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## MEETING NOTICE

The City Council of the City of Woodcreek, Texas will conduct a meeting at Camp Young Judaea, 121 Camp Young Judaea Rd., Woodcreek, TX, in order to advance the public health goal of “social distancing” to slow the spread of COVID-19. The meeting will be held on June 3, 2021 at 1:00 PM.

**Note: Smoking is not allowed anywhere on the property of Camp Young Judaea.**

The meeting will have the following guidelines:

- Face coverings will be required to be worn by all attendees when a minimum of six-foot social distancing cannot be maintained.
- All attendees shall submit to a non-contact temperature check.

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

<https://meetings.ipvideotalk.com/117940731>. 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: 117940731. 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.

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

### INVOCATION

### PLEDGES

### ROLL CALL

### PUBLIC COMMENTS

Interested persons are required to sign up with the presiding officer or designee before the meeting begins and shall indicate the topic about which they wish to speak and whether they wish to speak on the item at the beginning of the meeting or during the meeting when the agenda item is being considered by the City Council. Speakers shall refrain from comments regarding the City's staff, elected officials, or council appointed committee membership which are prohibited by law. Delegations of more than five persons shall appoint one person to present their views before the City Council. The City Council may not discuss or comment about an item not included on the agenda, except that the Council may (1) make a statement of fact regarding the item; (2) make a statement concerning the policy regarding the item; or (3) propose that the item be placed on a future agenda. Comments will be limited to three (3) minutes per speaker.

### CONSENT AGENDA

All the following items are considered self-explanatory by the Council and may be acted upon with one motion. There will be no separate discussion of these items unless a Councilmember or Citizen so requests. For a Citizen to request removal of an item from the Consent Agenda, a written request must be completed and submitted to the City Manager.

1. Approval of Financial Statements for April 2021
2. Approval of City Council Meeting Minutes from April 14, 2021
3. Approval of City Council Meeting Minutes from May 12, 2021

## REGULAR AGENDA

4. Discuss and Take Appropriate Action on a Resolution Opposing Councilmember Pulley's Lawsuit and Requesting Immediate Dismissal
5. Discuss and Take Appropriate Action on a Resolution of the City of Woodcreek, Texas Changing the Regular City Council Meeting Time and Location
6. Discuss and Take Appropriate Action on the City Engineers' Scope of Work for Woodcreek Drive
7. Discussion, Consideration, and Take Appropriate Action on the Receipt and Acceptance of the Citizen Emergency Management Advisory Committee Report
8. Discussion and Take Appropriate Action on an Ordinance Amending the 2020-2021 Amended Fiscal Year Budget (Amendment #2)
9. Discuss and take Appropriate Action on Recommendations from the Parks And Recreation Board for Improvements to City-owned Property as Described Below:
  - a. Improvements to City-owned Property on Brookhollow Drive (R49178)
  - b. Improvements to the Area Known as the "Triangle" at the Intersection of Woodcreek Drive and Brookhollow Drive
  - c. Improvements to Augusta Park
  - d. Improvements to City-owned Property on the South Side of the Entrance to the City on Woodcreek Drive (R48798)
10. Discuss and Take Appropriate Action on the Creation of a Code Enforcement Position for the City of Woodcreek
11. Discuss and Take Appropriate Acton on the Procuring of a Vehicle and a Resolution Regarding a Financing Agreement for the Purpose of Procuring a Vehicle and Related Equipment
12. Discuss and Take Appropriate Action on Possible Interior Remodeling of the City of Woodcreek City Hall Budgeted for in the 2020-2021 Fiscal Year
13. Discuss and Take Appropriate Action on First Annual Fourth of July Bicycle and Golf Cart Parade
14. Discuss and Take Appropriate Action on an Ordinance Creating Child Safety Zones within the City of Woodcreek

## ADJOURN

Executive sessions held during this meeting will generally take place in the City Manager's office, at the discretion of the City Council.

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 **27th day of MAY 2021 at 3:00 PM.**

By:  \_\_\_\_\_

**Brenton B. Lewis, City Manager**

**Treasurer's Report**  
**For the Period: October 2020 - April 2021**

Item 1.

Percent Complete: 58.33%

	2020-2021			2019-2020			Y/Y Monthly Comparison		
	YTD	Budget	%	YTD	Budget	%	Apr-21	Apr-20	Difference
<b>Revenue</b>									
3000 Ad Valorem Tax Revenue	309,097	325,000	95%	291,502	305,000	96%	11,623	6,713	4,910
3005 State Sales Tax Revenue	58,540	65,000	90%	40,709	77,440	53%	5,321	5,273	47
3010 Mixed Beverage Tax & Fees Rev	828	900	92%	670	670	100%	57	159	(103)
3020 Electric Franchise Fee Revenue	25,374	34,000	75%	24,547	34,000	72%	9,838	8,057	1,781
3030 Cable Services Franchise Rev	20,455	30,000	68%	20,562	28,290	73%	-	-	-
3040 Water Service Franchise Revenue	89,739	96,000	93%	84,703	94,500	90%	9,288	8,833	455
3050 Disposal Service Franchise Rev	10,464	20,100	52%	14,364	19,880	72%	-	5,523	(5,523)
3060 Telephone Franchise Revenue	108	1,500	7%	820	970	85%	1	-	1
3070 Golf Course Franchise Revenue	-	500	0%	500	500	100%	-	-	-
3080 Reimbursements	7,376	3,000	246%	-	1,620	0%	-	-	-
3090 Development Revenue	-	-	n/a	-	-	n/a	-	-	-
3090.01 Residential	-	-	n/a	-	-	n/a	-	-	-
3090.011 New Home Permits	16,000	10,000	160%	12,000	19,000	63%	1,000	2,000	(1,000)
3090.012 Other Permits	7,239	5,000	145%	4,274	8,000	53%	975	900	75
3090.013 Inspections	13,328	18,000	74%	12,199	17,500	70%	2,024	2,305	(281)
3090.02 Commercial	3,250	150	2167%	150	300	50%	-	75	(75)
3090.03 Other	550	80	688%	75	580	13%	-	-	-
3090.031 Subdivisions/Plats/Re-Plats	2,100	2,500	84%	2,588	3,200	81%	-	900	(900)
<b>Total 3090 Development Revenue</b>	<b>42,467</b>	<b>35,730</b>	<b>119%</b>	<b>31,285</b>	<b>48,580</b>	<b>64%</b>	<b>3,999</b>	<b>6,180</b>	<b>(1,281)</b>
3093 Liquor License Revenue	-	1,310	0%	-	1,310	0%	-	-	-
3095 Sign Fees	140	700	20%	380	500	76%	35	-	35
4000 Interest Income	998	7,000	14%	14,524	16,500	88%	115	1,317	(1,202)
4010 Other Revenue	320	1,000	32%	630	1,000	63%	30	20	10
4015 Oak Wilt Containment	-	-	n/a	-	-	n/a	-	-	-
4020 Municipal Court Revenue	-	500	0%	-	500	0%	-	-	-
4035 TDEM DR-4485 Revenue	74,228	-	n/a	-	18,560	0%	-	-	-
4040 Donations Received	5,000	5,000	100%	-	5,000	0%	-	-	-
4050 General Fund Transfer	-	-	n/a	-	-	n/a	-	-	-
Uncategorized Revenue	-	-	n/a	-	-	n/a	-	-	-
<b>Total Revenue</b>	<b>645,133</b>	<b>627,240</b>	<b>103%</b>	<b>525,197</b>	<b>654,820</b>	<b>80%</b>	<b>40,307</b>	<b>42,075</b>	<b>337</b>
<b>Expenditures</b>									
5000 Personnel Services	-	-	n/a	-	-	n/a	-	-	-
5000.01 Salaries and Wages	102,384	173,680	59%	87,269	162,100	54%	15,116	14,759	357
5000.02 Ins Expense Reimbursement	5,025	8,600	58%	4,721	8,160	58%	718	675	43
5000.03 City Manager Vehicle Reimbursment	3,500	6,000	58%	4,831	7,340	66%	500	500	-
5000.05 Elected Official Pay	-	-	n/a	-	-	n/a	-	-	-
5000.20 Payroll Tax Expense	-	-	n/a	-	-	n/a	-	-	-
5000.21 FICA/OASDI	8,105	13,750	59%	7,390	13,250	56%	1,195	1,512	(317)
5000.22 Unemployment Insurance	427	500	85%	80	500	16%	35	39	(4)
5000.20 Payroll Tax Expense	8,532	14,250	60%	7,470	13,750	54%	1,229	1,550	(321)
5000.40 Retirement	10,506	17,380	60%	7,877	14,560	54%	1,648	1,334	314
5000.50 Direct Deposit Expense	-	-	n/a	-	-	n/a	-	-	-
5000.51 Health Insurance Stipend	-	-	n/a	-	-	n/a	-	-	-
<b>Total 5000 Personnel Services</b>	<b>129,947</b>	<b>219,910</b>	<b>59%</b>	<b>112,168</b>	<b>205,910</b>	<b>54%</b>	<b>19,211</b>	<b>18,818</b>	<b>393</b>
5500 Office Expenses	-	-	n/a	-	-	n/a	-	-	-
5500.05 Bank Fees & Charges	-	-	n/a	-	-	n/a	-	-	-
5500.10 City Hall Maintenance / Repairs	2,142	3,000	71%	902	1,500	60%	-	-	-
5500.20 Cleaning Costs	875	1,500	58%	875	1,500	58%	125	125	-
5500.30 IT & Radio Expenses	7,872	15,000	52%	12,975	17,500	74%	167	167	-
5500.40 Newsletter	-	-	n/a	-	-	n/a	-	-	-
5500.50 Office Supplies	2,296	2,500	92%	1,314	2,500	53%	111	157	(47)
5500.60 Postage & Shipping	1,041	1,500	69%	741	1,500	49%	-	-	-
5500.61 Printing & Reproduction	2,595	2,500	104%	2,751	4,000	69%	231	231	-
5500.62 Printing Cost Newspaper	543	2,000	27%	1,104	2,000	55%	492	-	492
5500.70 Storage Rental	-	-	n/a	-	-	n/a	-	-	-
5500.80 Software & Subscriptions	3,145	13,000	24%	2,779	8,000	35%	166	31	135
<b>Total 5500 Office Expenses</b>	<b>20,507</b>	<b>41,000</b>	<b>50%</b>	<b>23,441</b>	<b>38,500</b>	<b>61%</b>	<b>1,292</b>	<b>711</b>	<b>580</b>
6000 Professional Services	-	-	n/a	-	-	n/a	-	-	-
6000.01 Audit Expense	-	11,000	0%	10,040	10,040	100%	-	-	-
6000.10 Codification	2,161	4,000	54%	627	4,000	16%	-	-	-
6000.11 Contract Labor	5,285	5,000	106%	-	3,000	0%	-	-	-
6000.15 Engineering	2,766	20,000	14%	14,711	20,000	74%	-	-	-
6000.16 Mapping	-	-	n/a	-	-	n/a	-	-	-
6000.17 Engineering Reimbursable	1,668	-	-	-	-	-	-	-	-
6000.15 Engineering	4,434	20,000	22%	14,711	20,000	74%	-	-	-



	2020-2021			2019-2020			Y/Y Monthly Comparison			Item 1.
	YTD	Budget	%	YTD	Budget	%	Apr-21	Apr-20	Diff	
6000.20 Legal Expenses	-	-	n/a	-	-	n/a	-	-	-	
6000.21 General	16,180	30,000	54%	20,454	46,040	44%	1,720	4,800	(3,080)	
6000.22 Legal Reimbursable	2,980	-	n/a	1,351	-	n/a	1,280	-	1,280	
6000.23 Litigation	14,507	10,000	145%	-	-	n/a	5,782	-	5,782	
6000.25 Special Cases	1,655	22,000	8%	-	4,000	0%	633	-	633	
<b>6000.20 Legal Expenses</b>	<b>35,322</b>	<b>62,000</b>	<b>57%</b>	<b>21,805</b>	<b>50,040</b>	<b>44%</b>	<b>9,414</b>	<b>4,800</b>	<b>4,614</b>	
6000.30 IT Services	7,647	14,500	53%	6,864	12,560	55%	1,170	1,080	90	
6000.40 Accounting	7,479	12,000	62%	7,397	12,000	62%	960	1,050	(90)	
6000.50 Law Enforcement	15,913	63,660	25%	38,911	86,650	45%	-	-	-	
<b>Total 6000 Professional Services</b>	<b>76,573</b>	<b>192,160</b>	<b>40%</b>	<b>100,355</b>	<b>198,290</b>	<b>51%</b>	<b>11,544</b>	<b>6,930</b>	<b>4,614</b>	
6500 Area Care/Maintenance	-	-	n/a	-	-	n/a	-	-	-	
6500.01 Deer Removal	375	1,000	38%	600	1,000	60%	75	75	-	
6500.15 Mowing	120	3,000	4%	480	1,000	48%	-	370	(370)	
6500.20 Oak Wilt Containment	-	1,000	0%	-	-	n/a	-	-	-	
6500.21 Greenspace Maintenance	826	-	n/a	256	-	n/a	826	-	826	
6500.22 Landscape Maintenance	3,500	7,000	50%	1,840	3,710	50%	-	1,750	(1,750)	
6500.23 Contract Services	703	2,000	35%	1,520	1,000	152%	703	-	703	
6500.24 Playground Maintenance	-	-	n/a	-	-	n/a	-	-	-	
6500.25 ROW Tree Trimming	15,150	15,000	101%	12,160	12,160	100%	-	-	-	
6500.26 Holiday Decorations	1,579	2,000	79%	465	1,000	46%	-	-	-	
6500.30 Street Maintenance	10,546	50,000	21%	954	5,000	19%	5,918	954	4,964	
6500.31 Street Signs	1,378	4,000	34%	986	4,550	22%	705	-	705	
6500.35 Storm Damage Reserve	-	1,000	0%	-	2,000	0%	-	-	-	
6500.40 Tree Limb Pick-Up	-	-	n/a	-	-	n/a	-	-	-	
6500.50 Equipment Maintenance	122	1,000	12%	170	500	34%	-	-	-	
6500.60 Water Quality Testing CCWPP	1,034	1,500	69%	616	2,000	31%	310	-	310	
<b>Total 6500 Area Care/Maintenance</b>	<b>35,332</b>	<b>88,500</b>	<b>40%</b>	<b>20,046</b>	<b>33,920</b>	<b>59%</b>	<b>8,537</b>	<b>3,149</b>	<b>5,388</b>	
7000 Other Operating Expenses	-	-	n/a	-	-	n/a	-	-	-	
7000.01 Ad Valorem Tax Expense	1,990	3,800	52%	1,831	3,700	49%	-	-	-	
7000.02 Building Inspections	10,775	10,500	103%	6,735	13,500	50%	2,095	1,875	220	
7000.03 Code Compliance	-	1,500	0%	711	1,500	47%	-	-	-	
7000.04 Dues & Membership	2,251	2,400	94%	1,115	2,400	46%	865	-	865	
7000.05 Election Expense	2,124	1,500	142%	1,074	1,200	89%	-	-	-	
7000.06 TML Dues	591	600	99%	591	600	99%	-	-	-	
7000.10 Depreciation Expense	-	-	n/a	-	-	n/a	-	-	-	
7000.15 Meeting Expense	2,815	1,200	235%	669	1,200	56%	151	83	69	
7000.20 Public Notices	1,051	5,000	21%	495	1,200	41%	-	99	(99)	
7000.30 Travel & Vehicle Exp Reimb.	355	2,000	18%	778	810	96%	278	17	261	
7000.31 Elected Official Travel	-	3,000	0%	905	910	99%	-	-	-	
7000.40 Training & Prof Development	-	-	n/a	-	-	n/a	-	-	-	
7000.41 Elected Body	2,800	2,500	112%	110	110	100%	-	-	-	
7000.42 Staff	1,165	1,500	78%	529	1,000	53%	635	(380)	1,015	
7000.50 Community Relations	1,040	3,000	35%	1,765	1,950	91%	-	400	(400)	
<b>Total 7000 Other Operating Expenses</b>	<b>26,957</b>	<b>38,500</b>	<b>70%</b>	<b>17,308</b>	<b>30,080</b>	<b>58%</b>	<b>4,025</b>	<b>2,094</b>	<b>1,316</b>	
7500 Utilities	-	-	n/a	-	-	n/a	-	-	-	
7500.10 City Hall Utilities	-	3,200	0%	-	3,000	0%	-	-	-	
7500.11 Electric	980	-	n/a	1,041	-	n/a	104	124	(21)	
7500.12 Water	835	-	n/a	834	-	n/a	118	119	(1)	
7500.10 City Hall Utilities	1,816	3,200	57%	1,875	3,000	63%	222	244	(22)	
7500.20 Outdoor Utilities	-	4,000	0%	-	4,000	0%	-	-	-	
7500.21 Electric	748	-	n/a	738	-	n/a	106	110	(4)	
7500.22 Water	957	-	n/a	1,102	-	n/a	135	170	(35)	
7500.20 Outdoor Utilities	1,705	4,000	43%	1,840	4,000	46%	241	280	(39)	
7500.30 Telephone & Internet	2,549	5,000	51%	1,778	4,000	44%	421	238	184	
<b>Total 7500 Utilities</b>	<b>6,070</b>	<b>12,200</b>	<b>50%</b>	<b>5,493</b>	<b>11,000</b>	<b>50%</b>	<b>885</b>	<b>762</b>	<b>123</b>	
7600 Insurance	3,413	-	n/a	-	-	n/a	-	-	-	
6010 Health Insurance (deleted)	-	-	n/a	-	-	n/a	-	-	-	
7600.01 TML Insurance	-	3,520	0%	3,519	3,520	100%	-	-	-	
<b>7600 Insurance</b>	<b>3,413</b>	<b>3,520</b>	<b>97%</b>	<b>3,519</b>	<b>3,520</b>	<b>100%</b>	<b>-</b>	<b>-</b>	<b>-</b>	
7700 TDEM DR-4485 Expenditures	-	-	n/a	13,820	184,720	7%	-	13,820	(13,820)	
8020 Municipal Court Costs	-	-	n/a	-	-	n/a	-	-	-	
8020.20 MC Judge	2,100	3,600	58%	2,300	3,600	64%	300	300	-	
8020.25 Misc. Court Costs	100	2,500	4%	500	2,500	20%	-	-	-	
8020.30 Prosecutor	-	2,500	0%	63	2,500	3%	-	-	-	
8020.35 Court Bailiff	-	750	0%	-	-	n/a	-	-	-	
8020.40 State Comptroller Costs	-	700	0%	-	700	0%	-	-	-	
8020.41 Supplies	-	200	0%	-	200	0%	-	-	-	
8020.60 Public Safety	-	-	n/a	-	-	n/a	-	-	-	
<b>Total 8020 Municipal Court Costs</b>	<b>2,200</b>	<b>10,250</b>	<b>21%</b>	<b>2,863</b>	<b>9,500</b>	<b>30%</b>	<b>300</b>	<b>300</b>	<b>-</b>	
8900 Miscellaneous	-	-	n/a	-	-	n/a	-	-	-	
8900.10 Reconciliation Discrepancies	-	-	n/a	-	-	n/a	-	-	-	
8900.20 Contingency Reserve	-	50,000	0%	-	-	n/a	-	-	-	

	2020-2021			2019-2020			Y/Y Monthly Comparison			Item 1.
	YTD	Budget	%	YTD	Budget	%	Apr-21	Apr-20	Diff	
8900.30 Projects	35,575	70,000	51%	17,800	26,500	67%	-	3,500	(3,500)	
8900.40 Engineering Services – Street Projects	32,295	-	n/a	-	-	n/a	-	-	-	
Total 8900 Miscellaneous	67,870	120,000	57%	17,800	26,500	67%	-	3,500	(3,500)	
9077 General Fund Accrual	-	(98,800)	0%	-	(92,420)	0%	-	-	-	
Unapplied Cash Bill Payment Expenditure	-	-	n/a	-	-	n/a	-	-	-	
Uncategorized Expenditure										
<b>Total Expenditures</b>	<b>370,537</b>	<b>627,240</b>	<b>59%</b>	<b>316,813</b>	<b>649,520</b>	<b>49%</b>	<b>45,793</b>	<b>50,084</b>	<b>9,529</b>	
Net Operating Revenue	274,597	-	n/a	208,384	5,300	3932%	(5,487)	(8,009)	(9,192)	
Other Revenue										
4019 Proceeds from Capital Leases	-	-	n/a	-	-	n/a	-	-	-	
8500 Capital Improvement Income	0	-	n/a	1	-	n/a	0	0	(0)	
Other Expenditures										
8500.25 Capital Improvement Expense	-	-	n/a	-	-	n/a	-	-	-	
9001 Capital Lease Principal	-	-	n/a	-	-	n/a	-	-	-	
9002 Interest on Capital Lease	-	-	n/a	-	-	n/a	-	-	-	
9005 Bond Interest Paid	-	-	n/a	-	-	n/a	-	-	-	
9800.01 Capital Expenditures - CY	-	-	n/a	-	-	n/a	-	-	-	
9800.1 Capital Project Expenditures - FY	-	-	n/a	-	-	n/a	-	-	-	
9800.11 2017 Street Improvements	-	-	n/a	-	-	n/a	-	-	-	
9800.12 2017 Street Improvements Legal	-	-	n/a	-	-	n/a	-	-	-	
9810.01 Sinking Fund Revenue	(197,653)	-	n/a	(206,466)	-	n/a	(7,431)	(4,775)	(2,656)	
9810.02 Sinking Fund Interest	7,169	-	n/a	8,514	-	n/a	400	-	400	
9810.03 Sinking Fund Principal	195,000	-	n/a	198,170	-	n/a	-	-	-	
9800.02 Other Miscellaneous Expenditure	(5,300)	-	n/a	(14,300)	-	n/a	-	-	-	
9888 Reconciliation Discrepancies	-	-	n/a	-	-	n/a	-	-	-	
Net Other Revenue	784	-	n/a	14,083	-	n/a	7,031	4,775	2,256	
<b>Net Revenue</b>	<b>275,381</b>	<b>-</b>	<b>n/a</b>	<b>222,466</b>	<b>5,300</b>	<b>4197%</b>	<b>1,545</b>	<b>(3,233)</b>	<b>(6,936)</b>	

# The City of Woodcreek

Item 1.

## Statement of Financial Position

As of April 30, 2021

	TOTAL
<b>ASSETS</b>	
Current Assets	
Bank Accounts	
1003.1 Municipal Court Petty Cash	100.00
1007 TX Regional 061, Operating	498,433.31
1007.5 Municipal Court Funds In Operating Account	-18,933.27
1007.51 MC General Fund	18,887.94
1007.52 MC Security Fund	19.45
1007.53 MC Tech Fund	25.88
<b>Total 1007.5 Municipal Court Funds In Operating Account</b>	<b>0.00</b>
<b>Total 1007 TX Regional 061, Operating</b>	<b>498,433.31</b>
1008 TX Regional 053, Investment	
1008.2 PEG Funds	28,133.90
1008.3 Reserve Funds	553,236.56
<b>Total 1008 TX Regional 053, Investment</b>	<b>581,370.46</b>
1009 TX Regional 095, Bond Proceeds	
1010 Petty Cash	-41.00
1011 TX Regional 819, Payroll Account	10,000.00
1020 Investment Account - Class 0001	477,269.06
<b>Total Bank Accounts</b>	<b>\$1,567,278.32</b>
Accounts Receivable	
1101 Accounts Receivable Posting	-6,172.78
1120 Delinquent Taxes Receivable	6,684.10
<b>Total Accounts Receivable</b>	<b>\$511.32</b>

Other Current Assets		
1120.01	1120.01-CPA Debt Service	2,336.32
1121	Allowance for Uncollectible	-1,208.36
1121.01	1121.01-CPA Debt Service	-350.45
1124	Sales Tax Receivable	11,180.27
1150	Due From Capital Project Funds To Operating	167,425.08
<b>Total Other Current Assets</b>		<b>\$179,382.86</b>
<b>Total Current Assets</b>		<b>\$1,747,172.50</b>
Fixed Assets		
1200	Office Furniture / Equipment	35,704.46
1225	Land	37,850.00
1226	Building & Improvements	130,602.00
1226.5	Cedar Fence Enclosure	5,300.00
1227	Street Pavement	144,126.00
1228	Street Improvements 2017	1,479,824.71
1231	Storage Building	9,055.00
1233	Radar Sign	3,633.00
1234	Road Signage	14,300.00
1235.1	Kawasaki Mule 2016	7,840.64
1240	Accumulated Depreciation - All	-195,372.00
<b>Total Fixed Assets</b>		<b>\$1,672,863.81</b>
Other Assets		
1250	Deferred Revenue	-6,847.78
1250.01	1250.01-CPA Debt Service	-1,985.87
1599	1599-CPA Due From General Fund	14,297.44
<b>Total Other Assets</b>		<b>\$5,463.79</b>
<b>TOTAL ASSETS</b>		<b>\$3,425,500.10</b>

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**LIABILITIES AND EQUITY**

## Liabilities

## Current Liabilities

## Other Current Liabilities

1901 Accts Payable At Year-End (Audit Adjs CPA)	-4,944.49
2000 Payroll Tax Payable	-0.30
2020 State Unemployment Liability	9.12
2021 Accrued Wages Payable	5,754.00
2400 Due To Operating From Capital Project Funds	167,425.08
2599 2599-CPA Due To Debt Service Fund	14,297.44

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<b>Total Other Current Liabilities</b>	<b>\$182,540.85</b>
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<b>Total Current Liabilities</b>	<b>\$182,540.85</b>
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<b>Total Liabilities</b>	<b>\$182,540.85</b>
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## Equity

9997 Net Investment In Capital Assets	144,132.96
9998 Opening Balance Equity	333,537.47
9999 Retained Earnings	2,480,890.08
9999-debtvc-cpa Retained Earnings Debt Svc Audit CPA	9,018.00
Net Revenue	275,380.74

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<b>Total Equity</b>	<b>\$3,242,959.25</b>
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<b>TOTAL LIABILITIES AND EQUITY</b>	<b>\$3,425,500.10</b>
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**SPECIAL CITY COUNCIL MEETING (CYJ)**  
**April 14, 2021; 2:00 PM**  
**Woodcreek, Texas**

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**MINUTES**

**CALL TO ORDER**

The meeting was called to order by Mayor Whitehead at 2:00PM.

**INVOCATION**

An invocation was given by Councilmember Hambrick.

**PLEDGES**

**ROLL CALL**

**PRESENT**

Mayor Gloria Whitehead  
Mayor Pro Tem Aurora F. LeBrun  
Councilmember Judy Brizendine  
Councilmember Bob Hambrick  
Councilmember Brent H. Pulley  
Councilmember Jeff Rasco

**STAFF PRESENT**

City Manager Brenton B. Lewis  
City Secretary Linda Land  
Administrative Assistant Maureen Mele  
Woodcreek Attorney Kent Wymore

**PUBLIC COMMENTS**

A Public Comment was made by Ray Don Tilley.

**CONSENT AGENDA**

1. **Approval of Financial Statements for March 2021**
2. **Approval of City Council Meeting Minutes from March 3, 2021**
3. **Approval of City Council Meeting Minutes from March 10, 2021**

A motion was made by Councilmember Brizendine to accept the Consent Agenda in its entirety. The motion was seconded by Councilmember Hambrick.

After discussion, a roll call vote was held.

Voting Yea: Councilmember Pulley, Councilmember Rasco, Councilmember Hambrick, Councilmember Brizendine, Mayor Pro Tem LeBrun

The motion passed with a 5-0-0 vote and the Consent Agenda was accepted.

**REGULAR AGENDA**

4. **Discussion, Consideration, and Take Appropriate Action on the Receipt and Acceptance of the Audited Basic Financial Statements and Supplemental Schedules and Independent Auditors Report by ABIP, PC for the Fiscal Year Ended September 30, 2020.**



A presentation was made by Jeremy Pravado, Senior Manager of ABIP, PC pertaining to the Woodcreek audit for the fiscal year ended Sept. 30, 2020. Mr. Pravado reiterated that Woodcreek financial statements were found to be presented in accordance with generally accepted accounting principles which is the highest rating allowed. There were no irregularities or deficiencies found.

After discussion, a motion was made by Councilmember Rasco to receive and accept the audit report provided by ABIP, PC. The motion was seconded by Councilmember Brizendine.

A roll call vote was held.

Voting Yea: Mayor Pro Tem LeBrun, Councilmember Brizendine, Councilmember Pulley, Councilmember Rasco, Councilmember Hambrick

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

**The order of the meeting was adjusted by Mayor Whitehead to discuss agenda item #6 at this time.**

**6. Discussion and Take Appropriate Action on a Resolution Supporting Legislative Approval of Changes in HTGCD Enabling Legislation**

A Public Comment was made by Linda Kaye Rogers pertaining to this agenda item.

A motion was made by Mayor Pro Tem LeBrun to table this resolution until additional information from the Texas Legislature can be obtained regarding the purpose of the bill.

The motion was seconded by Councilmember Brizendine.

After discussion, a roll call vote was held.

Voting Yea: Mayor Pro Tem LeBrun, Councilmember Brizendine, Councilmember Hambrick  
Voting Nay: Councilmember Rasco, Councilmember Pulley

The motion carried with a 3-2-0 and the resolution was tabled.

**5. Discussion and Take Appropriate Action on a Survey for the 2040 Comprehensive Plan, Recommendation from Planning and Zoning Commission**

A report was given by Mayor Pro Tem LeBrun regarding the development and timeline of the suggested city survey endorsed by the Comprehensive Plan Advisory Workgroup. Production, tabulation and analysis of the data, as well as the Planning & Zoning Commission's (P&Z) recommendations, were also provided.

Councilmember Pulley exited the meeting at 2:46PM; he returned at 2:47PM.

For question 2, Councilmember Rasco made a motion to modify P&Z's recommendation to retain question 2. The motion was seconded by Councilmember Pulley. Councilmember Brizendine requested a friendly amendment to alter option 2E to be "Other" with an additional line to ask where the respondent lives, if not Woodcreek. This amendment was accepted by Councilmember Rasco and seconded by Councilmember Pulley.

After discussion, roll call vote was held.

Voting Yea: Councilmember Hambrick, Councilmember Pulley, Councilmember Rasco, Councilmember Brizendine, Mayor Pro Tem LeBrun

The motion carried with a 5-0-0 vote and question 2 was retained and altered.

For question 4, Councilmember Brizendine made a motion to move the City Administration/Governance/Communication aspect to question 5. The motion was seconded

by Councilmember Hambrick. Councilmember Rasco requested a friendly amendment to include the Planning and Zoning Services aspect of question 4 to question 5.

After discussion, a roll call vote was held.

Voting Yea: Councilmember Brizendine, Councilmember Hambrick, Councilmember Pulley, Councilmember Rasco, Mayor Pro Tem LeBrun

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

Also for question 4, Councilmember Pulley made a motion to add a Traffic and Traffic Calming section directly after the Condition of Streets section. The motion was seconded by Councilmember Rasco.

After discussion, a roll call vote was taken.

Voting Yea: Councilmember Pulley, Councilmember Rasco, Councilmember Hambrick

Voting Nay: Mayor Pro Tem LeBrun, Councilmember Brizendine

The motion carried with a 3-2-0 vote.

For question 5, Councilmember Hambrick made a motion to accept P&Z's recommendation to reword the Rates and Fees for Various City Services section. The motion was seconded by Councilmember Rasco.

After discussion, a roll call vote was taken.

Voting Yea: Councilmember Rasco, Councilmember Pulley, Councilmember Brizendine, Councilmember Hambrick, Mayor Pro Tem LeBrun

A motion was made by Councilmember Pulley to reinstate the questions pertaining to an ordinance allowing chickens and an ordinance allowing short-term rentals. The motion was seconded by Councilmember Rasco.

After discussion, a roll call vote was held.

Voting Yea: Councilmember Pulley

Voting Nay: Councilmember Rasco, Councilmember Hambrick, Councilmember Brizendine, Mayor Pro Tem LeBrun

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

For question 11, Councilmember Rasco made a motion to accept question 11 but reword as "Which source do you prefer for Woodcreek's potable water supply?" There was no second to the motion. Councilmember Rasco made a motion to retain question 11 as submitted by the Comprehensive Plan Advisory Workgroup. The motion was seconded by Councilmember Pulley.

After discussion, a roll call vote was taken.

Voting Yea: Councilmember Pulley, Councilmember Rasco

Voting Nay: Councilmember Brizendine, Councilmember Hambrick, Mayor Pro Tem LeBrun

The motion failed with a 2-3-0 vote and question 11 will be eliminated.

Councilmember Pulley exited from the meeting at 3:50PM. He returned at 3:53PM.

For question 14, Councilmember Rasco made a motion to change the response from 0 - 5 years to 0 - 2 years and 2 - 5 years. The motion was seconded by Councilmember Hambrick.

After discussion, a roll call vote was taken.

Voting Yea: Councilmember Brizendine, Councilmember Hambrick, Councilmember Pulley, Councilmember Rasco, Mayor Pro Tem LeBrun

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

For demographic questions 14 - 17, a motion was made by Councilmember Brizendine to move these questions to after question 3. The motion was seconded by Councilmember Hambrick.

After discussion, a roll call vote was taken.

Voting Yea: Councilmember Pulley, Councilmember Rasco, Councilmember Hambrick, Councilmember Brizendine, Mayor Pro Tem LeBrun

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

Councilmember Brizendine made a motion to accept P&Z's recommendation to mail one survey per household with a self-addressed stamped return envelope and offer no digital option. The motion was seconded by Councilmember Hambrick.

After discussion, a roll call vote was taken.

Voting Yea: Councilmember Brizendine, Councilmember Hambrick, Mayor Pro Tem LeBrun  
Voting Nay: Councilmember Rasco, Councilmember Pulley

The motion carried with a 3-2-0 vote.

**7. Review and Discussion Regarding CAUSE NO. 20-1401 BRENT H. PULLEY V. GLORIA WHITEHEAD, IN HER OFFICIAL CAPACITY AS MAYOR AND PRESIDING OFFICER FOR THE CITY OF WOODCREEK CITY COUNCIL, AND THE CITY OF WOODCREEK, TEXAS.**

Woodcreek Attorney Bud Wymore gave a report on the lawsuit amendments and hearings. City Manager Lewis gave a report on attorney costs to-date pertaining to the lawsuits.

**ADJOURN**

The meeting was adjourned at 4:25PM.

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**Gloria Whitehead, Mayor**

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**Linda Land, City Secretary**

**SPECIAL CITY COUNCIL MEETING (CYJ)  
May 12, 2021; 1:00 PM  
Woodcreek, Texas**

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**MINUTES**

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**CALL TO ORDER**

Mayor Whitehead called the meeting to order at 1:04PM.  
The order of the meeting was altered to begin with roll call.

**ROLL CALL**

**PRESENT**

Mayor Gloria Whitehead  
Councilmember Judy Brizendine  
Councilmember Bob Hambrick  
Councilmember Brent H. Pulley

**ABSENT**

Mayor Pro Tem Aurora F. LeBrun  
Councilmember Jeff Rasco

**STAFF PRESENT**

City Manager Brenton B. Lewis  
City Secretary Linda Land  
Administrative Assistant Maureen Mele  
Woodcreek City Attorney Kent Wymore

A quorum was not present.

**ADJOURN**

Mayor Whitehead adjourned the meeting at 1:05PM.

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**Gloria Whitehead, Mayor**

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**Linda Land, City Secretary**

Resolution No. \_\_\_\_\_

**CITY OF WOODCREEK RESOLUTION OPPOSING COUNCILMEMBER PULLEY’S  
LAWSUIT AND REQUESTING IMMEDIATE DISMISSAL**

**I. Recitals**

**WHEREAS**, on or about July 10, 2020, Council Member Brent Pulley filed a lawsuit against (1) The City of Woodcreek, Texas; and (2) Mayor Gloria Whitehead (Cause No. 20-1401 in the 207<sup>th</sup> Judicial District Court of Hays County, Texas) (hereafter “the Lawsuit”); and

**WHEREAS**, the Lawsuit, at its inception only alleged violation of a city resolution; and

**WHEREAS**, the City Council, shortly after the filing of the Lawsuit voted to and did repeal the resolution Council Member Pulley claimed was being violated; and

**WHEREAS**, thereafter, Council Member Pulley amended the Lawsuit to bring a host of new claims; and

**WHEREAS**, the City Council of Woodcreek, Texas opposes the Lawsuit and feels it is in the best interest of the tax paying citizens of Woodcreek that the Lawsuit be immediately dismissed.

**II. Resolution**

**NOW THEREFORE BE IT RESOLVED**, the City Council of Woodcreek, Texas respectfully requests that Council Member Pulley immediately dismiss the Lawsuit.

*-Signature Page Follows-*

**PASSED & APPROVED THIS \_\_\_\_\_ DAY OF JUNE 2021**

\_\_\_\_\_  
Gloria Whitehead, Mayor  
City of Woodcreek

**ATTESTATION:**

\_\_\_\_\_  
Linda Land  
City of Woodcreek, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Kent E. Wymore IV  
City of Woodcreek, City Attorney





IN THE MIDST OF THE TEXAS HILL COUNTRY

RESOLUTION NO.

A RESOLUTION OF THE CITY OF WOODCREEK, TEXAS CHANGING THE REGULAR CITY COUNCIL MEETING TIME AND LOCATION

WHEREAS, the City Council of the City of Woodcreek has established, by Resolution, the second Wednesday of each month as the Regular Meeting of the City Council; and

WHEREAS, the City Council of the City of Woodcreek has established, by Resolution, the location of the Regular Meeting of the City Council as the City Council Chambers; and

WHEREAS, the City Council of the City of Woodcreek has determined the City Council Chambers has a limited occupancy; and

WHEREAS, the City Council of the City of Woodcreek has established, by Resolution, the Regular Meeting of the City Council shall commence at 5:45 p.m.; and

WHEREAS, the City Council of the City of Woodcreek has established, by Resolution, shall take action by Resolution to change a regular City Council Meeting time; and

WHEREAS, the City Council of the City of Woodcreek has determined the need to set a different time and place to commence the Regular Monthly Meeting.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF WOODCREEK HEREBY ADOPTS THE FOLLOWING RESOLUTION THAT:

Section 1.

Beginning with the meeting to be held on August 11<sup>th</sup>, 2021 the Regular Monthly Meeting of the City Council of the City of Woodcreek shall meet at Camp Young Judaea, on the second Wednesday of each month, commencing at 2:00 p.m., local time.

Section 2.

This Resolution shall be effective immediately upon its passage.

PASSED AND APPROVED this, the 3<sup>rd</sup> day of June 2021, on a roll call vote as follows:

\_\_\_\_\_ of the City Council of Woodcreek, Texas.

City of Woodcreek:

Attest:

By: \_\_\_\_\_

By: \_\_\_\_\_

Gloria Whitehead, Mayor

Linda Land, City Secretary

SCOPE OF SERVICES & COMPENSATION  
CITY OF WOODCREEK  
WOODCREEK DRIVE OVERLAY PROJECT  
(ATTACHMENT A)

**WORK SUMMARY**

In a previous work authorization, K Friese + Associates, Inc. (KFA) performed a pavement condition index (PCI) study to determine prioritization and repair strategies for the City of Woodcreek’s (City) street network. At the conclusion of the work authorization, it was determined that Woodcreek Drive from Champions Circle to the end of City maintenance (approximately 1 mile in length) would be the first street scheduled for an HMAC overlay repair.

This scope and fee is to prepare a construction project manual with work maps suitable for bidding along with bid and construction phase services.

**PROJECT MANAGEMENT**

1. Overall Project Management – KFA will conduct internal meetings, attend City Council meetings, schedule work, and coordinate on an ongoing basis with City staff and project team. This task includes invoicing, and compiling work products, and deliverables. This assumes a project duration of 3 months.
2. City of Woodcreek Meetings – Meetings will be conducted with the City as shown in the project schedule and after each submittal to discuss the City’s comments. -Four (4) meetings have been assumed including a project kick-off meeting, site visit, 60% review meeting, and final submittal meeting. Time is included in this task for meeting preparation and documentation of the meeting.

**PHASE I –DESIGN & BID PHASE**

1. GIS Basemap – KFA will develop a project basemap from available data including parcels, aerial photography, LiDAR topographic survey, and applicable floodplain data.
2. Supplemental Survey – Whitecap Survey Company, LLC will perform isolated ground topographic surveys as needed to supplement GIS data where directed by KFA. This proposal assumes up to four locations at a length of 100-feet along the roadway at each of the four locations.
3. Construction Documents – KFA will prepare a construction project manual suitable for bidding. This proposal assumes interim submittals will be made at the 60% and 100% milestones and is anticipated to consist of the following items:
  - a. Front End Contract Documents – KFA will utilize document templates from the Engineers Joint Contract Documents Committee (EJCDC) and will update applicable items as appropriate for this project
  - b. Bid Form – Including bid items, units, and quantities

SCOPE OF SERVICES & COMPENSATION  
CITY OF WOODCREEK  
WOODCREEK DRIVE OVERLAY PROJECT  
(ATTACHMENT A)

Item 6.

- c. Technical Specifications – KFA will use applicable TxDOT technical specifications (2014) for bid items and special provisions as necessary for this project.
  - d. Work Maps – KFA will prepare work maps on 8 ½” x 11” sheets showing items of work, existing edges of pavement, and driveways. Areas of overlay and pothole repair will be depicted and annotated.
  - e. Traffic Control Narrative and Details – KFA will prepare a traffic control narrative and details for daytime flagger operations during construction.
4. Cost Estimates – KFA will gather quantities and TxDOT average low bid data to prepare cost estimates at the 60% and 100% milestones.
  5. Bid Phase Services – KFA will provide bid phase assistance, which is anticipated to include
    - a. Attend Pre-Bid Meeting
    - b. Respond to Bidder Questions
    - c. Prepare Addenda – this proposal assumes preparation of one (1) addendum
    - d. Bid Opening – KFA will attend and facilitate the opening and public reading of bids
    - e. Bid Tabulation and Award Recommendation – KFA will prepare a tabulation of bids, check for mathematical errors or irregularities, and verify contractor references (if applicable). KFA will prepare a recommendation of award letter.
    - f. Issue Conforming Documents – KFA will incorporate addenda and contract information into the project manual for issuance to the Contractor and City.

**PHASE II –CONSTRUCTION PHASE**

1. Construction Phase Services – KFA will perform construction phase services which are assumed to include the following:
  - a. Attend Pre-Construction Conference
  - b. Attend site visits/construction progress meetings – a total of three (3) site visits and progress meetings are assumed for this proposal
  - c. Respond to RFI's – A total of five (5) RFI's are assumed
  - d. Prepare Change Orders – A total of one (1) change order is assumed
  - e. Review and approve pay applications – A total of two (2) pay applications are assumed
  - f. Punch List – KFA will perform a final walk-through and prepare a punch list prior to release of final payment to the contractor

SCOPE OF SERVICES & COMPENSATION  
CITY OF WOODCREEK  
WOODCREEK DRIVE OVERLAY PROJECT  
(ATTACHMENT A)

**ASSUMPTIONS MADE FOR THIS PROPOSAL**

1. No permitting will be required.
2. Utility relocations will be avoided and utility coordination and relocation are not included in this proposal.

**City of Woodcreek - Pavement Assessment Study  
Budget Summary**

Item 6.

TASK	KFA	Whitecap Survey Company	Total Labor Cost
<b>PROJECT MANAGEMENT</b>			
1. Overall Project Management	\$ 5,020.00	\$ -	\$ 5,020.00
2. City of Woodcreek Meetings (Four (4) Meetings)	\$ 4,966.00	\$ -	\$ 4,966.00
<b>PHASE I - DESIGN &amp; BID PHASE</b>			
1. GIS Basemap	\$ 6,676.00	\$ -	\$ 6,676.00
2. Supplemental Survey	\$ 1,232.00	\$ 2,500.00	\$ 3,732.00
3a. Front End Contract Documents	\$ 2,860.00	\$ -	\$ 2,860.00
3b. Bid Form	\$ 616.00	\$ -	\$ 616.00
3c. Technical Specifications	\$ 2,620.00	\$ -	\$ 2,620.00
3d. Work Maps	\$ 15,972.00	\$ -	\$ 15,972.00
3e. Traffic Control Narrative and Details	\$ 992.00	\$ -	\$ 992.00
4. Cost Estimate	\$ 2,080.00	\$ -	\$ 2,080.00
5a. Attend Pre-Bid Meeting	\$ 1,964.00	\$ -	\$ 1,964.00
5b. Respond to Bidder Questions	\$ 1,232.00	\$ -	\$ 1,232.00
5c. Prepare Addenda	\$ 876.00	\$ -	\$ 876.00
5d. Bid Opening Meeting	\$ 1,752.00	\$ -	\$ 1,752.00
5e. Bid Tabulation and Awards Recommendation	\$ 876.00	\$ -	\$ 876.00
5f. Issue Conforming Documents	\$ 684.00	\$ -	\$ 684.00
<b>PHASE II - CONSTRUCTION PHASE</b>			
1a. Attend Pre-Construction Conference	\$ 2,108.00	\$ -	\$ 2,108.00
1b. Attend Construction Progress Meetings (Three (3) Meetings)	\$ 6,528.00	\$ -	\$ 6,528.00
1c. Respond to RFI's (Five (5) Total)	\$ 2,532.00	\$ -	\$ 2,532.00
1d. Prepare Change Orders (One (1) Change Order)	\$ 876.00	\$ -	\$ 876.00
1e. Review and Approve Pay Applications (Two (2) Pay Applications)	\$ 780.00	\$ -	\$ 780.00
1f. Punch List Walkthrough Meeting	\$ 2,176.00	\$ -	\$ 2,176.00
<b>LUMP SUM LABOR COST</b>	<b>\$ 65,418.00</b>	<b>\$ 2,500.00</b>	<b>\$ 67,918.00</b>
<b>LUMP SUM DIRECT EXPENSES</b>	<b>\$ 1,031.25</b>	<b>\$ -</b>	<b>\$ 1,031.25</b>
<b>LUMP SUM TOTAL</b>	<b>\$ 66,449.25</b>	<b>\$ 2,500.00</b>	<b>\$ 68,949.25</b>

**City of Woodcreek -Woodcreek Drive Overlay  
Budget Summary**

Item 6.

TASK Hourly Rate:	SHEETS/ UNITS	PRINCIPAL	PROJECT MANAGER	PROJECT ENGINEER	EIT	SR. GIS OPERATOR	ADMIN	Sub Total Hours	Hr/Unit	KFA Labor Cost
		\$ 260.00	\$260.00	\$178.00	\$106.00	\$119.00	\$85.00			
<b>K Friese &amp; Associates, Inc.</b>										
<b>PROJECT MANAGEMENT</b>										
1. Overall Project Management		2	16				4	22		\$ 5,020.00
2. City of Woodcreek Meetings (Four (4) Meetings)			16		6		2	24		\$ 4,966.00
<b>PHASE I - DESIGN &amp; BID PHASE</b>										
1. GIS Basemap			1	20		24		45		\$ 6,676.00
2. Supplemental Survey			2	4				6		\$ 1,232.00
3a. Front End Contract Documents		1	4	4	8			17		\$ 2,860.00
3b. Bid Form			1	2				3		\$ 616.00
3c. Technical Specifications		1	2	2	14			19		\$ 2,620.00
3d. Work Maps		1	8	48	48			105		\$ 15,972.00
3e. Traffic Control Narrative and Details				2	6			8		\$ 992.00
4. Cost Estimate			2	4	8			14		\$ 2,080.00
5a. Attend Pre-Bid Meeting			4	4	2			10		\$ 1,964.00
5b. Respond to Bidder Questions			2	4				6		\$ 1,232.00
5c. Prepare Addenda			2	2				4		\$ 876.00
5d. Bid Opening Meeting			4	4				8		\$ 1,752.00
5e. Bid Tabulation and Awards Recommendation			2	2				4		\$ 876.00
5f. Issue Conforming Documents			1		4			5		\$ 684.00
<b>PHASE II - CONSTRUCTION PHASE</b>										
1a. Attend Pre-Construction Conference			4	6				10		\$ 2,108.00
1b. Attend Construction Progress Meetings (Three (3) Meetings)			12	12	12			36		\$ 6,528.00
1c. Respond to RFI's (Five (5) Total)			4	6	4			14		\$ 2,532.00
1d. Prepare Change Orders (One (1) Change Order)			2	2				4		\$ 876.00
1e. Review and Approve Pay Applications (Two (2) Pay Applications)			3					3		\$ 780.00
1f. Punch List Walkthrough Meeting			4	4	4			12		\$ 2,176.00
<b>TOTALS HOURS:</b>		<b>5</b>	<b>96</b>	<b>132</b>	<b>116</b>	<b>24</b>	<b>6</b>	Row Total = 379		
<b>LABOR COST:</b>		<b>\$ 1,300</b>	<b>\$ 24,960</b>	<b>\$ 23,496</b>	<b>\$ 12,296</b>	<b>\$ 2,856</b>	<b>\$ 510</b>	Column Total = 379		<b>\$ 65,418.00</b>
		<b>1.3%</b>	<b>25.3%</b>	<b>34.8%</b>	<b>30.6%</b>	<b>6.3%</b>	<b>1.6%</b>			<b>\$ 65,418.00</b>

LUMP SUM DIRECT EXPENSES:								
<b>Travel:</b>								
Mileage			750 miles			\$0.58 per mile		\$431.25
<b>Copies:</b>								
Reproduction Media (mylar)			2500 copies sheets			\$0.20 per copy \$1.50 per sheet		\$500.00
<b>Misc Expenses:</b>								
Express delivery			5 each			\$20.00 per each		\$100.00
						<b>TOTAL</b>		<b>\$1,031.25</b>
<b>TOTAL PROJECT COST:</b>								
								<b>\$ 66,449</b>



# **WHITECAP** **—SURVEY COMPANY—**

## **PROPOSAL FOR LAND SURVEYING SERVICES**

PREPARED FOR  
**TOPOGRAPHIC SURVEY**  
WOODCREEK DRIVE

MAY 5, 2021

BY  
WHITECAP SURVEY COMPANY, LLC  
WHITECAPSURVEY.COM  
TBPELS FIRM NO. 10194424

# WHITECAP —SURVEY COMPANY—

Item 6.

Whitecap Survey Company, LLC  
PO Box 1225  
Dripping Springs, TX 78620

May 5, 2021

K Friese + Associates  
Attn: Ryan Bell, PE  
1120 S. Capital of Texas Hwy  
City View 2, Suite 100  
Austin, TX 78746

**Re: Topographic Survey  
Woodcreek Drive  
Woodcreek, Hays County, TX  
Proposal Number 2100154**

Dear Ryan:

Whitecap Survey Company, LLC (Whitecap) is pleased to provide K Friese + Associates (Client) with the attached proposal for Professional Land Surveying services in connection with the above referenced project.

After you have reviewed the attached proposed Scope of Services, please do not hesitate to call if you have any questions or comments.

Thank you for the opportunity to be of service.

Sincerely,  
Whitecap Survey Company, LLC



William R. Herring, RPLS  
Principal/Owner

## SCOPE OF SERVICES

### ASSUMPTIONS

The following assumptions were made during preparation of this scope of services and fee estimate.

All Professional Surveying Services will be performed under the direct supervision of a Texas Registered Professional Land Surveyor (RPLS).

Project limits shall consist of up to four (4) locations along Woodcreek Drive. Each location will be approximately 100 feet in length and extend from right-of-way to right-of-way. A graphic representation of the approximate overall project limits is shown below in Exhibit "A".

### SCOPE OF SERVICES

#### SURVEY CONTROL

Whitecap shall establish up to two (2) control points at each project segment location (up to 8 points total) where coordinates are based upon the Texas Coordinate System, South Central Zone, NAD 83 (93), NAVD 88. Whitecap shall establish additional secondary control (based upon the above described primary control) within the project limits as sufficient to complete the scope of services described herein.

#### TOPOGRAPHIC / DESIGN SURVEY

Whitecap shall collect design survey data within the survey limits. In such areas, conventional survey methods will be utilized to collect cross-sections and break lines at approximate 50-foot intervals. Major grade-break lines necessary to produce a one-foot interval contour DTM will be collected, as well as any visible improvements including roadways (with type noted), culvert pipes (size and material), fences, visible utilities and visible evidence of underground utilities. Trees 8-inches DBH and larger will be tagged and located (noting size and common name).

#### BOUNDARY DELINEATION

Whitecap shall conduct records research within the Hays County Appraisal District to obtain the record subdivision plat information within the project limits. Whitecap shall locate sufficient boundary evidence to graphically place these record right-of-way lines of Woodcreek Drive and tie to the project control.

### DELIVERABLES

- 3D DTM (Microstation DGN)
- Word doc file of surveyed points and control points, and descriptor code list
- PDF file of scanned field book notes

## FEE ESTIMATE

Whitecap will provide the services described herein on a Lump Sum basis, with all invoices sent to and paid for by the Client.

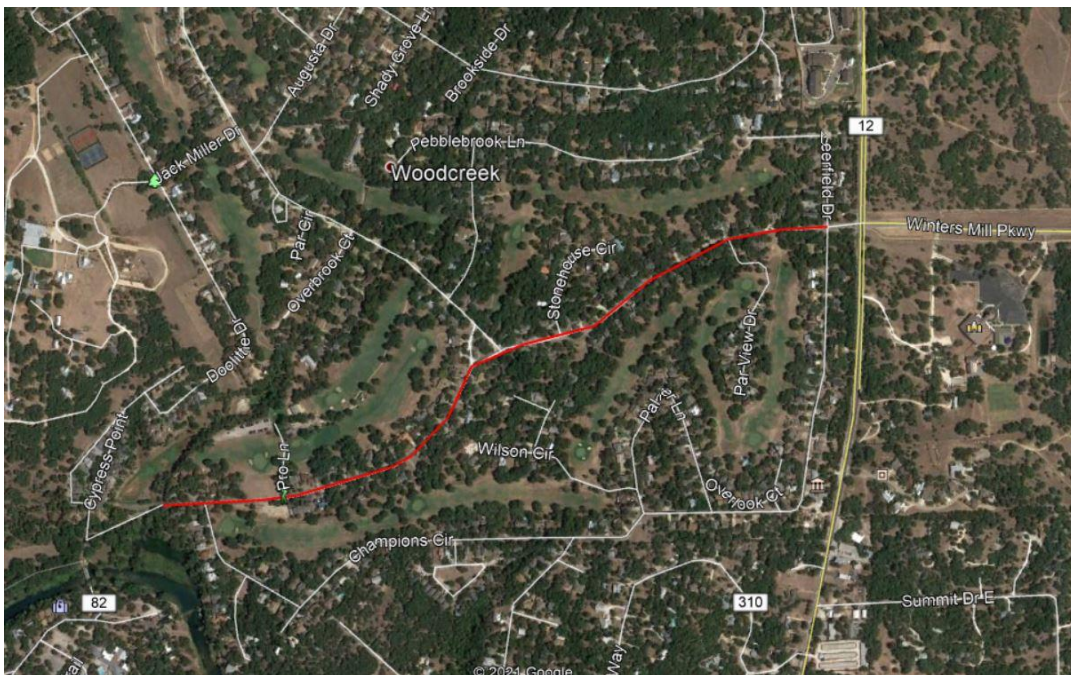
Topographic Survey \$2,500.00

## ADDITIONAL SERVICES (upon request by the Client)

In addition to the services outlined above, Whitecap can provide additional services as requested by the Client. If requested, a scope of work and estimated fee will be provided in writing prior to Whitecap proceeding with any additional service. These additional services include, but are not limited to the following:

- Boundary Surveying services
- Establishing additional control beyond that scoped herein
- Obtain Underground utility records or locating underground utilities
- Wetland Delineation
- Obtaining Right-Of-Entry of any kind
- Locating trees, shrubs, or any form of vegetation beyond that scoped herein
- Design/Topographic surveying services beyond that scoped herein
- Any services not specifically outlined herein

## EXHIBIT "A"



## TERMS OF CONTRACT

### Parties

'Whitecap' means Whitecap Survey Company, LLC. The 'Client' means the person or organization awarding the Contract. An Agent acting for a Third Party shall be deemed the Client unless designated in writing by the Third Party. 'Agreement' means the entire content of this proposal document, terms and conditions listed herein, together with any other supplements, exhibits, schedules, or attachments hereto.

### Entire Agreement

This Agreement constitutes the entire agreement. There are no oral or other representations regarding the subject of this Agreement that are binding on either party. All changes to this Agreement must be in writing, signed by both parties. Whitecap reserves the right to accept email notification as 'in writing' in lieu of Client signature.

### Travel

Cost of mileage on company-owned vehicles is computed at the current Internal Revenue Service (IRS) mileage allowance.

### Lodging and Meal Allowances (per diem)

Lodging and meal allowances (per diem) are computed at the current General Services Administration (GSA) rates.

### Purchased Services and Other Direct Expenses Not Listed Above

All purchased services are invoiced at actual cost plus ten percent (10%) handling. These include but are not limited to reproduction, computer time, long distance telephone charges, consultants, subcontract services, rented or leased equipment, expendable supplies, and project-special supplies.

### Property Damage

Whitecap will take every reasonable precaution necessary to prevent or minimize property damage while performing the services described herein. Cost of restoration of any resulting property damage is not included in the project fee.

### Ownership of Documents

Any documents, data, results, and any associated intellectual property, that are prepared, discovered, created, invented or generated by Whitecap in any activities or work under this Agreement shall remain the property of Whitecap, except those documents required to be recorded or filed with a public agency, and are not to be used by Whitecap without the written consent of the Client.

### Copyright

All copyright laws of the United States and the State of Texas shall apply, to the benefit of Whitecap, to any product or work performed under this Agreement without regard to whether or not any copyright for such work product actually is registered.

### Invoicing, Payments, Late Fees and Associated Costs

Invoicing for all fees and associated project costs agreed upon herein will be submitted by Whitecap to the Client on a monthly basis. The Client shall review monthly invoice statements and notify Whitecap, in writing, of any objection within ten (10) days from the date of invoice. If no written objections are presented to Whitecap by the Client within the ten (10) days, the invoice shall be deemed acceptable. Late payments will incur a late charge of two percent (2%) per month from the original date of invoice. The Client shall pay any costs associated due to collection of late payment, including but not limited to attorney fees, court fees, charges associated with lien filings, and collection agent fees. Failure to pay Whitecap the net invoiced amount within thirty (30) days after invoices are rendered, then Client agrees that Whitecap shall have the right to stop or suspend work and consider the non-payment as grounds for a total breach of this Agreement.

### Taxes

Boundary surveying services and fees are subject to State and Local sales tax. 8.25% sales tax, when applicable, will be collected and included at the time of invoice.

### Professional Land Surveying Services

All surveying services are regulated under the Texas Board of Professional Land Surveying (TBPLS). TBPLS can be contacted at the following address: 12100 Park 35 Circle, Building A, Suite 156, Austin, TX 78753

### Termination of Contract

This Agreement may be terminated by either Party providing the other Party with 5 days advance written notice of its intent to do the same. Upon termination, Client shall pay Whitecap for the services completed up to the time of termination date.

Dispute Resolution

The parties agree that any disputes that may arise as a result of this Agreement or the provision of products or services as a result of this Agreement will first be attempted to be resolved through discussion between the parties. If the dispute cannot be resolved on terms satisfactory to both parties, the parties shall in good faith enter into non-binding mediation to resolve the dispute. The parties agree to include a similar non-binding mediation agreements with all contractors, subcontractors, and subconsultants.

Governing Law

This Agreement herein shall be enforced and interpreted in accordance with the laws set aside by the State of Texas.

Force Majeure

In the event that Whitecap is delayed or unable to perform its obligations under this Agreement as a result of a force majeure, Whitecap shall not be liable for direct or consequential damages resulting from lack of performance. "Force Majeure" shall mean inclement weather, fire, earthquake, flood, act of God, strikes, work stoppages, or other labor disturbances, riots or civil commotions, litigation, war, or other act of any foreign nation, power of government, or governmental agency or authority, or any other cause like or unlike any cause above mentioned which is beyond the control of either party.

Indemnification

To the fullest extent permitted by Law, the Client will defend, indemnify and hold harmless Whitecap, including its current and former officers, directors, employees, agents, assigns and subconsultants, from and against claims, damages, losses and expenses, including but not limited to attorney's fees, arising out of, or from the performance of its operations or services and for the acts or omissions of its directors, officers, employees, contractors or subcontractors, volunteers, participants, guests or any third party for whom it is responsible, regardless of whether or not such claim, damage, loss or expense is caused in part by a party indemnified hereunder. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity that would otherwise exist in the absence of this Agreement.

Limitations of Liability

Client agrees to limit Whitecap's liability arising from Whitecap's professional acts, errors or omissions such that the total liability of Whitecap shall not exceed Whitecap's total fees for the services rendered within this Agreement.

Authority

The individual signing below hereby represents and warrants that s/he is duly authorized to execute and deliver this Agreement, as the Client or as a representative of the Client, and that this Agreement is binding upon the Client, or its successors, in accordance with its terms.

Use of Product

Client shall not alter final product(s) as delivered and prepared by Whitecap, except for updates to page numbers or exhibit identification necessary to incorporate into a larger plan set or other document. Any alterations to the final product, other than those listed above, made without prior approval of Whitecap shall render the final product(s) null and void. Whitecap shall keep a copy of all final products and will provide a copy of said final product upon request and with the consent of the Client.

**Client or Client Representative**

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_





# Citizens Emergency Management Advisory Committee Report (CEMAC)

05.07.2021

City of Woodcreek  
41 Champions Circle  
Woodcreek, TX 78676-3327

## Overview

This report covers the work of the Citizen Emergency Management Advisory Committee (CEMAC) formed in March, 2021 in response to the prolonged sub-freezing temperatures which resulted in rolling blackouts directed by the Electric Reliability Council of Texas (ERCOT-Texas's power grid) and implemented by our electrical utility provider, Pedernales Electric Cooperative (PEC). The rolling blackout impacted both Woodcreek's water utility, Aqua Texas and the electrical utility, Pedernales Electric Cooperative. This resulted in a majority of citizens not having water, ranging from several days to four days, as well as little to no electricity. This is just one type of emergency that this report addresses, but the catastrophic combination of no electricity and no water in temperatures below freezing underlined the vulnerability of our city's systems whether they be utilities or communications. We were fortunate that a number of Woodcreek citizens stepped up and helped those affected.

On March 3, 2021, the City Council approved Mayor Whitehead's recommendation to form CEMAC to establish a timeline of events, including the preparation by the City, solicit comments from citizens, communicate with surrounding cities for their pre/post planning and experiences, develop a pre/post checklist for citizens and City staff, reaffirm points of contact between the City and Utilities, discuss and revise, if necessary, the standard operating procedure for City Staff to release information to the public and any other items the Committee determines essential. The main thrust of this effort centered around three principal areas: 1) Communications, 2) Utilities and 3) Preparation. The Committee was composed of Woodcreek citizens Jack Boze, Nancye Britner and Pat Rawlings. An email address [emergencymanagement07@gmail.com](mailto:emergencymanagement07@gmail.com), was established to receive citizen comments. The committee received suggestions and observations on preparations, communications, and utilities from citizens via Nextdoor, Facebook, comments to the City Council, comments at Mayor's Coffee discussing CEMAC, and the email suggestion mailbox listed above. The CEMAC Committee appreciates the input and has addressed or incorporated these suggestions as much as possible.

## Goals

The goal of this effort is to collect and document information from Woodcreek's citizens, public officials, utility providers, and first responders in order to help them better prepare for future events. Completion of this effort was expected within 60 days.



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  - B. **Texas Commission on Environmental Quality (TCEQ): Rules**
  - C. **Woodcreek Ordinance Chapter 52.- Minimum Standards for Water Service**
  - D. **Woodcreek Ordinance Chapter 51- Fire Hydrants**
  - E. **City Ordinance on Emergency Management**

# 1 The Big Freeze

## State Wide Impact

In February 2021, the state of Texas suffered a major power crisis, which came about as a result of three severe winter storms sweeping across the United States on February 10–11, 13–17, and 15–20; a massive electricity generation failure in the state of Texas; and resultant shortages of water, food, and heat. More than 4.5 million homes and businesses were left without power, some for several days.

Inadequately winterized natural gas equipment was the primary cause. Also, most of Texas had isolated its power grid from the two major national grids, making it difficult for the state to import electricity from other states.

**Federal regulators ten years earlier had warned Texas its power plants would fail in sufficiently cold conditions**

The crisis drew much attention to the state's lack of preparedness for such storms, and to a report from U.S. Federal regulators ten years earlier that had warned Texas its power plants would fail in sufficiently cold conditions. Damages from the blackouts were estimated at \$195 billion, making them the costliest disaster in Texas history. According to the Electric Reliability Council of Texas (ERCOT), the Texas power grid was "seconds or minutes away from" complete failure when partial grid shutdowns were implemented. *From Wikipedia*



## Impact in Woodcreek

Although local meteorologists had warned us that this winter storm would be worse than what we had experienced before, we were largely unprepared for the unprecedented, continuously-below-freezing temperatures, days-long duration and completely unprepared for the rolling blackouts imposed by ERCOT which crippled our transportation, water supply, and communications infrastructures. While some had filled tubs with

water in anticipation of the freeze, they still expected the interruption to be similar to others they had experienced before.

## No one expected the temperatures to stay at or below freezing for 144 hours.

The combination of ice and the initial 6” of snow that fell here rendered our narrow, hilly roads impassable for most passenger vehicles. Even some 4 wheel drive vehicles had difficulty. Most people hunkered down and tried to stay warm and conserve water. A number of citizens were caught off guard and had insufficient food, water, and firewood. The expectation of most was that we would have a freeze, the roads would thaw in the sun the next day, and they could go get more provisions within 24 hours. No one expected the temperatures to stay at or below freezing for 144 hours. The coordination and communication between the City staff, Council members, utilities and citizens were strained because of impassable roads, internet outage, cell phone disruption, and the lack of a suitable gathering facility because utilities were out at the City office. Thus, sometimes real time communications were developed on the fly.

## 2 Timeline of City activities during the 3 winter storms:

### After Action Report — Winter Weather Event beginning February 14, 2021

The following documented communications by the City Staff, Council Members and Utility companies represents the attempts to keep the public informed of events and to coordinate power and water system recoveries.

#### Friday, February 12

- City issues lengthy email blast/text about Winter Weather Advisory and how to be prepared for winter weather, as well as utility emergency contacts and waste collection delay. This was also published on the city website. (12:35 pm)
- City issues email blast/text about Winter Storm Warning, delay in waste Collection.

#### Saturday, February 13

- Freezing rain and ice on roads
- Staff continues to monitor predicted winter weather

### **Sunday, February 14**

- Start of widespread snow
- City issues email blast/text about hazardous road conditions (11:39 am)
- **Rolling black-out notices issued by ERCOT (5:38 pm)**

### **Monday, February 15**

- **Rolling blackouts begin**
- City Manager contacts PEC emergency number to confirm (approximately 9:15 pm)

### **Tuesday, February 16**

- City Manager contacted PEC regarding rolling blackouts
- Reported areas without power — possible equipment failure
- City Manager contacts Aqua Texas concerning water system

### **Wednesday, February 17**

- City Manager contacts Aqua Texas concerning low water pressure
- Loss of water service occurs
- City Manager emails Bob Laughman, Aqua Texas's President, regarding update on Woodcreek water situation  
(8:40 am)
- Bob Laughman responds to City Manager email (12:20 pm)
- PEC Issues service interruption statement
- Aqua Texas issues possible loss of water statement
- Waste Connections issues collection service interruption
- City Issues email blast/text regarding PEC, Aqua Texas, Waste Connections statements (1:17 pm)
- City Issues email Blast/text of Mayor Whitehead issues Disaster Declaration (3:11 pm)

### **Thursday, February 18**

- City Issues email blast/text statement regarding possible boil water notice (10:51 am)
- Statement included small amount of bottled water available at City Hall (City Manager and Staff distributes Water)
- City Issues email blast/text statement regarding all available bottled water has been distributed (11:52 am)

- City Manager meets with Aqua Texas System operator on water situation
- City Manager drives streets assisting Aqua Texas in leak detection, assists stranded motorist
- City Staff meets Dripping Springs EMC at Veterans Memorial Plaza to receive 70 large bottles of water from Hays County
- City Issues email blast/text statement regarding bottles of water available (5:53 pm) (City Manager and Staff distributes Water)
- City email blast/text statement regarding all bottles of water has been picked up and includes statement reminding the boil water notice (6:04 pm)
- City Manager drives streets assisting Aqua Texas in leak detection
- City email blast/text statement regarding all bottles of water has been picked up and includes statement reminding the boil water notice (6:14 pm) (City Manager and staff distribute water)
- City email blast/text statement regarding Waste Connections possible garbage collection on 2/19/2021 (8:58 pm)
- City email blast/text statement regarding Waste Connections possible garbage collection on 2/19/2021 (9:39 pm)

### **Friday, February 19**

- City Secretary emails 4 residents to determine if water service had been restored (11:03-11:17am)
- City email blast/text statement regarding water pressure being restored, limited resources, and streets are improving but may be hazardous (11:52 am)
- City Manager drives streets assisting Aqua Texas in leak detection
- City email blast/text statement regarding water system almost fully pressurized, contact Aqua if you don't have water. (5:30 pm)
- City email blast/text statement regarding asking residents to contact City Manager if still without running water (10:00 pm)
- City Manager emails Bob Laughman regarding properties without water service (10:51pm)

### **Saturday, February 20**

- City Manager calls and emails several residents to confirm water had been restored (all had been) (9:00 am)
- City email blast/text statement regarding Hays County had delivered a limited quantity of bottled water and it was available to be picked up and reminder to report water



outage to Aqua and to email City Manager regarding outage (11:00 am) (City Manager and Staff distributes Water)

- City Manager contacts Aqua Texas System operator as emails regarding no water are received
- City email blast/text statement regarding bottled water at City Hall has been depleted (12:08 pm)
- City email blast/text statement regarding Hays County had delivered a limited quantity of bottled water and it was available to be picked up (2:35 pm) (City Manager and staff distributes Water)
- City email blast/text statement regarding bottled water distribution is completed (3:50 pm)
- City Manager drives streets assisting Aqua Texas in leak detection (locates water main leak on Canyon Creek Drive and reports to Aqua)
- City email blast/text statement regarding potable water is available at VFW Post 6441 from 10:00 am to 6:00 pm (6:22 pm)

### **Sunday, February 21**

- City email blast/text statement regarding 8 pallets of water available at Woodcreek City Hall delivered by Aqua Texas. (12:07 PM) (Water distributed by elected officials, City Manager and staff, and Aqua Texas Representatives)
- Water distribution ceased approximately 5:00 pm
- City email blast/text statement regarding Boil Water Notice Still in Effect (8:05 pm)

### **Monday, February 22**

- City email blast/text statement regarding Aqua Texas Lifted Boil Water Notice (11:44 am) Throughout winter weather event, City Manager was in contact by telephone, text, and email with various City and County Officials, City Staff, and utility provider representatives too numerous to list.

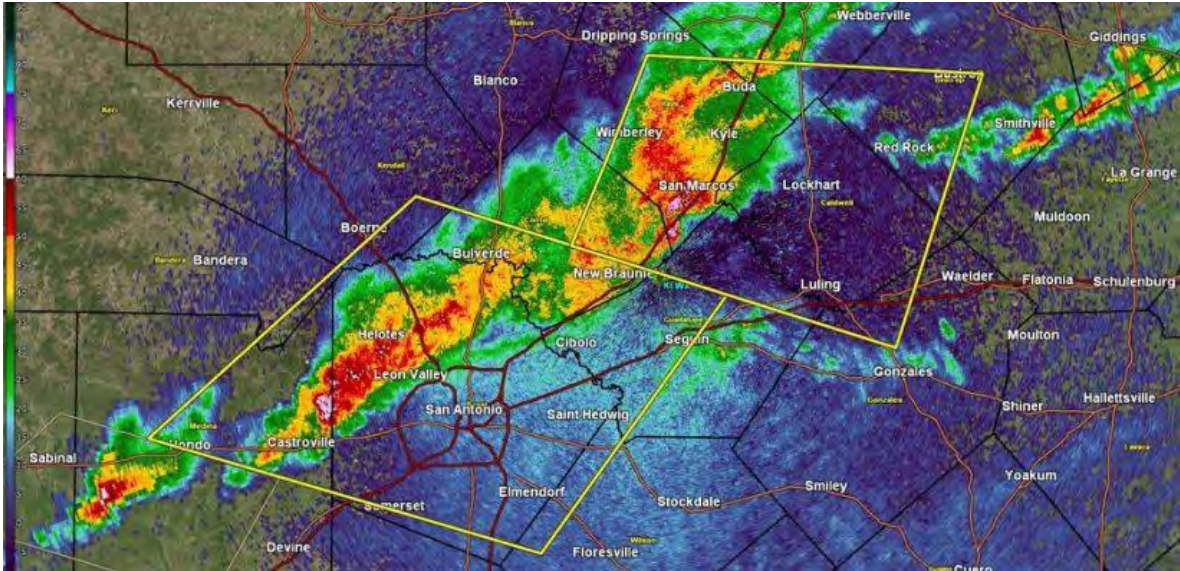






### 3 Will it Happen Again? Will it be the same?

Will it happen again? Probably, but the duration and continuously low temperatures are impossible to predict. The consensus of this committee, the City and others we have talked to is that this sort of emergency will certainly occur again. This emergency and the awareness it heightened led the Mayor to form this Citizen Advisory Committee. In addition to considering the ramifications of this event, we were also encouraged to include other possible emergencies in our considerations.



## 4 Is it the Worst Thing that Could Happen?

The chart below lists possible disasters that could occur in the city of Woodcreek:

Types of Disasters	Impacted Areas							
	Roads	Aqua	PEC	Spectrum	EMS	Property Damage	Cell Service	Health
Winter Storm	X	X	•	•	•	X	•	X
Severe Storm	•		X		•	X		
Tornado	X	X	XX	X	X	XX	X	X
Flood	X	•	•	•	X	XX		X
Wildfire	•	•	X	X	X	XX		X
Heat			•		X	XX		X
Hazardous Spill (RR 12)	X				XX			X

**IMPACTED - • SEVERE IMPACT - X EXTREME IMPACT - XX**

The winter storm we experienced in February 2021, was bad, but a wildfire or tornado could be much more devastating. In all instances the following apply:

- Being prepared with your personal emergency preparedness kit(s)
- Having plans for what to do and where to go in an emergency
- Paying attention to emergency communications

All can make an important and potentially lifesaving difference.

**SEVERE STORMS** - While we usually know these are on the way, we don't know exactly where they are going to hit and whether they are just a lot of sound and fury or a rain "bomb" (19" fell in 24 hours in Marble Falls), extreme lightning, severe straight line winds, damaging hail, or even a tornado. We see a lot of these in Central Texas and monitoring emergency alerts, TV weather forecasts, or even smartphone alerts can help you stay safe.

**TORNADO** - Of all the emergencies we can have here, tornados have the most potential impact. There isn't a single category of impacted areas that it misses. Fortunately, for most of us, these are a once in a lifetime, if ever, event that we hopefully will not have to experience.

**FLOOD**- The Hill Country is the epicenter of flash flooding in Texas. Even though we weren't hit by the tragic flooding of the Blanco River in 2015, later that year we had substantial street and low water crossing flooding on Halloween of the same year. With Hog Creek threading through our city, surrounded by tall hills we could still have much worse flooding if hit by a rain "bomb". On June 27, 2007 Marble Falls had over 19" of rain in one day which did millions of dollars worth of damage to the city and wastewater treatment facilities were overwhelmed and did not function properly.



**WILDFIRE**- Woodcreek is surrounded by rural areas with heavy thickets of highly flammable Ashe Juniper or Mountain Cedar, tall weeds and dry underbrush. During periods of drought, 100° days and high wind, this is the perfect formula for a brush wildfire which can consume many acres within a short period of time. Fortunately, much of the cedar has been removed from the central portion of the city, but certain areas on the edges and areas with a high density of cedars are vulnerable.

**HEAT**- During the summer months, many 100° days cause Texas' power grid to react as it did during the freeze and have rolling brownouts. This can affect our water system, cause homes to become unbearably hot and affect persons with medical conditions. Having water on hand is a continuing theme with emergencies.



**HAZARDOUS SPILL**-Tanker trucks are responsible for transporting a wide variety of liquid substances across Texas and the United States. Like regular run-of-the-mill tractor-trailers, tanker trucks can cause significant damage when a traffic accident occurs. The large size and weight lead to more severe bodily injury and a higher likelihood of fatalities, especially at high speeds.



Yet, many tankers carry hazardous materials making them ticking time bombs on wheels, which can explode causing catastrophic injuries in a matter of seconds. Dangerous chemicals, when leaked, can spread through the air and affect persons with vulnerable

respiratory systems and cause long term physical damage.

With RR 12 adjacent to our eastern city boundary, trucks often pass through the Winters Mill Intersection or make tight turns.

**OTHER EMERGENCIES**- Events such as active shooter situations, car chases, fugitives from the law, and other first-responder-related incidents will be highly fluid and will rely to a great extent on their location, the length of the event and whether the situation is a threat to our citizens. These situations happen so quickly that Hays County Sheriff's text alerts, email from the city and social media will probably be the best way to let people know quickly. If someone uses social media, they need to make certain that the information they are conveying is accurate to the best of their knowledge.

The **Neighbor to Neighbor** network and the **Neighborhood Watch** programs can be very helpful here. If you can collect your group of Neighbors as a cell phone group, you can quickly text them an alert when something happens and help them to keep up with official sources of information.

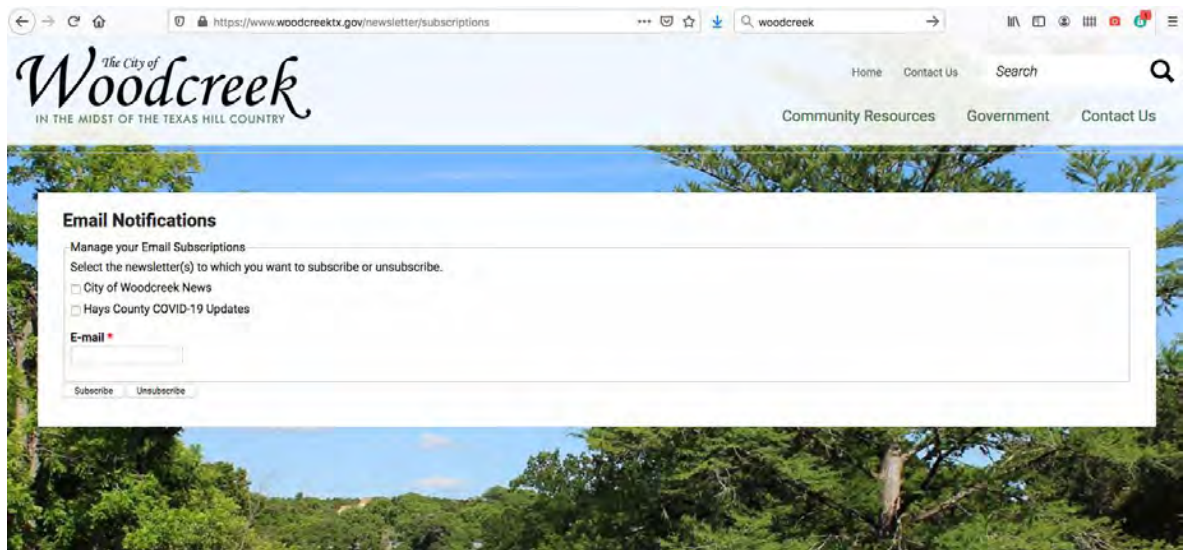
## 5 Communications

We now live in an era where we are immersed in multiple forms of communication. The question, during an emergency, is which sources provide you with both the best and fastest forms of communication?

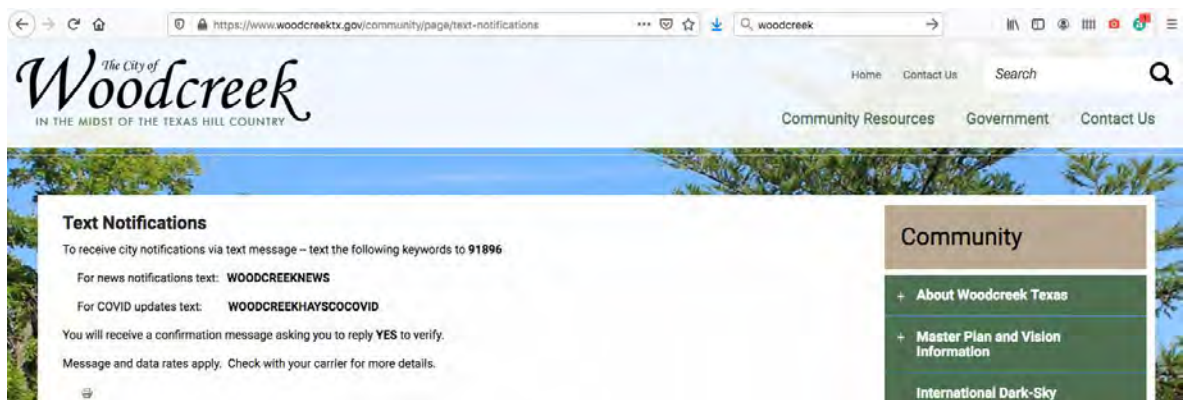
Official sources of information are the best.

### City of Woodcreek Sources

On the City of Woodcreek website (<https://www.woodcreektx.gov/>) you can **subscribe to City email notifications**. The form is under **Community Resources**.



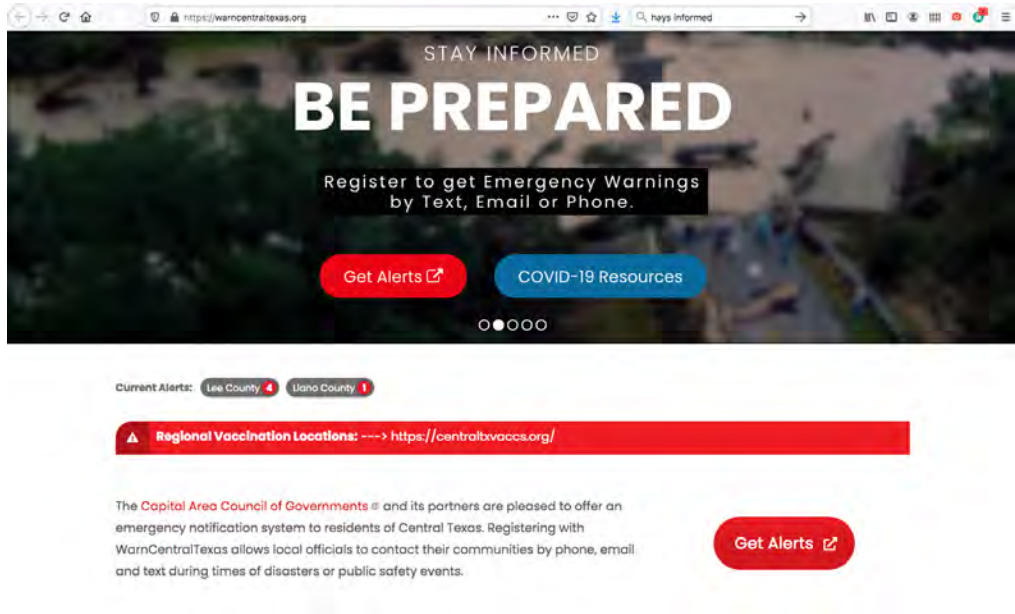
On the City of Woodcreek website (<https://www.woodcreektx.gov/>) there is information on how you can subscribe to **text notifications**. The information is under **Community Resources**.



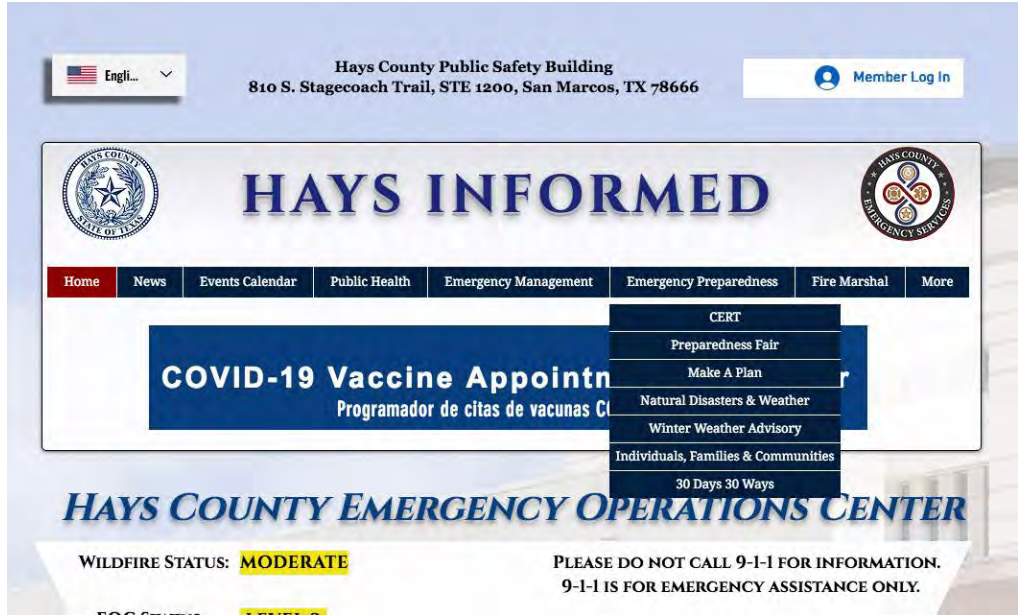
### Hays County/Central Texas Sources

Sign up for text, email and phone warnings at:

<https://warncentraltexas.org>



Hays Informed is also a wealth of information on resources, links, instructions and emergency contacts <https://www.haysinformed.com/>



## Nextdoor

Nextdoor's hyperlocal network of neighbors is an unfiltered source of communication that allows you to make requests for information, assistance and to report information such as water and power outages to one another (but unfortunately not to providers). As it is unfiltered it can have varying levels of reliability, but when you need help it is often the easiest way to appeal to a large group of folks nearby.



During the freeze there were numerous appeals for food, water, firewood that enabled some of our more enterprising neighbors to reach out and help. When it works this way it's great. Just remember it is unfiltered so some information might be inaccurate or biased.

## Facebook

There are several Facebook groups dedicated to Woodcreek and Wimberley that share information about our city and the Wimberley valley. Just search for "Woodcreek" on facebook and you will find them. Just remember they are unfiltered so some information might be inaccurate or biased.

## twitter

Hays County Emergency Management Services has a twitter account that posts very current information before, during and after emergencies. Follow them at:

**@hays\_oem**



**Local TV station meteorologists** also maintain 24/7 updates on twitter during weather emergencies.

@KXAN\_Weather, @KVUE\_Weather, @AustinWeatherare other good twitter sources



### ***KWVH -Wimberley Valley Radio 94.3***

Often, a local radio station is a great source of a variety of information that you might not hear elsewhere. Candid conversations with City, County and law enforcement officials happen here regularly. During the freeze the main station had difficulty with fluctuating power so Production Director, Brach Thomas, grabbed a plastic bin full of equipment and hitched a ride to Woodcreek where the station broadcast for 3 days



### ***Local Television Broadcasts and Apps***

Many of the local network affiliates, in addition to their broadcasts, have smartphone apps that give very up-to-date forecasts. Go to the Android or Apple App stores to download.

### ***Cell Phones***

Cell phones, and especially smartphones, can be incredibly useful during emergencies. They have internet browsers, text, online radio and TV and can take photographs. The main problem is that the phones and the cell towers have to have power. Some citizens said that even though they had power on their phones that the cell service (towers) were interrupted by power outages. If you have a cell phone that can be plugged into a power port on your car, it is a good way to charge it and to either warm up or cool down, depending upon the type of emergency -**DO NOT START YOUR CAR IN A CLOSED AREA.** You can also buy supplementary powerpacks that can power your cell phone. Many smartphones also allow you to use them as a **wireless (WIFI) hotspot**. This way, if your internet provider (Spectrum, Frontier, Grande) goes down, this is a way to stay online. Go into settings and turn it on. It will give you a password that is required to link to it.

### ***New Communication Methods***

#### ***Neighbor-to-Neighbor***

As mentioned before, the **Neighbor to Neighbor** program that the city is starting creates "nodes" or "blocks" of neighbors with a block captain who helps organize and connect the group. The exchange of email addresses, phone numbers and other pertinent information will help people within short walking distance of each other share resources and information in the event of an





emergency. Either sign up as a block captain or find out who your block captain is by contacting councilmember Bob Hambrick via email - [bob.hambrick@woodcreektx.gov](mailto:bob.hambrick@woodcreektx.gov)

### Warning System-

Many Texas cities of Woodcreek's population and physical size have a siren system to alert citizens of imminent severe weather, such as a tornado or hailstorm and other events including a chemical spill. Ten minutes of warning for a hailstorm blowing in might save people or property and wake folks up in the middle of the night to seek shelter from a tornado.

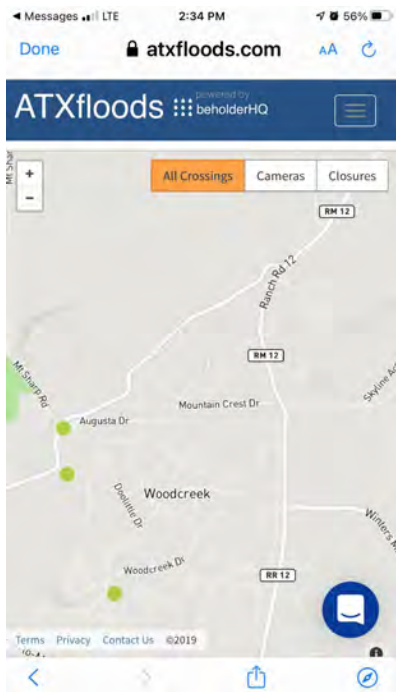


### Direct Telephone Call

Systems such as Dialmycalls:

<https://www.dialmycalls.com/emergency-notification/weather-alerts>

Can in a very brief period notify all citizens that sign up of an impending emergency. We recommend the City investigate using this or a similar system.



### ATXFloods.com

In the Austin and Central Texas area ATXFloods maintains a website which shows what areas have flooded. The Wimberley Valley is included in this as you can see on the right. During a severe weather event you can refer to this website to help plan your route out of Woodcreek and away from the area. Other sites such as Waze and Google Maps also sometimes have this information.

## 6 Preparation

Emergencies arise from natural and man-made causes, they can happen at any time, anywhere, and involve anything. The best possible way to handle an emergency is to be prepared for it. The key to surviving a major crisis is individual preparation. A **72 Hour Preparedness Kit** will give you a good start in being prepared, and you may be surprised to find some things you never thought of. The location of items for a kit should be memorized so that little time is lost trying to acquire them. Unprepared citizens pose a burden on neighbors who are struggling with their own circumstances. You can create this kit on your own or buy premade kits as shown below.



## 72 Hour Preparedness Kits

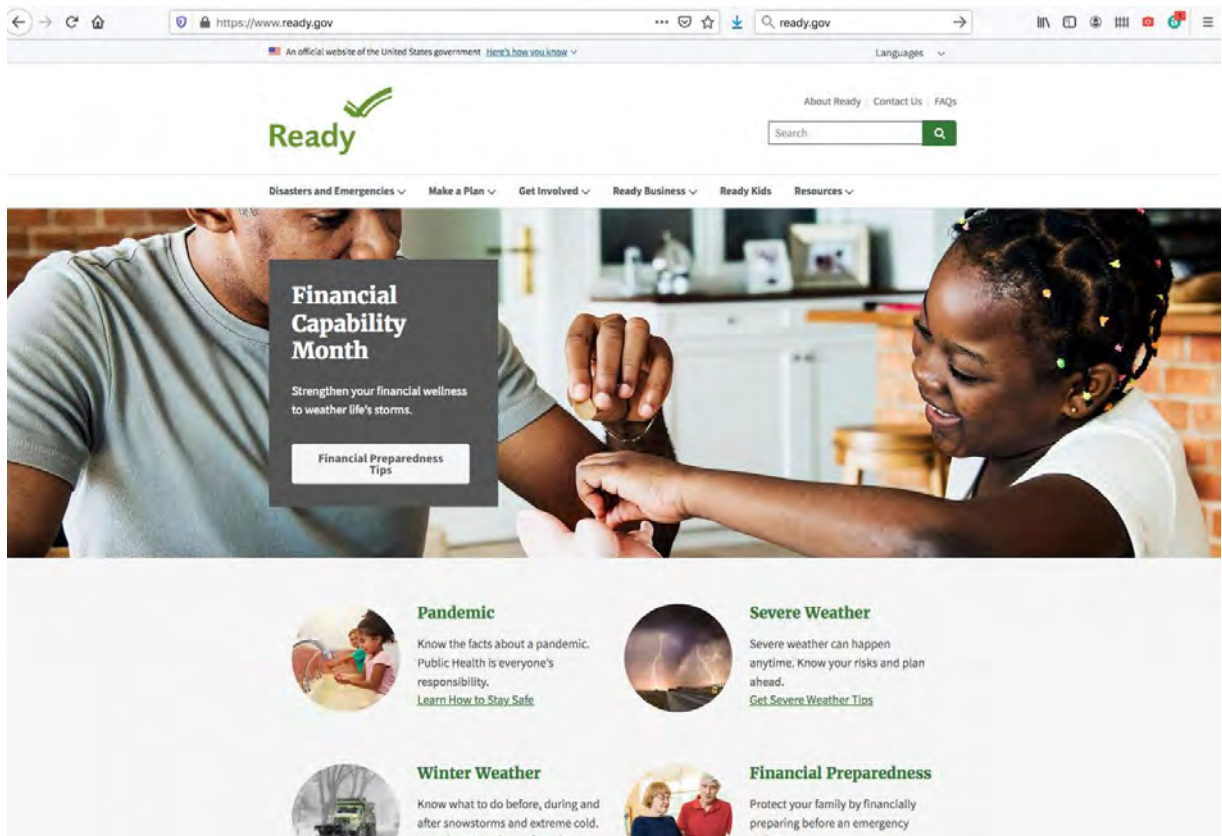
- Prepare a family disaster/survival kit
- Maintain a list of emergency telephone numbers
- Keep a number of a non-local family member you can contact that can notify other family members of your status (It helps to keep telephone calls to a minimum in an emergency)
- Three-day (72 hours) supply of drinking water
- Canned or non perishable food
- Manual can opener
- One change of clothing and footwear per person
- One blanket or sleeping bag per person
- First aid kit that includes critical family member prescription medications
- Flashlight with extra batteries
- Battery operated radio/hand crank radio
- Special items for infant, elderly, or disabled family members
- Sanitation supplies
- Cash or traveler's checks
- Extra set keys

## Preparedness Checklist

- Show family members how to turn off water, gas, and electricity in the case of an emergency
- Teach family members how to use your home fire extinguisher
- Check on elderly/disabled neighbors
- Agree upon a meeting place for your household
- Put important papers in a secure plastic bag
- Charge your phone - have an extra car charger
- Move your car under cover if possible
- Secure your outdoor furniture before severe storms.
- Bring your pets indoors before imminent danger.
- Identify the safest room in the house away from windows
- Close your blinds
- Know exactly what your insurance policies do and don't cover
- Fill bath tub for toilet flushing and other uses
- Have sufficient cash because banks and ATM machines may be inoperative
- Firewood

## Ready.gov

Launched in February 2003, Ready is a National public service campaign designed to educate and empower the American people to prepare for, respond to and mitigate emergencies, including natural and man-made disasters. The goal of the campaign is to promote preparedness through public involvement.



Ready and its Spanish language version Listo ask individuals to do four key things:

- (1) stay informed about the different types of emergencies that could occur and their appropriate responses
- (2) make a family emergency plan and
- (3) build an emergency supply kit, and
- (4) get involved in your community by taking action to prepare for emergencies.



### What is my shelter place?

Camp Young Judaea (CYJ) recently contacted the city to offer their facilities to accommodate, with bedding, 400 to 500 people, including food supplies for several days. In the future the city will notify citizens when the (CYJ) facilities are available. During the February weather event, no power was lost at the Camp, but that is no assurance that it will not occur in the future. If power is lost, shelter would occur in the main and dining rooms but a generator is required.

### What is my evacuation plan/route?

Familiarize yourself with the main arteries that feed out of Woodcreek and think about how they might be impacted by the event. Flooding will definitely cut off the Cypress Falls route out of the city.

Traffic apps like Waze, or Google maps are available for your smartphone, can give you guidance on the best routes on a minute-minute basis:

<https://www.waze.com/>



<https://www.google.com/maps/>

Your car radio, tuned to a local station, is also a great source for local traffic information during an emergency.

### What is my family/household communication plan?

Coordinate with all members of your household on how you intend to communicate, whether cell phone, email, text, etc. Often, during an emergency, cell phone networks are either damaged or overloaded. Texts use much less bandwidth than voice and will send more easily over a weak network. Agree on a central location in the house where you will post notes on your plans or status. This way, if someone in your family comes in to look for you, they will know your condition and won't waste time trying to find out the information. Check in!

## 7 Utilities

### Aqua Texas (Now Essential Utilities)

Aqua Texas, a private company, provides potable and hydrant water and a wastewater treatment facility to the city through a network of company owned pipes, two wells, a water tower and a wastewater treatment plant. The tower which is located adjacent to the city's office on Champion Circle, provides water to meters located within the City limits and several adjacent areas. The wastewater treatment plant, located on FM 2325, provides treatment for both the City of Woodcreek and Woodcreek North as well as other Wimberley areas.



In event of an electrical power loss, the tower, which holds 125,000 gallons of water, may provide, under normal usage, water for approximately 24 hours before the system is depleted and a water recharge is necessary. Depending upon which supply well is selected, the recharge may take 3 to 10 hours before adequate water flow is obtained. As specified in Texas Commission on Environmental Quality (TCEQ) document RG-195, Rev 12/2019, Rules and Regulations for Public Water Systems, water systems are characterized as either non-elevated or elevated. Those that are elevated do not require emergency or standby power, if they meet certain requirements, because they will offer, through gravity, enough water pressure and flow for a typical 24 hour water usage. Non-elevated water storage must have emergency power if the system does not offer gravity flow. For example, Wimberley has six wells and storage water facilities (1.2 million gallons) and of the six, five are gravity flows from high locations within the Wimberley valley. A water tower is considered elevated if it is at least 80 feet above the highest water tap. The Woodcreek water tower, at a height of 137 feet, permits a gravity pressure of 60 pounds per square inch (PSI) at its base. The TCEQ RG-195, §290.45(b)(1)(D)(iv)(Appendices B) and §290.45(b)(1)(D)(v)(Appendices B) specifies that if an elevated tower holds enough gallons of water to accommodate the sum product of 100 gallons times the number of water taps, then emergency or standby power is

not required. The Aqua Texas elevated tower meets this requirement, therefore standby generator power is not required.

To enhance the city's water storage, Aqua Texas has firm plans, within the next year, to replace the 22,000 gallon water storage at well#1, located at the end of Doolittle Street, with a 125,000 gallon storage tank.

## Hydrant Water

The functional water hydrants located throughout the city, support both line flushing and firefighting and should provide at least a minimum flow of 250 gallons per minute (GPM). Most hydrants will fall in the range of 800 to 1000 GPM. The hydrants are tested and flushed every year by Aqua Texas. They are painted black because they do not technically meet all of the requirements of a fire flow system, such as 1000 GPM for two hours. This requirement alone would drain the entire water storage in the tower. If the hydrant GPM flow is too low during a firefighting event, water will be extracted from the hydrant and passed through the fire truck's booster pump. A memorandum of understanding (MOU) between Aqua Texas and the Wimberley Fire and Rescue (WFR) states that WFR will accept whatever pressure and flow exists at a hydrant. This is a common legal arrangement between Texas private water systems and volunteer fire departments. A fire department annex is located within 2 miles of the city and the fire department's Public Protection Classification is a 5, which is a good rating.

## Wastewater Treatment Facility

The wastewater treatment facility holds 21 million gallons of processed wastewater and an average of about 155,000 gallons of effluent water is sprayed daily on to the Woodcreek golf course and other acreage. As required by TCEQ, a standby generator was on site, but the combination of low temperatures and rolling blackouts caused some system components to freeze, however, no safety measures were compromised.

## Big Freeze Effect

The weather event of February 2021, coupled with electrical rolling blackouts proved devastating to Aqua Texas. During the initial ice/snow days, Aqua Texas made several attempts to relocate standby generators to the water tower, but the road conditions were impassable. As a last resort, Aqua Texas moved a standby generator from their wastewater treatment facility to the water tower, but it took several hours for an electrical technician from San Marcos to hook up the generator to the tower electrical panel. Following about 8 hours the generator became inoperative and the electrical disconnect took an additional several hours. When the National Weather Service and



local Austin TV station meteorologists began alerting the public about severe weather conditions days before the beginning of the cold weather, Aqua Texas applied additional insulation and electrical wrap cords to the most critical piping, valves and pumps. But the rolling power blackouts caused a series of cascading events which led to some frozen and ruptured pipes and frozen valves and pumps.

Aqua Texas attempts to issue a boiling water notice several hours before adequate water pressure is obtained. This is a judgement call because they don't want to issue it too far in advance as it could lead a customer to think that adequate water flow is imminent. Thus, a customer may receive a Robo boiling notice even though no water is flowing through the system. When citizens attempted to call Aqua Texas for status, many calls were routed to call centers that were not even aware of the Texas weather event. In addition, calls were dropped out leading to further frustration.

Some cities and master planned communities such as Wimberley, Round Rock and Steiner Ranch, which had rolling blackouts, experienced less water flow interruption because they have vastly different water distribution systems than Woodcreek. Those include massive non-elevated gravity flow storage facilities, large backup generators in the million dollar class and real time PEC circuit dedication. Woodcreek's water outage was experienced by approximately 530 water systems in 153 Texas counties.

### Pedernales Electric Cooperative (PEC)

PEC had to comply with the Electric Reliability Council of Texas (ERCOT) directive to implement service interruptions to ensure stability across the entire statewide power grid. Some grid feeders are exempt from power interruption if they are on a Critical Load Program (CLP) registry. These feeders serve critical infrastructure and critical safety and health operations. Since Aqua Texas is a private company, the City cannot make a direct request to PEC for inclusion in the CLP registry; the request must come first from Aqua Texas and then can be supported by the City.

The rotating power outage, commonly called a rolling blackout, is usually a "20-40 minutes" event, but the cold weather required longer outages and more frequency. PEC was not immune to outages because some of their operations were lost to internet services, phone service and SmartHub functionality. The extremely large increase in reported outages overwhelmed the Outage Tracker map, causing PEC to remove the map so that customers could receive timely and accurate information by email, PEC's website and social media. But many customers became confused as to where to look and what to believe and calls to PEC proved of little value.

A dialogue has been established with PEC and the Committee is hopeful that they will provide the following:

- 1) Can you reveal what happened in the Woodcreek area, 2) Why did some citizens experienced rolling blackouts while others either experienced total power loss or no power interruption, 3) Has Aqua Texas submitted to PEC a request for dedicated power circuits and 4) What is your forecast of improvements to minimize future power outages.

PEC may be limited to their ability to provide detailed replies because of US Homeland Security restrictions.



## 8 Wimberley Valley Resources

**Stores**- All of the stores quickly ran out of water and other supplies during the freeze as their resupply trucks weren't able to navigate the icy hills leading into the valley. Anticipate what you will need and stock up on drinking water.

**Wimberley EMS** had extended response times to all calls during the freeze. They also utilized 4 wheel drive vehicles and had chains on one of our ambulances.

**Wimberley Fire and Rescue**- the trucks had chains and were able to make calls.

**Hays County Sheriff's Department** - the following was posted on their twitter account during the freeze:

*Instructions for Stranded Motorists in Hays County. The Hays County Sheriff's Office and local first responders are pleading with the citizens of Hays County to NOT DRIVE during this weather event. We are receiving reports of stranded motorists who cannot be reached by either fire, EMS, or deputies due to the hazardous roadways. Every effort is being made to reach the motorists but, in some cases, it may be impossible due to the ice on the roadway. If you must drive due to extenuating circumstances and become stranded, Hays County dispatch will be asking the following questions:*

- *What is your vehicle description?*
- *How many occupants are with you?*
- *How much gas does your vehicle have?*
- *Do you have access to a cell phone charger?*

*They will dispatch first responders to you but there is no guarantee that they can reach you. If you choose to abandon your vehicle, try to get it off the roadway as best as possible and remove all your personal belongings. Call dispatch back to let them know that you are leaving your vehicle. Do not ask dispatch whether you should abandon your vehicle. The decision must be made by you. Please do not drive until the conditions have been deemed safe. Continue monitoring local media, the Hays County Sheriff's App, or the Hays Informed website for updates.*

Download the Hays County Sheriff's App here: <https://www.haysinformed.com/>

Hays County Sheriff's Office dispatch: 512.393.7896

Sheriff Gary Cutler wants everyone to do whatever it takes to stay safe; this includes checking up on our neighbors. If you have an elderly family living next door, give them a call just to make sure they are okay. We must rely on each other until we can get a break from this extreme winter storm.

## 9 Citizen Response

Many of our citizens were left without water and electricity for several days. It varied by location. A few homes in the lower portions of Woodcreek still had some water, but most did without. As you can see from the timeline water was delivered on several occasions, but not in large amounts. As the stores were out of water as well, Aqua Texas had difficulty finding sufficient amounts.

As batteries on cell phones ran down, and cell towers failed for either cold or rolling blackouts, people became more isolated and ran out of resources. Those that did have mobility, whether it be 4 wheel drive vehicles or UTVs helped transport food, water and firewood to those in need.

The **Nextdoor** app on cell phones and computers became a lifeline between neighbors and enabled those in need to appeal for help. Even if the families didn't have electricity, often a neighbor would have a functioning cell phone that they could use to share their situation. This situation functioned in a very similar manner to Woodcreek's **Neighbor to Neighbor (NTN)** . Council person Bob Hambrick is coordinating this effort and can be emailed at [Bob.Hambrick@woodcreektx.gov](mailto:Bob.Hambrick@woodcreektx.gov). Each NTN "captain" is charged with forming an informal network of approximately 10 neighbors that can help each other out during emergencies or otherwise. Please consider becoming a NTN "captain" by contacting Bob at the address above. Many of you may already be informally acting as a captain.

The stories of neighbors helping neighbors on social media were too numerous to capture and many helped without folks hearing about it online. Woodcreek is fortunate to have had an informal Neighbor to Neighbor program for many years. Our neighborhood is a very special place where most people look for opportunities to volunteer and help others. The Neighbor to Neighbor program will just help us all fill the gaps and give us some additional ability to get the word out in times of need. **Please sign up as a block Captain!**

## 10 Recommendations

### City

1. This emergency advisory board strongly urges the Mayor and Council to appoint Brenton B. Lewis, city manager, as our Emergency Management Coordinator. This will enable the city to have two resources, being Hays County and also direct access to the State of Texas Emergency Management.
2. A propane fueled generator of adequate size (20 to 25 kw) to provide electrical power to the city office should be permanently located on site. This will provide a “Command Post” environment for the city staff, council members and advisors during times of electrical interruptions.
3. A siren(s) of sufficient size to reach all boundaries of Woodcreek, Including Tulley Court, should be procured to provide a warning system for severe weather and other events that are harmful to the citizens. Sirens can be controlled by many means such as radio, ethernet, cellular, satellite, manually, etc and automated for NOAA alerts or mass notifications. Many sirens were discarded in the 90's due to maintenance costs, but the technology is now vastly improved which has significantly reduced recurring costs.
4. Acquire extended hand held radios and supplementary batteries for key personnel (Mayor, City Manager, City Staff, and City Council Members). Keep these radios charged and available at key personnel's residences. During the recent freeze cell phones either had network issues or dead batteries
5. Request from FEMA or other Government funding sources an appropriate propane fueled generator to provide backup power to Camp Judaea's main and dining rooms. Camp Judaea is a non profit organization.
6. Identify the citizens who do not have internet capability so that other informative communication means may be provided.
7. In the event of total communication failures, have a bull horn of sufficient power that can be used from a vehicle to warn or instruct citizens.
8. Install reflective water hydrant road markers that are missing on some City streets.
9. Systems such as Dialmycalls:  
<https://www.dialmycalls.com/emergency-notification/weather-alerts> can in a very brief



period notify all citizens that sign up of an impending emergency. We recommend the city investigate using this or a similar system.

10. Citizens with personal vehicles that are willing to volunteer could register them for planning purposes. Quarterly, that registry can be updated via auto-email reminder.
11. The city should consider using their Nextdoor account for both emergencies and general information. When posting, the comments should be turned off to avoid conflicts with the Open Meetings Act. Content from the email blast can be quickly copied and pasted into these accounts in order to minimize impact on staff during emergencies. This will improve access by all citizens to critical information. At the end of these posts you could also provide a link to the City website's email signup in order to get more citizens connected..

## Utilities

### AQUA TEXAS

1. While a few hours of inadequate water flow, due to power interruptions, may be an inconvenience to residents, the lack of water and sewage treatment for a prolonged period may present both serious health and waste water disposal issues. Therefore, the Committee recommends that Aqua Texas submit to the Texas Public Commission (PUC) an application for dedicated electrical circuits.
2. Aqua Texas is not required to provide either emergency or standby power because they meet specified conditions for an elevated tower. While City Ordinance §52.02 (Appendices C) states that Aqua Texas must provide standby electrical power at the tower location, the ordinance should be revised to reflect current conditions. Weather extremes will most likely lead to future cold and hot spells and possible rolling blackouts. Additionally, hazardous road conditions caused by ice/snow or high winds will impact the transport of a generator. Therefore, Aqua Texas is strongly encouraged to permanently locate a standby generator at a selected well site.
3. The Committee analyzed an option whereby the city would purchase, for Aqua Texas's use, a generator for permanent location at a well site, but the costs ( About \$70,000 for a 125kw generator turn key installation), yearly maintenance and the legal and contract issues involving the use of city owned equipment by a profit making company did not warrant further consideration.
4. The transfer of electrical power from a standby generator to a well site should be dramatically reduced from several hours.
5. Portions of both Aqua Texas's potable water and wastewater treatment systems failed due to extremely low temperatures which restricted the continuous flow of water.

Aqua Texas is encouraged to implement hardened devices to minimize the failure of components due to cold temperatures.

6. City Ordinance §51.01 (appendices D) should be revised to only reflect that Aqua Texas must properly maintain and yearly flow test all city hydrants.
7. Aqua Texas should provide a contact phone number that is manned by a knowledgeable operator that can provide up to date system status. Additionally, Aqua Texas should place timely Robo calls to alert citizens of system status and boiling water instructions.
8. As Aqua Texas is responsible for supplying bottled potable water during a water outage, Aqua Texas should provide a 5 gallon collapsible container to each residence. These containers can be filled in anticipation of a prolonged outage caused by a major regional or statewide freeze. If the freeze is local to Woodcreek, Aqua Texas can provide bottled water as the local stores can provide the resources.

#### PEC

1. PEC should be informed that their Website Outage Tracker must reflect both current outage information and an estimated time for the power to resume.
2. PEC should provide a contact phone number that is manned by a knowledgeable operator and place Robo calls to alert citizens of system status.
3. PEC and Aqua Texas should jointly agree to establish dedicated power circuits for both potable water distribution and wastewater processing.

#### Citizens

1. Create a **72 Hour Preparedness Kit** (see section 6 Preparation).
2. Citizens should maintain **3 days of water** storage (2 cases) in their homes with supplemental from Aqua Texas. The storage of large quantities of potable water on city property is not recommended because a separate environmentally controlled building is required. The current city shed will only store about eight cases. Adequate storage at Camp Judaea is not available.
3. Locate your **Neighbor to Neighbor Block Captain** and exchange contact information.
4. Make sure you always have at least **half a tank of fuel** in your vehicle.

- 
5. Sign up for **robo calls from Utilities (Aqua, PEC)**.

<https://www.aquaamerica.com/customer-service-center/watersmart-alerts/watersmart-alerts-verification.aspx>

6. Sign up for **City emails and eblasts**.
7. **Sign up for Nextdoor** in order to be able to quickly network with neighbors. Access to Nextdoor during the freeze enabled families to access much needed food, water, firewood, and information.
8. For those that have disabilities and need assistance, **signup for State of Texas Emergency Assistance Registry (STEAR)**.
9. **Signup through Hays County Office of Emergency Management**, to attend a course to learn about Community Emergency Response Team (CERT). This course outlines how to volunteer for disaster preparedness, fire suppression, disaster medical aid and light search and rescue.

## 11 Appendices

### A. Important Contact Information- Phone Numbers, Websites, Addresses

FROM:

<https://www.woodcreektx.gov/community/page/useful-links>

<b>Water/Sewer</b>	<a href="#">Aqua Texas Online</a>	877-987-2782
<b>Cable</b>	<a href="#">Spectrum</a>	855-243-8892
<b>Trash &amp; Recycling</b>	<a href="#">Waste Connections</a>	210-658-0487
<b>Electric - Pedernales Electric Coop</b>	<p><a href="#">PEC</a> For outages, call this number--&gt;</p> <p>To speak to a rep, call this number--&gt;</p>	<p>888-883-3379</p> <p>888-554-4732</p>
<b>Wimberley Post Office</b>	111 Joe Wimberley Blvd.	512-847-2623
<b>Wimberley View</b>	<p>Weekly newspaper</p> <p><a href="http://www.wimberleyview.com">www.wimberleyview.com</a></p>	512-847-2202
<b>Hays County Sheriff's Office</b>	Emergency	911
<b>Regional Notification System Signup</b>	<p>Sign up for emergency notifications at: <a href="http://www.WarnCentralTexas.org">www.WarnCentralTexas.org</a> or call (866)-939-0911</p>	

**B. Texas Commission on Environmental Quality (TCEQ):** Rules and Regulations for Public Water Systems ( RG-195 Rev 12/2019)

§ 290.45(b)(1)(D) for more than 250 connections, the system must meet the following requirements:

§ 290.45(b)(1)(D)(iv) an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection.

§ 290.45(b)(1)(D)(v) emergency power for systems which serve more than 250 Connections and do not meet the elevated storage requirement.

**C. Woodcreek Ordinance Chapter 52.- Minimum Standards for Water Service**

§ 52.02(E) Backup power must be available at all times in order to instantaneously, or as close to instantaneously as possible, restore service in the event of power outage or interruption.

**D. Woodcreek Ordinance Chapter 51- Fire Hydrants**

§ 51.01(C) Minimum requirements. A utility providing service in a residential area located in the City of Woodcreek or the City's ETJ must maintain a minimum sufficient water flow and pressure to fire hydrants. In addition to a utility's maximum daily demand, the utility must provide , for purposes of emergency fire suppression.

§ 51.01(C)(1) a minimum sufficient water flow of at least 250 gallons per minute for at least two hours; and

§ 51.01(C)(2) a minimum sufficient water pressure of at least 20 psi.

**E. CITY ORDINANCE ON EMERGENCY MANAGEMENT**

- CHAPTER 34: - EMERGENCY MANAGEMENT
- § 34.01 - ORGANIZATION.

(A) There exists the Office of Emergency Management Director of the City, which shall be held by the Mayor in accordance with state law.

(B) An Emergency Management Coordinator may be appointed by and serve at the pleasure of the Director.

(C) The Director shall be responsible for a program of comprehensive emergency management within the City and for carrying out the duties and responsibilities set forth in this chapter. He or she may delegate authority for execution of these duties to



the Coordinator, but ultimate responsibility for such execution shall remain with the Director.

(D) The Operational Emergency Management Organization of the City shall consist of the officers and employees of the City so designated by the Director in the Emergency Management Plan, as well as organized volunteer groups. The functions and duties of this organization shall be distributed among such officers and employees in accordance with the terms of the Emergency Management Plan.  
(Ord. 89-31A, 8-23-2000)

- § 34.02 - EMERGENCY MANAGEMENT DIRECTOR; POWERS AND DUTIES.
- The duties and responsibilities of the Emergency Management Director shall include the following:
  - (A) Conduct an on-going survey of actual or potential hazards which threaten life and property within the City and an on-going program of identifying and requiring or recommending the implementation of measures which would tend to prevent the occurrence or reduce the impact of such hazards if a disaster did occur;
  - (B) Supervision of the development and approval of an Emergency Management Plan for the City, and shall recommend for adoption by the City Council all mutual aid arrangements deemed necessary for the implementation of such plan;
  - (C) Authority to declare a local state of disaster. The declaration may not be continued or renewed for a period in excess of seven days, except by or with the consent of the City Council. Any order or proclamation declaring, continuing or terminating a local state; of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary;
  - (D) Issuance of necessary proclamations, regulations or directives which are necessary for carrying out the purposes of this chapter. Such proclamations, regulations or directives shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless circumstances attendant on the disaster prevent or impede, promptly filed with the City Secretary;
  - (E) Direction and control of the operations of the City Emergency Management Organization as well as the training of emergency management personnel;
  - (F) Determination of all questions of authority and responsibility that may arise within the Emergency Management Organization of the City;

(G) Maintenance of liaison with other municipal, county, district, state, regional or federal emergency management organizations;

(H) Marshaling of all necessary personnel, equipment or supplies from any department of the City to aid in carrying out of the provisions of the Emergency Management Plan;

(I) Supervision of the drafting and execution of mutual aid agreements, in cooperation with the representatives of the state and of other local political subdivisions of the state, and the drafting and execution, if deemed desirable, of an agreement with the county in which said City is located and with other municipalities within the county, for the county-wide coordination of emergency management efforts;

(J) Supervision of, and final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contributions which may be offered for the purpose of improving emergency management within the City;

(K) Authorizing of agreements after approval by the City Attorney, for use of private public shelter and other purposes;

(L) Survey of the availability of existing personnel, equipment, supplies and services which could be used during a disaster, as provided for herein; and

(M) Other requirements as specified in State Disaster Act 1975 (Tex. Gov't. Code § 418.001 et seq.).

(Ord. 89-31A, 8-23-2000)

- § 34.03 - INTERJURISDICTIONAL PROGRAM.

The Mayor is hereby authorized to join with the County Judge and the mayors of the other cities in said county in the formation of an Emergency Management Council for the county and shall have the authority to cooperate in the preparation of a joint Emergency Management Plan and in the appointment of a joint Emergency Management Coordinator, as well as all powers necessary to participate in a county-wide program of emergency management insofar as said program may affect the City.

(Ord. 89-31A, 8-23-2000)

- § 34.04 - OVERRIDE.

At all times when the orders, rules and regulations made and promulgated pursuant to this chapter shall be in effect, they shall supersede and override all existing ordinances,

orders, rules and regulations insofar as the latter may be inconsistent therewith.  
(Ord. 89-31A, 8-23-2000)

- § 34.05 - LIABILITY.

(A) This chapter is an exercise by the City of its governmental functions for the protection of the public peace, health and safety and neither the City, the agents and representatives of said City, nor any individual, receiver, firm, partnership, corporation, association or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule or regulation promulgated pursuant to the provisions of this chapter shall be liable for any damage sustained to persons as the result of said activity.

(B) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the City a license of privilege, or otherwise permits the City to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice enemy attack or natural or human-made disaster shall, together with his or her successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission or for loss of, or damage to, the property of such person.

(Ord. 89-31A, 8-23-2000)

- § 34.06 - COMMITMENT OF FUNDS.

No person shall have the right to expend any public funds of the City in carrying out any emergency management activity authorized by this chapter without prior approval by the City Council, nor shall any person have any right to bind the City by contract, agreement or otherwise without prior specific approval of the City Council unless during a declared disaster. During a declared disaster, the Mayor may expend and/or commit public funds of the City when deemed prudent and necessary for the protection of health, life or property.

(Ord. 89-31A, 8-23-2000)

- § 34.07 - LIMITATIONS.

This chapter shall not be construed so as to conflict with any state or federal statute or with any military or naval order, rule or regulation.

(Ord. 89-31A, 8-23-2000)

- § 34.99 - PENALTY.

(A) It shall be unlawful for any person willfully to obstruct, hinder or delay any member of the Emergency Management Organization in the enforcement of any rule or regulation issued pursuant to this chapter, or to do anything forbidden by any rule or regulation issued pursuant to the authority contained in this chapter.

(B) It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia or any other means of identification as a member of the Emergency Management Organization of the City, unless authority to do so has been granted to such person by the proper officials.

(C) Any unauthorized person who shall operate a siren or other device so as to simulate a warning signal, or the termination of a warning, shall be deemed guilty of a violation of this chapter and shall be subject to the penalties imposed by this chapter.

(D) Convictions for violations of the provisions of this chapter shall be punishable by fine not to exceed \$100.00.

(Ord. 89-31A, 8-23-2000)

**ORDINANCE NO.**

**CITY OF WOODCREEK**

**AN ORDINANCE OF THE CITY OF WOODCREEK, TEXAS AMENDING THE CURRENT AMENDED 2020-2021 FISCAL YEAR BUDGET; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**SECTION I.**

The 2020-2021 Fiscal Year Budget of the City of Woodcreek, Texas, Ordinance 20-286, is hereby amended in the following manner:

The attached maintenance and operating budget amendment reflects increases in revenues in State Sales Tax of \$32,500; Reimbursements of \$5,500; Development Revenue of \$17,470; TDEM Dr-4485 of \$74,230; and decreases in revenues in Balance Forward of \$57,860; Telephone Franchise Fees of \$1,000; Sign Fees of \$300; Interest Income of \$5,000, for a net increase of \$65,540. The attached budget amendment reflects increases in expenses in Personnel Services of \$1,320; Office Expenses of \$3,020; Professional Services of \$47,500; Area Care/Maintenance of \$1,200; Other Operating Expenses of \$12,000; and Utilities of \$500; for a net increase of \$65,540. The total maintenance and operating budget amendment allocation amount does not exceed projected receipts of revenue.

The attached capital projects budget amendment reflects an increase in capital project reserves of \$400,000 and an increase in Street Improvements Woodcreek Drive of \$400,000.

**SECTION II.**

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

**SECTION III.**

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

**PASSED AND APPROVED this, the \_\_\_ day of June 2021, by a roll call \_\_\_\_\_ of the City Council of Woodcreek, Texas.**

**CITY OF WOODCREEK:**

By: \_\_\_\_\_  
Gloria Whitehead, Mayor

**ATTEST:**

\_\_\_\_\_  
Linda Land, City Secretary

DRAFT

M&O Budget		2020-2021	2020-2021	Variance
		Budget Amendment # 1	Budget Amendment # 2	
<b>REVENUE</b>				
	Balance Forward	98,800	40,940	-57,860
3000	Ad Valorem Tax	325,000	325,000	0
3005	State Sales Tax	65,000	97,500	32,500
3010	Mixed Beverage Tax	900	900	0
3020	Electric Franchise Revenue	34,000	34,000	0
3030	Cable Services Franchise Fee	25,000	25,000	0
3030.10	TWC - PEG Cable Revenue	5,000	5,000	0
3040	Water Service Franchise Fee	96,000	96,000	0
3050	Disposal Service Franchise Fee	20,100	20,100	0
3060	Telephone Franchise Fee	1,500	500	-1,000
3070	Golf Course Franchise Revenue	500	500	0
3080	Reimbursement	3,000	8,500	5,500
3080.1	Engineering Reimbursement			
3080.2	Legal Reimbursement			
3080.3	Admin Reimbursement			
3090	Development Revenue			
3090.01	Residential			
3090.011	New Home Permits	10,000	18,000	8,000
3090.012	Other Permits	5,000	7,000	2,000
3090.013	Inspections	18,000	20,000	2,000
3090.02	Commercial	150	5,000	4,850
3090.03	Other	80	700	620
3090.031	Subdivisions/Plats/Re-Plats	2,500	2,500	0
3093	Liquor License Revenue	1,310	1,310	0
3095	Sign Fees	700	400	-300
4000	Interest Income	7,000	2,000	-5,000
4010	Other Revenue	1,000	1,000	0
4015	Oak Wilt Containment			
4020	Municipal Court Revenue	500	500	0
4035	TDEM DR-4485 Revenue		74,230	74,230
4040	Donations Received	5,000	5,000	0
	<b>Total Gen Fund Revenues</b>	<b>726,040</b>	<b>791,580</b>	<b>65,540</b>
	<b>Expenditures:</b>			
5000.01	Salaries and Wages	173,680	175,000	1,320
5000.02	Insurance Stipend	8,600	8600	0
5000.03	City Manager Car Allowance	6,000	6000	0



5000.05	Elected Officials Pay			
5000.20	Payroll Tax			
5000.21	FICA/OASDI	13,750	13750	0
5000.22	Unemployment Insurance	500	500	0
5000.40	Retirement	17,380	17380	0
5000.50	Direct Deposit Expense			
<b>5000</b>	<b>Personnel Services</b>	<b>219,910</b>	<b>221,230</b>	<b>1,320</b>
5500.10	City Hall Maintenance/Repairs	3,000	3,500	500
5500.20	City Hall Cleaning Costs	1,500	1,500	0
5500.30	IT & Radio	15,000	15,000	0
5500.40	Newsletter			
5500.50	Office Supplies	2,500	4,000	1,500
5500.60	Postage & Shipping	1,500	2,020	520
5500.61	Printing & Reproduction	2,500	3,000	500
5500.62	Printing Costs - Newspaper	2,000	2,000	0
5500.70	Storage Rental			
5500.80	Software and Subscriptions	13,000	13,000	0
<b>5500</b>	<b>Office Expenses</b>	<b>41,000</b>	<b>44,020</b>	<b>3,020</b>
6000.01	Audit Expenses	11,000	11,000	0
6000.10	Codification	4,000	4,000	0
6000.11	Contract Labor	5,000	10,000	5,000
6000.15	Engineering	20,000	20,000	0
6000.20	Legal Expenses			
6000.21	General	30,000	30,000	0
6000.22	Legal Reimbursable		2,500	2,500
6000.23	Litigation	10,000	50,000	40,000
6000.25	Special Cases	22,000	22,000	0
6000.30	IT Services	14,500	14,500	0
6000.40	Accounting	12,000	12,000	0
6000.50	Law Enforcement	63,660	63,660	0
<b>6000</b>	<b>Professional Services</b>	<b>192,160</b>	<b>239,660</b>	<b>47,500</b>
6500.01	Deer Removal	1,000	1,000	0
6500.15	Mowing	3,000	4,000	1,000
6500.20	Oak Wilt Out Reach	1,000	1,000	0
6500.21	Greenspace Maintenance			
6500.22	Landscape Maintenance	7,000	7,000	0
6500.23	Contract Services	2,000	2,000	0
6500.24	Playground Maintenance			

6500.25	ROW Tree Trimming	15,000	15,200	200
6500.26	Holiday Decorations	2,000	2,000	0
6500.30	Street Maintenance	50,000	50,000	0
	Street Safety			
6500.31	Street Signs	4,000	4,000	0
6500.35	Storm Damage Reserve	1,000	1,000	0
6500.40	Tree Limb Pick-Up			
6500.50	Equipment Maintenance	1,000	1,000	0
6500.60	Water Quality Testing CCWPP	1,500	1,500	
<b>6500</b>	<b>Area Care/Maintenance</b>	<b>88,500</b>	<b>89,700</b>	<b>1,200</b>
7000.01	Ad Valorem Tax Expense	3,800	3,800	0
7000.02	Building Inspections	10,500	18,000	7,500
7000.03	Code Compliance	1,500	1,500	0
7000.04	Dues & Memberships	2,400	2,400	0
7000.05	Election Expense	1,500	2,200	700
7000.06	TML Dues	600	600	0
7000.15	Meeting Expense	1,200	5,000	3,800
7000.20	Public Notices	5,000	3,000	-2,000
7000.30	Employee Travel	2,000	2,000	0
7000.31	Elected Body Travel	3,000	3,000	0
7000.40	Training & Prof Development			
7000.41	Elected Body	2,500	2,500	0
7000.42	Staff	1,500	1,500	0
7000.50	Community Events	3,000	5,000	2,000
<b>7000</b>	<b>Other Operating Expenses</b>	<b>38,500</b>	<b>50,500</b>	<b>12,000</b>
7500.01	City Hall Utilities	3,200	3,200	0
7500.11	Electricity			
7500.12	Water			
7500.20	Outdoor Utilities	4,000	4,000	0
7500.21	Electricity			
7500.22	Water			
7500.30	Telephone & Internet	5,000	5,500	500
<b>7500</b>	<b>Utilities</b>	<b>12,200</b>	<b>12,700</b>	<b>500</b>
7600.01	TML Insurance	3,520	3,520	0
<b>7600</b>	<b>Insurance</b>	<b>3,520</b>	<b>3,520</b>	<b>0</b>
7700	TDEM DR-4485	0	0	0
		<b>0</b>	<b>0</b>	<b>0</b>

8020.20	MC Judge	3,600	3,600	0
8020.25	Misc. Court Costs	2,500	2,500	0
8020.30	Prosecutor	2,500	2,500	0
8020.35	Court Baliff	750	750	0
8020.40	State Comptroller Costs	700	700	0
8020.41	Supplies	200	200	0
8020.60	Law Enforcement			
<b>8020</b>	<b>Municipal Court Costs</b>	<b>10,250</b>	<b>10,250</b>	<b>0</b>
	Contingency Reserve	50,000	50,000	0
	Miscellaneous			
8900.10	Reconciliation Discrepancies			
<b>8900</b>	Miscellaneous	70,000	70,000	0
<b>8900</b>	Projects			
	Miscellaneous	120,000	120,000	0
	<b>Total Gen Fund Expenditures</b>	<b>726,040</b>	<b>791,580</b>	<b>65,540</b>
	<b>Revenues less Expenditures</b>	<b>0</b>	<b>0</b>	

	<b>Capital Projects</b>			
<b>Revenues</b>	Capital Project Reserves	150,000	550,000	400,000
<b>Expenses</b>	Street Improvements			
	Woodcreek Dr	50,000	450,000	400,000
	Address ADA Requirement/ Health and Safety/Re-Configure Council Chambers	100,000	100,000	0
			<b>550,000</b>	<b>400,000</b>
	<b>Revenues less Expenses</b>		<b>0</b>	<b>0</b>

**SPECIAL PARKS AND RECREATION BOARD MEETING (CYJ)**  
**May 12, 2021; 10:00 AM**  
**Woodcreek, Texas**

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**MINUTES**

**CALL TO ORDER**

Chairperson Rawlings called the meeting to order at 10:02AM.

**PLEDGES**

**ROLL CALL**

**PRESENT**

Chairperson Pat Rawlings  
 Vice-Chairperson Karen Poe  
 Board Member Cody Abney  
 Board Member Ruth Ann Gilbert  
 Board Member Jane Little

Ex Officio Members: Present - City Manager Brenton B. Lewis  
 Absent – Mayor Gloria Whitehead  
 City Attorney Kent Wymore

**STAFF PRESENT**

Administrative Assistant Maureen Mele

**PUBLIC COMMENTS**

Public comments were offered by: Sheri Lin Lamoureux and Ray Don Tilley.

**CONSENT AGENDA**

**1. Approval of Parks & Rec Board Meeting Minutes from April 7, 2021**

A motion was made by Vice-Chairperson Poe to approve the minutes from the April 7, 2021 meeting. This motion was seconded by Board Member Abney.

Voting Yea: Chairperson Rawlings, Vice-Chairperson Poe, Board Member Abney, Board Member Gilbert, Board Member Little

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

**REGULAR AGENDA**

**2. Discussion and Take Appropriate Action on Improvements to City-owned Property on Brookhollow Drive (R49178)**

Board Member Gilbert made a motion to recommend to the City Council that the Brookhollow Dr. property be cleared of dead tree limbs, branches and large rocks. This was seconded by Board Member Abney.

After discussion, a roll call vote was held.

Voting Yea: Chairperson Rawlings, Vice-Chairperson Poe, Board Member Abney, Board Member Gilbert, Board Member Little

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

A motion was made by Board Member Gilbert to recommend to the City Council that a comprehensive survey of the property be commissioned. This was seconded by Board Member Abney.

After discussion, a roll call vote was held.

Voting Yea: Chairperson Rawlings, Vice-Chairperson Poe, Board Member Abney, Board Member Gilbert, Board Member Little

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

A motion was made by Board Member Gilbert to recommend to City Council that the property be designated as a city park. This was seconded by Board Member Abney.

After discussion, a roll call vote was held.

Voting Yea: Chairperson Rawlings, Vice-Chairperson Poe, Board Member Abney, Board Member Gilbert, Board Member Little

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

### **3. Discussion and Take Appropriate Action about Improvements to the Area Known as the "Triangle" at the Intersection of Woodcreek Drive and Brookhollow Drive**

Board Member Gilbert made a motion to recommend to City Council that the area known as the triangle have a comprehensive survey commissioned. This was seconded by Board Member Abney.

After discussion, a roll call vote was held.

Voting Yea: Chairperson Rawlings, Vice-Chairperson Poe, Board Member Abney, Board Member Gilbert, Board Member Little

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

A motion was made by Board Member Abney to recommend to the City Council that the area known as the triangle be designated as a city park. This was seconded by Chairperson Rawlings.

After discussion, a roll call vote was held.

Voting Yea: Chairperson Rawlings, Vice-Chairperson Poe, Board Member Abney, Board Member Gilbert, Board Member Little

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

A motion was made by Chairperson Rawlings to add an appropriate covered structure to this property. Motion died for lack of second.

A motion was made by Chairperson Rawlings to appoint a sub-committee of Board Member Little and Board Member Poe to look at amenities for the area known as the triangle. This was seconded by Board Member Abney.

After discussion, a roll call vote was held.

Voting Yea: Chairperson Rawlings, Vice-Chairperson Poe, Board Member Abney, Board Member Gilbert, Board Member Little

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

#### 4. Discuss and Take Appropriate Action on Improvements to Augusta Park

Board Member Abney made a motion to recommend to City Council that Augusta Park have an updated comprehensive survey commissioned. This was seconded by Vice-Chairperson Poe.

After discussion, a roll call vote was held.

Voting Yea: Chairperson Rawlings, Vice-Chairperson Poe, Board Member Abney, Board Member Gilbert, Board Member Little

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

A motion was made by Board Member Abney to recommend to the City Council that funds be allocated to Augusta Park to refresh the Park and its equipment . This was seconded by Vice-Chairperson Poe.

After discussion, a roll call vote was held.

Voting Yea: Chairperson Rawlings, Vice-Chairperson Poe, Board Member Abney, Board Member Gilbert, Board Member Little

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

A motion was made by Board Member Abney to recommend to City Council that the bocce ball courts be restored to useable condition. This was seconded by Vice-Chairperson Poe.

After discussion, a roll call vote was held.

Voting Yea: Chairperson Rawlings, Vice-Chairperson Poe, Board Member Abney, Board Member Gilbert, Board Member Little

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

A motion was made by Board Member Abney to recommend to City Council that funding be allocated to bring Augusta Park into ADA compliance. This was seconded by Board Member Little.

After discussion, a roll call vote was held.

Voting Yea: Chairperson Rawlings, Vice-Chairperson Poe, Board Member Abney, Board Member Gilbert, Board Member Little

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

#### 5. Discuss and Take Appropriate Action on Improvements to City-owned Property on the South Side of the Entrance to the City on Woodcreek Drive (R48798)

Board Member Little made a motion to form a two-person subcommittee of Board Member Gilbert and Board Member Little to look into improvements to this lot in terms of enhancing landscaping. This was seconded by Vice-Chairperson Poe.

After discussion, a roll call vote was held.

Voting Yea: Chairperson Rawlings, Vice-Chairperson Poe, Board Member Abney, Board Member Gilbert, Board Member Little

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

A motion was made by Board Member Abney to recommend to the City Council that the property have a comprehensive survey commissioned with easements shown. This was seconded by Chairperson Rawlings.

After discussion, a roll call vote was held.

Voting Yea: Chairperson Rawlings, Vice-Chairperson Poe, Board Member Abney, Board Member Gilbert, Board Member Little

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

A motion was made by Board Member Little to have City Staff contact Hays County to have them consider adding adult exercise equipment to the Winter's Mill hike and bike trail. This was seconded by Chairperson Rawlings.

After discussion, a roll call vote was held.

Voting Yea: Chairperson Rawlings, Vice-Chairperson Poe, Board Member Abney, Board Member Gilbert, Board Member Little

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

**ADJOURN**

The meeting was adjourned at 11:34AM.

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**Gloria Whitehead, Mayor**

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**Linda Land, City Secretary**

DRAFT





## Code Enforcement Officer

### Background:

On the February 10, 2021 Special City Council Meeting Agenda #7 stated “Discussion and Take Appropriate Action on the Position of a City Marshal And/or Code Enforcement Officer. After discussion the following action was taken:

Councilmember Hambrick made a motion to continue exploring all options presented for employing a City Marshall/Code Enforcement Officer. The motion was seconded by Mayor Pro Tem LeBrun. After discussion, Councilmember Brizendine made a friendly amendment to the motion to go forward with a Code Enforcement Officer. This amendment to the motion was seconded by Mayor Pro Tem LeBrun. A roll call vote was held. Voting Yea: Councilmember Hambrick, Mayor Pro Tem LeBrun, Councilmember Brizendine, Councilmember Pulley, Councilmember Rasco. The motion passed with a 5-0-0 vote.

As provided for in the motion, City Staff began going forward by advertising in the Wimberley View and the Daily San Marcos Record for the position of Contract Peace Officer and/or Code Enforcement Officer. After receiving no applications, the City advertised for a Code Enforcement Officer through the Wimberley Valley Chamber of Commerce and Indeed.

The City Staff also drafted a Job Description to facilitate the application process. (see attached)

The City has received over 25 applications for the position, with several qualified applicants from the area.

### Analysis:

Estimated Expenses: Part-time Code Enforcement Officer

- A. 30 hours per week through 09/2021 including FICA/TMRS – Total - \$12,200
- B. Projected IT Cost
  - a. Laptop - \$1,000.00
  - b. Mobile Hot Spot - \$60.00/month
- C. Office Equipment
  - a. iDCS 18D Telephone - \$100 plus programming
  - b. File Cabinet - \$600
  - c. Desk - \$600

**Funding Sources:**

- A. The Fiscal Year Budget 2020-2021 line item Contingency Reserves is budgeted at \$50,000. The Part-time Code Enforcement Officer position can be funded through re-allocation of a portion of the Contingency Reserve. The estimated expense through 09/2021 is \$14,680.

**Recommendation:**

To authorize the creation of the Code Enforcement Officer position and to fund the position and equipment.

## JOB DESCRIPTION

**JOB TITLE:** PART-TIME CODE ENFORCEMENT OFFICER (20+ HOURS PER WEEK)

**CLASSIFICATION:** HOURLY

**SUPERVISOR:** CITY MANAGER AND CITY SECRETARY

### GENERAL PURPOSE:

The Code Enforcement Officer will have responsibility for ensuring that the Woodcreek Code of Ordinances, Hays County laws and Texas State regulations are maintained in the City of Woodcreek. This will be accomplished by enforcing city ordinances and investigating and resolving violations. The Officer will perform a variety of code enforcement duties such as: writing and delivering citations, obtaining and providing information regarding ordinances, resolving violations, maintaining records, assisting the general public, appearing in Municipal Court, obtaining necessary information from other cities and interfacing with other city employees and citizens. They will enforce all ordinances consistently.

### SKILLS AND ABILITY REQUIREMENTS:

- Must have skill in interpreting and applying statutes, ordinances, codes, and regulations.
- Must know traffic laws.
- Must be able to deal tactfully and courteously with citizens, especially angry people.
- Must be able to communicate effectively verbally and in writing.
- Must be able to work without close supervision.
- Willingness to work with local and county law enforcement agencies.
- Must maintain cooperative working relationship with co-workers.
- Demonstrate discretion and confidentiality.
- Demonstrate sensitivity to cultural and social differences.
- Must maintain accurate and timely records and files for potential court cases.
- Must be able to operate standard office equipment including a PC and its software.

### QUALIFICATIONS:

- High School Diploma or GED.
- Valid Texas Driver's License.
- Able to work in all weather conditions.
- Able to respond afterhours, including holidays and weekends, in the event of a departmental or city-wide emergency.
- Must obtain the Texas Code Enforcement Officer Certification within one (1) year of employment.
- Ability to pass a background check.

### OTHER DUTIES:

- Attend and assist in city-wide events as needed.
- Other assigned duties by the City Manager and/or City Secretary

# The City of Woodcreek

IN THE MIDST OF THE TEXAS HILL COUNTRY

## City Vehicle

### Background:

The City of Woodcreek purchased a 2016 Kawasaki Mule in April of 2018 for \$7000 and added equipment at a cost of \$790(windshield, LED lights and side mirrors). Since the purchase of the Mule, it has been used in various capacities including, but not limited to, pothole patching, greenspace maintenance, relocating radar signs, complaint investigation, painting street markings, and sign maintenance. The Mule has not been available to access all areas of the City and the Extra-Territorial Jurisdiction because the unit cannot be driven on or across a State Highway. In addition, it is not available for other city purposes including addressing the safety and health of our citizens, errands in Wimberley or surrounding communities. During the last emergency, the City did not have access to any vehicles to pick-up water when located.

When the City was informed by the Precinct 3 Constable, that he was of the opinion an officer would be better suited to work directly for the City in law and code enforcement and depending on how the City implements, it could be more cost effective for the City than the contract with the Constable's Office. The Constable's Office recommended the City provide better identification of employees and have a marked unit for greater visibility for City purposes, rather than have City Staff (City Secretary and Administrative Assistant/Municipal Court Clerk) drive their personal vehicles.

In addition, when City Staff use their personal vehicles for city purposes, the personal vehicles are not covered under the current city insurance policy. This creates a personal liability for the City Staff.

### Analysis:

A street legal vehicle would remove the necessity of using staff's personal vehicles for City business and would ensure a vehicle is available for city use. The City does not have available a vehicle that can be used to transport barricades and other materials. The dump bed on the mule is 3.4 feet X 2.95 feet. This amount of area works well for pothole patching, but does not work for the carrying of ladders, street signs, sign poles, brush, Christmas decorations, or barricades. The Mule is utilized for complaint investigation on properties located throughout the City with the exception of Tulley Court and the Extra-Territorial Jurisdiction. Since the Mule is an ATV, there is not a location to store or secure equipment. However, a street legal vehicle could be utilized as a mobile office, with areas to secure equipment during complaint investigations. The ability to have equipment (laptop) on board would reduce the time required for research and data entries by various employees.

Overall, a street legal vehicle increases the City’s ability to provide public safety services and monitor Code of Ordinances compliance.

**Procurement:**

- A. Projected Vehicle Cost
  - i. Vehicle – Purchase Through State Contract
    - 1. Base Bid - \$25,121.00
    - 2. Options plus delivery - \$4023.75
      - a. Total - \$29,144.75
  - ii. Used Vehicle – Search on TrueCar on 5/5/2021
    - 1. Year: 2014-2019
    - 2. Body Style: Truck
    - 3. Mileage: Under 100,000 miles
    - 4. Price: \$30,000 Or Less
    - 5. Average Results:
      - a. Mileage: 57,312 miles
      - b. Price: \$29,237
- B. Insurance – \$450/yr for City Vehicle
  - 1. Current Insurance Policy does not cover personal use of a vehicle for city purposes
- C. Fuel – \$2000/yr ±
- D. Maintenance
  - i. New Vehicle– Under Warranty - \$500 (oil changes, air filter, etc)
  - ii. Used Vehicle – No Warranty - \$1,000 ±

**Purchase Options:**

- A. Out-Right Purchase
  - a. Fund out of Contingency Reserve
- B. Finance Option
  - a. 4 Annual Payments of \$8,281.29
    - i. Fixed Rate of 3.44%
    - ii. First Payment Due one year from signing (2021-2022 Budget)
  - b. 5 Annual Payments of \$6,735.89
    - i. Fixed Rate of 3.112%
    - ii. First Payment Due one year from signing (2021-2022 Budget)

**Recommendation:**

Purchase of a City Vehicle through the State Purchasing Contract, not to exceed \$30,000 and finance the purchase through Government Capital Corporation using the finance option of 4 annual payment of \$8,281.29 at a fixed rate of 3.44%.

*The City of*  
**Woodcreek**  
IN THE MIDST OF THE TEXAS HILL COUNTRY

The CDC Guidelines in response to the COVID-19 Pandemic rendered the use of the City Council Chambers impossible for City Council and Boards and Commissions.

The City of Woodcreek could not use the City Council Chambers located at City Hall since the meeting room is 20'- 8" X 22' – 4" or 461.56 square feet, allowing for only 12 persons to be in the room. With Councilmembers and City Staff present, only 2 citizens would have been able to attend the meetings. Before the COVID-19 Pandemic, the occupancy was limited to 30 persons because of existing tables, chairs, and means of egress (only one door has direct access to the outside). Staff has attached the current layout of City Hall.

The City of Woodcreek began using telephonic meetings on March 23<sup>rd</sup>, 2020. The City of Woodcreek held its first in person Commission and Council meetings on June 10<sup>th</sup>, 2020 at Camp Young Judaea (CYJ) because attendees could wear masks and maintain 6-foot distancing (the meeting was available telephonically also). The City changed to virtual meetings with video and teleconference once the technology was available. The first meeting in-person, including video and teleconference, was held on November 10<sup>th</sup>, 2020, and has continued since that date.

Camp Young Judaea has graciously offered the City of Woodcreek access to their property to continue having meetings after the Pandemic. The use of the CYJ property has created an avenue for more citizens to attend public meetings who may not have been able to attend in the City Hall Council Chambers.

If the City Council Chambers are not used for public meetings, the space could be reconfigured to create an additional office for Code Enforcement and a Conference Room. The project has been budgeted for in the Capital Projects Fund.

Staff has contacted four contractors for quotes on the reconfiguration as follows:

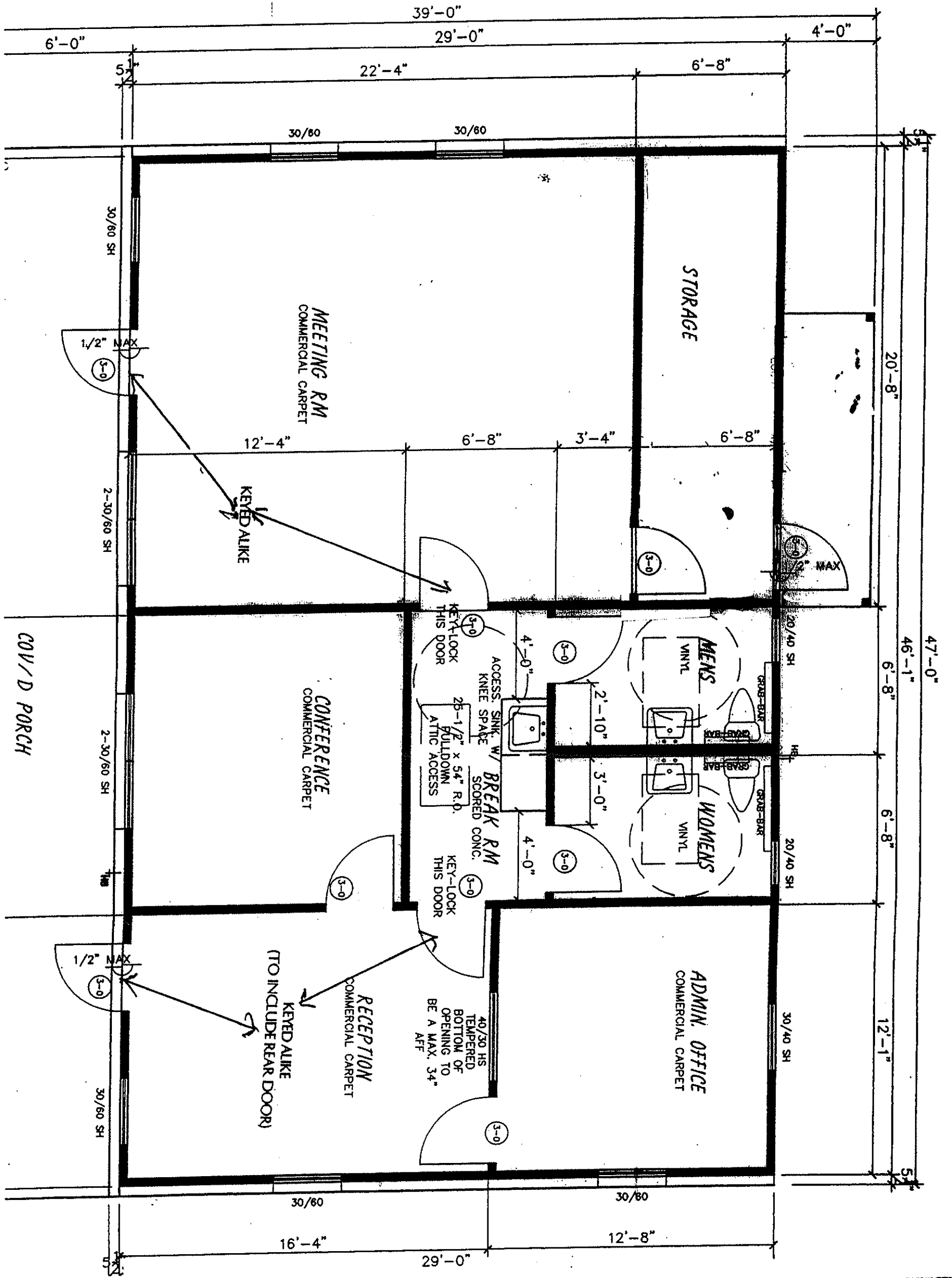
Wimberley Restoration – No Bid

A.L.L. Handyman – No Bid

Gilbert Dygert – \$26,500 (see attached bid)

Brian Collins Carpentry Services - \$36,725 (see attached bid and design plans)

Staff will discuss more fully the design and quotes at the meeting.





Gilbert Dygert Bid  
For  
Woodcreek City Hall

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Item 12.

5-7-2021

Remodel:

- Flooring
- Painting
- INSULATION
- texture
- hang Plexi(s)
- create new office
- new window in office
- Adding (phone, Electric, Internet)
- moving changing lights/fans
- Teller wall for Plexi

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\$ 26,500.00

**Brian S. Collins**  
**Carpentry Services**  
512/757-2062  
Wimberley, TX

25 Mar 21

*✧ Proposal ✧*

**Name:** Woodcreek City Hall **Phone:**  
**Address:** Woodcreek, TX 78676  
**Contact:** Brenton Lewis City Manager **Phone:** 512-878-9102  
**Job Name and description:** City Hall Renovation  
**Phone:** **Mobile Phone:**

**Job description:**

Renovation of City Hall

**Prep work:**

Move furniture to allow for improvements/put furniture back  
in close proximity \$ 4,400

**Add gate in entry:** \$ 825

**Divide meeting room into multiple areas**

Build divided rooms as shown on plans. Add electric as needed. Insulate  
new walls for sound deadening. Install fixed window (tempered glass) as agreed.  
Install interior door into new meeting room. Move door from hallway to new room.  
Make finished cased opening where door is moved from. Install sheetrock on  
new walls; textured to match existing as closely as possible. Install trim  
as needed (matching existing) \$ 9,800

**Electrical**

Move ceiling lights as needed to allow for new wall. Add outlets/switches  
as needed \$ 2,200

**Flooring**

Remove existing carpet and dispose \$ 750  
Install vinyl plank flooring; Labor \$3.00/ft @ 1239 sq ft \$ 3,693  
Material \$8.00/ft @ 1239 sq ft \$ 9,912  
Add base shoe molding Labor & Material \$ 945

**Paint**

Paint new walls and all existing walls throughout except for media equipment room.  
Paint new trim and base as needed. \$ 4,200

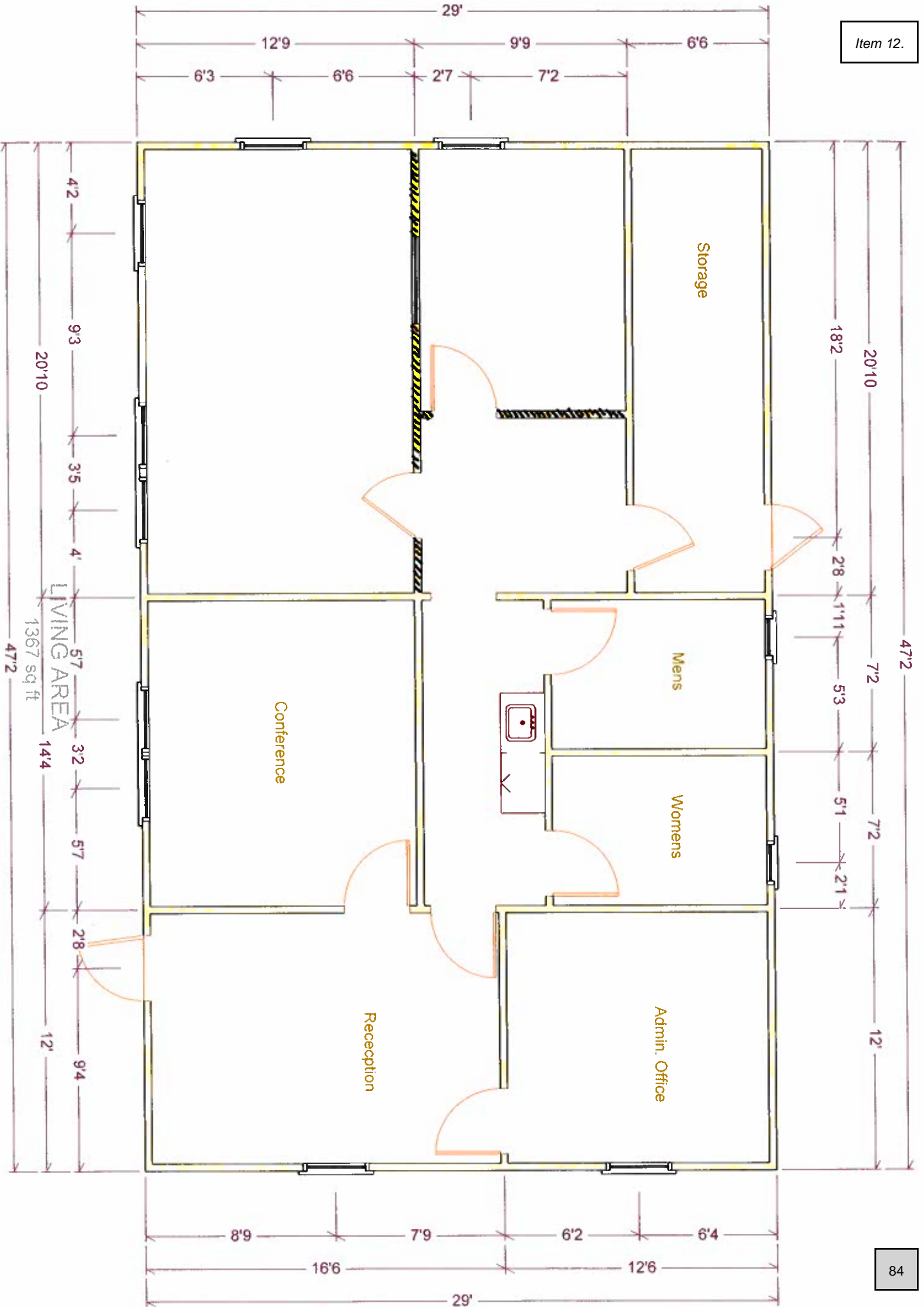
**Total** **\$ 36,725**

**Thank You,**

**Brian S. Collins**

*A deposit may be required before work begins*

*Thank You for your patronage!*



Woodcreek City Hall Renovation

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

**AN ORDINANCE OF THE CITY OF KYLE, TEXAS REGULATING SEX OFFENDER RESIDENCY WITHIN THE CITY AND ESTABLISHING CHILD SAFETY ZONES; AMENDING CHAPTER 23 OF THE CODE OF ORDINANCES ENTITLED “MISCELLANEOUS OFFENSES” BY ADDING ARTICLE XI TO BE ENTITLED “CHILD SAFETY ZONES;” MAKING IT UNLAWFUL FOR CERTAIN SEX OFFENDERS TO RESIDE WITHIN 1,000 FEET OF PREMISES WHERE CHILDREN COMMONLY GATHER; PROVIDING EXCEPTIONS TO THE ORDINANCE; PROHIBITING PROPERTY OWNERS FROM RENTING REAL PROPERTY TO CERTAIN SEX OFFENDERS; PROVIDING PENALTIES FOR VIOLATIONS OF THE ORDINANCE; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERABILITY CLAUSE, FINDINGS OF FACT AND PROVIDING FOR OPEN MEETINGS.**

**WHEREAS**, the City of Kyle, Texas (herein the “City”) is a home rule city having authority to utilize police power regulation for the health, safety and general welfare of the citizens of the City; and

**WHEREAS**, the City Council of the City is deeply concerned about the numerous and recent occurrences in our state and elsewhere whereby sex offenders convicted of sexual offenses involving children have been released from custody and repeat the unlawful acts for which they had been originally convicted; and

**WHEREAS**, the City Council finds from evidence and statistical reports reveal that the recidivism rate for released sex offenders is alarmingly high, especially for those who commit their crimes against children; and

**WHEREAS**, the City is becoming an increasingly attractive place for families with young children; and

**WHEREAS**, the City Council finds that regulating sex offender residency within the City and establishing child safety zones provide better protection for children gathering in the City and is necessary to protect the health, safety and general welfare of children; and

**WHEREAS**, the laws of the State of Texas, including those found in Chapter 51 of the Texas Local Government Code and the City Charter, provide the City authority to adopt ordinances for the good government, peace, order and welfare of the City;

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

**SECTION 1. FINDINGS OF FACT.** The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

**SECTION 2. AMENDMENT OF CHAPTER 23.** Chapter 23 of the Code of Ordinances of the City is hereby amended by adding Article XI. –Child Safety Zones to read as follows:

## ARTICLE XI. - CHILD SAFETY ZONES

### Sec. 23-290. - Definitions.

“*Child sex offender*” means a person who is required to register on the Texas Department of Public Safety's Sex Offender Database (the “database”) because of a conviction(s) involving a minor.

“*Day-care center*” is a facility providing care, training, education, custody, treatment, or supervision for 13 or more children for less than 24 hours a day.

“*Minor*” is a person under the age of 17.

“*Park*” is a parcel of land, community park, neighborhood park, playground, swimming pool, indoor facility, outdoor facility, recreation center, field, athletic field, hike and bike trails, greenbelt areas and any other area in the City-owned, leased and/or used by the City, and devoted to active or passive recreation, including any related facilities, parking lots and/or amenities, save and except any of the foregoing that has a stadium, arena and/or permanent seating and primarily used for sporting events, special events and/or other entertainment any of which is not managed by the City.

“*Permanent residence*” is a place where a person abides, lodges, or resides for 14 or more consecutive days.

“*Premises where children commonly gather*” means areas including all improved and unimproved lots where the following are located or planned to be located: a public park, private or public school (excluding in-home schools), day-care center, or private recreational facility, including a park, water park, pool, playground, skate park, arcade or youth athletic field owned by a residential property owners association, or for which an entrance, admission, or rental fee is charged.

“*Recurring visitor*” is a person who on at least three (3) occasions during any month spends more than 48 consecutive hours in the city.

“*Temporary residence*” is a place where a person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where a person routinely abides, resides, or lodges for a period of four or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

### Sec. 23.291. - Residency requirements.

(a) It shall be unlawful for a child sex offender to establish a permanent residence, establish a temporary residence or to be a recurring visitor at a residence, located within 1,000 feet of any premises where children commonly gather.

(b) It shall be unlawful to let or rent any place, structure or part thereof, manufactured home, trailer, or other conveyance, with the knowledge that it will be used as a permanent residence, temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to the terms of this article, if such place, structure or part thereof, manufactured home, trailer, or other conveyance, is located within 1,000 feet of any premises where children commonly gather.

**Sec. 23.292. – Halloween.**

A child sex offender shall not on each October 31st leave decorations or an exterior porch light on or otherwise invite trick-or-treaters to the premises.

**Sec. 23.293. - Evidentiary matters; measurement.**

(a) For the purpose of determining the minimum distance of separation under this article, the distance shall be measured by following a straight line from the outer property line of the permanent or temporary residence to the nearest property line of the premises where children commonly gather, as described hereinabove, or, in the case of multiple residences on one property, measuring from the nearest property line of the premises to the nearest property line of the premises where children commonly gather, as described herein.

(b) A map depicting the prohibited areas shall be maintained by the City, and it shall be reviewed and updated not less than annually for changes. Said map will be available to the public on the City's website.

(c) Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined in this article.

**Sec. 23.294. - Affirmative defenses.**

The following shall be affirmative defenses to prosecution under this article that any of the following conditions apply:

- (a) It shall be an affirmative defense under Sec. 23.291(a) if the person required to register on the database established the permanent or temporary residence and has complied with all of the child sex offender registration laws of the State, prior to the date of the adoption of this article, provided, however that if the person required to register on the database established the permanent or temporary residence through a lease or other rental arrangement in effect on the effective date of this article, this affirmative defense shall not apply upon termination of the lease/rental arrangement that is in effect on the effective date of this article.
- (b) It shall be an affirmative defense under Sec. 23.291(a) if the person required to register on the database lives in a medical facility for care where services are designed to meet a

person's health or personal care needs during a short or long period of time. Medical facilities are defined as hospitals or inpatient facilities.

(c) It shall be an affirmative defense under Sec. 23.291(a) if the premises where children commonly gather was designated, declared and/or determined after the child sex offender established the permanent or temporary residence and complied with all child sex offender registration laws of the State provided, however, that if the person required to register on the database established the permanent or temporary residence through a lease or other rental arrangement in effect on the effective date of this article, this affirmative defense shall not apply upon termination of the lease/rental arrangement that is in effect on the effective date of this article.

(d) It shall be an affirmative defense under Sec. 23.291 if the information on the database is incorrect, and, if corrected, this article would not apply to the person who was erroneously listed on the database.

(e) The person required to register as a sex offender was a minor when he/she committed the offense requiring such registration and was not convicted as an adult.

(f) The person was within a child safety zone performing community service ruled by a magistrate.

**SECTION 3. PENALTY PROVISION.** Any person who violates the provisions of this article shall be charged with a class C misdemeanor; and upon conviction shall be fined as provided for in Sec 1-14(a) of this Code for each day that a violation exists, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

**SECTION 4. SAVINGS CLAUSE.** All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinances affecting sex offender regulations and child safety zones that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 5. AMENDMENT OF ORDINANCES.** The City Code of Ordinances, Chapter 23, is hereby amended to the extent of any conflict or inconsistency herewith only and all ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the city, the terms and provisions of this Ordinance shall govern.

**SECTION 6. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clause or phrases be declared void.



**SECTION 7. EFFECTIVE DATE.** This Ordinance shall take effect immediately from and after publication in accordance with the provisions of the City Charter and the Local Government Code.

**SECTION 8. OPEN MEETINGS.** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

**PASSED AND APPROVED** on First Reading this \_\_\_ day of \_\_\_\_\_, 2021.

**FINALLY PASSED AND APPROVED** on this the \_\_\_ day of \_\_\_\_\_, 2021.

**THE CITY OF KYLE, TEXAS**

\_\_\_\_\_  
Travis Mitchell, Mayor

ATTEST:

Jennifer Holm, City Secretary

\_\_\_\_\_

**ORDINANCE NO. 2021-\_\_\_\_\_**

**AMENDING THE CITY OF NEW BRAUNFELS, TEXAS, CODE OF ORDINANCES CHAPTER 82, OFFENSES AND MISCELLANEOUS PROVISIONS BY ADOPTING RESTRICTIONS APPLICABLE TO SEX OFFENDERS INCLUDING RESIDENCY AND DISTANCE REQUIREMENTS FROM CHILD SAFETY ZONES AND AN EXEMPTION HEARING PROCESS; SETTING A PENALTY OF NOT MORE THAN \$2000.00; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERABILITY REPEALER AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, sex offenders are a serious threat to public safety; and

WHEREAS, neither the State of Texas nor the City of New Braunfels currently imposes restrictions on where registered sex offenders may reside; and

WHEREAS, while some sex offenders do rehabilitate, the recidivism rate for released sex offenders is alarmingly high, particularly for those who commit sex crimes against children; and

WHEREAS, restricting registered sex offenders from accessing areas where children often congregate will provide better protection for the City's children.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, THAT:

**Section 1**

The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes.

**Section 2**

That Chapter 82 is amended by adding Article 2, Sex Offender Restrictions, beginning with section 82-29 as follows:

**ARTICLE 2 – SEX OFFENDER RESTRICTIONS**

**Sec. 82-29. Definitions**

For the purposes of this ordinance, the following terms, words, and the derivations thereof shall have the meanings given herein.

*Child safety zone.* A premises where children commonly gather. The term includes a public or private school, public or private day-care facility, playground, public or private youth center, public swimming pool, video arcade facility, city or state park, or any other facility that regularly holds events primarily for children.

Permanent residence. A place where a person abides, lodges, or resides for 14 or more consecutive days.

Playground. Any outdoor facility that is not on the premises of a school and that:

- (1) Is intended for recreation;
- (2) Is open to the public or is open to a neighborhood or multi-family residential property containing more than two families; and
- (3) Contains at least one play station intended for the recreation of children, such as slides, swing sets, and teeterboards.

Premises. Real property and all buildings and appurtenances pertaining to the real property.

Registered sex offender. An individual who is required to register as a sex offender under chapter 62, Texas Code of Criminal Procedure.

School. A private or public elementary or secondary school or a day-care center, as defined by section 42.002, Texas Human Resources Code.

Temporary residence. A place where a person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where a person routinely abides, resides, or lodges for a period of four or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

Video arcade facility. Any facility that:

- (1) Is open to the public, including persons who are 17 years of age or younger;
- (2) Is intended primarily for entertainment or recreational purposes; and
- (3) Contains at least three pinball or video machines.

Youth center. Any recreational facility or gymnasium that:

- (1) Is intended primarily for use by persons who are 17 years of age or younger; and
- (2) Provides athletic, civic, or cultural activities.

## **Sec. 82-30. Offense**

(a) Generally. A registered sex offender may not go in, on, or within 1,000 feet of a child safety zone in the city.

(b) Evidentiary matters; measurements.

(1) It shall be prima facie evidence that this ordinance applies to a person if that person's information appears on the central database maintained by the Texas Department of Public Safety as required by article 62.005 of the Texas Code of Criminal Procedure.

(2) For the purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the child safety zone.

(c) Culpable mental state not required. Neither allegation nor evidence of a culpable mental state is required for the offense defined under this section.

(d) Affirmative defenses. It is an affirmative defense to prosecution that any of the following conditions apply:

(1) The registered sex offender entered into a residential lease, rental agreement, or purchase of a residence in a child safety zone prior to the date of the adoption of this ordinance.

(2) The registered sex offender was a minor when he or she committed the offense requiring such registration and was not convicted as an adult.

(3) The registered sex offender is a minor or a ward under guardianship.

(4) The child safety zone, as specified herein, within 1000 feet of the permanent or temporary residence of the registered sex offender was opened after the person established the permanent or temporary residence and complied with all sex offender registration laws of the state.

(5) The registered sex offender maintains a permanent or temporary residence at a jail, prison, juvenile facility or other correctional institution or facility.

(6) The information on the sex offender registry database is incorrect, and, if corrected, this ordinance would not apply to the person who was erroneously listed on the database.

(7) The registered sex offender was in, on, or within a specified distance of a child safety zone for a legitimate purpose, including transportation of a child that the registered sex offender is legally permitted to be with, transportation to and from work, and other work-related purposes.

(8) The registered sex offender was in, on, or within a specified distance of a child safety zone for purposes of attending a religious service, education, counseling, volunteering, or working at a church as defined by section 544.251, Texas Insurance Code.

(e) Exemption hearing.

(1) A registered sex offender may petition the police chief or the police chief's designee, in writing, for an exemption from the requirements of this ordinance.

(2) The police chief or the police chief's designee shall exempt a registered sex offender who established residency in a residence located within the specified distance of a child safety zone before the date this ordinance is adopted. This exemption applies only to:

(A) Areas necessary for the registered sex offender to have access to and to live in the residence; and

(B) The period the registered sex offender maintains residency in the residence.

(3) The police chief or the police chief's designee may authorize an exemption from this ordinance when, in their opinion, undue hardship will result from compliance or an individualized recidivist assessment indicates an exemption should be granted. In granting an exemption, the police chief or the police chief's designee shall consider the probable effect the exemption will have upon the public health, safety, and welfare of the community.

(4) No exemption shall be granted under subsection (e)(3) above without first having held a public hearing on the exemption petition and unless the police chief or the police chief's designee makes written findings regarding the petitioner's criminal and personal history as well as the petitioner's current circumstances requiring the exemption.

(5) Such findings of the police chief or the police chief's designee, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the hearing at which such exemption is granted. Exemptions may be granted only when in harmony with the general purpose and intent of this ordinance so that the public health, safety, and welfare may be secured, and that substantial justice may be done.

### **Sec. 82-31. Prohibition against renting or leasing**

(a) It shall be unlawful for the owner, lessee or occupant (collectively referred to as "lessor") of any place, residence, structure, dwelling, or other conveyance, with knowledge that it will be used as a temporary or permanent residence of such person, to rent or lease the same, or any part thereof, to a registered sex offender, if such place, residence, structure, dwelling, manufactured dwelling, mobile home, camping trailer or other conveyance is located within 1000 feet of any child safety zone.

(b) An owner, lessee, or occupant (collectively referred to as "lessor") of any place, residence, structure, dwelling, or other conveyance, shall be deemed to have knowledge that another person is a registered sex offender if such person's record appears on the central database maintained by the Texas Department of Public Safety on the earlier of:

(1) The date of receipt of a lease application, rental application or similar document by lessor or lessor's officers, agents, employees, or volunteers; or

(2) The date the person first occupies lessor's place, residence, structure, dwelling, manufactured dwelling, mobile home, camping trailer or other conveyance.

### **Sec. 82-32. Penalties**

(a) The City shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance shall be liable for prosecution for criminal violations.

(b) Criminal prosecution. Except as may otherwise be provided herein, any person violating any provision of this ordinance shall, upon conviction, be fined a sum not exceeding \$2000.00. Except as may otherwise be provided herein, each day that a provision of this ordinance is violated shall constitute a separate offense. An offense under this ordinance is a class C misdemeanor.

**Section 3. Severability**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

**Section 4. Repealer**

All provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect and all ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

**Section 5. Effective Date**

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, publication in a newspaper of general circulation, and filing with the City Secretary’s Office. The City Secretary shall cause the published notice to include the caption of the ordinance at least once within ten (10) days after final passage by City Council.

**PASSED AND APPROVED:** First reading this 12<sup>th</sup> day of April, 2021.

**PASSED AND APPROVED:** Second reading this 26<sup>th</sup> day of April, 2021.

**CITY OF NEW BRAUNFELS, TEXAS**

By: \_\_\_\_\_  
**Rusty Brockman, Mayor**

**ATTEST:**

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**Caitlin Krobot, City Secretary**

**APPROVED AS TO FORM:**

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**Valeria M. Acevedo, City Attorney**