

**City of Woodcreek City Council Meeting**  
**February 10, 2016; 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 February 10, 2016, 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**
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: General:** Members of the Public who have submitted a written request to address the City Council on specific issues. Comments will be limited to five (5) minutes per speaker.
  - A. Wimberley on Wheels (Karen Riordan)
  
7. **Report Items:**
  - A. DPW Monthly Report (Director of Public Works Frank Wood)
  - B. Treasurer's Report for December 2015 (City Treasurer Golembiewski)
  - C. City Manager's Monthly Public Report (Interim City Manager Paul Brandenburg)
  
8. **Consent Agenda:** All of the following items are considered to be 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 filled out and submitted to the City Manager.
  - A. Approval of the minutes of the Regular Woodcreek City Council meeting of January 13, 2016
  - B. Approval of Treasurer's Report for January 2016
  - C. Approval of Revised Right-of-Way Ordinance No. 15-217
  
9. **Regular Agenda**
  - A. Swearing in and Oath of Office of City Attorney Roger Gordon (Mayor Eskelund).
  - B. Discussion and possible action to adopt an Open Carry Resolution. (City Attorney Gordon).
  - C. Discussion and possible action on the City's Transportation Improvement Plan. (Interim City Manager Brandenburg).

- D. Discussion and possible action to craft a resolution approving a transfer of funds in the amount of \$25,500.00 for the Transportation Improvement Plan Engineering. (City Attorney Gordon).
- E. Board Presentation, discussion and possible action on the Cypress Creek Watershed Program. (Interim City Manager Brandenburg).
- F. Discussion and appropriate action on naming official newspaper of the City of Woodcreek per Chapter 52, Section 4, Texas Local Government Code. (Mayor Eskelund).

## 10. Adjourn

*All items on the agenda are for discussion and/or action. The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Services) and 551.086 (Economic Development).*

I certify that the above notice was posted on the 5th of February, 2016, at 11:57a.m. By:

  
\_\_\_\_\_  
Paul Brandenburg, Interim City Manager

WIMBERLEY ON WHEELS  
OR WOW IS A **FREE**  
SENIOR TRANSPORTATION  
PROGRAM FOR SENIORS  
AGE 55 AND OLDER  
LIVING IN ZIPCODE  
78676. WOW IS A  
PROGRAM SPONSORED  
BY WIMBERLEY SENIOR  
CITIZENS ACTIVITIES,  
INC. WOW DRIVERS ARE  
ALL VOLUNTEERS WHO  
HAVE HAD BOTH A TEXAS  
CRIMINAL AND DRIVING  
BACKGROUND CHECK.  
TRIPS ARE MADE TO  
WIMBERLEY, KYLE, SAN  
MARCOS, AND NEW  
BRAUNFELS FOR THE  
GROCERY STORE, FUN  
OUTINGS, DOCTOR  
APPOINTMENTS, AND  
MORE.

**CALL 512-847-1780**



**FREE SENIOR  
TRANSPORTATION  
FOR WIMBERLEY  
CITIZENS AGE 55  
AND OLDER**

**WIMBERLEY ON WHEELS  
P.O. BOX 2893  
WIMBERLEY, TX 78676**



## CONVENIENT SERVICE

Free door-to-door service for people 55 years of age and older who live in Wimberley Valley. WOW offers trips five days a week, Monday through Friday, from 8:30am to 5:00 pm, to activities in Wimberley, Kyle, San Marcos and New Braunfels.

## "NEIGHBORS HELPING NEIGHBORS"

Volunteer drivers are "neighbors helping neighbors" who use their own vehicles and have completed a two hour group training covering topics such as what to do in the case of an emergency, safety tips for working seniors, and other issues that can affect people as they age. All drivers have also had Texas driving and criminal background checks.

## WHO IS ELIGIBLE TO RECEIVE RIDES? \*

- Minimum age of 55 or older
- Living in zip code 78676
- Individual can use a cane or walker but WOW does not have wheelchair accessible service

**TO SIGN UP TO RECEIVE RIDES OR TO VOLUNTEER TO DRIVE, PLEASE CALL 512-847-1780 FOR MORE INFORMATION.**

**\* Please note once enrolled, rider must provide 5-7 days advance notice for requested rides.**

## HOW TO ENROLL WITH WOW TO RECEIVE RIDES:

Call the WOW office at 512-847-1780 and make an appointment to meet with a staff member who will complete paperwork to enroll in the program. The staff member can meet at the person's home or at our office located in the Wimberley Community Center (next to Brookshire Brothers grocery store). The appointment will take approximately one hour.

## HOW TO ENROLL WITH WOW AS A VOLUNTEER DRIVER:

Call the WOW office also at 512-847-1780 to schedule an appointment to meet with a staff member in our office inside the Wimberley Community Center. The volunteer driver candidate will complete preliminary paperwork which includes a Texas criminal and driving background check. Once the background checks are completed and the driver is accepted for the WOW program, the new driver will complete a two hour group training.

## Contact Us

WIMBERLEY ON WHEELS  
P.O. BOX 2893  
WIMBERLEY, TX 78676  
512-847-1780  
wimberleyonwheel@gmail.com  
wimberleyonwheels.com

DONATIONS CAN BE ACCEPTED DIRECTLY TO WOW

Council Meeting Date: February 10, 2016

## AGENDA ITEM COVER SHEET

Subject/Title: Public wishing to address the City Council on Wimberley on Wheels (WOW)

Item Summary:

See attachments

Financial Impact/Financial Information:

No financial impact to the City at this time.

Comments/Recommendation:

Attachments

- Wimberley on Wheels Fact Sheet
- Wimberley on Wheels Brochure

Submitted By:

Paul E. Brandenburg

City Manager

WIMBERLEY ON WHEELS  
FACT SHEET

- Ⓢ NAME: WIMBERLEY ON WHEELS (WOW)
- Ⓢ TELEPHONE NUMBER 512-847-1780
- Ⓢ SERVING INDIVIDUALS AGE 55 AND UP
- Ⓢ SERVICE HOURS MONDAY THROUGH FRIDAY 8 AM TO 5 PM
- Ⓢ SERVING INDIVIDUALS WITHIN THE 78676 ZIP CODE
- Ⓢ PROVIDING DOOR-THROUGH-DOOR TRANSPORTATION
- Ⓢ PROVIDING TRANSPORTATION AT NO COST
- Ⓢ PROVIDING TRIPS TO WIMBERLEY, SAN MARCOS, KYLE AND NEW BRAUNSFELS
- Ⓢ WILL TRANSPORT FOR MEDICAL APPOINTMENTS, TO SENIOR CENTER, GROCERY SHOPPING, PHARMACY, HAIR APPOINTMENTS, ETC.
- Ⓢ VOLUNTEER DRIVER WILL BE ABLE TO SELF-SELECT HIS/HER TRIP THROUGH A COMPUTER SOFTWARE SYSTEM CALLED RIDESCHEDULER
- Ⓢ ALL VOLUNTEER DRIVERS WILL HAVE HAD BACKGROUND AND DMV CHECK
- Ⓢ ALL VOLUNTEER DRIVERS WILL HAVE ADDITIONAL LIABILITY INSURANCE THROUGH CIMA

Treasurer's Report of January 2016

Percentage Completed 33.00%

| Revenues: |                                | 2015-2016      |                |            | 2014-2015      |                |            | Jan-16         | Jan-15         | Diff.           |
|-----------|--------------------------------|----------------|----------------|------------|----------------|----------------|------------|----------------|----------------|-----------------|
|           | YTD                            | Budget         | %              | YTD        | Budget         | %              |            |                |                |                 |
| 3000      | Ad Valorem Tax                 | 110,694        | 198,000        | 56%        | 125,655        | 189,228        | 66%        | 98,192         | 104,165        | (13,973)        |
| 3005      | State Sales Tax                | 13,791         | 50,000         | 28%        | 10,822         | 76,895         | 14%        | 3,664          | 2,401          | 1,263           |
| 3010      | Mixed Beverage Tax             | 296            | 800            | 37%        | 317            | 496            | 64%        | 148            | 140            | 8               |
| 3020      | PEC Franchise Fee              | 13,779         | 30,000         | 46%        | 15,134         | 30,700         | 49%        | 5,935          | 6,622          | (687)           |
| 3030      | Time Warner Franchise Fee      | 7,933          | 20,000         | 40%        | 6,288          | 19,591         | 32%        | -              | -              | -               |
| 3030.10   | TWC - PEG Cable Revenue        | -              | -              | 0%         | 9,424          | -              | 0%         | -              | 8,166          | (8,166)         |
| 3040      | AquaTexas Franchise            | 70,895         | 83,000         | 85%        | 62,203         | 82,590         | 75%        | 8,787          | 3,374          | 5,413           |
| 3050      | IESI Franchise Fee             | 3,396          | 10,000         | 34%        | 2,911          | 12,274         | 24%        | -              | -              | -               |
| 3060      | Telephone Franchise Fee        | 512            | 1,000          | 51%        | 512            | 1,949          | 26%        | 3              | -              | 3               |
| 3070      | QuickSand Franchise Revenue    | -              | 500            | 0%         | -              | 500            | 0%         | -              | -              | -               |
| 3080      | Reimbursement                  | -              | -              | 0%         | -              | -              | 0%         | -              | -              | -               |
| 3080.1    | Engineering Reimbursement      | -              | -              | 0%         | 115            | 3,220          | 4%         | -              | -              | -               |
| 3080.2    | Legal Reimbursement            | -              | -              | 0%         | -              | 5,476          | 0%         | -              | -              | -               |
| 3080.3    | Admin Reimbursement            | -              | -              | 0%         | -              | -              | 0%         | -              | -              | -               |
| 3090      | Development Revenue            | 2,324          | 15,000         | 15%        | 7,821          | 14,935         | 52%        | 254            | 2,066          | (1,812)         |
| 3095      | Sign Fees                      | -              | -              | 0%         | -              | -              | 0%         | -              | -              | -               |
| 4000      | Interest Income                | 1,440          | 2,400          | 60%        | 473            | 800            | 59%        | 366            | 100            | 266             |
| 4010      | Other Revenue                  | -              | 100            | 0%         | 40             | 450            | 9%         | -              | -              | -               |
| 4015      | Oak Wilt Containment           | -              | -              | 0%         | -              | -              | 0%         | -              | 675            | -               |
| 4020      | Municipal Court Revenue        | 140            | 1,500          | 9%         | 783            | 1,900          | 41%        | -              | 783            | (783)           |
| 4040      | Donations Received             | -              | 5,000          | 0%         | -              | -              | 0%         | -              | -              | -               |
|           | <b>Total Gen Fund Revenues</b> | <b>225,199</b> | <b>417,300</b> | <b>54%</b> | <b>242,497</b> | <b>441,004</b> | <b>55%</b> | <b>109,348</b> | <b>128,493</b> | <b>(18,470)</b> |

| Expenditures: |                                      | 2015-2016     |               |            | 2014-2015     |               |            | Jan-16       | Jan-15       | Diff.          |
|---------------|--------------------------------------|---------------|---------------|------------|---------------|---------------|------------|--------------|--------------|----------------|
|               | YTD                                  | Budget        | %             | YTD        | Budget        | %             |            |              |              |                |
| 5000.01       | Salaries and Wages                   | 32,146        | 85,500        | 38%        | 27,318        | 81,000        | 34%        | 7,833        | 6,461        | 1,372          |
| 5000.03       | City Manager Car Allowance           | 1,220         | -             | 0%         | -             | -             | 0%         | 417          | -            | 417            |
| 5000.05       | Elected Official - Pay               | 140           | 680           | 21%        | -             | -             | 0%         | 80           | -            | 80             |
| 5000.20       | Payroll Tax                          | 2,680         | 7,300         | 36%        | 2,900         | 8,477         | 34%        | 664          | 1,239        | (575)          |
| 5000.40       | Retirement                           | 1,090         | 3,200         | 34%        | 742           | 2,378         | 31%        | 304          | 177          | 127            |
| 5000.50       | Direct Deposit Expense               | 39            | 120           | 32%        | 43            | 108           | 40%        | 11           | 9            | 2              |
|               | <b>5000 Personnel Services</b>       | <b>37,294</b> | <b>96,780</b> | <b>39%</b> | <b>31,002</b> | <b>91,963</b> | <b>34%</b> | <b>9,309</b> | <b>7,886</b> | <b>1,423</b>   |
| 5500.05       | Bank Fees & Charges                  | 25            | -             | 0%         | -             | -             | 0%         | 9            | -            | 9              |
| 5500.10       | City Hall Maintenance/Repairs        | 218           | 2,500         | 9%         | 6             | 2,500         | 0%         | -            | -            | -              |
| 5500.30       | IT & Radio                           | 1,417         | 5,000         | 28%        | 2,398         | 6,700         | 36%        | -            | 2,350        | (2,350)        |
| 5500.40       | Newsletter                           | -             | 1,500         | 0%         | -             | 632           | 0%         | -            | -            | -              |
| 5500.50       | Office Supplies                      | 543           | 3,500         | 16%        | 942           | 3,600         | 26%        | 192          | 146          | 46             |
| 5500.60       | Postage & Shipping                   | 406           | 1,000         | 41%        | 837           | 1,500         | 56%        | 63           | 286          | (223)          |
| 5500.61       | Printing & Reproduction              | 964           | 1,500         | 64%        | 558           | 2,400         | 23%        | 151          | 138          | 13             |
| 5500.70       | Storage Rental                       | 510           | 1,000         | 51%        | 908           | 980           | 93%        | 510          | 908          | (398)          |
|               | <b>5500 Office Expenses</b>          | <b>4,083</b>  | <b>16,000</b> | <b>26%</b> | <b>5,649</b>  | <b>18,312</b> | <b>31%</b> | <b>925</b>   | <b>3,828</b> | <b>(2,903)</b> |
| 6000.01       | Audit Expenses                       | -             | 6,600         | 0%         | -             | 6,200         | 0%         | -            | -            | -              |
| 6000.10       | Codification                         | -             | 1,900         | 0%         | 614           | 6,500         | 9%         | -            | -            | -              |
| 6000.11       | Contract Labor                       | 2,170         | 7,000         | 31%        | 2,589         | 7,100         | 36%        | 463          | 521          | 59             |
| 6000.15       | Engineering                          | -             | 2,500         | 0%         | -             | 5,100         | 0%         | -            | -            | -              |
| 6000.20       | Legal Expenses                       | 7,699         | 30,000        | 26%        | 7,525         | 25,000        | 30%        | 560          | 1,890        | 1,330          |
| 6000.21       | General                              | 2,631         | -             | -          | 6,388         | -             | -          | 560          | 1,453        | 893            |
| 6000.22       | Legal Reimbursable                   | -             | -             | -          | -             | -             | -          | -            | -            | -              |
| 6000.25       | Special Cases                        | 5,068         | -             | -          | 1,138         | -             | -          | -            | 438          | 438            |
|               | <b>6000 Professional Services</b>    | <b>9,869</b>  | <b>48,000</b> | <b>21%</b> | <b>10,728</b> | <b>24,900</b> | <b>43%</b> | <b>1,023</b> | <b>2,411</b> | <b>1,389</b>   |
| 6500.01       | Deer Removal                         | 600           | 10,000        | 6%         | 825           | 1,500         | 55%        | -            | 300          | 300            |
| 6500.15       | Mowing                               | -             | 5,500         | 0%         | 440           | 5,000         | 9%         | -            | -            | -              |
| 6500.20       | Oak Wilt Containment                 | -             | 2,000         | 0%         | 1,425         | 2,000         | 71%        | -            | 675          | 675            |
| 6500.21       | Outdoor Beautification               | 2,642         | 12,000        | 22%        | 1,510         | 5,500         | 27%        | 535          | -            | (535)          |
| 6500.25       | ROW Tree Trimming                    | -             | 1,500         | 0%         | 775           | 18,000        | 4%         | -            | -            | -              |
| 6500.30       | Street Maintenance                   | -             | 25,000        | 0%         | 13,314        | 60,000        | 22%        | -            | 1,400        | 1,400          |
| 6500.31       | Street Signs                         | 303           | 1,000         | 30%        | 3,124         | 1,000         | 312%       | 217          | 100          | (117)          |
| 6500.40       | Tree Limb Pick-Up                    | 3,630         | 3,500         | 104%       | 3,355         | 1,700         | 197%       | -            | -            | -              |
|               | <b>6500 Area Care/Maintenance</b>    | <b>7,175</b>  | <b>60,500</b> | <b>12%</b> | <b>24,768</b> | <b>94,700</b> | <b>26%</b> | <b>753</b>   | <b>2,475</b> | <b>1,722</b>   |
| 7000.01       | Ad Valorem Tax Expense               | 417           | 2,000         | 21%        | 414           | 1,800         | 23%        | -            | -            | -              |
| 7000.02       | Building Inspections                 | 2,455         | 5,500         | 45%        | 1,185         | 2,800         | 42%        | 425          | 260          | (165)          |
| 7000.03       | Code Compliance                      | -             | 1,500         | 0%         | 594           | 7,300         | 8%         | -            | 34           | 34             |
| 7000.04       | Dues & Memberships                   | 572           | 1,250         | 46%        | 882           | 1,315         | 67%        | -            | 144          | 144            |
| 7000.05       | Election Expense                     | 2,592         | 2,400         | 108%       | -             | 2,314         | 0%         | -            | -            | -              |
| 7000.15       | Meeting Expense                      | 623           | 1,500         | 42%        | 944           | 2,000         | 47%        | -            | 54           | 54             |
| 7000.20       | Public Notices                       | 738           | 1,000         | 74%        | 484           | 1,000         | 48%        | 193          | 63           | (130)          |
| 7000.30       | Travel & Vehicle Exp Reimb           | 21            | 3,000         | 1%         | 1,281         | 3,000         | 43%        | -            | 250          | 250            |
| 7000.40       | Training & Prof Development          | 123           | 1,000         | 12%        | 418           | 1,000         | 42%        | -            | 70           | 70             |
|               | <b>7000 Other Operating Expenses</b> | <b>7,540</b>  | <b>19,150</b> | <b>39%</b> | <b>6,203</b>  | <b>22,529</b> | <b>28%</b> | <b>618</b>   | <b>876</b>   | <b>258</b>     |
| 7500.01       | City Hall Utilities                  | 876           | 3,000         | 29%        | 854           | 3,000         | 28%        | 217          | 206          | (12)           |

Treasurer's Report of January 2016

|                                    |                              |               |                |            |               |                |            |               |               |                |
|------------------------------------|------------------------------|---------------|----------------|------------|---------------|----------------|------------|---------------|---------------|----------------|
| 7500.02                            | Telephone & Internet         | 971           | 3,000          | 32%        | 972           | 3,000          | 32%        | 243           | 243           | (0)            |
| 7500.03                            | Outdoor Utilities            | 1,237         | 3,000          | 41%        | 1,126         | 5,000          | 23%        | 254           | 260           | 6              |
| 7500                               | Utilities                    | 3,084         | 9,000          | 34%        | 2,952         | 11,000         | 27%        | 715           | 709           | (6)            |
| 7600.01                            | TML Insurance                | 2,514         | 2,750          | 91%        | 2,618         | 2,362          | 111%       | -             | -             | -              |
| 7600                               | Insurance                    | 2,514         | 2,750          | 91%        | 2,618         | 2,362          | 111%       | -             | -             | -              |
| 8020.20                            | MC Judge                     | 750           | 3,400          | 22%        | 1,450         | 4,200          | 35%        | -             | 350           | 350            |
| 8020.25                            | Misc. Court Costs            | 735           | 1,000          | 74%        | 1,422         | 3,000          | 47%        | -             | -             | -              |
| 8020.30                            | Prosecutor                   | -             | 2,400          | 0%         | 435           | 4,000          | 11%        | -             | 384           | 384            |
| 8020.40                            | State Comptroller Costs      | 54            | 1,000          | 5%         | -             | 3,000          | 0%         | -             | -             | -              |
| 8020.41                            | Supplies                     | -             | 200            | 0%         | 162           | 200            | 81%        | -             | 64            | 64             |
| 8020.60                            | Traffic Enforcement          | 14,170        | 40,000         | 35%        | -             | 38,580         | 0%         | 7,085         | -             | (7,085)        |
| 8020                               | Municipal Court Costs        | 15,709        | 48,000         | 33%        | 3,469         | 52,980         | 7%         | 7,085         | 798           | (6,287)        |
|                                    | Contingency Reserve          | -             | 117,240        | 0%         |               | 97,528         | 0%         |               |               | -              |
|                                    | Miscellaneous                | -             | -              | 0%         | (221)         | -              | 0%         | 602           | -             | (602)          |
| 8900.10                            | Reconciliation Discrepancies | 655           | -              | 0%         | -             | -              | 0%         | -             | -             | -              |
| 8900                               | Miscellaneous                | 655           | 117,240        | 1%         | (221)         | -              | 0%         | 602           | -             | (602)          |
| <b>Total Gen Fund Expenditures</b> |                              | <b>87,924</b> | <b>417,420</b> | <b>21%</b> | <b>87,168</b> | <b>318,746</b> | <b>27%</b> | <b>21,028</b> | <b>18,983</b> | <b>(5,006)</b> |

Legend

- No Budget Amount
- The combination of the Legal Expenses.
- Recommend for Budget



**City of Woodcreek**  
**Transaction List by Date**  
January 2016

| Date   | Type            | Num        | Name                         | Memo                                      | Account              | Split                        | Debit     | Credit   |
|--------|-----------------|------------|------------------------------|---|----------------------|------------------------------|-----------|----------|
| Jan 16 | Paycheck        | 01/01/2016 | Barbara J Grant              | Direct Deposit                            | 1000 - Operating ... | -SPLIT-                      | 0.00      |          |
|        | Paycheck        | 01/01/2016 | Linda L Land                 | Direct Deposit                            | 1000 - Operating ... | -SPLIT-                      | 0.00      |          |
|        | Paycheck        | 01/01/2016 | Paul E Brandenburg           | Direct Deposit                            | 1000 - Operating ... | -SPLIT-                      | 0.00      |          |
|        | Liability Check | 01/04/2016 | QuickBooks Payroll Service   | Created by Payroll Service on 12/31/2015  | 1000 - Operating ... | -SPLIT-                      |           | 3,127.98 |
|        | Check           | 01/04/2016 | Smart Sign                   |   | 1000 - Operating ... | 6500.31 - Street Signs       |           | 194.75   |
|        | Check           | 01/04/2016 | King Feed and Hardware       |   | 1000 - Operating ... | 6500.21 - Outdoor Bea...     |           | 11.89    |
|        | Check           | 01/04/2016 |                              |   | 1003 - Municipal ... | 5500.05 - Bank Fees & ...    |           | 4.00     |
|        | Check           | 01/07/2016 |                              |   | 1000 - Operating ... | 5500.05 - Bank Fees & ...    |           | 5.00     |
|        | Deposit         | 01/08/2016 |                              | Service Charge                            | 1000 - Operating ... | 3000 - Ad Valorem Tax...     | 90,192.04 |          |
|        | Deposit         | 01/08/2016 |                              | Deposit                                   | 1000 - Operating ... | 3005 - State Sales Tax...    | 3,663.80  |          |
|        | Deposit         | 01/10/2016 |                              | Interest                                  | 1000 - Operating ... | 4000 - Interest Income       | 127.68    |          |
|        | Check           | 01/11/2016 | HEB                          |   | 1000 - Operating ... | 5500.50 - Office Suppl...    |           | 12.47    |
|        | Check           | 01/12/2016 | HEB                          |   | 1000 - Operating ... | 5500.60 - Postage & S...     |           | 6.96     |
|        | Check           | 01/12/2016 | USPS                         |   | 1000 - Operating ... | 5500.50 - Office Suppl...    |           | 56.09    |
|        | Check           | 01/12/2016 | TMRS                         |   | 1000 - Operating ... | 5500.60 - Postage & S...     |           | 715.75   |
|        | Liability Check | 01/13/2016 | Xerox Financial Services     | 01409                                     | 1000 - Operating ... | -SPLIT-                      |           | 138.20   |
|        | Check           | 01/13/2016 | San Marcos Daily Record      | Printing                                  | 1000 - Operating ... | 5500.61 - Printing & R...    |           | 138.20   |
|        | Check           | 01/13/2016 | PEC - City Hall              | Acc# RA 1906-classified                   | 1000 - Operating ... | 7000.20 - Public Notices     |           | 193.00   |
|        | Check           | 01/13/2016 | PEC - Outdoor                | 3000096693                                | 1000 - Operating ... | 7500.01 - City Hall Utili... |           | 89.25    |
|        | Check           | 01/13/2016 | Ace Hardware                 | 3000229534 & 300033364                    | 1000 - Operating ... | 7500.03 - Outdoor Utili...   |           | 115.65   |
|        | Check           | 01/13/2016 | Bojorquez Law Firm, PLLC     | Acc# 3532 - Street Signs & Office Expense | 1000 - Operating ... | -SPLIT-                      |           | 26.68    |
|        | Check           | 01/13/2016 | Lane N. Parks                | Legal Labor - Inv 538                     | 1000 - Operating ... | 6000.21 - General            |           | 560.00   |
|        | Check           | 01/13/2016 | Lock Tite Storage - Wimbe... | Contract Labor - Bookkeeping              | 1000 - Operating ... | 6000.11 - Contract Labor     |           | 462.50   |
|        | Check           | 01/13/2016 | Lock Tite Storage - Wimbe... | Storage Unit Semi-Annual Rent             | 1000 - Operating ... | 5500.70 - Storage Rental     |           | 510.00   |
|        | Bill            | 01/13/2016 | Hays County                  | Jul-Sep 2016 Storage Unit                 | 1900 - Accounts ...  | 5500.70 - Storage Rental     |           | 255.00   |
|        | Check           | 01/13/2016 | Oison Electric               | Traffic Enforcement                       | 1000 - Operating ... | 8020.60 - Traffic Enfor...   |           | 7,085.00 |
|        | Check           | 01/13/2016 | Wimberley Springs Partners   | Inv 1512259-5                             | 1000 - Operating ... | 6500.21 - Outdoor Bea...     |           | 123.33   |
|        | Check           | 01/13/2016 | HEB                          | Office Supplies                           | 1000 - Operating ... | 5500.50 - Office Suppl...    | 153.68    |          |
|        | Check           | 01/13/2016 | Office Depot                 | Office Supplies                           | 1000 - Operating ... | 5500.50 - Office Suppl...    | 147.91    |          |
|        | Check           | 01/13/2016 | Eric C Eskeland              | Deposit                                   | 1000 - Operating ... | 4000 - Interest Income       | 86.08     |          |
|        | Check           | 01/16/2016 | Frank Wood                   | Official Pay - Jan                        | 1000 - Operating ... | -SPLIT-                      |           | 9.23     |
|        | Check           | 01/16/2016 | Gene Golembewski             | Official Pay - Jan                        | 1000 - Operating ... | -SPLIT-                      |           | 9.23     |
|        | Check           | 01/16/2016 | Gordon Marsh                 | Official Pay - Jan                        | 1000 - Operating ... | -SPLIT-                      |           | 9.23     |
|        | Check           | 01/16/2016 | Judy L Brzardine             | Official Pay - Jan                        | 1000 - Operating ... | -SPLIT-                      |           | 9.23     |
|        | Check           | 01/16/2016 | William Schaeel              | Official Pay - Jan                        | 1000 - Operating ... | -SPLIT-                      |           | 9.23     |
|        | Check           | 01/16/2016 | Linda L Land                 | Direct Deposit                            | 1000 - Operating ... | -SPLIT-                      | 0.00      |          |
|        | Paycheck        | 01/16/2016 | Barbara J Grant              | Direct Deposit                            | 1000 - Operating ... | -SPLIT-                      | 0.00      |          |
|        | Paycheck        | 01/16/2016 | Paul E Brandenburg           | Direct Deposit                            | 1000 - Operating ... | -SPLIT-                      | 0.00      |          |
|        | Paycheck        | 01/16/2016 | QuickBooks Payroll Service   | Created by Payroll Service on 01/15/2016  | 1000 - Operating ... | -SPLIT-                      |           | 3,358.52 |
|        | Deposit         | 01/19/2016 | USPS                         | Deposit                                   | 1000 - Operating ... | 3020 - PEC Franchise ...     | 5,935.18  |          |
|        | Check           | 01/19/2016 | Bed Bath and Beyond          | Deposit                                   | 1000 - Operating ... | 5500.60 - Postage & S...     | 8,786.89  |          |
|        | Check           | 01/25/2016 | Time Warner Cable            | 302013901                                 | 1000 - Operating ... | 3040 - Aquat Exas Fra...     |           | 56.27    |
|        | Check           | 01/27/2016 | ATS Engineers                | Building Inspections                      | 1000 - Operating ... | 5500.50 - Office Suppl...    |           | 243.30   |
|        | Check           | 01/27/2016 | Aquat Exas - City Hall       | 000957/65 0687110                         | 1000 - Operating ... | 7500.02 - Telephone & ...    |           | 425.00   |
|        | Check           | 01/27/2016 | Aquat Exas - Outdoor         | 9374970672071,9760590700920,9745120699546 | 1000 - Operating ... | 7500.03 - Outdoor Utili...   |           | 128.15   |
|        | Check           | 01/27/2016 | Nancye K Brither             | Official Pay - Dec 2015 & Jan 2016        | 1000 - Operating ... | -SPLIT-                      |           | 18.47    |
|        | Check           | 01/27/2016 | Kelly Clements               | Entrance maintenance                      | 1000 - Operating ... | 6500.21 - Outdoor Bea...     | 103.00    |          |
|        | Check           | 01/27/2016 | A Studio Z - Art & Design    | Deposit                                   | 1000 - Operating ... | -SPLIT-                      |           | 400.00   |
|        | Check           | 01/29/2016 | Int-Siltes Manufacturing     | Interest                                  | 1000 - Operating ... | 5500.61 - Printing & R...    | 12.99     |          |
|        | Check           | 01/29/2016 |                              |   | 1000 - Operating ... | 8900 - Miscellaneous         | 601.60    |          |
|        | Deposit         | 01/29/2016 |                              |   | 1006 - PEG - #54...  | 4000 - Interest Income       | 1.28      |          |

02/09/16

City of Woodcreek  
Transaction List by Date

January 2016

| Type    | Date       | Num | Name | Memo | Account              | Split                  | Debit  | Credit |
|---------|------------|-----|------|------|----------------------|------------------------|--------|--------|
| Deposit | 01/31/2016 |     |      |      | 1020 - Investment... | 4000 - Interest Income | 9.20   |        |
| Deposit | 01/31/2016 |     |      |      | 1022 - Crockett N... | 4000 - Interest Income | 141.58 |        |
| Jan 16  |            |     |      |      |                      |                        |        |        |

- FEMA – Met with FEMA representatives for Public Assistance. Public Assistance would include repairs for local roads and creek/stream cleanout. Must demonstrate that this was flood related and not just neglect or years of non-maintenance.
- Potential Hog Creek Detention Facility – Regional stormwater mitigation project. Ongoing discussions with FEMA and Hays County. Likely to be an Interlocal project and not federal.
- Woodcreek Apartments. The second set of comments has been circulated amongst the reviewing parties. Project still tracking to commence the first quarter of 2016.
- Augusta Park. Park is nearing completion. Last set of projects underway and being completed. Should be finalized in the next 45 days.
- On Street Right of Way Parking Permits are now available at City Hall.





**DARRELL W. AYRES**  
**CONSTABLE, PCT. 3**  
**HAYS COUNTY, TEXAS**



---

Woodcreek Patrol  
January 2016

|                            | <u>Total</u> |
|----------------------------|--------------|
| Hours:                     | 91           |
| Mileage:                   | 767          |
| Traffic Citations/Warnings | 2            |
| Code Violation             | 0            |
| Close Patrol:              | 3            |
| Criminal:                  | 3            |
| Civil:                     | 2            |
| Other:                     | 0            |
| Public/Agency Assist:      | 6            |
| Warrants:                  | 0            |
| Jailing:                   | 0            |

- Please note undocumented civil questions, concerns and other instances will not be included in this report.

Constable Ayres

A handwritten signature in black ink, appearing to read "Darrell W. Ayres".

Deputy Brown

A handwritten signature in black ink, appearing to be a stylized name.



**City of Woodcreek City Council Meeting  
January 13, 2016: 6:30 p.m.  
41 Champions Circle  
Woodcreek, Texas 78676**

**Minutes**

- 1.) **Call to Order:** Mayor Eskelund called the meeting to order at 6:30 p.m.
- 2.) **Invocation**
- 3.) **Pledge**
- 4.) **Roll Call.** Present: Mayor Eric C. Eskelund, Mayor Pro Tem Nancye Britner, Councilmember William Scheel, Councilmember Jerry Moore, Councilmember Gordon Marsh, Councilmember Judy Brizendine, Interim City Manager Paul Brandenburg, City Treasurer Gene Golembiewski, City Financial Coordinator Liane Park. **Absent:** Director of Public Works Frank Wood.
- 5.) **Public Comments:** George Hyde, representing the law firm of Denton, Navarro, Roca, Bernal, Hide and Zech withheld comments for a regular agenda item. Sharri Woods spoke about ordinance violations. John Lewis withheld comments for the public hearing. Marianne Mitchell expressed her thanks to the City for removing the accumulation of rocks on Brookmeadow Drive. Jack Kinkel chose to speak during the public hearing concerning fences. Dorothy Harris of 30 Cypress Point inquired about the engineering report in relation to the flooding. Nancye Britner commented on a letter from Texas Municipal Courts Education Center thanking the City for participating in National Night Out.
- 6.) **Citizen Comments: There were no citizen comments.**
- 7.) **Report Items:**
  - A. In the absence of Director of Public Works Wood. City Manager Brandenburg reported that he is coordinating information from DPW Wood and the County regarding the status of the 2015 repair requests, along with a list of storm damages resulting from the October 2015 flood.
  - B. City Treasurer Golembiewski reported year-to-date revenues of \$115,851.00 and \$66,896.00 in expenditures.
  - C. City Manager Brandenburg presented his Monthly Public Report.
- 8.) **Consent Agenda:**
  - A. Approval of the minutes of the Regular Woodcreek City Council meeting of December 9, 2015.
  - B. Approval of Treasurer's Report for December 2015.

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

**9.) Public Hearing and Action on Section 156.058 (Fencing) of the Code of Ordinances to allow fences nearer than 25 feet to an exterior lot line bordering the golf course under specified conditions.**

**A. Staff Report:** City Manager Brandenburg thanked the Planning and Zoning Committee and all who were involved in creating a very good ordinance. He explained the need for a five foot setback from the rear property line and the small animal mesh addition to fences and the necessity of it matching the color and architecture of the fence.

**B. Public Hearing:** Hearing Open 6:30 p.m. John Lewis pointed out a discrepancy in the City Fee Ordinance relating to the permit fee for fence applications. Jack Kinkle expressed his appreciation of the current and past City Council for the effort, time and work that went into reaching this stage in the process. Hearing Closed: 6:56 p.m.

**C. Discussion and Action:** After discussion, Mayor Pro Tem Britner moved to approve Ordinance 156.058 as proposed, with the recommendations from P&Z as submitted, with a five (5) foot setback from the rear property line and small animal fencing not to exceed two (2) feet of the total height of the fence and material color recommended by P&Z. The motion was seconded by Councilmember Moore, which passed with a vote of 5-0-0.

Mayor Pro Tem Britner moved to amend the draft ordinance amending Section 156.058 of the City's Code of Ordinances as proposed, and to adopt changes permitting the construction of fences, based on the recommendations of the Planning and Zoning Commission. With the change to the small animal fencing not to exceed 50% of the total height of the main fence, and for the small animal fencing to be of the same color to match the architecture of the main fence. Councilmember Moore seconded the amended motion, which passed with a vote of 5-0-0.

Councilmember Marsh moved to approve the original amended motion. The motion was seconded by Councilmember Moore, which passed with a vote of 5-0-0.

**10.) Regular Agenda**

**A.** After discussion, Mayor Pro Tem moved to appoint Interim City Manager Brandenburg as the City's official Flood Plain Manager. The motion was seconded by Councilmember Moore, which passed with a vote of 5-0-0.

**B.** George Hyde, of the law firm of Denton Navarro Rocha Bernal Hyde & Zech spoke in support of his firm. After discussion, Councilmember Marsh moved to appoint Denton Navarro Rocha Bernal Hyde and Zech for Woodcreek legal services. Councilmember Brizendine seconded the motion, which failed 2-3-0. Councilmember Moore moved to engage the firm of Roger Gordon Law as City Attorney. The motion was seconded by Mayor Pro Tem Britner, which passed with a vote of 3-2-0.

**C.** After discussion, Councilmember Marsh moved to take no further action on the Joinder of Lots issue. The motion was seconded by councilmember Brizendine, which passed with a vote of 5-0-0.

**D.** After discussion, Mayor Pro Tem Britner moved to direct City Manager Brandenburg to investigate Open Carry with Attorney Roger Gordon. The motion was seconded by Councilmember Marsh, which passed with a vote of 5-0-0.



E. After discussion, Councilmember Moore moved to accept Myers Concrete bid of \$6,500.00 for pothole repairs, with work to begin no later than January 18, 2016. The motion was seconded by Mayor Pro Tem Britner, which passed with a vote of 5-0-0. Councilmember Moore moved to accept Hays County's bid of \$4,280.00 for emergency repairs at the curve of Champions Circle. The motion was seconded by Councilmember Marsh, which passed with a vote of 5-0-0.

**12.) Adjourn:** There being no further business, Mayor Eskelund adjourned the meeting at 8:10 p.m.

---

Eric C. Eskelund, Mayor

---

Paul E. Brandenburg, Interim City Manager



ORDINANCE NO. 16-219

CITY OF WOODCREEK, TEXAS

AMENDMENT TO CHAPTER 156 OF THE CODE OF ORDINANCES

**ZONING ORDINANCE**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODCREEK TO CORRECT A SCRIVENER'S ERROR TO ORDINANCE NO. 15-217 ADOPTED OCTOBER 14, 2015 AMENDING TITLE XV ("LAND USAGE"), CHAPTER 156 ("ZONING"), SECTION 156.029 ("PARKING"), OF THE CITY OF WOODCREEK CODE OF ORDINANCES; PROVIDING FOR EXCEPTIONS, UNDER SPECIFIED CONDITIONS, TO THE PROHIBITION AGAINST PARKING VEHICLES ON PUBLICLY-OWNED RIGHTS-OF-WAY, PARK OR GREENBELT; LIMITING SUCH PARKING ON RIGHTS-OF-WAY FRONTING A RESIDENTIAL PROPERTY TO THE OWNERS AND OCCUPANTS OF THE PROPERTY ABUTTING THE PARKING SPACE, THEIR GUESTS, AND ANY NEIGHBOR TO WHOM SUCH OWNERS AND OCCUPANTS MAY SPECIFICALLY GRANT PERMISSION; PROHIBITING SUCH PARKING BETWEEN THE HOURS OF 2:00 A.M. AND 6:00 A.M. WITHOUT AN OVERNIGHT PARKING PERMIT; PROVIDING A PROCESS, AND ESTABLISHING A \$10.00 ANNUAL FEE FOR THE ISSUANCE OF SUCH OVERNIGHT PARKING PERMITS; PROVIDING A PENALTY FOR VIOLATIONS; 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 parking opportunities in the residential districts of the City are very limited; and

**WHEREAS,** The City Council adopted Ordinance No. 15-217 on October 14, 2015, amending Title XV, Chapter 156, Section 156.029 to provide for exceptions, under certain

conditions, to the prohibition against parking vehicles on the rights-of-way, and additional exceptions as set forth herein; and

**WHEREAS**, the City Council in the adoption of Ordinance No. 15-217 by a 3-0 vote expressed their intent to adopt the aforementioned exceptions;

**WHEREAS**, the City Council in the adoption of Ordinance No. 15-217 intended to approve an Ordinance expressly addressing right-of-way parking, and extraneous language was inadvertently included in said Ordinance; and

**WHEREAS**, the City Council finds that the amending the Zoning ordinance to allow and regulate additional parking opportunities, 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**

Ordinance No. 15-217 be and the same is hereby amended to correct a scrivener's error to amend Chapter 156 ("Zoning") of the Code of Ordinances of the City of Woodcreek at Section 156.029 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 February, 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:

\_\_\_\_\_  
Paul Brandenburg, 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 Requirements and Limitations

§ 156.029 PARKING.

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

(A) Parallel parking of personal automobiles and trucks will be allowed along the street right-of-way in front of a residential property if the vehicles are pulled off the street pavement (all tires must be off the pavement), no part of the vehicle projects out over the pavement, and the grass has been mowed to a height of less than 4 inches.

(B) Residential property owners may elect to surface the parallel parking space in the right-of-way with a pervious cover, such as gravel or crushed granite.

(C) Parking on rights-of-way allowed by this section is prohibited between the hours of 2:00 a.m. and 6:00 a.m. unless the resident obtains an overnight permit from the city.

(D) Parking on rights-of-way allowed by this section is restricted to the owners and occupants of the property abutting the parking space, their guests, and any neighbor as such owners and occupants may specifically grant permission to.

(E) An overnight parking permit will be issued by the city upon completion of an application and payment of an annual \$10.00 fee. All permits will expire on December 31 of the year in which they were issued. The permit hangers will be a different color each year. This permit must be hung from the rear view mirror or the parked vehicle will be issued a violation.

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

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

Council Meeting Date: February 10, 2016

## AGENDA ITEM COVER SHEET

Subject/Title: Swearing in and Oath of Office of the City Attorney Roger Gordon.

Item Summary:

The City Attorney position is required to be sworn into office. At the last City Council meeting on January 13, 2015, the City Council approved the Law Offices of Roger Gordon for the city's City Attorney.

Financial Impact/Financial Information:

None

Comments/Recommendation:

Mayor Eskelund will conduct the swearing in and oath of office.

Attachments

None

Submitted By:

Paul E. Brandenburg

City Manager





RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE CITY TO POST NOTICES AT THE ENTRANCES TO BUILDINGS OWNED OR LEASED BY THE CITY OF WOODCREEK PROHIBITING CONCEALED OR OPENLY CARRIED HANDGUNS AS PROVIDED BY STATE LAW AND TO POST NOTICES ADVISING THE PUBLIC OF THE PROHIBITION OF CARRYING A HANDGUN IN CITY FACILITIES THAT HOUSE THE MUNICIPAL COURT AND COURT OFFICES.

**WHEREAS**, the City Council finds that the State of Texas has passed House Bill 910 which became effective January 1, 2016 allowing the concealed or open carrying of handguns by license holders, allowing license holders to carry handguns in public areas to include buildings owned or leased by a governmental entity; and

**WHEREAS**, the City Council finds that Texas Penal Code Section 30.06 and 30.07 provide statutory notice that a license holder they may not carry a handgun either concealed or openly carried into any room which houses a meeting of a governmental entity that is subject to the Open Meetings Act if notices are properly posted; and

**WHEREAS**, the City Council finds that Texas Penal Code 46.03 also permits the City of Woodcreek (City) to prohibit a handgun license holder from carrying a handgun in portions of a building utilized by a government Court or offices which are essential to the Court operations and to make the determination as to which portions of the building are essential; and

**WHEREAS**, the City Council finds that the Texas Attorney General has determined the new regulations require the City to confer with the Municipal Court about which portions of the building are essential for the Court and Court offices; and

**WHEREAS**, the City Council finds it is beneficial for the safety of all participants and attendees to prohibit the carrying of handguns in the Municipal Court, Court Offices or a Governmental Meeting that is subject to the Open Meetings Act and place such statutory notices in compliance with the new laws at all the relevant locations in the City; and,

**WHEREAS**, the City Council finds it is beneficial for the safety of all participants and attendees to place signs designating areas where handguns are prohibited pursuant to Texas Penal Code 46.03;

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

Section 1. The City recognizes Penal Code 30.06, 30.07 and 46.03 as the applicable state statutory regulations governing the possession of handguns in municipal buildings.

Section 2. The City hereby prohibits handgun license holders from carrying in City courtrooms, Court offices and portions of the building identified as essential to the function of the Court and Court offices as identified in the schematic attached hereto as Exhibit A.

Section 3. The City shall post signs to be located at the doors to the building(s) and areas within any building which house City courtrooms, Court offices and those areas identified as essential to the function of the Court and Court offices stating:

Essential Court Facilities

Weapons Prohibited

Texas Penal Code §46.03

Section 4. The City also prohibits handgun license holders from carrying handguns in rooms during meetings that are subject to the Open Meetings Act as identified in the schematics in Exhibit A. The City shall erect signs to be located at the doors to the building(s) that reflect the specific statutory language for the signage and shall post the signs before the building is open to the public prior to any applicable meeting. At all other times, the signs shall be removed.

Section 5. The City expressly permits handgun license holders from carrying handguns in rooms that are otherwise subject to the Open Meetings Act during non-governmental or social gatherings provided the rooms are not being used for governmental purposes at that time; for example, coffee groups or bridge clubs.

Section 6. The City Council directs the City Manager or his designee to post and remove the requisite signs as stated above.

Section 7. This Resolution is effective immediately upon passage and repeals any prior resolutions, policies or practices inconsistent or in conflict with this Resolution

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

**CITY OF WOODCREEK:**

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

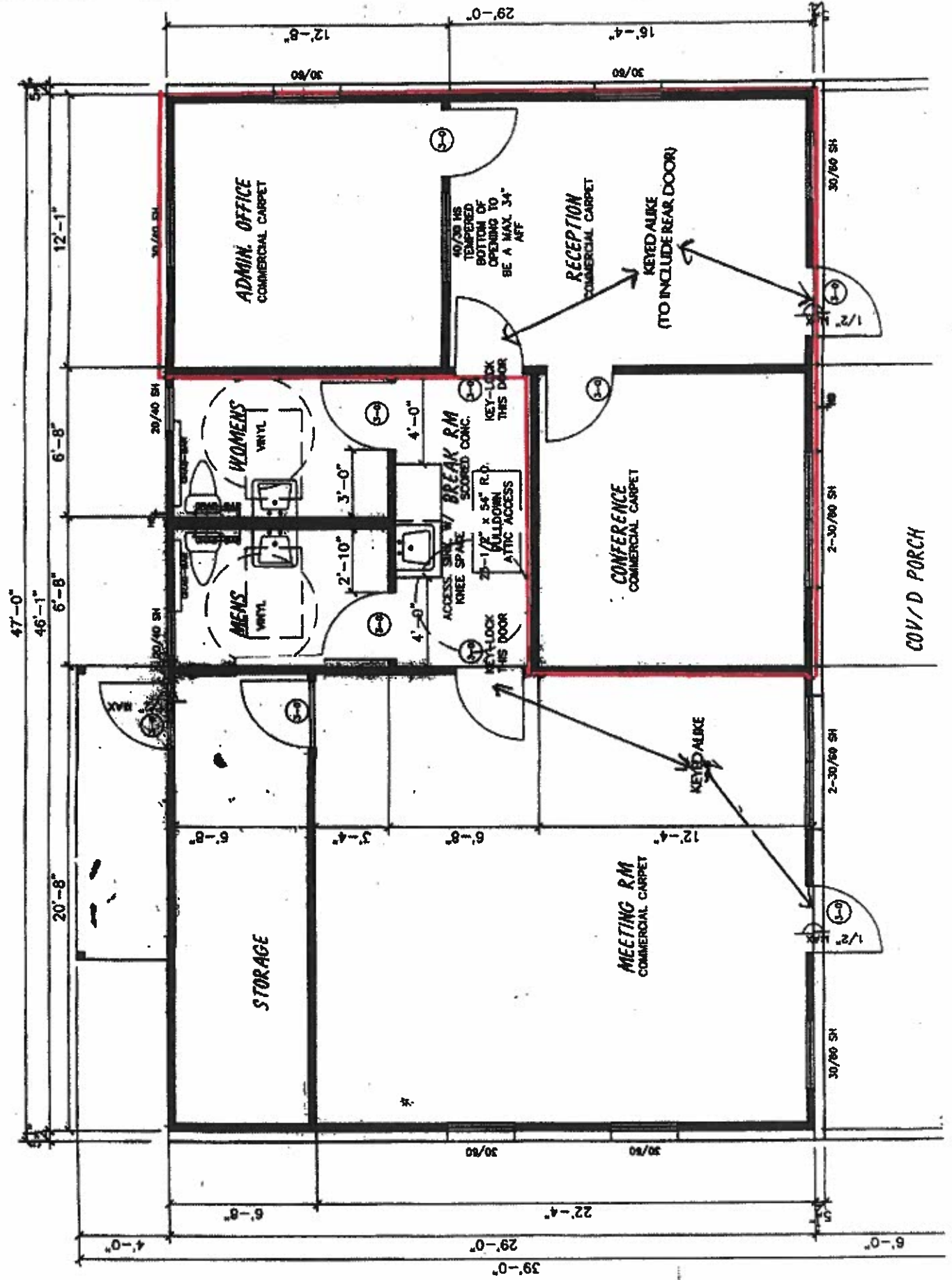
**ATTEST:**

\_\_\_\_\_  
Paul Brandenburg, City Manager

**APPROVED AS TO FORM:**

*The Law Office of Roger Gordon*

**EXHIBIT A**





Council Meeting Date: February 10, 2016

## AGENDA ITEM COVER SHEET

Subject/Title: Report and Action on the City's Transportation Improvement Plan (TIP)

Item Summary: This report is the product of several years of work involving the community, transportation committee, and the elected body. The purpose of the TIP was to create a plan to address the condition of the city's roads in a systematic and financially prudent manner.

Financial Impact/Financial Information:

- 2016 - \$25, 560 for Engineering and Design
- 2017 – 2017 - See report

Comments/Recommendation:

- It is staff's recommendation to have the City Council approve and accept the TIP.
- There is a companion item on the City Council agenda authorizing the expenditure of \$25,500 from the capital fund in order to conduct the design and engineering in 2016, for the subsequent road projects identified in the TIP for 2017.

Attachments

- City of Woodcreek Transportation Improvement Plan prepared by Engineer Dan Rogers and dated and stamped January 26, 2016

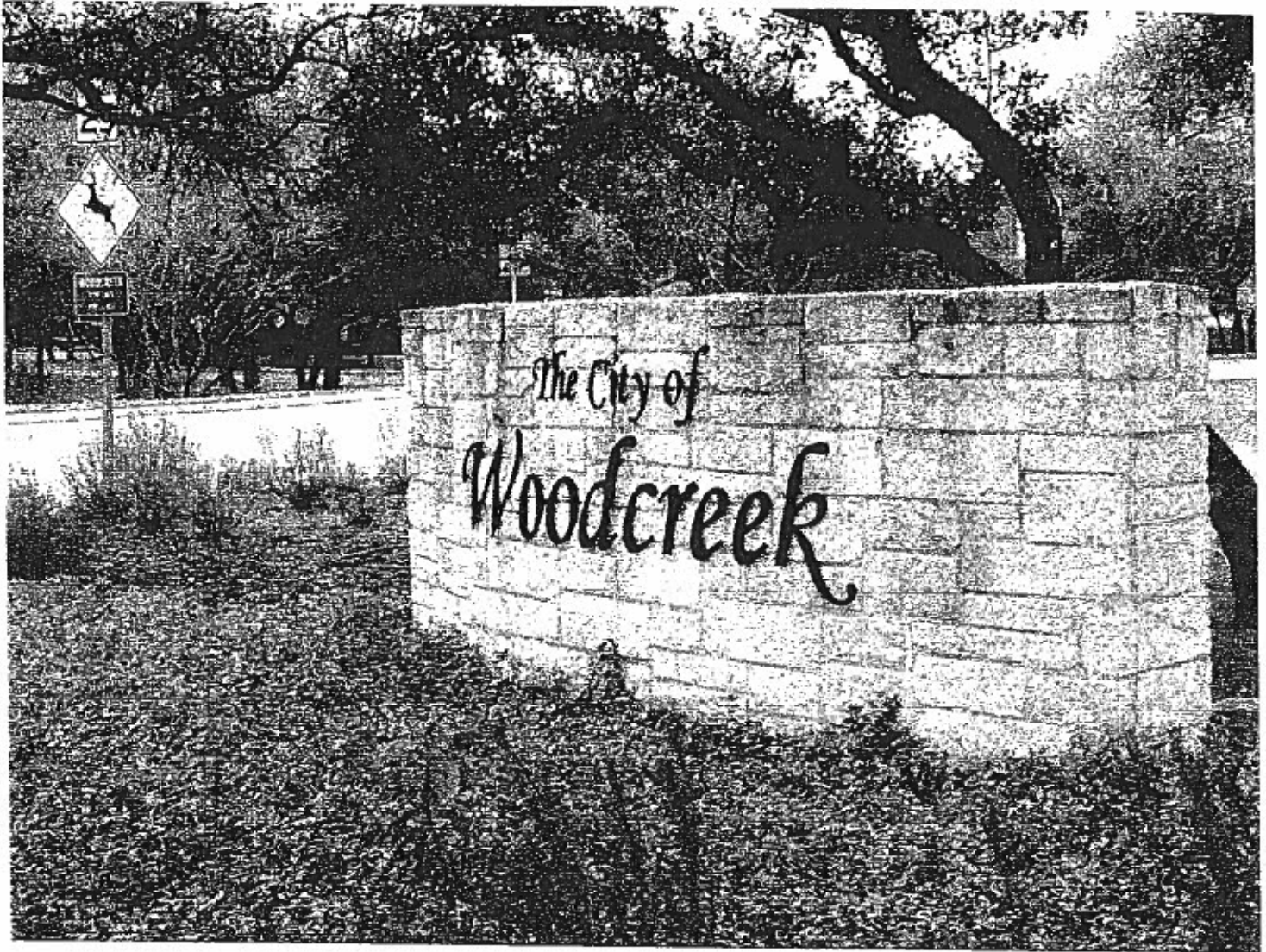
Submitted By:

Paul E. Brandenburg

City Manager



City of Woodcreek  
Transportation Improvement Plan



Prepared by:  
Dan Rogers  
January 26, 2016



*Daniel G. Rogers*

**Purpose:** The City of Woodcreek (City) has an extensive road network (network) that has been maintained at City expense. The network was constructed in conjunction with the Woodcreek Subdivision. As the network has aged, the maintenance expense has increased to the point that it consumes a substantial portion of the City budget. In order to proactively control future maintenance expenses, the City has contracted with Dan Rogers of Rogers Design Services to develop a long range Transportation Improvement Plan (TIP).

The City is aware that much of the maintenance effort to date is directly related to the modest pavement structure and drainage facilities provided by the Subdivision developer. By improving pavement structure and drainage facilities, network maintenance expenses can be reduced. The purpose of this TIP development effort is to determine what combination of maintenance and repair on the network will provide the better financial outlook for future City network maintenance expenditures. In addition, the study considered other network improvements that should be considered as part of this effort.

**Process:** Mr. Rogers collected data on all the roads in the network. Data was collected related to road condition, drainage features, and safety features. The data collection sheets are included in this document as an appendix. After collecting this data, Mr. Rogers reported the results of the findings to the Transportation Committee (the Committee) at a meeting on 12/1/14. Based on the discussion at this meeting, there were several recommendations that began to be implemented into the TIP. Mr. Rogers developed a preliminary plan for network improvements and shared it with the committee at the meeting on 1/12/15. Based on comments received at this meeting, Mr. Rogers updated the plan, and submitted it to the Committee on 2/9/15. The Committee agreed with the revisions and directed Mr. Rogers to develop a draft TIP including the preliminary plan for network improvements for review and discussion at the Committee meeting of 3/16/15.

Based on comments at the meeting of 3/16/15, Mr. Rogers updated the TIP. After reviewing the TIP, the Committee transmitted the TIP to the City Council for review and approval.

**Findings:** Based on field data collected, the following findings and recommendations were developed:

**Roadway Geometrics / Safety data:** Of the 33 roads in the network, 18 appear to have a potential fixed object in the clear zone; 8 appear to have sight distance deficiencies at intersections, and 7 appear to have stopping sight distance deficiencies. I recommend that the Committee and the City develop a set of design criteria based on the roadway functional classification. The committee has already developed a classification system for the network and developing criteria related to that designation is recommended. After developing these criteria, I recommend taking steps to resolve the deficiencies as feasible. Where fixed objects are currently located in the clear zone of a road, The City should consider developing policy of how to address that related to both the existing condition and related to proposed conditions. If the object is a tree, the City should determine if the object warrants removal, protection, or notification. The City should develop policies related to new and replacement mailbox structures that accommodate break-away features if they are in the clear zone of the roadway. Where intersection sight distances are restricted by vegetation that is in ROW, the vegetation should be cleared to allow proper sight distance. The City should consider developing policy to regulate the use of certain types of landscaping in locations where that landscaping might create a safety issue in the future. Where



stopping sight distance is deficient for the roadway, the City should determine what alternative resolutions are available including notification and other speed reduction strategies.

**Pavement Condition data:** There is a need for maintenance on many of the roads in the network; however the roads are in relatively good shape from a structural standpoint. Much of the maintenance relates to substandard drainage, and as drainage issues are resolved, maintenance costs will decrease from current levels. In addition, some maintenance costs are related to substandard pavement structure. As roadways are repaired, if there are substandard pavement structures, they should be improved.

The Committee has identified four roads as falling under the classification of collectors including Woodcreek Drive, Brookhollow Drive, Brookmeadow Drive, and Champions Circle. Sixteen roads were classified as local roads, and fifteen roads were classified as ultra low volume roads. A Roadway Classification Map is included as an appendix to this TIP.

It is the desire of the Committee that the collector roads (Woodcreek Drive, Brookhollow Drive, Brookmeadow Drive, and Champions Circle) be upgraded to a Hot Mix Asphaltic Concrete Pavement (HMACP) surface. As commonly implemented, this would be a 2" thick mat over the existing roadway. Previous studies have identified that the flexible base (flex base) used in Woodcreek Drive is 2.5" to 3" thick. This is much lower than usual. It would be common to have 6" of flex base on a roadway with this level of traffic. Accordingly, the TIP recommends reconstructing the existing roadway on Woodcreek to address this deficiency prior to installing HMACP. In addition, drainage of Woodcreek should also be considered and repaired as part of the construction effort. Since the cost of an HMACP overlay is high, it is prudent to determine the thickness of the other two roads that are candidates for the HMACP overlay. If the pavement structures are found to be deficient, that should be resolved as part of the construction of that road. The TIP has an allowance for additional testing, but does not provide for any additional reconstruction (other than Woodcreek). If the testing reveals that additional reconstruction is required, the TIP should be updated to reflect that.

The Committee indicated a preference to develop a TIP based on the following approach: There are three ways to approach improvements.

- A silver approach would provide for the minimum level of maintenance needed to maintain the network as-is. It would not include addressing any drainage or structural issues.
- A gold approach would provide for a silver level of maintenance, but would also include addressing structural and drainage deficiencies as part of the effort. Only those deficiencies that be expected to reduce long term maintenance costs will be implemented. Improvements will be measured with respect to providing the most "bang for the buck".
- A platinum approach will provide for a silver level of maintenance and would also address structural and drainage deficiencies. All deficiencies would be addressed regardless of benefit and cost implications. Improvements will not be measured with respect to cost and benefits, but will be implemented on a network wide basis.

Based on discussions with the Committee, it was determined that the gold approach was the best for the City. This approach would provide for an HMACP surface on the four collector level roadways, and a chip and seal surface on all other roadways. Improvements to the pavement structure on the collectors would be provided to protect the investment into the HMACP surface. In addition, drainage improvements would be implemented as part of the construction effort. The drainage improvements would be implemented on both collectors as part of the construction project and on the local roads as part of the maintenance efforts.

Based on feedback from the Committee, the preference is for providing construction/reconstruction by a contractor every other year (even years starting in 2016). In the odd years, starting in 2017, the City would contract with Hays County to procure county-force based maintenance services. Additionally, in odd years funds are proposed to be set aside for development of construction and drainage plans for use in the successive years. The duration of the TIP was set to occur over a 12 year cycle. This approach will accomplish all the goals related to implementation of a gold plan in 12 years. The average annual cost of implementation is \$141K. The odd (maintenance) years have an average annual cost of \$93K, and the even years have an average annual cost of \$209K. It is projected that after this TIP is completed, the annual maintenance expense will be reduced to \$50K to \$60K per year with little to no additional construction needed. The summary of annual expense allocations is detailed in the following table:

**Table 1 – Proposed Annual Allocations and Expenses**

| Allocation /Year | Maintenance | HMACP Overlay | Drainage | Safety | Construction Total | Engineering/ investigation | Contingency | Total Annual Expense |
|------------------|-------------|---------------|----------|--------|--------------------|----------------------------|-------------|----------------------|
| Allocation       | 100%        | 0%            | 0%       | 0%     |                    |                            |             |                      |
| 2016             | \$11,000    | \$0           | \$0      | \$0    | \$11,000           | \$25,500                   | \$0         | \$36,500             |
| Allocation       | 11%         | 75%           | 11%      | 2%     |                    |                            |             |                      |
| 2017             | \$20,000    | \$130,500     | \$19,500 | \$4000 | \$174,000          | \$10,000                   | \$18,000    | \$202,000            |
| Allocation       | 95%         | 0%            | 0%       | 5%     |                    |                            |             |                      |
| 2018             | \$72,081    |               |          | \$4000 | \$76,081           | \$26,440                   | \$9,852     | \$112,373            |
| Allocation       | 9%          | 79%           | 9%       | 2%     |                    |                            |             |                      |
| 2019             | \$20,000    | \$168,000     | \$20,000 | \$4000 | \$212,000          | \$10,000                   | \$21,800    | \$243,800            |
| Allocation       | 95%         | 0%            | 0%       | 5%     |                    |                            |             |                      |
| 2020             | \$79,337    |               |          | \$4000 | \$83,337           | \$26,600                   | \$10,594    | \$120,530            |
| Allocation       | 9%          | 82%           | 9%       | 0%     |                    |                            |             |                      |
| 2021             | \$20,000    | \$182,000     | \$20,000 |        | \$222,000          | \$10,000                   | \$23,200    | \$255,200            |
| Allocation       | 100%        | 0%            | 0%       | 0%     |                    |                            |             |                      |
| 2022             | \$76,752    |               |          |        | \$76,752           | \$25,000                   | \$10,175    | \$111,927            |
| Allocation       | 9%          | 82%           | 9%       | 0%     |                    |                            |             |                      |
| 2023             | \$20,000    | \$181,500     | \$20,000 |        | \$221,500          | \$10,000                   | \$23,150    | \$254,650            |
| Allocation       | 100%        | 0%            | 0%       | 0%     |                    |                            |             |                      |

|            |          |           |          |    |           |          |          |           |
|------------|----------|-----------|----------|----|-----------|----------|----------|-----------|
| 2024       | \$73,058 |           |          |    | \$73,058  | \$25,000 | \$9,806  | \$107,864 |
| Allocation | 12%      | 77%       | 12%      | 0% |           |          |          |           |
| 2025       | \$20,000 | \$132,000 | \$20,000 |    | \$172,000 | \$10,000 | \$18,200 | \$200,200 |
| Allocation | 100%     | 0%        | 0%       | 0% |           |          |          |           |
| 2026       | \$74,241 |           | \$0      |    | \$74,241  | \$0      | \$8,136  | \$82,377  |
| Allocation | 84%      |           | 16%      | 0% |           |          |          |           |
| 2027       | \$52,735 |           | \$10,000 |    | \$62,735  | \$0      | \$0      | \$62,735  |

In table 1, the proposed annual expense and related allocation breakdown per expense category are summarized for each year from 2016 through 2026. By year 2027 under this plan, all Local and Collector functional classes of road will have been improved to include drainage and surfacing improvements as indicated. After these improvements are in place, the annual maintenance expense will be reduced to something on the order of the expenses shown in year 2026. This should be the expectation for maintenance expenses for the foreseeable future. The basis of the costs identified in Table 1 is shown in Table 2:

**Table 2 - Proposed Annual Expenses**

| Activity  | L     | W    | Unit cost | Exp           |
|---|-------|------|-----------|---------------|
| 2016  |       |      |           |               |
| Design Engineering for 2016                       |       |      |           | \$25,000      |
| Pavement boring on Champions Cir and Brookmeadow  |       |      |           | \$500         |
| 2017  |       |      |           |               |
| Brookhollow from Woodcreek to Augusta             | HMACP | 4350 | 20        | 1.5 \$130,500 |
| Drainage  |       |      |           | \$19,500      |
| Maintenance                                       |       |      |           | \$20,000      |
| Contract Administration / Construction Inspection |       |      |           | \$10,000      |

|   | Activity          | L    | W  | Unit cost | Exp       |
|---|-------------------|------|----|-----------|-----------|
|   | Contingency (10%) |      |    |           | \$18,000  |
|   | total allocation  |      |    |           | \$198,000 |
| 2018  |                   |      |    |           |           |
| Augusta Drive from Brookhollow to Brookhollow     | Chip Seal         | 3700 | 18 | 0.73      | \$48,618  |
| Augusta Lane                                      | Chip Seal         | 1500 | 18 | 0.73      | \$19,710  |
| Jack Miller                                       | Crack Seal        | 620  | 18 | 0.15      | \$1,674   |
| Overbrook Ct                                      | Crack Seal        | 770  | 18 | 0.15      | \$2,079   |
| Design Engineering                                |                   |      |    |           | \$25,000  |
| Utility investigation (36 lots @ \$40/lot)        |                   |      |    |           | \$1,440   |
| Contingency (10%)                                 |                   |      |    |           | \$9,852   |
| total allocation                                  |                   |      |    |           | \$108,373 |
| 2019  |                   |      |    |           |           |
| Woodcreek from Champions Circle to Brookhollow    | reconstruct       | 2400 | 20 | 2         | \$96,000  |
| Woodcreek from Champions Circle to Brookhollow    | HMACP             | 2400 | 20 | 1.5       | \$72,000  |
| Drainage  |                   |      |    |           | \$20,000  |
| Maintenance                                       |                   |      |    |           | \$20,000  |
| Contract Administration / Construction Inspection |                   |      |    |           | \$10,000  |
| Contingency (10%)                                 |                   |      |    |           | \$21,800  |
| total allocation                                  |                   |      |    |           | \$239,800 |

|   | Activity    | L    | W  | Unit cost | Exp       |
|---|-------------|------|----|-----------|-----------|
| 2020  |             |      |    |           |           |
| Augusta Drive from Brookhollow to end             | Chip Seal   | 2400 | 18 | 0.73      | \$31,536  |
| Dolittle Dr                                       | Chip Seal   | 2800 | 18 | 0.73      | \$36,792  |
| Jack Miller                                       | Chip Seal   | 620  | 18 | 0.73      | \$8,147   |
| Wilson Circle                                     | crack Seal  | 1060 | 18 | 0.15      | \$2,862   |
| Design Engineering                                |             |      |    |           | \$25,000  |
| Utility investigation (40 lots @ \$40/lot)        |             |      |    |           | \$1,600   |
| Contingency (10%)                                 |             |      |    |           | \$10,594  |
| total allocation                                  |             |      |    |           | \$116,530 |
| 2021  |             |      |    |           |           |
| Woodcreek from Brookhollow to Champions Circle    | reconstruct | 2600 | 20 | 2         | \$104,000 |
| Woodcreek from Brookhollow to Champions Circle    | HMACP       | 2600 | 20 | 1.5       | \$78,000  |
| Drainage  |             |      |    |           | \$20,000  |
| Maintenance                                       |             |      |    |           | \$20,000  |
| Contract Administration / Construction Inspection |             |      |    |           | \$10,000  |
| Contingency (10%)                                 |             |      |    |           | \$23,200  |
| total allocation                                  |             |      |    |           | \$255,200 |

|   | Activity  | L    | W  | Unit<br>cost | Exp       |
|---|-----------|------|----|--------------|-----------|
| 2022  |           |      |    |              |           |
| Westwood Dr from Brookhollow to Pebblebrook       | Chip Seal | 1060 | 18 | 0.73         | \$13,928  |
| Pebblebrook from end to end                       | Chip Seal | 2070 | 18 | 0.73         | \$27,200  |
| Stonehouse from woodcreek to end                  | Chip Seal | 800  | 18 | 0.73         | \$10,512  |
| Treemont Trace from Woodcreek to end              | Chip Seal | 600  | 16 | 0.73         | \$7,008   |
| Par Circle  | Chip Seal | 350  | 16 | 0.73         | \$4,088   |
| Par View  | Chip Seal | 1200 | 16 | 0.73         | \$14,016  |
| Design Engineering                                |           |      |    |              | \$25,000  |
| Utility investigation (0 lots @ \$40/lot)         |           |      |    |              | \$0       |
| Contingency (10%)                                 |           |      |    |              | \$10,175  |
| total allocation                                  |           |      |    |              | \$111,927 |
| 2023  |           |      |    |              |           |
| Champions from Woodcreek to Overlook              | HMACP     | 1950 | 20 | 1.5          | \$58,500  |
| Brookmeadow                                       | HMACP     | 4100 | 20 | 1.5          | \$123,000 |
| Drainage  |           |      |    |              | \$20,000  |
| Maintenance                                       |           |      |    |              | \$20,000  |
| Contract Administration / Construction Inspection |           |      |    |              | \$10,000  |
| Contingency (10%)                                 |           |      |    |              | \$23,150  |
| total allocation                                  |           |      |    |              | \$254,650 |

|   | Activity  | L    | W  | Unit cost | Exp       |
|---|-----------|------|----|-----------|-----------|
| 2024  |           |      |    |           |           |
| Cypress Point                                     | Chip Seal | 1700 | 18 | 0.73      | \$22,338  |
| Deerfield   | Chip Seal | 1200 | 18 | 0.73      | \$15,768  |
| Country Lane                                      | Chip Seal | 1400 | 18 | 0.73      | \$18,396  |
| Shady Grove                                       | Chip Seal | 1260 | 18 | 0.73      | \$16,556  |
| Design Engineering                                |           |      |    |           | \$25,000  |
| Utility investigation (0 lots @ \$40/lot)         |           |      |    |           | \$0       |
| Contingency (10%)                                 |           |      |    |           | \$9,806   |
| total allocation                                  |           |      |    |           | \$107,864 |
| 2025  |           |      |    |           |           |
| Champions from Overlook to Champions CT           | HMACP     | 3400 | 20 | 1.5       | \$102,000 |
| Champions CT                                      | HMACP     | 1000 | 20 | 1.5       | \$30,000  |
| Drainage  |           |      |    |           | \$20,000  |
| Maintenance                                       |           |      |    |           | \$20,000  |
| Contract Administration / Construction Inspection |           |      |    |           | \$10,000  |
| Contingency (10%)                                 |           |      |    |           | \$18,200  |
| total allocation                                  |           |      |    |           | \$200,200 |

|  | Activity  | L        | W  | Unit<br>cost | Exp      |
|--|-----------|----------|----|--------------|----------|
| 2026   |           |          |    |              |          |
| Canyon Creek   | Chip Seal | 1960     | 18 | 0.73         | \$25,754 |
| Palmer Lane  | Chip Seal | 1750     | 18 | 0.73         | \$22,995 |
| Wilson Circle  | Chip Seal | 1060     | 18 | 0.73         | \$13,928 |
| Wildwood Circle  | Chip Seal | 880      | 18 | 0.73         | \$11,563 |
| Spalding Circle  | Chip Seal | 400      | 15 | 0.73         | \$4,380  |
| McGregor Circle  | Chip Seal | 250      | 15 | 0.73         | \$2,738  |
| Design Engineering                                       |           |          |    |              | \$0      |
| Utility investigation (0 lots @ \$40/lot)                |           |          |    |              | \$0      |
| Contingency (10%)  |           |          |    |              | \$8,136  |
| total allocation   |           |          |    |              | \$89,494 |
| 2027   |           |          |    |              |          |
| Annual Chip Seal   |           | \$48,160 |    |              |          |
| Annualized Chip Seal expense based on 10 year occurrence |           | \$52,735 |    |              |          |

**Assumptions/notes:**

1. All costs were developed on a baseline 1/1/2015 budget.
2. Reconstruction costs were based on statewide averages.
3. County force expenses were based on data provided by Hays County.
4. Over the life of the TIP, costs will rise and fall. As the changes in price affect the implementation schedule, the TIP should be updated to reflect those revisions.



## SUMMARY

A program based approach to maintenance and improvement of transportation facilities should include the following components:

**Roadway Classification:** It is critical to planning to separate infrastructure by purpose. Local roads provide access while collector roads collect traffic from local roads and connect to arterials. It is recommended that City streets be classified as Low Volume Local, Local, and Collector. For the purposes of this study, Brookhollow Drive, Woodcreek Drive, Brookmeadow Drive, and Champions Circle have been designated as Collector facilities. No criteria to segregate Low Volume Local from Local have been established. The City should develop these criteria as part of further transportation improvement efforts.

**Safety:** It is recommended that the City develop and adopt policies addressing potential safety hazards in City ROW, including: fixed objects – mailboxes, landscaping structures, large trees, etc.; landscaping – Maintenance required to maintain clear intersections, installation of new landscaping in intersection sight triangles. In areas where these safety concerns are not readily resolved, warning signage may be warranted.

**Maintenance:** All local and low volume local facilities are programmed to have maintenance over the 10 year transportation plan. Maintenance efforts will include overlaying the road with a seal coat (or chip seal), sealing cracks, re-establishing pavement edge (where the edge of pavement is eroding), and potentially widening the facility to an acceptable minimum width. This maintenance is presumed to be performed by Hays County forces. Minimum roadway acceptable widths will need to be defined as part of the roadway classification effort. As the classification process has not been completed, no widening efforts have been included in maintenance efforts. In addition, there is no current plan for drainage improvements related to maintenance efforts. However, there are drainage improvements needed on several of the Low Volume Local and Local roads. It is recommended that the City consider adding City wide drainage maintenance and improvement to the Transportation Plan efforts.

**Improvement:** City streets identified as Collectors are programmed to have improvements including restoration of minimum width, restoration of roadway crown, improved drainage features, warranted safety improvements, development of a pavement structure (with strength sufficient for expected traffic volumes), and Hot Mix Asphaltic Concrete Pavement overlay. In order to accomplish these improvements, the City will need to contract with an Engineer to develop construction plans, assist with contract procurement, and confirm contract compliance. The engineer should address safety, drainage, and roadway design elements as part of the design. As part of this design effort, additional geotechnical investigations and pavement design efforts will likely be required. The current approach to improvements is based on beginning improvement efforts in locations where water line restoration has been completed. Woodcreek Drive has need for maintenance and improvement. Apparently, there is a water line located longitudinally in Woodcreek Drive that will need to be restored. Improvements to Woodcreek Drive have been delayed in the program in order to allow water line restoration prior to roadway reconstruction. While the current state of Woodcreek Drive is not optimal, if waterline restoration can be accomplished within the three years currently identified, no interim maintenance should be needed. However, if improvements to Woodcreek Drive are delayed by waterline improvements, this assumption may need review.

The City has committed substantial resources to studying the roadway network. This Transportation Plan has been developed as part of that effort. Moving forward, the City should review this plan, propose any revisions desired, and then begin Plan implementation. Implementation will require the development of Transportation Facility Policy. The effort to develop and implement appropriate policy will reduce City risk and provide a safer transportation network. Policy issues to address include Safety policies, Drainage

policies, and Maintenance policies. In addition to policy development, the City will need to monitor the progress of this plan and adjust the plan as unforeseen issues arise and affect the Plan.



# CITY OF WOODCREEK, TEXAS STREET EVALUATION

Submitted to:  
Department of Public Works  
City of Woodcreek, Texas



4201 Freidrich Lane, Suite 110  
Austin, Texas 78744

REPORT NO. AP-12-16841  
October 27, 2014

## TABLE OF CONTENTS

|    |  |   |
|----|--|---|
| 1. | INTRODUCTION.....  | 1 |
| 2. | PAVEMENT NETWORK INVENTORY .....                         | 1 |
| 3. | VISUAL CONDITION SURVEYS .....                           | 1 |
| 4. | MAINTENANCE, REHABILITATION & RECONSTRUCTION PLANS ..... | 6 |
| 5. | CONCLUSIONS AND RECOMMENDATIONS.....                     | 7 |
| 6. | REFERENCES.....  | 8 |

## APPENDIX

|   |            |
|---|------------|
| Deduction Values.....                   | Appendix A |
| Pavement Condition Scores by Block..... | Appendix B |
| Deflection Plots.....                   | Appendix C |
| MODULUS Outputs.....                    | Appendix D |

## 1. INTRODUCTION

Road deterioration is a constant force that causes road quality to decline based on constant traffic and environmental loads. HVJ Associates, Inc. (HVJ) was contracted to conduct pavement ratings and evaluate the current needs of the City of Woodcreek, Texas. All pavements sections in the City have been evaluated using HVJ pavement condition rating procedures [Ref. 1]. The following project tasks have been completed:

- Collect visual condition survey data on all street sections within the maintenance responsibility of the City of Woodcreek, Texas to obtain individual pavement distress ratings for determining an overall Pavement Condition Rating (PCR).
- Provide condition assessment report with summary statistics of our findings.
- Estimate maintenance and rehabilitation costs.

Based on the City maintenance responsibility and Google Earth, it is estimated that the City of Woodcreek is composed of approximately 85 sections and approximately 10 centerline miles. HVJ staff completed a 100% visual pavement condition survey of the City of Woodcreek maintained streets to determine the Pavement Condition Rating (PCR) of each section. The surveys were conducted by trained HVJ staff using the HVJ condition survey procedures used in multiple Texas cities. Surveys will provide the City with information regarding the current condition of the streets and the potential repairs that will need to be performed. HVJ's assessment included in this report of the streets within the system will improve the City's ability to estimate future repair requirements, plan maintenance and rehabilitation programs and to estimate street funding needs. The City of Woodcreek network average condition assessment score yielded a value of 83 on a scale of 0 to 100.

## 2. PAVEMENT NETWORK INVENTORY

Currently the City of Woodcreek street inventory consists of approximately 10 centerline miles, which are maintained by the city. The pavement network inventory was based on the city website and a field visit with city staff. Based on the listing, HVJ Associates, Inc. identified and surveyed 159 street sections. Based on the field surveys and length estimations from Google Earth, the following network inventory was determined; quantities, functional classification area, number of sections, and section length:

### Quantities

Table 1: Inventory Quantities

| Item                    | Collector | Local | Total |
|-------------------------|-----------|-------|-------|
| Total Center Line Miles | 2.0       | 8.0   | 10.0  |
| Total Lane Miles        | 4.0       | 16.0  | 20.0  |

## 3. VISUAL CONDITION SURVEYS

Visual pavement condition surveys were collected the on September 26, 2014. Trained field raters used the pavement rating process to perform the field surveys of each individual street segment. The number of lanes and roadway width were collected and measured for each segment, as well.

All surveys were performed in accordance with the HVJ Visual Condition Survey Guidelines (Ref 1). The city network predominantly has flexible streets with a few areas patched with rigid Portland cement concrete (PCC), thus the following distresses were evaluated:

### Flexible or Composite Pavements

- Wheelpath Rutting
- Fatigue (Alligator) Cracking
- Transverse Cracking
- Longitudinal Cracking
- Pavement Failures (Patches and Potholes)
- Utility Cut Patches,
- Edge Cracking
- Raveling (Weathering) and
- Ride Quality

For each of the individual pavement distresses identified for flexible pavements, the surveyor rates severity and extent. The following is a typical description from the Condition Survey Rating Guide for surface deterioration distress:

Alligator cracking is a series of interconnecting cracks caused by fatigue failure of the asphalt pavement under repeated traffic loading. The cracks initiate at the bottom of the asphalt surface and propagate to the surface, initially as one or more longitudinal parallel cracks. After repeated traffic loading, the cracks interconnect, and form many-sided, sharp angled pieces which are usually less than 1 ft. on the longest side. Alligator cracking commonly occurs in areas subjected to repeated traffic loading, such as the wheel paths. The distress is rated based on its severity and extent within a length of pavement. Rate the most prevalent severity level.

- Severity: Based on the worst alligator cracking encountered, the severity is defined as follows:
- Slight – Fine, longitudinal cracks running parallel to each other with none or only a few interconnecting cracks. Most cracks are less than 1/4" wide.
- Moderate – Progression of cracks into chicken wire or alligator skin pattern. Cracks may be up to 1/2" wide but pieces are still intact.
- Extreme – Further progression of cracking in such a way that widths are generally more than 1/2" wide. Cracks may be spalled, or flaked, at the edges. Pavement pieces may be loosened, shift or rock under traffic, or may be missing.
- Extent: Estimate the extent of surface deterioration in the worst area of the segment.
- Localized – 1-15% of section length is affected.
- Intermittent – 16-30% of section length is affected.
- Prevalent – > 30% of section length is affected.

The rater selects the appropriate description entry based on the severity and extent present.

**Table 2: Severity and Extent Levels**

|          |          | EXTENT             |                        |                   |
|----------|----------|--------------------|------------------------|-------------------|
|          |          | Localized<br>1-15% | Intermittent<br>16-30% | Prevalent<br>>30% |
| SEVERITY | Slight   | 1                  | 2                      | 3                 |
|          | Moderate | 4                  | 5                      | 6                 |
|          | Extreme  | 7                  | 8                      | 9                 |

Once all the data are recorded for each distress, the information is used to calculate the current pavement condition rating (PCR values).

Calculation of PCR

Based on the level of severity and extent of each distress identified as present on the street, a number of deduct points are assigned. The summation of these deduct points is subtracted from a perfect score of 100 to estimate the current pavement condition rating (PCR). This PCR value provides a relative condition assessment for each pavement section. The deduction points assigned to each distress at each severity/extent level are provided in Appendix A.

The pavement condition rating (PCR) value provides a uniform and systematic method to describe the overall condition of a street's pavement. The following ranges are typically used for Collector and Local streets.

**Table 3: PCR Ranges for Local and Minor Collector Sections**

| Collector | Condition | Local  |
|-----------|-----------|--------|
| 0-50      | Very Poor | 0-30   |
| 51-65     | Poor      | 31-50  |
| 66-80     | Fair      | 51-65  |
| 81- 90    | Good      | 66-80  |
| 91-100    | Very Good | 81-100 |

The PCR value is on a scale of 0 to 100, with a newly constructed pavement having a score of 100, while a score of 0 indicates a pavement with many severe distress conditions.

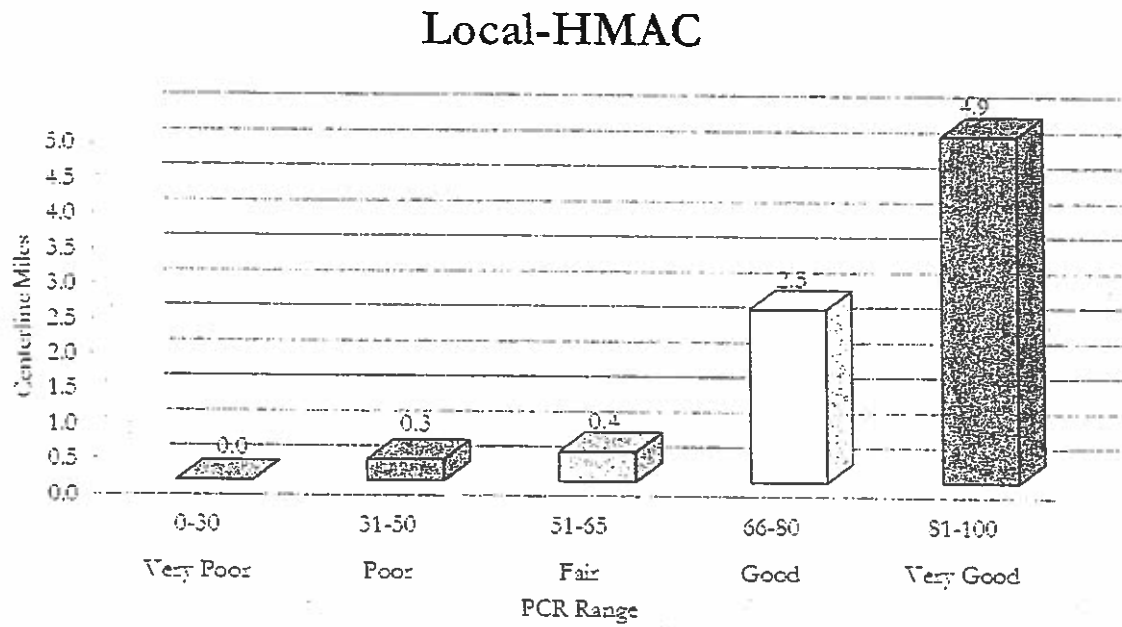
Pavement Condition Rating (PCR) Distribution

The current average network PCR score for the City of Woodcreek is 83 indicating an overall good condition. The overall distribution of PCR ratings for local sections is provided in Table 4 and Figure 1. The overall distribution of PCR ratings for collector streets is provided in Table 5 and Figure 2. While these statistics show a majority of the pavements are in good condition, there are poor and very poor streets, which currently need rehabilitation. Also, the pavements which are in fair condition will continue to deteriorate at an increased rate if rehabilitation is not performed.



**Table 4: PCR Distribution for Local Streets in Centerline Miles**

| Condition    | PCR Range | Local-HMAC | % of TOTAL |
|--------------|-----------|------------|------------|
| Very Poor    | 0-30      | 0.0        | 0.0%       |
| Poor         | 31-50     | 0.3        | 3.7%       |
| Fair         | 51-65     | 0.4        | 5.2%       |
| Good         | 66-80     | 2.5        | 30.4%      |
| Very Good    | 81-100    | 4.9        | 60.7%      |
| <b>TOTAL</b> |           | <b>8.1</b> |            |



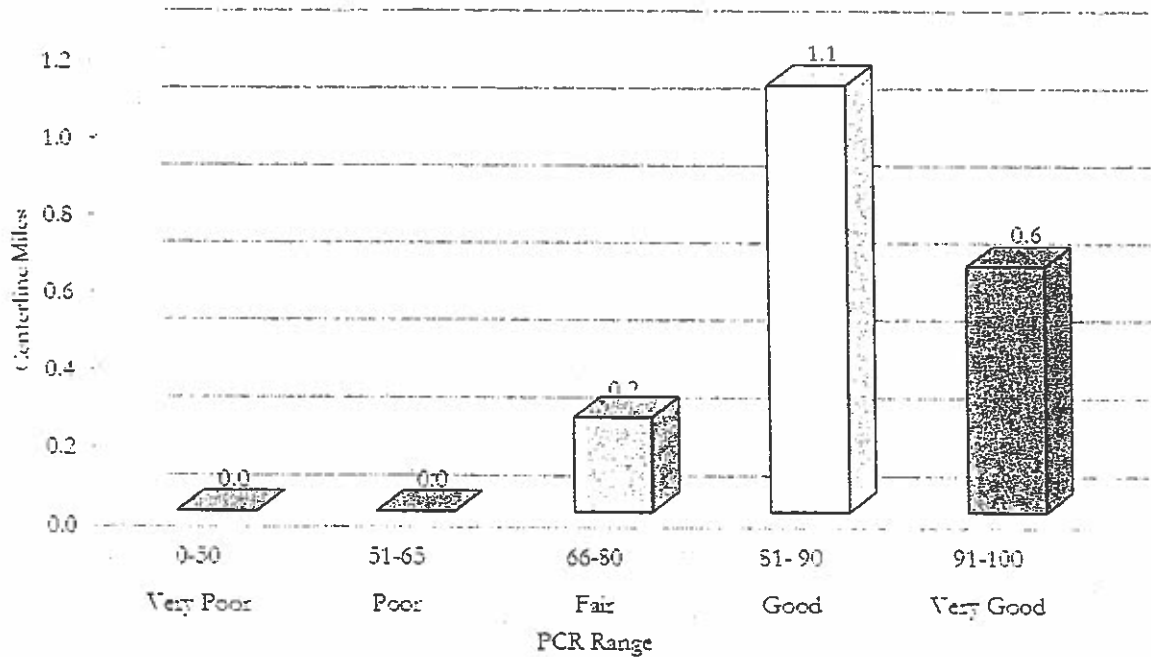
**Figure 1: PCR Distribution for Local Streets**

Streets classified at Collectors include, Brookhollow Dr., and Woodcreek Dr.

**Table 5: PCR Distribution for Minor Collectors in Centerline Miles**

| Condition    | PCR Range | Collector-HMAC | % of TOTAL |
|--------------|-----------|----------------|------------|
| Very Poor    | 0-50      | 0.0            | 0.0%       |
| Poor         | 51-65     | 0.0            | 0.0%       |
| Fair         | 66-80     | 0.2            | 12.2%      |
| Good         | 81- 90    | 1.1            | 55.8%      |
| Very Good    | 91-100    | 0.6            | 32.0%      |
| <b>TOTAL</b> |           | <b>1.9</b>     |            |

### Collector-HMAC



**Figure 2: PCR Distribution for Collectors**

#### 4. MAINTENANCE, REHABILITATION & RECONSTRUCTION PLANS

##### MR&R Estimate Methodology

The visual condition survey PCR value is used to assign a recommended repair method for each street section within the street network of the City of Woodcreek based on the individual distresses. Projects should be evaluated on a detailed level prior to repairs/reconstruction. Due to funding availability, Hot Mix Asphalt Concrete (HMAC) surface is not a viable reconstruction option and therefore HVJ recommends a two-course and one-course surface treatment be used in the case of reconstruction of collector and local reconstruction, respectively. Additionally, a one-course treatment is recommended as a treatment option for the streets in poor condition that have not yet reached the very poor, reconstruction stage. Edge cracking and fatigue cracking were the major distresses noted throughout the city. It is recommended that before any treatment is performed, crack sealing and edge repair be performed to protect the integrity of the repairs.

Previous Repairs performed by the City include reconstruction and resurfacing.

The final recommended repair for each segment is selected based on the existing PCR score and the pavement functional classification (Collector or Local) using the following assignments for the City of Woodcreek.

A summary of the individual scores and recommended treatments can be found in Appendix B.

**Table 6: Flexible Pavement Repair Table Based on Pavement Condition Rating (PCR) Score**

| PCR Range                   | Treatment Category   | Improved PCR After Funding of Treatment |
|-----------------------------|--|---|
| <b>HMAC Minor Collector</b> |  |   |
| 0-50                        | RECONSTRUCTION WITH TWO-COURSE SURFACE TREATMENT & EDGE REPAIR | 100                                     |
| 51-65                       | CRACK SEAL AND ONE-COURSE SURFACE TREATMENT AND EDGE REPAIR    | 100                                     |
| 66-80                       | CRACK SEAL AND EDGE REPAIR                                     | 95                                      |
| 81- 90                      | CRACK SEAL   | 90                                      |
| 91-100                      | DO NOTHING   | n/a                                     |
| <b>HMAC Local</b>           |  |   |
| 0-30                        | RECONSTRUCTION WITH TWO-COURSE SURFACE TREATMENT & EDGE REPAIR | 100                                     |
| 31-50                       | CRACK SEAL AND ONE-COURSE SURFACE TREATMENT AND EDGE REPAIR    | 100                                     |
| 51-65                       | CRACK SEAL AND EDGE REPAIR                                     | 95                                      |
| 66-80                       | CRACK SEAL   | 85                                      |
| 81-100                      | DO NOTHING   | n/a                                     |

### Existing Strength Values

Non-destructive deflection testing was also performed on all streets in the City of Woodcreek to evaluate the relative strength of the existing pavement layers. These measurements provide relative information regarding variations in the subgrade soil and the existing flexible base and asphalt pavement layers. HVJ tested at 200 ft. spacing along the collector streets Brookhollow Dr. and Woodcreek Dr. and every 400 ft. on the remaining local streets with at least one point per street.

Deflection profiles and a summary of the average subgrade (W1) and surface (W7) deflection values for each street are included in Appendix C.

Woodcreek and Brookhollow Drives indicated surface modulus values of 70,000 to 74,300 psi for the asphalt surface, a base modulus of 25,500 to 47,000 psi for the flexible base and a subgrade modulus of 29,600 to 37,200 psi. The surface and base moduli fall within the typical ranges for the material types. The subgrade modulus indicates a very strong subgrade giving good support to the pavement layers above. Outputs from the analysis program MODULUS are given in Appendix D.

The remaining local streets demonstrate a relatively high level of variation in the deflection along the existing pavement on most of the streets which can be due to a number of conditions, such as: varying cross section thickness and layer materials, varying depth of the harder limestone layer, weak areas in the underlying subgrade, existing pavement cracking, etc. Analysis of the average surface and subgrade deflections in comparison to Brookhollow and Woodcreek indicate that the majority of the streets demonstrate comparable characteristics to the main streets. The exceptions to this are Canyon Cir., Elmbrook, Garrison Trl., Palmer, Woodview Ct., and Brookside (PCC section) which show higher subgrade deflections and Canyon Cir., Country Ct., Elmbrook, Garrison Trl., and Wildwood Cir. which demonstrate higher surface deflections indicating weaker areas. A summary of the average subgrade (W1) and surface (W7) deflection values for each street are included in Appendix C.

## **5. CONCLUSIONS AND RECOMMENDATIONS**

Based on the rated condition, post repair PCR and the classification (collector or local) of the sections, HVJ has assigned a priority ranking to each street with 1 being the highest priority. It is recommended that repairs be done on a street by street basis, or by combining multiple nearby smaller streets to potentially aid in the reduction of construction mobilization and cost. Recommended priority by street is shown in Appendix B.

## 6. REFERENCES

1. *Street Surface Condition and Inventory Rating Guidelines*

APPENDIX A  
DEDUCTION VALUES

Table A-1 PCR Deduct Values for Determining Pavement Condition Rating (PCR) Score

| Surface Type | Distress Type   | Deduct Values by Distress Type and Distress Severity / Extent Level <sup>A</sup> |    |    |    |    |    |    |    |    |
|--------------|---|--|----|----|----|----|----|----|----|----|
|              |   | 1  | 2  | 3  | 4  | 5  | 6  | 7  | 8  | 9  |
| Flexible     | Ride  | 6  | 4  | 2  | 0  | 0  |    |    |    |    |
|              | Rutting   | 0  | 2  | 5  | 5  | 7  | 10 | 10 | 12 | 15 |
|              | Raveling  | 5  | 8  | 10 | 10 | 12 | 15 | 15 | 18 | 20 |
|              | Edge Cracking   | 2  | 3  | 4  | 3  | 4  | 3  | 4  | 5  | 6  |
|              | Alligator Cracking                                    | 5  | 10 | 15 | 10 | 15 | 20 | 15 | 20 | 25 |
|              | Pavement Failure Patches                              | 0  | 2  | 5  | 5  | 7  | 10 | 7  | 15 | 20 |
|              | Utility Cut Patches                                   | 0  | 2  | 5  | 5  | 7  | 10 | 7  | 15 | 20 |
|              | Transverse / Longitudinal Cracking - Not Sealed       | 2  | 3  | 4  | 3  | 4  | 3  | 4  | 5  | 6  |
|              | Transverse / Longitudinal Cracking - Partially Sealed | 1  | 2  | 3  | 2  | 3  | 4  | 3  | 4  | 5  |
|              | Transverse / Longitudinal Cracking - Sealed           | 0  | 1  | 2  | 1  | 2  | 3  | 2  | 3  | 4  |

| Severity | Extent          |                     |                |
|----------|-----------------|---------------------|----------------|
|          | Localized 1-15% | Intermittent 16-30% | Prevalent >30% |
| Slight   | 1               | 2                   | 3              |
| Moderate | 4               | 5                   | 6              |
| Extreme  | 7               | 8                   | 9              |

A. Distress Severity/Extent Level Key

APPENDIX B  
Pavement Condition Scores by Block

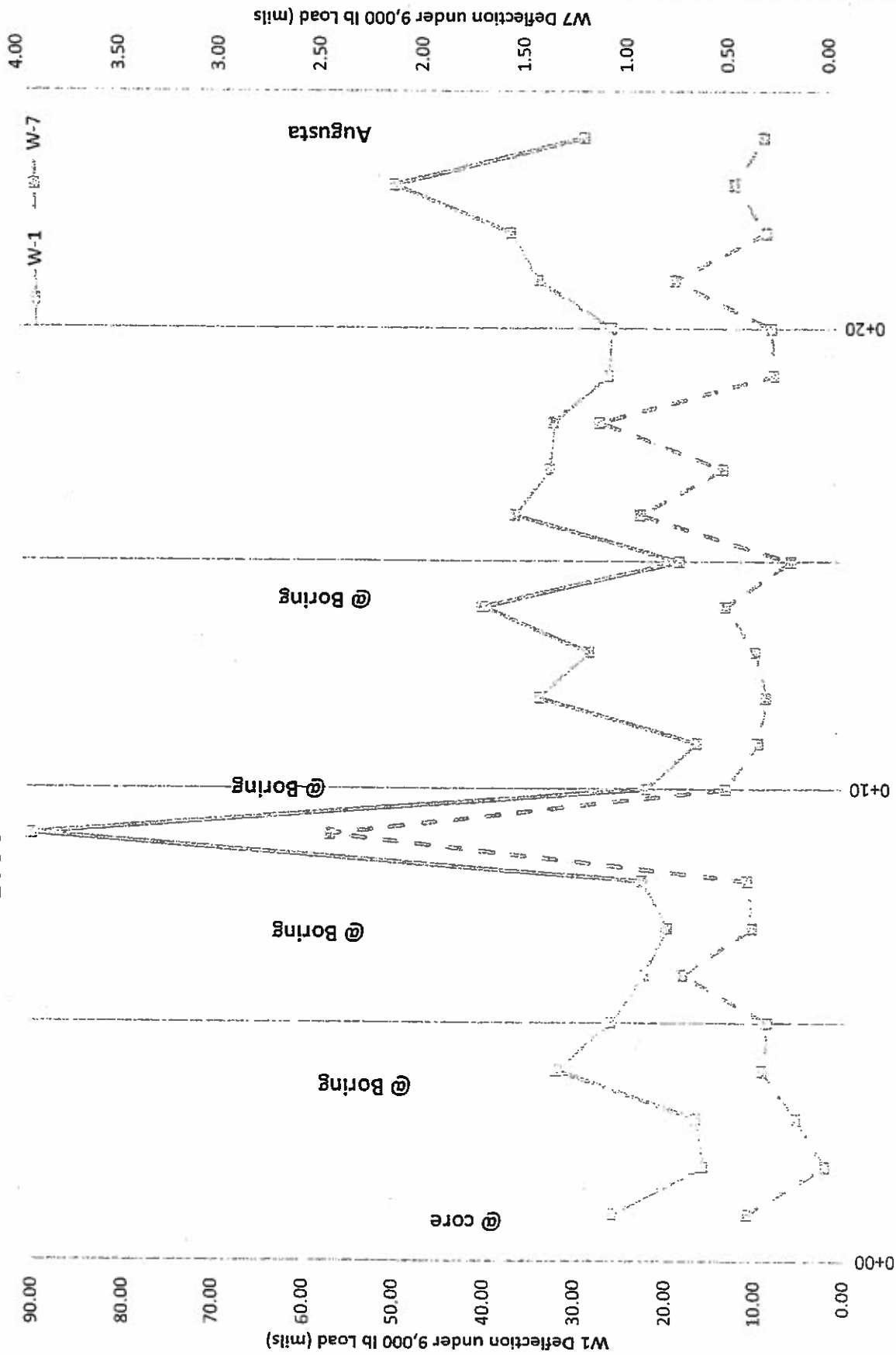


| Street           | From             | To               | PCR CLASS | TREATMENT  | Priority |
|------------------|------------------|------------------|-----------|------------|----------|
| Augusta Dr.      | End              | Brookhollow Dr.  | 95 L      | Do Nothing |          |
| Augusta Dr.      | Brookhollow Dr.  | Augusta Ln.      | 98 L      | Do Nothing |          |
| Augusta Dr.      | Augusta Ln.      | Brookmeadow Dr.  | 98 L      | Do Nothing |          |
| Augusta Dr.      | Brookmeadow Dr.  | Augusta Ln.      | 98 L      | Do Nothing |          |
| Augusta Dr.      | Augusta Ln.      | Brookhollow Dr.  | 82 L      | Do Nothing |          |
| Augusta Ln.      | Augusta Dr.      | Augusta Dr.      | 75 L      | Crack Seal | 11       |
| Brookhollow Spur | Woodcreek Dr.    | Brookhollow Dr.  | 92 C      | Do Nothing |          |
| Brookhollow Dr.  | Woodcreek Dr.    | Brookhollow Spur | 90 C      | Do Nothing |          |
| Brookhollow Dr.  | Brookhollow Spur | Westwood Dr.     | 82 C      | Crack Seal |          |
| Brookhollow Dr.  | Westwood Dr.     | Overbrook Ct.    | 86 C      | Crack Seal |          |
| Brookhollow Dr.  | Overbrook Ct.    | Par Cir.         | 87 C      | Crack Seal | 16       |
| Brookhollow Dr.  | Par Cir.         | Augusta Dr.      | 88 C      | Crack Seal |          |
| Brookhollow Dr.  | Augusta Dr.      | Jack Miller Dr.  | 93 C      | Do Nothing |          |
| Brookhollow Dr.  | Jack Miller Dr.  | Country Ln.      | 87 C      | Crack Seal |          |
| Brookhollow Dr.  | Country Ln.      | Augusta Dr.      | 85 C      | Crack Seal |          |
| Brookmeadow Dr.  | Augusta Dr.      | Shady Grove Ln.  | 95 L      | Do Nothing |          |
| Brookmeadow Dr.  | Shady Grove Ln.  | Brookside Dr.    | 90 L      | Do Nothing |          |
| Brookmeadow Dr.  | Brookside Dr.    | Elmbrook Dr.     | 93 L      | Do Nothing |          |
| Brookmeadow Dr.  | Elmbrook Dr.     | Villa Meadow     | 97 L      | Do Nothing |          |
| Brookmeadow Dr.  | Villa Meadow     | SH 12            | 95 L      | Do Nothing |          |
| Brookside Dr.-N  | Brookmeadow Dr.  | End              | 86 L      | Do Nothing |          |
| Brookside Dr.-S  | Brookmeadow Dr.  | End              | 80 L      | Crack Seal | 19       |
| Canyon Cir.      | Canyon Creek Dr. | End              | 74 L      | Crack Seal | 10       |
| Canyon Creek Dr. | Champions Cir.   | Garrison Trail   | 83 L      | Do Nothing |          |
| Canyon Creek Dr. | Garrison Trail   | Woodview Ct.     | 83 L      | Do Nothing |          |
| Canyon Creek Dr. | Woodview Ct.     | Woodridge Cir.   | 81 L      | Do Nothing |          |
| Canyon Creek Dr. | Woodridge Cir.   | Canyon Cir.      | 83 L      | Do Nothing |          |
| Canyon Creek Dr. | Canyon Cir.      | End              | 83 L      | Do Nothing |          |
| Champion Ct.     | Champions Cir.   | End              | 82 L      | Do Nothing |          |
| Champions Cir.   | Woodcreek Dr.    | Overlook Ct.     | 95 L      | Do Nothing |          |
| Champions Cir.   | Overlook Ct.     | Palmer Ln.       | 95 L      | Do Nothing |          |
| Champions Cir.   | Palmer Ln.       | Palmer Ln.       | 97 L      | Do Nothing |          |
| Champions Cir.   | Palmer Ln.       | Canyon Creek Dr. | 96 L      | Do Nothing |          |
| Champions Cir.   | Canyon Creek Dr. | Fallbrook Cir.   | 93 L      | Do Nothing |          |
| Champions Cir.   | Fallbrook Cir.   | Champions Ct.    | 95 L      | Do Nothing |          |
| Champions Cir.   | Champions Ct.    | Tremont Trce     | 97 L      | Do Nothing |          |
| Champions Cir.   | Tremont Trce     | Woodcreek Dr.    | 97 L      | Do Nothing |          |
| Country Ct.      | Country Ln.      | End              | 85 L      | Do Nothing |          |
| Country Ln.      | Brookhollow Dr.  | Country Ct.      | 87 L      | Do Nothing |          |
| Country Ln.      | Country Ct.      | End              | 74 L      | Crack Seal | 17       |
| Cypress Point    | Woodcreek Dr.    | Cypress Point    | 70 L      | Crack Seal |          |
| Cypress Point    | Cypress Point    | Cypress Point    | 62 L      | Crack Seal |          |
| Cypress Point    | Cypress Point    | Cypress Point    | 85 L      | Do Nothing | 12       |
| Cypress Point    | Cypress Point    | End              | 70 L      | Crack Seal |          |

| Street              | From             | To              | PCR CLASS | TREATMENT  | Priority |
|---------------------|------------------|-----------------|-----------|--|----------|
| Deerfield Dr.       | Woodcreek Dr.    | End             | 97 L      | Do Nothing   |          |
| Doolittle Dr. South | Cypress Point    | Jack Miller Dr. | 39 L      | Crack seal and One-Course Surface Treatment with Edge Repair | 3        |
| Doolittle Dr. North | Jack Miller      | Wildwood Cir.   | 75 L      | Crack Seal   |          |
| Elmbrook Dr.        | Brookmeadow Dr.  | End             | 85 L      | Do Nothing   |          |
| Garrison Trail      | Canyon Creek Dr. | End             | 80 L      | Crack Seal   | 15       |
| Jack Miller Dr.     | Doolittle Dr     | Brookhollow Dr. | 59 L      | Crack Seal and Edge Repair                                   | 1        |
| McGregor Cir.       | Spalding Cir.    | End             | 78 L      | Crack Seal   | 13       |
| Overbrook Ct.       | Brookhollow Dr.  | End             | 58 L      | Crack Seal and Edge Repair                                   | 1        |
| Overlook Ct.        | Champions Cir.   | Overlook Ct.    | 72 L      | Crack Seal   |          |
| Overlook Ct.        | End              | End             | 74 L      | Crack Seal   | 8        |
| Palmer Ln.          | Champions Cir.   | Wilson Cir.     | 85 L      | Do Nothing   |          |
| Palmer Ln.          | Wilson Cir.      | Champions Cir.  | 85 L      | Do Nothing   |          |
| Par Cir.            | Brookhollow Dr.  | End             | 79 L      | Crack Seal   | 14       |
| Par View Dr.        | Woodcreek Dr.    | End             | 74 L      | Crack Seal   | 9        |
| Pebblebrook Ln.-E   | End              | Westwood Dr.    | 70 L      | Crack Seal   |          |
| Pebblebrook Ln.-W   | Westwood Dr.     | End             | 73 L      | Crack Seal   | 7        |
| Shady Grove Ln.-S   | Brookmeadow Dr.  | End             | 77 L      | Crack Seal   |          |
| Shady Grove Ln.-N   | Brookmeadow Dr.  | End             | 98 L      | Do Nothing   | 12       |
| Spalding Cir.       | Wilson Cir.      | McGregor Cir.   | 88 L      | Do Nothing   |          |
| Spalding Cir.       | McGregor Cir.    | End             | 76 L      | Crack Seal   | 18       |
| Stonehouse Cir.     | Woodcreek Dr.    | End             | 70 L      | Crack Seal   | 6        |
| Tremont Trace       | Champions Cir.   | End             | 68 L      | Crack Seal   | 5        |
| Westwood Dr.        | Pebblebrook Ln.  | Brookhollow Dr. | 77 L      | Crack Seal   | 12       |
| Wildwood Cir.       | Doolittle Dr     | Doolittle Dr.   | 81 L      | Do Nothing   |          |
| Wilson Cir.         | Palmer Ln.       | Spalding Cir.   | 65 L      | Crack Seal and Edge Repair                                   |          |
| Wilson Cir.         | Spalding Cir.    | End             | 74 L      | Crack Seal   | 2        |
| Woodcreek Dr        | SH 12            | Deerfield Dr.   | 98 C      | Do Nothing   |          |
| Woodcreek Dr        | Deerfield Dr.    | Par View Dr.    | 97 C      | Do Nothing   |          |
| Woodcreek Dr        | Par View Dr.     | Stonehouse Cir. | 95 C      | Do Nothing   |          |
| Woodcreek Dr        | Stonehouse Cir.  | Brookhollow Dr. | 78 C      | Crack Seal and Edge Repair                                   |          |
| Woodcreek Dr        | Brookhollow Dr.  | Brookhollow Dr. | 96 C      | Do Nothing   | 4        |
| Woodcreek Dr        | Brookhollow Dr.  | Pro Ln.         | 87 C      | Crack Seal   |          |
| Woodcreek Dr        | Pro Ln.          | Champions Cir.  | 93 C      | Do Nothing   |          |
| Woodcreek Dr        | Champions Cir.   | Cypress Point   | 74 C      | Crack Seal and Edge Repair                                   |          |
| Woodridge Cir.      | Canyon Creek Dr. | End             | 78 L      | Crack Seal   | 13       |
| Woodview Ct.        | Canyon Creek Dr. | End             | 81 L      | Do Nothing   |          |

APPENDIX C  
Deflection Profiles

# Brookhollow Drive Deflections

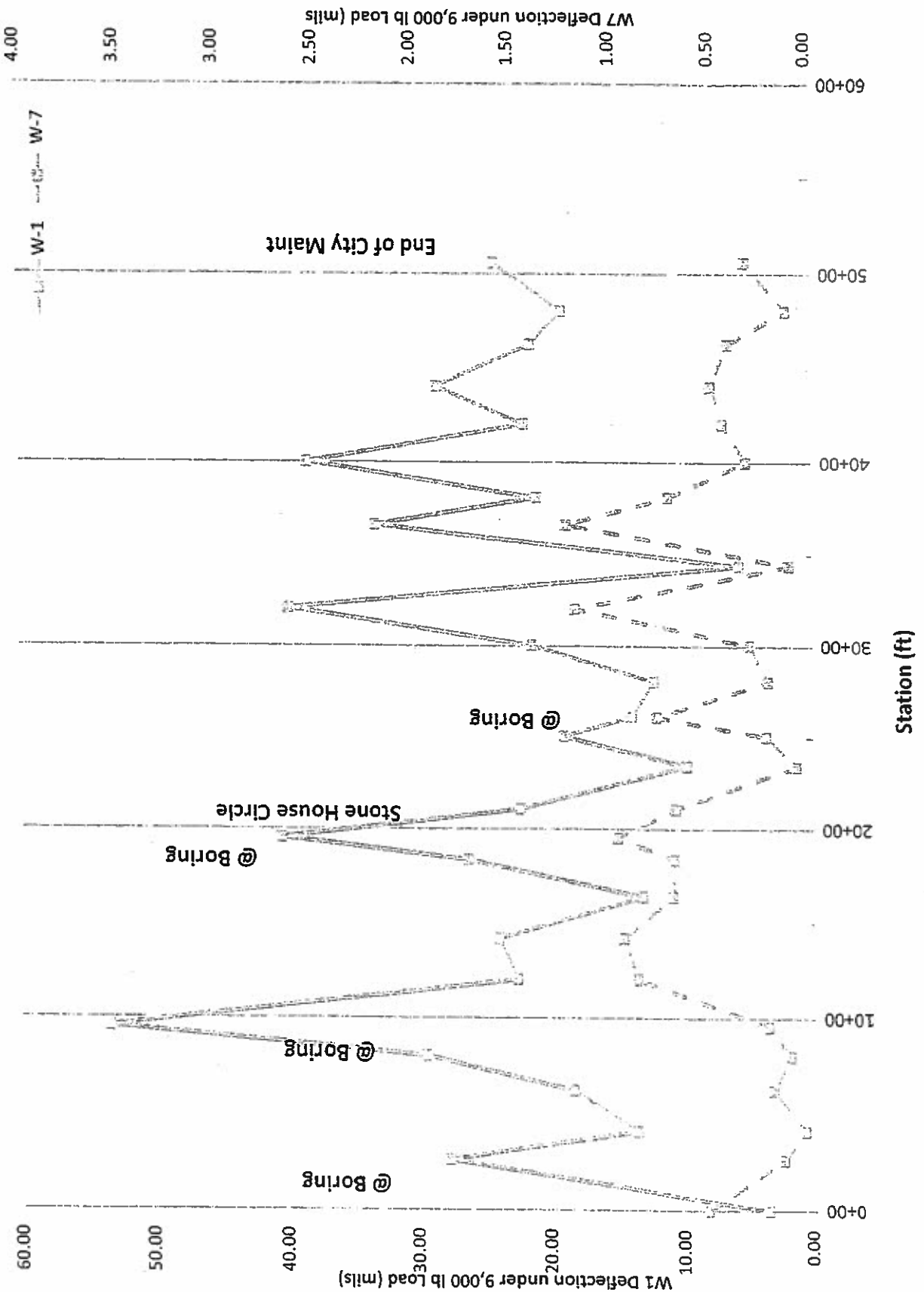


Station (ft)

W7 Deflection under 9,000 lb Load (mils)

W1 Deflection under 9,000 lb Load (mils)

# Woodcreek Drive Deflections



| Local Street      | Average Subgrade Deflection (W7), mils |
|-------------------|--|
| Augusta Dr.       | 0.62                                   |
| Augusta Ln.       | 0.42                                   |
| Brookhollow Dr.   | 0.55                                   |
| Brookmeadow       | 0.52                                   |
| Brookside Dr.     | 0.52                                   |
| Brookside Dr. PCC | 12.54                                  |
| Canyon Cir.       | 1.02                                   |
| Canyon Creek      | 0.65                                   |
| Champions Cir.    | 0.51                                   |
| Champions Ct.     | 0.22                                   |
| Country Ct.       | 0.60                                   |
| Country Ln.       | 0.42                                   |
| Cypress Point     | 0.44                                   |
| Deerfield         | 0.47                                   |
| Dolittle Dr.      | 0.36                                   |
| Elmbrook          | 1.18                                   |
| Garrison Trl.     | 0.76                                   |
| Jack Miller       | 0.25                                   |
| McGregor Cir      | 0.79                                   |
| Overbrook         | 0.43                                   |
| Overlook          | 0.65                                   |
| Palmer Ln.        | 0.82                                   |
| Par Cir.          | 0.47                                   |
| Par View          | 0.53                                   |
| Pebblebrook       | 0.48                                   |
| Shady Grove       | 0.32                                   |
| Spalding Cir.     | 0.60                                   |
| Stonehouse Cir.   | 0.41                                   |
| Tremont Trace     | 0.35                                   |
| Westwood          | 0.37                                   |
| Wildwood Cir.     | 0.38                                   |
| Wilson Cir.       | 0.65                                   |
| Woodbridge Cir.   | 0.37                                   |
| Woodcreek Dr.     | 0.49                                   |
| Woodview Ct.      | 0.81                                   |

| Local Street      | Average Surface Deflection (W1), mils |
|-------------------|---------------------------------------|
| Augusta Dr.       | 27.69                                 |
| Augusta Ln.       | 22.67                                 |
| Brookhollow Dr.   | 29.63                                 |
| Brookmeadow       | 16.70                                 |
| Brookside Dr.     | 41.45                                 |
| Brookside Dr. PCC | 28.87                                 |
| Canyon Cir.       | 54.33                                 |
| Canyon Creek      | 30.12                                 |
| Champions Cir.    | 26.15                                 |
| Champions Ct.     | 25.25                                 |
| Country Ct.       | 65.55                                 |
| Country Ln.       | 26.26                                 |
| Cypress Point     | 17.00                                 |
| Deerfield         | 26.71                                 |
| Dolittle Dr.      | 42.29                                 |
| Elmbrook          | 46.04                                 |
| Garrison Trl.     | 45.41                                 |
| Jack Miller       | 35.11                                 |
| McGregor Cir      | 42.86                                 |
| Overbrook         | 41.74                                 |
| Overlook          | 26.40                                 |
| Palmer Ln.        | 17.70                                 |
| Par Cir.          | 41.40                                 |
| Par View          | 29.68                                 |
| Pebblebrook       | 24.88                                 |
| Shady Grove       | 29.04                                 |
| Spalding Cir.     | 43.81                                 |
| Stonehouse Cir.   | 29.45                                 |
| Tremont Trace     | 23.73                                 |
| Westwood          | 24.65                                 |
| Wildwood Cir.     | 49.37                                 |
| Wilson Cir.       | 38.26                                 |
| Woodbridge Cir.   | 43.79                                 |
| Woodcreek Dr.     | 22.87                                 |
| Woodview Ct.      | 33.21                                 |

APPENDIX D  
MODULUS Outputs

# BROOKHOLLOW DRIVE

(Version 6.0)

## TTI MODULUS ANALYSIS SYSTEM (SUMMARY REPORT)

District: MODULI RANGE(psi)  
 County: Minimum 50,000 Maximum 100,000  
 Highway/Road: 10,000 150,000  
 Pavement: Thickness(in) 0.75 Poisson Ratio Values H1: v = 0.38  
 Base: 6.00 H2: v = 0.35  
 Subbase: 0.00 H3: v = 0.00  
 Subgrade: 66.52 (by DB) 10,000 H4: v = 0.40

| Station  | Load (lbs) | Measured Deflection (mils): |       |      |      | Calculated Moduli values (ksi): |      |      |       | Absolute Dpth to ERR/Sens Bedrock |          |          |          |         |
|----------|------------|-----------------------------|-------|------|------|---------------------------------|------|------|-------|-----------------------------------|----------|----------|----------|---------|
|          |            | R1                          | R2    | R3   | R4   | R5                              | R6   | R7   | R7    | SURF(E1)                          | BASE(E2) | SUBB(E3) | SUBG(E4) |         |
| 0.000    | 9,047      | 25.88                       | 7.31  | 2.74 | 1.37 | 1.10                            | 0.87 | 0.48 | 100.0 | 20.5                              | 0.0      | 57.2     | 13.38    | 91.1 *  |
| 600.000  | 8,971      | 31.36                       | 10.06 | 4.70 | 2.70 | 0.90                            | 0.47 | 0.39 | 50.0  | 18.4                              | 0.0      | 41.2     | 23.52    | 212.8 * |
| 800.000  | 8,993      | 25.56                       | 8.93  | 3.78 | 1.82 | 0.74                            | 0.49 | 0.36 | 100.0 | 21.7                              | 0.0      | 51.1     | 19.19    | 140.6 * |
| 1000.000 | 8,565      | 20.78                       | 10.96 | 6.34 | 4.35 | 2.30                            | 1.27 | 0.74 | 50.0  | 55.7                              | 0.0      | 25.7     | 5.50     | 56.4 *  |
| 1200.000 | 8,982      | 19.14                       | 6.78  | 3.16 | 1.93 | 1.12                            | 0.64 | 0.43 | 100.0 | 34.3                              | 0.0      | 53.5     | 5.39     | 55.7 *  |
| 1300.000 | 8,982      | 21.89                       | 8.19  | 4.89 | 3.22 | 1.57                            | 0.86 | 0.45 | 50.0  | 37.1                              | 0.0      | 35.5     | 5.75     | 52.3 *  |
| 1400.000 | 8,982      | 88.97                       | 16.29 | 8.94 | 5.50 | 3.49                            | 3.39 | 2.49 | 50.0  | 10.0                              | 0.0      | 17.0     | 22.61    | 59.3 *  |
| 1600.000 | 8,817      | 20.90                       | 10.81 | 5.82 | 3.27 | 1.26                            | 0.65 | 0.54 | 50.0  | 40.6                              | 0.0      | 33.0     | 21.97    | 102.4 * |
| 1800.000 | 9,014      | 15.64                       | 6.22  | 3.50 | 2.18 | 0.95                            | 0.57 | 0.39 | 50.0  | 53.0                              | 0.0      | 49.4     | 8.39     | 59.5 *  |
| 2000.000 | 9,047      | 33.13                       | 9.79  | 3.37 | 1.35 | 0.71                            | 0.47 | 0.35 | 100.0 | 15.0                              | 0.0      | 50.1     | 19.59    | 90.6 *  |
| 2400.000 | 8,960      | 38.85                       | 10.45 | 5.37 | 3.61 | 1.55                            | 0.91 | 0.54 | 50.0  | 15.1                              | 0.0      | 33.4     | 9.49     | 55.9 *  |
| 2800.000 | 8,916      | 35.09                       | 12.98 | 6.78 | 4.47 | 2.60                            | 1.46 | 0.95 | 74.9  | 20.3                              | 0.0      | 24.6     | 4.34     | 64.3    |
| 3000.000 | 9,025      | 31.55                       | 12.77 | 6.43 | 3.39 | 1.45                            | 0.82 | 0.55 | 50.0  | 21.5                              | 0.0      | 30.3     | 16.14    | 85.0 *  |
| 3200.000 | 9,069      | 31.23                       | 15.15 | 8.32 | 4.56 | 2.17                            | 1.33 | 1.16 | 100.0 | 26.2                              | 0.0      | 22.5     | 10.86    | 61.7 *  |
| 3400.000 | 8,938      | 24.81                       | 12.02 | 7.27 | 4.36 | 1.12                            | 0.53 | 0.29 | 100.0 | 29.5                              | 0.0      | 30.6     | 42.92    | 300.0 * |
| 3800.000 | 9,004      | 32.55                       | 9.37  | 4.69 | 2.87 | 1.52                            | 1.04 | 0.78 | 86.3  | 18.5                              | 0.0      | 37.9     | 8.02     | 52.1    |
| 4000.000 | 8,982      | 35.47                       | 11.53 | 5.32 | 2.78 | 0.94                            | 0.51 | 0.32 | 100.0 | 15.1                              | 0.0      | 38.3     | 27.15    | 300.0 * |
| 4200.000 | 9,025      | 48.39                       | 15.51 | 6.36 | 2.12 | 0.70                            | 0.61 | 0.48 | 100.0 | 10.0                              | 0.0      | 33.3     | 37.48    | 59.1 *  |
| 4400.000 | 8,905      | 26.99                       | 8.55  | 4.61 | 2.74 | 1.03                            | 0.46 | 0.32 | 50.0  | 23.1                              | 0.0      | 42.3     | 18.32    | 94.9 *  |

Mean: 32.01 10.72 5.39 3.08 1.43 0.91 0.63 0.63 74.3 25.5 0.0 37.2 16.84 73.3  
 Std. Dev: 15.86 2.89 1.73 1.17 0.74 0.68 0.51 0.51 24.4 13.2 0.0 11.2 10.86 31.1  
 Var Coeff(%): 49.54 26.95 32.09 37.92 51.32 73.93 79.90 32.9 51.5 0.0 30.2 64.47 40.4



WOODCREEK DRIVE

(Version 6.0)

TTI MODULUS ANALYSIS SYSTEM (SUMMARY REPORT)

District: \_\_\_\_\_  
 County: \_\_\_\_\_  
 Highway/Road: \_\_\_\_\_

Pavement: \_\_\_\_\_  
 Base: \_\_\_\_\_  
 Subbase: \_\_\_\_\_  
 Subgrade: \_\_\_\_\_

Thickness (in) \_\_\_\_\_  
 2.75  
 3.00  
 0.00  
 48.45 (User Input)

MODULI RANGE (psi)  
 Minimum 50,000  
 Maximum 100,000  
 150,000

Poisson Ratio Values  
 H1: v = 0.38  
 H2: v = 0.35  
 H3: v = 0.00  
 H4: v = 0.40

5,000

| Station  | Load (lbs) | Measured Deflection (mils): |       |      |      |      | R7   | Calculated Moduli values (ksi): |       |           | SUBG (E4) | ERR/Sens | Bedrock | Absolute Dpth to |
|----------|------------|-----------------------------|-------|------|------|------|------|---------------------------------|-------|-----------|-----------|----------|---------|------------------|
|          |            | R1                          | R2    | R3   | R4   | R5   |      | R6                              | R7    | SURF (E1) |           |          |         |                  |
| 1204.000 | 8,993      | 22.29                       | 10.13 | 5.40 | 3.13 | 1.64 | 1.16 | 0.89                            | 55.3  | 44.5      | 0.0       | 26.5     | 12.04   | 49.4             |
| 1418.000 | 8,927      | 23.47                       | 12.08 | 6.63 | 4.04 | 2.07 | 1.37 | 0.95                            | 77.0  | 47.9      | 0.0       | 21.2     | 12.18   | 50.1             |
| 1640.000 | 8,763      | 12.56                       | 6.31  | 3.72 | 2.33 | 1.24 | 0.84 | 0.69                            | 100.0 | 135.5     | 0.0       | 37.0     | 13.66   | 53.8 *           |
| 1836.000 | 9,004      | 25.99                       | 12.93 | 8.23 | 5.62 | 2.81 | 1.33 | 0.70                            | 50.0  | 88.7      | 0.0       | 17.2     | 12.94   | 54.1 *           |
| 1953.000 | 9,047      | 40.44                       | 12.69 | 5.18 | 2.99 | 1.92 | 1.43 | 0.99                            | 50.0  | 10.0      | 0.0       | 25.6     | 20.49   | 69.8 *           |
| 2108.000 | 8,960      | 21.92                       | 12.47 | 7.59 | 4.58 | 1.72 | 0.98 | 0.69                            | 100.0 | 59.9      | 0.0       | 20.0     | 13.01   | 46.7 *           |
| 2506.000 | 9,004      | 18.77                       | 7.28  | 3.27 | 1.44 | 0.28 | 0.10 | 0.22                            | 100.0 | 16.2      | 0.0       | 54.0     | 55.53   | 76.4 *           |
| 2613.000 | 8,905      | 13.51                       | 7.35  | 4.71 | 3.53 | 2.41 | 1.50 | 0.78                            | 100.0 | 150.0     | 0.0       | 29.9     | 24.57   | 66.5 *           |
| 3005.000 | 9,036      | 21.22                       | 6.22  | 2.67 | 1.56 | 0.88 | 0.43 | 0.31                            | 52.3  | 19.4      | 0.0       | 52.3     | 12.17   | 53.9 *           |
| 3204.000 | 9,004      | 39.62                       | 18.16 | 9.22 | 5.46 | 3.05 | 1.73 | 1.19                            | 50.0  | 17.7      | 0.0       | 15.2     | 12.91   | 53.6 *           |
| 3663.000 | 8,916      | 32.71                       | 13.49 | 9.00 | 6.05 | 3.04 | 1.76 | 1.22                            | 50.0  | 37.5      | 0.0       | 16.2     | 18.12   | 53.4 *           |
| 3812.000 | 8,697      | 19.96                       | 8.66  | 4.86 | 3.17 | 1.70 | 0.98 | 0.70                            | 50.0  | 62.0      | 0.0       | 27.9     | 15.19   | 57.3 *           |
| 4003.000 | 8,982      | 38.08                       | 17.53 | 7.85 | 3.37 | 0.91 | 0.44 | 0.32                            | 66.6  | 10.0      | 0.0       | 22.0     | 26.11   | 62.2 *           |
| 4206.000 | 8,839      | 21.18                       | 10.95 | 5.72 | 2.83 | 0.85 | 0.48 | 0.43                            | 100.0 | 25.3      | 0.0       | 29.0     | 17.93   | 54.9 *           |
| 4406.000 | 9,004      | 28.24                       | 9.10  | 4.70 | 2.83 | 1.33 | 0.77 | 0.50                            | 50.0  | 17.5      | 0.0       | 31.6     | 13.32   | 47.3 *           |
| 4629.000 | 9,004      | 21.06                       | 10.09 | 5.79 | 3.33 | 1.35 | 0.73 | 0.41                            | 87.8  | 41.1      | 0.0       | 26.5     | 11.07   | 46.5             |
| 5060.000 | 9,014      | 23.78                       | 5.88  | 3.06 | 1.70 | 0.58 | 0.46 | 0.32                            | 51.8  | 15.7      | 0.0       | 51.8     | 21.40   | 49.4 *           |

|              |       |       |       |       |       |       |       |      |      |     |      |       |      |
|--------------|-------|-------|-------|-------|-------|-------|-------|------|------|-----|------|-------|------|
| Mean:        | 24.99 | 10.67 | 5.74  | 3.41  | 1.63  | 0.97  | 0.67  | 70.0 | 47.0 | 0.0 | 29.6 | 18.39 | 53.6 |
| Std. Dev:    | 8.33  | 3.68  | 2.06  | 1.37  | 0.84  | 0.50  | 0.31  | 22.6 | 42.1 | 0.0 | 12.4 | 10.63 | 7.0  |
| Var Coeff(%) | 33.34 | 34.53 | 35.84 | 40.31 | 51.27 | 51.32 | 46.75 | 32.2 | 89.6 | 0.0 | 41.8 | 57.82 | 13.1 |



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND PRESENT TO THE CITY COUNCIL AN AMENDED TASK ORDER WITH ROGERS DESIGN SERVICES FOR NECESSARY ENGINEERING SERVICES ASSOCIATED WITH THE CITY OF WOODCREEK TRANSPORTATION IMPROVEMENT PLAN IN AN AMOUNT NOT TO EXCEED \$25,500.00 TO BE PAID FOR WITH FUNDS FROM THE DEDICATED CAPITAL ACCOUNT FOR ROAD IMPROVEMENTS.

**WHEREAS**, the City of Woodcreek has an extensive road network that has been maintained at City expense; and

**WHEREAS**, the City Council has held numerous public hearings and adopted a Transportation Improvement Plan to address repairs and additions to the City's road network in the coming years; and

**WHEREAS**, the City Council has funds available in an existing separate capital improvement account for the specific purpose of road improvements; and

**WHEREAS**, the City Council has an existing Master Service Agreement for Professional Services with Dan Rogers of Rogers Design Services, and the City Council has expressed their desire to consider an additional task order for necessary engineering services for the implementation of the City's Transportation Improvement Plan; and

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

Section 1. The City Manager is instructed to coordinate with Rogers Design Services for the preparation of a new Task Order to authorize the expenditure of no more than \$25,500.00 for necessary engineering services.

Section 2. The City Manager is instructed to coordinate with Rogers Design Services for the preparation of a new Task Order to authorize the expenditure of no more than \$25,500.00 for necessary engineering services.

Section 3. The City Attorney is instructed to review the proposed Task Order and present his findings to the City Manager or City Council as may be directed.

Section 4. This Resolution is effective immediately upon passage and repeals any prior resolutions, policies or practices inconsistent or in conflict with this Resolution

**PASSED & APPROVED** this, the \_\_\_\_ day of \_\_\_\_\_, 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:**

---

Paul Brandenburg, City Manager

**APPROVED AS TO FORM:**

*The Law Office of Roger Gordon*

## Benefits of Implementing the Cypress Creek Watershed Protection Plan

If the Cypress Creek Watershed Protection Plan is implemented in the next three years, some of the benefits to the community and leadership include:

- Reduced nonpoint source pollution (NPS) in Cypress Creek and prevent increases in NPS in the future
- Demonstrated and proven best management measure options that improve water quality
- Site-specific retrofits for LID
- Increased decision-making capacity to preserve water quality through local permitting
- Additional methods to quantify water quality impacts through land management authorities
- Increased accuracy of tools available for decision makers to calculate effects of future land use changes and development activities on NPS loadings
- A comprehensive, watershed level storm-water assessment with BMPs that mitigate the effects of storm-water and NPS
- Additional data needed to adequately monitoring water quality
- Improve understanding of surface water and groundwater interchanges on water quality
- Coordinated water resources and related environmental outreach/education efforts across the watershed
- Improve understanding of relationships between groundwater and source water, surface water, recharge, and vulnerability to impacts on water quality

| Management Measure                                       | Milestone Years<br>1-3 of<br>Implementation | Milestones   |
|--|---|--|
| Comprehensive Stormwater Assessment                      | 1 Assessment                                | Completion of Stormwater Assessment, including selection of BMPs and locations for implementation based on findings  |
| Riparian Buffers   | 1 Managed buffer area Identified            | Identify and prioritize locations for implementation, commitments for streamside natural buffer management   |
| Rainwater Harvesting Strategies                          | 1 Demonstration Area                        | Establishment demonstration area, and can include adoption of use in all new development   |
| Rock Berms/Gabions                                       | 1 Berms Demonstration Areas                 | Establishment of demonstration areas throughout the basin and use in all new development in urban public spaces; added to existing codes where appropriate       |
| Biofiltration/rain garden                                | 1 Demonstration Areas                       | Establishment of demonstration areas, and can include use in all new development in public spaces or added to existing codes as water quality protection measure |
| Existing BMP Maintenance                                 | 6 Inspections and Maintenance When Needed   | Establishment of program to maintain existing BMPs for proper function   |
| "Entering Watershed" Signs on Roadway                    | 3 Signs                                     | Installation of 3 "Entering Watershed" Signs on Roadway to increase community awareness  |
| Watershed Coordinator                                    | 1 Coordinator                               | 1 employee to implement BMPs for water quality reduction and community awareness   |
| Enhanced Water Quality and Groundwater Modeling (CC-DSS) | 1 Session                                   | 1 session in enhanced Water Quality and Groundwater Modeling (CC-DSS) to improve water quality decision making as the scenario changes                           |

### Benefit for City of Woodcreek

- Investment of cash and in-kind contributions valued at approximately \$44,247

- \$20,000 cash contribution toward the total cost of the Storm-water planning and assessment
- Woodcreek staff time to participate in the Stakeholder Committee meetings to advise the implementation activities. The estimated in-kind value is: \$2,527  
( $\$23.40/\text{hour} \times 3 \text{ hour-long meetings} \times 36 \text{ meetings}$ )
- Woodcreek leadership time to participate in efforts related to implementation. Estimated value: \$7,700 ( $\$43/\text{hour} \times 5 \text{ hours/month} \times 3 \text{ years}$ )
- Partial costs of installing rainwater harvesting and similar LID & green infrastructure demonstrations at the Woodcreek City Hall. The estimated value is up to \$14,020
- **Benefit worth approximately \$568,000**
  - In-kind technical services from MCWE valued at \$100,000
  - Quality assured water quality and quantity monitoring efforts, data, analyses and modeling activities from MCWE and GBRA valued at \$150,000
  - Comprehensive stormwater assessment and recommendations valued at \$85,000
  - Demonstration BMP rainwater harvesting project at Woodcreek City Hall value of \$33,000
  - Outreach and Education, including materials, DSS model, review of ordinances, etc. valued at \$200,000

## Legal Q&A

By Christy Drake-Adams, TML Legal Counsel

### **Must a city designate an official newspaper?**

Yes. State law requires that at the beginning of the fiscal year, the city council of a Type A city designate its official newspaper by resolution or ordinance and contract with that paper to publish required notices. TEX. LOC. GOV'T CODE § 52.004(a). Each ordinance, notice, and any other matter required by law or ordinance to be published must be published in the official paper, regardless of where else it is published. *Id.* § 52.004(b).

These requirements are not expressly provided in state law for other types of general law cities. However, they arguably apply because of the “borrowing provisions.” Specifically, Type B cities have the same duties as a Type A city, unless there is a conflicting state provision regarding only Type B cities. *Id.* § 51.035. And, depending on its population, a Type C city has either the same duties as a Type B city or a Type A city. *Id.* § 51.051.

State law also seems to anticipate that a home rule city designate an official newspaper. *See id.* § 52.013(b) (“If the charter . . . does not provide for the method of publication of an ordinance, the full text of the ordinance or a caption that summarizes the purpose of the ordinance and the penalty for violating the ordinance may be published at least twice in the municipality’s official newspaper.”). In some cities, the charter actually “name[s] the official newspaper in which to publish the official city notices.” TERRELL BLODGETT, TEXAS HOME RULE CHARTERS 93 (2d. ed. 2010). Any details regarding the designation, such as the timing and form of designation, are found in the city’s charter, as well.

### **Must a city seek competitive bids or proposals in designating its official newspaper?**

Maybe. With certain exceptions, a city is required to follow the bidding or proposal procedures outlined in Local Government Code Chapter 252 when it plans to make an expenditure of more than \$50,000 in city funds. TEX. LOC. GOV'T CODE § 252.021; *id.* § 252.022(a)(16) (providing that Chapter 252 does not apply to an expenditure for advertising, other than legal notices). An informal survey conducted by the Texas Municipal League in 2012 indicates that only the largest cities (500,000-plus population) reach this \$50,000 spending threshold for newspaper publications. However, it is important to note that a city may impose on itself a lower-dollar threshold and, in that way, trigger the need to competitively bid for an official newspaper.

### **What criteria must a newspaper meet in order to qualify as the official newspaper?**

While there is some dispute among attorneys as to the exact requirements that apply in designating an official newspaper, a city using the criteria in Government Code Sections 2051.044 and 2051.048 is on strong legal footing. Section 2051.044 provides that a newspaper used to convey official notices must as a general matter:

- (1) devote not less than 25 percent of its total column lineage to general interest items;
- (2) be published at least once each week;

- (3) be entered as second-class postal matter in the county where published; and
- (4) have been published regularly and continuously for at least 12 months before the governmental entity or representative publishes notice.

TEX. GOV'T CODE § 2051.044(a).

Section 2051.048 provides that a notice published by a city must, as a general matter, be published in a newspaper:

- (1) that is published in the city; and
- (2) that will publish the notice at or below the legal rate.

*Id.* § 2051.048(b). (Note: Section 2051.048 provides alternative requirements when no newspaper is published in the city at the specified rate. *Id.* § 2051.048(c)-(d).)

A home rule city must also look to its charter for any additional criteria. *See, e.g., State ex rel. Winn v. City of San Antonio*, 259 S.W.2d 248, 251-52 (Tex. Civ. App.—San Antonio 1953, writ ref'd n.r.e.) (discussing a charter provision that required publication in a “daily newspaper”).

**Has a city’s designation of a particular newspaper as its “official newspaper” ever been challenged?**

Yes. From time to time, we hear from cities that receive threatening letters from a newspaper claiming that the city has not complied with the law in its designation of an official newspaper. This often arises when a city is located in more than one county and has multiple papers to choose from, or when a city is changing its official newspaper. Some newspapers have actually sued cities in conjunction with the designation of an official newspaper. *See, e.g., Forney Messenger, Inc. v. Tennon*, 959 F.Supp. 389, 390 (N.D. Tex. 1997) (alleging that city officials conducted a sham bidding process and then voted to switch all city advertising to a different newspaper in violation of the Open Meetings Act).

**Is an “official newspaper” the same thing as a newspaper of “general circulation”?**

No, not necessarily. The attorney general has opined that a newspaper of general circulation is one that: (1) has more than a de minimis number of subscribers within a specific geographic region; (2) has a diverse readership; and (3) publishes some items of general interest to the community. Tex. Att’y Gen. Op. No. JC-0223 (2000). Thus, if your city is acting under one of the many statutes that requires notice be published in a newspaper of general circulation, the newspaper must meet the three criteria set out above.

In addition, assuming the law under which the city is acting does not specify a contrary manner of publication, the attorney general has opined that a newspaper of general circulation must also meet the requirements of an official newspaper. *Id.* (discussing county publications and concluding that “a newspaper of general circulation must be a newspaper for the purposes of section 2051.044, in addition to having more than a de minimis number of subscribers and a diverse subscribership”).



### **What could happen if a city is required, but fails, to use a newspaper of general circulation?**

A city that takes an action for which notice must be published in a newspaper of general circulation is subject to having that action challenged if a proper newspaper is not used. *See, e.g., Christy v. Williams*, 292 S.W.2d 348, 350-51 (Tex. Civ. App.—Galveston 1956, writ dismissed) (challenging a bond election notice because the paper was not entered as a second class postal matter); Tex. Att’y Gen. Op. No. GA-0380 (2005) (discussing possible consequences of county’s failure to use a newspaper of general circulation).

### **How much should a newspaper charge your city to publish a notice?**

Section 2051.045 of the Government Code provides that the legal rate for publication of a notice in a newspaper by a governmental entity is the newspaper’s lowest published rate for classified advertising.

If no newspaper published in either the city or the county in which the city is located will publish the notice at or below this legal rate, a city should post the notice at the door of the county courthouse in the court in which the city is located. TEX. GOV’T CODE § 2051.048(d); *see also* Tex. Att’y Gen. Op. No. GA-0856 (2011).

### **Where is a newspaper published?**

The attorney general has opined that, under Texas law, the location of publication is where the newspaper is released to the public. Tex. Att’y Gen. Op. No. GA-0838 (2011) (citing *Christy v. Williams*, 292 S.W.2d 348, 352 (Tex. Civ. App.—Galveston 1956, writ dismissed) and Tex. Att’y Gen. Op. No. O-7112 (1946)).

### **Which state statutes require a city to publish notice in the newspaper?**

A non-comprehensive review of the state law identified more than 100 statutes that require cities to publish some type of notice in a newspaper. Many statutes require publication of the same notice multiple times. Following are some of the most common situations in which state law requires a city to publish a notice in a newspaper:

- Adopting an Ordinance. *See, e.g.,* TEX. LOC. GOV’T CODE §§ 52.011-.013.
- Holding an Election. *See, e.g.,* TEX. ELEC. CODE § 4.003, TEX. LOC. GOV’T CODE §9.004 (charter amendment).
- Conducting a Hearing. *See, e.g.,* TEX. LOC. GOV’T CODE §§ 43.0561 (annexation), 102.0065 (budget), 211.006 (zoning).
- Making a Purchase. *See, e.g., id.* § 252.041.

### **What is one of the most common questions the attorneys at the League receive regarding newspaper notice?**

One of the most frequent inquiries our attorneys receive in relation to newspaper notice is whether state law requires a city to advertise job openings in a newspaper. The answer is no. There is no law that requires a city to advertise every job opening in a newspaper. Nevertheless, one way to prevent having an Equal Employment Opportunity Commission (EEOC) discrimination complaint or lawsuit filed against the city is to sufficiently advertise job openings, which may include advertisement in a newspaper.

To avoid a discrimination claim, a city should advertise a job opening so that it reaches a large cross-section of the population. Federal, state, and sometimes local laws prohibit hiring practices that discriminate on the grounds of age, disability, race, color, religion, sex, pregnancy, citizenship, military service, and national origin. Thus, a city's hiring practice of merely advertising an opening to a certain geographic area, for example, may be used as evidence of discriminatory intent if a claim is filed against the city. For that reason, many cities choose to advertise job openings not only in a newspaper of general circulation, but in places like trade magazines and on the Internet.

If your city does not have a hiring policy, including a policy regarding the advertisement of a job opening, you should seriously consider adopting one. Before advertising a job vacancy, the city should have a written job description in place that provides objective qualifications and responsibilities necessary to perform the job. The description should be devoid of any reference to sex, race, national origin, or any other protected class. In addition, a job description should include the essential functions of the position and other requirements, such as education, skills, and work experience. The job description should be used as a template for the job advertisement.

By taking the time to adopt a hiring policy and to advertise a job opening to a wide range of people, your city: (1) increases its chance of hiring the best qualified person for the job; and (2) decreases the chance of facing a discrimination claim or lawsuit.