
MEETING NOTICE

The Ordinance Review Committee of the City of Woodcreek, Texas will conduct a meeting at Woodcreek City Hall, 41 Champions Circle, Woodcreek, Texas. The meeting will be held on Tuesday, May 02, 2023 at 2:30 PM.

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

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

<https://zoom.us/j/97516638865?pwd=aXpTNDVobk9VYjVSVVVrbGgxKzdHdz09>

Meeting ID: 975 1663 8865; Passcode: 111835

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

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

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

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

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

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

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

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

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

AGENDA

CALL TO ORDER

ROLL CALL and ESTABLISH QUORUM

PUBLIC COMMENTS

CONSENT CALENDAR

- [1.](#) Approval of Regular Meeting Minutes from March 7, 2023.
- [2.](#) Approval of Regular Meeting Minutes from April 4, 2023.

REPORTS FROM OFFICERS AND COUNCIL LIAISONS

Report by Ordinance Review Committee Liaison.

Report by City Manager.

NEW BUSINESS

- [3.](#) Workshop to Discuss Possible Revision of Chapter 93, Fire Prevention and Protection.
4. Discuss and Take Possible Action On Revisions to Chapter 93.
- [5.](#) Workshop to Discuss Possible Revision of Chapter 94, Fireworks.
6. Discuss and Take Possible Action On Revisions to Chapter 94.

ANNOUNCEMENTS

ADJOURN

POSTING CERTIFICATION

I certify that the above notice was posted on the **28th day of April, 2023 at 4:00PM**

By: 

Suzanne J. MacKenzie, City Secretary

ORDINANCE REVIEW COMMITTEE MEETING (CITY HALL)
March 07, 2023; 2:30 PM
Woodcreek, Texas

MINUTES

CALL TO ORDER

Interim Chair Hector called the meeting to order at 2:30P.

ROLL CALL and ESTABLISH QUORUM

PRESENT

Interim Chair, Donna Hector
Member Joe Branco (Arrived at 2:32P)
Member Karen Duncan
Member Jim Miller
Member Randy Renter
Council Liaison, Debra Hines

ABSENT

Alt. Member Emma Davenport

STAFF PRESENT

City Manager, Kevin Rule
City Secretary, Suzanne Mac Kenzie

PUBLIC COMMENTS

None were offered.

CONSENT CALENDAR

1. **Approve Regular Meeting Minutes from February 7, 2023.**

Motion was made by Member Duncan to approve the minutes from last meeting. Motion was seconded by Chair Miller.

A roll call vote was held.

Voting Yea: Member Duncan, Member Miller, Member Renter, Member Branco, Interim Chair Hector

Motion Passed: 5-0-0.

REPORTS FROM OFFICERS AND COUNCIL LIAISONS

Report by Ordinance Review Committee Liaison.

Agenda Item for Guidance of Ordinance Review Committee has not been submitted to Council.

Report by City Manager. – None Provided.

Report by City Secretary. – None Provided.

SPECIAL ORDERS

2. **Election of the Chair and Vice-Chair of the Ordinance Review Committee.**

Motion was made by Member Duncan to nominate Jim Miller as Chair. Motion was seconded by Member Renter.

A roll call vote was held.

Voting Yea: Member Miller, Member Renter, Member Branco, Interim Chair Hector, Member Duncan

Motion Passed: 5-0-0.

Motion was made by Interim Chair Hector to nominate Joe Branco as Vice-Chair. Motion was seconded by Member Duncan.

A roll call vote was held.

Voting Yea: Member Renter, Member Branco, Interim Chair Hector, Member Duncan, Member Miller

Motion Passed: 5-0-0.

UNFINISHED BUSINESS AND GENERAL ORDERS

3. **Workshop on Completion of the Important Woodcreek City Ordinance Sheet.**

Workshop opened at 2:45P.

Discussion of accepting document, with correction of adding “or removal” regarding trees and allowing staff to work on the data for helpful numbers.

Workshop closed at 2:58P.

4. **Discuss and Take Final Action on the Revised Important Woodcreek City Ordinance Sheet.**

Motion was made by Chair Miller to finalize the “Important Woodcreek City Ordinances” document, with correction, for publication as stated by Interim Chair Hector.

A roll call vote was held.

Voting Yea: Vice-Chair Branco, Interim Chair Hector, Member Duncan, Chair Miller, Member Renter

Motion Passed: 5-0-0.

NEW BUSINESS

5. **Workshop on Revision of the Health and Sanitation Ordinance.**

Workshop opened at 3:06P.

Discussion of language in 95.02; conflicts with construction in 95.05; private residence entry for dangerous vegetation in 95.06.

Chair Miller will create an edited (red-lined) document for submission to Council.

Workshop closed at 3:28P.

6. **Discuss and Take Final Action on the Revised Health and Sanitation Ordinance.**

Motion was made by Member Duncan that the redline version with recommendations be sent to the City Manager ten(10) days prior to the next meeting to be placed on the packet for the next month's agenda to be reviewed and finalized at the next meeting.

A roll call vote was held.

Voting Yea: Interim Chair Hector, Member Duncan, Chair Miller, Member Renter, Vice-Chair Branco

Motion Passed: 5-0-0.

7. **Workshop on Ordinance 156.061 (Home Occupation), Ordinance 156.080 (Business Use Requirements and Limitations), and Ordinance 156.0365 (Personal Care Facilities).**

Workshop opened at 3:32P.

Discussion as to whether clarification is needed for 156.080 and 156.061 are similar or separate items.

Workshop closed at 3:57P.

8. **Discuss and Final Action on the Final Versions of Ordinance 156.061 (Home Occupation), Ordinance 156.080 (Business Use Requirements and Limitations), and Ordinance 156.0365 (Personal Care Facilities).**

Motion was made by Chair Miller to table these three clauses until the next meeting at which time he will make a recommendation. Motion was seconded by interim Chair Hector.

A roll call vote was held.

Voting Yea: Interim Chair Hector, Member Duncan, Chair Miller, Member Renter, Vice-Chair Branco

Motion Passed: 4-0-0.

ANNOUNCEMENTS

None were offered.

ADJOURN

Interim Chair Hector adjourned the meeting at 3:59P

Donna Hector, Interim Chair

Suzanne Mac Kenzie, City Secretary

DRAFT

ORDINANCE REVIEW COMMITTEE MEETING (CITY HALL)
April 04, 2023; 2:30 PM
Woodcreek, Texas

MINUTES

CALL TO ORDER

Chair Miller called the meeting to order at 2:44P

ROLL CALL and ESTABLISH QUORUM

PRESENT

Chairperson, James Miller
Member Karen Duncan
Member Donna Hector
Member Randy Renter
Alt. Member, Emma Davenport
Council Liaison, Debra Hines

ABSENT

Vice-Chair, Joe Branco

STAFF PRESENT

City Manager, Kevin Rule
City Secretary, Suzanne Mac Kenzie

PUBLIC COMMENTS

None were offered.

REPORTS FROM OFFICERS AND COUNCIL LIAISONS

Report by Ordinance Review Committee Liaison.

Item of Ordinance Review Committee direction was submitted to Council for consideration in a Workshop.

Report by City Manager. – None offered.

Report by City Secretary. – None offered.

NEW BUSINESS

2. Workshop to Discuss Revision of Chapter 95: - Health and Sanitation.

Workshop opened at 2:50P.

Workshop closed at 3:22P.

3. **Discuss and Take Final Action on the Revised Chapter 95.**
 Motion was made by Member Hector to send Chapter 95 to Council to purview and go from there. Motion was seconded by Member Renter.
 A roll call vote was held.
 Voting Yea: Member Hector, Member Renter, Chair Miller, Alt. Member Davenport
 Motion Passed: 4-0-0.

4. **Workshop to Discuss Revision of §156.061 - Home Occupation Criteria.**
 Workshop opened at 3:24P.
 Workshop closed at 3:39P.

5. **Discuss and Take Final Action on the Revised §156.061.**
 Motion was made by Member Renter that we forward it all to Council. Motion was seconded by Member Hector.

 A roll call vote was held.
 Voting Yea: Member Renter, Alt. Member Davenport, Chair Miller, Member Hector
 Motion Passed: 4-0-0.

6. **Workshop to Discuss Revision of §156.065 - Personal Care Facilities.**
 Workshop opened at 3:40P.
 Workshop closed at 4:10P.

7. **Discuss and Take Final Action on the Revised §156.065.**
 Motion was made by Alt. Member Davenport to send Chapter 156.065 Community Homes For Persons with Disabilities, as amended to Council. Motion was seconded by Member Hector.

 A roll call vote was held.
 Voting Yea: Chair Miller, Member Hector, Alt. Member Davenport
 Voting to Abstain: Member Renter
 Motion Failed: 3-0-1.

8. **Workshop to Discuss Revision of §156.080 - Business Use Requirements and Limitations.**
 Workshop opened at 4:12P.
 Workshop closed at 4:35P.

9. **Discuss and Take Final Action on the Revised §156.080.**
 Motion was made by Member Hector to send Chapter 156.080 Business Use Requirements and Limitations to Council for their further study, with the revisions we made, but with many questions that they should be looking into, especially in defining the zone requirements for permitted Neighborhood Commercial (NC) and Neighborhood Office (NO). Motion was seconded by Member Renter.

 A roll call vote was held.
 Voting Yea: Member Hector, Member Renter, Alt. Member Davenport, Chair Miller,
 Motion Passed: 4-0-0.

Motion was made by Member Hector that we send this item to Workshop. Motion was seconded by Alt. Member Davenport.

A roll call vote was held.

Voting Yea: Member Renter, Alt. Member Davenport, Chair Miller, Member Hector

Motion Passed: 4-0-0.

ANNOUNCEMENTS

None were offered.

ADJOURN

Chair Miller adjourned the meeting to order at 4:43P

Jim Miller, Chair

Suzanne Mac Kenzie, City Secretary

CHAPTER 93: FIRE PREVENTION AND PROTECTION¹

GENERAL PROVISIONS

§ 93.01 ARSON REWARD.

- (A) The City hereby offers a reward of \$500.00 to anyone who secures and furnishes information necessary to and which results in arrest and conviction of any person or persons who commit the crime of arson within the corporate limits of said City.
 - (B) This reward is a standing offer and shall be paid out of the General Fund of the City.
- (Ord. 85-11, 5-1-1985; Ord. 19-261 , 6-12-2019)

OPEN BURNING

§ 93.15 TITLE.

This subchapter shall be known as the "Open Burning Ordinance of the City of Woodcreek".
(Ord. 85-18C, 5-26-1998; Ord. 19-261 , 6-12-2019)

§ 93.16 PURPOSE.

The purpose of this subchapter is to protect public safety and property within the City.
(Ord. 85-18C, 5-26-1998; Ord. 19-261 , 6-12-2019)

§ 93.17 DEFINITIONS.

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

Open burning. Any burning of brush, trash, wood, plastics, leaves, waste products or similar materials outdoors, other than in an incinerator designed and constructed for such purpose and having a written permit issued by the Fire Marshal.

Trash. Any thing worthless and useless, building materials, twigs, trees, limbs, rubbish, garbage, rags and brush.

(Ord. 85-18C, 5-26-1998; Ord. 19-261 , 6-12-2019)

¹Cross reference(s)—Fireworks, see Ch. 94; Health and Sanitation, see Ch. 95.

§ 93.18 OPEN BURNING PROHIBITED; RESTRICTIONS.

- (A) It shall be unlawful for any person to burn any garbage, trash, brush or other waste, wood, plastic or organic material outdoors within the City, unless such burning is performed in a device or structure designed and constructed for such purpose and used in accordance with the manufacturer's instructions and provisions of this chapter.
- (B) The Fire Marshal, City Marshal and all City officials are granted the authority and responsibility of enforcing the following provisions of this subchapter.
- (1) Open burning within the City is declared to be a public nuisance and hazard to adjoining property.
 - (2) Open burning is prohibited at all times when a burn ban has been declared by Hays County.
 - (3) Absent a burn ban, small fires are permitted in residential fire pits or chimineas provided:
 - (a) The fire pit or chiminea is not located within five feet of the residence or structure;
 - (b) The fire pit has large metal sides, built up concrete blocks, or is constructed of cement, rock, or similar non-flammable/non-conductive materials;
 - (c) The chiminea is placed on a non-flammable stand or is elevated to not be placed directly on the ground and/or structure.
 - (d) The fire pit or chiminea must be completely covered by a spark arrestor or similar fine metal grate to prevent flying sparks and embers;
 - (e) All fire pits must be based on a solid, non-flammable surface (rock, brick);
 - (f) The fire must be attended at all times; and
 - (g) The property owner has means to extinguish the fire when necessary.
 - (4) Any governmental entity, with permission from the City, may conduct open burning in the City limits to correct an obvious hazardous condition or to conduct fire training.
 - (5) It shall be unlawful for any person or persons to violate any verbal or written directive of the Fire Marshal, City Marshal or any City official when the directive prohibits, restricts, limits or sets guidelines for open burning.
 - (6) The Fire Marshal, City Marshal and all other officers of the City are granted the authority to enforce the provisions of this subchapter and impose temporary restrictions upon the use of outdoor fire pits or chimineas as conditions warrant.

(Ord. 85-18C, 5-26-1998; Ord. 18-242, 1-17-2018; Ord. 19-261, 6-12-2019)

Cross reference(s)—Penalty, see § 93.99

§ 93.19 LIABILITY.

In addition to penalties provided in § 93.99 of this chapter, any person or persons conducting open burning shall be liable for property damage or injury, if any, caused as a result of his, her or their open burning.

(Ord. 85-18C, 5-26-1998; Ord. 19-261, 6-12-2019)

§ 93.99 PENALTY.

- (A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this Code of Ordinances.
- (B) Any person, firm or corporation who violates any provisions of §§ 93.15 through 93.19 of this chapter, or any order made under authority of §§ 93.15 through 93.19 of this chapter, or who causes or permits any such violation of §§ 93.15 through 93.19 of this chapter, shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2,000.00. Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such.

(Ord. 85-18C, 5-26-1998; Ord. 19-261 , 6-12-2019)

ORIGINAL

CHAPTER 94: FIREWORKS

§ 94.01 TITLE.

This chapter shall be known as the "Fireworks Ordinance of the City of Woodcreek".

(Ord. 88-30A, 4-12-1995; Ord. 19-262 , 6-12-2019)

§ 94.02 PURPOSE.

The purpose is to protect the general welfare and safety of the citizens of the City.

(Ord. 88-30A, 4-12-1995; Ord. 19-262 , 6-12-2019)

§ 94.03 DEFINITIONS.

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

Fireworks. Any firecrackers, cannon crackers, sky rockets, torpedoes, Roman candles, sparklers, squibs, fire balloons, star shells, gerbs or any other substance in whatever combination by a designated name intended for use in obtaining visible or audible pyrotechnic display, and such term shall include all articles or substances within the commonly accepted meaning of fireworks, whether herein specially designated and defined or not.

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

(Ord. 88-30A, 4-12-1995; Ord. 19-262 , 6-12-2019)

§ 94.04 RESTRICTIONS AND RULES; AUTHORITY.

Law Enforcement, the Fire Chief, and the Fire Marshal are granted the authority and are responsible to enforce the following provisions of this chapter.

- (A) The sale and/or distribution of fireworks within the corporate limits of the City is prohibited.
- (B) It shall be unlawful for any person to ignite, detonate, discharge or fire any fireworks of any description within the City.
- (C) A sworn complaint may be filed in the Municipal Court of the City charging that sale, distribution, igniting, detonating, discharging or firing of fireworks has taken place; specifying the time, date, location and persons charged; provided, however, that, this division (C) shall not be construed as requiring such a complaint in order to enforce this chapter.
- (D) A public display of fireworks may be authorized by the Fire Marshal when any adult person, firm, corporation or association has made a written application at least 48 hours in advance of the date of the proposed display, it shall be the duty of the Fire Marshal to make an investigation as to whether the proposed display may be hazardous to property or dangerous to any persons and shall grant or deny the application based upon his or her findings.

(Ord. 88-30A, 4-12-1995; Ord. 19-262 , 6-12-2019)

Cross reference(s)—Penalty, see § 94.99

§ 94.99 PENALTY.

Any person, firm or corporation who violates any provisions of this chapter, or any order made under authority of this chapter, or who causes or permits any such violation of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2,000.00. Each day any violation of this chapter shall continue shall constitute a separate offense.

(Ord. 88-30A, 4-12-1995; Ord. 19-262 , 6-12-2019)

ORIGINAL