

**City of Woodcreek City Council Meeting**  
**September 9, 2015; 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 September 9, 2015, 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. Proclamation of October 6<sup>th</sup> as National Night Out (Mayor Steinert)
  - B. Report of National Night Out Committee (Mayor Pro Tem Britner)
  - C. DPW Monthly Report of Significant Events (Director Frank Wood)
  - D. Treasurer's Report for August 2015 (City Treasurer Golembiewski)
  - E. City Manager Monthly Report of Significant Events (City Manager Sone)
  
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 City Council meeting of August 12, 2015, and the Special City Council meeting of August 24, 2015.
  - B. Approval of Treasurer's Report for August 2015.
  
9. **6:45 p.m. Public Hearing**
  - a. **Tax Rate:** Consider an Ordinance authorizing a tax rate of \$0.1305 per \$100 valuation for 2015.
  - b. **Staff Briefing.**
  - c. **Public Hearing:** All persons wishing to speak for or against shall be heard.
  - d. **Deliberation and Action.**

10. 6:45 p.m. Public Hearing

- a. **2015-2016 Budget:** Consider an Ordinance adopting the Operating Budget for the City of Woodcreek for Fiscal Year 2015-2016 beginning October 1, 2015.
- b. **Staff Briefing.**
- c. **Public Hearing:** All persons wishing to speak for or against shall be heard.
- d. **Deliberation and Action by Roll Call Vote.**

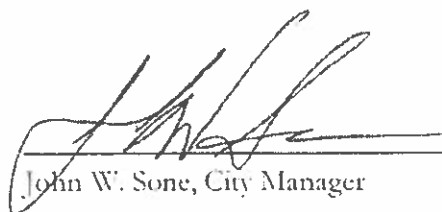
11. Regular Agenda

- A. Discussion and action to proclaim September 17-23 as Constitution Week. (Mayor Steinert)
- B. Discussion and possible action to segregate the office of City Secretary from that of City Manager/City Administrator, pursuant to Woodcreek Code of Ordinances Sec. 30-15(B). (Mayor Steinert)
- C. Discussion and possible action to appoint an Interim City Secretary pending the appointment of a City Secretary by the City Council. (Mayor Steinert) (Personnel Matters)
- D. Receive and discuss evaluation report on City Manager John Sone and recommendations from the Employee Review Committee. (Mayor Steinert) (Personnel Matters)
- E. Discussion and possible action on the recommendation(s) of the Employee Review Committee appointed at the council meeting of August 24, 2015. (Mayor Steinert)
- F. Discussion and possible action to direct further development of a proposed amendment to the Zoning Ordinance to allow and restrict parking in the City rights of way within residential properties. (Councilmember Maldonado)
- G. Discussion and possible action to direct staff research into the repeal or amendment of Section 156.102(F)(2), Woodcreek Code of Ordinances. (Mayor Pro Tem Britner)
- H. Discussion and action to adopt Amendment #3 to the 2014-2015 Budget. (City Manager Sone)

12. 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 5<sup>th</sup> of September, 2015, at 12:30 p.m. By:

  
\_\_\_\_\_  
John W. Sone, City Manager

**City of Woodcreek**  
**Treasurer's Report of August 2015**

							Percentage Completed 0.92%		
Revenues:	2014-2015			2013-2014			Aug-15	Aug-14	Diff
	YTD	BA #2	%	YTD	Budget	%			
3000 Ad Valorem Tax	194,072	192,000	101%	188,341	189,228	100%	1,689	2,281	(592)
3005 State Sales Tax	32,909	35,000	94%	76,895	76,895	100%	3,601	3,237	364
3010 Mixed Beverage Tax	898	555	162%	496	496	100%	-	-	-
3020 PEC Franchise Fee	29,836	29,836	100%	30,700	30,700	100%	-	-	-
3030 Time Warner Franchise Fee	26,057	26,057	100%	19,591	19,591	100%	-	1,283	(1,283)
3030.10 TWC - PEG Cable Revenue	6,541	-	0%	10,075	-	0%	2,658	6,413	(3,755)
3040 AquaTexas Franchise	83,403	83,403	100%	82,590	82,590	100%	-	-	-
3050 IESI Franchise Fee	13,172	13,172	100%	12,274	12,274	100%	-	3,049	(3,049)
3060 Telephone Franchise Fee	1,676	1,000	168%	1,931	1,949	99%	500	479	21
3070 QuickSand Franchise Revenue	500	500	100%	-	500	0%	-	-	-
3080 Reimbursement	-	-	0%	-	-	-	-	-	-
3080.1 Engineering Reimbursement	115	-	0%	3,220	3,220	-	-	-	-
3080.2 Legal Reimbursement	-	-	0%	5,476	5,476	-	-	-	-
3080.3 Admin Reimbursement	113	-	0%	870	-	-	-	-	-
3090 Development Revenue	26,759	26,000	103%	14,935	14,935	100%	1,860	160	1,700
3095 Sign Fees	120	-	0%	270	-	-	-	-	-
4000 Interest Income	1,923	2,100	92%	592	800	74%	286	139	146
4010 Other Revenue	530	100	530%	450	450	100%	-	-	-
4015 Oak Wilt Containment	-	-	0%	-	-	-	-	-	-
4020 Municipal Court Revenue	1,587	1,265	125%	1,826	1,900	96%	-	-	-
4040 Donations Received	5,145	5,145	0%	-	-	-	-	-	-
<b>Total Gen Fund Revenues</b>	<b>425,356</b>	<b>416,133</b>	<b>102%</b>	<b>450,532</b>	<b>441,004</b>	<b>102%</b>	<b>10,593</b>	<b>17,041</b>	<b>(6,448)</b>
							Percentage Completed 0.92%		
Expenditures:	2014-2015			2013-2014			Aug-15	Aug-14	Diff
	YTD	BA #2	%	YTD	Budget	%			
5000.01 Salaries and Wages	75,626	83,000	91%	72,510	81,000	90%	7,108	7,007	101
5000.20 Payroll Tax	7,761	7,200	108%	8,477	8,477	100%	564	887	(323)
5000.40 Retirement	2,621	2,900	90%	1,696	2,378	71%	272	185	87
5000.50 Direct Deposit Expense	118	120	98%	101	108	93%	11	10	1
<b>5000 Personnel Services</b>	<b>86,125</b>	<b>93,220</b>	<b>92%</b>	<b>82,785</b>	<b>91,963</b>	<b>90%</b>	<b>7,955</b>	<b>8,088</b>	<b>(135)</b>
5500.10 City Hall Maintenance/Repairs	338	3,500	10%	2,073	2,500	83%	-	-	-
5500.30 IT & Radio	48	5,000	1%	4,420	6,700	66%	-	-	-
5500.40 Newsletter	998	1,100	91%	632	632	100%	223	215	8
5500.50 Office Supplies	3,346	3,500	96%	3,483	3,600	97%	158	949	(790)
5500.60 Postage & Shipping	1,039	1,500	69%	1,118	1,500	75%	285	253	32
5500.61 Printing & Reproduction	1,817	2,500	73%	2,278	2,400	95%	113	113	-
5500.70 Storage Rental	908	1,000	91%	980	980	100%	-	-	-
<b>5500 Office Expenses</b>	<b>8,495</b>	<b>18,100</b>	<b>47%</b>	<b>14,985</b>	<b>18,312</b>	<b>82%</b>	<b>780</b>	<b>1,530</b>	<b>1</b>
6000.01 Audit Expenses	6,600	6,600	100%	6,200	6,200	100%	-	-	-
6000.10 Codification	1,814	1,814	100%	6,406	6,500	99%	-	80	80
6000.11 Contract Labor	7,591	7,200	105%	6,131	7,100	86%	871	1,031	160
6000.15 Engineering	3,920	5,000	78%	4,740	5,100	93%	1,686	-	(1,686)
6000.20 Legal Expenses	33,959	38,000	89%	21,171	25,000	85%	1,680	509	(1,171)
6000.21 General	21,464	-	-	13,179	-	-	175	124	(51)
6000.22 Legal Reimbursable	1,299	-	-	760	-	-	-	-	-
6000.25 Special Cases	11,196	-	-	7,231	-	-	1,505	385	(1,120)
<b>6000 Professional Services</b>	<b>53,884</b>	<b>58,614</b>	<b>92%</b>	<b>44,647</b>	<b>49,900</b>	<b>89%</b>	<b>4,237</b>	<b>1,620</b>	<b>(3,787)</b>
6500.01 Deer Removal	2,025	1,800	113%	1,050	1,500	70%	375	150	(225)
6500.15 Mowing	5,572	4,800	116%	4,262	5,000	85%	775	110	(665)
6500.20 Oak Wilt Containment	675	4,000	17%	225	2,000	11%	-	-	-
6500.21 Outdoor Beautification	35,384	16,000	221%	10,735	5,500	195%	25,510	861	(24,649)
6500.25 ROW Tree Trimming	16,581	16,600	100%	1,875	18,000	10%	-	-	-
6500.30 Street Maintenance	21,485	50,000	43%	42,048	60,000	70%	-	-	-
6500.31 Street Signs	3,823	3,900	98%	508	1,000	51%	229	169	(60)
6500.40 Tree Limb Pick-Up	3,355	3,355	100%	1,679	1,700	99%	-	-	-
<b>6500 Area Care/Maintenance</b>	<b>88,900</b>	<b>100,455</b>	<b>88%</b>	<b>62,382</b>	<b>94,700</b>	<b>66%</b>	<b>26,889</b>	<b>1,290</b>	<b>(25,599)</b>
7000.01 Ad Valorem Tax Expense	1,746	2,000	87%	1,333	1,800	74%	340	-	(340)
7000.02 Building Inspections	4,925	5,500	90%	2,390	2,800	85%	740	555	(185)
7000.03 Code Compliance	856	2,000	43%	6,939	7,300	95%	34	111	77
7000.04 Dues & Memberships	1,195	1,250	96%	1,315	1,315	100%	-	-	-
7000.05 Election Expense	-	-	0%	2,322	2,314	100%	-	-	-
7000.15 Meeting Expense	1,171	1,600	73%	1,737	2,000	87%	-	8	8
7000.20 Public Notices	1,034	1,000	103%	1,119	1,000	112%	42	266	224
7000.30 Travel & Vehicle Exp Reimb	3,441	3,150	109%	2,660	3,000	89%	260	366	106
7000.40 Training & Prof Development	908	1,000	91%	858	1,000	86%	30	108	78
<b>7000 Other Operating Expenses</b>	<b>15,275</b>	<b>17,500</b>	<b>87%</b>	<b>20,673</b>	<b>22,529</b>	<b>92%</b>	<b>1,446</b>	<b>1,413</b>	<b>(33)</b>
7500.01 City Hall Utilities	2,469	3,000	82%	2,544	3,000	85%	242	378	136
7500.02 Telephone & Internet	2,674	3,000	89%	2,623	3,000	87%	243	243	0
7500.03 Outdoor Utilities	3,104	4,000	78%	4,095	5,000	82%	440	459	19
<b>7500 Utilities</b>	<b>8,247</b>	<b>10,000</b>	<b>82%</b>	<b>9,263</b>	<b>11,000</b>	<b>84%</b>	<b>924</b>	<b>1,079</b>	<b>155</b>
7600.01 TML Insurance	2,618	2,618	100%	2,398	2,362	102%	-	-	-

**City of Woodcreek  
Treasurer's Report of August 2015**

7600	<b>Insurance</b>	<b>2,618</b>	<b>2,618</b>	100%	<b>2,398</b>	<b>2,362</b>	102%	-	-	-
8020.20	MC Judge	3,150	3,400	93%	3,850	4,200	92%	-	1,050	1,050
8020.25	Misc. Court Costs	1,431	1,500	96%	760	3,000	25%	-	-	-
8020.30	Prosecutor	3,014	2,500	121%	1,450	4,000	36%	903	-	(903)
8020.40	State Comptroller Costs	342	1,000	34%	790	3,000	26%	-	-	-
8020.41	Supplies	162	200	81%	104	200	52%	-	-	-
8020.60	Traffic Enforcement	21,115	28,340	75%	35,431	38,580	92%	-	7,085	7,085
8020	<b>Municipal Court Costs</b>	<b>29,214</b>	<b>36,940</b>	79%	<b>42,385</b>	<b>52,980</b>	80%	<b>903</b>	<b>8,135</b>	<b>7,232</b>
	Contingency Reserve	-	78,281	0%		97,528	0%			-
	Miscellaneous	-	-	0%	22	-	0%	9	-	(9)
8900.10	Reconciliation Discrepancies	113	-	0%	(1)	-	0%	-	-	-
8900	<b>Miscellaneous</b>	<b>113</b>	<b>78,281</b>	0%	<b>21</b>	<b>-</b>	0%	<b>9</b>	<b>-</b>	<b>(9)</b>
	<b>Total Gen Fund Expenditures</b>	<b>292,872</b>	<b>415,728</b>	70%	<b>279,538</b>	<b>343,746</b>	81%	<b>43,143</b>	<b>23,157</b>	<b>(22,176)</b>

**Legend**

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

City of Woodcreek  
Balance Sheet  
As of August 31, 2015

	<u>Aug 31, 15</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
1000 · Operating - Broadway 9628	22,593.01
1003 · Municipal - Reg Acct#7223	31,189.27
1003.1 · Municipal Court Petty Cash	600.00
1006 · PEG - #5467	16,417.12
1010 · Petty Cash	-41.00
1020 · Investment Account - Class 0001	-54,200.43
1021 · Reserved Funds - Broadway 4573	701,428.48
1022 · Crockett National Bank	221,702.67
<b>Total Checking/Savings</b>	<u>939,689.12</u>
<b>Accounts Receivable</b>	
1120 · Delinquent Taxes Receivable	9,288.75
<b>Total Accounts Receivable</b>	<u>9,288.75</u>
<b>Other Current Assets</b>	
1121 · Allowance for Uncollectible	-464.43
1122 · Due to/from HOT Account	52.00
<b>Total Other Current Assets</b>	<u>-412.43</u>
<b>Total Current Assets</b>	948,565.44
<b>Fixed Assets</b>	
1200 · Office Furniture / Equipment	26,926.96
1225 · Land	37,850.00
1226 · Building & Improvements	109,708.00
1227 · Street Pavement	144,126.00
1240 · Accumulated Depreciation - All	-19,261.00
<b>Total Fixed Assets</b>	<u>299,349.96</u>
<b>Other Assets</b>	
1250 · Deferred Revenue	-15,678.59
1300.10 · Committed for Streets Repair	80,000.00
<b>Total Other Assets</b>	<u>64,321.41</u>
<b>TOTAL ASSETS</b>	<u><u>1,312,236.81</u></u>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
<b>Accounts Payable</b>	
1900 · Accounts Payable	14,113.23
<b>Total Accounts Payable</b>	<u>14,113.23</u>
<b>Other Current Liabilities</b>	
2000 · Payroll Tax Payable	836.58
2001 · Federal Withholding Payable	459.00
2021 · Accrued Wages Payable	2,608.53
2030 · TMRS Payable	640.26
2100 · WVVA / LCRA Grant Expenditures	445.45
2105 · Capital Development Grant	21,325.00
2110 · Direct Deposit Liabilities	-1,712.88
2300 · Sales Tax Revenue Overpayment	533.38
<b>Total Other Current Liabilities</b>	<u>25,135.32</u>
<b>Total Current Liabilities</b>	<u>39,248.55</u>
<b>Total Liabilities</b>	39,248.55
<b>Equity</b>	
9998 · Opening Balance Equity	533,846.43
9999 · Retained Earnings	612,243.67
Net Income	126,898.16
<b>Total Equity</b>	<u>1,272,988.26</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>1,312,236.81</u></u>





## Memorandum

**To:** Mayor and Council  
**From:** John Sone, City Manager  
**Date:** September 9, 2015  
**Subject:** City Manager's Report

### 1. Planning & Development.

- a. Falcon Southwest notified the City that it intends to initiate construction of the Woodcreek Apartments prior to the expiration of its Site Development Plan.
- b. The P&Z Commission met September 3<sup>rd</sup>, discussing the draft ordinance authorizing Right of Way parking. It will host a public hearing of the final ordinance at its next meeting on October 5<sup>th</sup>.
- c. Reliant Construction concluded construction of the bocce ball court and picnic tables at the Augusta Park Project.
- d. The City received an application from Robert Major for the resubdivision of the 10.38 acre remaining portion of Lot 10, Twin Mountain Estates. The application is under legal review.
- e. The contractor building the Experiential Learning Center at Camp Young Judea requested and was granted permission to deviate from normal construction hours to pour the foundation beginning as early as 3:00 am, September 14<sup>th</sup>. Access will be granted through LaRocca Ln. Doolittle residents will be notified.

### 2. Public Safety. The Constable's Report for August is attached. Criminal activity continues to be negligible.

3. Communications. The Department of Information Resources awarded the first municipal subdomain within Texas.Gov to the City. The current migration strategy is to accept website calls to Woodcreek.texas.gov beginning November 1<sup>st</sup>. Calls to cityofwoodcreek.com would continue to be accepted until next September 30<sup>th</sup>. Migration of email domains would begin on December 1<sup>st</sup>.

4. Facilities. The Director of Public Works recommends planning for cleaning, repairing, resealing and restriping the City Hall parking lot next summer.

### 5. Hazard Mitigation.

- a. The City conducted its first test of the Regional Notification System emergency alert system.
- b. The City met with representatives from FEMA to clarify the Adjusted Base Flood Elevation maps provided to it. The City may adopt the maps early, or may wait until FIRM maps are provided and either contest or adopt those maps. The City supported a regional floodplain open house on August 26<sup>th</sup>.

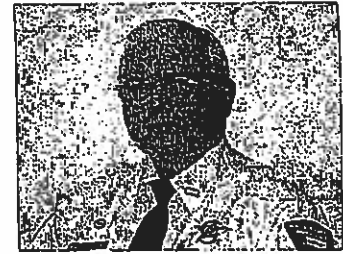
6. Code Enforcement. Notices of violation have been or will be issued for high grass (4), excessive trailer parking (3), and excessive boat parking (1).

7. Open Records. The City received an open records request for the legal costs of seizure of the city website.

8. Investments. The City opened a money market account at Pioneer National Bank. Currently, the money market accounts at Crockett and Pioneer are earning over four time the rate of return as Texas CLASS.



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



RECEIVED



Woodcreek Patrol

SEP 04 2015

CITY OF WOODCREEK

	<u>Total</u>
Hours:	89
Mileage:	648
Traffic Contacts:	7
Code Enforcement Contacts:	0
Code Violation Citations:	0
Close Patrol:	61
Criminal:	1
Civil:	1
Other:	1 - Court
Agency Assist:	2
Public Assist:	1
Warrants:	0
Jailing:	0

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

Constable Ayres  Deputy Helm 



**City of Woodcreek City Council Meeting  
August 12, 2015; 6:30 p.m.  
41 Champions Circle  
Woodcreek, Texas 78676**

**Minutes**

- 1.) **Call to Order:** Mayor Steinert called the meeting to order at 6:30 p.m.
- 2.) **Invocation**
- 3.) **Pledge**
- 4.) **Roll Call.** Present: Mayor Michael T. Steinert, Mayor Pro Tem Nancy Britner, Councilmember Kathy Maldonado, Councilmember Gordon Marsh, Councilmember Jerry Moore, Councilmember William Scheel, City Attorney Ignacio Perez, City Engineer Rick Coneway, City Manager John Sone, City Treasurer Gene Golembiewski, Director of Public Works Frank Wood  
**Absent:** None
- 5.) **Public Comments:** The following citizens spoke: John Pickett, Anthony Conzentino, Jan Coburn and Carolyn Friant.
- 6.) **Citizen Communications:**
- 7.) **Report Items:**
  - A. Director of Public Works Wood said that he continues to monitor city street conditions. He said his meeting with Hays County Commissioner Will Conley resulted in no assurance of the county responding to the City's needs in the foreseeable future. John Young continues to repair potholes throughout the City.
  - B. City Treasurer Golembiewski reported year-to-date revenue of \$411,039 and \$249,054.00 in expenses.
  - C. City Engineer Coneway presented a report of significant events since the last meeting.
  - D. City Manager presented a report of significant events. He then presented a letter of resignation and a memorandum to the council.
- 8.) **Consent Agenda**
  - A. Approval of the minutes of the Regular Woodcreek City Council Meeting of July 8, 2015
  - B. Approval of the minutes of the Special Woodcreek City Council Meeting of August 1, 2015
  - C. Approval of the Treasurer's Report for July 2015

Mayor Pro Tem Britner moved to accept the Consent Agenda in its entirety. The motion was seconded by Councilmember Scheel, which passed with a vote of 5-0-0.
- 9.) **Regular Agenda**
  - A. Jim Mc Means provided a report on the proposed installation of a thirty-six inch pipeline from San Marcos to Wimberley/Woodcreek and on to Dripping Springs and CARD's support for a sixteen inch line. Councilmember Maldonado moved to table action on proposals until more information can be obtained. After lack of a second, no action was taken.

- B. After discussion, Councilmember Moore moved to enact Ordinance No. 15-209 Calling and Ordering the General Election of November 3, 2015. The motion was seconded by Councilmember Maldonado, which passed with a vote of 5-0-0.
- C. After discussion, Councilmember Maldonado moved to accept an updated Contract for Election Services with the Hays County Elections Administrator. The motion was seconded by Councilmember Marsh, which passed with a vote of 5-0-0.
- D. After discussion, Councilmember Moore moved to engage Donald Allman, CPA, to audit City finances for Fiscal Year 2014-2015. The motion was seconded by Councilmember , The motion was seconded by Councilmember Maldonado, which passed with a vote of 5-0-0.
- E. After discussion, Councilmember Maldonado moved to approve adoption of the internet domain: Woodcreek.texas.gov. The motion was seconded by Councilmember Marsh, which passed with a vote of 5-0-0.
- F. After discussion, no action was taken regarding annexation of a portion of Woodcreek Drive that is privately owned laying between the City's western public road edge and the low water crossing over Cypress Creek.
- G. After discussion, Councilmember Marsh moved to accept the 2015 Tax Roll Certification and Effective Tax Rate Report. The motion was seconded by Councilmember Maldonado, which passed with a vote of 5-0-0.
- H. After discussion, Councilmember Maldonado moved to approve Budget Amendment #2 to the 2014-2015 Budget. The motion was seconded by Councilmember Marsh, which passed with a vote of 4-0-1. Mayor Pro Tem Britner Abstained.
- I. After discussion, Councilmember Marsh moved to designate the City Manager/Administrator as the City Floodplain Administrator, replacing the Chair of the Planning and Zoning Commission. The motion was seconded by Mayor Pro Tem Britner, which passed with a vote of 5-0-0.
- J. After discussion, Councilmember Maldonado moved to enact Ordinance No. 15-211 creating a Municipal Capital Improvements Fund, initially obligating funds in the amount of \$22,000.00. The motion was seconded by Councilmember Moore, which passed with a vote of 5-0-0.
- K. After discussion, Mayor Pro Tem Britner moved to establish a money market account at Pioneer Bank for certain reserve funds. The motion was seconded by Councilmember Maldonado, which passed with a vote of 5-0-0.
- L. After discussion, Councilmember Moore moved to allow residential parking in City rights of way adjacent to their properties. The motion was seconded by Mayor Pro Tem Britner, which passed with a vote of 5-0-0.
- M. After discussion, no action was taken on the Planning and Zoning Commission's recommended amendment to the Zoning Ordinance permitting fencing along the golf course property line.
- N. After discussion, no action was taken regarding a proposed change to the required signatories for city checks.
- O. After discussion, Councilmember Moore moved to accept the Memorial Plaza parking lot. The motion was seconded by Councilmember Maldonado, which passed with a vote of 5-0-0.
- P. Council did not meet in Executive Session to discuss continuation of City Manager's employment agreement: Councilmember Scheel moved to delete this item from the agenda. The motion was seconded by Mayor Pro Tem Britner, which passed with a vote of 5-0-0.

**10.) Adjourn:** There being no further business, Mayor Steinert adjourned the meeting at 8:43 p.m.

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Michael T. Steinert, Mayor

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John W. Sone, City Manager



**City of Woodcreek Special City Council Meeting  
August 24, 2015; 1:00 p.m.  
41 Champions Circle  
Woodcreek, Texas 78676**

**Minutes**

- 1.) **Call to Order:** Mayor Steinert called the meeting to order at 1:00 p.m.
- 2.) **Invocation**
- 3.) **Pledge**
- 4.) **Roll Call. Present:** Mayor Michael T. Steinert, Mayor Pro Tem Nancye Britner, Councilmember Kathy Maldonado, Councilmember Gordon Marsh, Councilmember Jerry Moore, Councilmember William Scheel, City Manager John Sone, **Absent:** None
- 5.) **Public Comments:** The following members of the public spoke: John Sone, Judy Brizendine, Lydia Johns, Jack Kinkel, Anne Greene, R.C. Meier, Frank Wood, Marianne Mitchell, John Lewis, Nancy Russell, Patrick Browning, Jane Little, Sybil Patterson, Carol Scheel, Brent Pulley, Darrell Durham, Harvey Brumbaugh, Helen Sabin, Carolyn Friant, Sherri Woods, Aurora LeBron, Cindy Foreman, Judith Ruth, Linda Shoecroft, and Eric Eskelund. An audio archive has been established.
- 6.) **Regular Agenda:**
  - A. After discussion, Councilmember Maldonado moved to consider accepting John Sone's letter of resignation effective January 13, 2016. The motion was seconded by Councilmember Moore, which passed with a vote of 4-1-0. Opposed: Councilmember Scheel.  
Councilmember Moore moved to form a committee comprised of Mayor Steinert, Mayor Pro Tem Britner and Councilmember Marsh, that it immediately undertake a review of Mr. Sone's performance as an employee of the City of Woodcreek, evaluating the suitability of his continued employment with the City in any capacity, and that it submit findings and recommendations to the City Council. The motion was seconded by Councilmember Maldonado, which passed with a vote of 5-0-0.
  - B. After discussion, Councilmember Maldonado moved to table the status of the City's current and future management personnel needs to a regular City council meeting. The motion was seconded by Councilmember Marsh, which passed with a vote of 5-0-0.
- 7.) **Executive Session:**

Council convened in Executive Session at 3:35 p.m.  
Council reconvened in Open Session at 4:15 p.m.

**8.) Adjourn:** There being no further business, Mayor Steinert adjourned the meeting at 4:19 p.m.

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Michael T. Steinert, Mayor

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John W. Sone, City Manager

City of Woodcreek  
Transaction List by Date  
August 2015

Aug 15	Type	Date	Num	Name	Memo	Account	Split	Debit	Credit
	Paycheck	08/01/2015	Dir Dep	Barbara J Grant		1000 - Operating - ...	-SPLIT-	0.00	
	Paycheck	08/01/2015	Dir Dep	Linda L Land		1000 - Operating - ...	-SPLIT-	0.00	
	Paycheck	08/01/2015	Dir Dep	John W Sore		1000 - Operating - ...	-SPLIT-	0.00	
	Check	08/02/2015	Debit	Staples, Inc.		1000 - Operating - ...	5500.50 - Office Supplies	750.00	
	Deposit	08/03/2015		QuickBooks Payroll Service		1000 - Operating - ...	3090 - Development Rev...		71.38
	Liability Check	08/04/2015		QuickBooks Payroll Service		1000 - Operating - ...	-SPLIT-		3,089.07
	Deposit	08/05/2015				1000 - Operating - ...	3000 - Ad Valorem Tax...	1,689.07	
	Deposit	08/06/2015				1006 - PEG - #5467	3030.1 - PEG - Cable Re...	1,329.09	
	Deposit	08/06/2015				1000 - Operating - ...	3090 - Development Rev...	60.00	
	Deposit	08/06/2015				1006 - PEG - #5467	3030.1 - PEG - Cable Re...	1,329.09	
	Check	08/07/2015	Debit	USPS		1000 - Operating - ...	5500.60 - Postage & Shi...		53.41
	Check	08/07/2015	9904	Reliant Construction		1000 - Operating - ...	6500.21 - Outdoor Beaut...		9,930.00
	Transfer	08/07/2015				1021 - Reserved F...	1000 - Operating - Broa...		50,000.00
	Check	08/07/2015	9905	Garrett Allen		1000 - Operating - ...	8900 - Miscellaneous	5.00	
	Check	08/10/2015	9906	San Marcos Daily Record		1000 - Operating - ...	6500.01 - Deer Removal	150.00	
	Check	08/10/2015	9907	John W Sore - V.		1000 - Operating - ...	7000.20 - Public Notices	42.12	
	Check	08/10/2015	9908	Hill Country Springs		1000 - Operating - ...	7000.40 - Training & Pro...	30.00	
	Check	08/10/2015	9909	PEC - City Hall		1000 - Operating - ...	5500.50 - Office Supplies	15.49	
	Check	08/10/2015	9910	PEC - Outdoor		1000 - Operating - ...	7500.01 - City Hall Utilities	112.21	
	Check	08/10/2015	9911	Kelly Clements		1000 - Operating - ...	7500.03 - Outdoor Utilities	111.77	
	Check	08/10/2015	9912	C. Rick Conway, P.E. BCEE, ...		1000 - Operating - ...	6500.21 - Outdoor Beaut...	400.00	
	Check	08/10/2015	9913	Ace Hardware		1000 - Operating - ...	6000.15 - Engineering	1,686.00	
	Check	08/10/2015	9914	Bojorquez Law Firm, PLLC		1000 - Operating - ...	6500.31 - Street Signs	229.30	
	Check	08/10/2015	9915	John Young		1000 - Operating - ...	-SPLIT-	2,582.63	
	Check	08/10/2015	9916	A Studio Z - Art & Design		1000 - Operating - ...	5500.40 - Newsletter	835.00	
	Check	08/10/2015	9917	ATS Engineers		1000 - Operating - ...	-SPLIT-	223.00	
	Check	08/10/2015	9918	Garrett Allen		1000 - Operating - ...	6500.01 - Deer Removal	1,430.00	
	Check	08/12/2015	Debit	Staples, Inc.		1000 - Operating - ...	5500.50 - Office Supplies	75.00	
	Check	08/14/2015	9919	Myers Concrete Construction...		1000 - Operating - ...	6500.21 - Outdoor Beaut...	8.79	
	Deposit	08/14/2015				1000 - Operating - ...	3005 - State Sales Tax R...	3,600.92	4,000.00
	Paycheck	08/16/2015	Dir Dep	John W Sore		1000 - Operating - ...	-SPLIT-	0.00	
	Paycheck	08/16/2015	Dir Dep	Linda L Land		1000 - Operating - ...	-SPLIT-	0.00	
	Paycheck	08/16/2015	Dir Dep	Barbara J Grant		1000 - Operating - ...	-SPLIT-	0.00	
	Liability Check	08/17/2015		QuickBooks Payroll Service		1000 - Operating - ...	6500.21 - Outdoor Beaut...	1,714.48	
	Liability Check	08/17/2015		QuickBooks Payroll Service		1000 - Operating - ...	-SPLIT-	463.03	281.06
	Deposit	08/17/2015				1021 - Reserved F...	4000 - Interest Income	117.07	
	Liability Check	08/18/2015	EFTPS	QuickBooks Payroll Service		1000 - Operating - ...	-SPLIT-		901.95
	Liability Check	08/18/2015		United States Treasury		1000 - Operating - ...	-SPLIT-	1,086.49	1,620.38
	Deposit	08/19/2015				1000 - Operating - ...	-SPLIT-		
	Check	08/25/2015	Debit	USPS		1000 - Operating - ...	5500.60 - Postage & Shi...	6.96	
	Liability Check	08/26/2015	9920	TWRS		1000 - Operating - ...	-SPLIT-	651.13	
	Check	08/26/2015	9921	Xerox Financial Services		1000 - Operating - ...	5500.61 - Printing & Rep...	113.20	
	Check	08/26/2015	9922	Garrett Allen		1000 - Operating - ...	6500.01 - Deer Removal	150.00	
	Check	08/26/2015	9923	Tax Time, LLC		1000 - Operating - ...	6000.11 - Contract Labor	811.25	
	Check	08/26/2015	9924	Time Warner Cable		1000 - Operating - ...	7500.02 - Telephone & I...	242.64	
	Check	08/26/2015	9925	Hays Central Appraisal District		1000 - Operating - ...	-SPLIT-	340.13	242.64
	Check	08/26/2015	9926	AquaTexas - City Hall		1000 - Operating - ...	7500.01 - City Hall Utilities	129.40	
	Check	08/26/2015	9927	AquaTexas - Outdoor		1000 - Operating - ...	7500.03 - Outdoor Utilities	328.15	
	Check	08/26/2015	9928	ATS Engineers		1000 - Operating - ...	-SPLIT-	560.00	
	Check	08/26/2015	9929	Hays County Clerk		1000 - Operating - ...	7000.03 - Code Compila...	34.00	
	Check	08/26/2015	9930	Reliant Construction		1000 - Operating - ...	6500.21 - Outdoor Beaut...	9,930.00	
	Check	08/26/2015	9931	USPS		1000 - Operating - ...	1021 - Reserved Funds - ...	225.00	
	Transfer	08/26/2015				1021 - Reserved F...	5500.05 - Bank Fees & ...	30.00	
	Check	08/26/2015	ACH	Costco		1000 - Operating - ...	5500.50 - Office Supplies	51.77	
	Check	08/29/2015	Debit	Staples, Inc.		1000 - Operating - ...	5500.50 - Office Supplies	10.62	
	Check	08/29/2015	Debit	QuickBooks Payroll Service		1000 - Operating - ...	-SPLIT-	1,714.48	
	Liability Check	08/31/2015				1000 - Operating - ...	4000 - Interest Income	27.53	
	Deposit	08/31/2015				1020 - Investment ...			





09/09/15

### City of Woodcreek Transaction List by Date August 2015

Type	Date	Num	Name	Memo	Account	Split	Debit	Credit
Check	08/31/2015				1003 · Municipal	8900 · Miscellaneous		
Deposit	08/31/2015			Service Charge Interest	1022 · Crockett Na...	4000 · Interest Income	141.13	4.00



**ORDINANCE NO. 15-213**

**AN ORDINANCE LEVYING AD VALOREM TAXES IN 2015 FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF WOODCREEK, TEXAS; DIRECTING THE COLLECTION THEREOF; AND, PROVIDING FOR THE TIME OF PAYING THE AD VALOREM TAXES LEVIED.**

**WHEREAS**, pursuant to section 302.001 of the Texas Tax Code, a Type A general law municipality, such as the City of Woodcreek, Texas ("City"), may levy property taxes for current expenses, construction or purchase of public buildings, water works, sewers and other permanent improvements in the municipality; and

**WHEREAS**, the City is a "small taxing unit" as defined by the Texas Tax Code; and

**WHEREAS**, pursuant to section 26.052 of the Texas Tax Code, the City provided notice of the proposed tax rate by publishing a notice in the legal section of a newspaper of general circulation in the City; and

**WHEREAS**, such notice was published at least seven (7) days before the date of the adoption of the tax rate; and

**WHEREAS**, the City Council of the City of Woodcreek ("City Council") finds that the tax hereinafter levied for current expenses of the City and for permanent improvements in the City must be levied to provide the revenue requirement of the budget for the ensuing year; and

**WHEREAS**, state law, including but not limited to Chapters 31, 32 and 33 of the Texas Tax Code, provides the due date, delinquency date, penalty, interest and collections provisions for such taxes;

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

**SECTION 1.** That there is hereby levied and there shall be collected for the current expenses of the City, and its permanent improvements, a tax upon real property within the corporate limits of said City, and subject to taxation, at the rate of \$0.1305 on each One Hundred Dollars (\$100.00) of assessed valuation. Assessed valuation is hereby set at One Hundred Percent (100%) of fair market value of all real property.

**SECTION 2.** That this rate will raise 4.82 % more ad valorem taxes for maintenance and operations than the tax rate for budget year 2014-2015.

**SECTION 3.** That the tax rate is the same as the 2010, 2011, 2012, 2013, and 2014 tax rates of \$0.1305 on each One Hundred Dollars (\$100.00) of assessed valuation.

**SECTION 4.** That all monies collected under this Ordinance be and the same are hereby appropriated and set apart for the specific purposes indicated herein and in each item of the Annual Budget for the Fiscal Year 2015-2016, and that the Assessor and Collector of Taxes, and the City Treasurer shall keep these accounts so as to readily and distinctly show the amount

collected, the amounts expended, and the amount on hand at any time belonging to such accounts. It is hereby made the duty of the Tax Assessor and Collector and City Treasurer and every person collecting money for the City of Woodcreek to deliver to the City Treasurer at the time of depositing any monies, a statement showing to what fund such deposit should be made and from what source received. All receipts for the City not specifically apportioned by this Ordinance are hereby made payable to the General Fund of the City.

SECTION 5. That the ad valorem taxes herein levied shall, unless otherwise excepted by state law, including but not limited to Chapter 31 of the Texas Tax Code, become due on the 1st day of October, 2015 or upon receipt of the tax bill, whichever is earlier, and may be paid up to and including the following January 31st, without penalty, but if not so paid, such taxes shall become delinquent and incur penalties and interest as provided by state law including, but not limited to, Chapter 33 of the Texas Tax Code.

SECTION 6. That the taxes herein levied shall, except as otherwise provided by state law, including but not limited to Chapter 32 of the Texas Tax Code, be a first and prior lien against the property upon which they are assessed and the said first lien shall be superior and prior to all other liens, charges, and encumbrances, and this lien shall be attached to personal property to the same extent and with the same priorities as to real estate.

SECTION 7. This Ordinance shall take effect and be in force from and after its approval and publication, as may be required by law.

SECTION 8. Should any part of this Ordinance be declared invalid, for any reason, such invalidity shall not affect the remainder of this Ordinance.

SECTION 9. It is hereby officially found and determined that the meeting at which this Ordinance was passed 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, Chapter 551 of the Texas Government Code.

**PASSED AND APPROVED** this 9<sup>th</sup> day of September 2015, by a by a vote recorded as follows: Mayor Pro Tem Nancye Britner (aye), Councilmember Bill Scheel (aye), Councilmember Kathy Maldonado (aye), Councilmember Jerry Moore (aye), and Councilmember Gordon Marsh (aye).

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Michael T. Steinert, Mayor  
City of Woodcreek, Texas

ATTEST:

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John W. Sone, City Manager  
City of Woodcreek, Texas

APPROVED AS TO FORM  
*Bojorquez Law Firm, PC*

**ORDINANCE NO. 15-214  
CITY OF WOODCREEK**

**AN ORDINANCE ADOPTING THE BUDGET FOR THE 2015-2016 FISCAL YEAR, AND MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF WOODCREEK, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016.**

Whereas, the budget of the fiscal year beginning October 1, 2015 and ending September 30, 2016 was duly presented to the City Council by the Mayor and City Manager and was preceded by a public hearing;

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

**Section 1.** That the appropriation for the fiscal year beginning October 1, 2015 and ending September 30, 2016 for the support of the general government of the City of Woodcreek, Texas be fixed and determined for said terms in accordance with the expenditures shown in the City's short-term fiscal year budget, a copy of which is appended hereto.

**Section 2.** That the budget as shown is hereby approved in all respects and adopted as the City's budget for the fiscal year beginning October 1, 2015 and ending September 30, 2016.

**PASSED AND APPROVED** this 9<sup>th</sup> day of September, 2015, by a vote recorded as follows: Mayor Pro Tem Nancy Britner (\_\_\_), Councilmember Bill Scheel (\_\_\_), Councilmember Kathy Maldonado (\_\_\_), Councilmember Jerry Moore (\_\_\_), and Councilmember Gordon Marsh (\_\_\_).

\_\_\_\_\_  
Michael T. Steinert, Mayor  
City of Woodcreek, Texas

ATTEST:

\_\_\_\_\_  
John W. Sone, City Manager  
City of Woodcreek, Texas

APPROVED AS TO FORM:  
*Bojorquez Law Firm, PC*

# City of Woodcreek, Texas

## Budget for 2015-2016

This budget will raise more revenue from property taxes than last year's budget by an amount of nine thousand one hundred and forty-nine dollars (\$9,149), which is a 4.82% percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is two thousand, five hundred dollars (\$2,500.00).

PASSED AND APPROVED this 9th day of September, 2015, by a vote recorded as follows: Mayor Pro Tem Nancye Britner (\_\_\_), Councilmember Bill Scheel (\_\_\_), Councilmember Kathy Maldonado (\_\_\_), Councilmember Jerry Moore (\_\_\_), and Councilmember Gordon Marsh (\_\_\_).

Comparison of Budget 2014-2015 and 2015-2016 tax rates:

	<b>2014-2015</b>	<b>2015-2016</b>
Property Tax Rate	.1305 per \$100	.1305 per \$100
Effective Tax Rate	.1264 per \$100	.1245 per \$100
Effective Maintenance & Operation Tax Rate	.1264 per \$100	.1245 per \$100
Rollback Tax Rate	.1365 per \$100	.1344 per \$100
Debt Rate	0 per \$100	0 per \$100
Total Amount of Debt Obligation	None	None

City of Woodcreek  
2015-2016 Budget

2014-2015 BA 2 2015-2016

**Revenues:**

Ad Valorem Tax	192,000	198,000
State Sales Tax	35,000	50,000
Mixed Beverage Tax	555	800
PEC Franchise Fee	29,836	30,000
Time Warner Franchise Fee	26,057	20,000
AquaTexas Franchise	83,403	83,000
IESI Franchise Fee	13,172	10,000
Telephone Franchise Fee	1,000	1,000
QuickSand Franchise Revenue	500	500
Development Revenue	26,000	15,000
Engineering Reimbursement	115	-
Legal Reimbursement	-	-
Interest Income	2,100	2,400
Other Revenue	1,000	100
Municipal Court Revenue	1,265	1,500
Oak Wilt Containment	-	-
Donations	5,145	5,000
<b>Total Gen Fund Revenues</b>	<b>417,148</b>	<b>417,300</b>

**Expenditures:**

Salaries and Wages	83,000	85,500
Council Pay	0	660
Payroll Tax	7,200	7,300
Travel Reimbursement	3,150	3,000
Retirement	2,900	3,200
Direct Deposit Expense	120	120
<b>Personnel Services</b>	<b>96,250</b>	<b>99,660</b>
City Hall Maintenance/Repairs	3,500	2,500
IT & Radio	5,000	5,000
Newsletter	1,100	1,500
Office Supplies	3,500	3,500
Postage & Shipping	1,500	1,000
Printing & Reproduction	2,500	1,500
Storage Rental	1,000	1,000
<b>Office Expenses</b>	<b>18,100</b>	<b>16,000</b>
Audit Expenses	6,600	6,600
Codification	1,814	1,900
Contract Labor	7,200	7,000
Engineering	5,000	2,500
Legal Expenses	38,000	30,000
<b>Professional Services</b>	<b>58,614</b>	<b>48,000</b>
Deer Removal	1,800	10,000

	2014-2015 BA 2	2015-2016
Mowing	4,800	5,500
Oak Wilt Containment	4,000	2,000
Outdoor Beautification	16,000	12,000
ROW Tree Trimming	16,600	1,500
Street Maintenance	50,000	25,000
Street Signs	3,900	1,000
Capital Improvements		
Tree Limb Pick-Up	3,355	3,500
<b>Area Care/Maintenance</b>	<b>100,455</b>	<b>60,500</b>
Ad Valorem Tax Expense	2,000	2,000
Building Inspections	5,500	5,500
Code Compliance	2,000	1,500
Dues & Memberships	1,250	1,250
Election Expense	-	2,400
Meeting Expense	1,600	1,500
Public Notices	1,000	1,000
Training and Prof Development	1,000	1,000
<b>Other Operating Expenses</b>	<b>14,350</b>	<b>16,150</b>
City Hall Utilities	3,000	3,000
Telephone & Internet	3,000	3,000
Outdoor Utilities	4,000	3,000
<b>Utilities</b>	<b>10,000</b>	<b>9,000</b>
TML Insurance	2,618	2,750
<b>Insurance</b>	<b>2,618</b>	<b>2,750</b>
MC Judge	3,400	3,400
Misc. Court Costs	1,500	1,000
Prosecutor	2,500	2,400
State Comptroller Costs	1,000	1,000
Supplies	200	200
Traffic Enforcement	28,340	40,000
<b>Municipal Court Costs</b>	<b>36,940</b>	<b>48,000</b>
Contingency Reserve	79,821	117,240
<b>Total Expenses</b>	<b>337,327</b>	<b>300,060</b>





# Proclamation

## TO ALL TO WHOM THESE PRESENTS COME - GREETINGS

*WHEREAS:* The Constitution of the United States of America, The guardian of our liberties, embodies the principles of limited government in a Republic dedicated to the rule by law; and

*WHEREAS:* September 17, 2015 marks the two hundred twenty-eighth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

*WHEREAS:* It is fitting and proper to officially recognize the patriotic celebration which will commemorate the occasion; and

*WHEREAS:* Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

*NOW, THEREFORE* The City Council of the City of Woodcreek, does hereby proclaim the week of September 17<sup>th</sup> through September 23<sup>rd</sup> as:

### CONSTITUTION WEEK

*AND* asks our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

PASSED AND APPROVED this, the 9th day of September, 2015, by a vote of \_ (ayes) to \_ (nays) to \_ (abstentions) of the City Council of Woodcreek, Texas.

Signed: \_\_\_\_\_

Mayor Michael T Steinert

*IN WITNESS WHEREOF*, I have hereunto set my hand and caused the Seal of the City of Woodcreek, in Hays County, Texas to be affixed on this 9<sup>th</sup> day of September, in the Year of our Lord Two Thousand Fifteen.

Attest: \_\_\_\_\_



Sec. 22.073. POWERS AND DUTIES OF SECRETARY. (a) The secretary of the municipality shall attend each meeting of the governing body of the municipality and shall keep, in a record provided for that purpose, accurate minutes of the governing body's proceedings.

(b) The secretary shall:

(1) engross and enroll all laws, resolutions, and ordinances of the governing body;

(2) keep the corporate seal;

(2) take charge of, arrange, and maintain the records of the governing body;

(4) countersign all commissions issued to municipal officers and all licenses issued by the mayor, and keep a record of those commissions and licenses; and

(5) prepare all notices required under any regulation or ordinance of the municipality.

(c) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1324, Sec. 5 (2), eff. June 17, 2011.

(d) The secretary shall draw all the warrants on the treasurer, countersign the warrants, and keep, in a record provided for that purpose, an accurate account of the warrants.

(e) The secretary serves as the general accountant of the municipality and shall keep regular accounts of the municipal receipts and disbursements. The secretary shall keep each cause of receipt and disbursement separately and under proper headings. The secretary shall also keep separate accounts with each person, including each officer, who has monetary transactions with the municipality. The secretary shall credit accounts allowed by proper authority and shall specify the particular transaction to which each entry applies. The secretary shall keep records of the accounts and other information covered by this subsection.

(f) The secretary shall keep a register of bonds and bills issued by the municipality and all evidence of debt due and payable to the municipality, noting the relevant particulars and facts as they occur.

(g) The secretary shall carefully keep all contracts made by the governing body.

(h) The secretary shall perform all other duties required by law, ordinance, resolution, or order of the governing body.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1248, Sec. 47, eff. Sept. 1, 1989.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1184 (H.B. 3475), Sec. 3(2), eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 1324 (S.B. 480), Sec. 5(2), eff. June 17, 2011.



**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. This area must be maintained and free of any vegetation, including weeds and grass. If a resident wishes to surface the area parallel to their driveway they should see ordinance

(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) Owners of residential properties with existing parking areas in front and along the street right-of-way at the time this ordinance becomes effective will have 12 months to bring the area into compliance with this section or remove said parking area.

(F) The city will notify all residents that will be affected by this clause.

(G) An overnight parking permit will be issued by the city upon completion of an application and payment of the assigned fee. This permit must be hung from the rear view mirror or the parked vehicle will be issued a violation.

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- Commented [IP1]: If the City will bear the burden of this notification, it would be more efficient to notify all property owners. An alternative would be to place the burden on the owners - Mr. Sone's suggested recommended language can be considered (I have modified in slightly): "Residential property owners with such existing parking areas in the right of way in front of their property must report said area to the City on the prescribed form to qualify for the 12 month waiver of enforcement."
- Commented [IP2]: What will be the method of notice to all? Does the City have a complete inventory of all the properties that will be affected, or is the intent to conduct a thorough survey before notification? If not, some people will not be notified and that could hinder enforcement of this amended ordinance.
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**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. This area must be maintained and free of any vegetation, including weeds and grass. If a resident wishes to surface the area parallel to their driveway they should see ordinance \_\_\_\_\_.~~

~~(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) Owners of residential properties with existing parking areas in front and along the street right-of-way at the time this ordinance becomes effective will have 12 months to bring the area into compliance with this section or remove said parking area.~~

~~(F) The city will notify all residents that will be affected by this clause.~~

~~(G) An overnight parking permit will be issued by the city upon completion of an application and payment of the assigned fee. This permit must be hung from the rear view mirror or the parked vehicle will be issued a violation.~~

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- Commented [IP1]: If the City will bear the burden of this notification, it would be more efficient to notify all property owners. An alternative would be to place the burden on the owners - Mr. Sone's suggested recommended language can be considered *(I have modified in slightly)*: "Residential property owners with such existing parking areas in the right of way in front of their property must report said area to the City on the prescribed form to qualify for the 12 month waiver of enforcement."
- Commented [IP2]: What will be the method of notice to all? Does the City have a complete inventory of all the properties that will be affected, or is the intent to conduct a thorough survey before notification? If not, some people will not be notified and that could hinder enforcement of this amended ordinance.
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§ 156.102 NON-CONFORMING USES.

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

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

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

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

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

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

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

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

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

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

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

(c) Wood roofs;

(d) Above-ground pools; and

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

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

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

**ORDINANCE NO. 15-215**

**CITY OF WOODCREEK**

AN ORDINANCE OF THE CITY OF WOODCREEK, TEXAS AMENDING THE CURRENT 2014-2015 FISCAL YEAR BUDGET; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

**SECTION I.**

The 2014-2015 Fiscal Year Budget of the City of Woodcreek, Texas, Ordinance 14-203, as modified by Ordinances 15-205 (Budget Amendment #1) and 15-210 (BA #2) is hereby amended in the following manner:

The attached budget amendment reflects actual increases in ad valorem tax collection, mixed beverage taxes, telephone franchise fees, development revenue, and municipal court revenue. Increased allocations are made for legal expenses, travel, codification, contract labor, deer removal, and mowing. The total budget amendment allocation amount does not exceed projected receipts of revenue.

**SECTION II.**

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

**SECTION III.**

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

**PASSED AND APPROVED** this, the 9th day of September, 2015, by a vote of \_ (ayes) to \_ (nays) with \_ (abstentions) of the City Council of Woodcreek, Texas.

**CITY OF WOODCREEK:**

By: \_\_\_\_\_  
Mayor Michael T. Steinert

**ATTEST:**

\_\_\_\_\_  
John Sone, City Manager

**APPROVED AS TO FORM:**  
*Bojorquez Law Firm, PC*

City of Woodcreek  
2014-2015 Budget Amendment #3 (BA 3)

	BA 2	BA 3	Increase/ (Decrease)
<b>Revenues:</b>			
Ad Valorem Tax	192,000	194,680	2,680
State Sales Tax	35,000	35,000	0
Mixed Beverage Tax & Fees	555	898	343
PEC Franchise Fee	29,836	29,836	0
Time Warner Franchise Fee	26,057	26,057	0
AquaTexas Franchise	83,403	83,403	0
IESI Franchise Fee	13,172	13,172	0
Telephone Franchise Fee	1,000	1,676	676
QuickSand Franchise Revenue	500	500	0
Development Revenue	26,000	26,759	759
Engineering Reimbursement	115	115	0
Legal Reimbursement	-	-	0
Interest Income	2,100	2,100	0
Other Revenue	100	530	430
Municipal Court Revenue	1,265	1,587	322
Oak Wilt Containment	-	-	0
Donations	5,145	5,145	0
<b>Total Gen Fund Revenues</b>	<b>416,248</b>	<b>421,458</b>	<b>5,210</b>
<b>Expenditures:</b>			
Salaries and Wages	83,000	83,000	0
Payroll Tax	7,200	7,200	0
Travel Reimbursement	3,150	3,441	291
Retirement	2,900	2,900	0
Direct Deposit Expense	120	120	0
<b>Personnel Services</b>	<b>96,250</b>	<b>96,541</b>	<b>291</b>
City Hall Maintenance/Repairs	3,500	3,500	0
IT & Radio	5,000	5,000	0
Newsletter	1,100	1,100	0
Office Supplies	3,500	3,500	0
Postage & Shipping	1,500	1,500	0
Printing & Reproduction	2,500	2,500	0
Storage Rental	1,000	1,000	0
<b>Office Expenses</b>	<b>18,100</b>	<b>18,100</b>	<b>0</b>
Audit Expenses	6,600	6,600	0
Codification	1,814	1,934	120
Contract Labor	7,200	7,591	391
Engineering	5,000	5,000	0
Legal Expenses	38,000	41,308	3,308
<b>Professional Services</b>	<b>58,614</b>	<b>62,433</b>	<b>3,819</b>
Deer Removal	1,800	2,100	300
Mowing	4,800	5,572	772
Oak Wilt Containment	4,000	4,000	0
Outdoor Beautification	16,000	16,000	0
ROW Tree Trimming	16,600	16,600	0
Street Maintenance	50,000	50,000	0
Street Signs	3,900	3,900	0
Tree Limb Pick-Up	3,355	3,355	0
<b>Area Care/Maintenance</b>	<b>100,455</b>	<b>101,527</b>	<b>1,072</b>

	BA 2	BA 3	Increase/ (Decrease)
Ad Valorem Tax Expense	2,000	2,000	0
Building Inspections	5,500	5,500	0
Code Compliance	2,000	2,000	0
Dues & Memberships	1,250	1,250	0
Election Expense	-	-	0
Meeting Expense	1,600	1,600	0
Public Notices	1,000	1,062	62
Training and Prof Development	1,000	1,000	0
<b>Other Operating Expenses</b>	<b>14,350</b>	<b>14,412</b>	<b>62</b>
City Hall Utilities	3,000	3,000	0
Telephone & Internet	3,000	3,000	0
Outdoor Utilities	4,000	4,000	0
<b>Utilities</b>	<b>10,000</b>	<b>10,000</b>	<b>0</b>
TML Insurance	2,618	2,618	0
<b>Insurance</b>	<b>2,618</b>	<b>2,618</b>	<b>0</b>
MC Judge	3,400	3,400	0
Misc. Court Costs	1,500	1,500	0
Prosecutor	2,500	3,014	514
State Comptroller Costs	1,000	1,000	0
Supplies	200	200	0
Traffic Enforcement	28,340	28,340	0
<b>Municipal Court Costs</b>	<b>36,940</b>	<b>37,454</b>	<b>514</b>
Contingency Reserve	78,921	78,373	(548)
<b>Total Expenses</b>	<b>337,327</b>	<b>343,085</b>	<b>5,758</b>
<b>Over / (Under) Revenues</b>	<b>(78,921)</b>	<b>(78,373)</b>	

**CITY OF WOODCREEK, TEXAS**

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS TO SEGREGATE THE OFFICE OF CITY SECRETARY FROM THAT OF CITY MANAGER; PROVIDING FOR AN EFFECTIVE DATE AND SEVERABILITY, AND FINDING PROPER NOTICE AND MEETING.**

**WHEREAS,** the City of Woodcreek (“City”) is a Type “A” general law municipality of the State of Texas, organized under the provisions of Subchapter B of Chapter 6 of the Texas Local Government Code; and

**WHEREAS,** the City Council of the City of Woodcreek (“City Council”) is the governing body of the City of Woodcreek; and

**WHEREAS,** Sec. 22.071 of the Local Government Code specifies the statutory public officers of the municipality, to wit: secretary, treasurer, assessor and collector, municipal attorney, marshal, municipal engineer, and said section also authorizes the governing body to create any other officers or agents of the municipality; and

**WHEREAS,** as allowed under Sec. 22.071, the City Council authorized the creation of the municipal office of City Administrator/ City Manager; and

**WHEREAS,** pursuant to Sec. 30.15(B) of the Woodcreek Code of Ordinances the duties of the City Secretary are performed by the appointed City Manager; and

**WHEREAS,** Sec. 30.15(B) further provides that the Offices of the City Secretary and City Manager are a combined office until otherwise provided by the City Council; and

**WHEREAS,** the City Council has considered the above recitals and wishes to exercise its authority under Sec. 30.15(B) of the Woodcreek Code of Ordinances,

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

1. The City Council hereby segregates the Offices of the City Secretary and City Manager, effective immediately and the City Manager shall no longer function as City Secretary.





2. This Resolution becomes effective immediately after its passage and approval as provided by law.
3. Should any of the clauses, sentences, paragraphs, sections or parts of this Resolution 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.
4. It is hereby officially found and determined that the meeting at which this Resolution was passed was attended by the required 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 9th day of September 2015, by a vote of \_\_\_\_ (*ayes*) to \_\_\_\_ (*nays*) and \_\_\_\_ (*abstentions*) of the City Council of the City of Woodcreek, Texas.

**CITY OF WOODCREEK:**

by: \_\_\_\_\_  
Mayor Michael T. Steinert

**ATTEST:**

\_\_\_\_\_

**APPROVED AS TO FORM:**  
*Bojorquez Law Firm, PC*



**CITY OF WOODCREEK, TEXAS**

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS TO APPOINT AN INTERIM CITY SECRETARY PENDING THE APPOINTMENT OF A CITY SECRETARY BY THE CITY COUNCIL; PROVIDING FOR AN EFFECTIVE DATE AND SEVERABILITY, AND FINDING PROPER NOTICE AND MEETING.**

**WHEREAS**, pursuant to Sec. 30.15(B) of the Woodcreek Code of Ordinances the offices of the City Secretary and City Manager, heretofore a combined office, have been segregated pursuant to Resolution No. \_\_\_\_\_ of the City Council of the City of Woodcreek; and

**WHEREAS**, the office of the City Secretary is vacant,

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

1. \_\_\_\_\_ is hereby appointed Interim City Secretary pending the appointment of a City Secretary by the City Council, and shall be administered the oath of office by the Mayor as soon as it may be convenient.
2. This Resolution becomes effective immediately after its passage and approval as provided by law.
3. Should any of the clauses, sentences, paragraphs, sections or parts of this Resolution 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.
4. It is hereby officially found and determined that the meeting at which this Resolution was passed was attended by the required 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 9th day of September 2015, by a vote of \_\_\_\_ (*ayes*) to \_\_\_\_ (*nays*) and \_\_\_\_ (*abstentions*) of the City Council of the City of Woodcreek, Texas.



**CITY OF WOODCREEK:**

*by:* \_\_\_\_\_  
Mayor Michael T. Steinert

**ATTEST:**

\_\_\_\_\_

**APPROVED AS TO FORM:**  
*Bojorquez Law Firm, PC*



**City of Woodcreek, Texas**

**September 9, 2015**

**EMPLOYEE EVALUATION COMMITTEE**

**REPORT TO CITY COUNCIL**

1. The Committee convened on August 28 and 29 and on September 1 and 8, 2015.
2. Mr. Sone's overall performance as City Manager was reviewed, including his interaction with Mayor Steinert and the City Council. The Committee also considered the impact that his general performance and relations with the City's elected officials has had and continues to have on the overall mission and objectives of the City government.
3. The Committee found that the mission and objectives of the City government were not being effectively and cohesively advanced with a City Manager that was not generally in harmony with nor supportive of most of the elected officials.
4. The Committee recommends that the City Council consider and take action on a resolution declaring the City Council's lack of confidence in Mr. Sone and removing him from the office of City Manager effective immediately.
5. The Committee further recommends that an Interim City Administrator be appointed pending appointment of a City Administrator.





**CITY OF WOODCREEK, TEXAS**

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS TO ACCEPT THE RECOMMENDATIONS OF THE EMPLOYEE REVIEW COMMITTEE APPOINTED TO REVIEW CITY MANAGER JOHN SONE'S PERFORMANCE AS AN EMPLOYEE OF THE CITY OF WOODCREEK; PROVIDING FOR SEVERABILITY AND FINDING PROPER NOTICE AND MEETING.**

**WHEREAS,** the City Council of the City of Woodcreek ("City Council") at its meeting of August 24, 2015 appointed an Employee Review Committee ("Committee") comprised of Mayor Steinert, Mayor Pro Tem Britner and Councilmember Marsh, and charged it with immediately undertaking a review of City Manager John Sone's performance as an employee of the City of Woodcreek, evaluating the suitability of his continued employment with the City in any capacity, and submitting findings and recommendations to the City Council; and

**WHEREAS,** the Committee convened on August 28 and 29 and on September 1 and 8, 2015, and at the City Council meeting of September 9, 2015 it recommended that the City Council consider and take action on a resolution declaring the City Council's lack of confidence in City Manager Sone and removing him from the office of City Manager, and further that an Interim City Administrator be appointed pending the appointment of a City Administrator,

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

1. The City Council hereby accepts the Employee Review Committee's recommendations to consider and take action on a resolution declaring the City Council's lack of confidence in City Manager Sone and removing him from the office of City Manager, and to consider and take action on appointing an Interim City Administrator pending the appointment of a City Administrator.
2. Should any of the clauses, sentences, paragraphs, sections or parts of this Resolution 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.



3. It is hereby officially found and determined that the meeting at which this Resolution was passed was attended by the required 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 9th day of September 2015, by a vote of \_\_\_\_ (*ayes*) to \_\_\_\_ (*nays*) and \_\_\_\_ (*abstentions*) of the City Council of the City of Woodcreek, Texas.

**CITY OF WOODCREEK:**

by: \_\_\_\_\_  
Mayor Michael T. Steinert

**ATTEST:**

\_\_\_\_\_

**APPROVED AS TO FORM:**  
*Bojorquez Law Firm, PC*



**CITY OF WOODCREEK, TEXAS**

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS DECLARING ITS LACK OF CONFIDENCE IN CITY MANAGER JOHN SONE AND REMOVING HIM AS WOODCREEK CITY MANAGER; PROVIDING FOR AN EFFECTIVE DATE AND SEVERABILITY, AND FINDING PROPER NOTICE AND MEETING.**

**WHEREAS,** the City of Woodcreek (“City”) is a Type “A” general law municipality of the State of Texas, organized under the provisions of Subchapter B of Chapter 6 of the Texas Local Government Code; and

**WHEREAS,** the City operates under the aldermanic form of government under the provisions of Chapter 22 of the Local Government Code, pursuant to which the governing body (“City Council”) consists of a Mayor and five Aldermen (a/k/a “Councilmembers”) who are elected by the qualified voters of the City; and

**WHEREAS,** Sec. 22.042 of the Local Government Code specifically provides: that the mayor of a Type “A” municipality is the municipality’s Chief Executive Officer, that the mayor shall at all times actively ensure that the laws and ordinances of the municipality are properly carried out, that he shall perform the duties and exercise the powers prescribed by the governing body of the municipality, and, further, that the mayor shall inspect the conduct of each subordinate municipal officer and shall cause any negligence, carelessness, or other violation of duty to be prosecuted and punished; and

**WHEREAS,** the City’s appointed chief administrative officer and the city secretary are municipal officers who are subordinate to the Mayor; and

**WHEREAS,** as allowed under Sec. 22.071 of the Local Government Code, the City Council has authorized creation of the municipal office of City Administrator/ City Manager; and

**WHEREAS,** the City Council appointed Mr. John Sone as City Manager, an office that he still holds; and



**WHEREAS**, pursuant to Sec. 30.15(B) of the Woodcreek Code of Ordinances, the City Manager/ City Secretary is appointed by a majority vote of the City Council, and serves at the will of a majority of the City Council; and

**WHEREAS**, Mr. Sone and the City entered into a written Letter of Engagement dated November 14, 2013, last executed by Mr. Sone on December 14, 2013, pursuant to which, among other things, Mr. Sone:

1. reports to the Mayor,
2. serves at the pleasure of the Woodcreek City Council,
3. is responsible to the governing body for the proper administration for the affairs of the City,
4. is barred from sharing with outside sources unpublished information about the City's own affairs, i.e., conversations, correspondences, financial condition, earnings, etc., which information is to be treated with the strictest confidence, and
5. acknowledges that his employment with the City is at-will, and as such the City may terminate the employment relationship at any time for any reason, and Mr. Sone also retains the right to resign; and

**WHEREAS**, Sec. 22.077(b) of the Local Government Code provides that, *“If the governing body lacks confidence in a municipal officer appointed by the governing body, the governing body may remove the officer at any time. The removal is effective only if two-thirds of the elected aldermen vote in favor of a resolution declaring the lack of confidence”*; and

**WHEREAS**, the City Council of the City of Woodcreek (“City Council”) is the governing body of the City of Woodcreek; and

**WHEREAS**, two-thirds of the elected aldermen of the City of Woodcreek are equivalent to four (4) out of five (5) Councilmembers; and

**WHEREAS**, the City Council has considered the above recitals and wishes to exercise its authority under Local Government Code Sec. 22.077,

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

1. The City Council hereby declares its lack of confidence in City Manager John Sone.
2. By this Resolution John Sone is relieved of his duties and responsibilities as City Manager, and is removed from that office effective September 10, 2015.





3. This Resolution becomes effective immediately after its passage and approval as provided by law.
4. Should any of the clauses, sentences, paragraphs, sections or parts of this Resolution 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. It is hereby officially found and determined that the meeting at which this Resolution was passed was attended by the required 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 9th day of September 2015, by a vote of \_\_\_\_ (*ayes*) to \_\_\_\_ (*nays*) and \_\_\_\_ (*abstentions*) of the City Council of the City of Woodcreek, Texas.

**CITY OF WOODCREEK:**

by: \_\_\_\_\_  
Mayor Michael T. Steinert

**ATTEST:**

\_\_\_\_\_

**APPROVED AS TO FORM:**

*Bojorquez Law Firm, PC*

