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## 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, January 10, 2024 at 6:30 PM.

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

<https://zoom.us/j/97778713663?pwd=bXlPRlBvRjB4U2xaOXN0K1Nlcm9EZZ09>

Meeting ID: 977 7871 3663; Passcode: 825950

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).

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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.

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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.

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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](mailto: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.

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# AGENDA

## CALL TO ORDER

## MOMENT OF SILENCE

## PLEDGES

## ROLL CALL and ESTABLISH QUORUM

## PUBLIC COMMENTS

## CONSENT AGENDA

- [1.](#) Approval of Regular Meeting Minutes From December 13, 2023.
- [2.](#) Approval of the 2024 City Council Meeting Calendar. (Rule)
- [3.](#) Discuss and Take Appropriate Action To Adopt Resolution 2024-01-10-02, Updating the Signatories at Texas Regional Bank To Reflect the Names of City Manager Kevin Rule, Mayor Jeff Rasco and Mayor Pro Tem Debra Hines. (Rule)
- [4.](#) Discuss and Take Appropriate Action To Adopt Resolution 2024-01-10-03, Confirming A Review of the Investment Policy and Strategies of the City. (Rule)
- [5.](#) Discuss and Take Appropriate Action To Approve Ordinance 2024-01-10-02, Amending the City Code of Ordinances, Sections 151.07, 156.063, 156.064 and 156.102, Removing the Masonry Building Requirements and Related Changes. (Rule)

## REPORTS FROM OFFICERS AND COUNCIL LIAISONS

Report by City Manager.

- 2023 Year End Review of City Staff Business

## REPORT OF SPECIAL (Select or Ad Hoc) COMMITTEES – None

## SPECIAL ORDERS – None

## UNFINISHED BUSINESS AND GENERAL ORDERS – None

## REGULAR AGENDA

- [6.](#) Discuss and Take Appropriate Action To Direct City Staff To Enter Into A Service Agreement with Freeland Turk Engineering Group For City Engineering Services For The City of Woodcreek. (Rule)
- [7.](#) Discuss and Take Appropriate Action To Request Council Members Make Full-Term, Full-Member Nominations (New or Re-Appointment) To Fill Seats on Advisory Boards, As Listed. (Rule)
- [8.](#) Discuss and Take Appropriate Action To Request The Mayor Make Full-Term, Alternate-Member Nominations (New or Re-Appointment) To Fill Seats on Advisory Boards, As Listed. (Rule)

**REGULAR AGENDA**(cont'd.)

- [9.](#) Discuss and Take Appropriate Action To Adopt Resolution 2024-01-10-01, Updating Council Meeting Rules of Procedure. (Rule)
- [10.](#) Discuss and Take Appropriate Action To Approve Ordinance 2024-01-10-03, Amending the City of Woodcreek Code of Ordinances at Title IX (“General Regulations”), Chapter 93 (“Fire Prevention and Protection”), Providing For the Prohibition of Open Burning, with Exceptions. (Rule)
- [11.](#) Discuss and Take Appropriate Action To Approve Ordinance 2024-01-10-04, Amending the City of Woodcreek Code of Ordinances at Title IX (“General Regulations”), Chapter 94 (“Fireworks”), Providing For the Prohibition of Open Burning, with Exceptions. (Rule)
- [12.](#) Discuss and Reconsider Taking Possible Action on Edits to Chapter 30 "the Ordinance Review Committee Ordinance" (Grummert)
- [13.](#) Discuss and Take Possible Action to Reconsider Amending the Ordinance for the Ordinance Review Committee. (*Grummert*)

**ANNOUNCEMENTS**

**ADJOURN**

**POSTING CERTIFICATION**

I certify that the above notice was posted on the **5th day of January, 2024 at 4:00PM**

By:   
**Suzanne J. MacKenzie, City Secretary**

**CITY COUNCIL MEETING (CITY HALL)  
December 13, 2023; 6:30 PM  
Woodcreek, Texas**

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**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  
Council Member Linnea R. Bailey  
Council Member Bob Hambrick  
Council Member Debra Hines  
Council Member Krista Richardson

ABSENT

Council Member Chrys Grummert

STAFF PRESENT

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

**PUBLIC COMMENTS**

Michael and Kristen Weaver (made immediately before the agenda item #18)

Marguerete Tormo

Motion was made by Council Member Hines to table [Item#5, under the Consent Calendar] until the next regular council meeting. Motion was seconded by Council Member Hambrick.

A roll call vote was taken.

Voting Yea:

Council Member Bailey, Council Member Hambrick, Council Member Hines, Council Member Richardson

Motion Passed: 4-0-0.



## 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.**

Motion was made by Council Member Hines to approve Items 1-4 and 6-8 [on the Consent Calendar]. Motion was seconded by Council Member Bailey.

A roll call vote was taken.

Voting Yea:

Council Member Bailey, Council Member Hambrick, Council Member Hines, Council Member Richardson

Motion Passed: 4-0-0.

## REPORTS FROM OFFICERS AND COUNCIL LIAISONS

9. Report by Planning and Zoning Liaison.  
Report provided by City Manager Rule in the Liaison's absence.
  - a. Rainwater Collection – Nothing was decided.
  - b. Fences – Public Hearing will be held in February.
10. Report by Mayor.  
Questions on report for committee replacements provided by City Staff.  
City Manager Rule explained this list is fluid, as the City is continuing to receive applications.

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

## SPECIAL ORDERS

### 11. Discuss and Take Possible Action On Any Suggested Changes To The Woodcreek City Council, Rules of Procedure. (*Rasco*)

Discussion was held on this item, to include:

- a. Change agenda submission date to Friday at 1P;
- b. Rule 1, Change "Committee Member" to "Council Liaison"
- c. Second monthly meeting time, change from 3P to 4P

No formal action was taken on this item, as City Staff was present to make notes.

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

Motion was made by Council Member Richardson to nominate Council Woman Hines as Mayor Pro Tem for the City of Woodcreek City Council for 2024. Motion was seconded by Council Member Bailey.

A roll call vote was taken.

Voting Yea:

Council Member Bailey, Council Member Hambrick, Council Member Hines, Council Member Richardson

Motion Passed: 4-0-0.

## UNFINISHED BUSINESS AND GENERAL ORDERS – None

## NEW BUSINESS

6:49P Mayor Rasco moved Item #18 Up in the Agenda for Discussion.

### 18. Discuss and Take Appropriate Action to Remove Recently Placed 'Keep Right' Signs at Tree Island Locations in the City of Woodcreek. (*Grummert*)

City Manager Rule explained that the reason the "Keep Right" signs were erected (a total of 53), was because their installation was listed on the K.Friese design plans. The Engineer who has to sign off on our Roads Project, cannot do so, without risking his engineering license as it is also on the plans.

After discussion, no formal action was taken on this item.

Members of City Council will provide a list to Staff of which "Keep Right" signs they would like removed throughout the City and Staff will create a Resolution.

City Manager Rule additionally explained that the signs are "break-away" signs and those that will be removed will have to be dug out of the ground.

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

Representatives from Aqua Texas introduced themselves and made themselves available for any questions.:

Brant Bradon – Area Manager;

Lauren Savior - Environmental Compliance Specialist;

Jennifer Olohan - Regional Communications Specialist

Motion was made by Council Member Hines to adopt Resolution 2023-12-13-01, Aqua Texas Franchise Agreement. Motion was seconded by Council Member Bailey.

A roll call vote was taken.

Voting Yea:

Council Member Bailey, Council Member Hambrick, Council Member Hines, Council Member Richardson

Motion Passed: 4-0-0.

14. **Discuss and Take Possible Action To Coordinate A Council Retreat in January 2024. (Rasco)**

Motion was made by Council Member Hines to approve a retreat to occur in January 2024. Motion was seconded by Council Member Hambrick.

A roll call vote was taken.

Voting Yea:

Council Member Hambrick, Council Member Hines, Council Member Richardson, Council Member Bailey

Motion Passed: 4-0-0.

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)**

Motion was made by Council Member Hambrick to move forward with the Eagle Scout project, using the funds that are mentioned here [unspent Spooktacular Funds to cover the cost of materials]. Motion was seconded by Council Member Bailey.

A roll call vote was taken.

Voting Yea:

Council Member Bailey, Council Member Hambrick, Council Member Hines, Council Member Richardson

Motion Passed: 4-0-0.

16. **Discuss and Take Possible Action to Host A Family-Friendly Golf Tournament, As Part of A Year-Long Celebration of Woodcreek's 40<sup>th</sup> Birthday.** (*Rasco*)

Motion was made by Council Member Hines to host a family-friendly golf tournament, as part of a year-long celebration of Woodcreek's 40<sup>th</sup> birthday. Motion was seconded by Council Member Richardson.

A roll call vote was taken.

Voting Yea:

Council Member Bailey, Council Member Hambrick, Council Member Hines, Council Member Richardson

Motion Passed: 4-0-0.

17. **Discuss and Reconsider Taking Possible Action on Edits to Chapter 30 "the Ordinance Review Committee Ordinance.** (*Grummert*)

Motion was made by Council Member Hines to table it [this item] until the next regular Council meeting. Motion was seconded by Council Member Richardson.

No roll call vote was taken.

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

Item was moved up on the Agenda for earlier discussion.

## ANNOUNCEMENTS

City Manager Rule made the following announcements:

1. City Hall will be closed the 22<sup>nd</sup> through the 26<sup>th</sup>.
2. Luminarias are available for pick-up at City Hall.
3. New Year Fireworks at Camp Young Judaea on December 31<sup>st</sup> at 8:30P.
4. City Hall will be closed on January 1, 2024.

## ADJOURN

Mayor Rasco Adjourned the Meeting at 6:30PM.

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**Jeff Rasco, Mayor**

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**Suzanne MacKenzie, City Secretary**

## Council Meeting Agenda Item Cover Sheet

**AGENDA ITEM SUBJECT/ TITLE:**

Approval of the 2024 City Council Meeting Calendar

**AGENDA ITEM SUMMARY:**

Approval of the 2024 City Council Meeting Calendar

**RECOMMENDATION:**

Approval of the 2024 City Council Meeting Calendar

**FINANCIAL IMPACT:**

0.00

**SUBMITTED BY:**

Kevin Rule

**AGENDA TYPE:**

Consent Calendar

**COMPLETION DATE:**

12/15/2023 10:44:38 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	4:00 P.M.	Friday, January 12, 2024
Wednesday, February 14, 2024	6:30 P.M.	Friday, February 2, 2024
Wednesday, February 28, 2024	4:00 P.M.	Friday, February 16, 2024
Wednesday, March 13, 2024	6:30 P.M.	Friday, March 1, 2024
Wednesday, March 27, 2024	4:00 P.M.	Friday, March 15, 2024
Wednesday, April 10, 2024	6:30 P.M.	Friday, March 29, 2024
Wednesday, April 24, 2024	4:00 P.M.	Friday, April 12, 2024
Wednesday, May 8, 2024	6:30 P.M.	Friday, April 26, 2024
Wednesday, May 22, 2024	4:00 P.M.	Friday, May 10, 2024
Wednesday, June 12, 2024	6:30 P.M.	Friday, May 31, 2024
Wednesday, June 26, 2024	4:00 P.M.	Friday, June 14, 2024
Wednesday, July 10, 2024	6:30 P.M.	Friday, June 28, 2024
Wednesday, July 24, 2024	4:00 P.M.	Friday, July 12, 2024
Wednesday, August 14, 2024	6:30 P.M.	Friday, August 2, 2024
Wednesday, August 28, 2024	4:00 P.M.	Friday, August 16, 2024
Wednesday, September 11, 2024	6:30 P.M.	Friday, August 30, 2024
Wednesday, September 25, 2024	4:00 P.M.	Friday, September 13, 2024
Wednesday, October 9, 2024	6:30 P.M.	Friday, September 27, 2024
Wednesday, October 23, 2024	4:00 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:**

Discuss and Take Appropriate Action to Adopt Resolution 2024-01-10-02, Updating the Signatories at Texas Regional Bank To Reflect the Names of City Manager Kevin Rule, Mayor Jeff Rasco and Mayor Pro Tem Debra Hines.

**AGENDA ITEM SUMMARY:**

Discuss and Take Appropriate Action to Adopt Resolution 2024-01-10-02, Updating the Signatories at Texas Regional Bank To Reflect the Names of City Manager Kevin Rule, Mayor Jeff Rasco and Mayor Pro Tem Debra Hines.

**RECOMMENDATION:**

Recommend Adoption of Resolution 2024-01-10-02, Updating the Signatories at Texas Regional Bank To Reflect the Names of City Manager Kevin Rule, Mayor Jeff Rasco and Mayor Pro Tem Debra Hines.

**FINANCIAL IMPACT:**

0.00

**SUBMITTED BY:**

Kevin Rule

**AGENDA TYPE:**

Special Orders

**COMPLETION DATE:**

12/15/2023 1:28:00 PM

# THE CITY OF WOODCREEK RESOLUTION NO. 2024-01-10-02

## A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS DESIGNATING AUTHORIZED SIGNATURES FOR THE CITY OF WOODCREEK’S BANK ACCOUNTS AND INVESTMENT VEHICLES.

**WHEREAS** the City Council of the City of Woodcreek has established a financial responsibility to its citizens and to its employees, and

**WHEREAS** the City Council of City of Woodcreek shall take action by Resolution to designate authorized signatures for the City’s bank accounts and investment vehicles.

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

**I**

The City Council of the City of Woodcreek designates authorized signatures on the City’s bank accounts and investment vehicles as the City Manager Kevin Rule, Mayor Jeff Rasco, and Council Member Debra Hines.

**II**

This Resolution shall be effective immediately upon adoption.

**PASSED, APPROVED and RESOLVED**, this the 10<sup>th</sup> 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*





## Council Meeting Agenda Item Cover Sheet

**AGENDA ITEM SUBJECT/ TITLE:**

Consider and Take Appropriate Action on a Resolution 2024-01-10-01 of the City Council of the City of Woodcreek, Texas, Confirming a Review of the Investment Policy and Strategies of the City

**AGENDA ITEM SUMMARY:**

A Resolution Confirming a Review of the Investment Policy and Strategies of the City for FY 24, No changes were made

**RECOMMENDATION:**

Approve Resolution 2024-01-10-01 of the City Council of the City of Woodcreek, Texas, Confirming a Review of the Investment Policy and Strategies of the City.

**FINANCIAL IMPACT:**

N/A

**SUBMITTED BY:**

Rule

**AGENDA TYPE:**

Consent Calendar

**COMPLETION DATE:**

12/19/2023 3:37:12 PM

**THE CITY OF WOODCREEK  
RESOLUTION NO. 2024-01-10-03**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODCREEK,  
TEXAS, CONFIRMING A REVIEW OF THE INVESTMENT POLICY AND  
STRATEGIES OF THE CITY AND CONFIRMING CHANGES MADE**

**WHEREAS**, the City Council is required, pursuant to the Texas Government Code Section 2256.005, to review its investment policy and strategies annually and to adopt a resolution indicating such review and any changes made in the course of such review.

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

**I**

That at its meeting held on January 10, 2024, the City Council reviewed the investment policy and investment strategies of the City and changes thereto, if any.

**II**

This Resolution shall be effective immediately upon adoption.

**PASSED, APPROVED AND RESOLVED, this the 10<sup>th</sup> day of January, 2024.**

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**Jeff Rasco, Mayor**

**ATTEST:**

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**Suzanne J. Mac Kenzie, City Secretary**



# **City of Woodcreek Investment Policy & Strategy**

## Table of Contents

I.	Purpose.....	1
	A.    Introduction	
	B.    Statutory Authority	
	C.    Scope	
II.	Objectives .....	1
	A.    Safety	
	B.    Liquidity	
	C.    Diversification	
	D.    Yield	
III.	Standards of Care.....	2
	A.    Prudence	
	B.    Ethics and Conflicts of Interest	
	C.    Delegation of Authority	
	D.    Training	
	E.    Indemnity	
IV.	Authorized and Suitable Investments .....	3
	A.    Investment Types	
	B.    Prohibited Investments	
	C.    Length of Investments	
	D.    Measuring Market Value	
V.	Selection of Banks and Dealers .....	5
	A.    Depository	
	B.    Investment Dealers	
VI.	Safekeeping and Custody.....	6
	A.    Insurance or Collateral	
	B.    Types of Collateral	
	C.    Audit	
	D.    Delivery vs. Payment	
VII.	Reporting Requirements .....	7
	A.    Quarterly Reports	
	B.    Annual Report	
VIII.	Internal Controls and Annual Review.....	8
	A.    Internal Controls	
	B.    Annual Review	
	Appendix A: Certification Form	
	Glossary .....	11

## **I. PURPOSE**

### **A. Introduction**

This investment policy documents policies and procedures to be followed by the City of Woodcreek, Texas (City), to ensure the proper investment of public funds. This policy will be reviewed by the City Council annually. At such time, the City Council will adopt by resolution a policy that (1) states that the investment policy has been reviewed and (2) enumerates the changes to be made to the policy.

### **B. Statutory Authority**

This policy serves to satisfy the statutory requirements of defining and adopting a formal investment policy in accordance with the Public Funds Investment Act.

### **C. Scope**

This investment policy applies to all financial assets of the City, held in all funds.

## **II. OBJECTIVES**

The City's investment program will be conducted to accomplish the following objectives, listed in priority order:

### **A. Safety**

The primary objective of the City's investment program is the preservation and safety of principal in the overall portfolio. Each investment transaction shall seek first to ensure that capital losses are avoided, whether they are from security defaults or erosion of market value.

### **B. Liquidity**

The City's investment portfolio will remain sufficiently liquid to enable the City to meet operating requirements that might be reasonably anticipated. Liquidity shall be achieved by matching investment maturities with forecasted cash flow requirements; thereby avoiding the need to liquidate investments under adverse market condition. It is the intent of the City to invest its funds to maturity.

### **C. Diversification**

The investment portfolio will be designed to limit risk by avoiding the concentration of assets with a specific maturity, with a specific issuer, or in a specific class of securities.

### **D. Yield**

A fundamental rule of investing is that risk equals return. The City has deliberately established a low risk threshold to protect its financial resources and ensure that cash is available when needed. The City will invest idle cash at the highest possible rate of return, consistent with the objectives and provisions of this policy, and in compliance with state and federal laws governing the investment of public funds

### **III. STANDARDS OF CARE**

#### **A. Prudence**

The standard of care used by the City shall be the "prudent person" standard which shall be applied in the context of managing the overall portfolio within the applicable legal constraints. The Public Funds Investment Act states:

"Investments shall be made with judgment and care, under circumstances then prevailing, that persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."

All participants in the investment process shall seek to act responsibly as custodians of the public trust. Investment Officers shall avoid any transactions that might impair public confidence in the City's ability to govern effectively. The City Council recognizes that in maintaining a diversified portfolio, occasional measured losses due to market volatility are inevitable, and must be considered within the context of the overall portfolio's investment return, provided that adequate diversification has been implemented.

#### **B. Ethics and Conflicts of Interest**

Investment officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution of the investment program, or that which could impair their ability to make impartial investment decisions. Investment Officers and subordinate employees shall disclose any material interests in financial institutions or broker/dealer firms with which they conduct business. They shall further disclose any personal investment positions that could be related to the performance of the investment portfolio. Investment Officers and subordinate employees shall refrain from undertaking personal investment transactions with the same individual(s) with whom business is conducted on behalf of the City.

#### **C. Delegation of Authority**

Management responsibility for the investment program is delegated to the City Manager, as Investment Officer for the City, the City Manager, is responsible for the day-to-day administration of the investment program and shall supervise the activities of subordinate employees. No person may engage in investment transactions except as provided under the terms of this policy.

#### **D. Training**

Investment Officers shall attend at least one training session related to their duties as Investment Officers within 12 months of assuming office or duties; a training session not less than once in a two-year period that begins on the first day of the City of Woodcreek's fiscal year and consists of the two consecutive years after that date; each training session shall contain not less than 10 hours of training. This training must include education in investment controls, security risks, strategy risks, market risks and compliance with the Public Funds Investment Act. The training provider must be an independent provider approved by City Council. The City Council hereby authorizes the following entities to serve as qualified training providers for the City:

1. The Texas Municipal League, or any of its affiliate organizations;

2. The Government Treasurers Organization of Texas;
3. The Government Finance Officers Association;
4. The State of Texas, Comptroller's Office, or any other department/division of the State of Texas;
5. The University of Texas at Austin, or any other public University or College of higher education in Texas;
6. Investment pool administrators to include LOGIC, TexPool and Lone Star Investment Pool; and
7. Other training providers as approved by the City Council.

**E. Indemnity**

Investment Officers and subordinate employees, acting in accordance with the provisions of this investment policy, shall not be held personally liable for a specific security's credit risk or market price change, provided that any unexpected deviations are reported in a timely manner and that appropriate action is taken to control adverse developments.

**IV. AUTHORIZED AND SUITABLE INVESTMENTS**

**A. Investment Types**

The following investments are permitted under this policy, in compliance with the Public Funds Investment Act:

1. Certificates of Deposit. Fully insured or collateralized certificates issued by state and national banks, a savings bank, or a state and federal credit union domiciled in the State of Texas.
2. U.S. Treasuries and Agencies. Securities issued by the United States Treasury or its Governmental Agencies. U. S. Treasuries and Agencies are guaranteed as to principal and interest by the full faith and credit of the United States of America.
3. Obligations of the States, agencies thereof, Counties, Cities, and other political subdivisions of any state having been rated as investment quality by a nationally recognized investment rating firm, and having received a rating of not less than "A" or its equivalent.
4. Investment Pools. Investment pools that meet the following criteria:
  - a. An investment pool must provide an offering circular or other similar disclosure instrument and provide monthly transaction reporting.
  - b. A public funds investment pool created to function as a money market mutual fund must (1) mark its portfolio to market daily, (2) include in its investment objectives the maintenance of a stable net asset value of \$1 for each share and (3) be continuously rated no lower than "AAA" or "AAA-m" or at an equivalent rating by at least one nationally recognized rating service.



- c. An investment pool must invest solely in (1) obligations of the United States or its agencies and instrumentalities, (2) repurchase agreements involving those same obligations and (3) SEC regulated AAA no-load money market mutual funds with a weighted average of maturity of 60 days or less and an investment objective of a \$1.00 stable net asset value.
6. **Money Market Mutual Funds.** No-load money market mutual funds if the fund:
- a. Is registered with and regulated by the Securities and Exchange Commission (SEC);
  - b. Provides a prospectus and other information required by federal law.
  - c. Invests exclusively in U.S. Treasuries or Agencies and/or repurchase agreements fully collateralized by such obligations;
  - d. Has a dollar-weighted average stated maturity of 90 days or less; and
  - e. Includes in its investment objectives the maintenance of a stable net asset value of \$1 per share.
7. **Other Investments.** Other as approved by the City Council and not prohibited by law.

**B. Prohibited Investments**

City Investment Officers and employees have no authority to invest in any of the following instruments which are strictly prohibited by the Public Funds Investment Act:

- 1. Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal;
- 2. Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;
- 3. Collateralized mortgage obligations that have a stated final maturity date of greater than ten years; and
- 4. Collateralized mortgage obligations whereby the interest rate is determined by an index that adjusts opposite to the changes in a market index.

**C. Length of Investments**

The City intends to match the holding period of investment funds with liquidity needs of the City. In no case will the average maturity of investments of the City's operating funds exceed one year. The maximum final stated maturity of any investment shall not exceed five years.

The Investment Officer will monitor rating changes in Investment acquired with public funds that require a minimum rating and shall take all prudent measures that are consistent with its investment policy to liquidate an investment that does not have the minimum rating thereby making that investment an unauthorized investment.

#### **D. Measuring Market Value**

The City's investment portfolio will be designed with the objective of using the 13-week U.S. Treasury Bill as a basis to determine whether market yields are being achieved.

### **V. SELECTION OF BANKS AND DEALERS**

The City will only purchase investments from financial institutions and broker/dealer firms as approved by the City Council. All institutions and brokers/dealers are required to supply a Certification Form signed by a qualified representative of the firm stating that the City's investment policy has been reviewed and that reasonable procedures and controls are in place to preclude unauthorized investment transactions (Appendix A). Transactions are unauthorized unless this certification is on file with the City.

#### **A. Depository**

1. **Bidding Process.** Depositories shall be selected through the City's banking service procurement process, which shall include a formal request for proposals at least every five years. In selecting depositories, the City shall evaluate the credit worthiness of the institution and shall thoroughly review the institution's financial history and financial statements.
2. **Insurability.** Depositories shall provide evidence that deposits are insured by the Federal Deposit Insurance Corporation (FDIC).

#### **B. Investment Dealers**

A broker/dealer may be used by the City only if the broker/dealer is:

1. Included on the Federal Reserve Bank of New York's list of primary government securities dealers, or is licensed by the State of Texas and is recommended in writing by at least three Texas cities.
2. Regulated by the Securities and Exchange Commission (SEC).
3. A member in good standing of the National Association of Securities Dealers, Inc. (NASD).
4. Able to provide independent certification by an outside auditor or similar agency that the broker/dealer complied with the capital adequacy standard on its most recent year-end balance sheet date.

### **VI. SAFEKEEPING AND CUSTODY**

#### **A. Insurance or Collateral**

All deposits and investments of City funds other than direct purchases of U.S. Treasuries or U.S. Agencies shall be (1) guaranteed or insured by the FDIC or (2) collateralized 102% of the market value of all uninsured collected balances, including accrued interest, less an amount insured by the

FDIC. Repurchase agreements shall be documented by a specific agreement noting the collateral pledged in each agreement.

Securities pledged as collateral must be held by an independent third party in the State of Texas. Evidence of pledged collateral shall be provided to the City and reviewed monthly to ensure the market value of the securities pledged equals or exceeds the value of total deposits and investments.

**B. Types of Collateral**

The City of Woodcreek shall accept only the following as collateral:

- 1. FDIC insurance coverage.
- 2. United States Treasuries and Agencies.
- 3. Other obligations of the U.S. or its agencies and instrumentalities; and
- 4. Texas State, City, County, School or Road District bonds with an investment grade bond rating of not less than "A" or its equivalent from a nationally recognized investment rating firm.

**C. Audit**

All collateral shall be subject to inspection and audit by the City.

**D. Delivery vs. Payment**

With the exception of investment pools and mutual funds, all investment transactions will be executed using the delivery versus payment method. That is, City funds shall not be released until verification has been made that the purchased security or collateral has been received by a third party/safekeeping agent (Trustee). The security or collateral shall be held in the name of or held on behalf of the City. The Trustee's records shall evidence the City's ownership of or explicit claim on the securities. The original copy of all safekeeping receipts shall be delivered to the City.

**VII. REPORTING REQUIREMENTS**

**A. Quarterly Reports**

Not less than quarterly, the Investment Officers shall prepare and submit to the City Council, an investment report that describes in detail the investment position of the City as of the date of the report. These reports will be prepared to allow the City Council to ascertain whether investment activities have conformed to the City's investment policy.

Quarterly investment reports will summarize recent market conditions, economic developments and anticipated investment conditions. Reports must be signed and dated by the City Manager and must contain the following statement: "This report is in full compliance with the investment strategies as established by the City of Woodcreek Investment Policy and the Public Funds Investment Act."

At a minimum, quarterly reports submitted to the City Council will include the following:

1. A summary statement of investment activity for each pooled fund group prepared in compliance with Generally Accepted Accounting Principles to include fully accrued interest for the reporting period. The summary shall also state the:
  - a. Beginning market value for the reporting period.
  - b. Additions and changes to the market value during the period.
  - c. Ending market value for the period.
2. State the book value and market value of each separately invested asset at the beginning and end of the reporting period by fund type.
3. State the maturity date of each separately invested asset that has a maturity date.

#### **B. Annual Report**

The Investment Officers shall prepare an annual report on the investment program and investment activity. This annual report will be presented to the City Council and will include investment activities for the entire fiscal year and shall suggest policy revisions and improvements that might enhance the investment program. At such time, the City Council shall pass a resolution to document its review of the City's investment policies and strategies. This resolution shall also document whether changes or revisions to investment policies and/or strategies are required.

### **VIII. INTERNAL CONTROLS AND ANNUAL REVIEW**

#### **A. Internal Controls**

The City strives to effectively prevent the loss of public funds caused by fraud, misrepresentation by third parties, unanticipated changes in financial markets, employee error or imprudent actions by City employees. Internal controls have been designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits require estimates and judgments by management. The following guidelines establish a system of internal controls over investment procedures for the City of Woodcreek.

1. **Separation of Duties.** A separation of custodial, accounting and record keeping systems shall be maintained to the extent possible.
2. **Clear Delegation of Authority.** The City Manager is charged with management responsibility for the investment program.
3. **Adequate Training and Development of Investment Officials.** All Investment Officials are to be educated in the area of investment management in order to make informed decisions.
4. **Control of Collusion.** All investment transactions must be approved by two duly authorized Investment Officers or subordinate employees. Subordinate employees are designated by the City Manager.
5. **Documentation of Investments.** Purchase and sales transactions, including telephone transactions, must be documented in writing and evidenced by the signatures of two duly

authorized Investment Officers or subordinate employees. A copy of such documentation shall be placed in an investment transaction file to be maintained in the City's Finance department.

- 6. **Verification of all Interest Income and Security Purchase and Sell Computations.** All investment interest income, fees, gains and/or losses shall be recalculated monthly by the Finance department.
- 7. **Reconcilement of Security Receipts with Subsidiary Records.** All security safekeeping receipts shall be reconciled to the general ledger monthly by the Finance department.
- 8. **Custodial Safekeeping.** Securities purchased from any bank or dealer including appropriate collateral shall be placed with an independent third party for custodial safekeeping.
- 9. **Avoidance of Bearer-Form Securities.** Negotiable securities are more susceptible to misappropriation than book entry only securities and must be properly safeguarded against loss, destruction or fraud.

**B. Annual Review**

The City shall engage an external independent auditor to conduct an annual review of the City's investment policies, investment procedures, and quarterly and annual investment reports to ensure compliance with the Public Funds Investment Act. This audit is to be performed by a Certified Public Accountant in conjunction with the City's annual financial audit and shall be reported to the City Council during the same meeting at which the City's Comprehensive Annual Financial Report is presented.

The Public Funds Investment Act states that if the City's investment portfolio is limited to money market mutual funds, investment pools, or depository bank investments such as certificates of deposit or money market accounts, the City is not subject to this formal annual review.

**APPENDIX A**

**CERTIFICATION**

I hereby certify that I have personally read and understand the investment policy of the City of Woodcreek and have implemented reasonable procedures and controls designed to fulfill these objectives and conditions. Transactions between this firm and the City Woodcreek will be directed toward precluding imprudent investment activities and protecting the City from credit and market risk.

This firm pledges due diligence in informing the City of Woodcreek of foreseeable risks associated with financial transactions connected to this firm.

I attest that I am a qualified representative of this firm, authorized to sign on its behalf.

Firm: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## Council Meeting Agenda Item Cover Sheet

**AGENDA ITEM SUBJECT/ TITLE:**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS, AMENDING THE CITY CODE OF ORDINANCES SECTIONS 151.07, 156.063, 156.064, 156.102 TO REMOVE MASONRY BUILDING REQUIREMENTS AND RELATED CHANGES; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE

**AGENDA ITEM SUMMARY:**

**RECOMMENDATION:**

**FINANCIAL IMPACT:**

N/A

**SUBMITTED BY:**

Rule

**AGENDA TYPE:**

New Business

**COMPLETION DATE:**

12/28/2023 10:55:58 AM

**CITY OF WOODCREEK**

**ORDINANCE NO. 2024-01-10-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS, AMENDING THE CITY CODE OF ORDINANCES SECTIONS 151.07, 156.063, 156.064, 156.102 TO REMOVE MASONRY BUILDING REQUIREMENTS AND RELATED CHANGES; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Woodcreek (“City”) is a Texas General Law Municipality operating under the laws of the State of Texas; and

**WHEREAS**, Texas House Bill 2439 in the 86<sup>th</sup> Legislature of the State of Texas modified the Chapter 3000 of the Government Code to generally prohibit cities from regulating building materials for construction, renovation, maintenance, or other alteration of a residential or commercial building; and

**WHEREAS**, the City’s Code of Ordinances Chapter 151 Building Regulations; Construction and Chapter 156 Zoning include requirements for a minimum amount of masonry construction for certain types of buildings and regulations related to wooden roofs in contradiction to House Bill 2439 and Texas Government Code Chapter 3000; and

**WHEREAS**, the City has complied will all conditions precedent necessary to take this action, has properly noticed and conducted all public hearing and public meetings pursuant to the Texas Local Government Code and Texas Government Code, as applicable; and

**WHEREAS**, the City Council of the City of Woodcreek, Texas finds that these amendments to the Code of Ordinances are necessary to be in compliance with state law.

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

**Section 1.** The foregoing recitals are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

**Section 2.** The Building Ordinance and Zoning Ordinance of the City of Woodcreek, Texas are hereby amended as set forth on Exhibit A attached hereto.

**Section 3.** If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid,



or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

**Section 4.** This Ordinance shall be cumulative of all provisions of ordinances of the City except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**Section 5.** This Ordinance shall be construed and enforced in accordance with the laws of the state of Texas and the United States of America.

**Section 6.** It is officially found, determined, and declared that the meeting at which this Ordinance is adopted 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 Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended.

**Section 7.** This Ordinance shall be in full force and effect after its final passage and approval by the City Council, as duly attested by the Mayor and City Secretary, and any publication required by law.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by a vote of \_\_\_\_ ayes to \_\_\_\_ nays to \_\_\_\_ abstentions of the City Council of Woodcreek, Texas.

CITY OF WOODCREEK, TEXAS

By: \_\_\_\_\_  
Jeff Rasco, Mayor

ATTEST:

\_\_\_\_\_  
Suzanne Mac Kenzie, City Secretary

1 All of the following text which is underlined denotes addition of new text. All text which is  
2 ~~stricken~~ denotes removal of existing text. All other text is existing, unchanged text. Any existing  
3 text which has been omitted shall be considered unchanged. All text which is both *{between*  
4 *braces and italicized}*, is for document organization and reference only and is not intended to  
5 be adopted.

6

7 The City of Woodcreek Code of Ordinances is hereby amended as follows:

8

9 *{Amend Section 151.07 as follows:}*

10 **§ 151.07 PROCEDURES FOR OBTAINING BUILDING PERMITS.**

11 Building permit applications, plans, required information and fee may be submitted to the  
12 City Secretary or mailed to the City of Woodcreek, 41 Champions Circle, Woodcreek, Texas  
13 78676 or by calling (512)847-9390.

14 (A) The following items are required for residential construction:

- 15 (1) Completed building permit application form;
- 16 (2) Floor plan drawn to scale showing square footage of living area;
- 17 (3) Foundation plans;
- 18 (4) Site plan drawn to scale showing overall lot dimensions, location of building,  
19 accessory buildings and driveway, driveway dimensions and distances from the  
20 front, rear and side lot lines to building and structures. Site plan needs to show  
21 drainage, erosion control and utilities. Site plan also needs to show contours at  
22 two-feet intervals and compliance with Ch. 153 of this Code of Ordinances;
- 23 (5) Front, side and rear elevations drawn to scale indicating exterior-finish materials;
- 24 (6) Complete set of specifications for building including exterior building materials  
25 and paved parking and driveway areas. ~~Exterior walls of all structures shall have~~  
26 ~~a minimum of 55 percent stone, brick or stucco, exclusive of openings. Products~~  
27 ~~of Hardiplank, Hardiboard or Hardipanel are not to be used to meet masonry~~  
28 ~~requirements.~~ A four-inch conduit is required under driveways at street for utility  
29 lines;
- 30 (7) The number of the septic system permit issued by the County Health  
31 Department if a septic system is to be used;
- 32 (8) A utility company letter of commitment to supply water and/or sewer services;  
33 and
- 34 (9) Application fee in accordance with the Master Rate Schedule as adopted by  
35 resolution of the City of Woodcreek made payable to the City.

36

- 37 (B) The following items are required for commercial construction:
- 38 (1) Completed building permit application form;
- 39 (2) Floor plan drawn to scale indicating square footage and commercial use(s) of all  
40 areas within building;
- 41 (3) Foundation plan;
- 42 (4) Site plan drawn to scale indicating overall lot dimensions, location of building,  
43 accessory buildings, structure and driveway, driveway dimensions and hard  
44 surface parking and unloading areas, and distances from the front, rear and side  
45 lot lines to building and structures. Site plan needs to show drainage, erosion  
46 control and utilities. Site plan also needs to show contours at two-foot intervals  
47 and compliance with Ch. 153 of this Code of Ordinances;
- 48 (5) Front, side and rear elevations drawn to scale and showing exterior building  
49 materials and indicating height of building. ~~Exterior walls of all structures shall  
50 have a minimum of 55 percent stone, brick or stucco, exclusive of openings.  
51 Products of Hardiplank, Hardiboard or Hardipanel are not to be used to meet  
52 masonry requirements.~~ A four-inch conduit is required under driveways at street  
53 for utility lines;
- 54 (6) Complete set of specifications for building and paved parking areas. ~~Exterior  
55 walls of all structures shall have a minimum of 55 percent stone, brick or stucco,  
56 exclusive of openings.~~ A four-inch conduit is required under driveways at street  
57 for utility lines;
- 58 (7) Where buffer strips are required, a plot plan drawn to scale indicating location of  
59 plants, trees, shrubs or fence. Description of plantings and fence shall be  
60 included;
- 61 (8) Specifications for commercial signs showing material, size and location on  
62 building;
- 63 (9) A copy of a septic system permit issued by the County Health Department if a  
64 septic system is to be used;
- 65 (10) A utility company letter of commitment to supply water and/or sewer services;  
66 and
- 67 (11) A fee in accordance with the Master Rate Schedule as adopted by resolution of  
68 the City of Woodcreek made payable to the City.
- 69

{Amend Section 156.063 as follows:}

§ 156.063 CHART 2: RESIDENTIAL ZONING REQUIREMENTS.

	SF-1	SF-2	SF-3	SF-4	SF-5	SF-6	TH/C	DU-1	4PLX	MF	RR	PUD	MH-1
% masonry required	55	55	55	55	55	55	55	55	55	see § 156.064 for MF-1, MF-2 requirements	55		55
Garage required	2-Car	2-Car	2-Car	No	1-Car	2-Car	2-Car	1-Car	1-Car1		2-Car	-	1-Car
Off-street parking required	3	3	3	3	3	3	3				3		
Maximum dwelling units per lot	1	1	1	1	1	1	1	2	4		1	-	1
Maximum dwelling height	30'	30'	30'	30'	30'	30'	30'	30'	30'		30'	-	30'
Maximum impervious cover	30 <sup>2</sup>	30 <sup>2</sup>	30 <sup>2</sup>	30 <sup>2</sup>	30 <sup>2</sup>	30 <sup>2</sup>	30 <sup>2</sup>	30 <sup>2</sup>	30 <sup>2</sup>		30 <sup>2</sup>	-	30 <sup>2</sup>
Minimum setbacks													
Front	25'	25'	10'	20'	20'	25'	25'	25'	25'		25'		25'
Interior side	7-1/2'	7-1/2'	0'	0'	7-1/2'	5'	7-1/2'	7-1/2'	7-1/2'		7-1/2'	-	7-1/2'
Rear	25'	25'	15'	15'	15'	25'	25'	25'	25'		25'		15'
Street side	10'	10'	5'	5'	10'	10'	15'	15'	15'		10'	-	10'
Minimum square footage													
One-story	1,500	1,000	1,000	900	1,000	1,000	1,000 <sup>1</sup>	1,000 <sup>1</sup>	800 <sup>1</sup>		1,500	-	1,000
Second-story	500	500	200				200 <sup>1</sup>	200 <sup>1</sup>	800 <sup>1</sup>		500	-	NA

{Amend Section 156.064 as follows:}

**§ 156.064 CHART 3: MULTI-FAMILY REQUIREMENTS, MF-1 AND M-2 ZONES.**

<b>% masonry required</b>	<b>55%</b>
Front yard (on primary access street)	25' or the height of the closest building on the property, whichever is greater
<b>Maximum density</b>	
MF-1	14 units per acre
MF-2	16 units per acre
Maximum height	2 stories or 30', whichever is less
Maximum impermeable coverage	55%
<b>Minimum floor area per unit</b>	
1 BR	500 sq. ft.
2BR	850 sq. ft.
3 BR	1,000 sq. ft.
<b>Parking spaces required/units</b>	
1 BR	1.5
2 BR	2.5
Rear yard (abutting single-family residential property)	25' or the height of the closest building on the property, whichever is greater
Rear yard (not abutting single-family residential property)	25' or ½ the height of the closest building on the property, whichever is greater
Side yard (abutting single-family residential property)	15' or the height of the closest building on the property, whichever is greater
Side yard (abutting street)	15' or the height of the closest building on the property, whichever is greater
Side yard (not abutting single-family residential property)	7.5' or ½ the height of the closest building on the property, whichever is greater

{Amend Section 156.102 as follows:}

**§ 156.102 NON-CONFORMING USES.**

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

- (A) No existing structure devoted to a non-conforming use shall be enlarged, extended, constructed or reconstructed.
- (B) The use of the structure shall only be changed to a use permitted in the district in which it is located.
- (C) A non-conforming use that has been discontinued may be resumed only if there has been no other use of the premises or structure since the non-conforming use was discontinued, and such use was not discontinued for a period of six months or more.

- (D) Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to any land outside such building.
- (E) Removal or destruction of a structure containing a non-conforming use shall eliminate the nonconforming use status. Destruction for the purpose of this division (E) is defined as damage equal to more than 50 percent of the replacement cost of the structure or the physical structure.
- (F) A certificate of non-compliance shall be required for each non-conforming use of any land or buildings created by adoption of this chapter. Application for such certificate of noncompliance for a non-conforming use shall be filed with the City by the owner of the building or land with such non-conforming use within one year of the effective date of this chapter. It shall be the duty of the City to issue a certificate of non-compliance for a non-conforming use and the refusal of the City to issue a certificate of non-compliance for such non-conforming use shall be evidence that said non-conforming use was either illegal or did not lawfully exist as of the effective date of this chapter.
- (1) If lawful non-conforming use exists on the effective date of passage of this chapter, the following structures will have their use amortized, with the non-conforming use being eliminated over 15 years from the date of passage of this chapter:
- (a) Fences erected and existing in compliance with the City's regulations and ordinances prior to the effective date of this chapter and composed of materials not allowed upon the passage of this chapter or which do not meet the City's current setback requirements;
  - ~~(b) Accessory buildings which do not meet the masonry requirements; (cb) —Wood roofs;~~
  - ~~(db)~~ Above-ground pools; and
- (2) The City Council shall have the power to bring about the discontinuance of non-conforming uses after notices and hearing. The termination date of any non-conforming use shall be set so as to provide the owner with a reasonable opportunity to recoup or recover the owner's investment in the non-conforming use.
- (3) Notwithstanding the foregoing, the non-conforming use of a building, ~~roof,~~ above-ground pool, structure, accessory building, fence or driveway (collectively or individually hereafter, the "non-conforming asset") that was lawfully constructed and erected prior to 2000, shall not terminate or expire until such time as the non-conforming asset is reconstructed or replaced. For the purpose of this section, a non-conforming asset shall be deemed to be reconstructed or replaced if 50 percent or more of such non-conforming asset is reconstructed or

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replaced, or if modifications or repairs are made to such non-conforming asset within any 12 calendar months that is equal to one half or more of the value of the non-conforming asset prior to the modification or repair.

## Council Meeting Agenda Item Cover Sheet

**AGENDA ITEM SUBJECT/ TITLE:**

Discuss and Take Appropriate Action To Direct City Staff To Enter Into A Service Agreement with Freeland Turk Engineering Group For City Engineering Services For The City of Woodcreek.

**AGENDA ITEM SUMMARY:**

Discuss and Take Appropriate Action To Direct City Staff To Enter Into A Service Agreement with Freeland Turk Engineering Group For City Engineering Services For The City of Woodcreek.

**RECOMMENDATION:**

Approval of the entrance into a service contract agreement with Freeland Turk Engineering Group for City Engineering Services for the City of Woodcreek.

**FINANCIAL IMPACT:**

0.00

**SUBMITTED BY:**

Kevin Rule

**AGENDA TYPE:**

New Business

**COMPLETION DATE:**

12/29/2023 10:53:53 AM



**ENGINEERING SERVICES**

**AVERAGE**

<b>MAX POINTS</b>		<b>ATLAS Design Services</b>	<b>MRB Group</b>	<b>KSA</b>	<b>Freeland Turk</b>	<b>TLC Engineering</b>
<i>20 Points</i>	Firm's experience in the delivery of successful City Engineering services to meet the defined scope of work	14.4	15.6	14.6	19.4	13.6
<i>20 Points</i>	Qualifications	14.6	17	15.2	19.2	14.2
<i>30 Points</i>	Service approach and methodology	22.6	19.6	20.6	29.2	17.8
<i>10 Points</i>	Knowledge of local issues in the City of Woodcreek and the surrounding region	5.8	5.4	7.2	9.8	3.0
<i>10 Points</i>	Quality of references: Two (2) required	8	9	8.6	10	6.2
<i>10 Points</i>	Knowledge of applicable local, state and federal regulations including but not limited to those regarding floodplain development, building codes, environmental quality, and drainage.	7.4	6.2	6.4	8.4	5.6
<b>TOTAL</b>		<b>72.8</b>	<b>72.8</b>	<b>72.6</b>	<b>96</b>	<b>60.4</b>

## Council Meeting Agenda Item Cover Sheet

**AGENDA ITEM SUBJECT/ TITLE:**

Discuss and Take Appropriate Action to Request Council Members Make Full-Term, Full-Member Nominations (New or Re-Appointment) To Fill Seats on Advisory Boards, As Listed.

**AGENDA ITEM SUMMARY:**

Discuss and Take Appropriate Action to Request Council Members Make Full-Term, Full-Member Nominations (New or Re-Appointment) To Fill Seats on Advisory Boards, As Listed.

**RECOMMENDATION:**

Staff recommends that Council make the necessary nominations to the Woodcreek Advisory Boards, as listed.

**FINANCIAL IMPACT:**

0.00

**SUBMITTED BY:**

Kevin Rule

**AGENDA TYPE:**

Unfinished Business and General Orders

**COMPLETION DATE:**

12/15/2023 12:13:57 PM

## Council Appointments Needed January 10, 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	<b>NO RESPONSE</b> (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
2024	Cody Abney	Full Member	Hambrick
2023	Re-Appointment Needed (Pat Rawlings)	Full Member	Whitehead
2023	Re-Appointment Needed (Elizabeth Maurer)	Full Member	-
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	VACATED POSITION (Chris Sonnier)	Full Member	Whitehead
2024	Carson Bledsoe	Alternate Member	Rasco
2023	VACATED POSITION (Josh Erwin)	Alternate Member	Rasco

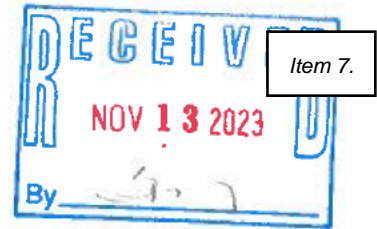
**Platinum Roads Panel**

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 7.

**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	Re-Appointment Needed (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



Item 7.

# The City of Woodcreek

IN THE MIDST OF THE TEXAS HILL COUNTRY

## Application for Appointment to A Volunteer Citizen Group

Name: CRAIG BIGGS

Property Address: [REDACTED]

Mailing Address: SAME

Telephone Number(s): Home: [REDACTED] Cell: SAME

Email Address: [REDACTED]

1. Do you want your phone number(s)/email address released in a Public Information Request? YES  NO

**Committee(s) of Interest (Select All That Apply)**

NOTE: Groups listed below are Advisory and submit reports and/or recommendations, as needed, to the City Council, per state and federal laws and City Ordinances.

<input type="checkbox"/> Planning and Zoning Commission	<input type="checkbox"/> Tree Board
<input type="checkbox"/> Parks and Recreation Board	<input type="checkbox"/> Ordinance Review Committee
<input checked="" type="checkbox"/> Platinum Roads Panel	

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**City Hall Areas of Interest (Select All That Apply)**

NOTE: Volunteers would work with City Staff to complete projects on an "as needed" basis.

<input type="checkbox"/> City Staff Mailouts (Indoors)	<input type="checkbox"/> City Information Distribution Projects (Outdoors)
<input type="checkbox"/> City Clean-Up Projects (Outdoors)	<input type="checkbox"/> City's 4th Decennial Celebration (Hybrid)

2. Length of Time as a Texas Resident: 28 Length of Time as a Woodcreek Resident: 2 YRS

3. Have you previously served on any City of Woodcreek Boards, Commissions, Committees or Panels?

YES  NO  If "YES", please list capacity and term.

PLATINUM ROADS PANEL

Describe any qualifications, credentials or special interests that relate to your possible appointment.

10 YRS COMMERCIAL BANKING  
35 YRS EXECUTIVE MANAGEMENT - ELECTRONICS INDUSTRY

4. Do you, or your employer, have any business or other dealings with the City of Woodcreek which may create a conflict of interest upon your appointment? YES  NO   
If "YES", please explain.

[Signature]  
Signature

11-13-23  
Date

# The City of Woodcreek

IN THE MIDST OF THE TEXAS HILL COUNTRY



Item 7.

## Application for Appointment to A Volunteer Citizen Group

Name: Jake Allen Buckner  
Property Address: [REDACTED]  
Mailing Address: Woodcreek, TX 78676  
Telephone Number(s): Home: \_\_\_\_\_ Cell: [REDACTED]  
Email Address: \_\_\_\_\_

1. Do you want your phone number(s)/email address released in a Public Information Request? YES  NO

Committee(s) of Interest (Select All That Apply)	
NOTE: Groups listed below are <u>Advisory</u> , except for City Council and the Planning and Zoning Commission	
<input type="checkbox"/> City Council (Replacement for Vacated Position)	<input type="checkbox"/> Parks and Recreation Board
<input type="checkbox"/> Comprehensive Plan Advisory WorkGroup Hotel	<input type="checkbox"/> Planning and Zoning Commission
<input type="checkbox"/> Occupancy Tax (H.O.T.) Committee Ordinance	<input type="checkbox"/> Platinum Roads Panel
<input type="checkbox"/> Review Committee	<input checked="" type="checkbox"/> Tree Board
City Hall Areas of Interest (Select All That Apply)	
City Staff Mailouts (Indoors)	City Clean-Up Projects (Outdoors)
Neighbor to Neighbor (N2N) Block Coordinator (New Resident Welcome Contact)	

2. Length of Time as a Texas Resident: 33 years Length of Time as a Woodcreek Resident: 33 years

3. Have you previously served on any City of Woodcreek Boards, Commissions, Committees or Panels?  
YES  NO  If "YES", please list capacity and term.

Describe any qualifications, credentials or special interests that relate to your possible appointment.

I own a landscaping company and enjoy working with lots of people with many different backgrounds. I was the previous superintendent of the Double J ranch golf club. This is where I had an opportunity to meet and serve the residence of Woodcreek.

4. Do you, or your employer, have any business or other dealings with the City of Woodcreek which may create a conflict of interest upon your appointment? YES  NO   
If "YES", please explain. \_\_\_\_\_

5. **H.O.T. Committee Applicants Only:** Do you own or are you employed by a business or lodging facility in the City of Woodcreek, or it's E.T.J.? YES  NO   
If "YES", please explain. \_\_\_\_\_

jake buckner Digitally signed by jake buckner Date: 2023.10.30 21:20:49 -0500 10/30/23  
Signature \_\_\_\_\_ Date \_\_\_\_\_

# The City of Woodcreek

IN THE MIDST OF THE TEXAS HILL COUNTRY



## Application for Appointment to A Volunteer Citizen Group

Name: Rebecca (Becky) Denton  
Property Address: [REDACTED]  
Mailing Address: same  
Telephone Number(s): Home: [REDACTED] Cell: [REDACTED]  
Email Address: [REDACTED]

1. Do you want your phone number(s)/email address released in a Public Information Request? YES NO

Committee(s) of Interest (Select All That Apply)	
<i>NOTE: Groups listed below are Advisory and submit reports and/or recommendations, as needed, to the City Council, per state and federal laws and City Ordinances.</i>	
<input type="checkbox"/> Planning and Zoning Commission	<input type="checkbox"/> Tree Board
<input checked="" type="checkbox"/> Parks and Recreation Board	<input type="checkbox"/> Ordinance Review Committee
<input type="checkbox"/> Platinum Roads Panel	

City Hall Areas of Interest (Select All That Apply)	
<i>NOTE: Volunteers would work with City Staff to complete projects on an "as needed" basis.</i>	
<input type="checkbox"/> City Staff Mailouts (Indoors)	<input type="checkbox"/> City Information Distribution Projects (Outdoors)
<input type="checkbox"/> City Clean-Up Projects (Outdoors)	<input type="checkbox"/> City's 4th Decennial Celebration (Hybrid)

2. Length of Time as a Texas Resident: 76 yrs Length of Time as a Woodcreek Resident: 9 yrs

3. Have you previously served on any City of Woodcreek Boards, Commissions, Committees or Panels?  
YES  NO  If "YES", please list capacity and term.  
Parks and Recreation Board - alternate

Describe any qualifications, credentials or special interests that relate to your possible appointment.  
Certified Hays County Master Naturalists

4. Do you, or your employer, have any business or other dealings with the City of Woodcreek which may create a conflict of interest upon your appointment? YES  NO   
If "YES", please explain. \_\_\_\_\_

Rebecca H Denton 11/11/2023  
Signature Date

# The City of Woodcreek

IN THE MIDST OF THE TEXAS HILL COUNTRY



Item 7.

## Application for Appointment to A Volunteer Citizen Group

Name: Elizabeth Maurer

Property Address: [REDACTED]

Mailing Address: same

Telephone Number(s): Home: \_\_\_\_\_ Cell: [REDACTED]

Email Address: [REDACTED]

1. Do you want your phone number(s)/email address released in a Public Information Request? YES  NO

Committee(s) of Interest (Select All That Apply)	
<i>NOTE: Groups listed below are Advisory and submit reports and/or recommendations, as needed, to the City Council, per state and federal laws and City Ordinances.</i>	
<input type="checkbox"/> Planning and Zoning Commission	<input type="checkbox"/> Tree Board
<input checked="" type="checkbox"/> Parks and Recreation Board	<input type="checkbox"/> Ordinance Review Committee
<input type="checkbox"/> Platinum Roads Panel	
City Hall Areas of Interest (Select All That Apply)	
<i>NOTE: Volunteers would work with City Staff to complete projects on an "as needed" basis.</i>	
<input type="checkbox"/> City Staff Mailouts (Indoors)	<input checked="" type="checkbox"/> City Information Distribution Projects (Outdoors)
<input checked="" type="checkbox"/> City Clean-Up Projects (Outdoors)	<input type="checkbox"/> City's 4th Decennial Celebration (Hybrid)

2. Length of Time as a Texas Resident: 38 years Length of Time as a Woodcreek Resident: 3.5 years

3. Have you previously served on any City of Woodcreek Boards, Commissions, Committees or Panels?  
YES  NO  If "YES", please list capacity and term.  
Parks board- past 2 years

Describe any qualifications, credentials or special interests that relate to your possible appointment.

I was involved with the parks before I was on the board, identifying increased numbers of children in the city of Woodcreek to help justify the playground. I spent almost the last two years serving on the board. I am a mom of 3, work part time, and volunteer heading fundraising at my children's school. I hesitated to apply again as I don't have a lot of spare time. However, I want to make myself available in case I am needed. I still have lots of ideas, but my bandwidth for execution is somewhat limited at this time.

4. Do you, or your employer, have any business or other dealings with the City of Woodcreek which may create a conflict of interest upon your appointment? YES  NO   
If "YES", please explain. \_\_\_\_\_

Signature Elizabeth Maurer

Date 12/7/2023



# The City of Woodcreek

IN THE MIDST OF THE TEXAS HILL COUNTRY



Item 7.

## Application for Appointment to A Volunteer Citizen Group

Name: Jacob McElroy

Property Address: [REDACTED]

Mailing Address: Same

Telephone Number(s): Home: [REDACTED] Cell: [REDACTED]

Email Address: [REDACTED]

1. Do you want your phone number(s)/email address released in a Public Information Request? YES  NO

**Committee(s) of Interest (Select All That Apply)**

*NOTE: Groups listed below are Advisory and submit reports and/or recommendations, as needed, to the City Council, per state and federal laws and City Ordinances.*

<input type="checkbox"/> Planning and Zoning Commission	<input checked="" type="checkbox"/> Tree Board
<input type="checkbox"/> Parks and Recreation Board	<input type="checkbox"/> Ordinance Review Committee
<input type="checkbox"/> Platinum Roads Panel	

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**City Hall Areas of Interest (Select All That Apply)**

*NOTE: Volunteers would work with City Staff to complete projects on an "as needed" basis.*

<input type="checkbox"/> City Staff Mailouts (Indoors)	<input checked="" type="checkbox"/> City Information Distribution Projects (Outdoors)
<input type="checkbox"/> City Clean-Up Projects (Outdoors)	<input type="checkbox"/> City's 4th Decennial Celebration (Hybrid)

2. Length of Time as a Texas Resident: 32 years Length of Time as a Woodcreek Resident: 4 years

3. Have you previously served on any City of Woodcreek Boards, Commissions, Committees or Panels?

YES  NO  If "YES", please list capacity and term.  
Tree Board - 2 years

Describe any qualifications, credentials or special interests that relate to your possible appointment.  
Certified Arborist

4. Do you, or your employer, have any business or other dealings with the City of Woodcreek which may

create a conflict of interest upon your appointment? YES  NO

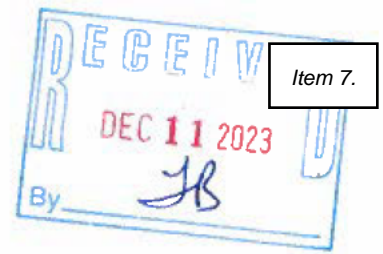
If "YES", please explain. \_\_\_\_\_

Jacob McElroy  
 Signature

12/13/2023  
 Date

# The City of Woodcreek

IN THE MIDST OF THE TEXAS HILL COUNTRY



## Application for Appointment to A Volunteer Citizen Group

Name: Cheryl Mills  
Property Address: [Redacted] Wimberley, TX 78670  
Mailing Address: \_\_\_\_\_  
Telephone Number(s): Home: [Redacted] Cell: \_\_\_\_\_  
Email Address: [Redacted]

1. Do you want your phone number(s)/email address released in a Public Information Request? YES  NO

Committee(s) of Interest (Select All That Apply)	
<i>NOTE: Groups listed below are Advisory and submit reports and/or recommendations, as needed, to the City Council, per state and federal laws and City Ordinances.</i>	
<input type="checkbox"/> Planning and Zoning Commission	<input checked="" type="checkbox"/> Tree Board
<input type="checkbox"/> Parks and Recreation Board	<input type="checkbox"/> Ordinance Review Committee
<input type="checkbox"/> Platinum Roads Panel	

City Hall Areas of Interest (Select All That Apply)	
<i>NOTE: Volunteers would work with City Staff to complete projects on an "as needed" basis.</i>	
<input type="checkbox"/> City Staff Mailouts (Indoors)	<input type="checkbox"/> City Information Distribution Projects (Outdoors)
<input type="checkbox"/> City Clean-Up Projects (Outdoors)	<input checked="" type="checkbox"/> City's 4th Decennial Celebration (Hybrid)

2. Length of Time as a Texas Resident: 35+ years Length of Time as a Woodcreek Resident: 2.5 yrs

3. Have you previously served on any City of Woodcreek Boards, Commissions, Committees or Panels?  
YES  NO  If "YES", please list capacity and term.  
Tree Board Sept - Dec 2023

Describe any qualifications, credentials or special interests that relate to your possible appointment.  
15+ years marketing & event + sales experience, love for Woodcreek & all our tree's!!

4. Do you, or your employer, have any business or other dealings with the City of Woodcreek which may create a conflict of interest upon your appointment? YES  NO   
If "YES", please explain. \_\_\_\_\_

Cheryl Mills  
Signature

12/11/2023  
Date

# The City of Woodcreek

IN THE MIDST OF THE TEXAS HILL COUNTRY



## Application for Appointment to A Volunteer Citizen Group

Name: Monica Rasco  
Property Address: [REDACTED]  
Mailing Address: [REDACTED]  
Telephone Number(s): Home: \_\_\_\_\_ Cell: [REDACTED]  
Email Address: [REDACTED]

1. Do you want your phone number(s)/email address released in a Public Information Request? YES NO

Committee(s) of Interest (Select All That Apply)	
<i>NOTE: Groups listed below are Advisory and submit reports and/or recommendations, as needed, to the City Council, per state and federal laws and City Ordinances.</i>	
<input type="checkbox"/> Planning and Zoning Commission	<input type="checkbox"/> Tree Board
<input checked="" type="checkbox"/> Parks and Recreation Board	<input type="checkbox"/> Ordinance Review Committee
<input type="checkbox"/> Platinum Roads Panel	

City Hall Areas of Interest (Select All That Apply)	
<i>NOTE: Volunteers would work with City Staff to complete projects on an "as needed" basis.</i>	
<input type="checkbox"/> City Staff Mailouts (Indoors)	<input type="checkbox"/> City Information Distribution Projects (Outdoors)
<input type="checkbox"/> City Clean-Up Projects (Outdoors)	<input checked="" type="checkbox"/> City's 4th Decennial Celebration (Hybrid)

2. Length of Time as a Texas Resident: 55 yrs Length of Time as a Woodcreek Resident: 26 yrs

3. Have you previously served on any City of Woodcreek Boards, Commissions, Committees or Panels?  
YES  NO  If "YES", please list capacity and term.

Describe any qualifications, credentials or special interests that relate to your possible appointment.  
Parks & Rec 2017-2020; 2023  
Tree Board 2022

4. Do you, or your employer, have any business or other dealings with the City of Woodcreek which may create a conflict of interest upon your appointment? YES  NO   
If "YES", please explain. \_\_\_\_\_

Monica Rasco  
Signature

11/13/23  
Date

# The City of Woodcreek

IN THE MIDST OF THE TEXAS HILL COUNTRY



## Application for Appointment to A Volunteer Citizen Group

Name: Iris A. Ramos

Property Address: [REDACTED]

Mailing Address: Woodcreek, Tx 78676

Telephone Number(s): Home: [REDACTED] Cell: [REDACTED]

Email Address: [REDACTED]

1. Do you want your phone number(s)/email address released in a Public Information Request? YES  NO

### Committee(s) of Interest (Select All That Apply)

*NOTE: Groups listed below are Advisory and submit reports and/or recommendations, as needed, to the City Council, per state and federal laws and City Ordinances.*

- Planning and Zoning Commission
- Parks and Recreation Board
- Platinum Roads Panel
- Tree Board
- Ordinance Review Committee

### City Hall Areas of Interest (Select All That Apply)

*NOTE: Volunteers would work with City Staff to complete projects on an "as needed" basis.*

- City Staff Mailouts (Indoors)
- City Clean-Up Projects (Outdoors)
- City Information Distribution Projects (Outdoors)
- City's 4th Decennial Celebration (Hybrid)

2. Length of Time as a Texas Resident: 70+ yrs Length of Time as a Woodcreek Resident: 2 yrs

3. Have you previously served on any City of Woodcreek Boards, Commissions, Committees or Panels?  
YES  NO  If "YES", please list capacity and term.

Describe any qualifications, credentials or special interests that relate to your possible appointment.

I have a strong interest in gardening, horticulture and tree cultures. It drew me to volunteer last year for the Tree Board. Since my initial installment, 2022, I have served as Chair, Tree Board, since Spring, 2023.

4. Do you, or your employer, have any business or other dealings with the City of Woodcreek which may create a conflict of interest upon your appointment? YES  NO   
If "YES", please explain.

Signature: Iris A. Ramos

Date: 11/27/23

## Council Meeting Agenda Item Cover Sheet

**AGENDA ITEM SUBJECT/ TITLE:**

Discuss and Take Appropriate Action to Request The Mayor Make Full-Term, Alternate-Member Nominations (New or Re-Appointment) To Fill Seats on Advisory Boards, As Listed.

**AGENDA ITEM SUMMARY:**

Discuss and Take Appropriate Action to Request The Mayor Make Full-Term, Alternate-Member Nominations (New or Re-Appointment) To Fill Seats on Advisory Boards, As Listed.

**RECOMMENDATION:**

Staff recommends that the Mayor make the necessary nominations to the Woodcreek Advisory Boards, as listed.

**FINANCIAL IMPACT:**

**SUBMITTED BY:**

Kevin Rule

**AGENDA TYPE:**

Unfinished Business and General Orders

**COMPLETION DATE:**

12/15/2023 12:18:10 PM

## Council Meeting Agenda Item Cover Sheet

**AGENDA ITEM SUBJECT/ TITLE:**

Discuss and Take Appropriate Action to Adopt Resolution 2024-01-10-01, Updating Council Meeting Rules of Procedure.

**AGENDA ITEM SUMMARY:**

Discuss and Take Appropriate Action to Adopt Resolution 2024-01-10-01, Updating Council Meeting Rules of Procedure.

**RECOMMENDATION:**

Adopt Resolution 2024-01-10-01, Updating Council Meeting Rules of Procedure.

**FINANCIAL IMPACT:**

0.00

**SUBMITTED BY:**

Kevin Rule

**AGENDA TYPE:**

Unfinished Business and General Orders

**COMPLETION DATE:**

12/15/2023 12:35:34 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 4:00 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 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 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 Council Liaison Reports" for every Regular Meeting. Each Staff and/or Council 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 second Friday 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 **10<sup>th</sup>** day of **January, 2024**, by a \_\_\_\_\_ **Ayes** to \_\_\_\_\_ **Nays** vote 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*

## Council Meeting Agenda Item Cover Sheet

**AGENDA ITEM SUBJECT/ TITLE:**

DICUSS AND TAKE APPROPERATE ACTION ON AN ORDINANCE AMENDING THE CITY OF WOODCREEK CODE OF ORDINANCES AT TITLE IX ("GENERAL REGULATIONS"), CHAPTER 93 ("FIRE PREVENTION AND PROTECTION") PROVIDING FOR THE PROHIBITION OF OPEN BURING WITH EXCEPTIONS.

**AGENDA ITEM SUMMARY:**

AN ORDINANCE AMENDING THE CITY OF WOODCREEK CODE OF ORDINANCES AT TITLE IX ("GENERAL REGULATIONS"), CHAPTER 93 ("FIRE PREVENTION AND PROTECTION") PROVIDING FOR THE PROHIBITION OF OPEN BURING WITH EXCEPTIONS.

**RECOMMENDATION:**

Approve Ordinance 2024-XX-XX-XX AMENDING THE CITY OF WOODCREEK CODE OF ORDINANCES AT TITLE IX ("GENERAL REGULATIONS"), CHAPTER 93 ("FIRE PREVENTION AND PROTECTION") PROVIDING FOR THE PROHIBITION OF OPEN BURING WITH EXCEPTIONS.

**FINANCIAL IMPACT:**

N/A

**SUBMITTED BY:**

Rule

**AGENDA TYPE:**

New Business

**COMPLETION DATE:**

12/19/2023 3:00:03 PM

**THE CITY OF WOODCREEK  
ORDINANCE NO. 2023-01-10-03**

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**AN ORDINANCE AMENDING THE CITY OF WOODCREEK CODE OF ORDINANCES AT TITLE IX ("GENERAL REGULATIONS"), CHAPTER 93 ("FIRE PREVENTION AND PROTECTION") PROVIDING FOR THE PROHIBITION OF OPEN BURING WITH EXCEPTIONS.**

**WHEREAS**, the City Council recognizes the importance of fire safety, prevention and protection; and

**WHEREAS**, the City Council finds that the fire response systems available to the City to be adequate, but limited, and therefore preventative measures are essential; and

**WHEREAS**, the City Council further finds that the City of Woodcreek has a duty and responsibility to uphold regulations as set by the local regulatory authority for fire prevention and safety; and

**WHEREAS**, the City Council understands that the City of Woodcreek has a duty and responsibility to enforce such regulations as outlined by the local regulatory authority and may add additional limitations under the framework of fire prevention and safety as determined necessary by the governing body; and

**WHEREAS**, the City Council thus finds it desirable and reasonable to create, update, and maintain a municipal ordinance for fire safety and prevention to ensure the health and safety of all residents; and

**WHEREAS**, section 51.012 of the Local Government Code provides a Type A general law municipality, such as the City of Woodcreek, Texas, may adopt an ordinance, act, law, or regulation, not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality; and

**Whereas**, pursuant to Texas Local Government Code section 342.003 the City Council has the express authority to adopt rules and for the prevention of fires and the governing body considers necessary; and

**Whereas**, open burning within the city is hereby found by the City Council to be a public nuisance and hazard to adjoining property.

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

**SECTION I. CODE AMENDMENT:** The City Code of Ordinances Title IX, Chapter 93 is hereby amended by deleting Sections 93.17 through 93.18 and replacing said sections with the following sections:

**§ 93.17 DEFINITIONS.**

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

*Open Burning.* burning of brush, trash, wood, plastics, leaves, waste products or similar materials outdoors, other than in an incinerator designed and constructed for such purpose.

*Trash.* Anything worthless and useless, building materials, twigs, trees, limbs, rubbish, garbage, rags and brush.

**§ 93.18 OPEN BURNING PROHIBITED; RESTRICTIONS.**

(A) Except as provided for herein, it shall be unlawful for any person to engage in Open Burning within the City limits, unless a written permit has been issued by the Fire Marshal.

(B) During times when no burn ban has been declared by Hays County, small fires are permitted in residential fire pits or chimineas subject to the following:

- (a) The fire pit or chiminea is not located within five feet of a residence or structure;
- (b) The fire pit has large metal sides, built up concrete blocks, or is constructed of cement, rock, or similar non-flammable/non-conductive materials;
- (c) The chiminea is placed on a non-flammable stand or is elevated to not be

48 placed directly on the ground and/or structure.

49 (d) The fire pit or chiminea must be completely covered by a spark arrestor or  
50 similar fine metal grate to prevent flying sparks and embers;

51 (e) All fire pits must be based on a solid, non-flammable surface (rock, brick);

52 (f) Non-commercial preparation of food utilizing a bar-b-que, grill, or smoker  
53 or individual device;

54 (g) The fire must be attended at all times; and

55 (h) The property owner or the fire attendant has the means to  
56 extinguish the fire at all times, if necessary.

57 (C) Any governmental entity, with written permission from the City, may conduct Open  
58 Burning in the City limits to correct an obvious hazardous condition or to conduct fire  
59 training.

60 (D) It shall be unlawful for any person or persons to violate any verbal or written directive of  
61 the Fire Marshal, City Marshal or any City Official when the directive prohibits, restricts, limits or sets  
62 guidelines for open burning consistent with this Chapter and State law.

63 (E) The Fire Marshal, City Marshal and all other officers of the City are granted the  
64 authority to enforce the provisions of this subchapter and impose, by written order,  
65 temporary restrictions upon the use of outdoor fire pits or chimineas as conditions warrant.  
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70 **SECTION II. SEVERABILITY CLAUSE:** Should any of the clauses, sentences, paragraphs, sections or parts of this  
71 Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with  
72 jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.  
73 All provisions of this Ordinance are declared severable.

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

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

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

85 **SECTION VI. PROPER NOTICE AND MEETING:** It is hereby officially found and determined that the meeting at  
86 which this Ordinance was passed was open to the public as required and that public notice of the time, place and  
87 purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government  
88 Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

89 Effective as of final passage and any publication as required by law.  
90

91 **PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023,  
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93 by a \_\_\_\_\_ to \_\_\_\_\_ vote of the City Council of Woodcreek, Texas.  
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WOODCREEK, TEXAS

100 By: \_\_\_\_\_  
101 Jeff Rasco, Mayor

PLACE	102
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CITY SEAL	104
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HERE	106
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108 ATTEST:  
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110 \_\_\_\_\_  
111 Suzanne J. Mac Kenzie, City Secretary

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113 APPROVED AS TO FORM:  
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115 \_\_\_\_\_  
116 City Attorney's Office

## Council Meeting Agenda Item Cover Sheet

**AGENDA ITEM SUBJECT/ TITLE:**

DICUSS AND TAKE APPROPERATE ACITON ON AN ORDINANCE AMENDING THE CITY OF WOODCREEK CODE OF ORDINANCES AT TITLE IX ("GENERAL REGULATIONS"), CHAPTER 94 ("FIREWORKS"); PROVIDING FOR PROHIBITIONS OF FIREWORKS.

**AGENDA ITEM SUMMARY:**

AN ORDINANCE AMENDING THE CITY OF WOODCREEK CODE OF ORDINANCES AT TITLE IX ("GENERAL REGULATIONS"), CHAPTER 94 ("FIREWORKS"); PROVIDING FOR PROHIBITIONS OF FIREWORKS.

**RECOMMENDATION:**

APPROVE ORDINANCE 2024-XX-XX-XX AMENDING THE CITY OF WOODCREEK CODE OF ORDINANCES AT TITLE IX ("GENERAL REGULATIONS"), CHAPTER 94 ("FIREWORKS"); PROVIDING FOR PROHIBITIONS OF FIREWORKS.

**FINANCIAL IMPACT:**

N/A

**SUBMITTED BY:**

Rule

**AGENDA TYPE:**

New Business

**COMPLETION DATE:**

12/19/2023 3:02:13 PM



**THE CITY OF WOODCREEK  
ORDINANCE NO. 2023-01-10-04**

**AN ORDINANCE AMENDING THE CITY OF WOODCREEK CODE OF ORDINANCES  
AT TITLE IX ("GENERAL REGULATIONS"), CHAPTER 94 ("FIREWORKS");  
PROVIDING FOR PROHIBITIONS OF FIREWORKS.**

**WHEREAS** the City Council seeks to promote the health, safety and general welfare of the community by preventing death, injuries and property damage within the City limits; and

**WHEREAS** the City Council finds that the possession, use, manufacture, sale, offer for sale and discharge of fireworks will result in bodily injury, death, and property damage; and

**WHEREAS** the City Council finds that the indiscriminate use of fireworks constitutes a menace to life, limb, and health to the users and their associates, increases the hazard and loss by fires, and constitutes a common public nuisance, which should be prevented and abated by law; and

**WHEREAS** the City Council finds that the upon properly adopted rules and regulations that the use and sale of fireworks during limited times of the year can be safely accomplished; and

**WHEREAS** pursuant to Texas Local Government Code section 217 the City Council has the express authority to prevent and abate any nuisance within the limits of the municipality; and

**WHEREAS** pursuant to Texas Local Government Code section 217 the City Council has the express authority to have any nuisance removed at the expense of the owner of the nuisance or the person who owns the property on which the nuisance exists; and

**WHEREAS** pursuant to Texas Local Government Code section 54 the City Council has the express authority to enforce local ordinances and to prescribe penalties for the violation of those ordinances in accordance with the guidelines of that section; and

**WHEREAS**, the City council of the City of Woodcreek finds that adoption of the regulations and amendments to the City’s Code herein is in the best interest of the citizens of Woodcreek.

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

**SECTION I. CODE AMENDMENT:** The City Code of Ordinances Title IX, Chapter 94 is hereby amended by deleting Sections 94.03 through 94.04 and replacing said sections with the following sections:

**94.03 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*Fireworks.* Any firecrackers, Roman candles, sparklers, sky lanterns, or any other substance or device which is intended for use in obtaining visible or audible pyrotechnic display, and such term shall include all articles or substances within the commonly accepted meaning of fireworks, whether herein specifically designated and defined or not.

*Person.* Any natural person, association of persons, partnership, corporation, agent or officer of a corporation.

**§ 94.04 RESTRICTIONS AND RULES; AUTHORITY.**

(A) The sale and/or distribution of Fireworks within the corporate limits of the City is prohibited.

(B) It shall be unlawful for any person to ignite, detonate, discharge or fire any Fireworks within the City.

(C) Law Enforcement, the Fire Chief, and the Fire Marshal are granted the authority and are

48 responsible to enforce this Chapter.

49 (D) A sworn complaint may be filed in a court with appropriate jurisdiction charging that sale,  
50 distribution, igniting, detonating, discharging or firing of Fireworks has taken place; specifying  
51 the time, date, location and persons charged. This division shall not be construed as requiring  
52 such a complaint in order to enforce this chapter.

53 (E) A public display of Fireworks may be authorized by the County Fire Marshal when any adult  
54 person, firm, corporation or association has made a written application at least 10 days in  
55 advance of the date of the proposed display, it shall be the duty of the Fire Marshal to make an  
56 investigation as to whether the proposed display may be hazardous to property or dangerous to  
57 any persons and shall grant or deny the application based upon his or her findings.  
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60 **SECTION II. SEVERABILITY CLAUSE:** Should any of the clauses, sentences, paragraphs, sections or parts of this  
61 Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with  
62 jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.  
63 All provisions of this Ordinance are declared severable.

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

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

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

75 **SECTION VI. PROPER NOTICE AND MEETING:** It is hereby officially found and determined that the meeting at  
76 which this Ordinance was passed was open to the public as required and that public notice of the time, place and  
77 purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government  
78 Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

79 Effective as of final passage and any publication as required by law.

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81 **PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023,

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83 by a \_\_\_\_\_ to \_\_\_\_\_ vote of the City Council of Woodcreek, Texas.  
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87 WOODCREEK, TEXAS

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90 By: \_\_\_\_\_  
91 Jeff Rasco, Mayor

92 PLACE  
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94 CITY SEAL  
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96 HERE  
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98 ATTEST:  
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100 \_\_\_\_\_  
101 Suzanne J. Mac Kenzie, City Secretary  
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103 APPROVED AS TO FORM:

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106 \_\_\_\_\_  
City Attorney's Office

## 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

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## **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  
CHAPTER 30: - OFFICIALS, EMPLOYEES AND ORGANIZATIONS  
ORDINANCE REVIEW COMMITTEE

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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.

### **§ 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 Councilmember 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.

### **§ 30.73 TERMS, RESIGNATION, VACANCY, AND REMOVAL.**

- (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.
- (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.

### **§ 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.

### **§ 30.75 CHAIRPERSONS.**

- (A) The Ordinance Review Committee shall choose its own Chairpersons from among its members. Chairpersons shall be elected for terms of one year by majority vote of its membership present, including alternates. 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 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.

**§ 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.

# THE CITY OF WOODCREEK ORDINANCE NO. 2023-XX-XX-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS,

**[CAPTION]**

**[PREAMBLE (“WHEREAS” CLAUSES)]**

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

**[CONTROLLING PROVISIONS]**

**SEVERABILITY CLAUSE:** 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. All provisions of this Ordinance are declared severable.

**CUMULATIVE CLAUSE:** This Ordinance shall be cumulative of all provisions of ordinances of the City except where provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**REPEALER CLAUSE:** 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.

**SAVINGS CLAUSE:** The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance 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 ordinances in effect at the time of the passage of this Ordinance.

**PROPER NOTICE AND MEETING:** It is hereby officially found and determined that the meeting at which this Ordinance 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 DATE]**

**FIRST READING PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023,

by a \_\_\_\_\_ to \_\_\_\_\_ vote of the City Council of Woodcreek, Texas.

**SECOND READING PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023,

by a \_\_\_\_\_ to \_\_\_\_\_ vote of the City Council of Woodcreek, Texas.

WOODCREEK, TEXAS

By:

\_\_\_\_\_

Jeff

PLACE  
CITY SEAL  
HERE

Rasco, Mayor

ATTEST:

\_\_\_\_\_  
Suzanne J. Mac Kenzie, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney's Office

***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.

**§ 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 Councilmember 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.

### **§ 30.73 TERMS, RESIGNATION, VACANCY, AND REMOVAL.**

- (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, Chairperson of the Ordinance Review Committee shall promptly send such resignation to the Mayor, the City Secretary and committee liaison.
- (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.
- (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.

### **§ 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.

### **§ 30.75 CHAIRPERSONS.**

- (A) The Ordinance Review Committee shall choose its own Chairpersons from among its members. Chairpersons shall be elected for terms of one year by majority vote of its membership present, including alternates. Chairpersons shall include Chairperson and Vice-Chairperson. Chairperson and Vice-Chairperson retain all rights given to regular voting members.
- (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 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.

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