

## City of Woodcreek City Council Meeting

June 14, 2017; 6:30 p.m.

Woodcreek, Texas

### NOTICE/AGENDA

*This notice is posted pursuant to the Texas Open Meetings Act (Vernon's Texas Codes Ann. Gov. Code Chapter 551). The Woodcreek City Council will hold a Council Meeting on June 14, 2017, 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 Great State of Texas**
4. **Roll Call**
5. **Public Comments:** Members of the Public may sign up at the City Council meeting to address the City Council. Comments will be limited to three (3) minutes per speaker.
6. **Citizen Communications:** Requesting to address City Council regarding an ordinance on non-conforming structures. (Kathy Maldonado)
7. **Report Items:**
  - A. DPW Monthly Report (Director of Public Works Frank Wood)
  - B. Treasurer's Report for May 2017 (City Treasurer Gene Golembiewski)
  - C. City Manager's Monthly Public Report (City Manager Brenton Lewis)
8. **Consent Agenda:** All the following items are considered self-explanatory by the Council and may be acted upon with one motion. There will be no separate discussion of these items unless a Councilmember or Citizen so requests. For a Citizen to request removal of an item from the Consent Agenda, a written request must be completed and submitted to the City Manager.
  - A. Approval of the Minutes of the City Council meeting of May10, 2017
  - B. Approval of Treasurer's Report for May 2017
9. **Regular Agenda**
  - A. Consider and Take Appropriate Action to Adopt an Ordinance Amending the Code of Ordinances as it Relates to Lighting. (City Manager Lewis)
  - B. Consider and Take Appropriate Action on Approval of Waste Connections, Inc.'s Request for an Annual Consumer Price Index Price Adjustment. (City Manager Lewis)
  - C. Consider and Take Appropriate Action to Approve of the Preliminary Budget Calendar for Fiscal Year 2017-2018. (City Manager Lewis)
  - D. Consider and Take Appropriate Action on Inspections of Various Properties at time of Change of Resident. (City Manager Lewis)

- E. Consider and Take Appropriate Action on City of Woodcreek Annexation Plan. (City Manager Lewis)
- F. Consider and Take Appropriate Action on Draft Ordinance as it Relates to Non-Conforming Structures. (City Manager Lewis)
- G. Consider and Take Appropriate Action on Municipal Court Clerk Position. (City Manager Lewis)
- II. Consider and Take Appropriate Action on Amending Ordinance No. 17-228 Limited Use of Certain Weapons Within the Woodcreek City Limits. (City Manager Lewis)
- I. Discussion Regarding Special Use Permit for Camp Young Judaea, and Permitting of Future Development (City Attorney Gordon)
- J. Executive Session as Authorized by Section 551.074, Related to Personnel Matters. Discussion, Review and Possible Action on the Annual Performance Evaluation of the City Manager. (Mayor Eskelund)

## 10. 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(e) 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 512-547-9390 for information. Hearing-impaired or speech-disabled persons equipped with telecommunications devices for the deaf may call 7-1-1 or may utilize the statewide Relay Texas program at 1-800-735-2988.*

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

I certify that the above notice was posted on the 9<sup>th</sup> day of June 2017 at 12:30 p.m.

By:   
Brenton B. Lewis, City Manager

## Manager

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**From:** mkm615@verizon.net  
**Sent:** Wednesday, June 07, 2017 11:24 AM  
**To:** Manager  
**Subject:** Request to address council

I would like to address council regarding the ordinance on non conforming structures.

Does this email serve as a written request?

Kathy Maldonado

Sent from my iPhone

# Treasurer's Report

For the Period: October 2016 - May 2017

Percent Complete: 66.67%

	2016-2017			2015-2016			Y/Y Monthly Comparison		
	YTD	Budget	%	YTD	Budget	%	May 2017	May 2016	Difference
	2	4		3	2		2	3	
	YTD_Activity '2016-17'!A:I		YTD_Activi '2015-16'!A:I		YTD_Activi '2015-16'!A:I		MTD_Activi '2017'!A:I	MTD_Activity '2016'!A:I	
<b>Revenue</b>									
3000 Ad Valorem Tax Revenue	222,335	240,000	93%	201,699	214,500	94%	2,317	3,117	(801)
3005 State Sales Tax Revenue	29,637	40,000	74%	27,486	43,000	64%	4,402	4,270	132
3010 Mixed Beverage Tax & Fees Rev	498	1,500	33%	419	1,330	31%	-	-	-
3020 Electric Franchise Fee Revenue	24,036	34,000	71%	20,995	30,000	70%	-	-	-
3030 Cable Services Franchise Rev	25,469	35,000	73%	23,153	31,220	74%	8,693	7,225	1,467
3040 Water Service Franchise Revenue	82,687	91,200	91%	79,225	87,750	90%	-	-	-
3050 Disposal Service Franchise Rev	10,649	14,000	76%	10,513	13,830	76%	3,846	-	3,846
3060 Telephone Franchise Revenue	977	1,500	65%	1,019	1,550	66%	78	-	78
3070 Golf Course Franchise Revenue	-	500	0%	-	500	0%	-	-	-
3080 Reimbursements	-	400	0%	-	-	n/a	-	-	-
3080 Reimbursements	260	400	65%	10	-	n/a	-	-	-
3090 Development Revenue	-	-	n/a	12,247	14,000	87%	-	3,764	(3,764)
3090.01 Residential	7,855	7,800	101%	-	-	n/a	400	-	400
3090.02 Commercial	-	5,150	0%	-	-	n/a	-	-	-
3090.03 Other	2,288	1,050	218%	-	-	n/a	-	-	-
Total 3090 Development Revenue	10,143	14,000	72%	12,247	14,000	87%	400	3,764	(3,364)
3095 Sign Fees	555	300	185%	-	300	0%	170	-	170
4000 Interest Income	2,720	4,000	68%	2,851	4,000	71%	340	356	(16)
4010 Other Revenue	3,005	3,010	100%	24	1,050	2%	-	-	-
4015 Oak Wilt Containment	-	-	n/a	-	-	n/a	-	-	-
4020 Municipal Court Revenue	-	1,000	0%	140	150	93%	-	-	-
4040 Donations Received	5,000	5,000	100%	-	5,000	0%	-	-	-
4050 General Fund Transfer	-	-	n/a	-	-	n/a	-	-	-
<b>Total Revenue</b>	<b>417,970</b>	<b>485,410</b>	<b>88%</b>	<b>379,782</b>	<b>448,180</b>	<b>88%</b>	<b>20,245</b>	<b>18,788</b>	<b>1,518</b>
<b>Expenditures</b>									
5000 Personnel Services	-	-	n/a	-	-	n/a	-	-	-
5000.01 Salaries and Wages	85,832	135,060	64%	66,648	103,300	65%	10,816	7,726	3,090
5000.02 Expense Reimbursement Allowance	800	-	n/a	-	-	n/a	100	-	100
5000.03 City Manager Vehicle Reimburse	5,567	8,350	67%	3,151	5,500	57%	696	417	279
5000.05 Elected Official Pay	560	840	67%	420	700	60%	70	70	-
5000.20 Payroll Tax Expense	-	-	n/a	6,210	9,300	67%	-	664	(664)
5000.20 Payroll Tax Expense	7,332	11,590	63%	6,210	9,300	67%	902	664	238
5000.40 Retirement	2,764	5,100	54%	2,216	4,000	55%	336	261	76
5000.50 Direct Deposit Expense	-	130	0%	86	130	66%	-	12	(12)
5000.51 Health Insurance Stipend	-	1,200	0%	-	400	0%	-	-	-
Total 5000 Personnel Services	102,855	162,270	63%	78,730	123,330	64%	12,920	9,149	3,771
5500 Office Expenses	-	-	n/a	-	-	n/a	-	-	-
5500.05 Bank Fees & Charges	-	-	n/a	33	-	n/a	-	-	-
5500.10 City Hall Maintenance / Repairs	2,442	2,500	98%	329	20,000	2%	472	25	447
5500.30 IT & Radio Expenses	549	7,500	7%	2,142	7,000	31%	15	665	(650)
5500.40 Newsletter	-	-	n/a	-	750	0%	-	-	-
5500.50 Office Supplies	1,449	3,500	41%	2,741	3,800	72%	217	820	(603)
5500.60 Postage & Shipping	791	1,620	49%	978	2,000	49%	-	63	(63)
5500.61 Printing & Reproduction	3,094	4,000	77%	2,113	4,000	53%	365	113	252
5500.70 Storage Rental	591	1,250	47%	654	1,100	59%	206	144	62
5500.80 Software & Subscriptions	2,810	-	n/a	-	-	n/a	2,250	-	2,250
Total 5500 Office Expenses	11,725	20,370	58%	8,989	38,650	23%	3,525	1,830	1,695
6000 Professional Services	-	-	n/a	-	-	n/a	-	-	-
6000.01 Audit Expense	10,905	9,000	121%	6,600	6,600	100%	8,205	6,600	1,605
6000.10 Codification	139	1,000	14%	687	1,200	57%	-	607	(607)
6000.11 Contract Labor	417	6,750	6%	4,605	7,500	61%	-	456	(456)
6000.15 Engineering	6,630	10,000	66%	1,850	1,850	100%	6,630	1,500	5,130
6000.20 Legal Expenses	-	25,000	0%	2,226	25,000	9%	-	-	-

	2016-2017			2015-2016			Y/Y Monthly Comparison		
	YTD	Budget	%	YTD	Budget	%	May 2017	May 2016	Difference
6000.20 Legal Expenses	11,815	25,000	47%	14,780	25,000	59%	2,725	1,966	759
6000.30 IT Services	7,001	-	n/a	-	-	n/a	1,446	-	1,446
6000.40 Accounting	7,086	-	n/a	-	-	n/a	475	-	475
<b>Total 6000 Professional Services</b>	<b>43,992</b>	<b>51,750</b>	<b>85%</b>	<b>28,522</b>	<b>42,150</b>	<b>68%</b>	<b>19,481</b>	<b>11,129</b>	<b>8,352</b>
6500 Area Care/Maintenance	-	-	n/a	-	-	n/a	-	-	-
6500.01 Deer Removal	225	2,500	9%	825	1,500	55%	-	-	-
6500.15 Mowing	860	5,500	16%	295	5,500	5%	435	75	360
6500.20 Oak Wilt Containment	-	1,000	0%	-	2,000	0%	-	-	-
6500.21 Outdoor Beautification	3,314	30,000	11%	10,462	12,000	87%	400	6,900	(6,500)
6500.25 ROW Tree Trimming	-	10,000	0%	775	1,500	52%	-	-	-
6500.30 Street Maintenance	43,057	43,100	100%	3,075	26,000	12%	43,057	-	43,057
6500.31 Street Signs	1,095	1,200	91%	602	1,000	60%	45	185	(140)
6500.35 Storm Damage Reserve	-	7,000	0%	-	-	n/a	-	-	-
6500.40 Tree Limb Pick-Up	5,200	5,200	100%	3,630	8,900	41%	-	-	-
<b>Total 6500 Area Care/Maintenance</b>	<b>53,751</b>	<b>105,500</b>	<b>51%</b>	<b>19,664</b>	<b>58,400</b>	<b>34%</b>	<b>43,937</b>	<b>7,160</b>	<b>36,777</b>
7000 Other Operating Expenses	-	-	n/a	-	-	n/a	-	-	-
7000.01 Ad Valorem Tax Expense	1,409	2,000	70%	833	2,000	42%	550	-	550
7000.02 Building Inspections	6,425	5,500	117%	5,460	10,000	55%	1,600	315	1,285
7000.03 Code Compliance	8	1,500	1%	-	1,500	0%	-	-	-
7000.04 Dues & Membership	2,360	1,800	131%	681	1,700	40%	1,040	-	1,040
7000.05 Election Expense	3,113	3,200	97%	2,592	2,600	100%	-	-	-
7000.10 Depreciation Expense	-	-	n/a	-	-	n/a	-	-	-
7000.15 Meeting Expense	855	1,600	53%	1,294	1,800	72%	22	287	(265)
7000.20 Public Notices	693	1,500	46%	1,131	1,800	63%	99	-	99
7000.30 Travel & Vehicle Exp Reimb.	1,223	4,000	31%	326	750	43%	137	270	(132)
7000.40 Training & Prof Development	2,629	5,000	53%	1,219	2,000	61%	695	65	630
<b>Total 7000 Other Operating Expenses</b>	<b>18,716</b>	<b>26,100</b>	<b>72%</b>	<b>13,536</b>	<b>24,150</b>	<b>56%</b>	<b>4,143</b>	<b>937</b>	<b>3,207</b>
7500 Utilities	-	-	n/a	-	-	n/a	-	-	-
7500.10 City Hall Utilities	-	-	n/a	1,632	2,600	63%	-	216	(216)
7500.10 City Hall Utilities	1,810	2,700	67%	1,632	2,600	63%	228	216	12
7500.20 Outdoor Utilities	-	-	n/a	1,979	3,600	55%	-	112	(112)
7500.20 Outdoor Utilities	2,403	3,600	67%	1,979	3,600	55%	274	112	162
7500.30 Telephone & Internet	2,212	3,000	74%	1,702	3,000	57%	281	-	281
<b>Total 7500 Utilities</b>	<b>6,425</b>	<b>9,300</b>	<b>69%</b>	<b>5,312</b>	<b>9,200</b>	<b>58%</b>	<b>784</b>	<b>328</b>	<b>455</b>
7600 Insurance	2,908	2,910	100%	2,514	2,550	99%	-	-	-
8020 Municipal Court Costs	-	-	n/a	-	-	n/a	-	-	-
8020.20 MC Judge	2,500	3,500	71%	1,750	3,400	51%	1,500	-	1,500
8020.25 Misc. Court Costs	765	1,000	77%	735	750	98%	-	-	-
8020.30 Prosecutor	-	2,400	0%	-	-	n/a	-	-	-
8020.40 State Comptroller Costs	-	500	0%	106	-	n/a	-	-	-
8020.41 Supplies	77	200	39%	-	-	n/a	-	-	-
8020.60 Traffic Enforcements	14,170	28,000	51%	21,255	36,000	59%	7,085	-	7,085
<b>Total 8020 Municipal Court Costs</b>	<b>17,512</b>	<b>35,600</b>	<b>49%</b>	<b>23,846</b>	<b>40,150</b>	<b>59%</b>	<b>8,585</b>	<b>-</b>	<b>8,585</b>
9077 General Fund Accrual	-	-	n/a	-	-	n/a	-	-	-
Unapplied Cash Bill Payment Expenditure	-	-	n/a	-	-	n/a	-	-	-
<b>Total Expenditures</b>	<b>257,883</b>	<b>413,800</b>	<b>62%</b>	<b>181,114</b>	<b>338,580</b>	<b>53%</b>	<b>93,374</b>	<b>30,532</b>	<b>62,841</b>
<b>Net Operating Revenue</b>	<b>160,087</b>	<b>71,610</b>	<b>224%</b>	<b>198,668</b>	<b>109,600</b>	<b>181%</b>	<b>(73,129)</b>	<b>(11,800)</b>	<b>(61,329)</b>
<b>Other Revenue</b>									
4019 Proceeds from Capital Leases	-	-	n/a	-	-	n/a	-	-	-
8500 Capital Improvement Income	-	-	n/a	-	-	n/a	-	-	-
<b>Other Expenditures</b>									
8500.25 Capital Improvement Expense	-	-	n/a	725	-	n/a	-	-	-
9001 Capital Lease Principal	-	-	n/a	12,818	-	n/a	-	12,818	(12,818)
9002 Interest on Capital Lease	-	-	n/a	-	-	n/a	-	-	-
9074 Other Capital Outlay	-	-	n/a	-	-	n/a	-	-	-
9800.01 Capital Expenditures - CY	7,640	12,610	61%	-	-	n/a	-	-	-
9800.1 Capital Project Expenditures - FY	-	-	n/a	-	-	n/a	-	-	-
9800.11 2017 Street Improvements	44,400	-	n/a	-	-	n/a	17,700	-	17,700
9800.02 Other Miscellaneous Expenditure	-	-	n/a	-	750	0%	-	-	-
<b>Reconciliation Discrepancies</b>	<b>(0)</b>	<b>-</b>	<b>n/a</b>	<b>-</b>	<b>-</b>	<b>n/a</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Net Other Revenue</b>	<b>(52,040)</b>	<b>(12,610)</b>	<b>413%</b>	<b>(13,543)</b>	<b>(750)</b>	<b>1806%</b>	<b>(17,700)</b>	<b>(12,818)</b>	<b>(4,882)</b>
<b>Net Revenue</b>	<b>108,047</b>	<b>59,000</b>	<b>183%</b>	<b>185,125</b>	<b>108,850</b>	<b>170%</b>	<b>(90,829)</b>	<b>(24,618)</b>	<b>(85,211)</b>

	<b>2016-2017</b>			<b>2015-2016</b>			<b>Y/Y Monthly Comparison</b>		
	YTD	Budget	%	YTD	Budget	%	May 2017	May 2016	Difference
Reconciliation to Income Statement									
9800.02 Other Miscellaneous Expenditure	-			-			-		
Net Revenue	108,047			185,125			(90,829)		

# The City of Woodcreek

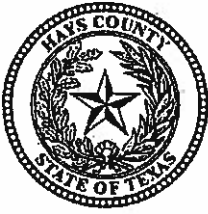
## STATEMENT OF FINANCIAL POSITION

As of May 31, 2017

	TOTAL
<b>ASSETS</b>	
Current Assets	
Bank Accounts	
1000 Operating - Broadway 9628	245,672.76
1003 Municipal - Reg Acct#7223	31,106.07
1003.1 Municipal Court Petty Cash	100.00
1006 PEG - #5467	17,771.76
1010 Petty Cash	-41.00
1020 Investment Account - Class 0001	26,099.78
1021 Reserved Funds - Broadway 4573	478,137.11
1022 Crockett National Bank	224,631.96
1023 Pioneer Bank #6151	202,311.55
<b>Total Bank Accounts</b>	<b>\$1,225,789.99</b>
Accounts Receivable	
1120 Delinquent Taxes Receivable	9,288.75
<b>Total Accounts Receivable</b>	<b>\$9,288.75</b>
Other Current Assets	
1121 Allowance for Uncollectible	-464.43
1122 Due to/from HOT Account	52.00
1123 Employee Cash Advance	0.00
1150 Due From Capital Project Funds To Operating	44,400.00
<b>Total Other Current Assets</b>	<b>\$43,987.57</b>
<b>Total Current Assets</b>	<b>\$1,279,066.31</b>
Fixed Assets	
1200 Office Furniture / Equipment	34,566.84
1225 Land	37,850.00
1226 Building & Improvements	109,708.00
1227 Street Pavement	144,126.00
1228 Street Improvements 2017	44,400.00
1240 Accumulated Depreciation - All	-19,261.00
<b>Total Fixed Assets</b>	<b>\$351,389.84</b>
Other Assets	
1250 Deferred Revenue	-15,678.59
<b>Total Other Assets</b>	<b>\$ -15,678.59</b>
<b>TOTAL ASSETS</b>	<b>\$1,614,777.56</b>
<b>LIABILITIES AND EQUITY</b>	
Liabilities	
Current Liabilities	
Accounts Payable	
1900 Accounts Payable	34,594.38
<b>Total Accounts Payable</b>	<b>\$34,594.38</b>

	TOTAL
Other Current Liabilities	
2000 Payroll Tax Payable	3,414.15
2001 Federal Withholding Payable	0.00
2020 State Unemployment Liability	25.15
2021 Accrued Wages Payable	2,608.53
2030 TMRS Payable	-32.49
2100 WVWA / LCRA Grant Expenditures	445.45
2105 Capital Development Grant	21,325.00
2105.1 Augusta Park Proj Expenditures	-1,707.50
2110 Direct Deposit Liabilities	-3,739.35
2200 Security Deposits	0.00
2300 Sales Tax Revenue Overpayment	533.38
2400 Due To Operating From Capital Project Funds	44,400.00
<b>Total Other Current Liabilities</b>	<b>\$67,272.32</b>
<b>Total Current Liabilities</b>	<b>\$101,866.70</b>
<b>Total Liabilities</b>	<b>\$101,866.70</b>
Equity	
9998 Opening Balance Equity	533,846.43
9999 Retained Earnings	818,977.56
Net Revenue	160,086.87
<b>Total Equity</b>	<b>\$1,512,910.86</b>
<b>TOTAL LIABILITIES AND EQUITY</b>	<b>\$1,614,777.56</b>





*Ray Helm*

Constable Precinct 3 Hays County, Texas

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Woodcreek Patrol  
Amended May 2017

	<u>Total</u>
Hours:	97
Mileage:	601
Traffic Citation/warning(s):	5
Code Enforcement:	20
Close Patrol:	15
Criminal:	2
Civil:	2
Other:	4
Agency/Public Assist:	5
Warrants:	0
Jailing:	0

Constable Ray Helm III

  
Deputy Travis Brown

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P.O. Box 1316 / 14306 Ranch Road 12, # 10, Wimberley, Texas 78676

Fax: 512-847-7352 Office: 512-847-5532 e-mail: darrell\_ayres@co.hays.tx.us

**City Manager Monthly Public Report from May 5<sup>th</sup>, 2017 to June 9<sup>th</sup>, 2017 for the June 14<sup>th</sup>, 2017 Council Meeting**

A Public Meeting in the Brookhollow Project will be held on June 21<sup>st</sup> at 6:00 PM at the Wimberley Community Center.

Survey Results for the 2030 Plan have been received with about 200 respondents.

FEMA is scheduling public meetings for the FIRM to enable property owners to ask questions.

Public Info. Requests – 2 – in progress

Ordinance Violations - Dead trees – 5 (3 resolved)

Health and Safety – 5

Construction – 2 (1 resolved)

Parking – 3 (1 resolved)

Fence – 1

Debris, etc. – 2

Stop Work Orders - 4 (2 resolved)

Permits - Driveway – 1

Fence – 5

Deck Cover – 1

Tree – 8

R.O.W. Signs – 5

Deck – 1

Roof – 1

Renovation - 1

Permit extensions – 3

Certificate of Occupancy – 2

Non-conforming inspection – 8

Replats – 3

Site Development Plan – 2

Concept Plan - 1

**Council Meeting Date: 06/14/2017**

**AGENDA ITEM COVER SHEET**

**Subject/Title:**

9. A. Discussion and possible action on amending the City of Woodcreek Code of Ordinances as it relates to Lighting.

**Item Summary:**

This item is to consider adopting an Ordinance that is in compliance with the Wimberley Valley Dark Night Skies Initiative. There has been a concerted effort to preserve the dark night sky in the Woodcreek area, and the proposed ordinance is a step in the right direction. By adopting the ordinance, and proper enforcement, the Wimberley Valley area can be a destination point for persons wanting to see the various stars, planets, etc. The City of Woodcreek is already beyond the curve, since within the code up lighting has been banned. The enforcement of this ordinance will be complaint driven.

**Financial Impact/Financial Information:**

N/A

**Comments/Recommendation**

Adoption of the proposed ordinance.

**Attachments:**

Proposed Ordinance

**Submitted By:**

Brenton B. Lewis, City Manager

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

CITY OF WOODCREEK, TEXAS

AMENDMENT TO CHAPTER 156 OF THE CODE OF ORDINANCES

**ZONING ORDINANCE – DARK SKIES ORDINANCE**

**AN ORDINANCE AMENDING THE CITY OF WOODCREEK CODE OF ORDINANCES AT TITLE XV (“LAND USAGE”), CHAPTER 156 (“ZONING”), SECTION 156.009 (“DEFINITIONS”) AND SECTION 156.026 (“OUTDOOR LIGHTING”); ESTABLISHING NEW SECTIONS 156.042-.0\_\_ TO ESTABLISH OUTDOOR LIGHTING REQUIREMENTS, DEFINING TERMS, PROVIDING PENALTIES, PROVIDING FOR NOTICE AND ABATEMENT, AND PROVIDING FOR ENACTMENT, REPEALER, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE, AND FINDING PROPER NOTICE AND MEETING.**

**WHEREAS,** pursuant to Texas Local Government Code Chapter 211, the City Council of the City of Woodcreek (“City Council”) has general authority to adopt the regulations herein relating to the City’s Zoning Ordinance; and

**WHEREAS,** the City Council of the City of Woodcreek (“City Council”) is aware that outdoor lighting is necessary for the safety and welfare of the public and for the safe and effective conduct of business and that a business might desire to use various forms and types of lights to attract the attention of customers and that public events may require illumination for night-time activity and that residents may wish to install or maintain lights to provide for security; and

**WHEREAS,** the City Council has adopted Vision 2020 that addresses the residents’ feedback and suggestions concerning future improvements to the city’s existing street light infrastructure; and

**WHEREAS,** the City Council finds that the neighboring communities of Wimberley and Dripping Springs have both expressed commitment to reducing light pollution in an effort to preserve the integrity of the natural environment, including a dark sky at night; and

**WHEREAS,** the City Council has observed that these attributes are diminished by lighting of urban intensity and finds that such lighting creates glare and sky glow and

contrasts unreasonably with the moderate illumination considered suitable for a small town the size of Woodcreek; and

**WHEREAS**, the City Council finds that its citizens have the right to property free from unwanted illumination; and

**WHEREAS**, the City Council has observed a variety of outdoor lighting situations and has determined which uses of lighting and reasonable lighting intensity levels are consistent with the preservation of these attributes while affording sufficient light for security and safety.

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

### **1. FINDINGS OF FACT**

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

### **2. ENACTMENT**

Chapter 156 (“Zoning”) of the Code of Ordinances of the City of Woodcreek is amended to reflect the amended Sections 156.009 and 156.026 and the new Sections 156.042-.0\_\_ so as to read in accordance with *Attachment A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

### **3. REPEALER**

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

### **4. SEVERABILITY**

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

### **5. CODIFICATION**

The City Secretary is hereby authorized and directed to record and publish the language of Chapter 91, as amended by this Ordinance, in the City’s Code of Ordinances.

### **6. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon its passage and the publication of caption of Ordinance No. \_\_\_\_\_

Amending Chapter 156 of the Code of Ordinances  
 (“Zoning – Outdoor Lighting”) 1<sup>st</sup> Draft

this ordinance.

**7. PROPER NOTICE & MEETING**

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

**PASSED & APPROVED** this, the \_\_\_\_\_ day of September, 2016, by a vote of \_\_\_ (*ayes*) to \_\_\_ (*nays*) and \_\_\_ (*abstentions*) of the City Council of Woodcreek, Texas.

**CITY OF WOODCREEK:**

\_\_\_\_\_  
Mayor Eric C. Eskelund

**ATTEST:**

\_\_\_\_\_  
Brenton Lewis, City Manager

**APPROVED AS TO FORM:**  
*The Law Office of Roger Gordon*

**Attachment "A"**

**City of Woodcreek**

**CODE OF ORDINANCES**

**TITLE XV: LAND USAGE**

**CHAPTER 156: ZONING**

**General Provisions**

**§ 156.009 DEFINITIONS (only new additions to Definitions shown)**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words used in the present tense include the future tense. Words used in the plural number include the singular, and words in the singular include the plural. The word "shall" is always mandatory. The word "herein" means in this chapter. The word "regulations" means the provisions of any applicable ordinance, rule, regulation or policy. The word "person" means any human being or legal entity and includes a corporation, a partnership and an incorporated or unincorporated association. The words "used or occupied", as applied to any land or building, shall be construed to include the words intended, arranged or designed to be used or occupied. Any definition not expressly prescribed herein shall, until such time as defined by ordinance, be construed in accordance with customary usage in municipal planning and engineering practices.

***BULB.*** A light-emitting device or structure containing a light source. This includes but is not limited to a lamp.

***CORRELATED COLOR TEMPERATURE.*** The specification of the color appearance of light emitting by a lamp, relating its color to the color of light from a reference blackbody source when heated to a particular temperature, measure in degrees Kelvin (K).

***DIFFUSING LENS.*** A translucent enclosure which surrounds a light source and through which there can be seen no semblance of an image of the light source. To provide a sufficiently wide distribution of light, a lens meeting this definition shall have a minimum cross-section, as seen from any angle, of not less than 0.125 square inch per lumen of enclosed light source emission.

**EFFICACY.** As an engineering term, the emission of light by a light source expressed in lumens per watt. In the absence of manufacturers' ratings, or at the discretion of the city, the EFFICACY and light emission of lamps shall be calculated as follows:

- (1) Common tungsten incandescent: 12 lumens per watt;
- (2) Halogen incandescent: 18 lumens per watt;
- (3) Metal halide: 82 lumens per watt;
- (4) High pressure sodium: 82 lumens per watt;
- (5) Fluorescent tubes: 75 lumens per watt; and
- (6) LED: 50-150 lumens per watt

**FIXTURE.** An outdoor lighting assembly containing 1 or more lamps and including any lenses, reflectors, and shields designed to direct the light in a defined manner.

**FOOT CANDLE.** As an engineering term, a unit of light intensity equal to 1 lumen per square foot, which applies to the brightness of light on a surface or at a point in space.

**FULL HORIZONTAL CUT-OFF FIXTURE.** A fixture that confines the light entirely below a horizontal plane running through the lowest of: the lowest point from which light is emitted, or the lowest part of any lens, or the lowest point of any specular reflector.

**GLARE.** The effect of light shining directly in the eyes such as occurs when there is a line of sight to the light source.

**INITIAL LUMENS.** The manufacturer-specified number of lumens of light generated by a lamp at the beginning of its service lifetime, not accounting for losses associated with lamp age.

**LAMP.** A light-emitting device or a structure containing a light source. This includes but is not limited to a bulb.

**LIGHT SOURCE.** Any device or element which emits light.

**LIGHT STRING.** The number of bulbs connected with wire in a linear or 2-dimensional array, not contained in the structure of a fixture, used either for illumination or decoration, and supported in any manner.

**LIGHT TRESPASS.** Any horizontal or vertical illumination on a property from light sources on another property that exceeds 0.1 footcandles on a residential or unzoned district or 0.5 footcandles on a non-residential district. The measurement shall be made 4 feet above the ground at a point 4 feet inside the property line.

**LIGHTING INSTALLATION.** All outdoor lighting fixtures and light sources on a property.



**LINE OF SIGHT.** As it applies to the visibility of a light source, a straight unobstructed line from any point on a property 4 feet or more above the ground to a light source on another property.

**LUMEN.** As an engineering term, a unit of light flux, which applies to the amount of light emitted by a lamp.

**LUMENS PER ACRE.** The total number of initial lumens produced by all lamps utilized in outdoor lighting on a property divided by the number of acres, or part of an acre, with outdoor illumination on the property.

**SPECULAR REFLECTOR.** A reflector which has a mirror-like surface that reflects an image (no matter how imperfect or distorted) of a light source.

## City of Woodcreek

### CODE OF ORDINANCES

### TITLE XV: LAND USAGE

### CHAPTER 156: ZONING

#### General Requirements and Limitations

#### § 156.026 OUTDOOR LIGHTING.

(A) Lights shall be shielded in a manner consistent with Sections 156.040-.  to prevent light being emitted from fixtures designed or installed as to cause light to fall on neighboring property, motor vehicle drivers' eyes or upward, illuminating the sky.

(B) Property owners with existing lighting which is not adequately shielded have \_\_\_\_\_ from the date this chapter becomes effective to provide adequate shielding.

**City of Woodcreek**  
**CODE OF ORDINANCES**  
**TITLE XV: LAND USAGE**  
**CHAPTER 156: ZONING**

**General Requirements and Limitations**

**§ 156.042.01 DARK SKIES COMPLIANCE REQUIRED.**

All (new/existing) outdoor lighting fixtures and installations in the city shall conform to the following provisions.

**§ 156.042.02 DEFINITIONS.**

For the purpose of this subchapter, the definitions of Section 156.009 shall apply unless the context clearly indicates or requires a different meaning.

**§ 156.042.03 SHIELDING, SPECTRUM AND CURFEWS.**

(A) Any fixture installed in the city, including municipally-owned street lights, having a total light emission in excess of 1,500 lumens shall be shielded in a manner that:

(1) Confines the light so that it falls entirely on a wall or sign, or confines the light entirely below a horizontal plane at the level of the lowest of: the lowest point of the fixture at which light is emitted, the lowest part of any lens, or the lowest point of any specular reflector; and;

(2) Prevents a line of sight from any point off the property on which the fixture is situated to a light source, its surrounding non-diffusing lens, or a specular reflector within or incidental to the fixture.

(B) No property in the city shall have fixtures that are not included in, or do not conform to division (A), which collectively have total light emission exceeding 7,200 initial lumens.

(C) No fixture may be installed employing a lamp whose correlated color temperature exceeds 3000 Kelvins.

(D) New street lighting installed after the effective date, other than fixtures at the intersection of roadways, shall utilize half-night photocells or timers to turn off the lights halfway between dusk and dawn.

#### **§ 156.042.04 SITE LUMEN LIMITS/ZONING CATEGORIES.**

(A) The total outdoor light output (excluding municipally-owned streetlights used for illumination of public rights-of-way and outdoor recreation facilities) in both shielded and unshielded fixtures on any nonresidential property in districts SF-1 through SF-6, TH/C, DU-1, 4PLX, MF-1, MF-1A, MF-2, RR, PUD, MH-1, and unzoned tracts where a residence exists shall not exceed 20,000 initial lumens per net acre, or 40,000 initial lumens per net acre in other districts and unzoned tracts, in any contiguous illuminated area. These lumen per net acre values are upper limits and not design goals; design goals should be the lowest levels that meet the requirements of the task.

(B) Total outdoor light output (excluding municipally-owned streetlights used for illumination of public rights-of-way and outdoor recreation facilities) in unshielded fixtures on any nonresidential property in districts SF-1 through SF-6, TH/C, DU-1, 4PLX, MF-1, MF-1A, MF-2, RR, PUD, MH-1, and unzoned tracts where a residence exists shall not exceed 6,000 initial lumens per net acre, or initial 15,000 lumens per net acre in other districts and unzoned tracts, in any contiguous illuminated areas.

#### **§ 156.042.05 REDIRECTION AND REMOVAL OF ADJUSTABLE FIXTURES AND BULBS.**

(A) *Redirection.* Any fixture existing on the effective date of this subchapter which does not conform to Section 156.042.03 of this code and which can be re-directed or re-aimed shall be re-directed or re-aimed in a manner that reduces the degree of non-compliance so it fully conforms with Section 156.042.03.

(B) *Removal.* A light string that does not conform to Section 156.042.03 shall be removed, or the number of bulbs reduced sufficiently to comply with Section 156.042.03.

#### **§ 156.042.06 ILLUMINATION.**

(A) *Limitation per fixture.* The maximum illumination on any outdoor surface or object, including signs, from all fixtures or light sources, whether installed before or after the effective date of this subchapter, including lighting of externally illuminated and internally illuminated signs, shall not exceed:

(1) Six footcandles in districts SF-1 through SF-6, TH/C, DU-1, 4PLX, MF-1, MF-1A, MF-2, RR, PUD, MH-1, and unzoned tracts where a residence exists;

(2) Eighteen footcandles in other districts and unzoned tracts where a business exists and is open; or

(3) Three footcandles in other districts and unzoned tracts where a business is closed or does not exist;

(B) *Measurement.*

(1) On any surface, except signs, the maximum illumination shall be measured at the point of highest illumination but no closer than six feet from the center of the nearest fixture.

(2) On any surface of an externally illuminated sign, the maximum illumination shall be measured at the center of the sign.

(3) On any surface of an internally illuminated sign, the maximum illumination shall be measured at the point of highest illumination.

(4) On any surface illuminated by an internally illuminated sign, the maximum illumination shall be measured at the point of highest illumination, but no closer than six feet from the center of the sign.

(C) *Re-lamping.* Any fixtures existing on the effective date of this subchapter which do not conform to this section, which require lamp replacement and which will support lamps of lower emission, shall be re-lamped with lower-emission lamps in order to:

(1) Achieve compliance with this section; or

(2) Approach compliance with this section to the greatest possible degree.

### **§ 156.042.07 PROHIBITED LIGHTING FORMS.**

The installation or replacement of a mercury arc or mercury discharge lamp of any size or kind is strictly prohibited.

### **§ 156.042.08 REMOVAL OR NON-CONFORMING FIXTURES.**

Non-conforming fixtures, except those of a public entity, existing within the city on the effective date of this ordinance, shall be removed or disconnected no later than \_\_\_\_\_, which is \_\_\_\_\_ years from the effective date. Any change of use of a property, or renovations or additions to the structures on a property constituting more than 20% of the previous calendar year's appraised value shall result in the removal or replacement of any non-conforming fixtures on those structures.

**§ 156.042.09 REPLACEMENT OF FIXTURES; CONFORMANCE REQUIRED.**

Any fixture that is replaced, whether or not it conforms to this subchapter, shall be replaced only with a fixture that conforms to all provisions of this subchapter.

**§ 156.042.10 PUBLIC SAFETY AND PUBLIC NUISANCE.**

(A) The City may install new public outdoor lighting, including street lighting and lighting on other public property and rights-of-way, after the effective date only upon the determination of the City Manager that a clear public safety threat exists in the space to be lit, and that the hazard can only be effectively mitigated through the use of outdoor lighting.

(B) Notwithstanding the provisions of § 156.042.09, the city may require the modification or removal or limited operation of lighting fixtures found to be a public hazard or public nuisance according to the following criteria:

(1) Criteria for finding illumination to be a public hazard:

(a) Light trespass or glare which is sufficiently intense or contrasts excessively with surrounding illumination, regardless of the intensity of surrounding illumination, in a manner to cause impairment of visual performance or to distract from or impair the safe operation of a vehicle; or

(b) Light trespass or glare that impairs a person's visual performance or ability to avoid obstacles in his or her path; or

(2) Criteria for finding illumination to be a public nuisance:

(a) Light trespass or glare that deprives an owner or occupant of usual and reasonable use and enjoyment of a property; or

(b) A high frequency or duration of periods when light trespass or glare is sufficient to interrupt or interfere with usual and reasonable use and enjoyment of a property; or

(c) Light trespass or glare that causes visual discomfort or impairment of visual performance in a manner that deprives any citizen of the city from the usual and reasonable enjoyment of a property.

(C) Benefit to the general public welfare may be found to mitigate a finding of a public nuisance but may not be found to mitigate a finding of a public hazard.

## § 156.042.11 EXCEPTIONS.

The City may grant an exception to some of the provisions of this subchapter for certain fixtures if the city finds the exception to be in the interest of public health, safety, and welfare and under the following conditions.

(A) For the illumination of city streets, parking lots, areas of public activity, and yard security, a non-conforming fixture which is granted an exception may be installed and the fixture and its light shall be exempt from the provisions of §§ 156.04.03, 156.042.06(A)(3) and 156.042.08 of this code except as set forth below it:

(1) No alternate lighting design or location using fully conforming fixtures is reasonable applicable to the physical conditions of the site, and the asserted need for a non-conforming fixture is not solely for the purpose of achieving an illumination level in excess of the provisions of § 156.042.06(A)(3) of this code;

(2) A fully conforming fixture with or without auxiliary shielding is unavailable from manufacturers of fixtures or is unavailable for mounting on a pole of the public electric utility;

(3) The fixture has a full horizontal cut-off design, and has total light emission not exceeding 8,500 initial lumens;

(4) A fixture is mounted no higher than:

(a) Sixteen feet above the ground when mounted on a privately owned pole;

(b) The lowest point consistent with public electric utility requirements when mounted on a pole which is the property of the public electric utility.

(5) No excepted fixture is located closer to another such fixture on one or separate properties than a distance equal to three times the average mounting height of the fixtures, nor closer to property lines of adjoining or facing residential property than a distance equal to two times the height of the fixture above the ground;

(6) No more than one excepted fixture is located on a residential property;

(7) No more than two excepted fixtures are located on a non-residential property for security purposes where there is no night-time public activity;

(8) The maximum illumination due to all fixtures on the ground or any other surface does not exceed six footcandles; and

(9) The light from all excepted fixtures conforms to the provisions of §146.042.03(A)(2) and §146.042.03(C) of this code so far as it affects any adjoining residential property.

(10) The lighting illuminates the State of Texas flag and/or United States flag, provided that:

(a) Flagpoles illuminated from below are limited to a height of 30 feet above ground level, and are illuminated with a single spot-type fixture whose maximum initial output is 75 lumens per foot of height, measured from the light fixture to the top of the flagpole. The fixture must be mounted so that the lens is perpendicular to the flagpole.

(b) Flags posted on flagpoles are raised and lowered in a manner consistent with customary etiquette calling for display only between sunrise and sunset.

(c) Flagpoles illuminated from above utilize a single light fixture, not to exceed 800 initial lumens, attached to the top of the flagpole or a fixture mounted above the top of the flagpole on a structure within fifteen feet of the flagpole.

(11) Decorative light strings displayed during seasonal holiday period from November 1 to January 15 of the following calendar year are exempt from the provisions of this subchapter.

## **§ 156.042.12 APPLICABILITY; ADMINISTRATION & ENFORCEMENT**

(A) All lighting installations or additions to lighting installations made after the original effective date of this subchapter shall conform to this subchapter and shall be subject to inspection by the Woodcreek City Manager or his designee.

(B) An outdoor lighting plan shall be included as part of the documentation for a permit application. The outdoor lighting plan shall show the bulb type and electric power of all proposed and existing outdoor bulbs and fixtures in the lighting installation, and provide sufficient detail with respect to location, height, and aiming and shielding of the fixtures to demonstrate that the proposed lighting installation complies with this subchapter.

(C) If the City Manager or his designee finds that an outdoor lighting fixture does not comply with this subchapter, the owner shall be notified and shall be allowed thirty (30) days from the date of receipt of notification to remedy the non-compliance or to demonstrate that a violation does not exist.

**Council Meeting Date: 06/14/2017**

**AGENDA ITEM COVER SHEET**

**Subject/Title:**

9. B. Consider and Take Appropriate Action on Approval of Waste Connections, Inc.'s Request for an Annual Consumer Price Index Price Adjustment.

**Item Summary:**

This agenda item concerns the annual CPI adjustment that is allowed within the contract with Waste Connections Inc. (Formerly Progressive Waste Management and IESI TX). The contract with Waste Connections allows a CPI adjustment each year, based upon the CPI-U percentage for the time frame of April 1, 2016 to April 1, 2017. The CPI for all consumers (all items) was 2.2%. This equates to an increase of \$.28 per residential customer for trash collection and \$.08 increase for recycling, plus taxes and fees.

**Financial Impact/Financial Information:**

Cost to citizens for rate adjustment

**Comments/Recommendation:**

Approval of rate adjustment.

**Attachments:**

Enclosed in the packet is the official notice received from Waste Connections, Inc.

**Submitted By:**

Brenton B. Lewis, City Manager





WASTE CONNECTIONS, INC.  
*Connect with the Future®*

Brenton Lewis  
City of Woodcreek  
41 Champions Circle  
Woodcreek, TX 78676

May 23, 20167

Dear Brenton :

As your partner in providing solid waste services to the City of Woodcreek, Progressive Waste Solutions of TX, Inc. (formerly IESI TX Corporation) always strives to provide this quality service at the lowest possible price. As you know, our costs of labor, health insurance, disposal and fuel increase every year.

We respectfully request the annual Consumer Price Index (CPI-U) price adjustment per our agreement for all services as listed in Exhibit "A" Rates for Collection and Disposal of Refuse for the City of Woodcreek. The criteria we are basing our request is outlined in Section 12.02. Modification of Rates (a) CPI-U Adjustments of our current agreement, dated April 1, 2013. The CPI-U percentage for the time frame of April 1, 2016 to April 1, 2017 detailed is 2.2% and is based upon the Consumer Price Index for All Consumers (All Items).

Whereas:  $a - b = c$ ; and  $(1 + c/b) \times d =$  adjusted price for service, where

a is the CPI computed by the Bureau for the month of the Year in Question

b is the Base CPI

c is the index point change

d is the price for service specified in subparagraph B, Base Period Rate

$244.524 - 239.261 = 3.209$ , and  $(1 + 5.263/239.361) \times \$12.52 = (1 + 0.022) \times \$12.52 = 2.2\% \times \$12.52 = \$0.28$  increase per residential unit per month. The new residential trash rate will be **\$12.80** per residential unit per month plus taxes and fees. We are requesting that this rate increase will be scheduled to take effect on July 1, 2017.

$236.916 - 233.707 = 3.209$ , and  $(1 + 3.209/233.707) \times \$3.55 = (1 + 0.014) \times \$3.55 = 1.4\% \times \$3.55 = \$0.08$  increase per residential unit per month. The new residential recycling rate will be **\$3.63** per residential unit per month plus taxes and fees.

The total increase in services will be \$0.36 per residential unit per month with a new total rate of \$16.43 per residential unit per month plus taxes.

We are requesting that this rate increase will be scheduled to take effect on July 1, 2017.

If you have any questions do not hesitate to contact me at 830-373-9303. We truly appreciate the opportunity to be your solid waste service provider and look forward to continuing our public-private partnership.

Best Regards

James R. Hare  
District Municipal Marketing Manager  
Waste Connections of Texas

Attachment



2010 IH 10 W., Seguin, TX 78155

Tel (877) 307-4374

## EXHIBIT "A"

### Residential and Commercial Rate Schedule Effective July 1, 2017 2.2% CPI U Adjustment

#### Residential and Commercial Hand Pick-Up

	<u>Current Rate</u>	<u>New Rate</u>
Residential Trash Service Once Per Week:	\$12.52 Per Month	\$12.80 Per Month
Residential Recycling Service Every Other Week:	\$ 3.55 Per Month	\$3.63 Per Month
Each Additional 95- Gallon Cart:	\$ 6.08 Per Month	\$ 6.21 Per Month
Each Additional 65- Gallon Cart:	\$ 3.04 Per Month	\$ 3.11 Per Month

#### Commercial Container Service : (New Rates)

<u>Size</u>	<u>One x Week</u>	<u>Two x Week</u>	<u>Three x Week</u>	<u>Extra Pick Up</u>
4 cubic yard	\$ 75.14	\$122.80	\$183.43	\$77.72
Additional 4 yd (each)	\$ 60.10	\$ 98.45	\$147.16	\$77.72
6 cubic yard	\$127.46	\$255.97	\$383.43	\$98.45
Additional 6 yd (each)	\$101.56	\$205.19	\$300.53	\$98.45

#### Commercial Container Monthly Rental Rate: (New Rate)

<u>Size</u>	<u>Monthly Rental</u>
4 cubic yard	\$30.70 per month
6 cubic yard	\$41.45 per month

#### Sludge Collection Service:

<u>Size</u>	<u>Haul Rate</u>
4 cubic yard	\$599.09 per month



# Databases, Tables & Calculators by Subject

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include graphs  include annual averages

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Data extracted on: May 26, 2017 (12:54:11 PM)

### CPI-All Urban Consumers (Current Series)

Series Id: CUUR0005A0  
Not Seasonally Adjusted  
Series Title: All items in U.S. city average, all urban consumers, not seasonally adjusted  
Area: U.S. city average  
Item: All items  
Base Period: 1982-84=100

Download: [xlsx](#)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	HALF1	HALF2
2007	202.416	203.499	205.352	206.686	207.949	208.352	208.299	207.917	208.490	208.936	210.177	210.036	205.709	208.976
2008	211.080	211.693	213.528	214.823	216.632	218.815	219.964	219.086	218.783	216.573	212.425	210.228	214.429	216.177
2009	211.143	212.193	212.709	213.240	213.856	215.693	215.351	215.834	215.969	216.177	216.330	215.949	213.139	215.935
2010	216.687	216.741	217.631	218.009	218.178	217.965	218.011	218.312	218.439	218.711	218.803	219.179	217.535	218.576
2011	220.223	221.309	223.467	224.906	225.964	225.722	225.922	226.545	226.889	226.421	226.230	225.672	223.598	226.280
2012	226.665	227.663	229.392	230.085	229.815	229.478	229.104	230.379	231.407	231.317	230.221	229.601	228.850	230.338
2013	230.280	232.166	232.773	232.531	232.945	233.504	233.596	233.877	234.149	233.546	233.069	233.049	232.366	233.548
2014	233.916	234.781	236.293	237.072	237.900	238.343	238.250	237.852	238.031	237.433	236.151	234.812	236.384	237.088
2015	233.707	234.722	236.119	236.599	237.805	238.638	238.654	238.316	237.945	237.838	237.336	236.525	236.265	237.769
2016	236.916	237.111	238.132	239.261	240.229	241.018	240.628	240.849	241.428	241.729	241.353	241.432	238.778	241.237
2017	242.839	243.603	243.801	244.524										

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# NEWS RELEASE

BUREAU OF LABOR STATISTICS  
U.S. DEPARTMENT OF LABOR



Transmission of material in this release is embargoed until  
8:30 a.m. (EDT) May 12, 2017

USDL-17-0593

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## CONSUMER PRICE INDEX – APRIL 2017

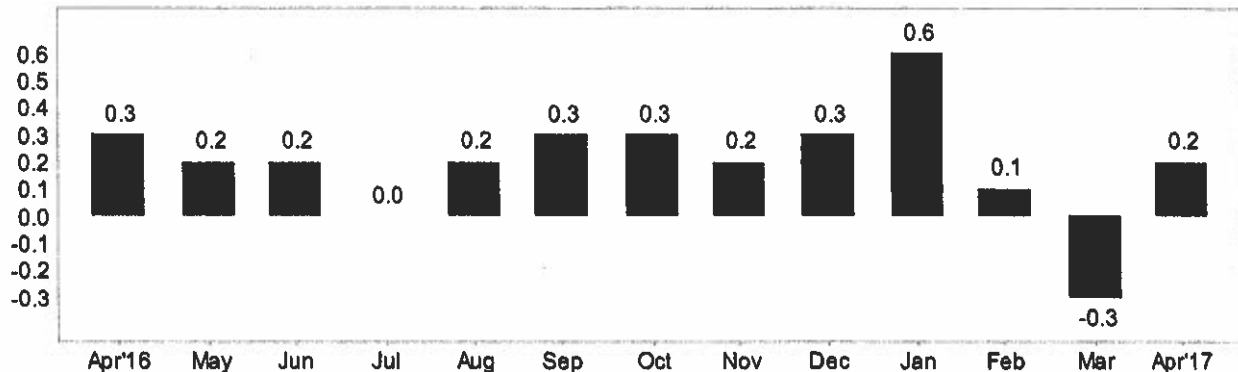
The Consumer Price Index for All Urban Consumers (CPI-U) increased 0.2 percent in April on a seasonally adjusted basis, the U.S. Bureau of Labor Statistics reported today. Over the last 12 months, the all items index rose 2.2 percent before seasonal adjustment.

Increases in indexes for shelter, energy, tobacco, and food all contributed to the monthly increase in the all items index. The energy index rose 1.1 percent, with all 3 of its major component indexes rising. The food index rose 0.2 percent, mostly due to a sharp increase in the index for fresh vegetables.

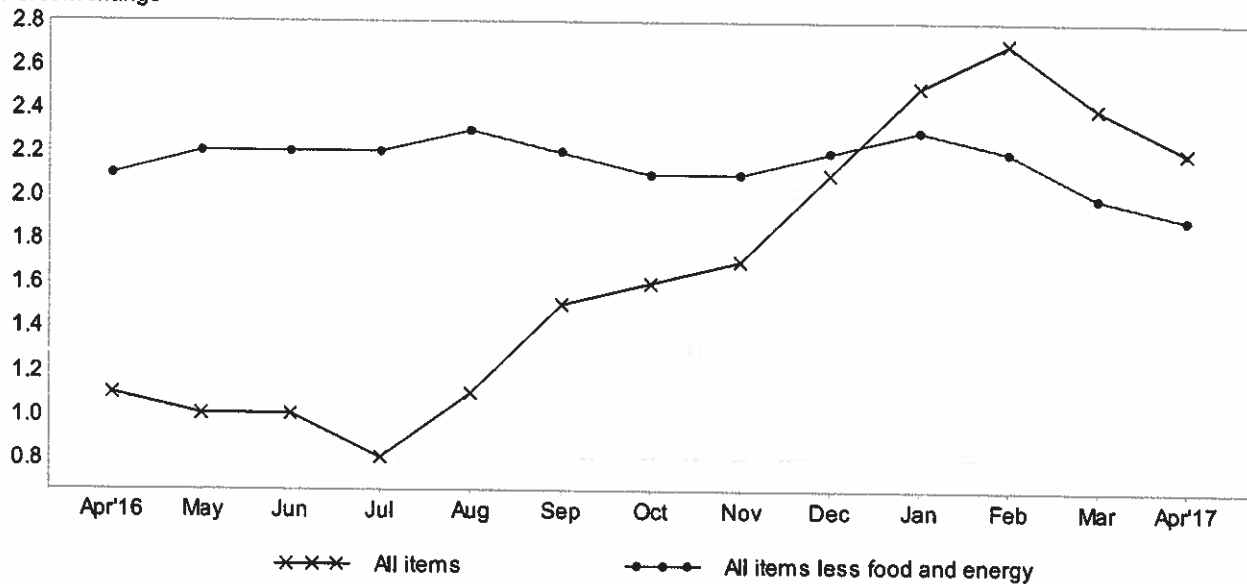
The index for all items less food and energy rose 0.1 percent in April after declining in March. The shelter index increased 0.3 percent, and the tobacco index increased sharply over the month. However, many indexes declined in April, including those for wireless phone services, medical care, motor vehicle insurance, apparel, used cars and trucks, recreation, and new vehicles.

The all items index rose 2.2 percent for the 12 months ending April. While a smaller increase than the 2.4 percent rise for the 12 months ending March, this is still a larger rise than the 1.7 percent average annual increase over the past 10 years. The index for all items less food and energy rose 1.9 percent over the last 12 months; this compares to a 1.8 percent average annual increase over the past decade. The energy index rose 9.3 percent over the last year, while the food index increased 0.5 percent.

Chart 1. One-month percent change in CPI for All Urban Consumers (CPI-U), seasonally adjusted, Apr. 2016 - Apr. 2017  
Percent change



**Chart 2. 12-month percent change in CPI for All Urban Consumers (CPI-U), not seasonally adjusted, Apr. 2016 - Apr. 2017**  
Percent change



**Table A. Percent changes in CPI for All Urban Consumers (CPI-U): U.S. city average**

	Seasonally adjusted changes from preceding month							Un-adjusted 12-mos. ended Apr. 2017
	Oct. 2016	Nov. 2016	Dec. 2016	Jan. 2017	Feb. 2017	Mar. 2017	Apr. 2017	
All items .....	.3	.2	.3	.6	.1	-.3	.2	2.2
Food .....	.0	.0	.0	.1	.2	.3	.2	.5
Food at home .....	-.2	-.1	-.2	.0	.3	.5	.2	-.8
Food away from home <sup>1</sup> .....	.1	.1	.2	.4	.2	.2	.2	2.3
Energy .....	2.5	1.0	1.2	4.0	-1.0	-3.2	1.1	9.3
Energy commodities .....	4.8	2.0	2.4	7.6	-2.8	-6.0	1.3	14.5
Gasoline (all types) .....	5.1	2.1	2.4	7.8	-3.0	-6.2	1.2	14.3
Fuel oil <sup>1</sup> .....	5.9	-1.2	6.0	3.5	-.4	-.8	-.3	22.1
Energy services .....	.4	.0	.0	.3	1.0	-.3	.9	4.4
Electricity .....	.3	.0	.0	.0	.8	-.1	.6	2.4
Utility (piped) gas service .....	.9	.2	.1	1.5	1.5	-.8	2.2	12.0
All items less food and energy .....	.1	.2	.2	.3	.2	-.1	.1	1.9
Commodities less food and energy commodities .....	.0	-.2	.0	.4	.0	-.3	-.2	-.6
New vehicles .....	.2	.0	.1	.9	-.2	-.3	-.2	.4
Used cars and trucks .....	-.1	.2	.2	-.4	-.6	-.9	-.5	-4.6
Apparel .....	.2	-.3	-.4	1.4	.6	-.7	-.3	.5
Medical care commodities .....	.2	-.4	.5	.3	-.2	.2	-.8	2.6
Services less energy services .....	.2	.3	.3	.3	.3	-.1	.1	2.7
Shelter .....	.3	.3	.3	.2	.3	.1	.3	3.5
Transportation services .....	-.1	.5	.5	.6	.7	.4	-.2	3.1
Medical care services .....	.1	.2	.2	.2	.2	.1	.0	3.1

<sup>1</sup> Not seasonally adjusted.

## **Food**

The food index rose 0.2 percent in April, its fourth consecutive increase. The index for food at home advanced 0.2 percent, following a 0.5-percent increase in March. The index for fruits and vegetables rose 2.2 percent as the index for fresh vegetables increased 5.1 percent, its largest increase since February 2011.

Four of the five remaining major grocery store food group indexes declined in April. The index for meats, poultry, fish, and eggs fell 0.6 percent after rising in each of the 3 previous months. The cereals and bakery products index fell 0.3 percent, as did the index for nonalcoholic beverages. The dairy index fell 0.2 percent in April after a 0.6 percent decline in March. The index for other food at home rose slightly in April, increasing 0.1 percent.

The food at home index fell 0.8 percent over the past year as 5 of the 6 major grocery store food group indexes declined. The exception was the fruits and vegetables index, which rose 0.7 percent. The index for meats, poultry, fish, and eggs decreased 3.0 percent over the last year, and the remaining groups posted smaller declines. The index for food away from home advanced 0.2 percent in April, and rose 2.3 percent over the last 12 months.

## **Energy**

The energy index increased 1.1 percent in April following declines in February and March. All of the major energy component indexes increased in April after falling in March. The gasoline index, which fell 6.2 percent in March, increased 1.2 percent in April. (Before seasonal adjustment, gasoline prices increased 4.0 percent in April.) The index for natural gas rose 2.2 percent, and the electricity index increased 0.6 percent over the month.

All of the energy component indexes increased over the last year. The gasoline index rose 14.3 percent, and the index for natural gas increased 12.0 percent. The electricity index advanced more modestly, rising 2.4 percent.

## **All items less food and energy**

The index for all items less food and energy increased 0.1 percent in April after declining in March. The shelter index rose 0.3 percent. The rent index increased 0.3 percent, and the index for owners' equivalent rent advanced 0.2 percent. The index for lodging away from home rose 2.1 percent after declining 2.4 percent in March. The tobacco index rose 4.2 percent in April, its largest increase since April 2009. The indexes for alcoholic beverages, education, and personal care also increased in April.

Several indexes posted declines in April. The index for communication fell 0.6 percent as the index for wireless telephone services continued to fall, decreasing 1.7 percent in April after a 7.0-percent decline in March. The medical care index fell 0.2 percent in April, with medical care component indexes mixed. The physicians' services index fell 1.2 percent, and the index for prescription drugs declined 0.9 percent, but the hospital services index rose 1.0 percent.

The index for motor vehicle insurance fell 0.4 percent in April, ending a streak of 17 consecutive monthly increases. The index for used cars and trucks fell 0.5 percent in April, its fourth consecutive decline, and the new vehicles index decreased 0.2 percent. The apparel index fell 0.3 percent, and the indexes for recreation, household furnishings and operations, and airline fares also declined.

The index for all items less food and energy rose 1.9 percent over the past 12 months; this was the first 12-month increase below 2.0 percent since the period ending October 2015. The shelter index rose 3.5 percent over the year, and the index for medical care rose 3.0 percent. The education index, which has been increasing more slowly recently than it typically has in the past, rose 2.4 percent over the last 12 months. The index for communication fell 6.5 percent over the past year, the largest decline since the inception of the index in 1993; the index for wireless phone services declined 12.9 percent over the year.

#### **Not seasonally adjusted CPI measures**

The Consumer Price Index for All Urban Consumers (CPI-U) increased 2.2 percent over the last 12 months to an index level of 244.524 (1982-84=100). For the month, the index rose 0.3 percent prior to seasonal adjustment.

The Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) increased 2.1 percent over the last 12 months to an index level of 238.432 (1982-84=100). For the month, the index increased 0.3 percent prior to seasonal adjustment.

The Chained Consumer Price Index for All Urban Consumers (C-CPI-U) increased 2.1 percent over the last 12 months. For the month, the index rose 0.3 percent on a not seasonally adjusted basis. Please note that the indexes for the past 10 to 12 months are subject to revision.

**The Consumer Price Index for May 2017 is scheduled to be released on Wednesday, June 14, 2017, at 8:30 a.m. (EDT)**

#### **Consumer Price Index Geographic Revision for 2018**

In January 2018, BLS will introduce a new geographic area sample for the Consumer Price Index (CPI). The 2018 revision utilizes the 2010 Decennial Census and incorporates an updated area sample design, changes the frequency of publication for several local area indexes, and establishes some new local area and aggregate indexes. The first indexes using the new structure will be published in February 2018. Additional information on the geographic revision is available at: [www.bls.gov/cpi/georevision2018.htm](http://www.bls.gov/cpi/georevision2018.htm).

population-size classes, and for 27 local areas. Area indexes do not measure differences in the level of prices among cities; they only measure the average change in prices for each area since the base period. For the C-CPI-U data are issued only at the national level. It is important to note that the CPI-U and CPI-W are considered final when released, but the C-CPI-U is issued in preliminary form and subject to two annual revisions.

The index measures price change from a designed reference date. For the CPI-U and the CPI-W the reference base is 1982-84 equals 100. The reference base for the C-CPI-U is December 1999 equals 100. An increase of 16.5 percent from the reference base, for example, is shown as 116.500. This change can also be expressed in dollars as follows: the price of a base period market basket of goods and services in the CPI has risen from \$10 in 1982-84 to \$11.65.

For further details visit the CPI home page on the Internet at [www.bls.gov/cpi/](http://www.bls.gov/cpi/) or contact our CPI Information and Analysis Section on (202) 691-7000.

### **Note on Sampling Error in the Consumer Price Index**

The CPI is a statistical estimate that is subject to sampling error because it is based upon a sample of retail prices and not the complete universe of all prices. BLS calculates and publishes estimates of the 1-month, 2-month, 6-month and 12-month percent change standard errors annually, for the CPI-U. These standard error estimates can be used to construct confidence intervals for hypothesis testing. For example, the estimated standard error of the 1 month percent change is 0.03 percent for the U.S. All Items Consumer Price Index. This means that if we repeatedly sample from the universe of all retail prices using the same methodology, and estimate a percentage change for each sample, then 95% of these estimates would be within 0.06 percent of the 1 month percentage change based on all retail prices. For example, for a 1-month change of 0.2 percent in the All Items CPI for All Urban Consumers, we are 95 percent confident that the actual percent change based on all retail prices would fall between 0.14 and 0.26 percent. For the latest data, including information on how to use the estimates of standard error, see "Variance Estimates for Price Changes in the Consumer Price Index, January-December 2016." These data are available on the CPI home page ([www.bls.gov/cpi/](http://www.bls.gov/cpi/)), or by using the following link: [www.bls.gov/cpi/cpivar2016.pdf](http://www.bls.gov/cpi/cpivar2016.pdf).

### **Calculating Index Changes**

Movements of the indexes from one month to another are usually expressed as percent changes rather than changes in index points, because index point changes are affected by the level of the index in relation to its base period while percent changes are not. The example below illustrates the computation of index point and percent changes.

Percent changes for 3-month and 6-month periods are expressed as annual rates and are computed according to the standard formula for compound growth rates. These data indicate what the percent change would be if the current rate were maintained for a 12-month period.



Index Point Change

CPI	202.416
Less previous index	201.800
Equals index point change	.616

Percent Change

Index point difference	.616
Divided by the previous index	201.800
Equals	0.003
Results multiplied by one hundred	0.003x100
Equals percent change	0.3

**Table 1. Consumer Price Index for All Urban Consumers (CPI-U): U.S. city average, by expenditure category, April 2017**  
 [1982-84=100, unless otherwise noted]

Expenditure category	Relative importance Mar. 2017	Unadjusted indexes			Unadjusted percent change		Seasonally adjusted percent change		
		Apr. 2016	Mar. 2017	Apr. 2017	Apr. 2016-Apr. 2017	Mar. 2017-Apr. 2017	Jan. 2017-Feb. 2017	Feb. 2017-Mar. 2017	Mar. 2017-Apr. 2017
All items.....	100.000	239.261	243.801	244.524	2.2	0.3	0.1	-0.3	0.2
Food.....	13.666	248.413	249.165	249.739	0.5	0.2	0.2	0.3	0.2
Food at home.....	7.882	240.635	238.256	238.817	-0.8	0.2	0.3	0.5	0.2
Cereals and bakery products.....	1.061	273.924	272.174	271.865	-0.8	-0.1	-0.4	0.3	-0.3
Meats, poultry, fish, and eggs.....	1.742	250.839	244.306	243.330	-3.0	-0.4	0.2	0.3	-0.6
Dairy and related products.....	0.813	218.315	218.567	217.827	-0.2	-0.3	0.8	-0.6	-0.2
Fruits and vegetables.....	1.330	296.217	292.932	298.164	0.7	1.8	0.7	1.6	2.2
Nonalcoholic beverages and beverage materials.....	0.954	168.771	168.455	168.354	-0.2	-0.1	1.5	-0.1	-0.3
Other food at home.....	1.983	211.009	210.002	210.668	-0.2	0.3	-0.4	0.7	0.1
Food away from home <sup>1</sup> .....	5.784	261.517	267.055	267.652	2.3	0.2	0.2	0.2	0.2
Energy.....	7.161	185.652	198.597	202.869	9.3	2.2	-1.0	-3.2	1.1
Energy commodities.....	3.556	189.322	209.029	216.791	14.5	3.7	-2.8	-6.0	1.3
Fuel oil <sup>1</sup> .....	0.104	196.349	240.619	239.822	22.1	-0.3	-0.4	-0.8	-0.3
Motor fuel.....	3.362	186.428	205.155	213.288	14.4	4.0	-2.9	-6.1	1.2
Gasoline (all types).....	3.311	185.808	204.217	212.424	14.3	4.0	-3.0	-6.2	1.2
Energy services <sup>2</sup> .....	3.605	190.495	197.709	198.915	4.4	0.6	1.0	-0.3	0.9
Electricity <sup>2</sup> .....	2.802	201.778	205.692	206.671	2.4	0.5	0.8	-0.1	0.6
Utility (piped) gas service <sup>2</sup> .....	0.803	154.130	170.755	172.597	12.0	1.1	1.5	-0.8	2.2
All items less food and energy.....	79.173	246.992	251.290	251.642	1.9	0.1	0.2	-0.1	0.1
Commodities less food and energy commodities.....	19.160	146.565	145.527	145.665	-0.6	0.1	0.0	-0.3	-0.2
Apparel.....	3.142	127.770	128.250	128.349	0.5	0.1	0.6	-0.7	-0.3
New vehicles.....	3.673	147.895	148.543	148.457	0.4	-0.1	-0.2	-0.3	-0.2
Used cars and trucks.....	1.994	147.489	139.372	140.654	-4.6	0.9	-0.6	-0.9	-0.5
Medical care commodities.....	1.858	363.843	376.440	373.231	2.6	-0.9	-0.2	0.2	-0.8
Alcoholic beverages.....	0.948	242.407	244.978	245.500	1.3	0.2	-0.1	0.2	0.3
Tobacco and smoking products.....	0.661	952.185	987.910	1,025.961	7.7	3.9	0.4	0.5	4.2
Services less energy services.....	60.012	308.619	316.481	316.971	2.7	0.2	0.3	-0.1	0.1
Shelter.....	33.602	285.836	295.044	295.706	3.5	0.2	0.3	0.1	0.3
Rent of primary residence <sup>2</sup> .....	7.854	294.175	304.868	305.477	3.8	0.2	0.3	0.3	0.3
Owners' equivalent rent of residences <sup>2,3</sup> .....	24.486	292.855	302.259	302.767	3.4	0.2	0.3	0.2	0.2
Medical care services.....	6.690	490.848	505.991	505.855	3.1	0.0	0.2	0.1	0.0
Physicians' services <sup>2</sup> .....	1.691	372.961	383.965	379.886	1.9	-1.1	0.1	-0.3	-1.2
Hospital services <sup>2,4</sup> .....	2.271	300.733	314.529	317.053	5.4	0.8	0.4	0.4	1.0
Transportation services.....	5.961	299.635	307.490	308.908	3.1	0.5	0.7	0.4	-0.2
Motor vehicle maintenance and repair <sup>1</sup> .....	1.160	274.864	279.600	280.170	1.9	0.2	0.1	-0.1	0.2
Motor vehicle insurance.....	2.519	483.823	517.619	516.203	6.7	-0.3	0.5	1.2	-0.4
Airline fares.....	0.660	295.909	283.583	294.034	-0.6	3.7	2.4	0.4	-0.6

<sup>1</sup> Not seasonally adjusted.

<sup>2</sup> This index series was calculated using a Laspeyres estimator. All other item stratum index series were calculated using a geometric means estimator.

<sup>3</sup> Indexes on a December 1982=100 base.

<sup>4</sup> Indexes on a December 1996=100 base.

NOTE: Index applies to a month as a whole, not to any specific date.

**Council Meeting Date: 06/14/2017**

**AGENDA ITEM COVER SHEET**

**Subject/Title:**

9. C. Discussion and possible action to consider approval of the proposed budget calendar for Fiscal Year 2017 – 2018.

**Item Summary:**

**Financial Impact/Financial Information:**

N/A

**Comments/Recommendation:**

This budget calendar is a living document and can be altered as needed to comply with State Law.

**Attachments:**

Preliminary Budget Calendar

**Submitted By:**

Brenton B. Lewis, City Manager

## **Preliminary Budget Calendar for 2017-2018**

June 14 - Meeting with Mayor and City council to discuss budget and Approve Budget Calendar (Open Meetings Notice).

June 19-21 – Discuss Budget with Staff (receive budget requests)

June 27 - Receive Budget Objectives and Requests from Mayor and City Council.

July 17-20 – First Workshop with Elected Body on Budget

July 25 – Deadline for the appraisal district to certify values to taxing units.

July 26– Begin the calculation of effective and rollback tax rates.

August 4<sup>th</sup> – 72 hour notice for meeting to discuss proposed tax rate (open meetings notice)

August 9<sup>th</sup> – Meeting of the governing body to discuss tax rate. If proposed rate is equal to or lower than the calculated effective and rollback rate, publish Form 50-818 prior to September 1<sup>st</sup> and schedule required hearings/meetings and adopt proposed rate. If proposed rate will exceed the effective or rollback rate (whichever is lower), schedule 3 required public hearings and the adoption of tax rate. Publish form 50-819 to include those dates prior to September 1<sup>st</sup>. Special Meeting

August 16<sup>th</sup> – File proposed budget with City Secretary

August 17<sup>th</sup> – Send publication of form to newspaper.

August 24<sup>th</sup> – Publication of Form 50-818 or 50-819 in local newspaper.

September 1<sup>st</sup> – 72 hour notice published for first public hearing (Open Meeting Notice)

September 6<sup>th</sup> – First Public Hearing (Budget Workshop, if necessary)

September 8<sup>th</sup> – 72 hr. notice published for second public hearing (Open Meetings Notice)

September 13<sup>th</sup> – Second public hearing (may not be earlier than 3 days after first public hearing); Public hearing on Budget, schedule and announce meeting to adopt budget and tax rate 3 – 14 days from this date

September 15<sup>th</sup> – 72 hr. notice published for meeting to adopt budget and tax rate (Open Meetings Notice)

September 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> – Meeting to adopt tax rate, meeting is 3-14 days after second public hearing. 1) Adopt Budget 2) Adopt Tax Rate

**Council Meeting Date: 06/14/2017**

**AGENDA ITEM COVER SHEET**

**Subject/Title:**

9. D. Discussion and Possible Action on Inspections of Various Properties at time of Change of Resident

**Item Summary:**

This item was on the May 10<sup>th</sup>, 2017 Council Agenda and has been placed on this agenda to discuss in further depth on what the elected body would envision the ordinance would entail. This type of ordinance would provide a vehicle to protect the life and safety of our residents. The City would need to have an agreement in place with the utilities to not transfer the name on the utility bill to a new resident unless the City has approved of the transfer, after inspection.

**Financial Impact/Financial Information:**

Inspection Costs incurred by property owner

**Comments/Recommendation**

None at this time

**Attachments:**

Sample Ordinance and program

**Submitted By:**

Brenton B. Lewis, City Manager

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

CITY OF WOODCREEK, TEXAS

AMENDMENT TO CHAPTER 151 OF THE CODE OF ORDINANCES

**BUILDING REGULATIONS – RESIDENTIAL INSPECTIONS**

**AN ORDINANCE AMENDING THE CITY OF WOODCREEK CODE OF ORDINANCES AT TITLE XV (“LAND USAGE”), CHAPTER 151 (“GENERAL BUILDING REGULATIONS”), CREATING A NEW SECTION 151.14 (“RESIDENTIAL LIFE, HEALTH & SAFETY INSPECTIONS”) TO REQUIRE ISSUANCE OF A CERTIFICATE OF OCCUPANCY AND PERFORMANCE OF A LIFE, HEALTH AND SAFETY INSPECTION TO BE CONDUCTED AND FILED WITH THE CITY PRIOR TO CONNECTION OR RECONNECTION OF ELECTRIC UTILITIES TO ANY RESIDENTIAL STRUCTURE; TO REQUIRE RENEWAL OF A CERTIFICATE OF OCCUPANCY AND PERFORMANCE OF A LIFE, HEALTH AND SAFETY INSPECTION TO BE CONDUCTED AND FILED WITH THE CITY EVERY TWO YEARS OR AT CHANGE OF OCCUPANCY, WHICHEVER OCCURS FIRST, ON ALL RESIDENTIAL AND RENTAL PROPERTIES, INCLUDING APARTMENTS; TO CREATE A FEE FOR THE INSPECTION DESCRIBED HEREIN; REPEALING ALL OTHER ORDINANCES IN CONFLICT HERewith PREVIOUSLY ADOPTED BY THIS COUNCIL, PROVIDING FOR AN INSPECTION PROCESS, DEFINING TERMS, PROVIDING PENALTIES, AND PROVIDING FOR ENACTMENT, REPEALER, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE, AND FINDING PROPER NOTICE AND MEETING.**

**WHEREAS**, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS**, the City Council finds that the single-family residences existing within the City, including those used primarily as rental properties, have been found to have high incidents of building regulation violations, and that regular maintenance and care

for such properties affects not only the rental property but those neighboring properties and persons; and

**WHEREAS**, the City Council finds that implementation of a program providing for life, health and safety inspections benefits not only the tenants for said properties, but also the property values of surrounding homes and businesses; and

**WHEREAS**, the City Council finds that the amending the building regulations ordinance to require an inspection during such time as a property used as a single-family residential property changes occupancy or ownership, as evidenced by a change in utility service, as provided for in this ordinance, is reasonable, necessary, and proper for the good government of the City of Woodcreek,

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

### **1. FINDINGS OF FACT**

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

### **2. ENACTMENT**

Chapter 151 (“Building Regulations”) of the Code of Ordinances of the City of Woodcreek is amended to create the new Section 151.14 so as to read in accordance with *Attachment A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

### **3. REPEALER**

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

### **4. SEVERABILITY**

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

### **5. CODIFICATION**

The City Secretary is hereby authorized and directed to record and publish the language of Chapter 151, as amended by this Ordinance, in the City’s Code of Ordinances.

### **6. EFFECTIVE DATE**

Ordinance No. \_\_\_\_\_  
Amending Chapter 151 of the Code of Ordinances  
 (“Building Regulations – Life, Health and Safety Inspections”)

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

**7. PROPER NOTICE & MEETING**

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

**PASSED & APPROVED** this, the \_\_\_\_ day of \_\_\_\_\_, 2017, by a vote of \_\_\_\_ (ayes) to \_\_\_\_ (nays) and \_\_\_\_ (abstentions) of the City Council of Woodcreek, Texas.

**CITY OF WOODCREEK:**

\_\_\_\_\_  
Mayor Eric C. Eskelund

**ATTEST:**

\_\_\_\_\_  
Brenton Lewis, City Manager

**APPROVED AS TO FORM:**  
*The Law Office of Roger Gordon*



**Attachment "A"**

**City of Woodcreek**

**CODE OF ORDINANCES**

**TITLE XV: LAND USAGE**

**CHAPTER 151: BUILDING REGULATIONS**

**Residential Life, Health and Safety Inspections**

Section 1. Purpose.

The City of Woodcreek recognizes the need for implementation of a policy that requires the issuance of a Certificate of Occupancy and performance of a Life, Health and Safety Inspection before electrical utility services can be connected or reconnected to any residential structure in the city in an effort to monitor ownership and standards of all residential structures, thereby reducing the number of demolitions of dilapidated and/or abandoned residential structures within the city. The city also recognizes the need for an organized inspection program for new and aging residential rental units in order to ensure that all rental units meet city and state safety, health, fire and zoning codes and to provide a more efficient system for compelling both absentee and local landlords to correct violations and to maintain, in proper condition, rental property within the city. The city recognizes that implementation of the Certificate of Occupancy and Life, Health and Safety Inspection policy is the most efficient system to monitor occupancy and standards of all residential rental units and thereby ensure that orderly inspection schedules can be maintained by city officials.

Section 2. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

*Apartment Complex* means a building or buildings comprised of three or more consecutive rental units each.

*Bedroom* means a room used or intended to be used for sleeping purposes and not as a kitchen, bathroom, living room, closet, hallway, utility space, entryway, garage, patio, or breezeway.

*Building Inspector* means a properly identified building official for the City of Woodcreek, Texas, or his/her designee.

*Certificate of Occupancy* means a certificate issued by the city upon submission, review and approval of an executed Residential Occupancy Application, which lists any and all occupants of the property, as well as the owner(s) of the property.

**City** means the City of Woodcreek, Texas.

**Life Safety Inspection** means an inspection completed by the building inspector on all residential structures and residential rental units which must be completed and submitted to the city prior to connection of water utility services to each respective residential structure and must be completed annually or at change of occupancy, whichever occurs first, on all residential rental units.

**Owner** means the person claiming, or in whom is invested, the ownership, dominion, or title of real property including but not limited to: holder of fee-simple title; holder of life-estate; holder of leasehold estate for an interim term of five (5) years or more; a buyer under contract for deed; a mortgagee, receiver, executor or trustee in control of real property; but not including the holder of a leasehold estate or a tenancy for initial term of less than five (5) years.

**Person** means an individual, corporation, business trust, estate, trust, partnership or association, two or more persons having a joint interest, or any other legal or community entity.

**Premises** means a lot, plot or parcel of land, including any structure thereon, and furthermore, including a dwelling unit, appurtenances thereto, grounds and facilities held out for the use of tenants generally and any other area or facility whose use is promised to the tenant.

**Property Manager** means a person whom, for compensation, has control of the day-to-day operations of the residential rental unit or units or the person in a partnership or corporation, or any other legal entity, who has managing control of the residential rental unit(s).

**Residential Occupancy Application** means an application to be completed by an owner of a residential structure that lists all occupants and owners for each residential rental unit or residential structure, with said application to be submitted to the city prior to water utility services being connected by city.

**Residential Rental Unit** means any building or portion thereof which is rented, leased or let to be occupied for compensation as a residence, including apartments.

**Residential Structure** means a structure in which a person or persons live; a residence; abode; habitation.

**Resident Manager** means a property manager or agent of a property manager who resides in the residential rental unit.

**Tenant** means any person who rents, leases, or occupies a dwelling unit for living or dwelling purposes with the consent of the owner, landlord, or property manager.

### Section 3. Application and Issuance of Certificate of Occupancy

- (a) Each owner of a residential structure within the city shall make application for occupancy for said residential structure and each residential rental unit therein, if applicable, with the City Manager, Building Inspector, or his designee, within

sixty (60) days of the passage of this ordinance, and shall renew such application per the terms of subsection (g) below, or at such time that there is a change in occupancy of said structure or any respective unit.

- (b) Each new owner of a residential structure shall make application for occupancy with the City Manager, Building Inspector, or his designee by submitting to the City a Residential Occupancy Application, within twenty (20) days after the date of acquiring ownership.
- (c) Application for occupancy shall be made upon a form provided by the City for such purpose, and shall include at least the following information:
  - 1. Owner's name, address, work and home telephone number or property owner;
  - 2. If the Owner does not live within fifty (50) miles of the City of Woodcreek, then in addition to the information in (1) above, the same information shall be provided for a local contact that has the authority to represent the owner in all matters relating to maintenance of the residential structure and all respective units therein, if applicable;
  - 3. If the Owner is a partnership, the name of all partners, the principal business address of the person in charge of the property, and telephone number of each partner;
  - 4. If the Owner is a corporation, the person registering must state whether it is organized under the laws of this state or if it is a foreign corporation, and must show the mailing address, business location, telephone number, name of the primary individual in charge of the property for such corporation, if any, and the names of all officers and directors or trustees of such corporation, and, if a foreign corporation, the place of incorporation and the agent for service;
  - 5. Name, address, and telephone number of the property manager, if applicable;
  - 6. Street address of the residential structure;
  - 7. Street and mailing address of the residential rental unit; if applicable;
  - 8. Total square feet of living area and the number of bedrooms;
  - 9. Number of persons occupying the structure or unit;
  - 10. Whether there has been a change of occupancy or an additional adult person to take up residence in structure or unit since the date of last application; and
  - 11. Signature of the owner or owner's agent.

- (d) A separate Residential Occupancy Application is to be completed and submitted for each residential rental unit within a residential structure.
- (e) A fee, set and reviewed annually by the City Manager, shall be charged for each respective application.
- (f) The City Manager, Building Inspector, or his designee shall either issue a Certificate of Occupancy or notify the owner that the premises does not comply with the requirements of this ordinance.
- (g) A Certificate of Occupancy for apartment residential rental units shall be valid for a period of twenty-four (24) calendar months following issuance thereof and renewal shall be applied for at least fifteen (15) business days prior to the expiration date of the existing Certificate of Occupancy if there has not been and is not expected to be any change in occupancy. A Certificate of Occupancy for all other residential units and structures shall be valid until there is a change in occupancy of said structure.
- (h) It is an offense for an Owner to fail to register or fail to renew application of any structure or unit within the City, and each and every day that the Owner continues to fail to register or renew the application of each respective structure or unit shall constitute a separate offense.
- (i) It shall be unlawful for any person to file a false Residential Occupancy Application with the City.

Section 4. Life, Health and Safety Inspections.

- (a) The City Manager, Building Inspector, or his designee, shall inspect each residential structure and residential rental unit therein at the time of application to determine compliance with minimum housing standards and interior safety, city ordinances, International Property Maintenance Code, City Code, all applicable state and local laws, and other conditions as determined by the City. Inspections shall also be conducted if a change in occupancy has occurred for residential structures; and every two years or at change of occupancy for residential rental units, or at any other time deemed necessary by the City Manager, Building Inspector, or his designee to maintain compliance with minimum housing standards.
- (b) Fees:
  - 1. *Residential Structures and Residential Rental Units (Non-Apartment Complex).* Inspection on all residential structures and residential rental units therein shall have a fee of \$ \_\_\_\_\_, respectively, with said fee covering an initial

inspection and one follow-up inspection, if needed. This fee will be assessed per residential rental unit at each change-of-occupancy inspection. If additional inspections are conducted on any one residential structure or residential rental unit due to failure to pass inspection on the initial and follow-up inspections, the fee will be \$ \_\_\_\_\_ for each additional inspection.

2. *Apartment Complexes.* Inspection on each rental unit within an apartment complex shall have a fee of \$ \_\_\_\_\_, respectively, with said fee covering one initial inspection. This fee will be assessed per rental unit at each annual inspection. If a second inspection is conducted on any rental unit due to failure to pass inspection on the initial inspection, the fee will be \$ \_\_\_\_\_ for each unit's second inspection. If additional inspections are conducted on any rental unit due to failure to pass inspection on both the initial and second inspections, the fee will be \$ \_\_\_\_\_ for each additional inspection on each unit.
- (c) If, upon completion of the inspection, the premises are found to be in compliance with all standards and codes mentioned in Section 4(a), the City shall issue an inspection slip/report to the owner.
  - (d) Failure to give the City Manager, Building Inspector, or his designee access to the residential structure or any individual rental unit(s) therein shall constitute a violation and grounds for denying a passing inspection for each said structure or unit, and the fees associated for said inspection and all additional inspections shall be assessed as if the initial inspection was completed and judged as a failure to pass inspection.

#### Section 5. Offenses and Penalties.

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

- (a) *Intentional.* A person acts intentionally, or with intent, with respect to the nature of his or her conduct or to a result of his or her conduct when it is his or her conscious objective or desire to engage in the conduct or cause the result.
- (b) *Knowing.* A person acts knowingly, or with knowledge, with respect to the nature of his or her conduct or to circumstances surrounding his or her conduct when he or she is aware of the nature of his or her conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his or her conduct, when he or she is aware that his or her conduct is reasonably certain to cause the result.
- (c) *Reckless.* A person acts recklessly, or is reckless, with respect to circumstances surrounding his or her conduct or the result of his or her conduct when he or she

is aware of, but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.

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

ORDINANCE NO. 3943

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE BY DELETING ARTICLE XIII IN ITS ENTIRETY AND ADDING A NEW ARTICLE XIII THEREBY ADOPTING THE INTERNATIONAL RESIDENTIAL CODE, 2006 EDITION, AND PROVIDING CERTAIN ADDITIONS AND DELETIONS THERETO; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE.

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

SECTION 1: That Chapter 5 of the Code of the City of Mesquite, Texas, is hereby amended by deleting Article XIII in its entirety and adding a new Article XIII to read as follows, in all other respects said Code and Chapter to remain in full force and effect:

**ARTICLE XIII. RESIDENTIAL CODE**

**DIVISION 1. GENERAL**

**Sec. 5-467. Adopted.**

The International Residential Code, 2006 Edition, a publication of the International Code Council (I.C.C.), is hereby adopted and designated as the official residential code of the City of Mesquite to the same extent as if such code were copied verbatim in this Article subject to the amendments prescribed in this Article. The code shall be applicable to all construction, alterations, movement, enlargement, replacement, repairs, equipment, use and occupancy, location, removal and demolition and maintenance of detached one- and two-family units and multiple single-family units (townhouses) not more than three stories in height with separate means of egress and their accessory structures. A copy of the International Residential Code, 2006 Edition, and amendments thereto shall be maintained in the office of the City Secretary as an original document and ordinance of the City.

**DIVISION 2. AMENDMENTS**

**Sec. 5-468. Amendments to the International Residential Code, 2006 Edition.**

The following amendments are made to the International Residential Code, 2006 Edition:

- (1) *Chapter 1, Administration.*

commenced, in accordance with the schedule as established by the City of Mesquite.

- (e) *Section R108.4.* Amend by adding an exception to Section R108.4 to read as follows:

*Exception:* Whenever a permit is required for a building, structure, electrical, gas, mechanical or plumbing system, and work is commenced without securing the applicable permit, the Building Official may charge double the amount of the usual fee for the permit.

- (f) *Section R109.1.3.* Amend by deleting the section in its entirety and adding a new Section R109.1.3 to read as follows:

*Floodplain inspections.* For construction permitted in areas prone to flooding as established by Table R301.2(1), upon placement of the lowest floor including basement and prior to further vertical construction, the Building Official may require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including basement, required in Section R324.

- (g) *Section R110.1.* Amend by deleting Section R110.1 in its entirety.

- (h) *Section R110.2.* Amend by deleting the section in its entirety and adding a new Section R110.2 to read as follows:

*Change in tenancy.* When a rental dwelling unit is vacated by the tenant, the owner of the unit must apply for and receive a Certificate of Occupancy from the Building Official prior to the unit being occupied by a new tenant. The Building Official or his designated representative will inspect the unit and premises for compliance with this code, the Property Maintenance Code and other applicable ordinances of the City. If deficiencies are found, the Building Official may prohibit occupancy of the unit and premises until such time as the owner takes action needed to bring the unit and premises into compliance. The inspection required by this section shall also be required for a dwelling unit and premises prior to its original occupancy as a rental unit.

*R110.2.1.* If the dwelling unit is found to be occupied prior to inspection, The Building Official shall assess an administrative fee of One Hundred (\$100.00) Dollars to defray the expense to the City for conducting an inspection of an occupied unit. Said fee shall be paid by the owner



connection of the building system to the utility source of energy, power or water.

- (l) *Section R111.3.* Amend by deleting the section in its entirety and adding a new Section R111.3 to read as follows:

*Authority to disconnect service utilities.* In case of an emergency necessitating disconnection of utilities to eliminate an immediate hazard to life or property, the Building Official shall have the authority to authorize disconnection of utility service to a building, structure or system regulated by this code and the referenced codes and standards set forth in Section R102.4. The Building Official shall notify the service utility and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If prior notification is not possible, the owner or occupants of the building, structure or service system shall be notified in writing, as soon as practical thereafter. In addition, the Building Official shall have the authority to authorize disconnection of utility service to a building, structure or system, if a building, structure or system is found to be in violation of this code, including a connection made without the approval required by Sections R111.1 and R111.2, or any other ordinance of the City and after notification of the violation has been made to the owner and/or occupant of the building or structure and the violation is not corrected.

- (m) *Section R112.1.* Amend by deleting the section in its entirety and adding a new Section R112.1 to read as follows:

*General:*

- (A) *Created composition.* There is hereby created a board to be known as the Board of Appeal. The Board shall be composed of five members who are qualified through their experience to pass upon matters pertaining to building construction and who are not employees of the City of Mesquite.
- (B) *Scope and authority of the Board.* The Board shall hear and decide appeals of orders, decisions or the determinations made by the Building Official relating to the application and interpretation of the building and housing codes of the City of Mesquite.
- (C) *Appeal procedures.* An appeal to the Board shall be filed within 30 calendar days after the date the

# Rental Inspection Program Certificate of Occupancy Checklist

Inspection Areas	Code Section	Description of Inspection Area	Inspection Checklist
Unsafe Structure	108	When a structure is found unsafe and unfit for human occupancy and is decayed or dilapidated beyond repair it shall be condemned	Dilapidated beyond repair
	302.1	Property shall be kept clean and sanitary and free of trash/junk	Additional comments: Clean property of all loose trash/junk Additional comments:
Sidewalks/Driveways	302.3	All sidewalks, driveways, and walkways, parking spaces and similar areas shall be kept in proper state of repair, and maintained free of pot holes and trip hazards.	Repair pot holes in driveway Replace damaged sections of driveway Repair trip hazards in City sidewalks Replace damaged sections of City sidewalk Repair private walkway trip hazards Replace private walkway Repair pot holes in drive approach Replace entire drive approach Additional comments:
	302.7	All accessory structures including detached garages, fences and walls shall be maintained in structurally sound condition (no decayed or dilapidated materials) and roofing water tight and in water tight weather resistant condition.	Paint all exposed accessory building wood Replace all dilapidated building materials Repair exterior wall coverings Repair accessory building roof coverings Replace accessory building roof Demo accessory building Repair dilapidated fencing or gates Replace fencing Additional comments:
Pools, Hot Tubs, Spas	303	Shall be kept in sanitary condition and maintained in good repair.	Clean or drain stagnant water from pool Clean or drain stagnant water from hot tub Clean or drain spa Pool fence requires self closing/latching gate Pool fence not proper height Pool fence not in compliance Additional comments:
	308	All structures shall be kept free from insects and rodents infestation Signs of infestation will require treatment and proof of extermination.	Show proof of extermination. Signs of infestation Additional comments:
Exterior Building Conditions	304	The exterior of the structure shall be maintained in good repair, sound and sanitary condition and not a threat to public health and welfare. All exterior surfaces shall be painted and any decayed wood removed. Roof must be water tight and all broken windows repaired and no exposed elect. Foundation repairs will be required on the most severe cracked foundations	Remove and replace rotted exterior wood Paint all exposed wood Paint all chipped and peeling wood Repair roof to water tight conditions Replace entire roof Repair or replace all broken windows Remove exposed electrical wiring Replace all broken electrical fixtures Additional comments:

# Rental Inspection Program Certificate of Occupancy Checklist

Inspection Areas	Code Section	Description of Inspection Area	Inspection Checklist
<b>Mechanical Equip.</b>	603	All mechanical equipment shall be installed and maintained in good repair.	Repair mechanical equipment Replace mechanical equipment Repair condensate drains on equipment Additional comments:
<b>Combustion Air</b>	603.5	All fuel burning appliance closet shall be ventilated with fresh air .  (revised 8-6-05)  (revised 8-6-05)	Install upper combustion air Install lower combustion air Install both upper and lower combustion air ducts Appliance not properly vented Additional comments:
<b>Electrical Hazards</b>	604	All improper wiring , exposed electrical conductors, damaged conductors i.e.. Switches and plugs will be repaired to eliminate hazard  (revised 8-6-05)  (revised 8-6-05)	Replace all damaged electrical wiring Remove damaged electrical wiring Replace damaged wall plug Replace damaged wall switch Remove all exposed electrical wiring Replace ceiling fixture Replace missing plug/switch cover plates
<b>Smoke Detectors</b>	317 IRC	Smoke alarms in existing areas are not required to be hard wired, however, battery pack units are required in each sleeping room and hall that leads to those sleeping rooms on every floor.	Install smoke alarms in all bedrooms Install smoke alarms in hallway Smoke alarms not working Additional Comments
<b>Security Devices</b>	Tx Prop Code Ch. 92	Beginning Jan 1, 1995, all existing rental dwellings everywhere in TX. must be equipped with keyless deadbolts (or keyless bolting devices) doorviewers, and sliding door pinlocks.  (revised 8-6-05)	Install new deadbolt lock or bolting device Install doorviewer Install sliding door pinlock at sliding door Additional Comments

**RENTAL CERTIFICATE-OF-OCCUPANCY  
NOTICE & PROGRAM ADVISORY  
UPDATE**

To Rental Property Owners and Management Companies

Effective March 1, 2008

The Rental Certificate-of-Occupancy (RCO) program is designed to ensure that all single-family and two-family rental properties meet minimum standards of the 2006 International Property Maintenance Code prior to occupancy. Since program inception, owners have improved and renovated nearly 1,739 rental dwelling units. Program statistics indicate that some landlords are allowing their units to be occupied prior to receiving a passing inspection, and a few are attempting to evade program requirements entirely. Effective March 1, 2008, we are making the following changes to improve overall compliance with inspection requirements.

**Administrative Fee for Occupancy Prior to Inspection:**

A high percentage of rental dwelling units are occupied before they pass inspection. In addition to being a violation of the City's ordinances, it is unfair to the many landlords who conscientiously obtain their inspection before they allow tenants to move into a unit. Also, experience shows that occupied units are more difficult and time consuming to inspect. On December 17, 2007, the City Council amended the International Residential Code to provide for an administrative fee when a rental unit is occupied prior to inspection. **CHANGE:** If a rental dwelling unit is occupied prior to inspection, we will assess the property owner a \$100 administrative fee to defray the expense to the City of inspecting an occupied unit. The inspector will leave notice of the assessment at the premises. We will also post notice of the assessment on the landlord's online rental inspection account, if any, which corresponds to the address for the rental unit. The fee must be paid in person at 1515 N. Galloway. The fee must be paid before inspectors will provide a reinspection of the unit or issue a certificate-of-occupancy. Owners can avoid the assessment fee by requesting an inspection at any time prior to leasing the premises. The online rental inspection system makes it easy to request an inspection. Please go to [http://www.cityofmesquite.com/building\\_inspection/rentalco.php](http://www.cityofmesquite.com/building_inspection/rentalco.php) to submit your request. Otherwise, the landlord must call to request the inspection.

**Reinspection Fee:**

When an inspection reveals code deficiencies, the inspector leaves a red tag on the premises with a list of the items that must be corrected for the unit to pass. The landlord must correct the deficiencies and request a reinspection. The inspector often returns for a reinspection — at the landlord's request — only to find that no work, or very little work, has been done to bring the unit into compliance. City Code Section 5-20 allows the Building Official to charge a fee, when the circumstances warrant it, for the reinspection of any structure. We have not previously charged reinspection fees in connection with the RCO program. **CHANGE:** Upon reinspection, if in the judgment of the inspector, the landlord has not made a good faith effort to correct deficiencies with a unit, we will charge a reinspection fee of \$50. If a reinspection fee is warranted, the inspector will make a notation on the red tag left at the premises. The fee must be paid in person at 1515 N. Galloway. The fee must be paid before inspectors will make another reinspection. Landlords can avoid a reinspection fee by making all required repairs to the unit before requesting a reinspection. Details about red tag items can be discussed with the inspector at any time.

Please remember: (1) Allowing occupancy prior to inspection, (2) Turning on water to the premises without authorization, or (3) Occupying a dwelling unit without water — all are violations of either State or local codes and ordinances that subject the property owner to immediate citation, or the tenant may be required to vacate the premises until violations are resolved and water utilities are restored.

We sincerely thank the many owners and management companies who have made the Rental Certificate-of-Occupancy a success. We look forward to continuing to work with you to improve the overall conditions of the housing stock in the City of Mesquite.

RESOLUTION NO. 16-2005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CITY MANAGER TO PROCEED WITH THE IMPLEMENTATION OF THE "ADDRESSING MESQUITE" PROGRAM FOR THE COMPREHENSIVE NEIGHBORHOOD REVITALIZATION AND RENTAL CERTIFICATE-OF-OCCUPANCY INITIATIVES.

WHEREAS, in April 2004 the Community Development Department conducted a survey that rated the exterior structural condition of every single-family residence within the City of Mesquite (the "City"); and

WHEREAS, the survey revealed that overall approximately 84% of the single-family structures are in "A" or excellent condition; however, there are neighborhoods in the City where nearly 40% of the structures are rated below condition "A;" and

WHEREAS, in order to address building conditions and other critical issues that affect the quality of life in the City's neighborhoods, the City Council approved funding in the Fiscal Year 2004-05 Community Development Block Grant budget for a program called "Addressing Mesquite;" and

WHEREAS, "Addressing Mesquite" consists of two initiatives: a Neighborhood Revitalization program that deals comprehensively with the environmental, planning and economic development factors that determine neighborhood health and a Rental Certificate-of-Occupancy program that seeks to ensure compliance with minimum interior and exterior code requirements for non-owner occupied single- and duplex-family structures; and

WHEREAS, due to the resource demands anticipated for Neighborhood Revitalization, that initiative will begin by focusing primarily on four priority neighborhoods — Casa View Heights, Truman Heights, Mesquite Park and Sherwood Forest, but will grow over time to include other areas interested in joining a neighborhood network; and

WHEREAS, the Rental Certificate-of-Occupancy program shall be implemented citywide and apply to each single- and duplex-family rental structure at the time of a change in tenant occupancy; and

WHEREAS, the funding, personnel and equipment resources required for implementing "Addressing Mesquite" have been secured and the City is prepared to launch the program.

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

SECTION 1. That the Community Development Department is directed to prepare and present to the City Council the necessary amendments to the International Residential Code and related ordinances for the purpose of enacting the Rental Certificate-of-Occupancy program.

**Council Meeting Date: 06/14/2017**

**AGENDA ITEM COVER SHEET**

**Subject/Title:**

9. E. Discuss and Consider Appropriate Action on the City of Woodcreek Annexation Plan.

**Item Summary:**

Prior to the regular meeting there will be a workshop to discuss the annexation plan. This agenda item is to discuss and consider taking action on amending the plan adopted at the February 8<sup>th</sup>, 2017 Regular Council Meeting. The municipality may amend the plan to specifically identify annexations that may occur beginning on the third anniversary of the date the plan is amended.

**Financial Impact/Financial Information:**

None

**Comments/Recommendation**

Adoption of Annexation Plan with changes if so desired

**Attachments:**

Annexation Plan Document

**Submitted By:**

Brenton B. Lewis, City Manager

**Council Meeting Date: 06/14/2017**

**AGENDA ITEM COVER SHEET**

**Subject/Title:**

9. F. Consider and Take Appropriate Action on Draft Ordinance as it Relates to Non-Conforming Structures

**Item Summary:**

This item is to consider the draft ordinance as it relates to non-conforming structures. At the meeting of May 10<sup>th</sup>, 2017 the City Council voted to amend Section 156.101(D) by allowing an additional 150 days to have the non-conforming structure removed or reconstructed. In addition, Section 156.102 (F)(2)(e) More impervious cover allowed by this chapter due to the paving of front yard was stricken.

**Financial Impact/Financial Information:**

N/A

**Comments/Recommendation**

Adoption and Passage of Amending Ordinance

**Attachments:**

Draft Amending Ordinance

**Submitted By:**

Brenton B. Lewis, City Manager

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

CITY OF WOODCREEK, TEXAS

AMENDMENT TO CHAPTER 156 OF THE CODE OF ORDINANCES

**ZONING ORDINANCE**

**AN ORDINANCE AMENDING THE CITY OF WOODCREEK CODE OF ORDINANCES AT TITLE XV (“LAND USAGE”), CHAPTER 156 (“ZONING”), SECTIONS 156.101 (“NON-CONFORMING USES”) AND 156.102 (“NON-CONFORMING USES”) TO GRANT THE CITY MANAGER AUTHORITY TO EXTEND REMOVAL DEADLINES UP TO 180 DAYS FROM NOTICE AND TO ELIMINATE THE REQUIREMENT THAT EXCESSIVE FRONT-YARD IMPERVIOUS COVER IS SUBJECT TO AMORTIZATION, SETTING DEADLINES, PROVIDING PENALTIES, AND PROVIDING FOR ENACTMENT, REPEALER, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE, AND FINDING PROPER NOTICE AND MEETING.**

**WHEREAS,** pursuant to Texas Local Government Code Section 214.002, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and requires the repair or removal of structures determined to not be in compliance with the City’s Code of Ordinances; and

**WHEREAS,** the City Council finds that legal non-confirming structures are prevalent within the City of Woodcreek; and

**WHEREAS,** the City Council has determined that is in the best interests of the City of Woodcreek to provide for a clarified removal process for existing legal non-conforming structures which have been in place since on or before November 2000; and

**WHEREAS,** the City Council is of the opinion that front-yard impervious cover which is not in conformance with current standards should not be subject to amortization pursuant to the City’s Code of Ordinances; and

**WHEREAS,** the City Council finds that amending the Zoning ordinance to provide for the orderly and timely removal or remediation of legal non-conforming structures, as provided for in this ordinance, is reasonable, necessary, and proper for the good government of the City of Woodcreek,



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

**1. FINDINGS OF FACT**

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

**2. ENACTMENT**

Chapter 156 (“Zoning”) of the Code of Ordinances of the City of Woodcreek is amended at Section 156.101 and 156.102 so as to read in accordance with *Attachment A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

**3. REPEALER**

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

**4. SEVERABILITY**

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

**5. CODIFICATION**

The City Secretary is hereby authorized and directed to record and publish the language of Chapter 91, as amended by this Ordinance, in the City’s Code of Ordinances.

**6. EFFECTIVE DATE**

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

**7. PROPER NOTICE & MEETING**

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

**PASSED & APPROVED this, the 14th day of June 2017, by a vote of \_\_\_\_\_ (ayes) to \_\_\_\_\_ (nays) and \_\_\_\_\_ (abstentions) of the City Council of Woodcreek, Texas.**

Ordinance No. \_\_\_\_\_  
Amending Chapter 156 of the Code of Ordinances  
("Subdivisions – Non-Conforming Uses and Structures")

**CITY OF WOODCREEK:**

\_\_\_\_\_  
Mayor Eric C. Eskelund

**ATTEST:**

\_\_\_\_\_  
Brenton Lewis, Interim City Manager

**APPROVED AS TO FORM:**  
*The Law Office of Roger Gordon*

Attachment "A"

City of Woodcreek

CODE OF ORDINANCES

TITLE XV: LAND USAGE

CHAPTER 156: ZONING

Non-Conforming Uses

**§ 156.101 NON-CONFORMING STRUCTURES.**

Where a lawful structure exists on the effective date of the adoption or amendment of this chapter, that could not be built under the terms of this chapter by reason of restrictions on permitted use, area, lot coverage, height, years, its locations on the lot, or other requirements concerning the structure, such structure may be continued provided it remains otherwise lawful, subject to the following provisions.

(A) No such non-conforming structure may be enlarged or altered in a way which increases its structural non-conformity, but any structure or portion thereof may be altered to decrease its structural non-conformity.

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

(C) Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

(D) Should any existing non-conforming structure expire under the terms of this Chapter, or should any real property or parcel be sold, transferred, or otherwise conveyed, any existing non-conforming structure thereon shall be removed or reconstructed by the record owner no more than thirty (30) days from the date of notification by the City. Upon written request by a record owner demonstrating sufficient hardship, this period may be extended for no more than an additional one-hundred fifty (150) days by the City Manager (180 days cumulative after notice).

(E) Nuisances attending any use lawfully existing at the time the property is annexed into the city shall be eliminated or mitigated to the maximum extent feasible within ninety (90) days of date of annexation.

## **§ 156.102 NON-CONFORMING STRUCTURES.**

A non-conforming use may be continued as long as it remains otherwise lawful, subject to the following provisions.

(A) No existing structure devoted to a non-conforming use shall be enlarged, extended, constructed or reconstructed.

(B) The use of the structure shall only be changed to a use permitted in the district in which it is located.

(C) A non-conforming use that has been discontinued may be resumed only if there has been no other use of the premises or structure since the non-conforming use was discontinued, and such use was not discontinued for a period of six months or more.

(D) Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to any land outside such building.

(E) Removal or destruction of a structure containing a non-conforming use shall eliminate the non-conforming use status. Destruction for the purpose of this division (E) is defined as damage equal to more than 50% of the replacement cost of the structure.

(F) A certificate of non-compliance shall be required for each non-conforming uses of any land or buildings created by adoption of this chapter. Application for such certificate of non-compliance for a non-conforming use shall be filed with the city by the owner of the building or land with such non-conforming use within one year of the effective date of this chapter. It shall be the duty of the city to issue a certificate of non-compliance for a non-conforming use and the refusal of the city to issue a certificate of non-compliance for such non-conforming use shall be evidence that said non-conforming use was either illegal or did not lawfully exist as of the effective date of this chapter.

(1) Non-conforming use shall terminate upon the sale, conveyance, rental or change in land use of the property, except as hereafter provided and except for those structures listed in division (F)(2) below, which allows for certain non-conforming uses to be amortized, with the non-conforming use being terminated after a specified amount of time. The termination date of any non-complying structure shall be set so as to provide the owner with a reasonable opportunity to recoup or recover the owner's investment in the structure.

(2) If lawful non-conforming use exists on the effective date of passage of this chapter, the following structures will have their use amortized, with the non-conforming use being eliminated over 15 years from the date of passage of this chapter:

(a) Fences erected and existing in compliance with the city's regulations and ordinances prior to the effective date of this chapter and composed of materials not allowed upon the passage of this chapter or which do not meet the city's current setback requirements;

(b) Accessory buildings which do not meet the masonry requirements;

(c) Wood roofs;

(d) Above-ground pools; and

~~(e) More impervious cover than allowed by this chapter due to paving of front yard.~~

(3) The City Council shall have the power, upon recommendation of the Planning and Zoning Commission, to bring about the discontinuance of non-conforming uses after notices and hearing. The termination date of any non-conforming use shall be set so as to provide the owner with a reasonable opportunity to recoup or recover the owner's investment in the non-conforming use.

(4) Notwithstanding the foregoing, the non-conforming use of a building, roof, above-ground pool, structure, accessory building, fence or driveway (collectively or individually hereafter, the "non-conforming asset") that was lawfully constructed and erected prior to 1985, shall not terminate or expire until such time as the non-conforming asset is reconstructed or replaced. For the purpose of this section, a non-conforming asset shall be deemed to be reconstructed or replaced if 50% or more of such non-conforming asset is reconstructed or replaced, or if modifications or repairs are made to such non-conforming asset within any 12 calendar months that is equal to one half or more of the value of the non-conforming asset prior to the modification or repair.

**Council Meeting Date: 06/14/2017**

**AGENDA ITEM COVER SHEET**

**Subject/Title:**

9. G. Consider and Take Appropriate Action on Municipal Court Clerk Position

**Item Summary:**

This item is to consider authorizing staff to explore the possibilities of contracting with a Municipal Court Clerk. Staff has been reviewing the operation of the Municipal Court with the City Attorney and have been contemplating contracting for 1 to 2 days per month with a Court Clerk. Positives for such an arrangement would be to ensure Court are relieving the duties of Court Clerk from current staff, ensuring a monthly court date is scheduled, experienced Court Clerk assisting the newly appointed Municipal Judge, and the training of existing personnel. City Attorney Gordon will discuss further the ideas supporting this option.

**Financial Impact/Financial Information:**

Cost of Contract TBD after review by staff and by City Hall Council Responsibilities Committee.

**Comments/Recommendation**

Authorizing Staff to solicit for Contract Municipal Court Clerk and review by Council Committee.

**Attachments:**

None

**Submitted By:**

Brenton B. Lewis, City Manager

**Council Meeting Date: 06/14/2017**

**AGENDA ITEM COVER SHEET**

9. H. Consider and Take Appropriate Action on Amending Ordinance No. 17-228 Limited Use of Certain Weapons Within the Woodcreek City Limits

**Item Summary:**

This agenda item is to consider amending the ordinance passed at the previous meeting as it relates to limiting the use of certain weapons within the City. It was brought to the attention of the city that discussion was held that the ordinance would allow the discharge or firing of an air rifle, air gun, or other air or gas propelled weapon, however the adopted ordinance did not allow for the same. City Attorney Gordon has prepared a draft for Council consideration.

**Financial Impact/Financial Information:**

Cost of Re-publication of the amended ordinance.

**Comments/Recommendation**

Adoption of the amending ordinance

**Attachments:**

Amending Ordinance

**Submitted By:**

Brenton B. Lewis, City Manager

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

CITY OF WOODCREEK, TEXAS

CREATION OF CHAPTER 96 OF THE CODE OF ORDINANCES

**GENERAL REGULATIONS – USE OF WEAPONS IN CITY**

**AN ORDINANCE ESTABLISHING A NEW REGULATION FOR THE CITY OF WOODCREEK CODE OF ORDINANCES AT TITLE IX (“GENERAL REGULATIONS”), TO CREATE A NEW CHAPTER 96 (“USE OF WEAPONS”); TO ESTABLISH POLICIES, USE GUIDELINES, PROCEDURES, AND PENALTIES; DEFINING TERMS, PROVIDING PENALTIES, AND PROVIDING FOR ENACTMENT, REPEALER, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE, AND FINDING PROPER NOTICE AND MEETING.**

**WHEREAS**, pursuant to Texas Local Government Code Chapter 229, the City Council of the City of Woodcreek (“City Council”) has general authority to adopt the regulations herein relating to the use of weapons such as firearms, air guns, knives, bows and arrows; and

**WHEREAS**, the City Council finds that the adoption of reasonable regulations defining the permissible use of weapons would be advantageous and beneficial to the residents of the City of Woodcreek; and

**WHEREAS**, the City Council recognizes the value of legal hunting, fishing, and use of firearms and related accessories; and

**WHEREAS**, the City Council finds that the establishment of regulations to allow and regulate permitted use of weapons and firearms within the city limits is reasonable, necessary, and proper for the good government of the City of Woodcreek,

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

**1. FINDINGS OF FACT**

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



## 2. ENACTMENT

Chapter 96 (“General Regulations”) of the Code of Ordinances of the City of Woodcreek is established to create the new Sections 96.01-96.06 so as to read in accordance with *Attachment A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

## 3. REPEALER

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

## 4. SEVERABILITY

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

## 5. CODIFICATION

The City Secretary is hereby authorized and directed to record and publish the language of Chapter 91, as amended by this Ordinance, in the City’s Code of Ordinances.

## 6. EFFECTIVE DATE

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

## 7. PROPER NOTICE & MEETING

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

**PASSED & APPROVED** this, the \_\_\_\_ day of June, 2017, by a vote of \_\_\_\_ (*ayes*) to \_\_\_\_ (*nays*) and \_\_\_\_ (*abstentions*) of the City Council of Woodcreek, Texas.

**CITY OF WOODCREEK:**

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Mayor Eric C. Eskelund

**ATTEST:**

\_\_\_\_\_  
Brenton Lewis, City Manager

**APPROVED AS TO FORM:**  
*The Law Office of Roger Gordon*

**Attachment "A"**

**City of Woodcreek**

**CODE OF ORDINANCES**

**TITLE IX: GENERAL REGULATIONS**

**CHAPTER 96: USE OF WEAPONS**

**§ 96.01 POPULAR NAME.**

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

**§ 96.02 PURPOSE.**

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

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

1. A person commits an offense if he knowingly, intentionally, or recklessly shoots off, fires or discharges any air rifle, air gun, air pistol or other air or gas propelled weapon of any description *onto or over the property of another who has not given permission to the person to do so* within the City.
2. This Section does not apply if the air rifle, air gun, air pistol or other gas propelled weapon was discharged by a peace officer in the course of his or her official duties or by a properly-designated city official as part of a comprehensive Wildlife Hazard Management Plan (WHMP).
3. This Section does not apply if the air rifle, air gun, air pistol or other gas propelled weapon was discharged:
  - a. In a manner not reasonably expected to cause a projectile to cross the boundary of the tract on a tract of land ten (10) acres or more and more than one-hundred fifty (150) feet from a residence or occupied building located on another property; or
  - b. At a sport shooting range, as defined by Texas Local Government Code Section 250.001, as amended, or Section 229.001, as amended.

**§ 96.04 ARCHERY.**

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

**§ 96.05 FIREARMS - DISCHARGE.**

1. A person commits an offense if he intentionally, knowingly, or recklessly discharges a firearm within the City Limits.
2. This Section does not apply if:
  - a. The firearm was discharged in violation of Texas law in which case the discharge is chargeable under Texas law;
  - b. The firearm was discharged by a peace officer in the course of his or her official duties;
  - c. The firearm was discharged in a gun club, skeet or target range, or other facility or area for the sport of shooting at targets to test accuracy in rifle and pistol practice at a sport shooting range, as defined by Texas Local Government Code Section 250.001 or Texas Local Government Code Section 229.001, as amended;
  - d. The firearm was discharged by City Staff or their designee as part of a comprehensive Wildlife Hazard Management Plan (WHMP);
  - e. The firearm was a shotgun which was discharged in a manner not reasonably expected to cause a projectile to cross the boundary of the tract on a tract of land ten (10) acres or more and more than one-hundred fifty (150) feet from a residence or occupied building located on another property;
  - f. The firearm was a center fire or rim fire rifle or pistol or any caliber which was discharged on a tract of land of fifty (50) acres or more and more than three-hundred (300) feet from a residence or occupied building located on another property in a manner not reasonably expected to cause a projectile to cross the boundary of the tract;
3. It is a defense to an offense under this section that the firearm was discharged as authorized by the Texas Penal Code.

**§ 96.06 PENALTY.**

(A) The city shall have the power to administer and enforce the provisions of this chapter as may be required by governing law. Any person violating any provisions of this chapter is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this chapter is hereby declared to be a nuisance.

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

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

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

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

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

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

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

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

(2) A civil penalty up to \$1,000 per day, with each day constituting a separate offense when it is shown that the defendant was actually notified of the provisions of the chapter and after receiving notice committed acts in violation of the chapter or failed to take action necessary for compliance with the chapter; and

(3) Other available relief.

I am here tonight to represent the 187 citizens of the City of Woodcreek who signed a petition requesting that the city council repeal Ordinance 156.102, F1-3. These signatures represent all areas of the city, including Cypress Point.

The signees of this petition feel that this Ordinance imposes undue financial hardships and unnecessary additional work on homeowners at the time they are selling their homes. Real estate agents are becoming more reluctant to list and show properties in the city which will eventually effect property values. We feel that the Council is only interested in adding to the number regulations instead of having fewer more responsible ordinances. Too many ordinances were written based on deed restriction and are not appropriate content for an ordinance.

In many cases, the current owner was not the one who built the structure in question and they are now burdened with the responsibility of making the correction to something they bought in good faith. While the idea of having all existing structures come into compliance may sound good, the logistics of accomplishing this would be extremely unfair to a considerable number of citizens.

Over the years ordinances were not correctly enforced and to go back and make the corrections now is ludicrous at best. In talking to the citizens, I have heard comments like:

1. In the early 2000s when I spoke to the whoever was mayor at that time he told I did not need a permit and to build any type of deck I wanted.
2. We had a permit when adding a deck in the late 90s but didn't keep a copy. The city records are so bad that they don't have anything either.
3. My home was built before the city was incorporated, why do I have to change things that were done then.
4. This city is trying to become a police state. I moved here for a relaxing country environment. I could have stayed in a large city if I wanted all these rules.
5. We already have so many Ordinances that are not enforced which would do more to enhance the look of the city: such as, lawn mowing, parking in the yard and cleaning up trash in the yard. The only reason this ordinance gets enforced is that the real estate agents are requiring the homeowners to get proof of compliance.
6. Since we already have an ordinance that addresses the rebuilding of a damaged structure, why can't we just lower the percent of damage that requires the structure being brought into compliance?

Based on the number of signatures and the comments we feel there is sufficient evidence that the citizens of the City of Woodcreek want to see this ordinance repealed. Again, we are asking that Council repeal Ordinance 156.102, F1-3

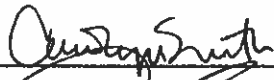
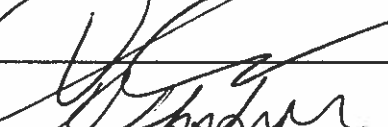
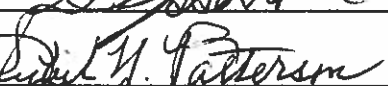
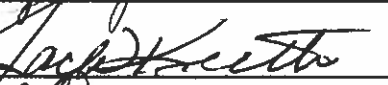
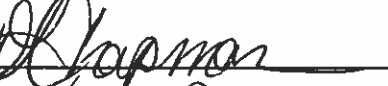
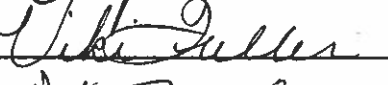
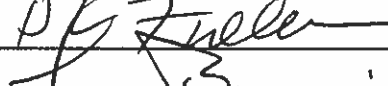
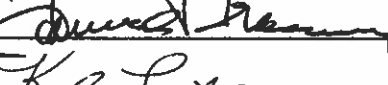
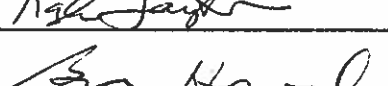
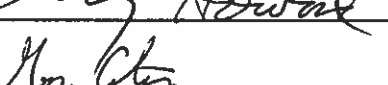






# PETITION TO THE WOODCREEK CITY COUNCIL

In consideration of the undue financial hardship that ordinance 156.101, F 1-3, imposes on residents that purchased, built or made improvements to property within the community known as the city of Woodcreek, we, the undersigned citizens of Woodcreek, Texas do hereby petition the Woodcreek City Council to repeal ordinance 156.101, F 1-3.

NAME	SIGNATURE	ADDRESS
DEBORAH WAGER	Deborah Wager	33 Woodcreek Dr
NORMA WAGER	Norma Wager	33 Woodcreek DR.
Lori Fisher	Lori Fisher	31 Woodcreek Dr.
CANDY FARRIS	Candy Farris	45 Woodcreek Dr.
MARVIN E. FARRIS	M. E. Farris	45 Woodcreek DR
Gail Baker	Gail Baker	516 Woodcreek Dr.
Jessica Eckert	Jessica Eckert	70 Woodcreek Dr
LINDA GERMAIN	Linda Germain	147 CHAMPION CIR.
JAMES SATTERWHITE	James Satterwhite	50 Woodcreek Dr.
PERRI SATTERWHITE	Perri Satterwhite	50 Woodcreek Dr.
Nancy Jenkins	Nancy Jenkins	4 Woodcreek
Paula Pulley	Paula Pulley	26 Woodcreek
RC Melich	RC Melich	38 Woodcreek
Dix Merri	Dix Merri	38 Woodcreek
Nancy Britner	Nancy Britner	49 Woodcreek
Lynne Huston	Lynne Huston	4 Spalding Cir.

# PETITION TO THE WOODCREEK CITY COUNCIL

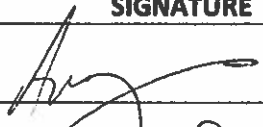



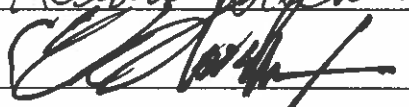
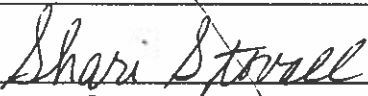
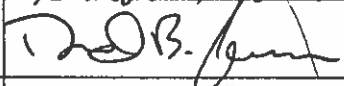
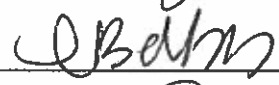
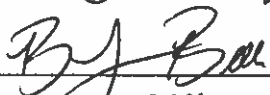

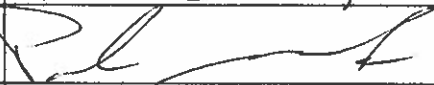
In consideration of the undue financial hardship that ordinance 156.101 F 1-3, imposes on residents that purchased, built or made improvements to property within the community known as the city of Woodcreek, we, the undersigned citizens of Woodcreek, Texas do hereby petition the Woodcreek City Council to repeal ordinance 156.101, F 1-3.

NAME	SIGNATURE	ADDRESS
Carolyn Smith		65 Brookhollow
Chandler Brown		70 Brookhollow
Dan Upshaw		62 Brookhollow
Dijit Y. Patterson		50 BROOKHOLLOW DR.
Jack Keith		46 BROOKHOLLOW DR
Deborah Chapman		46 Brookhollow Dr.
Viki Fuller		42 Brookhollow Dr
Dwain Fuller		42 Brookhollow Dr.
LAWRENCE BRUNING		38 BROOKHOLLOW
Kayla Langton		36 BROOKHOLLOW
Gary Howard		34 Brookhollow
Gary Cutsinger		30 Brookhollow
Tom Gillespie		29 Brookhollow
Beverly Gillespie		29 Brookhollow
Angie Rose		31 Brookhollow
Janell Covertino		16 Palmer Ln.



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NAME	SIGNATURE	ADDRESS
ANTHONY COWLEY		16 Palmer
Lae Butler		5 Brookhollow
Elisabeth Butler	Elisabeth Butler	5 Brookhollow
Nancy Marlett		10 Brookhollow
JOHN MARLET		10 Brookhollow Dr
Diane Walker	DIANE WALKER	17 Brook hollow Dr.
	C.E. STOVALL	19 BROOKHOLLOW
Shari Stovall		19 Brookhollow Dr.
DAVID JOHNSON		21 Brookhollow
Autumn Babbs		25 Brookhollow
Bryan Babbs		25 Brookhollow
Scott Tidwell		#2 Overbrook Ct
Wanda Hogue	WANDA HOGUE	6 Overbrook Ct.
Robert Kenney	Robert G Kenney	7 Overbrook Ct
Paul Glasscock		6 Deolittle Dr
Mary E Jones	Mary E Jones	6 Deolittle Dr.

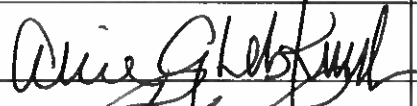







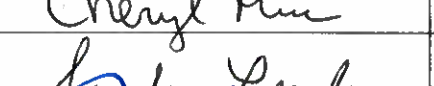




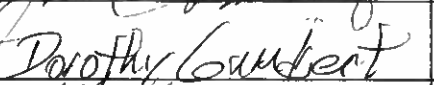


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NAME	SIGNATURE	ADDRESS
FRANK M. NOOD	<i>Frank M. Nood</i>	100 AUGUSTA DR WOODCREEK, TX 78676
BARBARA J. WOOD	<i>Barbara J. Wood</i>	100 AUGUSTA DR. WOODCREEK TX 78676
Darlene E Birgel	<i>DARLENE E BIRGEL</i>	109 AUGUSTA DR WOODCREEK TX
STEPHEN H. BIRGEL	<i>S. Birgel</i>	109 AUGUSTA DR WOODCREEK, TX 78676
A.E. INGALLS	<i>A.E. Ingalls</i>	105 Augusta Dr. 78676
<del>KAREN</del> KAREN INGALLS <del>Karen Ingalls</del>	<i>Karen Ingalls</i>	105 Augusta Dr 78676
WILLIAM C. HOLT, JR	<i>W.C. Holt</i>	95 AUGUSTA DR. 78676
<del>Susan F. Holt</del>	<i>Susan F. Holt</i>	95 Augusta 78676
Daniel E. Herrmann	<i>Dan Herrmann</i>	111 Augusta Dr. Woodcreek TX 78676
Janice B. Herrmann	<i>Janice B. Herrmann</i>	111 Augusta Dr. Woodcreek TX 78676
Ann Christopher <sup>son</sup>	<i>Ann Christopher</i>	113 Recquest Drive
<del>James Walker</del>	<i>James Walker</i>	115 Augusta Dr.
Amela K Anderson	<i>Amela K Anderson</i>	123 Augusta Dr. 78676
Charity N Mears	<i>Charity N Mears</i>	127 Augusta Dr 78676
Kenneth Posey	<i>Kenneth Posey</i>	131 Augusta Dr. 78676
JOHN E EPLEY	<i>John E Epley</i>	19 Woodcreek Dr. 78676

# PETITION TO THE WOODCREEK CITY COUNCIL

In consideration of the undue financial hardship that ordinance 156.102, F 1-3, imposes on residents that purchased, built or made improvements to property within the community known as the city of Woodcreek, we, the undersigned citizens of Woodcreek, Texas do hereby petition the Woodcreek City Council to repeal ordinance 156.102, F 1-3.

NAME	SIGNATURE	ADDRESS
ALICE G. LEBKUECHER		188 TULLEY CT.
ROBERT N. REGO		163 TULLEY CT.
LISA DECKER		172 TULLEY CT.
STEVE DECKER		172 TULLEY CT.
AL SIKORSKI		278 TULLEY CT.
LILLIAN SIKORSKI		278 TULLEY COURT
VERNON MOORE		262 TULLEY COURT
JETHAN		175 TULLEY CT.
CHERYL HANSON		175 TULLEY CT.
SANDRA LONDA		189 TULLEY CT.
NEEL MORTON		LOT 2 COMMERCIAL
CHRISTOPHER A. KRUEGER		239 TULLEY CT.
MERRY KRUEGER		239 TULLEY CT.
H.E. GUMBERT		306 E. SUMMIT DR.
DOROTHY GUMBERT		TULLEY CT.
MATT LEBKUECHER		188 TULLEY COURT




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NAME	SIGNATURE	ADDRESS
Robert Auvastine	<i>Robert Auvastine</i>	26 Par View Dr.
VIRGINIA BUTTERFIELD	<i>Virginia Butterfield</i>	97 Brookhollow Dr.
KAY DIERKS	<i>Kay Dierks</i>	26 PAR VIEW DR
Zilma Lee Leovsky	<i>Zilma Lee Leovsky</i>	51 Cypress Pt.
Mary Stamy	<i>Mary Stamy</i>	23 Cypress Pt.
ROGER BATTLE	<i>Roger Battle</i>	81 Brookhollow Dr.
Betty Battle	<i>Betty Battle</i>	81 Brookhollow Dr.
Rae Widenor	<i>Rae Widenor</i>	185 Augusta Dr.
Nikki Jenkins	<i>Nikki Jenkins</i>	15 Par View Dr.
Carol Kammerer	<i>Carol Kammerer</i>	72 CHAMPION CIRCLE
Carol Kammerer	<i>Carol Kammerer</i>	'
Pam Hendrickz	<i>Pam Hendrickz</i>	12 Cypress Point
Mike Holdsworth	<i>Mike Holdsworth</i>	20 PEBBLE BROOK
Rydia Johns	<i>Rydia Johns</i>	10 Cypress Point
PAMELA BOSTIC	<i>Pamela Bostic</i>	202 Overlook Ct
ROBERT JOHN	<i>Robert John</i>	10 CYPRESS POINT

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NAME	SIGNATURE	ADDRESS
Laurin Scott		6 Cypress Point Dr. Wimberley TX 78676
Craig Norris		59 Cypress Point Woodcreek, TX 78676
Marie Carson	Marie Carson	45 Cypress Pt. Wimberley, TX 78676
Jan Colburn	Jan Colburn	46 Cypress Pt. Dr. Woodcreek, TX 78676
Kathleen Gill		58 Cypress Point, Wimberley TX 78676
Stacy Peterson	Stacy Peterson	7 Cypress Pt. Wimberley, TX 78676
MORICA MARTIN	Moica Martin	47 Cypress Pt, Wimb. 78676
Dorothy Green	Dorothy L. Green	49 Cypress Pt. Wimberley 78676
Jacqueline Valdovinos	Jacqueline Holdsworth	20 Redelwood, Wimberley 78676
FRANCES LOUISE COBB	Frances Louise Cobb	45 Palmwood Lane Wimberley TX 78676
Fred Colburn	FRED J. COBURN	46 CYPRESS POINT DR 78676-9411
Betty McDonald	Betty McDonald	9 Cypress Point 78676
	and Al Shaff	Same
Barbara Kuder	Barbara Kuder	43 Cypress Pt. 78676
William Ben Keel Jr	W. Ben Keel Jr.	20 Cypress Point WIMBERLEY, TX 78676
ROXANNE M. KEEL	Roxanne M. Keel	20 CYPRESS POINT WIMBERLEY, TX 78676

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NAME	SIGNATURE	ADDRESS
ZARAGOZA MALDONADO	<i>Z. Maldonado</i>	63 Brookhollow
KATNY MALDONADO	<i>Katny Maldonado</i>	63 Brookhollow
JANA WHITE	<i>Jana White</i>	61 Brookhollow
WADE PELTON	<i>Wade Pelton</i>	56 BROOKHOLLOW
Libby Bryan	<i>Libby Bryan</i>	58 Brookhollow
Anna O'Connell	<i>Anna O'Connell</i>	70 Brookhollow
FRANK ECOSTIK	<i>Frank Ecostik</i>	77 BROOKHOLLOW DR.
Nancy McCarley	<i>Nancy McCarley</i>	79 BROOKHOLLOW
Bo Kidd	<i>Bo Kidd</i>	100 Brookhollow Dr
Nanci Almond	NANCI ALMOND	102 Brookhollow Dr.
<del>Cathy Butterfield</del>	<del>Cathy Butterfield</del>	<del>97 Brookhollow Dr.</del>
Grant Buck	<i>Grant Buck</i>	91 Brookhollow
Terence S. Stephens	<i>Terence S. Stephens</i>	71 Brookhollow Drive
MICHAEL STEINBERG	<i>Michael Steinberg</i>	6 Woodcreek Dr
KAT Leonard	<i>Kat Leonard</i>	66 Brookhollow
Carrie Leonard	<i>Carrie Leonard</i>	66 Brookhollow



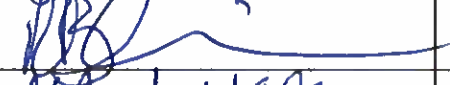







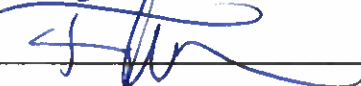
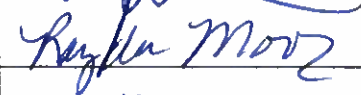


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NAME	SIGNATURE	ADDRESS
Dinah Leonard	Dinah Leonard	64 Brookhollow
Bill Leonard	Bill Leonard	64 Brookhollow
PAT E. OLLE	Pat E Olle	58 Augusta Dr.
Ralph S. Coosea	Ralph S. Coosea	58 Augusta Dr.
Ray Thompson	Ray Thompson	40 Brookhollow
MARVIN THOMANN	Marvin Thomann	40 Brookhollow
Gordie White	Gordie White	57 Doolittle
Larry Gilbert	Larry Gilbert	47 Doolittle
Kenny Eledge	Kenny Eledge	50 Brookhollow Dr.

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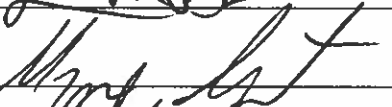
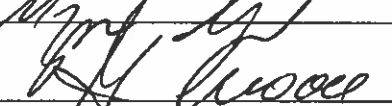
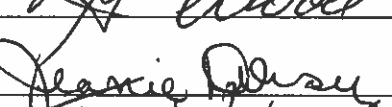
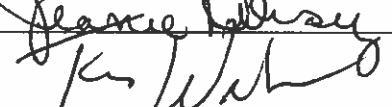
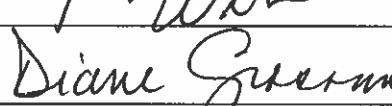

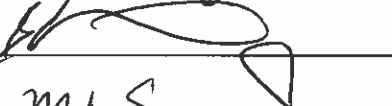
NAME	SIGNATURE	ADDRESS
Jim Donaldson		135 Champion Circle
DEBBIE DONALDSON		135 Champions Cir.
Robin Hankerheim		137 Champions Cir
Glenda McGrew		137 Champions Cir
<sup>Malissa Smith</sup> Melissa Smith		53 Woodcreek Dr.
Ryen Smith		53 Woodcreek Dr.
Nancy Sallaberger		68 Woodcreek Dr
Nate McDonald		14 Overbrook Ct
McLain DeWalt		132 CHAMPION CIR
Lee DeWalt		132 CHAMPION CIR
FERRY MOORE		61 CHAMPION CIR.
Raydean Moore		61 Champions Cir.
Cynthia Jones		2 Palmer Lane
George Jones		2 Palmer Lane
George Jones		





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NAME	SIGNATURE	ADDRESS
Gary Martin		213 Tulley Ct. 78626
Myra Specter		" " "
ANNA MOORE		262 TULLY COURT
Jeanie Dorsey		2 Spalding Circle
Tim Weber		100 CHAMPION CIRCLE
Diane Grossman		100 Champions Circle
Blaine Hamilton		178 Augusta Drive
M.B. Schmedt		13 Doolittle









