

City of Woodcreek Regular City Council Meeting
February 13, 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 February 13, 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. Report Items:

- A. Director of Public Work's Monthly Report (Director of Public Works Frank Wood)**
- B. Financial Report for January 2019 (City Manager Brenton Lewis)**
- C. City Manager's Monthly Public Report (City Manager Brenton Lewis)**
- D. Precinct 3 Constables Report (Constable Ray Helm)**
- E. Legislative Update (City Manager Brenton Lewis)**
- F. Council Responsibilities Reports**
 - i City Hall (Mayor Scheel)**
 - ii Planning & Development (Councilmember LeBrun)**
 - iii Public Safety (Mayor Pro-Tem Britner)**
 - iv Communications (Councilmember Brizendine)**
 - v Community Affairs (Mayor Scheel)**
 - vi Infrastructure (Councilmember Brizendine)**
 - 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 Council meeting of January 2019.
- B. Approval of Financial Statements for January 2019.

9. Regular Agenda:

- A. Presentation from John Worrall, Commissioner District #1, Hays Trinity Groundwater Conservation District regarding House Bill 1304, and Possible Discussion (City Manager Lewis)
- B. Public Hearing
 - 1. Changes to Chapter 156.058 FENCES of the Woodcreek Code of Ordinances
 - 2. Staff Briefing
 - 3. Public Hearing: All persons wishing to speak about this item shall be heard
 - 4. Discussion and possible action on recommendations received from Planning and Zoning Commission and Ordinance Review Committee
- C. Public Hearing
 - 1. Changes to Chapter 156.060 PARKING of the Woodcreek Code of Ordinances
 - 2. Staff Briefing
 - 3. Public Hearing: All persons wishing to speak about this item shall be heard
 - 4. Discussion and possible action on recommendations received from Planning and Zoning Commission and Ordinance Review Committee
- D. Discussion and Take Appropriate Action on a City Council resolution to oppose Kinder Morgan's Permian Pipeline through Wimberley Valley. (Councilmember Jackson)
- E. Discussion and Take Appropriate Action to Adopt the Texas Comptroller of Public Accounts' "Transparency Stars" Program (Councilmember Tilley)
- F. Discussion and Take Appropriate Action on a Recommendation to Establish a 2019 Road Committee (Councilmember Brizendine)
- G. Discussion and Take Appropriate Action on a Resolution of the City Council of the City of Woodcreek, Texas Adopting Rules of Procedure for the Conduct of Its Meetings; and Repealing All Other Resolutions or Parts of Resolutions Inconsistent or Conflict, Tabled from the January 9, 2019 Meeting (Mayor Scheel)
- H. Discussion and Take Appropriate Action on a Resolution of the City Council of the City of Woodcreek Establishing Policies for Conduct of Elected and Appointed Officials and Providing for an Effective Date, Tabled from the January 9, 2019 Meeting (Mayor Scheel)
- I. Consider and Take Appropriate Action on an Ordinance to Amend the 2018-2019 Fiscal Year Budget (City Manager Lewis)
- J. Discussion and Take Appropriate Action for Hays County to Perform Proposed Street Maintenance, Pursuant to the Current Interlocal Agreement (City Manager Lewis)

- K. Discussion and Take Appropriate Action to ratify execution of City Manager's Amended Employment Agreement to extend term of contract for one year (Mayor Scheel)**
- L. Executive Session pursuant to Texas Government Code, Section 551.074 (Personnel Matters) City Council will meet to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Clerk/Municipal Court Clerk Barbara Grant.**
- M. Discussion and Take Appropriate Action on the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Clerk/Municipal Court Clerk Barbara Grant.**
- N. Adjourn**

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

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

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

Attendance by Other Elected or Appointed Officials:

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

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

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter 11, 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 8th day of February 2019 at 5:00 p.m.

By: 
 Brenton B. Lewis, City Manager

Treasurer's Report

For the Period: October 2018 - January 2019

Percent Complete: 33.33%

	2018-2019			2017-2018			Y/Y Monthly Comparison		
	YTD	Budget	%	YTD	Budget	%	Jan-19	Jan-18	Difference
REVENUE									
3000 Ad Valorem Tax Revenue	159,868	280,000	57%	178,605	280,000	64%	125,433	129,320	(3,887)
3005 State Sales Tax Revenue	18,265	45,000	41%	14,496	50,000	29%	5,115	3,998	1,117
3010 Mixed Beverage Tax & Fees Rev	379	1,000	38%	338	1,000	34%	166	166	(0)
3020 Electric Franchise Fee Revenue	17,365	34,000	51%	7,127	34,000	21%	7,587	7,127	461
3030 Cable Services Franchise Rev	9,822	30,000	33%	-	39,000	0%	-	-	-
3040 Water Service Franchise Revenue	74,145	96,000	77%	9,374	95,000	10%	8,443	9,374	(931)
3050 Disposal Service Franchise Rev	2,761	14,500	19%	6,744	16,800	40%	2,761	-	2,761
3060 Telephone Franchise Revenue	444	1,500	30%	3	2,000	0%	-	3	(3)
3070 Golf Course Franchise Revenue	-	500	0%	-	500	0%	-	-	-
3080 Reimbursements	-	-	-	-	-	n/a	-	-	-
3090 Development Revenue	-	15,000	0%	-	-	n/a	-	-	-
3090.01 Residential	4,085	-	n/a	4,795	-	n/a	800	3,060	(2,261)
3090.02 Commercial	369	-	n/a	6,769	-	n/a	-	-	-
3090.03 Other	-	-	n/a	1,500	38,000	4%	-	-	-
Total 3090 Development Revenue	4,454	15,000	30%	13,064	38,000	34%	800	3,060	(2,261)
3095 Sign Fees	135	500	27%	330	940	35%	135	-	135
4000 Interest Income	10,366	6,000	173%	1,495	8,000	19%	3,006	393	2,613
4010 Other Revenue	210	2,500	8%	1,542	3,000	51%	4	21	(17)
4015 Oak Wilt Containment	-	-	n/a	-	-	n/a	-	-	-
4020 Municipal Court Revenue	92	3,000	3%	366	3,000	12%	92	-	92
4040 Donations Received	5,000	5,000	120%	-	5,000	0%	-	-	-
4050 General Fund Transfer	-	127,030	0%	-	-	n/a	-	-	-
Uncategorized Revenue	-	-	n/a	-	-	n/a	-	-	-
Total Revenue	304,307	661,530	46%	233,483	576,240	41%	153,542	153,663	79
EXPENSES									
5000 Personnel Services	-	-	n/a	-	-	n/a	-	-	-
5000.01 Salaries and Wages	49,752	166,180	30%	37,958	143,900	26%	12,410	11,155	1,256
5000.02 Ins Expense Reimbursement	2,653	-	n/a	400	-	n/a	663	100	563
5000.03 City Manager Vehicle Reimburse	2,783	8,350	33%	2,783	8,350	33%	695	695	-
5000.05 Elected Official Pay	280	840	33%	320	840	38%	70	70	-
5000.20 Payroll Tax Expense	4,358	11,500	38%	5,557	11,900	47%	1,245	1,127	119
5000.40 Retirement	4,326	13,600	32%	2,007	9,370	21%	1,093	972	121
5000.50 Direct Deposit Expense	-	-	n/a	-	-	n/a	-	-	-
5000.51 Health Insurance Stpend	-	7,200	0%	-	3,600	0%	-	-	-
Total 5000 Personnel Services	64,153	208,890	31%	49,025	177,960	28%	16,177	14,119	2,059
5500 Office Expenses	-	-	n/a	-	-	n/a	-	-	-
5500.05 Bank Fees & Charges	(192)	-	n/a	-	-	n/a	6	-	6
5500.10 City Hall Maintenance / Repairs	346	2,500	14%	1,380	2,000	69%	346	23	323
5500.20 Cleaning Costs	500	1,500	33%	500	1,500	33%	125	125	-
5500.30 IT & Radio Expenses	77	650	12%	-	700	0%	77	-	77
5500.40 Newsletter	-	-	n/a	-	-	n/a	-	-	-
5500.50 Office Supplies	940	2,500	38%	1,100	2,000	55%	591	33	559
5500.60 Postage & Shipping	351	1,800	20%	474	1,800	26%	-	-	-
5500.61 Printing & Reproduction	1,686	5,000	34%	2,060	6,000	34%	293	503	(210)
5500.70 Storage Rental	108	-	n/a	436	1,250	35%	-	103	(103)
5500.80 Software & Subscriptions	2,028	7,000	29%	1,196	8,300	14%	234	134	100
Total 5500 Office Expenses	5,844	20,950	28%	7,145	23,550	30%	1,672	921	752
6000 Professional Services	-	-	n/a	-	-	n/a	-	-	-
6000.01 Audit Expense	9,860	9,860	100%	-	9,100	0%	2,860	-	2,860
6000.10 Codification	351	4,000	9%	61	3,000	2%	268	-	268
6000.11 Contract Labor	-	3,000	0%	-	500	0%	-	-	-
6000.15 Engineering	11,801	10,000	118%	3,915	10,000	39%	1,898	225	1,673
6000.20 Legal Expenses	11,863	18,000	66%	5,752	20,000	29%	3,457	772	2,684
6000.30 IT Services	2,431	8,000	30%	2,064	8,500	24%	796	712	84
6000.40 Accounting	3,190	10,000	32%	2,346	10,000	23%	556	1,269	(713)
Total 6000 Professional Services	39,495	62,860	63%	14,148	61,100	23%	9,834	2,978	6,856
6500 Area Care/Maintenance	-	-	n/a	-	-	n/a	-	-	-
6500.01 Deer Removal	375	1,000	38%	375	1,000	38%	-	75	(75)
6500.15 Mowing	278	4,000	7%	960	1,200	80%	-	-	-
6500.20 Oak Wilt Containment	-	-	n/a	-	-	n/a	-	-	-
6500.21 Outdoor Beautification	4,794	30,000	16%	1,200	15,000	8%	108	400	(292)

	2018-2019			2017-2018			Y/Y Monthly Comparison		
	YTD	Budget	%	YTD	Budget	%	Jan-19	Jan-18	Difference
	6508.25 ROW Tree Trimming	-	10,000	0%	1,500	12,000	13%	-	-
6500.30 Street Maintenance	974	150,000	1%	-	1,300	0%	90	-	90
6500.31 Street Signs	-	6,000	0%	30	750	4%	-	-	-
6500.35 Storm Damage Reserve	-	1,000	0%	-	7,000	0%	-	-	-
6500.40 Tree Limb Pick-Up	-	-	n/a	-	-	n/a	-	-	-
6500.50 Equipment Maintenance	1,473	750	196%	-	-	n/a	-	-	-
Total 6500 Area Care/Maintenance	7,894	202,750	4%	4,065	38,250	11%	198	475	(277)
7000 Other Operating Expenses	-	-	n/a	-	-	n/a	-	-	-
7000.01 Ad Valorem Tax Expense	793	2,500	32%	733	3,100	24%	-	-	-
7000.02 Building Inspections	2,290	6,500	35%	830	6,500	13%	860	200	660
7000.03 Code Compliance	-	1,500	0%	1,898	2,000	95%	-	-	-
7000.04 Dues & Membership	1,682	3,000	56%	1,268	3,000	42%	440	-	440
7000.05 Election Expense	3,552	3,500	101%	-	-	n/a	-	-	-
7000.19 Depreciation Expense	-	-	n/a	-	-	n/a	-	-	-
7000.15 Meeting Expense	236	500	47%	667	1,600	42%	-	195	(195)
7000.20 Public Notices	491	1,500	33%	396	2,000	20%	293	99	194
7000.30 Travel & Vehicle Exp Relmb.	818	4,500	18%	2,062	4,000	52%	-	15	(15)
7000.31 Elected Official Travel	858	-	n/a	-	-	n/a	-	-	-
7000.40 Training & Prof Development	-	-	n/a	525	5,000	11%	-	145	(145)
7000.41 Elected Body	485	3,500	14%	-	-	n/a	340	-	340
7000.42 Staff	1,547	1,500	103%	-	-	n/a	-	-	-
7000.50 Community Relations	1,900	3,000	63%	-	-	n/a	-	-	-
Total 7000 Other Operating Expenses	10,720	31,500	34%	8,380	27,200	31%	1,593	653	939
7500 Utilities	-	-	n/a	-	-	n/a	-	-	-
7500.10 City Hall Utilities	1,028	3,000	34%	942	3,200	29%	356	248	108
7500.20 Outdoor Utilities	1,257	4,000	31%	1,281	4,000	32%	374	309	65
7500.30 Telephone & Internet	1,000	4,000	25%	1,048	4,000	26%	240	262	(21)
Total 7500 UTILITIES	3,284	11,000	30%	3,270	11,200	29%	971	819	152
8000 Insurance	3,514	3,500	100%	3,266	3,500	93%	25	37	(12)
8020 Municipal Court Costs	-	-	n/a	-	-	n/a	-	-	-
8020.20 MC Judge	1,200	3,500	34%	1,000	3,500	29%	300	250	50
8020.25 Misc. Court Costs	301	8,000	4%	4,159	5,000	83%	200	354	(154)
8020.30 Prosecutor	1,418	1,000	142%	2,292	6,000	38%	1,098	-	1,098
8020.40 State Comptroller Costs	202	700	29%	248	700	35%	-	-	-
8020.41 Supplies	-	200	0%	-	200	0%	-	-	-
8020.60 Public Safety	7,085	56,680	13%	14,170	30,000	47%	7,085	7,085	-
Total 8020 Municipal Court Costs	10,206	70,080	15%	21,870	45,400	48%	8,683	7,689	994
8900 Miscellaneous	-	-	n/a	-	-	n/a	-	-	-
8900.10 Reconciliation Discrepancies	-	-	n/a	-	-	n/a	-	-	-
8900.20 Contingency Reserve	-	50,000	0%	-	-	n/a	-	-	-
Total 8900 Miscellaneous	-	50,000	0%	-	-	n/a	-	-	-
9077 General Fund Accrual	-	-	n/a	-	-	n/a	-	-	-
Unapplied Cash Bill Payment Expenditure	-	-	n/a	-	-	n/a	-	-	-
Total Expenditures	149,043	661,530	23%	111,170	388,160	29%	39,493	27,690	11,802
Net Operating Revenue	155,264	-	#DIV/0!	122,314	188,080	65%	114,049	125,773	(11,724)
Other Revenue	-	-	n/a	-	-	n/a	-	-	-
4018 Proceeds from Capital Leases	-	-	n/a	-	-	n/a	-	-	-
4500 Capital Improvement Income	142	-	n/a	1,630	-	n/a	0	482	(482)
Other Expenditures	-	-	n/a	-	-	n/a	-	-	-
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	-	-	-
8900.31 Capital Expenditures - CY	-	-	n/a	-	20,000	0%	-	-	-
8900.1 Capital Project Expenditures - FY	-	-	n/a	-	-	n/a	-	-	-
8900.11 2017 Street Improvements	208,183	-	n/a	136,601	-	n/a	-	78,370	(78,370)
8900.12 2017 Street Improvements Legal	-	-	n/a	-	-	n/a	-	-	-
8810.01 Sinking Fund Revenue	(112,724)	-	n/a	(82,825)	-	n/a	(88,383)	(82,825)	(5,558)
8810.02 Sinking Fund Interest	9,164	-	n/a	-	-	n/a	9,164	-	9,164
8810.03 Sinking Fund Principal	172,000	-	n/a	-	-	n/a	172,000	-	172,000
9900.02 Other Miscellaneous Expenditure	(208,183)	-	n/a	#####	-	n/a	-	(78,370)	-
9988 Reconciliation Discrepancies	-	-	n/a	-	-	n/a	-	-	-
Net Other Revenue	(68,298)	-	#DIV/0!	84,454	(20,000)	-422%	(92,780)	83,307	(97,717)
Net Revenue	86,966	-	#DIV/0!	206,768	168,080	123%	21,269	208,080	(109,411)

The City of Woodcreek
STATEMENT OF FINANCIAL POSITION
As of January 31, 2019

	TOTAL
ASSETS	
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	276,255.04
1008 TX Regional 053, Investment	-5.95
1008.1 Municipal Court Funds	17,987.07
1008.2 PEG Funds	36,146.10
1008.3 Reserve Funds	538,311.36
Total 1008 TX Regional 053, Investment	592,438.58
1009 TX Regional 095, Bond Proceeds	142.53
1010 Petty Cash	-41.00
1020 Investment Account - Class 0001	453,533.11
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
Total Bank Accounts	\$1,332,428.26
Accounts Receivable	
1120 Delinquent Taxes Receivable	10,574.84
Total Accounts Receivable	\$10,574.84
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	167,425.08
To Operating	
1200 Undeposited Funds	0.00
Total Other Current Assets	\$168,360.07
Total Current Assets	\$1,511,363.17
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
1235.1 Kawasaki Mule 2016	7,840.64
1240 Accumulated Depreciation - All	-195,372.00
Total Fixed Assets	\$1,649,630.81
Other Assets	
1250 Deferred Revenue	-8,308.49
1300.10 Committed for Streets Repair	0.00
Total Other Assets	\$ -8,308.49
TOTAL ASSETS	\$3,152,685.49
LIABILITIES AND EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
1900 Accounts Payable	0.00
Total Accounts Payable	\$0.00
Other Current Liabilities	
1901 Accts Payable At Year-End	0.00
2000 Payroll Tax Payable	2,978.60
2001 Federal Withholding Payable	0.00
2020 State Unemployment Liability	246.28
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
Total Other Current Liabilities	\$346,673.55
Total Current Liabilities	\$346,673.55
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
Total Bonds Payable Construction Project Funds	1,037,000.00
Total Long-Term Liabilities	\$1,037,000.00
Total Liabilities	\$1,383,673.55
Equity	
9997 Net Investment In Capital Assets	144,132.96
9998 Opening Balance Equity	329,816.47

	TOTAL
9999 Retained Earnings	1,208,096.03
Net Revenue	86,966.48
Total Equity	\$1,769,011.94
TOTAL LIABILITIES AND EQUITY	\$3,152,685.49



Legislative **UPDATE**

February 8, 2019
Number 6

Make Your Case to the Voters? **Sure, if You Like Sitting in Jail...**

Supporters of the radical 2.5 percent city and county revenue cap routinely say it's not a cap because city officials can simply "make their case to the voters" before the rollback election. Seems reasonable, but it's not a great idea because any city official who attempts to do so would be a criminal.

Cities are prohibited by the Election Code from using *any* city resources to argue for or against a ballot proposition, which is what a rollback proposition is. While cities can put out a statement of fact, such as a flyer stating how much estimated revenue would be lost, they can't advocate.

The Texas Ethics Commission has devoted an entire web page to the topic. According to the commission, any amount of advocacy in favor of a proposition is unacceptable. By unacceptable, we mean a city official who does so is *subject to criminal prosecution for a Class A misdemeanor* (punishable by a fine of up to \$4,000 and confinement in jail for up to one year) and civil penalties.

Under current law, advocacy can be as innocuous as stating “let’s invest in the future.” In fact, the legislature and the commission set up a program under which cities can submit their proposed literature for review to ensure that no one goes to jail for using a wrong word in a white paper or mailer. This is not a speculative issue – local government officials have been the subject of criminal investigations and local governments have been ordered to pay civil penalties, all for advocating for a better place to live.

If a city can’t explain its reasoning for a particular year’s property tax increase, but the anti-tax interest groups can freely argue against it, it’s like fighting with both hands tied behind your back. Any reduction in the rollback rate should be accompanied by legislation that gives cities a fair playing field when it comes to explaining why the budget proposes to spend what it does.

Think about it this way: with no context whatsoever about why a certain tax increase might be necessary, a voter would be crazy not to vote no on any tax increase. It’s human nature. Your TML staff would probably vote no on a rollback election at 2.5 percent given the ridiculous one-sidedness of the legal restrictions under current law.

Unsurprising Hearing on Property Tax Reform

The governor presented his biennial “State of the State” address this week. Unsurprisingly, he declared property tax reform as an “emergency item,” which means it will be a priority early in the session.

To that end, the Senate Committee on Property Tax held its hearing on S.B. 2, the property tax reform bill containing a 2.5 percent revenue cap, on Wednesday. By their treatment of local government witnesses, the chair and most members of the committee clearly saw the passage of the bill as a foregone conclusion.

In fact, the chair stated more than once that he wouldn’t listen to suggestions from those who are opposed to the bill. He encouraged witnesses to change their testimony to neutral by stating that he would listen to their suggestions if they did.

Overall, some on the committee appeared to see city officials as a nuisance and treated them with disrespect and disdain.

This [Houston Chronicle article](#) provides an interesting summary of how city and county officials were treated.

The bill was left pending in committee at the conclusion of the hearing. Thanks to the dozens of city officials who testified convincingly about the effects of a 2.5 percent cap on public safety and other critical city services.

Get Involved: **TML Grass-Roots Involvement Program**

The Texas Municipal League is once again implementing our Grass-Roots Involvement Program (GRIP). GRIP collects information about your relationship with your legislators and is one way TML staff contacts city officials regarding action on harmful legislation.

To participate in GRIP, go to <http://bit.ly/TMLGRIP2019> and fill out the online form. If you have any questions, please contact JJ Rocha at jj@tml.org or 512-231-7400.

City-Related Bills Filed

Property Tax

H.B. 564 (Nevarez) – Property Tax Appraisal: would amend the definition of “heavy equipment” for purposes of the property taxes imposed on dealer’s heavy equipment inventory to exclude a natural gas compressor package or unit.

H.B. 1201 (Raymond) – Property Tax Exemption: would exempt from property taxes real property owned by a charitable organization for the purpose of providing: (1) housing counseling services without regard to the beneficiaries’ ability to pay; and (2) rental housing to low-income and moderate-income individuals and families at below-market rates.

H.B. 1213 (Hefner) – Property Tax on Agricultural Land: would repeal the additional property taxes imposed as a result of certain changes in the use of open-space land appraised as agricultural land.

H.B. 1254 (Murphy) – Property Tax Exemption: would provide that land secured by a home equity loan may be designated for agricultural use for property tax purposes. (Companion is S.B. 474 by Hancock.)

H.B. 1265 (Bailes) – Property Tax Freeze: would provide that, if an individual who receives a property tax freeze on county, municipal, or junior college district tax increases subsequently qualifies a different homestead for a residence homestead exemption in a different county, municipality, or junior college district that has established a property tax freeze, that the property tax freeze continues on the subsequently qualified property. (See H.J.R. 60, below.)

H.B. 1313 (P. King) – Property Tax Appraisal: would, among other things, provide that the chief appraiser may not increase the appraised value of a property that has the valued lowered through challenge in the previous year unless the increase by the chief appraiser is reasonably supported by clear and convincing evidence.

H.B. 1333 (Krause) – Property Tax Administration: would: (1) on written request of a residential property owner that is occupied by the owner as the owner’s principal residence,

require the chief appraiser to send by email to the property owner each notice related to the following: (a) a change in value of the property; or (b) the grant, denial, cancellation, or other change in the status of an exemption or exemption application applicable to the property; (2) provide that a chief appraiser who delivers a notice electronically under (1), above, is not required to mail the same notice to the property owner; (3) provide that an individual is ineligible to serve on the appraisal district board if the individual is an officer or employee of a taxing unit that participates in the district; (4) provide that an individual may not be employed by an appraisal district if the individual is an officer or employee of a taxing unit that participates in the appraisal district; (5) require the chief appraiser of each appraisal district to maintain a list of the following individuals who have designated themselves as an individual who will provide free assistance to an owner of residential property that is occupied by the owner as the owner's principal residence: (a) a licensed real estate broker or sales agent; (b) a licensed or certified real estate appraiser; or (c) a registered property tax consultant; (6) for a residential property that has not qualified for a residence homestead exemption in the current tax year, require the chief appraiser to send to the property owner a specific notice informing the property owner of the eligibility of the property for a homestead exemption, accompanied by an application form for a residence homestead exemption; and (7) require a chief appraiser to deliver a clear and understandable written notice to a property owner if an exemption or partial exemption approved for the preceding year was cancelled or reduced for the current year.

H.B. 1409 (Ashby) – Property Tax Appraisal: would, among other things, limit the ability of a chief appraiser to consider certain considerations when appraising property as timber land or restricted-use timberland.

H.J.R. 60 (Bailes) – Property Tax Freeze: would amend the Texas Constitution to authorize the legislature to provide for the transfer of a proportionate amount of a tax freeze for a person who qualifies for the freeze and establishes a different residence homestead within a different county, city, or junior college district, if that county, city, or junior college district has established a tax freeze. (See **H.B. 1265**, above.)

S.B. 540 (Kolkhorst) – Property Tax Exemption: would lengthen the duration of a residence homestead property tax exemption for property that is rendered uninhabitable or unusable by a casualty or by wind or water damage from two years to five years if: (1) the property is located in an area declared to be a disaster area by the governor following a disaster; and (2) the residential structure located on the property is rendered uninhabitable or unusable as a result of the disaster.

S.B. 547 (Watson) – Property Tax Exemption: would provide that certain property acquired by a charitable organization to provide low-income housing may qualify for an exemption up to the 10th anniversary of the date the organization acquires the property.

S.B. 596 (Buckingham) – Property Tax Appraisal: would: (1) prohibit an appraisal district or the appraisal review board for an appraisal district from requiring a property owner to pay a fee in connection with a protest filed by the owner with the board; (2) prohibit an appraisal district from offering as evidence in a hearing on certain protests the appraised value of a property comparable to the property that is the subject of the protest if the comparable property is or was

the subject of a protest for that tax year unless the appraisal district at or before the hearing provides to the owner of the property a statement that the comparable property is or was the subject of a protest for that tax year; (3) provide that the appraisal review board may not determine the appraised value of the property that is subject of a protest to be an amount greater than the appraised value of the property as shown in the appraisal records submitted to the board by the chief appraiser unless agreed to by the parties to the protest. (See S.J.R. 36, below.)

S.B. 597 (Buckingham) – Property Tax Protests: would prohibit an appraisal district or the appraisal review board for an appraisal district from requiring a property owner to pay a fee in connection with a protest filed by the owner with the board. (See S.J.R. 36, below.)

S.B. 598 (Buckingham) – Property Tax Protests: would provide that the appraisal review board may not determine the appraised value of the property that is subject of a protest to be an amount greater than the appraised value of the property as shown in the appraisal records submitted to the board by the chief appraiser, unless agreed to by the parties to the protest.

S.B. 599 (Buckingham) – Property Tax Protests: would prohibit an appraisal district from offering as evidence in a hearing on certain protests the appraised value of a property comparable to the property that is the subject of the protest if the comparable property is or was the subject of a protest for that tax year, unless the appraisal district at or before the hearing provides to the owner of the property a statement that the comparable property is or was the subject of a protest for that tax year.

S.B. 600 (Buckingham) – Property Tax Reform: would: (1) require a mandatory election on the November uniform election date for all cities that adopt a property tax rate exceeding the eight percent rollback rate (instead of a citizen-initiated election as provided in current law); and (2) make numerous calendar changes to the property tax appraisal, collection, and rate-setting process in order to have property tax ratification elections on the November uniform election date, including among others: (a) requiring the appraisal district to certify the appraisal roll to taxing units by July 10th (instead of July 25th under current law); (b) requiring the tax assessor/collector to submit the appraisal roll showing the total appraised, assessed, and taxable values of all property and the total taxable value of new property to the governing body of the taxing unit by July 15th, or as soon thereafter as practicable (instead of August 1st under current law); (c) requiring the designated officer or employee of the taxing unit to submit the tax rates to the governing body by July 22nd; and (d) requiring taxing units adopting a tax rate exceeding the lowered rollback tax rate to do so before August 15th (instead of September 30th under current law) (NOTE: this would also require a city that adopts a tax rate exceeding the rollback rate to adopt its budget before August 15th, as state law provides that property taxes may only be levied in accordance with the city budget).

S.B. 635 (Flores) – Property Tax Protests: would: (1) require the appraisal review board and the chief appraiser to review the evidence or argument provided by a property owner before the hearing on the protest; and (2) provide that, for appeals of orders issued by an appraisal review board located in a county with a population of less than 120,000, a property owner may bring an appeal to a justice court under certain circumstances.

S.B. 657 (Creighton) – Appraisal Cap: would reduce the property tax appraisal cap on residence homesteads from ten percent to the following applicable percentage: (1) three percent if the appraised value of a homestead is \$1 million or less; or (2) five percent if the appraised value of a homestead is more than \$1 million.

S.J.R. 36 (Buckingham) – Property Tax Protests: would amend the Texas Constitution to prohibit an appraisal entity or the board of equalization for an appraisal entity from requiring a property owner to pay a fee in connection with a protest filed by the owner with the board. (See S.B. 596 and S.B. 597, above.)

Sales Tax

No city-related sales tax bills were filed this week.

Purchasing

H.B. 169 (Canales) – Labor Laws/Contracting: would provide that a governmental entity may not enter into a governmental contract with a contractor unless the contractor certifies in writing to the entity that during the three years preceding the date of the contract the contractor, including any subcontractor, was not found guilty or liable in any judicial or administrative proceeding more than once for a violation of various state and federal labor laws.

H.B. 1211 (Darby) – Professional Services Indemnity: would provide that: (1) a covenant or promise in, in connection with, or collateral to a construction contract other than a contract for a single family or multifamily residence is void and unenforceable if the covenant or promise provides for a registered architect or licensed engineer whose engineering or architectural design services are the subject of the construction contract to defend, indemnify, or hold harmless an owner or owner's agent or employee from liability for damage that is caused by or results from the negligence of a person other than the architect or engineer; and (2) a contract for engineering or architectural services must require a licensed engineer or registered architect to perform services with the professional skill and care ordinarily provided by competent engineers or architects practicing under the same or similar circumstances and professional license.

H.B. 1352 (Capriglione) – Computer Services: would: (1) in regard to a contract with a value of \$100,000 or more, require a city that contracts with a vendor at an hourly rate for professional computer or information technology services to require the vendor to create accounting records (using software that verifies the work performed during the hours billed and that meets various other requirements); and (2) require a vendor to retain the accounting records in (1) for at least seven years and provide the city or its auditor access to the data on request free of charge.

Elections

H.B. 542 (Nevarez) – Voter Identification: would provide that an official Native American tribal document that contains the person’s photograph and is issued by a tribe that is federally recognized and located in this state is an acceptable form of identification for voting.

H.B. 1200 (Beckley) – Voter Registration: would, among other things, provide that: (1) an election officer serving a polling place for early voting by personal appearance is a deputy voter registrar and has the same authority as a regular deputy registrar; (2) a person who would be eligible to vote in an election but for the requirement to be a registered voter must be accepted during early voting by personal appearance for voting the ballot for the precinct of the person’s residence as shown by the identification presented if the person: (a) submits a voter registration application that complies with state law to an election officer at the polling place; and (b) presents as proof of residence: (i) a Texas driver’s license or personal identification card that states the person’s current address on the day the person seeks to vote; or (ii) a utility bill addressed to the person dated not earlier than the 30th day before the date the person seeks to vote along with one of several types of permissible identification; (3) an election officer must make a copy of the proof of residence, attach it to the registration application, and return the original proof of residence to the voter; (4) a person voting under (2), above, shall vote a provisional ballot; and (5) the secretary of state may, by rule, designate additional documents that a person may offer to prove the person’s residence to register and vote. (Companion bill is S.B. 165 by Rodriguez.)

H.B. 1205 (Anchia) – Voting System Grants: would establish a voting system fund and authorize a city or county to apply to the secretary of state for a grant to replace voting system equipment.

H.B. 1220 (Clardy) – Paper Ballots: would allow a countywide polling place to have paper ballots available for each voter who requests one.

H.B. 1237 (Bucy) – Early Voting: would, among other things, provide that: (1) the authority ordering an election may order early voting by personal appearance at the main early voting polling place to be conducted during an early voting period extended from the fourth day before election day for any number of consecutive days up to and including the day before election day; and (2) an authority that extends early voting under (1), above, shall order personal appearance voting at the main early voting polling place to be conducted for at least 12 hours on any weekday or Saturday and for at least five hours on any Sunday of the extended early voting period.

H.B. 1238 (Bucy) – Internet Database: would: (1) require the secretary of state to post on the secretary of state’s website a database containing information about each holder of and candidate for any elected office in the state; (2) require an election authority to provide information about a candidate or officeholder to the secretary of state; and (3) prohibit a candidate’s name from being printed on the ballot until the candidate’s name appears on the secretary of state’s internet database.

H.B. 1241 (Bucy) – Polling Place: would require a notice of a polling place location to include the building name, if any, and street address of the polling place.

H.B. 1260 (Guillen) – Joint Elections: would require joint elections whenever elections ordered by the authorities of two or more political subdivisions are to be held on the same day in all or part of the same county.

H.B. 1269 (Holland) – School Campus Polling Locations: would provide that: (1) school campus that is designated as a polling place may not provide student instruction on a day the campus serves as a polling place; and (2) a school district may designate a day that a school campus serves as a polling place as a staff development day.

H.B. 1322 (Bucy) – Voting in Jail: would: (1) require the Texas Secretary of State to prescribe a written notice to be provided to each person confined in a city or county jail that states: (a) that a person eligible to vote may vote an absentee ballot from jail; (b) the upcoming election dates; and (c) the applicable voter registration deadlines and absentee ballot request deadlines; (2) require that a notice in (1) be printed in English, Spanish, Vietnamese, and Mandarin, and any other primary language requested by a person who does not speak one of the aforementioned languages; and (3) require the authority in charge of the jail to facilitate the delivery of voter registration applications, applications for ballots to be voted by mail, and marked ballots to eligible persons and pay any related postage.

H.B. 1366 (Rosenthal) – Voting by Mail: would: (1) allow a voter to deliver a marked ballot in person to a polling place while polls are open during the early voting period or on election day; and (2) require the voter to present an acceptable form of identification.

Open Government

No city-related open government bills were filed this week.

Other Finance and Administration

H.B. 1155 (Oliveron) – Attorney’s Fees: would: (1) allow the a “prevailing party” in a suit for damages for the overflow of water to recover attorney’s fees; and (2) not limit the definition of “prevailing party” to exclude cities, thus subjecting cities to liability for attorney’s fees.

H.B. 1214 (Cyrer) – Parks Funding: would, among other things, require the legislature to allocate sporting goods sales tax revenue credited to the Parks and Wildlife Department to department accounts specified in the Parks and Wildlife Code in specific amounts provided in the General Appropriations Act, and those amounts may be used only for the following purposes: (1) to acquire, operate, maintain, and make capital improvements to parks; (2) for assistance to local parks; (3) to pay debt service of bonds issued by the department; (4) to fund the state contributions for benefits and benefit-related costs attributable to the salaries and wages of department employees paid from sporting goods sales tax receipts; and (5) to fund the state contributions for annuitant group coverages under the group benefits program operated by the Employees Retirement System of Texas. (Companion is S.B. 526 by Kolkhorst.)

H.B. 1229 (Shaheen) – Newspaper Notice: would allow a political subdivision to satisfy a requirement to provide notice by newspaper publication by posting the notice continuously from the earliest date provided for in the requirement until the day after the date the action for which notice was required occurs: (1) on its Internet website; or (2) on a social media website, if the political subdivision controls the content of the posting and the notice is easily found by searching the name of the political subdivision on the Internet.

H.B. 1243 (Ashby) – Mixed Beverage Taxes: would require the comptroller to deposit to the credit of the drug court account 10.7143 percent of the mixed beverage taxes received from permittees outside an incorporated city.

H.B. 1284 (Lambert) – Ungraded Eggs: would provide, among other things, that: (1) a person may sell eggs produced by the person's flock directly to a consumer or at wholesale if the eggs are clearly labeled as "ungraded;" and (2) a state agency or political subdivision may not prohibit a person from purchasing, reselling, or using the eggs in (1).

H.B. 1332 (Israel) – Juvenile Curfews: would: (1) repeal current law authorizing a city to adopt a juvenile curfew; and (2) expressly prohibit a political subdivision from adopting or enforcing a juvenile curfew that regulates the movements or actions of persons younger than 18 years of age, except in relation to certain emergency management situations.

H.B. 1344 (Thompson of Brazoria) – Non-Road Diesel Subaccount: would (1) establish the non-road diesel subaccount in the state treasury; and (2) provide that money in the non-road diesel subaccount may be used only to provide grants for non-road diesels.

H.B. 1347 (C. Bell) – Federal Action: would: (1) establish a joint legislative committee to review any federal action to determine whether such action is unconstitutional; (2) provide that any federal action found by the joint legislative committee to be unconstitutional be sent to the legislature for a determination and then on to the governor for approval or disapproval; (3) provide that any federal action declared to be unconstitutional has no legal effect in Texas; (4) prohibit the state or a political subdivision of the state from spending money to implement a federal action declared unconstitutional; (5) authorize the attorney general (and others) to prosecute a person who attempts to implement or enforce an unconstitutional federal action for official oppression, as well as other provisions of law; and (6) entitle a person to seek a declaratory judgment that a federal action is unconstitutional and give all courts original jurisdiction over such a proceeding.

H.B. 1359 (Wu) – Attorney Identification: would: (1) allow state bar members to enter a court without passing through security if they present their state bar membership card instead of an identification card; and (2) prohibit a county or city from enforcing an ordinance that conflicts with (1).

S.B. 471 (Hughes) – Attorney's Fees: would: (1) allow the recovery of attorney's fees from another "person" in certain civil cases. (Note: "Person" is defined in the Code Construction Act, to include cities.)

S.B. 526 (Kolkhorst) – Parks Funding: would, among other things, require the legislature to allocate sporting goods sales tax revenue credited to the Parks and Wildlife Department to department accounts specified in the Parks and Wildlife Code in specific amounts provided in the General Appropriations Act, and those amounts may be used only for the following purposes: (1) to acquire, operate, maintain, and make capital improvements to parks; (2) for assistance to local parks; (3) to pay debt service of bonds issued by the department; (4) to fund the state contributions for benefits and benefit-related costs attributable to the salaries and wages of department employees paid from sporting goods sales tax receipts; and (5) to fund the state contributions for annuitant group coverages under the group benefits program operated by the Employees Retirement System of Texas. (Companion is **H.B. 1214** by Cyrier.)

S.B. 548 (Birdwell) – Texas Ethics Commission: would make various changes related to: (1) the process of handling complaints filed with the Texas Commission against elected officials; and (2) certain filings submitted to the commission, including filings by political action committees.

S.B. 568 (Huffman) – Child-Care Facilities: would: (1) create a safety training account for the Health and Human Services Commission (HHSC) to provide safety training materials at no cost to a licensed child-care facilities; (2) require HHSC to establish safe sleeping standards for child-care facilities; and (3) creates new administrative penalties for various violations including failure to comply with safe sleeping standards.

S.B. 572 (Kolkhorst) – Cottage Foods: would: (1) expand the definition of “cottage food production operation” to include pickled vegetables, fermented products, and canned goods that are acidified or low acid; (2) require a cottage food production operation producing a fermented product or a canned good that is acidified or low acid to submit the recipe to and get approval from the Texas Department of Health and Human Services (department) to sale the product; and (3) require the department to study the competitiveness of the Texas cottage food industry.

S.B. 652 (Campbell) – Certificates of Obligation: would: (1) provide that the governing body of an issuer of certificates of obligation (COs) may not authorize a CO to pay a contractual obligation to be incurred if a bond proposition to authorize the issuance of bonds for the same purpose was submitted to the voters during the preceding ten years and failed to be approved; (2) require an issuer of COs to publish notice of the issuance continuously on the issuer’s Internet website for at least 30 days before the date tentatively set for the passage of the order or ordinance authorizing the issuance of the COs; and (3) require an issuer of COs to maintain an internet website to comply with (2), above.

Municipal Courts

H.B. 1316 (Moody) – Criminal History Record Information: would: (1) allow an attorney representing the state in a criminal case to disclose to the defendant or attorney representing the defendant the criminal history record information (CHRI) of the defendant or potential witness that was obtained from Department of Public Safety or the FBI; and (2) use the CHRI as notice

to the defendant or attorney representing the defendant of the state's intention to use the CHRI to introduce evidence of other crimes, wrongs or acts committed by the defendant or evidence of the prior criminal record of a potential witness in the case, if timely disclosed to the defendant or attorney representing the defendant.

H.B. 1319 (Moody) – Judgments: would consider a judgement and sentence rendered in municipal court if: (1) the defendant enters a plea of guilty or nolo contendere and pays the amount of the fine and costs owed to the state; (2) the court finds the defendant guilty and accepts the defendant's payment as payment in full for the amount owed; and (3) the court create a record of the acceptance of the court's findings and the defendant's plea and payment.

H.B. 1364 (Wu) – Juveniles: would, in various statutes, change the age of a child within the jurisdiction of a juvenile court from 10 to 12 years of age and from 17 to 19 years of age.

S.B. 529 (Birdwell) – Juvenile Court Proceedings: would allow the court to exclude the public from a juvenile court proceeding on the motion of any party if the court determines public access to the proceeding: (1) could harm the child, endanger the ability of the child to have a fair trial, or endanger a victim of the conduct of the child; (2) the potential harm to the child or victim outweighs the benefits of public access to the proceeding; and (3) the harm can be remedied only by excluding the public from the proceeding.

S.B. 550 (West) – Criminal History Record Information: would, under certain conditions: (1) allow certain defendants to petition the court that placed the defendant on community supervision for an order of nondisclosure of criminal history record information (CHRI); and (2) require the court that grants an order of nondisclosure of CHRI to issue an order prohibiting criminal justice agencies from disclosing to the public that defendant's CHRI.

S.B. 561 (Zaffirini) – Municipal Court Judges: would require judges in a municipal court of record: (1) to have eight or more years of experience in the practice of law or as a judge of a court in this state, or both combined, preceding election or appointment; and (2) be at least 25 years of age.

Community and Economic Development

H.B. 852 (Holland) – Building Permit Fees: would provide that: (1) in determining the amount of a building permit or inspection fee required in connection with the construction or improvement of a residential dwelling, a city may not consider: (a) the value of the dwelling; or (b) the cost of constructing or improving the dwelling; and (2) a city may not require the disclosure of information related to the value of or cost of constructing or improving a residential dwelling as a condition of obtaining a building permit.

H.B. 1000 (Paddie) – Rural and Opportunity Fund: would create: (1) the rural and opportunity fund in which the Texas Economic Development and Tourism Office will accept and approve applications from cities in the qualified areas to use the money for credit-eligible capital

contributions to create or retain jobs for targeted small businesses; and (2) a tax credit for entities participating in the rural and opportunity fund against the entity's state insurance tax liability.

H.B. 1215 (Collier) – Low Income Housing Tax Credits: would: (1) provide that the Texas Department of Housing and Community Affairs (“Department”) may require, as part of the threshold criteria under a qualified allocation plan (“QAP”), that a proposed development satisfy certain criteria relating to educational quality specified in the plan; (2) prohibit the Department from adopting a QAP that uses a scoring system to award points to an application for housing credits based on criteria relating to the educational quality applicable to a proposed development; and (3) require that the governing board of the Department ensure that the 2018 QAP conforms to the requirements of (1) and (2) above.

H.B. 1221 (Patterson) – Economic Development Corporation: would allow an economic development corporation to do a project for: (1) general infrastructure, limited to the development, improvement, maintenance, or expansion of streets and roads, water supply facilities, or sewage facilities; and/or (2) improving, enhancing, or supporting public safety, including: (a) expenditures for improving public safety facilities; (b) expenditures for public safety equipment and for first responders and other personnel; and (c) other expenditures that enhance the level of services provided by public safety facilities; by an election ordered by either (1) a majority of the city council or (2) a petition of 10% of the number of voters participating in the last general election held by the city.

H.B. 1246 (Ashby) – Eminent Domain: would: (1) provide that the required landowner's bill of rights must disclose that a condemning entity that makes an initial offer that includes real property that the entity does not seek to acquire by condemnation shall in the initial offer: (a) separately identify the real property that the entity does not seek to acquire by condemnation; and (b) make an offer for the real property that the entity does not seek to acquire by condemnation separate from the offer made for the real property sought to be acquired by condemnation; and (2) a condemning entity that makes an initial offer that includes real property that the entity does not seek to acquire by condemnation shall in the initial offer: (a) separately identify the real property that the entity does not seek to acquire by condemnation; and (b) make an offer for the real property that the entity does not seek to acquire by condemnation separate from the offer made for the real property sought to be acquired by condemnation. (Companion bill is S.B. 553 by Schwertner.)

H.B. 1252 (Rodríguez) – Grocery Access Investment Fund Program: would require the Texas Department of Housing and Community Affairs (TDHCA) to establish the Texas grocery access investment fund program to provide financing to construct, rehabilitate, or expand grocery stores, mobile markets, farm stands, and other eligible projects as determined by the TDHCA to increase food access in underserved low-income and moderate-income areas.

H.B. 1253 (Leman) – Eminent Domain: would, in relation tolling a property owner's right of repurchase: (1) eliminate the following as elements establishing “actual progress” on a project: (a) the acquisition of a tract or parcel of real property adjacent to the property for the same public use project for which the owner's property was acquired; or (b) for a governmental entity, the adoption by a majority of the entity's governing body at a public hearing of a development plan

for a public use project that indicates that the entity will not complete more than one tolling action before the tenth anniversary of the date of acquisition of the property; and (2) require three of five remaining elements to be met to establish actual progress. (Companion bill is S.B. 554 by Schwertner.)

H.B. 1257 (Rosenthal) – Rental Housing: would repeal the provisions in current law that generally prohibits a city or county from adopting or enforcing an ordinance or regulation that prohibits an owner, lessee, sublessee, assignee, managing agent, or other person having the right to lease, sublease, or rent a housing accommodation from refusing to lease or rent the housing accommodation to a person because the person's lawful source of income to pay rent includes funding from a federal housing assistance program.

H.B. 1258 (Craddick) – Payday and Auto Title Lending: would, among other things: (1) provide that a municipal ordinance regulating credit access businesses is not preempted by state law; (2) provide that, if a municipal ordinance conflicts with a provision of state law, the more stringent regulation controls; (3) require the contract and other documents provided by a credit access business to be written wholly in English or the language in which the contract is negotiated, and read in their entirety in the language in which the contract is negotiated to any consumer who cannot read; (4) prohibit a credit services organization from assisting a consumer in obtaining an extension of consumer credit in any form other than a single-payment payday loan, multiple-payment payday loan, single payment auto title loan, or multiple-payment auto title loan; (5) provide that each day of a continuing violation of a provision related to state notice and disclosure requirements or state licensing and regulation requirements by a credit services organization constitutes a separate offense; (6) provide that the general limitations on payday and auto title loans in the bill apply to any consumer physically located in this state at the time the loan is made, regardless of whether the loan was made in person in this state; (7) require a credit access business to require certain types of documentation to establish a consumer's income for purposes of extending credit; (8) provide that a single-payment payday loan: (a) may not exceed 20 percent of the consumer's gross annual income; (b) may not be refinanced more than three times, with the amount of each refinanced payment used to repay at least 25 percent of the principal amount of the original debt; (9) provide that a multiple-payment payday loan: (a) may not exceed 20 percent of the consumer's gross monthly income; and (b) may not be payable in more than four installments, with the amount of each payment used to repay at least 25 percent of the principal amount of the debt; (10) provide that a single-payment auto title loan: (a) may not exceed the lesser of 70 percent of the retail value of the motor vehicle securing the debt, or three percent of the consumer's gross annual income; and (b) may not be refinanced more than three times, with the amount of each refinanced payment used to repay at least 25 percent of the principal amount of the original debt; (11) provide that a multiple-payment auto title loan: (a) may not exceed the lesser of 70 percent of the retail value of the motor vehicle securing the debt, or three percent of the consumer's gross annual income; and (b) may not be payable in more than four installments, with the amount of each payment used to repay at least 25 percent of the principal amount of the debt; (12) require any refinance of a payday or auto title loan to: (a) be authorized by state law; (b) be in the same form as the original loan; and (c) meet all requirements applicable to the original loan; and (13) require a credit access business to maintain a complete set of records of all loans and retain the records until the third anniversary of the date of the loan.

H.B. 1385 (T. King) – Industrialized Housing: would expand the maximum allowable height of industrialized housing and buildings.

H.B. 1402 (Walle) – Affordable Housing: would provide that the public purpose of the Texas State Affordable Housing Corporation is to perform activities and services that the corporation's board of directors determines will promote the public health, safety, and welfare through the provision of adequate, safe and sanitary housing and economic development opportunities primarily for individuals and families of low to moderate income and for persons who are eligible for loans under the home loan program. (Companion is S.B. 647 by Lucio.)

S.B. 542 (Watson) – Housing Tax Credits: would: (1) allow, in all counties, the Texas Department of Housing and Community Affairs (department) to allocate housing tax credits to more than one development in a single community, in the same calendar year, if: (a) the developments are more than two miles apart; or (b) the applicant obtains prior approval of the development from the city council of the city containing the development; and (2) allow the department to adopt rules for specific geographic areas of the state.

S.B. 543 (Watson) – Housing Tax Credits: would prohibit the Texas Department of Housing and Community Affairs (department) from allocating housing tax credits to a development proposed by an applicant who owns one or more existing developments supported by housing tax credits unless the applicant agrees, as part of any conditions imposed by the department in connection with the allocation of housing tax credits for the proposed development, to waive the applicant's right to sell any existing development through the use of a qualified contract during the extended use period.

S.B. 544 (Watson) – Affordable Housing: would: (1) require the Texas Department of Housing and Community Affairs to allocate up to 15 percent of set-aside funds (funds for small cities and rural areas that do not qualify for funds under the Cranston-Gonzalez National Affordable Housing Act) to participating jurisdictions as necessary to meet the requirements of federal law; and (2) provide that eligibility to apply for set-aside funds is determined by federal law, and must be allocated by the department in accordance with any applicable spending plan required under federal law.

S.B. 545 (Watson) – Affordable Housing: would require that the preapplication, application, evaluation, and scoring of certain applications for housing funds administered by the Texas Department of Housing and Community Affairs provide for written notice to: (1) any neighborhood organization on record and in good standing with the secretary of state; or (2) if applicable and verifiable, the county or city in which the development described in the application is to be located and whose boundaries contain the proposed site.

S.B. 546 (Watson) – Housing Authorities: would provide that a person who is a recipient of housing assistance administered through a municipal housing authority's choice voucher program or project-based rental assistance program could be appointed as a commissioner of the authority.

S.B. 552 (Schwertner) – Eminent Domain: would provide that the required Landowner’s Bill of Rights must include: (1) the condemning entity’s obligations to the property owner, including the responsibility for any damages arising from an examination or survey of the property; (2) the property owner’s options during a condemnation, including the property owner’s right to: (i) refuse to grant permission to the condemning entity to enter the property and conduct an examination or survey of the property; and (ii) negotiate the terms of the examination or survey of the property; and (3) the condemning entity’s right to sue for a court order authorizing the examination or survey if the property owner refuses to grant permission for the examination or survey. (Companion bill is **H.B. 1245** by Ashby.)

S.B. 555 (Schwertner) – Eminent Domain: would provide that, if additional property taxes are due because land has been diverted to a nonagricultural use as a result of a condemnation, the additional taxes and interest are the personal obligation of the condemning entity and not the property owner from whom the property was taken. (Companion bill is **H.B. 1247** by Ashby.)

S.B. 594 (Kolkhorst) – Disaster Recovery: would: (1) create a business advisory council on disaster recovery and mitigation to advise the Commissioner of the General Land Office on various issues, including disaster recovery mitigation and resilience related to housing, issues faced by local governments, and solutions to address inefficiencies or problems in local governmental disaster response; and (2) provide that the council in (1) consist of representatives of banking and insurance, construction, manufacturing, oil and gas, tourism and hospitality, and small business.

S.B. 595 (Kolkhorst) – Community Development Block Grants: would, among other things, require: (1) the state auditor conduct an audit, each fiscal year, of the distribution and expenditure of federal community development block grant disaster recovery program money that is received by the state and distributed to another entity, including a political subdivision; (2) the audit identify each recipient of grant money and specify the amount of grant money received by each recipient; and (3) a political subdivision receiving grant money cooperate with and provide assistance to the state auditor conducting the audit.

S.B. 648 (Zaffirini) – Plastic Bag Regulations: would provide that the term “container or package” in Health and Safety Code Section 361.0961 (the statute that is construed by the Texas Supreme Court to preempt city plastic bag regulations) does not include a single-use bag provided by a retail business to a customer at the point of sale for the purpose of transporting purchases. (Companion bill is **H.B. 514** by Hinojosa.)

Personnel

H.B. 1090 (C. Bell) – Workers’ Compensation Liability: would: (1) expand the definition of first responder to include: (a) an emergency response operator or emergency services dispatcher who provides communication support services for a governmental entity by responding to requests for assistance in emergencies; and (b) other emergency response personnel employed by a governmental entity; and (2) expand the waiver of sovereign or governmental immunity from suit for claims of workers compensation discrimination to such first responders.

H.B. 1256 (Phelan) – First Responder Immunization History: would provide the following individuals with direct access to the state immunization registry to verify a first responder's immunization history during a federal or state declared disaster: (1) the first responder; and (2) with the first responder's electronic or written consent and during the preparation for or response to the disaster, the: (a) first responder's employer; or (b) a person, other than the first responder's employer, who is acting as the first responder's supervisor for the disaster.

H.B. 1336 (Pacheco) – Minimum Wage: would increase the minimum wage to not less than the greater of \$10 an hour or the federal minimum wage (currently at \$7.25).

H.B. 1383 (Lozano) – Jury Service: would provide that the following individuals may be exempt from jury service: (1) a firefighter employed by a city, county, or a special district; and (2) a police officer employed by a police department of a city or county. (This bill is identical to H.B. 354 by Herrero.)

S.B. 586 (Watson) – Training Requirements: would, among other things: (1) add, to the required peace officer training program, training to investigate cases involving child abuse or neglect, family violence, and sexual assault that includes the use of best practices and trauma-informed techniques to effectively recognize, document, and investigate those cases; and (2) require the Texas Commission on Law Enforcement establish minimum requirements for the training, testing, and certification of special officers to respond to allegations of family violence or sexual assault.

S.B. 589 (Watson) – Confidentiality Agreements: would: (1) make a nondisclosure or confidentiality agreement or similar agreement between an employer and an employee void and unenforceable if the agreement prohibits: (a) an employee from notifying or limits the employee's ability to notify a law enforcement agency or regulatory agency of sexual assault or sexual harassment committed by another employee or at the employee's place of employment; (b) an employee from disclosing to any person, including during any related investigation, prosecution, legal proceeding or dispute resolution, facts surrounding any sexual assault or sexual harassment committed by another employee or at the employee's place of employment, including the identity of the alleged offender; (2) provide that a mandatory arbitration agreement between an employer and an employee is void and unenforceable to the extent the agreement imposes mandatory arbitration of a dispute involving an allegation of sexual assault or sexual harassment; (3) make it an unlawful employment action for an employer to refuse to hire, discharge, harass or discriminate against an individual who refuses to sign an agreement described in (1) and (2); and (4) allow a settlement agreement related to a claim filed in a civil action or a complaint filed in an administrative action involving sexual assault or sexual harassment committed by another employee or at the employee's place of employment to contain a provision that prevents the disclosure of factual information related to the claim or complaint.

Public Safety

H.B. 404 (S. Thompson) – Asset Forfeiture: would, with certain exceptions, repeal the law related to civil asset forfeiture and establish criminal asset forfeiture in this state, and among other things: (1) authorize a convicting court to order a person convicted of an offense subject to forfeiture to forfeit certain property, but only after the state establishes by clear and convincing evidence that the requirements for forfeiture are met or enters into a court-approved plea agreement for the forfeiture of the property; (2) provide that contraband is not subject to forfeiture, but is subject to seizure and must be disposed in accordance with state law; (3) establish procedures for the seizure of real and personal property and for the defendant to challenge the seizure; (4) provide that a forfeiture proceeding must be held following the trial of the related alleged offense; (5) authorize a defendant, at any time following a forfeiture determination, to petition the court to determine whether the forfeiture is unconstitutionally excessive; (6) prohibit the property of an innocent owner from being forfeited; (7) require that the county treasurer dispose of all forfeited and abandoned property and deposit the money in the general revenue fund of the county, except those proceeds used to pay outstanding recorded liens and expenses for the seizure, storage and maintenance or custody of the items; (8) prohibit a law enforcement agency from: (a) retaining any forfeited or abandoned property for the agency's use; or (b) selling any forfeited or abandoned property directly or indirectly to an employee, a person related to an employee, or another law enforcement agency; (9) require law enforcement agencies to report certain forfeiture information to the Department of Public Safety; (10) require a law enforcement agency to return property under certain circumstances and make the agency responsible for any damage, storage fees, and related costs applicable to the property; and (11) prohibit the transfer of seized property to the federal government, with some exceptions.

H.B. 479 (Dutton) – Asset Forfeiture: would require: (1) a final conviction for an underlying offense in order to pursue forfeiture of contraband; and (2) a court to dismiss a contraband forfeiture proceeding on proof of a dismissal or acquittal of the underlying offense.

H.B. 848 (Wray) – Sexual Assault Forensic Examination: would require a law enforcement agency and a health care facility to provide an alleged sexual assault victim the sexual assault survivor standard information form and oral notice that the forensic medical examination is provided at no cost.

H.B. 1202 (Collier) – Theft of Service: would remove certain rent-to-own agreements from the criminal offense of theft of service.

H.B. 1206 (Cole) – Marihuana Penalties: would, among other things, reduce the penalties for the possession of marihuana.

H.B. 1207 (Rodriguez) – Firearms: would: (1) provide that it is a Class C misdemeanor if a person owns a firearm that is lost or stolen and fails to report it to a peace officer or law enforcement agency; (2) require a court clerk to provide to the Department of Public Safety (department) written notice of a conviction or deferred adjudication of an offense in (1); (3) require a peace officer who receives a report that a firearm is lost or stolen to report the loss or theft to the department; and (4) make a person convicted of an offense in (1) ineligible for a license to carry a handgun in some situations, and require the department to revoke a handgun license if a person is convicted of an offense in (1).

H.B. 1217 (Ortega) – Immigration Enforcement: would provide that a local entity, including the governing body of a city, a police officer, or a city attorney, does not violate the provisions of S.B. 4 (2017), relating to the enforcement of immigration laws by local governments, by prohibiting a peace officer from inquiring into the immigration status of a person who is under lawful detention, rather than under arrest. (Companion bill is **S.B. 166** by **Rodriguez**.)

H.B. 1223 (VanDeaver) – Child Custody and Peace Officers: would: (1) require peace officers who receive a report of a violation for interference with child custody to attempt to determine the location of the child; (2) if the location is determined, require peace officers to locate and return the child to the person entitled to custody according to the terms of a judgment or court order, or to a parent listed on the child’s birth certificate if no order exists; (3) if the child’s location is unknown, require peace officers to submit a missing child report; (4) provide for criminal penalties if a person takes a child under 18, there is no judgment or order disposing of the child’s custody, and the person knows taking the child is without consent or against the wishes of parent.

H.B. 1224 (White) – Foster Children and Peace Officers: would require peace officers who arrest a person younger than 18 years of age to report the arrest to the Department of Family and Protective Services to determine if the person is a foster child.

H.B. 1228 (Shaheen) – City Regulation of Low-THC Cannabis: would provide that: (1) a city may enact reasonable zoning rules that limit the use of land for dispensing organizations or the cultivation or production of low-THC cannabis to specified areas and ordinances, orders, or other rules that regulate the time, place, and manner of dispensing organization operations; (2) a city may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits or has the effect of prohibiting the cultivation, production, dispensing, or possession of low-THC cannabis; and (3) a rule, ordinance, resolution, or other regulation that violates (1) or (2) is void and unenforceable.

H.B. 1231 (Flynn) – Licensed Carry: would reduce the criminal penalty for the offense of unlawfully carrying a handgun by license holder to provide that the offense in most cases is a Class C misdemeanor punishable by a fine not to exceed \$200, except that the offense is a Class A misdemeanor if it is shown on the trial of the offense that, after entering the property, the license holder was personally given notice by oral communication under Section 30.06 or 30.07 that entry on the property was forbidden and subsequently failed to depart. (Companion bill is **H.B. 1231** by **Campbell**.)

H.B. 1268 (Lucio) – Dangerous Wild Animals: would modify the procedures related to the regulation of dangerous wild animals, including: (1) providing for a justice court or county court at law, on a showing of probable cause, to order an animal control authority or a peace officer located in the county in which a dangerous wild animal is located to seize the dangerous wild animal; (2) requiring a person executing a warrant authorizing the seizure of a dangerous wild animal to serve written notice of the court hearing date to the owner of the dangerous wild animal at the time the warrant is executed; and (3) requiring the animal control authority or peace officer that seizes a dangerous wild animal to impound the animal in secure and humane

conditions until a court determines the disposition of the animal and issues appropriate orders. (The companion bill is S.B. 641 by Huffman, below.)

H.B. 1294 (S. Davis) – Emergency Management Training: would modify current law to require an officer, employee or volunteer of the state or of a political subdivision who has management or supervisory responsibilities and whose duties include emergency management responsibilities or has a role in emergency preparedness, response or recovery, to complete emergency management training.

H.B. 1296 (S. Davis) – Disaster Case Management System: would require the General Land Office develop and maintain an electronic disaster management case system for purposes of collecting information needed to provide disaster assistance to individuals.

H.B. 1299 (S. Davis) – Disaster Expenditure Database: would: (1) require the Texas Comptroller establish and maintain, on the internet, an electronically searchable database that contains, for each political subdivision, including a city: (a) the total amount budgeted and spent by the political subdivision for disaster preparedness, response, rebuilding, and mitigation in the most recent fiscal year of the political subdivision; and (b) the total amount received by the political subdivision for disaster preparedness, response, rebuilding, and mitigation in the most recent fiscal year of the political subdivision from the following categories, stated as a total amount and a per category amount: (i) the federal government; (ii) the state government; (iii) another public entity, including another political subdivision; and (iv) a private entity, including an insurance company or nonprofit charitable organization; and (2) require each political subdivision, at the end of the fiscal year, prepare and file with the comptroller an annual report, in a form prescribed by the comptroller, that contains, for that fiscal year, the information described by (1).

H.B. 1353 (Oliverson) – Liability of Healthcare Providers: would provide that certain health care providers are immune, except in cases of reckless conduct or intentional, willful, or wanton misconduct, from civil liability for an act or omission that occurs in giving care, assistance, or advice within the scope of the provider's practice in connection with a man-made or natural disaster that endangers or threatens to endanger individuals, property or the environment.

H.B. 1355 (Button) – Blood Specimen Warrants: would provide that a warrant to collect a blood specimen from a person suspected of committing an intoxication offense may be executed in any county in Texas in which the law enforcement officer executing the warrant is authorized to make an arrest.

H.B. 1365 (Lucio) – Medical Marijuana: would: (1) authorize the possession, use, cultivation, distribution, transportation, and delivery of medical cannabis for medical use by qualifying patients with certain debilitating medical conditions; (2) authorize the licensing of dispensing organizations and testing facilities; (3) authorize an application fee for licenses to operate a cannabis testing facility; and (4) prevent cities from enacting, adopting, or enforcing a rule, ordinance, resolution, or other regulation that prohibits, among other things, the testing of medical cannabis.

H.B. 1372 (White) – Driver’s Licenses: would: (1) eliminate the administrative fee for failure to pay or satisfy certain judgments; (2) eliminate failure to pay or satisfy certain judgments as a reason to deny the renewal of a driver’s license; (3) allow, in various statutes, the Texas Department of Public Safety (TXDPS) to waive the driver’s license reinstatement fees or administrative fees for those persons determined to be indigent; and (4) create a period of time the Department of Public Safety can deny renewal of a driver’s license.

S.B. 538 (Johnson) –Homeless Youth: would: (1) exempt a youth experiencing homelessness from the payment of fees for the issuance of a drivers’ license or personal identification certification; and (2) provide that a person’s status as a youth experiencing homelessness must be confirmed by a notarized affidavit from, among others, a peace officer who is an official homeless liaison.

S.B. 577 (Hall) – Driver Responsibility Program: would, among other things, repeal the driver responsibility program, make several conforming changes to related traffic laws, and change various state traffic fines.

S.B. 585 (Watson) – Law Enforcement: would require a post secondary educational institution to enter into a memorandum of understanding with local law enforcement concerning allegations of sexual harassment, sexual assault, dating violence and stalking at the institution.

S.B. 587 (Watson) – Reporting of Sexual Assault Offenses: would, among other things: (1) require the Department of Public Safety (“Department”) compile and maintain statistical information relation to the commission of a sexual assault offense, including: (a) any arrests made in relation to the offense; (b) the results of any prosecution of the offense or any reasons for not prosecuting the offense; (c) the classification assigned to the case by the law enforcement agency at the time the case was closed, and if classified as cleared by exceptional means, the specific circumstances outside the control of the law enforcement agency that prevented the arrest, charging or prosecution of the offender; and (2) require the Department identify governmental entities that possess the information required by (1) above; and (3) require governmental entities identified by the Department to report the information to the Department in a manner prescribed by the Department.

S.B. 588 (Watson) – Sexual Assault Evidence: would modify the procedures relating to the collection, storage, and analysis of sexual assault evidence and evidence of other sex offenses, including: (1) requiring a law enforcement agency that receives evidence of a sexual assault or other sex offense to provide such evidence to a crime laboratory within 14 days of receipt of the evidence (current law provides for 30 days).

S.B. 632 (Kolkhorst) – Local Mental Health Authorities: would require a local mental health authority, in the developing of a local service plan, to solicit information regarding community needs from local law enforcement agencies.

S.B. 651 (West) – Resisting Arrest: would require a complaint, information, or indictment in the prosecution of a criminal case in which a person is alleged to have resisted arrest to state the

underlying offense for which the person was resisting arrest. (Companion bill is **H.B. 521** by **Dutton**.)

S.B. 653 (Hall) – Red Light Cameras: would: (1) prohibit local authorities from implementing or operating a photographic traffic signal enforcement system with respect to a highway or street under the jurisdiction of the authority; (2) give the attorney general authorization to enforce (1); (3) prohibit a local authority from issuing a civil or criminal charge or citation for an offense or violation based on a recorded image produced by a photographic traffic signal enforcement system; and (4) repeal the laws authorizing the use of photographic signal enforcement systems.

Transportation

H.B. 1270 (Deshotel) – Motorcycle Lane-Splitting: would provide that the operator of a motorcycle operating on a limited-access or controlled-access highway may operate the motorcycle for a safe distance between lanes of traffic moving in the same direction during periods of traffic congestion if the operator operates the motorcycle: (1) at a speed not more than five miles per hour greater than the speed of the other traffic; and (2) in traffic that is moving at a speed of 20 miles per hour or less. (Companion bill **S.B. 273** by **Watson**.)

H.B. 1287 (Israel) – Speed Limits: would: (1) lower the prima facie speed limit in an urban district on a street, other than an alley, from 30 to 25 miles per hour; and (2) allow a city council to declare a prima facie speed limit as low as 20 miles per hour (current law allows 25 miles per hour) for certain highways in the city, if the city council determines the prima facie speed limit is unreasonable or unsafe.

S.B. 282 (Buckingham) – Transportation Funding: would authorize the Texas Department of Transportation to reallocate liquidated damages money associated with delays of transportation projects.

S.B. 549 (West) – Motor-Assisted Scooters: would:

1. define a “motor-assisted scooter” as having a gas motor with a displacement not exceeding 40 cubic centimeters or an electric motor with a power output not exceeding 1,000 watts;
2. require that a person hold a valid driver’s license and be at least 16 years old to operate a motor-assisted scooter;
3. prohibit a motor-assisted scooter from carrying more than one person;
4. allow a person to operate a motor-assisted scooter on: (a) a path set aside for the exclusive use of bicycles, pedestrians, or both; (b) on a roadway in a bicycle lane; or (c) on a roadway without a bicycle lane if the roadway has a speed limit of 30 miles per hour or less and the person rides as close to the right curb or edge of the roadway as possible, with some exceptions;
5. prohibit a person from operating a motor-assisted scooter at more than 15 miles per hour;
6. require that a person operating a motor-assisted scooter yield the right of way to a pedestrian;

7. prohibit a person from parking motor-assisted scooter in a manner that obstructs a roadway, paths, or sidewalk;
8. allow cities to impose further restrictions than the bill on: (a) speed limit of a motor-assisted scooter, (b) the location where motor-assisted scooters may be operated, (c) the minimum age requirement to operate motor-assisted scooters, and (d) where a person may park a motor-assisted scooter;
9. allow cities to impose a higher criminal or civil penalty for a violation of the bill;
10. allow cities to require that the operator of a motor-assisted scooter wear a safety helmet; and
11. allow cities to prohibit the operation of a motor-assisted scooter on a street highway, or sidewalk if the city council determines the prohibition is necessary in the interest of safety.

S.B. 571 (Rodriguez) – Speed Limits: would: (1) allow a city council to declare a prima facie speed limit as low as 20 miles per hour (current law allows 25 miles per hour) for certain highways in the city, if the city council determines the prima facie speed limit is unreasonable or unsafe; and (2) provide that a speed limit that is altered under (1) is effective when the city council erects signs or completes a public education campaign giving notice of the new limit that includes notification of the effective date of the change.

Utilities and Environment

H.B. 726 (Larson) – Groundwater Regulation: would, among other things, (1) require groundwater districts, when considering an application for a well, to consider whether the projected effect of the proposed production unreasonably affects aquifer conditions, artesian pressure, depletion, or subsidence, existing ground water and surface water resources, existing permit holders, or registered wells that are exempt from the requirement to obtain a permit; (2) prohibit a water district from denying a permit because the applicant intends to export the groundwater for use outside the district; (3) prohibit a water district from adopting a moratorium on the issuance of permits without notice and hearing; and (4) repeal the ability of water districts to modify a permit and require that a permit state the amount of water to be withdrawn.

H.B. 863 (Anchia) – Gas Distribution: would provide that: (1) the Railroad Commission by rule shall require a distribution gas pipeline facility operator to notify the commission of each event involving a release of gas from its pipelines that results in one or more of the following consequences: (a) a death or a personal injury necessitating inpatient hospitalization; (b) estimated property damage of \$50,000 or more, including loss to the operator, loss to others, or both, but excluding cost of gas lost; or (c) unintentional estimated gas loss of three million cubic feet or more; and (2) the rules must require that the distribution gas pipeline facility operator notify the commission of an event before the expiration of two hours following the operator's discovery of the event.

H.B. 864 (Anchia) – Gas Distribution: would: (1) define "pipeline incident" to mean an event involving a release of gas from a pipeline that results in one or more of the following consequences: (a) a death or a personal injury necessitating in-patient hospitalization; (b) estimated property damage of \$50,000 or more, including loss to the operator, loss to others, or

both, but excluding cost of gas lost; or (c) unintentional estimated gas loss of three million cubic feet or more; and (2) the Railroad Commission by rule shall require a distribution gas pipeline facility operator to provide the following information to the commission after a pipeline incident: (a) the pipeline operator's name and telephone number; (b) the location of the incident; (c) the time of the incident; (d) the fatalities and personal injuries caused by the incident; (e) the telephone number of the operator's on-site person; (f) the cost of gas lost; (g) estimated property damage to the operator and others; and (h) any other significant facts relevant to the incident, including facts related to ignition, explosion, rerouting of traffic, evacuation of a building, and media interest.

H.B. 1267 (Wray) – Water Protection Penalties: would increase the maximum civil and administrative penalties for violations of laws protecting drinking water public water supplies and bodies of water. (Companion bill S.B. 530 by Birdwell.)

H.B. 1280 (Allen) – Concrete Plant Permitting: would provide that a representative of a school, place of worship, licensed day-care center, hospital, medical facility, or a person residing within 440 yards of a proposed wet batching, dry batching, or central mixing concrete plant may request a public hearing prior to the construction or permitting of the concrete plant. (Companion bill H.B. 1310 by Dutton.)

H.B. 1329 (S. Thompson) – Solid Waste Act Enforcement: would, among other things: (1) require the Texas Commission on Environmental Quality to file a report and minutes of a meeting reflecting any TCEQ action for violations of the Solid Waste Act with the state senator and state representative in whose district the facility is located; and (2) require that, until the enforcement action is resolved, TCEQ hold a public informational meeting at least once a month regarding the status of the enforcement action.

H.B. 1330 (S. Thompson) – TCEQ Administrative Penalties: would provide that the Texas Commission on Environmental Quality shall also consider whether the prohibited act created or is a public nuisance when determining the amount of an administrative penalty.

H.B. 1345 (S. Thompson) – Texas Emissions Reduction Plan: would extend the expirations date of various state TERP fees from August 31 2019, until the current non-attainment areas come into attainment. (Companion bills are H.B. 1043 by Blanco and S.B. 531 by Birdwell.)

H.B. 1390 (Bohac) – Municipal Solid Waste Facilities: would require that: (1) a permit application for a proposed solid waste facility be mailed to the council of governments responsible for the regional solid waste management plan in which the facility is located; (2) the council of governments deliver a letter to TCEQ describing whether a permit application for the facility complies with the regional solid waste management plan; and (2) the TCEQ consider the letter in (2) regarding the permit application for a proposed solid waste facility when determining the compatibility of the facility and facility site with a regional solid waste management plan.

H.B. 1391 (Bohac) – Solid Waste Facility Inspections: would provide that: (1) the Texas Commission on Environmental Quality shall inspect a solid waste facility used to store, process, or dispose of solid waste: (a) at least once every two years, (b) for a facility that commits

multiple violations of the same statute or rule in a five-year period, at least quarterly for three years beginning on the date of the last violation; or (c) for a facility that is the subject of three or more complaints in a 30-day period, at least quarterly for 18 months beginning on the date of the last complaint; (2) TCEQ may not give notice to the owner or operator of a facility of an inspection to be performed under (1); and (3) TCEQ shall perform an inspection made in response to a complaint at the same general time of day as the alleged violation is reported to have occurred.

S.B. 530 (Birdwell) – Water Protection Penalties: would increase the maximum civil and administrative penalties for violations of laws protecting drinking water public water supplies and bodies of water. (Companion bill **H.B. 1267** by Wray.)

S.B. 531 (Birdwell) – Texas Emissions Reduction Plan: would extend the expirations date of various state TERP fees from August 31 2019, until the current non-attainment areas come into attainment. (Companion bill is **H.B. 1043** by Blanco.)

S.B. 534 (Birdwell) – Clean Air Act: would require that, at least 20 days before the date scheduled for a hearing, the Texas Commission on Environmental Quality provide notice of the hearing to adopt a proposed rule to safeguard the state’s air resources from pollution on TCEQ’s website and allow TCEQ to provide notice by other means, including by electronic transmission or newspaper publication.

S.B. 551 (Kolkhorst) – Solid Waste Facility Permits: would: (1) require the Texas Commission on Environmental Quality to deny a permit application for a solid waste facility that TCEQ finds to be incomplete or inaccurate, if a previous version was returned as incomplete or inaccurate; and (2) prohibit TCEQ from approving a subsequent application for a solid waste facility at the site that was the subject of the denied permit application.

S.B. 573 (Miles) – TCEQ Permitting Notice: would provide that the definition of “affected person” for purposes of a contested case hearing by or for the Texas Commission on Environmental Quality regarding water quality, beneficial land use, new source review (air), municipal solid waste, industrial solid waste, hazardous waste, or underground injection wells permit applications include the state senator and representative who represent the area in which the facility to which the application relates is located or proposed to be located. (Companion bill **H.B. 654** by Dutton.)

TML member cities may use the material herein for any purpose. No other person or entity may reproduce, duplicate, or distribute any part of this document without the written authorization of the Texas Municipal League.

City of Woodcreek Regular City Council Meeting
January 9, 2019; 6:30 p.m.
Woodcreek, Texas

Minutes

1. **Call to Order:** Mayor Scheel called the meeting to order at 6:30 p.m.
2. **Invocation**
3. **Pledge of Allegiance:**
 - A. **To the Flag of the United States of America**
 - B. **To the Flag of the Great State of Texas**
4. **Roll Call. Present:** Mayor William P. Scheel, Mayor Pro Tem Nancy Britner; Councilmember Judy Brizendine, Councilmember Aurora LeBrun, Councilmember Ray Don Tilley; Councilmember Cyndi Jackson, City Attorney Casandra Cascos Ortiz, City Manager Brenton B. Lewis, Public Works Director Frank Wood, Assistant Administrator Linda Land, City Clerk Barbara J. Grant. **Absent:** None
5. **Public Comments:**

Danny Ross introduced himself as the new, resident Director of Operations of Camp Young Judaca.

Sybil Patterson said she is against speed bumps, she said the old-timers built this community, but feels now that the new, younger residents are not friendly and would like to be rid of them.

Jane Little, referring to Agenda Items D and F, said that it is best for citizens to address agenda items during the Public Comment portion of the city council meetings, giving councilmembers time to reflect on the comments. Jane thanked the City for providing the agendas and backup in a timely manner, giving all citizens time to read and be informed of every item that is going to be discussed. Regarding Agenda Item E, Jane complimented the council, saying these guidelines for decorum for public meetings set a professional tone for councilmember to interact with one another.

Eric Eskelund submitted a request that the Council not take any action on the playground equipment and its proposed location until a more realistic survey has been conducted to include all the residents and more definitive costs are obtained to determine the entire cost of the project. (The full request is maintained in the office of the City Secretary),

Marianne Mitchell suggested that citizens contact city hall before voicing complaints on social media and perhaps they would learn that the problems are already being addressed and not ignored.
6. **Citizen Communications:** A letter of concern, signed by 115 citizens, was submitted opposing any action on the purchase of park equipment.
7. **Report Items:**
 - A. Director of Public Work's Monthly Report (Director of Public Works Frank Wood)
 - B. Financial Report for December 2018 (City Manager Brenton Lewis)
 - C. City Manager's Monthly Public Report (City Manager Brenton Lewis)

- D. Precinct 3 Constables Report (Constable Ray Helm)
- E. Council Responsibilities Reports
 - i City Hall (Mayor Scheel)
 - ii Planning & Development (Councilmember LeBrun)
 - iii Public Safety (Mayor Pro Tem Britner)
 - iv Communications (Councilmember Brizendine)
 - v Community Affairs (Mayor Scheel)
 - vi Infrastructure (Councilmember Brizendine)
 - 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 Council meeting of December 2018.
- B. Approval of Financial Statements for December 2018

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

9. **Regular Agenda:**

- A. **Discuss and Take Appropriate Action on the Mayoral Nomination of Members to the Planning and Zoning Commission.** Mayor Scheel reported that due to turnover, of the five commissioners, two terms have expired. Joe Kotarba, who has been serving as vice chairman, has agreed to accept reappointment. John Lewis said he will not be able to continue serving on the commission, and Katherine Evans will not be able to continue. The Mayor recommended the following appointments: Reappoint Joe Kotarba as a Regular Commissioner, Eric Eskelund as Alternate, Jack Bose as Regular, and Carl Weldon as Alternate. After discussion, Mayor Pro Tem Britner moved to approve the Mayor's recommendations. The motion was seconded by Councilmember Brizendine, which failed with a vote of 2-3-0. The following voted Aye: Mayor Pro Tem Britner and Councilmember Brizendine. The following voted Nay: Councilmembers LeBrun, Tilley and Jackson. Councilmember Jackson moved to vote on each position separately. The motion was seconded by Councilmember Brizendine, which passed with a vote of 5-0-0. Mayor Pro Tem Britner moved to reappoint Joe Kotarba as a commissioner. The motion was seconded by Councilmember Brizendiner, which passed with a vote of 5-0-0. Mayor Pro Tem Britner moved to approve the nomination of Jack Bose as a commissioner. The motion was seconded by Councilmember Brizendine, which passed with a vote of 4-1-0. The following voted Aye: Mayor Pro Tem Britner and Councilmembers Brizendine, LeBrun and Tilley. The following voted Nay: Councilmember Jackson. Councilmember Brizendine moved to approve the nomination of Carl Weldon as an alternate commissioner. The motion was seconded by Mayor Pro

Tem Britner, which passed with a vote of 5-0-0. Mayor Pro Tem Britner moved to approve the nomination of Eric Eskelund as an alternate commissioner. The motion was seconded by Councilmember Brizendine, which failed with a vote of 2-3-0. The following voted Aye: Mayor Pro Tem Britner and Councilmember Brizendine. The following voted Nay: Councilmembers LeBrun, Tilley and Jackson. Councilmember Tilley moved to approve Jeff Rasco as an alternate commissioner. The motion was seconded by Councilmember Jackson, which passed with a vote of 3-2-0. The following voted Aye: Mayor Pro Tem Britner, Councilmembers Tilley and Jackson. The following voted Nay: Councilmembers LeBrun and Brizendine.

B. Discussion and Take Appropriate Action on the Position of a City Treasurer. After discussion, Councilmember Tilley moved to find and engage a volunteer to act as City Treasurer. The motion was seconded by Councilmember Jackson. The motion failed with a vote of 2-3-0. The following voted Aye: Councilmembers Tilley and Jackson. The following voted Nay: Mayor Pro Tem Britner, Councilmembers Brizendine and LeBrun.

C. Discuss and Take Appropriate Action on the following Annual Appointments:

- i **Municipal Judge:** Frank B. Walker
- ii **City Attorney:** Casandra Cascos Ortiz
- iii **City Prosecutor:** Leslie C. Kassahn
- iv **Municipal Court Clerk:** Barbara J. Grant
- v **Director of Public Works:** Frank Wood

After discussion, Mayor Pro Tem Britner moved to approve the appointments as stated. The motion was seconded by Councilmember Jackson, which passed with a vote of 5-0-0.

D. Discussion and Take Appropriate Action on a Resolution of the City Council of the City of Woodcreek, Texas Adopting Rules of Procedure for the Conduct of Its Meetings; and Repealing All Other Resolutions or Parts of Resolutions Inconsistent or Conflict (Mayor Scheel) After discussion, Councilmember Brizendine moved to approve the Resolution Adopting Rules of Procedure for the Conduct of Its Meetings; Repealing All Other Resolutions or Parts of Resolutions Inconsistent or Conflicting. The motion was seconded by Mayor Pro Tem Britner. Councilmember Brizendine withdrew her motion. Councilmember Tilley moved to table the item until such time as a task force can look at this to write a better proposal for the April meeting. The motion failed for lack of a second. Councilmember Jackson moved to table the item for thirty days to allow time to meet the end goal in an appropriate manner. The motion was seconded by Councilmember Brizendine, which passed with a vote of 5-0-0.

E. Discussion and Take Appropriate Action on a Resolution of the City Council of the City of Woodcreek Establishing Policies for Conduct of Elected and Appointed Officials and Providing for an Effective Date (Mayor Scheel). After discussion, Councilmember Tilley moved to table this item. The motion was seconded by Councilmember Brizendine, which passed with a vote of 5-0-0.

F. Discussion and Take Appropriate Action on the recommendation for a Council Rule and Procedure that allows citizen commentary following any

agenda item for action by the City Council (Councilmember Jackson). After discussion, Councilmember Jackson withdrew this item.

- G. Discussion and Take Appropriate Action on the recommendation for a Council Rule and Procedure that the entire Council should seek candidates for any and all committee/board/commission members (except for Planning & Zoning as prescribed by ordinance) and affirm or vote on them accordingly. City Manager should notify all Council members promptly should vacancies occur on any board/committee/commission so appropriate measures to fill slots may be taken (Councilmember Jackson). After discussion, no action was taken.**
- H. Discussion and Take Appropriate Action to Approve the Broadcast-Quality Recording and Streaming of Council Meetings (Councilmember Tilley) After discussion, Councilmember Tilley moved to accept the radio station offer to host quality broadcast and streaming of council meetings. Councilmember Jackson seconded the motion, which passed with a vote of 4-1-0; The following voted Aye: Councilmembers Brizendine, LeBrun, Tilley and Jackson. Mayor Pro Tem Britner voted Nay.**
- I. Discussion and Take Appropriate Action to Update the 2017 Community Survey and Seek City Wide Citizen Input on Important Topics and Issues for the City of Woodcreek (Councilmember Tilley) After discussion, Councilmember Tilley moved to approve action to update the 2017 Community Survey. The motion died for lack of a second.**
- J. Discussion and Take Appropriate Action on the City of Woodcreek's Continued Use and Providing of Tablets to the Elected Body and City Staff (City Manager Lewis) After discussion, Councilmember Jackson moved to discontinue use of tablets for elected body and city staff. The motion was seconded by Mayor Pro Tem Britner, which passed with a vote of 5-0-0.**
- K. Discussion and Take Appropriate Action to Require City Attorney Contract Review in Writing for Any and All Existing and Future City Financial Commitments Above \$7,500 (Councilmember Tilley) After discussion, Councilmember Tilley moved to require City Attorney contract review, in writing, on any existing and future financial commitments above \$7,500.00. After further discussion, Councilmembers Tilley withdrew the motion. Councilmember LeBrun moved to require only future contracts, in writing, on a case-by-case basis as determined by Council. The motion was seconded by Mayor Pro Tem Britner, which passed with a vote of 5-0-0.**
- L. Consider and Take Appropriate Action on a Request from Waste Connections Lone Star, Inc for the Annual Consumer Price Index Price Adjustment per the Franchise Agreement with the City of Woodcreek (City Manager Lewis) After discussion, Councilmember Jackson moved to approve the request from Waste Connections for the annual consumer price adjustment in the amount of 2.3%. The motion was seconded by Councilmember LeBrun, which passed with a vote of 5-0-0.**
- M. 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 (City Manager Lewis) After discussion, Councilmember Brizendine moved to table action on the Texas Local**

Government Code Chapter 43 Section 43.002 and the effect on the City of Woodcreek Chapter 156 Section 156.081 Recreational District, tabled from Regular City Council Meeting held on September 12, 2018, to the April council meeting. The motion was seconded by Councilmember Jackson, which passed with a vote of 5-0-0.

- N. Consider and Take Appropriate Action on the Adoption of a Resolution Designating the Official Newspaper for the remainder of the Fiscal Year 2018-2019 and for the Fiscal Year 2019-2020 (City Manager Lewis)** After discussion, Councilmember Jackson moved to adopt a resolution designating the Wimberley View as the official newspaper for the remainder of the fiscal year 2018-2019. The motion was seconded by Councilmember Brizendine, which passed with a vote of 5-0-0.
- O. Consider and Take Appropriate Action on the Adoption of a Resolution Confirming a Review of the Investment Policy and Strategies of the City of Woodcreek and Confirming Changes (City Manager Lewis)** After discussion and review on the Investment Policy and Strategies of the City, Councilmember LeBrun moved to approve the review, and confirmation and adoption of a resolution with no changes. The motion was seconded by Mayor Pro Tem Britner, which passed with a vote of 5-0-0.
- P. Consider and Take Appropriate Action on Amending Chapter 151.07(A)(6), 151.07(B)(5), and 156.056 of the City of Woodcreek Code of Ordinances as Related to Masonry Requirements on Accessory Buildings (Councilmember LeBrun)** After discussion, Councilmember LeBrun moved for this to go to the Ordinance Review Committee for recommendation of their proposed requirement. After further discussion, Councilmember LeBrun withdrew her motion. Councilmember LeBrun restated the motion to go to the Ordinance Review Committee to modify the definition of accessory buildings. The motion was seconded by Councilmember Brizendine, which passed with a vote of 5-0-0.

10. Adjourn There being no further business, Mayor Scheel adjourned the meeting at 8:57 p.m.

William P. Scheel, Mayor

Brenton B. Lewis, City Manager

Council Meeting Date: 02/13/2019

Council Responsibilities Report

PARKS & RECREATION BOARD

With its next meeting, Wed, Feb 20, the Parks & Recreation Board will complete its first full year since being restarted in March. In that short time, the Board has achieved important milestones:

- visits to and assessments of City park sites
- improvements to Veterans Memorial / Woodcreek entrance
- consideration of Triangle Area, Augusta Park improvements
- development of a draft Parks & Recreation Master Plan
- public hearings on the draft master plan

Over the year, two Board members left and two new Board members ably took their places. The composition of the Board—Jennifer Zavaleta, chair; Monica Rasco, vice chair; Jessica Sigur; Jane Little; and Joe Branco; along with non-voting youth advisors Abby Adams and Rowan Zavaleta, and ex-officio members Nancye Britner and Ray Don Tilley—adds up to the most diverse and representative City of Woodcreek entity.

The Board continues to have as its primary focus revising and updating the draft master plan to reflect public input from recent hearings and meetings. The Board also will hear and recommend ongoing improvements for existing sites, as warranted.

Submitted By:

Ray Don Tilley, Councilmember
in coordination with
Monica Rasco, Board Vice Chair

Council Meeting Date: 02/13/2019

Texas Municipal League Report

SMALL CITIES' PROBLEM-SOLVING CLINIC

January 31, 2019, Bastrop

TML attorneys Bill Longley, Zindia Thomas, and Evelyn Kimeu presented Small Cities' Legislative Issues and answered questions from the couple dozen city officials from cities as small as 274 (Staples, home of TML President-Elect and Mayor Eddie Daffern) to as large as 8,164 (Bastrop). Woodcreek was at or near the median of city populations represented.

Longley encouraged city officials to cultivate a relationship with their state representative and senator, so that communication will be in place when a need arises. The TML Exchange email newsletter will include summaries of bills in the Legislature of relevance to cities. Bill filing is just ramping up now toward a deadline in early March.

Longley said Speaker Dennis Bonner is the biggest change for this session, especially as he has identified school finance as his top priority. The House has a shift of 12 seats from Republican to Democrat; the Senate saw a net of one to Democrat. Lt. Gov. Dan Patrick maintains a narrow super majority.

This is "maybe not the worst session for cities," he said, and any animosity is toward big cities. The greatest concern is SB 2, the "Texas Property Tax Reform and Relief Act of 2019," which would:

1) Lower the rollback rate from 8 to 2.5 percent for cities with combined annual property and sales tax revenue of \$15

million or more. (Cities that bring in less than the combined \$15 million in property tax and sales tax revenue keep an 8 percent rollback rate.)

2) Require a mandatory election on the November uniform election date for all cities that exceed the rollback rate, whether that rate is 2.5 percent or 8 percent. (Instead of a citizen-initiated election as provided in current law.)

3) Provide no carve-out for police, fire or other services. (The bills would make certain concessions for disaster areas.)

The TML Legislative Update at tml.org/legis_updates provides a summary of all bills related to municipalities.

A few bills would be good for cities: SJR 10 would prohibit unfunded state mandates; HJR 24 would require that the State pay 50% of public school funding, reducing reliance on property taxes; SB 208 would require concrete plants to be located farther from residences; HB 514 would reauthorize city plastic-bag bans; and more entertaining than good would be HB 412, which requires that UT play A&M every year or both schools would lose all scholarships.

Longley shared two messaging videos on the theme, "Our Home, Our Decisions," targeting chambers of commerce and civic groups. Cities can find supporting materials and links to the videos to share

them on their own websites: tml.org/ourhomeourdecisions

Two Q&A sessions followed. TML attorneys encouraged elected officials to contact the TML legal services department, whose main role "is to answer inquiries from elected and appointed officials about legal issues within their official responsibilities." They added that TML attorneys defer to or will act in concert with City Attorneys.

Questions on social media use by elected officials included the reminder that posts related to city issues are subject to the Public Information Act and must be retained. The City of Austin's message board was cited as a model for cities to consider as an alternative public forum.

To get citizens involved in city business, one city created a memorial project that drew high attendance, and was sure during that meeting to include an agenda item to present a road project that needed citizen support.

On the question of support for legislative testimony by city officials, TML sometimes holds briefings during the legislative session for particular bills and hearings to help prepare officials for testimony.

Infrastructure discussion included tax anticipation notes, which allow for financing that effectively doubles available funds or more and dedicates future tax revenue to pay off the notes.

Some officials wanted clarification on donations. A city may make a donation but it must serve a public purpose, the city must have control to ensure the purpose is served, the city must receive a public

benefit, and the council must define that benefit in an open meeting.

Concerns about council members being sued individually were answered by the TML Risk Pool, which covers anything done in an official capacity.

Dual officeholding was described as being an issue if both positions are paid, or if they are incompatible (such as city council and school board) due to conflicting loyalties, regardless of paid or volunteer status.

Questions about annexation covered a number of scenarios specific to individual cities. TML has a 78-page document on its website, "Annexation in Texas," that covers the topic in detail.

The question of public comment by a council member in a council meeting was somewhat contentious, but TML attorneys held to the argument that a council member should not offer public comment, because the council member can instead present any such issue as an item on the agenda.

Finally, discussion of a desire to have a fundraising organization within the city centered on using Local Government Corporation authorization to create a non-profit corporation that can "aid in the procurement of goods and services or the construction of public works projects using alternative procurement and delivery methods."

In addition to further likely Small Cities' Problem-Solving Clinics, TML will host a more extensive Small Town Conference in Granbury, May 16-17.

Submitted By:

Ray Don Tilley, Councilmember

Council Meeting Date: 02/13/2019

AGENDA ITEM COVER SHEET

Subject/Title:

9. A. Presentation from John Worrall, Commissioner District #1, Hays Trinity Groundwater Conservation District regarding House Bill 1304, and Possible Discussion

Item Summary:

Mr. Worrall will be in attendance to provide information regarding HB 1304 and its effects on the City of Woodcreek, Citizens of Woodcreek, and the Hays Trinity Groundwater Conservation District area.

Financial Impact/Financial Information:

N/A

Comments/Recommendations

None – Information Item Only

Attachments:

HB 1304

Submitted By:

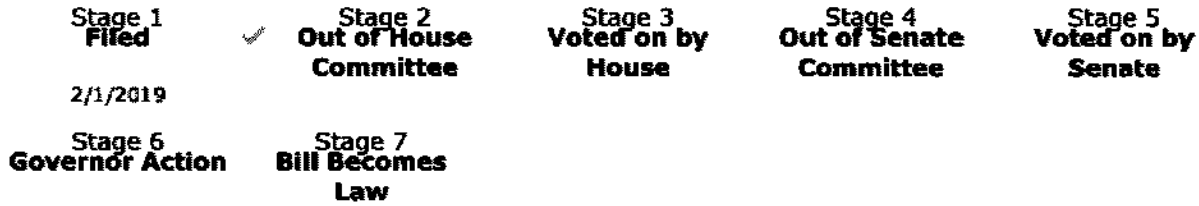
Brenton B. Lewis, City Manager

Texas Legislature Online Bill Stages

Bill: HB 1304

Legislative Session: 86(R)

Author: Zwiener



Legend

- Indicates bill passed stage
- Indicates bill has not reached stage
- Indicates bill failed to complete stage

Stage 1
Bill filed by
Zwiener on
2/1/2019.

Helpful Links

- Legislative process
- Introducing a bill
- Referral to a committee
- Committee reports
- Floor action
- Governor's action
- Effective date
- Legislative glossary

- Stage 2 Not reached.
- Stage 3 Not reached.
- Stage 4 Not reached.
- Stage 5 Not reached.
- Stage 6 Not reached.
- Stage 7 Not reached.

86R8014 AAF-F

By: Zwiener

H.B. No. 1304

A BILL TO BE ENTITLED
AN ACT

relating to the Hays Trinity Groundwater Conservation District;
authorizing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 8843.104 and 8843.153, Special District Local Laws Code, are amended to read as follows:

Sec. 8843.104. PERMIT REQUIRED; EXEMPT USE [WELLS]. (a) ~~The district may not require a permit to drill or operate [Groundwater withdrawals from the following wells may not be regulated, permitted, or metered by the district]:~~

(1) a well used for domestic use by a single-family ~~[single private]~~ residential household and incapable of producing more than 25,000 gallons per day; and

(2) a well used for agricultural use ~~[conventional farming and ranching activities, including such intensive operations as aquaculture, livestock feedlots, or poultry operations]~~.

(b) The district may not require a meter on ~~[charge or collect a well construction fee for]~~ a well described by Subsection (a) ~~[(1)-(2)]~~.

~~(c) [(b-1)]~~ A well owner must obtain a permit and pay any required fees, including a well construction fee, before using any groundwater withdrawn from a well in the district for purposes other than those exempted by this chapter or Chapter 36, Water Code ~~[section]~~.

~~[(c) - - A well used for dewatering and monitoring in the production of coal or lignite is exempt from permit requirements, regulations, and fees imposed by the district.]~~

(d) The district may not enter property to inspect a ~~[an exempt]~~ well described by Subsection (a) without the property owner's permission.

Sec. 8843.153. TAXES [AND OTHER FEES] PROHIBITED. Notwithstanding Section 8843.101 or Subchapter G, Chapter 36, Water Code, the district may not~~+~~

~~[(1)]~~ impose a tax~~[- or~~

~~[(2) - - assess or collect any fees except as authorized by Section 8843.151 or 8843.152]~~.

SECTION 2. Subchapter D, Chapter 8843, Special District Local Laws Code, is amended by adding Section 8843.155 to read as follows:

Sec. 8843.155. FEES. (a) The district may assess production fees as authorized by Section 36.205, Water Code.

(b) The district may not charge for an annual period a production fee greater than:

(1) \$1 per acre-foot for water used for agricultural use; or

(2) 25 cents per 1,000 gallons for water used for any other purpose.

SECTION 3. The following sections of the Special District Local Laws Code are repealed:

- (1) Section 8843.055;
- (2) Section 8843.105;
- (3) Section 8843.106; and
- (4) Section 8843.154.

SECTION 4. This Act takes effect September 1, 2019.

**City of Woodcreek Planning and Zoning Commission Meeting
January 16, 2019; 5:00 p.m.**

MINUTES

1. **Call to Order.** Chairperson Anne Greene called the meeting to order at 5:00 p.m.
2. **Pledges**
3. **Roll Call. Present:** Chairperson Anne Greene, Vice Chairperson Joe Kotarba, Commissioner Larry Alford, Commissioner Jack Boze, Alternate Commissioner Carl Weldon, Alternate Commissioner Appointee Jeff Rasco, City Manager Brenton B. Lewis, City Clerk Barbara Grant, Assistant Administrator Linda Land. **Absent:** Commissioner Gary Eldridge.
4. **Approval of Minutes of December 19, 2019.** Vice Chairperson Kotarba moved to approve the minutes of December 19, 2019. The motion was seconded by Commissioner Alford and passed unanimously (4 aye - 0 nay - 1 absent, not voting).
5. **Report on 2030 Comprehensive Plan progress.** Vice Chairperson Joe Kotarba explained the process for developing the draft 2030 Comprehensive Plan, including the timeline, committee members and survey.
6. **Presentation on current zoning laws and possible discussion.** Chairperson Anne Greene explained zoning laws and appropriate processes. The commission discussed factors which could influence zoning decisions.
7. **Public Hearing.**
 - A. The commission received suggested changes to Chapter 156.058 FENCES of the Woodcreek Code of Ordinances.
 - B. Staff Briefing: City Manager Lewis explained the review process up to this point and how the process will continue.
 - C. **Public Hearing: Start: 5:35 PM - Aurora LeBrun**, resident, spoke against the change which allows a fence to be built on a property line bordering the golf course. **Dennis McQueeny**, resident, spoke for the change which allows a fence to be built on a property line bordering the golf course. The commission also received written input from residents Anna H. O'Farrell and Chandler G. Brown expressing approval of the change which allows a fence to be built on a property line bordering the golf course. **Ended: 5:45 PM.**
 - D. Discussion and possible recommendation to City Council. The commission discussed citizen input and the proposed changes. Commissioner Alford moved make a recommendation to City Council to leave "No wall, fence, planter, hedge or other improvement or object shall be constructed or permitted nearer than five feet to an exterior lot line bordering the golf course" in §156.058(B) and not remove it as submitted in the draft changes. The motion was seconded by Vice Chairperson Kotarba and carried with a vote of 4 aye – 0 nay – 1 absent, not voting. Commissioner Boze moved to make a recommendation to City Council to approve §156.058 (A), (C), (D), (E) and (F) as submitted. The motion was seconded by Commissioner Alford and carried with a vote of 4 aye – 0 nay – 1 absent, not voting.
8. **Public Hearing.**

- A. The commission received suggested changes to Chapter 156.060 PARKING of the Woodcreek Code of Ordinances. City Manager Lewis suggested adding “visible from the street” to § 156.060 (A) between “permit” and “issued” in the proposed changes.
- B. Staff Briefing: City Manager Lewis explained the review process up to this point and how the process will continue.
- C. Public Hearing: **Start:** 6:03 PM – Pat Rawlings, resident, suggested that §156.029 PARKING needs to coordinate with §156.060 PARKING. **Ended:** 6:10 PM.
- D. Commissioner Alford moved to recommend to City Council that §156.060 and §156.029 be combined to create one PARKING section. The motion was seconded by Vice Chairperson Kotarba which carried with a vote of 4 aye - 0 nay - 1 absent, not voting.
9. **Discuss and take appropriate action on scheduling a public hearing on Chapter 156 ZONING of the Woodcreek Code of Ordinances.** City Manager Lewis explained how possible changes to masonry requirements in Chapter 151: BUILDING REGULATIONS could affect suggested changes in §156.009 DEFINITIONS and §156.056 MASONRY REQUIREMENTS in Chapter 156: ZONING. Commissioner Boze moved to schedule a public hearing for Chapter 156 ZONING, excluding §156.058 FENCES and §156.060 PARKING at 5:00 PM on February 20, 2019, during the regularly scheduled Planning & Zoning Commission meeting. The motion was seconded by Commissioner Alford with carried with a vote of 4 aye – 0 nay – 1 absent, not voting.
10. **Adjourn.** There being no further business, the meeting was adjourned at 6:25 PM.

Anne Greene, Chairperson

Brenton B. Lewis, City Manager

§ 156.058 FENCES.

(A) No wall, fence, planter or hedge in excess of two feet high shall be erected or maintained nearer to the front lot line than the front building setback line, nor on corner lots nearer to the street side lot line than the building setback line parallel to the side street. No rear fence, wall or hedge and no side fence, wall or hedge located between the side building line and the interior lot line (or located on the interior lot line) shall be more than six feet high. For multifamily districts (MF-1, MF-1A, and MF-2) adjacent and contiguous to single-family districts (SF-1 through SF-6), perimeter fences along shared district boundaries may not exceed eight feet height from grade.

(B) No object or thing which obstructs sight lines at elevations between two and six feet above the roadways and within the triangular area formed by intersecting street property lines and a line connecting them at points 25 feet from the intersection of the street lines (or extensions thereof) shall be placed, planted or permitted to remain on corner lots. No wall, fence, planter, hedge or other improvement or object shall be constructed or permitted nearer than five feet to an exterior lot line bordering the golf course. Retainer walls are excepted. Wood fences are prohibited on lot lines contiguous or abutting a golf course where the wood fence would be visible from the golf course. All fences along lot lines contiguous or abutting a golf course shall not obstruct sight lines of the golf course and shall be constructed of panels of a metal product manufactured for the purpose of residential fencing ~~ornamental metal~~ and shall be a minimum of four feet and a maximum of six feet in height.

(C) Fencing materials not allowed are chain link, hog wire, barbed wire, vinyl, rebar, rolled wire, cable, mesh netting, rolled picket or similar materials; except that, Small-Animal Fencing, as that term is defined herein, may be used if its principal fencing support structure consists of ~~ornamental metal~~. SMALL-ANIMAL FENCING means metal fencing with opening spacing between the wires no more than ~~measuring~~ approximately two inches by three inches that matches the color and architecture of the principal fencing to which it is attached. ~~Wire thickness shall not exceed 0.1 inch.~~ Approved small-animal fencing may not exceed 50% of the height of the approved or existing principal fencing.

(D) Should a non-conforming fence or non-conforming portion of a fence be damaged by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed, except in conformity with this chapter.

(E) A fence permit will be issued by the city upon completion of a Type II Residential Permit Application and submittal of required fees in accordance with the Master Rate Schedule as adopted by resolution of the City of Woodcreek. ~~this chapter.~~ A copy of an approved Type II Residential Fence Permit must be visibly displayed during active construction and until completion of any fence permitted by the city. This permit will expire 60 days from date of issuance.

(F) Penalty. Any person violating any provision of this section shall be subject to the penalties and provisions set forth in § 10.99 of this Code of Ordinances.

(Ord. 00-65N, passed 6-1-2005; Ord. 16-218, passed 1-13-2016; Ord. 16-227, passed 9-22-2016)

Recommendations from Ordinance Review Committee Meeting Jan. 22, 2019 for February 13, 2019 City Council Meeting

§ 156.058 FENCES.

(A) No wall, fence, planter or hedge in excess of two feet high shall be erected or maintained nearer to the front lot line than the front building setback line, nor on corner lots nearer to the street side lot line than the building setback line parallel to the side street. No rear fence, wall or hedge and no side fence, wall or hedge located between the side building line and the interior lot line (or located on the interior lot line) shall be more than six feet high. For multifamily districts (MF-1, MF-1A, and MF-2) adjacent and contiguous to single-family districts (SF-1 through SF-6), perimeter fences along shared district boundaries may not exceed eight feet height from grade.

(B) No object or thing which obstructs sight lines at elevations between two and six feet above the roadways and within the triangular area formed by intersecting street property lines and a line connecting them at points 25 feet from the intersection of the street lines (or extensions thereof) shall be placed, planted or permitted to remain on corner lots. ~~No wall, fence, planter, hedge or other improvement or object shall be constructed or permitted nearer than five feet to an exterior lot line bordering the golf course. Retainer walls are excepted.~~ Wood fences are prohibited on lot lines contiguous or abutting a golf course where the wood fence would be visible from the golf course. All fences along lot lines contiguous or abutting a golf course shall not obstruct sight lines of the golf course and shall be constructed of panels of a metal product manufactured for the purpose of residential fencing ~~ornamental metal~~ and shall be a minimum of four feet and a maximum of six feet in height.

(C) Fencing materials not allowed are chain link, hog wire, barbed wire, vinyl, rebar, rolled wire, cable, mesh netting, rolled picket or similar materials; except that, Small-Animal Fencing, as that term is defined herein, may be used if its principal fencing support structure consists of ornamental metal. SMALL-ANIMAL FENCING means metal fencing with opening spacing between the wires no more than measuring approximately two inches by three inches that matches the color and architecture of the principal fencing to which it is attached. ~~Wire thickness shall not exceed 0.4 inch.~~ Approved small-animal fencing may not exceed 50% of the height of the approved or existing principal fencing.

(D) Should a non-conforming fence or non-conforming portion of a fence be damaged by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed, except in conformity with this chapter.

(E) A fence permit will be issued by the city upon completion of a Type II Residential Permit Application and submittal of required fees in accordance with the Master Rate Schedule as adopted by resolution of the City of Woodcreek. ~~this chapter.~~ A copy of an approved Type II Residential Fence Permit must be visibly displayed during active construction and until completion of any fence permitted by the city. This permit will expire 60 days from date of issuance.

(F) Penalty. Any person violating any provision of this section shall be subject to the penalties and provisions set forth in § 10.99 of this Code of Ordinances.

(Ord. 00-65N, passed 6-1-2005; Ord. 16-218, passed 1-13-2016; Ord. 16-227, passed 9-22-2016)

Recommendations from January 16, 2019 Planning & Zoning Meeting for February 13, 2019
City Council Meeting

§ 156.060 PARKING.

- (A) All owners, tenants or occupants of any residence used for residential purposes shall be required to park their vehicles in garages, carports or driveways. No such vehicle, trailer or recreational vehicle shall be parked on a street or within any property unless same is not visible. Covering said vehicle with a tarp shall not be construed as being out of sight. **Parking of buses, commercial vehicles, trailers, boats, motor homes, RVs, campers, jet skis and the like is prohibited, except on a temporary basis with a permit visible from the street issued by the City of Woodcreek. TEMPORARY shall be defined as not to exceed seven five days in any 30-day period.** Cost of the permit shall be based on the Master Rate Schedule as adopted by resolution of the City of Woodcreek.
- (B) Parking of automobiles, trucks, buses, trailers, mobile homes, recreational or commercial vehicles on publicly-owned rights-of-way, park or greenbelt is prohibited except under the following conditions:
1. Parallel parking of personal automobiles and trucks will be allowed along the street right-of-way in front of a residential property if the vehicles are pulled off the street pavement (all tires must be off the pavement), no part of the vehicle projects out over the pavement, and the grass has been mowed to a height of less than four inches.
 2. Residential property owners may elect to surface the parallel parking space in the right-of-way with a pervious cover, such as gravel or crushed granite upon written approval of proposed surfacing plan by the city.
 3. Parking of personal vehicles shall be allowed on publicly-owned rights-of-way, parks and greenbelts with paved or pervious parking spaces provided by the city, subject to the restrictions of any posted signs.
- (C) **It shall be unlawful for anyone to store vehicles not in operating condition in open view for more than seven days. Such vehicles must be stored in completely enclosed buildings or removed to an authorized storage area. Since streets are narrow and provide limited parking area, residential off-street parking requirements are essential. Each dwelling unit shall have a hard surface driveway, providing a minimum of three off-street parking areas, each area measuring ten (10) feet by twenty (20) feet.**
- (D) **Penalty.** Any person violating any provision of this section shall be subject to the penalties and provisions in § 10.99 of this code of ordinances.
(Ord. 00-65N, passed 6-1-2005; Ord. 15-217, passed 10-14-2015; Ord. 16-219, passed 2-10-2016; Ord. 18-243, passed 1-17-2018) Penalty, see § 156.999

~~156.029 PARKING.~~

~~—Parking of automobiles, trucks, buses, trailers, mobile homes, recreational or commercial vehicles on publicly owned rights of way, park or greenbelt is prohibited except under the following conditions:~~

~~—(A) Parallel parking of personal automobiles and trucks will be allowed along the street right-of way in front of a residential property if the vehicles are pulled off the street pavement (all tires must be off the pavement), no part of the vehicle projects out over the pavement, and the grass~~

has been mowed to a height of less than four inches.

~~—(B) Residential property owners may elect to surface the parallel parking space in the right-of-way with a pervious cover, such as gravel or crushed granite upon written approval of proposed surfacing plan by the city.~~

~~—(C) Parking of personal vehicles shall be allowed on publicly-owned rights-of-way, parks and greenbelts with paved or pervious parking spaces provided by the city, subject to the restrictions of any posted signs.~~

~~—(D) *Penalty.* Any person violating any provision of this section shall be subject to the penalties and provisions in § 10.99 of this code of ordinances.~~

~~(Ord. 00-65N, passed 6-1-2005; Ord. 15-217, passed 10-14-2015; Ord. 16-219, passed 2-10-2016; Ord. 18-243, passed 1-17-2018)~~

Council Meeting Date: 2/13/2019

AGENDA ITEM COVER SHEET

Subject/Title:

Discussion and Take Appropriate Action on a City Council resolution to oppose Kinder Morgan's Permian Pipeline through Wimberley Valley.

Item Summary:

The proposed Kinder Morgan pipeline will pass within yards of the City of Woodcreek's ETJ and over fragile creek beds, aquifer recharge zones, and karsts. The proposed pipeline is 42" in diameter, just under the largest allowed pipeline in the USA. While slated to carry natural gas initially, Kinder Morgan can easily apply for permitting changes, which would allow carry of crude oil over the very water supply Woodcreek citizens rely on.

Financial Impact:

While enactment of this resolution will cost our City nothing, the loss of our water supply could result in tragic financial hardship for the City of Woodcreek.

Recommendation:

I propose the Council adopt and promulgate a resolution opposing the Kinder Morgan pipeline through Wimberly Valley.

Attachments:

Further information, including route map
Resolution as proposed

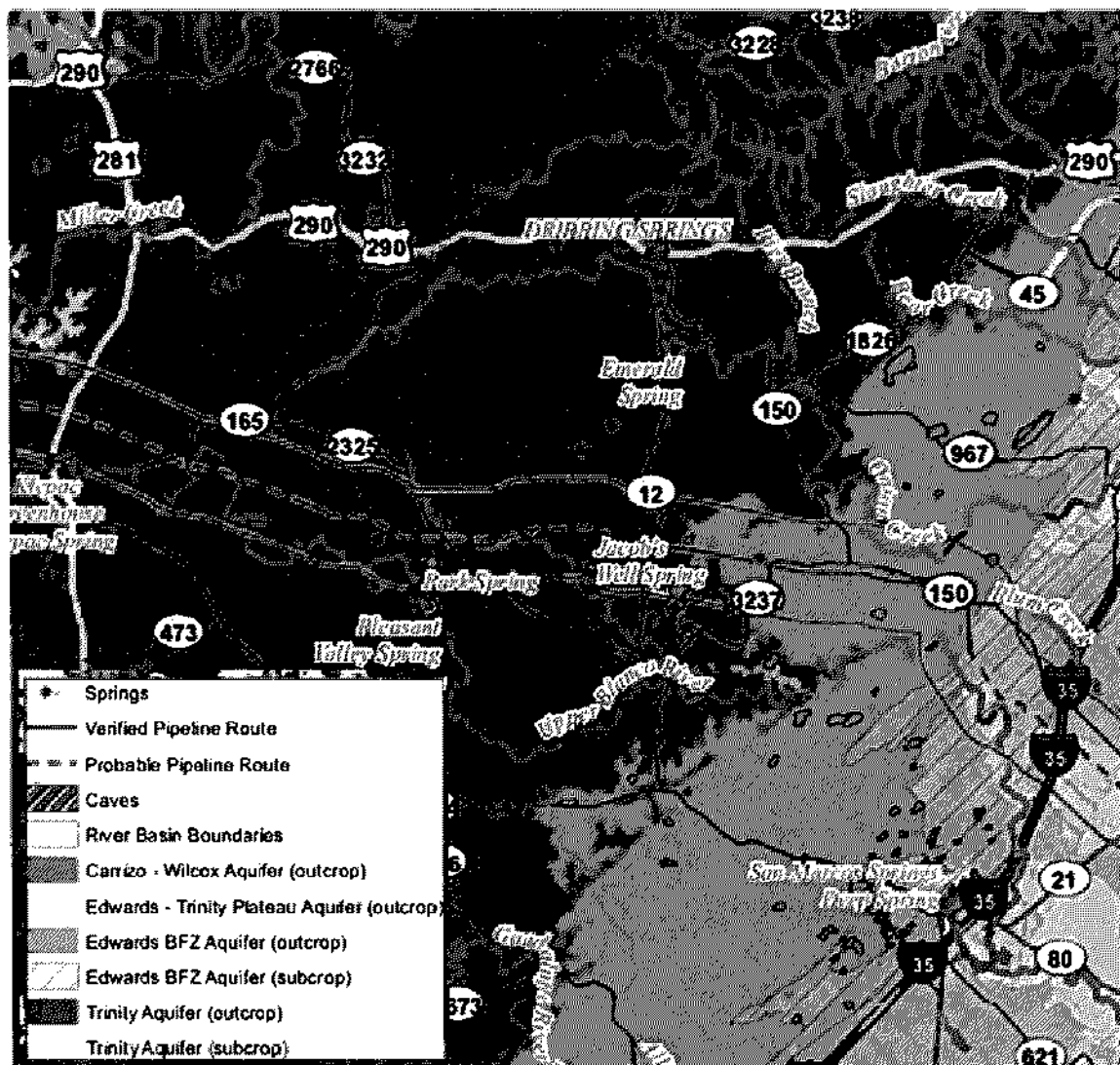
Submitted By:

Cyndi Jackson, Councilmember.

Further information from Wimberly Valley Watershed Association:

The Hill Country is not the best choice for a pipeline. Especially not one that will be transporting 2 billion cubic feet of natural gas daily and potential crude oil and gasoline in the future. For the following reasons and more, we believe an alternate route should be seriously considered and Kinder Morgan should conduct an environmental impact study before continuing any further.

- The karst aquifers in this region are some of the largest in the world and provide vast networks of interconnected waterflows that stretch for miles in all directions. Construction and operation of this pipeline could impact the flows at Jacob's Well, Cypress Creek, the Blanco River, Barton Springs, and the San Marcos Springs.
- Hundreds of acres of trees and vegetation will need to be cleared for this pipeline, forever altering habitats to native wildlife and endangered species, while also increasing the risk of spreading Oak Wilt at an epidemic level.
- Property values will be severely diminished and the opportunities for growth and development in the region will be diminished. Heritage ranches, large acreage farms, vineyards, and peach orchards will all be impacted.
- The noise and light pollution from compressor stations, which are necessary to move the gas, will degrade the serenity and peaceful quality of life for residents of the Hill Country.



A RESOLUTION OF THE CITY OF WOODCREEK, TEXAS OPPOSING THE ROUTING OF THE PROPOSED PERMIAN HIGHWAY PIPELINE THROUGH THE WIMBERLEY VALLEY AND REQUESTING IMMEDIATE ACTION FROM THE STATE LEGISLATURE

WHEREAS, Exxon Mobil and Kinder Morgan in partnership with EagleClaw Midstream ("Private Partnership") have begun the process of routing a 42-inch buried natural gas pipeline, known as the Permian Highway Pipeline ("PHP") from Coyanosa, Texas to Sheridan, Texas through the Texas Hill Country and Hays County; and

WHEREAS, the State of Texas has delegated to the Private Partnership the authority to choose the route of the PHP and to take the private land traversed by the PHP using the governmental power of eminent domain; and

WHEREAS, the laws of Texas provide for no oversight or regulatory process to limit this delegation to the Private Partnership, or any opportunity for the landowners of the impacted property to participate in the routing process; and

WHEREAS, the PHP will traverse the properties of multiple landowner properties requiring a permanent easement of 50 feet, plus an additional 75 feet of temporary construction easements; and

WHEREAS, the Private Partnership has not performed an Environmental Impact Study evaluating the potential impact to property near or adjacent to the PHP, the Trinity and Edwards Aquifers, and the surrounding community; and

WHEREAS, the citizens of The City of Woodcreek have expressed opposition to the presence of the PHP in the City of Woodcreek and Hays County due to its potential negative impacts to the environment, soil, water system, and land values; and

WHEREAS, The City of Woodcreek has an interest in the protection of its natural resources and an interest in how the PHP may affect its citizens;

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF WOODCREEK HEREBY ADOPTS THE FOLLOWING RESOLUTION THAT:

Section 1.

The City of Woodcreek opposes the PHP on behalf of the interests of the citizens of the City of Woodcreek and in recognition of the potential harm the PHP poses to its natural and economic resources.

Section 2.

The City of Woodcreek requests immediate action by the Texas legislature to protect landowners and communities from the negative impact of PHP and other potential oil and gas pipelines by:

1. Creating a regulatory process for oil and gas pipeline routing that enables impacted landowners and communities to have a voice in the approval process.
2. Requiring Environmental and Economic Impact Studies for all intra-state oil and gas pipelines.
3. Rescinding the unlimited power of eminent domain from private companies.

SECTION 3.

This Resolution shall be effective immediately upon its passage.

PASSED AND APPROVED this, the ___ day of _____, 2019, by a vote of ___ (ayes) to ___ (nays) to ___ (abstentions) of the City Council of Woodcreek, Texas.

City of Woodcreek

by: _____
William P. Scheel, Mayor

ATTEST:

by: _____
Brenton Lewis, City Manager

Council Meeting Date: 02/13/2019

AGENDA ITEM COVER SHEET

Subject/Title:

Discussion and Take Appropriate Action to Adopt the Texas Comptroller of Public Accounts' "Transparency Stars" Program

Item Summary:

To the extent possible, public information should be made readily accessible, especially on the City's website, for easy and equal public access. The Comptroller's "Transparency Stars" program recognizes local government entities that open their books on traditional finances and provide clear and meaningful financial information, by posting financial documents, summaries, downloadable data, and other relevant information. By adopting the program, the City of Woodcreek can in orderly fashion adapt current practices to meet the Transparency Stars criteria. The good governance benefits include:

- greater trust and transparency for citizens
- more readable and understandable financial information for all
- improved communication among citizens, elected officials, and staff
- reduced staff need for explanation and interpretation of financial reports
- simple, prudent safeguard against potential errors

In fact, the streamlined reporting in the Transparency Stars program should over time result in less staff time and greater City accountability and financial visibility.

Financial Impact:

None

Recommendation:

Adopt the "Transparency Stars" program and implement adaptations in a timely fashion.

Attachments:

List of Current Transparency Stars (Municipalities Only)
Transparency Stars General Criteria

Submitted By:

Ray Don Tilley, Councilmember



TRANSPARENCY STARS

City of Abernathy
City of Andrews
City of Arlington
City of Bastrop
City of Belton
City of Brady
City of Bryan
City of Carrollton
City of Coppell
City of Corpus Christi
City of Denison
City of Duncanville
City of El Campo
City of Farmers Branch
City of Floresville
City of Frisco
City of Gainesville
City of Georgetown
City of Granbury
City of Haslet
City of Horseshoe Bay
City of Hudson Oaks
City of Irving
City of Jersey Village
City of Keller
City of Kennedale
City of Kerrville
City of Kyle
City of La Porte
City of Lancaster
City of Laredo
City of League City

City of Lucas
City of McKinney
City of Mesquite
City of Midlothian
City of Missouri City
City of Monahans
City of Oak Ridge North
City of Ovilla
City of Pearland
City of Pharr
City of Pilot Point
City of Plano
City of Richardson
City of Rosenberg
City of Round Rock
City of Rowlett
City of Schertz
City of Sealy
City of Selma
City of Shenandoah
City of South Padre Island
City of Spring Valley Village
City of Stafford
City of Tomball
City of Troup
City of West Lake Hills
City of Windcrest
City of Wylie
Town of Addison
Town of Westlake
Town of Westover Hills
Village of Vinton



GENERAL CRITERIA

The Texas Comptroller of Public Accounts' Transparency Stars program recognizes local governments for going above and beyond in their transparency efforts. The program recognizes government entities that accomplish the following:

- Open their books not only in their traditional finances, but also in the areas of contracts and procurement, economic development, public pensions and debt obligations; and
- Provide clear and meaningful financial information not only by posting financial documents, but also through summaries, visualizations, downloadable data and other relevant information.

The Transparency Stars program features:

- **A streamlined application process.** A short web form enables you to submit nominations with minimal data entry and a few mouse clicks. Various types of software can be used to meet program requirements. The Comptroller does not partner with or endorse vendors for the Transparency Stars program.

- **Adaptability.** You can apply for one or more Stars, up to five. Entities must first receive a Traditional Finances Star, but may apply for Stars in up to four other areas:

- Contracts and Procurement;
- Economic Development;
- Public Pensions; and
- Debt Obligations.

- **Honorary distinction.** The new program recognizes great breadth and depth in the information presented for each specific Transparency Star awarded, making each star a prestigious achievement. The Stars stand on their own and are not awarded along a continuum or with an expectation that entities should be attaining five out of five stars.

There are no application deadlines for Transparency Stars.

Transparency Stars are granted and maintained on an ongoing basis. The Comptroller's staff conduct regular reviews of each awardee and may revoke an award should they determine an awardee's transparency conduct is no longer in keeping with the program's goals and intent.

Below is an overview of the Transparency Stars criteria. Please review the detailed guidelines for the area(s) for which you would like to apply.

Dedicated Page or Section of Website

A dedicated page or subsection within the finance or transparency section of your website should show how your entity has made efforts to open its books to present information in a user-friendly, understandable format.

The page or website section should include a general narrative overview of the transparency area and other pertinent items. This page, and all items within, should be accessible by no more than three clicks from your entity's home page.

Transparency Area Summary

Post a summary separately from audits and financial reports and provide citizens with a short list and narrative overview of facts or figures for your entity's activities in this transparency area. The summary should include explanations (or links to explanations) for difficult to decipher terminology as well as comparisons with benchmarks or historical figures as appropriate. The Comptroller's office provides a form to help you post this information to your website.

Visualizations

Post at least two charts or interactive visual tools providing a snapshot of your local government's activities for this transparency area. The Comptroller's office prescribes requirements for the

charts--for example, a time trend going back at least five years--and provides templates you can use if helpful. The visualizations must be posted on the page itself and must be--like all the required information on the transparency page or section--easy to view and to interpret.

Documents

Post documents specific to each transparency area, in addition to the sponsoring entity's audits and annual financial reports. Pertinent documents vary by transparency area, but in general, documents for the last five fiscal years should be posted if available, or going back to the entity's first year if the entity is younger than five years.

Downloadable Data

Make at least two downloadable datasets available. The Comptroller's office prescribes the general topic areas datasets must focus on --- for example, check register data going back at least three fiscal years (i.e., 36 months). Additionally, datasets should be available in a tabular or spreadsheet format that's searchable and conducive to analysis.

Other Information

Applicants must make contact information clearly accessible on their sites and must also link their transparency information to the Comptroller of Public Accounts Transparency website. Additionally, applicants should link their transparency sites or sections to any other applicable content, including reference information, such as GASB statements pertaining to the transparency area under consideration.

9F

Council Meeting Date: February 13,2019

AGENDA ITEM COVER SHEET

Subject/Title: Discussion and Take Appropriate Action on a Recommendation to Establish a 2019 Road Committee

Item Summary:

Since Roads have become a primary concern of our citizens:

The recommendation is to discuss & take appropriate action on establishing a Road Committee for the purpose of meeting on an ongoing basis, allocating for budgeted repairs, oversee bids and contractors, work with the Public Works Director, look at traffic studies and report to Council monthly on the progress of these projects.

Financial Impact/Financial Information:

\$200,000. Is budgeted for Maintenance & Repairs

\$6,000 is budget for sign replacements

Comments/Recommendation:

Committee to be made up of 1 Council Member and 3 citizens, from different areas of the City for a more versatile perspective, & the Public Works Director.

Attachments

2018-19 Budget

Submitted By:

Judy Brizendine

Council Meeting Date: 02/13/2019

AGENDA ITEM COVER SHEET

Subject/Title:

9. G. Discussion and Take Appropriate Action on a Resolution of the City Council of the City of Woodcreek, Texas Adopting Rules of Procedure for the Conduct of Its Meetings; and Repealing All Other Resolutions or Parts of Resolutions Inconsistent or Conflict, Tabled from the January 9, 2019 Meeting (Mayor Scheel)

Item Summary:

Tabled from Last Meeting. This item is to consider a resolution to Amend the current Rules and Procedures for the conduct of a meeting. Within the document, the limit on the number of agenda items has been removed.

Financial Impact:

N/A

Recommendation:

Passage of Resolution

Attachments:

Draft Resolution

Submitted By:

Mayor Scheel

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS ESTABLISHING POLICIES FOR CONDUCT FOR ELECTED AND APPOINTED OFFICIALS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is important that the public have confidence in the integrity of its government; and

WHEREAS, the proper operation of government requires that City officers treat one another and City staff with courtesy and respect and governmental decisions and policy be made within the proper channels of the governmental structure; and

WHEREAS, the City Council of the City of Woodcreek, Texas ("City"), desires to adopt a policy to govern the actions of public officials and to memorialize the officials' dedication and service to the citizens of the City; and

WHEREAS, the City Council by this Resolution adopts Policies for Conduct for Elected and Appointed Officials and hereby memorializes that desire by the adoption of this Resolution;

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

Section 1. Preamble Incorporated. That all matters stated herein above are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

Section 2. Purpose. These Policies on Conduct for Elected and Appointed Officials describe the manner in which Council Members¹ and Board and Commission members should treat one another, City staff, citizens, and others they come into contact with in representing the City of Woodcreek. Council Members are expected to demonstrate appropriate behavior at all times while serving the citizens of the City and making decisions that are in the best interest of the City. Although a member or members of the Council may disagree with another's opinion or vote on a matter or a staff member's recommendation or work product, Council Members should always treat one another and City staff with courtesy and respect. Demonstrating respect for each individual through words and actions can help guide Council Members and board and commission members to do the right thing in even the most difficult situations for the citizens and the City as a whole.

Section 3. Policies Adopted. These Policies on Conduct of Elected and Appointed Officials is hereby adopted by the City Council as follows:

A. Elected and Appointed Officials' Conduct with One Another. Elected and

¹ For purposes of these policies, the term "Council Member" includes the Mayor.

appointed officials are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. All have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may "agree to disagree" on contentious issues.

B. Elected and Appointed Officials' Conduct during Public Meetings

Use formal titles.

Elected and appointed officials should refer to one another formally during public meetings, such as Mayor, Mayor Pro Tem, Council Member, Chair, or Commissioner.

Practice civility and decorum in discussions and debate.

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

Honor the role of the Presiding Officer/Chair in maintaining order.

It is the responsibility of the Presiding Officer/Chair to keep the comments of elected and appointed officials on track during public meetings. Elected and appointed officials should honor efforts by the Presiding Officer/Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Presiding Officer/Chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure adopted by the City Council or Board, Commission or Committee.

C. Council Conduct with Boards and Commissions. The City Council has established several boards or commissions as a means of advising the City Council on certain matters or for gathering more community input. Citizens who serve on boards or commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

Attendance and participation at Board and Commission meetings

Council Members may attend any board or commission meeting, which are open to any member of the public. However, they should be sensitive to the way their participation, especially if it is on behalf of an individual, business or developer, could be viewed as unfairly affecting the process. Any public comments by a Council Member at a board or commission meeting should be clearly made as individual opinion and not as a representation of the feelings of the entire City Council. If the Council Member wishes to address the Board or Commission on a personal viewpoint, the Council Member shall so state that his or her comments are personal viewpoints or opinions and not that of the City Council or City.

Contact with Board and Commission members should be limited to questions of clarification

It is inappropriate for a Council Member to contact a Board or Commission

member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Council Members to contact board or commission members in order to clarify a position taken by the board or commission.

Boards and Commissions serve the community, not individual Council Members

The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of boards and commissions to follow policy established by the Council; however, Board and Commission members do not report to individual Council Members, nor should Council Members feel they have the power or right to threaten Board and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board or Commission appointment should not be used as a political "reward."

Be respectful of diverse opinions

A primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council Members may have a closer working relationship with some individuals serving on Boards and Commissions, but must be fair and respectful of all citizens serving on Boards and Commissions.

Keep political support away from public forums

Board and Commission members may offer political support to a Council Member, but not in a public forum while conducting official duties. Likewise, Council Members may support Board and Commission members who are running for office but not in an official forum in their capacity as a Council Member.

D. Elected and Appointed Officials' Conduct in Unofficial Settings

Make no promises on behalf of the Council, Board/Commission or City. Elected and appointed officials may frequently be asked to explain a Council or Board/Commission action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council or Board/Commission action, or to promise City staff will do something specific (fix a pothole, issue a citation, plant new flowers in the median, etc.).

Refrain from personal comments about other elected or appointed official or employee. It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments or personal attack about another elected or appointed official or employee, and their opinions and actions. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by an elected or appointed official at all times as a continuous responsibility.

E. Elected and Appointed Officials' Conduct with Other Public Agencies

Conduct of Council Members.

When meeting or speaking with or before other public agencies, a Council Member must state whether he or she is meeting or speaking with or before the public agency as a representative of the City or on his or her personal behalf. When representing the City, the Council Member must have been designated by the Mayor or the Council and must support and advocate the official City position on an issue, not a personal viewpoint. If the Council Member is representing a personal viewpoint or if the Council Member has not been designated by the Council to represent the City, the Council Member must state that he or she is representing a personal viewpoint and/or has not been authorized by the Council to express any view on behalf of the City.

When representing another organization whose position is different from the City, the Council Member should abstain from voting on the issue if it significantly impacts or is detrimental to the City's interest. Council Members should be clear about which organizations they represent and inform the Mayor and Council of their involvement.

Conduct of Board or Commission Members.

When meeting or speaking with or before other public agencies, Board and Commission members are not authorized to represent the City or their Board or Commission unless specifically designated by the Council or the Board or Commission to do so for a particular purpose and with staff's knowledge. If the Board or Commission member is representing a personal viewpoint or if the Board or Commission member has not been designated by the Council or the Board or Commission to represent the City or the Board or Commission, the member must state that he or she is representing a personal viewpoint and/or has not been authorized by the Council or the Board or Commission to express any view on behalf of the City or Board or Commission.

F. Correspondence about Representation

City letterhead may be used when the Council Member is representing the City and the City's official position. Prior to sending correspondence on behalf of the City, the Council Member should notify the City Manager and verify whether the Council Member is authorized to represent the City on a position and/or confirm whether or not the issue giving rise to the correspondence has not been addressed by the City. A copy of official correspondence should be given to the City Clerk to be filed with the City's official records as part of the permanent public record. City letterhead should not be used for non-City business or for correspondence representing a dissenting point of view from an official Council position.

G. Elected and Appointed Officials' Conduct with the Media

Mayor as the official spokesperson for the City. The Mayor is the designated representative of the Council to present and speak on the official City position. If an individual Council Member is contacted by the media or contacts the media, the Council Member should be clear about whether his or her comments represent the official City position or a personal viewpoint.

Council Members shall not state that he or she is representing the City or the City Council on a viewpoint unless specifically designated by the Mayor or the Council to represent the City in the particular viewpoint. If a Council Member is authorized to speak with or contact the media regarding a particular viewpoint, such authorization shall be limited to that particular topic and viewpoint.

Board and Commission Member Conduct with Media. Board and commission members are not authorized to represent the City outside of official board/commission meetings unless specifically authorized to do so by the City Council or the Board or Commission. If an individual Board or Commission member is contacted by the media or contacts the media, the member should be clear about whether his or her comments represent the official City or Board or Commission position or a personal viewpoint. A Board or Commission member shall not state that he or she is representing the City, City Council or the Board or Commission on a viewpoint unless specifically designated by the City Council or the Board or Commission to represent the City or Board or Commission in the particular viewpoint. If a Board or Commission member is authorized to speak with or contact the media regarding a particular viewpoint, such authorization shall be limited to that particular viewpoint.

H. Elected and Appointed Officials' Conduct with City Staff

Governance of a City relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected officials, and City staff, who implements and administers the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

Treat all staff as professionals

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

Elected and appointed officials' questions/inquiries to City staff

- 1. General.** Member communications with City staff should be limited to normal City business hours unless the circumstances warrant otherwise. Responses to Council questions posed outside of normal business hours should be expected no earlier than the next business day.
- 2. Routine Requests for Information and Inquiries.** Elected and appointed Officials may contact staff directly for information made readily available to the general public on a regular basis (e.g., "What are City Hall's hours?" or "How does one make a request under the Public Information Act?"). Under these circumstances staff shall treat the member no differently than they would the general public, and the member shall not use their elected status to secure preferential treatment. The City Manager does not need to be advised of such contacts.
- 3. Non-Routine Requests for Readily Available Information.** Elected and appointed officials may also contact staff directly for easily

retrievable information not routinely requested by the general public so long as it does not require staff to discuss the issue or express an opinion

4. **Non-Routine Requests Requiring Special Effort.** Any member request or inquiry that requires staff to compile information that is not readily available or easily retrievable and/or that requests staff to express an opinion (legal or otherwise) must be directed to the City Manager, or to the City Attorney, as appropriate. The City Manager (or council appointee as appropriate) shall be responsible for allocating City resources in order to maintain a professional, well-run City government which may include distributing such requests to staff for follow-up, managing the time for response to such requests and determining the best and most cost-effective use of staffs' time and City resources to respond to the request. If the City Manager or the staff's time is being dominated or misdirected by a Council Member, it is the City Manager's responsibility to inform the Mayor. Any requests of members made that are not for the purposes of assisting them with their official duties (*i.e.*, personal requests) will be subject to procedures under the Public Information Act, Government Code Chapter 552.
5. **Soliciting political support from staff prohibited.** Elected and appointed officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates, but all such activities must be done away from the workplace. The use of the City's email system for political purposes or communications is not allowed.
6. **Meeting Requests.** Any member request for a meeting with staff must be directed to the City Manager or the Mayor.
7. **Agenda items.** In order to ensure proper presentation of agenda items by staff, questions arising from Council Members after receiving their agenda packet should be, whenever possible, presented to the City Manager for consideration prior to the Council meeting. This allows the City Manager and staff the time to address Council Member's concerns and provide all Council Members with additional information, if necessary, for review prior to the meeting.

Disrupting City staff from their jobs

Elected and appointed officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Elected and appointed officials do not attend City staff meetings unless requested by staff - even if the elected or appointed official does not say anything, his or her presence may imply support, show partiality, intimidate staff, and/or hamper staff's ability to do their job objectively.

Public criticism of employees

Elected and appointed officials should never express concerns about the performance of a City employee in public or to the employee directly. Comments about staff performance should only be made to the City Manager or Council appointee through private correspondence or conversation.

Involvement in administrative functions

Elected and appointed officials must not attempt to influence City staff on processing of land use applications, the payment of claims against the City, granting of City licenses and permits, processing Public Information Act requests or any other functions considered administrative.

Conflicts between elected or appointed officials and City staff.

Any conflicts arising between the City staff and an elected or appointed official will be addressed by the Mayor and the City Manager.

I. Elected and Appointed Officials' Use of Public Resources.

Elected and appointed officials shall not use public resources not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal, political purposes. Public resources may be used for assisting the elected or appointed official in performing his or her official duties for the City in compliance with the section entitled *Elected and appointed officials' questions/inquiries to City staff* above and the policies set forth herein.

J. Ceremonial Events

Requests for a City representative at ceremonial events will be handled by the City Manager's office. The Mayor will serve as the designated City representative. If the Mayor is unavailable, then the City Manager will determine if event organizers would like another representative from the Council. If another representative from the Council is requested, the Mayor Pro Tem will serve as the designated City representative. If both the Mayor and Mayor Pro Tem are unavailable, the Mayor may recommend another Council Member to serve as a representative of the City.

Invitations received at City Hall are presumed to be for official City representation. Invitations addressed to Council Members shall be shared with the City Manager's Office in order to assure posting in compliance with the Texas Open Meetings Act, if applicable.

K. Implementation

As an expression of the standards of conduct for elected and appointed officials expected by the City, these Policies on Conduct for Elected and Appointed Officials are intended to be self-enforcing. It therefore becomes most effective when elected and appointed officials are thoroughly familiar with them and embrace their provisions. For this reason, this document shall be included provided to all elected and appointed officials and newly elected and appointed officials. Elected and appointed officials shall sign a statement affirming they read and understood the policies adopted herein. In addition, the City Council may review these Policies on Conduct for Elected and Appointed Officials from time to time and consider recommendations Council Members, Board and Commission members, the City Manager, City staff, applicable committees and citizens and update these policies as necessary.

L. Enforcement of These Policies

Compliance and Enforcement of Council Members' Behavior and Conduct.

These policies express standards of behavior and conduct expected for members of the City Council and Boards and Commissions. Each elected and appointed official has the responsibility to assure that the policies regarding conduct are understood and met, and that the public can continue to have full confidence in the integrity of government. The Chairs of Boards and Commissions and the Mayor and Council have the additional responsibility to intervene when actions of an elected and appointed official appear to be in violation of these policies and/or are brought to their attention. Council Members should point out to the offending Council Member infractions of these policies which may be brought to the attention of the entire Council for consideration and action by written complaint.

The affected Council Member is entitled to a full and complete hearing before the City Council with the opportunity to call witnesses and present evidence in his or her behalf. The non-implicated City Council Members in attendance shall conduct a hearing in open session and review the complaint. The City Council may reject the complaint and take no action or take action. It shall be the Council's responsibility to determine the next appropriate action. Any such action taken by Council (with the exception of "take no further action") shall be conducted at a noticed meeting. These actions include, but are not limited to discussing and counseling the individual on the violations; formally reprimand or censure the offending Council Member; or removing the Council Member from committee assignments by the Council.

Compliance and Enforcement of a Board and Commission Members' Behavior and Conduct

Counseling and verbal reprimands may be administered by Board and Commission Chairs (or their designee) to Board and Commission members that fail to comply with these policies. These lower levels of sanctions shall be kept private to the degree allowed by law. Verbal or written reprimands may be administered by the Mayor or Mayor Pro Tem at the direction of the Council. Copies of all written reprimands administered by the Mayor or Mayor Pro Tem shall be distributed in memo format to the respective Board or Commission member, the Board or Commission Chair, the City Clerk, the City Manager, and the City Council. Written reprimands administered by the Mayor or Mayor Pro Tem shall not be publicized except as required under the Public Information Act.

The City Council may impose sanctions on Board and Commission members whose conduct does not comply with the City's policies, up to and including removal from office. The Member shall be provided a copy of the complaint in writing. The affected member shall have the right to a full and complete hearing before the City Council with the opportunity to call witnesses and present evidence on his or her behalf. Any form of discipline imposed by Council shall be determined by a majority vote of at least a quorum of the Council at a noticed public meeting.

It shall be the Council's responsibility to determine the next appropriate action. Any such action taken by Council (with the exception of "take no further action") shall be conducted at a noticed meeting. These actions include, but are not limited to discussing and counseling the individual on

the violations; formally reprimanding or censuring the offending Board or Commission member; or removing the member from the Board or Commission.

Section 4. Effective Date. This Resolution shall be effective immediately upon its passage.

PASSED AND APPROVED this, the ____ day of _____, 2019, by a vote of ____ (ayes) to ____ (nays) to ____ (abstentions) of the City Council of Woodcreek, Texas.

City of Woodcreek

by: _____
William P. Scheel, Mayor

ATTEST:

by: _____
Brenton Lewis, City Manager

APPROVED AS TO FORM:

by: _____
Casandra C. Ortiz, City Attorney

Council Meeting Date: 02/13/2019

AGENDA ITEM COVER SHEET

Subject/Title:

9. H. Discussion and Take Appropriate Action on a Resolution of the City Council of the City of Woodcreek Establishing Policies for Conduct of Elected and Appointed Officials and Providing for an Effective Date, Tabled from the January 9, 2019 Meeting (Mayor Scheel)

Item Summary:

Tabled from Last Meeting. This item is to consider a resolution to establish policies for conduct of City Officials.

Financial Impact:

N/A

Recommendation:

Passage of Resolution

Attachments:

Draft Resolution

Submitted By:

Mayor Scheel



RESOLUTION NO. 19-_____ -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS ADOPTING RULES OF PROCEDURE FOR THE CONDUCT OF ITS MEETINGS; AND REPEALING ALL OTHER RESOLUTIONS OR PARTS OF RESOLUTIONS INCONSISTENT OR IN CONFLICT HEREWITH

Whereas, the City of Woodcreek City Council (City Council) wishes to formally revise rules of procedure for City Council meetings previously adopted by the City Council on November 13, 2013 by Resolution No. 13-111302; and

Whereas, clear, transparent, and comprehensive rules of procedure are vital to the efficient administration of legislative matters;

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

SECTION 1. The following rules of procedure shall govern all meetings and proceedings of the City Council of the City of Woodcreek, and the conduct of all members and other persons in attendance at such meetings.

Rule 1. Meetings, Regular and Special

(A) The City Council shall meet in the Council chambers of the City Hall on the second Wednesday of each month, commencing at 6:30 p.m. unless set for another time or date by Resolution of the City Council. In the event a second Wednesday falls on a holiday, the meeting for that day shall be rescheduled as determined by Council. Any meeting of Council may be recessed from hour to hour for a period of time not to exceed 24 hours, by an affirmative vote of 4 or more members of Council present at such meeting, and such recessed meeting may be held without further posted notice in compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

(B) Other special meetings shall be held on the call of the Mayor or on the application of three (3) Councilmembers to the Mayor. The agenda for such meetings shall be established at the discretion of those calling the meeting.

(C) Items may be added to an agenda at the request of the Mayor, a Council member, or the City Manager.

Rule 2. Chairman and Call to Order

The Mayor, or in his/her absence the Mayor Pro-Tem, shall preside at all meetings of the Council. If the Mayor and the Mayor Pro-Tem are absent, any Councilmember may be appointed by the Mayor or a majority of the Council to preside. At the hour of the meeting, the Mayor shall call the Council to order, and the City Clerk shall record the roll.

Rule 3. Conduct of Mayor and Councilmembers

Any member of the Council, including the Mayor, who fails to observe decorous and orderly behavior during a meeting, or who disturbs a meeting of Council with such disorderly conduct, is subject to being expelled from such meeting upon motion passed by majority vote of the Council present at the meeting. Any member reprimanded by motion or expelled from a meeting by motion who thereafter commits another breach of decorous and disorderly behavior during a subsequent meeting shall be subject to the same power of Council to reprimand him/her, expel him/her from the meeting, or subject such member to complaint, investigation, and conviction of official misconduct.

Rule 4. Handling of Question of Order

All questions of order shall be decided by the presiding officer with the right of appeal of his/her decision by the City Council, and a majority of the Councilmembers present may over-rule the decision of the chair. When the chair makes a ruling on a point of order and one of the Councilmembers states, "I appeal the ruling of the chair," or words to such effect, no other business shall be transacted until the question, "shall the ruling of the chair be sustained?" is voted on. The presiding officer shall immediately put such question to vote without debate, and, if he/she fails to do so immediately, any member of the City Council may put the question to a vote.

Rule 5. Procedure for Submitting Agenda Items

Any and all ordinances, resolutions or other matters, including all written data and supporting documents, except emergency items, to be brought by the Mayor or by a member to the City Council for its consideration shall be submitted to the City Manager not later than 1:00 p.m. of the Wednesday the week preceding the meeting at which the same is to be considered. Items shall identify the subject matter to be discussed with such notification in compliance with the Texas Open Meetings Act and provide the possible action the sponsor intends the City Council take during the meeting, *e.g.*, discussion, update, and/or take

appropriate action. All items shall be accompanied by supporting documents intended to be considered by City Council.

Rule 6. Motion to Table

Since the Council has regularly scheduled meetings, a motion to table, when carried, does not permanently defeat an ordinance, resolution, motion, or other measure. If such ordinance, resolution, motion, or other measure is tabled by a majority vote of the Council, such ordinance, resolution, motion, or other measure, if not sooner removed from the table, must be removed at the third meeting, and acted upon, even if only to place the item on the table again.

Rule 7. Closing of Debate

If, during debate upon any ordinance, resolution, motion or other matter before the Council, any member moves that the subject under discussion be put to a vote without further debate (and such a motion need not be seconded), the presiding officer shall immediately ask the Council, "is there any objection to proceeding to a vote on the ordinance, resolution, motion, or other measure before the Council being taken immediately?" If any member objects, the presiding officer shall immediately and without debate put the question, "shall the subject being discussed be put to a vote, without debate?" to a vote of the Council, and if a majority of the Councilmembers present vote in favor of ordering the vote, debate on the question shall be closed and a vote on the ordinance, resolution, motion or other measure taken immediately.

Rule 8. Citizens' Right to be Heard

Any citizen shall have a reasonable opportunity to be heard at any and all regular meetings of the City Council in regard to any and all matters to be considered at any such meeting, or such other matters as citizens may wish to bring to Council's attention; provided, however, any matter not posted on the agenda may not be discussed by Council, nor shall any action be taken by Council, except (1) to state a fact, (2) existing policy, or (3) to indicate that the matter may be placed on a later agenda. A time shall be set aside during each Council meeting for the Council to hear from the public, such designated time not to exceed three (3) minutes per person. The Mayor shall retain the discretion to further limit or increase this time for public comments on agenda items. Citizen comments pertaining to agenda items will be heard during the Public Comments portion of the meeting. The Presiding Officer or Designee may allow the public comments to be presented prior to any discussion or deliberation of the elected body on an agenda item. Any written information brought by a citizen pertaining to agenda items or other issues must be presented to the City Secretary's Office not later than one o'clock (1:00) p.m. on the Wednesday the week preceding the

Council Meeting so that staff and Council may review the materials. Citizens attending any regularly scheduled meeting may speak before Council by completing a form and presenting it to the City Secretary prior to the beginning of such meeting. Citizens may also request to be placed on the agenda to appear before Council by making a request to the City Secretary prior to any regularly scheduled meeting. Such request must be received by the City not later than one o'clock (1:00) p.m. on the Wednesday preceding the next scheduled Council meeting. In addition, citizens may request a Council member to place an item on the agenda at the discretion of the Council member.

It is the Council's goal that citizens resolve their complaints for service or regarding employees' performance at the staff level. However, it is recognized that citizens may from time to time believe it is necessary to speak to Council on matters of concern.

In view of that, Council expects any citizen to speak in a civil manner, with due respect for the decorum of the meeting, and with due respect for all persons attending. Any citizen requesting to speak shall limit him or herself to matters of fact regarding the issue of concern. Personal attacks made publicly toward any citizen or city employee are not allowed. Complaints regarding an employee's performance of duty will not be heard unless it has first been submitted in writing, a written response has been provided within a reasonable period of time, and the citizen is still not satisfied with the response. Complaints regarding any matter pending before federal, state, county or municipal court as a result of an enforcement action by a city employee or in a civil suit will not be heard.

No member of the public shall be heard until recognized by the presiding officer. Any member of the public interrupting City Council proceedings, approaching the Council table without permission, otherwise creating a disturbance, or failing to abide by these rules of procedure in addressing City Council, shall be deemed guilty of disrupting a meeting (section 42.05, Penal Code, Class B Misdemeanor) and, at the direction of the presiding officer, shall be removed from Council chambers by the sergeant-at-arms or other agent designated by City Council. Any citizen shall be entitled to visit City Hall, during regular business hours, and inspect all past Council meeting minutes, City audits, and the agenda to be considered by the Council in advance of the meeting and inform himself or herself as to the matters to be considered.

Rule 9. Suspension of Rules of Procedure

Any one or all of these rules of procedure may be suspended in order to allow a particular consideration of a matter, provided that it does not violate the state law, and provided that a majority of Council members present vote in favor of such suspension. Where any rule embodies a provision of state law, identically or in substance, such rule may not be suspended.

Rule 10. Rules of Procedure

Except where in conflict with any state law, City ordinance or the rules of procedure adopted by this Resolution, the rules of procedure laid down in Robert's Rules of Order Newly Revised, 11th Edition, as amended, shall govern the proceedings of the City Council.

SECTION 2. It is hereby officially found and determined that the meeting at which this Resolution was considered was open to the public as required and that required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 3. City of Woodcreek resolutions or parts of resolutions inconsistent or in conflict herewith, specifically Resolution No. 13-111302, are, to the extent of such inconsistency or conflict, hereby repealed.

SECTION 4. This Resolution shall be effective immediately upon its passage.

PASSED AND APPROVED this, the ____ day of _____, 2019, by a vote of ____ (ayes) to ____ (nays) to ____ (abstentions) of the City Council of Woodcreek, Texas.

City of Woodcreek

by: _____
William P. Scheel, Mayor

ATTEST:

by: _____
Brenton Lewis, City Manager

APPROVED AS TO FORM:

by: _____
Casandra C. Ortiz, City Attorney

Council Meeting Date: 02/13/2019

AGENDA ITEM COVER SHEET

Subject/Title:

9. I. Consider and Take Appropriate Action on an Ordinance to Amend the 2018-2019 Fiscal Year Budget

Item Summary:

This item is the first budget amendment for the Fiscal Year 2018-2019. The attached budget amendment reflects actual increases and decreases in transfers from reserves, sales tax collection, interest income, and miscellaneous revenues for a total increase in revenues of \$17,370. Increased allocations and decreases are made for office expenses, professional services, area care and maintenance, city hall maintenance and repairs, professional services, area care and maintenance, other operating expenses, and municipal court costs. For a total increase in expenses of \$17,370. The total budget amendment allocation amount does not exceed projected receipts of revenue.

Financial Impact/Financial Information:

Explanatory in Budget Amendment

Comments/Recommendation

Adoption of Ordinance

Attachments:

Amending Ordinance

Submitted By:

Brenton B. Lewis, City Manager

ORDINANCE NO.

CITY OF WOODCREEK

AN ORDINANCE OF THE CITY OF WOODCREEK, TEXAS AMENDING THE CURRENT 2018-2019 FISCAL YEAR BUDGET; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION I.

The 2018-2019 Fiscal Year Budget of the City of Woodcreek, Texas, Amending Ordinance 18-247, is hereby amended in the following manner:

The attached budget amendment reflects actual increases and decreases in transfers from reserves, sales tax collection, interest income, and miscellaneous revenues for a total increase in revenues of \$17,370. Increased allocations and decreases are made for office expenses, professional services, area care and maintenance, city hall maintenance and repairs, professional services, area care and maintenance, other operating expenses, and municipal court costs. For a total increase in expenses of \$17,370. The total budget amendment allocation amount does not exceed projected receipts of revenue.

SECTION II.

The invalidity of any part of this Ordinance shall not invalidate any other part thereof. The terms and provisions of this Ordinance shall be deemed to be severable, and if any section, subsection, sentence, clause or phrase of this Ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause or phrase of this Ordinance.

SECTION III.

This Ordinance shall be effective immediately upon its enactment by the City Council of the City of Woodcreek, Texas.

PASSED AND APPROVED this, the 13th day of February 2019, by a vote of ___ (ayes) to ___ (nays) with ___ (abstentions) and ___ (absent and not voting) of the City Council of Woodcreek, Texas.

CITY OF WOODCREEK:

By: _____
Mayor William P. Scheel

ATTEST:

Brenton B. Lewis, City Manager

	Revenues/Expenses as of 12/31/2018	2018-2019 Adopted	2018-2019 Budget Amendment #1	Variance
REVENUE				
Transfers from reserves		127,030	114,840	-12,130
3005 State Sales Tax	13,150	45,000	50,000	5,000
4000 Interest Income	7,360	6,000	29,500	23,500
4040 Donations Received	6,000	5,000	6,000	1,000
Net Amendment				17,370

Expenditures:				
5000.02 Ins Expense Reimbursement	2,653	0	7,200	7,200
5000.51 Health Insurance Stipend		7,000	0	-7,200
5500.10 City Hall Maintenance/Repairs		2,500	5,000	2,500
5500.30 IT & Radio	1,077	650	2,000	1,350
5500.70 Storage Rental	108	0	110	110
6000.15 Engineering	9,904	10,000	20,000	10,000
6500.50 Equipment Maintenance	1,473	750	2,500	1,750
7000.05 Election Expense	3,552	3,500	3,560	60
7000.30 Travel & Vehicle Exp Reimb	818	4,500	1,500	-3,000
7000.31 Elected Body Travel	858		3,000	3,000
Training & Prof Development				
7000.42 Staff	1,547	1,500	3,000	1,500
MC Judge	900	3,500	3,600	100
Net Amendment				17,370

Total Revenues for Fiscal Year 2018-2019 = \$678,900

Total Expenses for Fiscal Year 2018-2019 = \$678,900

Council Meeting Date: 02/13/2019

AGENDA ITEM COVER SHEET

Subject/Title:

9. J. Discussion and Take Appropriate Action for Hays County to Perform Proposed Street Maintenance, Pursuant to the Current Interlocal Agreement

Item Summary:

As we are all aware, the floods caused extensive damage throughout the county, and the City of Woodcreek wanted to provide ample time for the County to make the necessary repairs. Staff has met with the County representatives regarding the repair of the streets in Woodcreek to determine the interest in providing the labor, equipment, and materials for the repairs. Hays County has provided an estimate for the work in Woodcreek for review that is included in the packet.

Financial Impact/Financial Information:

Budgeted amount in operations \$150,000, an additional amount in capital projects of \$200,000.

Comments/Recommendation

To have Hays County Perform Maintenance Work in the City of Woodcreek not to exceed the budgeted amounts.

Attachments:

Estimate from Hays County

Submitted By:

Brenton B. Lewis, City Manager

