
MEETING NOTICE

The City Council of the City of Woodcreek, Texas will conduct a meeting at Woodcreek City Hall, 41 Champions Circle, Woodcreek, Texas. The meeting will be held on Wednesday, December 13, 2023 at 6:30 PM.

The public may watch this meeting live at the following link:

<https://zoom.us/j/91901227351?pwd=NjRYTFZDeDRNaHdDR1ZwNEtBd0NqQT09>

Meeting ID: 919 0122 7351; Passcode: 432154

A recording of the meeting will be made and will be available to the public in accordance with the Texas Public Information Act upon written request. This notice, as amended, is posted pursuant to the Texas Open Meetings Act (Vernon's Texas Codes Ann. Gov. Code Chapter 551).

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

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

It is anticipated that members of other City Boards, Commissions, Panels and/or Committees may attend the meeting in numbers that may constitute a quorum of the other City Boards, Commissions, Panels and/or Committees. Notice is hereby given that this meeting, to the extent required by law, is also noticed as a meeting of the other City Boards, Commissions, Panels and/or Committees of the City, whose members may be in attendance. The members of the City Boards, Commissions, Panels and/or Committees may participate in discussions on the items listed on this agenda, which occur at this meeting, but no action will be taken by those in attendance unless such action item is specifically listed on an agenda during a regular or special meeting for the respective Board, Commission, Panel and/or Committee subject to the Texas Open Meetings Act.

The City Council may retire to Executive Session any time during this meeting, under Texas Government Code, Subchapter D. Action, if any, will be taken in open session.

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

Any citizen shall have a reasonable opportunity to be heard at any and all meetings of the Governing Body in regard to: (1) any and all matters to be considered at any such meeting, or (2) any matter a citizen may wish to bring to the Governing Body's attention. No member of the Governing Body may discuss or comment on any citizen public comment, except to make: (1) a statement of specific, factual information given in response to the inquiry, or (2) a recitation of existing policy in response to the inquiry. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting per Texas Local Government code Sec. 551.042

Citizen comments will be allowed at the beginning of every meeting, or alternatively, before an item on the agenda upon which the citizen wishes to speak is to be considered. All citizens will be allowed to comment for **three (3) minutes** per person and shall be allowed more time at the Mayor or Chair's discretion. In addition, citizens may pool their allotted speaking time. To pool time, a speaker must present the names individuals present in the audience who wish to yield their three(3) minutes. Citizens may present materials regarding any agenda item to the City Secretary at or before a meeting, citizens attending any meeting are requested to complete a form providing their name, address, and agenda item/concern, but are not required to do so before speaking and presenting it to the City Secretary prior to the beginning of such meeting. Comments may only be disallowed and/or limited as per Government Code § 551.007(e).

Submit written comments by email to woodcreek@woodcreektx.gov by **NOON**, the day prior to the meeting. Please include your full name, home or work address, and the agenda item number. Written comments will be part of the official written record only.

AGENDA

CALL TO ORDER

MOMENT OF SILENCE

PLEDGES

ROLL CALL and ESTABLISH QUORUM

PUBLIC COMMENTS

CONSENT CALENDAR

- [1.](#) Approval of Regular Meeting Minutes From November 8, 2023.
- [2.](#) Approval of Special Meeting Minutes From November 20, 2023.
- [3.](#) Approval of A Proclamation Celebrating the Woodcreek Arbor Day Event on November 4, 2023, at The Triangle from 10AM-2PM. (Rasco)
- [4.](#) Approval of the 2024 Holiday Calendar for the City of Woodcreek.
- [5.](#) Approval of the 2024 Council Meeting Calendar for the City of Woodcreek.
- [6.](#) Approval of Resolution 2023-12-12-01, Job Descriptions for City Secretary, Staff Support Specialist/Receptionist, Assistant to the City Manager.
- [7.](#) Approval of Financial Statements for September 2023.
- [8.](#) Approval of Quarterly Financial Report for September 30, 2023.

REPORTS FROM OFFICERS AND COUNCIL LIAISONS

- 9. Report by Planning and Zoning Committee Liaison.*
 - Rainwater Collection, Including Permitting Process, Offset to Impervious Cover, Etc.
 - Possible Updates to Chapter 156.057 Fences, Including Raising Height to Eight(8) Feet.
- 10. Report by Mayor.*
 - List of Open Volunteer Positions on Woodcreek Boards, Committees, Commissions, Panels, Etc.

SPECIAL ORDERS

11. Discuss and Take Possible Action On Any Suggested Changes To The Woodcreek City Council, Rules of Procedure. (Rasco)
- [12.](#) Discuss and Take Appropriate Action on the Appointment of A Mayor Pro Tempore for the City of Woodcreek City Council for the Upcoming Year.

NEW BUSINESS

- [13.](#) Discuss and Take Possible Action on Adopting Resolution 2023-12-13-02, Aqua Texas Franchise Agreement. (*Rule*)
14. Discuss and Take Possible Action To Coordinate A Council Retreat in January 2024. (Rasco)
- [15.](#) Discuss and Take Possible Action On The Boy Scout Eagle Project For Rainwater Collection at Augusta Park, Using The Unspent SpookTacular Funds To Cover The Cost of Materials. (Rasco)
- [16.](#) Discuss and Take Possible Action to Host A Family-Friendly Golf Tournament, As Part of A Year-Long Celebration of Woodcreek's 40th Birthday. (Rasco)
- [17.](#) Discuss and Reconsider Taking Possible Action on Edits to Chapter 30 "the Ordinance Review Committee Ordinance" (Grummert)
- [18.](#) Discuss and Take Appropriate Action to Remove Recently Placed 'Keep Right' Signs at Tree Island Locations in the City of Woodcreek. (Grummert)

ANNOUNCEMENTS

ADJOURN

POSTING CERTIFICATION

I certify that the above notice was posted on the **8h day of December, 2023 at 3:00PM.**

By: 

Suzanne J. MacKenzie, City Secretary

**CITY COUNCIL MEETING (CITY HALL)
November 08, 2023; 6:30 PM
Woodcreek, Texas**

MINUTES

CALL TO ORDER

Mayor Rasco Called the Meeting to Order at 6:30PM.

MOMENT OF SILENCE

PLEDGES

ROLL CALL and ESTABLISH QUORUM

PRESENT

Mayor Jeff Rasco
Mayor Pro Tem Brent H. Pulley
Councilmember Linnea R. Bailey
Councilmember Chrys Grummert
Councilmember Bob Hambrick
Councilmember Debra Hines

STAFF PRESENT

City Manager, Kevin Rule
City Secretary, Suzanne MacKenzie
City Attorney, Charles Zech - A representative of Denton, Navarro, Rocha, Bernal & Zech P.C.

PUBLIC COMMENTS

No Public Comments were Offered.

CONSENT CALENDAR

1. Approval of Regular Meeting Minutes From October 25, 2023.

Motion was made by Council Member Hines to approve the Consent Agenda. Motion was seconded by Mayor Pro Tem Pulley.

A roll call vote was taken.

Voting Yea:

Mayor Pro Tem Pulley, Council Member Bailey, Council Member Grummert, Council Member Hambrick, Council Member Hines

Motion Passed: 5-0-0

REPORTS FROM OFFICERS AND COUNCIL LIAISONS

2. **Report on the Ordinance Review Committee's November 7th of 2023 meeting.**

No action was taken at the last meeting on invisible and electric fences.
The Committee will submit a report on Parking Ordinance recommendations.

3. **Platinum Road Panel Meeting of October 19, 2023.**

Contract is 95% complete. Minor items are outstanding, such as signs and striping.
Panel is waiting on a report from K.Friese regarding new procedures for road cuts.
City does not own the section of road between "City Maintenance Ends" sign and the entrance to Cypress Point - it is Private Property.
The next Platinum Roads Panel Meeting is scheduled for Jan 2024.

4. **Report by City Manager.**

Report on drainage projects intended - what is pending under K.Friese?
Updates on Jack Miller, Westwood, use of ARPA funds (Hines)

There are no current drainage projects. Staff is awaiting an update on K.Friese projects.
Funds previously referred to as "ARPA Funds" have been transferred to Capital Project Funds.

REPORT OF SPECIAL (Select or Ad Hoc) COMMITTEES - None

SPECIAL ORDERS - None

UNFINISHED BUSINESS AND GENERAL ORDERS – None

NEW BUSINESS

5. **Discuss and Take Appropriate Action on a Re-designation of Funding and Work for the Second Annual City of Woodcreek Beautification Project.** (Hines)

Motion was made by Council Member Hines that Council postpone the Stonehouse Project and take up the Triangle Gazebo Garden Project for the second annual Beautification Project of 2023.

A roll call vote was taken.

Voting Yea:

Council Member Hines, Mayor Pro Tem Pulley, Council Member Bailey, Council Member Grummert, Council Member Hambrick,

Motion Passed: 5-0-0

6. **Discuss and Take Appropriate Action on a Change Order for Added Scope and Fee to Address Driveway Transition Improvements Related to the 2023 Roads Project.** (Hines)

Motion was made by Council Member Hines to approve a Change Order for added scope and fee to address driveway transition improvements related to the 2023 Woodcreek Roads Project.

After discussion, Council Member Hines withdrew her motion at 7:18PM.

Motion was made by Council Member Hines to create an Ad Hoc Committee of Council Members to travel the streets and work with Staff and develop a program to address driveway approach and transitions.

A roll call vote was taken.

Voting Yea:

Mayor Pro Tem Pulley, Council Member Bailey, Council Member Grummert, Council Member Hambrick, Council Member Hines

Motion Passed: 5-0-0

Staff was directed to turn over their list of addresses with missing driveway approaches and "short driveways" that don't meet the main street.

7. **Discuss and Take Possible Action on A Conversion and Consolidation of the City Functions of Website Update and Maintenance and Agenda Preparation into CivicsPlus Software.** (Rule)

City Manager Rule explained that the quote in the packet for a new website for the City, including an agenda system, came in under budget and if approved, would begin implementation in the first quarter of 2024.

Motion was made by Council Member Grummert to approve the purchase of the CivicsPlus software. Motion was seconded by Council Member Bailey.

A roll call vote was taken.

Voting Yea:

Council Member Hines, Mayor Pro Tem Pulley, Council Member Bailey, Council Member Grummert, Council Member Hambrick,

Motion Passed: 5-0-0

ANNOUNCEMENTS

ADJOURN

Mayor Rasco Adjourned the Meeting at 7:26PM.

Jeff Rasco, Mayor

Suzanne MacKenzie, City Secretary

SPECIAL CITY COUNCIL MEETING (CITY HALL)
November 20, 2023; 2:00 PM
Woodcreek, Texas

MINUTES

CALL TO ORDER

Mayor Jeff Rasco Called the Meeting to Order at 2:00PM

ROLL CALL and ESTABLISH QUORUM

PRESENT

Mayor Jeff Rasco
Mayor Pro Tem Brent H. Pulley
Councilmember Linnea R. Bailey
Councilmember Chrys Grummert
Councilmember Bob Hambrick
Councilmember Debra Hines

STAFF PRESENT

City Manager, Kevin Rule
City Secretary, Suzanne Mac Kenzie

PUBLIC COMMENTS

No Public Comments were Offered.

NEW BUSINESS

1. **Canvass of the Returns of the City of Woodcreek General Election held on November 7, 2023, for the Purpose of Electing One(1) City Mayor and Two(2) Council Members of the City Council, At-Large, to Serve Two-Year Terms, and Other Matters in Connection Therewith.**

Mayor Jeff Rasco explained the purpose of the November 7, 2023 Elections was to elect a Mayor and two(2) Council Member positions. The Hays County Cumulative Results Report, page 6, and the Canvass Results Report, pages 80 and 81, were reviewed by Council.

2. **Discuss and Take Appropriate Action to Approve Resolution 2023-11-20-01 Canvassing the Returns and Declaring the Results of the General Election held on November 7, 2023, for the Purpose of Electing One(1) City Mayor and Two(2) Council Members of the City Council, At-Large, to Serve Two-Year Terms, and Other Matters in Connection Therewith.**

Motion was made by Council Member Grummert to approve Resolution 2023-11-20-01, canvassing the returns and declaring the results of the General Election held on November 7, 2023, for the purpose of electing one(1) City Mayor and two(2) Council Members of the City Council, At-Large, to serve two-year terms, and other matters in connection therewith. Motion was seconded by Mayor Pro Tem Pulley.

A roll call vote was held.

Voting Yea:

Mayor Pro Tem Pulley, Council Member Bailey, Council Member Grummert, Council Member Hambrick, Council Member Hines

Motion Passed: 5-0-0.

ANNOUNCEMENTS - None

ADJOURN

Mayor Jeff Rasco Adjourned the Meeting at 2:07PM

Jeff Rasco, Mayor

Suzanne MacKenzie, City Secretary

Council Meeting Agenda Item Cover Sheet

AGENDA ITEM SUBJECT/ TITLE:

Discuss and adopt Proclamation in Celebration of Woodcreek Arbor Day November 4, 2023

AGENDA ITEM SUMMARY:

It is a requirement for Tree City USA to issue a proclamation annually that an Arbor Day was celebrated.

RECOMMENDATION:

Adopt the proclamation

FINANCIAL IMPACT:

None

SUBMITTED BY:

Jeff Rasco

AGENDA TYPE:

Consent Calendar

COMPLETION DATE:

11/17/2023 3:03:18 PM

Proclamation

WHEREAS, Arbor Day is a day recognized throughout the nation and the world to inspire people to plant, nurture and celebrate trees, *and*

WHEREAS, Woodcreek has been blessed with a variety of trees that add character to our streets and adorn our properties, *and*

WHEREAS, Woodcreek residents appreciate that trees beautify our community, increase property values, provide shade, add refuge for our abundant wildlife, clean our air, *and*

WHEREAS, in recognition of our wonderful trees the Woodcreek Tree Board has hosted the second annual Arbor Day Celebration for the City of Woodcreek at the Triangle, located within the City of Woodcreek on November 4, 2023 from the hours of 10:00AM – 2:00PM, *and*

WHEREAS, the Tree Board plans to host an annual Arbor Day event to provide community tree education, appreciation, and recognition.

NOW, THEREFORE I, Jeff Rasco, by virtue of the authority vested in me as Mayor of the City of Woodcreek ask our residents to continue to participate in our annual Arbor Day event and urge them to continue to plant and protect trees within our community.

IN WITNESS WHEREOF, we hereunto affix the seal of the City of Woodcreek this the 13th day of **December, 2023.**

Place

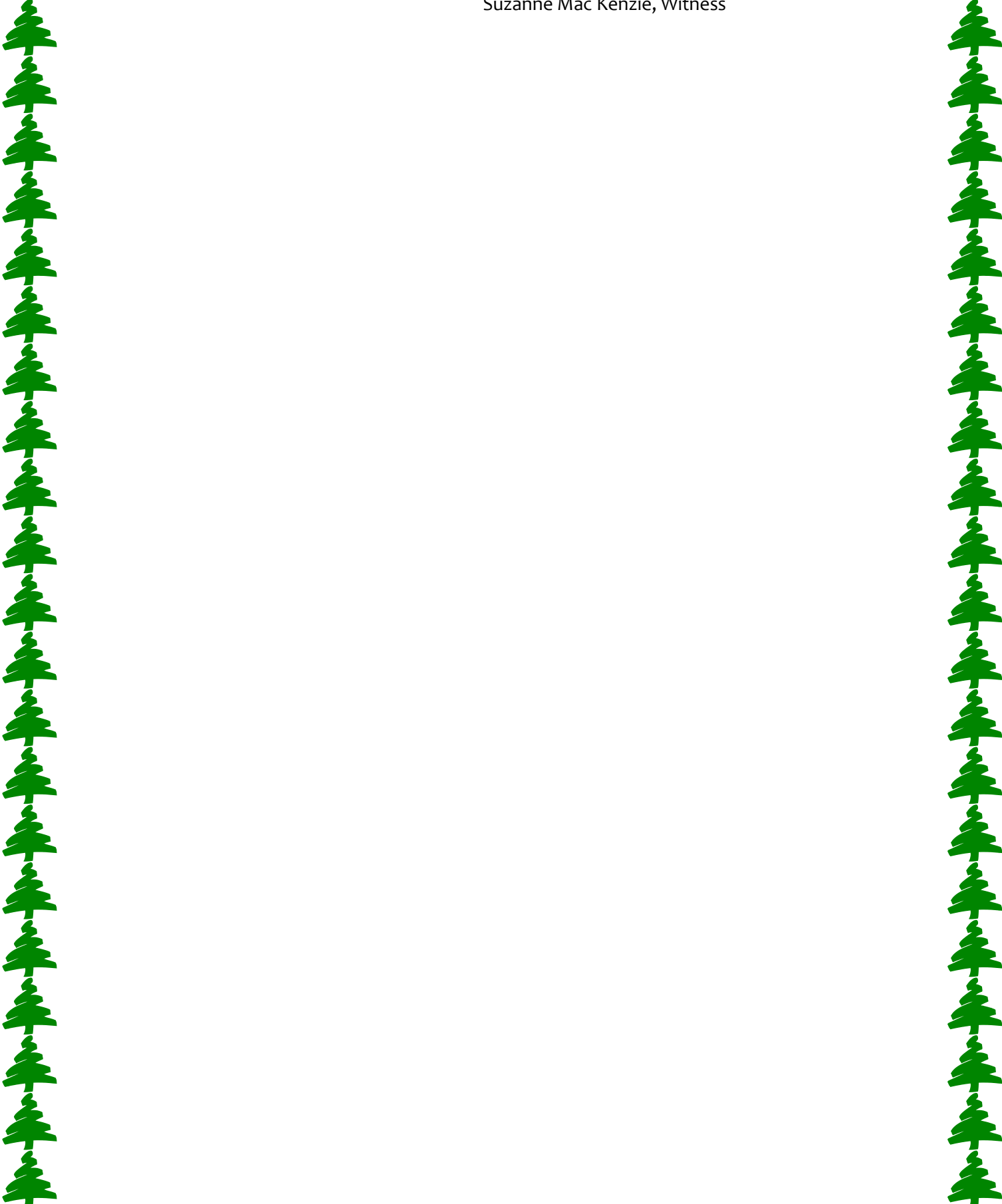
City of Woodcreek

Seal HERE

Jeff Rasco, Mayor



Suzanne Mac Kenzie, Witness



Council Meeting Agenda Item Cover Sheet

AGENDA ITEM SUBJECT/ TITLE:

Discuss and Take Appropriate Action on the Approval of the 2024 Holiday Calendar for the City of Woodcreek.

AGENDA ITEM SUMMARY:

Discuss and Take Appropriate Action on the Approval of the 2024 Holiday Calendar for the City of Woodcreek.

RECOMMENDATION:

Recommend the Approval of the 2024 Holiday Calendar for the City of Woodcreek.

FINANCIAL IMPACT:

0.00

SUBMITTED BY:

City Secretary

AGENDA TYPE:

Consent Calendar

COMPLETION DATE:

11/13/2023 3:03:33 PM

City of Woodcreek

2024 Holiday Calendar

HOLIDAY	DAY(s) CELEBRATED	Federal	Hays Co
Martin Luther King, Jr. Day	Monday, January 15, 2024	*	+
Presidents' Day	Monday, February 19, 2024	*	+
Texas Independence Day	Friday, March 1, 2024 (Actual Date March 2 nd)		+
Good Friday	Friday, March 29, 2024		+
San Jacinto Day	Monday, April 22, 2024 (Actual Date April 21 st)		+
Memorial Day	Monday, May 27, 2024	*	+
Juneteenth	Wednesday, June 19, 2024	*	+
Independence Day	Thursday, July 4, 2024	*	+
Labor Day	Monday, September 2, 2024	*	+
Columbus Day	Monday, October 14, 2024	*	
Veterans' Day	Monday, November 11, 2024	*	+
Thanksgiving Break	Wednesday, November 27, 2024 Thursday, November 28, 2024 * Friday, November 29, 2024	*	+
Christmas Break	Monday, December 23, 2024 Tuesday, December 24, 2024 + Wednesday, December 25, 2024 * + Thursday, December 26, 2024 + Friday, December 27, 2024	*	+
New Year's Day	Wednesday, January 1, 2025	*	+

 Jeff Rasco, Mayor

 Date Signed

 Kevin Rule, City Manager

 Date Signed

Council Meeting Agenda Item Cover Sheet

AGENDA ITEM SUBJECT/ TITLE:

Approval of the City of Woodcreek, 2024 Council Meeting Calendar

AGENDA ITEM SUMMARY:

Approval of the City of Woodcreek, 2024 Council Meeting Calendar

RECOMMENDATION:

Approve the City of Woodcreek, 2024 Council Meeting Calendar

FINANCIAL IMPACT:

0.00

SUBMITTED BY:

City Secretary

AGENDA TYPE:

Consent Calendar

COMPLETION DATE:

11/28/2023 11:34:45 AM

CITY OF WOODCREEK

2024 CITY COUNCIL MEETING CALENDAR

MEETING DATE	MEETING TIME	AGENDA MATERIAL SUBMISSION CUT-OFF
Wednesday, January 10, 2024	6:30 P.M.	Friday, December 29, 2023
Wednesday, January 24, 2024	3:00 P.M.	Friday, January 12, 2024
Wednesday, February 14, 2024	6:30 P.M.	Friday, February 2, 2024
Wednesday, February 28, 2024	3:00 P.M.	Friday, February 16, 2024
Wednesday, March 13, 2024	6:30 P.M.	Friday, March 1, 2024
Wednesday, March 27, 2024	3:00 P.M.	Friday, March 15, 2024
Wednesday, April 10, 2024	6:30 P.M.	Friday, March 29, 2024
Wednesday, April 24, 2024	3:00 P.M.	Friday, April 12, 2024
Wednesday, May 8, 2024	6:30 P.M.	Friday, April 26, 2024
Wednesday, May 22, 2024	3:00 P.M.	Friday, May 10, 2024
Wednesday, June 12, 2024	6:30 P.M.	Friday, May 31, 2024
Wednesday, June 26, 2024	3:00 P.M.	Friday, June 14, 2024
Wednesday, July 10, 2024	6:30 P.M.	Friday, June 28, 2024
Wednesday, July 24, 2024	3:00 P.M.	Friday, July 12, 2024
Wednesday, August 14, 2024	6:30 P.M.	Friday, August 2, 2024
Wednesday, August 28, 2024	3:00 P.M.	Friday, August 16, 2024
Wednesday, September 11, 2024	6:30 P.M.	Friday, August 30, 2024
Wednesday, September 25, 2024	3:00 P.M.	Friday, September 13, 2024
Wednesday, October 9, 2024	6:30 P.M.	Friday, September 27, 2024
Wednesday, October 23, 2024	3:00 P.M.	Friday, October 11, 2024
Wednesday, November 13, 2024	6:30 P.M.	Friday, November 1, 2024
Wednesday, December 11, 2024	6:30 P.M.	Friday, November 29, 2024

Council Meeting Agenda Item Cover Sheet

AGENDA ITEM SUBJECT/ TITLE:

Approval of Resolution 2023-12-12-01, Job Descriptions for City Secretary, Staff Support Specialist/Receptionist, Assistant to the City Manager.

AGENDA ITEM SUMMARY:

Approval of Resolution 2023-12-12-01, Job Descriptions for City Secretary, Staff Support Specialist/Receptionist, Assistant to the City Manager.

RECOMMENDATION:

Recommend approval of Resolution 2023-12-12-01, Job Descriptions for City Secretary, Staff Support Specialist/Receptionist, Assistant to the City Manager.

FINANCIAL IMPACT:

0.00

SUBMITTED BY:

Kevin Rule

AGENDA TYPE:

Consent Calendar

COMPLETION DATE:

11/13/2023 3:03:33 PM

**THE CITY OF WOODCREEK
RESOLUTION NO. 2023-12-13-01**

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS, APPROVING JOB DESCRIPTIONS FOR THE CITY SECRETARY, STAFF SUPPORT SPECIALIST AND ASSISTANT TO THE CITY MANAGER.

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

SECTION I. JOB DESCRIPTIONS APPROVAL: City Council hereby approves job descriptions for the City Secretary (attached as Exhibit A), Staff Support Specialist (attached as Exhibit B), and Assistant to the City Manager (attached as Exhibit C).

SECTION II. SEVERABILITY CLAUSE: 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 Resolution. All provisions of this Resolution are declared severable.

SECTION III. CUMULATIVE CLAUSE: This Resolution shall be cumulative of all provisions of Resolutions of the City except where provisions of this Resolution are in direct conflict with the provisions of such Resolutions, in which event the conflicting provision soft h such Resolutions are hereby repealed.

SECTION IV. REPEALER CLAUSE:All Resolutions, Resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters regulated, herein.

SECTION V. SAVINGS CLAUSE: The repeal or amendment of any Resolution or part of Resolutions effectuated by the enactment of this Resolution shall not be construed as abandoning any action now pending under or by virtue of such Resolution or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any right of the City of Woodcreek under any section or provisions of any Resolutions in effect at the time of the passage of this Resolution.

SECTION VI. PROPER NOTICE AND MEETING: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required 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. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

Effective upon final approval.

PASSED AND APPROVED this **13th** day of **December, 2023**, by a _____ to _____ vote of the City Council of Woodcreek, Texas.

WOODCREEK, TEXAS

PLACE
CITY SEAL
HERE

By: _____
Jeff Rasco, Mayor

ATTEST:

Suzanne J. Mac Kenzie, City Secretary



Job Description

City Secretary

Full Time

Pay Range \$70,000-\$85,000

The city secretary has statutory responsibility for maintenance of official records of the city and records all official meetings of the city council and all city boards and commissions. Duties include, but are not necessarily limited to, coordinating the City's election process, preparing meeting agendas and minutes for City Council and other meetings of city boards or commissions, managing the City's records retention program, responding to open records inquiries and concerns of the public, and processing administrative documentation of official city records. This is accomplished by completing general clerical duties, providing customer service, preparing correspondence and reports, and filing systems.

Essential Duties and Responsibilities

- Manages and coordinates the operations of the City Secretary's office and ensures all official city activities are compliant with federal, state, and City policies, ordinances.
- Reviews and maintains custody of official records and archival of such documents including, City ordinances, resolutions, contracts, judgments, agreements, surety bonds, deeds, insurance, minutes, etc.
- Oversees record management program, ensures the accuracy of technical files and official records, and ensures City record retention program is compliant with Texas Statutes.
- Reviews, approves, attests, and oversees the timely renewal of all official documents, adopted resolutions, ordinances, agreements, contracts, meeting minutes, and other official records after each meeting.
- Participates and organizes special events; prepares ceremonial items such as proclamations, certificates, and awards.
- Coordinates, directs, and organizes the posting of all legal notices, agendas, publications, resolutions, and codification of ordinances.
- Works closely with the City Manager in the preparation of Council, all Boards/Commissions and ad hoc committee agendas and other City Council, board/commission, and any ad hoc committee-related duties as assigned.
- Provides research and project support for the City Manager, and when directed for Council, Boards/Commissions, and ad hoc committees.
- Compiles, reviews, approves, and delivers various agenda packets to include packets for City Council, all Boards/Commissions, and any ad hoc committees.
- Coordinates with the technical preparation, recordation, and transcribing of proceedings of official meetings and public hearings of the City Council, Boards/Commissions, and any ad hoc committees.
- Acts as city recorder; maintains custody of city seal; affixes to documents and obligations of the City as required; countersigns city legal documents; recommends rules and regulations to be adopted to protect municipal records; establishes systems to file and maintain official records including minutes, ordinances, resolutions, contracts, judgments,

surety bonds, deeds, elections, and other records; ensures all records are maintained and in compliance with mandated requirements.

- Attends all City Council and ensures the accurate completion of required minutes in a timely fashion.
- Participates in the development and administration of the City Secretary's Office budget.
- Provides certification of petitions to the City Council.
- Serves as Municipal Election Administrator; coordinates municipal elections through the County; prepares all election information for council candidates, election orders, resolutions, notices, and other pertinent documents; coordinates with the City Legal department to ensure conformance with election and government code; receives and files all campaign financial reports; coordinates the Canvass of Election Results; arranges the swearing-in of newly elected council members and board members; updates city website with current election information, campaign forms, as well as current and historical election results, campaign finance reports, and election history.
- Reviews and processes all open record requests according to Attorney General guidelines.
- Responds to and resolves delicate and sensitive citizen inquiries and complaints.
- Establishes, maintains, and builds upon effective working relationships with appointed and elected officials, citizens, supervisors, co-workers, volunteers, and local businesses.
- Organizes community input meetings as needed to facilitate the exchange of information between the City and the community.
- Exercises considerable initiative, independent judgment, and confidentiality.
- Conveys a positive, professional image by action, communication, and appearance.
- Exhibits regular, reliable, and punctual attendance, which is an essential function of the job.
- Must be able to work night meetings; work may occasionally require travel, including overnight stays, involving training, and conducting City business.
- Performs all other related job duties and responsibilities as assigned.

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES

Knowledge of:

- Rules, regulations, and laws governing city elections.
- Texas Election Code, Texas Local Government Code, Public Information Act, Texas Open Meetings, and Open Records Act with the use of analytical judgment and decision-making abilities appropriate to the work environment of the organization.
- City Charter, State law, Freedom of Information Act, Texas Open Meetings and Open Records law.
- Records management and maintenance of official records.
- City policies and procedures.
- Texas State Library and Archives Commission rules and regulations.
- Pertinent federal, state and local laws, codes and regulations.
- Municipal government policies and ordinances.

Skills in:

- Proofreading and have the ability to create and deliver public presentations.
- Interpreting and understanding the City Charter, Election Code, Local Government Code, Code of Ordinances, and other statutes of the State of Texas.
- Effective communications both orally and in writing
- Being a team player who is flexible, a problem solver, able to hear and accept feedback, good listener, possesses confidence.
- Understanding and explaining complex situations involving all City departments and functions.

Ability to:

- Read literature, books, reviews, scientific or technical journals, abstracts, financial reports, and legal documents.
- Remain flexible and open to new ideas and encourages others to value change.
- Identify ways to incorporate new practices into the existing framework.
- Communicate clearly and concisely, both orally and in writing.
- Meet deadlines.
- Establish and maintain effective working relationships with those contacted in the course of work, including City employees and other government officials, community groups, the general public, and media representatives.
- Identify and respond to community and City Council issues, concerns, and needs.
- Provide information and organize material, including records retention/destruction in compliance with laws, regulations, and policies.
- Be able to work night meetings. Work may occasionally require travel, including over-night stays, involving training and conducting City business.

ENVIRONMENTAL FACTORS AND SAFETY HAZARDS

Primarily in an indoor environment with the ability to operate outdoors when needed. May be exposed to extreme heat and cold during summer and winter months.

TOOLS AND EQUIPMENT USED

Uses standard office equipment, including multi-line telephone, computer, fax machine, document shredder, copier, scanner, printer, etc.

PREFERRED EDUCATION, EXPERIENCE, AND CERTIFICATIONS

- Associate's degree and three (3) years' experience related to the area of assignment; or any equivalent combination of education and experience sufficient to successfully perform the essential duties of the job such as those listed above.
- Must have and maintain a Texas Municipal Clerks Association (TMCA) Certification or able to receive within two (2) years of hire date.
- Notary public or able to obtain within six (6) months of employment.

REQUIRED EDUCATION, EXPERIENCE, AND CERTIFICATIONS

- Election experience.
- A Valid Class C Texas motor vehicle driver's license and the ability to maintain a satisfactory driving record.



Job Description
Staff Support Specialist
 Part Time
 Pay Range \$18-\$30 per hour

The Staff Support Specialist is the first point of contact for the City of Woodcreek and it is necessary to welcome residents and vendors who visit City Hall professionally, with a pleasant personality and a general willingness to answer questions. This position will be responsible for coordinating front desk activities, including the distribution of correspondence and redirecting phone calls. This position can be fast-paced at times, and should be able to prioritize tasks to meet deadlines or deal with an occasional emergency situation.

Essential Duties and Responsibilities

- Greet and welcome residents and vendors as soon as they arrive at City Hall.
- Direct visitors to the appropriate person and office.
- Answer, screen and forward incoming phone calls.
- Provide basic and accurate information in-person and via phone or email.
- Receive, sort and distribute daily mail/deliveries.
- Order office supplies, as needed, and keep inventory of those supplies.
- Update calendars and schedule meetings.
- Responsible for Social Media Engagement through City Website, Facebook and/or Nextdoor.
- Perform filing and document research duties as directed by the City Manager.
- Support the City Secretary and City Manager with various administrative tasks.

Other Responsibilities

- Serves as the Municipal Court Clerk.
- Assists Code Administrator to coordinate the permit application process, including the application and plan submittals, fee assessment and payment, coordinating plan review and comment transmittals, and issuance of permits and other approval correspondence as appropriate. Assists to accept applications for building permits. Reviews forms for accuracy; explains permit procedures, fees and determines missing documents according to a checklist of items.
- Receive and process timely payment of all account's payable invoices and accounts receivable, requisitions, purchase orders, receipts, and vendor information in a semi-paperless environment.
- Maintain vendor files and set up new accounts and make changes as needed.

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES

Knowledge of:

- Knowledge of appropriate Federal, State, and Local Government laws and ordinances.
- Knowledge of City of Woodcreek policies, procedures, mission, and goals.

- Skill for ensuring continuous improvement in processes, relationships, and cost savings.
- Skill in developing and implementing organizational structures, procedures, and technology.
- Ability to work independently to direct multiple work streams while balancing competing priorities with attention to detail.
- Ability to maintain strong interpersonal relationships with internal and external stakeholders.
- Ability to communicate effectively, both oral and written forms, in a variety of circumstances using appropriate tone and appearance for the situation, and to listen intently to other points of view.
- Ability to develop, understand, interpret, and apply rules, policies, and procedures.
- Ability to handle records and complex situations of a confidential nature.
- Ability to simultaneously handle multiple tasks and changing priorities in an efficient and effective manner.

Skills in:

- Excellent organizational and time management skills.
- Professional written and verbal communication skills.
- Microsoft Office Suite, including SharePoint.
- Effective communications both orally and in writing
- Being a team player who is flexible, a problem solver, able to hear and accept feedback, good listener, possesses confidence.
- Understanding and explaining complex situations involving all City departments and functions.

Ability to:

- Ability to communicate with people of diverse cultural and educational backgrounds.
- Ability to establish and maintain effective, professional working relationships with City Staff, residents, vendors and the City Council and Other Advisory Bodies.
- Ability to prioritize and multi-task.
- Ability to maintain the confidentiality of City Hall and the City Council and Other Advisory Bodies until the release of such information is official.
- Ability to use basic office equipment, such as telephone, copy machine, printer.

ENVIRONMENTAL FACTORS AND SAFETY HAZARDS

Primarily in an indoor environment.

TOOLS AND EQUIPMENT USED

Uses standard office equipment, including multi-line telephone, computer, fax machine, document shredder, copier, scanner, printer, etc.

PREFERRED EDUCATION, EXPERIENCE, AND CERTIFICATIONS

- High school diploma or equivalent.
- 1-2 years in an office environment.
- 6 months of municipal experience.



Job Description

Assistant to the City Manager

Part Time
Pay Range \$16-\$22 per hour

The Assistant to the City Manager coordinates, facilitates, and repairs and performs maintenance on municipal owned land/structures/facilities. Other duties may include providing maintenance support by retrieving debris from the city's streets, assisting other departments as needed, completing special projects as requested, and interacting with other city employees and citizens. This position does not provide direction to other employees. This position can be fast-paced at times, and should be able to prioritize tasks to meet deadlines or deal with an occasional emergency situation.

Essential Duties and Responsibilities

- Assists with general grounds keeping of rights of way, drainage/detention area mowing and park maintenance, herbicide and pesticide application, installation and repair, concrete work, facility cleaning, trash removal, and general carpentry, painting, plumbing, electrical, construction and mechanical maintenance, gardening, landscaping and pruning, as assigned.
- Transports tools and equipment, materials, and supplies to worksites, and loads and unloads supplies, tools, and equipment.
- Cleans and maintains work area, machines, and tools.
- Follows all safety standards including the use of protective gear and the appropriate handling of hazardous materials and chemicals, sets up warning signs and barriers around worksites and notifies supervisor of possible hazards, as needed.
- Performs routine inspections of equipment and operating machinery;
- Plants, mows grass, clears plants and trees, edges walkways and curbs, and trims shrubbery, as assigned.
- Works and sets up special events and moves furniture or equipment for City departments, as assigned.
- Assists in maintaining and making minor repairs to facilities, buildings, equipment, machinery, vehicles, and grounds.
- Operates necessary vehicles, equipment and tools, such as pickup trucks, bobcats, tractors, mowers, jack hammers, striping machines, chainsaws, carpentry tools, and garden implements.
- Cleans and organizes storage facilities and shop areas.
- Assists in the construction and assembly of equipment.
- Performs such other related duties as may be assigned.

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES

Knowledge of:

- Methods, practices, materials, and equipment used in the maintenance of, parks and related facilities; use and care of tools and specialized equipment; and of the basic provisions of the Texas Motor Vehicle Code relating to operation of light and heavy motorized equipment.
- Knowledge of City of Woodcreek policies, procedures, mission, and goals.

Skills in:

- Operate standard maintenance equipment applying safety standards to prevent hazards; understand and follow instructions; and establish and maintain effective working relationships with co-workers and the general public; tolerate outside working conditions, including exposure to adverse weather conditions.
- Skills for ensuring continuous improvement in processes, relationships, and cost savings.

Ability to:

- Ability to communicate with people of diverse cultural and educational backgrounds.
- Ability to establish and maintain effective, professional working relationships with City Staff, residents, vendors and the City Council and Other Advisory Bodies.
- Ability to prioritize and multi-task.
- Ability to maintain the confidentiality of City Hall and the City Council and Other Advisory Bodies until the release of such information is official.
- Ability to use basic office equipment, such as telephone, copy machine, printer.

ENVIRONMENTAL FACTORS AND SAFETY HAZARDS

Primarily in an outdoor environment. Working conditions in the field are subject to variations in temperatures, humidity and can include high wind, rain, dust and other contaminants.

TOOLS AND EQUIPMENT USED

Uses standard office equipment, including multi-line telephone, computer, fax machine, document shredder, copier, scanner, printer, etc.

PREFERRED EDUCATION, EXPERIENCE, AND CERTIFICATIONS

- High school diploma or equivalent.

Council Meeting Agenda Item Cover Sheet

AGENDA ITEM SUBJECT/ TITLE:

Approval of Financial Statements for Sept. 2023

AGENDA ITEM SUMMARY:

Approval of Financial Statements for Sept. 2023

RECOMMENDATION:

Approve Financial Statements for Sept. 2023

FINANCIAL IMPACT:

N/A

SUBMITTED BY:

Kevin Rule

AGENDA TYPE:

Consent Calendar

COMPLETION DATE:

11/20/2023 11:18:58 AM

The City of Woodcreek
Transaction Report
September 2023

Date	Name	Memo/Description	Amount
09/01/2023	Payroll Account	Automatic transfer to payroll clearing to cover payroll costs.	-8,314.72
09/04/2023	Hays Central Appraisal District	WOO	-1,863.98
09/04/2023	Adam Halstead	Traffic enforcement	-960.00
09/04/2023	Lower Colorado River Authority	000105913 Radio Service	-478.80
09/04/2023	Hays County Traffic Enforcement	Traffic enforcement	-160.00
09/04/2023	Xerox Business Solutions Southwest (Dahill)	Color meter; WC44:40G975	-153.55
09/04/2023	Waste Connections Lone Star Inc	Disposal Fees, Hauls 40 Yd	-1,502.70
09/05/2023	Bank Fee Per City	Comment// Bank Fee 5049	-15.00
09/06/2023	United States Postal Service	First-Class Mail	-8.56
09/06/2023	Atteign LLC	Accounting services	-1,995.00
09/06/2023	Fifthroom	Second payment on gazebo	-12,493.06
09/06/2023	Payroll Account	Automatic transfer to payroll clearing to cover payroll costs.	-79.95
09/06/2023	Law Office of Roger Gordon	Legal services	-5,783.20
09/08/2023	Zoom Video Communications	Zoom subscription	-17.04
09/11/2023	Amazon	//Comment// 5500.50	-56.94
09/11/2023	HOT IT	IT such as Premium packages, Office 365, Backup software	-979.20
09/11/2023	Wimberley Plumbing LLC	Plumbing services	-270.50
09/11/2023	Landscape Business Services, LLC	Landscaping services	-475.00
09/12/2023	TMRS	TMRS PAYROLL 11143	-2,705.53
09/12/2023	TXB	Gas for mule (City coded to 5500.10)	-16.05
09/13/2023	HEB	Food for Council meeting	-3.98
09/13/2023	Texas Municipal League	//Comment// GFOAT Conference Account # 7000.42	-550.00
09/15/2023	Xerox Financial Services	Contract # 010-0164812-001, Customer 164812, Lease pmt	-190.63
09/15/2023	Jim Burton	Permitting work	-842.16
09/15/2023	Payroll Account	Automatic transfer to payroll clearing to cover payroll costs.	-8,442.90
09/16/2023	Dollar General	Ribbon for City Council Proclamations	-3.79
09/18/2023	Atteign LLC	Software subscriptions	-93.00
09/18/2023	Sherry Rogers & Co.	Monthly payment for office cleaning services	-150.00
09/19/2023	Verizon	Acct # 842103446-00001 Monthly - internet access for comp	-166.34
09/19/2023	The Meadows Center for Water and the Environmen	Cypress Creek water quality monitoring	-324.00
09/19/2023	HOT IT	IT such as Premium packages, Office 365, Backup software	-3,419.89
09/19/2023	ODP Business Solutions LLC	Office supplies	-130.00
09/19/2023	San Marcos Daily Record	RA1906 - Public notices	-369.82
09/20/2023	PEC - Utilities	Monthly electric payment 3 meters (City Hall, Entrance, Broo	-328.37
09/22/2023	Fifthroom	Final payment gazebo	-1,388.11
09/22/2023	Law Office of Roger Gordon	Legal services	-2,616.60
09/24/2023	AquaTexas, Inc.	Water bill payment (Gatehouse)	-42.92
09/24/2023	AquaTexas, Inc.	Water bill payment (City Hall)	-128.97
09/24/2023	Ruth Ann Gilbert	Reimbursement for City expense(s)	-881.31
09/24/2023	Spectrum Business	Cable service	-212.43
09/24/2023	AquaTexas, Inc.	Water bill payment (Par View)	-42.92
09/24/2023	AquaTexas, Inc.	Water bill payment (Brookhollow & Woodcreek)	-42.92
09/25/2023	Sean Rawlings	Contract labor hours	-363.00
09/26/2023	Whataburger	Meeting w Charlie Zech in Austin	-13.85
09/27/2023	ExxonMobil	//Comment// Account # 5500.50	-5.72
09/27/2023	HEB	Energizer Max Pwrseal	-5.38
09/27/2023	Zazzle	Employee ID badges	-20.09
09/28/2023	Pat Rawlings	Reimbursement for City expense(s)	-379.97
09/28/2023	Hired Killers Inc.	Pest control	-97.00
09/28/2023	Best Outdoor Ping Pong Tables	Park Outdoor Ping Pong Table	-4,999.99
09/28/2023	Amazon Capital Services, Inc.	Office supplies	-680.95
09/28/2023	Suzanne Mac Kenzie	Reimbursements	-10.44
09/28/2023	Xerox Business Solutions Southwest (Dahill)	Color meter; WC44:40G975	-86.70
09/28/2023	A to Z Copy & Print, LLC	Printing services	-80.00
09/28/2023	Ross Griswold	Gazebo install	-1,300.00
09/29/2023	Payroll Account	Automatic transfer to payroll account to cover payroll costs.	-8,237.63
09/30/2023	Jim Burton	Code admin	-883.21
TOTAL			-\$ 75,863.77

Treasurer's Report
For the Period: October 2022 - September 2023

Item 7.

Percent Complete: 100%

	2022-2023			2021-2022			Y/Y Monthly Comparison		
	YTD	Budget	%	YTD	Budget	%	Sep-23	Sep-22	Difference
Revenue									
2900 Accounting Info Needed	-	-	n/a	-	-	n/a	-	-	-
3000 Ad Valorem Tax Revenue	-	-	n/a	-	-	n/a	-	-	-
3000.01 Ad Valorem Tax	363,239	360,000	101%	351,183	349,000	101%	1,122	2,857	(1,735)
3000.02 Delinquent Ad Valorem Tax	2,581	4,500	57%	3,052	-	n/a	-	387	(387)
3000 Ad Valorem Tax Revenue	365,820	364,500	100%	354,235	349,000	102%	1,122	3,244	(2,122)
3005 State Sales Tax Revenue	92,274	80,000	115%	81,014	80,000	101%	7,907	7,464	443
3010 Mixed Beverage Tax & Fees Rev	1,725	1,200	144%	1,265	1,500	84%	308	129	179
3020 Electric Franchise Fee Revenue	35,845	31,000	116%	31,877	34,000	94%	-	-	-
3030 Cable Services Franchise Rev	33,477	30,000	112%	34,779	30,000	116%	-	-	-
3030.1 PEG - Cable Revenue	6,695	6,650	101%	6,950	6,000	116%	-	-	-
3030 Cable Services Franchise Rev	40,172	-		41,729	-	#DIV/0!	-	-	-
3040 Water Service Franchise Revenue	104,561	90,000	116%	100,581	100,000	101%	-	-	-
3050 Disposal Service Franchise Rev	30,063	24,000	125%	25,418	25,000	102%	-	-	-
3060 Telephone Franchise Revenue	132	160	83%	157	200	78%	-	-	-
3070 Golf Course Franchise Revenue	-	500	0%	500	500	100%	-	-	-
3080 Reimbursements	-	-	n/a	-	6,000	0%	-	-	-
3080.10 Engineerings	-	8,000	0%	2,061	-	n/a	-	-	-
3080.20 Legal	-	2,500	0%	-	-	n/a	-	-	-
3080.30 Admin	-	-	n/a	-	-	n/a	-	-	-
3080 Reimbursements	-	10,500	0%	2,061	6,000	34%	-	-	-
3090 Development Revenue	-	-	n/a	-	-	n/a	-	-	-
3090.01 Residential	-	-	n/a	-	-	n/a	-	-	-
3090.011 New Home Permits	2,809	6,000	47%	7,000	5,000	140%	2,121	-	2,121
3090.012 Other Permits	5,079	7,000	73%	7,973	11,000	72%	949	225	724
3090.013 Inspections	7,277	7,000	104%	8,299	17,000	49%	1,069	-	1,069
3090.02 Commercial	-	500	0%	3,234	5,000	65%	-	-	-
3090.03 Other	-	200	0%	-	80	0%	-	-	-
3090.031 Subdivisions/Plats/Re-Plats	25,962	5,000	519%	-	5,000	0%	-	-	-
3090.99 Permits Other	550	-	n/a	-	-	n/a	300	-	300
Total 3090 Development Revenue	41,677	25,700	162%	26,506	43,080	62%	4,439	225	4,214
3093 Liquor License Revenue	725	1,250	58%	1,388	1,310	106%	1,325	-	1,325
3095 Sign Fees	370	350	106%	560	700	80%	65	65	-
3096 - Other Permits	1,490	-	n/a	-	-	n/a	-	-	-
4000 Interest Income	86,672	2,500	3467%	6,634	1,000	663%	21,445	2,704	18,741
4010 Other Revenue	5,545	10,000	55%	12,369	700	1767%	-	-	-
4010 Other Revenue	5,545	10,000	55%	12,369	700	1767%	-	-	-
4015 Oak Wilt Containment	-	6,000	0%	-	-	n/a	-	-	-
4020 Municipal Court Revenue	-	1,500	0%	901	1,500	60%	-	-	-
4035 TDEM DR-4485 Revenue	-	-	n/a	213,021	-	n/a	-	213,021	(213,021)
4040 Donations Received	-	5,200	0%	-	6,180	0%	-	-	-
4040.02 Park Donations	2,710	500	542%	1,180	-	n/a	-	-	-
Total Donations Received	2,710	5,700	48%	1,180	6,180	19%	-	-	-
4050 General Fund Transfer	-	-	n/a	-	-	n/a	-	-	-
Uncategorized Revenue	-	-	n/a	-	-	n/a	-	-	-
Total Revenue	809,781	691,510	117%	901,395	686,670	131%	36,609	226,851	(190,241)

Expenditures									
5000 Personnel Services	-	-	n/a	-	-	n/a	-	-	-
5000.01 Salaries and Wages	135,805	170,000	80%	189,113	208,500	91%	21,444	7,290	14,154
5000.02 Health Insurance Stipend	5,590	6,000	93%	6,958	8,600	81%	923	-	923
5000.03 City Manager Vehicle Reimburse	3,000	-	n/a	4,650	6,000	78%	-	-	-
5000.04 Overtime Wages	11,867	-	n/a	-	-	n/a	2,464	-	2,464
5000.05 Elected Official Pay	-	-	n/a	-	-	n/a	-	-	-
5000.20 Payroll Tax Expense	-	-	n/a	-	-	n/a	-	-	-
5000.21 FICA/OASDI	11,954	13,400	89%	14,034	16,410	86%	1,900	558	1,342
5000.22 Unemployment Insurance	35	1,100	3%	918	500	184%	2	-	2
5000.20 Payroll Tax Expense	11,989	14,500	83%	14,951	16,910	88%	1,902	558	1,344
5000.40 Retirement	15,538	18,100	86%	20,767	22,190	94%	2,419	795	1,623
Total 5000 Personnel Services	183,789	208,600	88%	236,439	262,200	90%	29,152	8,643	20,509
5500 Office Expenses	-	-	n/a	-	-	n/a	-	-	-
5500.05 Bank Fees & Charges	30	-	n/a	-	-	n/a	15	-	15
5500.10 City Hall Maintenance / Repairs	5,677	2,000	284%	1,324	4,000	33%	384	1,221	(838)
5500.20 Cleaning Costs	1,729	1,800	96%	1,275	1,500	85%	150	300	(150)
5500.30 IT & Radio Expenses	2,315	10,000	23%	10,421	15,000	69%	-	-	-
5500.40 Newsletter	-	-	n/a	-	-	n/a	-	-	-
5500.50 Office Supplies	6,132	4,500	136%	5,567	4,000	139%	845	587	257
5500.55 Office Equipment	5,278	-	n/a	-	-	n/a	-	-	-
5500.60 Postage & Shipping	3,523	3,000	117%	2,266	2,100	108%	9	46	(38)
5500.61 Printing & Reproduction	1,919	4,500	43%	4,091	4,000	102%	431	-	431
5500.62 Printing Cost Newspaper	685	1,500	46%	223	2,000	11%	-	173	(173)
5500.70 Storage Rental	-	-	n/a	-	-	n/a	-	-	-

	2022-2023			2021-2022			Y/Y Monthly Comparison			Item 7.
	YTD	Budget	%	YTD	Budget	%	Sep-23	Sep-22	Dif	
5500.80 Software & Subscriptions	28,587	12,000	238%	9,063	15,000	60%	4,750	307	4,443	
Total 5500 Office Expenses	55,875	39,300	142%	34,230	47,600	72%	6,583	2,635	3,948	
6000 Professional Services	-	-	n/a	-	-	n/a	-	-	-	
6000.01 Audit Expense	13,264	12,000	111%	11,990	12,000	100%	-	-	-	
6000.10 Codification	-	2,750	0%	2,831	4,000	71%	-	-	-	
6000.11 Contract Labor	6,852	-	n/a	-	6,500	0%	363	-	363	
6000.12 Code Admin	384	-	n/a	-	-	n/a	1,725	-	1,725	
6000.15 Engineering	17,541	20,000	88%	11,967	10,000	120%	-	-	-	
6000.16 Mapping	200	3,000	7%	-	-	n/a	-	-	-	
6000.17 Engineering Reimbursable	8,090	8,000		9,905	4,000		-	-	-	
6000.15 Engineering	25,831	31,000	83%	21,872	14,000	156%	-	-	-	
6000.20 Legal Expenses	3,540	-	n/a	-	-	n/a	-	-	-	
6000.21 General	27,071	20,000	135%	25,490	65,000	39%	7,400	880	6,520	
6000.22 Legal Reimbursable	2,500	2,500	100%	2,540	3,000	85%	-	840	(840)	
6000.23 Litigation	-	5,000	0%	7,320	15,000	49%	-	-	-	
6000.25 Special Cases	3,295	30,000	11%	36,228	22,000	165%	-	2,060	(2,060)	
6000.26 Elected Body Legal	8,042	5,000	161%	8,770	-	n/a	1,000	1,500	(500)	
6000.20 Legal Expenses	44,447	62,500	71%	80,348	105,000	77%	8,400	5,280	3,120	
6000.30 IT Services	2,521	15,500	16%	12,196	14,500	84%	-	1,067	(1,067)	
6000.40 Accounting	22,173	25,000	89%	14,165	15,000	94%	1,995	1,995	-	
6000.50 Law Enforcement	8,838	12,500	71%	15,609	8,160	191%	1,120	1,200	(80)	
Total 6000 Professional Services	124,309	161,250	77%	159,010	179,160	89%	13,603	9,542	4,061	
6500 Area Care/Maintenance	-	-	n/a	-	-	n/a	-	-	-	
6500.01 Deer Removal	975	1,750	56%	1,575	1,000	158%	-	75	(75)	
6500.15 Mowing	6,975	2,750	254%	2,625	2,000	131%	-	-	-	
6500.20 Oak Wilt Containment	-	15,000	0%	-	15,000	0%	-	3,085	(3,085)	
6500.21 Greenspace Maintenance	5,961	6,000	99%	1,336	-	n/a	-	-	-	
6500.22 Landscape Maintenance	4,140	9,000	46%	8,691	10,000	87%	475	478	(3)	
6500.23 Contract Services	470	-	n/a	-	2,000	0%	-	-	-	
6500.24 Parks and Playground Maintenance	-	13,453	0%	-	30,000	0%	-	-	-	
6500.25 ROW Tree Trimming	-	11,000	0%	-	7,500	0%	-	945	(945)	
6500.26 Holiday Decorations	650	500	130%	262	2,000	13%	-	-	-	
6500.30 street maintenance	4,283	30,000	14%	15,499	20,000	77%	-	862	(862)	
6500.31 Street Signs	119	6,000	2%	4,056	4,000	101%	-	1,440	(1,440)	
6500.35 Storm Damage Reserve	-	-	n/a	-	1,000	0%	-	-	-	
6500.40 Tree Limb Pick-Up	-	-	n/a	-	-	n/a	-	-	-	
6500.50 Equipment Maintenance	732	2,000	37%	2,373	4,000	59%	-	-	-	
6500.60 Water Quality Testing CCWPP	1,093	1,000	109%	620	2,000	31%	324	-	324	
Total 6500 Area Care/Maintenance	25,398	98,453	26%	37,037	100,500	37%	799	6,886	(6,087)	
7000 Other Operating Expenses	-	-	n/a	-	-	n/a	-	-	-	
7000.01 Ad Valorem Tax Expense	1,864	4,407	42%	3,152	4,060	78%	1,864	948	916	
7000.02 Building Inspections	1,890	7,000	27%	10,905	12,550	87%	-	205	(205)	
7000.03 Code Compliance	-	500	0%	774	1,500	52%	-	-	-	
7000.04 Dues & Membership	1,092	2,500	44%	2,311	3,000	77%	-	100	(100)	
7000.05 Election Expense	2,199	2,000	110%	1,065	1,200	89%	-	-	-	
7000.06 TML Dues	632	600	105%	591	600	99%	-	-	-	
7000.10 Depreciation Expense	-	-	n/a	-	-	n/a	-	-	-	
7000.15 Meeting Expense	965	3,000	32%	6,760	5,000	135%	4	7	(3)	
7000.20 Public Notices	5,594	1,200	466%	1,145	3,000	38%	370	50	319	
7000.30 Travel & Vehicle Exp Reimb.	567	2,000	28%	4,743	5,000	95%	14	-	14	
7000.31 Elected Official Travel	-	500	0%	667	2,000	33%	-	-	-	
7000.40 Training & Prof Development	-	-	n/a	-	-	n/a	-	268	(268)	
7000.41 Elected Body	2,221	2,500	89%	1,360	2,500	54%	-	435	(435)	
7000.42 Staff	2,897	4,000	72%	2,461	5,000	49%	550	-	550	
7000.43 Boards/Committees	133	-	n/a	-	-	n/a	-	-	-	
7000.50 Community Relations	6,014	7,000	86%	2,731	6,000	46%	517	2,115	(1,599)	
Total 7000 Other Operating Expenses	26,068	37,207	70%	38,665	51,410	75%	3,318	4,129	(811)	
7500 Utilities	-	-	n/a	-	-	n/a	-	-	-	
7500.10 City Hall Utilities	112	-	n/a	-	3,500	0%	-	-	-	
7500.11 Electric	1,357	2,100	65%	1,787	-	n/a	209	184	25	
7500.12 Water	1,357	1,500	90%	1,309	-	n/a	129	118	11	
7500.10 City Hall Utilities	2,826	3,600	79%	3,096	3,500	88%	338	303	35	
7500.20 Outdoor Utilities	-	-	n/a	-	4,250	0%	-	-	-	
7500.21 Electric	1,307	1,350	97%	1,203	-	n/a	119	115	4	
7500.22 Water	1,444	1,600	90%	1,485	-	n/a	129	130	(1)	
7500.20 Outdoor Utilities	2,751	2,950	93%	2,688	4,250	63%	248	245	3	
7500.30 Telephone & Internet	4,669	4,500	104%	4,890	6,200	79%	697	422	275	
Total 7500 Utilities	10,246	11,050	93%	10,674	13,950	77%	1,283	970	313	
7600 Insurance	-	3,500	0%	4,592	-	n/a	-	-	-	
6010 Health Insurance (deleted)	-	-	n/a	-	-	n/a	-	-	-	
7600.01 TML Insurance	5,093	200	2547%	200	4,600	4%	-	-	-	
7600 Insurance	5,093	3,700	138%	4,792	4,600	104%	-	-	0%	
7700 TDEM DR-4485 Expenditures	-	-	n/a	-	-	n/a	-	-	-	
8020 Municipal Court Costs	230	-	n/a	-	-	n/a	-	-	-	
8020.20 MC Judge	-	4,800	0%	600	3,600	17%	-	-	-	
8020.25 Misc. Court Costs	-	150	0%	-	2,500	0%	-	-	-	
8020.30 Prosecutor	-	1,500	0%	2,540	3,000	85%	-	-	-	
8020.35 Court Bailiff	-	-	n/a	-	750	0%	-	-	-	

	2022-2023			2021-2022			Y/Y Monthly Comparison			Item 7.
	YTD	Budget	%	YTD	Budget	%	Sep-23	Sep-22	Dif	
8020.40 State Comptroller Costs	-	300	0%	(45)	700	-6%	-	-	-	
8020.41 Supplies	-	-	n/a	67	200	34%	-	-	-	
8020.60 Public Safety	-	-	n/a	-	-	n/a	-	-	-	
Total 8020 Municipal Court Costs	230	6,750	3%	3,162	10,750	29%	-	-	-	
8900 Miscellaneous	-	75,200	0%	5,000	120,650	4%	-	-	-	
8900.10 Reconciliation Discrepancies	-	-	n/a	-	-	n/a	-	-	-	
8900.20 Contingency Reserve	-	50,000	0%	-	50,000	0%	-	-	-	
8900.25 Ice Storm 2023	256,303	-	n/a	-	-	n/a	2,008	-	2,008	
8900.30 Projects	37,404	-	n/a	20,740	-	n/a	-	-	-	
8900.40 Engineering Services – Street Projects	-	-	n/a	21,588	15,000	144%	-	-	-	
Total 8900 Miscellaneous	293,706	125,200	235%	47,328	185,650	25%	2,008	-	2,008	
8926 Triangle - Parks	197,098	-	n/a	-	-	n/a	20,561	-	20,561	
9077 General Fund Accrual	-	-	n/a	-	(169,150)	0%	-	-	-	
Unapplied Cash Bill Payment Expenditure	-	-	n/a	-	-	n/a	-	-	-	
Uncategorized Expense	-	-	n/a	-	-	n/a	-	-	-	
Total Expenditures	921,813	691,510	133%	571,337	686,670	83%	77,307	32,805	44,502	
Net Operating Revenue	(112,032)	-	n/a	330,057	-	n/a	(40,697)	194,046	(234,744)	
Other Revenue										
4019 Proceeds from Capital Leases	-	-	n/a	-	-	n/a	-	-	-	
9000 Bond Proceeds	3,443,245	-	n/a	-	-	n/a	-	-	-	
9810.01 Sinking Fund Revenue	218,193	224,793	97%	214,122	-	n/a	-	1,963	(1,963)	
8500 Capital Improvement Income	200,000	227,000	88%	1	-	n/a	-	0	(0)	
Total Other Revenue	3,861,438	451,793	855%	214,123	-	n/a	-	1,963	(1,963)	
Other Expenditures										
8500.25 Capital Improvement Expense	-	-	n/a	-	-	n/a	-	-	-	
9800.23 Chip Seal Project FYE23	102,569	-	n/a	-	-	n/a	-	-	-	
9001 Capital Lease Principal	-	-	n/a	-	-	n/a	-	-	-	
9002 Interest on Capital Lease	-	-	n/a	-	-	n/a	-	-	-	
9005 Bond Interest Paid	-	-	n/a	-	-	n/a	-	-	-	
9006 Bond Costs of Issuance	1,764	-	n/a	-	-	n/a	-	-	-	
9800.01 Capital Expenditures - CY	-	-	n/a	-	-	n/a	-	-	-	
9800.1 Capital Project Expenditures - FY	-	227,000	0%	-	-	n/a	-	-	-	
9800.11 2017 Street Improvements	-	-	n/a	-	-	n/a	-	-	-	
9800.12 2017 Street Improvements Legal	-	-	n/a	-	-	n/a	-	-	-	
9800.13 2021 Street Improvements	-	-	n/a	387,916	-	n/a	-	-	-	
9810.02 Sinking Fund Interest & Fees	5,276	5,793	91%	9,595	-	n/a	-	-	-	
9810.03 Sinking Fund Principal	436,838	219,000	199%	207,000	-	n/a	-	-	-	
9810.04 Agent Fees	400	-	n/a	-	-	n/a	-	-	-	
9800.02 Other Miscellaneous Expenditure	-	-	n/a	(417,633)	-	n/a	-	-	-	
9888 Reconciliation Discrepancies	-	-	n/a	-	-	n/a	-	-	-	
Total Other Expenditures	546,846	451,793	121%	186,878	-	n/a	-	-	-	
Net Other Revenue	3,314,592	-	n/a	27,245	-	n/a	-	1,963	(1,963)	
Net Revenue	3,202,560	-	n/a	357,302	-	n/a	(40,697)	196,009	(236,707)	

**GENERAL FUND
SUMMARY OF REVENUES AND EXPENDITURES**

	ACTUAL 2020-2021	ACTUAL 2021-2022	BUDGET 2022-2023	9/30/2022	
				YTD 2022-2023	% of BUDGET
BEGINNING FUND BALANCE	\$ 1,373,668	\$ 1,414,326	\$ 1,147,428	1,147,428	
Revenues					
Ad Valorem Taxes	337,235	357,479	364,500	366,942	100.67%
Sales Taxes	95,923	89,871	81,200	102,213	125.88%
Franchise Fees	186,706	193,311	175,660	204,078	116.18%
Reimbursements	11,285	2,061	10,500	-	0.00%
Development Revenue	76,343	26,731	25,500	45,265	177.51%
Permits	1,630	2,013	1,600	4,825	301.56%
Other	31,016	22,608	14,000	113,662	811.87%
Total Revenues	740,138	694,074	672,960	836,985	124.37%
Other Funding Sources					
Fund Balance	-	288,485	236,950	171,476	0.00%
Total Other Funding Sources	-	288,485	236,950	171,476	0.00%
TOTAL RESOURCES	\$ 740,138	\$ 982,559	\$ 909,910	\$ 1,008,461	110.83%
Expenditures					
Personnel Services	233,781	245,621	208,600	212,941	102.08%
Office Expenses	40,399	36,865	39,300	62,458	158.93%
Professional Services	192,947	184,736	173,157	143,530	82.89%
Area Care & Maintenance	42,344	42,587	98,453	26,197	26.61%
Other Operating Expenses	26,356	30,864	28,800	28,861	100.21%
Utility Expenses	10,895	11,644	11,050	11,529	104.33%
Municipal Court	5,111	-	6,750	230	3.41%
Other	147,649	408,656	50,000	295,714	591.43%
Total Expenditures	699,481	960,972	616,110	781,461	126.84%
Other Financing Uses					
Transfer to Capital	-	-	294,000	227,000	77.21%
Total Other Financing Uses	-	-	294,000	227,000	0.00%
TOTAL EXPENDITURES	\$ 699,481	\$ 960,972	\$ 910,110	\$ 1,008,461	110.81%
ENDING FUND BALANCE	\$ 1,414,326	\$ 1,147,428	\$ 910,278	\$ 975,952	

**GENERAL FUND
SCHEDULE OF REVENUES BY SOURCE**

				9/30/2022	
				YTD	% of
				2022-2023	BUDGET
				2020-2021	2021-2022
				2022-2023	2022-2023
Ad Valorem Taxes					
3000.01	Current	334,890	354,040	360,000	364,361 101.21%
3000.02	Delinquent	2,345	3,439	4,500	2,581 57.36%
	Penalty and Interest	-	-	-	-
Total Ad Valorem Taxes		337,235	357,479	364,500	366,942 100.67%
Sales Taxes					
3005.00	Sales Tax	94,412	88,478	80,000	100,181 125.23%
3010.00	Mixed Beverage Tax	1,511	1,393	1,200	2,032 169.36%
Total Sales Taxes		95,923	89,871	81,200	102,213 125.88%
Franchise Fees					
3020.00	Electric Franchise Fees	31,404	31,877	31,000	35,845 115.63%
3030.00	Cable Franchise Fees	33,260	34,779	30,000	33,477 111.59%
3040.00	Water Franchise Fees	99,351	100,581	90,000	104,561 116.18%
3050.00	Solid Waste Franchise Fees	22,004	25,418	24,000	30,063 125.26%
3060.00	Telephone Franchise Fees	186	157	160	132 82.80%
3080.00	Golf Course Franchise Fees	500	500	500	- 0.00%
Total Franchise Fees		186,706	193,311	175,660	204,078 116.18%
Reimbursements					
3080.10	Engineering	11,285	2,061	8,000	- 0.00%
3080.20	Legal	-	-	2,500	- 0.00%
3080.30	Admin	-	-	-	- 0.00%
Total Reimbursements		11,285	2,061	10,500	- 0.00%
Development Revenue					
3090.01	New Home Permits - Residential	23,000	7,000	6,000	4,930 82.16%
3090.01	Other Permit - Residential	14,129	8,198	7,000	6,028 86.11%
3090.01	Inspections -Residential	22,214	8,299	7,000	8,346 119.22%
	Commercial	3,250	3,234	500	- 0.00%
3090.03	Subdivisions/Plats/Replats	13,750	-	5,000	25,962 519.24%
Total Development Revenue		76,343	26,731	25,500	45,265 177.51%
Permits					
3093.00	Liquor License	1,310	1,388	1,250	2,050 164.00%
3095.00	Sign Permits	320	625	350	435 124.29%
3090.99	Other Permits	-	-	-	2,340 0.00%
Total Permit Fees		1,630	2,013	1,600	4,825 301.56%

**GENERAL FUND
SCHEDULE OF REVENUES BY SOURCE**

	ACTUAL 2020-2021	ACTUAL 2021-2022	BUDGET 2022-2023	9/30/2022	
				YTD 2022-2023	% of BUDGET
Other					
4000.00 Interest Income	1,259	9,339	2,500	108,117	4324.67%
4010.00 Miscellaneous	9,581	12,369	10,000	5,545	55.45%
4020.00 Municipal Court Revenue	2,293	901	1,500	-	0.00%
4035.00 TDEM DR - 4485	12,883	-	-	-	0.00%
4040.00 Donations	5,000	-	-	-	0.00%
Total Other	31,016	22,608	14,000	113,662	811.87%
TOTAL REVENUES	\$ 740,138	\$ 694,074	\$ 672,960	\$ 836,985	124.37%

**GENERAL FUND
EXPENSES**

			9/30/2022				
			ACTUAL	ACTUAL	BUDGET		
			2020-2021	2021-2022	2022-2023	YTD	% of
						2022-2023	BUDGET
PERSONNEL SERVICES							
5000.01	Salaries		184,271	196,403	170,000	157,249	92.50%
5000.04	Overtime		-	-	-	14,331	0.00%
5000.02	Group Insurance		8,615	6,958	6,000	6,513	108.55%
5000.40	Retirement Plan		19,409	21,562	18,100	17,956	99.21%
5000.23	Worker Compensation			539	-	-	0.00%
5000.22	Unemployment Insurance		601	918	1,100	38	3.42%
5000.21	Social Security		14,885	14,591	13,400	13,854	103.39%
5000.03	Car Allowance		6,000	4,650	-	3,000	0.00%
Total Personnel Services			233,781	245,621	208,600	212,941	102.08%
OFFICE EXPENSES							
5500.05	Bank Fees		-	-	-	45	0.00%
5500.10	City Hall Maintenance/Repair		4,040	2,545	2,000	6,061	303.03%
5500.20	Cleaning		1,500	1,575	1,800	1,879	104.40%
5500.30	IT Expenses		10,668	10,421	10,000	2,315	23.15%
5500.50	Office Supplies		3,561	6,154	4,500	6,977	155.05%
5500.55	Office Equipment		-	-	-	5,278	0.00%
5500.60	Postage		2,025	2,312	3,000	3,532	117.72%
5500.61	Printing		4,183	4,091	4,500	2,350	52.21%
5500.62	Advertising		1,560	396	1,500	685	45.65%
5500.80	Software/Subscriptions		12,861	9,370	12,000	33,337	277.81%
Total Supplies			40,399	36,865	39,300	62,458	158.93%
PROFESSIONAL SERVICES							
6000.01	Audit Expense		9,896	11,990	12,000	13,264	110.53%
6000.10	Codification		3,239	2,831	2,750	-	0.00%
6000.11	Contract Labor		6,105	-	-	7,215	0.00%
6000.12	Code Administrator		-	-	-	2,109	0.00%
6000.15	Engineering		12,611	11,967	20,000	17,541	87.70%
6000.16	Engineering Mapping		-	-	3,000	200	6.67%
6000.17	Engineering Reimbursable		5,946	9,905	8,000	8,090	101.13%
6000.21	Legal - General		23,985	26,370	20,000	38,011	190.05%
6000.22	Legal - Reimbursable		2,980	3,380	2,500	2,500	100.00%
6000.23	Legal - Litigation		46,368	7,520	5,000	-	0.00%
6000.25	Legal - Special Cases		7,778	38,288	30,000	3,295	10.98%
6000.26	Legal - Elected Body		-	10,270	5,000	9,042	180.83%
6000.30	IT Services		13,804	13,262	15,500	2,521	16.27%
6000.40	Accounting		13,383	16,160	25,000	24,168	96.67%
6000.50	Law Enforcement		15,913	16,809	12,500	9,958	79.66%
7000.01	AD Valorem Tax		3,824	4,100	4,407	3,728	84.59%
7000.02	Building Inspections		27,114	11,110	7,000	1,890	27.00%
7000.03	Code Compliance		-	774	500	-	0.00%
Total Contractual Services			192,947	184,736	173,157	143,530	82.89%

**GENERAL FUND
EXPENSES**

			9/30/2022				
			ACTUAL	ACTUAL	BUDGET		
			2020-2021	2021-2022	2022-2023	YTD	% of
						2022-2023	BUDGET
AREA CARE & MAINTENANCE							
6500.01	Deer Removal		825	1,650	1,750	975	55.71%
6500.15	Mowing		575	2,625	2,750	6,975	253.64%
6500.20	Oak Wilt Containment		-	3,085	15,000	-	0.00%
6500.21	Greenspace Maintenance		3,342	-	6,000	5,961	99.35%
6500.22	Landscape Maintenance		6,000	9,170	9,000	4,615	51.28%
6500.23	Contract Services		703	-	-	470	0.00%
6500.24	Parks & Playground Maintenance		-	-	13,453	-	0.00%
6500.25	ROW Tree Trimming		15,150	945	11,000	-	0.00%
6500.26	Holiday Decorations		1,693	262	500	650	130.00%
6500.30	Street Maintenance		10,791	16,361	30,000	4,283	14.28%
6500.31	Street Signs		1,726	5,496	6,000	119	1.98%
6500.50	Equipment Maintenance		196	2,373	2,000	732	36.61%
6500.60	Water Quality Testing - CCWPP		1,344	620	1,000	1,417	141.70%
Total Area Care/Maintenance			42,344	42,587	98,453	26,197	26.61%
OTHER OPERATING EXPENSES							
7000.04	Dues/Memberships		2,436	2,411	1,750	1,092	62.42%
7000.05	Election Expense		2,124	1,065	2,750	2,199	79.96%
7000.06	TML Dues		591	591	600	632	105.33%
7000.15	Meeting Expense		4,458	6,768	3,000	969	32.30%
7000.20	Public Notices		1,690	1,195	1,200	5,964	497.02%
7000.30	Travel/Vehicle Expense		1,253	4,743	2,000	581	29.05%
7000.31	Elected Official Travel		-	667	500	-	0.00%
7000.41	Training/Development - Elected Body		3,915	1,795	2,500	2,221	88.82%
7000.42	Training/Development - Staff		3,272	2,729	4,000	3,447	86.17%
7000.43	Training/Development - Boards		-	-	-	133	0.00%
7000.50	Community Relations		3,204	4,846	7,000	6,531	93.30%
7600.01	Insurance Risk Pool		3,413	4,053	3,500	5,093	145.52%
Total Other Operating Expenses			26,356	30,864	28,800	28,861	100.21%
UTILITY EXPENSES							
7500.11	Electric - City Hall		1,809	1,972	2,100	1,678	79.92%
7500.12	Water - City Hall		1,431	1,427	1,500	1,486	99.04%
7500.21	Electric - Outdoor		1,281	1,318	1,350	1,426	105.63%
7500.22	Water - Outdoor		1,620	1,615	1,600	1,573	98.32%
7500.30	Internet/Phone		4,753	5,312	4,500	5,366	119.24%
Total Utility Expenses			10,895	11,644	11,050	11,529	104.33%

**GENERAL FUND
EXPENSES**

			9/30/2022		
	ACTUAL 2020-2021	ACTUAL 2021-2022	BUDGET 2022-2023	YTD 2022-2023	% of BUDGET
MUNICIPAL COURT					
8020.20 Judge	3,600	-	4,800	-	0.00%
8020.00 Misc. Court Cost	150	-	150	230	153.33%
8020.30 Prosecutor	880	-	1,500	-	0.00%
8020.40 State Comptroller Costs	481	-	300	-	0.00%
Total Utility Expenses	5,111	-	6,750	230	3.41%
OTHER					
8900.20 Contingency Reserve	-	-	50,000	-	0.00%
8900.25 2023 Ice Storm	-	-	-	258,311	0.00%
8900.30 Misc	50,200	20,740	-	37,404	0.00%
9006.00 Bond Issuance	-	-	-	-	0.00%
9800.12 Woodcreek Dr Street Project	97,449	387,916	-	-	0.00%
Other Expenses	147,649	408,656	50,000	295,714	591.43%
TOTAL EXPENSES	\$ 699,481	\$ 960,972	\$ 616,110	\$ 781,461	126.84%

**RESERVE FUND
SUMMARY OF REVENUES AND EXPENSES**

	9/30/2022				
	ACTUAL 2020-2021	ACTUAL 2021-2022	BUDGET 2022-2023	YTD 2022-2023	% of BUDGET
BEGINNING FUND BALANCE			\$168,375	\$168,375	
Revenues					
General Fund Transfers	-	-	-	-	0%
Interest	-	-	-	-	0%
Total Revenue	-	-	-	-	0%
Other Funding Sources					
Other	-	-	-	-	0%
Total Other Funding Sources	-	-	-	-	0%
TOTAL RESOURCES	\$ -	\$ -	\$ -	\$ -	0%
Expenditures					
Transfer Out to General Fund	-	-	-	-	0%
Total Expenditures	-	-	-	-	0%
Other Financing Uses					
Transfer to Capital	-	-	-	-	0%
Total Other Financing Uses	-	-	-	-	0%
TOTAL EXPENDITURES	\$ -	\$ -	\$ -	\$ -	0%
ENDING FUND BALANCE	\$ -	\$ 168,375	\$ 168,375	\$ 168,375	0%

**DEBT SERVICE
SUMMARY OF REVENUES AND EXPENSES**

			9/30/2022		
	ACTUAL 2020-2021	ACTUAL 2021-2022	BUDGET 2022-2023	YTD 2022-2023	% of BUDGET
BEGINNING FUND BALANCE	\$25,048	\$33,146	\$32,636	\$32,636	
Revenues					
9810.01 Ad Valorem Taxes	215,651	216,085	224,793	2,199	0.98%
Total Revenue	215,651	216,085	224,793	2,199	0.98%
Other Funding Sources					
Transfers in from Other Funds	-	-	-	-	0.00%
Fund Balance	-	510	400	-	0.00%
Total Other Funding Sources	-	510	400	-	0.00%
TOTAL RESOURCES	\$ 215,651	\$ 216,595	\$ 225,193	\$ 2,199	0.98%
Expenditures					
9810.03 Principal	195,000	207,000	219,000	436,838	0.00%
9810.02 Interest	12,153	9,195	5,793	5,276	0.00%
9810.04 Fees	400	400	400	2,164	0.00%
Total Expenditures	207,553	216,595	225,193	444,277	0.00%
Other Financing Uses					
Bond Refunding	-	-	-	-	0.00%
Total Other Financing Uses	-	-	-	-	0.00%
TOTAL EXPENDITURES	\$ 207,553	\$ 216,595	\$ 225,193	\$ 444,277	0.00%
ENDING FUND BALANCE	\$ 33,146	\$ 32,636	\$ 32,236	\$ (409,442)	0.00%

**ARP FUNDS
SUMMARY OF REVENUES AND EXPENSES**

		9/30/2022				
		ACTUAL	ACTUAL	BUDGET	YTD	% of
		2020-2021	2021-2022	2022-2023	2022-2023	BUDGET
BEGINNING FUND BALANCE		\$0	\$0	\$425,621	\$425,621	
Revenues						
9810.01	ARP Funds	-	425,621	-		0.00%
Total Revenue		-	425,621	-	-	0.00%
Other Funding Sources						
Other Funding Sources		-	-	-	-	0.00%
Total Other Funding Sources		-	-	-	-	0.00%
TOTAL RESOURCES		\$ -	\$ 425,621	\$ -	\$ -	0.00%
Expenditures						
ARP Expenses		-	-	-	-	0.00%
Total Expenditures		-	-	-	-	0.00%
Other Financing Uses						
Transfer to Capital		-	-	425,621	425,621	0.00%
Total Other Financing Uses		-	-	425,621	425,621	0.00%
TOTAL EXPENDITURES		\$ -	\$ -	\$ 425,621	\$ 425,621	0.00%
ENDING FUND BALANCE		\$ -	\$ 425,621	\$ -	\$ -	0.00%

**PARK FUND
SUMMARY OF REVENUES AND EXPENSES**

			9/30/2022		
	ACTUAL 2020-2021	ACTUAL 2021-2022	BUDGET 2022-2023	YTD 2022-2023	% of BUDGET
BEGINNING FUND BALANCE			\$0	\$0	
Revenues					
4040.02 Donations	-	-	-	2,500	0%
Interest	-	-	-	-	0%
Total Revenue	-	-	-	2,500	0%
Other Funding Sources					
Fund Balance	-	-	-	-	0%
Total Other Funding Sources	-	-	-	-	0%
TOTAL RESOURCES	\$ -	\$ -	\$ -	\$ 2,500	0%
Expenditures					
Park Expense	-	-	-	-	0%
Total Expenditures	-	-	-	-	0%
Other Financing Uses					
Transfer to Capital	-	-	-	-	0%
Total Other Financing Uses	-	-	-	-	0%
TOTAL EXPENDITURES	\$ -	\$ -	\$ -	\$ -	0%
ENDING FUND BALANCE	\$ -	\$ -	\$ -	\$ 2,500	0%

**TREE FUND
SUMMARY OF REVENUES AND EXPENSES**

	9/30/2022				
	ACTUAL 2020-2021	ACTUAL 2021-2022	BUDGET 2022-2023	YTD 2022-2023	% of BUDGET
BEGINNING FUND BALANCE			\$4,754	\$4,754	
Revenues					
Tree Income	-	-	-	-	0%
Interest	-	-	-	-	0%
Total Revenue	-	-	-	-	0%
Other Funding Sources					
Fund Balance	-	-	-	-	0%
Total Other Funding Sources	-	-	-	-	0%
TOTAL RESOURCES	\$ -	\$ -	\$ -	\$ -	0%
Expenditures					
Tree Expense	-	-	-	-	0%
Total Expenditures	-	-	-	-	0%
Other Financing Uses					
Transfer to Capital	-	-	-	-	0%
Total Other Financing Uses	-	-	-	-	0%
TOTAL EXPENDITURES	\$ -	\$ -	\$ -	\$ -	0%
ENDING FUND BALANCE	\$ -	\$ 4,754	\$ 4,754	\$ 4,754	0%

**COURT SECURITY
SUMMARY OF REVENUES AND EXPENSES**

	9/30/2022				
	ACTUAL 2020-2021	ACTUAL 2021-2022	BUDGET 2022-2023	YTD 2022-2023	% of BUDGET
BEGINNING FUND BALANCE			\$19	\$19	
Revenues					
MC Security Fees	-	-	-	-	0%
Interest	-	-	-	-	0%
Total Revenue	-	-	-	-	0%
Other Funding Sources					
Fund Balance	-	-	-	-	0%
Total Other Funding Sources	-	-	-	-	0%
TOTAL RESOURCES	\$ -	\$ -	\$ -	\$ -	0%
Expenditures					
Security Expense	-	-	-	-	0%
Total Expenditures	-	-	-	-	0%
Other Financing Uses					
Transfer to Capital	-	-	-	-	0%
Total Other Financing Uses	-	-	-	-	0%
TOTAL EXPENDITURES	\$ -	\$ -	\$ -	\$ -	0%
ENDING FUND BALANCE	\$ -	\$ 19	\$ 19	\$ 19	0%

**COURT TECHNOLOGY
SUMMARY OF REVENUES AND EXPENSES**

	9/30/2022				
	ACTUAL 2020-2021	ACTUAL 2021-2022	BUDGET 2022-2023	YTD 2022-2023	% of BUDGET
BEGINNING FUND BALANCE			\$26	\$26	
Revenues					
MC Technology Fees	-	-	-	-	-
Interest	-	-	-	-	-
Total Revenue	-	-	-	-	0%
Other Funding Sources					
Fund Balance	-	-	-	-	-
Total Other Funding Sources	-	-	-	-	-
TOTAL RESOURCES	\$ -	\$ -	\$ -	\$ -	0%
Expenditures					
Technology Expense	-	-	-	-	-
Total Expenditures	-	-	-	-	0%
Other Financing Uses					
Transfer to Capital	-	-	-	-	-
Total Other Financing Uses	-	-	-	-	-
TOTAL EXPENDITURES	\$ -	\$ -	\$ -	\$ -	0%
ENDING FUND BALANCE	\$ -	\$ 26	\$ 26	\$ 26	0%

**PEG FUNDS
SUMMARY OF REVENUES AND EXPENSES**

			9/30/2022		
	ACTUAL 2020-2021	ACTUAL 2021-2022	BUDGET 2022-2023	YTD 2022-2023	% of BUDGET
BEGINNING FUND BALANCE			\$13,971	\$13,971	
Revenues					
3030.10 Peg Funds	-	-	6,650	6,695	0%
Interest	-	-	-	-	0%
Total Revenue	-	-	6,650	6,695	0%
Other Funding Sources					
Fund Balance	-	-	-	-	0%
Total Other Funding Sources	-	-	-	-	0%
TOTAL RESOURCES	\$ -	\$ -	\$ 6,650	\$ 6,695	0%
Expenditures					
PEG Expense	-	-	-	-	0%
Total Expenditures	-	-	-	-	0%
Other Financing Uses					
Transfer to Capital	-	-	-	-	0%
Total Other Financing Uses	-	-	-	-	0%
TOTAL EXPENDITURES	\$ -	\$ -	\$ -	\$ -	0%
ENDING FUND BALANCE	\$ -	\$ 13,971	\$ 20,621	\$ 20,667	0%

**CAPITAL FUND
SUMMARY OF REVENUES AND EXPENSES**

			9/30/2022		
	ACTUAL 2020-2021	ACTUAL 2021-2022	BUDGET 2022-2023	YTD 2022-2023	% of BUDGET
BEGINNING FUND BALANCE	\$ -	\$ -	\$ -	\$ -	0.00%
Funding Sources					
3000.00 Revenue	-	-	-	-	0.00%
3001.00 POSAC Grant	-	-	200,000	200,000	100.00%
3002.00 CDBG Grant	-	-	-	-	
3001.00 2023 GO Bonds	-	-	-	-	
8000.00 Transfer In: General Fund	-	-	294,000	227,000	77.21%
8010.00 Transfer In: ARP Fund	-	-	425,624	425,624	
8999.00 Fund Balance	-	-	-	-	0.00%
Total Revenue	-	-	919,624	\$ 852,624	92.71%
TOTAL RESOURCES	\$ -	\$ -	\$ 919,624	\$ 852,624	92.71%
Expenditures					
Capital Expenditures	-	-	919,624	279,763	0.00%
Total Expenditures	-	-	919,624	279,763	0.00%
Other Financing Uses					
Other Expenses	-	-	-	-	0.00%
Total Other Financing Uses	-	-	-	-	0.00%
TOTAL EXPENDITURES	\$ -	\$ -	\$ 919,624	\$ 279,763	0.00%
ENDING FUND BALANCE	\$ -	\$ -	\$ -	\$ 572,861	0.00%

**CAPITAL FUND
EXPENSES**

			9/30/2022		
	ACTUAL 2020-2021	ACTUAL 2021-2022	BUDGET 2022-2023	YTD 2022-2023	% of BUDGET
General Fund Capital					
20231 Parks	-	-	267,000	177,194	-
20232 Chip Seal Road Project	-	-	227,000		-
20233 Drainage Project (Westwood/Brookhollow)	-	-	425,624		-
20234 Roads - GO Bonds	-	-	-	102,569	-
20235 Total General Fund Capital	-	-	919,624	279,763	-
TOTAL CAPITAL EXPENSES	\$ -	\$ -	\$ 919,624	\$ 279,763	\$ -

City of Woodcreek
Sales Tax Received

Month	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	Change
DEC (Oct)	3,494	3,600	4,026	5,605	16,486	6,535	6,521	-0.22%
JAN (Nov)	3,591	3,998	5,115	6,054	7,570	7,884	7,624	-3.30%
FEB (Dec)	4,447	6,243	6,055	7,371	9,573	10,023	11,475	14.48%
MAR (Jan)	3,504	3,414	4,328	5,225	6,401	6,546	6,134	-6.29%
APR (Feb)	3,302	3,178	4,338	5,273	5,321	6,290	12,897	105.03%
MAY (Mar)	4,402	4,698	5,501	6,301	7,857	7,556	9,258	22.53%
JUN (Apr)	4,350	4,236	3,990	6,669	6,897	7,051	7,106	0.79%
JUL (May)	3,746	4,190	5,088	6,885	6,569	8,086	7,925	-1.99%
AUG (Jun)	4,436	5,260	5,114	7,178	7,816	7,709	8,564	11.09%
SEP (Jul)	3,624	4,261	5,019	9,676	6,643	7,464	7,907	5.93%
OCT (Aug)	3,746	4,125	5,349	6,061	6,362	7,755		
NOV (Sep)	4,919	4,999	5,831	7,128	6,971	7,015		
Totals	47,561	52,205	59,752	79,429	94,466	59,971	85,411	13.66%

Council Meeting Agenda Item Cover Sheet

AGENDA ITEM SUBJECT/ TITLE:

Approval of Quarterly Financial Report for Sept. 30, 2023

AGENDA ITEM SUMMARY:

Approval of Quarterly Financial Report for Sept. 30, 2023

RECOMMENDATION:

Approve Quarterly Financial Report for Sept. 30, 2023

FINANCIAL IMPACT:

N/A

SUBMITTED BY:

Kevin Rule

AGENDA TYPE:

Consent Calendar

COMPLETION DATE:

11/20/2023 11:28:07 AM

CITY OF WOODCREEK, TEXAS

Quarterly Inventory Report

As of 09/30/23

Purchase Date	Security	Coupon or Avg Rate	Maturity Date	Par	Days to Maturity	Beginning Book	Beginning Market	Ending Book	Ending Market	Period Earnings
Bank Checking Accounts										
<u>07/01/23</u>	TX Regional Bank 061 Operating	5.33%	<u>10/01/23</u>	n/a	1	216,990.33	216,990.33	49,008.60	49,008.60	1,931.64
<u>07/01/23</u>	TX Regional Bank 819 Payroll	0.00%	<u>10/01/23</u>			10,000.00	10,000.00	10,000.00	10,000.00	0.00
Subtotal Bank Accounts						226,990.33	226,990.33	59,008.60	59,008.60	1,931.64
Investment Accounts										
<u>07/01/23</u>	Texas Class	5.44%	<u>10/01/23</u>	n/a	1	1,383,481.57	1,383,481.57	4,668,444.02	4,668,444.02	47,407.58
TOTALS						1,610,471.90	1,610,471.90	4,727,452.62	4,727,452.62	49,339.22

Average Weighted Maturity	1 days
Weighted Average Interest Rate, All Funds	5.39%

This quarterly report has been prepared in compliance with the Public Funds Investment Act and the City's Investment Policy.



Kevin Rule, City Manager

CITY OF WOODCREEK, TEXAS

Quarterly Inventory Report

As of 09/30/23

Purchase Date	Security	Coupon or Avg Rate	Maturity Date	Par	Days to Maturity	Beginning Book	Beginning Market	Ending Book	Ending Market	Period Earnings
Bank Checking Accounts										
<u>07/01/23</u>	TX Regional Bank 061 Operating	5.33%	<u>10/01/23</u>	n/a	1	216,990.33	216,990.33	49,008.60	49,008.60	1,931.64
<u>07/01/23</u>	TX Regional Bank 819 Payroll	0.00%	<u>10/01/23</u>			10,000.00	10,000.00	10,000.00	10,000.00	0.00
Subtotal Bank Accounts						226,990.33	226,990.33	59,008.60	59,008.60	1,931.64
Investment Accounts										
<u>07/01/23</u>	Texas Class	5.44%	<u>10/01/23</u>	n/a	1	1,383,481.57	1,383,481.57	4,668,444.02	4,668,444.02	47,407.58
TOTALS						1,610,471.90	1,610,471.90	4,727,452.62	4,727,452.62	49,339.22

Average Weighted Maturity	1 days
Weighted Average Interest Rate, All Funds	5.39%

This quarterly report has been prepared in compliance with the Public Funds Investment Act and the City's Investment Policy.



Kevin Rule, City Manager

Council Meeting Agenda Item Cover Sheet

AGENDA ITEM SUBJECT/ TITLE:

Planning and Zoning Liaison Report

AGENDA ITEM SUMMARY:

Report on the Dec 6th, 2023 Planning and Zoning meeting by the liaison

RECOMMENDATION:

FINANCIAL IMPACT:

n/a

SUBMITTED BY:

Chrys Grummert

AGENDA TYPE:

Report From City Body Liaison or Staff

COMPLETION DATE:

11/15/2023 9:13:14 AM

Council Meeting Agenda Item Cover Sheet

AGENDA ITEM SUBJECT/ TITLE:

Committee Rosters with term expirations and responsible Councilmember/Mayor

AGENDA ITEM SUMMARY:

Would like an updated copy of this information for planning purposes

RECOMMENDATION:

Staff update the lists and produce as a report to Council

FINANCIAL IMPACT:

none

SUBMITTED BY:

Jeff Rasco

AGENDA TYPE:

Report From City Body Liaison or Staff

COMPLETION DATE:

12/1/2023 12:59:14 PM

Council Appointments Needed, As Of Dec. 13, 2024

Ordinance Review Committee

Term Expires	Position Status	Full / Alternate Member	Nominated By
2024	Karen Duncan	Full Member	Bailey
2024	Joe Branco	Full Member	Grummert
2024	NO RESPONSE (James Miller)	Full Member	Hambrick
2023	VACATED POSITION (Randy Renter)	Full Member	Hines
2023	VACATED POSITION (Donna Hector)	Full Member	Pulley
2023	VACATED POSITION (Emma Davenport)	Alternate Member	Rasco
2023	UNFILLED POSITION	Alternate Member	Rasco

Parks and Recreation Board

Term Expires	Position Status	Full / Alternate Member	Nominated By
2024	Ruth Ann Gilbert	Full Member	Bailey
2024	Justin Camp	Full Member	Grummert
2023	Re-Appointment Needed (Pat Rawlings)	Full Member	Whitehead
2023	Re-Appointment Needed (Elizabeth Maurer)	Full Member	-
2024	WILL FOLO 12/08/23 (Cody Abney)	Full Member	Hambrick
2023	Re-Appointment Needed (Becky Denton)	Alternate Member	Pulley
2023	Re-Appointment Needed (Monica Rasco)	Alternate Member	Rasco

Planning and Zoning Commission

Term Expires	Position Status	Full / Alternate Member	Nominated By
2024	Tamara Robertson	Full Member	Rasco
2024	Tomas Palm	Full Member	Rasco
2024	Lydia Johns	Full Member	Rasco
2024	Andy Davenport	Full Member	Rasco
2023	Re-Appointment Needed (Chris Sonnier)	Full Member	Whitehead
2024	Carson Bledsoe	Alternate Member	Rasco
2023	VACATED POSITION (Josh Erwin)	Alternate Member	Rasco

Platinum Roads Panel

Term Expires	Position Status	Full / Alternate Member	Nominated By
2024	Rogers Holt	Full Member	Hambrick
2023	Re-Appointment Needed (Craig Biggs)	Full Member	Hines

2024	VACATED POSITION (Jack Boze)	Full Member	Bailey
2024	VACATED POSITION (Cody Abney)	Full Member	Grummert
2023	VACATED POSITION (Ed Fleming)	Full Member	Pulley
2023	UNFILLED POSITION	Alternate Member	Rasco
2023	UNFILLED POSITION	Alternate Member	Rasco

Item 10.

Tree Board

Term Expires	Position Status	Full / Alternate Member	Nominated By
2024	Terri Burney-Bisett	Full Member	Bailey
2024	Nanci Coddington	Full Member	Hambrick
2023	Re-Appointment Needed (Iris Ramos)	Full Member	Pulley
2023	NO RESPONSE (Jacob McElroy)	Full Member	Hines
2024	VACATED POSITION (Dorothy Tasian)	Full Member	Grummert
2023	Re-Appointment Needed (Cheryl Mills)	Alternate Member	Rasco
2023	UNFILLED POSITION	Alternate Member	Rasco

Council Meeting Agenda Item Cover Sheet

AGENDA ITEM SUBJECT/ TITLE:

Discuss and take appropriate action on any suggested changes to The Woodcreek City Council Rules of Procedure

AGENDA ITEM SUMMARY:

Each new Council post-election should review procedures established by previous Council(s) to determine if outlined procedures should remain, be adjusted, or removed.

RECOMMENDATION:

Carefully review the document and suggest any edits for the Council's consideration.

FINANCIAL IMPACT:

Minimal if any

SUBMITTED BY:

Jeff Rasco

AGENDA TYPE:

New Business

COMPLETION DATE:

12/1/2023 12:35:30 PM

THE CITY OF WOODCREEK

RESOLUTION NO. 2024-01-10-01

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

WHEREAS the City of Woodcreek City Council (City Council) wishes to formally adopt rules of procedure for City Council Meetings; and

WHEREAS provide clear, transparent, and comprehensive rules of procedure, which are vital to the efficient administration of City matters.

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

I

The following Rules of Procedure shall govern all meetings and proceedings of the City Council and the conduct of all members and other persons in attendance at such meetings.

DEFINITIONS:

- A) MAJORITY VOTE:** Except when governed by specific rules to the contrary, a *majority vote* is the fundamental requirement to pass a motion. A *majority vote* simply stated, is *more than half*. And a majority vote refers to more than half of the votes actually cast, not more than half of the votes that could be cast if everybody voted.
- B) TWO-THIRDS VOTE:** As a means of balancing the rights of the entire group with the rights of individuals, some decisions require the affirmative consent of at least twice the number of members as are not in favor. This vote is called a *two-thirds* vote and refers to two-thirds of the votes cast.
- C) ABSTENTION:** A voting member present and choosing not to vote. Abstentions are not counted and are neither an AYE or a NAY, but will be listed in the minutes as "Abstain".

Rule 1. Meetings, Regular and Special

- (A) The City Council shall meet at Camp Young Judaea, Woodcreek City Hall or VFW Post 6441, depending on availability of each venue and anticipated citizen attendance. All such meetings shall be held on the second Wednesday of each month, commencing at 6:30 P.M., with a second regular meeting held on the fourth Wednesday of each month at 3:00 P.M., unless set for another time or date by Resolution of the City Council. In the event a second Wednesday falls on a holiday, the meeting for that day shall be rescheduled as determined by Council, by and through a Resolution. Any meeting of Council may be recessed from hour to hour for a period not to exceed 24 hours, by an affirmative vote of four(4) or more voting members of the City Council present at such meeting, and such recessed meeting may be held without further posted notice in compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.
- (B) Special Meetings may be held on the call of the Mayor, or on the application of three(3) Council Members to the Mayor. The agenda items for such meetings shall be determined at the discretion of the person or persons calling the meeting.
- (C) The Mayor and City Manager shall be responsible for compiling the agenda for all Regular and Special Meetings **and may submit agenda items.** ~~For regular meetings, members of the Governing Body of the City of Woodcreek or City Manager~~ **For each meeting, Council Members** may request no more than two(2) agenda items per Council Member, subject to the Mayor's discretion, and all such requested agenda items shall be accepted and placed on the agenda. If it becomes necessary to postpone placement **or make changes to items submitted** of the requested item, the Mayor ~~or and~~ City Manager must confer with the requesting Council Member to obtain their agreement.
- (D) Length of Regular and Special Meetings are not to exceed a three(3) hour time limit, per meeting, **at the discretion of the Mayor.**
- (E) Meetings will follow Robert's Rules of Order, as revised.
- (F) The agenda will have a section called "City Staff and/or City Committee Reports" for every Regular Meeting. Each Staff and/or Committee Member will be responsible for providing report documentation in the agenda packet.

Rule 2. Chairman and Call to Order

The Mayor, or in the Mayor's absence, the Mayor Pro Tem, shall preside at all meetings of the Council. If the Mayor and the Mayor Pro Tern are absent, the Mayor, or a majority of the Council, may appoint a Council Member to preside. At the hour of the meeting, the Mayor shall call the Council to order, and the City Secretary shall record the roll.

Rule 3. Conduct of Mayor and Council Members

Any member of the Council, including the Mayor, who fails to observe decorous and orderly behavior during a meeting, or who disturbs a meeting of Council with such disorderly conduct, is subject to being expelled from such meeting upon motion passed by a two-thirds vote of the Council present at the meeting. Any member reprimanded by a motion, or expelled from a meeting by a motion, who commits another breach of decorous or disorderly behavior during a subsequent meeting, shall be subject to a reprimand upon a motion approved by two-thirds of the Council present at the meeting. A Council Member, upon a vote from two-thirds of Council present at the meeting, may be subject of a reprimand, complaint, or investigation.

Rule 4. Handling of Question of Order

All Questions of Order shall be decided by the Presiding Officer with the right of appeal such decision by the City Council. The majority of the Council Members present, through a motion, may overrule the decision of the Presiding Officer, When the Presiding Officer, rules on a Point of Order and one of the Council Member states, "I appeal the ruling!" or words to such effect, no other business shall be transacted until a vote on the appeal is completed. The Presiding Officer shall immediately put such question to vote without debate, and, if not, any member of the Council may put the question to a vote.

Rule 5. Procedure for Submitting Agenda Items

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

For Special Meetings, the member or members calling the meeting shall submit any and all Ordinances, Resolutions or other matters, including all written data and supporting documents to the City Manager not later than 1:00p.m. one week(7 days) before the scheduled Special Council Meeting at which the same is to be considered. Items shall identify the subject matter to be discussed with such notification in compliance with the Texas Open Meetings Act and provide the possible action the sponsor intends the City Council take during the meeting e.g., discussion, update, and/or take appropriate action. All items shall be accompanied by supporting documents intended to be considered by the City Council.

The name of the sponsor of the agenda item shall be listed with that item on the agenda. The sponsor of an item is given the opportunity to speak first about their item during discussion and speak last to that item.

Rule 6. Motion to Table

Since the Council has regularly scheduled meetings, a motion to table, when carried, does not permanently defeat an Ordinance, Resolution, Motion, or other measure. Motions laid on the table are merely temporarily laid aside and may be taken from the table at any time. This Motion is for the sole purpose of taking up more urgent business that requires the Council or Governing Body's immediate attention. The motion to "Lay on the Table" is carried by majority vote and is not debatable or amendable and does not have interrupting privileges. Once tabled, the Motion shall be on the next agenda, now listed under "Unfinished business." Council may not debate nor take any action that would affect the tabled question until a subsequent in-order motion to "Take from the Table" is moved, seconded, and carried. At the following Council Meeting the Chair will automatically bring up for consideration the Unfinished Business before moving to the Regular Agenda. If the tabled motion continues to be 'tabled', after three months the motion dies.

The Motion to "Lay on the Table" should not be confused with the motion to "Postpone to a Certain Time" or with the motion to "Postpone Indefinitely". The purpose of these motions is to postpone or suspend debate on a question for reasons other than to consider more urgent business.

Rule 7. Closing of Debate

If, during debate upon any Ordinance, Resolution, Motion or other matter before the Council, any member wishing to end debate, the member, after seeking and receiving recognition from the Chair, may move to end debate, commonly called "Question" or "Calling the Question". This motion requires a second. This motion is non-debatable. Immediately after the second, the Chair takes the vote regarding the motion to end debate. It takes a simple majority of the voting members present in favor of ending debate to close discussion on the original motion being considered. If a simple majority of the voting members end the discussion, then the Chair immediately takes a vote on the pending motion and any possible amendments to that motion without any further debate or discussion. Provided, however, debate may not be closed until such time as each Council Member has been given opportunity to speak on the agenda item in an amount of time not to exceed three(3) minutes.

Rule 8. Citizens' Right to be Heard

Any citizen shall have a reasonable opportunity to be heard at any and all meetings of the City Council in regard to:

- (1) any and all matters to be considered at any such meeting, or
- (2) any matter a citizen may wish to bring to the Council's attention.

No member of the Governing Body may discuss or comment on any citizen Public Comment, except to make:

- (1) a statement of specific factual information given in response to the inquiry, or
- (2) a recitation of existing policy in response to the inquiry.

Any deliberation of, or decision about, the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting per Texas Local Government code Sec. 551.042.

Citizen comments will be allowed at the beginning of every meeting, or alternatively, before an item on the agenda on which the citizen wishes to speak is to be considered. All citizens will be allowed to comment for three(3) minutes per person and shall be allowed more time, at the Mayor's discretion.

In addition, citizens may pool their allotted speaking time. *To pool time, a speaker must present the names of three(3) individuals present in the audience who wish to yield their three(3) minutes.*

Citizens may present materials regarding any agenda item to the City Secretary at or before a meeting. Citizens attending any meeting are requested to complete a form providing their name, address, and agenda item/concern, but are not required to do so before speaking and presenting it to the City Secretary prior to the beginning of such meeting. Comments may only be disallowed and/or limited as per Government Codes 551.007(e).

Citizens may submit written Public Comments, not exceeding 300 words in length, to the City Secretary not later than 1:00p.m. of the Monday preceding the meeting at which the citizen would like the Public Comment received. If the written Public Comment is submitted by this time, it shall be read into the public record for the upcoming meeting.

Rule 9. Suspension of Rules of Procedure

Any of the Rules of Procedure may be suspended (by a two-thirds vote of the voting Council Members present) to allow consideration of a matter, unless doing so would violate the U.S. Constitution, Texas Constitution and/or Federal or State Law.

Rule 10. Rules of Procedure

Except where in conflict with applicable law, the most recent version of Robert’s Rules of Order shall govern the proceedings of the City Council.

II

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

III

City of Woodcreek Resolutions or parts of Resolutions, inconsistent or in conflict herein, are to the extent of such inconsistency or conflict, hereby repealed.

IV

This Resolution shall be effective immediately upon adoption.

PASSED, APPROVED and RESOLVED, this the **10th** day of **January, 2024**, by a vote of

_____ **Ayes** to _____ **Nays** at a Regular Meeting of the City Council of the City of Woodcreek, Texas.

PLACE
CITY SEAL
HERE

Jeff Rasco, Mayor

ATTEST:

Suzanne J. Mac Kenzie, City Secretary

CITY OF WOODCREEK, TEXAS

RESOLUTION 2023-07-12-02

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

WHEREAS the City of Woodcreek City Council (City Council) wishes to formally adopt rules of procedure for City Council meetings; and

WHEREAS provide clear, transparent, and comprehensive rules of procedure, which are vital to the efficient administration of City matters.

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

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

DEFINITIONS

MAJORITY VOTE: Except when governed by specific rules to the contrary, a *majority vote* is the fundamental requirement to pass a motion. A *majority vote* simply stated, is *more than half*. And a majority vote refers to more than half of the votes actually cast, not more than half of the votes that could be cast if everybody voted.

TWO-THIRDS VOTE: As a means of balancing the rights of the entire group with the rights of individuals, some decisions require the affirmative consent of at least twice the number of members as are not in favor. This vote is called a *two-thirds* vote and refers to two-thirds of the votes cast.

ABSTENTION: A voting member present and choosing not to vote. Abstentions are not counted and are neither an AYE or a NAY, but will be listed in the minutes as 'abstain'.

Rule 1. Meetings, Regular and Special

(A) The City Council shall meet at Camp Young Judaea, Woodcreek City Hall or VFW Post 6441, depending on availability of each venue and anticipated citizen attendance. All such meetings shall be held on the second Wednesday of each month, commencing at 6:30p.m., with a second regular meeting held on the fourth Wednesday of each month at 3:00 pm, unless set for another time or date by resolution of the City Council. In the event a second Wednesday falls on a holiday, the meeting for that day shall be rescheduled as determined by Council by and through a resolution, Any meeting of Council may be recessed from hour to hour for a period not to exceed 24 hours, by an affirmative vote of four (4) or more voting members of the City Council present at such meeting, and such recessed meeting may be held without further posted notice in compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

(B) Special meetings may be held on the call of the Mayor or on the application of three (3) Councilmembers to the Mayor. The agenda items for such meetings shall be determined at the discretion of the person or persons calling the meeting.

- (C) The Mayor and City Manager shall be responsible for compiling the agenda for all regular and special meetings. For regular meetings, members of the Governing Body of the City of Woodcreek or City Manager may request no more than two(2) agenda items per Council Member, subject to the Mayor's discretion, and all such requested agenda items shall be accepted and placed on the agenda. If it becomes necessary to postpone placement of the requested item, the Mayor and City Manager must confer with the requesting Councilmember to obtain their agreement.
- (D) Length of regular and special meetings are not to exceed a three(3) hour time limit, per meeting.
- (E) Meetings will follow Robert's Rules of Order, as revised.
- (F) The agenda will have a section called "city staff and/or city committee reports" for every regular meeting. Each staff and/or committee member will be responsible for providing report documentation in the agenda packet.

Rule 2. Chairman and Call to Order

The Mayor, or in the Mayor's absence, the Mayor Pro Tem, shall preside at all meetings of the Council. If the Mayor and the Mayor Pro Tem are absent, the Mayor, or a majority of the Council, may appoint a Councilmember to preside. At the hour of the meeting, the Mayor shall call the Council to order, and the City Secretary shall record the roll.

Rule 3. Conduct of Mayor and Councilmembers

Any member of the Council, including the Mayor, who fails to observe decorous and orderly behavior during a meeting, or who disturbs a meeting of Council with such disorderly conduct, is subject to being expelled from such meeting upon motion passed by a two-thirds vote of the Council present at the meeting. Any member reprimanded by motion or expelled from a meeting by motion who commits another breach of decorous or disorderly behavior during a subsequent meeting shall be subject to a reprimand upon a motion approved by two-thirds of the Council present at the meeting. A Councilmember, upon a vote from two-thirds of Council present at the meeting, may be subject of a reprimand, complaint, or investigation.

Rule 4. Handling of Question of Order

All questions of order shall be decided by the presiding officer with the right of appeal such decision by the City Council. The majority of the Councilmembers present, through a motion, may overrule the decision of the presiding officer. When the presiding officer, rules on a point of order and one of the Councilmember states, "I appeal the ruling!" or words to such effect, no other business shall be transacted until a vote on the appeal is completed. The presiding officer shall immediately put such question to vote without debate, and, if not, any member of the Council may put the question to a vote.

Rule 5. Procedure for Submitting Agenda Items

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

meeting, e.g., discussion, update, and/or take appropriate action. All items shall be accompanied by supporting documents intended to be considered by the City Council.

For special meetings, the member or members calling the meeting shall submit any and all ordinances, resolutions or other matters, including all written data and supporting documents to the City Manager not later than 1:00p.m. one week (7 days) before the scheduled special council meeting at which the same is to be considered. Items shall identify the subject matter to be discussed with such notification in compliance with the Texas Open Meetings Act and provide the possible action the sponsor intends the City Council take during the meeting] e.g., discussion, update, and/or take appropriate action. All items shall be accompanied by supporting documents intended to be considered by the City Council.

The name of the sponsor of the agenda item shall be listed with that item on the agenda. The sponsor of an item is given the opportunity to speak first about their item during discussion and speak last to that item.

Rule 6. Motion to Table

Since the Council has regularly scheduled meetings, a motion to table, when carried, does not permanently defeat an ordinance, resolution, motion, or other measure. Motions laid on the table are merely temporarily laid aside and may be taken from the table at any time. This motion is for the sole purpose of taking up more urgent business that requires the council or governing body's immediate attention. The motion to "Lay on the Table" is carried by majority vote and is not debatable or amendable and does not have interrupting privileges. Once tabled, the motion shall be on the next agenda, now listed under "Unfinished business." Council may not debate nor take any action that would affect the tabled question until a subsequent in-order motion to "Take from the Table" is moved, seconded, and carried. At the following Council meeting the chair will automatically bring up for consideration the Unfinished business before moving to the regular agenda. If the tabled motion continues to be 'tabled', after three months the motion dies.

The motion to "Lay on the Table" should not be confused with the motion to Postpone to a Certain Time or with the motion to Postpone Indefinitely. The purpose of these motions is to postpone or suspend debate on a question for reasons other than to consider more urgent business.

Rule 7. Closing of Debate

If, during debate upon any ordinance, resolution, motion or other matter before the Council, any member wishing to end debate, the member, after seeking and receiving recognition from the chair, may move to end debate, commonly called "question" or "calling the question." This motion requires a second. This motion is non-debatable. Immediately after the second, the chair takes the vote regarding the motion to end debate. It takes a simple majority of the voting members present in favor of ending debate to close discussion on the original motion being considered. If a simple majority of the voting members end the discussion, then the chair immediately takes a vote on the pending motion and any possible amendments to that motion without any further debate or discussion. Provided however, debate may not be closed until such time as each councilmember has been given opportunity to speak on the agenda item in an amount of time not to exceed three (3) minutes.

Rule 8. Citizens' Right to be Heard

Any citizen shall have a reasonable opportunity to be heard at any and all meetings of the City Council in regard to: (1) any and all matters to be considered at any such meeting, or (2) any matter a citizen may wish to bring to the Councils attention. No member of the Governing Body may discuss or comment on any citizen public comment, except to make: (1) a statement of specific factual information

given in response to the inquiry, or (2) a recitation of existing policy in response to the inquiry. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting per Texas Local Government code Sec. 551.042.

Citizen comments will be allowed at the beginning of every meeting, or alternatively, before an item on the agenda on which the citizen wishes to speak is to be considered. All citizens will be allowed to comment for three (3) minutes per person and shall be allowed more time at the Mayor’s discretion. In addition, citizens may pool their allotted speaking time. *To pool time, a speaker must present the names of three (3) individuals present in the audience who wish to yield their three minutes.* Citizens may present materials regarding any agenda item to the City Secretary at or before a meeting, citizens attending any meeting are requested to complete a form providing their name, address, and agenda item/concern, but are not required to do so before speaking and presenting it to the City Secretary prior to the beginning of such meeting. Comments may only be disallowed and/or limited as per Government Codes 551.007(e).

Citizens may submit written public comments not exceeding 300 words in length to the City Secretary not later than 1:00p.m. of the Monday preceding the meeting at which the citizen would like the public comment received. If the written public comment is submitted by this time, it shall be read into the public record for the upcoming meeting.

Rule 9. Suspension of Rules of Procedure

Any of the rules of procedure may be suspended (by a two-thirds vote of the voting councilmembers present) to allow consideration of a matter unless doing so would violate the U.S. Constitution, Texas Constitution, and/or Federal or State Law.

Rule 10. Rules of Procedure

Except where in conflict with applicable law, the most recent version of Robert’s Rules of Order shall govern the proceedings of the City Council.

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

SECTION 3. City of Woodcreek resolutions or parts of resolutions inconsistent or in conflict herein, are to the extent of such inconsistency or conflict, hereby repealed.

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

Passed and approved, this, 12th day of July 2023 on a roll call vote of the City Council of Woodcreek, Texas.

City of Woodcreek:

Attest:



Jeff Rasco, Mayor



Suzanne Mac Kenzie

Council Meeting Agenda Item Cover Sheet

AGENDA ITEM SUBJECT/ TITLE:

Discuss and Take Appropriate Action on the Appointment of A Mayor Pro Tempore for the City of Woodcreek City Council for the Upcoming Year.

AGENDA ITEM SUMMARY:

Discuss and Take Appropriate Action on the Appointment of A Mayor Pro Tempore for the City of Woodcreek City Council for the Upcoming Year.

RECOMMENDATION:

Recommend that City Council Nominate and Vote Upon An Appointment of A Mayor Pro Tempore for the City of Woodcreek City Council for the Upcoming Year.

FINANCIAL IMPACT:

0.00

SUBMITTED BY:

City Secretary

AGENDA TYPE:

New Business

COMPLETION DATE:

11/13/2023 3:07:44 PM

Council Meeting Agenda Item Cover Sheet

AGENDA ITEM SUBJECT/ TITLE:

Discuss and Take Possible Action on Adopting Ordinance 2023-12-13-01,
Aqua Texas Franchise Agreement.

AGENDA ITEM SUMMARY:

Discuss and Take Possible Action on Adopting Ordinance 2023-12-13-01, Aqua
Texas Franchise Agreement.

RECOMMENDATION:

Recommend Adoption of Ordinance 2023-12-13-01, Aqua Texas Franchise
Agreement.

FINANCIAL IMPACT:

0.00

SUBMITTED BY:

Kevin Rule

AGENDA TYPE:

New Business

COMPLETION DATE:

11/13/2023 3:03:33 PM

ORDINANCE NO. 2023-12-13-01

AN ORDINANCE GRANTING AQUA TEXAS, INC., THE NON-EXCLUSIVE RIGHT TO USE AND OCCUPY RIGHTS-OF-WAY WITHIN THE CITY OF WOODCREEK FOR THE CONSTRUCTION AND OPERATION OF WATER AND WASTEWATER UTILITY SYSTEMS; PRESCRIBING CONDITIONS GOVERNING THE USE OF THE PUBLIC RIGHTS-OF-WAY; PROVIDING FOR COMPENSATION THEREFOR; PROVIDING FOR AN EFFECTIVE DATE AND A TERM OF SAID FRANCHISE; PROVIDING FOR WRITTEN ACCEPTANCE OF THIS FRANCHISE; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC, AND PROVIDING FOR SEVERABILITY.

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

Section 1. Definitions.

1.1. For the purposes of this Ordinance, when not inconsistent with the context, words used in the present tense include the future tense, words in the plural include the singular, and words in the singular include the plural, and the use of any gender shall be applicable to all genders whenever the sense requires. The words “shall” and “will” are mandatory and the word “may” is permissive. Words not defined in this Section 1 shall be given their common and ordinary meaning.

1.2. For the purposes of this Ordinance, the following words, terms, phrases and their derivations shall have the meaning given in this Section 1.2.

1.2.1. “City” shall mean the City of Woodcreek, Texas, a municipal corporation and a political subdivision of the State of Texas.

1.2.2. “City Council” shall mean the governing body of the City.

1.2.3. “City Manager” shall mean the City Manager of the City or his/her authorized designate, or, absent such office being existent and occupied, the Mayor of the City.

1.2.4. “City Secretary” shall mean the City Secretary of the City of Woodcreek.

1.2.5. “Company” shall mean Aqua Texas, Inc., a corporation authorized to transact and actually transacting business in the State of Texas, its legal representatives, successors, lessees, and assigns.

1.2.6. “Customer” shall mean any person or organization billed for water or wastewater service whether used by him or her, or by others.

1.2.7. “Gross Receipts” shall mean the total amount collected by Company, its affiliates, subsidiaries, or parent, for all services provided by Company to Customers within the City. Gross Receipts shall not include taxes or regulatory charges on services

furnished by the Company that are imposed directly upon any Customer by the State, City, or other governmental unit and collected by the Company on behalf of the governmental units.

1.2.8. “Public Utility Easement” shall mean those easements held, owned, or otherwise controlled by the City, with terms, conditions, or limitations that are consistent with the construction or maintenance of a water or wastewater system.

1.2.9. “Public Right-of-Way” shall mean the surface of, and the space above and below any and all present and future public streets, avenues, sidewalks, highways, boulevards, drives, roads, bridges, alleys, lanes, viaducts, Public Utility Easements, and all other public roadways within the City, and any highways, county roads, or other public roadways for which the City has an agreement or contract to control, regulate, or maintain, as they now exist or may be hereafter constructed, or extended within the corporate limits of the City.

1.2.10. “PUC” shall mean the Public Utility Commission of Texas or its successor agency.

1.2.11. “System” shall mean all interrelated collection and distribution lines, equipment, treatment facilities, and other appurtenances located within the City that are used or necessary for the transmission and distribution of water and collection of wastewater and its treatment to/for Customers in the City. For the purposes of this Franchise, the Company’s water and the wastewater systems are one utility and are not separated.

1.2.12. “TCEQ” shall mean the Texas Commission on Environmental Quality or its successor agency.

1.2.13. “Wastewater Utility System” shall mean the system of pipes, pumps, equipment, and treatment facilities owned by Company located and/or metered within the City that are necessary and useful to providing wastewater collection and treatment services to Customers within the City, together with all land, property, and assets used by Company for the purposes of providing such utility services within the City.

1.2.14. “Water Utility System” shall mean the system of pipes, lines, pumps, equipment, and wells owned by Company located and/or metered within the City that are necessary and useful to providing potable water to Customers within the City, together with all land, property, and assets used by Company for the purposes of providing such utility services within the City.

Section 2. Grant of Franchise.

2.1. There is hereby granted to Company the right, privilege and franchise to construct, extend, maintain, and operate its Water and Wastewater Utility Systems in, along, under, and across the present and future Public Rights-of-Way. All of the Company’s work, activity, and undertakings within the Public Rights-of-Way shall be subject to the terms and provisions of this

Franchise and all applicable and valid ordinances and regulations of the City directing and controlling the management of the Public Rights-of-Way and public works within the City.

2.2. The Company shall be allowed to operate and maintain all lines existing on the effective date of this Franchise within City parks, greenbelts, and similar property, or then existing on land hereinafter designated as a City park, but shall not undertake a replacement of such lines or install new lines within said parks, greenbelts, or similar properties without the permission of the City Council. Permission shall not be unreasonably withheld. Nothing herein shall be construed as preventing Company from acting to repair or replace any component of the System requiring emergency repairs, i.e., to prevent loss of life, damage to property, or to address a service outage.

2.3. The term of this Franchise shall be for a period of five (5) years from the date of the completion of the term of the previous franchise on January 12, 2020, and shall continue in effect for two (2) succeeding five (5) year period unless terminated by one of the Parties in writing at least six (6) months prior to the conclusion of such five (5) year period; provided that this Franchise shall not be or become effective unless accepted by the Company as provided in Section 8 hereof and until adoption by the City of the Franchise Fee.

2.4. The Company shall not transfer this Franchise nor any rights and privileges granted herein without the written approval of the Council expressed by ordinance. Such approval shall not be unreasonably withheld.

2.5. Nothing contained in this Franchise shall be construed as granting any exclusive franchise or right.

2.6. Notwithstanding any other term or provision of this Franchise, Company shall not be entitled or permitted to place any treatment plant or facility above ground on any land owned or held by the City; and no above-ground facilities, pumps, or equipment shall be placed upon any land, property, or Public Right-of-Way owned or controlled by City without the express permission of the City Council.

2.7 Notwithstanding anything set out in this Agreement to the contrary, nothing within this Agreement shall be construed as preventing Company from contesting the validity of any City ordinances or regulations, as an admission that any such ordinance or regulation is enforceable, or that a particular City ordinance or a regulation is applicable to the Company or its activities. Further, nothing in this Agreement shall be construed as imposing a contractual obligation on the Company to comply with any ordinance or regulations.

Section 3. Use of Public Right-of-Way.

3.1. In the operation and maintenance of its Water and Wastewater Utility Systems in the Public Right-of-Way, the Company shall not conflict with existing water pipes, sewers, electric power lines, telephone lines, cable television lines, or other authorized installations. All work done in said Public Rights-of-Way by the Company shall be done with reasonable diligence and without unnecessary inconvenience to the public or individuals. The Company shall use the Public Rights-of-Way in accordance with all applicable and valid City ordinances, as the same may be amended from time to time.

3.2. The Company shall not place any replacement or extension to its Water or Wastewater Utility Systems where the same will obstruct or interfere with motor vehicle traffic (other than a reasonably necessary temporary obstruction), or any existing television cable, electric, water, drainage, sewer, or telephone facilities, traffic control signalization, street lights, fire lines, communications lines, or any known or then planned use of the property by the City. The Systems shall be located, installed and maintained so that none of the facilities thereof shall unreasonably endanger the lives of persons, unreasonably interfere with any public improvements the City may deem proper to make, or unnecessarily obstruct the free use of the Public Rights-of-Way, easements, or public property.

3.3. The Company shall repair all excavations and work sites by the Company in compliance with any applicable and legally valid City rules and regulations as soon as reasonably possible under the circumstances; provided that in any event the area of excavation or work shall be, at minimum, repaired and replaced to as good or better condition as existed prior to the start of the work by Company, and the Company shall be responsible for the cost and expense of maintaining the repair and work for one (1) year. During the one-year maintenance period, the Company shall remedy any repairs by the Company that, in the reasonable opinion of the City, is in appreciably worse condition than the area surrounding the restoration site. For this one-year maintenance period, Company or Company's Contractor shall provide a Performance Bond benefitting the City for an amount of 100% of the restoration of the surface of any street, alley, or public water within the Public Rights-of-Way. The surety for a Performance Bond shall meet the requirements of Texas law.

Section 4. Relocation of Facilities.

4.1. The City reserves the right to lay, and permit be laid, any City-owned facilities or other improvements, and to do and permit to be done any underground or overhead work that may be necessary or proper in, across, along, over, or under Public Rights-of-Way occupied by Company. The City also reserves the right to change in any manner any Public Right-of-Way and City-owned utility lines, storm sewers, drainage basins, drainage ditches, and other City facilities.

4.2. The Company shall comply with the applicable and legally valid provisions of Chapter 92, Woodcreek City Code, with regard to relocation of its facilities from the Public Rights-of-Way.

4.3. Whenever any public works project requiring the relocation or removal of Company's Water or Wastewater Utility Systems is funded, in whole or in part, with federal or state highway monies, if federal or state law provides compensation for utility adjustments, the City shall request that compensation be provided to the Company by the funding authority. If the City receives such requested utility adjustment compensation, it shall deliver same to the Company.

4.4. If the City abandons any Public Rights-of-Way in which Company has facilities, the City will determine whether it is appropriate to maintain a Public Utility Easement on behalf of Company at such location. If the City determines that Company's facilities need to be removed, Company shall promptly do so at its expense. If the abandonment is undertaken at the request of

a third party, such abandonment shall be conditioned on the party to whom the Public Rights-of-Way is abandoned reimbursing Company for all removal or relocation expenses. If relocation cannot practically be made to another Public Rights-of-Way, the expense of any right-of-way acquisition shall be considered a relocation expense to be reimbursed by the party requesting the relocation.

Section 5. Franchise Fee.

5.1. The Public Rights-of-Way used by the Company in the operation of its Water and Wastewater Utility Systems are valuable public properties acquired and maintained by the City at great expense to its taxpayers, without which the Company would be required to invest in right-of-way costs and acquisitions. In order to compensate the City for the use of the valuable public properties, the Company shall pay to the City a Franchise Fee in the amount of three percent (3%) annually of the Company’s total Gross Receipts collected from Customers within the City, subject to Paragraph 5.6, below.

5.1.1. The Franchise Fee shall be payable quarterly to the City, with payments being due on February 15, May 15, August 15, and November 15 of each year during the term hereof. Each payment shall be based upon the Company’s Gross Receipts during the preceding calendar quarter, and shall constitute payment for the rights and privileges granted hereunder for said calendar quarter.

5.1.2. The Franchise Fee shall be in lieu of any and all other City-imposed rentals or compensation or franchise, license, privilege, instrument, occupation, excise, or revenue taxes or fees, and all other exactions or charges (except ad valorem property taxes, special assessments for local improvements, city sales tax, and such other charges for utility services imposed uniformly upon persons, firms or corporations then engaged in business within the City).

5.1.3. Interest on late payments shall be calculated in accordance with the interest rate for customer deposits established by the PUC in accordance with the Texas Utilities Code, Section 183.003, as amended, for the time period involved.

5.1.4. With each payment required herein, the Company shall furnish to the City a statement indicating the derivation and calculation of such payment. Additionally, the Company shall file annually with the City Secretary, no later than four (4) months after the end of the Company’s fiscal year, a statement of revenues attributable to the operations of the Company within the City.

5.2. Should the City not have the legal power to agree that the payment of the foregoing sums of money shall be in lieu of licenses, fees, street or alley rentals or charges, easement or franchise taxes or charges aforesaid, then City agrees that it will apply so much of said sums of money paid as may be necessary to satisfy Company’s obligations, if any, to pay any such licenses, charges, fees, rentals, easement or franchise taxes or charges.

5.3. For purposes of verifying the correct calculation of each payment of Franchise Fees by the Company, the City may conduct an annual audit or other inquiry in relation to such payments. The City may, if it sees fit, upon reasonable notice to the Company, have the books

and records of the Company examined annually by representatives of the City to ascertain the correctness of the reports agreed herein to be filed. Audits under this Agreement may not extend beyond a period of five years.

5.3.1. The Company shall make reasonably available to the City's representative during the Company's regular business hours and upon reasonable notice, such personnel and records as the City may, in its reasonable discretion, request in order to complete such audit, and shall make no charge to the City.

5.3.2. If as the result of any City audit, Company is refunded/credited for an overpayment or pays the City for an underpayment of the franchise fee, such refund/credit or payment shall be made promptly.

5.3.3. If, as a result of a subsequent audit or inquiry, initiated within two (2) years of an audit or inquiry that resulted in Company making a payment to the City due to an underpayment of the Franchise Fee of more than 5%, Company makes another payment to the City due to an underpayment of the Franchise Fee of more than 5%, the City may immediately treat this underpayment as late payment and charge interest as provided herein from the time the payment should have been made to City.

5.3.4. The Company shall assist the City in its review by responding to all reasonable requests for information pursuant to this Paragraph 5.3 no later than thirty (30) days after receipt of a request.

5.3.5. The City's right to conduct an audit of Franchise Fee payments by Company under the prior franchise granted by Ordinance No. 00-62 shall not be extinguished by the agreement of the parties to enter into this new franchise agreement, but shall survive the expiration or termination of said agreement.

5.3.6 In the event the City conducts more than one audit within a calendar year, the City shall reimburse Company for expenses incurred by Company in cooperating with such audit. For purposes of clarification, but not limitation, such reimbursement obligation includes reimbursing company for the time spent by Company's employees cooperating with any such audit request.

5.3.7 City and Company shall have the right to review the results of any audit conducted under this Paragraph 5.3, including the underlying material relating to the audit, and to challenge the results of the audit. Such challenge, if it cannot be resolved between the Parties, shall be subject to a third-party dispute resolution process reasonably agreed between the Parties.

5.4. If Company provides confidential or proprietary information to the City, Company shall be solely responsible for identifying such information with markings calculated to bring the City's attention to the proprietary or confidential nature of the information. The City agrees to maintain the confidentiality of any non-public information obtained from Company so designated to the extent allowed by law. The City shall not be liable to Company for the release of any information the City is required to release by law. City shall provide notice to Company of any request for release of information marked by Company as proprietary or confidential prior to

releasing the information so as to allow Company adequate time to pursue available remedies for protection. If the City receives a request under the Texas Public Information Act that includes Company's proprietary or confidential information, the City will notify the Texas Attorney General of the proprietary or confidential nature of the document(s). The City also will provide Company with a copy of this notification, and thereafter Company is responsible for establishing that an exception under the Texas Public Information Act allows the City to withhold the information. This paragraph shall not be construed as requiring Company to provide any confidential or proprietary information to the City.

5.5 City shall, within 90 days of final approval and submission to the Texas Comptroller of Public Accounts, give the Company notice of annexations and disannexations of territory by City, which notice shall include a map and addresses, if known. Upon receipt of said notice, the Company shall promptly initiate a process to reclassify affected customers into the City limits, not later than 60 days after receipt of notice from City. The annexed areas added to the City limits will be included in future franchise payments in accordance with the effective date of the annexation if notice was timely received from City. Upon request from City, the Company will provide documentation to verify that affected customers were appropriately reclassified and included for purposes of calculating franchise payments. In no event shall Company be required to add premises for the purpose of calculating franchise payment prior to the earliest date that the same premises are added for purposes of collecting sales tax.

5.6 The Parties recognize that the City must adopt the Franchise Fee by and through adoption of this Ordinance, which the City shall do within thirty (30) days of the Company's acceptance of the Franchise pursuant to Section 8.

Section 6. Insurance.

6.1. In addition to the insurance requirements provided in Chapter 92 of the Woodcreek Code of Ordinances, the Company shall also maintain throughout the term of the Franchise property damage coverage, general liability insurance, and automobile liability insurance for any vehicles owned or operated by Company, with an insurance company licensed to do business in the State of Texas and acceptable to the City, insuring against claims for liability and damages for the benefit of the City.

6.1.1. Property damage coverage insurance under this section shall be a minimum of Five Million and No/100 Dollars (\$5,000,000).

6.1.2. Automobile liability insurance under this section shall at a minimum have limits of \$500,000 for bodily injury for each person and \$1,000,000 for each occurrence, and property damage of \$250,000 for each occurrence.

6.1.3. General liability insurance under this section shall be a minimum of Five Million and No/100 Dollars (\$5,000,000) for the protection of the public in connection with:

6.1.3.1. Liability to persons or damages to property, in any way arising out of or through the acts or omissions of Company, its servants, agents or employees, or to which Company's negligence shall in any way contribute;

6.1.3.2. Arising out of any claim or invasion of the right of privacy, for defamation of any person, firm or corporation, or the violation or infringement of any copyright, trademark, trade name, service mark or patent, or of any other right of any person, firm or corporation;

6.1.3.3. Arising out of Company's operations and relationships with any independent contractor or subcontractor.

6.1.4. The Company shall maintain throughout the term of the Franchise the requisite statutory workers' compensation insurance and a minimum of \$100,000 employer's liability insurance.

6.2. The Company will require its contractors and subcontractors to maintain, at their sole cost and expense, the following:

6.2.1. A minimum of one million dollars (\$1,000,000) each occurrence or each accident general liability and automobile liability insurance throughout the course of work performed; and

6.2.2. Statutory workers compensation benefits in accordance with the regulations of the State of Texas or state of jurisdiction, as applicable. The minimum limits for employers' liability insurance will be five hundred thousand dollars (\$500,000) bodily injury each accident, five hundred thousand dollars (\$500,000) each employee bodily injury by disease, and five hundred thousand dollars (\$500,000) policy limit bodily injury by disease.

6.2.3. Company shall provide to the City upon request proof of its contractors' and subcontractors' compliance with these insurance requirements.

6.3. A certificate of Insurance reflecting the insurance policy, or policies, obtained by the Company in compliance with this section, shall be filed and maintained with the City Secretary during the term of the Franchise. The Company shall immediately advise the City Council of any significant litigation, actual or potential, that may develop and would affect this insurance.

6.4. All insurance policies maintained pursuant to this Franchise shall contain the following conditions by endorsement:

6.4.1. The City shall be an additional insured and the term "owner" and "City of Woodcreek" shall include all authorities, boards, bureaus, commissions, divisions, departments, and offices of the City and the individual members, officers, employees and agents thereof in their official capacities and/or while acting on behalf of the City;

6.4.2. Each policy shall require that thirty (30) days prior to a cancellation or material change in policies, a written notice thereof shall be delivered to the City Manager by registered mail;

6.4.3. Insurers shall have no right of recovery against the City, it being the intention that the insurance policies shall protect the Company and the City and shall be primary coverage for all losses covered by the policies;

6.4.4. The policy clause "Other Insurance" shall not apply to the City where the City is an insured on the policy;

6.4.5. Companies issuing the insurance policies shall not have recourse against the City for payment of any premiums or assessments.

Section 7. Indemnification and Hold Harmless. The Company agrees to indemnify, defend, and save harmless the City, its agents officers and employees, against and from any and all claims by or on behalf of any person, firm, corporation or other entity, arising from the Company's Water and/or Wastewater Utility System(s), or arising from any act of negligence of the Company, or any of its agents, contractors, servants, employees or licensees, and from and against all costs, counsel fees, expenses and liabilities incurred in or about any such claim or proceeding brought thereon, and from any and all claims arising from any breach or default on the part of the Company in the performance of any covenant or agreement on the part of the Company to be performed pursuant to the terms of this Franchise. The City shall promptly notify the Company of any claim or cause of action that may be asserted against the City relating to or covering any matter against which the Company has agreed, as set forth above, to indemnify, defend, and save harmless the City. The Company reserves the right, but not the obligation, to employ such attorneys, expert witnesses, and consultants as it deems necessary to defend against the claim or cause of action. In the event the Company and the City are codefendants in a suit, the Company may be granted the right to take total or partial lead responsibility for the defense of any claim or cause of action upon express written approval of the City Attorney. In the event that the City is in control, either totally or partially, of such defense, the Company shall pay all expenses incurred by the City in providing the defense. It is understood that it is not the intention of either the City or the Company to create any liability, right, or claim for the benefit of third parties, and this Franchise is intended and shall be construed for the sole benefit of the City and the Company.

Section 8. Acceptance of Franchise by Company and City Adoption of Franchise Fee.

8.1. This Franchise shall become effective when both (i) the Franchise has been accepted by the Company as follows: (a) the Company shall execute a written acceptance on the letterhead of the Company in the form and content set forth in Section 8.2; and (b) the Company shall, within thirty (30) days from the final adoption of this Ordinance, file with the City Secretary a properly executed acceptance that complies in every respect with this Section 8.1 and the wording of Section 8.2; and (ii) the City has adopted the Franchise Fee. When this Franchise has been accepted by the Company strictly in conformance with Sections 8.1 and 8.2 and the City has adopted the Franchise Fee in this Ordinance, this Franchise shall be a duly executed contract by and between the City and the Company.

8.2. The Company shall, if it elects to accept this Franchise, give written notice of acceptance to the City Secretary within thirty (30) days from the date of this Ordinance. Such acceptance shall be typed or printed on the letterhead of the Company and, with the blank spaces appropriately completed, shall be as follows:

(insert date of letter)

The City of Woodcreek
41 Champions Circle
Woodcreek, Texas 78676-3327

ATTENTION: City Secretary

Aqua Texas, Inc., (the “Company”), acting by and through the undersigned officer who is acting within his official capacity and authority, hereby accepts the franchise to operate Water and Wastewater Utility Systems within the City of Woodcreek (the “City”) as said franchise is set forth and provided in Ordinance No. ____ (the “Ordinance”). The Company agrees the Franchise was negotiated in good faith between Company and City and that the terms, provisions and conditions thereof are mutually accepted and constitute a valid contract between Company and City. The Company further agrees to be bound and governed by each term, provision, and condition of the Franchise, to accept and to give the benefits provided by the Franchise, and to perform each service and duty set forth and provided for in the Franchise in a business-like and reasonable manner and in compliance with the Franchise.

Aqua Texas, Inc.

By:

Name: Craig L. Blanchette

Title: President

Section 9. Default, Remedies, and Termination.

9.1. Events of Default. The occurrence, at any time during the term of this Franchise, of any one or more of the following events, shall constitute an Event of Default by Company under this Franchise:

(1) the failure of Company to pay any undisputed portion of the Franchise Fee on or before the due dates specified herein; or

(2) Company’s material breach or material violation of any of material terms, covenants, representations, or warranties contained herein, or Company’s failure to perform any material obligation contained herein; or

(3) failure to meet minimum standards as required by the State of Texas; or

(4) material misrepresentation of fact in the application for or negotiation of this Franchise; or

(5) conviction of any director, officer, employee, or agent of the Company of the offense of bribery or fraud connected with or resulting from the awarding of this Franchise; or

(6) material misrepresentation of fact knowingly made to the City with respect to or regarding Company's operations, management, revenues, services, or reports required pursuant to this Franchise.

9.2. Uncured Events of Default.

9.2.1. Upon the occurrence of an Event of Default that can be cured by the immediate payment of money to the City, Company shall have thirty (30) calendar days from receipt of written notice from the City of an occurrence of such Event of Default to cure same before City may exercise any of its rights or remedies provided for in Section 9.3.

9.2.2. Upon the occurrence of an Event of Default by Company that cannot be cured by the immediate payment of money to the City, Company shall have sixty (60) calendar days (or such additional time as may be agreed to by the City or as reasonably required by Company despite its best efforts in pursuing a cure) from receipt of written notice from City of an occurrence of such Event of Default to cure same before City may exercise any of its rights or remedies provided for in Section 9.3.

9.2.3. If the Event of Default is not cured within the time period allowed for curing the Event of Default as provided for herein, such Event of Default shall, without additional notice, become an Uncured Event of Default, which shall entitle the City to exercise the remedies provided for in Section 9.3.

9.3. Remedies. The City shall notify Company in writing of an alleged Uncured Event of Default as described in Section 9.2, which notice shall specify the alleged failure with reasonable particularity. Company shall, within thirty (30) calendar days after receipt of such notice or such longer period of time as the City may specify in such notice, either cure such alleged failure or in a written response to the City either present facts and arguments in refuting or defending such alleged failure or state that such alleged failure will be cured and set forth the method and time schedule for accomplishing such cure. In the event that such cure is not forthcoming, City shall be entitled to exercise any and all of the following cumulative remedies:

- (1) the commencement of an action against Company at law for monetary damages or civil penalties;
- (2) the commencement of an action in equity seeking injunctive relief or the specific performance of any of the provisions, that as a matter of equity, are specifically enforceable; and
- (3) the termination of this Franchise.

9.4. Remedies Not Exclusive. The rights and remedies of the City and Company set forth in this Franchise shall be in addition to, and not in limitation of, any other rights and remedies provided by law or in equity. The City and Company understand and intend that such remedies shall be cumulative to the maximum extent permitted by law and the exercise by the City of any one or more of such remedies shall not preclude the exercise by the City, at the same or different times, of any other such remedies for the same failure to cure. However, notwithstanding this Section or any other provision of this Franchise, the City shall not recover both liquidated damages and actual damages for the same violation, breach, or noncompliance, either under this Section or under any other provision of this Franchise.

9.5. Termination. In accordance with and subject to the provisions of Section 9.3, this Franchise may be terminated upon thirty (30) business days' prior written notice to Company. The City shall notify Company in writing at least fifteen (15) business days in advance of the City Council meeting at which the question of termination shall be considered, and Company shall have the right to appear before the City Council in person or by counsel and raise any objections or defenses Company may have that are relevant to the proposed termination. The final decision of the City Council pursuant to the terms of this Franchise may be appealed by Company to any court or regulatory authority having jurisdiction. Upon timely appeal by Company of the termination of the Franchise, the effective date of such termination shall be when such appeal is withdrawn by Company or when an order upholding the termination becomes final and unappealable. Until the termination becomes effective the provisions of this Franchise shall remain in effect for all purposes. The City recognizes Company's right and obligation to provide service in accordance with the Certificate of Convenience and Necessity authorized by the Public Utility Commission of Texas in accordance with the Texas Water Code.

9.6. Receivership and Bankruptcy. The City Council shall have the right to cancel this Franchise one hundred twenty (120) days after the appointment of a receiver or trustee to take over and conduct the business of the Company, whether in receivership, reorganization, bankruptcy, or other action or proceeding, whether voluntary or involuntary, unless such receivership or trusteeship shall have been vacated prior to the expiration of said one hundred twenty (120) days, unless:

- (1) Within one hundred twenty (120) days after their election or appointment, such receiver or trustee shall have fully complied with all the provisions of this Franchise and remedied all defaults thereunder; or
- (2) Such receiver or trustee, within one hundred twenty (120) days, shall have executed an agreement, duly approved by the court having jurisdiction, whereby the receiver or trustee assumes and agrees to be bound by each and every provision of this Franchise granted to the Company.

9.7. The failure of either party to insist in any one or more instances upon the strict performance of any one or more of the terms or provisions of this Franchise shall not be construed as a waiver or relinquishment for the future of any such term or provision, and the same shall continue in full force and effect. No waiver or relinquishment shall be deemed to have been made by either party unless said waiver or relinquishment is in writing and signed by that party.

Section 10. Customer Service and Community Interaction.

10.1 The Company shall comply with all applicable and valid provisions of Chapter 52 of the City Code. In addition, the Company commits to provide customer service to the City customers in compliance with the customer service obligations set forth in the PUC regulations and the Company's tariff.

10.2 The Company shall provide the City a designated customer service representative, accessible to city officials and City staff, within 30 days of the date of the date City Council adopts this ordinance. The Aqua customer service representative will be available during normal business hours, Monday – Friday, by phone or email. The designated customer service representative will be in addition to employees available through the Aqua Customer Contact Center as well as the existing, customer-facing, employees working in the City of Woodcreek.

10.3 The Company shall provide the City within 30 days of the date of the date City Council adopts this ordinance a Company contacts list for access by city officials and city staff to be used in day-to-day activities of both parties in ensuring excellent customer service to residents of the City of Woodcreek. Such contact list will be updated as soon as reasonably possible as changes occur within the organization.

10.4 City and the Company shall promote to the best of their ability the incorporation of various aspects of One Water Concepts for all new development as well as rules, regulations, and legislation that promote sustainability and conservation of groundwater in the Wimberley Valley.

10.5 Per the City's request, Company shall meet with the City, or designee(s) as may be appointed, at least annually but no more frequently than once per quarter to discuss pending and future growth in the region on a schedule determined by the City. City shall schedule and host the reoccurring meetings. Nothing herein shall prevent Aqua from approaching the City to discuss a development or potential transaction in between scheduled sessions.

10.6 City and Company shall work together on initiatives and events that promote cooperation amongst the parties and enhance quality of life in the region.

10.7 Aqua will provide water service to City-owned facilities, structures, and plantings at no cost to the City. Such facilities will be limited to the already existing accounts at the time of this Agreement as detailed below:

- 000957765-0687110
- 000974512-0699546
- 000937497-0672071
- 000976059-0700920

The expenses incurred by the Company in providing service to the City accounts shall be recovered in retail rates charged to customers as approved by the PUC.

Section. 11. Rates and Service.

11.1 The City shall provide oversight and regulation of the Company's retail rates, services, and tariffs within the City's jurisdiction to the extent authorized by law. The City hereby expressly reserves the right, power, and authority to fully regulate and fix the rates and charges for the services of the Company to its consumers as provided by law. The Company may from time to time propose changes in its general rates by filing an application with the City Secretary for the consideration of the City Council. Within a reasonable time, consistent with law, the City Council shall afford the Company a fair hearing with reference to the application and shall either approve or disapprove the proposed changes or make such order as may be reasonable. The Company reserves all rights under state law to appeal any decision of the City Council, as allowed by law.

11.2 In order to ascertain any and all facts, the Mayor, City Council, or the City's agents shall have full power and authority to inspect, or cause to be inspected, the books of the Company, and to inventory and appraise, or cause to be inventoried and appraised, the property of the Company, and to compel, upon reasonable notice, the attendance of witnesses and the production of books and records.

11.3 The Company and City may, at any time during the term of this Franchise obtain expert assistance and advice in a proceeding before the City Council to determine fair, just, and reasonable rates to be charged by the Company to its consumers in the corporate limits of the City. The Company and City further agree that all reasonable expenses incurred by the Company, as approved by the City, as part of a rate proceeding before the City may be recovered from customers over a 12-month period as a surcharge, commencing on the date new rates take effect, to the retail rates charged to customers within the City's jurisdiction and that the City-incurred expenses shall be timely reimbursed to the City by the Company. The Company reserves all rights under state law to appeal any decision of the City Council, as allowed by law, and to seek recovery of its reasonable expenses incurred in the appeal proceeding.

Section 12. Reservation of Powers

Except as otherwise provided in this Franchise, the City by the granting of this Franchise does not surrender or to any extent lose, waive, impair, or lessen the lawful powers, claims, and rights, now or hereafter vested in the City under the Constitution and statutes of the State of Texas and under the Ordinances of the City of Woodcreek or other applicable law, to regulate public utilities within the City and to regulate the use of the streets by the Company; and the Company by its acceptance of this Franchise agrees that, except as otherwise provided in this Franchise, all lawful powers and rights, whether regulatory or otherwise, as are or as may be from time to time vested in or reserved to the City, shall be in full force and effect and subject to the exercise thereof by the City at any time and from time to time.

Section 13. Severability. If any section or provision of this Franchise shall, for any reason, be held invalid, illegal, or unenforceable by a court of competent jurisdiction, the same shall not affect the validity hereof as a whole or any part or provision other than the part or parts held invalid or unconstitutional.

Section 14. Notice. Any notices required or desired to be given from one party to the other party shall be in writing and shall be given and shall be deemed to have been served and received if: (i) delivered in person to the address set forth below; (ii) deposited in an official depository under the regular care and custody of the United States Postal Service located within the confines of the United States of America and sent by certified mail, return receipt requested, and addressed to such party at the address hereinafter specified; or (iii) delivered to such party by courier receipted delivery. Either party may designate another address within the confines of the continental United States of America for notice, but until written notice of such change is actually received by the other party, the last address of such party designated for notice shall remain such party’s address for notice.

<p>CITY</p> <p>City Manager City of Woodcreek 41 Champions Circle Woodcreek, TX 78676-3327</p>	<p>COMPANY</p> <p>President Aqua Texas, Inc. 1106 Clayton Lane, Suite 400W Austin, TX 78723</p>
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Upon request, Company shall provide the City with current contact information for the City’s use in forwarding customer inquiries and complaints to Company.

Section 15. Captions and Headings. The use of captions or headings for the various sections of this Ordinance are for convenience of parties only and do not reflect the intent of the parties. The rule of interpretation to resolve ambiguities in a contract against the party drafting such contract shall not apply to this Franchise.

Section 16. No Suspension of Laws. The City retains and may exercise all of the governmental and police powers and all other rights and powers not directly inconsistent with the terms, conditions and provisions of this Franchise.

Section 17. Reliance. From and after the effective date of this Ordinance, the City and the Company shall be and are hereby authorized and entitled to act in reliance upon the terms, conditions and provisions of this Franchise and, subject thereto, the Company shall collect rates for service to the Customers based on schedule(s) filed by the Company with the City and approved as provided by law, operate and conduct its business and work within the City, and enjoy the benefits and privileges of this Franchise during the term hereof.

Section 18. General Ratification. Company and City hereby ratify, approve and confirm, all previous actions by the City and Company, their elected and appointed officers, agents and employees with respect to this Franchise, including, but not limited to, the consideration and scheduling of hearings and meetings with respect to the issuance of this Franchise, and the terms, provisions and conditions of this Franchise are hereby ratified, approved and confirmed.

Section 19. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place and purpose

of said meeting was given, as required by the Open Meetings Act, Chapter 551, Texas Government Code.

Section 20. Publication. The full caption of this Ordinance shall be published one (1) time in a weekly newspaper published within or in general circulation within the City and the expense of such publication shall be borne by the Company. This Ordinance shall take effect only upon its acceptance by the Company within the time and manner herein above provided. In the event this Franchise is not accepted by the Company this Franchise shall expire and be and become null and void at midnight on the thirtieth (30th) day after date hereof.

Section 21. Endorsements and Records. The City Secretary is hereby authorized and directed to make appropriate endorsements for the public records and convenience of the citizens over his or her official hand and the seal of the City and on the form provided at the conclusion of this Franchise of the date upon which this Ordinance is finally passed and adopted by the Council the date upon which the caption or notice of this Ordinance is published in the local newspaper, the date upon which this Ordinance shall expire if not first accepted by the Company, and, if the Company shall accept this Franchise, the date of such acceptance by the Company.

PASSED AND APPROVED on this the 13th day of December, 2023, City of Woodcreek, Texas.

By: _____
Jeff Rasco, Mayor

PLACE
CITY SEAL
HERE

ATTEST:

Suzanne J. Mac Kenzie, City Secretary

APPROVED AS TO FORM:

City Attorney's Office

Council Meeting Agenda Item Cover Sheet

AGENDA ITEM SUBJECT/ TITLE:

Discuss and take appropriate action on a Council Retreat to take place in January 2024.

AGENDA ITEM SUMMARY:

The day-long offsite retreat will include at least Council, Staff, City Attorney(s), City Engineers, Committee Liaisons, and HOT IT. Sessions will address any required or desired training, and the working arrangements between the various groups. Council a

RECOMMENDATION:

It is important for all of us to be on the same page going forward. Meeting face-to-face in a neutral environment, facilitated by an objective third party, can go a long way toward establishing a team atmosphere and helping us accomplish our goals. Sugges

FINANCIAL IMPACT:

\$4000 for fees, food and beverage

SUBMITTED BY:

Jeff Rasco

AGENDA TYPE:

New Business

COMPLETION DATE:

12/1/2023 12:56:21 PM

Council Meeting Agenda Item Cover Sheet

AGENDA ITEM SUBJECT/ TITLE:

Discuss and take appropriate action on the Boy Scout Eagle project for rainwater collection at Augusta Park, and the use of unspent SpookTacular funds to cover materials.

AGENDA ITEM SUMMARY:

The City and Parks & Recreation Board have been approached by a Boy Scout for help with his Eagle project. The plan is for a small, simple structure with a metal roof and guttering for collecting rainwater for wildlife and irrigation for plants in the par

RECOMMENDATION:

Approve the project in Augusta Park and the expenditure of city funds for building materials.

FINANCIAL IMPACT:

\$1,000

SUBMITTED BY:

Jeff Rasco

AGENDA TYPE:

New Business

COMPLETION DATE:

11/13/2023 4:07:35 PM



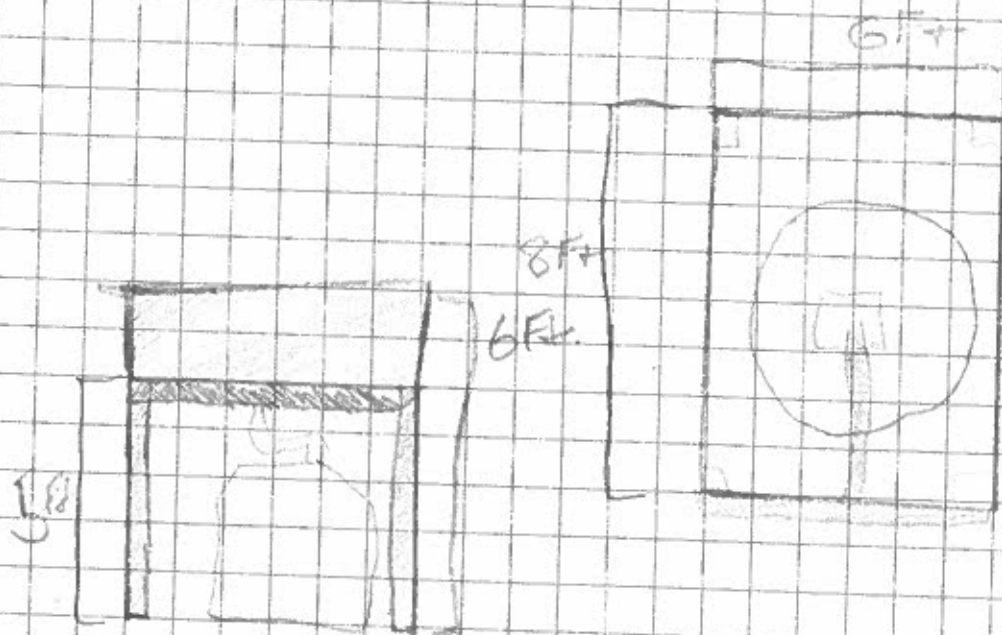
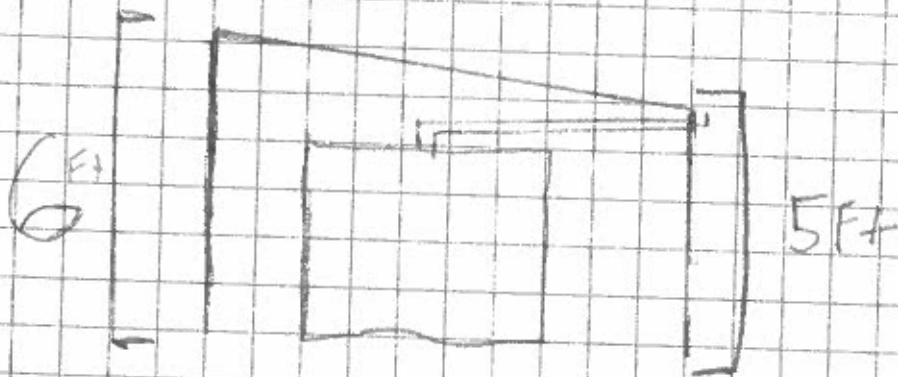
PROJECTED RAIN COLLECTION

Hays County Average Annual Rainfall	33.75"
8x5 Roof Surface	40.00 sq. ft.
Average Rainfall/month	24.8 gal.
Monthly Average of Collection	69.75 gal.
Average Collection Per Day	2.28 gal.

Rain Water Collection Budget Projection

Item Number	Description	Expected Cost Per Item	Number of Items Needed	Total Expected Cost
1	2x4x8 Southern Pine	\$ 2.79	8.00	\$ 22.32
2	4x4x8 Treated Pine	\$ 10.29	4.00	\$ 41.16
3	Sakrete (50lbs.)	\$ 6.99	5.00	\$ 34.95
4	Joist Hanger	\$ 1.79	9.00	\$ 16.11
5	Amerimax Gutter	\$ 20.99	1.00	\$ 20.99
6	Amerimax Gutter End (29206)	\$ 2.99	2.00	\$ 5.98
7	Amerimax Gutter End (29010)	\$ 11.49	1.00	\$ 11.49
8	Amerimax Down Spout (Front Elbow)	\$ 4.99	1.00	\$ 4.99
9	Amerimax Down Spout (10')	\$ 18.49	1.00	\$ 18.49
10	Amerimax Flex-A-Spout	\$ 8.99	1.00	\$ 8.99
11	Amerimax Gutter Hanger	\$ 17.49	1.00	\$ 17.49
12	Amerimax Wood Screws 1.5	\$ 5.99	2.00	\$ 11.98
13	Hillman Lag Bolt	\$ 0.47	8.00	\$ 3.76
14	Bar-Ox Red Paint	\$ 15.99	1.00	\$ 15.99
15	Play Sand (50lbs.)	\$ 5.99	10.00	\$ 59.90
16	Waterheater Pan	\$ 32.58	1.00	\$ 32.58
17	Dare-O-Matic Trans Float	\$ 32.58	1.00	\$ 32.58
18	8x11x2.5 Corrugated Sheet Metal	\$ 19.99	4.00	\$ 79.96
19	Hardware Cloth	\$ 19.99	1.00	\$ 19.99
20	Water Tank 200 gal (King Feed)	\$ 530.00	1.00	\$ 530.00
21	Gutter Guard 4ft GS-K5 4ft, 5 in	\$ 7.72	2.00	\$ 15.44
22	Roofing Screw #10 117901	\$ 14.99	1.00	\$ 14.99
23	Insect Screen	\$ 24.99	1.00	\$ 24.99
Total Estimated Project Costs				\$ 1,045.12

■ 1 sq Ft

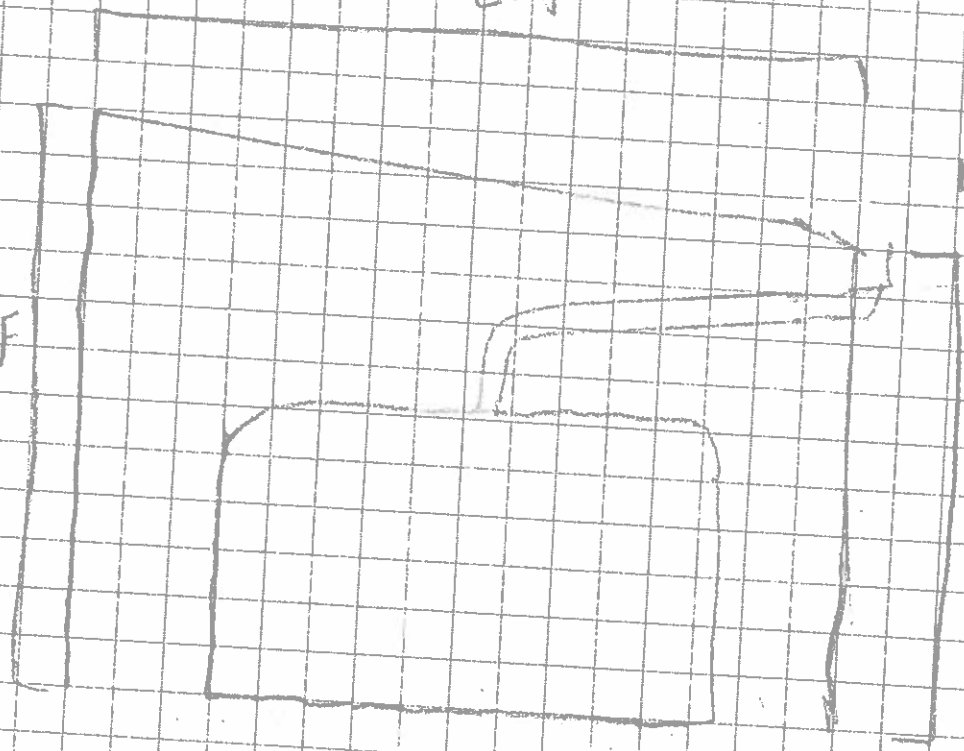


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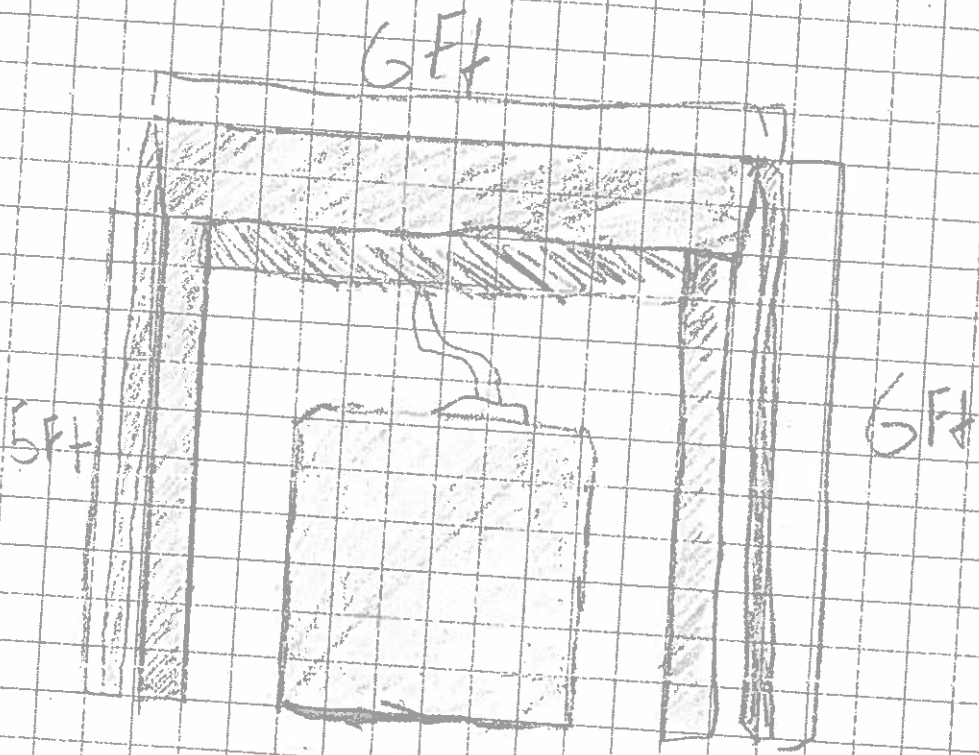
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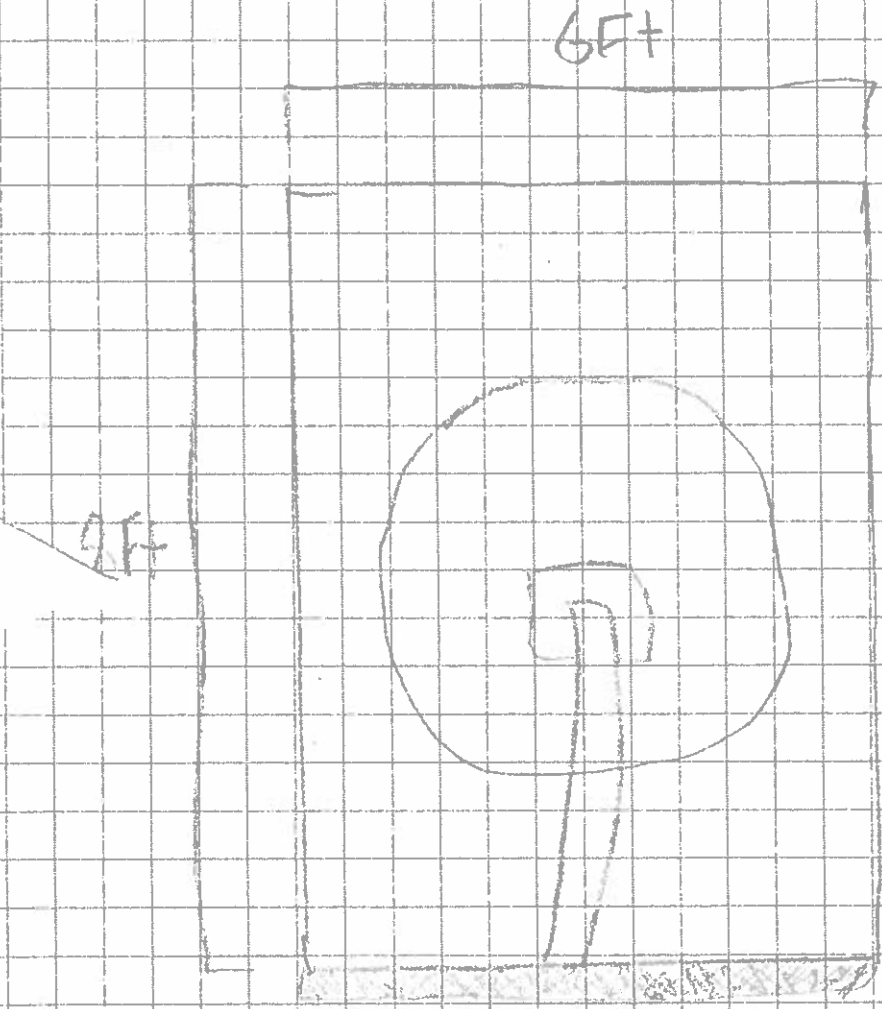
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6F+



□ 1F+





Council Meeting Agenda Item Cover Sheet

AGENDA ITEM SUBJECT/ TITLE:

Discuss and take appropriate action on hosting a family-friendly golf tournament as part of a yearlong celebration of Woodcreek's 40th Anniversary

AGENDA ITEM SUMMARY:

Proposing a golf tournament "not for golfers," that includes themed holes, reasonable entry fees, and fun activities. Suggesting it be held the day of the total solar eclipse to help keep our citizens off the roads and safe, while enjoying the company of

RECOMMENDATION:

Approve the concept and assemble a planning committee.

FINANCIAL IMPACT:

The tournament will be designed to break even or return money for city use.

SUBMITTED BY:

Jeff Rasco

AGENDA TYPE:

New Business

COMPLETION DATE:

12/1/2023 12:43:58 PM

Council Meeting Agenda Item Cover Sheet

AGENDA ITEM SUBJECT/ TITLE:

Discuss and Reconsider Taking Possible Action on Edits to Chapter 30 "the Ordinance Review Committee Ordinance"

AGENDA ITEM SUMMARY:

Edits to Chapter 30 "the Ordinance Review Committee Ordinance" are being presented to council for their consideration. These edits seek to put into writing common understanding about advisory committees as it relates to terms, etc. There are two versions b

RECOMMENDATION:

Council to consider and approve edits to Chapter 30 "the Ordinance Review Committee Ordinance"

FINANCIAL IMPACT:

Cost of codification

SUBMITTED BY:

Chrys Grummert

AGENDA TYPE:

New Business

COMPLETION DATE:

11/29/2023 1:52:22 PM

ORDINANCE REVIEW COMMITTEE

§ 30.70 POPULAR NAME.

This subchapter shall be commonly cited as the "Ordinance Review Committee Ordinance."
(Ord. No. 22-298-1 , 1-12-2022)

§ 30.71 PURPOSE.

The purpose of this subchapter is to create an Ordinance Review Committee which shall: (1) advise the City Council on the amending, creating, and rescinding of city ordinances; (2) secure public input in this process; and (3) promote transparency in the process of amending, creating, and rescinding of city ordinances. The Ordinance Review Committee shall be viewed as an independent advisory body to Council.
(Ord. No. 22-298-1 , 1-12-2022)

§ 30.72 CREATION AND COMPOSITION.

The Ordinance Review Committee is hereby created. The Ordinance Review Committee shall consist of seven members: five regular voting members and two alternate non-voting members. Exception: at a meeting where there are not enough regular members present, an alternate(s) may act as a voting member. Those present committee members, including alternates, shall vote on the alternate(s) which will stand in as a voting member for that meeting. Each of Woodcreek's five Councilmembers shall make one regular member appointment to the Ordinance Review Committee. The Mayor will make two alternate member appointments to the Ordinance Review Committee, specifically a first and second alternate. All appointments shall be confirmed by a majority vote of the City Council. In the event any Councilmembers or the Mayor fails or refuses to make an appointment, the vacancy may be filled by the majority vote of the remaining members of the City Council, in their stead. No member of the Ordinance Review Committee may be a present member of the City Council.
(Ord. No. 22-298-1 , 1-12-2022)

§ 30.73 TERMS, RESIGNATION, VACANCY, AND REMOVAL.

- (A) The terms of each member (regular and alternate) of the Ordinance Review Committee shall coincide ~~be concurrent~~ with the term of the Councilmember (including Mayor) who appointed the ~~each~~ member and will expire upon the appointing Councilmember's term in of office ending ~~either by expiration or resignation~~. This shall result in staggered two year terms for Ordinance Review Committee members. One year, the three newly elected members of council shall make recommendation for a regular member of the Ordinance Review Committee. The next year, the two newly elected members of council shall make a recommendation for a regular member of the Ordinance Review Committee, and the newly elected Mayor shall make recommendation for two alternates.
- (B) Any member of the Ordinance Review Committee may resign by submitting written notice to the Chairperson of the Ordinance Review Committee. Resignation will be effective when ~~received sent~~. Upon receipt of written notice of resignation, the Chairperson of the Ordinance Review Committee shall promptly send such resignation to the Mayor.

TITLE III: - ADMINISTRATION
CHAPTER 30: - OFFICIALS, EMPLOYEES AND ORGANIZATIONS
ORDINANCE REVIEW COMMITTEE

- (C) If a vacancy occurs on the Ordinance Review Committee, the vacancy shall be filled by a recommendation from the Councilmember who appointed the resigning member. Upon confirmation by a majority vote of council, the newly filled vacancy shall fulfill the unexpired term of that Ordinance Review Committee seat.
- (D) Members of the Ordinance Review Committee may be removed from the Ordinance Review Committee by a simple majority vote of the Councilmembers, ~~and~~ at a meeting of the Woodcreek City Council for which such a vote has been properly noticed. By a majority vote, the Ordinance Review Committee may make recommendation to council regarding removing a member from their committee.
- (E) Members of the Ordinance Review Committee shall remain on the committee, past their expired term, until their reappointment or replacement has been approved by Council. Unless the committee member submits a resignation letter.
- (F) In order to be considered for appointment or reappointment to the Ordinance Review Committee, a Volunteer Application shall be filled out and submitted to city hall. City staff shall present all volunteer applications to council for their consideration of committee appointments.
- (G) There are no limits to the amount of terms members can serve on this committee.

(Ord. No. 22-298-1 , 1-12-2022)

§ 30.74 DUTIES AND MEETINGS.

- (A) The Ordinance Review Committee shall meet to consider making recommendations on amending, creating, and rescinding of city ordinances they have been tasked to consider by the City Council. To accomplish these tasks, the Ordinance Review Committee shall study, investigate and develop a recommendation or plan in response to the task given to them by council, and under any deadlines established by the City Council. The Ordinance Review Committee should be prepared to provide monthly reports at regular meetings of the City Council. In the absence of explicit direction from the City Council, the Ordinance Review Committee may review ordinances at their discretion, with the exception of city zoning chapters and provide recommendations to the City Council on their findings as part of the monthly reports.
- (B) The Ordinance Review Committee shall meet at least once a month if they are presently considering advising on amending, creating, and/or rescinding ordinances, but as often as necessary to accomplish the tasks at hand. At a minimum, there shall be two Ordinance Review Committee meetings a year.
- (C) Any recommendation of the Ordinance Review Committee regarding amending, creating, and/or rescinding ordinances shall result from a majority vote of the regular members of the Ordinance Review Committee. However, any recommendation of the Ordinance Review Committee regarding amending, creating, and/or rescinding ordinances is merely a recommendation and is not binding on the City Council. Any final decision on amending, creating, and/or rescinding ordinances rests with the City Council.

(Ord. No. 22-298-1 , 1-12-2022)

§ 30.75 ~~OFFICERS~~ CHAIRPERSONS.

- (A) The Ordinance Review Committee shall choose its own ~~officers~~ Chairpersons from among its members. ~~Officers~~ Chairpersons shall be elected for terms of one year by majority vote of its membership present, including alternates. ~~Officers~~ Chairpersons shall include Chairperson and Vice-Chairperson.
- (B) The Chairperson's sole duty shall be to preside over at all meetings in accordance with any rules the Ordinance Review Committee may establish. The Chairperson may vote. If the Chairperson fails or refuses to

TITLE III: - ADMINISTRATION
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ORDINANCE REVIEW COMMITTEE

act, the Vice-Chairperson shall perform the duties of the Chairperson. If the Chairperson and Vice-Chairperson are absent, any committee member may be appointed by the committee to preside over the meeting. The committee shall keep minutes of its proceedings. A majority of the **regular** members shall be a quorum for the transaction of business.

(Ord. No. 22-298-1 , 1-12-2022)

§ 30.76 OPEN MEETINGS ACT.

The Ordinance Review Committee shall comply with the provisions of Tex. Gov't Code Ch. 551, commonly referred to as the Open Meetings Act, including posting notices and agendas. The Ordinance Review Committee agenda shall have a Public Comments section allowing the public the right to speak.

City Staff shall post a notice of quorum for all meetings of the Ordinance Review Committee so that all members of the governing body may attend all meetings of the Ordinance Review Committee.

(Ord. No. 22-298-1 , 1-12-2022)

ORDINANCE REVIEW COMMITTEE

§ 30.70 POPULAR NAME.

This subchapter shall be commonly cited as the "Ordinance Review Committee Ordinance."

§ 30.71 PURPOSE.

The purpose of this subchapter is to create an Ordinance Review Committee which shall: (1) advise the City Council on the amending, creating, and rescinding of city ordinances; (2) secure public input in this process; and (3) promote transparency in the process of amending, creating, and rescinding of city ordinances. The Ordinance Review Committee shall be viewed as an independent advisory body to Council.

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- (A) The terms of each member (regular and alternate) of the Ordinance Review Committee shall coincide with the term of the Councilmember (including Mayor) who appointed the member and will expire upon the appointing Councilmember's term of office ending. This shall result in staggered two year terms for Ordinance Review Committee members. One year, the three newly elected members of council shall make recommendation for a regular member of the Ordinance Review Committee. The next year, the two newly elected members of council shall make a recommendation for a regular member of the Ordinance Review Committee, and the newly elected Mayor shall make recommendation for two alternates.
- (B) Any member of the Ordinance Review Committee may resign by submitting written notice to the Chairperson of the Ordinance Review Committee. Resignation will be effective when received. Upon receipt of written notice of resignation, the Chairperson of the Ordinance Review Committee shall promptly send such resignation to the Mayor.
- (C) If a vacancy occurs on the Ordinance Review Committee, the vacancy shall be filled by a recommendation from the Councilmember who appointed the resigning member. Upon confirmation by a majority vote of council, the newly filled vacancy shall fulfill the unexpired term of that Ordinance Review Committee seat.

- (D) Members of the Ordinance Review Committee may be removed from the Ordinance Review Committee by a simple majority vote of the Councilmembers, at a meeting of the Woodcreek City Council for which such a vote has been properly noticed. By a majority vote, the Ordinance Review Committee may make recommendation to council regarding removing a member from their committee.
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City Staff shall post a notice of quorum for all meetings of the Ordinance Review Committee so that all members of the governing body may attend all meetings of the Ordinance Review Committee.

Council Meeting Agenda Item Cover Sheet

AGENDA ITEM SUBJECT/ TITLE:

Discuss and Take Appropriate Action to Remove Recently Placed 'Keep Right' Signs at Tree Island Locations in the City of Woodcreek.

AGENDA ITEM SUMMARY:

Recently 'Keep Right' signs were installed at the Street Tree/Tree Island locations in the city as part of the road improvements. Besides the visual clutter these signs create, they are also damaging to the tree roots of these protected trees, (see ordina

RECOMMENDATION:

Council to approve removing these recently installed 'Keep Right' signs from tree islands in the City of Woodcreek.

FINANCIAL IMPACT:

unknown at the time of submission

SUBMITTED BY:

Chrys Grummert

AGENDA TYPE:

New Business

COMPLETION DATE:

11/17/2023 9:44:07 AM

ORDINANCE NO. 22-308**CITY OF WOODCREEK, TEXAS****AMENDMENT TO TITLE IX GENERAL REGULATIONS OF THE CODE OF ORDINANCES****AN ORDINANCE AMENDING THE CITY OF WOODCREEK CODE OF ORDINANCES AT TITLE IX ("GENERAL REGULATIONS"), ADDING CHAPTER 98 ("STREET TREES, RIGHT-OF-WAY PUBLIC GREENSPACES, AND CITY PARKS") 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 create an ordinance that is for good government and order of the City; and

WHEREAS, the City Council finds that the preservation of tree inventory is environmentally beneficial and contributes to the overall aesthetics and natural beauty of the City; and

WHEREAS, the City Council finds that amplifying right-of-way public greenspaces can serve as natural traffic calming measures working to reduce the speed of motorized vehicles and promote the overall safety and wellbeing of the citizens; and

WHEREAS, the City Council understands that it is the fiscal responsibility of the City to maintain and care for right-of-way public greenspaces, city parks, and other public land; and

WHEREAS, the City Council finds that the City has a duty to protect ground water and air quality through the preservation of natural spaces; and

WHEREAS, the City Council finds that street trees, right-of-way public greenspaces, City parks, and undeveloped public land can work to control stormwater runoff and promote a nature-based flood control infrastructure; and

WHEREAS, the City Council finds that maintaining and increasing street tree inventory, right-of-way public greenspaces, city parks, and undeveloped public land protects property values; thereby ensuring the longevity of the City itself through the promotion of its desirability for future residents and maintaining consistent ad valorem tax income; and

WHEREAS, the City Councils finds the creation of this ordinance aligns with the best interests of its citizens and is for good government and order of the City.

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

1. FINDINGS OF FACT

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

2. ENACTMENT

The Code of Ordinances of the City of Woodcreek is amended at Title IX ("General Regulations") to add Chapter 98 ("Street Trees, Right-of-Way Public Greenspaces, and City Parks") so as to read in accordance with

Attachment A 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 Title IV, Chapter 98, as written 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 as provided by law.

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. 27.

PASSED & APPROVED this, the 25th day of May 2022, by a vote of 5 (ayes) to 0 (nays) and 0 (abstentions) of the City Council of Woodcreek, Texas.

CITY OF WOODCREEK:

ATTEST:



Jeff Rasco, Mayor



Suzanne Mac Kenzie, City Secretary

Attachment "A"

City of Woodcreek

CODE OF ORDINANCES

TITLE IX: GENERAL REGULATIONS

CHAPTER 98: STREET TREES, RIGHT-OF-WAY PUBLIC GREENSPACES, AND CITY PARKS

§ 98.01 TITLE

This chapter may be known and cited as the "Greenspaces Ordinance."

§ 98.02 INTENT AND PURPOSE

The intent of this chapter is, through the preservation, protecting and planting of trees, plants, flowers, and other shrubs to:

- (A) Aid in the stabilization of soil by the prevention of erosion and the enhancement of sedimentation;
- (B) Reduce stormwater runoff and the costs associated therewith and replenish ground water supplies;
- (C) Provide a haven for birds which in turn assist in the control of insects;
- (D) Provide habitat and food for pollinators;
- (E) Protect and increase property values;
- (F) Conserve and enhance the city's physical and aesthetic environment;
- (G) Improve air quality and maintain natural carbon offsets;
- (H) Provide natural traffic calming features to reduce the speed of motorized vehicles;
- (I) Lower surface and air temperatures by providing shade and through evapotranspiration;
- (J) Protect and enhance the quality of life and the general welfare of the city.

§ 98.03 DEFINITIONS

Improved right-of-way. A strip of land dedicated and improved and developed to city standards for public use as a street, walking trail, or alley.

Major pruning. Trimming or cutting of branches two inches in diameter or greater; root pruning; or trimming or cutting out of branches and limbs constituting greater than 10 percent of the tree's foliage bearing area. The work shall retain the natural form of the tree.

Minor pruning. Trimming or cutting of water sprouts, suckers, twigs, or branches less than two inches in diameter, or which constitutes less than 10 percent of the tree's foliage bearing area. The work shall

retain the natural form of the tree. Removal of dead wood is included within the definition of minor pruning.

Other vegetation. Trees, bushes, shrubs, grasses, or other plant material located within an improved public right-of-way in a tree pit, median, island, or planting strip or on public land or in a public park.

Person. Any public or private individual, group, company, firm, corporation, partnership, association, society, or any other combination of human beings whether legal or natural.

Planting strip. Any portion of the improved street right-of-way not used for transportation and thus available for the purpose of planting and maintaining trees and other vegetation; other names for this would include median, island, or tree pit.

Right-of-way. Any strip of land dedicated to or over which is built public streets, walking trails or alleys, or is used for or dedicated to utilities installation; the "right-of-way" is an easement over the land of the adjoining property owner or can be a portion of City owned property that is left as a greenspace, street tree, planting strip, median, island, or tree pit.

Street tree. Any tree which is located upon property within the improved public right-of-way, such as in a tree pit, median, planting strip or island, in the city of Woodcreek.

Topping. The removal of the leader stem of the tree.

Tree trimmer. A person contracted by the city to engage in the business or occupation of trimming, pruning, treating, or removing trees who holds the appropriate qualifications and experience.

Unimproved right-of-way. Any strip of land which has been dedicated, but not developed or improved to city standards for public use as a street, walking trail, or alley.

§ 98.04 PROTECTION OF STREET TREES, RIGHT-OF-WAY PUBLIC GREENSPACES, AND CITY PARKS

(A) All street trees and other vegetation located within an improved or unimproved public right-of-way shall hereby be protected, maintained, and preserved using City resources. This does not pertain to privately owned property that is in a street-adjacent right-of-way easement. This is applicable to all medians, planting strips, tree pits, islands or other such greenspaces located on public land in a public right-of-way and other similar city-owned property.

(B) These street trees, tree pits, medians, islands, and planting strips shall be designated as "right-of-way public greenspaces" unless already dedicated as park land.

(C) It shall be unlawful to remove, prune, or significantly alter street trees and vegetation located within these right-of-way public greenspaces without written approval of the City through the approved permit process or by an authorized City representative for regular and necessary maintenance.

(D) Removal of street trees or any significant alteration of the landscape or vegetation within these right-of-way public greenspaces shall require a majority vote of approval by the governing body. There must be significant justification for the removal of street trees and alternative plans submitted to preserve and reconstruct the right-of-way public greenspace with similar and/or appropriate vegetation.

(E) The City of Woodcreek shall seek to preserve and protect street trees, right-of-way public

greenspaces, city parks and other public land by the regular investment of City resources in their care

and maintenance. The City is hereby authorized to host annual and seasonal events to enlist volunteers to assist in the regular care and maintenance of these areas; these beautification events shall occur on an as-needed basis and City funds may be allotted to cover necessary expenses such as but not limited to the purchasing of trees or other vegetation, renting equipment, purchasing soil and/or mulch, purchasing food and beverages for volunteers, and the hiring of professional services for tree trimming, ball moss removal, fertilization and more. All funding requests are subject to Council approval and shall be coordinated with the City in advance.

(F) The City of Woodcreek shall seek to increase its inventory of street trees, right-of-way public greenspaces, and park land when an opportunity arises to secure such public land. Reductions in inventory of street trees and public greenspaces is not advised.

(G) All trees, on City owned land, near any excavation or construction of any building, structure, or street work, shall be sufficiently guarded and protected by those responsible for such work as to minimize potential injury to said trees and to maximize their survival.

(H) Stakes or guards may be placed alongside or around any street tree or tree located on City owned land; provided, that such supports are placed as near as practical to the tree for which support is intended, and do not restrict access to or from the street or create any hazard to the public.

(I) The City of Woodcreek will abide by best practices in regards to Oak Wilt, and/or other seasonal limitations in the care of its publicly owned trees and vegetation.

(J) The City of Woodcreek will seek to hire licensed and experienced professionals for all tree-trimming work.

(K) The City of Woodcreek, City Councilmembers, Tree Board members, and any other representative designated to make decisions about public right-of-way greenspaces, parks, and other public land shall follow the guidelines set forth in Chapter 91, Trees, for the care, maintenance and preservation of Protected and Heritage Trees located on public lands in the City of Woodcreek in addition to the regulations set up in this chapter.

§ 98.05 MAINTENANCE RESPONSIBILITY

(A) The City of Woodcreek shall maintain all street trees and other vegetation located on planting strips and within right-of-way public greenspaces, in addition to city parks and other public land.

(B) Private property owners shall maintain all trees and vegetation located within street-adjacent right-of-way easements, public utility easements, and those areas abutting parks and/or walking trails that fall within their property lines.

(C) The City may conduct and is responsible for street adjacent right-of-way road clearance on an as-needed basis. This City will notify the public in advance of such work, must use qualified tree trimming or landscape professionals for the service per the City procurement policies, and all contracts are subject to approval by the governing body.

(D) Private property owners and residents of the City of Woodcreek may volunteer time, resources, and their services to improve upon and care for right-of-way public greenspaces, street trees, planting strips and public parks. If they intend to receive compensation for funds spent, they shall go through the

appropriate permit process. Volunteers can participate in or lead a City sponsored beautification event or project with the necessary permits.

(E) Volunteers who wish to “adopt” or be responsible for an area and its regular maintenance can contact the City to receive approval. The City will not be responsible to compensate or reimburse volunteers unless the appropriate permit has been completed and approved. Volunteers that “adopt” an area are encouraged to water, conduct annual pruning, clean out debris and leaves from garden beds, add mulch, replace existing vegetation that may have died off, and other similar maintenance activities. These activities will be at their own expense unless a permit has been issued by the City. Volunteers shall contact the City to let them know of their intention to “adopt” the area and provide their contact information. This “adoption” may be subject to approval by the City Council. Any significant changes involving removal of a tree or alternation of landscape design must be permitted in advance of the work being done. Areas that have been “adopted” are still under the supervision and responsibility of the City, and the City may conduct regular maintenance or permitted alternations as needed.

§ 98.06 ENFORCEMENT AUTHORITY

(A) The City Manager or their designee shall be charged with the enforcement of this chapter

(B) The City of Woodcreek governing body shall have exclusive jurisdiction and supervision over all street trees or other vegetation growing in public rights-of-way greenspaces, plantings strips, medians, islands, city parks, and other public land unless otherwise provided by this chapter. The City of Woodcreek may designate this responsibility to the Tree Board or Parks and Recreation Board. The City may have the Tree Board or Parks and Recreation Board review applications for recommendation to the governing body for approval.

1. Designation of certain greenspace and park areas to the care and maintenance of appropriate volunteer residents, a landscaping company, tree trimmer, or other contracted employee holding the necessary qualifications is allowed and is subject to the approval of the governing body. These individuals shall utilize the guidelines set forth in Chapter 91, Trees to guide all work done.
2. This provision does not prevent the City Manager from hiring contracted employees for regular maintenance such as mowing or removal of dangerous or hazardous limbs.
3. The City may plant, and shall maintain, trees and may plant, and shall maintain, other plants in the right-of-way public greenspaces, city parks, and other public lands, in order to preserve symmetry and replace diseased, damaged, or dying vegetation. Preference shall be given to drought tolerant and deer resistant plants.
4. Members of the governing body hold the collective authority to supervise all work done under permit issued in accordance with the terms of this chapter. They may designate this authority to the Tree Board or Parks Board.
5. The City of Woodcreek governing body shall have the authority to affix reasonable conditions to the grant of a permit hereunder.

6. The City of Woodcreek governing body, or any other government body or city official they designate for the permit approval and supervision process, shall use the guidelines outlined in Chapter 91, Trees, for tree care, Oak Wilt procedures, preservation of Protected and Heritage Trees, and other regulations pertaining to tree preservation and maintenance to guide permit approval decisions in addition to the guidelines set forth in this Chapter.

§ 98.07 PERMITS REQUIRED

(A) *Tree Trimming.* No person shall perform major pruning or remove trees in planting strips, within improved public right-of-way greenspaces, city parks, or other public places, or cause or authorize any person to trim, prune or remove trees in public places, without first filing an application and procuring an appropriate permit from the city. They may designate this responsibility to the Tree Board.

1. *Application Data.* The application required herein shall state the kind, size, and condition of trees to be trimmed or removed; the kind of trimming to be administered; and such other information as the City of Woodcreek governing body shall find reasonably necessary to a fair determination of whether a permit should issue hereunder.
2. *Standards for Issuance.* The City Manager shall issue the permit provided for herein when the governing body finds that the desired action or treatment is necessary and that the proposed method and workmanship are satisfactory.
3. *Major Pruning.* The city will require that the pruning be performed by a licensed tree trimmer. This determination will be made as a part of the permit process.
4. *Tree topping.* Not permitted as a normal or regular practice.
5. *Trees severely damaged.* If a storm or some other natural cause has resulted in significant damage to a tree, where typical pruning practices are impractical, said tree(s) may be exempted from this section at the determination of the City of Woodcreek governing body or their designated representative(s).
5. *Removal of Trees.* The stumps and roots of trees shall be removed to a point at least one foot below the top of the adjacent land or proposed grade.
6. *Tree Replacement Location.* As a condition to the granting of a tree removal permit, the City may require a replacement.

(B) *Planting of Trees and Other Vegetation.* No person shall plant a new tree or other vegetation within improved public right-of-way greenspaces, city parks, or other public lands without first filing an application and procuring a permit from the city. Upon receipt of an application for a permit to plant, the City of Woodcreek governing body shall have the authority to require from the applicant a detailed declaration of intentions either in form of a planting plan or written statement. All planting plans shall be drawn in ink and submitted in duplicate. One copy of each plan or statement of intention shall, when approved by the governing body, be returned to the applicant and the other copy shall be kept on file by the City Secretary. All statements filed in lieu of a planting plan shall contain the same information as required on the plan. All planting plans shall accurately show:

1. The proposed street including pavement, curb, gutter, parking strip and sidewalk areas to a definite indicated scale.
2. The variety and size of each and every tree and plant proposed to be planted and of those already existing within the proposed street lines, either indicated on the plans or referenced with a number to key list.
3. The proposed location of each and every proposed tree and plant together with the location of each existing tree or plant within the proposed street line in scaled relation to the other features of the plan.
4. The distance between trees other plants in any direction.
5. Preference shall be given to species not subject to Oak Wilt, to those native to Central Texas, drought tolerant, and deer resistant.
6. Proper measurements shall be taken to ensure young trees will survive. This may include a deer guard or wire cage for several years until it is established.

(C) *Notice of Completion.* A notice of work completion concerning tree or other vegetation planting, removal or major pruning shall be given by the permittee, within five days, to the City Manager for his inspection. At which time, the City Manager shall inspect that the work has been completed and is satisfactory. If compensation is expected, an invoice must be provided and payment is subject to approval of satisfactory work by the City Manager or other designated City employee.

§ 98.08 REMOVAL OF TREES, PLANTS, AND SHRUBS

The City may authorize removal or may remove trees, plants and shrubs situated in planting strips, whenever:

- (A) The tree, plant or shrub is actually defective or dangerous, or an obstruction to public travel;
- (B) Removal is necessary because the installation of, or potential or actual damage to, a sidewalk, parkway, curb, gutter, pavement, sewer line, underground utility, or other municipal improvement. Such removal will not be authorized automatically; consideration shall first be given to construction modifications for the preservation of any trees; or
- (C) Removal is necessitated by infection or infestation as diagnosed by a licensed professional.
- (D) Authorization to remove is subject to the approval of the governing body. In the case of an emergency, the Mayor may temporarily grant the power to provide mitigation services until which time the governing body may convene and make a final decision on any potential removal.

§ 98.09 REMOVAL OF HAZARDOUS OR OBSTRUCTIVE TREES AND LIMBS

(A) *Hazard Tree.* Any tree or tree part which poses a high risk of damage to persons or property located in a right-of-way public greenspace, planting strip, city park or other public land.

1. The governing body will make the determination of a hazard tree. They may designate this responsibility to the Tree Board.

2. Upon approval by the governing body, the City Manager or their designee will contract services to remove the hazard tree.

3. Notice to the public shall be given stating the reasons for the tree removal.

(B) Obstructive Tree. Any tree or other vegetation which impedes vehicle or pedestrian traffic or obstructs the vision of vehicle drivers or pedestrians of traffic control devices when traveling from one roadway to another located in a right-of-way public greenspace, planting strip, city park, or other public land.

1. The governing body will make the determination of an obstructive tree or vegetation. They may designate this responsibility to the Tree Board.

2. Upon approval by the governing body, the City Manager or their designee will contract services to remove the obstructive tree, vegetation or tree limb.

3. Regular, annual right-of-way clearance is not subject to this approval process, but will still be subject to procurement procedures and contract approval by the governing body.

§ 98.10 TREATMENT AND REMOVAL OF INFECTED OR INFESTED TREES

The following rules shall govern the treatment or removal of infected or infested trees:

(A) If any tree, plant or shrub in any planting strip or other public place is infected or infested with disease or pest detrimental to the growth, health or life of such trees, the City may remove or control such infection or infestation

(B) If the infection or infestation cannot be controlled or removed, then such tree, plant or shrub may be removed and destroyed if the City finds that such disposition is in the public interest.

(C) Treatment and removal is subject to approval by the governing body.

(D) Assessment shall be conducted by a licensed professional.

(E) The public shall be notified if a tree is to be removed.

§ 98.11 DESTROYING, DEFACING, OR INJURING ANY TREE

It is unlawful for any person to destroy, injure or deface, by any means, any street tree or tree located in a city park or other public land, including but not limited to the following:

(A) Pouring any toxic material on any tree or on the ground near any tree;

(B) Attaching any sign, poster, notice, or other object on any tree, or fastening any guy wire, cable, rope, nails, screws, or other device to any tree except as used to support a young or broken tree; and except that the city may tie temporary "no parking" signs to trees when necessary in conjunction with street improvement work, tree maintenance work, or parades; or the city authorizing installation of holiday lighting;

(C) Causing or encouraging any fire or burning near or around any tree;

(D) Harming a tree by cutting the bark or branches with a knife, hatchet or other similar object.

§ 98.12 INTERFERING WITH CITY PERSONNEL

No person shall prevent, delay, or interfere with the governing body, or any of their representatives, in the execution or enforcement of the provisions of this chapter.

§ 98.13 PARKING ON RIGHT-OF-WAY PUBLIC GREENSPACES AND PARKS

(A) Parking on any right-of-way public greenspace, median, planting strip, island, tree pit or around the base of a street tree is prohibited unless in designated parking spaces marked by sign or on durable surfaced spaces created for such purpose and designated as public parking. The Triangle, parcel of land located at the intersection of Woodcreek Drive and Brookhollow, is an exception to this rule as it functions as a public park without that official designation; parking may occur parallel to the street so long as all four tires are off the road.

(B) Parking at public parks adjacent and parallel to a City owned right-of-way is permitted so long as all four tires are off the pavement.

(C) The City may erect signs preventing parking or designating a time limit for parking in any area of a right-of-way public greenspace, city park, or other public land.

(D) The City may create designated parking spaces in a public greenspace right-of-way, city park, or other public land so long as these parking spaces may not serve to compact the roots of nearby trees. Approval of the creation of new parking spaces is subject to the review of the City's governing body or the may designate this responsibility to the Tree and/or Parks Board. Every effort should be made to provide adequate off-street parking while working to ensure surrounding trees are protected from root compaction and soil degradation.

§ 98.14 COOPERATION BETWEEN CITY DEPARTMENTS AND AGENCIES

Policies shall be developed to ensure close cooperation between the City Manager, Governing Body, Parks Board, and Tree Board relating to routing of permit applications and the enforcement of the provisions of this chapter.

§ 98.15 NON-LIABILITY OF THE CITY

Nothing in this chapter shall be deemed to impose any liability upon the city nor upon any of its officers or employees nor to relieve the owner or occupant of any private property from the duty to keep trees and other vegetation upon private property or property under his control in a safe condition.

§ 98.16 ENFORCEMENT

This chapter may be enforced by one or more of the following:

(A) *Stop Work Orders.* In the case of a violation of any provisions of this chapter, a failure to comply with the terms of a permit, or in the case of removal of trees in violation of this chapter, the City Manager or designee will order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall

forthwith stop such work until authorized by the City Manager or designee to proceed with the work.

(B) Injunctive Enforcement. Any violation of the provisions of the chapter is hereby declared to be a public nuisance and may be abated through proceedings for injunctive or similar relief in court.

(C) Violation – Civil Remedies and Penalty.

1. Any person who removes a tree in violation of the terms of a tree removal permit or in violation of this chapter shall be required to plant replacement trees.
2. The governing body shall determine standards for establishing reasonable replacement trees, based on comparable caliper of trees unlawfully removed. They may designate this responsibility to the Tree Board.
3. The City Manager or designee shall issue an order requiring planting of replacement trees and setting reasonable time limits for compliance.
4. The City Manager shall require a maintenance bond to ensure compliance with the city's order guaranteeing replacement and survival of trees for a minimum of two years.
5. Any person aggrieved by a final order of the City Manager with respect to replacing trees shall have 30 days to appeal in writing to the City's governing body.
6. In addition to any other sanction or remedial injunctive procedure which may be available at law or equity, any person failing to comply with the final order issued by the City Manager or governing body shall be subject to a cumulative civil penalty in an amount not to exceed \$100.00 per day from the date set for compliance until such order is complied with. Such civil penalty shall be collected by civil action brought in the name of the city. The City Manager shall notify the city attorney in writing of the name of any such person subject to such penalty and the amount thereof; appropriate action shall be taken to collect the same.

(D) Violation – Criminal Penalties. Any person violating any provision of this chapter or any terms or conditions of any permit issued hereunder shall be subject to prosecution under law by authority of the local governing body. In addition to the fine, any person found in violation of this chapter shall be required to pay the replacement value of trees and shrubs as determined in accordance with the latest revision of "Valuation of Landscape Trees, Shrubs and Other Plants," as published by the International Society of Arboriculture.

§ 98.17 SEVERABILITY

Should any part or provision of this chapter be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the chapter as a whole, or any part thereof other than the part declared to be invalid.

§ 98.18 MAP OF EXISTING PUBLIC PARKS, RIGHT-OF-WAY PUBLIC GREENSPACES, STREET TREES AND OTHER PUBLIC LAND.



§ 98.19 CHART OF MAP OF EXISTING PUBLIC PARKS, RIGHT-OF-WAY PUBLIC GREENSPACES, STREET TREES, AND OTHER PUBLIC LAND.

PUBLIC PARKS	RIGHT-OF-WAY PUBLIC GREENSPACE (Medians & Islands)	RIGHT-OF-WAY PUBLIC GREENSPACE (Street Trees)	OTHER PUBLIC LAND
Augusta Park 90 Augusta Drive	The Triangle Woodcreek Drive at Brookhollow Drive	6 Palmer near Champions Circle	City Hall 41 Champions Circle
Veteran's Memorial Plaza Woodcreek Drive at Deerfield Drive	Par View Village Triangle located between 8 and 21	Between 20 and 23 Palmer	185 Augusta Drive East of La Rocca Lane
1 Champions Circle at RR12 and Woodcreek Dr.	Woodcreek Drive at 32 and 33	Spalding Circle cul-de-sac	
28 Brookhollow Dr at the Hog Creek Greenbelt	Brookmeadow Sign and planter at Brookmeadow and Augusta Drive	McGregor Circle cul-de-sac	
		Champion Court cul-de-sac	
		7 Champion Court	
		Overbrook Court at Brookhollow	
		Par Circle at Brookhollow	
		Par Circle cul-de-sac	
		Pebblebrook Lane WEST cul-de-sac	
		Stonehouse Circle near Woodcreek Drive	
		Shady Grove NORTH cul- de-sac	
		Country Court cul-de-sac	
		Elmbrook at Brookmeadow	
		5 Elmbrook	
		86 Champions Circle	
		100 Champions Circle	
		106 Champions Circle	
		Between 15 and 16 Brookmeadow	
		Between 41 and 44 Brookmeadow	
		45 Brookmeadow	
		West of Shady Grove on Brookmeadow	

Protected Street Trees vs ‘Keep Right’ signs

Item 18.

Ordinance 22-308

Chapter 98

“Street Trees, Right-of-way Public Greenspaces,
and City Parks”













