

City of Woodcreek City Council Meeting
January 13, 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 January 13, 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.

- 7. Report Items:**
 - A. DPW Monthly Report (Interim City Manager Brandenburg)
 - B. Treasurer's Report for December 2015 (City Treasurer Golembiewski)
 - C. City Manager's 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 December 9, 2015
 - B. Approval of Treasurer's Report for December 2015

- 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
 - B. Public Hearing
 - C. Discussion and Action

10. Regular Agenda

- A. Discussion and action to appoint a new Flood Plain Manager (Interim City Manager Brandenburg).
- B. Discussion and possible action to appoint a City Attorney. (Mayor Eskelund)
- C. Discussion and possible action to amend Title XV Land Usage, for the purpose of creating a Joiner of Lots Ordinance.
- D. Discussion and possible action regarding Open Carry signage for City Hall.
- E. Discussion and possible action on pothole repairs and other street maintenance projects.

11. 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 Devices,) and 551.086 (Economic Development).

I certify that the above notice was posted on the 8th of January, 2016, at 10:00 a.m. By:



Paul Brandenburg, Interim City Manager



Residential Structure Permit Application
Fence, Patio (w/o cover), Deck (lower than 30 in. high)

Instructions: Provide two (2) sets of the required information.
Applications cannot be considered without all required information.

Name of Owner(s): _____
Telephone #: _____
Cell #: _____
Mailing Address: _____
Email: _____
Site Address: _____
Legal Description: Section: _____ Lot: _____ Zoning District: _____
Name of Builder: _____
Telephone # of Builder: _____

Structure (s) to be built:

_____ Fence
_____ Patio (w/o cover)
_____ Deck (lower than 30 inches)

Required Information:

_____ Site plan with setbacks
_____ Impervious Cover Calculation (Except Fences)
_____ Specifications (materials)
_____ Elevations (drawing of structure)
_____ Other: _____
_____ Application fee (\$60.00) Check # _____ or Cash _____

The purpose of the building permit is to ensure compliance with the City's Zoning, Building, Water Quality and Flood Control provisions of its Code of Ordinances. If you have any questions concerning these ordinances, please contact the City of Woodcreek at (512) 847-9390.



All construction, landscaping, and construction-related activities are limited to Monday through Saturday from 7:00 a.m. to 6:00 p.m. Construction work on Sundays and City holidays is not allowed without prior approval from the City. Upon written application, submitted at least seventy-two (72) hours prior to the start of the proposed exempted construction, landscaping or construction-related activities, the City Administrator may issue a temporary waiver of these regulations for a period of up to seventy-two (72) hours to allow for time sensitive construction, landscaping, or construction-related activities. (§ 151.10)

____ (Initials)

The City's Water Quality Protection Ordinance provides a maximum limitation of 30% impervious cover. (§50.37)

____ (Initials)

Residential structure construction shall begin within 30 days of permit. Construction must be completed within 2 months of the issuance of the permit. (§ 151.10)

____ (Initials)

Deed Restrictions/Restrictive Covenants Acknowledgment: By the signature of the Applicant below, the applicant acknowledges that the City of Woodcreek is not responsible for the enforcement, investigation, or analysis of existing deed restrictions or restrictive covenants that may impose more restrictive land use regulations upon the property. Questions about existing deed restrictions should be directed to the Hays County Clerk's Office – Records Division.

Signature of Property Owner

For City use only:	
Date application, required information and fee received:	_____
Date of approval/denial:	_____
Date permit issued to property owner:	_____ Permit # _____
Date applicant notified of denial	_____ Reason for denial _____
ACC member:	_____ Approve or Deny (circle one)
ACC member:	_____ Approve or Deny (circle one)

Public Works Monthly Report (January, 2016)

- City is receiving pothole repair proposals (Hays County, Myers, Ramming, and Pendleton).
- City is receiving repair bids for the following:
 - Champions Circle Curve (Shoulder and culvert restoration)
 - Canyon Creek at No. 38 (Surface restoration)
 - Brookhollow Dr. at the low water crossing (Surface restoration)
 - Woodcreek at Pro Lane (Surface restoration)
 - Jack Miller Dr. at Doolittle Dr. (Remove and replace)
 - Brookmeadow Dr. west of the low water crossing (Remove and replace)
- Verifying 2015 Road Repair List

Treasurer's Report of December 2015

		2015-2018			2014-2015			Percentage Completed		
		YTD	Budget	%	YTD	Budget	%	Dec-15	Dec-14	Diff
Revenues:										
3000	Ad Valorem Tax	20,502	198,000	10%	21,489	189,228	11%	16,489	12,199	4,289
3005	State Sales Tax	10,128	50,000	20%	8,421	76,895	11%	3,403	2,433	971
3010	Mixed Beverage Tax	148	800	18%	177	496	36%	-	-	-
3020	PEC Franchise Fee	7,844	30,000	26%	8,512	30,700	28%	-	-	-
3030	Time Warner Franchise Fee	7,933	20,000	40%	6,288	19,591	32%	-	-	-
3030.10	TWC - PEG Cable Revenue	-	-	0%	1,258	-	0%	-	-	-
3040	AquaTexas Franchise	62,108	83,000	75%	58,829	82,590	71%	-	-	-
3050	IESI Franchise Fee	3,396	10,000	34%	2,911	12,274	24%	-	-	-
3060	Telephone Franchise Fee	509	1,000	51%	512	1,949	26%	-	-	-
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	2,070	15,000	14%	5,755	14,935	39%	620	2,500	(1,880)
3095	Sign Fees	-	-	0%	-	-	0%	-	-	-
4000	Interest Income	809	2,400	34%	372	800	47%	86	122	(36)
4010	Other Revenue	-	100	0%	40	450	9%	-	40	(40)
4015	Oak Wilt Containment	-	-	0%	(675)	-	0%	-	-	-
4020	Municipal Court Revenue	140	1,500	9%	-	1,900	0%	-	-	-
4040	Donations Received	-	5,000	0%	-	-	0%	-	-	-
	Total Gen Fund Revenues	115,586	417,300	28%	114,004	441,004	26%	20,598	17,294	3,304
Expenditures:										
		YTD	Budget	%	YTD	Budget	%	Dec-15	Dec-14	Diff
5000.01	Salaries and Wages	24,313	85,500	28%	20,857	81,000	26%	7,820	6,865	955
5000.03	City Manager Car Allowance	804	-	0%	-	-	0%	417	-	417
5000.05	Elected Official - Pay	60	660	9%	-	-	0%	60	-	60
5000.20	Payroll Tax	1,995	7,300	27%	1,660	8,477	20%	658	544	114
5000.40	Retirement	786	3,200	25%	564	2,378	24%	304	174	130
5000.50	Direct Deposit Expense	28	120	23%	34	108	32%	7	9	(2)
	5000 Personnel Services	27,986	96,780	29%	23,116	91,963	25%	9,266	7,592	1,673
5500.05	Bank Fees & Charges	16	-	0%	-	-	0%	4	-	4
5500.10	City Hall Maintenance/Repairs	218	2,500	9%	6	2,500	0%	11	6	4
5500.30	IT & Radio	1,417	5,000	28%	48	6,700	1%	-	-	-
5500.40	Newsletter	-	1,500	0%	-	632	0%	-	-	-
5500.50	Office Supplies	352	3,500	10%	796	3,600	22%	214	236	(23)
5500.60	Postage & Shipping	343	1,000	34%	552	1,500	37%	34	13	21
5500.61	Printing & Reproduction	813	1,500	54%	420	2,400	17%	398	193	205
5500.70	Storage Rental	-	1,000	0%	-	980	0%	-	-	-
	5500 Office Expenses	3,158	16,000	20%	1,821	18,312	10%	661	449	211
6000.01	Audit Expenses	-	6,600	0%	-	6,200	0%	-	-	-
6000.10	Codification	-	1,900	0%	614	6,500	-	-	-	-
6000.11	Contract Labor	1,708	7,000	24%	2,067	7,100	29%	472	540	68
6000.15	Engineering	-	2,500	0%	-	5,100	-	-	-	-
6000.20	Legal Expenses	7,139	30,000	24%	5,635	25,000	23%	-	4,673	4,673
6000.21	General	2,071	-	-	4,935	-	-	555	4,498	3,943
6000.22	Legal Reimbursable	-	-	-	-	-	-	-	-	-
6000.25	Special Cases	5,068	-	-	700	-	-	-	175	175
	6000 Professional Services	8,846	48,000	18%	8,317	24,900	33%	1,027	5,212	4,186
6500.01	Deer Removal	600	10,000	6%	525	1,500	35%	225	75	(150)
6500.15	Mowing	-	5,500	0%	440	5,000	9%	-	-	-
6500.20	Oak Wilt Containment	-	2,000	0%	750	2,000	0%	-	-	-
6500.21	Outdoor Beautification	2,107	12,000	18%	1,510	5,500	27%	1,004	710	(294)
6500.25	ROW Tree Trimming	-	1,500	0%	775	18,000	4%	-	-	-
6500.30	Street Maintenance	-	25,000	0%	11,914	60,000	20%	-	484	484
6500.31	Street Signs	86	1,000	9%	3,024	1,000	302%	-	-	-
6500.40	Tree Limb Pick-Up	3,630	3,500	104%	3,355	1,700	197%	-	-	-
	6500 Area Care/Maintenance	6,423	60,500	11%	22,293	94,700	24%	1,229	1,269	39
7000.01	Ad Valorem Tax Expense	417	2,000	21%	414	1,800	23%	-	-	-
7000.02	Building Inspections	2,030	5,500	37%	925	2,800	33%	585	325	(260)
7000.03	Code Compliance	-	1,500	0%	560	7,300	8%	-	-	-
7000.04	Dues & Memberships	572	1,250	46%	738	1,315	56%	36	-	(36)
7000.05	Election Expense	2,592	2,400	0%	-	2,314	0%	2,592	-	(2,592)
7000.15	Meeting Expense	623	1,500	42%	890	2,000	44%	24	8	(17)
7000.20	Public Notices	545	1,000	55%	421	1,000	42%	193	-	(193)
7000.30	Travel & Vehicle Exp Reimb	21	3,000	1%	1,031	3,000	34%	-	366	366
7000.40	Training & Prof Development	123	1,000	12%	348	1,000	35%	-	123	123
	7000 Other Operating Expenses	6,922	19,150	36%	5,327	22,529	24%	3,431	822	(2,609)

Treasurer's Report of December 2015

7500.01	City Hall Utilities	658	3,000	22%	649	3,000	22%	199	194	(5)
7500.02	Telephone & Internet	728	3,000	24%	729	3,000	24%	243	243	0
7500.03	Outdoor Utilities	983	3,000	33%	866	5,000	17%	360	249	(111)
7500	Utilities	2,369	9,000	26%	2,243	11,000	20%	802	686	(115)
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%	1,100	4,200	26%	-	500	500
8020.25	Misc. Court Costs	735	1,000	74%	1,422	3,000	47%	-	52	52
8020.30	Prosecutor	-	2,400	0%	51	4,000	1%	-	16	16
8020.40	State Comptroller Costs	54	1,000	5%	-	3,000	0%	-	-	-
8020.41	Supplies	-	200	0%	98	200	49%	-	-	-
8020.60	Traffic Enforcement	7,085	40,000	18%	-	38,580	0%	-	-	-
8020	Municipal Court Costs	8,624	48,000	18%	2,671	52,980	5%	-	568	568
	Contingency Reserve	-	117,240	0%		97,528	0%			-
	Miscellaneous	-	-	0%	(221)	-	0%	54	(221)	(275)
8900.10	Reconciliation Discrepancies	54	-	0%	-	-	0%	-	-	-
8900	Miscellaneous	54	117,240	0%	(221)	-	0%	54	(221)	(275)
Total Gen Fund Expenditures		66,896	417,420	16%	68,185	318,746	21%	16,469	16,378	3,679

Legend

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

- City's new parking ordinance is in effect. Applications and stickers are available at City Hall.
- In February, we will be bringing forth the final road improvement plan. Final Report and next steps at that time.
- FEMA Assistance for residences. Public Assistance for municipalities.
- Barking dogs and dogs running at large. The City has a process for handling these types of complaints.
- Planning and Zoning Commission met Monday, January 11th. Updated on Proposed Fence Ordinance as well as Woodcreek Apartments.

**City of Woodcreek City Council Meeting
December 9, 2015: 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, Director of Public Works Frank Wood, City Financial Coordinator Liane Park. **Absent:** None
- 5.) **Public Comments:** Thelma Pickett inquired about the status of the Joinder of Lots ordinance as discussed in a previous council meeting. She said she purchased the property at 49 Palmer Lane for what she believed would be suitable for rental income potential by renovating the garage on the lot next door.
- 6.) **Citizen Communications:** There were no citizen communications.

7.) Report Items:

- A. Director of Public Works Wood said that he is still waiting on a response from Hays County regarding pothole repairs. He is still waiting for the county to respond regarding the major street work that was identified a year ago. Mayor Eskelund announced that the West end of Woodcreek Drive, where the pavement has been washed away, would be closed next Monday and Tuesday. He said his recent meeting with the owners of the lodge and Hays County Commissioner Will Conley regarding the low water crossing was productive and may result in a safer bridge.
- B. City Treasurer Golembiewski reported year-to-date revenues of \$417,300.00 and \$50,427.00 in expenditures.
- C. City Manager Brandenburg reported: that the Request For Qualifications for City legal services has been sent out; on the FEMA Mapping project and how it will incorporate into the new Flood Insurance Rate Map; that he met with the County Commissioner, golf course representatives and neighborhood groups regarding the City's storm water issues; that there is one vacancy on our Parks and Recreation Board; the results of the Brush Collection Program; and discussed the role, function and responsibilities of Council Committees.

8.) Consent Agenda:

- A. Approval of the minutes of the Regular Woodcreek City Council meeting of November 11, 2015.
- B. Approval of Treasurer's Report for November 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.) Regular Agenda

A. After discussion, Mayor Pro Tem Britner moved to re-appoint Gene Golembiewski as Woodcreek City Treasurer. The motion was seconded by Councilmember Marsh, which passed with a vote of 5-0-0. Mr. Golembiewski was sworn in by Mayor Eskelund for a term of (2) two years.

B. After discussion, Councilmember Marsh moved to approve Ordinance No. 15-216, amending the 2014-2015 Fiscal Year Budget. The motion was seconded by Mayor Pro Tem Britner, which passed with a vote of 5-0-0.

C. After discussion, Mayor Pro Tem Britner moved to direct staff to work with legal counsel to prepare a draft fence ordinance, to accept the application form with corrections, and to schedule public hearings. 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 staff to pursue further investigation and research, as outlined during this meeting, in preparation of a potential draft Joinder of Lots Ordinance for presentation at a future meeting. The motion was seconded by Councilmember Brizendine, which passed with a vote of 5-0-0.

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

12.) Adjourn: There being no further business, Mayor Eskelund adjourned the meeting at 7:21 p.m.

Eric C. Eskelund, Mayor

Paul E. Brandenburg, Interim City Manager

City of Woodcreek
Transaction List by Date
December 2015

01/11/16

Type	Date	Num	Name	Memo	Account	Split	Debit	Credit
Dec 15								
Paycheck	12/01/2015	Dir Dep	Linda L Land	Direct Deposit	1000 · Operati...	-SPLIT-		
Paycheck	12/01/2015	Dir Dep	Paul E Brandenburg	Direct Deposit	1000 · Operati...	-SPLIT-	0.00	
Check	12/01/2015	Debit	H.E.B.	Office Supplies	1000 · Operati...	7000.15 · Meeting ...	0.00	24.49
Paycheck	12/02/2015	Dir Dep	Barbara J Grant	Direct Deposit	1000 · Operati...	-SPLIT-	0.00	
Deposit	12/03/2015			Ad Valorem	1000 · Operati...	3000 · Ad Valorem ...	16,488.63	
Liability Check	12/04/2015			Created by Payroll Service on 12/03/2015	1000 · Operati...	-SPLIT-		1,086.13
Check	12/04/2015				1003 · Municip...	5500.05 · Bank Fee...	4.00	
Check	12/07/2015	Debit	Miller Digital & Digital S...	Printing of site plans	1000 · Operati...	5500.61 · Printing ...	120.00	
Check	12/07/2015			Permits	1000 · Operati...	-SPLIT-		9.34
Check	12/08/2015	Debit	Target	Office Supplies	1000 · Operati...	5500.50 · Office Su...		225.00
Check	12/09/2015	10025	Garrett Allen	Deer Removal	1000 · Operati...	6500.01 · Deer Re...		400.00
Check	12/09/2015	10026	Kelly Clements	Entrance maintenance	1000 · Operati...	6500.21 · Outdoor ...		8.74
Check	12/09/2015	10027	Hill Country Springs	Office Water	1000 · Operati...	5500.50 · Office Su...		70.40
Check	12/09/2015	10028	PEC - City Hall	3000096693	1000 · Operati...	7500.01 · City Hall ...		110.33
Check	12/09/2015	10029	PEC - Outdoor	3000229534 & 300033364	1000 · Operati...	7500.03 · Outdoor ...		36.00
Check	12/09/2015	10030	Texas City Managemen...	ID# 70627	1000 · Operati...	7000.04 · Dues & ...		23.71
Check	12/09/2015	10031	Ace Hardware	Acct# 3532 - City Hall Maint/Office Supplies	1000 · Operati...	-SPLIT-		193.00
Check	12/09/2015	10032	San Marcos Daily Reco...	Acct# RA 1906-classified	1000 · Operati...	7000.20 · Public No...	0.00	
Check	12/09/2015	10033	Monogramming & Etc	VOID - Council's Woodcreek Shirts GJE, RGJ...	1000 · Operati...	5500.50 · Office Su...		554.88
Check	12/09/2015	10034	Law Office of Roger Go...	Legal Expenses	1000 · Operati...	6000.21 · General ...		53.30
General Jour...	12/09/2015	121516	Monogramming & Etc	For CHK 10033 voided on 12/09/2015	1000 · Operati...	5500.50 · Office Su...		
General Jour...	12/09/2015	1215...	Monogramming & Etc	Reverse of GJE 121516 -- For CHK 10033 voi...	1000 · Operati...	5500.50 · Office Su...	53.30	
Check	12/09/2015	10041	Judy Brizendine (O)	Reimbursement	1000 · Operati...	5500.50 · Office Su...	3,403.29	
Deposit	12/11/2015		Texas Comptroller of P...	Deposit	1000 · Operati...	3005 · State Sales ...		1,794.52
Liability Check	12/15/2015		QuickBooks Payroll Se...	Created by Payroll Service on 12/09/2015	1000 · Operati...	-SPLIT-		9.23
Check	12/15/2015	10035	Eric Eskelund	Official Pay - Dec	1000 · Operati...	-SPLIT-		9.23
Check	12/15/2015	10036	Frank Wood	Official Pay - Dec	1000 · Operati...	-SPLIT-		9.23
Check	12/15/2015	10037	Gene Golembiewski	Official Pay - Dec	1000 · Operati...	-SPLIT-		9.23
Check	12/15/2015	10038	Gordon Marsh	Official Pay - Dec	1000 · Operati...	-SPLIT-		9.23
Check	12/15/2015	10039	Judy L Brizendine	Official Pay - Dec	1000 · Operati...	-SPLIT-		9.23
Check	12/15/2015	10040	William Scheel	Official Pay - Dec	1000 · Operati...	-SPLIT-		9.23
General Jour...	12/15/2015	121515		To record payroll taxes for Dec Elected Official...	2000 · Payroll ...		0.00	
Paycheck	12/16/2015	Dir Dep	Paul E Brandenburg	Direct Deposit	1000 · Operati...	-SPLIT-		0.00
Paycheck	12/16/2015	Dir Dep	Barbara J Grant	Direct Deposit	1000 · Operati...	-SPLIT-		0.00
Paycheck	12/16/2015	Dir Dep	Linda L Land	Direct Deposit	1000 · Operati...	-SPLIT-		0.00
Deposit	12/16/2015		STG Design	Deposit	1000 · Operati...	3090 · Developmen...	500.00	
Deposit	12/16/2015			Deposit	1021 · Reserv...	4000 · Interest Inco...	78.36	
Liability Check	12/18/2015		QuickBooks Payroll Se...	Created by Payroll Service on 12/17/2015	1000 · Operati...	-SPLIT-		1,563.67
Check	12/23/2015	Debit	Joseph Struhl Company		1000 · Operati...	8900 · Miscellaneous		53.85
Check	12/29/2015	Debit	Uncommon USA, Inc		1000 · Operati...	6500.21 · Outdoor ...		25.00
Check	12/30/2015	Debit	USPS		1000 · Operati...	5500.60 · Postage ...		34.14
Check	12/30/2015	Debit	LaborLawCenter.com		1000 · Operati...	5500.50 · Office Su...		32.90
Check	12/31/2015	10042	Dahill		1000 · Operati...	5500.61 · Printing ...		80.10
Check	12/31/2015	10043	Tax Time, LLC		1000 · Operati...	6000.11 · Contract ...		471.80
Check	12/31/2015	10044	The County of Hays		1000 · Operati...	7000.05 · Election ...		2,592.10
Check	12/31/2015	10045	Time Warner Cable		1000 · Operati...	7500.02 · Telephon...		242.69
Check	12/31/2015	10046	Xerox Financial Services		1000 · Operati...	5500.61 · Printing ...		113.20
Check	12/31/2015	10047	Kelly Clements		1000 · Operati...	-SPLIT-		579.37

City of Woodcreek
Transaction List by Date
 December 2015

01/11/16

Type	Date	Num	Name	Memo	Account	Split	Debit	Credit
Check	12/31/2015	10048	AquaTexas - City Hall	000957765 0687110	1000 · Operati...	7500.01 · City Hall ...		128.78
Check	12/31/2015	10049	AquaTexas - Outdoor	9374970672071,9760590700920,9745120699...	1000 · Operati...	7500.03 · Outdoor ...		249.73
Check	12/31/2015	10050	ATS Engineers	Building Inspections	1000 · Operati...	7000.02 · Building I...		585.00
Deposit	12/31/2015			Interest	1006 · PEG - #...	4000 · Interest Inco...	1.28	
Deposit	12/31/2015			Interest	1020 · Investm...	4000 · Interest Inco...	6.43	

Dec 15

City Manager

From: roger@rogergordonlaw.com
Sent: Thursday, December 17, 2015 11:13 AM
To: Paul Brandenburg
Cc: Eric Eskelund
Subject: DRAFT Fence Ordinance & Questions
Attachments: DRAFT Fence Revision Ordinance (12_17_15).docx

Mayor, Paul:

Attached for the city's consideration and review please find a *Draft* Ordinance amending Section 156.058 of the City's Code of Ordinances to adopt changes permitting the construction of fences of certain materials & heights along lot lines contiguous to the golf course, with an approved permit.

There are just a few topics that, if the Council has not already done so, would require attention from the Council to determine their preference(s). They are as follows:

- 1. Setback Distance:** In the amended 156.058(B) herein the setback distance from the rear lot lines for fences along the golf course has not been quantified. It is currently set at 25-feet; a distance which I understand the Council desires to change. I have left this area blank to allow for the Council's desired setback distance to be included.
- 2. Small-Animal Fencing:** Is it the Council's intention to allow the construction of Small-Animal Fencing along lot-lines abutting the golf-course? As currently written, this amendment would allow for the construction of small-animal fencing along the golf course. If the Council seeks a change to this provision please advise accordingly.
- 3. Display of Permit:** I have included a section that would require a homeowner to display the City's permit during construction of the fence. Additionally, if approved the fence permit would expire after sixty (60) days; thus requiring the homeowner to "use it or lose it." These provisions were inserted to ensure consistency with other provisions of the same chapter.
- 4. Penalty Provision:** The code of ordinances contains two separate Penalty sections, 10.99 and 156.999. I have used 10.99 herein as it contains the requisite language governing criminal penalties. Section 156.999 addresses primarily civil remedies available if there is a violation of the Zoning ordinance. The use of 10.99 would not preclude the use of any available civil remedy to enjoin an ongoing violation. As such, 10.99 is my recommended penalty provision for this section.

Please do not hesitate to let me know if you have any questions.

Regards,

Roger Gordon

Roger E. Gordon

The Law Office of Roger Gordon

Attorney at Law

Phone: (512) 636-2540

Fax: (512) 692-2533

Email: roger@rogergordonlaw.com

Web: www.rogergordonlaw.com

9-A

ORDINANCE NO. _____

CITY OF WOODCREEK, TEXAS

AMENDMENT TO CHAPTER 156 OF THE CODE OF ORDINANCES

ZONING ORDINANCE

AN ORDINANCE AMENDING THE CITY OF WOODCREEK CODE OF ORDINANCES AT TITLE XV (“LAND USAGE”), CHAPTER 156 (“ZONING”), SECTION 156.058 (“FENCES”) TO ALLOW CONSTRUCTION OF ORNAMENTAL METAL FENCES CONTIGUOUS TO EXISTING GOLF COURSES, SETTING SPECIFIED SETBACKS FROM EXTERIOR LOT LINES FOR FENCES CONTIGUOUS TO GOLF COURSES, PROHIBITING WOOD FENCES ON LOT LINES CONTIGUOUS TO THE GOLF COURSE, SETTING MINIMUM AND MAXIMUM HEIGHTS, PROVIDING FOR A PERMITTING PROCESS, DEFINING TERMS, PROVIDING PENALTIES, AND PROVIDING FOR ENACTMENT, REPEALER, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE, AND FINDING PROPER NOTICE AND MEETING.

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

WHEREAS, the City Council finds that residences contiguous to the golf course who seek to construct fencing for the safety of residents, children, pets, guests and employees of the golf course; and

WHEREAS, the City Council finds that consistency in the materials and heights of the fences contiguous to the golf course are desirable features for both residential and commercial properties alike; and

WHEREAS, the City Council finds that the amending the Zoning ordinance to allow and regulate permitted fence materials and heights, 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:

Ordinance No. _____
Amending Chapter 156 of the Code of Ordinances
("Zoning")

Page 1 of 5

1. FINDINGS OF FACT

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

2. ENACTMENT

Chapter 156 ("Zoning") of the Code of Ordinances of the City of Woodcreek is amended at Section 156.058 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 _____, 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

Residential Requirements and Limitations

§ 156.058 FENCES.

(A) No wall, fence, planter or hedge in excess of two feet high shall be erected or maintained nearer to the front lot line than the front building setback line, nor on corner lots nearer to the street side lot line than the building setback line parallel to the side street. No rear fence, wall or hedge and no side fence, wall or hedge located between the side building line and the interior lot line (or located on the interior lot line) shall be more than six feet high.

(B) No object or thing which obstructs sight lines at elevations between two and six feet above the roadways and within the triangular area formed by intersecting street property lines and a line connecting them at points 25 feet from the intersection of the street lines (or extensions thereof) shall be placed, planted or permitted to remain on corner lots. No wall, fence, planter, hedge or other improvement or object shall be constructed or permitted nearer than ___ feet to an exterior lot line bordering the golf course. Retainer walls are excepted. Wood fences are prohibited on lot lines contiguous or abutting a golf course where the wood fence would be visible from the golf course. All fences along lot lines contiguous or abutting a golf course shall be constructed of ornamental metal and shall be a minimum of four feet (4') and a maximum of six feet (6') in height.

(C) Fencing materials not allowed are chain link, hog wire, barbed wire, mesh netting, rolled picket or similar materials; except that, Small-Animal Fencing, as that term is defined herein, may be used if its support structure and principal architectural appearance are of wood or ornamental metal. "Small-Animal Fencing" means metal fencing with opening spacing between the wires measuring approximately two inches by three inches. Wire thickness shall not exceed 0.1 inch.

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

(E) A fence permit will be issued by the city upon completion of an Type II Residential Permit Application and submittal of required fees in accordance with this chapter. A copy of an

approved Type II Residential Fence Permit must be visibly displayed during active construction and until completion of any fence permitted by the City. This permit will expire sixty (60) days from date of issuance.

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

Council Meeting Date: January 13, 2016

AGENDA ITEM COVER SHEET

Subject/Title: Appointment of a New Flood Plain Manager

Item Summary:

The city adopted a Floodplain Ordinance in 2005, a FEMA requirement. This requires a designated Floodplain Manager for the City.

Financial Impact/Financial Information:

No Financial Impact to the City

Comments/Recommendation:

Appoint the City Manager as the designated Floodplain Manager for the City of Woodcreek

Attachments

Submitted By:

Paul E. Brandenburg – City Manager

Council Meeting Date: January 13, 2016

AGENDA ITEM COVER SHEET

Subject/Title: Discussion and Action to Appoint a City Attorney

Item Summary:

The City sent out Requests For Qualifications (RFQ's) for Legal Services on December 3, 2015.

The deadline for submittals was December 23, 2015. The following four (4) Legal Firms submitted proposals:

- De Leon and Washburn, P.C.
- The Law Office of Roger Gordon
- Denton, Navarro, Rocha, Bernal, Hyde and Zech, P.C.
- Bojorquez Law Firm, P.C.

Financial Impact/Financial Information:

- Fee Structures and Rates have been submitted to the City Council
- \$30,000 is included in this year's fiscal budget.

Comments/Recommendation:

- The four (4) submitted proposals have been forwarded to City Council for review.
- Once approved, the chosen City Attorney will be required to take an Oath of Office.

Attachments

- Request For Qualifications

Submitted By:

Paul E. Brandenburg

City Manager

§ 30.22 CITY ATTORNEY.

(A) The Office of City Attorney shall be appointive. At the first regular meeting of the Council after the first general city election or as soon thereafter as practicable, and after members of the Council elected at said election have qualified and been installed in office, the Council shall, by majority vote, appoint a City Attorney to serve at the will and pleasure of the Council of the city.

(B) The City Attorney shall perform all duties as may be prescribed from time to time by the Council.

(Ord. 85-1, passed 2-14-1985)



City of Woodcreek

Request for Qualifications For City Attorney Services For the City of Woodcreek, Texas

I. Purpose

The City of Woodcreek is seeking Request for Qualifications (RFQ) from experienced Professional Legal firms or Individual Attorneys for the purpose of providing legal services to the City of Woodcreek on a contract basis.

The firm/individual will be tasked with providing general municipal counsel, basic legal services, advice on special projects, advice to the City Council and City Manager, and prosecution in the Municipal Court. The City requests that one attorney be designated as the point of contact or lead attorney. The chosen City Attorney will be appointed by the City Council and be required to take an oath of office as the City Attorney.

II. Services Required

The firm/individual selected is to have a Juris Doctorate from an accredited law school, a license to practice law in the State of Texas, and be a member in good standing of the Texas Bar. Experience with Texas municipalities and knowledge of municipal law, municipal finance, personnel law, and land use and regulation is preferred.

Basic legal services required include:

- a. Reviewing and drafting ordinances, resolutions, contracts, agreements, deeds, and easements.
- b. Providing advice regarding government operations, elections, open meetings, public information, City Ordinances, State law, personnel matters, property matters, and real estate matters, including annexation, zoning, and condemnation, water and wastewater utilities, and franchise agreements.
- c. Reviewing agendas and materials for the City Council meeting, preparing legal advice, and attending City Council and other meetings as needed.
- d. Providing counsel and advice to City Council, staff, and Boards and Commissions; and
- e. Serving as Municipal Court Prosecutor.
- f. The City Attorney will be required to provide a detailed, itemized billing on a monthly basis.

III. Proposal Requirements

Each Statement of Qualifications must address, but does not need to be limited to, the following issues:

1. Firm or individual name, including the address of all firm offices, identifying in which office the work will be performed.
2. Attach a list of Principals in the firm. Include a biographical sketch of each including education, years of experience, years of municipal law experience, and any areas of specialty within the field of municipal law.
3. Provide the name and complete resume of the assigned Attorney who will have primary responsibility for the City of Woodcreek legal matters.
4. Provide a list of other attorneys who will provide services to the City. Include a description of these attorneys' education, years of legal experience, years of municipal legal experience and any areas of specialty within the field of municipal law.
5. Provide a complete list of all current municipal clients including email and phone contact information. Please identify on the list which you think are most comparable to the City of Woodcreek.
6. If your firm has represented a city in the last five years, which you no longer serve as City Attorney, please provide the following information:
 - a. Name of city
 - b. Name of City Manager and contact information.
 - c. Explanation regarding why you no longer represent that city.
7. Provide a brief summary of the firm's experience in each of the following areas and your strategy for managing those areas which your firm does not have experience and would need to outsource:
 - a. Business contracts and agreements
 - b. Ordinances and resolutions.
 - c. Real estate matters including deeds and easements, annexation and condemnation.
 - d. Elections.
 - e. Open meetings and open records.
 - f. State law as it pertains to municipalities.
 - g. Personnel matters.
 - h. Zoning and development processes.
 - i. Development Agreements.
 - j. Municipal Court prosecution.
 - k. Water and wastewater.
 - l. Franchise Agreements
8. Please list any client that you currently represent that could cause a potential conflict of interest with the City of Woodcreek. Describe how you would resolve these current or future potential conflicts of interest.
9. If your firm has represented any client in the past fifteen years against the City of Woodcreek or one of its employees, please describe the case(s).
10. If you have filed any litigation in the last five years in which a municipality was a defendant, please describe the cases(s).
11. Any other items, which the firm/individual deems necessary.

Each submittal should also provide a summary detailing the experience and understanding of the role of providing consulting legal services including how the city attorney balances the relationship between the Mayor and Council as well as the City manager and staff. The summary should also include the Firm/Individuals Mission Statement and a Statement of Values.

IV. Evaluation Process

Based on the city's review of submittals, it is expected that firms may be short listed for further consideration, and may be required to submit supplemental information. Additionally the selected firms may be required to make a formal presentation before the Mayor and City Council.

V. Other Terms and Conditions

The City reserves the right to reject any or all responses. The City reserves the right to waive any variances from original RFQ specifications in cases where the variances are considered to be, in the sole discretion of the City, in the best interests of the City.

All proposals submitted in response to this RFQ shall become the property of the City. The City retains the right to use any or all information presented in any proposal to the RFQ, whether amended or not. Selection or rejection of the proposal does not affect this right.

Contracts shall be awarded to the applicant determined to be best qualified to meet the City's needs, with a mutually agreeable start date.

Please submit 8 copies of the Qualifications Statement with a maximum of 10 pages each, by 4:00 p.m. CST on December 23, 2015 to:

Address:
Paul E. Brandenburg, City Manager
City of Woodcreek
41 Champions Circle
Woodcreek, TX 78676

VI. Inquiries

Any informational question for this request may be directed to Paul E. Brandenburg, City Manager, via manager@cityofwoodcreek.com or at (512)847-9390.

AREA MUNICIPAL LAW CONTACTS FOR DEC. 2015 RFQ

NAME	ADDRESS
Charles Zeck	2517 North Main Avenue San Antonio, TX 78212
Bojorquez Law Firm	12325 Hymeadow Dr., Ste. 2-100 Austin, TX 78750
Law Office of Roger Gordon	901 South Mopac Expressway Bld. One - Suite 300 Austin, TX 78746
Porter, Rogers, Dahlman & Gordon, P.C.	2600 Via Fortuna #130 Austin, TX 78746
Wright & Greenhill, P.C.	221 W. 6th Street #1800 Austin, TX 78701
DeLeon & Washburn	901 South Mopac Expressway Barton Springs Plaza V, Ste. 230 Austin, TX 78746
Law Office of Tom Murphy	9600 Great Hills Trail, Suite 150 W. Austin, TX 78759
Denton, Navarro, Rocha, Bernal, Hyde & Zech, P. C.	2500 W. William Cannon, Ste. 609 Austin, TX 78745
Wilson Brown, PLLC	3308 Broadway, Suite 300 San Antonio, TX 78209
Serna & Serna, PLLC Attorneys at Law	126 Villita Street, Suite 300 San Antonio, TX 78205

Council Meeting Date: January 13, 2016

AGENDA ITEM COVER SHEET

Subject/Title: Report on Joinder of Lots

Item Summary:

Staff has followed up with the City of Tomball Planning Department as well as the Texas Municipal League (TML) to identify the Advantages and Disadvantages of the creation of a Joinder of Lots Ordinance.

Financial Impact/Financial Information:

No Financial Impact to the City

Comments/Recommendation:

If Council feels that they would like to create a Joinder of Lots Ordinance, staff will proceed with creating one. If Council does not wish to take any action, and to take this report and information under advisement, staff will take no further action.

Attachments

- Joinder of Lots Advantages and Disadvantages
- Sample Tomball Ordinance

Submitted By:

Paul E. Brandenburg

City Manager

JOINDER OF LOTS

COUNTY

Advantages

- Inexpensive and takes less time than re-platting.
- Benefits property owners with non-conforming issues.
- More applicable for older or established subdivisions, not new neighborhoods or housing.

Challenges

- May compromise existing easements and public rights of way.
- Should not apply to two different property owners.
- Applicability to other zoning districts besides single family residential (duplexes, multi-family, commercial).
- Are there other existing mechanisms and tools available to Cities such as variances.
- May be viewed as a taking of County authority in the platting process.
- Proper recordings may not take place between City and County.
- Future property owners may be impacted.
- Can subdividing take place in the future once they are joined?

ORDINANCE NO. 2011-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, AMENDING CHAPTER 70, PLATS AND THE SUBDIVISION OF LAND, OF THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY AMENDING SUBSECTION (d) OF SECTION 70-3 OF ARTICLE I TO ALLOW JOINDER OF LOTS UNDER COMMON OWNERSHIP WITHOUT REQUIRING A PLAT PROVIDED THAT THE JOINDER OF LOTS DOES NOT REQUIRE THE DEDICATION OR REMOVAL OF ANY PUBLIC RIGHTS-OF-WAY, PUBLIC EASEMENTS OR PUBLIC IMPROVEMENTS; PROVIDING A PENALTY IN AN AMOUNT OF NOT MORE THAN \$2,000 PER OFFENSE FOR VIOLATION OF ANY PROVISION HEREOF, WITH EACH DAY CONSTITUTING A SEPARATE OFFENSE; PROVIDING FOR SAVINGS AND SEVERABILITY; PROVIDING FOR PUBLICATION; AND MAKING OTHER PROVISIONS AND FINDINGS RELATED THERETO.

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:

Section 1. The Code of Ordinances of the City of Tomball is hereby amended by adding to Subsection (d) of Section 70-3, Exceptions, of Article I, Special Provisions, the language underscored below, the amended Subsection (d) to read as follows:

“Sec. 70-3. Special provisions.

* * *

(d) *Exceptions.*

- (3) A division of land does not include the merger of two or more adjoining lots or tracts of land, with common ownership, that the owner(s) wish(es) to merge into one lot in order to avoid the creation of a technical violation of the City’s building, subdivision and zoning regulations relating to building setback lines. This exception applies only if:
 - a. the lots or tracts had at least one (1) owner in common as of the effective date of this ordinance; and
 - b. the lots or tracts are located in the Recorded Plat Revised Map of Tomball Harris Co. Texas recorded July 9, 1912, a true and correct copy of which is attached hereto as Exhibit “A” and incorporated herein for all purposes; and

- c. a structure existed on the lots or tracts, as of the effective date of this ordinance, provided, however, that this exception shall not apply in the event that sixty-percent (60%) or more of the square feet of the structure is removed or destroyed; and
- d. the joinder of lots or tracts does not require the dedication or removal of any public rights-of-way, public easements or other public improvements; and
- e. the owner(s) agrees in writing on a form approved by the City that the merged lot may not be divided in the future unless a subdivision plat authorizing such division is approved by the City and filed of record in accordance with applicable state laws and City Ordinances governing plats and the subdivision of land. The form must also inform and declare that any subsequent purchaser will be bound by the requirements of this exception and the form shall be filed in the County Clerk's office of the County in which the property is located. A property owner who has elected to join one (1) or more lots pursuant to this subsection may file an election with the City to reverse the joinder of lots so long as no violation of the City's setback requirements in the building, subdivision, or zoning regulations is created by the reversal.

Two or more platted lots joined together pursuant to this Subsection shall be considered one (1) joined lot for purposes of this Chapter; provided, however that nothing contained herein shall otherwise constitute an exception to the platting requirements imposed by this Chapter."

Section 2. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 3. It is the intent of the City that this Ordinance shall comply in all respects with the applicable provisions of the United States Constitution, the Texas Constitution, and the Charter of the City of Tomball. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission

of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 4. Any person, firm or corporation that knowingly violates any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Tomball, Texas, and, upon conviction, shall be punished by a fine not to exceed Two Thousand (\$2,000.00) dollars for each offense with each day of violation constituting a separate offense.

Section 5. This Ordinance shall take effect immediately from and after its passage and the publication of the caption hereof, as provided by law and the City's home rule Charter.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 20TH DAY OF JUNE 2011.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN BROWN	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>ABSENT</u>
COUNCILMAN DODSON	<u>AYE</u>

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 5TH DAY OF JULY 2011.

COUNCILMAN HUDGENS	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN BROWN	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN DODSON	<u>AYE</u>

Gretchen Fagan
Gretchen Fagan, Mayor

ATTEST:

Council Meeting Date: January 13, 2016

AGENDA ITEM COVER SHEET

Subject/Title: Open Carry Signage for City Hall

Item Summary:

As of 1/1/2016 the open carry laws in Texas changed. There are prohibitions cited in the law, but local units of government need to adopt an ordinance stating what locations(s) as well as the posting of lawful signage notifying the public.

Financial Impact/Financial Information:

The City will require three (3) signs at City Hall.

Comments/Recommendation:

- Motion to create an ordinance for the next City Council meeting prohibiting weapons in City Hall, and for staff to procure the proper signage.
- Staff will also post information on the City website.

Attachments

Open Carry Questions

Submitted By:

Paul E. Brandenburg

City Manager

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Laws that relate to carrying a handgun

32. I have applied for a Texas License to Carry a Handgun (LTC). When can I begin carrying my handgun?

33. My Texas License to Carry a Handgun (LTC) has expired, and my renewal application is in process. Can I carry a handgun while I am waiting to receive my new license?

34. Can I carry my handgun in plain view with my Texas License to Carry a Handgun (LTC)?

Prior to January 1, 2016, Texas Penal Code Chapter 46 prohibits carrying the handgun in plain view. The handgun cannot be openly discernible to the ordinary observation of a reasonable person. License holders may be subject to criminal charges for carrying a handgun in plain view.

Effective January 1, 2016, Texas Penal Code Chapter 46 will be amended to prohibit carrying the handgun in plain view unless the person is licensed to carry a handgun under Subchapter H, Chapter 411, Texas Government Code, and the handgun is carried in a shoulder or belt holster.

License holders may still choose to carry a concealed handgun in any location that is not expressly prohibited by law in locations permitted by law.

NOTE: License holders are reminded that carrying of a handgun in certain places is still prohibited under Penal Code Chapter 46. Additionally, handguns may not be carried openly on the campus of an institution of higher education pursuant to Government Code, Section 411.2031, added by SB 11 (84th Legislature), and Penal Code, Section 46.035, as amended by HB 910 (84th Legislature).

35. Does the new Texas law require a specific type of shoulder or belt holster?

36. I currently hold a Texas License to Carry a Handgun (LTC). Where am I not permitted to carry my handgun?

A license holder may carry a handgun anywhere in Texas that is not expressly prohibited by law. Those prohibitions appear in several provisions of the Texas Penal Code.

For example, §46.035, Texas Penal Code prohibits carrying of handguns and other weapons:

- On the premises of a business that derives 51% or more of its income from the sale or service of alcoholic beverages for on-premises consumption; such premises are required to post notices under Texas GC §411.204
- On the premises where a high school, collegiate, or professional sporting or interscholastic event is taking place
- On the premises of a correctional facility
- On the premises of a hospital or nursing home if effective notice of prohibition is given per Penal Code Chapter 30 (unless the licensee has written authorization); such premises also are required to post notices under Texas GC §411.204
- In an amusement park (if effective notice of prohibition is given per Penal Code Chapter 30)
- On the premises of a church, synagogue, or other place of worship (if effective notice of prohibition is given per Penal Code Chapter 30)
- ✓ • At any meeting of a governmental entity (if the meeting is subject to the Texas Open Meetings Act per Government Code Chapter 551, and effective notice of prohibition is given per Penal Code Chapter 30)

In addition, §46.03, Texas Penal Code specifically prohibits handguns in the following locations:

- On the physical premises of a school, grounds or buildings on which an activity sponsored by a school is being conducted, or in a school transportation vehicle;
- On the premises of a polling place on the day of an election or while early voting is in progress;
- ✓ • On the premises of any government court or court offices (unless the licensee has written authorization from the court);
- On the premises of a racetrack;
- In or into a secured area of an airport; or
- Within 1,000 feet of premises designated as a place of execution on the day a sentence of death is set to be imposed.

Be advised that Sections 46.03 and 46.035 also provide numerous exceptions and defenses to prosecution that may apply and should be carefully reviewed.

❖ **37. I currently hold a Texas License to Carry a Handgun (LTC). Does the law prohibit carrying a handgun on public transportation?**

❖ **38. Does the law prohibit the licensed carrying of a handgun in a public park?**

No. Texas law does not specifically address any prohibitions against a license holder from carrying a handgun in public park.

License holders should note that some public parks are federal property and are subject to federal laws. To determine if a park is a federal property, see Army Corp of Engineers.

❑ 39. What are the laws for licensed carrying of a handgun on a Native American Indian Reservation?

❑ 40. Do private property owners have the right to exclude license holders from their property?

❑ 41. What are the new requirements for a sign posted under §30.06 or §30.07, Texas Penal Code?

❑ 42. Section 30.06 and 30.07, Texas Penal Code, say that a private property owner can give notice using a "a card or other document." Does that mean I can exclude LTC holders by posting a business card or other small document with the text required by Sections 30.06 or 30.07?

❑ 43. What are the penalties against a license holder for violating §30.06 or §30.07, Texas Penal Code?

✓ ❑ 44. Does a state agency or political subdivision (e.g., a county or city) have the right to exclude license holders from carrying concealed handguns on state, county, or city property?

No. Per Senate Bill 273 (84th Legislature), state agencies and political subdivisions cannot use §30.06, Texas Penal Code, to exclude concealed handguns from their government property. In fact, if a state agency or political subdivision unlawfully posts a sign under §30.06, the state agency or political subdivision can be fined \$1,000-\$1,500 for the first offense and \$10,000-\$10,500 for each subsequent offense.

Note, however, that license holders are still prohibited from carrying their handguns on the premises listed in §46.03 and §46.035 of the Texas Penal Code, and those places include some properties owned by state agencies and political subdivisions (e.g., courts).

❑ 45. What does Texas law state regarding carrying a handgun while intoxicated?

❑ 46. What is the criminal sanction or civil liability for handgun license holders if the person has an accidental discharge of the handgun?

Council Meeting Date: January 13, 2016

AGENDA ITEM COVERSHEET

Subject/Title: Discussion and possible action on pothole repairs and other street maintenance projects.

Item Summary:

The City has several areas that require pothole repairs. The original list of approximately 15 locations has increased to over 30 locations (attached). Hays County as well as Myers Concrete Construction, LP. Have submitted proposals for the pothole construction. A third contractor has looked at the sites but has not submitted a proposal to date.

The City's Public Works Director has also requested separate submittals for two additional locations for Remove and Replace work. Both the County and Myers submitted for this work as well.

In addition, there is a very serious safety concern at the curve of Champions Circle. This is not routine maintenance work but rather emergency work that needs to be addressed immediately. The County has submitted a price for this as well.

Financial Impact/Financial Information:

The City has budgeted \$25,000 in street maintenance for 2015/16.

Comments/Recommendations:

It is staff's recommendation to:

- Approve the proposal submitted by Hays County for the **Emergency** work on Champions Circle in the amount of \$4,280 plus administrative costs per our Interlocal Agreement and to commence work immediately.

- Approve the pothole work with Hays County in the amount of \$6,756 plus administrative costs contingent upon the County commencing work within five(5) working days, if not, approve the contract with Myer's Concrete Construction in the amount of \$6,810 plus administrative costs.
- Direct the Public Works Director to refine and work with Hays and Myers on the other identified street maintenance projects for accuracy of specifications and proposals and to bring them back at a future date once finalized.

Attachments:

Pothole list

Hays County Proposal

Myers Concrete Construction

Submitted by:

Paul E. Brandenburg

City Manager

LIST OF POTHOLE AND SURFACE PAVEMENT REPAIRS IN THE CITY OF WOODCREEK TEXAS, 12-29-2015

Repair of potholes (PH), surface restoration (SR), Remove and replace (RR).

LOCATION	REP TYPE	LENGTH FT	WIDTH FT	AREA-SF
Augusta Dr. at No. 119	PH	2	2	4
Augusta Dr. at No. 121	PH	2	2	4
Augusta Dr. at No. 125	PH	2	2	4
Augusta Dr. at the west				0
Brookhollow Intersection	PH	2	6	12
Augusta Dr. at the west				0
Brookhollow Dr. Intersection	PH	6	2	12
Augusta Dr. at No. 119	PH	2	2	4
Augusta Dr. at No. 161	PH	5	5	25
Augusta Dr. at No. 163	PH	5	9	45
Augusta Dr. at No. 163	PH	6	9	54
Augusta Dr. at No. 163	PH	5	5	45
Augusta Dr. at No. 163	ph	1	1	1
Augusta Dr. at No. 163	PH	1	1	1
Brookhollow Dr at the east				0
Augusta Dr. Intersection	PH	2	2	4
Brookhollow Dr. at the east				0
Augusta DSr. Intersection	PH	1	1	1
Canyon Creek at the				0
Woodview Ct. Intersection	PH	2	2	4
Champions Circle @ water tank	PH	12	4	48
Champions Circle @ water tank	PH	2	2	4
Champions Circle at No. 86	PH	8	3	24
Cypress Point Dr. at the				0
Woodcreek Dr. Intersection	PH	2	2	4
Cypress Point Dr. at the				0
Woodcreek Dr. Intersection	PH	2	4	8
Doolittle Dr. at No. 59	PH	3	3	9
Doolittle Dr. at No. 59	PH	3	7	21
Overbrook Ct. at No. 3	PH	2	2	4
Overbrook Ct. at No. 5	PH	10	2	20
Overbrook Ct. at No. 6	PH	2	2	4
Overbrook Ct. at No. 6	PH	5	5	25
Palmer La. at the				0
Wilson Circle ntersection	PH	2	2	4
Pebblebrook La. At No. 49	PH	2	2	4
Pebblebrook La. At No. 49	PH	2	2	4
Wildwood Circle at No. 35	PH	3	2	6
TOTAL POTHOLES SF:				409
Canyon Creek at No. 38	SR	5	4	20
Brookhollow Dr. at the low				0
water crossing	SR	9	8	72

Woodcreek Dr. at Pro Lane	SR	10	3	30
TOTAL SURFACE RESTORATION SF:				122
Jack Miller Dr. at Doolittle Dr.	RR	25	10	250
Brookmeadow Dr.west of the				0
Low Water crossing	RR	65	6	390
TOTAL REMOVE & REPLACE SF:				640

City Manager

From: Cade Patterson <cade@myersconcrete.com>
Sent: Tuesday, December 29, 2015 12:58 PM
To: manager@cityofwoodcreek.com
Cc: dpw@cityofwoodcreek.com
Subject: proposal for potholes
Attachments: Woodcreek.pdf

Paul and Frank,

Here is my proposal for the work Frank and I looked at yesterday. Option A is for the potholes Option B and C are for the 2 areas Frank wanted broken out separately. Please note that the option areas are priced to be installed with the pothole repair. We can start work on Monday 1/4. Please call me with any questions or concerns

Cade Patterson
Myers Concrete Construction, LP
P O Box 2928
Wimberley, TX 78676
(512)847-8000 Office
(512)847-3831 Fax
(512)393-1992 Cell
www.mversconcrete.com

MYERS CONCRETE CONSTRUCTION, LP

P.O. BOX 2928 WIMBERLEY, TEXAS 78676

512-847-8000 Wimberley 512-842-5000 Austin Metro 512-847-3831 Fax
www.myersconcrete.com email: info@myersconcrete.com

WBE/Hub Certified

City of Woodcreek

Attn: Paul Bradenburg / Frank Wood
41 Champions Circle
Wimberley, TX 78676

512-847-9390 Phone

manager@cityofwoodcreek.com
www.cityofwoodcreek.com

December 29, 2015

Project: Pothole Repair

CONTRACT

1. Myers Concrete Construction, LP proposes to supply all labor and materials for the following work described:

- A. Repair Potholes – 31 Areas – 405 SF

- a. Clean out potholes to allow for new asphalt
- b. Saw cut some areas as needed to remove loose edge material
- c. Tack coat edges
- d. Install no more than 3" of asphalt compacted thickness
- e. All work to be done in one move in

\$6,810.00

- B. Optional Repair Area at Jack Miller Dr and Doolittle – 10' X 25'

- a. Saw cut, demo and haul off existing asphalt and base no thicker than 3"
- b. Compact subgrade
- c. Tack coat edges
- d. Install asphalt no thicker than 3"
- e. Priced to be completed with Option A


\$1,850.00

- C. Optional Repair Area at Brookmeadow Water Crossing – 6' X 65'

- a. Saw cut, demo and haul off existing asphalt and base no thicker than 3"
- b. Compact subgrade
- c. Tack coat edges
- d. Install asphalt no thicker than 3"
- e. Priced to be completed with Option A

\$2,445.00

2. Exclusions: Bonds, Permits, Testing, Rock Excavation, and Utilities Not Clearly Marked.
3. Myers Concrete Construction, LP will provide Workers Compensation and General Liability Insurance.
4. Contract must be signed and returned prior to any commencement of work
6. Draws paid as work progresses and payment in full upon completion.
7. **Total price for all work listed above** **\$11,105.00**



Myers Concrete Construction, LP
By Randy Myers, VP of Myers Concrete, LLC, GP

City of Woodcreek



Date

Date

City Manager

From: Scott Gheen <scott.gheen@rammingcompanies.com>
Sent: Saturday, January 09, 2016 12:52 PM
To: 'manager@cityofwoodcreek.com'
Subject: RE: Woodcreek Potholes
Attachments: City of Woodcreek Pothole & Surface Repairs.pdf

Paul,

Attached is our bid for the City of Woodcreek Pothole & Surface Repairs.

All repairs are per the list provided.
TxDOT Type D Asphalt is to be used on all repairs.

I estimate 3 days to complete all items.

We are changing our name for 2016.
Ramming Paving will become Austin Materials.
This is a name change only, all other operations will remain the same.

On Monday, my email will change to - scott.gheen@austinmaterials.com



Scott Gheen
Sr. Project Manager\Estimator
Austin Materials, LLC
9020 N Capital of Texas Hwy
Bldg II, Suite 250
Austin, TX 78759
512-782-0017 Office Direct
512-251-3709 Office Fax
512-845-4439 Mobile
www.austinmaterials.com

From: City Manager [<mailto:manager@cityofwoodcreek.com>]
Sent: Monday, January 04, 2016 3:03 PM
To: Scott Gheen
Cc: City Clerk
Subject: RE: Woodcreek Potholes

Thank Scott. Please swing by City Hall and I'll give you a list of locations. City Hall opens up at 10:00 am.

Paul Brandenburg
City Manager



AUSTIN MATERIALS COMPANY, LLC

9020 North Capital of Texas Hwy
 Bldg. II, Suite 250
 Austin, Texas 78759
 Office 512-251-3713
 Fax 512-251-3709

To: City Of Woodcreek	Contact: Paul Brandenburg
Address: 41 Champions Circle Woodcreek, TX 78676	Phone: 512-847-9390
	Fax: 512-847-6661
Project Name: City Of Woodcreek Pothole & Surface Repairs	Bid Number: 1874
Project Location: Various Streets, Woodcreek, TX	Bid Date: 2/4/2013

Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
1	Asphalt Pothole Repair- Type D - 3" Avg (Tack & Fill)	45.00	SY	\$215.90	\$9,715.50
2	Asphalt Surface Repair- Type D - 1" (Tack & Levelup)	13.00	SY	\$188.20	\$2,446.60
3	Asphalt Patching- Type D - 2" (Saw Cut, Remove & Replace)	71.00	SY	\$68.90	\$4,891.90

Total Bid Price: \$17,054.00

Notes:

- We hereby submit an estimate for the following scope of work for the project listed above. All scope of work includes labor, material, equipment based applicable plans and specifications. Ramming Paving Company will carry General Liability and Workers Compensation Insurance as indicated by project specifications. Any alteration or deviation from the above specifications involving extra cost must be in writing and will be considered a change order. Customer/Owner is responsible for moving all vehicles, dumpsters, physical impediments, and other items out of the work area before the scheduled start of work. Customer/Owner is responsible for protecting the work site from tenants, customers, other work activities, and will bear any additional costs of repairing work.
- Mix Design: Job mix formula is certified in accordance with TxDOT Construction Bulletin C-14, as modified by Test Method TEX-204-F and TXDOT Item 340; Asphalt Content (PG 64-22). All materials are guaranteed to be as specified. All Materials Quoted with SAC B Aggregates with RAP unless noted otherwise.
- Excludes: Bonds; Testing; Barricades or traffic control; Flaggers; Police Officers; Arrow or Message Boards; Lane Closures; Permits & Fees; Signage; Wheel stops; Striping or pavement markings; Temporary Striping; Installing or Removal of Tabs; Sweeping/ Pressure washing/ or cleaning of pavement; Cleaning pavement between lifts; Milling of pavement; Saw-cutting of Pavement; Demo of Pavement; Adjustments to utilities/ Manholes/ Valves; Protection of drainage systems; Erosion Control; Installation or removal of Safety Slopes; Earthwork; or concrete work.
- Acceptance Terms: The above quoted prices are subject to change if not accepted within 30 days from the offered proposal. Qualifications on this proposal shall become part of any contract arising from such. This quote & our standard Ramming Job Information Sheet must be signed and returned prior to project submittals or scheduling any work. New clients will need to provide company information to be set-up in our system. Please allow 2-4 weeks for this administrative process.
- Scheduling of Work: Following the acceptance terms above, please allow a Minimum of Two (2) weeks notice to ensure we have enough notice to provide resources for the project.
- Pricing Above Includes One (1) Mobilization To Complete the Work. Additional Mobilizations shall be paid at \$2,500.00 Each.
- Price Good Through May 2016
- Sales Tax Excluded - City of Woodcreek

Payment Terms:

Payment in full due within 30 days of invoice date. No retainage may be held unless covered under a separate agreement for the project. Ramming Paving Company reserves the right to progress bill based on the percentage (%) of contract completion.

PROPOSED ESTIMATES FOR CITY OF WOODCREEK

#	REPAIR TYPE & LOCATIONS	AREA S.F.	TIME (HRS)	LABOR	EXPENSES	EQUIPMENT	EXPENSES	MATERIALS	EXPENSES	TOTALS
	CHAMPIONS CIRCLE * - at 90 degree curve near the water tower, City offices.	120	8	5 MAN CREW (\$173/HR)	\$ 1,384	5 - MAINT. EQUIPMENT (\$182/HR)	\$ 1,456	BLACK-BASE 12 TONS (\$60/TN) COLD MIX ASPHALT 6 TONS (\$80/TN)	\$ 960	EMERGENCY REPAIR \$4,280
	POTHOLE REPAIR AUGUSTA DRIVE BROOKHOLLOW DRIVE CANYON CREEK CHAMPIONS CIRCLE CYPRESS POINT DRIVE WOODCREEK DRIVE DOOLITTLE DRIVE OVERBROOK COURT PALMER LANE PEBBLEBROOK LANE WILDWOOD CIRCLE	409	64	1 MAN CREW (\$34.5/HR)	\$ 2,208	1 - PATCHER TRUCK (\$42/HR)	\$ 2,688	GRADE 5 ROCK 20 TONS (\$23/TN) HERS-2 OIL 350 GALS (\$4/GL)	\$ 460	1,400
1										
	SURFACE REPAIR CANYON CREEK BROOKHOLLOW DRIVE WOODCREEK DRIVE	122	16	1 MAN CREW (\$34.5/HR)	\$ 552	1 - PATCHER TRUCK (\$42/HR)	\$ 672	GRADE 5 PAVING ROCK 4 TONS (\$23/TN) HERS-2 OIL 80 GALS (\$4/GL)	\$ 92	320
2										
	REMOVE AND REPLACE JACK MILLER DRIVE BROOKMEADOW DRIVE	640	56	5 MAN CREW (\$173/HR)	\$ 9,688	5 - MAINT. EQUIPMENT (\$182/HR)	\$ 10,192	BLACK-BASE 20 TONS (\$80/TN) COLD MIX ASPHALT 20 TONS (\$80/TN)	\$ 1,600	1,600
3										
	REMOVE AND REPLACE									\$23,080
4	ADMINISTRATIVE FEE ESTIMATING, PROCESSING, DOCUMENTATION, INVOICING				\$ 500					\$500

\$36,252

MYERS CONCRETE CONSTRUCTION, LP

P.O. BOX 2928 WIMBERLEY, TEXAS 78676

512-847-8000 Wimberley 512-842-5000 Austin Metro 512-847-3831 Fax
www.myersconcrete.com email: info@myersconcrete.com

WBE/HUB Certified

City of Woodcreek

Attn: Paul Bradenburg / Frank Wood
41 Champions Circle
Wimberley, TX 78676

512-847-9390 Phone

manager@cityofwoodcreek.com
dpw@cityofwoodcreek.com

January 13, 2016

Project: Pothole Repair

CONTRACT

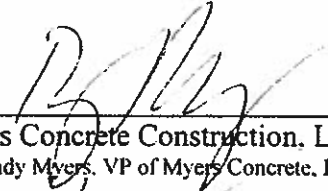
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\$6,500.00

2. Exclusions: Bonds, Permits, Testing, Rock Excavation, and Utilities Not Clearly Marked.
3. Myers Concrete Construction, LP will provide Workers Compensation and General Liability Insurance.
4. Contract must be signed and returned prior to any commencement of work
6. Draws paid as work progresses and payment in full upon completion.
7. **Total price for all work listed above** **\$6,500.00**



Myers Concrete Construction, LP
By Randy Myers, VP of Myers Concrete, LLC. GP

City of Woodcreek

Date

Date