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## **MEETING NOTICE**

*The City Council of the City of Woodcreek, Texas will conduct a meeting at City Hall, 41 Champions Circle, Woodcreek, TX. The meeting will be held on August 10, 2022 at 6:30 PM.*

*All attendees are encouraged to wear face coverings when a minimum of six-foot social distancing cannot be maintained. Smoking is not allowed anywhere on the property of City Hall.*

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

*<https://meetings.ipvideotalk.com/139981754>. The public may listen to this meeting by dialing one of the following numbers: 1(617) 315- 8088 or toll free at 1(866) 948-0772. When prompted enter Meeting ID:139981754.*

*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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## **AGENDA**

### **CALL TO ORDER**

### **MOMENT OF SILENCE**

### **PLEDGES**

### **ROLL CALL AND ESTABLISH QUORUM**

### **PUBLIC COMMENTS**

*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 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 on the day prior to the meeting. Please include your full name, home or work address, and agenda item number. Written comments will be part of the official written record only. 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.*

## REGULAR AGENDA

- [1.](#) Presentation by Robin Gary, Managing Director of the Wimberley Valley Watershed Association on Drought Overview and Conservation Efforts (Grummert)
- [2.](#) Discussion and Possible Action Regarding Current Drought Conditions, Water Usage and HTGCD Restrictions (Pulley)
- [3.](#) Budget Workshop - Presentation, Review, and Discussion on Third Draft of Proposed Budget for Fiscal Year 2022-2023
- [4.](#) Discussion of the No-New-Revenue Tax Rate and Voter-Approval Tax Rate and the Impact on Taxpayers
5. Discussion and Take Appropriate Action on Setting the Proposed Tax Rate for 2022
- [6.](#) Discuss and Take Appropriate Action on the Recommendations from the Platinum Roads Panel on Projects to be covered by the American Rescue Act of 2021 (ARA) Funds Received for the Management and Treatment of Stormwater or Subsurface Drainage Water. This item is a follow up to Agenda Item # 3, City Council Meeting of May 25, 2022 (LeBrun)
- [7.](#) Discuss and Take Appropriate Action on the Report and Recommendations from the Platinum Roads Panel for Priority Street Repairs, Including: Streets to be Addressed, Recommended Repair Treatment, Cost Estimates, and Suggested Financing Methodology for These Repairs (LeBrun)
- [8.](#) Discuss and Take Appropriate Action on the Fund Balance Policy (Hines)
9. Discuss and Take Appropriate Action on an Ordinance Amending the City of Woodcreek, Texas, Code of Ordinances at Title III ("Administration"), Chapter 30 ("Officials, Employees, and Organizations") to Establish a Tree Board (Hines)
- [10.](#) Discuss and Take Appropriate Action on a Proposed Ordinance Amending the Code of Ordinances at Title XV ("Land Usage"), Chapter 156 ("Zoning") to Allow Building Across Adjacent Lot Lines with Unified Ownership (Hines)
- [11.](#) Discuss and Take Appropriate Action on the Proposed Ordinance to Replace Title IX ("General Regulations"), Chapter 91 ("Trees") (Hines)
- [12.](#) Discuss and Take Appropriate Action on the City of Woodcreek Authorization to Issue Requests for Proposals for Administrative Services (RFP) and Requests for Qualifications (RFQ) for the Texas Community Development Block Grant Administered by the Texas Department of Agriculture (Grummert)
- [13.](#) Discuss and Take Appropriate Action on an Authorization to Issue Requests for Proposals (RFP) for Application Preparation and Administrative Services and Requests for Qualifications (RFQs) for Engineering Services Related to the Hazard Mitigation Assistance (HMA) Grant Programs with Building Resilient Infrastructure & Communities (BRIC) (Grummert)
- [14.](#) Discuss and Take Appropriate Action on Authorization to Issue Requests for Proposals (RFP) for Application Preparation and Administrative Services and Requests for Qualifications (RFQs) for Engineering Services Related to the American Rescue Plan Act (ARPA) Grant Programs (Grummert)

## ADJOURN

*The City Council may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code; deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code. 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.*

**Attendance by Other Elected or Appointed Officials:**

*It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.*

*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.*

I certify that the above notice was posted on the 5th day of August, 2022 at 4:13PM.

By: 

**Suzanne J. MacKenzie, City Secretary**

**Council Meeting Date:  
Regular City Council Meeting August 10, 2022**

**Agenda Item Cover Sheet**

**Agenda Item Subject/Title:**

Presentation by Robin Gary, Managing Director of the Wimberley Valley Watershed Association on Drought Overview and Conservation Efforts.

**Agenda Item Summary:**

Due to the concerning event of Jacob's Well's recent stop of flow and the concern of citizens regarding what this may mean regarding our access to water and the future of the valley's waterways, Robin Gary will be presenting education and possible conservation solutions to address this issue.

**Financial Impact:**

n/a

**Recommendations:**

Become better informed on what we can do as a city and as citizens to better protect the valuable resource, our aquifers.

**Supporting Documents Included:**

n/a

**Submitted by:** Councilmember Chrys Grummert

**Council Meeting Date:  
Regular City Council Meeting August 10, 2022**

**Agenda Item Cover Sheet**

**Agenda Item Subject/Title:**

Discussion and possible action regarding current drought conditions, water usage and HTGCD restrictions

**Agenda Item Summary:**

Discuss and possibly take action regarding water usage in current draught conditions - and HTGCD restrictions

**Financial Impact:**

Minimal

**Recommendations:**

Possibly enforce water use restrictions in the current drought conditions.

**Supporting Documents Included:**

HTGD document attached.

**Submitted by:** Councilmember Brent Pulley



## Home

Welcome to the NEW Hays Trinity Groundwater Conservation District (HTGCD) website. We are in the process of editing out bugs.

Our mission is to conserve, preserve, recharge and prevent waste of groundwater within western Hays County. In support of the District's mission, we provide educational materials and information about our water resources.

Click on the menu above for information on the major water resource topics such as [Conservation](#) and [Drought Management](#).

If you are planning to drill a well on a property within the District ([Click for map](#)), please go to the [Forms](#) page for the necessary forms that need to be completed prior to drilling.

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Please read our June [Aquifer Health Assessment](#). The monthly assessment utilizes the District's monitoring network to present current water level conditions in the Trinity Aquifer. Also included is a timestep of aquifer conditions from the past year.



# Aquifer and Surface Water Conditions Hays Trinity Groundwater Conservation District

July 2022

**Current Drought Stages:** District-Wide: 40 percent curtailment  
Jacob's Well GMZ: 30 percent curtailment

## Aquifer Conditions

Aquifer health is assessed by comparing a well's current water level to its range of water levels between 2008 and 2019.

Wells in the north-central area of the District have recorded major water level declines, and are trending towards historical lows.

The western and south-central regions show Middle Trinity water levels trending down towards unprecedented lows.

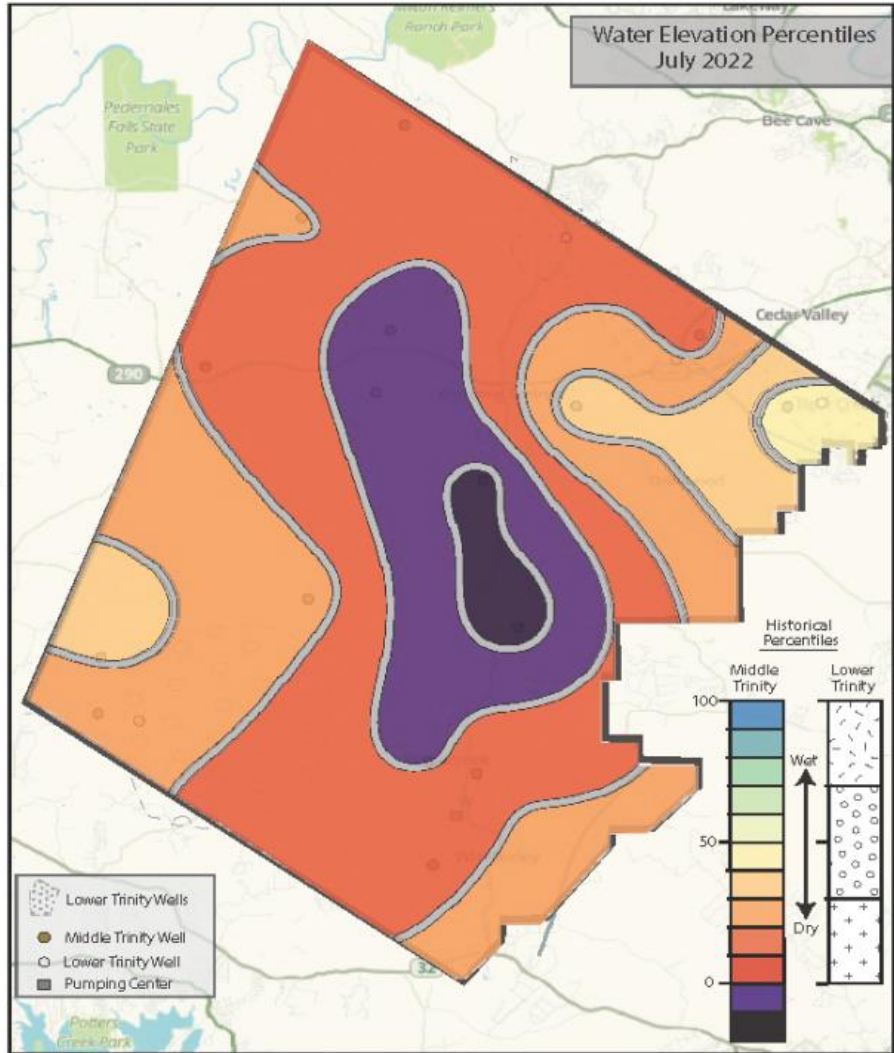
Water levels in Bear Creek area wells have declined towards their 30<sup>th</sup> percentile.

July water levels have declined by about 6 feet in Lower Trinity Aquifer wells north of Dripping Springs, likely due to increased pumping prompted by the ongoing drought. Lower Trinity Aquifer levels in this region are down more than 20 feet year-on-year.

This section of the Lower Trinity Aquifer is not being replenished by precipitation recharge.

## Monthly Stat

100-percent of the District is below the 50<sup>th</sup> percentile.



Data from July 14-16 2022. Historical percentiles represent the percent of the maximum historical value for that well. Historical values are from 2008 - 2019. A percent of zero would represent the lowest historical water level, while 100-percent represents the highest historical water level. Shades of purple represent negative values, signifying water levels below the 2008-2019 minimum.

## Population served by Hays Trinity GCD

2001: 24,187; 2010: 36,519; 2020: 53,121

**Oct 2022 - Sep 2023  
Budget (Draft 3)**

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**Revenue**

**3000 Ad Valorem Tax Revenue**

**3000.01 Ad Valorem Tax** 360,000.00

**3000.02 Delinquent Ad Valorem Tax**

**Total 3000 Ad Valorem Tax Revenue**

**\$ 360,000.00**

**3005 State Sales Tax Revenue**

80,000.00

**3010 Mixed Beverage Tax & Fees Rev**

1,200.00

**3020 Electric Franchise Fee Revenue**

31,000.00

**3030 Cable Services Franchise Rev**

30,000.00

**3030.1 PEG - Cable Revenue**

6,650.00

**Total 3030 Cable Services Franchise Rev**

**\$ 36,650.00**

**3040 Water Service Franchise Revenue**

90,000.00

**3050 Disposal Service Franchise Rev**

24,000.00

**3060 Telephone Franchise Revenue**

160.00

**3070 Golf Course Franchise Revenue**

500.00

**3080 Reimbursements**

**3080.10 Engineerings**

8,000.00

**3080.20 Legal**

2,500.00

**3080.30 Admin**

**Total 3080 Reimbursements**

**\$ 10,500.00**

**3090 Development Revenue**

**3090.01 Residential**

**3090.011 New Home Permits**

6,000.00

**3090.012 Other Permits**

7,000.00



3090.013 Inspections	7,000.00
<b>Total 3090.01 Residential</b>	<b>\$ 20,000.00</b>
3090.02 Commercial	500.00
3090.03 Other	200.00
3090.031 Subdivisions/Plats/Re-Plats	5,000.00
<b>Total 3090.03 Other</b>	<b>\$ 5,200.00</b>
<b>Total 3090 Development Revenue</b>	<b>\$ 25,700.00</b>
3093 Liquor License Revenue	1,250.00
3095 Sign Fees	350.00
4000 Interest Income	2,500.00
4010 Other Revenue	10,000.00
4010.1 Coupons	
<b>Total 4010 Other Revenue</b>	<b>\$ 10,000.00</b>
4015 <b>Tree Reserve Fund (Oak Wilt Containment)</b>	6,000.00
4020 Municipal Court Revenue	1,500.00
4035 TDEM DR-4485 Revenue <b>(ARPA) \$213,000</b>	0.00
4040 Donations Received	5,200.00
4040.02 Park Donations	500.00
<b>Total 4040 Donations Received</b>	<b>\$ 5,700.00</b>
4050 General Fund Transfer (Transfer from Reserves)	
<b>Total Revenue</b>	<b>\$ 687,010.00</b>
<b>Expenditures</b>	
5000 Personnel Services	
5000.01 Salaries and Wages	170,000.00

5000.02 Ins Expense Reimbursement	6,000.00
5000.03 City Manager Vehicle Reimbursen	
5000.05 Elected Official Pay	
5000.20 Payroll Tax Expense	
5000.21 FICA/OASDI	13,400.00
5000.22 Unemployment Insurance	1,100.00
Total 5000.20 Payroll Tax Expense	<u>\$ 14,500.00</u>
5000.40 Retirement	18,100.00
5000.50 Direct Deposit Expense	
5000.51 Health Insurance Stipend	
Total 5000 Personnel Services	<u>\$ 208,600.00</u>
5500 Office Expenses	
5500.05 Bank Fees & Charges	
5500.10 City Hall Maintenance / Repairs	2,000.00
5500.20 Cleaning Costs	1,800.00
5500.30 IT & Radio Expenses	10,000.00
5500.40 Newsletter	
5500.50 Office Supplies	4,500.00
5500.60 Postage & Shipping	3,000.00
5500.61 Printing & Reproduction	4,500.00
5500.62 Printing Cost Newspaper	1,500.00
5500.70 Storage Rental	0.00
5500.80 Software & Subscriptions	12,000.00
Total 5500 Office Expenses	<u>\$ 39,300.00</u>
6000 Professional Services	
6000.01 Audit Expense	12,000.00
6000.10 Codification	2,750.00

<b>6000.11 Contract Labor</b>	
<b>6000.15 Engineering</b>	20,000.00
<b>6000.16 Mapping</b>	3,000.00
<b>6000.17 Engineering Reimbursable</b>	8,000.00
<b>Total 6000.15 Engineering</b>	<b>\$ 31,000.00</b>
<b>6000.20 Legal Expenses</b>	
<b>6000.21 General</b>	20,000.00
<b>6000.22 Legal Reimbursable</b>	2,500.00
<b>6000.23 Litigation</b>	5,000.00
<b>6000.25 Special Cases</b>	30,000.00
<b>6000.26 Elected Body Legal</b>	5,000.00
<b>Total 6000.20 Legal Expenses</b>	<b>\$ 62,500.00</b>
<b>6000.30 IT Services</b>	15,500.00
<b>6000.40 Accounting</b>	25,000.00
<b>6000.50 Law Enforcement</b>	12,500.00
<b>Total 6000 Professional Services</b>	<b>\$ 161,250.00</b>
<b>6500 Area Care/Maintenance</b>	
<b>6500.01 Deer Removal</b>	1,750.00
<b>6500.15 Mowing</b>	2,750.00
<b>6500.20 Oak Wilt Containment</b>	15,000.00
<b>6500.21 Greenspace Maintenance</b>	6,000.00
<b>6500.22 Landscape Maintenance</b>	9,000.00
<b>6500.23 Contract Services</b>	
<b>6500.24 (Parks and) Playground Maintenance</b>	10,000.00
<b>6500.25 ROW Tree Trimming</b>	11,000.00
<b>6500.26 Holiday Decorations</b>	500.00

6500.30 Street Maintenance	30,000.00
6500.31 Street Signs	6,000.00
6500.35 Storm Damage Reserve	
6500.40 Tree Limb Pick-Up	
6500.50 Equipment Maintenance	2,000.00
6500.60 Water Quality Testing CCWPP	1,000.00
<b>Total 6500 Area Care/Maintenance</b>	<b>\$ 95,000.00</b>
<b>7000 Other Operating Expenses</b>	
7000.01 Ad Valorem Tax Expense	4,100.00
7000.02 Building Inspections	7,000.00
7000.03 Code Compliance	500.00
7000.04 Dues & Membership	2,500.00
7000.05 Election Expense	2,000.00
7000.06 TML Dues	600.00
7000.10 Depreciation Expense	
7000.15 Meeting Expense	3,000.00
7000.20 Public Notices	1,200.00
7000.30 Travel & Vehicle Exp Reimb.	2,000.00
7000.31 Elected Official Travel	500.00
7000.40 Training & Prof Development	
7000.41 Elected Body	2,500.00
7000.42 Staff	4,000.00
<b>Total 7000.40 Training &amp; Prof Development</b>	<b>\$ 6,500.00</b>
7000.50 Community Relations	7,000.00
<b>Total 7000 Other Operating Expenses</b>	<b>\$ 36,900.00</b>
<b>7500 Utilities</b>	
7500.10 City Hall Utilities	

7500.11 Electric	2,100.00	
7500.12 Water	1,500.00	
<b>Total 7500.10 City Hall Utilities</b>	<b>\$ 3,600.00</b>	
7500.20 Outdoor Utilities		
7500.21 Electric	1,350.00	
7500.22 Water	1,600.00	
<b>Total 7500.20 Outdoor Utilities</b>	<b>\$ 2,950.00</b>	
7500.30 Telephone & Internet	4,500.00	
<b>Total 7500 Utilities</b>	<b>\$ 11,050.00</b>	
7600 Insurance	3,500.00	
6010 Health Insurance (deleted)		
7600.01 TML Insurance	200.00	
<b>Total 7600 Insurance</b>	<b>\$ 3,700.00</b>	
<b>7700 TDEM DR-4485 Expenditures (ARPA) \$213,000.00</b>	0.00	
8020 Municipal Court Costs		
8020.20 MC Judge	4,800.00	
8020.25 Misc. Court Costs	150.00	
8020.30 Prosecutor	1,500.00	
8020.35 Court Bailiff		
8020.40 State Comptroller Costs	300.00	
8020.41 Supplies		
8020.60 Public Safety	0.00	
<b>Total 8020 Municipal Court Costs</b>	<b>\$ 6,750.00</b>	
8900 Miscellaneous		75,200.00
8900.10 Reconciliation Discrepancies		
8900.20 Contingency Reserve		

8900.30 Projects		10,000.00
8900.40 Engineering Services – Street Projects		85,000.00
Total 8900 Miscellaneous		<u>#####</u>
Total Expenditures (without misc. 8900)	\$	<u>562,550.00</u>
Net Operating Revenue	\$	<u>124,460.00</u>

Other Revenue

4019 Proceeds from Capital Leases		
8500 Capital Improvement Income		
9000 Bond Proceeds		
9810.01 Sinking Fund Revenue		224,774.00
Total Other Revenue	\$	<u>224,774.00</u>

Other Expenditures

- 8500.25 Capital Improvement Expense
- 9001 Capital Lease Principal
- 9002 Interest on Capital Lease
- 9005 Bond Interest Paid
- 9006 Bond Costs of Issuance
- 9074 Other Capital Outlay
- 9800.01 Capital Expenditures - CY
- 9800.02 Other Miscellaneous Expenditure
- 9800.1 Capital Project Expenditures - FY
  - 9800.11 2017 Street Improvements
  - 9800.12 2017 Street Improvements Legal
  - 9800.13 2021 Street Improvements

**9800.14 Trails**  
**9800.15 Park Projects**

<b>Total 9800.1 Capital Project Expenditures - FY</b>	<b>\$</b>	<b>0.00</b>
<b>9810.02 Sinking Fund Interest &amp; Fees</b>		<b>5,793.00</b>
<b>9810.03 Sinking Fund Principal</b>		<b>219,000.00</b>
<b>9888 Reconciliation Discrepancies</b>		
<b>Total Other Expenditures</b>	<b>\$</b>	<b>224,793.00</b>
<b>Net Other Revenue</b>	<b>-\$</b>	<b>19.00</b>
<b>Net Revenue</b>	<b>\$</b>	<b>124,441.00</b>

**8900 Miscellaneous**

Library donation	\$	5,000.00
LCRA Grant match	\$	3,200.00
POSAC Grant match (roll over)	\$	67,000.00
Comp plan finanlization and implementation	\$	10,000.00
	\$	85,200.00
Street/drainage engineering	\$	85,000.00
	\$	170,200.00

	Oct 2022 - Sep 2023 Budget (Draft 2)	Oct 2021 - Sep 2022 Projected
<b>Revenue</b>		
2900 Accounting Info Needed		
3000 Ad Valorem Tax Revenue		
3000.01 Ad Valorem Tax	360,000.00	360,700.87
3000.02 Delinquent Ad Valorem Tax		3,839.11
<b>Total 3000 Ad Valorem Tax Revenue</b>	<b>+</b>	<b>364,539.98</b>
3005 State Sales Tax Revenue	80,000.00	87,764.35
3010 Mixed Beverage Tax & Fees Rev	1,200.00	1,198.49
3020 Electric Franchise Fee Revenue	31,000.00	31,876.57
3030 Cable Services Franchise Rev	30,000.00	34,327.12
3030.1 PEG - Cable Revenue	6,650.00	6,860.12
<b>Total 3030 Cable Services Franchise Rev</b>	<b>\$ 36,650.00</b>	<b>\$ 41,187.24</b>
3040 Water Service Franchise Revenue	90,000.00	90,435.82
3050 Disposal Service Franchise Rev	24,000.00	24,450.65
3060 Telephone Franchise Revenue	160.00	158.68
3070 Golf Course Franchise Revenue	500.00	500.00
3080 Reimbursements		0.00
3080.10 Engineerings	8,000.00	4,413.89
3080.20 Legal	2,500.00	0.00
3080.30 Admin		0.00
<b>Total 3080 Reimbursements</b>	<b>\$ 10,500.00</b>	<b>\$ 4,413.89</b>
3090 Development Revenue		
3090.01 Residential		
3090.011 New Home Permits	6,000.00	9,000.00
3090.012 Other Permits	7,000.00	11,463.50
3090.013 Inspections	7,000.00	12,015.35
<b>Total 3090.01 Residential</b>	<b>\$ 20,000.00</b>	<b>\$ 32,478.85</b>
3090.02 Commercial	500.00	3,234.00
3090.03 Other	200.00	
3090.031 Subdivisions/Plats/Re-Plats	5,000.00	
<b>Total 3090.03 Other</b>	<b>\$ 5,200.00</b>	<b>\$ 0.00</b>
<b>Total 3090 Development Revenue</b>	<b>\$ 25,700.00</b>	<b>\$ 35,712.85</b>



	Oct 2022 - Sep 2023 Budget (Draft 2)	Oct 2021 - Sep 2022 Projected
3093 Liquor License Revenue	1,250.00	1,387.50
3095 Sign Fees	350.00	480.00
4000 Interest Income	2,500.00	2,121.85
4010 Other Revenue	10,000.00	21,450.11
4010.1 Coupons		
<b>Total 4010 Other Revenue</b>	<b>\$ 10,000.00</b>	<b>\$ 21,450.11</b>
4015 <b>Tree Reserve Fund</b> (Oak Wilt Containment)	6,000.00	
4020 Municipal Court Revenue	1,500.00	1,263.50
4030 Hotel & Occupancy Tax Revenue (deleted)		
4030.1 HOT Interest Income (deleted)		
<b>4035 TDEM DR-4485 Revenue (ARPA) \$213,000</b>		213,020.52
4040 Donations Received	5,200.00	
4040.02 Park Donations	500.00	1,179.54
<b>Total 4040 Donations Received</b>	<b>\$ 5,700.00</b>	<b>\$ 1,179.54</b>
4050 General Fund Transfer (Transfer from Reserves)		
Billable Expenditure Revenue		
Markup		
Sales of Product Revenue		
Services		
Shipping Revenue		
Unapplied Cash Payment Revenue		
Uncategorized Revenue		
<b>Total Revenue</b>	<b>\$ 687,010.00</b>	<b>\$ 923,141.54</b>
Cost of Goods Sold		
50000 Cost of Goods Sold		
<b>Total Cost of Goods Sold</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>
<b>Gross Profit</b>	<b>\$ 687,010.00</b>	<b>\$ 923,141.54</b>
<b>Expenditures</b>		
5000 Personnel Services		
5000.01 Salaries and Wages	170,000.00	216,672.68
5000.02 Ins Expense Reimbursement	6,000.00	8,393.78
5000.03 City Manager Vehicle Reimbursen		5,650.00

	Oct 2022 - Sep 2023 Budget (Draft 2)	Oct 2021 - Sep 2022 Projected
5000.05 Elected Official Pay		
5000.20 Payroll Tax Expense		
5000.21 FICA/OASDI	13,400.00	16,506.22
5000.22 Unemployment Insurance	1,100.00	1,079.28
<b>Total 5000.20 Payroll Tax Expense</b>	<b>\$ 14,500.00</b>	<b>\$ 17,585.50</b>
5000.40 Retirement	18,100.00	23,753.38
5000.50 Direct Deposit Expense		
5000.51 Health Insurance Stipend		
<b>Total 5000 Personnel Services</b>	<b>\$ 208,600.00</b>	<b>\$ 272,055.34</b>
5017.1 Street Maintenance Prior Year (deleted)		
5500 Office Expenses		
5500.05 Bank Fees & Charges		
5500.10 City Hall Maintenance / Repairs	2,000.00	2,303.24
5500.20 Cleaning Costs	1,800.00	1,500.00
5500.30 IT & Radio Expenses	10,000.00	11,479.81
5500.40 Newsletter		0.00
5500.50 Office Supplies	4,500.00	5,163.59
5500.60 Postage & Shipping	3,000.00	3,115.96
5500.61 Printing & Reproduction	4,500.00	4,284.09
5500.62 Printing Cost Newspaper	1,500.00	1,240.59
5500.70 Storage Rental	0.00	0.00
5500.80 Software & Subscriptions	12,000.00	11,215.18
<b>Total 5500 Office Expenses</b>	<b>\$ 39,300.00</b>	<b>\$ 40,302.46</b>
6000 Professional Services		
6000.01 Audit Expense	12,000.00	11,990.00
6000.10 Codification	2,750.00	2,831.35
6000.11 Contract Labor		
6000.15 Engineering	20,000.00	19,638.10
6000.16 Mapping	3,000.00	
6000.17 Engineering Reimbursable	8,000.00	12,423.04
<b>Total 6000.15 Engineering</b>	<b>\$ 31,000.00</b>	<b>\$ 32,061.14</b>
6000.20 Legal Expenses		

	Oct 2022 - Sep 2023 Budget (Draft 2)	Oct 2021 - Sep 2022 Projected
6000.21 General	20,000.00	28,235.00
6000.22 Legal Reimbursable	2,500.00	2,540.00
6000.23 Litigation	5,000.00	28,200.86
6000.25 Special Cases	30,000.00	39,582.84
6000.26 Elected Body Legal	5,000.00	2,290.00
<b>Total 6000.20 Legal Expenses</b>	<b>\$ 62,500.00</b>	<b>\$ 100,848.70</b>
6000.30 IT Services	15,500.00	15,747.29
6000.40 Accounting	25,000.00	15,789.20
6000.50 Law Enforcement	12,500.00	14,168.67
<b>Total 6000 Professional Services</b>	<b>\$ 161,250.00</b>	<b>\$ 193,436.35</b>
6030 Bank Service Charges (deleted)		
6500 Area Care/Maintenance		
6500.01 Deer Removal	1,750.00	1,650.00
6500.15 Mowing	2,750.00	2,625.00
6500.20 Oak Wilt Containment	15,000.00	
6500.21 Greenspace Maintenance	6,000.00	1,335.71
6500.22 Landscape Maintenance	9,000.00	8,691.27
6500.23 Contract Services		
6500.24 (Parks and) Playground Maintenance	10,000.00	
6500.25 ROW Tree Trimming	11,000.00	
6500.26 Holiday Decorations	500.00	262.19
6500.30 Street Maintenance	30,000.00	12,555.10
6500.31 Street Signs	6,000.00	4,055.95
6500.35 Storm Damage Reserve		
6500.40 Tree Limb Pick-Up		
6500.50 Equipment Maintenance	2,000.00	2,138.79
6500.60 Water Quality Testing CCWPP	1,000.00	930.00
<b>Total 6500 Area Care/Maintenance</b>	<b>\$ 95,000.00</b>	<b>\$ 34,244.01</b>
7000 Other Operating Expenses		
7000.01 Ad Valorem Tax Expense	4,100.00	4,068.75
7000.02 Building Inspections	7,000.00	21,708.73
7000.03 Code Compliance	500.00	773.82

	Oct 2022 - Sep 2023 Budget (Draft 2)	Oct 2021 - Sep 2022 Proposed
7000.04 Dues & Membership	2,500.00	2,410.65
7000.05 Election Expense	2,000.00	1,065.01
7000.06 TML Dues	600.00	591.00
7000.10 Depreciation Expense		
7000.15 Meeting Expense	3,000.00	8,087.87
7000.20 Public Notices	1,200.00	1,089.79
7000.30 Travel & Vehicle Exp Reimb.	2,000.00	4,711.34
7000.31 Elected Official Travel	500.00	
7000.40 Training & Prof Development		
7000.41 Elected Body	2,500.00	1,630.00
7000.42 Staff	4,000.00	3,988.49
<b>Total 7000.40 Training &amp; Prof Development</b>	<b>\$ 6,500.00</b>	<b>\$ 5,618.49</b>
7000.50 Community Relations	7,000.00	2,854.01
<b>Total 7000 Other Operating Expenses</b>	<b>\$ 36,900.00</b>	<b>\$ 52,979.46</b>
<b>7500 Utilities</b>		
<b>7500.10 City Hall Utilities</b>		
7500.11 Electric	2,100.00	1,962.32
7500.12 Water	1,500.00	1,432.22
<b>Total 7500.10 City Hall Utilities</b>	<b>\$ 3,600.00</b>	<b>\$ 3,394.54</b>
<b>7500.20 Outdoor Utilities</b>		
7500.21 Electric	1,350.00	1,307.87
7500.22 Water	1,600.00	1,591.66
<b>Total 7500.20 Outdoor Utilities</b>	<b>\$ 2,950.00</b>	<b>\$ 2,899.53</b>
7500.30 Telephone & Internet	4,500.00	5,427.79
<b>Total 7500 Utilities</b>	<b>\$ 11,050.00</b>	<b>\$ 11,721.86</b>
<b>7600 Insurance</b>	3,500.00	4,592.28
6010 Health Insurance (deleted)		
7600.01 TML Insurance	200.00	199.92
<b>Total 7600 Insurance</b>	<b>\$ 3,700.00</b>	<b>\$ 4,792.20</b>
<b>7700 TDEM DR-4485 Expenditures \$213,000.00</b>		
<b>8020 Municipal Court Costs</b>		
8020.20 MC Judge	4,800.00	600.00

	Oct 2022 - Sep 2023 Budget (Draft 2)	Oct 2021 - Sep 2022 Projected
8020.25 Misc. Court Costs	150.00	
8020.30 Prosecutor	1,500.00	2,800.00
8020.35 Court Bailiff		
8020.40 State Comptroller Costs	300.00	66.40
8020.41 Supplies		67.48
8020.60 Public Safety	0.00	
<b>Total 8020 Municipal Court Costs</b>	<b>\$ 6,750.00</b>	<b>\$ 3,533.88</b>
8100 HOT Expense (deleted)		
8100.1 IT Expense (deleted)		
8100.20 Bank Fees (deleted)		
8100.25 Membership Dues (deleted)		
8100.3 Printing & Reproduction (deleted)		
8100.4 Postage (deleted)		
8100.5 Tourism Events (deleted)		
8100.55 HOT Public Notices (deleted)		
<b>Total 8100 HOT Expense (deleted)</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>
8900 Miscellaneous	75,200.00	5,000.00
8900.10 Reconciliation Discrepancies		
8900.20 Contingency Reserve		
8900.30 Projects	10,000.00	34,914.09
8900.40 Engineering Services – Street Projects	85,000.00	81,558.72
<b>Total 8900 Miscellaneous (exc. 8900 for 2022-23)</b>	<b>\$170,200.00</b>	<b>\$ 121,472.81</b>
9077 General Fund Accrual		
Purchases		
Unapplied Cash Bill Payment Expenditure		
Uncategorized Expenditure		
<b>Total Expenditures (not inc. 8900 Miscellaneous)</b>	<b>\$ 562,550.00</b>	<b>\$ 734,538.37</b>
<b>Net Operating Revenue</b>	<b>\$ 124,460.00</b>	<b>\$ 188,603.17</b>
Other Revenue		
4019 Proceeds from Capital Leases		
8500 Capital Improvement Income		
9000 Bond Proceeds		

	Oct 2022 - Sep 2023 Budget (Draft 2)	Oct 2021 - Sep 2022 Projected
<b>9810.01 Sinking Fund Revenue</b>	224,774.00	220,791.05
<b>Total Other Revenue</b>	<b>\$ 224,774.00</b>	<b>\$ 220,791.05</b>
<b>Other Expenditures</b>		
8500.25 Capital Improvement Expense		
9001 Capital Lease Principal		
9002 Interest on Capital Lease		
9005 Bond Interest Paid		
9006 Bond Costs of Issuance		
9074 Other Capital Outlay		
9800.01 Capital Expenditures - CY		
9800.02 Other Miscellaneous Expenditure		-412,333.26
9800.1 Capital Project Expenditures - FY		
9800.11 2017 Street Improvements		
9800.12 2017 Street Improvements Legal		
9800.13 2021 Street Improvements		387,915.80
9800.14 Trails		
9800.15 Park Projects		
<b>Total 9800.1 Capital Project Expenditures - FY</b>	<b>\$ 0.00</b>	<b>\$ 387,915.80</b>
9810.02 Sinking Fund Interest & Fees	5,793.00	9,595.14
9810.03 Sinking Fund Principal	219,000.00	207,000.00
9888 Reconciliation Discrepancies		
<b>Total Other Expenditures</b>	<b>\$ 224,793.00</b>	<b>\$ 192,177.68</b>
<b>Net Other Revenue</b>	<b>-\$ 19.00</b>	<b>\$ 28,613.37</b>
<b>Net Revenue</b>	<b>\$ 124,441.00</b>	<b>\$ 217,216.54</b>

**8900 Miscellaneous**

\$5,000 Library donation	\$ 5,000.00
\$3,200 for LCRA Grant match	\$ 3,200.00
\$67,000 for POSAC Grant match (roll over)	\$ 67,000.00
\$10,000 Comp plan finanlization and implementation	\$ 10,000.00
\$85,000 Street/drainage engineering	\$ 85,000.00
	<b>\$ 170,200.00</b>

Oct 2022 - Sep 2023  
Budget (Draft 2)

Oct 2021 - Sep  
2022 Projected

**Total Net Revenue inc. projects & debt service**

\$ (45,759.00)

<u>JUL 20 2021 - Sep 2021</u>	<u>OCT 2021 - Jul 10, 2022</u>	<u>OCT 2021 - Sep 2022 Budget</u>	<u>OCT 2020 - Sep 2021</u>	<u>OCT 1, 2019 - Sep 30, 2020</u>	<u>OCT 1, 2018 - Sep 30, 2019</u>
11,794.32	348,906.55	349,000.00	334,890.22	303,487.95	269,567.82
808.21	3,030.90		2,345.25	2,842.31	1,467.18
<b>\$ 12,602.53</b>	<b>\$ 351,937.45</b>	<b>\$ 349,000.00</b>	<b>\$ 337,235.47</b>	<b>\$ 306,330.26</b>	<b>\$ 271,035.00</b>
14,459.37	73,304.98	80,000.00	94,412.42	78,716.53	54,402.53
251.10	947.39	1,500.00	1,511.04	882.82	500.72
	31,876.57	34,000.00	31,404.32	30,941.59	23,108.89
8,260.12	26,067.00	30,000.00	33,259.61	33,990.31	25,512.32
1,652.02	5,208.10	6,000.00	6,657.07	6,798.42	4,952.64
<b>\$ 9,912.14</b>	<b>\$ 31,275.10</b>	<b>\$ 36,000.00</b>	<b>\$ 39,916.68</b>	<b>\$ 40,788.73</b>	<b>\$ 30,464.96</b>
	90,435.82	100,000.00	99,351.48	94,107.52	25,864.07
5,758.35	18,692.30	22,500.00	22,004.39	19,880.97	16,934.57
38.35	120.33	200.00	185.80	965.21	1,002.72
	500.00	500.00	500.00	500.00	650.00
2,352.90	2,060.99	8,000.00	11,285.15	1,800.00	337.50
					528.12
<b>\$ 2,352.90</b>	<b>\$ 2,060.99</b>	<b>\$ 8,000.00</b>	<b>\$ 11,285.15</b>	<b>\$ 1,800.00</b>	<b>\$ 865.62</b>
1,000.00			2,000.00	0.00	19,546.50
3,000.00	6,000.00	15,000.00	21,000.00	19,000.00	
4,129.00	7,334.50	7,500.00	14,128.50	7,875.50	
4,018.85	7,996.50	14,250.00	22,214.00	18,639.50	
<b>\$ 12,147.85</b>	<b>\$ 21,331.00</b>	<b>\$ 36,750.00</b>	<b>\$ 59,342.50</b>	<b>\$ 45,515.00</b>	<b>\$ 19,546.50</b>
	3,234.00	5,000.00	3,250.00	225.00	611.50
175.00		80.00	725.00	6,492.25	803.50
5,275.00		5,000.00	13,750.00	3,300.00	
<b>\$ 5,450.00</b>	<b>\$ 0.00</b>	<b>\$ 5,080.00</b>	<b>\$ 14,475.00</b>	<b>\$ 9,792.25</b>	<b>\$ 803.50</b>
<b>\$ 17,597.85</b>	<b>\$ 24,565.00</b>	<b>\$ 46,830.00</b>	<b>\$ 77,067.50</b>	<b>\$ 55,532.25</b>	<b>\$ 20,961.50</b>



<u>JUL 20 2021 - Sep 2021</u>	<u>OCT 2021 - Jul 10, 2022</u>	<u>OCT 2021 - Sep 2022 Budget</u>	<u>OCT 2020 - Sep 2021</u>	<u>OCT 1, 2019 - Sep 30, 2020</u>	<u>OCT 1, 2018 - Sep 30, 2019</u>
	1,387.50	1,310.00	1,310.00	1,310.00	1,310.00
55.00	425.00	700.00	320.00	700.00	560.00
112.66	2,009.19	1,300.00	1,259.27	16,527.95	33,216.24
9,081.45	12,368.66	700.00	9,581.20	983.75	928.49
<b>\$ 9,081.45</b>	<b>\$ 12,368.66</b>	<b>\$ 700.00</b>	<b>\$ 9,581.20</b>	<b>\$ 983.75</b>	<b>\$ 928.49</b>
362.50	901.00	3,000.00	2,292.50		1,120.00
	213,020.52		12,883.32	79,901.68	
		5,000.00	5,000.00		7,000.00
	1,179.54				
<b>\$ 0.00</b>	<b>\$ 1,179.54</b>	<b>\$ 5,000.00</b>	<b>\$ 5,000.00</b>	<b>\$ 0.00</b>	<b>\$ 7,000.00</b>
		147,320.00			
<b>\$ 72,584.20</b>	<b>\$ 857,007.34</b>	<b>\$ 837,860.00</b>	<b>\$ 747,520.54</b>	<b>\$ 729,869.26</b>	<b>\$ 489,925.31</b>
<b>\$ 0.00</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>
<b>\$ 72,584.20</b>	<b>\$ 857,007.34</b>	<b>\$ 837,860.00</b>	<b>\$ 747,520.54</b>	<b>\$ 729,869.26</b>	<b>\$ 489,925.31</b>
34,838.64	181,834.04	208,500.00	184,271.30	164,672.12	147,011.47
1,435.76	6,958.02	8,600.00	8,614.56	8,151.60	7,957.92
1,000.00	4,650.00	6,000.00	6,000.00	7,330.80	8,350.08

<u>JUL 20 2021 - Sep 2021</u>	<u>OCT 2021 - JUL 10, 2022</u>	<u>OCT 2021 - Sep 2022 Budget</u>	<u>OCT 2020 - Sep 2021</u>	<u>OCT 1, 2019 - Sep 30, 2020</u>	<u>OCT 1, 2018 - Sep 30, 2019</u>
					630.00
3,029.38	13,476.84	16,410.00	14,885.09	13,240.77	12,440.38
161.72	917.56	500.00	600.97	88.10	39.75
<b>\$ 3,191.10</b>	<b>\$ 14,394.40</b>	<b>\$ 16,910.00</b>	<b>\$ 15,486.06</b>	<b>\$ 13,328.87</b>	<b>\$ 12,480.13</b>
3,780.95	19,972.43	22,190.00	19,408.85	14,561.85	12,958.47
<b>\$ 44,246.45</b>	<b>\$ 227,808.89</b>	<b>\$ 262,200.00</b>	<b>\$ 233,780.77</b>	<b>\$ 208,045.24</b>	<b>\$ 189,388.07</b>
					-215.92
1,649.00	654.24	4,000.00	4,039.86	1,091.53	2,502.23
250.00	1,250.00	1,500.00	1,500.00	1,500.00	1,500.00
1,018.60	10,461.21	10,000.00	10,668.49	17,248.86	-73.65
749.44	4,414.15	4,000.00	3,560.56	2,318.04	5,269.89
984.56	2,131.40	2,100.00	2,025.11	1,382.00	1,042.35
794.09	3,490.00	4,000.00	4,183.41	3,723.63	4,918.76
1,017.46	223.13	2,000.00	1,560.04	1,161.46	
0.00			0.00		108.00
2,368.93	8,846.25	15,000.00	12,861.44	7,381.17	6,070.30
<b>\$ 8,832.08</b>	<b>\$ 31,470.38</b>	<b>\$ 42,600.00</b>	<b>\$ 40,398.91</b>	<b>\$ 35,806.69</b>	<b>\$ 21,121.96</b>
	11,990.00	12,000.00	9,896.00	10,040.00	9,860.00
	2,831.35	4,000.00	3,239.48	2,011.13	5,135.91
		6,500.00	6,105.27	1,465.00	
7,671.00	11,967.10	14,000.00	12,611.23	19,293.75	14,308.40
					3,600.00
2,518.50	9,904.54		5,946.00		
<b>\$ 10,189.50</b>	<b>\$ 21,871.64</b>	<b>\$ 14,000.00</b>	<b>\$ 18,557.23</b>	<b>\$ 19,293.75</b>	<b>\$ 17,908.40</b>

<u>JUL 20 2021 -</u> <u>SEP 2021</u>	<u>OCT 2021 - JUL</u> <u>10, 2022</u>	<u>OCT 2021 - Sep</u> <u>2022 Budget</u>	<u>OCT 2020 - Sep</u> <u>2021</u>	<u>OCT 1, 2019 -</u> <u>SEP 30, 2020</u>	<u>OCT 1, 2018 -</u> <u>SEP 30, 2019</u>
2,745.00	25,490.00	30,000.00	23,985.00	49,995.66	36,358.03
	2,540.00	3,000.00	2,980.00	1,351.00	52.50
20,880.86	7,320.00	50,000.00	46,367.55		
3,355.00	36,227.84	22,000.00	7,778.00	3,335.00	8,904.80
	2,290.00				
<b>\$ 26,980.86</b>	<b>\$ 73,867.84</b>	<b>\$ 105,000.00</b>	<b>\$ 81,110.55</b>	<b>\$ 54,681.66</b>	<b>\$ 45,315.33</b>
3,818.50	11,928.79	14,500.00	13,804.00	12,261.00	8,541.54
3,619.20	12,170.00	15,000.00	13,383.40	10,893.80	10,805.40
	14,168.67		15,913.00	86,650.00	
<b>\$ 44,608.06</b>	<b>\$ 148,828.29</b>	<b>\$ 171,000.00</b>	<b>\$ 162,008.93</b>	<b>\$ 197,296.34</b>	<b>\$ 97,566.58</b>
225.00	1,425.00	1,000.00	825.00	750.00	975.00
375.00	2,250.00	2,000.00	575.00	800.00	1,357.98
		15,000.00			
	1,335.71		3,342.14	305.52	8,030.21
1,750.00	6,941.27	10,000.00	6,000.00	5,460.00	
		2,000.00	702.50	1,645.00	
		30,000.00			
		7,500.00	15,150.00	12,160.00	
	262.19	2,000.00	1,692.50	881.92	
	12,555.10	20,000.00	10,790.93	1,094.00	45,452.95
	4,055.95	4,000.00	1,726.24	4,462.93	2,925.78
		1,000.00		1,995.00	
29.01	2,109.78	4,000.00	195.98	236.19	1,522.50
310.00	620.00	2,000.00	1,344.00	1,030.00	
<b>\$ 2,689.01</b>	<b>\$ 31,555.00</b>	<b>\$ 100,500.00</b>	<b>\$ 42,344.29</b>	<b>\$ 30,820.56</b>	<b>\$ 60,264.42</b>
917.04	3,151.71	4,060.00	3,824.07	3,605.99	3,264.58
11,523.73	10,185.00	12,550.00	27,113.73	13,030.00	10,140.00
	773.82	1,500.00		0.00	

<u>JUL 20 2021 - Sep 2021</u>	<u>OCT 2021 - JUL 10, 2022</u>	<u>OCT 2021 - Sep 2022 Budget</u>	<u>OCT 2020 - Sep 2021</u>	<u>OCT 1, 2019 - Sep 30, 2020</u>	<u>OCT 1, 2018 - Sep 30, 2019</u>
100.00	2,310.65	3,000.00	2,436.35	2,140.00	2,741.00
	1,065.01	1,000.00	2,123.61	1,073.63	3,552.48
	591.00	600.00	591.00	591.00	
1,366.94	6,720.93	5,000.00	4,457.78	724.57	1,380.18
210.80	878.99	3,000.00	1,690.26	1,590.28	4,052.96
85.57	4,625.77	4,000.00	1,252.52	803.69	1,445.05
		1,000.00		905.20	931.34
465.00	1,165.00	2,500.00	3,915.00	310.00	2,150.00
1,527.00	2,461.49	3,000.00	3,272.00	798.90	2,362.00
<b>\$ 1,992.00</b>	<b>\$ 3,626.49</b>	<b>\$ 5,500.00</b>	<b>\$ 7,187.00</b>	<b>\$ 1,108.90</b>	<b>\$ 4,512.00</b>
952.69	1,901.32	6,000.00	3,204.18	1,353.42	3,590.42
<b>\$ 17,148.77</b>	<b>\$ 35,830.69</b>	<b>\$ 47,210.00</b>	<b>\$ 53,880.50</b>	<b>\$ 26,926.68</b>	<b>\$ 35,610.01</b>
		3,500.00			
382.25	1,580.07		1,808.86	1,928.04	1,647.19
358.89	1,073.33		1,431.37	1,458.78	1,556.95
<b>\$ 741.14</b>	<b>\$ 2,653.40</b>	<b>\$ 3,500.00</b>	<b>\$ 3,240.23</b>	<b>\$ 3,386.82</b>	<b>\$ 3,204.14</b>
		4,250.00			
213.53	1,094.34		1,280.87	1,288.07	1,335.01
393.64	1,198.02		1,620.22	1,887.09	1,904.58
<b>\$ 607.17</b>	<b>\$ 2,292.36</b>	<b>\$ 4,250.00</b>	<b>\$ 2,901.09</b>	<b>\$ 3,175.16</b>	<b>\$ 3,239.59</b>
901.98	4,525.81	6,200.00	4,753.20	3,600.89	2,932.08
<b>\$ 2,250.29</b>	<b>\$ 9,471.57</b>	<b>\$ 13,950.00</b>	<b>\$ 10,894.52</b>	<b>\$ 10,162.87</b>	<b>\$ 9,375.81</b>
	4,592.28		3,412.84		
	199.92	4,500.00		3,518.98	3,513.80
<b>\$ 0.00</b>	<b>\$ 4,792.20</b>	<b>\$ 4,500.00</b>	<b>\$ 3,412.84</b>	<b>\$ 3,518.98</b>	<b>\$ 3,513.80</b>
				184,711.12	
600.00	600.00	3,600.00	3,600.00	3,600.00	3,600.00

<u>JUL 20 2021 -</u> <u>SEP 2021</u>	<u>OCT 2021 - JUL</u> <u>10, 2022</u>	<u>OCT 2021 - Sep</u> <u>2022 Budget</u>	<u>OCT 2020 - Sep</u> <u>2021</u>	<u>OCT 1, 2019 -</u> <u>SEP 30, 2020</u>	<u>OCT 1, 2018 -</u> <u>SEP 30, 2019</u>
		2,500.00	150.00	700.00	8,797.68
260.00	2,540.00	2,500.00	880.00	62.50	7,717.03
		750.00			
111.60	-45.20	700.00	491.60		615.91
	67.48	200.00			
-11.00			-11.00		31,826.00
<b>\$ 960.60</b>	<b>\$ 3,162.28</b>	<b>\$ 10,250.00</b>	<b>\$ 5,110.60</b>	<b>\$ 4,362.50</b>	<b>\$ 52,556.62</b>
<b>\$ 0.00</b>	<b>\$ 0.00</b>		<b>\$ 0.00</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>
	5,000.00	120,650.00			
		50,000.00			
14,550.39	20,363.70	15,000.00	50,200.39	9,000.00	
59,971.20	21,587.52		97,449.00		
<b>\$ 74,521.59</b>	<b>\$ 46,951.22</b>	<b>\$ 185,650.00</b>	<b>\$ 147,649.39</b>	<b>\$ 9,000.00</b>	<b>\$ 0.00</b>
<b>\$ 195,256.85</b>	<b>\$ 539,870.52</b>	<b>\$ 837,860.00</b>	<b>\$ 699,480.75</b>	<b>\$ 710,650.98</b>	<b>\$ 469,397.27</b>
<b>-\$ 122,672.65</b>	<b>\$ 317,136.82</b>	<b>\$ 0.00</b>	<b>\$ 48,039.79</b>	<b>\$ 19,218.28</b>	<b>\$ 20,528.04</b>
	0.06		0.11	1.32	144.48

<u>JUL 20 2021 - SEP 2021</u>	<u>OCT 2021 - JUL 10, 2022</u>	<u>OCT 2021 - Sep 2022 Budget</u>	<u>OCT 2020 - Sep 2021</u>	<u>OCT 1, 2019 - SEP 30, 2020</u>	<u>OCT 1, 2018 - SEP 30, 2019</u>
8,057.10	212,733.95		215,650.76	217,012.82	194,050.07
<b>\$ 8,057.10</b>	<b>\$ 212,734.01</b>		<b>\$ 215,650.87</b>	<b>\$ 217,014.14</b>	<b>\$ 194,194.55</b>
12,100.00			12,100.00	14,300.00	3,633.00
5,299.64	-417,632.90		-0.36	0.00	-211,816.13
	387,915.80				3,222.22
<b>\$ 0.00</b>	<b>\$ 387,915.80</b>		<b>\$ 0.00</b>	<b>\$ 0.00</b>	<b>\$ 3,222.22</b>
	9,595.14		12,552.84	15,283.12	17,678.10
	207,000.00		195,000.00	198,170.00	172,000.00
<b>\$ 17,399.64</b>	<b>\$ 186,878.04</b>		<b>\$ 219,652.48</b>	<b>\$ 227,753.12</b>	<b>-\$ 15,282.81</b>
<b>-\$ 9,342.54</b>	<b>\$ 25,855.97</b>		<b>-\$ 4,001.61</b>	<b>-\$ 10,738.98</b>	<b>\$ 209,477.36</b>
<b>-\$ 132,015.19</b>	<b>\$ 342,992.79</b>		<b>\$ 44,038.18</b>	<b>\$ 8,479.30</b>	<b>\$ 230,005.40</b>

JUL 20 2021 -  
SEP 2021

OCT 2021 - JUN  
10 2022

OCT 2021 - Sep  
2022 Budget

OCT 2020 - Sep  
2021

OCT 1, 2019 -  
SEP 30 2020

OCT 1, 2018 -  
SEP 30 2019

Oct 1, 2017 - Sep  
30, 2018

272,775.09  
4,714.77

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**\$ 277,489.86**

52,204.66  
978.05  
33,678.20  
34,757.28  
4,913.85

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**\$ 39,671.13**

93,390.06  
16,759.09  
958.73  
500.00

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**\$ 0.00**

24,028.50

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**\$ 24,028.50**

9,631.35  
5,000.00

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**\$ 5,000.00**

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**\$ 38,659.85**



Oct 1, 2017 - Sep  
30, 2018

985.00  
9,310.48  
6,393.76

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**\$ 6,393.76**

3,233.00

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**\$ 0.00**

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**\$ 574,211.87**

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**\$ 0.00**

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**\$ 574,211.87**

137,562.07  
3,617.46  
8,350.08

Oct 1, 2017 - Sep  
30, 2018

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880.00

14,672.05

498.65

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**\$ 15,170.70**

10,242.70

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**\$ 175,823.01**

329.72

1,891.07

1,375.00

641.17

2,157.50

1,443.68

5,977.62

1,315.20

5,752.50

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**\$ 20,883.46**

9,100.00

2,156.70

19,958.00

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**\$ 19,958.00**

Oct 1, 2017 - Sep  
30, 2018

12,036.73  
27.00

5,597.22

**\$ 17,660.95**

8,257.25  
9,211.70

**\$ 66,344.60**

825.00  
1,080.00

12,326.13

11,100.00

1,284.96  
63.20

549.00

**\$ 27,228.29**

3,060.63  
6,310.00  
1,897.97

Oct 1, 2017 - Sep  
~~30, 2018~~  
2,683.30

1,486.84

1,316.83

4,047.24

3,847.00

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**\$ 3,847.00**

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**\$ 24,649.81**

1,405.61

1,517.71

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**\$ 2,923.32**

1,330.74

2,157.73

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**\$ 3,488.47**

3,935.29

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**\$ 10,347.08**

3,287.66

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**\$ 3,287.66**

3,000.00

Oct 1, 2017 - Sep

~~30, 2018~~

4,394.97

5,124.86

572.40

47.00

28,340.00

**\$ 41,479.23**

**\$ 0.00**

47.25

**\$ 47.25**

**\$ 370,090.39**

**\$ 204,121.48**

4,356.99

0.00

Oct 1, 2017 - Sep  
~~30, 2018~~  
168,710.21  
**\$ 173,067.20**

9,163.65

16,865.95  
-1,297,314.72

1,347,875.02  
20,968.57

**\$ 1,368,843.59**  
7,528.70  
143,000.00

**\$ 248,087.17**  
**-\$ 75,019.97**  
**\$ 129,101.51**

Oct 1, 2017 - Sep  
30, 2018

**BUDGET 22-23 SIMPLIFIED**

INCOME (PROJECTED)		EXPENDITURES (EXPECTED)		SPECIAL PROJECTS	AMERICAN RESCUE PLAN ACT FUNDS
Ad Valorem Tax	\$ 360,000.00	Staff Wages	\$ 170,000.00	\$5,000 Library donation	213,020.52 Estimated Incoming 22-23
Sales Tax Revenue	\$ 80,000.00	Health Insurance	\$ 6,000.00	\$3,200 for LCRA Grant match	213,020.52 Reserve Transfer
Mixed Beverage Tax	\$ 1,200.00	FICA/OASDI	\$ 13,400.00	\$67,000 POSAC Grant match	<b>426,041.04 TOTAL RECEIVED</b>
		Unemployment			*must be used for drainage
Electric Franchise	\$ 31,000.00	Insurance	\$ 1,100.00	\$10,000 Comp Plan	
Cable Franchises	\$ 36,650.00	Retirement	\$ 18,100.00	\$85,000 Street/drainage engineering* tied to ARPA funds	
		City Hall			
Water Franchise	\$ 90,000.00	Maintenance	\$ 2,000.00	<b>\$170,200 TOTAL COSTS</b>	
		Cleaning Costs City			
Disposal Franchise	\$ 24,000.00	Hall	\$ 1,800.00		<b>BASIC M&amp;O BALANCE</b>
Telephone	\$ 160.00	IT Costs	\$ 10,000.00		\$ 687,010.00 < TOTAL REVENUE
Golf Course Franchise	\$ 500.00	Office Supplies	\$ 4,500.00		\$ 562,550.00 <TOTAL BASIC M&O EXPENDITURES
Engineering & Legal Reimbursables	\$ 10,500.00	Postage & Shipping	\$ 3,000.00	<b>TOTAL NET REVENUE: \$ (45,759.00)</b>	\$ <b>124,460.00</b> << TOTAL SURPLUS IN BASIC M&O of CITY BUSINESS
Development Revenue	\$ 25,700.00	Printing &	\$ 4,500.00	*includes projects & debt service	*Does not include Debt Service or Special Projects
Liquor License Revenue	\$ 1,250.00	Newspaper	\$ 1,500.00		
Sign Fees	\$ 350.00	Software	\$ 12,000.00		
Interest Income	\$ 2,500.00	Audit	\$ 12,000.00		
Other Revenue	\$ 10,000.00	Codification	\$ 2,750.00		
Tree Reserve Fund	\$ 6,000.00	Engineering	\$ 20,000.00		
Municipal Court	\$ 1,500.00	Mapping	\$ 3,000.00		
		Engineering Reimbursable	\$ 8,000.00		
Donation (CYJ)	\$ 5,200.00	General Legal	\$ 20,000.00		
Parks Donations	\$ 500.00				
<b>TOTAL REVENUE:</b>	<b>\$ 687,010.00</b>	Legal Reimbursable	\$ 2,500.00		
		Litigation	\$ 5,000.00		
<b>Debt Service Revenue</b>	<b>224,774</b>	Legal Special Cases	\$ 30,000.00		
		Elected Body Legal	\$ 5,000.00		
<b>TOTAL AD VALOREM:</b>	<b>584,774.00</b>	IT Service	\$ 15,500.00		
Debt Service Revenue:	224,774.00	Accounting	\$ 25,000.00		
M&O Revenue:	360,000.00	Law Enforcement	\$ 12,500.00		
		Deer Removal	\$ 1,750.00		
		Mowing	\$ 2,750.00		
		Oak Wilt			
		Containment	\$ 15,000.00		
		Greenspace	\$ 6,000.00		
		Landscape	\$ 9,000.00		
		Parks / Playground			
		Equipment			
		Maintenance	\$ 10,000.00		
		ROW Tree			
		Trimming	\$ 11,000.00		
		Decorations	\$ 500.00		
		Street Repairs	\$ 30,000.00		
		Street Signs	\$ 6,000.00		
		Equipment			
		Maintenance	\$ 2,000.00		

**TWO MONTHS M&O with Debt Service and NO Projects**  
 \$ 131,223.83



Water Quality Testing	\$	1,000.00		
Ad Valorem Expense Building Inspections	\$	4,100.00		
Code Compliance Dues & Memberships	\$	500.00		
Election Expense	\$	2,500.00		
TML Dues	\$	2,000.00		
Meeting Expenses	\$	600.00		
Public Notice	\$	3,000.00		
Travel Reimbursement Elected Official	\$	2,000.00		
Travel	\$	500.00		
Training & Prof. Development	\$	6,500.00		
Community Relations	\$	7,000.00		
Utilities City Hall	\$	3,600.00		
Outdoor Utilities	\$	2,950.00		
Telephone & Internet	\$	4,500.00		
TML Insurance	\$	3,700.00		
Municipal Court	\$	6,750.00		
Special Projects	\$	170,200.00		
Sinking Fund Interest and Fees	\$	5,793.00	<< DEBT SERVICE	DEBT SERVICE TOTAL:
Sinking Fund Principal	\$	219,000.00	<< DEBT SERVICE	\$ 224,793.00
<b>TOTAL EXPENDITURES</b>	\$	957,543.00		

LAST YEAR	Rate Type	Amount	Certified Value	Projected Adjusted Value	Actual Value (minus exemption changes)	Revenue Expected (includes delinquent taxes)	Total Actual Ad Valorem Revenue Received	Possible Delinquent Taxes
2021 -2022	VOTER APPROVAL	0.2071 Debt Service: .0780 M&O: .1291	\$ 275,695,551.00	\$ 270,337,430.00	\$ 274,953,131.00	\$ 569,427.93	\$ 564,711.40	\$ 4,716.53

**Setting the Tax Rate for 2022 -2023**

Rate Type	Description	Total Rate	Total 2022 Certified Taxable Property Value	Total 2022 Taxable Value	Total Adjusted 2022 Property Value	Total Revenue 2022-2023 on Adjusted Taxable Value	Increase (Decrease) on \$100K based on Adjusted Total 2022 Taxable Value from 2021	
No New Revenue	Brings in the same revenue as prior year to cover M&O and debt service payment of \$224,793	Total: .1849 Debt Service: .0717 M&O: .1132	\$ 310,864,852.00	\$ 318,770,728.00	\$ 313,493,268.00	\$ 579,649.05	\$ (22.20)	21-22 M&O Revenue: \$354,964.49 22-23 M&O Revenue: \$354,874.38
Voter Approval Rate	Includes a 3.5% increase on M&O portion and debt service payment of \$224,793	Total: .1889 Debt Service: .0717 M&O: .1172				\$ 592,188.78	\$ (18.20)	22-23 M&O Revenue: \$367,414.11
De Minimus Rate	Generates \$500,000 more than 21-22 for M&O	0.3444				\$ 1,079,670.81	\$ 137.30	

Tax Rate	Average Home Value	Estimated Taxes Due 2022-2023	Increase/(Decrease) Projected
Last Year's Tax Rate: .2071	\$ 450,000.00	\$ 931.95	
No New Revenue: .1849		\$ 832.05	\$ (99.90)
Voter Approval Rate: .1889		\$ 850.05	\$ (81.90)
De Minimus Rate: .3444		\$ 1,549.80	\$ 617.85

**Council Meeting Date:  
Regular City Council Meeting August 10, 2022**

**Agenda Item Cover Sheet**

**Agenda Item Subject/Title:**

Discuss and take appropriate action on the recommendations from the Platinum Roads Panel on projects to be covered by the American Rescue Act of 2021 (ARA) funds received by the City of Woodcreek for the management and treatment of stormwater or subsurface drainage water. This item is a follow up to Agenda Item # 3, City Council Meeting of May 25, 2022.

**Agenda Item Summary:**

Recommendations from the Platinum Road Panel addressing flooding at the drainage area on Brookhollow and Westwood. Also recommendation from Platinum Roads Panel on drainage issues at Jack Miller. These recommendations are based on on-site inspection of 3 areas experiencing flooding and poor drainage.

**Financial Impact:**

No financial impact for the Recommendation to address the drainage issue at Brookhollow and Westwood. Unknown for second recommendation

**Recommendations:**

1. Authorize the Panel to develop a draft Request for Proposal (RFP) for engineering services to assess the recommended area; recommend solutions; and present a proposed project plan and estimated budget. The RFP will be presented to Council for approval prior to release. 2. Review the Panel's recommendation to contact Camp Young Judaea within the context of the current agreement with the Camp.

**Supporting Documents Included:**

Agenda Cover Sheet, Copy of Item #3 from May 25, 2022 Council meeting on this item, Minutes of May 25, 2022 Council meeting including Council's vote.

**Submitted by:** Mayor Pro Tem Aurora LeBrun

**Council Meeting Date: Regular City Council Meeting May 25, 2022****Agenda Item #3 Cover Sheet****Agenda Item Subject/Title:**

Discuss and take appropriate action to direct City Staff to review projects to be covered by the American Rescue Act of 2021 funds received by the City of Woodcreek for the purpose of managing and treating stormwater or subsurface drainage water, facilitating water reuse, and securing publicly owned treatment works.

**Agenda Item Summary:**

On November 25, 2021, the City of Woodcreek received \$212,600.25, and will receive the second payment of \$212,600.25 one year later for a total of \$425,200.50 to be obligated through December 31, 2024, and spent by December 31, 2026. on specific improvements relevant to the City's decaying infrastructure and, specifically, stormwater challenges in the City. Recipients may use Coronavirus State and Local Fiscal Recovery Funds to invest in necessary improvements to their water and sewer infrastructures, including projects that address the impacts of climate change. Recipients may use this funding to invest in an array of drinking water infrastructure projects, such as building or upgrading facilities and transmission, distribution, and storage systems, including the replacement of lead service lines. This funding is for investment in wastewater infrastructure projects, including constructing publicly owned treatment infrastructure, managing and treating stormwater or subsurface drainage water, facilitating water reuse, and securing publicly owned treatment works.

To help jurisdictions expedite their execution of these essential investments, Treasury's Interim Final Rule aligns types of eligible projects with the wide range of projects that can be supported by the Environmental Protection Agency's Clean Water State Revolving Fund and Drinking Water State Revolving Fund. Recipients retain substantial flexibility to identify those water and sewer infrastructure investments that are of the highest priority for their own communities.

The challenges faced by residents of Woodcreek were confirmed in the 2017 Roadway Improvement Drainage Assessment conducted in 2017 as part of the City's 10-year Traffic Improvement Program. The engineering firm of Jones & Carter conducted the assessment which confirmed the lack of roadway drainage infrastructure in the majority of the City. Runoff, identified in the assessment as "sheets of water" flow throughout the neighborhoods due to the lack of curbs and underground storm sewer system.

The City has lacked the funds required to meet the recommendations of this assessment and reduce the negative impact caused by the flow of water to private and public property in the City.

The funds awarded to the City by the American Rescue Act of 2021 are not sufficient to complete all required improvement, but do provide an opportunity to address two of the most critical areas:

1. Drainage Area between 3 & 7 Westwood, 4 Westwood & 7 Brookhollow to Brookhollow.
2. Jack Miller.

**Financial Impact:**

There is no impact to the City's General Fund Revenues or Reserves, The funds allocated by the American Rescue Act of 2021 should be sufficient to cover these projects.

**Recommendation:**

Direct City staff to begin the process to investigate the cost of addressing the two areas identified giving priority and consideration to the date funds must be spent in compliance with the American Rescue Act of 2021. Funds allocated to the City would have to be returned to the Federal Government if unspent.

Submitted by: Mayor Pro Tem Aurora LeBrun

**SPECIAL CITY COUNCIL MEETING**  
**May 25, 2022; 5:00 PM**  
**Woodcreek, Texas**

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**MINUTES**

**CALL TO ORDER**

Mayor Rasco called the meeting to order at 5:00 PM.

**MOMENT OF SILENCE**

**PLEDGES**

**ROLL CALL AND ESTABLISH QUORUM**

**PRESENT**

Mayor Jeff Rasco  
 Mayor Pro Tem Aurora F. LeBrun  
 Councilmember Judy Brizendine  
 Councilmember Chrys Grummert  
 Councilmember Debra Hines  
 Councilmember Brent H. Pulley

**STAFF PRESENT**

City Manager Brenton B. Lewis  
 City Secretary Suzanne Mac Kenzie  
 Administrative Assistant Maureen Mele  
 City Attorney Bud Wymore

**PUBLIC COMMENTS**

Mayor Rasco read a written public comment submitted by Lou Joseph.

**CONSENT AGENDA**

**1. Approval of Financial Reports for April 2022**

A motion was made by Councilmember Grummert for the Financial Reports for April 2022 to be removed from the consent agenda and placed on the regular agenda. The motion was seconded by Mayor Pro Tem LeBrun.

A roll call vote was held.

Voting Yea: Councilmember Pulley, Councilmember Hines, Councilmember Grummert, Councilmember Brizendine, Mayor Pro Tem LeBrun

The motion carried with a 5-0-0 vote.

**REGULAR AGENDA**

Agenda item 1 was discussed.

It was agreed that City Attorney Wymore would itemize his invoices to the city by the member of the elected body.

After discussion, Councilmember Grummert made a motion to accept the Financial Reports for April 2022. The motion was seconded by Councilmember Hines.

A roll call vote was held.

Voting Yea: Councilmember Grummert, Councilmember Brizendine, Mayor Pro Tem LeBrun, Councilmember Pulley, Councilmember Hines

The motion carried with a 5-0-0 vote.

**2. Discuss and Take Appropriate Action on Approving the "Road Updates and Funding Survey" Results and Consider Next Steps to be Taken by the City of Woodcreek City Council Regarding Road Updates and Funding with Possible Action on Any Motions that Result from Discussion (Hines)**

Councilmember Hines made a motion to move as stated and written. The motion was seconded by Councilmember Grummert.

Councilmember Hines reviewed the results of the survey and the survey respondents IP addresses along with the survey's margin of error.

After discussion, Councilmember Hines clarified the motion to approve and accept the survey results and the City Council will send the results to the Platinum Roads Panel. The motion was seconded by Councilmember Grummert.

A roll call vote was taken.

Voting Yea: Councilmember Brizendine, Mayor Pro Tem LeBrun, Councilmember Pulley, Councilmember Hines, Councilmember Grummert

The motion carried with a 5-0-0 vote.

An amendment to the motion was made by Councilmember Hines to request that the Platinum Roads Panel provide the City Council with their timeline and next steps. The amendment was seconded by Councilmember Grummert.

A roll call vote was held.

Voting Yea: Mayor Pro Tem LeBrun, Councilmember Pulley, Councilmember Hines, Councilmember Grummert, Councilmember Brizendine

The motion carried with a 5-0-0 vote.

**3. Discuss and Take Appropriate Action to Direct City Staff to Review Projects to be Covered by the American Rescue Act of 2021 Funds Received by the City of Woodcreek for the Purpose of Managing and Treating Stormwater or Subsurface Drainage Water, Facilitating Water Reuse, and Securing Publicly Owned Treatment Works (LeBrun)**

A motion was made by Mayor Pro Tem LeBrun for the Council to recommend to the Platinum Roads Panel to work with City Staff to provide an assessment and recommendations for the two most important areas: 1) Drainage Area between 3 & 7 Westwood, 4 Westwood & 7 Brookhollow to Brookhollow, and 2) Jack Miller.

The motion was seconded by Councilmember Grummert.

An executive session began at 5:58 PM with City Attorney Bud Wymore. The executive session ended and the meeting reconvened at 6:12 PM.

A roll call vote was held.

Voting Yea: Councilmember Hines, Councilmember Grummert, Councilmember Brizendine, Mayor Pro Tem LeBrun, Councilmember Pulley

The motion carried with a 5-0-0 vote.

**4. Discuss and Take Appropriate Action on Requesting the Appropriate Board or City Staff to Apply to the United States Department of Transportation for Possible Additional Funding for Connectivity Within Woodcreek (Grummert)**

Councilmember Grummert made a motion to move as written. The motion was seconded by Councilmember Pulley.

After discussion, the motion was clarified for the Platinum Roads Panel to work with City Staff to apply for appropriate grants.

A roll call vote was taken.

Voting Yea: Mayor Pro Tem LeBrun, Councilmember Brizendine, Councilmember Grummert, Councilmember Pulley, Councilmember Hines

The motion carried with a 5-0-0 vote.

**5. Discuss and take appropriate action for the Parks and Recreation Board to consider application for a grant to the Lower Colorado River Authority (LCRA) Community Development Partnership Program to enhance and possibly expand green space and park opportunities (LeBrun)**

Mayor Pro Tem LeBrun made a motion that the Parks and Recreation Board work with their Council Liaison to submit a grant application to the Council for a LCRA grant by July 13th so the Council can vote on the application. The motion was seconded by Councilmember Pulley.

After discussion, a roll call vote was held.

Voting Yea: Councilmember Brizendine, Councilmember Grummert, Councilmember Hines, Councilmember Pulley, Mayor Pro Tem LeBrun

The motion carried with a 5-0-0 vote.

**6. Discuss and Take Appropriate Action on Adding, Removing or Changing Traffic Signs of the City of Woodcreek, Texas (Grummert)**

Councilmember Grummert made a motion to move as written for discussion purposes. The motion was seconded by Councilmember Pulley.

After discussion, Councilmember Hines made a motion to send a condensed packet prepared by Councilmember Grummert to the Platinum Roads Panel to consider additional signage for pedestrian safety and improving entrances with an effort to decrease speed.

The motion was seconded by Councilmember Pulley.

An amendment was made by Councilmember Hines for the Platinum Roads Panel to report back to the City Council. The motion was seconded by Councilmember Grummert.

A roll call vote was held on the amendment.

Voting Yea: Councilmember Brizendine, Councilmember Grummert, Councilmember Hines, Councilmember Pulley, Mayor Pro Tem LeBrun

The amendment carried with a 5-0-0 vote.

A roll call vote was held on the main motion.

Voting Yea: Councilmember Hines, Councilmember Pulley, Mayor Pro Tem LeBrun, Councilmember Brizendine, Councilmember Grummert

The motion carried with a 5-0-0 vote.



**7. Discuss and Take Appropriate Action on an Ordinance to Update and Change Title IX General Regulations, Chapter 91 Trees (Hines)**

A public comment was offered by citizen Suzanne Mac Kenzie.

Councilmember Hines made a motion to move as written for discussion purposes. The motion was seconded by Councilmember Grummert.

At discussion, several edits on the proposed ordinance were recommended.

A motion was made by Councilmember Hines to send the ordinance to the Tree Board with the suggested edits. The motion was seconded by Councilmember Grummert.

A roll call vote was held.

Voting Yea: Councilmember Pulley, Councilmember Hines, Councilmember Grummert, Councilmember Brizendine, Mayor Pro Tem LeBrun

The motion carried with a 5-0-0 vote.

**8. Discuss and Take Appropriate Action on an Ordinance Amending Title IX "General Regulations," Adding Chapter 98 "Street Trees, Right-of-Way Public Greenspaces, and City Parks" to the City of Woodcreek Code of Ordinances (Hines)**

Councilmember Hines made a motion to move as written and stated. The motion was seconded by Councilmember Grummert.

After discussion, a roll call vote was held.

Voting Yea: Councilmember Grummert, Councilmember Brizendine, Mayor Pro Tem LeBrun, Councilmember Hines, Councilmember Pulley

The motion carried with a 5-0-0 vote.

A meeting recess commenced at 7:43 PM.

The meeting reconvened at 7:50 PM.

**9. Discuss and Take Appropriate Action on Requesting the Tree Board to Create a Tree Inventory of Trees Located on City Owned Properties, such as City Parks, and Present Findings to the City Council (Grummert)**

Councilmember Grummert made a motion to move as written. The motion was seconded by Mayor Pro Tem LeBrun.

After discussion, a roll call vote was held.

Voting Yea: Mayor Pro Tem LeBrun, Councilmember Brizendine, Councilmember Grummert, Councilmember Hines, Councilmember Pulley

The motion carried with a 5-0-0 vote.

**10. Discuss and Take Appropriate Action on a Resolution of the City of Woodcreek, Texas Updating the City's Procurement Policy (Hines)**

Councilmember Hines made a motion to move as written and stated. The motion was seconded by Councilmember Grummert.

After discussion, an amendment was made to edit the document to remove the second sentence in "II. D. Purchase of Goods" that begins with "Authorized employees ..." and to add to "II. C. a. Daily Operations and Regular Maintenance" the words "emergency services." Minor edits such as renumbering were included.

A roll call vote on the amendment was held.

Voting Yea: Councilmember Pulley, Councilmember Hines, Councilmember Grummert, Councilmember Brizendine, Mayor Pro Tem LeBrun

The amendment carried with a 5-0-0 vote.

A roll call vote on the main motion with amendments was held.

Voting Yea: Councilmember Hines, Councilmember Grummert, Councilmember Brizendine, Mayor Pro Tem LeBrun, Councilmember Pulley

The motion carried with a 5-0-0 vote.

**11. Discuss and Take Appropriate Action on a Resolution of the City of Woodcreek, Texas Update the City's Fund Balance Policy (Hines)**

Councilmember Hines made a motion to move as written and stated. The motion was seconded by Councilmember Pulley.

After discussion, an amendment to the motion was made by Councilmember Hines to replace the word "reserves" under "General Financial Goals: 1. General Fund:" with the word "funds" and to revise the last sentence under "COMPREHENSIVE FUND BALANCE POLICIES 4) Policy on Acceptable Minimal Level of Fund Balance" to reflect that the reserves not fall below \$500,000.

A roll call vote was held on the amendment.

Voting Yea: Mayor Pro Tem LeBrun, Councilmember Grummert, Councilmember Hines, Councilmember Brizendine, Councilmember Pulley

The amendment carried with a 5-0-0 vote.

A roll call vote on the main motion was held.

Voting Yea: Councilmember Pulley, Councilmember Hines, Councilmember Grummert, Councilmember Brizendine, Mayor Pro Tem LeBrun

The main motion carried with a 5-0-0 vote.

**12. Discuss and Take Appropriate Action on Establishing a 65 Years or Older or Disabled Tax Exemption for the City of Woodcreek, Texas (Grummert)**

Councilmember Grummert made a motion to move as written. The motion was seconded by Councilmember Hines.

At discussion, an amendment was made by Councilmember Hines to have City Staff request from Jenifer O'Kane, the Hays County Tax Assessor-Collector to prepare an impact statement of the overall revenue effect of a \$20,000 tax exemption for homeowners over 65 and disabled persons. The amendment was seconded by Mayor Pro Tem LeBrun.

A roll call vote on the amendment was held.

Voting Yea: Councilmember Hines, Councilmember Grummert, Mayor Pro Tem LeBrun, Councilmember Pulley

Voting Nay: Councilmember Brizendine

The amendment carried with a 4-1-0 vote.

A roll call vote on the main motion was held.

Voting Yea: Councilmember Brizendine, Councilmember Grummert, Councilmember Hines, Councilmember Pulley, Mayor Pro Tem LeBrun

The motion carried with a 5-0-0 vote.

**13. Discuss and Take Appropriate Action on Directing Staff to Prepare and Send a Roads and Financing Packet to the Platinum Panel (Hines)**

Councilmember Hines requested that this agenda item be removed.

**14. Discussion and Take Possible Action on Nominations to City Boards, Commissions, and/or Committees (Rasco)**

Mayor Rasco nominated Woodcreek resident Dorothy Tasian to the Tree Board.

Councilmember Hines made a motion that Dorothy Tasian be appointed to the Tree Board. The motion was seconded by Councilmember Grummert.

A roll call vote was held.

Voting Yea: Councilmember Pulley, Councilmember Hines, Councilmember Grummert, Councilmember Brizendine, Mayor Pro Tem LeBrun

The motion carried with a 5-0-0 vote.

Mayor Rasco nominated Woodcreek resident Nan Simpson as an Alternate Member of the Tree Board.

Councilmember Pulley made a motion that Nan Simpson be appointed to the Tree Board as an Alternate Member. The motion was seconded by Councilmember Grummert.

A roll call vote was held.

Voting Yea: Councilmember Grummert, Mayor Pro Tem LeBrun, Councilmember Pulley, Councilmember Hines

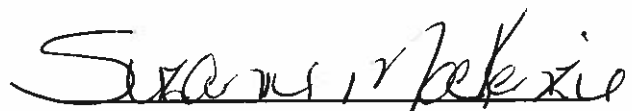
Voting Nay: Councilmember Brizendine

The motion carried with a 4-1-0 vote.

**ADJOURN**

Mayor Rasco adjourned the meeting at 9:09 PM.

  
\_\_\_\_\_  
Jeff Rasco, Mayor

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

**Council Meeting Date:  
Regular City Council Meeting August 10, 2022**

**Agenda Item Cover Sheet**

**Agenda Item Subject/Title:**

Report and Recommendations from the Platinum Roads Panel for priority street repairs, including streets to be addressed, recommended repair treatment, cost estimates, and suggested financing methodology for these repairs.

**Agenda Item Summary:**

The Platinum Roads Panel has reviewed previous pavement and street assessments and current conditions of streets throughout the City. The Panel, at its meeting of July 21, 2022, by unanimous vote, reached consensus on the recommendations being presented to Council at this meeting. There are 2 recommendations: one to pursue a tax note to finance major road repairs and a maintenance schedule to protect the City's investment and the second to use unrestricted fund balance funds to address immediate needs of smaller streets that have not been resurfaced in at least 2 decades . The item presents a listing of streets, recommended repair treatment, and estimated costs.

**Financial Impact:**

The recommended tax note is estimated at \$1.5 million and would add to the City's debt balances. The repairs recommendation are estimated at \$227,000 accounting for inflation and contingencies.

**Recommendations:**

Council to review the recommendations of the Platinum Panel as to funding and issuance of tax note.

**Supporting Documents Included:**

Copy of City's Resolution on Fund Balance Policy. E mail from Financial Advisor on use of fund balance funds. Agenda Item Cover Sheet.

**Submitted by:** Mayor Pro Tem Aurora LeBrun

CITY OF WOODCREEK, TEXAS

RESOLUTION NO. 2022-05-25-2

A RESOLUTION OF THE CITY OF WOODCREEK,  
TEXAS UPDATING THE FUND BALANCE POLICY

**WHEREAS**, the City Council has review the existing fund balance policy and the newly proposed version on May 25, 2022; and

**WHEREAS**, the City Council finds the maintenance of the financial policy to be in the public interest, and necessary for the efficient and effective administration of City business.

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

1. The document entitled, "City of Woodcreek Fund Balance Policy" is hereby approved and adopted for purposes of conducting City business.
2. The City Council directs City Staff to implement the Fund Balance Policy to the extent reasonably possible.
3. The City Secretary is instructed to include a copy of this Resolution and the Fund Balance Policy enacted by this resolution in and among the records of the City.
4. The meeting at which this Resolution was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings act, Texas Government Code, Chapter 551.

**PASSED AND APPROVED** this, the 25<sup>TH</sup> day of May, 2022, by a vote of 5 ayes to 0 nays to 0 abstentions of the City Council of Woodcreek, Texas.

**CITY OF WOODCREEK:**

**ATTEST:**

  
\_\_\_\_\_  
Jeff Rasco, Mayor

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

**CITY OF WOODCREEK**

**FUND BALANCE POLICY**

**OBJECTIVE**

The purpose of this document is to establish clear guidelines for the management of assets and allocation of financial resources in the City of Woodcreek. Creating financial policies is an essential part of public finance management.

By creating strategic, long-term approaches to financial management through policy we promote stability and continuity for the City and clarify the intent of the City to provide the best value for the community.

By defining the limits on the actions of the staff authorized to spend funds we create boundaries that will ensure the preservation of the City's wealth and form a framework for achieving long-term goals while balancing financial risks with the pursuit of funding public goals.

It is essential that the City maintain adequate levels of funds for general operation, investments, and mitigation of future risks such as revenue shortfalls and unanticipated expenditures.

By maintaining a structurally balanced budget, the City can ensure stable tax rates, support good bond ratings which reduces the cost of borrowing when needed, and promotes wealth retention for the City while working to achieve Capital Improvement goals.

The City of Woodcreek hereby adopts policies and procedures of accounting and managing the City funds as outlined by The Governmental Accounting Standards Board (GASB) in the Governmental Accounting Auditing and Financial Reporting (GAAFR) text.

**GENERAL FINANCIAL GOALS:**

1. **General Fund:** maintain significant and adequate funds to cover basic operating costs, contribute to reserves, anticipate and adjust for changes in revenue or expenditures, and provide for unanticipated yet unavoidable costs in the event of an emergency.
2. **Grants:** research and pursue optional funding methods for all Capital Improvements projects when possible.
3. **Debt:** seek to reduce and limit debt while simultaneously acknowledging that the City may need to pursue outside municipal funding options for some Capital Improvement Projects.
4. **Investment:** pursue smart and safe investments to generate additional revenue for the City as outlined in the City's Investment Policy.
5. **Economic Development:** while increasing City revenue is a goal, it must be balanced with the greater public good and the expressed interests of the Citizens as stated in the Comprehensive Plan.
6. **Accounting and Financial Reporting:** providing regular reports and good financial accounting are a primary objective and a core function of the City Manager.

7. **Long-term Financial Planning:** shall include risk management, debt reduction, identification and funding of Capital Improvements Projects, and on-going contributions to investments and reserves.
8. **Structurally Balanced Budget:** it is essential the City address over-spending and seek to maintain low operating costs given the limited revenues sources available.
9. **Capital Improvement:** planning, budgeting, project management, and asset maintenance are essential considerations for the City when developing the annual Committed Funds Balance in addition to long-term financial planning.
10. **Revenues:** the City shall seek revenue expansion but not to the detriment of the quality of life or loss of character of the City. All revenue expansion shall align with the Comprehensive Plan.
11. **Expenditures:** it is the duty of the City Manager to report to the governing body on a range of issues surrounding allocation and expenditure of funds, debt management, personnel costs, project management, and the health of investments. It is essential that regular reports are given in order to maintain a balanced budget, and that excess spending be reduced and managed immediately.
12. **Operating Budget:** the City should maintain a basic operating budget with clear identification of how City funds shall be committed throughout the fiscal year. Changes in this budget must go through a formal review process.
13. **Transparency:** the City will strive to be transparent and provide regular communications on the finances of the City and its operation to the Citizens of Woodcreek.

### **COMPREHENSIVE FUND BALANCE POLICIES**

#### **1) Policy on Commitment of Funds**

Creating an annual operating budget or “Committed Fund Balance” must occur prior to the end of the fiscal year. Fund balance amounts will be reported as the “Committed Fund Balance” only after formal action and approval by the governing body.

If the actual dollar amount expected to be spent on an item is not known, estimates may be used to plan. For example, Capitol Projects may receive an allocation of funds in the Committed Fund Balance prior to finalizing the procurement process for a specific project. In this case, the Committed Fund Balance may be approved utilizing an estimation of expected costs providing the actual amount to be spent can be determined prior to its expenditure and accurately reported within the year-end financials.

It is the policy of The City of Woodcreek that the governing body may commit funds for any reason that is consistent with the GASB and GAAFR. This includes, but is not limited to, general operating expenses, maintenance of infrastructure, employee payroll, public relations, funding public works projects, purchasing of equipment, expansion of property or structures owned and more.

Unspent funds shall be committed to reserves at the end of each fiscal year unless the governing body determines it is essential they roll into the subsequent year’s Committed Fund Balance.

After approval, the Committed Fund Balance cannot be undone or altered without utilizing the same approval process required to commit the funds, including no less than one public hearing,

two draft readings, a formal motion, and approval by a majority of the governing body.

## **2) Policy on Expenditure of Committed Funds**

The annual operating budget including all Capital Improvement Projects and other large, planned expenditures shall operate as a Committed Fund Balance in accordance with GASB standards as outlined in the GAAFR text. There shall be no other fund balance types aside from those outlined in this Fund Balance Policy document under number five below. All funds received from ad valorem taxes, sales tax, investment dividends, permit fees, or hotel occupancy taxes shall be considered part of the City's General Revenue Fund and may be used for the purpose of creating the Committed Fund Balance and annual operating budget for the City.

Funds that are intended and committed to be used for a specific purpose as outlined in the Committed Funds Balance, also known as the annual operating budget, cannot be transferred to another budget line item or used to cover a deficit elsewhere without formal action and approval by the governing body.

Expenditures over \$1500 within the Committed Funds Balance must be reported in advance to the governing body and may be subject to approval at their discretion. This shall not include funds spent for the daily function of the City; such as personnel costs, payment of existing contracts, maintenance and use of necessary equipment, and other regular aspects of the City's basic operation.

Use of Committed Funds is governed by the Procurement Policies of the City and shall occur in accordance with that document.

## **3) Policy for the Creation and Use of an Unrestricted Fund Balance**

The City may maintain no more than \$50,000 in an Unrestricted Fund Balance as part of the annual budget in combination with the Committed Fund Balance during any single fiscal year. Use of these funds for any purpose shall require formal action and approval by a majority of the governing body. The purpose of maintaining an unrestricted fund balance is to create an emergency reserve fund in the case of natural disaster, volatile revenue sources, or unforeseen market trends at the state or federal level. These funds are not intended to fund general expenses or cover deficits in the Committed Fund Balance due to poor management or planning.

## **4) Policy on Acceptable Minimal Level of Fund Balance**

It is recommended that the City use no more than one-half of the General Fund Balance in any fiscal year to create the Committed Funds Balance, also known as the annual operating budget. This shall include any approved Capital Improvement Projects and the Unrestricted Fund Balance if one has been designated. Additionally, the City's General Fund Balance shall not fall below \$500,000 in reserves, and no less than two-months of operating costs shall remain readily accessible at all times.



## 5) Fund Balance Classifications

### A) General Fund Balance:

This is the primary operating budget of the City. This includes items in the Committed Funds Balance, the Unrestricted Fund Balance if it exists, and all reserves. This is the total amount of liquidity the City has during a single fiscal year. The General Fund Balance does not include investments or other assets; those are calculated in the Net Fund Balance below.

### B) Capital Improvement Projects Funds:

Capital Improvements can be funded from the General Fund Balance or from Restricted Funds. The source of the revenue and expected costs must be outlined in the annual budget and Committed Fund Balance. Estimates may be used for planning purposes in the allocation of these resources as stipulated in item number one on this document. Expenditures of these funds must go through the City's formal procurement process and be approved by a formal motion of a majority of the governing body.

### C) Debt Service Funds:

A portion of the annual revenues shall be set aside and used for debt service alone. Proper planning and management of the annual budget and Committed Fund Balance shall set aside funds for this purpose. It is the duty of the governing body and City Manager to ensure this service is properly accounted for and maintained.

### D) Special and Restricted Revenue Funds:

Funds in this category include income from federal programs tied to specific infrastructure projects and the like, general bond funds, grants, and donations received that contain stipulations that they be used for a specific purpose only. These funds must be kept separate from the General Fund Balance and can only be included in the annual budget or Committed Fund Balance so long as they are shown to be restricted and used for their intended purpose alone.

### E) Net Fund Balance:

This fund includes all funds, reserves, investments, assets, and debt owned by The City of Woodcreek. It is from the Net Fund Balance that all other balances come. This could also be stated as the total net worth of the City and will be used to calculate any future municipal debt services.

**Jim Sabonis (HTS)**

Jul 18,  
2022, 1:29  
PM

to Andre, Jorge, Jennifer,

Linnea,

In response to your question regarding allocating \$200,000 to \$400,000 of the City's \$1.4 million unrestricted fund balance to a capital improvement fund seems appropriate and unlikely to have any negative impact on investors perception of the City's credit.

I attached a few documents about Fund Balance. The City should have an appropriate fund balance policy based on the composition of its revenues and expenses, and potential risks and issues. In general, standard best practice is for municipalities to allocated excess funds above their fund balance policy to onetime expenses typically capital expenditures.

(LB my emphasis)

**Council Meeting Date:  
Regular City Council Meeting August 10, 2022**

**Agenda Item Cover Sheet**

**Agenda Item Subject/Title:**

Discuss and Take Appropriate Action on the Fund Balance Policy

**Agenda Item Summary:**

This item is to request that City Council consider an update to the minimum fund balance portion of the Fund Balance Policy.

**Financial Impact:**

none

**Recommendations:**

Recommendation is that Council accept the edit to the "Minimum Fund Balance" section of the Fund Balance Policy as stated in the attachment.

**Supporting Documents Included:**

Fund Balance Policy Update

**Submitted by:** Councilmember Debra Hines

## CITY OF WOODCREEK

### FUND BALANCE POLICY

#### OBJECTIVE

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## 4) Policy on Acceptable Minimal Level of Net Fund Balance

It is recommended that the City use no more than one-half of the General Fund Balance in any fiscal year to create the Committed Funds Balance, also known as the annual operating budget. This shall include any approved Capital Improvement Projects and the Unrestricted Fund Balance if one has been designated. Additionally, the City's General Net Fund Balance shall not fall below \$500,000 excluding Debt Service Funds and other Special or Restricted Revenue Funds. in reserves, and No less than two-months of operating costs shall remain readily

accessible at all times in reserves set aside from the Committed Fund Balance in the General Fund Balance.

## 5) Fund Balance Classifications

### A) General Fund Balance:

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### C) Debt Service Funds:

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### D) Special and Restricted Revenue Funds:

Funds in this category include income from federal programs tied to specific infrastructure projects and the like, general bond funds, grants, and donations received that contain stipulations that they be used for a specific purpose only. These funds must be kept separate from the General Fund Balance and can only be included in the annual budget or Committed Fund Balance so long as they are shown to be restricted and used for their intended purpose alone.

### E) Net Fund Balance:

This fund includes all funds, reserves, investments, assets, and debt owned by The City of Woodcreek. It is from the Net Fund Balance that all other balances come. This could also be stated as the total net worth of the City and will be used to calculate any future municipal debt services.

**Council Meeting Date:  
Regular City Council Meeting August 10, 2022**

**Agenda Item Cover Sheet**

**Agenda Item Subject/Title:**

Discuss and Take Appropriate Action on a Proposed Ordinance Amending the Code of Ordinances at Title XV ("Land Usage"), Chapter 156 ("Zoning") to Allow Building Across Adjacent Lot Lines with Unified Ownership.

**Agenda Item Summary:**

This is the second reading of this proposed ordinances and includes updates made by Council in the August 2nd Special Meeting.

**Financial Impact:**

Codification costs per page

**Recommendations:**

Recommend that City Council consider passing the new proposed ordinance as updated.

**Supporting Documents Included:**

Building Across Lot Lines

**Submitted by:** Councilmember Debra Hines



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE CITY OF WOODCREEK, TEXAS, CODE OF ORDINANCES AT TITLE XV (“LAND USAGE”), CHAPTER 156 (“ZONING”); PROVIDING FOR ENACTMENT, REPEALER, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE, AND FINDING PROPER NOTICE AND MEETING.**

**WHEREAS,** The City of Woodcreek recognizes individual property rights of landowners within the city limits; and

**WHEREAS,** The City of Woodcreek seeks to avoid placing undue regulations or limitations on the rights or use of land by private owners; and

**WHEREAS,** The City of Woodcreek values its citizens and understands that property owners shall have their rights protected by the governing body and it is the governing body’s duty to review and change certain regulations as necessary in order to promote the greatest liberty possible for residents while still maintaining safety and good order; and

**WHEREAS,** The City of Woodcreek City Council finds that property owners who hold multiple adjacent lots deserve the ability to utilize these lots in a manner they see fit and that said owners can exercise good judgment in the placement of certain accessory structures and fencing to maximize the use of their lands; and

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

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

**1. FINDINGS OF FACT**

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

**2. ENACTMENT**

The Code of Ordinances of the City of Woodcreek is amended at Title XV ("Land Usage"), Chapter 156 ("Zoning") so as to read in accordance with Attachment A attached hereto and incorporated into this Ordinance for all intents and purposes.

**3. REPEALER**

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**4. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**5. CODIFICATION**

The City Secretary is hereby authorized and directed to record and publish the language of Title XV, Chapter 156, as written by this Ordinance, in the City's Code of Ordinances.

**6. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon its passage and the publication of caption of this ordinance as provided by law.

**7. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was attended by a quorum of the City Council, was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. 27

**PASSED & APPROVED** this, the \_\_\_ day of Aug 2022, by a vote of \_\_\_\_ (ayes) to \_\_\_\_ (nays) and \_\_\_\_ (abstentions) of the City Council of Woodcreek, Texas.

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**Jeff Rasco, Mayor**

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**Suzanne Mac Kenzie, City Secretary**

**Attachment "A"**  
**City of Woodcreek**  
**CODE OF ORDINANCES**  
**TITLE XV: LAND USAGE**  
**CHAPTER 156: ZONING**

**§ 156.066 BUILDING ACROSS LOT LINES & ON MULTIPLE LOTS**

(A) Notwithstanding the foregoing, or any other provisions of this section of Woodcreek's Code of Ordinances, building across lot lines on multiple lots may be allowed if, and only if, there is unified ownership of adjacent lots, and if there is at least one primary structure, such as a single-family residential home, presently existing on one of the lots with unified ownership.

(B) Any new construction or repairs of existing construction on adjacent lots viewed as having unified ownership under this section are subject to the following restrictions:

(1) Fences, water permeable walkways, and similar related landscaping may be built across lot lines and cross over into an adjacent lot as well as any lot adjacent thereto. Provided however, the placement limitations for fencing set forth in section 156.057 shall apply and with the understanding that adjacent lots with unified ownership shall be viewed as "one-lot" for the purposes of determining fence location under this section. Walkways constructed may not utilize concrete pavement and shall feature water permeable options.

(2) Accessory and other non-permanent structures may be built on lots adjacent to a lot on which a primary structure is located as well as any adjacent lot thereto, even if those lots do not have a primary structure, so long as the lots are connected via unified ownership as outlined in this section. Building of such structures is limited by the following restrictions:

(a) Accessory structures, and other non-permanent structures, may not involve the pouring or placement of a concrete slab; they shall be built on the ground or utilizing a pier-and-beam design. This includes walkways constructed to and around accessory and other non-permanent structures. Walkways must be water permeable and may not utilize concrete in their execution or design.

(b) These accessory, non-permanent, structures may **not** be fit for or intended to be used for human occupation. Examples of permitted structures include but are not limited to green houses, sheds, playground equipment, an enclosed garage space, etc. Prohibited structures would include a guest house, pool house, office, or a garage space with climate regulation and a bathroom.

(c) The maximum size for any accessory structure built on an adjacent lot with no primary structure shall be 400 sq ft.

(3) Building setback requirements will apply to all lot lines even the interior lines of adjacent lots when viewed as one collective lot under unified ownership for the purposes of building accessory structures. Only landscaping, walkways, and fencing may cross building setbacks or lot lines. Accessory and other non-permanent structures may not crossover or encroach upon building setback and other interior lot lines as outlined in section 156.062

(4) Standard impervious cover limitations shall apply to the lot on which the primary structure exists. By fencing in or unifying lots in this manner, it does not increase the total square footage of a single lot and so therefore does not increase impervious coverage limitations or calculations for any of the lots viewed under unified ownership as outlined in this section.

(5) Lots on which there is not a primary structure will only be entitled to use one-half of the allowable impervious cover; this is 15% of the total lot square footage as outlined in section 50.37. This is applicable to all constructions such as accessory structures, placement of large rock landscaping, and decking.

(C) The foregoing does not provide an absolute right to make improvements to adjacent lots with unified ownership. Owners who wish to make improvements under this section will be required to follow the permitting and approval process for the City of Woodcreek.

(D) The process for building across lot lines as outlined in this section and applying to adjacent lots viewed as under unified ownership is not equivalent to, nor does it replace the process of replating. Owners that choose to use this section to build across lot lines or place accessory, non-permanent, structures on adjacent lots without a primary structure are subject to disclosing this information to future owners in the real estate transaction process. Lots unified for the purposes of this chapter shall not be considered as replated to a single lot under any legal description as recognized by the City without going through a formal replating process. The City shall not be bound or held responsible if a misrepresentation of lots that have been unified in the manner outlined in this section occurs as replated or as a single lot under any legal description as recognized by government bodies that have the authority to levy taxes or place liens on real property.

(E) Owners who chose to use this section to build across lot lines for adjacent lots under unified ownership retain the right to sell an individual lot and may proceed with the understanding that pending a sell of real property they may be required to remove all or portions of any accessory structures, fencing, walkways, and/or landscaping to sell any single lot viewed as under unified ownership for the purposes of this section of the City of Woodcreek Code of Ordinances.

**Council Meeting Date:  
Regular City Council Meeting August 10, 2022**

**Agenda Item Cover Sheet**

**Agenda Item Subject/Title:**

Discuss and Take Appropriate Action on the Proposed Ordinance to Replace Title IX ("General Regulations"), Chapter 91 ("Trees").

**Agenda Item Summary:**

This is the third reading of this ordinance and includes substantial changes from the previous two versions. This ordinance version separates ETJ regulations from those applied within the City limits. It incorporates citizen concerns voiced in public comments as well. See highlighted portions for changes. The Tree Board has been removed from this ordinance and a separate item submission for this item is present on this agenda.

**Financial Impact:**

Codification per page costs

**Recommendations:**

Recommend that Council pass the ordinance as written.

**Supporting Documents Included:**

Tree Ordinance Update (5)

**Submitted by:** Councilmember Debra Hines

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE CITY OF WOODCREEK, TEXAS, CODE OF ORDINANCES AT TITLE III (“ADMINISTRATION”), CHAPTER 30 (“OFFICIALS, EMPLOYEES AND ORGANIZATIONS”) TO ESTABLISH A TREE BOARD; PROVIDING FOR ENACTMENT, REPEALER, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE, AND FINDING PROPER NOTICE AND MEETING.**

**WHEREAS,** The City of Woodcreek has in existence boards, commissions, panels, and committees; and these entities are advisory bodies and accountable to the City Council, and, thereby, to the electorate; and

**WHEREAS,** The City of Woodcreek seeks to be inclusive and transparent regarding its business thus subjecting boards, commissions, panels, and committees to the Open Meetings Act; and

**WHEREAS,** The City of Woodcreek values its citizens' talents, input, and ideas in helping shape our city and seeks to involve its citizens in their local government thus appointing willing volunteers to positions on existing boards, commissions, panels and committees; and

**WHEREAS,** The City of Woodcreek City Council finds that it is prudent for all boards, commissions, panels, and committees to have uniform appointment structures, member numbers, and staggered term limits to create fairness and streamline City business; and

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

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

**1. FINDINGS OF FACT**

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

**2. ENACTMENT**

The Code of Ordinances of the City of Woodcreek is amended at Title III ("Administration"), Chapter 30 ("Officials, Employees and Organizations") so as to read in accordance with Attachment A.

**3. REPEALER**

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**4. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**5. CODIFICATION**

The City Secretary is hereby authorized and directed to record and publish the language of Title III, Chapter 30, as written by this Ordinance, in the City's Code of Ordinances.

**6. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon its passage and the publication of caption of this ordinance as provided by law.

**7. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was attended by a quorum of the City Council, was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. 27



**PASSED & APPROVED** this, the \_\_\_ day of August 2022, by a vote of \_\_\_(ayes) to \_\_\_(nays) and \_\_\_(abstentions) of the City Council of Woodcreek, Texas.

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**Jeff Rasco, Mayor**

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**Suzanne Mac Kenzie, City Secretary**

**Attachment "A"****City of Woodcreek****CODE OF ORDINANCES TITLE III: ADMINISTRATION****CHAPTER 30: OFFICIALS, EMPLOYEES AND ORGANIZATIONS****TREE BOARD****§ 30.10 POPULAR NAME.**

This subchapter shall be commonly cited as the "Tree Board."

**§ 30.11 PURPOSE.**

The purpose of this subchapter is to create a Tree Board which shall advise the City Council as it relates to the city of Woodcreek's Trees. The Tree Board shall be viewed as an independent advisory body.

**§ 30.12 CREATION AND COMPOSITION.**

The Tree Board is hereby created. The Tree Board shall consist of seven members: five regular members and two alternate members. Each of Woodcreek's five Councilmembers shall make one regular member appointment to the Tree Board. The Mayor will make two alternate member appointments to the Tree Board, 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 refuses or is unable to make an appointment, the vacancy may be filled by the majority vote of the remaining members of the City Council. No member of the Tree Board may be a present member of the City Council.

**§ 30.13 TERMS, RESIGNATION, VACANCY, AND REMOVAL.**

(A) The terms of each member (regular and alternate) of the Tree Board shall be concurrent with the Councilmember who appointed each member and will expire upon the appointing Councilmember's term in office ending, either by expiration or resignation. Members shall serve terms of two years and may be reappointed with no limitation on the number of terms one may serve. Terms will begin on January 1 and end on December 31, two years thereafter.

(B) Any member of the Tree Board may resign by submitting written notice to the Chairperson of the Tree Board. Resignation will be effective when sent. Upon receipt of written notice of resignation, the Chairperson of the Tree Board shall promptly send such resignation to the Mayor.

(C) If a vacancy occurs on the Tree Board, the vacancy may be filled by the Councilmember who appointed the resigning member.

(D) Members of the Tree Board may be removed from the Tree Board 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.

**§ 30.14 DUTIES AND MEETINGS.**

(A) The Tree Board shall meet to consider advising the City Council as it relates to the city of Woodcreek's policy and regulations regarding trees under the City's jurisdiction.

(B) The Tree Board shall create and maintain a "tree inventory" including species and location of all trees located in public parks, right-of-way greenspaces, and other public land.

(C) It shall be the responsibility of the Tree Board to study, investigate, provide counsel, develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, right-of-way greenspaces, and in other public areas per the Greenspaces Ordinance. Such a plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City. Any actions taken in accordance with this plan shall require the approval of city council.

(D) The Tree Board, upon request by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work.

(E) The Tree Board shall participate in or hold an annual Arbor Day event (date to be established annually). This event can occur in conjunction with the celebration of other natural resources and/or protective organizations, such as but not limited to the Cypress Creek Watershed protections, Trinity Aquifer regulations, Jacob's Well management zone, rainwater collection efforts, permaculture education, and other similar sustainable practices.

**§ 30.15 OFFICERS.**

(A) The Tree Board shall choose its own officers from among its members. Officers shall be elected for terms of one year by majority vote of all its membership present. Officers 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 Tree Board 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 members shall be a quorum for the transaction of business.

**§ 30.16 OPEN MEETINGS ACT.**

The Tree Board 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 Tree Board 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 Tree Board so that all members of the governing body may attend all meetings of the Tree Board.

**CITY OF WOODCREEK, TEXAS**

**AMENDMENT TO TITLE IX GENERAL REGULATIONS OF THE CODE OF ORDINANCES**

**AN ORDINANCE AMENDING THE CITY OF WOODCREEK CODE OF ORDINANCES AT TITLE IX ("GENERAL REGULATIONS"), CHAPTER 91 ("TREES") PROVIDING FOR ENACTMENT, REPEALER, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE, AND FINDING PROPER NOTICE AND MEETING.**

**WHEREAS**, pursuant to Texas Local Government Code Section 51.001, the City has general authority to create an ordinance that is for good government and order of the City; and

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

**WHEREAS**, the City Council recognizes that trees, if properly cared for, are assets that enhance property values but can quickly become liabilities if they are not monitored and protected; and

**WHEREAS**, the City Council recognizes that a single tree's lifespan is greater than any one property owner, and so therefore the City has a duty to protect the trees of the community for generations to come by enacting reasonable regulations for the care and protection of trees under the City's jurisdiction; and

**WHEREAS**, The City Council finds that the potential for development to negatively impact the City of Woodcreek's tree inventory, including the largest and most significant trees, requires reasonable regulations; and

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

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

**1. FINDINGS OF FACT**

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

**2. ENACTMENT**

The Code of Ordinances of the City of Woodcreek is amended at Title IX ("General Regulations"), Chapter 91 ("Trees") so as to read in accordance with Attachment A attached hereto and incorporated into this Ordinance for all intents and purposes.

**3. REPEALER**

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**4. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**5. CODIFICATION**

The City Secretary is hereby authorized and directed to record and publish the language of Title IX, Chapter 91, as written by this Ordinance, in the City's Code of Ordinances.

**6. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon its passage and the publication of caption of this ordinance as provided by law.

**7. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was attended by a quorum of the City Council, was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. 27

**PASSED & APPROVED** this, the \_\_\_ day of August 2022, by a vote of \_\_\_\_ (ayes) to \_\_\_\_ (nays) and \_\_\_\_ (abstentions) of the City Council of Woodcreek, Texas.

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**Jeff Rasco, Mayor**

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**Suzanne Mac Kenzie, City Secretary**

**Attachment "A"**

**City of Woodcreek**

**CODE OF ORDINANCES**

**TITLE IX: GENERAL REGULATIONS**

**CHAPTER 91: TREE PROTECTIONS**

**SCHEDULE 1: TREES WITHIN CITY LIMITS**

**SCHEDULE II: TREES IN THE EXTRATERRITORIAL JURISDICTION**

**91.01 TITLE**

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

**91.02 INTENT AND PURPOSE**

(A) The tree code regulations protect the health, safety, and general welfare of the citizens of Woodcreek.

(B) The appearance of the city is enhanced, property values are protected, and the important ecological, cultural, and economic resources are preserved for the benefit of the city's residents, businesses, and visitors by implementing protections for trees within the jurisdiction of the city.

(C) The sections within this chapter address trees in both development and non-development situations and seek to enhance the quality of the tree canopy, optimize the benefits that trees provide, and avoid unnecessary reductions in the tree inventory of the community.

(D) For new development situations, additional requirements are designated to promote tree preservation and protect existing trees throughout the construction process.

**91.03 DEFINITIONS**

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words used in the chapter and not defined herein shall have their ordinarily accepted meaning.

**ACCREDITED, CERTIFIED, AND/OR LICENSED ARBORIST** is a tree care professional who has tested and received an accreditation through the Internal Society of Arboriculture (ISA) and is recognized for good practice with the Tree Care Industry Association (TCIA). This is not to be confused with an Oak Wilt specialist which is a separate qualification process.

**CEDAR (*Juniperus*) STAND** A group of cedars where 65% are over ten (10) feet tall and range over an area at least ten (10) feet wide.

**CRITICAL ROOT ZONE** An area of land surrounding the trunk of the tree for which the roots extend underground. It is typically measured as 1 inch in radius per 1 inch in diameter of the tree.



**DEVELOPER** A person, contractor, corporation, or other legal entity with legal control over a property for the purpose of making improvements upon the land such as clearing, installation of utilities, or the building of a structure who may or may not occupy or live upon the property in question.

**DBH** (diameter at breast height). The tree trunk diameter of an existing tree measured in inches at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its narrowest point beneath the split.

**DIAMETER** Is circumference divided by Pi (3.14)

**DISEASED TREES** Oaks infected by the fungus *Ceratocystis fagacearum*. Other trees infected by any disease rendering them unsustainable.

**ESCROW** A deposit of a cash bond with the city in accordance with this article.

**FUNGICIDE** A chemical treatment used on non-symptomatic or slightly symptomatic trees within the trench line that could be vulnerable to infection of oak wilt.

**HERITAGE TREE** A tree that has a trunk of twenty-four (24) inches in diameter or greater measured at DBH; or a multi-trunked hardwood tree having a total trunk DBH of thirty (30) inches or more (not counting trunks that are eight (8) inches or less in diameter); And is one of the following species:

- Ash, Texas
- Cypress, Bald
- Elm, American
- Elm, Cedar
- Madrone, Bigtooth
- All Oaks
- Pecan
- Walnut, Arizona
- Walnut, Eastern Black

This list of eligible heritage tree species may be supplemented, but not reduced, as prescribed by rule.

**LION TAILING** A pruning method where all the interior branches are removed, leaving only tufts of leaves and small branches at the ends of the large limbs. It damages the health and structural stability of the tree.

**LIVE OAKS** Members of a distinct group of the genus *Quercus* characterized by the leathery oval leaves that includes two Texas species: plateau live oak (*Quercus fusiformis*) and coastal live oak (*Quercus virginiana*).

**NATURAL AREA** An area where the naturally grown landscaping is left primarily undisturbed, except for removal of poison ivy, greenbrier, and similar vegetation, invasive species, oak wilt removal and/or prevention measures, and allowing for maintenance of the trees to maintain vigorous growth.

**OAK WILT** A vascular wilt disease of oaks. The fungus responsible, *Ceratocystis fagacearum*, invades the water-conducting tissues of oak roots, trunks and limbs. *Ceratocystis fagacearum* does not actively grow anywhere in nature except in oak trees. Spores of this fungus can be moved around by certain insects and by humans.

**OAK WILT CENTER** A site where the oak wilt fungus is spreading through the roots of diseased trees to infect healthy oaks, creating an area of sick, dead and dying oaks.

**OAK WILT SPECIALIST** a tree care professional that has received special training and qualification to identify, diagnose, and treat Oak Wilt through the International Society of Arboriculture (ISA).

**RESIDENT** A person with legal control over the property in question, to include lessees, owners, and all other occupants who may make alterations to the landscape of the property or hire someone to do the same.

**PREVENTATIVE MEASURES** Actions that prevent the spread of oak wilt from diseased to healthy oaks, including but not limited to oak wilt suppression trench installation and the removal and destruction of diseased oaks and firewood from diseased oak.

**PROTECTED TREE** A tree with a diameter of nineteen (19) inches in diameter or greater measured at DBH. Or, Cedar Stands as defined in this ordinance.

**RED OAKS** Members of a distinct group of the genus *Quercus* characterized by lobed leaves tipped by small soft spines, including but not limited to Texas red oak (*Quercus texana*, also called *Quercus buckleyi*), shumard oak (*Quercus shumardii*), southern red oak (*Quercus falcata*), and blackjack oak (*Quercus marilandica*). These trees are highly susceptible to Oak Wilt, and can spread it naturally.

**REMOVAL** Means an act that causes or may be reasonably expected to cause a tree to die, including uprooting, severing the main trunk; damaging the root system; and/or excessive pruning.

**SUBSTANTIALLY DEAD TREE** Tress in which 90% or more of the previously healthy branches have died due to any cause, or which have been certified by an arborist as substantially dead.

**SUSCEPTIBLE SPECIES** All varieties of the genus *Quercus* that may be infected and killed by *Ceratocystis fagacearum*, including live oaks and all species of red oak.

**TOPPING** The practice of removing the top of a central stem, or leader, on a tree and the upper main branches. It damages the health and structural stability of the tree.

**TREE BOARD** The City of Woodcreek Tree Board.

*TRENCHING* Short for OAK WILT SUPPRESSION TRENCHING INSTALLATION, a method used to isolate the infected area between healthy and diseased trees. Trenching equipment is used to cut connecting roots so that fungus cannot spread between trees.

*WOODY DEBRIS* Branches and limbs smaller than two inches in diameter cut from diseased trees; also, such branches and limbs from an unknown source that may potentially harbor the oak wilt fungus.

#### 91.04 TREE FUND

(A) A fund is hereby created in which any/all cash-in-lieu paid to the City pursuant to the mandates of this chapter shall be deposited.

(B) The Fund will be administered by the City Council who may designate this responsibility to the Tree Board and may be drawn upon to implement landscaping improvements on city parks, city-controlled public right-of-way greenspaces, and other public land.

### SCHEDULE I: TREES WITHIN CITY LIMITS

#### 91.05 JURISDICTION

Under the authority of sections 212.002 and 212.003 of the Local Government Code, Chapter 91: Trees Protections, is applicable to:

(1) City Limits of Woodcreek.

(2) All residential and commercial properties.

(3) New development including but not limited to planned development districts, planned unit districts, municipal utility districts, subdivisions, and all other residential, commercial, and nonresidential lot improvements.

(4) Existing residences and commercial properties.

(5) Clearing of any land regardless of zoning with, or without, a primary structure.

(6) Industrial zoning and development should it occur

(7) Agriculture lands

(8) Recreational properties not owned by the city or designated as public parks, greenspaces, or other public lands.

#### 91.06 TREE TRIMMING PERMIT REQUIRED

(A) No property owner, resident, person, individual, firm, corporation, contractor, landscape contractor, developer, tree trimmer, builder, utility service or any other type of business entity shall trim, prune, or remove any tree within the city without having first obtained the appropriate permit from the city.

(B) Permits shall be issued based on the current fee schedule.

(C) Permits shall be effective for 30 days from the date of issuance and shall apply only to the lot or parcel of land for which it is issued.

(D) Pruning in excess of 25% of the canopy of trees under 19 inches in diameter is discouraged. Pruning in excess of 25% of the canopy of Protected and Heritage Trees is prohibited at all times.

(E) Pruning or cutting of oak trees shall be prohibited in the spring months of February through June when fungal spore formation and beetle activity are highest unless such activities are completely unavoidable to protect the safety of people and property or the health of the tree. A permit from the City must be secured prior to pruning or cutting in this situation.

(F) Pruning or cutting of oaks is permitted from July through January. ~~During this time all tools used on oak trees must be disinfected between trees. A \$500 fee will be charged for all trees placed at risk should a responsible party be caught not cleaning their tools between working on different trees.~~ Pruning apparatus should be disinfected between trees.

(G) Regardless of the time of year that the wound occurs, black tree wound dressing must be applied immediately to all wounds of any size on susceptible oaks, including the cut surface of healthy oak stumps, pruning cuts, construction damage, or any spot where the bark has been removed to expose the wood beneath, to discourage potential insect/disease contamination. Failure to seal any wound immediately upon creation is an unlawful violation of this chapter. This includes trunks of any oak trees fully removed where the trunk portion is left behind. A \$500 fee will be charged for each tree placed at risk should a responsible party be caught not immediately applying black tree wound dressing to live cuts and other wounds.

(H) The permit shall be posted in a place where it can be seen from the nearest street while the work is in process.

(I) Residents are encouraged to seek professional services from a licensed arborist for all tree-trimming and/or removals for all trees, but a certified arborist is required for the trimming of all trees designated as Heritage and all Protected Oak trees.

(J) It is the responsibility of the property owner to secure the proper permits.

(K) The practices of "lion tailing" and "topping," as described in the definitions in section 91.04 of this chapter, are prohibited for all protected and heritage trees. Use of these practices by a resident or developer or conducted by hired help under the supervision and employment of the resident or developer may result in fines up to \$250 per protected tree and \$500 for each heritage trees harmed with these prohibited practices.

(L) There will be a separate permit process (91.08) for tree removal for all existing and new development within the city limits to establish the species of a tree and if it is a Protected or Heritage or nuisance tree. See section 91.07 of this chapter for more information on Protected and Heritage Trees, section 91.10 for nuisance trees, and section 91.11 for diseases and infestations other than Oak Wilt.

(M) The following trees may require a permit but do not require mitigation to meet the objectives of invasive species management efforts of the City of Woodcreek.

Chinaberry (*Melia azedararach*)  
 Chinese parasol tree (*Firmiana simplex*)  
 Chinese pistache (*Pistache chinensis*)  
 Chinese tallow (*Sapium sebiferum*)  
 Golden Rain Tree (*Koelreuteria paniculata*)  
 Ligustrum, wax leaf (*Ligustrum japonicum*)  
 Ligustrum, Japanese (*Ligustrum lucidum*)  
 Lilac chaste (*Vitex agnus-castus*)  
 Mimosa, non-native (*Albizzia julibrissin*)  
 Mulberry, paper (*Broussonetia papyrifera*)  
 Mulberry, white (*Morus alba*)  
 Nandina (*Nandina domestica*)  
 Photinia, Chinese (*Photinia, spp.*)  
 Privet, common (*Ligustrum sinense, Ligustrum vulgare*)  
 Pyracantha (*Pyracantha spp.*)  
 Russian olive (*Elaeagnus angustiflora*)  
 Siberian Elm (*Ulmus pumila*)  
 Tamarisk, salt cedar (*Tamarix spp.*)  
 Tree of Heaven (*Ailanthus altissima*)

(N) As a result of a storm or fire, a person may, without a permit, trim, prune or remove a storm damaged tree that is an imminent hazard to life or property if the tree is removed within seven days of being damaged by the event.

- (1) Photos of the damaged tree and a written explanation showing the imminent hazard will be provided to the city within fifteen days of the event.
- (2) If imminent hazard is not shown to have existed, the city may impose fines or fees for the removal of said damaged tree without having first obtained a permit.
- (3) The city manager or their designee may extend these deadlines for widespread and extensive storm damage.

(4) This exception is extended to cover Protected and Heritage Trees should a storm damage them significantly and they pose a serious immediate hazard to persons or property. No fee will be assessed nor replacements required for Protected and Heritage trees that have been damaged in a natural event for which full removal is suggested or required. If the tree is designated as Protected or Heritage and was removed, and it is determined that full removal was not necessary by city officials and a certified arborist, then the appropriate replacement costs will be imposed.

(O) Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct view of any street intersection and so that there shall be a clear space of eight feet (8') at the property line, above a public walkway, or in the City right-of-way easements. The City shall maintain right-of-way clearance overhanging the public rights-of-way at a minimum of fourteen feet (14'), trimming at a minimum of sixteen feet (16') when the work occurs.

(1) Said owners shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public.

(2) The City shall have the right to prune any tree or shrub on private property when it interferes with the visibility of any traffic control device or sign.

(3) The City will notify citizens of intent to prune trees or shrubs at least seven (7 ) days in advance of commencing this work.

(4) This work shall follow Oak Wilt guidelines as described in this chapter and the City will follow proper procurement procedures for all contracted workers utilized for right-of-way clearance.

(P) Any tools used for pruning on trees should be cleaned between each use and between separate trees during use to prevent the spread of disease and infestation.

#### 91.07 PROTECTED AND HERITAGE TREES

(A) **Protected Trees** as defined in this chapter are trees with a trunk diameter of 19 inches and greater and they are not listed as invasive in section 91.06 (M) of this chapter.

(1) Trees designated as protected are considered to be highly desirable, and private landowners and developers are encouraged to preserve these trees through proper care and maintenance.

(2) A certified arborist is recommended but not required for trimming on protected trees except all Oak species. Protected size trees of the Oak species will require a certified arborist for trimming. Trimming in excess of 25% of the canopy of a Protected Tree is prohibited at all times.

(3) If removal of a protected tree is desired, then the landowner or responsible party of existing lots and/or new development must request a permit for removal and they must provide replacement tree at a ratio of 1:1, or cash-in-lieu may be paid to the City Tree Fund in the amount equal to the cost of nursery stock required to replace the diameter amounts lost and the cost of installation on a per unit basis, not to exceed one hundred dollars (\$100.00) per diameter inch lost or 20% of the current value of the property, not

including any structures built upon the lot, as assessed in the most current county appraisals.

(4) Homeowners may offset costs by 100% with a tree replacement, non-resident developers may offset costs by 50% with a tree replacement but are subject to pay the remaining fee, and commercial developers allowed 40% offset with planting and then are subject to pay the remaining fees.

**(B) Heritage Trees** as defined in this chapter are trees with a trunk of twenty-four (24) inches in diameter or greater measured at DBH; or a multi-trunked hardwood tree having a total trunk DBH of thirty (30) inches or more (not counting trunks that are eight (8) inches or less in diameter); And is one of the species listed in section 91.04 under the Heritage Tree definition.

(1) Trees designated as heritage are hereby prohibited from removal.

(2) A certified arborist is required for all trimming on Heritage Trees. **Trimming in excess of 25% of the canopy of a Heritage Tree is prohibited at all times.**

(3) Property owners, residents, and developers who wish to remove a Heritage Tree must request a variance. They must show proof that there is substantial reason to remove a Heritage Tree and placement of a desired structure is not considered to be reason enough to remove a Heritage Tree.

(4) If a removal variance is granted, a replacement must be provided at a ratio of 1:1, or cash-in-lieu may be paid to the City Tree Fund in the amount equal to the cost of nursery stock required to replace the diameter amounts lost and the cost of installation on a per unit basis, not to exceed one hundred dollars (\$100.00) per diameter inch lost or 20% of the current value of the property, not including any structures built upon the lot, as assessed in the most current county appraisals.

(5) Homeowners may offset costs by 100% with a tree replacement, non-resident developers may offset costs by 50% with a tree replacement but are subject to pay the remaining fee, and commercial developers allowed 40% offset with planting and then are subject to pay the remaining fees.

**(C) Prohibited and Harmful Trimming Practices on Protected and Heritage Trees** such as **“lion tailing” and “topping,”** as described in the definitions in section 91.03 of this chapter, may result in fines up to \$500 per protected tree and \$1000 for each heritage trees harmed with these prohibited practices.

**(D) Diagnosed Oak Wilt in Protected and Heritage Trees** may result in their removal. If Oak Wilt is detected and it is substantial enough to warrant removal or has caused significant structure damage or death of large portions of the tree, as diagnosed by a certified arborist, these trees are exempt from replacement requirements and removal fees imposed by the City. Residents are still encouraged to replace trees and the City offers financial assistance for replacement of trees lost due to Oak Wilt in section 91.09 (E).

## 91.08 TREE REMOVAL

- (A) All tree removals must go through a permit process separate from the tree trimming process. This is to determine the species, Protected or Heritage tree status, or if there is a public hazard or nuisance.
- (B) Removal of Protected Trees should be avoided. In the case of bug infestation or disease, besides Oak Wilt, treatments should be pursued before removal if possible. Protected trees should be replaced following the procedures outlined in section 91.07 (A).
- (C) Removal of Heritage Trees is prohibited. A variance must be requested, significant proof is needed for approval to remove beyond placement of a desired structure alone, and the replacement procedures outlined in section 91.07 (B) apply.
- (D) Removal of trees listed in 91.06 (M) is permitted and no replacement procedure is required. The permit in this case is simply to establish the tree type.
- (E) Residents are highly encouraged to use a licensed and insured tree care professional for all removals as they can pose a serious risk to life and property.

#### 91.09 OAK WILT

- (A) Reporting. Any person who discovers or suspects the presence of oak wilt infestation or an oak wilt infected tree shall report that information to the City Manager/Administrator within ten (10) business days.
- (B) Inspections and Notice to Owner
- (1) The City of Woodcreek is authorized and empowered to send a representative from city staff, the Tree Board, Texas A&M Forest Service, or a certified arborist to enter upon any lot or parcel of land in the city or its ETJ at any reasonable hour for the purpose of inspecting any oak tree(s) or dead oak wood situated thereon.
  - (2) Every reasonable effort shall be made to contact the owner, resident, or other persons who may have charge or control of the lot or parcel in advance to notify them of the inspection and to request entry.
  - (3) If there is a living structure on premise, or it is established by observation that the parcel or lot is occupied at the time of the inspection, the aforementioned personnel shall first present credentials, alert the occupant of their intention to enter the property for inspection purposes, and request entry.
  - (4) Owners and occupants shall provide reasonable cooperation for the entry and inspection of their property for the purpose of dealing with this public nuisance. While permission from the resident, owner, or occupant is necessary for entry, if such entry is refused and the City has probable cause to believe that there exists on the premises a public nuisance such as oak wilt, the city shall go before the Municipal Court Judge to seek and obtain a search warrant. The purpose of this warrant is to determine the presence of oak wilt and to obtain samples.
- (C) Confirmation of Oak Wilt and Notice to Owner:



(1) If, on laboratory analysis of specimens removed from any red oak tree, it is determined that such tree is infected with Oak Wilt, or if it is determined that any dead or substantially dead red oak tree, is infected with Oak Wilt then it must be fully removed and all wood taken from the property and disposed of properly. Tools used should be cleaned immediately and shall not be used on other trees until they have been properly sanitized.

(2) If, on laboratory analysis of specimens removed from any species of oak tree other than red oak, it is determined that such tree is infected with Oak Wilt, and it is determined that the tree should be removed by a certified arborist because abatement measures to contain the Oak Wilt and/or prolong the tree's lifespan are determined to be insufficient or cost prohibitive for the owner, or it is determined the structural damage to the tree is significant enough to make it a public health hazard then it must be fully removed and all wood taken from the property and disposed of properly.

(3) If it is determined that any such tree, dead or alive, infected with Oak Wilt should be removed, the city may serve or cause to be served a written notice upon the owner of record and upon all lienholders of the lot or parcel of land on which the tree or dead oak wood is located, requiring such owner to comply with the provisions of this chapter.

(4) Diagnosis will be obtained via laboratory verification by the Texas A&M Forest Service or through a field survey by trained personnel.

(5) Service of notice provided for in this chapter shall be by certified mail to the owner's address as listed on the Hays County Appraisal District's tax roll. Notice to a lienholder or its agent may be made by personal service or by certified mail. Certified mail returned as "unclaimed" or "refused" shall be deemed delivered.

(6) If, on laboratory analysis of specimens removed from any species of oak tree other than red oak, it is determined that such tree is infected with Oak Wilt, and it is determined that the tree could benefit from abatement and treatment efforts and that these efforts could effectively contain the Oak Wilt and prolong the tree's life as diagnosed by a certified arborist with a specialization in Oak Wilt, then the owner may take these preventive measures at their own expense.

**(D) Abatement or Removal Required:**

(1) Upon receipt of written notice by the city as described in 91.09 (C) it shall be unlawful for any owner of any lot or parcel of land within the jurisdiction of the City of Woodcreek to permit or maintain on any such lot or parcel any dead oak wood or oak tree which is a public nuisance as defined in this chapter, and it shall be the duty of the owner of such to promptly remove and destroy such oak tree by cutting the tree off at ground level and removing all dead oak wood and woody debris as directed by the city.

(2) Should the property owner fail to abate the public nuisance within sixty (60) days following the receipt of notification, the city shall have the right to cause the removal and destruction of the diseased trees. The full cost of such removal and destruction shall be assessed to the property owner. Should the property owner fail to pay the city within

thirty (30) days from the date of invoicing the city may, at its discretion, file a lien against the property in the amount of all costs incurred by the city, plus interest. The assessment of expenses and lien shall follow the procedures established in Tex. Health and Safety Code Ch. 342.

(3) Oaks known or suspected to have died of oak wilt may not be retained for firewood under any circumstances due to the elevated risk of fungal mat formation and insect transmission.

(4) It shall be unlawful for any person to sell firewood within the city that was taken from oak trees known or suspected to be infected by the oak wilt fungus.

(5) Pruning or cutting of oak trees shall be prohibited in the spring months of February through June when fungal spore formation and beetle activity are highest unless such activities are completely unavoidable to protect the safety of people and property or the health of the tree. A permit from the City must be secured prior to pruning or cutting in this situation.

(6) Pruning or cutting of oaks is permitted from July through January. Pruning apparatus should be disinfected between trees.

(7) Regardless of the time of year that the wound occurs, black tree wound dressing must be applied immediately to all wounds of any size on susceptible oaks, including the cut surface of healthy oak stumps, pruning cuts, construction damage, or any spot where the bark has been removed to expose the wood beneath, to discourage potential insect/disease contamination. Failure to seal any wound immediately upon creation is an unlawful violation of this chapter. This includes trunks of any diseased oak trees fully removed where the trunk portion is left behind. Residents are encouraged to fully remove the stump of diseased oak trees as they can still spread oak wilt.

(8) If any owner, resident, or responsible party including the City fails to address Oak Wilt once confirmed by laboratory specimen and it can be reasonably proven that the Oak Wilt has since spread to other nearby properties as a result of this negligence, as determined by a certified arborist specializing in Oak Wilt, the property owner or responsible party of the Oak Wilt center may be liable for the damages to surrounding properties and subject to no less than half of the fees associated with removal, containment, abatement, and/or replacement of the trees on property surrounding the Oak Wilt Center.

(a) These are not fees due to the City for permitting purposes, as there are none in the case of Oak Wilt. These are the fees incurred by other surrounding private land holders adjacent to the Oak Wilt center for the purpose of hiring professionals to contain, remove, and replace the diseased trees.

(b) For liability purposes, reasonable proof must exist that the owner was notified of confirmed Oak Wilt and that no action was taken to contain and/or remove the diseased trees. If action was taken, and Oak Wilt still spread as diagnosed by a certified arborist specializing in Oak Wilt, then the property

owner for which the Oak Wilt center was located is not liable for any spreading that may occur after reasonable efforts have been made to contain and/or remove the Oak Wilt from the property.

(E) City Sponsored Replacement Program and Oak Wilt Abatement and Prevention Efforts:

- (1) The City shall appropriate funds as deemed appropriate by the City Council for oak wilt suppression on private and public lands within the city limits. Funds for this effort will come from the Oak Wilt Containment budget.
- (2) The City has no obligation to pay for preventive measures on any private property. However, to encourage participation by property owners, the City may enter into written agreements with certain property owners to pay for all or part of the costs of preventive measures.
- (3) The City may enter into an agreement with the property owner(s) for cost-sharing of trenching or removal of dead oaks.
- (4) The City may enter into an agreement with the property owner(s) for cost-sharing of replacement trees for Protected and Heritage trees lost to Oak Wilt. Residents are encouraged, but not required, to replace trees lost by Oak Wilt.
  - (a) The City will offer to cover 50% of the cost of the replacement tree, or up to \$600 in matching funds, to replace any protected or heritage tree that has died or must be removed due to Oak Wilt as diagnosed by a certified arborist and confirmed by the City.
  - (b) Trees smaller in diameter and younger in age than a designated protected or heritage tree but afflicted by Oak Wilt as diagnosed by a certified arborist and confirmed by the City, will be grouped into sets of 5 to determine a funding match from the City; for every five smaller trees a resident may receive \$600 and for every three smaller trees a resident may receive half value at \$300 in matching funds.
  - (c) The resident will be reimbursed upon the confirmed planting of the replacement tree. Trees must be planted in the fall, not during a drought, and the resident must provide an exact match of funds from the city to purchase a tree of advanced age and suitable durability to survive transplantation.
  - (d) The City will not cover costs to plant the tree and no portion of the match funds may be used for planting services. The match funds shall be solely used for the purchase of the tree.
  - (e) Trees selected for planting may not be susceptible to Oak Wilt and residents should reference the Texas A&M Forrester Service guidelines for appropriate trees to plant in this area that Oak Wilt cannot infect.
  - (f) Residents that show proof the replacement tree planted has survived after three years will receive an additional \$100 per tree. This must be documented

via photos and the tree must still be alive and thriving at the time the City sends out a representative to confirm in person.

(F) Fungicide treatment for non-symptomatic or slightly symptomatic trees or removal of infected or dead trees shall be the responsibility of the landowner.

(G) If an owner of any private land, regardless of zoning or development status, fails to remove, trench, and treat confirmed Oak Wilt then the City may remove the trees at the owner or responsible person(s) expense and may impose additional fines as described in this chapter.

~~(H) During the months of July to January if any tree worker, landscaper, property owner, developer or otherwise authorized responsible party is caught not properly cleaning and sanitizing tools between their use on different trees they will be subject to a \$500 fine per tree placed at risk by these actions. Spraying live Oak cuts are year round practices required on all oak species and are subject to a \$500 fine per tree placed at risk by not doing so.~~

#### **91.10 CERTAIN TREES DECLARED A PUBLIC NUISANCE AND NOT SUBJECT TO REPLACEMENT REQUIREMENTS AND/OR REMOVAL FEES**

(A) Any tree which is in an unsafe condition or which by reason of its nature or growth is injurious to sewers, power lines, gas lines, water lines or other public improvements and measures to save the tree while eliminating the public risk would be cost prohibitive or unlikely to be effective as assessed by a certified arborist may be removed and is not subject to replacement requirements or removal fees to be paid to the City.

(B) Residents and property owners must submit a permit for removal request. In the event of an emergency, and it is unreasonable for a property owner to wait for permit approval, they shall follow the process outline in section 91.06 (M) for submitting required information to the City after removal.

(C) All red oak diseased trees, alive, dead or substantially dead, and all wood from red oak trees to which any bark is still attached.

(D) All species and varieties of diseased oak trees that are dead or substantially dead, and all dead diseased oak wood to which the bark is still attached, which, because of its condition, may serve as a breeding place for any carrier of oak wilt disease.

(E) Any diseased tree that is dead or substantially dead.

(F) Any tree with substantial bug infestation which has resulted in significant structural damage, as determined by a certified arborist, and treatment would be unable to save or preserve the tree and thus the tree constitutes as a hazard to the public if not immediately removed.

(G) A living, dying, or dead tree or limb or shrub on a right-of-way, or adjacent to a right-of-way but on private property, if it obstructs streetlights, traffic signs, or the free and safe passage of pedestrians and vehicles, or poses a hazard to life or property. A representative of the City may meet with the property owner to discuss such a tree, and the city may give notice to the property owner to remedy such nuisance at the owner's expense.

(H) A living, dying, or dead tree or limb or shrub on a right-of-way, or anywhere on private property, that harbors an infestation or fungus or disease which a certified arborist determines is a contagious communicable threat to other trees within the city. Owners are encouraged to report such nuisances to the city. A representative of the City may meet with the property owner to discuss such a nuisance. The city may give notice to the property owner that it intends to remediate such nuisance for the owner at the owner's expense and proceed to do so. The owner shall cooperate with the city's remediation. Remediation may include various measures as determined by a certified arborist, such as spraying, injecting, trimming, or removing.

#### **91.11 GUIDELINES FOR DISEASED OR INFESTED TREES OTHER THAN FROM OAK WILT**

##### **(A) Inspections for all trees**

(1) Homeowners, residents, and all others in charge of or care over any property within the city limits of Woodcreek or its ETJ are encouraged to conduct annual tree inspections of their property. If Oak Wilt is suspected, please contact the City immediately to receive assistance in properly diagnosing diseased trees.

(2) Additional inspections to consider would be for bug infestations, diseases other than oak wilt, excess ball moss growth, girdling, buried root crowns, blight, and erosion. The City encourages residents, property owners, and developers to seek regular inspections and to pursue proper tree care but will not provide compensation outside of the programs listed in this chapter or any other official city sponsored events that may occur.

(3) It is the financial responsibility of private landowners and residents to properly inspect and care for their trees per the guidelines in this chapter to ensure the trees located within their property lines are safe and healthy, thus protecting residents' assets and property values.

(4) If there is a suspected contagious disease or bug infestation, the City may send a city representative, member of the Tree Board, or other licensed professional to inspect and diagnose trees in question or determined at risk pursuant to the guidelines as described in section 91.09 (B).

##### **(B) Notice to owner for diseased and infested trees**

(1) If, on laboratory analysis of specimens or upon the diagnosis by a certified arborist, that any species of tree under the city's jurisdiction is determined that such tree is a public nuisance, as provided in this chapter, or if it is determined that any dead or substantially dead tree, is a public nuisance, as provided herein, and if it is determined that any such tree should be removed, the city may serve or cause to be served a written notice upon the owner of record and upon all lienholders of the lot or parcel of land on which the tree or dead wood is located, requiring such owner to comply with the provisions of this chapter.

(2) Diagnosis may be obtained via laboratory verification by the Texas A&M Forest Service or through a field survey by trained personnel.

(3) Service of notice provided for in this chapter shall be by certified mail to the owner's address as listed on the Hays County Appraisal District's tax roll. Notice to a lienholder or its agent may be made by personal service or by certified mail. Certified mail returned as "unclaimed" or "refused" shall be deemed delivered.

(4) Once notice has been issued, action must be taken to treat or remove the public nuisance

(C) Costs for treatment, removal, and replacement

(1) The City shall appropriate funds as deemed appropriate by the City Council for suppression of infectious diseases or bug infestations that pose a threat to the greater community.

(2) The City has no obligation to pay for preventive measures on any private property. However, in order to encourage participation by property owners, the City may enter into written agreements with certain property owners to pay for all or part of the costs of preventive measures.

(3) The City may enter into an agreement with the property owner(s) for cost-sharing of treatments deemed necessary by a certified arborist.

(4) The City may enter into an agreement with the property owner(s) for cost-sharing of replacement trees.

(5) Fungicide treatment for non-symptomatic or slightly symptomatic trees or removal of infected or dead trees shall be the responsibility of the landowner.

(6) Owners who neglect to contain, remove, or treat contagious disease or spreadable infestation may be liable for costs incurred by the City or other private land owners for mitigation purposes.

**91.12 TREE PROTECTION REQUIREMENTS FOR NEW DEVELOPMENT OR NEW CONSTRUCTION ON EXISTING DEVELOPMENT WITHIN CITY LIMITS**

(A) A "Grading and Tree Survey" shall be submitted with all new commercial and residential building and/or subdivision development site plans within the city's jurisdiction. This includes development or building on lots with existing structures.

(1) The Tree Survey shall include all existing, live, healthy trees with a fourteen (14) inch or larger DBH in diameter. The Survey shall indicate the size (DBH) and species of tree. Trees observed to be distressed will be indicated with an asterisk on the tree list. Trees shall be represented by circles using the formula of one (1) foot of radius diameter for every one (1) inch of trunk diameter. Unbroken circles indicate trees that are to remain. Dashed circles indicate trees that are to be removed (including trees identified to be distressed).

(2) Healthy designated Protected Trees that require removal to accommodate the development shall be replaced at a ratio of 1:1, or cash-in-lieu may be paid to the City Tree Fund in the amount equal to the cost of nursery stock required to replace the

diameter amounts lost and the cost of installation on a per unit basis, not to exceed one hundred dollars (\$100.00) per diameter inch lost for the entire Site, or 20% of the current value of the entire property without the value of any structures on the land as assessed by the most current county appraisal records (before subdivision, if being divided). Non-resident developers may offset costs by 50% with a tree replacement but are subject to pay the remaining fee, and commercial developers allowed 40% offset with planting and then are subject to pay the remaining fees. Trees identified as diseased, infested, containing Oak Wilt, or with substantial structure failure as diagnosed by a certified arborist may be exempt from replacement requirements if it is determined the tree would not naturally survive without extensive and cost-prohibitive intervention.

(3) Healthy designated Heritage Trees are prohibited from removal. A variance for removal must be requested from the City and proof that there is substantial reason to remove a Heritage Tree is required. Placement of a desired structure alone is not considered to be reason enough to remove a Heritage Tree. If the variance to remove a Heritage Tree is granted, then a replacement tree must be planted at a ratio of 1:1, or cash-in-lieu may be paid to the City Tree Fund in the amount equal to the cost of nursery stock required to replace the diameter amounts lost and the cost of installation on a per unit basis, not to exceed one hundred dollars (\$100.00) per diameter inch lost for the entire Site, or 20% of the current value of the entire property without the value of any structures on the land as assessed by the most current county appraisal records (before subdivision, if being divided). Non-resident developers may offset costs by 50% with a tree replacement but are subject to pay the remaining fee, and commercial developers allowed 40% offset with planting and then are subject to pay the remaining fees. Trees identified as diseased, infested, containing Oak Wilt, or with substantial structure failure as diagnosed by a certified arborist may be exempt from the variance and replacement requirements if it is determined that the tree could not first be preserved through treatment and mitigation.

(4) Pre- and post-construction fertilization is required for existing trees that will be, or have been, disturbed by construction activities, including disturbance of the critical root zone. All fertilizers must be phosphate-free. Receipts from this treatment must be provided to the City Manager, or their designee, prior to a certificate of occupancy issuance.

(5) The planting, preserving and maintaining of trees, which are contagiously diseased trees, or the storage of cut oak, unless first determined by a certified arborist to be devoid of oak wilt or properly treated, shall be deemed to be a Public Nuisance and is prohibited.

(6) During construction, measures must be taken to protect all trees; including, but not limited to: rigid fencing, shielding, and signage, as necessary. The level of protection for each tree shall be subject to determination by the City Manager or their designee prior to acceptance and approval of the grading and tree survey.

(a) Factors considered in this determination include, but are not limited to: proximity to construction, construction design plans, size of tree, route of construction vehicles on and off property, parking during construction, and utility line access.

(b) If it is determined rigid fencing is needed to protect the critical root zone of a tree, it shall be placed with a radius of ½ ft per 1 inch in diameter from the trunk unless property lines or other features prohibit a complete radius. Rigid fencing should be not less than four (4) feet high and the material shall be sufficient to deter damage to the tree or compaction of its root system. Trees under 19 inches in diameter may be exempt from fencing.

(c) All Protected and Heritage Trees must be protected with rigid fencing per the guidelines for placement listed above. Development and construction inside the critical root zone of Protected and Heritage Trees shall be avoided. Variances may be requested and are subject to approval after assessment by a certified arborist is performed and it is determined there is no significant risk to the tree by proposed construction designs.

(d) The City Manager or Designee shall inspect and approve installed tree protection before the issuance of any permit to commence with any construction activity.

(e) Tree protection shall remain in place until final landscaping installation is approved by the City Manager or designee.

(f) The parking or storage of vehicles, equipment or materials within the critical root zone of Protected and Heritage Trees is prohibited.

(7) Any trenching that must occur during or post construction around Protected and Heritage Trees must have the plan reviewed by a certified arborist. If it is determined the trenching will occur in a critical root zone, then the work must be conducted by a certified arborist.

(8) Proposed pruning in excess of 25% of the canopy on Protected and Heritage Trees is prohibited. In trees under 19 inches in diameter, pruning in excess of 25% of the canopy must be reported in the "Grading and Tree Survey" and measures should be taken to avoid whenever possible.

(9) A minimum of 50% of the critical root zone of all Protected and Heritage Trees must be preserved at natural grade with natural ground cover. No cut or fill greater than 4 inches allowed within ½ of the critical root zone. No Impact is allowed within ¼ of the critical root zone.

(B) For all new commercial and residential developments or subdivisions or new construction on existing development, during extreme drought classifications for this region as determined by the National Drought Mitigation Center, the City Manager, or designee, may:



(1) Accept a fiscal deposit in the amount equal to the cost of purchasing and installing the trees, and other required landscaping, into the City's Tree Fund in lieu of the installation of trees, and other required landscaping, required by this chapter for the issuance of a Certificate of Occupancy Permit; OR

(2) The City Manager, or designee, may accept an escrow equal to the cost of purchasing and installing the trees, and other required landscaping. The City shall only accept the Fiscal Deposit or Escrow if an Erosion Control Plan has been reviewed and accepted by the City Manager, or Designee. Failure to maintain and adhere to an approved Erosion Control Plan during periods of an extreme drought classification shall be deemed a violation. Such a violation will result in fines and penalties being applied.

(3) The escrow may be drawn upon by the City to implement tree requirements for the depositing property owner, or the funds shall be released to the depositing property owner to implement tree requirements within thirty (30) days when after the Drought Mitigation Center determines that this region is no longer in an extreme drought condition or higher classification. Failure to implement the tree requirements within thirty (30) days of the release of the fiscal deposit to the depositing property owner shall be deemed a violation and the fines and penalties of this article shall apply.

(C) Fiscal deposit or cash accepted in lieu of replacement of trees

(1) Persons requesting that the City accept an in lieu Fiscal Deposit to the Tree Fund shall provide the City with written documentation from an entity that sells trees providing the estimated cost of purchasing and installing the trees and other landscaping required by this chapter.

(2) If no estimated cost for the installation of the trees required by this chapter is provided to the City, the City shall require a sixty-six (66) percent of the cost of the tree to be paid as the installation cost in addition to the cost to purchase the tree.

(3) Any fiscal deposits for trees paid to the City pursuant to this section shall be held in the Tree Fund and used as designated in section 91.04 of this chapter.

(4) Replacement fees for Protected and Heritage Trees are outlined in section 91.07 of this chapter.

## **SCHEDULE II: TREES IN THE EXTRATERRITORIAL JURISDICTION (ETJ)**

### **91.13 JURISDICTION**

Under the authority of sections 212 Government Code, Chapter 91: Tree Protections, is applicable to the following:

(1) Subdivision and plating for residential, commercial, agricultural, and industrial properties

(2) New development including but not limited to planned development districts, planned unit districts, municipal utility districts, subdivisions, and all other residential, commercial, and nonresidential lot improvements.

(3) Clearing of any land regardless of zoning with, or without, a primary structure prior to development plans submitted to the City of Woodcreek.

#### **91.14 TREE PROTECTION REQUIREMENTS FOR NEW DEVELOPMENT OR NEW CONSTRUCTION ON EXISTING DEVELOPMENT IN THE ETJ**

(A) Land owners and developers shall follow the development regulations as outlined in section 91.12 of this ordinance.

(B) These requirements apply to land clearing prior to the submission of development plans to the City of Woodcreek and are applicable to all circumstances listed in 91.13 as under the jurisdiction of the City within the ETJ.

(C) These requirements will be enforced for the purposes of protection of water quality, pollution abatement and flooding mitigation as described in the Water Code § 26.177.

#### **91.15 PROTECTED AND HERITAGE TREES IN THE ETJ**

(A) Removal of Protected Trees is regulated and removal of Heritage Trees is prohibited with guidelines outlined in section 91.12 (numbers 2 and 3) of this ordinance. Removal of a Heritage Tree would require the variance process and a public hearing.

(B) Trimming of canopies of Protected and Heritage Trees in excess of 25% is prohibited at all times.

#### **91.16 OAK WILT IN THE ETJ**

(A) Oak Wilt reporting is not required, but is encouraged in the ETJ. Property owners are encouraged to utilize the guidance on Oak Wilt procedures outlined in section 91.09 (D) Abatement and Removal. There is no official City sponsored program for Oak Wilt in the ETJ.

#### **91.17 ENFORCEMENT OF SCHEDULES I AND II**

The City Manager or their designee is charged with the enforcement of the provisions of this chapter.

#### **91.18 PENALTY FOR SCHEDULES I AND II**

It shall be unlawful for any person, firm or corporation to violate the provisions of this chapter. Any person violating any provision hereof shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every such violation and for each and every day or portion thereof during which any such violation continues or occurs. Upon the conviction of such violation, such offense shall be punishable by fine which shall not exceed \$500 for each separate offense.

(A) Compliance. Violators of this article will be required to come into compliance within sixty (60) days, unless a variance has been approved by the city. Compliance with this article may be grounds for withholding of other related pending permits for the project by the city.

(B) Enforcement. The city shall have the power to administer and enforce the provisions of this article as may be required by governing law. Any person violating any provision of this article is subject to a stop work order, suit for injunctive relief, and/or prosecution

for criminal violations. Any violation of this article is hereby declared to be a nuisance. Any violation of this article may serve as grounds to withhold or delay issuance of other permits and revocation of a certificate of occupancy.

(C) Civil remedies. Nothing in this article shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including but not limited to the following:

(1) Injunctive relief. Injunctive relief to prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article;

(2) Civil penalty. A civil penalty up to five hundred dollars (\$500.00) a day to be deposited in the City Tree Fund, when it is shown that the defendant was notified of the provisions of this article and after receiving notice committed acts in violation of this article or failed to take action necessary for compliance with this article, and other available relief; and

(3) Stop work order. In the event work is not being performed in accordance with this article, the city shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect.

**Council Meeting Date:  
Regular City Council Meeting August 10, 2022**

**Agenda Item Cover Sheet**

**Agenda Item Subject/Title:**

Discuss and Take Appropriate Action on the City of Woodcreek Authorization to Issue Requests for Proposals for Administrative Services (RFP) and Requests for Qualifications (RFQ) for the Texas Community Development Block Grant Administered by the Texas Department of Agriculture.

**Agenda Item Summary:**

In order to apply for the Texas Community Development Block Grant administered by the Texas Department of Agriculture the city must request proposals for administrative services and request for qualifications.

**Financial Impact:**

cost of publication of notice, then percentage of grant, if awarded, would go to administrative services

**Recommendations:**

Approve authorization to issue requests for proposals for administrative services (RFP) and requests for qualifications (RFQ) for the Texas Community Development Block Grant administered by the Texas Department of Agriculture.

**Supporting Documents Included:**

TxCDBG Info Sheet - Grants 2 Pager for PY 2021 Sept 2021.pdf

**Submitted by:** Councilmember Chrys Grummert



## TEXAS DEPARTMENT OF AGRICULTURE COMMISSIONER SID MILLER

### Community Development Block Grant (CDBG) Program for Rural Texas

The primary objective of the Community Development Block Grant program is to develop viable communities by providing decent housing and suitable living environments, and expanding economic opportunities principally for persons of low- to moderate-income.

**Eligible Applicants:** Non-entitlement cities and counties whose populations are less than 50,000 and 200,000 respectively, and that are not designated as eligible for the entitlement portion of the federal Community Development Block Grant Program (CDBG).

#### Community Development Fund (2023-2024)

**Application Deadline: Spring 2023**

**Max Award: \$500,000**

The Community Development Fund is the largest fund category in the TxCDBG Program. This fund is available through a competition in each of the 24 state planning regions. Although most funds are used for Public Facilities (water/wastewater infrastructure, street and drainage improvements and housing activities), there are numerous other activities for which these funds may be used.

#### Downtown Revitalization Program

**Application Deadline: July 8, 2022**

**Max Award: \$500,000**

Provides grant funds for public infrastructure to eliminate deteriorated conditions and foster economic development in historic main street areas and rural downtown areas.

#### Fire, Ambulance, and Service Truck (FAST) Fund

**Application Deadline: July 29, 2022**

**Max Award: \$750,000**

Provides funds for eligible vehicles to provide emergency response and special services to LMI rural communities.

#### Planning and Capacity Building Fund

**Application Deadline: TBD**

**Max Award: \$75,000**

An annual competitive grant program for local public facility and housing planning activities. Localities apply for financial assistance to prepare a "comprehensive plan" or any of its components.

## Community Development Block Grant (CDBG) Program for Rural Texas (cont.)

### Colonia Funds

Funds available to eligible county applicants for projects in severely distressed unincorporated areas. The term “colonia” generally means an identifiable unincorporated community that is within 150 miles of the border between the United States and Mexico.

#### Colonia Planning Fund

**Application Deadline: By Invitation**

**Max Award: \$150,000**

Assistance for the completion of planning activities to prepare colonia areas for water, sewer and housing improvements.

#### Colonia Construction Fund

**Application Deadline: July 8, 2022**

**Max Award: \$1,000,000**

Assistance to fund water and wastewater improvements, housing rehabilitation, and other improvements in colonia areas.

#### Colonia Economically Distressed Areas Program

**Application Deadline: As Needed**

**Max Award: \$1,000,000**

Assistance to colonia areas to connect to a water and sewer system project funded by other state and federal funds.

### State Urgent Need (SUN) Fund

**Application Deadline: As Needed**

**Max Award: \$500,000**

**(\$1,000,000 for certain multi-jurisdiction awards)**

Assistance to communities impacted by state-declared disaster events that are not eligible for federal disaster assistance. Infrastructure repair, replacement, and improvement are eligible projects, with priority for drinking water systems and debris removal.

**Council Meeting Date:  
Regular City Council Meeting August 10, 2022**

**Agenda Item Cover Sheet**

**Agenda Item Subject/Title:**

Discuss and Take Appropriate Action on an Authorization to Issue Requests for Proposals (RFP) for Application Preparation and Administrative Services and Requests for Qualifications (RFQs) for Engineering Services Related to the Hazard Mitigation Assistance (HMA) Grant Programs with Building Resilient Infrastructure & Communities (BRIC).

**Agenda Item Summary:**

As part of the ability to apply for this grant the city must authorize and issue RFPs and request RFQs for engineering services related to the Hazard Mitigation Assistance Grant.

**Financial Impact:**

If awarded grant, fees will come out of grant

**Recommendations:**

Approve authorization to Issue Requests for Proposals (RFP) for Application Preparation and Administrative Services and Requests for Qualifications (RFQs) for Engineering Services Related to the Hazard Mitigation Assistance (HMA) Grant Programs

**Supporting Documents Included:**

HMGP.pdf

**Submitted by:** Councilmember Chrys Grummert

# Hazard Mitigation Grant Program (HMGP)

FEMA's Hazard Mitigation Grant Program provides funding to state, local, tribal and territorial governments so they can develop hazard mitigation plans and rebuild in a way that reduces, or mitigates, future disaster losses in their communities. When requested by an authorized representative, this grant funding is available after a presidentially declared disaster.

In this program, homeowners and businesses cannot apply for a grant. However, a local community may apply for funding on their behalf.

All state, local, tribal and territorial governments must develop and adopt hazard mitigation plans to receive funding for their hazard mitigation projects.

[News](#)[How to Apply](#)[Eligible Risk Reduction Projects](#)[Contact Us](#)



# Eligible Risk Reduction Projects

Hazard mitigation includes long-term efforts to reduce risk and the potential impact of future disasters. HMGP assists communities in rebuilding in a better, stronger, and safer way in order to become more resilient overall. The grant program can fund a wide variety of mitigation projects.

These can include:

## Planning & Enforcement

- Developing and adopting [hazard mitigation plans](#), which are [required for state, local, tribal and territorial governments](#) to receive funding for their hazard mitigation projects.
- Acquisition of hazard prone homes and businesses which enable owners to relocate to safer areas (acquisition).
- Post-disaster code enforcement.

# Flood Protection

- Protecting homes and businesses with permanent barriers to prevent floodwater from entering (levees, floodwalls, floodproofing).
- Elevating structures above known flood levels to prevent and reduce losses (elevation).
- Reconstructing a damaged dwelling on an elevated foundation to prevent and reduce future flood losses.
- Drainage improvement projects to reduce flooding (flood risk reduction projects).

## Retrofitting

- Structural retrofits to make a building more resistant to floods, earthquakes, wind, wildfire and other natural hazards.
- Retrofits to utilities and other infrastructure to enhance resistance to natural hazards (utility retrofits).

## Construction

- Construction of [safe rooms](#) for both communities and individual residences in areas prone to hurricane and tornado activity.
- Slope stabilization projects to prevent and reduce losses to structures.

**Council Meeting Date:  
Regular City Council Meeting August 10, 2022**

**Agenda Item Cover Sheet**

**Agenda Item Subject/Title:**

Discuss and Take Appropriate Action on Authorization to Issue Requests for Proposals (RFP) for Application Preparation and Administrative Services and Requests for Qualifications (RFQs) for Engineering Services Related to the American Rescue Plan Act (ARPA) Grant Programs.

**Agenda Item Summary:**

Send out requests for RFPs and RFQs for engineering services related to ARPA. This is a step to have the engineering services paid out of the grant, rather than paid directly from the city. This is an award the city has already been granted and has received partial amount of.

**Financial Impact:**

Cost of publication and announcement. This creates a savings for the city, in that the city would not be paying directly the engineering services, but instead would come out of the grant itself.

**Recommendations:**

Approve Authorization to Issue Requests for Proposals (RFP) for Application Preparation and Administrative Services and Requests for Qualifications (RFQs) for Engineering Services Related to the American Rescue Plan Act (ARPA) Grant Programs.

**Supporting Documents Included:**

n/a

**Submitted by:** Councilmember Chrys Grummert