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## MEETING NOTICE

*The City Council of the City of Woodcreek, Texas will conduct a special meeting at City Hall, 41 Champions Circle, Woodcreek, TX. The meeting will be held on October 26, 2022 at 2:00PM.*

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

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

*<https://meetings.ipvideotalk.com/200713549>. 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:200713549.*

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

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## AGENDA

### CALL TO ORDER

### MOMENT OF SILENCE

### PLEDGES

### ROLL CALL AND ESTABLISH QUORUM

### PUBLIC COMMENTS

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

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

*Submit written comments by email to [woodcreek@woodcreektx.gov](mailto:woodcreek@woodcreektx.gov) by noon on the day prior to the meeting. Please include your full name, home or work address, and agenda item number. Written comments will be part of the official written record only. A recording of the meeting will be made and will be available to the public in accordance with the Texas Public Information Act upon written request*

## REGULAR AGENDA

1. Discuss and Take Appropriate Action on the Application for a Special Event Permit for the Ride to End Alzheimer's on Sunday, November 6, 2022
2. Discuss and Take Appropriate Action on a Resolution to Select the Administrative/Project Delivery Service Provider(s) to Complete Application and Project Implementation for the City of Woodcreek's 2023-2024 Texas Community Development Block Grant Funded and Administered through the Texas Department of Agriculture (Grummert)
3. Discuss and Take Appropriate Action on a Resolution to Select the Engineering/Architectural/Surveying Service Provider(s) to Complete Project Implementation for the City of Woodcreek's 2023-2024 Texas Community Block Grant Funded and Administered through the Texas Department of Agriculture (Grummert)
4. Discuss and Take Appropriate Action on Recommendations for Updates to Section 156.060 Garage and Yard Sales from Ordinance Review Committee (Hines)
5. Discuss and Take Appropriate Action on Creating a Bi-annual City Wide Garage Sale (Grummert)
6. Discuss and Take Appropriate Action on Amending the City of Woodcreek Code of Ordinances at TITLE XI (" BUSINESS REGULATIONS"), CHAPTER 110 ("HOTEL OCCUPANCY TAX") to Raise the Current Tax Rate of Zero to Seven (7) Percent (Grummert)
7. Discuss and Take Appropriate Action on an Ordinance Amending City of Woodcreek Code of Ordinances at TITLE III ("ADMINISTRATION"), CHAPTER 30 ("OFFICIALS, EMPLOYEES, AND ORGANIZATIONS "), ADDING SECTION 30.90 ("HOTEL OCCUPANCY TAX ADVISORY COMMITTEE") (Grummert)
8. Executive Session on Personnel Matters

## 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 20th day of October 2022 at 2:00 PM.

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

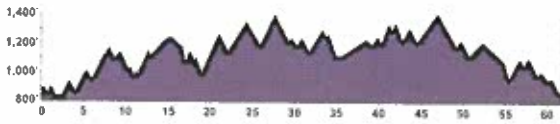


# RIDE TO END ALZ

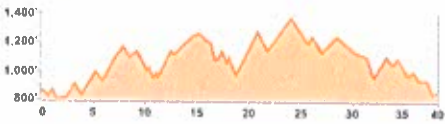
alzheimer's association

## TEXAS

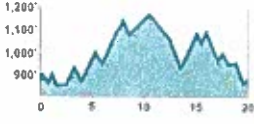
### 60 Mile Profile:



### 40 Mile Profile:



### 20 Mile Profile:



Created by SingleTrack Maps  
SCADENCE



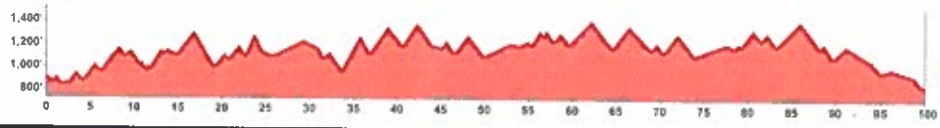
### LEGEND

- 100 Miles
- 60 Miles
- 40 Miles
- 20 Miles
- Rest Stop

For various reasons, personal GPS data will NOT match perfectly with this map & profile. All information is approximate & subject to change at any time.



### 100 Mile Profile:



**\*\*Smaller local roads are NOT shown on this map.**

© 2021 - All Rights Reserved - Information on this map is subject to change at any time.



### City of Woodcreek

41 Champions Circle • Woodcreek, Texas 78676 • Office: (512) 847-9390 • Fax: (512) 847-6661  
Email: woodcreek@woodcreektx.gov • Website: woodcreektx.gov

### Application for Special Event Permit

Applicant(s) ROGER MAST / CADENCE SPORTS

Address 172 TRADEMARK DR. BUDA, TX 78610

Home Phone \_\_\_\_\_ Cell Phone 678-357-6921

Work Phone \_\_\_\_\_

Email address ROGER@CADENCESPORTS.COM

Event Location BLUE HOLE REGIONAL PARK, WIMBERLEY TX

Event Name/Description RIDE TO END ALZ

Event Type:  Private Group  
 Public Event  
 Alcohol Will Be Available at this Event  
 Music/Entertainment will be amplified at this Event  
 Security/Traffic Enforcement will be provided at this Event

\*\*\*\* If any of the above categories are checked please attach additional information \*\*\*\*

Estimated Number of Attendees/Guests 500

Estimated Number of Contractors/Staff 25

Event Date & Starting/Ending Time 11/6/22 0600-1700

Estimated Number/Type of Vehicles expected for the event, including suppliers:

- 8 Automobiles
- 0 Buses
- 2 Box trucks (2 axles)
- 0 Semi-trucks
- 0 Other (please identify)

Any other information city council may find beneficial in deciding whether or not to grant the special event permit (*attach additional documentation if necessary*):

RIDE ROUTES WILL PASS THROUGH WOODCREEK ON 11/4

§156.082 of the City of Woodcreek Code of Ordinances requires a special event permit for all events which are outside of normal and customary activities associated with the applicable zoning district. Such activities must also comply with all other city ordinances and be harmonious with the zoning district in which it is to take place.

An application for a special event permit shall be made in writing. Application will be approved or denied within 30 days from date all necessary information is received. Unless specifically approved by the City Council all special event permit applications are DENIED.

Music and entertainment shall not be played outdoors after 10 PM or before 12 PM (noon).

Groups that anticipate Special Events of larger than 200 people may be required by City Council to have the following for the issuance of the permit and shall be noted below in conditions of permit:

- EMS personnel on hand per every 200 people in attendance.
  - designated first aid/EMS station for events over 300 people
  - Law enforcement/security personnel equal to 1 law enforcement/security personnel for every 100 people in attendance if alcohol is served.
- Additional fees for city services may be required as indicated by permit

**Application Fee:**

**A non-refundable application fee of \$100 must accompany the submission of this form.**

*Completed application can be emailed to [woodcreek@woodcreektx.gov](mailto:woodcreek@woodcreektx.gov).*

<b>For City use only:</b>	
Date application, required information and fee received: _____	
Applicable Zoning Category/Use: _____	
City Council Vote: Approved or Denied (circle one)	Date: _____
Date permit issued to property owner: _____	Permit # _____
Date applicant notified of denial: _____	
Reason for denial: _____	

**Council Meeting Date:  
Special City Council Meeting October 26, 2022**

**Agenda Item Cover Sheet**

**Agenda Item Subject/Title:**

Discuss and Take Appropriate Action Selecting Administration/Project Delivery Service Provider(s) to Complete Application and Project Implementation for the City of Woodcreek's 2023-2024 Texas Community Development Block Grant Funded and Administered through the Texas Department of Agriculture.

**Agenda Item Summary:**

Adopt the Resolution Hiring GrantWorks as the Administrator for the City of Woodcreek's 2023-2024 Texas Community Development Block Grant Funded and Administered through the Texas Department of Agriculture.

**Financial Impact:**

If Awarded the CDBG, the Administrator's fees come out of the grant. If awarded, this would bring additional funding into our city.

**Recommendations:**

Council adopts this resolution.

**Supporting Documents Included:**

F. RFP Resolution\_TxCDBG.docx

**Submitted by:** Councilmember Chrys Grummert

**RESOLUTION**

A RESOLUTION OF CITY OF WOODCREEK, TEXAS, AUTHORIZING THE AWARD OF PROFESSIONAL SERVICE PROVIDER CONTRACT FOR THE CITY OF WOODCREEK’S 2023-2024 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT FUND.

WHEREAS, the City of Woodcreek’s 2023-2024 TxCDBG Community Development Block Grant Fund contract requires implementation by professionals experienced in the administration of federally-funded community development projects;

WHEREAS, in order to identify qualified and responsive providers for these services a Request for Proposals (RFP) process for administration services has been completed in accordance with Texas CDBG requirements;

WHEREAS, the proposals received by the due date have been reviewed to determine the most qualified and responsive providers for professional services;

NOW, THEREFORE, BE IT RESOLVED:

- Section 1. That GrantWorks be awarded a contract to provide Texas CDBG application and project-related **administration services** for the City of Woodcreek’s 2023-2024 Texas Community Development Block Grant Fund project.
- Section 2. That any and all contracts or commitments made with the above-named services providers are dependent on the successful negotiation of a contract with the service provider.

PASSED AND APPROVED ON

**APPROVED:**

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

**ATTEST:**

\_\_\_\_\_  
**Suzanne Mac Kensie, City Secretary**



**Council Meeting Date:  
Special City Council Meeting October 26, 2022**

**Agenda Item Cover Sheet**

**Agenda Item Subject/Title:**

Discuss and Take Appropriate Action on Selecting Engineering/Architectural/Surveying Service Provider(s) to Complete Project Implementation for the City of Woodcreek's 2023-2024 Texas Community Development Block Grant Funding Administered by the Texas Department of Agriculture.

**Agenda Item Summary:**

Select the Engineering firm TLC Engineering, Inc. for the City of Woodcreek's 2023-2024 CDBG.

**Financial Impact:**

If awarded the grant, the fees would be taken out of the grant.

**Recommendations:**

Council adopts this resolution.

**Supporting Documents Included:**

E. RFQ Resolution\_TxCDBG.docx

**Submitted by:** Councilmember Chrys Grummert

**RESOLUTION**

A RESOLUTION OF THE CITY OF WOODCREEK, TEXAS, AUTHORIZING THE AWARD OF PROFESSIONAL SERVICE PROVIDER(S) CONTRACTS FOR THE CITY OF WOODCREEK’S 2023-2024 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TxCDBG) FUND.

WHEREAS, the City of Woodcreek’s 2023-2024 TxCDBG Community Development Fund contract requires implementation by professionals experienced in federally-funded community development projects;

WHEREAS, in order to identify qualified and responsive providers for these services a Request for Qualifications (RFQ) process for engineering/architectural/surveying services and has been completed in accordance with Texas CDBG requirements;

WHEREAS, the statement of qualifications received by the due date have been reviewed to determine the most qualified and responsive providers for each professional service;

NOW, THEREFORE, BE IT RESOLVED:

- Section 1. That TLC Engineering, Inc. be awarded a contract to provide TxCDBG application and project-related **professional engineering/architectural/surveying services** for the City of Woodcreek’s 2023-2024 Texas Community Development Fund project.
- Section 2. That any and all contracts or commitments made with the above-named services providers are dependent on the successful negotiation of a contract with the service provider;

PASSED AND APPROVED ON \_\_\_\_\_

**APPROVED:**

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

**ATTEST:**

\_\_\_\_\_  
**Suzanne Mac Kensie, City Secretary**

**Council Meeting Date:  
Special City Council Meeting October 26, 2022**

**Agenda Item Cover Sheet**

**Agenda Item Subject/Title:**

Discuss and Take Appropriate Action on Recommendations for Updates to Section 156.060  
Garage and Yard Sales from Ordinance Review Committee

**Agenda Item Summary:**

The Ordinance Review Committee reviewed the code regulating Garage Sales and found recommendations they would like Council to consider changing. This item is intended to review and discuss those changes and then provide feedback or direction as to if and how to proceed.

**Financial Impact:**

none at this time

**Recommendations:**

Recommend that Council accept the Ordinance Review Committee's suggestions and draft a new ordinance to incorporate them into code.

**Supporting Documents Included:**

Garage Sale Ordinance Draft

**Submitted by:** Councilmember Debra Hines

§ 156.060 GARAGE AND YARD SALES.

(A) Garage and yard sales shall be limited to the personal belongings of the occupants of the residence, specifically those of the owners or renters living at the residence, along with immediate family and two (2) additional residents of the City. ~~For purposes of this chapter, *occupants* shall be deemed to mean full-time, permanent residents of the dwelling and shall not include renters with rental agreements of less than six months.~~

(B) Such sales shall be limited to City residents and to duration no longer than three days. Sales at any location must be separated by a minimum of six months.

(C) Auctions are prohibited.

(D) Sign Regulation: See 152.43 (P) *Garage sale signs*. Garage sale signs shall not be posted on any property within the City limits or the ETJ, other than the posting locations designated by the City and the property that is the site of the garage sale. A permit is required to post in any or all of the locations designated by the City. The application for the permit may be found on the City's website. A garage sale sign may not exceed four square feet and may be erected no more than two days prior and one day after the garage sale.

(Ord. 00-65N, 6-1-2005; Ord. 19-255, 3-13-2019)

~~Cross reference(s) — Penalty, see § 156.999~~

**ADDITIONAL RECOMMENDATIONS:**

Address penalties, because the section referenced has nothing to do with garage sales or signs and includes a fine up to \$2000.

Add sign penalties to ordinance. They are listed on the permit only.

**Council Meeting Date:  
Special City Council Meeting October 26, 2022**

**Agenda Item Cover Sheet**

**Agenda Item Subject/Title:**

Discuss and Take Appropriate Action on Creating a Bi-annual City Wide Garage Sale.

**Agenda Item Summary:**

The discussion would be about creating a city wide garage sale held twice a year, perhaps once in the Spring and then again in the Fall. Perhaps send this idea to the Parks and Recreation Board for further consideration.

**Financial Impact:**

n/a

**Recommendations:**

Discuss the idea of holding a bi-annual city wide garage sale, beginning next year. Residents could become part of the city wide garage sale by simply holding their yard sale on the city wide garage sale date. This could free up the residents when it comes to permits for signs on city property, such as those placed at the Triangle or entrances, as the city would do the promoting of the event. Shoppers could tour the city, going from yard sale to yard sale. OR the city wide garage sale could be held at one location, as some cities do. This idea would not be excluding yard sales at other times of the year, but would simply be a regularly scheduled recurring community event.

**Supporting Documents Included:**

City Wide garage sale examples.pdf

**Submitted by:** Councilmember Chrys Grummert

# City-Wide GARAGE SALE



On Friday October 21st and Saturday October 22nd, The City of Bridgeport will waive the garage sale permit fees for our City-wide Garage Sale day. Forms to be placed on the map of garage sales are available at City Hall or online at [www.cityofbridgeport.net/garagesales](http://www.cityofbridgeport.net/garagesales) at no cost. All forms are due October 11th.

Free maps will be available on October 17th at City Hall and the Bridgeport Library.

FOR MORE INFORMATION  
(940) 683-3480  
[www.cityofbridgeport.net](http://www.cityofbridgeport.net)  
[www.facebook.com/bridgeporttexas](https://www.facebook.com/bridgeporttexas)



## CITYWIDE YARD SALE

This event takes place the first Saturday of June and November.

### Registration:

Register in person at City Hall located at 1209 Fiorella St, Castroville, TX 78009.

All payments must be made in person at City Hall cash or check only.

### Prices:

Residents can register their yard sale: \$5.00

Houston Square booths will be available for yard sale items: \$10

Vendors (food and non-food items) booths: \$20.00

### About:

The City Wide Yard Sale (CWYS) is a bi-annual event that happens the first Saturday in June and the first Saturday in November. All proceeds for the CWYS benefit CAPS (Castroville Area Pet Shelter) for the homeless animals of Castroville.

## Event Details

 [View Map](#)

### Community Garage Sale

**Saturday, October 15, 2022**

Event is free to attend. Want to sell? Reserve a space for \$30 today!

### Community Garage Sale

You will not want to miss this! It's an Indoor Community Garage Sale on October 15th from 8:00 AM - 2:00 PM at the Wimberley Community Center! Come view everything from antiques, household items, handmade jewelry, furniture, and more all under one air-conditioned roof!

### Want to Sell?

Interested in selling items? Contact the Wimberley Parks and Recreation Department at [rshaver@cityofwimberley.com](mailto:rshaver@cityofwimberley.com) to reserve a \$30, 8ft X 8ft space with a 6ft table and 2 chairs. Space is limited. Spaces are going FAST!

### Date and Time

- October 15th
- 8am - 2pm

**Date:** October 15, 2022

**Time:** 8:00 AM - 2:00 PM

**Location:** Wimberley Community Center

**Address:** 14068 Ranch Rd 12  
Wimberley, TX 78676

**Cost:** Free!





**Council Meeting Date:  
Special City Council Meeting October 26, 2022**

**Agenda Item Cover Sheet**

**Agenda Item Subject/Title:**

Discuss and Take Appropriate Action on Amending the City of Woodcreek Code of Ordinances at TITLE XI (" BUSINESS REGULATIONS"), CHAPTER 110 ("HOTEL OCCUPANCY TAX") to Raise the Current Tax Rate of Zero to Seven (7) Percent

**Agenda Item Summary:**

In an effort to promote tourism and reinvest in the community, the City of Woodcreek is considering matching the Wimberley Hotel Occupancy Tax of 7%. Funds from this tax would have specific uses regulated by the local tax code. This would create a valley-wide consistency in hotel operation taxes thus eliminating the concern of inadvertently drawing more Short-Term Rentals into the Woodcreek area.

**Financial Impact:**

Codification Fees

**Recommendations:**

Recommend that Council consider passing the ordinance as written to raise the Hotel Occupancy Tax (HOT) for the City of Woodcreek to 7%.

**Supporting Documents Included:**

HOTax

**Submitted by:** Councilmember Chrys Grummert

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

CITY OF WOODCREEK, TEXAS

**AMENDMENT TO CHAPTER 110 OF THE CODE OF ORDINANCES HOTEL OCCUPANCY TAX ORDINANCE**

**AN ORDINANCE AMENDING THE CITY OF WOODCREEK CODE OF ORDINANCES AT TITLE XI (" BUSINESS REGULATIONS"), CHAPTER 110 ("HOTEL OCCUPANCY TAX"); PROVIDING FOR ENACTMENT, REPEALER, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE, AND FINDING PROPER NOTICE AND MEETING.**

**WHEREAS**, pursuant to Chapter 351 of the Texas Tax Code, the City is authorized to impose a hotel occupancy tax for the purpose of promoting tourism, and for the further purposes set forth in Texas Tax Code, Section 351.01, as amended; and

**WHEREAS**, as further authorized by Section 351.0025, a municipality with a population of less than 35,000, may impose a hotel occupancy tax in the municipality’s extraterritorial jurisdiction: and the U.S. Census shows the population of the City of Woodcreek is less than 2000 people; and

**WHEREAS**, in order to promote local businesses and ensure financial stability for the community, the City Council finds it prudent to encourage tourism in our local attractions and reinvest in the infrastructure and promotional efforts that support them; and

**WHEREAS**, the Council recognizes there are benefits to valley-wide consistency in regulation with the levy of taxes on hotel operations being one of those instances; and

**WHEREAS**, the Council recognizes its responsibility and authority to impose ordinances and controls that are necessary for the government of the City and management of its resources and that such regulation is in the City’s best interest, promotes the welfare of its citizens and is good government.

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

**1. FINDINGS OF FACT**

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

**2. ENACTMENT**

Chapter 110 ("HOTEL OCCUPANCY TAX") of the Code of Ordinances of the City of Woodcreek is amended so as to read in accordance with Attachment A, which are attached hereto and incorporated into this Ordinance for all intents and purposes.

**3. REPEALER**

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

**4. SEVERABILITY**

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

**5. CODIFICATION**

The City Secretary is hereby authorized and directed to record and publish the language of Title XI, Chapter 110, as amended by this Ordinance, in the City's Code of Ordinances.

**6. EFFECTIVE DATE**

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

**7. PROPER NOTICE & MEETING**

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

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

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**Jeff Rasco, Mayor**

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**Suzanne Mac Kenzie, City Secretary**

**Attachment "A"****City of Woodcreek****CODE OF ORDINANCES****TITLE XI: BUSINESS REGULATIONS****CHAPTER 110: HOTEL OCCUPANCY TAX****§ 110.01 AUTHORIZATION**

Under the authorization provided by the Texas Tax Code chapter 351, the city levies a hotel occupancy tax as described herein to be effective on January 1<sup>st</sup>, 2023.

**§ 110.02 DEFINITIONS**

For purposes of this city chapter, and in accordance with chapter 351 and chapter 156 of the Texas Tax Code, the terms used will have the meanings set forth below. Words that are not defined will have their ordinarily accepted meanings unless defined elsewhere in this division.

Consideration. The price of a room that is ordinarily used for sleeping in a hotel but does not include the cost of food served by the hotel or the cost of personal services performed by the hotel except those services related to cleaning and readying the room for use or possession.

Hotel. A building in which members of the public obtain sleeping accommodations for consideration. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn or rooming house, vacation rental, and bed and breakfast, but does not include:

- (1) A hospital, sanitarium or nursing home;
- (2) A dormitory or other housing facility owned or leased and operated by an institution of higher education or a private or independent institution of higher education as those terms are defined by section 61.003, Education Code, used by the institution for the purpose of providing sleeping accommodations for persons engaged in an educational program or activity at the institution; or
- (3) An oilfield portable unit, as defined by section 152.001 of the Texas Tax Code.

Occupancy. The use or possession or the right to use or possession of a room or space for less than thirty consecutive days in a hotel costing \$2.00 or more each day.

Person. Any individual, company, corporation, or association.

**§ 110.03 TAX LEVIED.**

A tax of seven percent (7%) of the consideration paid for a hotel room located within the corporate and extraterritorial limits of the city is levied on a person who, under a lease, concession, permit, right of access, license, contract, or agreement, pays the consideration for the use or possession or for the right to the use or possession of a hotel room that costs \$2.00 or more each day and is ordinarily used for sleeping.

**§ 110.04 EXEMPTIONS**

(a) This chapter does not impose a tax on:

(1) A person who has the right to use or possess a hotel room for at least 30 consecutive days, so long as there is no interruption of payment for the period;

(2) A United States governmental entity described in section 156.103(a) of the Texas Tax Code is exempt from the payment of tax authorized by this chapter;

(3) A state governmental entity described in section 156.103(b) of the Texas Tax Code shall pay the tax imposed by this chapter but is entitled to a refund of the tax paid;

(4) A person who is described by section 156.103(d) of the Texas Tax Code is exempt from the payment of the tax authorized by this chapter;

(5) A person who is described by section 156.103(c) shall pay the tax imposed by this chapter but the state governmental entity with whom the person is associated is entitled to a refund of the tax paid; or

(6) Any other person entitled to an exemption under chapter 156 of the Texas Tax Code.

(b) To receive a refund of tax paid under this chapter, the governmental entity entitled to the refund must file a refund claim on a form provided by the city.

**§ 110.05 COLLECTION BY OPERATOR**

(a) A person who owns, operates, manages, or controls a hotel room within the corporate limits or the extraterritorial jurisdiction of the city shall collect the tax levied by this chapter for the city.

(b) A person who collects the tax shall keep and maintain for such hotel good, adequate and accurate records for the hotel, sufficient to show and establish the consideration paid to and received by the hotel, the true and correct amount of taxes due and payable by the hotel pursuant to this chapter, and the applicable exemptions if any.

(c) A person who is required to collect the tax under this section is hereby authorized to retain no more than one (1) percent of the tax amount collected to reimburse that person's costs in collecting the tax for the city. The reimbursement permitted by this subsection shall be

forfeited if the person collecting the tax fails to timely pay the tax to the city or fails to timely file the reports required by this chapter.

#### **§ 110.06 REPORTS AND REMITTANCES**

(a) On or before the same day that a person is required to file a report and remit hotel occupancy taxes to the state, that person shall also:

(1) File a written report with the city for the same period, with a copy of the report for state hotel occupancy taxes required by section 156.151 (report and payment) of the Texas Tax Code for the same period; and

(2) Pay the tax due for that period.

(b) A report under this section shall be in the form prescribed by the city and shall include:

(1) The total consideration paid for rooms subject to the tax in the reporting period;

(2) The total amount of tax collected; and

(3) The total amount of tax exemptions granted.

(c) If requested by the city, a person responsible for collecting the tax shall provide the city with:

(1) The names, addresses, and identification relied upon to grant an exemption from the tax; and

(2) Any other information the city may reasonably require.

(d) The city may request, and a person required to collect the tax shall provide within a reasonable time, additional documentation verifying the information contained in the report to the city.

#### **§ 110.07 COLLECTION PROCEDURE ON PURCHASE OF A HOTEL**

(a) If a person who is liable for the payment of a tax under this chapter is the owner of a hotel and sells the hotel, the successor to the seller or the seller's assignee shall withhold an amount of the purchase price sufficient to pay the amount of tax due until the seller provides a receipt issued by the city showing that the amount of tax due has been paid or a certificate issued by the city showing that no tax is due.

(b) A purchaser of a hotel who fails to withhold the amount of the purchase price as required by this section is liable for the unpaid tax required to be withheld to the extent of the value of the purchase price.

(c) The purchaser of a hotel may file a written request to the city administrator to issue a certificate stating that no tax is due or to issue a statement of the amount required to be paid

before a certificate may be issued. The city administrator shall issue the certificate or statement not later than the 60th day after the date that the city receives the request.

(d) If the city fails to issue the certificate or statement within the period provided by subsection (c), the purchaser is released from the obligation to withhold the amount of tax from the purchase price or pay the amount of tax due.

#### **§ 110.08 RULES AND REGULATIONS – RECORD INSPECTION AUTHORITY**

(a) The city shall have the power to make such rules and regulations as are necessary to effectively collect the tax levied herein, and shall upon reasonable notice have access to books and records necessary to enable the city to determine the correctness of any report filed as required by this chapter and the amount of taxes due under the provisions of this chapter.

(b) Whenever necessary to make an inspection of books and records to enforce any of the provisions of this chapter, the city may enter such building or premises at all reasonable times to inspect the books and records or to perform any duty imposed upon the city by this chapter; provided, that if such building or premises be occupied, the city official shall first present proper credentials and request entry; and if such building or premises be unoccupied, the city shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises or books and records and request entry and/or production of books and records. If such entry or production is refused, the city shall have recourse to every remedy provided by law to secure entry.

(c) When the city shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises or books and records shall fail or neglect, after proper request is made as herein provided, to promptly produce books and records to or permit entry therein by the city for the purpose

of inspection and examination pursuant to this chapter.

#### **§ 110.09 OFFENSES**

(a) A person commits an offense if the person violates or fails to perform an act required by this chapter, or files a report containing false information. Each instance of a violation of this chapter is a separate offense, and each day that a person remains in violation constitutes a separate offense.

(b) An offense under this chapter is a class C misdemeanor, punishable by a fine not to exceed \$500.00 for each offense.

#### **§ 110.10 PENALTY AND INTEREST ON UNPAID TAX**

(a) In addition to the amount of any tax owed under this chapter, the person required to collect the tax is liable to the city for:



- (1) The city's reasonable attorney's fees;
  - (2) The costs of an audit conducted under subsection (b), as determined by the city using a reasonable rate, but only if:
    - (A) The tax has been delinquent for at least two complete municipal fiscal quarters at the time the audit is conducted; and
    - (B) The city has not received a disbursement from the comptroller as provided by section 156.2513 of the Texas Tax Code related to the person's concurrent state tax delinquency described by section 351.008 of the Texas Tax Code;
    - (3) A penalty equal to 15 percent of the total amount of the tax owed if the tax has been delinquent for at least one complete municipal fiscal quarter; and
    - (4) Interest on the amount of tax owed under section 351.0042 of the Texas Tax Code.
  - (b) If a person required to file a tax report under this chapter does not file the report as required by the city, the city may determine the amount of tax due under this division by:
    - (1) Conducting an audit of each hotel in relation to which the person did not file the report as required by the city; or
    - (2) Using the tax report filed for the appropriate reporting period under section 156.151 of the Texas Tax Code in relation to that hotel.
  - (c) If the person did not file a tax report under section 156.151 of the Texas Tax Code for that reporting period in relation to that hotel, the municipality may estimate the amount of tax due by using the tax reports in relation to that hotel filed during the previous calendar year under this chapter or section 156.151 of the Texas Tax Code. An estimate made under this subsection is prima facie evidence of the amount of tax due for that period in relation to that hotel.
  - (d) The authority to conduct an audit under this section is in addition to any other audit authority provided by statute, charter, or ordinance. The city may directly perform an audit authorized by this section or contract with another person to perform the audit on an hourly rate or fixed-fee basis. The city shall provide at least 30 days' written notice to a person who is required to collect the tax imposed
- by this chapter with respect to a hotel before conducting an audit of the hotel under this section.

#### **§ 110.11 ADDITIONAL ENFORCEMENT AUTHORITY**

The city may take the following actions against a person who has failed to file a required report, failed to collect the tax imposed, failed to pay the taxes over to the city when due, or filed a false report:

(1) Bring suit to collect the unpaid tax and/or to enjoin the person from operating a hotel in the corporate limits or extraterritorial jurisdiction of the city until the tax is paid or the report filed, as applicable, as provided by the court's order; and any other remedy provided under state law.

#### **§ 110.12 USE OF PROCEEDS**

The proceeds of the hotel occupancy tax levied by this chapter shall be used for the purpose of promoting tourism and the convention and hotel industry, and for further purposes as set forth in Texas Tax Code, section 351.101, as amended.

#### **§ 110.13 ADMINISTRATION**

(a) The council shall review applications to fund projects with hotel occupancy tax revenues received by the city. The council shall have such powers and authority as described herein and as prescribed by the charter and state law.

(b) Citizens, groups, or entities that wish to apply for funding of projects eligible for funding with hotel occupancy tax revenue shall make application with the city utilizing such forms as may be required and amended from time-to-time.

(c) The council shall consider applications for projects one time per year in conjunction with approval of the city budget or at such other times at the council's discretion.

#### **§ 110.14 APPLICATIONS**

The city administrator, or designee, shall conduct the following functions:

(1) Receive and review applications from businesses and individuals requesting funds for projects that are eligible for hotel occupancy tax funds;

(2) Prioritize the requests for such funds and projects; and advise the council regarding any recommendations;

(3) Provide oversight of projects and entities or individuals that receive funds and verify that such funds are being used in accordance with state law requirements;

(4) Report to council on a semi-annual basis regarding the activities of any entities, individuals and the projects that have received funds;

(5) Develop a planning calendar, procedure for evaluation and evaluation criteria to be used when recommending and prioritizing agencies and projects for hotel occupancy tax funds;

(6) Recommend advertising and marketing strategies for the council to consider and assist the city with negotiation and oversight of any contracts for advertising and marketing approved by the council;

(7) Require all successful applicants to execute an agreement for funding as approved by council;

(8) Any other function or duty directed by the council in regards to use of revenues from the hotel occupancy tax.

**§ 110.15 SUNSET REVIEW**

(a) Frequency of review. On or after three (3) years from the effective date of this chapter, the council shall conduct a sunset review of the hotel occupancy tax and the work of the advisory committee. The council shall thereafter conduct periodic reviews every two (2) years.

(b) Review criteria. The purpose of the sunset review shall be to determine whether a public need exists for the continuation of the hotel occupancy tax and/or the advisory committee. The council may consider the following criteria as part of its review:

(1) The benefit(s) enjoyed by the city and the city's tourism industry as a result of the hotel occupancy tax;

(2) Performance and compliance with applicable statutes and regulations;

(3) The efficiency with which the advisory committee operates;

(4) The extent to which the hotel occupancy tax and/or the advisory committee is needed or used; and

(5) Any other criteria identified by the council.

**Council Meeting Date:  
Special City Council Meeting October 26, 2022**

**Agenda Item Cover Sheet**

**Agenda Item Subject/Title:**

Discuss and Take Appropriate Action on an Ordinance Amending City of Woodcreek Code of Ordinances at TITLE III ("ADMINISTRATION"), CHAPTER 30 ("OFFICIALS, EMPLOYEES, AND ORGANIZATIONS "), ADDING SECTION 30.09 ("HOTEL OCCUPANCY TAX ADVISORY COMMITTEE")

**Agenda Item Summary:**

If the Council decides to pass the HOT increase to 7%, then a regulatory body to monitor the intake and use of the funds could be useful. This ordinance creates such an advisory body.

**Financial Impact:**

Codification Fees

**Recommendations:**

Recommend that Council pass the ordinance to create a Hotel Occupancy Tax Advisory Committee.

**Supporting Documents Included:**

HOT Committee

**Submitted by:** Councilmember Chrys Grummert

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

CITY OF WOODCREEK, TEXAS

AMENDMENT TO CHAPTER 30 OF THE CODE OF ORDINANCES TRAFFIC SCHEDULES ORDINANCE

AN ORDINANCE AMENDING THE CITY OF WOODCREEK CODE OF ORDINANCES AT TITLE III ("ADMINISTRATION"), CHAPTER 30 ("OFFICIALS, EMPLOYEES, AND ORGANIZATIONS"), ADDING SECTION 30.09 ("HOTEL OCCUPANCY TAX ADVISORY COMMITTEE"); PROVIDING FOR ENACTMENT, REPEALER, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE, AND FINDING PROPER NOTICE AND MEETING.

**WHEREAS**, pursuant to Chapter 351 of the Texas Tax Code, the City is authorized to impose a hotel occupancy tax for the purpose of promoting tourism, and for the further purposes set forth in Texas Tax Code, Section 351.01, as amended; and

**WHEREAS**, as further authorized by Section 351.0025, a municipality with a population of less than 35,000, may impose a hotel occupancy tax in the municipality's extraterritorial jurisdiction: and the U.S. Census shows the population of the City of Woodcreek is less than 2000 people; and

**WHEREAS**, in order to promote local businesses and ensure financial stability for the community, the City Council finds it prudent to encourage tourism in our local attractions and reinvest in the infrastructure and promotional efforts that support them; and

**WHEREAS**, the Council understands that controlling and managing the flow of the special restricted funds generated by such taxes will take time, effort, and adequate knowledge of the tax code, including the limits on usage of the funds, thus it is in the interest of the City to form an additional advisory body to assist in this effort; and

**WHEREAS**, the Council recognizes its responsibility and authority to impose ordinances and controls that are necessary for the government of the City and management of its resources and that such regulation is in the City's best interest, promotes the welfare of its citizens and is good government.

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

**1. FINDINGS OF FACT**

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

**2. ENACTMENT**

Chapter 30 ("OFFICIALS, EMPLOYEES, AND ORGANIZATIONS") of the Code of Ordinances of the City of Woodcreek is amended to add Section .09 - Hotel Occupancy Tax Advisory Committee so as to read in accordance with Attachment A, which are attached hereto and incorporated into this Ordinance for all intents and purposes.

**3. REPEALER**

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

**4. SEVERABILITY**

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

**5. CODIFICATION**

The City Secretary is hereby authorized and directed to record and publish the language of Title III, Chapter 30, Section .09 as amended and added by this Ordinance, in the City's Code of Ordinances.

**6. EFFECTIVE DATE**

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

**7. PROPER NOTICE & MEETING**

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

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

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**Jeff Rasco, Mayor**

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**Suzanne Mac Kenzie, City Secretary**

**Attachment "A"**  
**City of Woodcreek**  
**CODE OF ORDINANCES**  
**TITLE III: ADMINISTRATION**  
**CHAPTER 30: OFFICIALS, EMPLOYEES, AND ORGANIZATIONS**  
**ADDING THE FOLLOWING SECTION .90 - HOTEL OCCUPANCY TAX ADVISORY COMMITTEE**

Chapter 30.90 **Hotel occupancy tax advisory committee**

(a) Purpose. There is hereby established a hotel occupancy tax advisory committee (HOT Committee), which shall provide advice on the implementation, collection, and use of hotel occupancy tax dollars to the council.

(b) Membership.

(1) Number of members. The HOT advisory committee may consist of seven members, one of whom will be the committee chair and one of whom will be the committee vice-chair appointed by the council. Each of Woodcreek's five Councilmembers shall make one member appointment to the committee. The Mayor will make two member appointments to the committee. All appointments shall be confirmed by a majority vote of the City Council. In the event any Councilmembers or the Mayor refuses or is unable to make an appointment, the vacancy may be filled by the majority vote of the remaining members of the City Council. No member of the Hotel Occupancy Tax Advisory Committee may be a present member of the City Council.

(2) Terms of members.

(A) The terms of each member of the HOT Committee shall be concurrent with the Councilmember who appointed each member and will expire upon the appointing Councilmember's term in office ending, either by expiration or resignation. A mayor is considered a member of council.

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

(C) If a vacancy occurs on the HOT Committee, the vacancy shall be filled by the Councilmember who appointed the resigning member.

(D) Members of the HOT Committee may be removed from the HOT Committee by a simple majority vote of the Councilmembers, and at a meeting of the Woodcreek City Council for which such a vote has been properly noticed.



(E) HOT committee members terms shall commence December 1st each year and will be appointed to serve a two-year term. A member may serve two consecutive terms and, thereafter, will remain ineligible for reappointment for a period of one year.

(3) Member selection. As vacancies occur, city staff and council will prepare a slate of nominees for council consideration. The slate will include nominees of lodging owners. The slate will only include individuals that city staff has contacted and who have expressed an interest and availability to serve. Potential nominees may express interest in the committee by contacting the city in writing.

(4) Resignation; vacancies. Any member of the HOT Committee may resign by submitting written notice to the Chairperson of the HOT Committee. Resignation will be effective when sent. Upon receipt of written notice of resignation, the Chairperson of the HOT Committee shall promptly send such resignation to the Mayor.

(c) Responsibilities. The committee is responsible for the following:

(1) The committee shall review revenue received by the city through the hotel occupancy tax and shall make recommendations to the council regarding appropriate expenditures.

(2) The committee shall formulate a plan for expenditures of hotel occupancy tax revenue by the city and shall update the plan as requested by council.

(3) The committee shall submit an annual report to the council that identifies approved expenditures by the city for the preceding year, discuss approved and proposed expenditures in the context of compliance with state law regarding the use of hotel occupancy tax funds, and evaluates the effectiveness of approved hotel occupancy tax expenditures and programs.

(4) All recommendations of the committee are subject to formal approval of the council at a regularly scheduled meeting. The HOT Committee shall not spend any money or authorize the expenditure of any money.

(d) Meetings.

(1) The committee will meet quarterly, or as needed, at city hall, as coordinated with and arranged by city staff, or at a designated location agreed upon by the committee. Agendas will be drafted by the committee chair, under the advisement of committee members.

(2) The committee chair, or their designee(s), will attend a council meeting quarterly, or as required, to update the council on projects and progress.

(e) Authority. The committee has no authority to make decisions binding on the city. The committee's functions are purely advisory and not subject to the Open Meetings Act, but the committee shall make every attempt to meet the requirements of the Open Meetings Act, though due to discussions that may involve sensitive financial documentation the Open Meetings Act will not be strictly enforced. The committee shall make its own rules and regulations

and keep minutes of its proceedings. A majority of the members shall be a quorum for the transaction of business.