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## MEETING NOTICE

The City Council of the City of Woodcreek, Texas will conduct a meeting at Woodcreek City Hall, 41 Champions Circle, Woodcreek, Texas. The meeting will be held on Wednesday, February 08, 2023 at 4:00 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://www.microsoft.com/microsoft-teams/join-a-meeting>

Meeting ID: 215 151 437 398    Passcode:    Hh8kiB

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

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

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

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

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

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

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

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

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

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# AGENDA

## CALL TO ORDER

## ROLL CALL and ESTABLISH QUORUM

## PUBLIC COMMENTS

## CONSENT CALENDAR

1. Approval of Regular Meeting Minutes from January 4, 2023.

## REPORTS FROM OFFICERS AND COUNCIL LIAISON

Report from City Manager

Report by Planning & Zoning Liaison

Report by City Secretary

## SPECIAL ORDERS

## UNFINISHED BUSINESS AND GENERAL ORDERS

## NEW BUSINESS

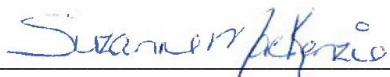
2. Executive Session to Discuss Short-Term Rental Documents and Public Hearing Legalities
3. Discuss and Take Possible Action on Scheduling Public Hearing Concerning Proposed Amendments to the Code of Ordinances Land Use Regulations Addressing Minimum Lot Sizes and Short-Term Rentals

## ANNOUNCEMENTS

## ADJOURN

I certify that the above notice was posted on the 4th day of February 2023 at 8:30 AM.

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



**Suzanne MacKenzie, City Secretary2244**

**PLANNING AND ZONING COMMISSION MEETING**  
**January 04, 2023; 5:00 PM**  
**Woodcreek, Texas**

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**MINUTES**

**CALL TO ORDER**

Chair Davenport called the meeting to order at 5:05 P.M.

**ROLL CALL AND ESTABLISH QUORUM**

**PRESENT**

Chairperson, Andy Davenport  
Vice-Chair Lydia Johns  
Commissioner Tomas Palm  
Commissioner Chris Sonnier

**ABSENT**

Commissioner Tamara Robertson  
Alt. Commissioner Carson Bledsoe  
Alt. Commissioner Josh Erwin

**CITY STAFF:**

City Manager, Kevin Rule  
City Secretary, Suzanne MacKenzie  
Interim City Attorney, Roger Gordon

**PUBLIC COMMENTS**

No Public Comments were offered.

**CONSENT CALENDAR**

**1. Approval of Regular Planning and Zoning Meeting Minutes from December 7, 2022.**

Chair Davenport introduced and welcomed Roger Gordon as Interim City Attorney to the Commissioners in attendance.

A motion was made by Vice-Chair Johns to approve the minutes from December 7th. (2:10)  
The motion was seconded by Commissioner Sonnier.

A roll call vote was held.

Voting Yea: Vice-Chair Johns, Commissioner Palm, Commissioner Sonnier, Chair Davenport.

The motion passed with a 4-0-0 vote.

## REPORTS FROM OFFICERS AND COUNCIL LIAISON

### Report by City Manager.

City Manager Rule mentioned that the Ordinance Review Committee met the previous evening and he was tasked with presenting their findings, post review of the Short-Term Rental documents to Planning and Zoning.

The Ordinance Review Committee was charged with looking for inconsistencies or duplications and came up with four(4) items:

1. §156.009 STR definition and make sure it is updated with future Ordinances;
2. §110.002 "Bed and Breakfasts" are defined as hotels, not short-term rentals;
3. HOT applicability to STRs; and
4. There is not a "#1" on the next to last page.

City Manager Rule offered to email the list of items from the Ordinance Review Committee to the Planning and Zoning Commissioners.

### Report by Ordinance Review Committee Liaison.

Report given by City Manager Rule. (above)

### Report by Planning and Zoning Commission Liaison.

Council Liaison Hambrick introduced himself and his history with previous development plans (i.e. Tiny House Development). Stated he is here to listen and learn.

## NEW BUSINESS

### 1. Workshop to Review the DRAFT Short-Term Rental Documents.

Chairperson Davenport opened the Workshop at 5:14PM.

He stated that the documents have not changed since the last meeting. He will update the documents with the recommendations and add a revision date.

Chair Davenport requested that Roger Gordon review the STR documents and provide a legal opinion, City Manager Rule approved. Mr. Gordon also offered to send out two(2) legal opinions regarding STRs that could be used as a roadmap for established regulations.

Mr. Gordon stated that the takeaway from these 100+ page caselaw opinions is that courts consider property owners to have a "fundamental and settled property right to lease one's real estate under the most desirable terms". Any efforts to create a blanket prohibition of STRs would be subject to strict scrutiny and would require showing a need to do so. That does not mean that they cannot be regulated.

Key to regulations is not to ban, but to enforce. Tools to enforce regulations may already be built into the City's Ordinances. For example, regulations on Parking and Noise already exist in the City's Ordinances.

He believes that a good framework exists, but he will provide feedback on the documents at the next meeting. Suggested the use of City Manager Rule as a conduit in all communications.

Chairperson Davenport closed the Workshop at 6:25PM.

**2. Discuss and Take Appropriate Action on Revising the Short-Term Rental Documents.**

A motion was made by Vice-Chair Johns to make a request to Council to fund a Public Hearing to review the Short-Term Rental documents pending the final draft approval by Planning and Zoning. Motion was seconded by Commissioner Sonnier.

A roll call vote was held.

Voting Yea: Commissioner Palm, Commissioner Sonnier, Chair Davenport, Vice-Chair Johns

The motion passed with a 4-0-0 vote.

A motion was made by Vice-Chair Johns to table the revision of the Short-Term Rental documents pending a legal review. (1:22) The motion was seconded by Commissioner Sonnier.

A roll call vote was held.

Voting Yea: Commissioner Sonnier, Chair Davenport, Vice-Chair Johns, Commissioner Palm

The motion passed with a 4-0-0 vote.

**ADJOURN**

Chair Davenport adjourned the meeting at 6:29 P.M.

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**Andy Davenport, Chairperson**

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**Suzanne MacKenzie, City Secretary**



OFFICE OF THE CITY ATTORNEY  
**Memorandum to P&Z/City Council**  
 Zoning Revision Public Notice/Hearings

**MEETING DATES:** (Planning & Zoning) Feb. 1, 2023 / (City Council) Feb. 8, 2023

**SUMMARY:**

Chapter 211 of the Texas Local Government Code (“LGC”) sets forth the statutory requirements of public notice, submittal of final report, and public hearings required before the governing body may enact substantive regulatory or boundary changes to the City’s zoning regulations. Pursuant to instructions by the Planning & Zoning (P&Z) Commission and City Council, the City Attorney submits this memorandum outlining the deadlines, public notice, & public hearing requirements.

**PROCEDURE:**

The P&Z Commission shall make a preliminary report to the City Council and hold public hearings on that report before submitting a final report to the City Council containing its recommendations on proposed regulatory or boundary changes. Before the 10<sup>th</sup> day before the hearing date, written notice shall be sent to all affected property owners, as indicated by the most recent tax roll, informing them of the proposed changes and scheduled dates for public hearing(s).

**PROPOSED NOTICE:**

Assuming public hearings to occur beginning March 1, 2023 (P&Z), and a future date thereafter as shall be determined by the City Council, the City Attorney recommends that staff mail public notice of the proposed zoning ordinance amendments containing public hearing date(s) to affected owners of the City of Woodcreek, Texas, *on or before* FEBRUARY 16, 2023. Such notices should include sufficient description of the proposed amendments at issue, along with the date of public hearings to be held by the Commission and City Council, and information on submitting comments for consideration.

**PROPOSED MEETING DATES:**

The City Attorney, in coordination with the City Manager, offers for consideration the following proposed schedule: **(1)** Planning & Zoning Commission to hold a final public hearing on the proposed amendments to the Code of Ordinances at the regular Commission Meeting scheduled for WEDNESDAY, MARCH 1, 2023 at 5:00 PM at Woodcreek City Hall, 41 Champions Circle, Woodcreek, Texas; **(2)** Planning & Zoning Commission to discuss and take final action on submitting final report to City Council on proposed amendments to the Code of Ordinances on WEDNESDAY, MARCH 1, 2023 at 5:00 PM at City Hall; **(3)** Woodcreek City Council to hold a public hearing on the proposed amendments to the Code of Ordinances at the **(regular/special)** meeting to be held on **(DAY/DATE)**, 2023, at **(Time)** PM at Woodcreek City Hall, 41 Champions Circle, Woodcreek; and **(4)** Woodcreek City Council to discuss and consider possible action on the proposed amendments to the Code of Ordinances at the (regular/special) meeting to be held on **(DAY/DATE)**, 2023, at **(Time)** PM at Woodcreek City Hall, 41 Champions Circle, Woodcreek.