

## **City of Woodcreek Regular City Council Meeting**

**May 8, 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 Council Meeting on May 8, 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. Presentations:**

- A. Recognition of Judy Brizendine, former City Councilmember**
- B. Recognition of Abby Adams and Rowan Zavaleta, Youth Advisors for the Parks & Recreation Board**

**8. Report Items:**

- A. Director of Public Work's Monthly Report (Director of Public Works Frank Wood)**
- B. Financial Report for April 2019 (City Manager Brenton Lewis)**
- C. City Manager's Monthly Public Report (City Manager Brenton Lewis)**
- D. 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)

**9. 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 City Council Meeting of April 10, 2019.
- B. Approval of Financial Statements for April 2019

**10. Regular Agenda:**

- A. Public Hearing on the Proposed City of Woodcreek 2030 Comprehensive Plan, Goals, Objectives, and Strategies.
- B. Discussion and Possible Action Regarding the City of Woodcreek 2030 Comprehensive Plan, Goals, Objectives, and Strategies (Councilmember Jackson)
- C. Update on Mayor and City Council Duties and Responsibilities (Mayor Scheel)
- D. Discussion and Take Appropriate Action on the Possible Modifying of the Guardrail Fencing at the Northwest Side of the Box Culverts on Brookhollow Drive (City Manager Lewis)
- E. Discussion and Take Appropriate Action to Adopt a Parks & Recreation Master Plan for the City of Woodcreek (Councilmember Tilley)
- F. Review, Discussion, and Take Appropriate Action on the Council Action from the September 12<sup>th</sup>, 2018 Regular Council Meeting Regarding Possible Traffic Calming Devices (Councilmember LeBrun)
- G. Discussion and Possible Action on Creation of a Committee to Review Traffic Calming Measures. (Councilmember Jackson)
- H. Discuss and Take Appropriate Action on Possible Traffic Calming and Directional Signs for the Area Known as the Commons Area on Par View Drive (City Manager Lewis)
- I. Discussion and Take Appropriate Action to Adopt a Social Media Policy for the City of Woodcreek (Councilmember Tilley)
- J. Discussion and Possible Action Naming Jeff Rasco to the Planning & Zoning Commission (Councilmember Jackson)
- K. Discussion and Possible Action on Providing Access and Control of Green Space Watering to the Parks & Rec Board (Councilmember Jackson)
- L. Discussion and Take Appropriate Action on Recommended Amendments to Chapters 90 through 96 of the Woodcreek Texas Code of Ordinances (Mayor Pro-Tem Britner)

- M. Discussion and take Appropriate Action on Possible Amendments to Chapter 152: Signs of the Woodcreek Texas Code of Ordinances (Councilmembers LeBrun and Jackson)
- N. Discussion and Take Appropriate Action on Criteria, Structure, and Process for the Annual Evaluation, Compensation, and Employment Agreement of the City Manager (Councilmember Tilley)
- O. Discussion and Take Appropriate Action on the Adoption of the International Building Code 2015 Edition, including Appendices C, E, F, I; International Property Maintenance Code 2015 Edition, including Appendix A; International Mechanical Code 2015 Edition; International Plumbing Code 2015 Edition; International Fuel Gas Code 2015 Edition; International Residential Code for One- and Two- Family Dwellings 2015 Edition; National Electrical Code 2014 Edition; International Energy Conservation Code 2015 Edition; International Fire Code 2015 Edition, including Appendices B, D, E, F, G, I, J; International Swimming Pool and Spa Code 2015 Edition; International Existing Building Code 2015 Chapter 4. (City Manager Lewis)
- P. Discussion and Take Appropriate Action on an Ordinance Amending Chapter 33: Records Retention Management of the Woodcreek, Texas Code of Ordinances to Provide for Amending the Records Management and Retention Policies, Providing for Repeal of Prior Records Management Regulations, and Providing for Severability and an Effective Date (City Manager Lewis)
- Q. Discuss and Take Appropriate Action on a Resolution Cancelling the Regular City Council Meeting of July 10<sup>th</sup>, 2019 and Scheduling a Special City Council Meeting on July 17<sup>th</sup>, 2019.
- R. Report and Possible Action on the Texas Local Government Code Chapter 43 Section 43.002 and the Effect on the City of Woodcreek Code Chapter 156 Section 156.081 Recreational District, tabled from the Regular City Council Meeting held on September 12th, 2018 and January 9<sup>th</sup>, 2019 (City Manager Lewis)
- S. Executive Session to Consult with City Attorney on a Development Agreement with Camp Young Judea Pursuant to Government Code Section 551.071
- T. Discuss and Take Appropriate Action on Designating Mayor Scheel, Councilmembers LeBrun and Jackson, and City Manager Lewis to Negotiate on Behalf of the City with Representatives of Camp Young Judaea on a Development Agreement
- U. 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 1-800735-2988.*

*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 3<sup>rd</sup> day of May, 2019 at 4:30 p.m.

By:   
Brenton B. Lewis, City Manager

7B

***Certificate of Commendation  
from the City of Woodcreek  
presented to***

**Abby Adams**

***The City of Woodcreek thanks you for your participation  
and support of the Parks and Recreation Board.  
We sincerely appreciate your civic involvement!!***

7B

*Certificate of Commendation  
from the City of Woodcreek  
presented to*

**Rowan Zavaleta**

*The City of Woodcreek thanks you for your participation  
and support of the Parks and Recreation Board.  
We sincerely appreciate your civic involvement!!*

**Treasurer's Report**  
**For the Period: October 2018 - April 2019**  
 Percent Complete: 58.33%

	2018-2019			2017-2018			Y/Y Monthly Comparison		
	YTD	Budget	%	YTD	Budget	%	Apr-19	Apr-18	Difference
<b>Revenue</b>									
3000 Ad Valorem Tax Revenue	259,850	280,000	93%	273,384	280,000	98%	4,180	6,366	(2,186)
3005 State Sales Tax Revenue	32,986	50,000	66%	27,332	50,000	55%	4,338	3,178	1,160
3010 Mixed Beverage Tax & Fees Rev	501	1,000	50%	458	1,000	46%	122	120	2
3020 Electric Franchise Fee Revenue	26,741	34,000	79%	16,949	34,000	50%	9,376	9,822	(447)
3030 Cable Services Franchise Rev	19,738	30,000	66%	9,657	39,000	25%	-	3	(3)
3040 Water Service Franchise Revenue	82,638	96,000	86%	18,316	95,000	19%	8,493	8,942	(449)
3050 Disposal Service Franchise Rev	12,069	14,500	83%	10,124	16,800	60%	4,487	-	4,487
3060 Telephone Franchise Revenue	878	1,500	59%	449	2,000	22%	3	-	3
3070 Golf Course Franchise Revenue	500	500	100%	500	500	100%	-	-	-
3080 Reimbursements	338	-	n/a	-	-	n/a	-	-	-
3090 Development Revenue	-	15,000	0%	-	-	n/a	-	-	-
3090.01 Residential	9,064	-	n/a	12,693	-	n/a	1,009	3,545	(2,536)
3090.02 Commercial	369	-	n/a	6,829	-	n/a	-	-	-
3090.03 Other	204	-	n/a	1,500	38,000	4%	204	-	204
<b>Total 3090 Development Revenue</b>	<b>9,636</b>	<b>15,000</b>	<b>64%</b>	<b>21,022</b>	<b>38,000</b>	<b>55%</b>	<b>1,213</b>	<b>3,545</b>	<b>(2,332)</b>
3095 Sign Fees	135	500	27%	525	940	56%	-	-	-
4000 Interest Income	19,196	29,500	65%	2,672	8,000	33%	3,103	407	2,696
4010 Other Revenue	235	2,500	9%	2,270	3,000	76%	-	500	(500)
4015 Oak Wilt Containment	-	-	n/a	-	-	n/a	-	-	-
4020 Municipal Court Revenue	426	3,000	14%	533	3,000	18%	-	-	-
4040 Donations Received	6,000	6,000	100%	-	5,000	0%	-	-	-
4050 General Fund Transfer	-	113,550	0%	-	-	n/a	-	-	-
Uncategorized Revenue	-	-	n/a	-	-	n/a	-	-	-
<b>Total Revenue</b>	<b>471,876</b>	<b>677,550</b>	<b>70%</b>	<b>384,189</b>	<b>576,240</b>	<b>67%</b>	<b>33,113</b>	<b>12,882</b>	<b>2,431</b>

<b>Expenses</b>									
5000 Personnel Services	-	-	n/a	-	-	n/a	-	-	-
5000.01 Salaries and Wages	83,524	166,180	54%	71,955	143,900	50%	10,484	10,705	(220)
5000.02 Ins Expense Reimbursement	4,642	7,200	64%	700	-	n/a	663	100	563
5000.03 City Manager Vehicle Reimburse	4,871	8,350	58%	4,871	8,350	58%	696	696	-
5000.05 Elected Official Pay	490	840	58%	530	840	63%	70	70	-
5000.20 Payroll Tax Expense	7,367	11,500	64%	8,568	11,900	72%	863	912	(49)
5000.40 Retirement	7,817	13,600	57%	4,966	9,370	53%	932	935	(2)
5000.50 Direct Deposit Expense	-	-	n/a	-	-	n/a	-	-	-
5000.51 Health Insurance Stipend	-	-	n/a	-	3,600	0%	-	-	-
<b>Total 5000 Personnel Services</b>	<b>114,712</b>	<b>208,890</b>	<b>55%</b>	<b>91,590</b>	<b>177,960</b>	<b>51%</b>	<b>13,708</b>	<b>13,417</b>	<b>291</b>
5500 Office Expenses	-	-	n/a	-	-	n/a	-	-	-
5500.05 Bank Fees & Charges	(174)	-	n/a	-	-	n/a	6	-	6
5500.10 City Hall Maintenance / Repairs	1,450	5,000	29%	1,380	2,000	69%	21	-	21
5500.20 Cleaning Costs	875	1,500	58%	750	1,500	50%	125	-	125
5500.30 IT & Radio Expenses	319	650	49%	27	700	4%	205	27	178
5500.40 Newsletter	-	-	n/a	-	-	n/a	-	-	-
5500.50 Office Supplies	2,868	2,500	115%	1,359	2,000	68%	421	27	394
5500.60 Postage & Shipping	538	1,800	30%	619	1,800	34%	-	-	-
5500.61 Printing & Reproduction	2,908	5,000	58%	3,362	6,000	56%	231	412	(181)
5500.70 Storage Rental	108	110	98%	755	1,250	60%	-	216	(216)
5500.80 Software & Subscriptions	4,563	7,000	65%	3,359	8,300	40%	1,730	1,630	100
<b>Total 5500 Office Expenses</b>	<b>13,455</b>	<b>23,560</b>	<b>57%</b>	<b>11,512</b>	<b>23,550</b>	<b>49%</b>	<b>2,738</b>	<b>2,312</b>	<b>427</b>
6000 Professional Services	-	-	n/a	-	-	n/a	-	-	-
6000.01 Audit Expenses	9,860	9,860	100%	-	9,100	0%	-	-	-
6000.10 Codification	475	4,000	12%	728	3,000	24%	124	-	124
6000.11 Contract Labor	-	3,000	0%	-	500	0%	-	-	-
6000.15 Engineering	12,701	20,000	64%	5,333	10,000	53%	-	1,418	(1,418)
6000.20 Legal Expenses	25,345	18,000	141%	14,477	20,000	72%	4,040	1,712	2,328
6000.30 IT Services	4,658	8,000	58%	4,674	8,500	55%	679	712	(33)
6000.40 Accounting	5,320	10,000	53%	4,448	10,000	44%	665	-	665
<b>Total 6000 Professional Services</b>	<b>58,358</b>	<b>72,860</b>	<b>80%</b>	<b>29,658</b>	<b>61,100</b>	<b>49%</b>	<b>5,509</b>	<b>3,841</b>	<b>1,667</b>
6500 Area Care/Maintenance	-	-	n/a	-	-	n/a	-	-	-
6500.01 Deer Removal	675	1,000	68%	375	1,000	38%	75	-	75
6500.15 Mowing	493	4,000	12%	960	1,200	80%	105	-	105
6500.20 Oak Wilt Containment	-	-	n/a	-	-	n/a	-	-	-
6500.21 Outdoor Beautification	6,812	30,000	23%	5,226	15,000	35%	65	180	(115)
6500.25 ROW Tree Trimming	-	10,000	0%	1,500	12,000	13%	-	-	-

8A

	2018-2019			2017-2018			Y/Y Monthly Comparison		
	YTD	Budget	%	YTD	Budget	%	Apr-19	Apr-18	Difference
6500.38 Street Maintenance	1,256	150,000	1%	46	1,300	4%	50	-	50
6500.31 Street Signs	8	6,000	0%	30	750	4%	-	-	-
6500.35 Storm Damage Reserve	-	1,000	0%	-	7,000	0%	-	-	-
6500.48 Tree Limb Pick-Up	-	-	n/a	-	-	n/a	-	-	-
6500.58 Equipment Maintenance	1,473	2,500	59%	-	-	n/a	-	-	-
<b>Total 6500 Area Care/Maintenance</b>	<b>10,716</b>	<b>204,500</b>	<b>5%</b>	<b>8,137</b>	<b>38,250</b>	<b>21%</b>	<b>295</b>	<b>180</b>	<b>115</b>
7000 Other Operating Expenses	-	-	n/a	-	-	n/a	-	-	-
7000.01 Ad Valorem Tax Expense	1,585	2,500	63%	1,639	3,100	53%	-	162	(162)
7000.02 Building Inspections	5,405	6,500	83%	2,005	6,500	31%	1,465	245	1,220
7000.03 Code Compliance	-	1,500	0%	1,898	2,000	95%	-	-	-
7000.04 Dues & Membership	2,472	3,000	82%	2,448	3,000	82%	659	640	19
7000.05 Election Expense	3,552	3,560	100%	-	-	n/a	-	-	-
7000.10 Depreciation Expense	-	-	n/a	-	-	n/a	-	-	-
7000.15 Meeting Expense	680	500	136%	1,026	1,600	64%	101	28	73
7000.20 Public Notices	3,197	1,500	213%	693	2,000	35%	2,194	99	2,095
7000.30 Travel & Vehicle Exp Reimb.	818	1,500	55%	2,279	4,000	57%	-	-	-
7000.31 Elected Official Travel	931	3,000	31%	-	-	n/a	-	-	-
7000.40 Training & Prof Development	-	-	n/a	2,172	5,000	43%	-	80	(80)
7000.41 Elected Body	960	3,500	27%	-	-	n/a	250	-	250
7000.42 Staff	3,347	3,000	112%	-	-	n/a	325	-	325
7000.50 Community Relations	1,900	3,000	63%	-	-	n/a	-	-	-
<b>Total 7000 Other Operating Expenses</b>	<b>18,641</b>	<b>33,060</b>	<b>56%</b>	<b>14,160</b>	<b>27,200</b>	<b>52%</b>	<b>4,418</b>	<b>1,253</b>	<b>3,165</b>
7500 Utilities	-	-	n/a	-	-	n/a	-	-	-
7500.10 City Hall Utilities	1,672	3,000	56%	1,641	3,200	51%	242	218	24
7500.20 Outdoor Utilities	1,849	4,000	46%	2,078	4,000	52%	239	247	(8)
7500.30 Telephone & Internet	1,733	4,000	43%	2,546	4,000	64%	246	261	(15)
<b>Total 7500 Utilities</b>	<b>5,254</b>	<b>11,000</b>	<b>48%</b>	<b>6,265</b>	<b>11,200</b>	<b>56%</b>	<b>728</b>	<b>727</b>	<b>1</b>
8000 Insurance	3,514	3,500	100%	3,266	3,500	93%	-	-	-
8020 Municipal Court Costs	-	-	n/a	-	-	n/a	-	-	-
8020.20 NC Judge	2,100	3,600	58%	1,750	3,500	50%	300	250	50
8020.25 Misc. Court Costs	2,755	8,000	34%	4,375	5,000	87%	2,114	-	2,114
8020.30 Prosecutor	4,107	1,000	411%	3,332	6,000	56%	445	540	(95)
8020.40 State Comptroller Costs	323	700	46%	248	700	35%	121	-	121
8020.41 Supplies	-	200	0%	-	200	0%	-	-	-
8020.50 Public Safety	31,826	56,680	56%	14,170	30,000	47%	15,913	-	15,913
<b>Total 8020 Municipal Court Costs</b>	<b>41,111</b>	<b>70,180</b>	<b>59%</b>	<b>23,876</b>	<b>45,400</b>	<b>53%</b>	<b>18,893</b>	<b>790</b>	<b>18,103</b>
8900 Miscellaneous	-	-	n/a	47	-	n/a	-	47	(47)
8900.10 Reconciliation Discrepancies	-	-	n/a	-	-	n/a	-	-	-
8900.20 Contingency Reserve	-	50,000	0%	-	-	n/a	-	-	-
<b>Total 8900 Miscellaneous</b>	<b>-</b>	<b>50,000</b>	<b>0%</b>	<b>47</b>	<b>-</b>	<b>n/a</b>	<b>-</b>	<b>47</b>	<b>(47)</b>
8977 General Fund Accrual	-	-	n/a	-	-	n/a	-	-	-
Unapplied Cash BIR Payment Expenditure	-	-	n/a	-	-	n/a	-	-	-
<b>Total Revenue</b>	<b>271,967</b>	<b>677,550</b>	<b>40%</b>	<b>183,617</b>	<b>388,160</b>	<b>47%</b>	<b>36,864</b>	<b>22,568</b>	<b>14,296</b>
Net Operating Revenue	199,909	-	n/a	195,577	188,080	104%	(11,552)	10,314	(21,866)
Other Revenue	-	-	-	-	-	-	-	-	-
4010 Proceeds from Capital Leases	-	-	n/a	-	-	n/a	-	-	-
8500 Capital Improvement Income	143	-	n/a	3,113	-	n/a	0	584	(583)
Other Expenditures	-	-	-	-	-	-	-	-	-
8500.25 Capital Improvement Expense	-	-	n/a	-	-	n/a	-	-	-
9001 Capital Lease Principal	-	-	n/a	-	-	n/a	-	-	-
9002 Interest on Capital Lease	-	-	n/a	-	-	n/a	-	-	-
9005 Bond Interest Paid	-	-	n/a	-	-	n/a	-	-	-
9000.01 Capital Expenditures - CY	3,633	-	n/a	7,811	20,000	39%	3,633	7,811	(4,178)
9000.1 Capital Project Expenditures - FY	-	-	n/a	-	-	n/a	-	-	-
9000.11 2017 Street Improvements	208,183	-	n/a	607,453	-	n/a	-	448,183	(448,183)
9000.12 2017 Street Improvements Legal	-	-	n/a	20,969	-	n/a	-	2,945	(2,945)
9010.01 Sinking Fund Revenue	(185,174)	-	n/a	(143,338)	-	n/a	(5,930)	(3,964)	(1,966)
9010.02 Sinking Fund Interest	9,564	-	n/a	7,529	-	n/a	-	-	-
9010.03 Sinking Fund Principal	172,000	-	n/a	143,000	-	n/a	-	-	-
9000.02 Other Miscellaneous Expenditure	(211,816)	-	n/a	(779,232)	-	n/a	(3,633)	(459,929)	-
9000 Reconciliation Discrepancies	-	-	n/a	-	-	n/a	-	-	-
<b>Net Other Revenue</b>	<b>4,753</b>	<b>-</b>	<b>n/a</b>	<b>138,922</b>	<b>(20,000)</b>	<b>-695%</b>	<b>5,930</b>	<b>4,548</b>	<b>457,678</b>
<b>Net Revenue</b>	<b>204,662</b>	<b>-</b>	<b>n/a</b>	<b>334,499</b>	<b>168,080</b>	<b>199%</b>	<b>5,664</b>	<b>14,362</b>	<b>455,812</b>



# The City of Woodcreek

## STATEMENT OF FINANCIAL POSITION

As of April 30, 2019

	TOTAL
<b>ASSETS</b>	
Current Assets	
Bank Accounts	
1000 Operating - Broadway 9628	0.00
1003 Municipal - Reg Acct#7223	0.00
1003.1 Municipal Court Petty Cash	100.00
1006 PEG - #5467	0.00
1007 TX Regional 061, Operating	383,651.48
1008 TX Regional 053, Investment	0.00
1008.1 Municipal Court Funds	18,091.92
1008.2 PEG Funds	36,356.80
1008.3 Reserve Funds	541,431.34
<b>Total 1008 TX Regional 053, Investment</b>	<b>595,880.06</b>
1009 TX Regional 095, Bond Proceeds	143.36
1010 Petty Cash	-41.00
1020 Investment Account - Class 0001	466,491.03
1021 Reserved Funds - Broadway 4573	0.00
1022 Crockett National Bank	0.00
1023 Pioneer Bank #6151	0.00
1024 MM Construction Project 6332	0.00
<b>Total Bank Accounts</b>	<b>\$1,446,224.93</b>
Accounts Receivable	
1120 Delinquent Taxes Receivable	10,574.84
<b>Total Accounts Receivable</b>	<b>\$10,574.84</b>
Other Current Assets	
1121 Allowance for Uncollectible	-2,266.76
1122 Due to/from HOT Account	0.00
1123 Employee Cash Advance	0.00
1124 Sales Tax Receivable	3,201.75
1125 Franchise Fees Receivable	0.00
1126 Other Current Receivables	0.00
1150 Due From Capital Project Funds To Operating	167,425.08
1200 Undeposited Funds	0.00
<b>Total Other Current Assets</b>	<b>\$168,360.07</b>
<b>Total Current Assets</b>	<b>\$1,625,159.84</b>
Fixed Assets	
1200 Office Furniture / Equipment	35,704.46
1225 Land	37,850.00
1226 Building & Improvements	130,602.00
1227 Street Pavement	144,126.00
1228 Street Improvements 2017	1,479,824.71
1231 Storage Building	9,055.00

	TOTAL
1233 Radar Sign	3,633.00
1235.1 Kawasaki Mule 2016	7,840.64
1240 Accumulated Depreciation - All	-195,372.00
<b>Total Fixed Assets</b>	<b>\$1,853,263.81</b>
Other Assets	
1250 Deferred Revenue	-8,308.49
1300.10 Committed for Streets Repair	0.00
<b>Total Other Assets</b>	<b>\$ -8,308.49</b>
<b>TOTAL ASSETS</b>	<b>\$3,270,115.16</b>
<b>LIABILITIES AND EQUITY</b>	
Liabilities	
Current Liabilities	
Accounts Payable	
1900 Accounts Payable	0.00
<b>Total Accounts Payable</b>	<b>\$0.00</b>
Other Current Liabilities	
1901 Accts Payable At Year-End	0.00
2000 Payroll Tax Payable	2,947.75
2001 Federal Withholding Payable	0.00
2020 State Unemployment Liability	10.91
2021 Accrued Wages Payable	0.00
2030 TMRS Payable	0.00
2100 WVWA / LCRA Grant	424.21
Expenditures	
2105 Capital Development Grant	3,066.00
2105.1 Augusta Park Proj Expenditures	0.00
2110 Direct Deposit Liabilities	0.00
2200 Security Deposits	0.00
2300 Sales Tax Revenue Overpayment	533.38
2350 Bond Principal Maturity February	0.00
2400 Due To Operating From Capital Project Funds	167,425.08
2701 Bond Principal Maturity 2/15/2019	172,000.00
<b>Total Other Current Liabilities</b>	<b>\$346,407.33</b>
<b>Total Current Liabilities</b>	<b>\$346,407.33</b>
Long-Term Liabilities	
Bonds Payable Construction Project Funds	
2702 Bond Principal Maturity 2/15/2020	183,000.00
2703 Bond Principal Maturity 2/15/2021	195,000.00
2704 Bond Principal Maturity 2/15/2022	207,000.00
2705 Bond Principal Maturity 2/15/2023	219,000.00
2706 Bond Principal Maturity 2/15/2024	233,000.00
<b>Total Bonds Payable Construction Project Funds</b>	<b>1,037,000.00</b>
<b>Total Long-Term Liabilities</b>	<b>\$1,037,000.00</b>
<b>Total Liabilities</b>	<b>\$1,383,407.33</b>
Equity	
9997 Net Investment In Capital Assets	144,132.96

8A

	TOTAL
9998 Opening Balance Equity	329,816.47
9999 Retained Earnings	1,208,096.03
Net Revenue	204,662.37
<b>Total Equity</b>	<b>\$1,886,707.83</b>
<b>TOTAL LIABILITIES AND EQUITY</b>	<b>\$3,270,115.16</b>

**City Manager Monthly Public Report from April 4, 2019 to May 2, 2019 for the May 8, 2019 City Council Meeting**

Meetings were held for the Parks and Recreation Board, the Planning & Development Council Responsibilities, the Infrastructure Council Responsibilities, the Communications Council Responsibilities, the Development Council Responsibilities, the Roads Advisory Group and with Wimberley ISD. Staff attended meetings with Jacobs Well GMZ Stakeholders, Camp Young Judaea, Quicksand Golf Course and a possible developer in the ETJ.

The City issued the following permits and stop work orders to date –

Permits Issued:        Tree Trimming – 8  
                               Fence – 1  
                               Stairs/landing – 1  
                               Storage Building – 1  
                               Deck Cover – 1  
                               Deck – 1  
                               Parking - 1  
                               Single Family Home – 1 (4<sup>th</sup> this year – a total of 9 last year)

Certificate of Occupancy:    1

Municipal Court –    Held - April 16, 2019 – 5 cases on the Docket  
                               Scheduled – May 29, 2019 – 2 p.m.

Events -                May 4, 2019 – Bulk Collection at City Hall  
                               May 5, 2019 – Ready, Set, Summer at Camp Young Judaea

Ordinance Violation Letters -        Construction without permit – 1  
     Health/Safety – tall grass – 3  
     Health/Safety – brush/debris - 2  
     Dead trees - 2

Speed radar sign installed on Brookhollow near the low-water crossing

**Council Meeting Date: 05/08/2019**

**Council Responsibilities Report  
COMMUNICATIONS  
Ray Don Tilley, Councilmember**

The meeting format for Communications is now fully open to citizens, with Q&A and open discussion. Due to its exclusion from Open Meetings Act structure, only one additional Councilmember can attend. This month Cyndi Jackson joined me, along with citizens Emma Davenport, Chrys Grummert, Jim and Perri Satterwhite.

We discussed how Council Responsibilities differ from formal City bodies—Council, Planning & Zoning, and Parks & Recreation—which meet under the Open Meetings Act. All Council Responsibilities have the freedom to include citizens and up to two Councilmembers. Communications meets on the second Thursday each month at 6:30pm at City Hall. I will invite in a different Councilmember each time. Nancye Britner will join us May 9; Aurora LeBrun will attend on June 13.

The City Attorney clarified at the last Council meeting that Council Responsibilities meetings such as Communications can be recorded and distributed. This must be done on a personal website, however, not the City website, so as to avoid confusion with official meetings under the Open Meetings Act: Council, P&Z, and Parks & Rec.

Communications began as a responsibility area with Council direction to draft City policies for social media and cyber security. Since then, nearly all work has focused on social media as the first policy to address.

In the meeting, we reviewed the draft social media policy line by line, making changes on screen as we talked. After an hour's give-and-take editing session, the draft was simplified to introduction, definition, and purpose, plus these principles of use: transparent, accurate, respectful, careful, and legal. The draft now fits a single page and will be presented to Council May 8.

Along the way, we discussed how social media has increased communications. For example, Cyndi posts for Council meeting summaries soon afterward, providing citizens her unofficial summary weeks before official draft minutes are posted.

We discussed the idea of a floating agenda that would allow Councilmembers to post items as they arise, rather than once in the week before each meeting. The floating agenda would be more fluid and allow Councilmembers to keep others' items in mind and avoid unnecessary duplication. A floating or moving agenda would also increase the opportunity for citizens and Councilmembers to research a particular issue and prepare better for the meeting.

We discussed how useful the citizens find the packet that accompanies the agenda, and how they would like to see it continue appearing well in advance of the meeting, so they can study what will be considered on the agenda. Citizens said the packets have been more timely and complete in recent practice than in years past.

Cyndi and I answered questions about how the Council agenda is constructed to the extent we could. We noted that a recently updated Council resolution allows the Mayor, Councilmembers, and the City Manager to add items to the agenda, which the City Manager compiles and presents.

A question arose about Councilmembers communicating outside meetings. The Open Meetings Act prohibits a quorum of Council—three or more members—from discussing City business outside an official Open Meeting. A wrinkle to that law is that the Mayor cannot vote except to break a tie, and thus can meet on City business with two Councilmembers legally outside an official meeting. “Meeting” includes all forms of communication, too, such as email, text, and phone calls, not just in person. The quorum prohibition is intended to prevent deliberation and decision on agenda items outside the Open Meeting. The Mayor is considered part of Council, but does not count toward quorum. There was unresolved disagreement on that point.

On social media, a quorum is prohibited when a particular item of City business is discussed. Once a second Councilmember posts on a given social media topic or thread, additional Councilmembers are then essentially “frozen out” from joining the discussion. This is a conservative, but safe interpretation. The principle is to prevent back-room deal-making.

We talked about the term “bandwidth” as useful slang for “time in the schedule.”

We discussed the range of “City communications channels,” which include the City website, emails, texts, and posting

board at City Hall. Citizens suggested adding a posting kiosk at the Triangle, and upgrading to video, not just audio, streaming of Council meetings.

We discussed at length how the social media policy relates to City officials discussing City-related business, not personal social media for personal topics not related to the City.

We discussed the position of Public Information Officer, reserved for City officials who are authorized to speak on behalf of the City of Woodcreek. PIOs for the City are the Mayor and City Manager.

We disagreed regarding what can be deleted from social media, rather than left in place and corrected by an additional post. This remains to be resolved in policy.

We touched on a chart of Communications Roles and Media, which may or may not be worth further development as a mind map or some other form of visualization.

We also briefly discussed the cyber security policy, particularly how to ensure privacy of City email on the IT system until a valid public information request is received. When public information requests are received, also, we discussed making sure that data is handled only by the IT consultant. We also discussed the value of having generic, permanent, position-specific email addresses for Councilmembers, rather than name-based.

The next Communications meeting will be held Thursday, May 9, at 6:30pm at City Hall. All citizens are welcome to attend and participate in the workshop format.

Council Meeting Date:  
May 8, 2019  
Reports

### Infrastructure Responsibilities

Roads Advisory Workgroup: The Roads Advisory Workgroup met on April 23, 2019 at City Hall. Five of the eight citizen representatives were in attendance. Also in attendance City Engineer for Roads, Jason Baze, City Public Works Director Frank Wood, P&Z representative Jack Boze, City Manager Brenton Lewis, and Council Members Eskelund and LeBrun. Attached is a list of citizens who have agreed to serve, as well as city staff, and Council representatives supporting this effort.

- A significant portion of our meeting was spent sharing information. We are very fortunate to have members who have served in previous Road Committees, as well as members with professional experience in engineering and construction.
- Reviewed the city map and each quadrant to be assessed. Discussed Council priorities for repairs/replacement, as per vote of December 2018, and reviewed the budget available for this fiscal year.
- Assignments were made, as follows:
  - On-site assessments by Quadrants will begin within the next 2 weeks and will be completed prior to our next meeting (scheduled for Monday, June 3 at 1:00 p.m.).
  - City Manager will provide copies of the roads engineering study, charts to document findings during road assessment, a hard copy of the directory, and other equipment, such as hard hats and safety vests, necessary for the assessments.
  - Quadrant members will coordinate dates and times of assessment with each other and conduct assessments as a team.
  - All roads will be assessed on a numerical scale, with appropriate notations. We discussed a range of 1 to 5, with 5 being "acceptable." In addition to assessing road conditions, the teams will review other aspects of road safety, such as dangerous intersections, areas prone to flooding, sight deficiencies, storm drains, and also evaluate the effectiveness of recent repairs.
  - Speed limits and speeding concerns will be part of the assessments to include consideration of traffic calming structures or devices to reduce speeding incidents in the City. We anticipate coordination with Parks & Recreation and the Planning & Development workgroup in the design and placement of these devices or structures.
  - All input will be compiled and discussed at the June 3 meeting - recommendations to Council will come from the consensus reached at this meeting.
- Another item we discussed and that must be taken into consideration is the impact utility issues will have on future repairs/replacements. Delays such as those experienced during the Brookhollow Project will
- Ideally we can complete our report, present to Council, hold informational meetings for our citizens, and get agreement on a project within available funds that we can, if not complete, begin this fiscal year.

Roads Advisory Workgroup  
(Council Infrastructure Responsibilities)  
City of Woodcreek

Members

Council Representation:

Eric Eskelund

[eric.eskelund@woodcreektx.gov](mailto:eric.eskelund@woodcreektx.gov)

Aurora F. LeBrun

[aurora.lebrun@woodcreektx.gov](mailto:aurora.lebrun@woodcreektx.gov)

Planning & Zoning Representative:

Joseph (Jack) Boze

Director of Public Works

Frank Wood

[fwood67@yahoo.com](mailto:fwood67@yahoo.com)

Citizens Representation – by City Zone (2 per zone)

Zone 1- Bill Tomlinson  
Gerald "JJ" Schwettman IV

Zone 2- Roger Addlesperger  
Charles Vann

Zone 3 - Rogers Holt  
Jason Donaldson

Zone 4 - Andy Cotten  
John Epley

City Staff:

Brenton Lewis, City Manager  
[manager@woodcreektx.gov](mailto:manager@woodcreektx.gov)  
512-847-9390

Jason Baze, City Roads Engineer  
[JBaze@jonescarter.com](mailto:JBaze@jonescarter.com)  
512-847-9390



**Council Meeting Date: 05/08/2019**

**Council Responsibilities Report  
PARKS & RECREATION BOARD**

Ray Don Tilley, Councilmember, Ex-Officio Board Member

The Parks & Recreation Board met April 17.

Board member Jane Little discussed completion of beautification at Veterans' Memorial Plaza and the Woodcreek Drive entrance. She said she will continue to handle maintenance oversight on the north side of Woodcreek Drive, and would welcome a suitable volunteer to oversee maintenance on the south side. Acting chair Monica Rasco asked that the many volunteers who contributed to the beautification work receive recognition from the Mayor and Council for their efforts.

The Board heard a proposal to upgrade lighting and signage at the Woodcreek

Drive entrance, but agreed that no recommendation to Council was warranted. Instead, Veterans' Memorial Plaza signage and the limestone wall with City of Woodcreek signage both simply need to be cleaned as part of ongoing maintenance.

The Board discussed road contractor warranty work needed at the Triangle to replace landscaping destroyed during Brookhollow Drive construction. The warranty expires in July.

The Board made final edits to its draft Parks & Recreation Master Plan, including photographs and map updates, and agreed to submit the draft plan for consideration and approval by Council on May 8.

**City of Woodcreek Regular City Council Meeting  
April 10, 2019; 6:30 p.m.  
Woodcreek, Texas**

**Minutes**

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. Present:** Mayor William P. Scheel, Mayor Pro-Tem Nancye Britner, Councilmember Judy Brizendine, Councilmember Aurora LeBrun, Councilmember Ray Don Tilley, Councilmember Cyndi Jackson, City Attorney Casandra Cascos Ortiz, City Manager Brenton B. Lewis, Director of Public Works Frank Wood, City Secretary Linda Land. **Absent:** None
5. **Public Comments:** None
6. **Citizen Communications:** None
7. **Report Items:**
  - A. Director of Public Works Monthly Report (Director of Public Works Frank Wood)
  - B. Financial Report for March 2019 (City Manager Brenton Lewis)
  - C. City Manager's Monthly Public Report (City Manager Brenton Lewis)
  - D. 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)
8. **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 City Council Meeting of March 13<sup>th</sup>, 2019 and the Special City Council Meeting of April 3<sup>rd</sup>, 2019.
  - B. Approval of Financial Statements for March 2019

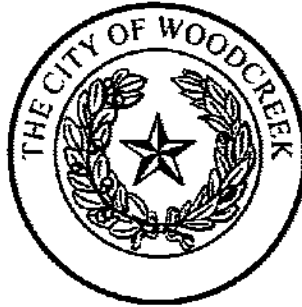
Mayor Pro-Tem Britner moved to approve the Consent Agenda as presented. The motion was seconded by Councilmember Tilley, which passed with a vote of 5-0-0.
9. **Regular Agenda:**

9.A.

- A. **Discussion and Possible Action for Establishing Annual Review for City Staff/Quality and for the City Manager, by Council and Citizens, Along with Possible Metrics.** See Item 9.B.
- B. **Discussion and Take Appropriate Action on Criteria, Structure, and Process for the Annual Evaluation, Compensation, and Employment Agreement of the City Manager.** Councilmember Tilley explained that 2 councilmembers submitted similar agenda items (9.A. and 9.B.), and he recommended that they be folded together into one discussion. After discussion, Councilmember Tilley moved to hold a workshop on criteria, structure, and process for the annual evaluation, compensation and employment agreement of the City Manager. After discussion, the motion was withdrawn. Councilmember Jackson moved to hold a workshop to look at samples of evaluation tools in a City Council Workshop on April 17, 2019 at 5:00 p.m. The motion was seconded by Mayor Pro-Tem Britner, which passed with a vote of 5-0-0.
- C. **Discussion and Possible Action on New City Business Cards, Tabled from the March 10, 2019 Meeting.** Councilmember Jackson moved to allow staff to handle new city business cards. The motion was seconded by Councilmember Tilley, which passed with a vote of 5-0-0.
- D. **Adjourn.** There being no further business, Mayor Scheel adjourned the meeting at 8:32 p.m.

\_\_\_\_\_  
William P. Scheel, Mayor

\_\_\_\_\_  
Linda Land, City Secretary



**NOTICE OF PUBLIC HEARING**

**THE CITY COUNCIL OF WOODCREEK, TX**

NOTICE is hereby given that the City Council of Woodcreek, Texas will hold a PUBLIC HEARING at 6:30 p.m., or as soon thereafter as the proceedings will allow, on May 8, 2019.

The City Council will hear testimony on the following matter:

City of Woodcreek 2030 Comprehensive Plan Goals, Objectives and Strategies

The public hearing will be held at Woodcreek City Hall, 41 Champions Circle, Woodcreek, TX 78676. The proposed changes are available at [woodcreektx.gov](http://woodcreektx.gov) and at Woodcreek City Hall.

The public is encouraged to attend and make comments. Comments may also be mailed to the above address or emailed to [woodcreek@woodcreektx.gov](mailto:woodcreek@woodcreektx.gov).

Brenton B. Lewis, City Manager

*Posted 4/29/2019 2:45pm. - Linda Land*

**Goal 1:** Evaluate existing and future needs for capital improvements and infrastructure throughout the City and develop schedule and budget to address needs.

**Objective 1.1:** Upgrade collector roads by 2022 and all roads by 2030.

**Strategy 1.1.1:** Improve existing asphalt road surfaces. Collector roads will be prioritized first (Woodcreek Drive, Brookhollow Drive, Brookmeadow Drive, Augusta Drive, and Champions Circle)

**Objective 1.2:** Address vehicular traffic concerns around volume, speed and noise; to increase safety to pedestrian and bicycle traffic; in order to preserve the essentially residential nature of Woodcreek.

**Strategy 1.2.1:** Look at ways to reduce cut-through traffic.

**Strategy 1.2.2:** Work with Camp Young Judaea to create new entrance for truck and bus access.

**Objective 1.3:** Incentivize investments by potential water service customers and or service providers to enhance long-term operations and maintenance.

**Strategy 1.3.1:** Encourage rainwater collection and water saving landscape techniques throughout the city to reduce water consumption. Council support by modifying existing ordinances and offering a reference of acceptable architectural solutions.

**Strategy 1.3.2:** Evaluate short- and long-term benefits of municipal ownership of water and sewer systems

**Objective 1.4:** Review access to new dry utility (cable, telephone, etc.) providers to create competition among providers by January 2030.

**Strategy 1.4.1:** Contact potential providers for cable, internet, and telephone services to discuss extension of services. Evaluate new technologies that may benefit the city such as broadcast WIFI

**Objective 1.5:** Maintain high level of public safety services by conducting annual review of quality of service and potential improvements.

**Strategy 1.5.1:** Review relationships with Wimberley Fire Rescue, Hays County Precinct 3 Constable's Office, and Hays County EMT/Ambulance services.

**Objective 1.6:** Monitor flood mitigation issues with biennial report.

**Strategy 1.6.1:** Seek state and federal funding to address flood prone areas, such as Hog Creek, and Cypress Point Pond.

Strategy 1.6.2: Increase partnership Cypress Creek Watershed Association

**Goal 2:** Provide improved recreational opportunities by enhancing existing amenities and actively searching for new prospects to expand or add new park areas, trails, and other recreational facilities. Collaborate with Parks Board and assist in developing the parks plan.

**Objective 2.1:** Explore programs with Texas State or similar organizations for the study of ex-urban life, culture, and the sustainability of the environment. Look at opportunities to encourage and celebrate volunteerism.

**Strategy 2.1.1:** Create shared activities for citizens with Quicksand Golf Course and Camp Young Judaea

**Objective 2.2:** Monitor environmental concerns with bi-annual report.

**Strategy 2.3.1:** Create a Woodcreek Environmental Committee comprised of citizens by May 2019.

**Strategy 2.3.2:** Identify and protect natural springs and other natural water sources within City and ETJ. Meet with interested groups (Master Naturalists, etc.) and identify these.

**Goal 3:** Ensure proper fiscal discipline and develop strategies to generate revenue to fund necessary capital projects.

**Objective 3.1:** Explore financial prospects with quarterly report.

**Strategy 3.1.1:** Research potential funding from grants, donations, estate bequests or private foundations.

**Objective 3.2:** Enhance operating capital to fund needed capital improvement projects.

**Strategy 3.2.1:** Expand tax base through annexation of existing ETJ.

**Strategy 3.2.2:** Inform citizens on the needs of the City and the correlation between the cost of capital improvements and funding sources.

**Goal 4:** Review land use policies to ensure the success of Woodcreek by attracting potential residents and providing for future needs.

**Objective 4.1:** Develop a strategy for annexation of areas within the existing Woodcreek ETJ.

**Strategy 4.1.1:** Expand City Limits to include the current ETJ.

**Strategy 4.1.2:** Formulate strategies to encourage ETJ adoption.

**Objective 4.2:** Encourage development of housing for senior living.

**Strategy 4.2.1:** Attract developer to construct senior-appropriate housing, such as patio homes, independent living, and/or assisted living.

**Objective 4.3:** Improve and expand housing stock by encouraging new types of housing in appropriate locations by 2030.

**Strategy 4.3.1:** Allow high quality, environmentally sustainable single-family residential housing, enforced via masonry ordinance, with permeable cover limit and runoff impact assessment.

**Goal 5:** Ensure the city's municipal government serves the needs of a growing city.

**Objective 5.1:** Monitor the growth rate of the City and prepare accordingly for any necessary legislative action.

**Objective 5.2:** Increase city outreach.

**Strategy 5.2.1:** Hold town hall events every quarter and ensure city council members attend

**Strategy 5.2.2:** Sponsor other events (Christmas, Halloween, 4<sup>th</sup> of July, Farmers Market, National Night Out, Coffee with the Mayor)

**Strategy 5.2.3:** Conduct straw polls and other informal surveys at events.

**Strategy 5.2.4:** Support the development of annual community events.

**Goal 6:** Create a specific and compelling brand for Woodcreek and promote the community to potential residents.

**Objective 6.1:** Create a new city motto and logo by 2022.

**Strategy 6.1.1:** Explore resources to create a motto and logo with public input.

**Strategy 6.1.2:** Promote the community by enhancing communication among all available stakeholders.

**Council Meeting Date: 5/8/2019**

**AGENDA ITEM COVER SHEET**

**Subject/Title:**

Discussion and Possible Action regarding the City of Woodcreek 2030 Comprehensive Plan Goals, Objectives, & Strategies

**Item Summary:**

Comprehensive plan

**Financial Impact:**

**Recommendation:**

Council adopt the City of Woodcreek 2030 Comprehensive Plan Goals, Objectives, & Strategies

**Attachments:**

City of Woodcreek 2030 Comprehensive Plan Goals, Objectives, & Strategies

**Submitted By:**

Councilmember Jackson



**Council Meeting Date: 05/08/2019**

**AGENDA ITEM COVER SHEET**

**Subject/Title:**

10. D. Discussion and Take Appropriate Action on the Possible Modifying of the Guardrail Fencing at the Northwest Side of the Box Culverts on Brookhollow Drive

**Item Summary:**

This item was placed on the agenda to discuss the guardrail fencing at the northwest side of the box culverts on Brookhollow Drive after being contacted by the property owner adjacent to the existing guardrail fencing. During construction of Brookhollow Drive box culverts were installed to replace the round culverts and new guardrail fencing had to be installed to meet design standards. After receiving concerns from the property owner the following was researched.

The guardrail fence is within the Rights of Way

The property owner lot is 70' wide

The guardrail fence is in front of the property a total of approximately 18 feet.

The property owner has access to the property through the remaining 52 feet.

The procedure and cost for modifying the guardrail fencing as requested at the northwest side of the culverts, shorting it to the corner of the private lot will require:

- Property survey to pin the corner,
- Guardrail manufacture redesign,
- Guardrail length of need design verification,
- Contractor procurement and Administration of the effort.

I believe this cost will exceed \$10,000 for construction, engineering and surveying costs. Let me know if you want to discuss looking into anything more specifically there.

**Financial Impact:**

Engineers Estimate – Over \$10,000

**Recommendation:**

**Attachments:**

Photo of Guardrail Fence with estimated property line marked

**Submitted By:**

Brenton B. Lewis, City Manager



18ft

Estimated  
Property Line

**Council Meeting Date: 05/08/2019**

**AGENDA ITEM COVER SHEET**

**Subject/Title:**

Discussion and Take Appropriate Action to Adopt a Parks & Recreation Master Plan for the City of Woodcreek.

**Item Summary:**

The Parks & Recreation Master Plan draft provided for discussion and possible adoption has been in development from the inception of the restarted Parks & Recreation Board on March 28, 2018. The master plan has been discussed at each monthly Board meeting and was the subject of two required public hearings on December 19 and January 16. Comments received then and in citizen communications throughout the process are reflected in the draft presented today.

**Financial Impact:**

None

**Recommendation:**

Council adoption of the Parks & Recreation Master Plan for the City of Woodcreek

**Attachments:**

City of Woodcreek Parks & Recreation Master Plan

**Submitted By:**

Ray Don Tilley, Councilmember



CITY OF WOODCREEK  
**Parks & Recreation**

**Master Plan**

for Council adoption  
May 8, 2019

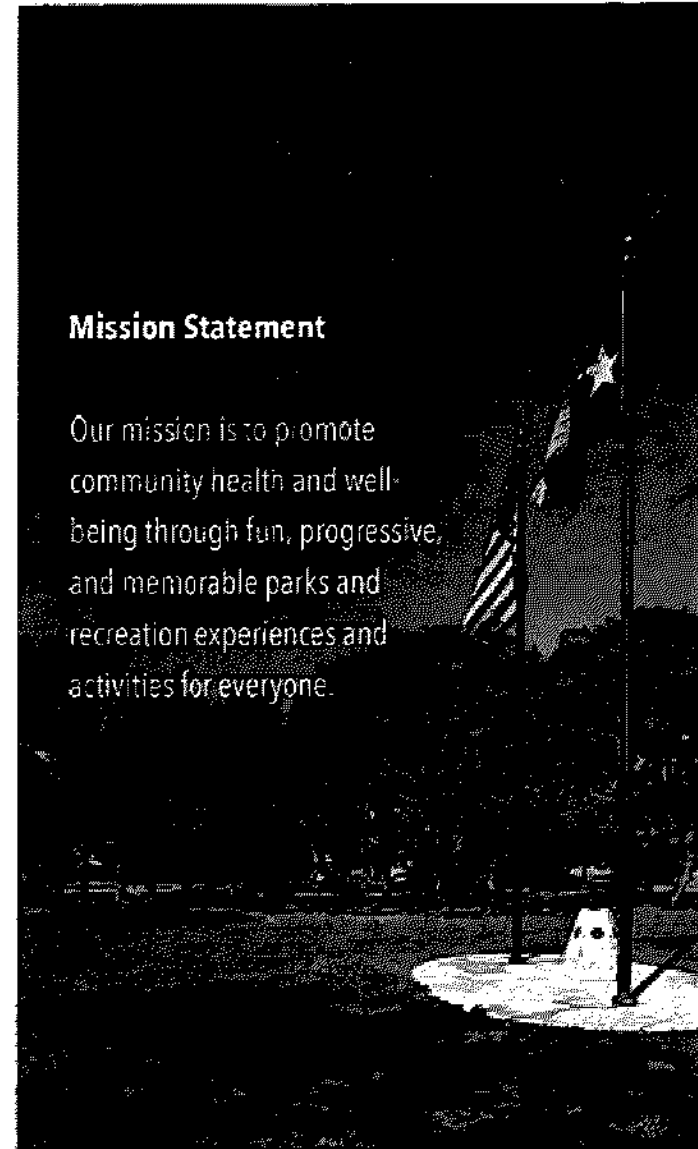
CITY OF WOODCREEK  
**Parks & Recreation**

# Master Plan

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## Mission Statement

Our mission is to promote community health and well-being through fun, progressive, and memorable parks and recreation experiences and activities for everyone.



## Purpose

For the benefit of all residents and businesses of Woodcreek, a City of Woodcreek Parks & Recreation Master Plan will provide a framework to guide the preservation and development of parks, landscape, recreation, trails, cultural landmarks, and open spaces. The master plan will be a living document, continually updated to account for progress toward its goals, and changes in the population and geography of the City. Citizens should find the master plan an aspirational view of the future for Woodcreek to encourage bold ideas and thoughtful stewardship of shared resources, both natural and financial. City officials should treat the master plan as a voice of the community to inspire accountable decisions that are well-informed but not unduly constrained.



## Profile

Woodcreek is a dynamic community, reflective of its origins as a resort set in the delicate natural beauty of the Wimberley Valley. The city is organized around golf as recreation in a rural, unhurried setting populated by live oaks, ashe junipers, and whitetail deer. As the community has aged, so has its median demographic, but Woodcreek is not simply a home to retirees. Its small-town charm and creative vitality, along with excellent Wimberley ISD schools, have made it increasingly a great place to raise a family. Thus the median age of Woodcreek is falling, and the diversity of park uses and recreational activities is growing.

Located in Hays County, Texas, Woodcreek's population was 1,457 at the 2010 census. The 2017 estimate is 1,742. Woodcreek is located in western Hays County. It is 2 miles (3 km) north of Wimberley, 34 miles (55 km) southwest of Austin and 60 miles (97 km) northeast of San Antonio. The median income for a household in the city was \$52,986, and the median income for a family was \$60,703. As of January 2019, Wimberley ISD reported 239 children registered with the District who live in Woodcreek. Using Census data as a guide, that implies a conservative total count of at least 300 children in Woodcreek.





## Process

The master plan sets a foundation of expectations from the Parks & Recreation Board as advisor to the City Council, which has final approval over its content and implementation. In due course, the master plan will be enriched and strengthened by a phased planning process that will involve the greater Woodcreek community through surveys, interviews, and public forums to assess and refine its goals, policies, and actions. Continual updates to the master plan will include this community input to ensure that the voice of the master plan as closely as possible reflects the true voice of the entire Woodcreek community.

The master plan provides an inventory of existing park sites, assesses current uses, and recommends opportunities for Council consideration. Recommendations are both specific to individual parks and general to broader goals, all categorized by timeframe across a ten-year horizon. Specific Council action will be requested in orderly fashion on immediate goals and work will begin toward realization of the more extended aims. All are equally important to realizing the promise of parks and recreation to the vitality of Woodcreek.



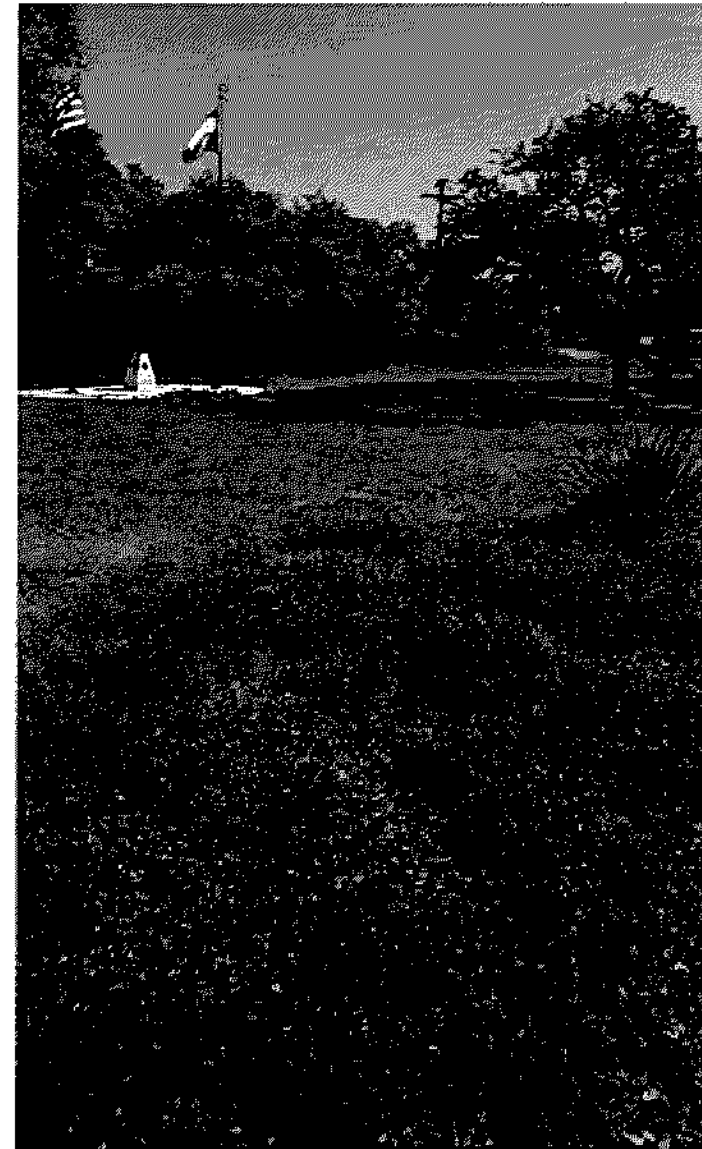


## Partnerships

Investment of time and money by supporters of parks and recreation in the community is both an indication of the relative value we place on proposed improvements and a necessity to make the best use of public funds. The master plan recommends that Council will budget annually for funds to maintain and operate the parks and recreation system. For development and improvement efforts, the master plan anticipates funding from a mix of private donations, matching grants, and possible funding approved by City Council. Parks and recreation are important to Woodcreek citizens, as reflected in the 2017 community survey.

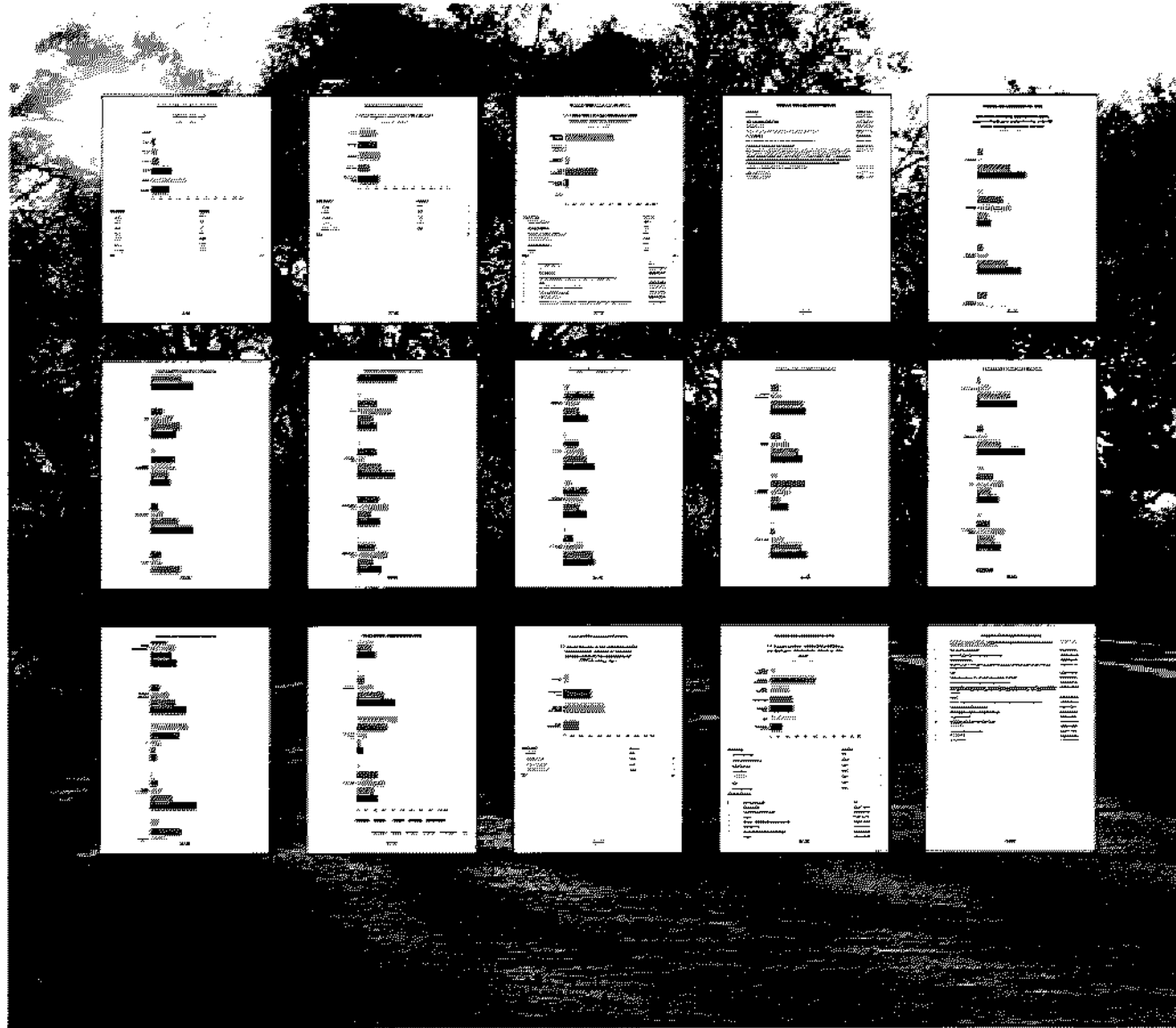
Any goal of the Parks & Recreation Master Plan that involves property not owned or controlled by the City of Woodcreek will require building mutually beneficial partnerships with other stakeholders. Any participation envisioned in this plan by other stakeholders will be voluntary. In particular, the plan explicitly rejects eminent domain or other non-voluntary means of participation to achieve the goals of this plan with property not owned or controlled by the City of Woodcreek.

The board further recommends that Council enact guidelines or ordinances to require provision of trails and parks in future residential and commercial development.



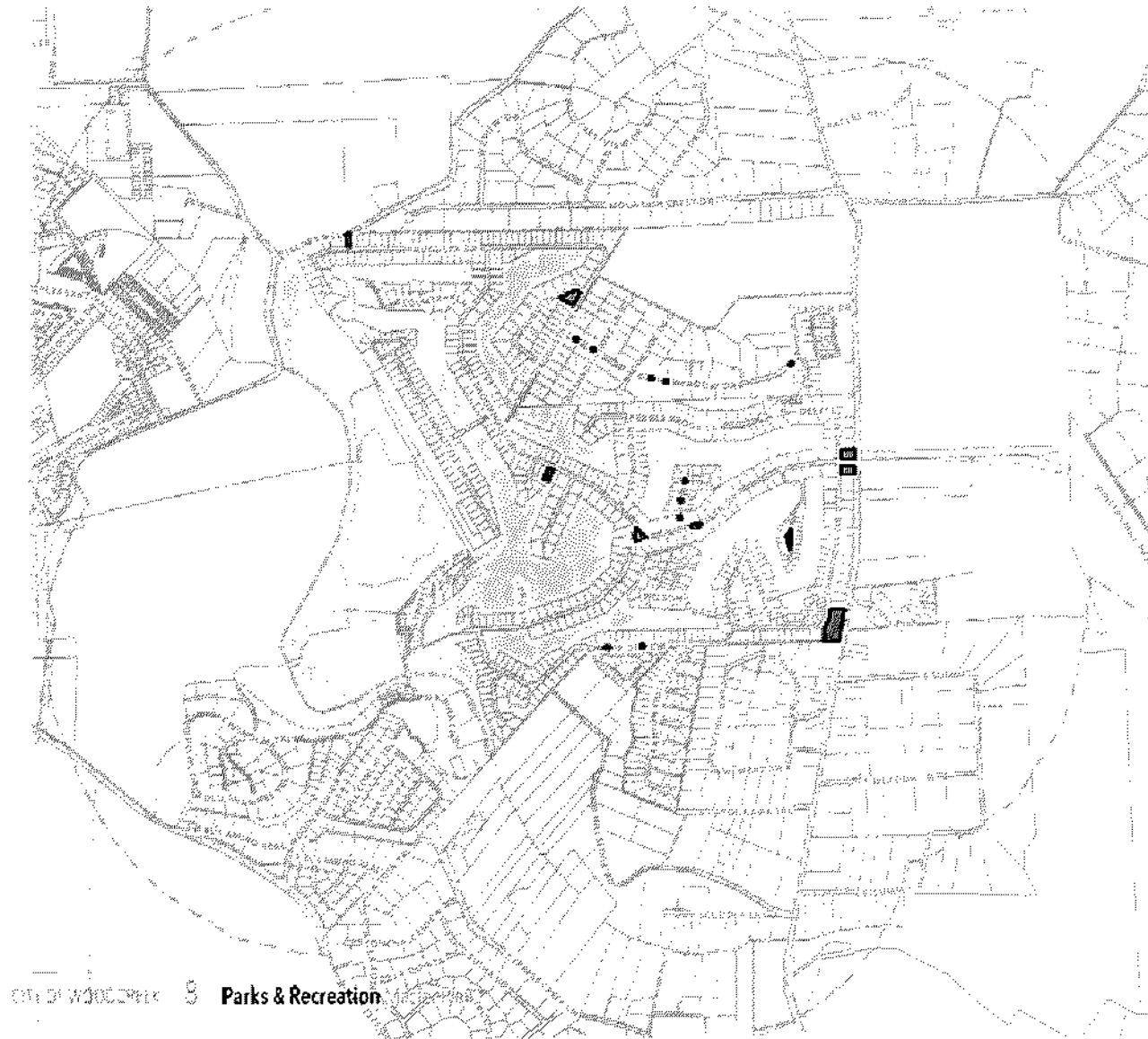
## Survey

The 2017 Woodcreek community survey revealed that nearly three-fourths of respondents favor more parks in the city, and half would like to see a larger community park. Fully 41 percent of respondents had lived in Woodcreek fewer than five years, suggesting both growth and change in the city's demographics that should be tracked closely, ideally annually. In further direction to the character of parks, respondents listed the rural setting of Woodcreek as the city's primary attraction to living here and called for trails, not sidewalks, among a menu of options for pedestrians.



## Existing Parks Inventory

Within the City of Woodcreek are a number of public spaces in inventory:



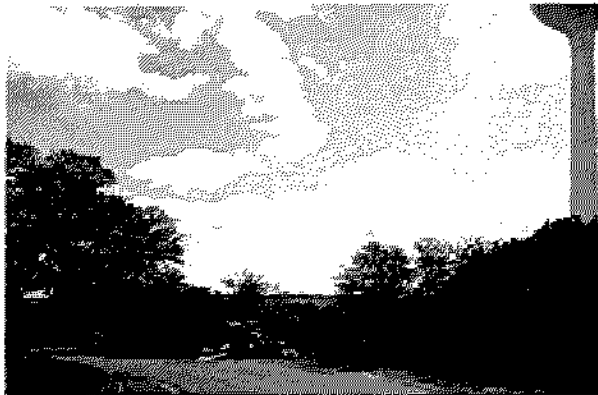
## Woodcreek Entrance and Veterans' Memorial Plaza

1. There is public space on the north and south sides of the primary entrance to the city at Woodcreek Drive. The north side includes Veterans' Memorial Plaza, with ceremonial flagpoles, along with limestone signage and landscaping. The south grounds across Woodcreek Drive are wooded, with a rain garden to gather and slow runoff entering the drainage channel along Ranch Road 12. A gravel exercise path runs along the street side boundary and connects the city to the Blue Hole Regional Hike and Bike Trail. Two parking spaces, including one handicap-van accessible space is provided on the north grounds. Two permeable parking spaces are provided on the south grounds.



## City Hall

2. City Hall includes a small wooded natural area along Champions Circle at the southeast corner of the city's boundary.



## Triangle

3. The Triangle is a natural area anchored by large live oak trees that marks a high point along Woodcreek Drive toward the center of the city, at the terminus of Brookhollow Drive. The Triangle serves as a central focal point due to its location along primary traffic routes. Currently, park benches are the only physical feature of the park, although electrical and water service exist.



## Brookhollow Site on Hog Creek

4. The Brookhollow site is a single lot a quarter mile from the Triangle on Brookhollow Drive, bordering Hog Creek. The City of Woodcreek owns the property but has not yet developed it as a park. The site is an open field with some trees, which slopes down to Hog Creek.





## Augusta Park

5. Augusta Park is at the northern intersection of Augusta Lane and Augusta Drive. The park consists of a natural meadow rain garden and encircling interpretive nature trail, along with a bocce ball court, concrete picnic tables, and two permeable parking spaces at its north end. During rain events, the wooded park gathers runoff along its northern edges and fills in the southern rain garden, protecting residents downstream from excessive flow and erosion.





**Greenspace Rights of Way**

6. In addition, there are a number of greenspaces in rights-of-way that should be preserved and maintained. These spaces contribute to the character of the community and provide traffic-calming benefits.



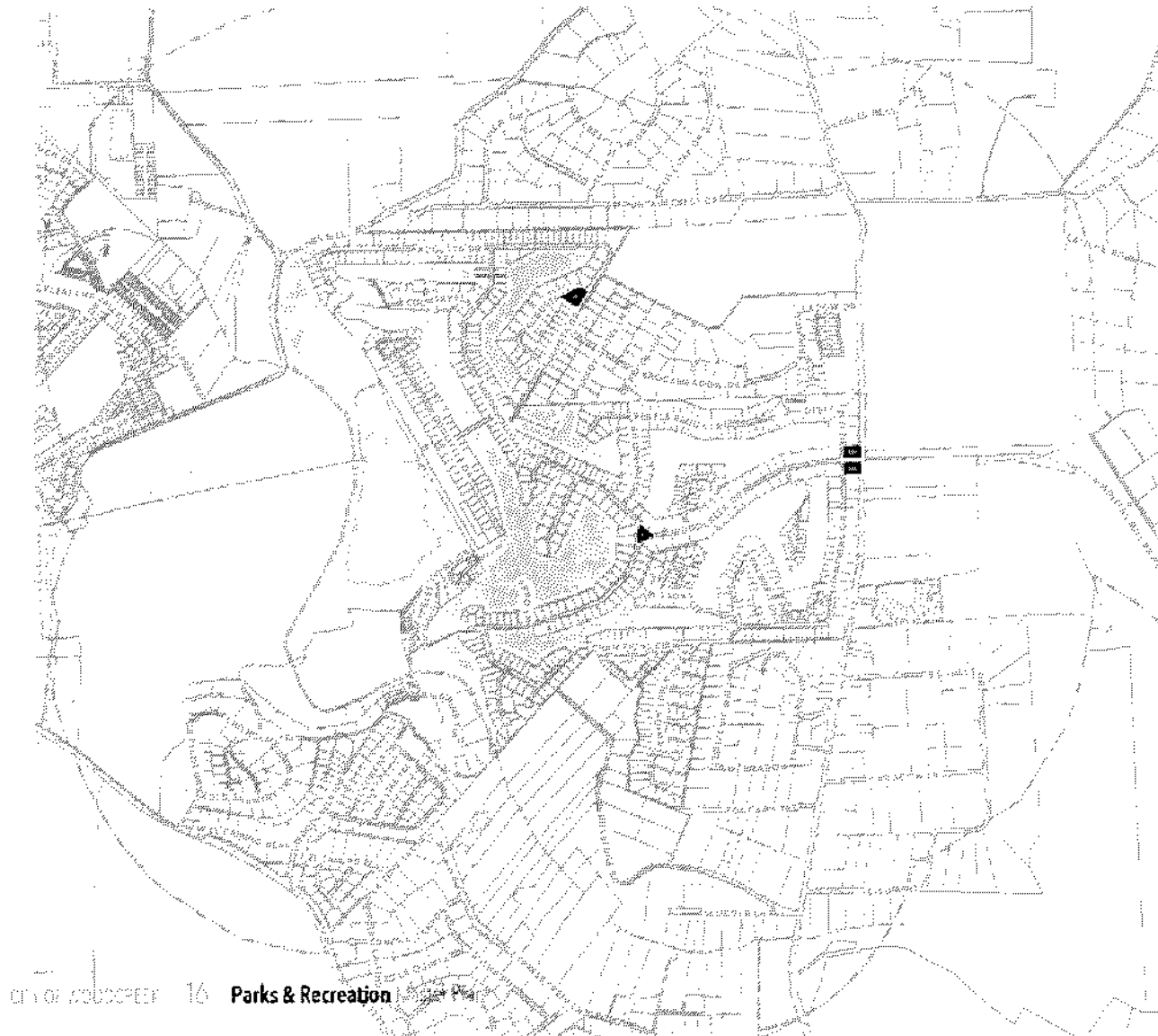
### Existing Public Spaces Summary

The public spaces in the city have the potential to provide parks and recreation to the majority of residents . Park development, however, is only in early phases toward completion of a system of parks, trails, and recreational facilities to serve the community.



## Opportunities

The Parks & Recreation Board studied existing park sites and potential future sites to arrive at recommendations divided among three timeframes, within 3 years, 3 to 5 years, and 5 to 10 years. These recommendations systematically build on Woodcreek's most positive parks and recreation attributes by adding functionality first and additional properties later as financing and partnerships can be arranged. The overriding goals are to provide immediate impact while contributing toward a cost-effective plan that can be realized in full over a decade.



### **Within 3 Years: Triangle**

1. The Triangle deserves attention. Its condition is diminished by the Brookhollow Drive road replacement project, yet its small size and prominent location mean that it can and should be improved right away. The site is too small to accommodate typical park functionality, but as the existing park bench attests, the Triangle can be a genuine rest area for walks through the neighborhood, while serving as a symbolic image of the city for residents and visitors who pass by frequently. The board recommends adding park benches, a drinking fountain, and graphic elements to represent the City of Woodcreek. Interpretive signage and native plants added to a rebuilt landscape would complete a place to pause and a civic symbol and gathering location for Woodcreek.



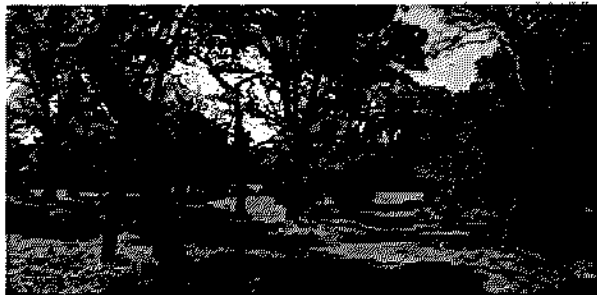
**Within 3 Years: Woodcreek Entrance and Veterans' Memorial Plaza**

2. For the Woodcreek entrance and Veterans' Memorial Plaza, the board recommends a dual approach to the north and south sides of this park site. The north side has been redesigned to enhance the entrance to the city. The design will incorporate the existing City of Woodcreek limestone signage and Veterans' Memorial to be more visible from Woodcreek Drive. Landscaping has been redesigned for ease of maintenance to maintain a continuous, year-round welcoming image for residents and visitors. The south side will be left primarily in its current natural condition with new landscaping designed as needed.



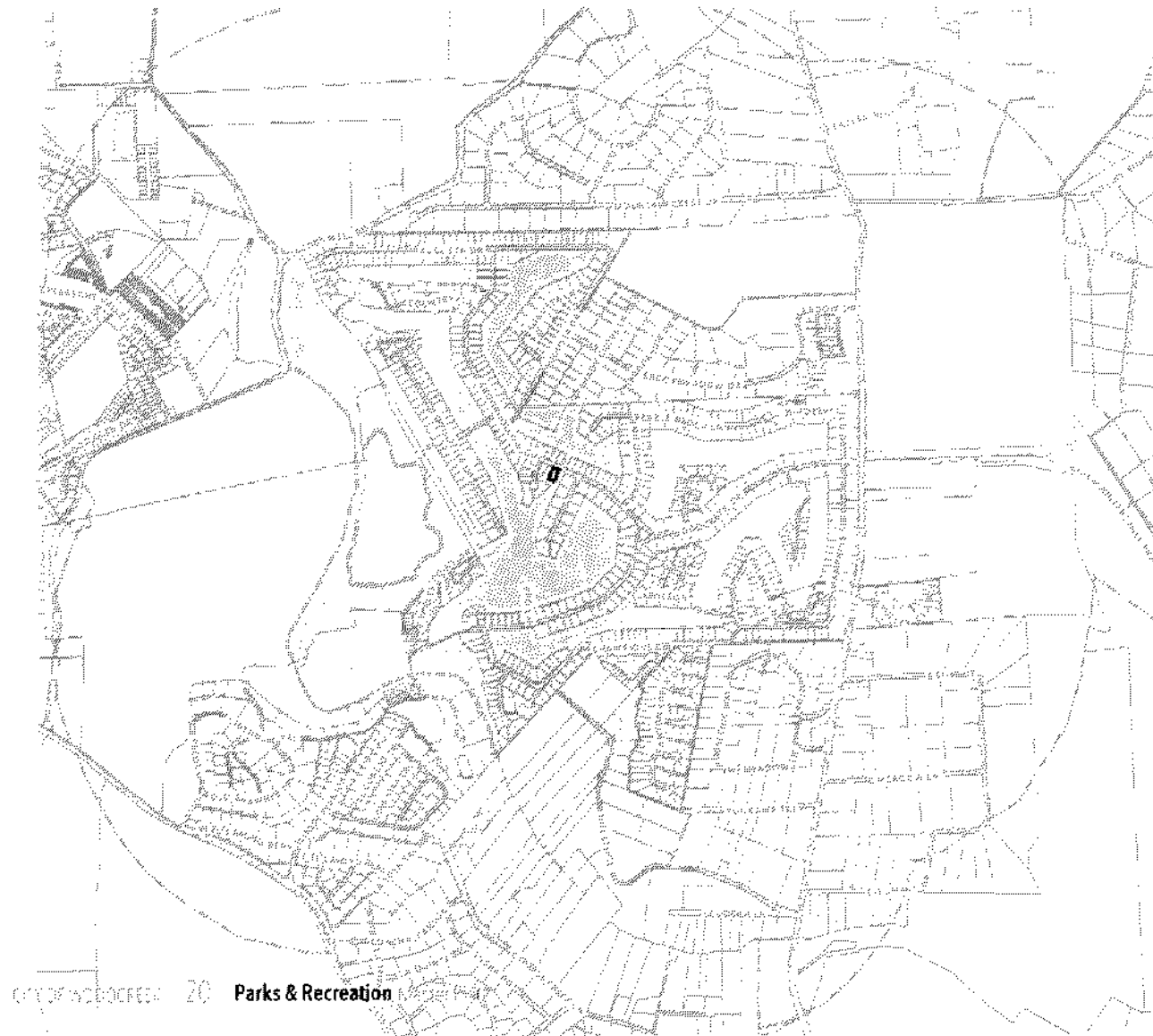
### Within 3 Years: Augusta Park

3. Augusta Park is the city's most realized nature park site and lacks only small improvements to make it more fully usable. The board recommends installing nature play or a similarly suitable small playscape adjacent to the bocce ball court to provide a broader opportunity for use of the park. As part of improvements, enhancement of the nature trail and signage around the existing rain garden will add to the beauty of the park and use by residents of all ages.



### 3 to 5 Years

1. The Brookhollow site on Hog Creek could provide educational opportunities for people of all ages through interpretive signage. Since Hog Creek is a tributary to Cypress Creek, special attention will be given to protection of the Cypress Creek Watershed.



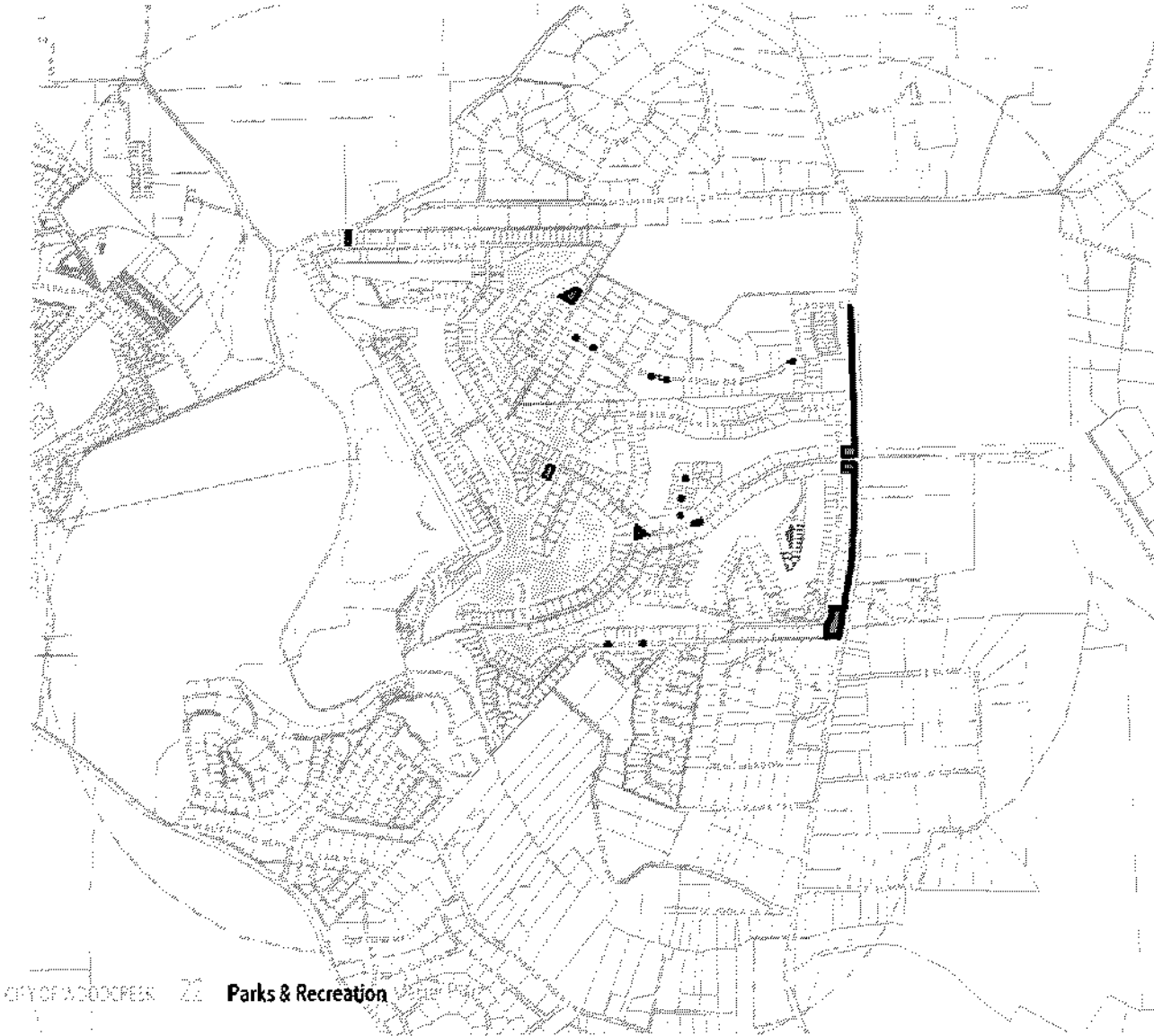
## 5 to 10 Years

A Trail System, constructed over time from point-to-point segments of pedestrian paths, is important to increase use and usefulness of the parks and recreation system. Exercise trails promote the health and well-being of the community through both physical fitness and social interaction across all ages. The board recommends constructing a nature and exercise trail to connect Veterans' Memorial Plaza to the City Hall site to the south and to the Brookmeadow Drive entrance to the north. The trail will include a nature trail loop at City Hall around the water tower with signage both for native plants and for responsible water use and conservation. The full trail would thus connect across Ranch Road 12 to the existing Blue Hole Regional Hike and Bike Trail.



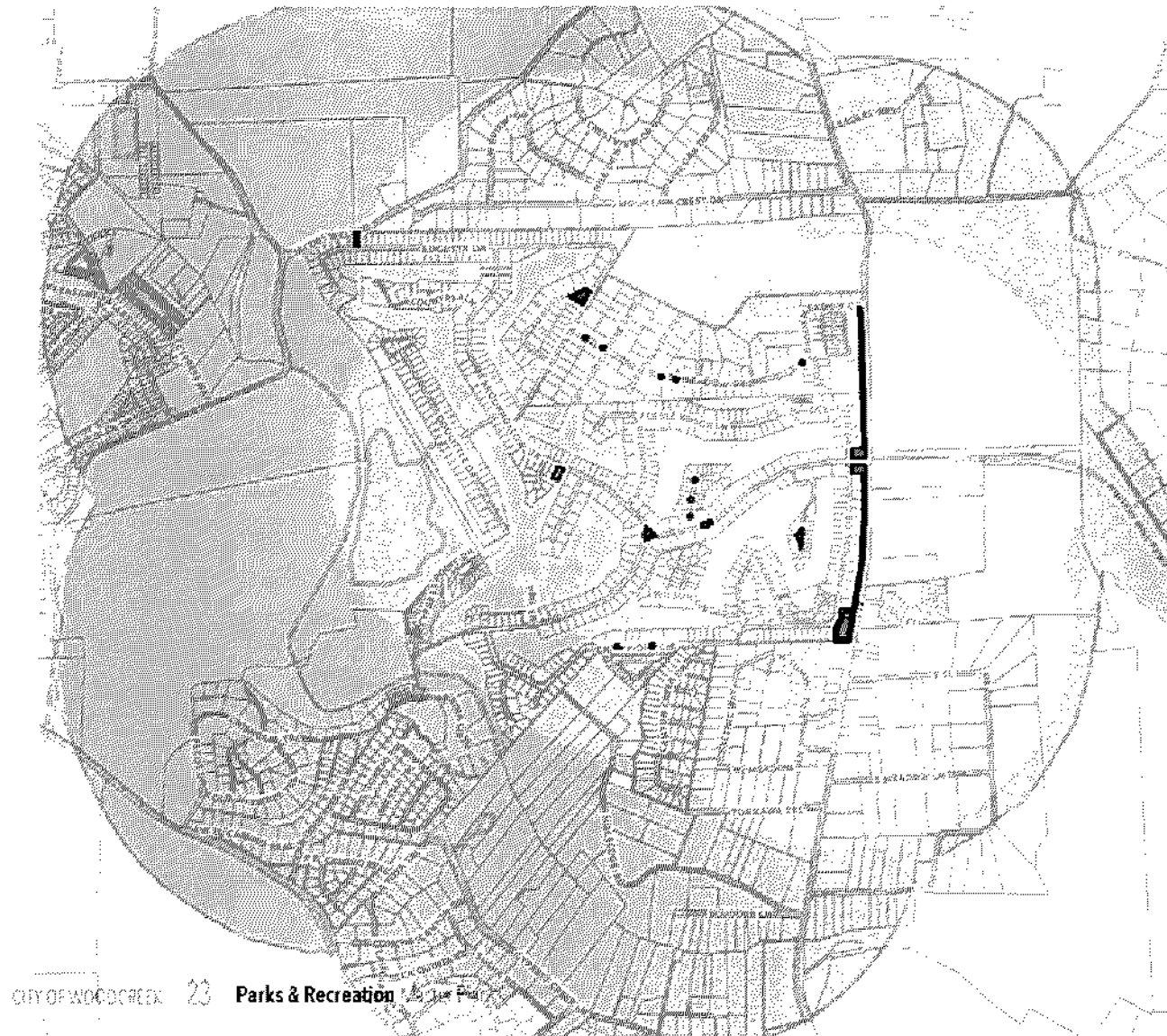


Public Parks within the existing boundary can be added to provide access to parks within a quarter mile of all residents. The exact location of these parks will be subject to change as opportunity allows. The board recommends the acquisition of land for public parks as soon as practical in areas not covered by existing park sites. These include, but are not limited to: Wildwood Circle, Brookmeadow Drive, and Cypress Point. In addition, the board further recommends that Council enact guidelines or ordinances to require provision of trails and parks in future residential and commercial development. All public parks will be upgraded, as space allows, to include a blend of nature trails, open space, and recreational facilities.



## Master Plan Realization

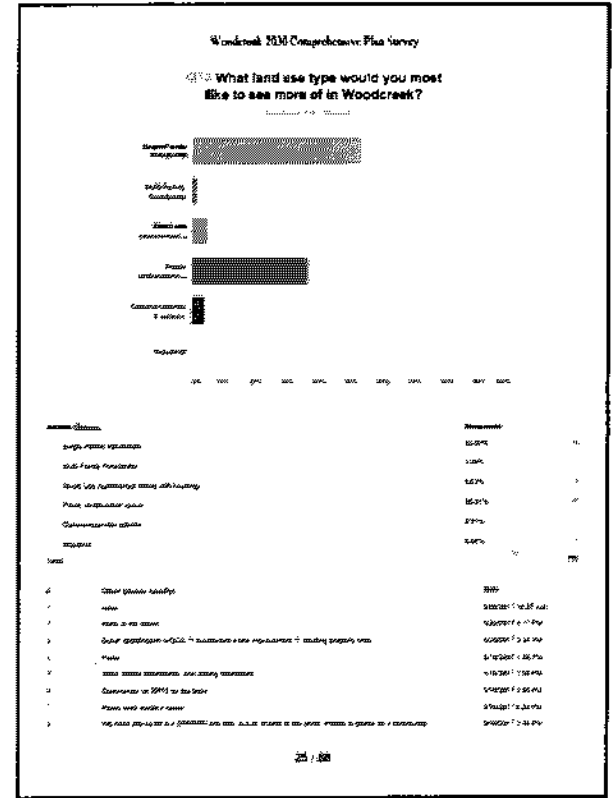
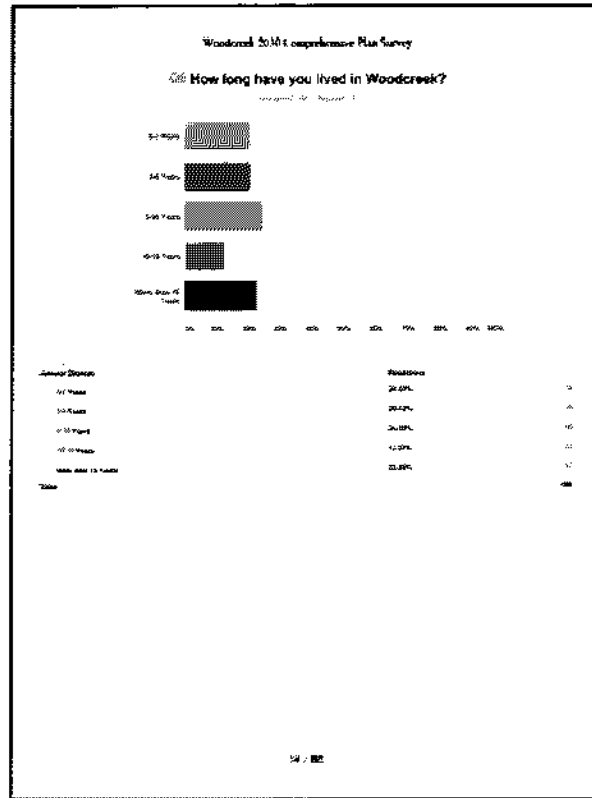
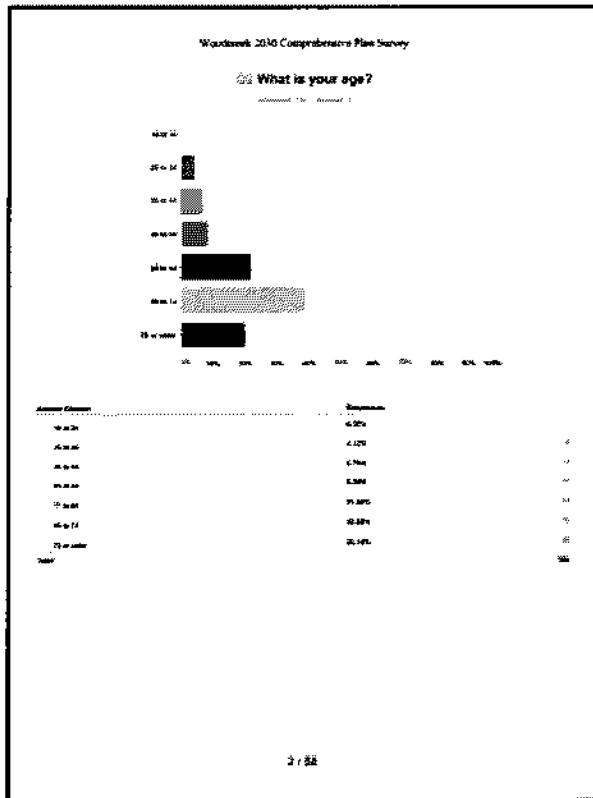
Once realized, the City of Woodcreek Parks & Recreation Master Plan includes the board recommendations for each phase to realize the full potential of Woodcreek's current needs and promising future.



**Appendix**



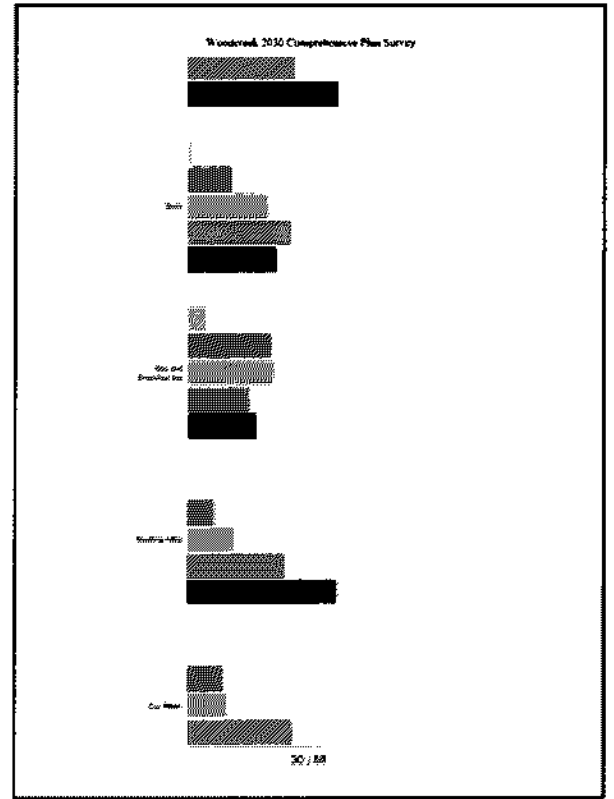
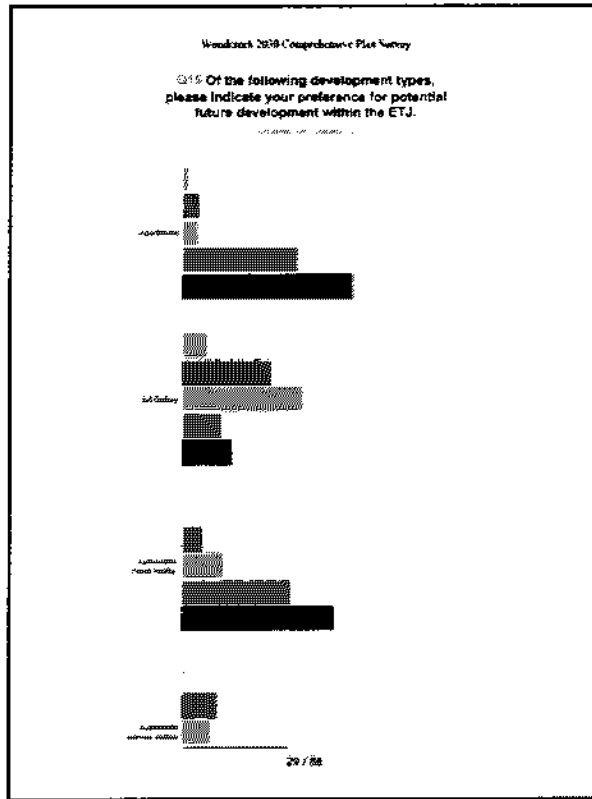
# Survey

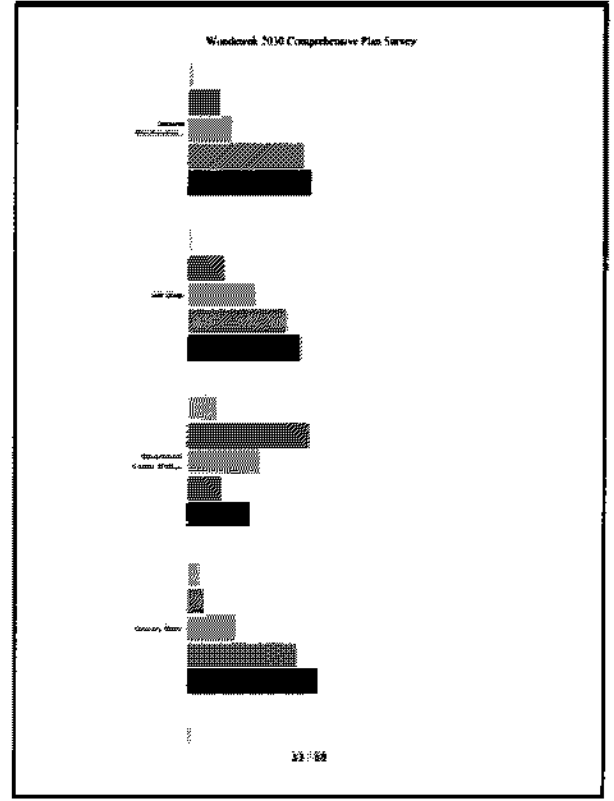
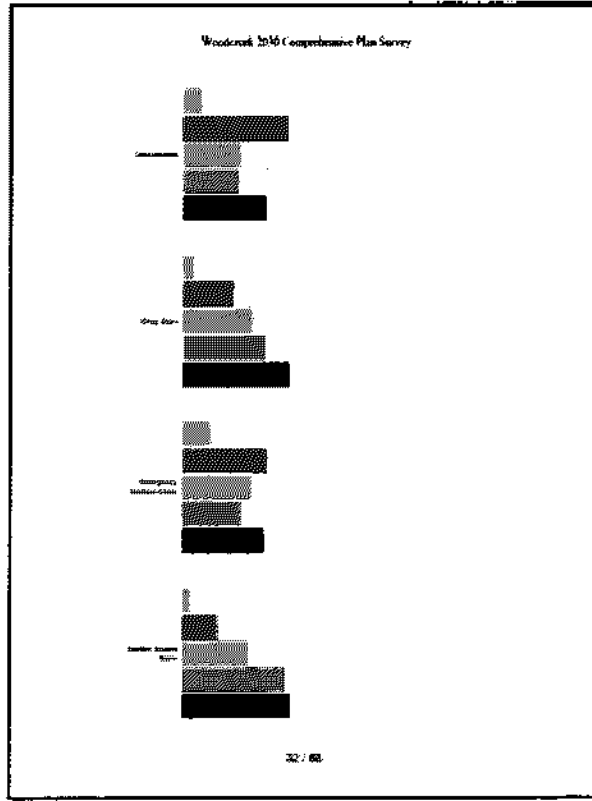
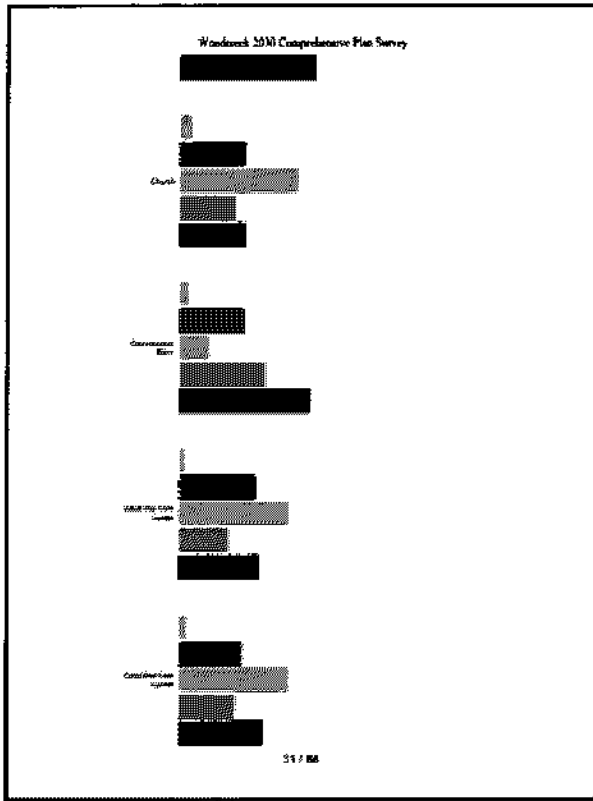


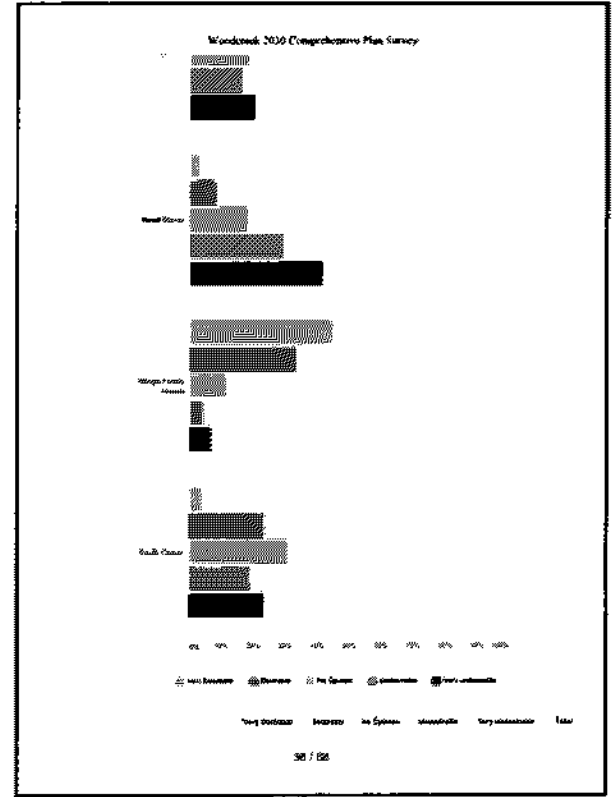
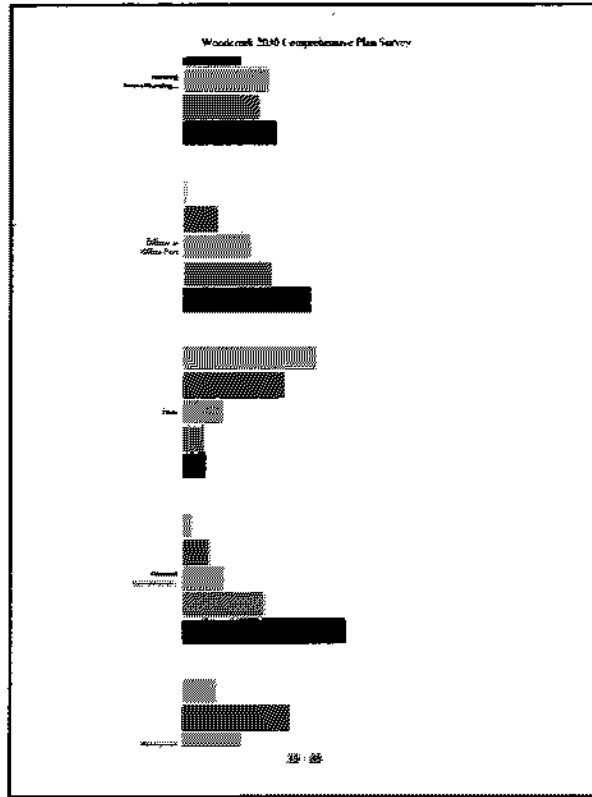
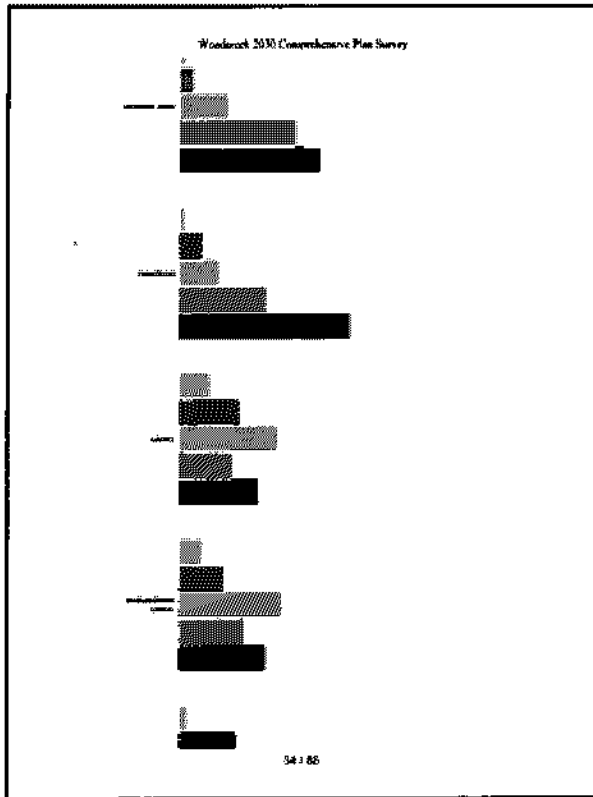
**Woodcock 2010 Comprehensive Plan Survey**

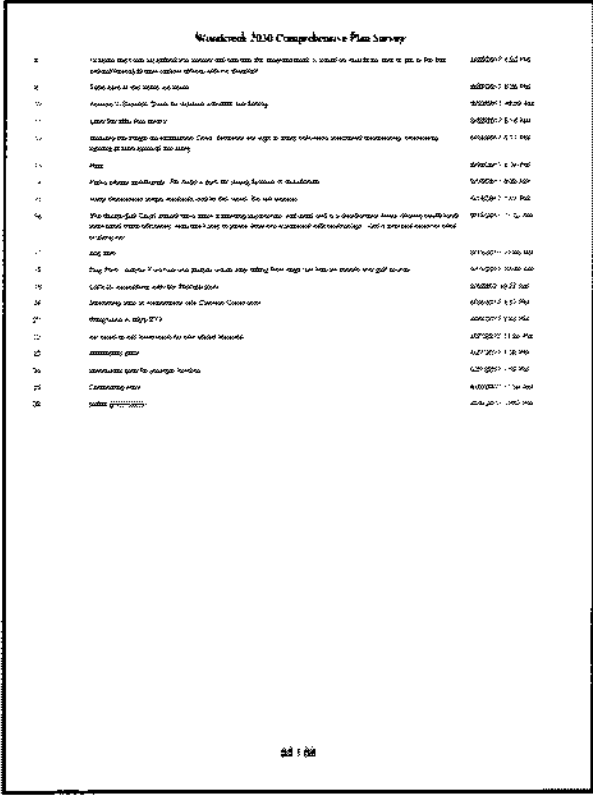
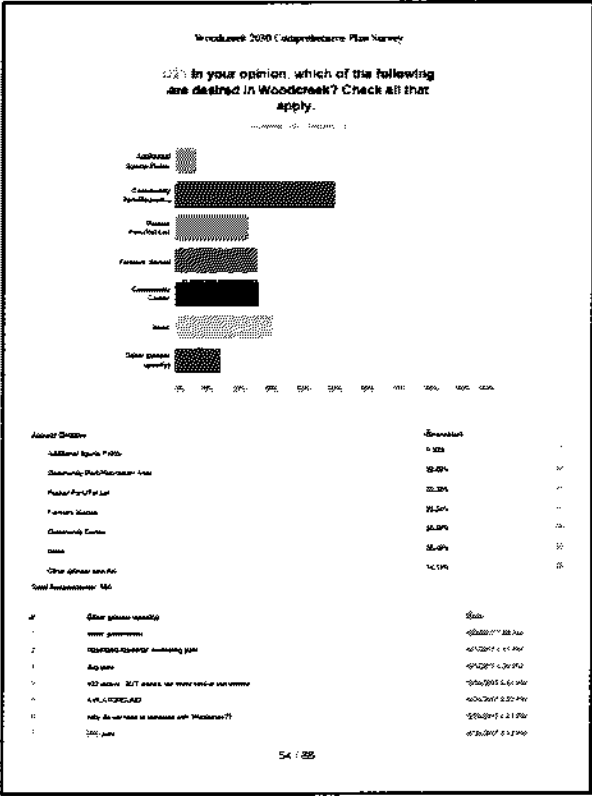
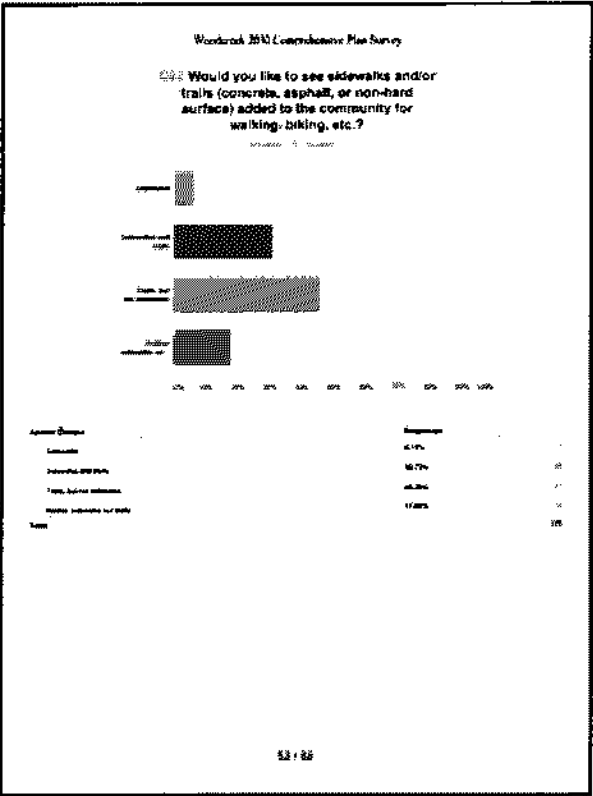
1	Recreation	07/02/11 1:02 PM
10	2 park to park	07/02/11 1:02 PM
14	Park to park trails	07/02/11 1:02 PM
15	Trails	07/02/11 1:02 PM
16	How much trail should be built?	07/02/11 1:02 PM
17	Multi-use trails	07/02/11 1:02 PM
18	Trail	07/02/11 1:02 PM
19	How much trail should be built?	07/02/11 1:02 PM
20	Trail	07/02/11 1:02 PM
21	How much trail should be built?	07/02/11 1:02 PM
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24	Trail	07/02/11 1:02 PM
25	How much trail should be built?	07/02/11 1:02 PM

25 / 28











**Council Meeting Date: 05/08/2019**

**AGENDA ITEM COVER SHEET**

**Subject/Title:**

10. F. Review, Discussion, and Take Appropriate Action on the Council Action from the September 12, 2018 Regular Council Meeting Regarding Possible Traffic Calming Devices

**Item Summary:**

After discussion at the September 12, 2018 Regular Council Meeting, Council voted 5-0-0 to hand this issue to the Roads Committee existing at the time to determine, after review of county traffic data, whether to engage Jones Carter. County traffic data was received but found to be incomplete, and a second set of data was requested, which has not been received to date.

At the February 13, 2019 Regular Council Meeting, Council voted 5-0-0 to form a 2019 Roads Committee to be placed within Council Infrastructure Responsibilities and to continue its work to improve road and traffic conditions within the City. This group, renamed the Roads Advisory Workgroup, has met and is currently conducting an on-site assessment of all city roads to assess conditions and needs. The assessment will analyze every street in the City and develop a classification for all roads, on a scale of 1-5, with 5 being "acceptable." In addition to assessing road conditions, the teams will review other aspects of road safety, such as dangerous intersections, areas prone to flooding, sight deficiencies, storm drains, evaluate the effectiveness of recent repairs.

The assessment will also include other road-related items such as traffic calming devices. The group's assessments and recommendations will be share with citizens through town hall meetings, as well as updates on the City's web page and social media. Speed limits and speeding concerns will be part of the assessments and will include recommendations for locations and types of traffic calming structures or devices to reduce speeding incidents in the City. Natural options will enter into this consideration.

**Financial Impact:**

An engineering study will still be required to limit the City's liability when traffic calming devices or structures are installed. They study will use the assessment data collected by members of the Roads Advisory Workgroup as a foundation, and it is anticipated that the assessment and its recommendations can serve to reduce the costs of the traffic study.

**Recommendations:**

- Continue the work on traffic calming devices within the scope of the Roads Advisory Workgroup as part the roads assessment tasks.
- Seek input from Hays County on status of traffic study and the projected improvements to the RR12/Woodcreek/Winters Mill Intersection and the effect of such improvements on the City.
- As warranted by results of above recommendations, authorize staff to seek costs estimates from Jones Carter for an engineered traffic study.

**Attachments:**

9/12/2018 Agenda Cover Letter and Minutes of the meeting

**Submitted By:**

Aurora F. LeBrun, Councilmember

**Council Meeting Date: 09/12/2018**

**AGENDA ITEM COVER SHEET**

**Subject/Title:**

9. G. Consider and Take Appropriate Action on Authorizing Staff to Contract with Jones Carter Engineers for a Traffic Study on Brookhollow Drive and Woodcreek Drive.

**Item Summary:**

This item is to consider authorizing staff to enter into a contract with Jones Carter Engineering for a traffic study on Brookhollow and Woodcreek Drives. The City has, with cooperation of Hays County, had installed traffic counters on both streets to determine vehicle count, speed, and types of vehicles. If the preliminary information reveals the average speed on the two streets is in excess of the speed limit, then an engineering study should be performed to determine the best option(s) available to control the speed on the streets. The engineering study is needed to limit the City's liability if the traffic calming devices are installed. The study will provide the documentation as to the reason or reason not to install traffic calming devices.

**Financial Impact/Financial Information:**

Staff has requested a cost for the traffic study from Jones Carter and will present it at the meeting.

**Comments/Recommendation**

Authorize staff to enter into a contract for an engineered traffic study if warranted by the preliminary study.

**Attachments:**

MUTCO documentation on Speed Humps

**Submitted By:**

Brenton B. Lewis, City Manager

**City of Woodcreek City Council Meeting**  
**September 12, 2018; 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 Jerry Moore, Councilmember Judy Brizendine, Councilmember Aurora LeBrun, Councilmember Ray Don Tilley, City Manager Brenton B. Lewis, Director of Public Works Frank Wood, City Attorney Roger Gordon, Assistant Administrator Linda L. Land, City Clerk Barbara J. Grant. **Absent:** None
5. **Proclamation:**
  - A. Proclaiming Tuesday, October 2, 2018 as National Night Out
  - B. Proclaiming September 17-23, 2018 as Constitution Week
6. **Public Comments:** Brent Pulley said the City's plan to have a traffic study on Woodcreek Drive and Brookhollow Drive is a good idea and a good first-step to dealing with traffic problems and he is hopeful that Law enforcement and community involvement, to the extent that they can, will be considered in the plans. Christina Weaver said she is hopeful that the LaRocca Gate will be closed and is against the repeal of the ordinance. Layton Rasco said he is fearful the more traffic will bring crime to the area and said there is no benefit to anyone to keep the gate open.
7. **Citizen Communications:** There were no citizen communications.
8. **Report Items:**
  - A. **Director of Public Work's Monthly Report (Director of Public Works Frank Wood)**
  - B. **Financial Report for August 2018 (City Manager Brenton Lewis)**
  - C. **City Manager's Monthly Public Report (City Manager Brenton Lewis)**
  - D. **Report on the Parks and Recreation Board Activities (Council Ex-Officio Members)**
9. **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 August 2, 2018**
  - B. **Approval of the Minutes of the City Council Meeting of August 8, 2018**
  - C. **Approval of the Minutes of the Special City Council Meeting of August 23, 2018**
  - D. **Approval of the Minutes of the Special City Council Meeting of September 5, 2018**
  - E. **Approval of the Financial Statements for August 2018**


Mayor Pro Tem Britner moved to accept the Consent Agenda as presented. The motion was seconded by Councilmember Moore, which passed with a vote of 5-0-0

**10. Regular Agenda**

- A. Appointment of a Representative to Capital Area Council of Government (CAPCOG)**  
After discussion, Mayor Pro Tem Britner moved to appoint Mayor William P. Scheel as the City's representative to Capital Area Council of Government (CAPCOG). The motion was seconded by Councilmember Moore, which passed with a vote of 5-0-0.
- B. Discuss and Take Appropriate Action on an Ordinance Repealing Ordinance No. 06-98 as it Relates to the Closure of LaRocca Lane.** After discussion, Mayor Pro Tem Britner moved to adopt an ordinance repealing Ordinance No. 06-98 as it relates to the closure of LaRocca Lane. The motion was seconded by Councilmember Brizendine., which passed with a vote of 5-0-0.
- C. Consider Ratifying the Decision of the City Manager on a Revision of a Site Development Permit Application from Camp Young Judaea, 5410 Bellaire Blvd., Suite 207, Bellaire, Texas 77401 to Change the Location of the Sports Pavilion at Camp Young Judaea in Woodcreek, Texas. Recommendation from Planning and Zoning Commission.** After discussion, Councilmember Moore moved to approve ratifying the Decision of the City Manager on a Revision of a Site Development Permit Application from Camp Young Judaea, 5410 Bellaire Blvd., Suite 207, Bellaire, Texas 77401 to Change the Location of the Sports Pavilion at Camp Young Judaea in Woodcreek, Texas.
- D. Discuss and Take Appropriate Action on the Texas Local Government Code Chapter 43 Section 43.002 and the Effect on the City of Woodcreek Code Chapter 156 Section 156.081 Recreational District Requirements and Limitations.** Michael Whalen, Attorney for Camp Young Judaea responded to Council questions regarding clarification of Camp uses. City Attorney Gordon said that rezoning would be a matter for Planning and Zoning Commission and would require a public hearing. After discussion, Councilmember Brizendine moved to authorize City Staff to facilitate negotiations and report back to Council in sixty (60) days and to be resolved and concluded by year-end. The motion was seconded by Councilmember Moore, which passed with a vote of 5-0-0.
- E. Discuss and Consider Providing Direction to the Parks & Recreation Board to Provide Recommendations on the Rehabilitation of the Triangle.** After discussion, no action was taken.
- F. Discuss and Consider Appropriate Action on a Request to Operate a Business in a Neighborhood Commercial Zone.** After discussion, Councilmember Brizendine, moved to accept the proposal of Michael and Sara Aragon to operate a business in a Neighborhood Commercial Zone, with the addition of parking as a component of the plan review. The motion was seconded by Councilmember LeBrun, which passed with a vote of 5-0-0.
- G. Consider and Take Appropriate Action on Authorizing Staff to Contract with Jones Carter Engineers for a Traffic Study on Brookhollow Drive and Woodcreek Drive.** After discussion, Councilmember Brizendine moved to hand the issue to the existing roads committee to study the county traffic data now being gathered and let them determine whether to engage Jones Carter. The motion was seconded by Councilmember Moore, which passed with a vote of 5-0-0.
- H. Discuss and Take Appropriate Action on Possible Appointments to the Parks and Recreation Board.** After discussion, Councilmember Tilley moved to accept the Mayor's appointments of Jane Little and Joe Branco to the Parks and Recreation Board. The motion was seconded by Councilmember LeBrun, which passed with a vote of 5-0-0.

- I. Discuss and Take Appropriate Action on Possible Appointment to the Planning and Zoning Commission.** After discussion, Mayor Pro Tem Britner moved to accept the Mayor's appointment of Carl Weldon as an alternate member of the Planning and Zoning Commission. The motion was seconded by Councilmember Brizendine, which passed with a vote of 5-0-0.
- J. Discussion and Appropriate Action on Approval of a Court Security Plan.** After discussion, Mayor Pro Tem Britner moved to approve the Court Security Plan, as presented. The motion was seconded by Councilmember Brizendine, which passed with a vote of 5-0-0.
- K. Consider and Take Appropriate Action on an Ordinance to Amend the 2017-2018 Budget.** After discussion, Councilmember Brizendine moved to an Ordinance to amend the 2017-2018 Budget. The motion was seconded by Councilmember LeBrun, which passed with a vote of 5-0-0.
- L. Discussion and Take Appropriate Action to Consider an Ordinance of the City of Woodcreek, Texas Making Appropriations for the Support of City Services and Debt Service for the Fiscal Year Beginning October 1, 2018 and Ending September 30, 2019 and Adopting the Annual Budget of the City of Woodcreek for the 2018-2019 Fiscal Year.** After discussion, Mayor Pro Tem Britner moved to adopt an ordinance of the City of Woodcreek, Texas making appropriations for the support of the City services and debt service for the Fiscal Year beginning October 1, 2018 and ending September 30, 2019 and adopting the annual budget of the City of Woodcreek for the 2018-2019 Fiscal Year. The motion was seconded by Councilmember LeBrun, which passed with a vote of 5-0-0.
- M. Discussion and Take Appropriate Action to Consider an Ordinance of the City of Woodcreek, Texas, Levying Ad Valorem Taxes for Use and Support of the Municipal Government for the City of Woodcreek, Texas, as may be Necessary to Promote the General Health, Safety and Welfare for the 2018-2019 Fiscal Year, Providing for Apportioning Each Levy for Specific Purposes; and Providing When Taxes Shall Become Delinquent if Not Paid.** After discussion, Councilmember LeBrun moved to adopt an ordinance of the City of Woodcreek, Texas, levying ad valorem taxes for use and support of the municipal government for the City of Woodcreek, Texas, as may be necessary to promote the General Health, Safety and Welfare for the 2018-2019 Fiscal Year, providing for apportioning each levy for specific purposes, and same shall become delinquent if not paid. The motion was seconded by Councilmember Brizendine, which passed with a vote of 5-0-0, recorded as follows: Mayor Pro Tem Britner (Aye), Councilmember Moore (Aye) Mayor Pro Tem Britner (Aye), Councilmember LeBrun (Aye), Councilmember Tilley (Aye)
- N. Discussion and Appropriate Action to Consider A Resolution Ratifying the Recently Adopted Budget that Contains a Property Tax Rate that Raises More Total Property Taxes than the Previous Year.** After discussion, Mayor Pro Tem Britner moved to approve a resolution ratifying the recently adopted budget that contains a property tax rate that raises more total property taxes than the previous year. The motion was seconded by Councilmember LeBrun, which passed with a vote of 5-0-0.

11. **Adjourn:** There being no further business, Mayor Scheel adjourned the meeting at 8:09 p.m.



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William P. Scheel, Mayor



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Brenton B. Lewis, City Manager

**Council Meeting Date: 5/8/21019**

**AGENDA ITEM COVER SHEET**

**Subject/Title:**

Discussion and possible action on creation of a committee to review Traffic Calming measures.

**Item Summary:**

A committee to study traffic calming measures is needed in Woodcreek.

**Financial Impact:**

N/A

**Recommendation:**

I recommend this committee work with/under Councilmembers Jackson and Britner as part of Safety and report to Council.

**Attachments:**

Traffic Calming Strategy

**Submitted By:**

Councilmember Cyndi Jackson



## Traffic Calming in Woodcreek

### Introduction

Speed data has been collected at a few locations in Woodcreek. Residents, however, report to council members that there are important locations that were not monitored. There is not a central repository of citizen traffic comments, either for speeding or other concerns of residents due to drivers speeding in the City, such as pedestrian experiences. The use of the roads in Woodcreek for activities such as walking, running or biking has not been addressed in any roadway planning.

According to the Victoria, B.C. Transport Policy Institute, "roads have been widened and straightened to accommodate more and faster vehicle traffic but often degrade conditions for walking, cycling and nearby residents. Traffic calming tends to provide the greatest benefit to pedestrians, bicyclists and local residents.

The opportunity exists to link solutions to Woodcreek traffic concerns to the vision for a livable neighborhood through citizen engagement and education as well as between the planning process, enforcement of traffic regulations and selected calming applications.

### What is Traffic Calming?

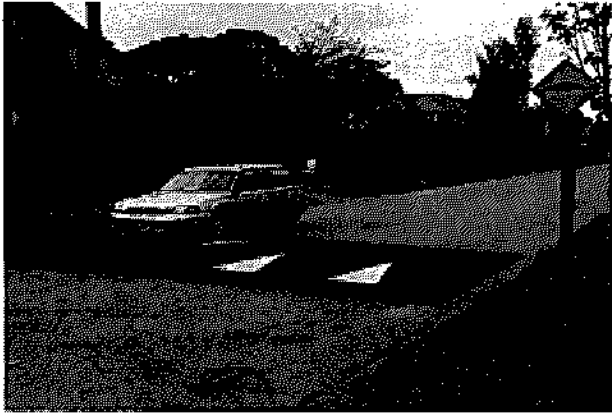
Traffic calming strategies are designed to change the feel of the road because, in general, drivers respond to road conditions more than they respond to traffic speed limits or signs. Traffic control measures include speed limit signs, one way streets, and stop signs, etc. Traffic calming measures are mainly physical measures that alter driver behavior and improve conditions for other street users. They include street humps and bumps, speed tables, circles, traffic islands, trees, etc.

Common Calming Strategy Examples (from Hebert, Rowland and Grubic , August 31, 2015. Attribution for the photos are in the web article under a creative commons license.) hrc-inc.com):

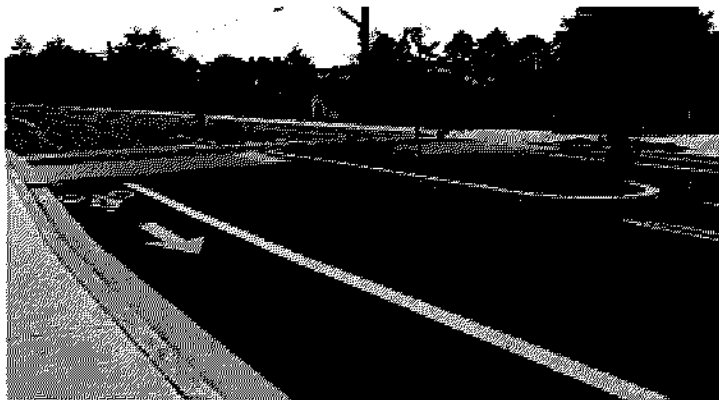
**Speed Table:** does not reduce speeds as much as humps but are less jarring for ambulances. They are also used as raised crosswalks and can improve pedestrian safety.



**Speed Hump:** most common traffic calming option. Generally placed every 300 – 600 feet and are 3 to 4 inches high. Driver response is usually to reduce speeds from 4 to 23 miles per hour. They generally slow ambulances up to 10 seconds per hump.



**Center Island street narrowing:** although this picture is from the article examples (and also includes a pedestrian crossing), the city of Woodcreek street island trees are also a good example of the function of an island. They can offer beautification as well as a landing place for pedestrians crossing the street.



**Trees:** Street trees have multiple community impacts, from esthetic value and reducing temperature, to increasing property values. Additionally, appropriately placed trees along a street have been documented to reduce traffic speeds and the number of crashes.



### **How Do Communities Work Together on Traffic Calming?**

Experts recommend a process that engages citizens, includes education and enforcement and allows impacted citizens to request and collaborate with their city on the adoption of physical traffic calming measures.

The success of traffic calming starts with engagement of the citizens. Invested citizens can participate collaboratively with their City Council and other officials responsible for planning, implementation and enforcement. Education about strategies to reduce speeding (i.e. yard signs, newspaper articles, etc.) and traffic enforcement are usually concurrently implemented. Enforcement, however, tends to be only temporarily effective. Additional physical calming devices are often implemented when supported by data and a majority of impacted residents agree. Successful projects have impacted citizens involved throughout each step of the process.

### **Example Process**

The College Station Neighborhood Traffic Calming Policy and Tool Box is attached. The policy does several important things. First, it links the traffic calming plan to the City Council vision statement. Second, the objectives for the city plan are inclusive of residents, pedestrians, bicyclists, motorists, and EMS. The Tool Box offers a brief overview of seven traffic calming measures with advantages and disadvantages of each as well as cost described as high, medium or low. Citizens are involved; data is collected in a standardized manner by the city and made available to the citizen committee. The school district, transit, emergency and police services and solid waste services are invited to attend meetings where the committee agenda would need their input.

# NEIGHBORHOOD TRAFFIC CALMING

## I. Introduction

College Station City Council vision statement #8 is directly related to the issue of traffic calming in neighborhoods. *"As a result of our efforts, citizens will live in well-planned neighborhoods suited to community interests and lifestyles."*

Where a person lives is a very important part of how a person feels about their community. The noise, safety hazards, vehicular speeds, vehicular volumes, and existence of sidewalks all contribute to a neighborhood's integrity. As speeding and vehicular volume increases, walking to the neighborhood store or even across the street to a neighbor's house can be an uncomfortable event.

The City of College Station recognizes the usefulness of physical measures to effectively solve neighborhood traffic problems. The traffic calming guidelines outlined in this report provide a basis for establishing the selection and installation criteria.

## II. Objectives

1. To promote safe and pleasant conditions for residents, pedestrians, bicyclists, and motorists on local neighborhood and residential collector streets.
2. To reduce impacts of traffic and speed on local neighborhood and residential streets.
3. To preserve and enhance pedestrian and bicycle travel within neighborhoods
4. To achieve efficient and safe movement of traffic within neighborhoods (including emergency response vehicles) consistent with the intended function of the residential streets.
5. To maintain acceptable levels of service on the city's arterial streets so as to avoid intrusion/diversion onto local neighborhood streets.

## III. Policies

The following policies are established as part of the Neighborhood Traffic Calming Program for neighborhood streets:

1. Through traffic should use major thoroughfares as shown on the City of College Station's Thoroughfare and Transportation Improvement Plan.
2. Emergency vehicle access should be preserved.
3. Neighborhood Traffic calming projects should encourage and enhance pedestrian and bicycle access to neighborhood destinations.
4. Traffic calming improvements should be limited to neighborhood streets. This includes residential (local) and minor collector streets.
5. Reasonable automobile access should be maintained.
6. Traffic calming measures that result in diversion of traffic to other residential streets should be discouraged. However, a small amount of traffic diverted to other residential streets may be acceptable. The acceptable amount of traffic diverted to other residential streets shall be determined on a case by case basis.
7. Traffic calming measures should be planned and designed in keeping with sound engineering and planning practices.

## IV. Selection of Project Areas

If funding for the program is available, one traffic calming project is selected each fiscal year. The exception to this rule occurs when the size of a project area is so big that its selection means that the project spans over two fiscal years or when the selected project is so small that resources for an additional project exist during the fiscal year. Areas that have been studied in previous years will not be eligible for re-evaluation for five years.

Traffic calls and/or complaints along with requests for traffic calming measures to address speeding and cut-through traffic problems on residential streets will be maintained in a database and on a city map. City staff selects three residential streets that appear to exhibit the highest speeding, volumes and/or cut-through traffic, problem. Each year, traffic speed and volume data will be collected on the three neighborhood streets / areas having the highest amount of calls, complaints and requests. These three streets / areas then ranked using the speed and volume data to determine a 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> project priority order. The street / area ranked 1<sup>st</sup> will be selected as the annual project. The Neighborhood Traffic Calming Program Prioritization Criteria can be seen in Appendix A.

In order to ensure that a particular street or area is considered for neighborhood traffic calming, a citizen or neighborhood association must call or write to the City of College Station to request the problem street(s). Requested streets will be included in the City's traffic calming request list. All requests received by August 1<sup>st</sup> are considered for the following fiscal year, beginning October 1. This August deadline provides adequate time for the City to collect speed and volume data and rank each of the project areas in time to begin the study process shortly after the start of the new fiscal year.

#### **V. Community Contact**

After the project location has been selected, City staff sends a letter to each business, property owner, and resident in the project area. In addition, letters are also sent to the president of the neighborhood association(s) within the project area. The letter describes the process, goals, timeline, and requirements and includes an invitation to attend a general meeting introducing the program. Also included in the letter is a survey for residents, property owners and businesses to fill in describing various traffic related problems in the project area. This survey can be mailed to the City or brought to the general meeting.

At this initial meeting, a working group of volunteers is established. These persons agree to develop the traffic calming plan with the assistance of City Staff. See Section VI for guidelines of the working group.

The City of College Station staff notifies the College Station Independent School District, Brazos Transit, TAMU Bus operations, Fire Department, Police Department utility companies and Solid Waste Services. A request for their routes in these project areas is made. They are invited to attend the meeting where the working group identifies possible measures for problem street sections in order to express their concerns.

#### **VI. Working Group**

The working group is comprised of residents living within the project area and an officer of the neighborhood association(s). Non-resident property owners and representatives of area businesses are also encouraged to participate in the working group. Working group members should represent the project street as well as other nearby streets in the neighborhood that could significantly be impacted by the project. Not more than two members should reside on any one street.

The maximum number of participants in the working group is 15 persons. It is expected that some of the members may not be able to attend every meeting. Minimum attendance in order to continue with the meeting is 50 percent of the working group, or 5 persons (whichever is greater). If the minimum attendance does not exist, the meeting is rescheduled. Every attempt is made to ensure that the meetings are scheduled for dates and times which work the best for as many members as possible.

At the first meeting, a chairperson is elected to serve as the leader of the working group. This person's role is to ensure that the members stay focused on the task, to be the spokesperson of the group, and to provide assistance to City staff in identifying meeting locations or other tasks.

Also occurring at this first meeting, ground rules are established for all of the meetings. The list of ground rules may include items such as methods for communicating with each other and the project area residents, meeting start and end times, and any other rule that the group wishes to establish. Although future meetings could include the addition of new rules, this list will make up the basis for the future meetings. As such, it should be posted at every working group meeting.

Each of the responsibilities for members of the working group is intended to encourage input and involvement from the participants. By providing feedback on the development of the traffic calming plan, the working group members take more ownership of the finished product.

It should be understood that the development of the traffic calming plan typically requires six meetings each lasting no more than two hours in length.

#### **VII. Problem Identification**

After the initial general meeting and before the first working group meeting, City staff summarizes the results of the survey and, if necessary, prepares a list of the possible traffic problem locations in the project area. Following the business items at the first meeting of the working group, the members review these traffic problems and brainstorm any additional locations needing attention. If necessary, the group prioritizes the street sections and intersections in the project area having the worst traffic problems.

City staff takes the list from this meeting and, if necessary, collect traffic data to confirm problems mentioned.

#### **VIII. Data Collection**

Data is collected in spring and fall months during regular school days. They consist of vehicular speed, traffic volume, pedestrian activity, and/or any other observation to confirm the traffic problems stated in the survey or at the first meeting. The length of the data collection depends on the type of data that is collected.

#### **IX. Evaluation of the Traffic Data**

City staff evaluates the traffic data to determine levels of traffic volume, vehicular speed, pedestrian activity, and other observations. If specific problems are mentioned as a priority in the survey or at the first meeting, staff assesses the problem. For example, if speeding is said to be a problem on Street A, then City staff collects the speed data to determine the speed on Street A.

The results found in these data collection efforts are summarized and presented by the City staff at the second working group meeting. Members have the opportunity to take the information with them to review.

#### **X. Menu of Traffic Calming Measures**

There are many measures currently being used to address neighborhood traffic problems. Some are used to address vehicular speeding and others to address cut-through traffic problems. Some measures may have an impact on both the vehicular speed and volume. Still others are intended to improve the safety of or give priority to non-motorized modes of transportation. See Appendix B for diagrams, advantages, and disadvantages of some of the traffic calming measures.

The City recognizes the desire to have measures that are aesthetically pleasing to the residents who live there. Traffic calming measures that include a raised curb allow for vegetation within the measure. In fact, the use of greenery to provide vertical sight restrictions is encouraged. City staff determines whether a proposed measure will provide any traffic enhancement and inform the working group of their findings. Although measures that involve the construction of a raised curb and landscaping are seen as more attractive than the vertical undulations like the speed humps, they are also more expensive and have greater impact to the adjacent properties such as the removal of on-street parking. Limited funds may restrict the number of measures including raised curb and gutter.

Every attempt is made to ensure that only the necessary signs and markings are installed. Excessive clutter is not the intent, rather it is to adequately warn, guide and protect the users of the roadway.

#### **XI. Traffic Calming Plan Development**

After reviewing the traffic data and the menu of measures available, the working group is responsible for brainstorming possible solutions to address the given traffic problems. City staff is present to guide this session. In addition to the Transportation Analyst, representatives from the College Station Fire Department, and any other relevant agencies are encouraged to attend. If routes in the project area are critical for their services, then the working group is advised of these streets at this meeting. Regular users of the roadway are considered when developing the type and design of the measures.

After some consensus is achieved on which measures the working group desires and the specific locations of the measures, City staff then analyzes the proposal. Each measure is evaluated for its likelihood of addressing the given problem. In addition, roadway alignment, driveway spacing, street width, and other factors are considered in order to determine whether the measure is possible.

The evaluation may result in changing the proposed measure. The technical expertise of the Transportation Analyst will govern the selection and, location of the proposed measures. For example, steep grades may preclude the installation of a measure. Staff identifies these barriers and informs the working group. After the evaluation is complete, the City develops a map showing the proposed measures and presents it to the working group. This plan is discussed, modified, if necessary, and voted on by the working group. If modifications are requested, an additional meeting may be required to allow time for the staff evaluation of the proposed measures and/or location of measures.

## **XII. Plan Approval Process**

After the working group approves the traffic calming plan, the next step involves a vote of all residents, businesses and property owners in the project area. An open house meeting is held to present the plan to all interested persons. The invitation to attend this open house meeting is included in a letter mailed by the City. This letter also contains details of the traffic calming plan, maps showing where the measures are proposed, verbal descriptions of each measure, and a stamped, self-addressed ballot. These letters are mailed to every resident, property owner, and business in the project area.

Each household or business is allowed one vote. At least 2/3s of the ballots received have to be in favor of implementing the plan. There is no minimum number of ballots that have to be returned.

The letter is mailed at least 10 days prior to the open house meeting and the deadline for receiving the ballots is about one week following the open house meeting. This allows voters the opportunity to read through the material, return the ballot or attend the open house meeting and still have time to fill out the ballot before the deadline.

The traffic calming plan is voted on as a whole. Because the plan is a system of integrated calming measures, individual streets or measures can not be taken out of the proposal as part of the vote. If one measure or one street were removed from the plan, the comprehensive nature of the plan would be lost, and residents on that street may experience higher traffic speeds and/or increased traffic volumes. The vote is either yes or no. Comments are welcomed, but do not change the complete package. This is the only opportunity to vote on the traffic calming plan so every effort must be made in the planning stages to ensure that it is correct and complete.

If the 2/3s approval is obtained, then City staff completes the design of the measures for the construction. If the 2/3s approval is not obtained, then the City does not implement the plan and the project area is not be eligible for evaluation during the next five years.

## **XIII. Measure Location**

There are advantages and disadvantages of each traffic calming measure. The advantages could include reduced traffic speed or volume, increased safety, and beautification of the streets. The disadvantages include possible inconvenience to residents driving in the neighborhood, parking restrictions, unattractive measures, and increased noise for residents adjacent to the measure. Because many residents may object to having a measure immediately adjacent to their property, it is necessary to establish the requirements for the consideration of shifting a proposed measure. In some communities, no consideration is given to the resident when objections about the placement of the measure arise. Others give some leeway to residents if nearby locations are acceptable and adjacent residents approve. This decision is controversial and can lead to the downfall of the entire project.

If an agency gives residents veto power, then the plan can dissolve as everyone wants something to address the problems, but no one is willing to allow the placement adjacent to their property. A piecemeal plan soon develops and the comprehensive nature is then mute.

Therefore, the responsibility to make this decision on whether or not to give residents the ability to veto a measure location adjacent to their property will rest with the working, group. This decision should be made prior to the development of the plan.

If deemed necessary, the City will modify the traffic calming plan to address problems discovered during the temporary or permanent installation period. In addition, if safety problems surface following the permanent installation, the City will take the appropriate action to address the problem.

#### **XIV. Landscaping**

Vegetation is chosen which requires minimal attention, such as xeroscape. Measures that include raised curb could contain 1-3 trees, low lying shrubs, and ground cover, depending on the size of the measure. The neighborhood association will have the responsibility of maintaining the landscaping. Adjacent residents could in their routine lawn maintenance, water or trim the vegetation when the need arises.

#### **XIII. Impact to Adjacent Streets**

In order to ensure that the traffic calming plan does not merely shift traffic to other neighborhood streets within the project area, traffic volume data is collected on possible diversion routes before and after implementing the approved plan. If residential streets experience an increase greater than 300 vehicles per day, the City will attempt to address the volume increase. Example actions to mitigate the volume increase include the modification of the measure(s) that created the shift or the installation of additional measures on the impacted street.

#### **XIV. Conclusion**

This Neighborhood Traffic Calming Program offers effective solutions to address residential traffic problems. The comprehensive nature of the program allows for mitigation of potential impacts to all streets within the entire project area. It is a program in which all residents, businesses and property owners are allowed and encouraged to participate in the process. With the technical assistance from the City of College Station, traffic calming plans can be developed and approved by those most affected.

As the population in the City of College Station continues to grow, city streets are experiencing increased traffic pressure. Residents, parents, school administrators, and neighborhood associations have avenues to consider when trying to address traffic problems. Evaluating streets in an entire project area can be a worthwhile activity to foster a sense of community and develop solutions that not only address traffic problems, but also offer attractive areas of landscaping and textured pavement. These modifications can, in turn, result in increased safety, property values, and improve the overall quality of life.



## APPENDIX A

### NEIGHBORHOOD TRAFFIC CALMING PRIORITY POINT RANKING

STREET: \_\_\_\_\_

FROM \_\_\_\_\_ TO \_\_\_\_\_

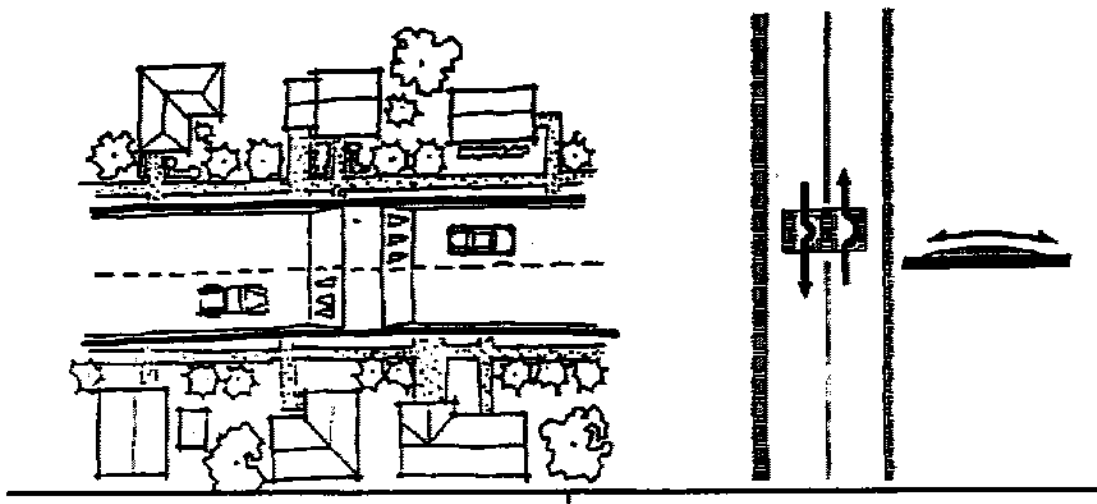
STAFF NAME \_\_\_\_\_ DATE \_\_\_\_\_

CATEGORY	POINTS
1. Traffic volume (50 points max) <ul style="list-style-type: none"><li>• Greater of ADT/60 or PHV/60</li></ul>	_____
2. Speed (50 points max) <ul style="list-style-type: none"><li>• % of vehicles over posted speed limit/2</li></ul>	_____
TOTAL POINTS	_____

## APPENDIX B

# NEIGHBORHOOD TRAFFIC CALMING TOOLBOX

### SPEED HUMP



#### DESCRIPTION:

Speed humps are raised sections of pavement across the travel way with curved transitions. These measures are 22 feet in length and approximately 3 to 4 inches high. The design consists of 6 feet transitions to a 10 feet flat surface.

The purpose of a speed hump is to reduce speeds by vertically deflecting- the wheels and frame of a vehicle. The occupants experience an uncomfortable sensation if the vehicle travels at speeds greater than the design speed of the speed hump.

#### ADVANTAGES:

- Reduces vehicle speed. More effective if used in a series at 300' to 500' spacing or in conjunction with other traffic calming measures.
- Can reduce vehicular volumes.
- No restrictions to on-street parking.
- Requires minimum maintenance.

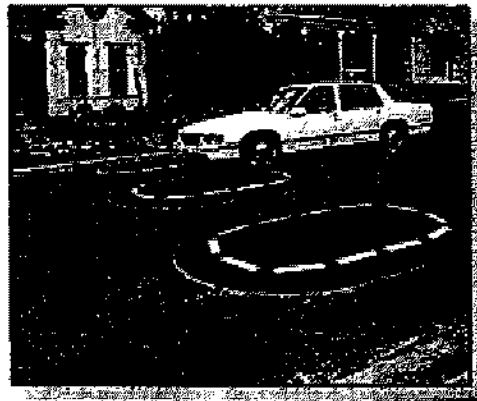
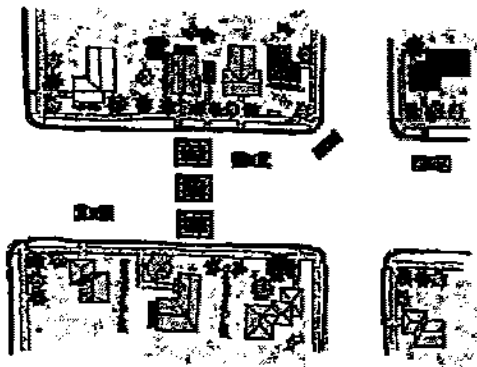
#### DISADVANTAGES:

- May divert traffic to parallel streets that do not have traffic calming measures.
- Increases emergency response times.
- Required signage may be considered unsightly.

#### COST:

- Low

## **SPEED CUSHIONS**



### **DESCRIPTION:**

Speed cushions consist of raised pavement of pavement raised 3-4 inches in height. The length of the cushion is a minimum of 9 feet. The spaces between the cushions allow wider emergency vehicles to partially straddle the measure.

### **ADVANTAGES:**

- Reduces vehicle speed. More effective if used in a series at 300' to 500' spacing or in conjunction with other traffic calming measures.
- Can reduce vehicular volumes.
- No restrictions to on-street parking.
- Requires minimum maintenance.
- Less impact to emergency response times than speed humps.

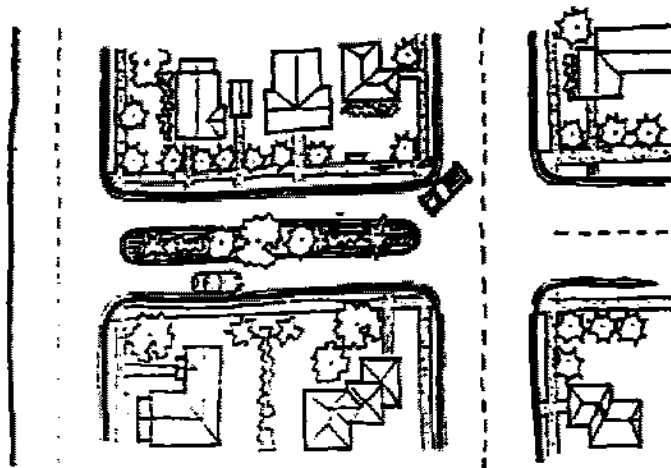
### **DISADVANTAGES:**

- May divert traffic to parallel streets that do not have traffic calming measures.
- Increases emergency response times.

### **COST:**

- Moderate/ Expensive

## RAISED CENTER MEDIAN



### DESCRIPTION:

Raised center medians are raised islands constructed in a street. They are typically landscaped with ground cover, bushes and trees or paved with decorative pavers. Raised center medians create narrowed lanes and encourage motorists to slow through the narrow section.

Raised center medians may be used in conjunction with speed cushions.

### ADVANTAGES:

- Reduces lane width and vehicular speed.
- Provides aesthetic visual break up on long straight residential streets.
- Used as a neighborhood entry, provides visual cue to motorists that they are entering a neighborhood.
- Can be combined with speed cushions.

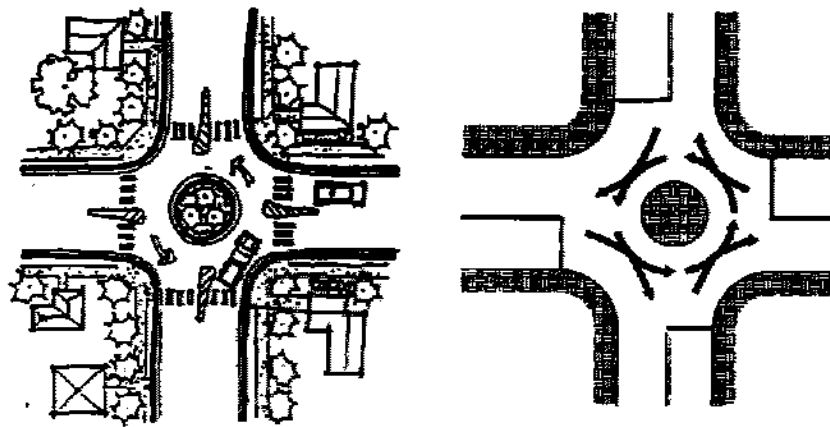
### DISADVANTAGES:

- Curbside parking must be prohibited.
- Maintenance responsibility if landscaped.
- May have little or no impact on cut-through traffic.

### COST:

- High

## TRAFFIC CIRCLE



### DESCRIPTION:

Traffic circles are raised islands constructed at intersections. They are typically landscaped with ground cover, bushes and trees. Traffic circles require drivers to slow to a speed that allows them to comfortably maneuver around them.

Motorists travel in a counter-clockwise direction around the circle. Traffic circles are "yield upon entry" meaning that vehicles in the circle have the right of way and vehicles entering the circle must wait to do so until the path is clear.

### ADVANTAGES:

- Reduces speed at intersection approach.
- Reduces vehicle conflicts at intersection.
- Provides equal access to intersection for all drivers.
- Does not restrict access to residents.
- When landscaped, traffic circles improve the appearance of a street.

### DISADVANTAGES:

- A minimum of 30 feet of curbside parking must be prohibited at each corner of the intersection.
- May not reduce cut-through traffic.
- Will increase emergency response time.
- Can restrict access for trucks and longer school buses, and may require that these vehicles turn left in a clockwise direction (in front of the circle, rather than around the circle).
- Maintenance responsibility, if landscaped.

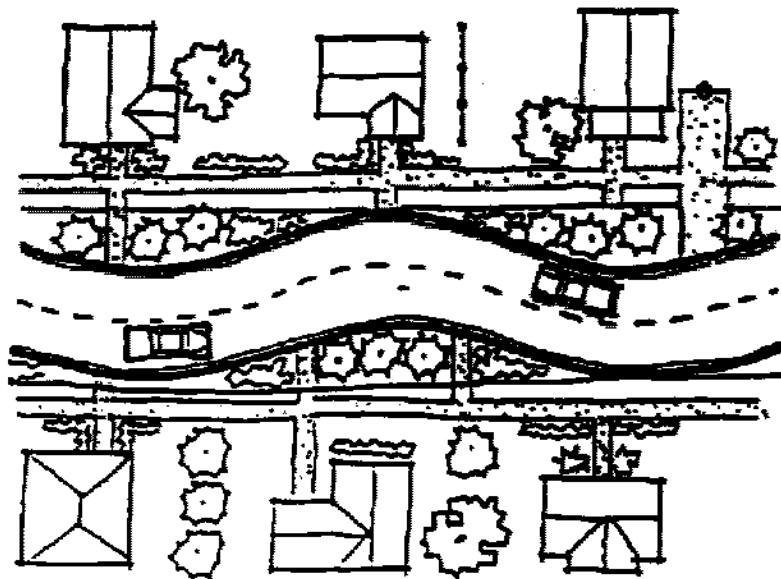
### OTHER CONSIDERATIONS:

- If well maintained, traffic circles can be very attractive. However, traffic control signs and pavement markings associated with circles decrease aesthetics.
- Most effective in reducing speeds when used in series (two or more consecutive intersections) or in conjunction with other traffic calming measures.
- May require educational campaign and learning period.

### COST:

- High

## CHICANE



### DESCRIPTION:

A chicane is a series of two or more staggered curb extensions on alternating sides of the roadway. They are usually landscaped with ground cover, bushes and trees. Horizontal deflection encourages motorists to slow through chicane.

Small raised island may be added to the design. These islands between or aligned with the curb extensions emphasizes the curvilinear alignment and prevent motorist from crossing the center line

### ADVANTAGES:

- Reduces speed.
- Does not restrict access to residents.
- Minimal impact to emergency vehicles.
- Reduces crossing distance for pedestrians.
- Can be aesthetically pleasing, if landscaped.

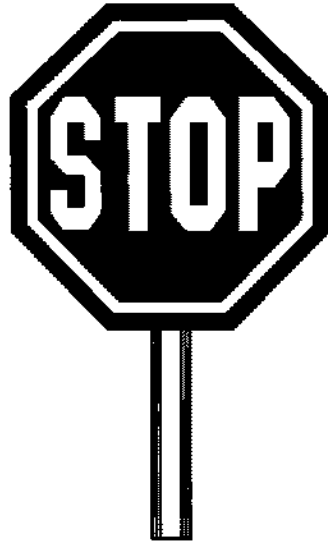
### DISADVANTAGES:

- Curbside parking must be prohibited.
- Maintenance responsibility, if landscaped.
- May have little or no impact on cut-through traffic.

### COST:

- High

## **ALL-WAY STOP SIGNS**



### **DESCRIPTION:**

Stop signs on the "main street" at an intersection where typically only the "side street" would be required to stop

### **ADVANTAGES:**

- Requires through traffic to stop at an intersection.
- Increases opportunities for pedestrians to cross the roadway.
- May discourage cut-through traffic.

### **DISADVANTAGES:**

- May create compliance problems if motorists do not acknowledge the need to stop.
- Mid-block speeds may increase as motorists try to make up for the lost time.
- Safety issues for pedestrians when compliance is poor.
- May increase emergency response time.

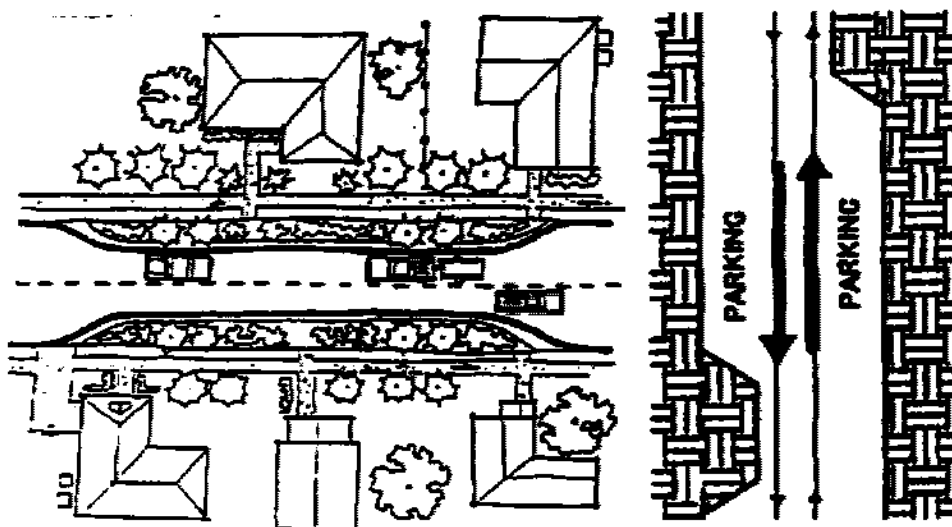
### **OTHER CONSIDERATIONS:**

- All-way stop warrant study must be conducted to justify the all-way stop.
- Special consideration may be given to the intersection of two residential collectors.

### **COST:**

- Low / High (Inexpensive to install, expensive to enforce)

## CHOKERS, CURB EXTENSIONS, OR BULB-OUTS



### DESCRIPTION:

Street physically narrowed to expand sidewalks and landscaped areas; possibly adding medians, on street parking, etc. These measures narrow the pavement by widening the sidewalk area at strategic locations. They provide shorter pedestrian crossing distances and provide protection to the beginning of a parking lane. The driver also senses the roadway narrowing when approaching one of these measures, which can result in speed reduction and a sense that the driver is entering a residential area.

### ADVANTAGES:

- Minor inconvenience to drivers
- Minimal inconveniences to local traffic
- Good for pedestrians due to shorter crossing distance
- Provides space for landscaping
- Slows traffic without seriously affecting emergency response time
- Effective when used in a series
- Single lane narrowing reduces vehicle speed and through traffic

### DISADVANTAGES:

- Double lane narrowing not very effective at reduced speeds or diverting through traffic
- Only partially effective as a visual obstruction
- Unfriendly to cyclists unless designed to accommodate them
- Conflict between opposing drivers arriving simultaneously could create problems

### COST:

- Medium to High



10.H.

**Council Meeting Date: 05/08/2019**

**AGENDA ITEM COVER SHEET**

**Subject/Title:**

10. H. Discuss and Take Appropriate Action on Possible Traffic Calming and Directional Signs for the Area Known as the Commons Area on Par View Drive

**Item Summary:**

This item was placed on the agenda in regards to adding traffic calming devices on and or near to the Commons Area on Par View Drive. Currently there is a 25 MPH Speed limit sign and a Keep Right Sign at the Commons Area. Discussions with two residents of Par View Drive have identified possible options available being additional signage, pavement markings, and yellow pavement markers Residents have requested the City pursue additional signage, pavement markings, and possible One-Way signage. The signage could consist of a Keep Right Sign on Par View North End be changed from a 12" X 18" to an 18" X 24" and an additional 18" X 24" Keep Right sign at the south end of the Commons Area. The pavement markers would be installed in the same manner as the pavement markers throughout the City to direct traffic past trees in the streets. The aforementioned can be done without official action of the City Council. To make Par View Drive around the commons area One-Way then an Ordinance would need to be adopted.

**Financial Impact:**

Additional Keep Right Signage North End < \$100.00

Additional Keep Right Sign South End < \$100.00

Pavement Markers < \$150.00

One Way Designation would include cost of ordinance preparation, publication, and signage < \$500.00

**Recommendation:**

Change existing Keep Right Sign, install pavement markers, install and schedule the placing of the mobile speed sign on Par View Drive.

**Attachments:**

Photos of Commons Area with proposed enhancements

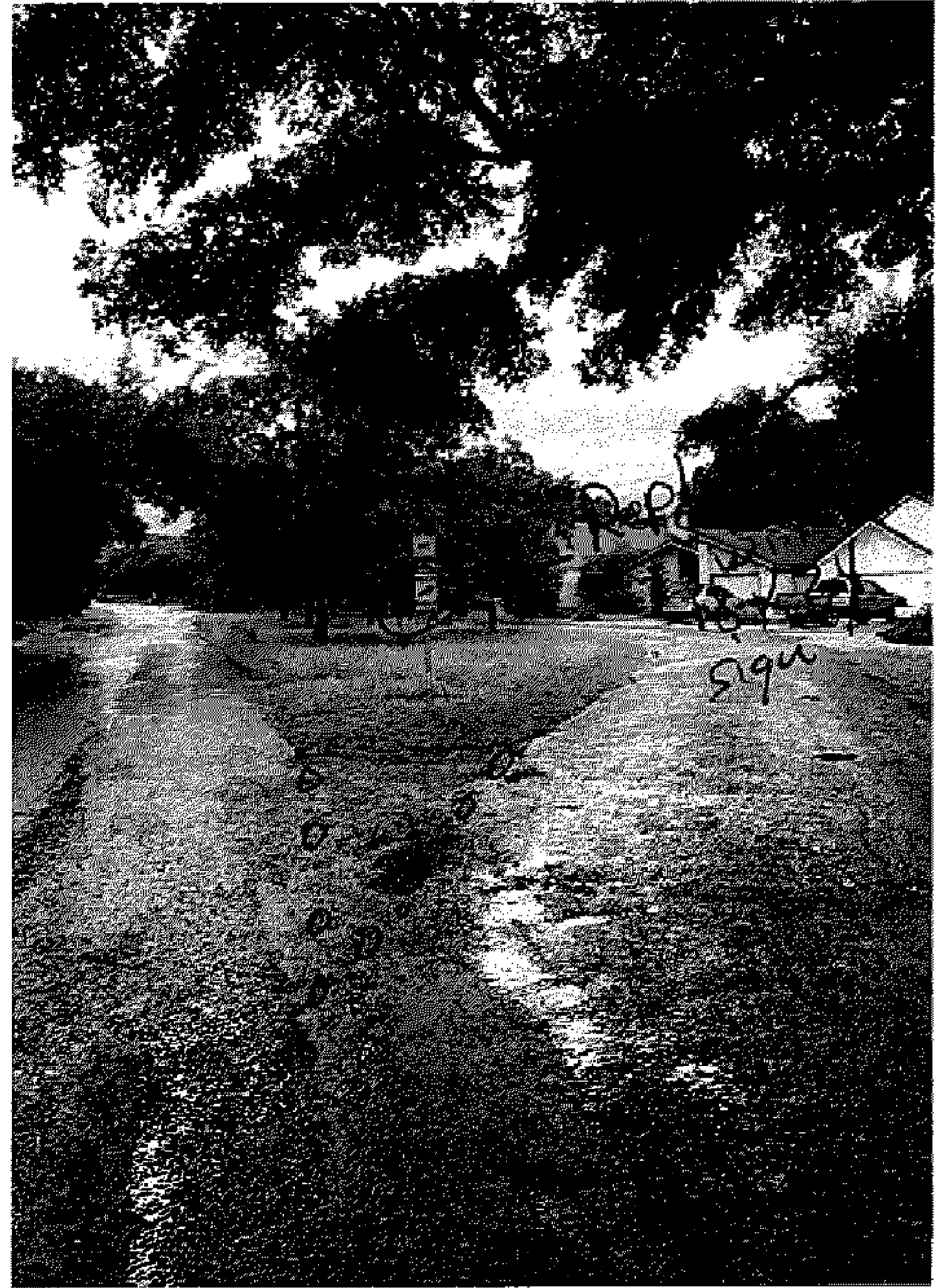
**Submitted By:**

Brenton B. Lewis, City Manager

Southside



Northside



**Council Meeting Date: 05/08/2019**

**AGENDA ITEM COVER SHEET**

**Subject/Title:**

Discussion and Take Appropriate Action to Adopt a Social Media Policy for the City of Woodcreek.

**Item Summary:**

The Social Media Policy draft provided for discussion and possible adoption is the result of numerous meetings and editing sessions of the Communications Council Responsibility, including a variety of interested citizens, since Mayor Scheel's appointment of the task on October 17.

**Financial Impact:**

None

**Recommendation:**

Council adoption of the Social Media Policy for the City of Woodcreek

**Attachments:**

City of Woodcreek Social Media Policy

**Submitted By:**

Ray Don Tilley, Councilmember

## **Introduction**

The use of social media sites by individuals acting in their roles as City Councilmembers is governed by freedom of speech guaranteed by the First Amendment to the U.S. Constitution, the Texas Open Meetings Act, the Public Information Act, and this policy.

## **Definition**

Social Media sites are third-party websites which allow for the creation of content, comment, and dialogue around a specific issue or area of interest.

## **Purpose**

This policy provides reasonable guidelines for the use of social media by the Mayor, Councilmembers, and City Staff while posting in their official capacity. The City of Woodcreek does not link or post officially to social media sites, thus it doesn't maintain a City-sponsored social media presence. When possible, Councilmembers using social media for City-related business should link to official information through City communications channels.

**Transparent.** Maintain transparency by using your given name, being clear about your role with regard to the subject, and omitting use of the City seal unless representing the City with prior authorization.

**Accurate.** Keep postings factual and accurate. If a mistake is made, post a correction as soon as possible.

**Respectful.** Reply to comments in a timely manner, when a response is appropriate. Reply with respect and relevance, regardless of any disagreement.

**Careful.** Consider content carefully, because postings are widely accessible, subject to open records requests, not retractable, and retained or referenced for many years.

**Legal.** Ensure comments do not violate the City's privacy, confidentiality, and applicable legal guidelines. Do not comment on legal matters, litigation, or any parties with whom the City may be in litigation.

**Council Meeting Date: 5/8/21019**

**AGENDA ITEM COVER SHEET**

**Subject/Title:**

Discussion and possible action naming Jeff Rasco to the Planning & Zoning Commission.

**Item Summary:**

With Gary Eldridge's resignation from P&Z months ago, the Commission has operated one member "down." As alternate Weldon agreed to serve as an alternate "only" while alternate Rasco applied for a full commission appointment, it seems only right to seek his alternate replacement while moving him into a full appointment to the Commission.

**Financial Impact:**

N/A

**Recommendation:**

I move we appoint Jeff Rasco the Planning & Zoning Commission and seek a new alternate to take his place.

**Attachments:**

**Submitted By:**

Cyndi Jackson

10.K.

**Council Meeting Date: 5/8/21019**

**AGENDA ITEM COVER SHEET**

**Subject/Title:**

Discussion and possible action on providing access and control of green space watering to the Parks & Rec Board

**Item Summary:**

Numerous citizens have volunteered to work in green spaces in our City, while suffering frustration over lack of water access. Citizen volunteers are a valuable resource and we should encourage participation where we can. Parks & Rec is the official citizen Board for Parks and should have access to the water faucets.

**Financial Impact:**

N/A

**Recommendation:**

I recommend we appoint Parks & Rec. Board as a key holder for all green space water faucets

**Attachments:**

**Submitted By:**

Councilmember Cyndi Jackson

**Council Meeting Date: 05/08/2019**

**AGENDA ITEM COVER SHEET**

**Subject/Title:**

10. L. Discussion and Take Appropriate Action on Recommended Amendments to Chapters 90 through 96 of the Woodcreek Texas Code of Ordinances

**Item Summary:**

The Ordinance Review Committee has been reviewing several of the Chapters of the Code of Ordinances with the final draft being presented to the elected body at this meeting for discussion and possible revisions before adoption.

**Financial Impact:**

Cost of re-codifying

**Recommendation:**

Place on next agenda for possible adoption.

**Attachments:**

Proposed Chapters 90-96

**Submitted By:**

Brenton B. Lewis, City Manager

## CHAPTER 90: ANIMALS

### Section

#### *General Provisions*

- 90.01 Definitions
- 90.02 Typical farm animals
- 90.03 Exotic animals, fowl and reptiles
- 90.04 Unreasonably loud barking or howling by dogs
- 90.05 Dogs under direct physical control of owner, handler
- 90.06 Complaints

#### *Deer*

- 90.16 Feeding Geese Prohibited
- 90.20 Feeding deer prohibited
- 90.21 Interference with deer trapping prohibited
- 90.22 Enforcement
  
- 90.99 Penalty

### GENERAL PROVISIONS

#### § 90.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**EXOTIC ANIMALS, FOWLS AND REPTILES.** Animals, fowls and reptiles normally not considered household pets, to include lions, tigers, jaguars, javelinas, bobcats, coyotes, wolves, llamas, pea fowl, falcons, snakes, alligators, ferrets, and geese.

**HANDLER.** Any person(s) with whom an animal has been placed by the owner of such animal for the purpose of that person(s) having control of such animal on behalf of the owner.

**OWNER.** Any person, persons, firms, corporations or associations keeping, having custody or harboring an animal, fowl or reptile.

**RUNNING AT LARGE.** Not under the direct physical control of the owner or handler by leash, cord, chain or similar direct physical control and not being kept physically restrained from leaving the premises of the owner.

**TYPICAL FARM ANIMALS AND FOWLS.** Hogs, cattle, horses, jacks, jennets, sheep, goats, chickens, geese, ducks, turkeys or like animals and fowls.



(Ord. 85-19C, passed 4-10-1996)

§ 90.02 TYPICAL FARM ANIMALS.

(A) Typical farm animals will not be permitted within the city, except in the areas defined as "open agricultural" on the official zoning map and the area commonly known as the stable. A specific boundary description is as follows: beginning at the Low Water Bridge on Woodcreek Drive following northwesterly along Cypress Creek to Jacob's Well Road, proceeding northeasterly along the south right-of-way of that road to the Woodcreek Resort property line at Lot 63, Section 6-C, proceeding southeasterly along the Woodcreek Resort property line to Cypress Point, proceeding southwesterly along the Cypress Point property line to Woodcreek Drive, and along Woodcreek Drive to the original starting point at the Low Water Bridge on Woodcreek Drive. This area is zoned either FP—Flood Plain, OA—Open Agricultural or P—Recreation District.

~~(B) The pen(s) or fenced area(s) where any typical farm animals are confined shall be kept in a clean and sanitary manner, and will be subject to inspection by the Health Authority at all times between sunrise and sunset.~~

(Ord. 85-19C, passed 4-10-1996) Penalty, see § 90.99

§ 90.03 EXOTIC ANIMALS, FOWL AND REPTILES.

Exotic animals, fowl and reptiles will not be permitted within the city.

(Ord. 85-19C, passed 4-10-1996) Penalty, see § 90.99

§ 90.04 UNREASONABLY LOUD BARKING OR HOWLING BY DOGS.

It shall be unlawful for a dog to make unreasonable loud barking or howling noise. For purposes of this section, **UNREASONABLE LOUD BARKING OR HOWLING NOISE** is defined as barking or howling of such a degree of loudness and duration that it is then and there disturbing to a person or persons in the vicinity of the dog. Any such person or persons so disturbed must file a sworn, written complaint with the appropriate authorities to initiate prosecution under this section. The owner or handler of the dog shall be deemed responsible for training or hiring someone to train the dog to be reasonably quiet. Barking dogs are not allowed outside an enclosed residential area between the hours of 11pm-5am.

(Ord. 85-19C, passed 4-10-1996) Penalty, see § 90.99

§ 90.05 DOGS UNDER DIRECT PHYSICAL CONTROL OF OWNER, HANDLER.

(A) Every dog shall be kept under the direct physical control of an owner or handler or shall be physically restrained from leaving the premises of the owner or handler of such dog.

(B) It shall be unlawful for any owner or handler of a dog(s) to allow the dog(s) to defecate on any portion of the Woodcreek Golf Course, recreation areas, green belts, esplanades and privately-owned lots upon which a dwelling exists unless all feces are immediately removed and discarded in a sanitary manner. This restriction applies to both a dog(s) running at large or a dog(s) under direct physical control of owner or handler

(Ord. 85-19C, passed 4-10-1996) Penalty, see § 90.99

#### § 90.06 NUMBER OF DOGS

Only 3 dogs are allowed per household. Additional dogs may only be kept for a maximum of 10 days per a 30 day period with a permit from City Hall.

#### § 90.07 COMPLAINTS.

Any complaint alleging violation of any portion of this subchapter must be a sworn, written complaint filed with the appropriate authorities to initiate prosecution under this section.

(Ord. 85-19C, passed 4-10-1996)

### GEESE

#### §90.16 FEEDING GEESE PROHIBITED.

It shall be unlawful for any person to intentionally or knowingly feed any Egyptian goose or any other member of the geese family, within the city limits. *INTENTIONALLY OR KNOWINGLY FEEDING* shall consist of, but not be limited to, having an established receptacle within which corn, maize, oats, commercial mixes of any kind or any other vegetable matter that is not a live and growing plant, is maintained for the feeding of geese in the city; physically handing any food product to a goose; intentionally or knowingly leaving geese food in an area where geese commonly feed; and any other activity wherein a food commonly eaten by geese is placed or left with the intent to feed geese.

Penalty, see §90.99.

### DEER

#### § 90.20 FEEDING DEER PROHIBITED.

It shall be unlawful for any person to intentionally or knowingly feed any whitetail deer, or any other member of the deer family, within the city limits. *INTENTIONALLY OR KNOWINGLY FEEDING* shall consist of, but not be limited to, having an established receptacle within which corn, maize, oats, commercial mixes of any kind or any other vegetable matter that is not a live and growing plant, is maintained for the feeding of deer in the city; physically handing any food product to a deer; intentionally or knowingly leaving deer food in an area where deer commonly feed; and any other activity wherein a food commonly eaten by deer is placed or left with the intent to feed deer.

(Ord. 01-72B, passed 4-10-2002) Penalty, see § 90.99

#### § 90.21 INTERFERENCE WITH DEER TRAPPING PROHIBITED.

It shall be unlawful for any person to intentionally or knowingly interfere with the city-authorized deer trapping efforts. *INTENTIONAL OR KNOWING INTERFERENCE* shall

consist of, but not be limited to, tampering with any trapping equipment or nets, deterring deer from a trapping area physically or with the use of noise, removing deer feed left by city personnel or other authorized persons to attract deer to a trapping area or permitting dogs to enter the trapping area.

(Ord. 01-72B, passed 4-10-2002) Penalty, see § 90.99

**§ 90.22 ENFORCEMENT.**

The Mayor, City Staff, and members of the Precinct 3 Constables Office, both regular and reserve officers, are empowered to enforce this subchapter.

(Ord. 01-72B, passed 4-10-2002)

**§ 90.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) The penalty for any violation of §§ 90.01 through 90.07 of this chapter shall not exceed \$500. Each day any violation of §§ 90.01 through 90.07 of this chapter shall continue shall constitute a separate offense.

(C) The fine for the first conviction or violation of § 90.04 of this chapter shall not exceed \$200 or the maximum amount permissible under state law.

(D) The fine for the first conviction or violation of § 90.05 of this chapter shall not exceed \$200 or the maximum amount permissible under state law.

(E) The fine for the first conviction or violation of § 90.06 of this chapter shall not exceed \$500 or the maximum amount permissible under state law.

(F) Any person convicted of violating any provision of §§ 90.20 through 90.22 of this chapter shall be guilty of a misdemeanor and shall be subject to a fine in an amount not to exceed \$500 per occurrence.

(Ord. 85-19C, passed 4-10-1996; Ord. 01-72B, passed 4-10-2002)

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## CHAPTER 91: TREES

### Section

- 91.01 Title
- 91.02 Oak wilt reporting
- 91.03 Purpose
- 91.04 Definitions
- 91.05 Certain trees declared a public nuisance
- 91.06 Inspections
- 91.07 Notice to owner
- 91.08 Abatement required; preventive measures; city may abate
- 91.09 Enforcement
- 91.10 Costs of preventive measures, treatment or removal and replacement
- 91.11 Tree-trimming permit required

### 91.99 Penalty

#### § 91.01 TITLE.

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

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

#### § 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.

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

#### § 91.03 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)

#### § 91.04 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.

**DISEASED TREES.** Oaks infected by the fungus *Ceratocystis fagacearum*.

**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.

**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*).

**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.

**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.

**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*).

**SUBSTANTIALLY DEAD TREE.** Trees in which more than 90% of the previously healthy branches have died due to any cause.

**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.

**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)

#### § 91.05 CERTAIN TREES DECLARED A PUBLIC NUISANCE.

(A) All red oak diseased trees, alive, dead or substantially dead, and all wood from diseased red oak trees to which any bark is still attached, are hereby declared to be public nuisances, as is any tree of any species that is dead or substantially dead.

(B) All species and varieties of trees that are dead or substantially dead, and all dead diseased oak wood to which the bark is still attached, which, because of its condition, may serve as a breeding place for any carrier of oak wilt disease, are hereby declared to be public nuisances.

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

§ 91.06 INSPECTIONS.

(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 14 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) Red 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) Red 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 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.

(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)

**§ 91.11 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

**§ 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.

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

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## CHAPTER 92: STREETS AND SIDEWALKS

### Section

#### *Excavations and Cuttings*

92.01 Definitions

92.02 Underground utility service

92.03 Streets and rights-of-way

92.04 Permits

92.05 Bond and liability

92.06 City facilities and lands

92.07 Duties and responsibilities

92.08 Standards for installations in pavement crossings and rights-of-way

92.09 Right to inspect

92.10 Costs

92.11 City rights reserved

92.12 Enforcement

92.99 Penalty

### EXCAVATIONS AND CUTTINGS

#### § 92.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABANDON** (and its derivatives). The facilities installed in the rights-of-way (including by way of example but not limited to: poles, wires, conduit, manholes, handholes, cuts, network nodes and node support poles, or portion thereof) that have been left by user in an unused or nonfunctioning condition for more than 120 consecutive calendar days unless, after notice, user has established to the reasonable satisfaction of the city that the applicable facilities, or portion thereof, is still in active use.

#### **APPLICABLE CODES.**

- (1) All applicable Woodcreek Code of Ordinance provisions, policies and guidelines;
- (2) All applicable engineering and safety standards governing the installation, maintenance and operation of facilities and the performance of work in or around rights-of-way and includes the most current version of the National Electric Safety Code, the

National Electrical Code, the Texas Health and Safety Code and regulations of the Occupational Safety and Health Act; and

(3) Any applicable lawful rules, requirements or orders now in effect or hereafter issued by the city or authority with jurisdiction.

**CONSTRUCTION ACTIVITY or WORK.** Includes, but is not limited to, the causing or carrying out of any man-made change in any property or facility through building, erecting, installing, bulkheading, filling, mining, dredging, clearing, paving, grading, excavating, boring, drilling, or the addition, removal or alteration of any facility or any improvement to property, including altering of the size of any facilities, or other similar work or activity in, over, under, through, along or across the rights-of-ways or streets within the city limits.

**CONTRACTOR and SUBCONTRACTOR.** Includes, but is not limited to, the person possessing a permit, franchise or license agreement as required under this subchapter and all persons actually performing, directing, monitoring, managing or overseeing any construction activity, work or other such similar activity in, over, under, through, along or across any streets or rights-of-ways within the city limits.

**DIRECTOR OF PUBLIC WORKS or INSPECTOR.** The person, his or her staff or employees, or entity designated by the city to perform the duties and responsibilities set forth herein to be performed by the city, or, if none has been designated, the City Manager of the city.

**EASEMENT.** Includes any public easement or other compatible use created by dedication, or by other means, to the city for public roadway, access or utility purposes, or any other purpose whatsoever. **EASEMENT** shall include a private easement used for the provision of utilities.

**EMERGENCY.** A reasonably unforeseen situation presenting an imminent hazard to personal or public health, safety or property, and the work necessary to address a service interruption. Upgrading of facilities, new service installation and neighborhood improvement projects are not emergencies under this subchapter.

**EXCAVATION.** Any man-made formation of a cavity, hole or hollow by way of any means of digging, plowing, quarrying, uncovering, blasting, scooping, drilling, dredging, bulldozing, relocating or making cuts, openings, borings or other action or processes to form a cavity, hole or hollow.

**FACILITY or FACILITIES.** Any plant, equipment and property, including, but not limited to, duct spaces, manholes, poles, towers, utility pipes, pipes, conduits, lines, wires, transmission media, underground and overhead passageways or other equipment, structures and appurtenances which are located in, over, under, through, along or across the rights-of-ways or streets.

**FRANCHISEE.** Any company, business, or service provider holding a franchise approved and issued by the City of Woodcreek.

**INSTALLATION.** The addition, removal, repair or alteration of any facility located in, over, under, through, along or across the rights-of-ways or streets.

**OWNER.** Any person having financial interests in property or facilities located in, over, under, through, along or across streets and rights-of-ways in the city, including the person directing the actions of any contractor, paying a contractor, or for whose benefit the actions of the contractor are undertaken.

**PERMANENT STRUCTURE.** Any facility located in, over, under, through, along or across the rights-of-ways or streets within the city limits that occupies, affixes or otherwise is to remain in the same location for a period of time of more than 30 days.

**PERSON.** An individual human, partnership, firm, company, limited liability partnership or other partnership or other such company, joint venture, joint stock company, association, legal entity, or corporation of any kind, including but not limited to any provider of any utility service or public service, as those terms are defined below.

**PUBLIC SERVICE.** Any business or commercial activity which is not included in the definition of **UTILITY SERVICE** that requires the use of the public streets or rights-of-ways for the location of any facility or equipment to provide services to persons or property situated within the city, including but not limited to cable television service and services using a transmission media, but excluding taxi service and solid waste collection.

**RIGHTS-OF-WAYS.** The surface of, and the space above and below any and all present and future public thoroughfares, public utility easements, public ways, public grounds, public waterways and, without limitation by the foregoing, any other public property within the corporate limits of the city.

**STREETS.** The surface of, and the space above and below, any and all present and future public streets, avenues, highways, boulevards, drives, roads, bridges, alleys, lanes, viaducts and all other public roadways within the city limits and any highways, county roads or other public roadways for which the city has an agreement or contract to control, regulate or maintain.

**TRANSMISSION MEDIA.** All cables, fibers, wires, tubes, pipes or other physical devices used to transmit and/or receive communication signals, whether analog, digital or of other characteristics, and whether for voice, video or data, or other purposes, which are physically located in the rights-of-ways or streets.

**UTILITY SERVICE.** Shall have its common meaning and shall specifically include, but not be limited to, electric, water, wastewater, gas, telephone service, internet and cable tv.

(Ord. 17-241, passed 12-20-2017)

## § 92.02 UNDERGROUND UTILITY SERVICE.

(A) In all residential areas of the city, all cable television lines, telephone lines, and electric distribution lines and individual service lines shall be installed underground. If overhead lines existed prior to underground installation, all such poles, guy wires, and related structures shall be removed following construction of the underground infrastructure.

(B) For non-residential and multi-family developments where no existing overhead infrastructure exists, underground cable television, telephone, and electric utility lines shall be required along the street and within the site. Where existing overhead infrastructure is to be located, it shall be re-installed underground and the existing facilities shall be removed at the discretion of the city.

(C) Transformers and all related equipment supporting cable television, telephone, and electric service shall be mounted on pads at ground level. For non-residential development, such equipment shall be located outside of the street yard where practical and preferable located behind the front facade of the primary building structure. Such equipment shall reasonably be separated from pedestrian or vehicular access ways, shall have approved driveway or all weather vehicular accessibility, shall not conflict with roadway sight visibility, and shall be located outside of future rights of way.

(D) Screening of pad-mounted above-ground equipment for non-residential development shall consist of barrier fencing or shrub plantings located no closer than three feet from the equipment, except for the entry side of the equipment, which shall have a minimum of ten feet of unobstructed clearance. The entry side of the equipment shall not face a public street unless located behind the front facade of the primary building structure. The equipment pad shall be located with adequate room for the required landscape screening to be installed consistent with these provisions.

(E) Once utility service lines have been installed underground, the installation of new above-ground lines in that location is prohibited.

(F) The installation of public street lights, and connection of electric service thereto, shall be the responsibility of the developer.

(G) Exceptions or alternatives to the requirements of this section may be considered by the City Manager or designee. An appeal of the decision made by the City Manager in this regard shall be heard by the City Council.

(Ord. 17-241, passed 12-20-2017)

### **§ 92.03 STREETS AND RIGHTS-OF-WAY.**

(A) The city shall have exclusive dominion, control and jurisdiction in, over, under, through, along and across the streets and rights-of-ways, and may provide for the improvement thereof by paving, re-paving, raising, draining, realigning, closing, or otherwise the use thereof. Such exclusive dominion, control and jurisdiction in, over, under, through, along and across the streets and rights-of-way of the city shall also include, but not be limited to, the power to regulate, locate, remove or prohibit the location, installation, alteration or removal of any type of facility or other property in, over, under, through, along or across any streets or rights-of-way. The location, alteration or removal, including the route, of all facilities within the rights-of-way or streets shall be subject to the reasonable direction of the city.

(B) It shall be unlawful for any owner or contractor, including his or her agents, servants, independent contractors, or employees to occupy or obstruct any portion of the right-of-way or streets or to perform any construction activity, or to cause another to do the same, for any purpose in, over, under, through, along or across any street or right-of-way without first having made all applications for permits and, when required, obtained all permits therefore, together with a bond approved by the City Manager or designee in an amount determined as herein provided, conditioned that the principal therein will discharge all claims of every character arising from or occasioned by such occupancy or construction activity or by reason of damages or injuries sustained by persons or property because of such occupancy, construction activity, excavation or other such activity thereon and discharge all judgments obtained, together with all costs attached thereto against the city by reason of any such claim, injury or damage sustained. Contractor and owner carrying on any construction activity or excavation shall keep all streets and rights-of-way adjacent to such construction activity or excavation carried on by such contractor or owner, in a clean, safe and orderly condition, and unobstructed, except as provided in this subchapter, during all such activities, and shall restore all such streets, rights-of-way, facilities and other structures damaged, altered or injured, in any way, to as good condition as they were before the beginning of such activities.

(C) It shall be unlawful for any person to use or occupy any street or right-of-way for the purpose of providing abutting, adjoining or other property with any utility service, public service, data, voice or video transmission service, cable television, taxi or solid waste collection service, without having first obtained a franchise or license issued and approved by the City Council; except as specifically provided otherwise by state law.

(D) Construction activity, excavation, obstruction or other work shall cease immediately upon the issuance of a stop work order from the City Manager or designee or from any authorized law enforcement agent of the city. It shall be unlawful to remove a stop work order placed upon a construction or work site until compliance with this subchapter has been accomplished. No work so ordered to stop shall commence after issuance of the stop work order until the violation has been corrected and the City Manager or designee issues written authorization for the contractor or individual to begin again.

(E) It shall be unlawful and a violation of this subchapter for any person, contractor or owner to maintain an existing excavation within the city or to work upon or assist in any way in the execution or operation of any such excavation, without a permit having been issued by the city in accordance with this subchapter.

(F) It shall be unlawful for the owner of any building or property abutting on any street or right-of-way in the city, or any tenant occupying such building or property, or any other person, to construct, build, operate or maintain any building, facility, or part thereof, including a show window, which extends over any part of any street or right-of-way.

(G) Utility equipment shall not obstruct traffic sight lines.

(Ord. 17-241, passed 12-20-2017) Penalty, see § 92.99

## § 92.04 PERMITS.

Application for a permit required by § 92.02 of this subchapter shall be addressed to the City Manager and made on a form furnished for that purpose, detailing the extent, character and purpose of any construction activity or other work to be performed.

(A) *Permits required.* The owner or contractor for all construction activity, installations, and similar activities must have applied for and have been issued all of the permits required for the work. The approved application and supporting documentation shall serve as the permit. A copy of the approved application and supporting documentation shall be maintained for inspection at the site of construction activity. The types of activities which must have a permit issued pursuant to this subchapter are:

(1) *Excavation of rights-of-way.* Any person considering major excavation, cutting, boring, digging or demolition activity in, over, under, through, or along the rights-of-way within five feet of the utility easement or property line shall, in advance of same, submit a design plan to the city for review and comment and shall secure a proper permit and/or approval and pay the fees as required.

(2) *Construction activity in rights-of-way or street.* Any person considering adding, repairing, removing or altering any facility or landscaping owned by the City of Woodcreek, in, over, under, through, along or across the streets or rights-of-way within the city limits shall in advance of same, submit a design plan to the city for review and comment and shall secure proper permits and/or approvals and pay the fees as required.

(B) *Permit fees.* In the event an application is made for a permit to perform any construction activity in any of the streets or rights-of-way, such permit shall be subject to the following permit fees to cover the costs and expenses of the city. Acceptance of any such permit shall constitute an acceptance by the permittee of the conditions of the permit and any of the obligations and duties to repair any cut, damage, injury or excavation in full compliance with the requirements set forth in § 92.06. Payment for each such permit shall be made with the application for the permit. No permit shall be issued for less than the required permit fee. Fee will be doubled after work commences.

(1) *Boring permit minimum fee.* The fee for each permit required pursuant to this subchapter for any construction activities including but not limited to, excavation, installation, removal, repair, addition or other alteration of any facilities or landscaping owned by the City of Woodcreek in the rights-of-way or streets shall be based on the Master Rate Schedule as adopted by resolution of the City of Woodcreek, plus the amount of any other permit fees and any engineering or other professional fees reasonably incurred by the city for and with respect to such permit.

(2) *Professional fees.* In addition to the above permit fees, the city shall be fully reimbursed for all reasonable costs associated with activities in the streets or rights-of-way pursuant to this subchapter that require inspection, plan review or any other reasonable overview or action by an engineer or other professional. All engineer and other professional fees shall be paid prior to issuance of a permit. Permits shall not be issued to, and may not be maintained by, any person owing engineer or other professional fees to the city.

(C) *Duration.* All activities or construction authorized by a permit issued under this subchapter shall be commenced within five business days after the effective date of the permit and thereafter be continuously prosecuted to completion, or such permit shall be void and the person to whom the permit was issued must make a new application before commencing or continuing any further activities or construction. Each permit issued shall be issued for a specific time period with a maximum period of 30 calendar days, after which period the permit shall be void and the person to whom the permit was issued must make a new application for a new permit for each succeeding 30 calendar days or portion thereof. If the permit is allowed to expire, the person shall apply for and procure a new permit, paying the fee therefore as before, prior to proceeding with any such work.

(D) *Applications.* Applications for permits required by this subchapter shall be submitted to the city at least 30 calendar days prior to the commencement of construction and must be made in writing by the person to do the work, the subcontractor, the franchisee, the contractor, or his authorized agent, that will be submitted upon forms provided by the city for that purpose. An application for such permit shall be deposited at the office of the City Administrator for delivery to and action by the City Manager or designee, or his/her designated representative. Such application shall contain:

(1) Date application is submitted; name, address, phone, fax, e-mail and other pertinent information of owner(s) and the name of all contractor(s), including subcontractors, employed, or that will be employed, to perform any portion of any construction activity or excavation; name, address, phone, fax, e-mail and other pertinent information of the person(s) designated to be the 24 hour contact or emergency contact at all times while the permit is active [if such emergency contact changes during the term of the permit, the City Manager or designee shall be notified no later than 24 hours after such change, to maintain an active permit]; exact location of any property, streets or rights-of-way where the construction activities or excavation is proposed to occur; a certification by the contractor, subcontractor, franchisee, owner, or the person employed to do the work, that existing underground utilities have been located and marked prior to commencement of construction and a copy of the one call confirmation order attached with the application. Applicant will provide City Hall with each two week refresh of locate documentation.

(2) A fee, appropriate to the number and kinds of installations, alterations, removals or construction activities to be made or activities to be performed.

(3) Proof of liability insurance or bond (certificate of insurance) in the amount of not less than \$1,000,000 personal injury and property damage:

(a) The coverage must be on an "occurrence" basis and must include coverage for personal injury, contractual liability, premises liability, medical damages, underground, explosion and collapse hazards as applicable to the size and type of project;

(b) Each policy must be posted at City Hall throughout the project;

(c) Each policy must include a cancellation provision in which the insurance company is required to notify the city in writing not fewer than 30 days before canceling, failing to renew, or reducing policy limits;

(d) The City of Woodcreek shall be named as additional insured on the policy; and

(4) A description of the work to be performed, including duration of the work. Applications shall be accompanied by two copies of a complete layout drawing to showing the location and the work to be performed. The plan or diagram shall show the manner in which the installations or construction activities are to be made or the character of any of the repairs to existing installations or construction activities.

(5) *Excavations.* If any site is to be excavated the application must include:

(a) The location where the soil will be moved or deposited;

(b) A positive statement that the proposed excavation shall not block, encumber or close any street or disturb the lateral support thereof;

(c) The proposed slopes and lateral supports to be used in any excavation greater than four feet in depth shall be set forth;

(d) The proposed arrangements made for surface water drainage and siltation control;

(e) The safety precautions to be installed and maintained at the site, such as fences around the excavation, traffic control devices and drainage systems to keep the excavation from collecting water within or creating a hazard to workers, travelers and citizens; and

(f) Such other pertinent data as the City Manager or designee may require.

(E) *Review of application.* The city shall have the power and reserves the authority to refuse to issue a permit under this subchapter to any person, contractor, subcontractor or owner who has not complied with this subchapter, has previously failed to comply with the terms, requirements or standards of any prior permit issued for a similar project, or who has failed to provide insurance and bond as required. Additionally, the city shall have the power and reserves the authority to refuse any permit, or to modify or amend any application for permit, where the particular location, by reason of the nature of such particular location, the character and value of the permanent improvements already erected on or approximately adjacent to the particular location, and the use of which the land and surroundings, when in the City Manager or designee's opinion, or on appeal, the excavating, operation of an excavation or addition or alteration of any such proposed facility on such particular location or construction activity would constitute a nuisance, be injurious to public health, be a public hazard to the inhabitants as a whole, or to a substantial number of its inhabitants or travelers, or be a disadvantage to the city in its planned growth, or otherwise have a negative impact on the property values of property within the city. Review by the city shall be completed within 30 calendar days from the date the complete application is received by the city.

(F) *Factors to be considered.*

(1) In considering and reviewing all plans submitted and applications for permits the City Manager or designee shall be guided by the general purpose of orderly municipal planning, avoiding conditions or the doing of any act constituting or creating a nuisance,



health hazard or endangering the public safety. As aids in accomplishing these purposes, the following points shall be considered by the city in reviewing applications for permits; however, such aids shall not be exclusive in the City Manager or designee's consideration and ultimate recommendation:

(a) The plan's compliance with all provisions of this subchapter and other ordinances of the city;

(b) The environmental impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood;

(c) The relationship of the development to adjacent uses in terms of harmonious use and design, maintenance of property values, and negative impacts;

(d) The provision of a safe and efficient vehicular and pedestrian circulation system;

(e) Surface water drainage and water drainage facilities of the excavation or installation, including soil and earth erosion by water and wind;

(f) Lateral supports of the excavation, including protections for existing buildings, facilities, streets and other property to be affected thereby;

(g) Conditions in which the excavation, construction activities or installation are to be maintained and safeguards to be taken to prohibit creating a nuisance, health or safety hazard, attractiveness to children, and features provided to dispense with the endangering of the lives and property of the public;

(h) Proposed use or condition of land upon completion of excavation process, construction activity or installation;

(i) Protection, access and encumbrance such installation, construction activity or excavation will have upon existing facilities and the location of the facilities in reference to the proposed excavation or installation, including the size, quantity, location and permanent nature of the all facilities currently located or proposed to be located therein; and

(j) Such other facts as may bear or relate to the coordinated, adjusted and harmonious physical development of the city.

(2) In arriving at the ultimate recommendation, the City Manager or designee may attach such special conditions thereto as may be reasonably necessary to attain the overall purpose of this subchapter.

(G) *Appeals.* Appeals from the denial or granting of a permit, shall be made to City Council.

(1) If an application for a permit is refused, the applicant may, not later than ten days from the date of receiving notice of such refusal, appeal to City Council by directing a letter to City Council setting forth therein the date of denial of the permit and the reasons the permit should be granted.

(2) Upon the filing of such appeal, the right to operate under any such permit shall be suspended until final determination by the City Council.

(H) *Conditions of permit.* All permits shall be issued based upon the representations made within the application for the permit, information provided from the applicant, information known to the City Manager or designee and/or city, and all plans submitted with the application. Violations of any conditions of the permit or the general conditions listed herein shall constitute a forfeiture of all rights and privileges granted by the permit(s). The following general conditions of permit are in addition to the specific conditions identified in the specific permit:

(1) Permit holders may not deviate from the plans approved with the permit without prior written permission from the City Manager or designee and amendment of such permit.

(2) Permit holders must comply at all times with the requirements of this subchapter and other applicable city ordinances as well as state and federal laws.

(3) No permit issued under the terms of this subchapter shall ever be transferred, sold, assigned, or otherwise disposed of in any manner to any other person without the written consent of the City Manager or designee.

(4) No permit shall be issued for less than the required permit fees.

(5) Bonds and/or insurance must be maintained at all times applicable to the permitted project.

(6) All applications for permit must contain complete and accurate information and plans for the project.

(7) No work shall be done under any permit issued under this subchapter except as stated in the permit and in compliance with State and Federal laws. The property owner or occupant shall ensure compliance at all times therewith.

(8) The City Manager or designee shall at all times have authority to inspect the project site and stop all work not in conformity with the permit, ordinances of the city, or state or federal law. A copy of the permit shall be maintained at the construction site and made available for inspection at all times when construction or installation work is occurring.

(9) Approval of a permit does not constitute an agreement to undertake construction activities contrary to state, federal or city requirements.

(10) No permanent structure shall remain in the rights-of-way or street without all proper permits.

(I) *Revocation of permit.* Any permit issued under this subchapter may be cancelled if a notice to stop all work or activities thereunder is issued, and such notice is not immediately complied with. Any such non-compliance shall constitute grounds for immediate revocation of any and all permits, or portions thereof, for the project, when the following conditions exist:

- (1) A violation of any condition of the permit by either property owner or occupant;
- (2) A violation of any provisions of this subchapter or any other applicable ordinance or law relating to the requirements of the permit, excavations, construction or installation of the type of facility being installed, repaired, altered or removed;
- (3) Failure to cease construction activities or correct such violations as directed by the City Manager or designee; or
- (4) The existence of any condition or the doing of any act constituting or creating a nuisance or endangering the lives or property of others.

(J) *Appeals from permit revocation or other action.* A permit holder pursuant to this subchapter, who is aggrieved by a revocation or any other action by the City Manager or designee regarding such permit, may appeal to City Council. The appeal shall be made by filing with the City Manager/Administrator a written notice thereof within ten calendar days from the date of the revocation of the permit, or other action appealed from, including, but not limited to, notices to repair and stop work orders. A fee based on the Master Rate Schedule as adopted by resolution of the City of Woodcreek shall be collected for processing the appeal. The aggrieved person shall be given a hearing before City Council, in due order of business, after which the City Council may affirm, modify or overrule the City Manager or designee's decision. Written notice of the time and place of such hearing shall be served upon the permit holder. Notice of the hearing may be given by personal delivery thereof to the permit holder or by deposit in the United States mail in a sealed envelope with postage prepaid, addressed to such person at the address appearing in the application or notice of appeal. All work shall be stopped at the construction site while the appeal is pending with the exception of work required to safely secure the site and to protect the health, safety and well-being of the public. The request for variance will be approved or denied within 60 from the date the request was received by the City.

(K) *Franchise holders and transmission media.* Utility service providers and public service providers having a current franchise or license agreement with the city shall be governed by the terms of the franchise or license agreement and shall not be required to post additional bond or insurance; and shall be exempt from paying any permit fees when required hereby to obtain a permit; but shall otherwise be subject to, bound and governed by each and every term and provision of this subchapter except as explicitly exempted in the franchise or license agreement. Where the terms and conditions of the franchise or license agreement conflict with the provisions of this subchapter, the terms and conditions of the franchise or license agreement shall govern. Unless otherwise exempted by a current franchise, license agreement or state law, the utility service provider or public service provider shall:

- (1) Complete all applications for permits required herein but shall not be required to pay the fees;
- (2) Provide the city the information required in the application and a certification by the contractor, subcontractor, franchisee, owner, or the person employed to do the work, that existing underground utilities have been located and marked prior to commencement

of construction and a copy of the Dig-Tess confirmation order attached with the application;

(3) Coordinate with the city as directed by the City Manager or designee based upon the size of the project and construction activities;

(4) Apply for all permits at least 30 calendar days prior to commencing any activity for which a permit must be issued as required by this subchapter; and provide an estimation of time for completion of each project.

(L) *Exception to certain fees.* Telecommunication entities that are certified telecommunications providers, certified by the State of Texas to service the city, and that pay the city compensation as required by Tex. Loc. Gov't. Code Ch. 283, shall be exempt from such fees as are set forth therein upon verification from the Public Utilities Commission that the telecommunications entity seeking a permit is, at the time of application, a certificated provider holding a current certificate of convenience and necessity to service the city, and is paying the city compensation as required by Tex. Loc. Gov't. Code Ch. 283. The telecommunications entity shall be subject to all other provisions of this subchapter for which the entity is not exempt.

(Ord. 17-241, passed 12-20-2017; Ord. 19-256, passed 3-13-2019)

## § 92.05 BOND AND LIABILITY.

A person considering any construction activity, installation of facilities, excavation, cutting, boring, digging or demolition activity in, over, under, through, along or across the streets or rights-of-way within the city, and who is not under a written contract, franchise, license or other express written agreement with the city, shall post a bond, make a cash deposit with the city, or provide other suitable forms of financial security as determined by the City Manager or designee in an amount that approximates the projected costs of inspection, observation, labor, equipment, materials, and overhead associated with the permit work, and the restoration, reconstruction and repair of the cut, work or excavation in compliance with the standards and requirements set forth in § 92.06. Such security shall be posted prior to the issuance of a permit and the start of construction.

(A) *Bond required.* A good and sufficient bond shall be filed with the application for the permit required by this subchapter, executed by a bonding company, which bond shall be approved by the City Manager or designee as to form and sufficiency and shall be in the sum of not less than \$5,000. The bond shall be conditioned, among other things, that the contractor shall faithfully, at his or her own expense, furnish all proper materials, tools and appliances, and perform, execute, construct and complete all such work undertaken by such contractor, and observe and comply with the specifications, requirements and provisions of this subchapter. The bond shall be and remain in effect at all times in which the excavation or construction activities are commenced or in progress.

(B) *Maintenance provisions in bond.*

(1) Every permittee issued a permit under this subchapter shall be bound and obligated to construct all work, and use such materials in the construction thereof, so that the same shall be in as good or better condition than prior to the work, and will remain in such as good or better condition for and during a period of not less than one year from and after the date of completion of the work, free from all cracks, breaks, disintegration, undue wear, scaling or departures from true line or grade, or other defects which might impair the permanence or usefulness of the work or construction activity or surrounding facilities, streets or rights-of-way; however, such cracks as may appear in expansion joints, or cuts between blocks, shall not be deemed to be defects unless in the opinion of the City Manager or designee such cracks are excessive in opening or deflecting of surface.

(2) Each such bond issued pursuant to this subchapter shall continue in effect for and during the maintenance period of one year following the completion of the work, construction activity or repair.

(3) Each bond issuer shall promptly adjust, pay and settle all legitimate claims for damages or injuries that may result by reason of carelessness or negligence in the manner of performing the work, construction activity or excavation, or by reason of any defects therein caused or arising from careless, negligent or imperfect construction or repair thereof.

(4) Each permittee and bond issuer shall hold the city free and harmless from liability on all claims for damages that are based upon, that arise from, or that are related to, the work or construction, or the condition thereof during the maintenance period, or that arise by reason of carelessness or negligence of the permittee, owner, or contractor, in the manner of performing such work, construction activity or excavation, or by reason of any defects therein caused or arising from careless, negligent or imperfect construction or repair thereof, or otherwise by reason of the work or construction.

(C) *Withdrawal of surety on bond.* On written notice to the City Manager or designee and the contractor, any surety on a bond issued pursuant to this subchapter may withdraw from all liability thereon on account of any and all future work undertaken by the contractor and for which excavation or construction activity was not begun before the delivery of the notice. After receipt of such, the contractor shall not begin any new work unless and until the contractor shall provide and procure the approval of a new bond in the same manner as required for the first bond. No bond or surety may be withdrawn after the permitted work is commenced.

(D) *Emergency conditions.* In the event emergency conditions warrant immediate response by an affected person, the City Manager or designee may waive and/or modify normal standard procedures outlined herein to promulgate standards or requirements to expeditiously address the resolution of the emergency conditions; provided that, in any such event, the contractor shall submit an application for a permit for such work on the first business day of the city following performance of the work. Before work commences, contractors shall also notify all emergency services and public agencies of any effect on usual traffic patterns.

(E) *Decision binding on contractor and sureties.* The decision of the City Manager or designee shall be binding and conclusive on the contractor, subcontractor and the sureties on all such bonds as to when any work or construction was actually commenced.

(F) *Liability of the contractor and sureties for defective work.* A contractor or subcontractor whose work, construction activities or excavations are completed, or caused to be completed, by the city shall, on completion of such work and receipt of a certified bill of the cost thereof approved by the City Administrator, pay to the city, on its order, the cost of the work. The sureties on the contractor's or subcontractor bond shall be liable for all items and amounts listed in the certified bill of costs submitted to the contractor or subcontractor by the city. In the event the contractor or subcontractor, or the surety on any bond, shall fail and refuse to timely pay any such certified bill to the city, the contractor or subcontractor and such surety shall be and become liable to the city for its attorney fees and costs of collection.

(G) *Liability of the contractor and sureties for maintenance and repair work.* If any defect in the work or construction develops during the one year guaranty period established by this subchapter, which, in the opinion of the City Manager or designee, is due in any measure to defects of workmanship or material, the contractor or subcontractor shall remedy, repair and reconstruct such work, and /or any part thereof, as may be required by the City Manager or designee, and such work shall be known as maintenance and repair work, and the surety on the contractor's or subcontractor's bond shall be fully liable for any default of such contractor or subcontractor under this section.

(Ord. 17-241, passed 12-20-2017)

#### § 92.06 CITY FACILITIES AND LANDS.

City facilities and lands shall not be altered, obstructed or occupied without the express written permission of the city. Additionally, no facilities may be located in, over, under, through, along or across any parks, recreational land or other similar city owned property, which is not a street or street right-of-way, without the express written permission of the city.

(Ord. 17-241, passed 12-20-2017) Penalty, see § 92.99

#### § 92.07 DUTIES AND RESPONSIBILITIES.

The contractor, subcontractor and the owner, and any other person to whom a permit is issued, shall, during the period for which the permit is issued, and as provided in § 92.03, have all of the duties and responsibilities identified in this subchapter, other applicable ordinances of the city, and as provided for in state and federal law. The owner, its agents, assigns, contractors and subcontractors installing the facilities, shall continually have the duties identified in this subchapter for so long as facilities or property, under the control of any such owners, and any subsequent owners thereof, are located in the rights-of-way or streets, to perform pursuant to the terms of this subchapter.

**(A) *Duty to barricade and protect.*** The owner, the contractor, the subcontractor, and every person to whom a permit is issued under this subchapter, shall have a duty to ensure that each contractor, subcontractor, employee, agent or assignee:

**(1)** Prosecutes such work diligently and in a good and workmanlike manner; and

**(2)** Safeguards and protects the public upon or using the street, right-of-way, or other place where the work is being performed, from accidents, injury or damage by placing barriers, lights and other sufficient safeguards, including a watchman, if necessary, around all cuts, openings, excavations, installation site and materials, implements and tools used in connection with the construction activity, and shall conform to the provisions of this subchapter and all requirements of the City Manager or designee during the prosecution and completion of such work. All barricades and barriers shall be erected and maintained in compliance with accepted industry practices and applicable safety standards. The owner, the contractor and the subcontractor shall be responsible for the costs and expenses of all such barricades, barriers and watchmen.

**(B) *Supervision of work.*** It shall be the duty of the owner, the contractor, the subcontractor, and the supervisor of the work site, who shall cause to be made any hole, cut, trench, excavation, mound, embankment, installation or other obstruction in any street or right-of-way, to carefully guard or cause to be guarded such hole, trench, excavation, mound, embankment, installation or other obstruction while the same may exist and not to suffer the same to remain beyond a time reasonably sufficient for the completion of the construction or removal of the obstruction, and to repair the portion of such street or right-of-way or any facility or property affected thereby so as to restore the same to as good or better condition than existed just previous to such activity.

**(C) *Duty to promptly repair.*** It shall be the duty of the owner, the contractor, the subcontractor, and the supervisor of the work site, on whose behalf the hole, trench, mound, excavation, construction activity, installation or other obstruction or intrusion shall be made, or has been made, in the streets or rights-of-way of the city, to protect the same while such condition exists and to promptly repair the same so as to leave the street or right-of-way in as good or better condition than as before the work. All facilities, streets, sidewalks or other structures or property damaged, altered or injured, in any fashion, shall be restored with similar material and workmanship to that existing before the same was damaged, altered or injured through any actions of the owner, contractor, subcontractor or person employed in any fashion thereby. All work shall be done to the satisfaction of the City Manager or designee whose duty it shall be to inspect the same after it has been done.

**(D) *Removal and reconstruction when work defective.*** All construction activities undertaken in the streets and rights-of-way of the city are declared to be wholly subject to the exclusive control of the city, and whenever, in the opinion of the City Manager or designee, any such work shall not have been duly completed within a reasonable time or shall have been executed in a defective manner, whether because of bad workmanship or material or because not true to lines or grades or specifications, then upon written demand or notice from the City Manager or designee, such contractor, subcontractor or the owner shall promptly remedy, complete or remove and reconstruct such incomplete or defective construction all as the City Manager or designee may require, and these provisions shall

also be understood to apply to all repairs, installations and maintenance activities. If the contractor, subcontractor or owner shall fail or refuse so to do within a reasonable time as specified in writing by the City Manager or designee, then, if the City Manager or designee shall so order, such work may, at the expense of the owner, contractor and subcontractor, be completed, corrected or removed and wholly or partially reconstructed by the city, or its instance, in such manner as in the opinion of the City Manager or designee may be necessary to make such work as good as originally required, and such work may be done by contract or otherwise, under the provision of this subchapter and the direction of the City Manager or designee.

**(E) *Excavation.***

(1) All excavations in the streets and rights-of-way are declared to be wholly subject to the rules, regulations, directions and control of the city, and whenever, in the opinion of the City Manager or designee, any such work shall not be in compliance herewith, the permit, and § 92.06, then upon written demand or notice from the City Manager or designee, such owner, contractor, and subcontractor shall promptly remedy, complete or fill the excavation all as the City Manager or designee may require.

(2) All excavations made into any street or right-of-way shall be repaired to as good or better condition than such street, right-of-way or other property was in prior to such excavation. Any excavation located in or over the rights-of-way or streets within the City shall and does constitute a nuisance when maintained or permitted to exist by any person in an unwholesome or nauseous condition, or in a manner by which stagnant water accumulates, or in a manner in which water collects where it is possible and probable stagnant water accumulates, or in a manner in which water collects where it is possible and probable mosquitoes will breed, or in a condition where rats could harbor, or in a manner and condition constituting a breeding place for flies, or in a manner and condition where filth, garbage, trash, debris or other discarded material accumulates and is deposited, or is maintained or permitted to exist in an unfenced, open condition, accessible to children or other members of the public, or is maintained and worked in such a manner as to disturb, effect or destroy the lateral support of or block or otherwise impede traffic on any street, alley, road or rights-of-way, or that is maintained or permitted to exist in any condition which constitutes a possible and probable medium of transmission of disease to or between human beings, or to be maintained or permitted to exist in any one or more of the above-enumerated conditions.

**(F) *Relocation of facilities.*** All persons placing facilities in the right-of-way or streets or owning, operating or maintaining facilities in, over, under, through, along and across the rights-of-way or streets of the city shall be responsible for the relocation and costs of relocation of such facilities and shall be liable for any construction delays with the city contractor when the public health, safety or a public purpose, including street or drainage reconstruction or localized full depth repair or improvements, requires relocation, in accordance with § 92.06.

(1) ***Permanent relocation.*** Upon 30 days written notice by the city, the owner of a facility shall, at the owner's expense, begin relocation of its facilities that are within a right-of-way or street, when deemed necessary by the city for the public health or safety, or for



any public purpose, or to permit the widening, straightening or improvement of a street, drainage, water or sewer project, or any other public works project. The notice by the city may specify the new location for the owner's facilities along the rights-of-way or streets. The city shall have the right to move any facilities within the rights-of-way or streets to cure or otherwise address a public health or safety concern, to accomplish a public purpose, or to widen, straighten or improve a street, water or sewer projects or other public works projects and the owner refuses to move the facilities. The city shall assess the reasonable costs and expenses of moving the facilities against the owner. The owner shall pay the costs and expenses of moving the facilities.

(2) *Temporary relocation.* Upon 30 days written notice by the city, the owner of a facility shall temporarily relocate any portion of its facilities within the rights-of-way or streets at the owner's own expense when deemed essential by the city for the public's health and safety or to permit construction activities of the city, or water or sewer projects or any other public works project. The notice by the city shall specify the affected areas where the facilities are located and the area for temporary relocation of the owner's facilities along the rights-of-way or streets to cure or otherwise address a public health or safety concern, to widen or straighten streets, water or sewer projects or other public works projects or construction activities and where the owner refuses to move the facilities. The city shall assess the reasonable costs and expenses of moving the facilities against the owner. The owner shall pay the costs and expenses of moving the facilities.

(3) *Temporary removal of aerial wires.* The owner of aerial wires, on the request of any person, shall remove or raise or lower aerial wires within the city temporarily to permit the moving of houses or other bulky structures. The expense of such temporary removal, raising or lowering of wires shall be paid by the benefited party or parties, and the owner of the wires may require such payment in advance. The owner shall be given not less than five business days advance notice to arrange for such temporary wire changes.

(G) *Traffic interference.* The owner, contractor, and subcontractor shall endeavor to minimize disruptions to the efficient use of the rights-of-way and streets by pedestrians and vehicular traffic, and the rights-of-way and streets shall not be blocked for a longer period than shall be reasonably necessary to execute all construction, maintenance and/or repair work. Access for emergency vehicles shall be required at all times.

(H) *Maintenance of facilities.* The owner of any facility and person holding a license or franchise shall be responsible for ensuring the continued maintenance, repair, removal of any nuisances and other such upgrades or repairs to maintain such facility in a safe and good workman like condition. Any vegetative growth interfering with such facilities that is determined by the City Manager or designee to be a nuisance shall be removed, cut or cleared at the sole cost and expense of the owner of the facility or holder of the license or franchise. Circumstances and conditions that impose a threat to the public health, safety or welfare shall be promptly remedied by the owner, and a known emergency condition that exists and is determined to require immediate attention so as not to reasonably allow for notice under this section may be immediately abated by the city, and notice of the abatement and costs for the expenses incurred will be forwarded to the owner or holder of the franchise or license for reimbursement to the city as required in § 92.07.

**(I) *Abandonment of facilities.***

**(1)** Whenever a user intends to abandon any of its facilities within the rights-of-way, it shall submit to the City Manager or designee written notification of such intent, describing the facility to be abandoned and the date of the proposed abandonment. Such notification shall include a statement of waiver of claims against the city for subsequent damages to abandoned facilities. City may require the user, within 30 days of notice from the city, at the user's expense:

**(a)** To remove the facility from the rights-of-way; or

**(b)** To modify the facility in order to protect the public health and safety or otherwise serve the public interest.

**(2)** A user shall remove all abandoned facilities and equipment simultaneously during construction of new facilities. In removing its facilities structures and equipment a user shall refill, at its own expense, any excavation necessarily made by it and shall leave all rights-of-way in as good condition as existed prior to removal without materially interfering with any electrical or telephone cable or other utility wires, poles or attachments. The city shall have the right to inspect and approve the condition of the rights-of-way, cables, wires, attachments and poles prior to and after removal. The liability, indemnity and insurance provisions of this subchapter shall continue in full force and effect during the period of removal and until full compliance by a user with the terms and conditions of this section. If user does not remove its facilities within 30 days simultaneously with new installation, the city shall have the option of removing the facilities on behalf of the user and to charge user for the reasonable and actual costs incurred by the city. User shall reimburse the city for the costs within 30 days of receiving the invoice from the city.

**(J) *Tree trimming.*** The owner of facilities located within the rights-of-way or streets shall not trim any trees upon or overhanging the rights-of-way without first obtaining a permit as provided herein. All activities and costs necessary to protect and preserve the facilities from damage due to trees shall be the responsibility of the owner of such facilities.

**(K) *Violations, notice, failure to abate.***

**(1)** In the event the City Manager or designee shall determine that a situation exists which is an immediate threat to the health, safety and well-being of the general public and that immediate action is necessary, said City Manager or designee may take such action as shall be necessary for violations of the terms and provisions hereof to the owner, contractor or subcontractor committing such violation.

**(2)** In the event the City Manager or designee determines a situation constitutes an immediate threat to the public health, safety and welfare, and the owner, contractor, or subcontractor is absent or fails to immediately remedy the situation, the City Administrator may, upon evidence heard, determine that an emergency exists and order such action as may be required to protect the public health, safety and welfare, including ordering repair or abatement of the nuisance. In such event, the city may also prosecute an action in any court of competent jurisdiction to recover its costs.

(3) In the event any owner, contractor, or subcontractor shall fail or refuse to remedy any of the conditions or violations indicated by the City Manager or designee within ten days after notice is sent, or immediately if determined by the city to be an emergency and the owner, contractor, or subcontractor is absent or fails to immediately respond, the city may do such work or cause the same to be done, and pay therefore, and charge the expenses in doing or having such work done or improvements made, to the owners of the facility, or the contractor, or subcontractor performing construction activities, whereupon such charge shall be a personal liability of the owner, the contractor, and. Or the subcontractor to the city.

(4) Notices served upon an owner, contractor, or subcontractor may be verbal, or may be served on such owner, contractor, or subcontractor by an officer or employee of the city delivering a written notice to an employee or officer of such owner, contractor, or subcontractor at their respective place of business, or may be by letter addressed to such owner, contractor, or subcontractor at their post office address, or if personal service may not be had, or the owner, contractor or subcontractor's address is not known, then notice may be given by publishing a brief summary of such order at least once in the official newspaper of the city, by posting a notice on or near the site or location of each facility or property upon which the violation relates, or by posting notice on a placard attached to a stake driven into the ground on the property or facility to which the violation relates and addressed "Facility Improvements" "To Whom It May Concern," and such publication shall be deemed sufficient notice.

(5) In the event any owner, contractor, or subcontractor is mailed a notice in accordance with division (K)(4) of this section and the United States Postal Service returns the notice as "refused" or "unclaimed" the validity of the notice is not affected, and the notice is considered as delivered.

(6) Notices provided by mail or by posting as set forth above may provide for year-round abatement of the nuisance and inform the owner that should the owner commit any other violation of the same kind that pose a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may abate the violation at the owner's expense and assess the costs against the property.

(7) Appeals from a decision of the City Manager or designee identifying a violation or nuisance shall be filed in writing with the City Administrator within five days after the notice to abate a nuisance or notice of a violation of this subchapter is given. The procedures for appeal shall otherwise be the same as required in § 92.04(G) herein.

(L) *Emergencies.* In the case of fire, disaster, or other emergency threatening life or property, as determined by the city, the city may remove or repair only the part of the facility required to be removed or repaired to remove such threat; provided, however, the city shall first use its reasonable efforts to immediately notify the owner of such threat and allow the owner to remove or repair the part of the facility required to be removed or repaired to remove such threat. In such event, neither the city, nor any agent, contractor or employee thereof shall be liable to the owner or its customers or third parties for any damages caused them or the facility, such as for, or in connection with, protecting, breaking

through, moving, removal, altering, tearing down, or relocating any part of the facility or equipment.

(Ord. 17-241, passed 12-20-2017)

**§ 92.08 STANDARDS FOR INSTALLATIONS IN PAVEMENT CROSSINGS AND IN RIGHTS-OF-WAY.**

The following standards for excavation, and backfilling shall apply to all streets and rights-of-way.

(A) *Depth and requirements of installation:* all installations, except electric utilities, are required to have a minimum cover of 36 inches and at locations where it passes beneath any pavement to be within Schedule 40 PVC conduit extending within five feet of right-of-way or property boundary. Electrical system utilities shall comply with the National Electric Code and be within Schedule 40 PVC conduit extending within five feet of right-of-way or property boundary.

(B) *Method of placement:* all utilities must be installed within five feet of right-of-way or property line. Boring is required for all pavement crossings.

(C) *Safety.*

(1) warning, protective devices and flagmen must be provided in accordance with the current Federal Highway Administration's *Manual on Uniform Traffic Control Devices*, Part 5, Chapter 5G and Part 6 to ensure the safety of the public and workmen.

(2) Parking of the owners, contractors, subcontractor and worker trucks and cars on both sides of the pavement shall be prohibited. All such vehicles shall be parked on one side of the road off the pavement and as far as prudent from the roadway to prevent accidents.

(3) All construction equipment, vehicles, and materials are restricted to the right-of-way and shall be limited within that area necessary for the work in progress and stored in such a manner and at such locations that they do not interfere with the safe passage of traffic.

(4) Any trench that needs to remain open in the absence of workmen, either during the day or at night, must be covered with steel plating of sufficient thickness and strength to allow safe passage of any vehicles. Advance warning signs shall be placed advising of the road condition. Boring pits left open in the absence of workmen must be adequately protected with sufficient barrier to surround the pit and be illuminated at night with automatic light systems.

(D) *Method of construction:* boring is required for all street crossings.

(1) *Excavation:* trench width shall be held to a minimum.

(2) **Backfill:** backfill within the earthen portions of the right-of-way may be with rock free earthen material excavated from the site or any clean rock free imported material stabilized to 95% density. Puddling is not permitted.

(E) **Access:** ingress and egress at all public and private roads will be provided at all times. Residents shall be notified of the work in advance of the interruption. Access for emergency vehicles shall be required at all times.

(F) **Rights-of-way restorations:** all excess excavation, materials, supplies, rock, and earthen materials shall be removed from the rights-of-way after the installation is complete. The rights-of-way shall be contoured.

(G) **Inspection and approval of completed work:** the city will conduct inspection at two stages of the work as follows:

(1) **Depth of placement:** the City Manager or designee shall be notified when all excavation and placement of conduit is complete prior to backfilling the trench to verify that the required cover has been achieved. Notification by the owner, contractor or subcontractor must be made to the City Manager or designee at least 24 hours prior to placement.

(H) **Construction hours of operation:** construction-related activities in the city are limited to Monday through Saturday during the hours from 7:00 a.m. to 6:00 p.m. Construction work on Sunday and city holidays is not allowed without prior approval from the city. Emergency work and/or extended hours required during weekends and city holidays outside the allowed hours needs prior approval from the City of Woodcreek and the contractor shall obtain a permit for the work no later than the first business day following the commencement of such work.

(I) **Utilities:** the city assumes no responsibility for conflict with existing utility lines, appurtenances or natural obstacles.

(Ord. 17-241, passed 12-20-2017)

## § 92.09 RIGHT TO INSPECT.

For the purposes of administering and enforcing this subchapter, the City Manager or designee and authorized law enforcement entities (herein "inspecting official") shall have the right to enter into and upon any lands within the city limits, in or upon which excavation, installation, repairs or any other construction activities exist or on any lands on which operations are being conducted in creating an excavation, repair or installation, to examine and inspect such lands and excavations, repairs or installations, to determine whether such operations are in violation of this subchapter and to further determine whether all permits have been secured as required.

(A) **Cessation of operations / stop-work order.** If the inspection provided for above reveals that the excavation, installation, repair or construction activity is being operated or maintained in violation of the permit issued the inspecting official may immediately give

notice in writing to the person in charge at the site, or the owner thereof, to stop all work or construction activities, setting forth therein the reason for the issuance of the stop work order. If no such person is available, the leaving of such a written notice on the equipment located at the site or upon a stake at the entry of the site where the excavation, installation, repair or construction activity is occurring, shall be deemed compliance with this section.

(B) *Time limitations for correction.* After issuance of the notice as provided for above, there shall be no further operation of the excavation, installation, repair or any other construction activity until the violations complained of by the inspecting official have been remedied. Except that the violation shall constitute an immediate threat to the public health or safety, the owner, contractor, and/or subcontractor shall have three days from the date of receipt of the complaint notice from the inspecting official to remedy the violations complained of and to request a reinspection by the inspector to verify that the violations complained of have been remedied and that the construction activity is ready for additional inspection.

(C) *Failure to remedy violation.* In the event a contractor, subcontractor, or owner fails to remedy the violation complained of, the City Manager or designee shall consider revocation of the contractor's, subcontractor's and owner's permit as provided in this subchapter. A continuation of work or operation of the construction activity, other than to remedy the violation complained of, after written notice has been received by the contractor, subcontractor or owner to cease the construction activity shall constitute a violation of this subchapter.

(D) *Right to repair or correct.* The city may immediately repair any site or location within the streets or rights-of-way at the contractor's, subcontractor's and owner's expense where there exists: a known condition which constitutes a nuisance; a dangerous or hazardous condition; an eminent threat to the public health, safety or welfare; or when the contractor, subcontractor or owner is performing construction activities, excavations, installations or repairs without the appropriate permit; or when the contractor, subcontractor or owner is performing construction activities, excavations, installations or repairs contrary to the terms of this subchapter, other applicable ordinances, state or federal law and refuses to correct such situation immediately upon direction from the City Manager or designee.

(Ord. 17-241, passed 12-20-2017)

## § 92.10 COSTS.

The reasonable costs and expenses for repairing, re-constructing or correction of any construction activity, excavation, addition, removal or alteration of a facility or any other alteration thereof to any street, right-of-way, or facilities located thereon, within the city, without a permit or express written contract or written agreement with the city, shall be charged against the persons, the corporation, company, or entity actually responsible for the actions; the owner(s) responsible for the work or for whose benefit such activity was undertaken which caused the damage to the street or right-of-way; and/or the permittee in whose name the permit to perform such activities was issued.

(Ord. 17-241, passed 12-20-2017)

**§ 92.11 CITY RIGHTS RESERVED.**

Nothing in this subchapter grants permission for the occupation, obstruction, excavation, repair or alteration of any street or right-of-way of the city, and any such use shall be subject to consent of the city at its sole discretion. Additionally, nothing in this subchapter shall be construed as an assumption by the city, its officers and employees, of any responsibility to supervise construction activities, ensure adequate safety precautions by contractors or subcontractors or to protect any owners or customers of any facilities located in, over, under, through, along or across the rights-of-way or streets, or the owners of any property abutting, adjacent or within the rights-of-way or streets from any damages caused to the facilities located therein or as the result of the construction activities thereto. Further the city reserves the right to vacate any street or right-of-way at its sole discretion. If the city vacates or otherwise abandons a right-of-way or street or any portion thereof, the city, with or without notice to any permittee, may cancel any permits for such portion of a right-of-way or street without compensation or reimbursement to the permittee for any expenses associated with moving any facilities located therein, unless otherwise agreed in writing. The owner and, as applicable, the contractor and subcontractor shall be solely liable and responsible for any and all injuries and/or damages arising or resulting from any excavation, boring, trench, work or occupation of any street or right-of-way by or on behalf of such owner, contractor, or subcontractor.

(Ord. 17-241, passed 12-20-2017)

**§ 92.12 ENFORCEMENT.**

(A) The civil and criminal provisions of this subchapter shall be enforced by those persons or agencies designated by municipal authority and may be enforced by any law enforcement agent of the city.

(B) If applicable, default and revocation of any and all permits granted to allow construction activities in the streets or rights-of-way subject to the procedural guidelines herein and any agreement which applies to the right-of-way user, may be permanently enforced subject to any limitations imposed by federal or state law.

(C) In imposing the penalties and the amount, the city may weigh all applicable factors, such as damages caused by the violation, reasons for the violation, the seriousness of the violation, and all other factors. The minimum fee and penalty that shall be payable by any utility service, public service provider, owner, contractor, subcontractor or person that shall be found to have been occupying a street or right-of-way, in violation of this subchapter, shall be based on the Master Rate Schedule as adopted by resolution of the City of Woodcreek for each year of such prior unauthorized occupancy.

(D) Monetary civil penalties and injunctive relief may be imposed in the manner prescribed by either local or state law.

(E) The City Council may order specific performance of any actions required by this subchapter or required by a franchise, license or permit or any other agreement or authorization.

(Ord. 17-241, passed 12-20-2017; Ord. 19-256, passed 3-13-2019)

**§ 92.99 PENALTY.**

(A) Any person who shall violate any provision of §§ 92.01 through 92.12, or shall fail to comply therewith, or with any of the requirements thereof, shall be deemed guilty of a misdemeanor and shall be liable for a fine not to exceed the sum of \$500. Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

(B) *Court proceedings.* Upon the request of the City Council, the City Attorney or other authorized attorney shall file an action in the district courts to enjoin the violation or threatened violation of §§ 92.01 through 92.12, to obtain declaratory judgment, and to seek and recover court costs, attorney fees, and/or damages, including but not limited to, damages or costs incurred by the city to undertake any construction, repair, alteration or other activity necessary to bring about compliance with a requirement regarding the streets or rights-of-way and established pursuant to this subchapter and other applicable ordinances of the city.

(C) *Indemnity.* Owners, contractors, and subcontractors shall indemnify, defend, and hold the city and its officers, employees and agents harmless from and against any and all claims, lawsuits, judgments, costs, liens, losses, expenses, fees (including reasonable attorney's fees and costs of defense), proceedings, actions, demands, causes of action, liability, and suits of any kind and nature, including personal or bodily injury (including death), property damage, or other harm for which recovery of damages is sought that is found by a court of competent jurisdiction to be caused by the negligent act, error, or omission of any agent, officer, director, representative, employee, affiliate, or subcontractor of the owner, contractor, subcontractor or permittee installing, repairing, or maintaining facilities in the rights-of-way or streets.

(D) *Governmental immunity.* Nothing in §§ 92.01 through 92.12 shall be deemed to waive, modify or amend any legal defense available at law or in equity to either the city or its officers, employees and agents, nor to create any legal rights or claims on behalf of any third party. Sections 92.01 through 92.12 are solely for the benefit of the city, and the city in its representative capacity of the general public, and does not create or grant rights, contractual or otherwise, to any other person, entity or member of the general public. Neither the city, nor its officers, employees and agents waives, modifies or alters to any extent whatsoever the availability of the defense of governmental immunity under the laws of the State of Texas.

(Ord. 17-241, passed 12-20-2017)

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## CHAPTER 93: FIRE PREVENTION AND PROTECTION

### Section

#### *General Provisions*

93.01 Arson reward

#### *Open Burning*

93.15 Title

93.16 Purpose

93.17 Definitions

93.18 Open burning prohibited; restrictions

93.19 Liability

93.99 Penalty

#### ***Cross-reference:***

*Fireworks, see Ch. 94*

*Health and Sanitation, see Ch. 95*

### GENERAL PROVISIONS

#### § 93.01 ARSON REWARD.

(A) The city hereby offers a reward of \$250 to anyone who secures and furnishes information necessary to and which results in arrest and conviction of any person or persons who commit the crime of arson within the corporate limits of said city.

(B) This reward is a standing offer and shall be paid out of the General Fund of the city.

(Ord. 85-11, passed 5-1-1985)

### OPEN BURNING

#### § 93.15 TITLE.

This subchapter shall be known as the "Open Burning Ordinance of the City of Woodcreek".

(Ord. 85-18C, passed 5-26-1998)

#### § 93.16 PURPOSE.

The purpose of this subchapter is to protect public safety and property within the city.

(Ord. 85-18C, passed 5-26-1998)

§ 93.17 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**OPEN BURNING.** Any burning of brush, trash, wood, plastics, leaves, waste products or similar materials outdoors, other than in an incinerator designed and constructed for such purpose and having a written permit issued by the Fire Marshal.

**TRASH.** Any thing worthless and useless, building materials, twigs, trees, limbs, rubbish, garbage, rags and brush.

(Ord. 85-18C, passed 5-26-1998)

§ 93.18 OPEN BURNING PROHIBITED; RESTRICTIONS.

(A) It shall be unlawful for any person to burn any garbage, trash, brush or other waste, wood, plastic or organic material outdoors within the city, unless such burning is performed in a device or structure designed and constructed for such purpose and used in accordance with the manufacturer's instructions and provisions of this chapter.

(B) The Fire Marshal, City Marshal and all city officials are granted the authority and responsibility of enforcing the following provisions of this subchapter.

(1) Open burning within the city is declared to be a public nuisance and hazard to adjoining property.

(2) Open burning is prohibited at all times when a burn ban has been declared by Hays County.

(3) Absent a burn ban, small fires are permitted in residential fire pits or chimineas provided:

(a) The fire pit or chiminea is not located within five feet of the residence or structure;

(b) The fire pit has large metal sides, built up concrete blocks, or is constructed of cement, rock, or similar non-flammable/non-conductive materials;

(c) The chiminea is placed on a non-flammable stand or is elevated to not be placed directly on the ground and/or structure.

(d) The fire pit or chiminea must be completely covered by a spark arrestor or similar fine metal grate to prevent flying sparks and embers;

(e) All fire pits must be based on a solid, non-flammable surface (rock, brick);

(f) The fire must be attended at all times; and

(g) The property owner has means to extinguish the fire when necessary.

(4) Any governmental entity, with permission from the city, may conduct open burning in the city limits to correct an obvious hazardous condition or to conduct fire training.

(5) It shall be unlawful for any person or persons to violate any verbal or written directive of the Fire Marshal, City Marshal or any city official when the directive prohibits, restricts, limits or sets guidelines for open burning.

(6) The Fire Marshal, City Marshal and all other officers of the city are granted the authority to enforce the provisions of this subchapter and impose temporary restrictions upon the use of outdoor fire pits or chimineas as conditions warrant.

(Ord. 85-18C, passed 5-26-1998; Ord. 18-242, passed 1-17-2018) Penalty, see § 93.99

#### § 93.19 LIABILITY.

In addition to penalties provided in § ~~93.99~~ of this chapter, any person or persons conducting open burning shall be liable for property damage or injury, if any, caused as a result of his, her or their open burning.

(Ord. 85-18C, passed 5-26-1998)

#### § 93.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § ~~10.99~~ of this code of ordinances.

(B) Any person, firm or corporation who violates any provisions of §§ ~~93.15~~ through ~~93.19~~ of this chapter, or any order made under authority of §§ ~~93.15~~ through ~~93.19~~ of this chapter, or who causes or permits any such violation of §§ ~~93.15~~ through ~~93.19~~ of this chapter, shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2,000. Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such.

(Ord. 85-18C, passed 5-26-1998)

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## CHAPTER 94: FIREWORKS

### Section

94.01 Title

94.02 Purpose

94.03 Definitions

94.04 Restrictions and rules; authority

94.99 Penalty

#### § 94.01 TITLE.

This chapter shall be known as the "Fireworks Ordinance of the City of Woodcreek".

(Ord. 88-30A, passed 4-12-1995)

#### § 94.02 PURPOSE.

The purpose is to protect the general welfare and safety of the citizens of the city.

(Ord. 88-30A, passed 4-12-1995)

#### § 94.03 DEFINITIONS.

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

**FIREWORKS.** Any firecrackers, cannon crackers, sky rockets, torpedoes, Roman candles, sparklers, squibs, fire balloons, star shells, gerbs or any other substance in whatever combination by an designated name intended for use in obtaining visible or audible pyrotechnic display, and such term shall include all articles or substances within the commonly accepted meaning of fireworks, whether herein specially designated and defined or not.

**PERSON.** Any natural person, association of persons, partnership, corporation, agent or officer of a corporation.

(Ord. 88-30A, passed 4-12-1995)

#### § 94.04 RESTRICTIONS AND RULES; AUTHORITY.

Law Enforcement, the Fire Chief, and the Fire Marshal are granted the authority and are responsible to enforce the following provisions of this chapter.

(A) The sale and/or distribution of fireworks within the corporate limits of the city is prohibited.

(B) It shall be unlawful for any person to ignite, detonate, discharge or fire any fireworks of any description within the city.

**(C) A sworn complaint may be filed in the Municipal Court of the city charging that sale, distribution, igniting, detonating, discharging or firing of fireworks has taken place; specifying the time, date, location and persons charged; provided, however, that, this division (C) shall not be construed as requiring such a complaint in order to enforce this chapter.**

**(D) A public display of fireworks may be authorized by the Fire Marshal when any adult person, firm, corporation or association has made a written application at least 48 hours in advance of the date of the proposed display, it shall be the duty of the Fire Marshal to make an investigation as to whether the proposed display may be hazardous to property or dangerous to any persons and shall grant or deny the application based upon his or her findings.**

**(Ord. 88-30A, passed 4-12-1995) Penalty, see § 94.99**

**§ 94.99 PENALTY.**

**Any person, firm or corporation who violates any provisions of this chapter, or any order made under authority of this chapter, or who causes or permits any such violation of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2,000. Each day any violation of this chapter shall continue shall constitute a separate offense.**

**(Ord. 88-30A, passed 4-12-1995)**

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## CHAPTER 95: HEALTH AND SANITATION

### Section

95.01 Popular name

95.02 Purpose

95.03 Definitions

95.04 Sanitation requirements

95.05 Sanitation restrictions

95.06 Investigations and notice of violations

95.99 Penalty

### § 95.01 POPULAR NAME.

This chapter shall be commonly referred to as the city's "Health and Sanitation Ordinance".

(Ord. 09-122, passed 6-10-2009)

### § 95.02 PURPOSE.

This chapter is adopted so the City Council may promote the public health, safety and general welfare within the city through the regulation of private sewage treatment facilities, stagnant filth, carrion, weeds, dangerous weeds and other unhealthy, unsanitary and unwholesome conditions in the city. By prohibiting the creation and maintenance of such nuisances, the City Council seeks to protect property values and prevent bodily injury, death and property damage within the city.

(Ord. 09-122, passed 6-10-2009)

### § 95.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. The words "shall" and "will" are always mandatory.

**ANIMAL-PROOF CONTAINER.** A container with a secured lid constructed of material sufficiently strong to prevent domestic pets or other animals from tearing, opening or breaking.

**ANIMAL-PROOF STRUCTURE.** A structure that is secured to prevent any access by rodents or other animals.

**BUILDING.** Any structure of any kind or any part thereof, erected for the support, shelter or enclosure of persons, animals, chattel or property of any kind.

**CITY.** The City of Woodcreek, Texas.

**CITY COUNCIL.** The governing body of the City of Woodcreek, Texas.

**CODE OFFICER.** The person or persons officially designated by the city to assist the City Council in implementing and enforcing this chapter. Such person may be a volunteer, member of the City Council, an employee of the city, a person contracted by the city or a person otherwise designated to serve in this capacity, and such assistance shall include, but is not limited to, investigating alleged violations of this chapter.

**DANGEROUS VEGETATION.** Tall grass, leaves, stems, plants or some other natural material, living or dead, that creates little to no visibility for drivers, is unsightly or poses an immediate danger to the health, life or safety to any person or property.

**DEBRIS.** A collection of trash, refuse, rubbish, litter or junk that harbors or creates a nesting habitat or environment for animals.

**DECORATIVE/ORNAMENTAL VEGETATION.** Any plant, bush, shrub, grass or other type of vegetation, not defined as dangerous vegetation, which serves the function of providing aesthetic qualities to a landscaped area.

**FIRE SAFETY BUFFER ZONE.** A green strip consisting of shrubs, plants or other type of vegetation that are low-lying, moist and drought resistant placed for the purpose of resisting fire ignition; may also include paved roadways, golf cart paths, maintenance roads and similar areas of non-combustible material.

**JUNK.** Worn out, worthless and discarded material, including odds and ends, old iron or other metal, glass, paper, mattresses, furniture, and bottle or cans.

**LITTER.** Refuse, rubbish, garbage, trash, objectionable, unsightly or unsanitary matter.

**LONG TERM.** In excess of time normally required to complete intended construction or utilization. In the absence of intended construction or utilization, a period in excess of 90 days.

**MATTER.** That of which any physical object is composed.

**NUISANCE.** Filth, carrion, stagnant water, rubbish, impure or unwholesome matter of any kind, unsightly or unsanitary matter of whatever nature.

**OBJECTIONABLE, UNSIGHTLY OR UNSANITARY MATTER.** Any matter, condition or object which is or should be objectionable, unsightly or unsanitary to a person of ordinary sensitivities.

**OPEN STORAGE.** Storing, accumulating, keeping or displaying any unsightly item(s) or material(s) that is open to the public view, regardless of sheltering or covering, on public or private property for more than 24 hours. This includes, but is not limited to, junk, litter, objectionable, unsightly or unsanitary matter, refuse or rubbish.

**PERSON.** An individual, corporation, organization, government agency, business, trust, partnership, association or any other legal entity.



**PRIVATE SEWAGE TREATMENT FACILITY.** Include, but are not limited to, sewers, privies, septic tanks and on-site sewage facilities.

**PRIVY.** A facility for the disposal of human excreta.

**REFUSE.** Accumulation of worn out, used, broken, rejected or worthless materials.

**RUBBISH.** Trash, garbage, debris, rubble, rocks, wrappings, unused fragments of building materials, tree trimmings, brush, furniture, appliances and other miscellaneous waste or rejected matter.

**SEPTIC TANK.** A covered water-tight tank designed for sewage treatment.

(Ord. 09-122, passed 6-10-2009)

#### § 95.04 SANITATION REQUIREMENTS.

A person who is an owner, tenant, resident, occupant or has supervision or control over any lot, tract or parcel of land, or a portion thereof, occupied or unoccupied, or is the owner, tenant, resident, occupant or has supervision or control over a building, establishment or structure, occupied or unoccupied, within the municipal boundaries of the city must:

(A) Fill, drain or regulate any hole or place which contains stagnant water, an unwholesome condition or any other condition that may produce disease;

(B) Keep the same free of filth, carrion, refuse, rubbish or other impure or unwholesome matter; and

(C) Build, make, fill, alter, repair, clean, disinfect, maintain and regulate on-site sewage facilities, sewers, private sewage systems and privies in accordance with the laws, regulations and requirements of the county and the state.

(Ord. 09-122, passed 6-10-2009) Penalty, see § 95.99

#### § 95.05 SANITATION RESTRICTIONS.

(A) It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property within the municipal boundaries of the city to permit the following:

(1) Long-term storage of construction material, fill material, excavated material, building supplies and construction equipment;

(2) An accumulation or piling of rocks or debris in an unnatural and/or unsightly manner, unrelated to landscaping or beautification of residential and commercial buildings or development;

(3) Open storage or accumulation of junk, inoperable appliances, broken furniture, useless waste or rejected matter;

(4) Allowing the growth of, or accumulation of, dangerous vegetation; and

(5) Storage or accumulation of any material or rubbish which the City Fire Marshal determines to be a fire hazard.

(B) Persons, when building on site, shall be responsible to ensure that:

(1) The site and surrounding areas are kept free from junk, refuse, rubbish and litter with no significant accumulation outside of a trash enclosure for more than four days;

(2) Any matter which may blow is secured at all times to prevent a nuisance to adjoining property owners or residents;

(3) Animal-proof containers are provided for discarded food, drink cans, unsightly or unsanitary matter of whatever nature; and

(4) A portable toilet is provided for the on-site workers.

(C) All exterior-stored household garbage must be stored in an animal-proof container.

(D) Containers used for exterior stored household garbage for weekly pickup shall not remain at curbside for longer than one day before and one day after the date of scheduled pickup.

(E) It shall be unlawful for any person to throw, dump, leave or deposit junk, rubbish, refuse, trash or garbage on any road, right-of-way, green belt, common area, park or other public or private property.

(F) It shall be unlawful for any person owning, claiming or having supervision or control of any occupied or unoccupied residential lot to permit dangerous vegetation to grow to a height greater than six inches upon such property. It is an exception to this division (F) if the vegetation is classified as decorative grasses. In the event such dangerous vegetation reaches a height in excess of six inches, the city shall remove said vegetation at the owner's expense.

(G) All occupied or unoccupied businesses or facilities shall maintain a 35-foot fire safety buffer zone along the perimeter of said business or facility property. Any person, organization, business or non-profit corporation owning, claiming or having supervision or control of any occupied or unoccupied residential or commercial lot or combination of contiguous lots totaling more than one acre shall submit a plan, to the City Council for approval, for the creation and maintenance of a fire buffer zone on the property. Should there be any conflict between the submitted plan and any provision of a city ordinance, the more restrictive document shall govern.

(H) In addition to the provisions and restrictions set for above, it shall be unlawful for any person owning, claiming or having supervision or control of any occupied or unoccupied property, as provided above, to permit dangerous vegetation to grow to a height that is determined by the city's Fire Marshal to be hazardous to the safety and welfare of the community.

(I) Structures shall be maintained in a manner as to not create a habitat for domestic or wild animals. Structures must be Animal Proof Structures.

(Ord. 09-122, passed 6-10-2009) Penalty, see § ~~95.99~~

**§ 95.06 INVESTIGATIONS AND NOTICE OF VIOLATIONS.**

(A) The Code Officer, on his or her own knowledge or on the basis of a complaint by a resident or property owner of the city, shall investigate alleged violations of this chapter.

(B) The Code Officer may enter upon any lot where a violation of this chapter is alleged to have occurred, at any reasonable time, in order to examine the alleged violation outside a private residence.

(C) The Code Officer may enter and inspect a private residence where a violation of this chapter is alleged to have occurred, at any reasonable time, in order to examine the alleged violation and to remove or direct removal of the same, if necessary, pursuant to Tex. Health and Safety Code § 161.011, upon receiving:

(1) Permission obtained from a lawful adult occupant of the residence; or

(2) An authorization to inspect the residence for a specific public health purpose by a magistrate or by an order of a court of competent jurisdiction on a showing of a probable violation of this chapter.

(D) If the Code Officer determines there is a violation of this chapter, the Officer shall give notice in writing to such persons violating the provisions of the chapter. The notice will inform the person that he or she has seven days from receipt of the notice to remedy the violation and, if this action is not taken, the city may, but is not obligated to:

(1) Authorize that the necessary work be done or improvements made; and/or

(2) Pay for the expenses incurred in having the work done or improvements made and bill the expenses to the property owner.

(E) The notice of a violation must be given to the owner personally in writing, either at the time of inspection by personal delivery, by posting the notice on or near the front door of each building, or by certified mail, addressed to the owner of the property at the owner's address as recorded in the County Central Appraisal District, as may be appropriate. If notice by personal service cannot be obtained, the Officer may give notice by:

(1) Publication of the notice, at least once, in a newspaper of general circulation;

(2) Posting the notice on or near the front door of each building on the property to which the violation relates; or

(3) Posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.

(F) If such person fails or refuses to comply with the provisions of this chapter within seven days after the receipt of notice, the city may go upon such property and do or cause to be done the work necessary to obtain compliance with this chapter.

(G) The city, in the notice of violation, may inform the owner that if the owner commits another violation of the same kind or nature that poses a danger to the public health and

safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property. If a violation occurs within the one-year period, and the city has not been informed in writing by the owner of an ownership change, the city without notice may take action to remedy the violation.

(H) The city may abate, without notice, dangerous vegetation.

(I) If the city incurs expenses for the work done or improvements made, the City Council or its designee shall assess the expenses and create a lien, including possible foreclosure, against the property as follows.

(1) The Code Officer shall send a statement of expenses to the owner, requesting that payment be made to the city within 60 days after receipt of the statement of charges. The expenses to be charged shall include: the amount paid by the city for the work done or improvements made; the costs of inspection; the costs of providing notice; the costs of identifying and notifying the owner of the property; and any incidental expenses.

(2) If the person does not pay the expenses within 60 days after receiving a statement of charges, the Mayor, or his or her designee, shall file with the County Clerk a statement of expenses, stating the owner's name, if known, and the legal description of the property. When such statement is filed, the city shall have a privileged lien on such property, second only to tax liens and liens for street improvements, to secure the payment of the amount so expended. For such expenditures and interest, suit may be instituted and recovery and foreclosure had by the city. The statement of expense filed with the County Clerk or a certified copy thereof shall be prima facie proof of the amount expended in such work, improvement or correction of the property. The lien is security for the expenses incurred by the city and interest accruing at the rate of 10% per year on the amount due from the date of payment by the city.

(Ord. 09-122, passed 6-10-2009)

#### § 95.99 PENALTY.

(A) 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 provisions of this chapter is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this chapter is hereby declared to be a nuisance.

(B) Any person violating any provision of this chapter shall be subject to a fine upon conviction in Municipal Court or another court of competent jurisdiction, of not more than \$2,000, and each day of violation of this chapter shall constitute a separate offense. An offense under this chapter is a misdemeanor.

(C) (1) A person does not commit an offense under this chapter unless he or she intentionally, knowingly, recklessly or with criminal negligence engages in conduct as the definition of the offense requires.

(2) Culpable mental states are classified according to relative degrees, from highest to lowest and as described as follows.

(a) **Intentional.** A person acts intentionally, or with intent, with respect to the nature of his or her conduct or to a result of his or her conduct when it is his or her conscious objective or desire to engage in the conduct or cause the result.

(b) **Knowing.** A person acts knowingly, or with knowledge, with respect to the nature of his or her conduct or to circumstances surrounding his or her conduct when he or she is aware of the nature of his or her conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his or her conduct, when he or she is aware that his or her conduct is reasonably certain to cause the result.

(c) **Reckless.** A person acts recklessly, or is reckless, with respect to circumstances surrounding his or her conduct or the result of his or her conduct when he or she is aware of, but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.

(d) **Criminal negligence.** A person acts with criminal negligence, or is criminally negligent, with respect to circumstances surrounding his or her conduct or the result of his or her conduct when he or she ought to be aware of a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.

(D) 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:

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

(2) A civil penalty up to \$1,000 per day, with each day constituting a separate offense 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

(3) Other available relief.

**(Ord. 09-122, passed 6-10-2009)**

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## **CHAPTER 96: USE OF WEAPONS**

### **Section**

**96.01 Popular name**

**96.02 Purpose**

**96.03 Air rifles/air guns - discharge**

**96.04 Archery**

**96.05 Firearms - discharge**

**96.99 Penalty**

### **§ 96.01 POPULAR NAME.**

This chapter shall be commonly referred to as the city's "Use of Weapons Ordinance".

(Ord. 17-228, passed 5-10-2017; Ord. 17-231, passed 6-14-2017)

### **§ 96.02 PURPOSE.**

This chapter is adopted so the City Council may promote the public health, safety and general welfare within the city through the regulation of use of firearms, air guns, air pistols, bows and arrows, crossbows, and similar equipment within the city. By establishing certain guidelines and limitations while respecting the Texas Constitution's permissible hunting and fishing regulations, the City Council seeks to protect property values and prevent bodily injury, death and property damage within the city.

(Ord. 17-228, passed 5-10-2017; Ord. 17-231, passed 6-14-2017)

### **§ 96.03 AIR RIFLES/AIR GUNS - DISCHARGE.**

(A) A person commits an offense if he or she knowingly, intentionally, or recklessly shoots off, fires or discharges any air rifle, air gun, air pistol or other air or gas propelled weapon of any description onto or over the property of another who has not given permission to the person to do so within the city.

(B) This section does not apply if the air rifle, air gun, air pistol or other gas propelled weapon was discharged by a peace officer in the course of his or her official duties or by a properly-designated city official as part of a comprehensive Wildlife Hazard Management Plan (WHMP).

(C) This section does not apply if the air rifle, air gun, air pistol or other gas propelled weapon was discharged:

(1) In a manner not reasonably expected to cause a projectile to cross the boundary of the tract on a tract of land ten acres or more and more than 150 feet from a residence or occupied building located on another property; or

(2) At a sport shooting range, as defined by Tex. Local Gov't Code § 250.001, as amended, or Tex. Local Gov't Code § 229.001, as amended.

(Ord. 17-228, passed 5-10-2017; Ord. 17-231, passed 6-14-2017) Penalty, see § 96.99

§ 96.04 ARCHERY.

A person commits an offense if he or she knowingly, intentionally or recklessly propels an arrow or any other projective used in the sport of archery onto or over the property of another who has not given permission to the person to do so.

(Ord. 17-228, passed 5-10-2017; Ord. 17-231, passed 6-14-2017) Penalty, see § 96.99

§ 96.05 FIREARMS - DISCHARGE.

(A) A person commits an offense if he or she intentionally, knowingly, or recklessly discharges a firearm within the city limits.

(B) This section does not apply if:

(1) The firearm was discharged in violation of Texas law in which case the discharge is chargeable under Texas law;

(2) The firearm was discharged by a peace officer in the course of his or her official duties;

(3) The firearm was discharged in a gun club, skeet or target range, or other facility or area for the sport of shooting at targets to test accuracy in rifle and pistol practice at a sport shooting range, as defined by Tex. Local Gov't Code § 250.001 or Tex. Local Gov't Code § 229.001, as amended;

(4) The firearm was discharged by city staff or their designee as part of a comprehensive Wildlife Hazard Management Plan (WHMP);

(5) The firearm was a shotgun which was discharged in a manner not reasonably expected to cause a projectile to cross the boundary of the tract on a tract of land ten acres or more and more than 150 feet from a residence or occupied building located on another property;

(6) The firearm was a center fire or rim fire rifle or pistol of any caliber which was discharged on a tract of land of 50 acres or more and more than 300 feet from a residence or occupied building located on another property in a manner not reasonably expected to cause a projectile to cross the boundary of the tract.

(C) It is a defense to an offense under this section that the firearm was discharged as authorized by the Texas Penal Code.

(Ord. 17-228, passed 5-10-2017; Ord. 17-231, passed 6-14-2017) Penalty, see § 96.99

§ 96.99 PENALTY.

(A) 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 provisions of this

chapter is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this chapter is hereby declared to be a nuisance.

(B) Any person violating any provision of this chapter shall be subject to a fine upon conviction in Municipal Court or another court of competent jurisdiction, of not more than \$2,000, and each day of violation of this chapter shall constitute a separate offense. An offense under this chapter is a misdemeanor.

(C) A person does not commit an offense under this chapter unless he or she intentionally, knowingly, recklessly or with criminal negligence engages in conduct as the definition of the offense requires. Culpable mental states are classified according to relative degrees, from highest to lowest and as described as follows.

(1) *Intentional.* A person acts intentionally, or with intent, with respect to the nature of his or her conduct or to a result of his or her conduct when it is his or her conscious objective or desire to engage in the conduct or cause the result.

(2) *Knowing.* A person acts knowingly, or with knowledge, with respect to the nature of his or her conduct or to circumstances surrounding his or her conduct when he or she is aware of the nature of his or her conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his or her conduct, when he or she is aware that his or her conduct is reasonably certain to cause the result.

(3) *Reckless.* A person acts recklessly, or is reckless, with respect to circumstances surrounding his or her conduct or the result of his or her conduct when he or she is aware of, but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.

(4) *Criminal negligence.* A person acts with criminal negligence, or is criminally negligent, with respect to circumstances surrounding his or her conduct or the result of his or her conduct when he or she ought to be aware of a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.

(D) 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;

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

(2) A civil penalty up to \$1,000 per day, with each day constituting a separate offense 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



### **(3) Other available relief.**

**(Ord. 17-228, passed 5-10-2017; Ord. 17-231, passed 6-14-2017)**

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10.M.

**Council Meeting Date: 05/08/2019**

**AGENDA ITEM COVER SHEET**

**Subject/Title:**

10. M. Discussion and take Appropriate Action on Possible Amendments to Chapter 152: Signs of the Woodcreek Texas Code of Ordinances

**Item Summary:**

The City Council Responsibilities representatives of Planning and Development have been reviewing several of the Chapters of the Code of Ordinances with Chapter 152 final draft being presented to the elected body at this meeting for discussion and possible revisions before adoption.

**Financial Impact:**

Cost of re-codifying

**Recommendation:**

Place on next agenda for possible adoption.

**Attachments:**

Proposed Chapter 152

**Submitted By:**

Brenton B. Lewis, City Manager

**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**

- 152.56 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.**

[REDACTED]

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(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) Do not create a nuisance or present a hazard to persons using the public rights-of-way;
- (3) Do not create a nuisance to occupants of any property by their brightness, size, height or movement; and
- (4) 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

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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.

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

**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, 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.

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

**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.

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

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

**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.

**ILLUMINATION.** As applied to any sign, the intensity or brightness of light expressed in foot candles

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[REDACTED]

[REDACTED]

[REDACTED]

**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

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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.

**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.

**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.

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

**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.

**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.

**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.

**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.

**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".

**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

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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.**

**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.

**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.

**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.

**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-

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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.

**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 Judea, each constituting a major facility within the city limits.

**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.

**FREESTANDING SIGN.** A sign that is attached to a self-supporting 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.

**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**.

**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 incombustible 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.

**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.

**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

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**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 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

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

**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.

**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.

**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.

**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 ~~billboard~~ 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.

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**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.

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(B) *Removal of hazardous signs.* Any sign which, in the judgment of the City Engineer, has become an imminent hazard to public safety, either because it causes a traffic hazard or because of neglect that makes it unsafe, shall be repaired or removed by the responsible party within 72 hours of notice. If, in the judgment of the City Engineer, the sign presents an immediate risk, the sign may be removed by the City with notification to the sign owner. 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 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 30 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.

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(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 30 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.

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(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 (cite here) within a period of three years from the effective date of the ordinance.

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(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 ~~\_\_\_\_\_~~ 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

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§ 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 RIGHT-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.

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, 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 of areas for placement of signs and to designate the areas with the 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; and
- (e) Southwest corner of Woodcreek Drive and Ranch Road 12.

(2) The sign holders shall have City of Woodcreek sign designating each area.

- (3) Advertising or messaging signs are to be placed at the designated shall be constructed in a manner to allow the placement of a sign no larger than 24 inches wide by 30 inches high.
- (4) In no instance shall the maximum height of any sign or sign holder exceed 36 inches

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above ground level.

(5) 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.

(6) 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.

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

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

(9) 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.

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

(11) 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;

(B) Beacons;

(C) Billboards;

(D) \_\_\_\_\_

(E) Flashing signs;

(F) Moving signs;

(G) Portable signs;

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

(I) Roof signs;

(J) Sidewalk signs;

(K) 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;

(L) 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 90 days;

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

(N) Signs that the City Engineer identifies as constituting a hazard to vehicular or pedestrian

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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;

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

(P) 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

(Q) 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 benefiting 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) .
- (I) .
- (J) Drive-through window sign;
- (K) .
- (M) .
- (N) Monument sign, changeable copy;
- (O) Moving sign;
- (P) Projecting sign;
- (Q) Promotional sign;
- (R) .
- (S) Roof sign;
- (T) Sidewalk sign;
- (U) Wall sign; and
- (V) .

(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-

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(L) Event sign, on-site;

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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 city shall automatically 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.

(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.

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(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

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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.

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(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

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##### § 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.~~

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(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) ;

(C) Flags of governments, churches or schools;

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- (D) Name plates;
- (E) Political signs;
- (F) Pet signs (lost/found);
- (G) Realty signs;
- (H) Single-family address signs;
- (I) Religious signs or signs expressing support for a religious or political cause
- (J)

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(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.

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(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.

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**§ 152.99 PENALTY.**

(A) (1) 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 to enforce the provisions of this Chapter and seek remedies.

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(a) 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.

(b) 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.

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(C) *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.

(B) 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: 05/08/2019**

**AGENDA ITEM COVER SHEET**

**Subject/Title:**

Discussion and Take Appropriate Action on Criteria, Structure, and Process for the Annual Evaluation, Compensation, and Employment Agreement of the City Manager.

**Item Summary:**

This updated item was discussed at the April 10 Council meeting and partially also at the April 17 Council workshop. Action required now, as discussed at the conclusion of the workshop on April 17, is for Council to discuss and take appropriate action on the Mayor and Mayor Pro-Tem's revised City Manager evaluation instrument, generally referred to as "the tool." The approved tool will then be distributed to Council and the City Manager for completion ahead of the June 13 Council meeting, including Executive Session for the City Manager's annual evaluation, compensation, and employment agreement review.

As discussed April 17, Councilmembers will be allowed on June 13 to review each others' individual responses, including the City Manager's self-assessment, and will discuss what we do about the data gathered, including whether to re-engage the City Manager and at what terms of compensation. Councilmembers will be allowed to review and sign the final written employment agreement of the City Manager in Executive Session before returning to Open Session, as required by the Texas Open Meetings Act, for any further discussion and to vote on whether to approve the employment agreement.

**Financial Impact:**

None

**Recommendation:**

Council shall discuss and take appropriate action to ensure the criteria, structure, and process it deems in the best interests of the citizens of the City of Woodcreek for the evaluation, compensation, and employment agreement of the City Manager.

**Attachments:**

None

**Submitted By:**

Ray Don Tilley, Councilmember

**Council Meeting Date: May 8, 2019**

10.0.

**AGENDA ITEM COVER SHEET**

**Subject/Title:**

10. O. Discussion and Take Appropriate Action on the Adoption of the International Building Code 2015 Edition, including Appendices C, E, F, I; International Property Maintenance Code 2015 Edition, including Appendix A; International Mechanical Code 2015 Edition; International Plumbing Code 2015 Edition; International Fuel Gas Code 2015 Edition; International Residential Code for One- and Two- Family Dwellings 2015 Edition; National Electrical Code 2014 Edition; International Energy Conservation Code 2015 Edition; International Fire Code 2015 Edition, including Appendices B, D, E, F, G, I, J; International Swimming Pool and Spa Code 2015 Edition; International Existing Building Code 2015 Chapter 4.

**Item Summary:**

ATS Engineers, Inspectors and Surveyors have recommended that we adopt more recent codes, some of which are required in order to comply with state law. The codes listed above are now used by most of the municipalities in the area.

**Financial Impact/Financial Information:**

Purchase of a paper copy of the books for resident use at City Hall.

**Comments/Recommendation:**

**Attachments**

**Submitted By: City Manager Lewis**

**Council Meeting Date: May 8, 2019**

10.P.

**AGENDA ITEM COVER SHEET**

**Subject/Title:**

10. P. Discussion and Take Appropriate Action on an Ordinance Amending Chapter 33: Records Retention Management of the Woodcreek Texas Code of Ordinances to Provide for Amending the Records Management and Retention Policies, Providing for Repeal of Prior Records Management Regulations, and Providing for Severability and an Effective Date

**Item Summary:**

The new ordinance updates local standards to match standards established by the Texas State Library and Archives Commission - State and Local Records Management Division.

**Financial Impact/Financial Information:**

None

**Comments/Recommendation:**

Recommendation by Rebecca Stark, Municipal Court Consultant for the City of Woodcreek

**Attachments**

Draft ordinance

**Submitted By: City Manager Lewis**



**CITY OF WOODCREEK**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 33: RECORDS RETENTION  
MANAGEMENT OF THE CITY CODE OF ORDINANCES TO PROVIDE FOR  
AMENDED RECORDS MANAGEMENT AND RETENTION POLICIES,  
PROVIDING FOR REPEAL OF PRIOR RECORDS MANAGEMENT  
REGULATIONS, AND PROVIDING FOR SEVERABILITY AND AN  
EFFECTIVE DATE**

WHEREAS, Title 6, Subtitle C, Local Government Code (Local Government Records Act) provides that a municipality must establish by ordinance an active and continuing records management program to be administered by a Records Management Officer; and

WHEREAS, the City desires to amend its regulations for that purpose and to prescribe policies and procedures consistent with the Local Government Records Act and in the interests of cost-effective and efficient recordkeeping; NOW THEREFORE,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOODCREEK,  
TEXAS:**

**SECTION 1:**

**Sec. 33.02. Definition of Municipal Records**

All documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other information recording media, regardless of physical form or characteristic and regardless of whether public access to them is open or restricted under the laws of the state, created or received by the city or any of its officers or employees pursuant to law or in the transaction of public business are hereby declared to be the records of the city and shall be created, maintained, and disposed of in accordance with the provisions of this article or procedures authorized by it and in no other manner.

**Sec. 33.02A. Additional Definitions**

- (1) "Department head" means the officer who by ordinance or administrative policy is in charge of an office of the city that creates or receives records.
- (2) "Essential record" means any record of the city necessary to the resumption or continuation of its operations in an emergency or disaster, to the re-creation of its legal and financial status, or to the protection and fulfillment of obligations to the people of the state.
- (3) "Permanent record" means any record of the city for which the retention period on a records control schedule is given as permanent.

(4) "Records control schedule" means a document prepared by or under the authority of the Records Management Officer listing the records maintained by the city, their retention periods, and other records disposition information that the records management program may require.

(5) "Records management" means the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographics and electronic and other records storage systems.

(6) "Records management officer" means the person designated in Section 33.05 of this article.

(7) "Records management plan" means the plan developed under Section 33.06 of this article.

(8) "Retention period" means the minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction.

#### **Sec. 33.03. Municipal Records Declared Public Property**

All municipal records as defined in Sec. 33.02 of this article are hereby declared to be the property of the city. No municipal official or employee has, by virtue of his or her position, any personal or property right to such records even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited.

#### **Sec. 33.04. Policy**

It is hereby declared to be the policy of the city to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all municipal records through a comprehensive system of integrated procedures for their management from creation to ultimate disposition, consistent with the requirements of the Texas Local Government Records Act and accepted records management practice.

#### **Sec. 33.05. Designation of Records Management Officer**

Except as otherwise provided by action of the city council in connection with a temporary absence, the city secretary, and the successive holders of said office, shall serve as Records Management Officer for the city. As provided by state law, each successive holder of the office shall file his or her name with the director and librarian of the Texas State Library within thirty days of the initial designation or of taking up the office, as applicable.

#### **Sec. 33.06 Records Management Plan to Be Developed; Approval of Plan; Authority of Plan**

(a) The Records Management Officer shall develop a records management plan for the city for submission to the city council. The plan must contain policies and procedures designed to reduce

the costs and improve the efficiency of recordkeeping, to adequately protect the essential records of the municipality, and to properly preserve those records of the municipality that are of historical value. The plan must be designed to enable the Records Management Officer to carry out his or her duties prescribed by state law and this article effectively.

(b) Once approved by the city council the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of the city and records shall be created, maintained, stored, microfilmed, or disposed of in accordance with the plan.

(c) State law relating to the duties, other responsibilities, or recordkeeping requirements of a department head do not exempt the department head or the records in the department head's care from the application of this article and the records management plan adopted under it and may not be used by the department head as a basis for refusal to participate in the records management program of the city.

### **Sec. 33.07. Duties of Records Management Officer**

In addition to other duties assigned in this article, the Records Management Officer shall:

- (1) administer the records management program and provide assistance to department heads in its implementation;
- (2) plan, formulate, and prescribe records disposition policies, systems, standards, and procedures;
- (3) in cooperation with department heads, identify essential records and establish a disaster plan for each municipal office and department to ensure maximum availability of the records in order to re-establish operations quickly and with minimum disruption and expense;
- (4) develop procedures to ensure the permanent preservation of the historically valuable records of the city;
- (5) establish standards for filing and storage equipment and for recordkeeping supplies;
- (6) study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system for the city;
- (7) monitor records retention schedules and administrative rules issued by the Texas State Library and Archives Commission to determine if the records management program and the municipality's records control schedules are in compliance with state regulations;
- (8) disseminate to the city council and department heads information concerning state laws and administrative rules relating to local government records;
- (9) ensure that the maintenance, preservation, microfilming, destruction, or other disposition of the records of the city are carried out in accordance with the policies and procedures of the records management program and the requirements of state law;
- (10) maintain records on the volume of records destroyed under approved records control schedules or through records destruction authorization requests, the volume of records

microfilmed or stored electronically, and the estimated cost and space savings as the result of such disposal or disposition;

(11) report annually to the city council on the implementation of the records management plan in each department of the city, including summaries of the statistical and fiscal data compiled under Subsection (10); and

(12) bring to the attention of the city council non-compliance by department heads or other municipal personnel with the policies and procedures of the records management program or the Local Government Records Act.

### **Sec. 33.08. Duties and Responsibilities of Department Heads**

In addition to other duties assigned in this article, department heads shall:

(1) cooperate with the Records Management Officer in carrying out the policies and procedures established in the city for the efficient and economical management of records and in carrying out the requirements of this article;

(2) adequately document the transaction of government business and the services, programs, and duties for which the department head and his or her staff are responsible; and

(3) maintain the records in his or her care and carry out their preservation, microfilming, destruction, or other disposition only in accordance with the policies and procedures of the records management program of the city and the requirements of this article.

### **Sec.33.09. Records Control Schedules to be Developed; Approval; Filing With State**

(a) The Records Management Officer, in cooperation with department heads, shall prepare records control schedules, which may be on a department by department basis, listing all records series created or received by the department and the retention period for each series. Records control schedules shall also contain such other information regarding the disposition of municipal records as the records management plan may require.

(b) Each records control schedule shall be monitored and amended as needed by the Records Management Officer on a regular basis to ensure that it is in compliance with records retention schedules issued by the state and that it continues to reflect the recordkeeping procedures and needs of the department and the records management program of the city.

(c) Before its adoption a records control schedule or amended schedule for a department must be reviewed by the department head and approved by the city council.

(d) Before its adoption a records control schedule must be submitted to and accepted for filing by the director and librarian as provided by state law. If a schedule is not accepted for filing, the schedule shall be amended to make it acceptable for filing. The Records Management Officer shall submit the records control schedules to the director and librarian.

### **Sec. 33.10. Implementation of Records Control Schedules; Destruction of Records Under Schedule**

(a) A records control schedule for a department that has been approved and adopted under Section 33.09 shall be implemented by department heads according to the policies and procedures of the records management plan.

(b) A record whose retention period has expired on a records control schedule shall be destroyed unless an open records request is pending on the record, the subject matter of the record is pertinent to a pending law suit, or the department head requests in writing to the Records Management Officer that the record be retained for an additional period.

(c) Prior to the destruction of a record under an approved records control schedule, authorization for the destruction must be obtained by the Records Management Officer from the city council.

### **Sec. 33.11. Destruction of Unscheduled Records**

A record that has not yet been listed on an approved records control schedule may be destroyed if its destruction has been approved in the same manner as a record destroyed under an approved schedule and the Records Management Officer has submitted to and received back from the director and librarian an approved destruction authorization request.



SLRM  
STATE AND LOCAL  
RECORDS  
MANAGEMENT

# Declaration of Compliance

with the Records Scheduling Requirement of the Local Government Records Act  
Submitted pursuant to Local Government Code §203.041(a)(2)

## Section 1 SUBMISSION OF DATA

- Government: City of Woodcreek
- Address: 41 Champions Circle  
City: Woodcreek ZIP code: 78676
- Telephone: 5128479390
- Email (optional): city.secretary@woodcreektx.gov

## Section 2 LOCAL GOVERNMENT CERTIFICATION

As records management officer for the local government or elective county office named, I hereby declare, that in lieu of filing records control schedules, we have adopted records control schedules that comply with minimum requirements established on records retention schedules issued by the Texas State Library and Archives Commission (as checked below) for use in our records management program. In doing so, I also certify that the administrative rules for electronic records, adopted by the commission under Local Government Code §205.003(a) will be followed for records subject to the rules. I understand that:

- the validity of this declaration is contingent on its acceptance for filing by the commission;
- if we have previously filed documentation with the commission in which we declared our intent to retain all records permanently, we must attach amended documentation to this declaration before it can be accepted for filing;
- the records retention schedules adopted by this declaration may be amended by filing for approval a supplemental Records Control Schedule Amendment (SLR 520) on which are listed proposed retention periods for records that do not appear on schedules issued by the commission (as checked below);
- if a supplemental Records Control Schedule Amendment is not filed, we must file a Request for Authorization to Destroy Unscheduled Records (SLR 501) in order to destroy records that do not appear on schedules issued by the commission (as checked below); and
- the commission will provide us with access to subsequent editions of any schedules issued by the commission.

### 1. I hereby declare that our records control schedules will comply with the following schedules issued by the commission:

- |   |   |
|---|---|
| <input type="checkbox"/> Schedule CC (Records of County Clerks)                     | <input checked="" type="checkbox"/> Schedule LC (Records of Justice and Municipal Courts) |
| <input type="checkbox"/> Schedule DC (Records of District Clerks)                   | <input type="checkbox"/> Schedule PS (Records of Public Safety Agencies)                  |
| <input type="checkbox"/> Schedule EL (Records of Elections and Voter Registration)  | <input checked="" type="checkbox"/> Schedule PW (Records of Public Works and Services)    |
| <input checked="" type="checkbox"/> Schedule GR (Records Common to All Governments) | <input type="checkbox"/> Schedule SD (Records of Public School Districts)                 |
| <input type="checkbox"/> Schedule HR (Records of Public Health Agencies)            | <input type="checkbox"/> Schedule TX (Records of Property Taxation)                       |
| <input type="checkbox"/> Schedule JC (Records of Public Junior Colleges)            | <input type="checkbox"/> Schedule UT (Records of Utility Services)                        |

### 2. If any records control schedules or amendments have been filed with the commission, I also hereby declare that those schedules or amendments:

- are superseded by this declaration.
- are not superseded by this declaration. I understand that, in the event of a conflict between the previously filed records control schedules or amendments and the schedules adopted by this declaration, the longer retention period shall apply.

Name and Title: Linda Land, City Secretary

Signature: \_\_\_\_\_ Date: 5/9/2019

## Section 3 TEXAS STATE LIBRARY ACCEPTANCE (to be completed by Texas State Library)

This Declaration of Compliance has been accepted for filing pursuant to Local Government Code §203.043(a). A record appearing on a schedule issued by the commission (as checked above) may be disposed of at the expiration of its retention period without additional notice to the Director and Librarian, subject to the provisions of Local Government Code §203.041(d).

Name and Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# Instructions for Completing Form SLR 508

**PURPOSE:** *State law requires that each local government that wishes to have the authority to destroy records must submit to the Texas State Library and Archives Commission records control schedules listing the records created or received by the local government and retention periods for the records. Form SLR 508 may be used by a local government who wishes to adopt the records retention schedules promulgated by the commission in lieu of filing records control schedules with the commission.*

## SECTION 1: SUBMISSION OF DATA

**Field 1** Enter the complete name of the local government (e.g., City of Amarillo, Brownsville ISD, Brazos County, Harris County Municipal Utility District #25, Tarrant County Constable Pct. 4).

**Fields 2-4** Enter the contact information for the Records Management Officer.

## SECTION 2: LOCAL GOVERNMENT CERTIFICATION

**Field 1** Check the boxes next to the Local Schedules with which your government will comply. If you are not sure which Local Schedules to adopt, please contact the State and Local Records Management Division.

**Schedule CC** is for use by county clerks, county surveyors, and local registrars.

**Schedule DC** is for use by district clerks.

**Schedule EL** is for use by any entity with records of elections and voter registration.

**Schedule GR** includes records such as meeting minutes, personnel files, and accounting records, and is for use by all local governments.

**Schedule HR** is for use by local health units and departments, public health districts, public hospitals, animal control departments, and animal shelters.

**Schedule JC** is for use by public junior colleges.

**Schedule LC** is for use by justice and municipal courts.

**Schedule PS** is for use by public safety agencies.

**Schedule PW** is for use by counties, municipalities, and any local government entity with records of public works and other government services (including, but not limited to: veterans service officers, soil and water conservation districts, public libraries, airports, social services, and planning and zoning offices).

**Schedule SD** is for use by public school districts, open-enrollment charter schools, and other educational districts and cooperatives.

**Schedule TX** is for use by appraisal districts and tax offices of taxing units.

**Schedule UT** is for use by public utilities (water districts and local government-owned water and wastewater, solid waste, electric, and gas utility departments).

**Field 2** If no previous records control schedules have been filed with the commission, leave blank.

a. Choose "are superseded" if you would like for this declaration to replace a records control schedule previously filed with the commission.

b. Choose "are not superseded" if you would like any previously filed records control schedule to remain in effect.

**Signature** Declarations must be signed by the designated records management officer of the local government or elective county office. Declarations not signed by the records management officer will be returned for re-submission. Local Government Code, §203.041(a)(2)

**SECTION 3: DO NOT WRITE IN THIS FIELD. TSLAC USE ONLY.**

**SUBMISSION:** Mail to the address at the bottom of the form. The form may not be filed electronically. A copy of this form indicating its acceptance for filing will be returned to the records management officer.

10.Q.

**Council Meeting Date: 05/08/2019**

**AGENDA ITEM COVER SHEET**

**Subject/Title:**

10. Q. Discuss and Take Appropriate Action on a Resolution Cancelling the Regular City Council Meeting of July 10<sup>th</sup>, 2019 and Scheduling a Special City Council Meeting on July 17<sup>th</sup>, 2019

**Item Summary:**

This item was placed on the agenda to change the regular City Council of July 10<sup>th</sup>, 2019 to July 17<sup>th</sup>, 2019. In reviewing the calendar, City Hall is closed from July 3<sup>rd</sup> through July 5<sup>th</sup> for the holidays. The current resolution states all documents shall be provided by the Wednesday prior to the meeting, however the offices will be closed on the Wednesday prior to the meeting. Also, posting of the Agenda would need to be on July 2<sup>nd</sup>, with agenda documents submitted to staff on or before June 28<sup>th</sup>.

**Financial Impact:**

None

**Recommendation:**

Changing the Regular City Council Meeting of July 10<sup>th</sup>, 2019 to a Special City Council Meeting on July 17<sup>th</sup>, 2019

**Attachments:**

Proposed Resolution

**Submitted By:**

Brenton B. Lewis, City Manager



**RESOLUTION NO. 2019-05-08-1**

**A RESOLUTION OF THE CITY OF WOODCREEK, TEXAS CANCELLING THE JULY 10<sup>TH</sup>, 2019 REGULAR COUNCIL MEETING AND SCHEDULING A SPECIAL CITY COUNCIL MEETING ON JULY 17<sup>TH</sup>, 2019**

**WHEREAS**, the City Council of the City of Woodcreek has established, by Resolution, the second Wednesday of each month as the regular City Council Meeting; and

**WHEREAS**, the City Council of City of Woodcreek shall take action by Resolution to change a regular Meeting; and

**WHEREAS**, the City Council of City of Woodcreek has determined the need to cancel the regular meeting of July 10<sup>th</sup>, 2019.

**NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF WOODCREEK HEREBY ADOPTS THE FOLLOWING RESOLUTION THAT:**

**Section 1.**

The City Council of the City of Woodcreek does hereby cancel the Regular City Council Meeting of July 10<sup>th</sup>, 2019.

**Section 2.**

The City Council of the City of Woodcreek does hereby schedule a Special City Council Meeting on July 17<sup>th</sup>, 2019 at \_\_\_\_ pm.

**Section 3.**

This Resolution shall be effective immediately upon its passage.

**PASSED AND APPROVED** this, the 8<sup>th</sup> day of May 2019, by a vote of \_\_\_\_ (ayes) to \_\_\_\_ (nays) to \_\_\_\_ (abstentions) to \_\_\_\_ (absent and not voting) of the City Council of Woodcreek, Texas.

**City of Woodcreek:**

By: \_\_\_\_\_  
Mayor William P. Scheel

**Attest:**

By: \_\_\_\_\_  
Linda Land, City Secretary