty, see § 152.99

§ 152.25 LIGHTING.

Lighting shall be no brighter than is necessary to permit the sign to be read from a reasonable distance and shall be compliant with the City Dark Skies Ordinances (cite here).

(Ord. 08-118, passed 11-12-2008) Penalty, see § 152.99

§ 152.26 RIGHTS-OF-WAY SIGNS.

(A) *Ratification and confirmation.* The installation, placement and erection of signs within the city rights-of-way as set forth hereto in division (C) below are hereby confirmed and ratified by the City Council.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

RIGHTS-OF-WAY. The **rights-of-way (ROW)** is the area owned and/or controlled by the **City** and typically includes the street surface, sidewalks, and grassy areas between pavement and property lines.

SIGN. Any structure, display, light device, figure, painting, drawing, message, plaque, poster, billboard, letter or series of letters, symbol, trademark, logo or device designed, intended or used to advertise, inform, convey or attract the attention of people to the subject matter thereof, including an individual, firm, profession, business, organization, institution, commodity, product, service, activity, cause or purpose. This term does not include a traffic-control device erected or maintained by a governmental entity.

WAIVER. A departure or deviation from a strict standard, or application of one or more specific provisions of this section.

(C) *Rights-of-way signs.* For the purpose of advertising or messaging, including but not limited to, public service messages, garage, yard, open house and estate sales within the city, public events, the City Council hereby orders and directs that the City Manager authorize and implement the following provisions governing the placement of signs in the city's rights-of-way at the locations designated, and that such signs and devices be hereafter maintained and enforced by the city.

(1) The City Manager is hereby instructed to implement the construction and placement of removable weather-proof sign holders at each of the following locations,

- (a) Northwest corner of Ranch Road 12 and Brookmeadow Drive;
- (b) Northeast corner of Deerfield Drive and Woodcreek Drive;
- (c) Northeast corner of Triangle Park;
- (d) Northwest corner of Triangle Park;
- (e) Southwest corner of Woodcreek Drive and Ranch Road 12;
- (f) Intersection of Brookmeadow Drive and Augusta Drive;
- (g) Intersection of Champions Circle and Woodcreek Drive.

(2) The sign holders shall be constructed in a manner to allow the placement of a sign no larger than 24 inches wide by 30 inches high.

(3) In no instance shall the maximum height of any sign or sign holder exceed 36 inches above ground level.

(4) Written applications to place signs at the designated locations shall be submitted to the City Manager no earlier than 30 days in advance of the date for which the sign placement is requested.

(5) Applicants must submit a permit application, along with a \$25 application fee for the first sign, to the City Manager in a timely fashion as described above. Signs at each additional location require an additional \$10 fee per location.

(6) Signs shall be considered on a first-come, first-serve basis,

(7) No more than three signs are permitted at any one location at any one time.

(8) Signs shall be limited to 72 hours total placement time before removal. The City Manager may authorize an extension of up to 48 additional hours.

(9) In no instance shall streamers, balloons, strobe lights, or any other attachment to the signs be permitted.

(10) In the event the signs are not removed by the applicant or applicant's agent by the date and time set forth on the approved application and permit, the city may remove and dispose of the sign.

(Ord. 12-164, passed 7-11-2012; Ord. 13-177, passed 2-13-2013; Ord. 14-204, passed 9-10-2014; Ord. 16-222, passed 7-13-2016) Penalty, see § 152.99

PROHIBITIONS AND RESTRICTIONS

§ 152.40 EXEMPTIONS FOR CERTAIN SIGNS.

The following types of signs are exempt from regulation under this chapter:

(A) Any sign inside a building, not attached to a window or door and not oriented so as to be read from outside the building;

(B) Commemorative plaques and historical markers mounted on the face of a building or erected on a site as a freestanding monument, when placed by a governmental entity, historical society or religious organization to commemorate a person, event or other matter of historical interest; and

(C) Any sign erected or required to be erected by any governmental entity or public utility to give information, directions or warnings to the general public, regardless of the sign's location on public or private property.

(Ord. 08-118, passed 11-12-2008)

§ 152.41 PROHIBITED SIGNS GENERALLY.

No person shall construct, place, erect or use signs of the following nature on any property within the city limits or extraterritorial jurisdiction of the city:

(A) Balloons; No balloons are allowed with the exception of latex balloons, not to exceed 9" or mylar balloons of a width no greater than 24" in a cluster of no more than 10 total, which are physically attached to a sign or permanent object and not released into the environment.

(B) Beacons;

(C) Billboards;

(D) Flashing signs;

(E) Moving signs;

(F) Portable signs;

(G) Promotional signs, except those located on or inside of a window of an establishment;

(H) Roof signs;

(I) Sidewalk signs;

(J) Vehicular signs, other than one sign advertising the vehicle itself for sale not to exceed one and one-half square feet in area in the window of the vehicle;

(K) Posters, pennants, ribbons, streamers, strings of light bulbs, spinners or other similar devices. Flags and banners, as regulated elsewhere in this chapter, are not included in this prohibition. This provision does not apply to temporary strings of light bulbs used solely in celebration of religious or cultural holidays, or to strings of "miniature Christmas tree type" white lights attached to an establishment for a period not to exceed 60 days;

(L) Signs that contain statements, words or pictures of an obscene, indecent or immoral character or which offend public morals or decency;

(M) Signs that the City Engineer identifies as constituting a hazard to vehicular or pedestrian traffic either because their location interferes with or obstructs the view of a traffic sign, signal or device or because their design or content may be confused with or construed as a traffic sign, signal or device;

(N) Commercial signs of any character, in any form of construction, and at any location except as permitted by this chapter;

(O) Signs whose wording or other contents, directly or indirectly, names, advertises or calls attention to any business, product, service, institution, organization, event, cause, purpose or activity that has ceased to be in operation for more than 30 days; and

(P) Directional signs that direct motorists to park or not park on public property or public right-of-way. This provision does not apply to the particular governmental entity that is the owner, custodian, trustee or manager of the public land or public rights-of-way. An exception to this requirement shall be made for community events, such as the Annual Home Tour and other events benefitting the community.

(Ord. 08-118, passed 11-12-2008) Penalty, see § 152.99

§ 152.42 PROHIBITED SIGNS IN RESIDENTIAL DISTRICTS.

In addition to the types of signs enumerated in § 152.41 of this chapter, no person shall construct, place, erect or use any of the following types of signs in a Residential Sign District within the city limits or the city's extraterritorial jurisdiction.

(A) Attached sign;

(B) Auxiliary sign;

(C) Awning sign;

(D) Banner;

(E) Canopy sign;

(F) Changeable copy sign;

(G) Commercial sign;

(H) Drive-through window sign;

(I) Monument sign, changeable copy;

(J) Moving sign;

(K) Projecting sign;

(L) Promotional sign;

(M) Roof sign;

(N) Sidewalk sign;

(O) Wall sign.

(Ord. 08-118, passed 11-12-2008) Penalty, see § 152.99

§ 152.43 RESTRICTIONS ON CERTAIN SIGNS.

No person shall construct, place or erect the following signs, except as provided in this chapter.

(A) *Attached signs.* In aggregate, the area of attached signs in a Non-Residential Sign District cannot exceed the lesser of 10% of the area of the wall to which they relate, including windows and doors, or 30 square feet.

(B) *Auxiliary signs.* The aggregate area of all auxiliary signs on any establishment shall not exceed two square feet.

(C) *Awning signs.* Awning signs may not exceed 16 square feet in area.

(D) *Banners.* Banners must be securely attached to a building or other permanent structure and must be kept in good repair throughout the time of their display. No establishment may display more than two banners at any one time. Banners, including community service signs, shall not exceed 12 square feet in area and they shall not be erected for more than 30 days in succession. They shall be removed by the responsible party within no more than three days following any event to which they relate and they shall not be placed on any site more than three times within a 12-month period.

(E) *Bulletin boards.* A bulletin board may be located only on the premises of the institution or organization to whose activities it pertains. A bulletin board may not exceed 16 square feet in area.

(F) *Canopy signs.* Only one canopy sign may be permitted per establishment. No canopy sign may extend beyond an edge of the canopy structure to which it is attached. Except at a corner, no canopy sign may be closer than five feet from the end of the longer side of the canopy structure. A canopy sign which is perpendicular to a building face may not exceed two-thirds of the width of the canopy structure or exceed eight square feet in area. A minimum spacing of ten feet must be provided between such canopy signs. A canopy sign which is parallel to a building face may not exceed two-thirds of the length of the canopy structure or exceed 16 square feet in area. No canopy sign may extend more than two feet either above or below the horizontal underside of the canopy structure. No canopy sign shall be less than seven feet from ground clearance.

(G) *Community service signs.* A community service sign may be erected only by a unit of government, school, chamber of commerce, religious organization or other non-profit agency. The area of a community service sign may not exceed six square feet in area in a Residential Sign District or 14 square feet in a Non-Residential Sign District. A community service sign that promotes any particular event may not be erected more than 30 days in succession or for more than 14 days prior to the event, and all such signs must be removed by the responsible party not more than three days after the event. Community service signs that are banners are further controlled by the provisions herein relating to banners.

(H) *Construction signs.* The area of a construction sign may not exceed eight square feet and the height may not exceed four feet. Only one construction sign may be permitted per street fronting a building or other project under construction, reconstruction or repair; except that, one additional sign, not exceeding three square feet in area, may be placed on the site by any individual contractor or subcontractor working on the project and not acknowledged on the principal sign. No part of a

construction sign may exceed a height of six feet. Construction signs which are larger than three square feet in area and not securely mounted on a wall shall be set back at least ten feet from the property line or edge of the right-of-way. Within the city limits, a construction sign may not be erected before the city has issued a building permit for the project to which the sign refers, and all such signs must be removed within 15 days after the city issues a certificate of occupancy for the project. In the city's extraterritorial jurisdiction, a construction sign may not be erected before the start of actual construction of the project to which the sign refers, and all such signs must be removed within 15 days after the completion of the project post-approval of site plan (if required).

(I) *Directional signs.* A directional sign may not contain any commercial message, except the name, logo or other symbolic identification of the establishment to which the sign is secondary. The area of a directional sign may not exceed six square feet. Directional signs must be located solely on the premises of the establishment to which they relate.

(J) *Drive-through window signs.* The area of a drive-through window sign may not exceed ten square feet.

(K) *Event signs, off-site.* Off-site event signs may not exceed an area of three square feet and may not be illuminated signs. Such signs may be placed only on private property and only with the consent of the owner of the property. No more than three such signs may be used to give directions to the same event. Such signs may not be placed more than 14 days prior to the event, and all such signs must be removed by the responsible party within one day after the conclusion of the event.

(L) *Event signs, on-site.* An on-site event sign may not exceed an area of three square feet at a residence or 16 square feet at any other location. Such sign may not be placed more than 14 days prior to the event, and it must be removed by the responsible party within one day after the conclusion of the event. There shall be no more than three on-site event signs for any event.

(M) *Flags.* Except for flags that are located on public land, no flagpole may be higher than 20 feet. At any establishment, the entire area of all flags (other than governmental flags) shall be counted toward the limit on the area of a self-supported sign on the premises. Except for governmental flags, no flags may be illuminated.

(N) *Freestanding signs.* Only one freestanding sign may be permitted per individual freestanding establishment. Only one freestanding sign may be permitted for a commercial complex; except that, a commercial complex with a land area of two acres or more may have one such free standing sign along each street which borders the complex for a distance of 200 feet or more. Such sign or signs may only identify the name and/or address of the complex and the individual tenants in the complex. If the structure of a freestanding sign contains or supports more than one sign, then each such sign must be of the same construction, coloring, design and style. A separate free standing sign for an individual establishment located within a commercial complex may be permitted only if the establishment meets both of the following conditions:

- (1) The establishment is located along a street bordering the complex and in a separate building from the principal building of the complex; and
- (2) The establishment has a separate driveway from the principal driveway entrance of the complex, and a separate parking area from the principal parking area of the complex, which may connect with the principal parking area, but is visually set off

from that area by fencing or landscaping. If a landscaped area is installed at the base of a freestanding sign, this landscaped area shall be protected from damage by pedestrian and vehicular traffic by a retaining wall or other barrier or method of separation acceptable to the City Manager/Administrator. The plants in such landscaped area shall be maintained in a healthy condition, and the area shall be kept free of weeds, trash and debris by the responsible party.

(O) *Facilities location signs.* Facilities location signs designed to provide directions to the golf course (e.g., the Quicksand at Woodcreek Golf Club Pro Shop) and to the entrance to Camp Young Judea, are subject to the following requirements.

(1) *Location and number of signs.* There shall be a maximum of four facility direction signs for the golf course facility. Two of the signs shall be permitted on the property owned by the city at the RR 12 entrance to the city. One sign shall be permitted on the city right-of-way at the Woodcreek Drive west entrance to the city. One sign shall be permitted on the city-owned right-of-way at the intersection of Woodcreek Drive and Pro Lane. There shall be a maximum of two facilities directions signs for Camp Young Judea. One sign shall be permitted on city-owned property at the intersection of Brookhollow Drive and Woodcreek Drive, and one sign shall be permitted on city-owned right-of-way at the intersection of Brookhollow Drive and Jack Miller Drive.

(2) *Construction and materials.* Sign materials shall be predominately natural, such as stone, cedar or other types of wood or materials that simulate natural materials. The RR 12 signs may have directional copy on both sides, as they will be perpendicular to the street. All signs shall be a maximum of three feet in height and five feet in width. The maximum distance between the bottom of the sign and the ground shall be two feet.

(3) *Approval and removal.* The City Council shall have right of approval of the design of such signs and shall require a permit for them, prior to installation. It shall be the responsibility of the owners/management of the facilities to install and maintain the signs in good condition. In the event that the signs are no longer needed or not maintained in good condition, the City may require removal of the signs, at the expense of their owners.

(P) *Garage sale signs.* Garage sale signs shall not be posted on any property within the city limits or the ETJ, other than the posting locations designated by the City and the property that is the site of the garage sale. A permit is required to post in any or all of the locations designated by the City. The application for the permit may be found on the City's website. A garage sale sign may not exceed four square feet and may be erected no more than two days prior and one day after the garage sale.

(Q) *Illuminated signs.* Illuminated signs that are internally illuminated, other than residential development signs and single-family address signs, may only be illuminated during the related establishment's hours of operation and for a period of no more than one hour afterward. Such internally illuminated signs may be illuminated on days that the establishment is not open for business for no longer than they are illuminated during a normal business day. The area of an illuminated sign which is internally illuminated may not exceed 18 square feet. The illumination from an illuminated sign which is internally illuminated may not exceed four foot candles at a distance of eight feet. The area of an illuminated sign, other than freestanding signs permitted in commercial complexes, may not exceed 24 square feet. Neon signs are prohibited except for signs

no greater than four and one-half square feet in area located on or inside of a window of an establishment. No illuminated sign shall be illuminated to such intensity or in such a manner as to cause glare or brightness to a degree that it constitutes a hazard or nuisance. Illuminated signs that are illuminated by mercury arc or mercury vapor light sources are prohibited. The maximum illumination of any illuminated sign shall not exceed 40 foot candles in a Non-Residential Sign District or 20 foot candles in Residential Sign Districts. The average illumination of an illuminated sign shall not exceed 20 foot candles in a Non-Residential Sign District or ten foot candles in a Residential Sign District. All light sources used with illuminated signs shall be shielded so that light is confined below the horizontal plane of the light source; except that, upward directed light may be used to illuminate governmental flags; provided, said illumination is confined to the area of the flag. There shall be no line of sight of any length from any point off the property on which a light source used to illuminate an illuminated sign is situated. Trespass illumination from all light sources on a property on which an illuminated sign is situated shall not exceed 0.1 foot candle. The measurement of trespass illumination shall be made at a point three feet above finished grade and four feet inside the boundary of the property on which the trespass illumination occurs. The measurements of the illumination of an illuminated sign shall be made at the surface of the sign. Illuminated signs not conforming to the illumination standards set forth above shall constitute a hazard and a nuisance.

(R) *Integrated signs.* The area of an integrated sign shall not be counted toward the limit on the area of wall signs on the same wall; provided that, the integrated sign contains no commercial message substantially duplicating another sign.

(S) *Model home signs.* A model home sign may be erected only on the actual site of a model home, and only one such sign may be erected on the site. The area of a model home sign may not exceed eight square feet, and the height of a model home sign may not exceed six feet. A model home sign may not be an internally illuminated sign, but may be externally lighted until 10:00 p.m. All model home signs must be removed within 30 days after 90% of the homes in the subdivision are sold.

(T) *Monument signs.* The area of a monument sign for an individual establishment may not exceed 24 square feet in any Non-Residential Sign District. The area of a monument sign for a commercial complex may not exceed 12 square feet. The height of a monument sign may not exceed eight feet.

(U) *Monument sign, changeable copy.* The changeable copy portion of the sign shall not exceed six square feet in area.

(V) *Name plates.* The area of a name plate may not exceed one square foot in a Residential Sign District or two square feet in a Non-Residential Sign District. Only one name plate may be permitted per residence or establishment.

(W) *Pet signs (lost/found).* ~~Pet signs may be placed only at the public bulletin board located at the Triangle Park at the intersection of Woodcreek Drive and Brookhollow Drive.~~ Persons wishing to post a pet sign must contact the city Administrator during normal business hours for approval. The person posting the signs should remove pet signs from the public bulletin board 15 days after posting.

(X) *Political signs.* Political signs may be placed only on the premises of a person or entity upon receipt of that person's or entity's express authorization. No political sign may be placed in, on or over any public right-of-way or publicly-owned land. Political

signs may not have an effective area greater than 36 feet, be more than eight feet high, be illuminated or have any moving parts. Political signs must be taken down within 10 days after the election.

(Y) *Projecting signs.* Only one projecting sign may be permitted per establishment; except that, in an establishment which is located on the corner of a street intersection or at the end of a building in a commercial complex, the establishment may have one projecting sign on the front wall and one projecting sign on the side wall of the building. The area of a projecting sign may not exceed 12 square feet. No projecting sign may exceed a height of 12 feet. No projecting sign may extend above any roof line of the wall of the building to which it is attached, nor beyond the end of the wall to which it is attached. A projecting sign attached to a building on private property may not extend over any public land, except a sidewalk adjacent to a building which is lawfully built up to the public right-of-way.

(Z) *Public service signs.* A public service sign may be placed only in a Non-Residential Sign District and only on the same lot or tract of land as the establishment sponsoring the sign. The area of a public service sign may not exceed 12 square feet, regardless of whether the public service sign is a separate sign or integrated as a component of another sign. Residents are allowed to post public service signs, including signs supporting political candidate, charities, or political organizations on their private property.

(AA) *Realty signs.* Realty signs may be placed only upon the premises to which they refer, and only one such sign may be permitted per street fronting the lot or tract. The area of a realty sign may not exceed eight square feet and the height may not exceed four feet. For properties on the golf course, an additional sign may be placed on the area of the property fronting the golf course.

(BB) *Residential development signs.* In addition to the name and/or the address of the residential development, a residential development sign may incorporate incidental leasing information and/or the contents of a directional sign. A residential development may have no more than one residential development sign for each street fronting such development. For a residential development with six or fewer residential units, the area of a residential development sign may not exceed eight square feet. For a residential development with more than six residential units, the area of a residential development sign may not exceed the smaller of either two square feet per residential unit or 16 square feet in total. For a residential development sign in a condominium development or in a subdivision in which the sign is common property of the subdivision homeowners, the condominium regime or restrictive covenants must provide adequate assurance, in the judgment of the City Manager/Administrator, that the landscaped area, if present, at the base of the sign will be properly maintained by the condominium owners' association or homeowners' association.

(CC) *Self-supported signs.* The area of a self-supported sign for a single establishment may not exceed three square feet in a Residential Sign District or 24 square feet in a Non-Residential Sign District. The area of a self-supported sign for a commercial complex may not exceed 12 square feet in a Residential Sign District or 64 square feet in a Non-Residential Sign District. For a commercial complex in a Non-Residential Sign District with a land area of two acres or more and frontage of 200 feet or more on each of two or more streets and more than one self-supported sign, the total

area of all self-supported signs may not exceed 100 square feet. The height of a self-supported sign may not exceed ten feet for a single establishment or 12 feet for a commercial complex in a Non-Residential Sign District or four feet in a Residential Sign District.

(DD) *Single-family address signs.* In addition to the name of the occupants and/or the address of the residence, a single-family address sign may contain an incidental personal message from the occupants, but it may not contain any commercial sign. The area of a single-family address sign may not exceed three square feet.

(EE) *Wall signs.* A wall sign which is not painted directly on the surface of a wall must be securely mounted to and supported by the wall throughout the length and width of the sign. Only one wall sign may be permitted per establishment. The area of a wall sign on any single wall may not exceed an area greater than 3% of the area of that wall, including windows and doors, or 30 square feet, whichever is less. The changeable copy portion of any wall sign shall not exceed eight square feet in area.

(Ord. 08-118, passed 11-12-2008) Penalty, see § 152.99

§ 152.44 UNIFORM SIGN RESTRICTIONS.

(A) No person shall construct, place, erect or use a sign anywhere in the city limits or the city's extraterritorial jurisdiction, except in accordance with city ordinances.

(B) No sign may be placed on or attached to any tree.

(C) No sign may be placed on or attached to any utility pole or pedestal, except by a utility company owning the pole or pedestal or operating facilities mounted on the pole or in the pedestal.

(D) Signs no longer in use must be removed if the sign's name advertises or calls attention to a business, service, product, institution, purpose, organization, cause or activity that has been discontinued, ceased operation, has not been offered on the site or is out of existence for a continuous period of 30 days or more.

(E) No sign or part of a sign, including mounting fixtures and supporting structures, may be located on or above any public land or public rights-of-way, except in areas designated by the City and with the proper permit or permission of this chapter. This provision does not apply to the particular governmental entity that is owner, custodian, trustee or manager of the public land or public rights-of-way.

(F) No sign or part of a sign, including mounting fixtures and supporting structures, which is mounted above or projects over any sidewalk, street, drive or parking area, whether on public or private land, may be hung with less than seven feet of vertical clearance above the sidewalk or less than 15 feet of vertical clearance above the street, drive or parking area.

(G) No sign may be located on any sidewalk or in any unpaved walkway intended for public use.

(H) No sign or part of a sign frame may be located between two feet and ten feet above the established ground level within the area of a clear sight triangle for traffic extending 25 feet in each direction from the point of a street intersection.

(I) No sign may be located closer than six feet laterally to a secondary power line or closer than ten feet laterally to a primary power line.

(J) No illuminated sign, and no permanent sign, except a directional sign, may be mounted or placed on or extend above the side wall or rear wall of any building, or be located in the side yard or rear yard of any lot or tract of land, when such sign faces

upon and is visible from a contiguous Residential Sign District.

(K) No part of a sign attached to a building shall extend beyond any roof line of the portion of the building to which it is attached.

(L) A person may not place, maintain or display on or in view of a public street a sign, signal, marking or device that:

- (1) Imitates or resembles an official traffic-control device or railroad sign or signal;
- (2) Attempts to direct the movement of traffic; or
- (3) Hides from view or hinders the effectiveness of an official traffic-control device or railroad sign or signal.

(Ord. 08-118, passed 11-12-2008) Penalty, see § 152.99

PERMITS

§ 152.55 PERMIT AND FEE REQUIRED.

Except as provided in § 152.57 of this chapter, no person may construct, place, erect, install, alter, repair or relocate any sign without first obtaining a sign permit from the designated City Staff. Applications for a sign permit shall be submitted in conjunction with any required building permit or prior to the construction, placement, erection, installation, alteration, reparation or relocation of any sign, except as provided in § 152.57 of this chapter. Each application for a sign permit must be accompanied by the appropriate fee established in the City's Master Rate Schedule ([link here](#)).

(Ord. 08-118, passed 11-12-2008) Penalty, see § 152.99

§ 152.56 PERMIT APPLICATION.

The application for a sign permit shall include a completed sign application form; complete information on all aspects of the proposed sign, including type, dimensions, design, content, purpose, placement; a sample set of the proposed materials and/or paint colors; construction plans; and such drawings, descriptions and specifications as are reasonably determined by the City Manager/Administrator to be necessary for proper review of the application. Any other documentation, including photographs and catalogs, which may further support the application, is encouraged to be included. For temporary signs, such as estate or garage sales, the applicant may present a the sign(s) for posting at the time of application.

(Ord. 08-118, passed 11-12-2008)

§ 152.57 PERMIT EXEMPTIONS.

The following types of signs are exempt from the requirement to obtain a sign permit; provided, the signs are not illuminated signs, either internally or externally, and provided the signs comply with all other provisions of this chapter and other applicable codes:

- (A) Auxiliary signs, such as signs providing general information such as pricing, official notices or services required by law, or signs giving directions to offices, restrooms, exits and like facilities;
- (B) Flags of governments, churches or schools;
- (C) Name plates;
- (D) Political signs;
- (E) Pet signs (lost/found);
- (F) Realty signs;
- (G) Single-family address signs;
- (H) Religious signs or signs expressing support for a religious or political cause.

(Ord. 08-118, passed 11-12-2008)

§ 152.58 ACTIONS EXEMPT FROM PERMIT.

The following actions are also exempt from the requirement of a sign permit:

(A) Repainting, rearranging or replacing letters or characters on an existing sign; provided that, the area of the sign is not enlarged, the height of the sign is not increased, the location of the sign is not changed and/or no other change is made to the sign;

(B) Changing the copy on a bulletin board or changeable copy sign; or

(C) Replacing the fabric or other material of an awning sign when no other change is made to the sign.

(Ord. 08-118, passed 11-12-2008)

§ 152.59 EXPIRATION OF PERMITS.

All sign permits shall be for a specified term. A sign permit for any sign which use is limited to a time period specified by this chapter, or which removal is required at a certain time by this chapter, must be for a specified term that does not exceed the time limit established by this chapter. The specified time limit for the construction of a sign under a sign permit shall not exceed three months. If substantial progress has not been achieved within three months, the permit shall automatically expire. Substantial progress shall include good faith initiation of construction of the sign or significant expenditures of funds toward sign construction.

(Ord. 08-118, passed 11-12-2008)

§ 152.60 MODIFICATIONS.

After a sign permit has been issued by the City it shall be unlawful to change, modify, alter or otherwise deviate from the terms and conditions of the permit without prior approval by the City

(Ord. 08-118, passed 11-12-2008) Penalty, see § 152.99

§ 152.99 PENALTY.

(1) *Provisions.* The city shall have the power to administer and enforce the provisions of this chapter as may be required by governing law. Any person violating any provision of this chapter is subject to suit for injunctive relief as well as civil action to enforce the provisions of this Chapter and seek remedies.

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

(a) Injunctive relief to prevent specific conduct that violates the chapter or to require specific conduct that is necessary for compliance with the chapter; and

(b) A civil penalty up to \$500 a day when it is shown that the defendant was actually notified of the provisions of the chapter and after receiving notice committed acts in violation of the chapter or failed to take action necessary for compliance with the chapter; and other available relief.

(3) *Notice and removal.* In addition to remedies otherwise provided in this chapter, whenever the City has evidence of a sign which after the effective date of this chapter was erected, constructed, altered, repaired, relocated or changed in violation hereof, or is otherwise in violation hereof, the City shall require the party responsible for such sign to remove it. If the responsible party fails to remove the sign within 72 hours after being notified to do so, or if the sign poses an immediate danger to the public, then such sign may be removed by the city and the city's actual cost of removal shall be charged to the

responsible party. Any sign so removed shall be impounded and shall not be returned to the party responsible until all applicable charges are paid. If any sign remains unclaimed for a period of more than 30 days, the city may destroy, sell or otherwise dispose of the sign.

(4) *Immediate removal.* The city shall have the authority to immediately remove and dispose of signs deemed in violation of this chapter if such signs are placed on or attached to trees, utility poles or pedestals, or located on any public land or public rights-of-way. The city may enforce this section without notice and without returning the removed signs to the responsible party.

(5) *Rights-of-Way Signs.* It is a violation of § 152.26 of this chapter to place or otherwise locate a sign upon the city's rights-of-way without express written authorization as set forth herein. Any person who violates § 152.26 of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$1 and not to exceed \$200. Each incident of violation of § 152.26 of this chapter shall constitute a separate offense.

(Ord. 08-118, passed 11-12-2008; Ord. 12-164, passed 7-11-2012; Ord. 13-177, passed 2-13-2013)

Council Meeting Date: 8/14/2019

AGENDA ITEM COVER SHEET

Subject/Title:

Discussion and Take Appropriate Action on Recommended Amendments to Chapter 91 Trees of the Woodcreek Texas Code of Ordinances

Item Summary:

After discussion at our last Council meeting, Councilmember Jackson was asked to combine the ordinance changes offered by the ordinance committee, into those offered by the Planning and Development Committee. This combination (deemed acceptable to the Planning & Development Committee) is attached here.

Financial Impact:

Cost of re-codifying

Recommendation:

Adoption of this ordinance

Attachments:

Combined ordinance amendment.

Submitted By:

Councilmembers Jackson & LeBrun; Planning & Development Work Group citizens

8 K

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 ____ day of August, 2019, by a vote ofof the City Council of Woodcreek, Texas.

CITY OF WOODCREEK:

William P. Scheel, Mayor

ATTEST:

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.

This chapter shall be known and may be cited as the Tree Ordinance.

(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.

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.

(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.

(2) 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).

(3) 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.

(4) 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.

(5) 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.

(6) 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.

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

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

(9) 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 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 \$1,000 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) Criminal penalty. Any person violating any provision of this article shall, upon conviction, be fined a sum not exceeding two thousand dollars (\$2,000.00) to be deposited in the landscaping fund. Each day that a provision of this article is violated shall constitute a separate offense. An offense under this article is a misdemeanor.

(D) 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)

Disclaimer:

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1-800-445-5588

DRAFT

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 91.19 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;

Deleted: live oaks and other

The City Council finds that:

- (1) The urban forest has significant 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 vital 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

Deleted: WHEREAS, the City Council has general authority to adopt the regulations herein relating to protecting each and every living tree within the City limits with an overview for the benefit of ALL trees. ¶

¶ WHEREAS, the City Council being a general-law municipality, the City has exclusive control to regulate the care and responsibility of our trees within the City limits. ¶

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 ____ day of August, 2019, by a vote of _____ of the City Council of Woodcreek, Texas.

Deleted: June

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

2 Purpose

3 Definitions

91.01 Establishment of a Tree Board

91.05 Tree Trimming Permit Required

91.06 Protected trees

91.07 Tree Reservation and Care

91.01 Certain trees declared a public nuisance

91.01 Inspections

91.01.1 Notice to owner

91.01.1 Abatement required; preventive measures; city may abate

91.01.1 Enforcement

91.01.1 Costs of preventive measures, treatment or removal and replacement

91.99 Penalty

§ 91.01 TITLE.

This chapter shall be known and may be cited as the Tree Ordinance.

Deleted: 91.02 Oak wilt reporting

Deleted: 91.03

Deleted: 91.04

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Deleted: 91.11 Tree-trimming permit required

(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)

§ 91.0 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)

§ 91.0 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, an official approval, or other license, permit, or other form of authorization required by a city ordinance, resolution 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 make 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.

Deleted: § 91.02 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 by the next business day.

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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) Mahoe, Texas
- f) Maple, Breanoh
- g) All Oaks
- h) Pecan
- i) Walnut, Arizona
- j) Walnut, Eastern Black
- k) Cedar, Spaul, Hummered

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*).

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NATURAL AREA. Areas where the naturally occurring landscape is left primarily undisturbed, except for the removal of poison ivy, greenhag, 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 lessee, Person & human individual, corporation, agency, unincorporated Association, partnership, unsole 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 Ord. 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 12 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, damage to 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 the side or the middle of all streets, avenues, or ways within the City. (Tree Ord. USA) All trees within the rural area of the City of Woodcreek, all streets currently existing, including the ways are hereby listed as Designated trees subject to the protective code ordinance.

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

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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)

§ 91.01 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, conduct 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 Council, 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 have the authority to 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.

§ 9.05 TREE TRIMMING PERMIT REQUIRED

No property owner, person, individual, firm, corporation, contractor, landscape contractor, tree trimmer, business 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 progress.

(Ord. 15-206, passed 2-11-2015; Permit, sec. 9.05)

§ 9.06 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

approved by the city or required under the city's Code of Ordinances. This article applies to actions taken after the date of enactment.

131. 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.

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

§ 91.02 TREE PRESERVATION AND CARE

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

(2) The tree survey shall include all existing live, head 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 shall 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. Dotted circles indicate trees that are to remain. Dashed circles indicate trees that are to be removed (including trees identified to be distressed).

(3) Healthy designated Heritage and Protected trees that require removal to accommodate 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 other amount plus 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 for trees of more or less than one acre. The cost of site fees identified as distressed shall not be included in tree preservation requirements calculation.

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

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

(6) 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 entire 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 (1/2) deep into the ground. Root barriers shall be at least three (3) feet in height.

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

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

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

(10) For all commercial and residential developments or subdivisions, during extreme drought classifications for this region as determined by the Regional 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. In the city manager or designee may accept an amount equal to the cost of purchasing and installing the trees and other required landscaping. The amount shall only act as a fiscal deposit or as a fee 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.

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

(12) If the cost for the installation of trees required by this chapter is provided to the city, the city shall reimburse 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.

(13) All 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 by 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.

(14) 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 noxious fungus, insect or other pest. *(Adapted from Tree City USA)*

(D) PRIVATE TREE CARE. Every owner of all trees 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 clearance 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 derelict limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or limb on private property when it interferes with any utility control device or sight. The City will notify citizens of intent to prune to give a thirty-day advance notice of commencing this work. *(Adapted from Tree City USA)*

(E) BAK WILT REPORTING. Any person who discovers or suspects the presence of oak wilt infection on an oak within the City shall report that information to the City Manager/ Administrator within business days.

§ 91.01 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY.

(A) All oak trees ~~infected with oak wilt, alive, dead or substantially dead, and all wood from oak trees~~ ~~infected 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 owner's property tax notice. *(Tree City USA)*

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(C) A person may, without a financial guarantee, maintain, remove, or remove a 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 live tree or protected tree after determining that the:

(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 some 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 all 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.

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(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.

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(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.

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(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 approaches must be maintained 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 \$1,000 for each separate offense.

(A) Compliance with any of this article will be required to come into compliance within sixty (60) days, unless an extension 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.

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§ 91.11 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

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(6) Criminal penalty. Any person violating any provision of this article shall upon conviction be fined a sum not exceeding two thousand dollars (\$2,000.00) to be deposited in the landscaping fund. Each day that a provision of this article is violated shall constitute a separate offense. An offense under this article is a misdemeanor.

(7) 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 a 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 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 at the project as long as a stop work order is in effect.

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

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Council Meeting Date: 08/14/2019

AGENDA ITEM COVER SHEET

Subject/Title:

Consider and Take Appropriate Action on Appointment of the City of Woodcreek Representative to the Texas Municipal League Business Meeting

Item Summary:

The Texas Municipal League has established a new process to consider resolutions submitted for consideration as follows:

2019 TML Business Meeting

The 2019 TML Annual Conference will feature a new process to consider resolutions submitted for consideration by the membership. In Lieu of a separate resolutions committee meeting, all resolutions will now go directly to the membership at the TML business meeting. Each city is entitled to one representative at the business meeting. The representative isn't required to have any special expertise, and an elected official representative is encouraged but not required. The representative must sign up electronically prior to the meeting or can sign up in person at a table outside of the meeting room. Cities are encouraged to sign up their representative early.

The City has the following representatives attending the Annual Meeting:

Mayor Pro Tem Britner
Councilmember Jackson
City Manager Lewis

Financial Impact:

None

Recommendation:

Appointment of representative to the 2019 Annual

Attachments:

None

Submitted By:

Mayor Scheel

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Council Meeting Date: 8/14/2019

AGENDA ITEM COVER SHEET

Subject/Title:

Resolution on pipelines affecting Texas Cities

Item Summary:

The Texas Municipal League will hold their annual conference in October. Delegates have an opportunity to vote on proposed resolutions by that body. Woodcreek, along with Wimberley and Kyle have worked on an ordinance proposing reasonable changes regarding pipelines.

Financial Impact:

0

Recommendation:

City of Woodcreek formally approve the Resolution, for presentation to TML in October

Attachments

Resolution

Submitted By:

Councilmember Jackson

JM

2019
TML RESOLUTION COVER SHEET

Sponsoring Entity: Woodcreek, Texas
(City, TML Affiliate, and/or TML Region)

Brief Background: Pipeline companies have eminent domain privileges as interstate carriers. Current Texas Law does not protect Texas Cities.

What the Resolution is Intended to Accomplish: Require pipeline companies to work with cities regarding routes, establish bonds for performance + require environmental studies for intra state projects (such as those required for interstate)

How the Resolution is City-Related/How it Addresses a Municipal Issue: Almost all Texas cities are, or could be, impacted by pipeline routes

Statewide Importance: Critical and timely.

Submitted By: Name: Cynthia Jackson
Title: City Council woman
City: Woodcreek, Texas
Email: cynth-jackson@woodcreektx.gov
Telephone: 512-479-329

Resolution

WHEREAS, the governmental responsibility of eminent domain has been delegated to Pipelines with little oversight, and

WHEREAS, risks of pipeline construction and operation include surface spills, blasting and trenching altering water flow, sinkhole development or filling, soil compaction, topographic alterations, pipeline leakage and drinking water contamination, and

WHEREAS, the elected officials of municipalities and cities believe the responsibility for Public Safety is a critical duty owed their citizens, and

WHEREAS, the elected officials of municipalities and cities believe the responsibility for Public Health is a critical duty owed their citizens, and

WHEREAS, the elected officials of municipalities and cities believe the responsibility for Emergency Preparedness is a critical duty owed their citizens, and

WHEREAS, the elected officials of municipalities and cities believe the responsibility for Planning and Economic Development is critical duty owed their citizens, and

WHEREAS, the elected officials of municipalities and cities believe their ability to address and/or to collaborate with accountable entities on these critical responsibilities is impeded under current State of Texas laws and regulations concerning oil and gas pipelines due to the delegated governmental authority of eminent domain to private companies and the lack of a public process, particularly environmental and economic impact studies for intrastate pipelines;

NOW, THEREFORE, BE IT RESOLVED BY THE TEXAS MUNICIPAL LEAGUE:

The State of Texas shall create a state regulatory process for pipeline routing that:

- **Enables affected communities and landowners to provide input prior to establishment and publication of routes.**
- **Provides for negotiation on routes when municipalities believe that substantial threats to economic development, natural resources, or standard of living are potential outcomes.**
- **Intrastate pipelines will comply with environmental and economic impact study standards, including the participation of local governmental entities and public participation.**
- **Pipeline operators shall have in place performance bonds like those the state has in its own contracts.**

Council Meeting Date 8/14/2019

Item No. _____

AGENDA ITEM COVER SHEET

Subject/Title

Discuss and take appropriate action on the first consideration of Chapter 30 of the Woodcreek Code of Ordinances as it relates to the Board of Adjustment.

Item/Summary

Council Members LeBrun and Jackson, with assistance from a citizen advisory workgroup, as part of their responsibilities for Planning and Development, have identified the need to update Chapter 30 of the Code of Ordinances, Board of Adjustment, for the following reasons:

- Provide language and provisions that are compliant with the Texas Local Government Code, Sections 211.008-211.011, as amended.
- Consistency and uniformity in the processing of appeals and variances. At this time there are eight (8) Chapters in the Code of Ordinances where a variance and/or appeal may be filed, with different entities and timelines for hearing and processing the variances or appeals.
- Change membership on Board of Adjustment from Council Members to Citizen Members appointed by Council Members and Mayor for individual terms of two (2) years.
- Clearly define the two types of cases to be heard by the Board: variances and appeals of City staff decisions and define procedures and timelines for these cases to be heard by the Board.
- Eliminate fee in those cases where a variance is requested but requiring a \$100 deposit and reimbursement of City expenses, except in those cases where the variance is requested to provide reasonable accommodation or grant full accessibility to persons with disabilities.
- These changes create increase transparency and guarantee independence to Board Members.

Financial Impact

Cost of recodifying.

Recommendation

Move to second reading and approval

Attachment

Amended Ordinance

Submitted by

Councilmember LeBrun, Council Member Jackson, Citizen Advisory Workgroup

BOARD OF ADJUSTMENT

§ 30.55 POPULAR NAME.

This subchapter shall be commonly cited as the "Board of Adjustment Ordinance."

(Ord. 12-171, passed 10-10-2012)

§ 30.56 PURPOSE.

This subchapter creates a Board of Adjustment, also referred as the Board, for the purpose, in appropriate cases and subject to appropriate conditions and safeguards, to grant variances for certain specific cases and hear appeals of decisions by City administrative staff that allege errors in the decisions. The Board in appropriate conditions and safeguards, is authorized to grant variances from the requirements of Ch. 50, 151, 152, 153, 154, 155 and 156 of this code of ordinances. This subchapter also defines the functions and authority of the Board. The Board shall be composed of members who are resident citizens and qualified voters of the City of Woodcreek.

(Ord. 12-171, passed 10-10-2012)

§ 30.57 DEFINITIONS.

(A) *Rules of interpretation.* Words and phrases used in this subchapter shall have the meanings set forth in this section. Words and phrases not defined in this subchapter 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 discretionary. Headings and captions are for reference purposes only.

(B) *Specific terminology.* For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOARD. The Board of Adjustment of the City of Woodcreek.

BOARD OF ADJUSTMENT MEMBERS AND TERMS OF OFFICE.

(A) The Board of Adjustment 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 one name for regular appointment. The Mayor will provide two names for appointment as alternates.

- (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. 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. Terms of office shall expire of the first day of October of any given year.
- (C) Board members shall be formally appointed by a majority vote of the City Council, in accordance with Texas Local Government Code Sections 211.008-211.011, as amended. At each case heard by the Board, the Board shall state who are the regular members and the two (2) alternates.
- (D) 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, or his/her successor, shall appoint a person, with approval of the Council, to fill the unexpired term.

BUILDING REGULATIONS. Ch. 151 of this Code of Ordinances, as may be amended.

CITY. The City of Woodcreek, an incorporated municipality located in Hays County, Texas.

FLOOD DAMAGE PREVENTION. Ch. 153 of this Code of Ordinances, as may be amended.

LAND USAGE ORDINANCES. Title XV of this Code of Ordinances, as may be amended, and specifically Ch. 151, Building Regulations; Ch.152, Signs; Ch. 153, Flood Damage Prevention; Ch.154, Site Development; Ch. 155, Subdivisions; and Ch. 156, Planning and Zoning.

PLANNING AND ZONING COMMISSION. The Planning and Zoning Commission for the city. The Planning and Zoning Commission shall be an advisory body and adjunct to the City Council, and shall make recommendations regarding amendments to the municipal Comprehensive Plan, changes of zoning, zoning ordinance amendments and zoning to be given to newly annexed areas, and shall consider approval of plats of subdivisions as may be submitted to it for review and other planning related matters

SIGNS. Ch. 152 of this code or ordinances, as may be amended

SITE DEVELOPMENT ORDINANCE. Ch. 154 of this code of ordinances, as may be amended.

STREETS AND SIDEWALKS. Ch. 92 of this code of ordinances, as may be amended.

SUBDIVISIONS. Ch. 155 of this code of ordinances, as may be amended.

VARIANCE. A variance is the relief from strict application of any term of provision of the specific regulations of Ch. 50, 151, 152,153, 154, 155 and 156 of this code of ordinances or other applicable ordinances under the purview of the city and applicable

to a particular parcel of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property owner from being deprived rights and privileges enjoyed by other owners of similarly situated parcels in the same vicinity and district. The hardship must be due to the nature of the land or tract of land and cannot be solely economic in nature. Under no circumstances can a variance be issued to allow any use other than those set forth in the zoning district in question.

WATER QUALITY PROTECTION ORDINANCE. Ch. 50 of this code of ordinances, as may be amended.

ZONING ORDINANCE. Ch. 156 of this code of ordinances, as may be amended.

§ 30.58 MEMBERS.

- (A) *Members of the Board.* There is hereby created a Board of Adjustment as defined in Section 30.57 of this Chapter of five (5) regular members and two (2) alternates who are resident citizens and qualified voters of the City of Woodcreek and are appointed by members of the City of Woodcreek Council.
- (1) Each of the five members shall be entitled to one vote in all deliberations of the Board. Alternates shall have a right to vote only when they are designated to replace a regular board member for specific reasons. When required, the Alternate to replace a regular board member shall be selected based on tenure with the Board, unless there is a conflict of interest or other valid reason to prevent the assignment or if the Alternate declines the assignment. Alternates may attend all meetings of the Board but their presence shall not be counted to establish quorum except when designated to replace a regular member.
- (B) *Terms.* Each member will serve until the expiration of his or her term of two years, with the exception of initial terms that will be served in accordance with Section 30.57 (B) of this Code of Ordinances.
- (C) *No compensation.* The members of the Board shall regularly attend meetings and public hearings of the Board and shall serve without compensation.
- (D) *Removal of member.* The City Council may, by majority vote, remove a Board member for lack of confidence, corruption, misconduct or malfeasance. In addition, the City Council, upon recommendation from the Board, by super majority vote, may remove any Board member who misses three (3) consecutive meetings within a twelve (12) month period or four (4) nonconsecutive meetings within a twelve (12) month time period. For the purpose of meeting attendance, it shall be considered a missed meeting for any Board member who leaves a meeting prior to the completion of all action items on the posted agenda for any reason other than to avoid a potential conflict of interest. Any Board member who is so removed shall not be considered for appointment to a City Board or Committee for a period of twelve (12) months from the date of removal.

- (E) *Cases before the Board.* Each case before the Board of Adjustment must be heard by a minimum of four (4) members.
- (F) *Chair of the Board of Adjustments.* Members of the Board of Adjustment shall select a Chair and a Vice Chair from its membership. Both positions shall serve for one year or until replaced by a majority vote (4 members) of the Board. Elections will be held annually on the first day of October. The Chair shall preside over all meetings and appeals and shall affix his/her signature to all matters of the Board.

§ 30.59 MEETINGS.

- (A) *Calling a meeting.* Meetings of the Board shall be held at the call of the Chair and at other times as the Board may determine necessary to hear appeals or requests for variances. Four (4) members of the Board shall constitute a quorum for the Board to conduct business. All cases to be heard by the Board will be heard by, at least, 75% of the members, which constitutes four (4) members
- (B) *Public meetings.* All meetings of the Board shall be open to the public and meeting notices shall be posted in advance in accordance with Texas Open Meetings Law. Refer to Tex. Gov't Code, Title 5, Ch. 551. All meetings will be electronically recorded and such recordings will be available for public review.
- (C) *Minutes.*
 - (1) The Chair of the Board shall keep minutes, or designate a member of the Board to keep minutes, of the Board's proceedings. The minutes shall record the vote of each member on each question of fact, including whether a member is absent or abstains from voting. The Board shall keep records of its examinations and official actions. The minutes, electronic recordings, and records shall be signed and attested to by the Board Chair and Vice Chair and shall be filed immediately with the City Secretary and considered public records.
 - (2) Findings of the Board together with any recommendations it receives, and the specific facts upon which its findings are based, shall be incorporated into the official minutes of the Board of Adjustment meeting and are considered public records.

§ 30.60 AUTHORITY OF THE BOARD.

- (A) The Board shall have the authority, subject to the standards established in Tex. Local Gov't Code §§ 211.008 to 211.011 and those established herein, to exercise the following powers and perform the following duties:
 - (1) Hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official of the City in the enforcement of city ordinances granting appellate jurisdiction to the Board
 - (2) Hear and decide requests for variances from the requirements of Ch. 50, 151, 152, 152, 153, 154, 155 and 156 of this code of ordinances; provided that,

the variance is not contrary to public interest and, due to special conditions, a literal enforcement of the articles would result in unnecessary hardship, and so that the spirit of these articles is observed and substantial justice is done.

(B) In exercising its authority under division (A)(1) above, the Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for those purposes, the Board has the same authority as the administrative official.

(C) The concurring vote of a majority, four (4) members of the Board, is necessary to:

- (1) Reverse an order, requirement, decision or determination of an administrative official; or
- (2) Authorize a variance from the terms of Ch. 50, 151, 152, 153, 154, 155 and 156 of this code of ordinances.
- (3) Decide in favor of an applicant on a matter on which the Board is required to review by ordinance.

(D) Limitations on Authority of Board

- (1) The Board may not grant a variance authorizing a use other than those permitted in the zoning area for which the variance is sought.
- (2) The Board shall have no power to grant or modify conditional use permits authorized under this Code of Ordinances.
- (3) The Board shall have no power to grant a zoning amendment. In the event that a request for a zoning amendment is pending before the Planning and Zoning Commission or City Council, the Board shall neither hear nor grant any variances with respect to the subject property until final disposition of the zoning amendment.
- (4) The Board shall not grant a variance for a parcel of property or portion thereof upon which a site plan, preliminary plat, or final plat where required, is pending on the agenda of the Planning and Zoning Commission or the City Council.
- (5) All administrative remedies available to the applicant shall have been exhausted prior to hearing by the Board of Adjustment.

§ 30.61 APPEALS ALLEGING ERROR AND PROCEDURE FOR REQUESTING AN APPEAL

(A) *General.* The Board shall have the power to hear and decide an appeal that alleges an error in an order, requirement, decision or determination made by an administrative official in the enforcement of Tex. Local Gov't Code Ch. 211 and Ch. 50, 92, 151, 152, 153, 154, 155, and 156 of this code of ordinances and other city ordinances granting appellate jurisdiction to the Board.

(B) *Procedure.* The procedure for asserting is detailed in § 30.63 of this chapter.

§ 30.62 VARIANCES AND PROCEDURES FOR REQUESTING A VARIANCE

(A)

(1) *General.* The Board shall have the power to authorize in specific cases a variance from the terms of Ch. 50, 151, 152, 153, 154, 155 and 156 of this code of ordinances, if the variance is not contrary to the public interest and requiring strict compliance of the provisions within the aforementioned ordinances would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done. *In all instances, the applicant shall bear the burden of proof in establishing the facts justifying a variance.*

(2) *Procedure.* The Procedure for requesting a variance is detailed in § 30.64 of this chapter.

(B) Zoning variances.

(1) *General.* Zoning variances that may be brought before the Board may include, but are not limited to:

(a) *Structures permit.* A variance whenever a property owner can show that a strict application of the terms of Ch. 151 and/or 156 of this code of ordinances relating to the construction or alteration of a building or structure or the use of land will impose unusual and practical difficulties or particular hardship.

(2) Requirements for zoning variances.

(a) The Board shall ensure that any surrounding property pertaining to a variance request is properly protected.

(b) The Board shall not, in any event, permit a use on any property that is not permitted within the zoning category for which such property is zoned.

(3) Site development plan variances.

(1). A variance whenever a property owner can show that a strict application of the terms of Ch. 154 of this code of ordinances relating to the development of a building site or the use of land will impose unusual and practical difficulties or particular hardship. In considering such a variance, the Board shall take into account:

- (a) The nature of the proposed use of the land involved
- (b) The existing uses of land in the vicinity
- (c) The number of persons who will reside or work in the proposed development
- (d) The probable effect of such variance upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity

(D) *Requirements for site development and water quality variance.* No variance of the requirements of Ch. 50 and 154 shall be granted unless the Board finds that all of the following provisions are met.

(1) Special circumstances or conditions affecting the land involved such that the strict application of the provisions of Ch. 50 or Ch. 154 of this code of ordinances would deprive the applicant of the reasonable use of the involved land.

(2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

(3) Granting of the variance will neither be detrimental to the public health, safety or welfare, nor injurious to other property in the area.

(4) Granting of the variance will not have the effect of preventing the orderly development of other land in the area in accordance with the provisions of Ch. 154 of this code of ordinances.

(E) *Minimum departure.* When the Board determines that a variance is warranted, the variance permitted shall be the minimum departure from the terms of the relevant ordinance, of this code of ordinances.

(F) *Recommendation.* The Board may seek the recommendation of the City Engineer and/or City Attorney prior to taking any action on a proposed variance.

(G) *Pecuniary hardship.* Pecuniary hardship of the applicant, property owner or developer, by itself, shall not be deemed sufficient to constitute undue hardship.

(H) *Granting variance for more favorable outcome for general public.* It shall be an adequate basis for granting a variance if doing so will enable the applicant to create additional open space, reduce impervious cover, preserve trees, maintain critical environmental features, ensure more wildlife preservation or bring non-conforming structures (including signs) into compliance with current regulations. This section is designed to achieve a more favorable outcome for the general public than would be possible complying with Ch. 50, 151, 152, 153, 154, 155, and 156 of this code of ordinances.

(I) *Necessary percentage of vote.* The concurring vote of at least four (4) Board members in attendance is necessary to:

(1) Grant a variance or reverse an order, requirement, decision or determination of an administrative official;

(2) Decide in favor of an applicant on a matter on which the Board is required to pass under Ch. 50, 151, 152, 153, 154, 155, and 156 of this code of ordinances; and/or

(3) Authorize a variance from the terms of Ch. 50, 151, 152, 153, 154, 155 and 156 of this code of ordinances.

§ 30.63 PROCEDURE FOR REQUESTING AN APPEAL ALLEGING ERROR

(A) *Appellants.* In the event that any person has been aggrieved by the decision of an administrative official, pertaining to Tex. Local Gov't Code Ch. 211 and Ch. 50, 92, 151, 152, 153, 154, 155, and 156 of this code of ordinances, such person may submit an appeal to the Board.

(B) *Written request.* A request for an appeal alleging error (as provided in § 30.61 of this chapter) shall be made in writing and include information to support the request for the appeal. Such information may include, but is not limited to, documentation previously provided to the City official, plat plans, site and building plans, contour maps and locations of existing flora.

The request for an appeal alleging an error shall clearly state the grounds for the appeal.

(C) *Stay of proceedings after appeal is filed.* An appeal stays all proceedings in furtherance of the action that is appealed unless the City Engineer certifies in writing to the Board of Adjustment that a stay would cause imminent peril to life or property. If, after reviewing facts in the City Engineer's certification, the Board agrees with such facts, the action will not be stayed.

(D) *Fee.* There shall be no fee for an appeal.

(E) *Address.* The request for appeal shall be mailed or hand-delivered to the City of Woodcreek, 41 Champions Circle, Woodcreek, Texas, 78676. The City Secretary shall date stamp the appeal upon receipt and provide a receipt to the applicant.

(F) *Notice/request and deadline for appeal alleging error.* The notice of appeal must be filed no more than ten (10) business days from the date of the decision by the City official. On receiving notice of appeal from the Board, the designated City official shall immediately notify the Chair of the Board of the appeal and begin assembling and copying all documents constituting the record of the action that is appealed.

(G) *Deadline for decision on an appeal.* The request for appeal will be approved or denied within thirty (30) calendar days from the date a procedurally complete request for appeal is received by the city. Failure to take action on a request for appeal within the prescribed thirty (30) calendar days results in an automatic approval of the appeal.

(H) *Necessary percentage of vote.* The concurring vote of at least four (4) Board members in attendance is necessary to reverse an order, requirement, decision, or determination of an administrative official.

(Ord 12-171, passed 10-10-2012)

§ 30.64 PROCEDURE FOR REQUESTING A VARIANCE

(A) An applicant for a variance shall submit a request for a variance from the terms of Ch.50, 151, 152, 153, 154, 155, and 156 of this Code or ordinances when the applicant believes strict application of the terms of this Code of ordinances would result in unnecessary hardship.

(B) *Address.* The applicant shall submit the request for variance in writing and, if so required by the City, in the appropriate form. The request may be mailed or hand-delivered to the City of Woodcreek, 41 Champions Circle, Woodcreek, Texas 78676. The City Secretary shall date stamp the request upon receipt and provide a receipt to the applicant.

(C) *Variance Request Format.* The request for a variance shall comply with Section 30.62 of this Chapter and clearly state the grounds for requesting the variance, such as the unusual conditions or circumstances which, in the applicant's opinion, justify the variance. The request for variance shall include documentation detailing the specific variance and may include drawings, plat plans, site and building plans, or other documentation the applicant believes to be relevant to the request.

(D) The City shall be responsible for notifying all property owners within 200 feet of the property for which a variance is requested of the variance requested and the date, time, and location of the Board of Adjustment meeting where the request for variance will be heard. The notification will include a complete description of the variance requested.

(E) *Deadline for decision on variance request.* The request for variance will be approved or denied within forty-five (45) calendar days from the date a procedurally complete request for variance is received by the City. Failure to take action on a submitted request for variance within the prescribed forty-five (45) calendar days results in an automatic approval of the variance.

(F) *Fee.* There shall be no fee for requesting a variance, but a deposit of \$100 will be required at the time of filing to cover City expenses for processing, reproduction, or required publication. In cases where expenses are projected to exceed the deposit, City staff will notify applicant of estimated costs before incurring such costs. In cases where expenses do not reach \$100, the balance will be refunded to the applicant. No deposit shall be required for those cases where the variance is requested to provide reasonable accommodation to a person with a disability or to remove a barrier to accessibility by persons with disabilities. In cases of reasonable accommodation, expenses will be borne by the City.

§ 30.65 HEARINGS AND DECISIONS

(A) *Setting a hearing.* After receiving a request for an appeal of an administrative decision or a variance request, the Board shall set a date and time for a hearing. This date shall be within a reasonable time from receipt of the request but shall be set to comply with the deadlines to render a decision set forth in Sections 30.63 and 30.64 of this Chapter. Once a date is set, the Board shall provide due notice to the parties in interest and post a public notice of the hearing.

(B) *Public hearings.* All hearings relating to an appeal alleging error or a request for a variance shall be public and posted in advance in accordance with Texas Open Meetings Law. Refer to Tex. Gov't Code, Title 5, Ch. 551. All meetings will be electronically recorded and such recordings will be available for public review. At any hearing, any party may appear in person, by agent or by attorney.

(C) *Decisions by Board.*

- a. The Board shall decide appeals alleging error within thirty (30) calendar days from receipt of the appeal. The Board, upon a majority vote (4 members) may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose the Board has the same authority as the administrative official.
- b. The Board shall decide requests for variances within forty-five (45) calendar days from receipt of the request for variance. The Board, upon a majority vote (4 members), may grant or deny, in whole or in part, a request for variance. For that purpose, the Board has the same authority as an administrative official for the City.

(D) *Denials by the Board.* Any person or persons jointly or severally, aggrieved by any decision of the board of adjustment, or any taxpayer, or any official, department, board or bureau of the city, may present to a court of record a petition for a writ of certiorari, as provided by V.T.C.A., Local Government Code § 211.011, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten days after the filing of the decision of the board of adjustment with the City.

Council Meeting Date: 08/14/2019

AGENDA ITEM COVER SHEET

Subject/Title:

Discussion and Take Appropriate Action on Repealing Resolution No. 14-051401 as it Relates to Establishing Employee Status and Authorizing Pay for Elected Officials

Item Summary:

During the budget workshop the City Council expressed interest in repealing the resolution authorizing payment to elected officials. Staff has prepared a rescinding resolution as attached.

Financial Impact:

Reduction of budget item

Recommendation:

None

Attachments:

Resolution

Submitted By:

City Council

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF WOODCREEK, TEXAS
RESCINDING RESOLUTION NO. 14-051401**

WHEREAS, the City Council of the City of Woodcreek adopted Resolution No. 14-051401 on May 14th, 2014; and

WHEREAS, Resolution No. 14-051401 classified elected officials as employees of the City and to earn a salary of \$10.00 per month;

WHEREAS, the nominal salary of \$10.00 per month has been paid to the positions of Director of Public Works and City Treasurer.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF WOODCREEK CITY COUNCIL THAT:

1. Each elected official shall not receive a salary of \$10.00 per month and shall not be classified as employees of the City of Woodcreek.
2. The positions of Director of Public Works and City Treasurer shall not receive a nominal salary of \$10.00 per month.
3. The effective date of the payment of \$10.00 per month shall cease on June 30th, 2019.

**PASSED AND APPROVED THIS THE _____ DAY OF _____, 2019, by a vote of _____
Ayes to _____ Nays to _____ Abstentions of the City Council of Woodcreek.**

City of Woodcreek, Texas

William P. Scheel, Mayor

Attest:

Linda Land, City Secretary

Council Meeting Date: 08/14/2019

AGENDA ITEM COVER SHEET

Subject/Title:

Consider and Take Appropriate Action on Trimming of Trees on all Streets Within the City of Woodcreek

Item Summary:

The City periodically contracts to trim the trees on the major streets to enable the safe passage of high profile vehicles. The cost to trim the trees usually is about less then \$10,000 on the major streets. The City has received numerous complaints regarding high profile vehicles hitting branches on less traveled streets. Therefore, staff is in the process of receiving quotes from tree trimming businesses, that have arborist on staff, to trim the trees on all streets to allow for a safe passage of 16 foot above the street. The quotes received were as follows:

Bartlett Tree Experts - \$12,160
Austex Tree Service, Inc. - \$13,975
Austin Tree Surgeons - \$15,000
Tex Star Trees and Landscapes, LLC – \$8,700

Financial Impact:

The Budget for Tree Trimming is \$15,000

Recommendation:

Authorize staff to enter into an agreement with lowest responsible provider of tree trimming service.

Attachments:

Tree Trimming Proposals

Submitted By:

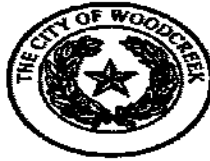
City Manager Lewis

8 P

RECEIVED

8/8/19

CITY OF WOODCREEK



City of Woodcreek

Request for Bids for City Street Right-of-Way Tree Trimming and Canopy Clearance

Date of submittal: 8/8/19 (due Friday, Aug. 9th by 3pm)

1. Our 10 miles of city streets has places where tree limbs are hanging low over the roadways. This creates a safety hazard by narrowing the area where vehicles pass each other and it forces larger vehicles, i.e. school buses, ... to move to the center of the roadway. The city desires canopy clearance above all streets to 16 feet. If tree limbs/branches are to the side, these must be cleared to at least 2 feet of the side of the road.
2. Two feet of clearance must also be maintained around any street signs.
3. For all oak trees, once the branches are cut they must be immediately painted with an opaque paint to curb the spread of oak wilt.
4. If oak wilt is detected, the City of Woodcreek should be notified and the location of the tree identified to City personnel. Also, if oak wilt is identified, equipment must be cleaned properly between each tree.
5. The bidder shall supply all truck(s), equipment, material, and personnel who are properly trained to safely and efficiently perform climbing and cutting services as described. Successful bidder must also remove all cut branches, debris, and materials from the city.
6. A map of the City Streets is attached as page 3.

Bidding Company Name: Tex Star Trees and Landscapes, LLC
Company Address: 12 Huckleberry Ln., 78674
Company Phone: 512-694-6607
Company Official and Title: Carey Whitten, President
Signature of Company Official: C. Whitt
Licensed Arborist Name and Number: Cody Gee 830-624-5068
Bid Amount: \$ 8700.00

Do not forget a copy of the Commercial General Liability Insurance.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
08/07/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER D & D Insurance Agency PO Box 2249 Wimberley TX 78676-	CONTACT NAME: Angie Dahl	
	PHONE (A/C, Ho, Ext): (512)847-5549 FAX (A/C, Ho): (512)847-2107 E-MAIL ADDRESS: info@dd-ins.net	
INSURED Tex-Star Trees & Landscapes, LLC 12 Huckleberry St Wimberley TX 78676-	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A: United Fire & Indemnity	19496
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

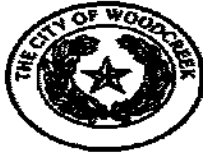
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR / WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR		60505337	08/07/2019	08/07/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPROP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS HIRED AUTOS SCHEDULED AUTOS NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB EXCESS LIAB DED RETENTIONS					EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A			WC STATUTORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Inland Marine - Equipment		60505337	08/07/2019	08/07/2020	Rented/Leased Equip 100,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER CAREY WHITTEN	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>Julie Rose</i>	AI 004456
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Bartlett



City of Woodcreek

Request for Bids for City Street Right-of-Way Tree Trimming and Canopy Clearance

Date of submittal: 7/29/19 (due Friday, Aug. 9th by 3pm)

1. Our 10 miles of city streets has places where tree limbs are hanging low over the roadways. This creates a safety hazard by narrowing the area where vehicles pass each other and it forces larger vehicles, i.e. school buses, ... to move to the center of the roadway. The city desires canopy clearance above all streets to 16 feet. If tree limbs/branches are to the side, these must be cleared to at least 2 feet of the side of the road.
2. Two feet of clearance must also be maintained around any street signs.
3. For all oak trees, once the branches are cut they must be immediately painted with an opaque paint to curb the spread of oak wilt.
4. If oak wilt is detected, the City of Woodcreek should be notified and the location of the tree identified to City personnel. Also, if oak wilt is identified, equipment must be cleaned properly between each tree.
5. The bidder shall supply all truck(s), equipment, material, and personnel who are properly trained to safely and efficiently perform climbing and cutting services as described. Successful bidder must also remove all cut branches, debris, and materials from the city.
6. A map of the City Streets is attached as page 3.

Bidding Company Name: Bartlett Tree Experts
 Company Address: 2200 Old Ranch Rd. 12
 Company Phone: 512-397-1089
 Company Official and Title: Steven Austin, BA Board Cert. Master
 Signature of Company Official: [Signature] Arborist
 Licensed Arborist Name and Number: Steven Austin TX-3616BT
 Bid Amount: \$12,100

Do not forget a copy of the Commercial General Liability Insurance.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/31/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER York International Agency, LLC Attn: bartlettcert@yorkintl.com 500 Mamaroneck Avenue Harrison NY 10528	CONTACT NAME: PHONE (A/C, No, Ext): 914-376-2200		FAX (A/C, No): 914-376-2891
	E-MAIL ADDRESS:		
INSURED The F.A. Bartlett Tree Expert Company 1290 East Main Street Stamford CT 06902	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: Travelers Property & Casualty Co of		25674
	INSURER B: Travelers Indemnity Company		25658
	INSURER C:		
	INSURER D:		
	INSURER E:		

COVERAGES **CERTIFICATE NUMBER: 1966006783** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDE INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			TC2J-GLSA-1005A129-TL-18	12/1/2018	12/1/2019	EACH OCCURRENCE	\$1,000,000
							DAMAGE TO TREATED PREMISES (Ea occurrence)	\$1,000,000
							MED EXP (Any one person)	\$10,000
							PERSONAL & ADV INJURY	\$1,000,000
							GENERAL AGGREGATE	\$5,000,000
							PRODUCTS - COMPROP AGG	\$2,000,000
								\$
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			TC2J-CAP-1005A130-TL-18	12/1/2018	12/1/2019	COMBINED SINGLE LIMIT (Ea accident)	\$2,000,000
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			TC2K-UB-1005A105-18 TRK-UB-1005A117-18	12/1/2018 12/1/2018	12/1/2019 12/1/2019	PER STATUTE	OTH-ER
							E.L. EACH ACCIDENT	\$1,000,000
							E.L. DISEASE - EA EMPLOYEE	\$1,000,000
							E.L. DISEASE - POLICY LIMIT	\$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Proof of insurance.

CERTIFICATE HOLDER	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE



AusTex

Austex Tree Service, Inc.

**Residential / Commercial • Trimming & Removals • Lot Clearing • Stump Grinding
• Ball Moss Removal**

P.O. Box 6089 Round Rock, Texas 78683 (512) 248-0082

Date: July 8, 2019

Attn: Brenton Lewis.

City of Wood Creek

41 Champions Circle Wood Creek, TX 78676

Work: 512-847-9390 Fax: 512-847-6661 Cell: 325-423-0674

RE: City of Woodcreek Street Canopy min. 16' & Side Clearance min. 2'

Austex Tree Service Inc. is pleased to provide the following Invoice for your review.

I.	Bid Item Description (610S-F)	Qty:	Unit:	Unit Price	Amount
	Base Bid all Streets South Side of Wood Creek Drive:				\$7,350.00
	Base Bid all Streets North Side of Wood Creek Drive				\$6,250.00
	Disposal Fee:				\$375.00
All tools are sterilized, and all cuts are sealed within 5min of cutting, per W/ANSI A-3000 and City of Austin specifications.					
					Total: \$13,975.000

Thank you for the opportunity to be of service on this project. I am hopeful we can do business together. If you have any questions, please feel free to give me a call at (512) 248-0082 or (512) 563-6624.

Austex Tree Service is a certified African American H.U.B - D.B.E. Contractor.

City of Austin Certificate # 950713-D

State of Texas (TBPC) Certificate # 12600525864

Capital Metro (1220023197)

Certified Arborists # TX3324A

Regards,

Hale Hawkins

CEO

Accepted by: _____

Title: _____

Company: _____

Date: _____



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/21/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

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PRODUCER SWBC Insurance-Austin 2028 E. Ben White Blvd Ste 510 Austin TX 78741	CONTACT NAME: Connie Briones	PHONE (LIC. No. Ext.): (512) 438-1300	FAX (LIC. No.): (512) 438-1398
	E-MAIL ADDRESS: certificate.team@swbc.com		
INSURED Austex Tree Services, Inc. P.O. Box 6689 Round Rock TX 78683	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: Capital Specialty Ins Corp		
	INSURER B: _____		
	INSURER C: _____		
	INSURER D: _____		
	INSURER E: _____		

COVERAGES CERTIFICATE NUMBER: 18719 Master REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

YEAR LTR	TYPE OF INSURANCE	ADDITIONAL INSURED	POLICY NUMBER	POLICY EFF. (MM/DD/YYYY)	POLICY EXP. (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR		CS18002802-03	12/20/2018	12/20/2019	EACH OCCURRENCE \$ 1,000,000 BODILY INJURY/PROPERTY DAMAGE (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPROP AGG \$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:					
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE		CS16002602-03	12/20/2018	12/20/2019	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory to list) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N				PER STATUTE OFF-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

General Liability includes a blanket automatic additional insured endorsement which provides additional insured status to the certificate holder only when there is a written contract between the named insured and the certificate holder which requires such status. General Liability and Workers Compensation includes a blanket automatic Waiver of Subrogation endorsement only when there is a written contract between the named insured and the certificate holder which requires it. Excess Liability coverage follows General Liability forms.

CERTIFICATE HOLDER

CANCELLATION

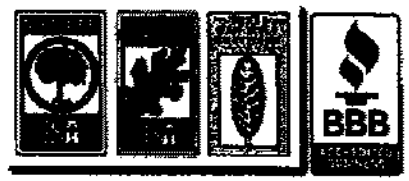
For information Only	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE

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Estimate

Estimate No: 13857
Date: 08/2/2019



13062 W Hwy 290 # 112,
AUSTIN TX 78737

Phone: (512) 301-4400
Cell:
office@austintreesurgeons.com
http://www.AustinTreeSurgeons.com

For: **Maureen Mele**
City of Woodcreek
41 Champions Cir
Woodcreek, TX 78676

between 9:30-3 pm

Code	Description	Quantity	Rate	Amount
Tree Trimming	Tree Trimming of All Trees To Meet Height of 16 Ft Over All Roadways And View Clearance Of Any Signs In Woodcreek City Limits As Defined By Map Given By Maureen.	1	\$15,000.00	\$15,000.00

Subtotal	\$15,000.00
State Sales Tax	\$1,237.50
Total	\$16,237.50



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/03/2018

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PRODUCER Bradley Insurance Agency 1415 Summit Avenue Fort Worth TX 76102		CONTACT NAME: Jimmy Bradley PHONE (A.C. No. Ext.): (817) 332-8288 E-MAIL ADDRESS: darla@bradleyinsurance.com FAX (A.C. No.):	
INSURED Ridenhour Enterprises, Inc. DBA Austin Tree Surgeons San Antonio Tree Surgeons 150 Pemberton Way Austin TX 78737		INSURER(S) AFFORDING COVERAGE INSURER A: APPALACHIAN UNDERWRITERS, INC. NAIC # 22292 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

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INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER			IG06A010293-03	10/01/2018	10/01/2019	EACH OCCURRENCE	\$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
							MED EXP (Any one person)	\$ 5,000
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
								\$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	\$
	<input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE	OTH-ER
							E.L. EACH ACCIDENT	\$
							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

ISSUED FOR BIDDING PURPOSES

CERTIFICATE HOLDER**CANCELLATION**

Brad Ridenhour dba Austin Tree Surgeons, San Antonio Tree Surgeons 150 Pemberton Way Austin TX 78737	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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