

CITY COUNCIL MEETING (CYJ)
December 14, 2022; 6:30 PM
Woodcreek, Texas

MINUTES

CALL TO ORDER

Mayor Rasco called the meeting to order at 6:30 PM.

MOMENT OF SILENCE

PLEDGES

ROLL CALL AND ESTABLISH QUORUM

PRESENT

Mayor Jeff Rasco
Council Member Linnea Bailey
Council Member Chrys Grummert
Council Member Bob Hambrick
Council Member Debra Hines
Council Member Brent Pulley

ABSENT

None

CITY STAFF PRESENT

City Attorney, (Interim) Roger Gordon
City Manager, Kevin Rule
City Secretary, Suzanne Mac Kenzie
Office Admin, Maureen Mele

PUBLIC COMMENTS

No Public Comments were offered.

CONSENT CALENDAR

1. Approval of Regular City Council Meeting Minutes from October 12, 2022 (Amended).

Member Hines made the motion to remove Item #1, as Council has already approved those minutes. (5:52). Motion was seconded by Member Grummert.

A roll call vote was taken.

Voting Yea: Member Bailey, Member Grummert, Member Hambrick, Member Hines, Member Pulley

Motion Passed: 5-0-0

2. **Approval of Special City Council Meeting Minutes from October 26, 2022.**
3. **Approval of Special City Council Meeting (Bond Canvass) from November 22, 2022.**
4. **Approval of Special City Council Meeting (Election Canvass) from November 22, 2022**

Member Hambrick made the motion to approve balance of the consent agenda (6:06). Motion was seconded by Member Pulley.

A roll call vote was taken.

Voting Yea: Member Grummert, Member Hambrick, Member Hines, Member Pulley, Member Bailey

Motion Passed: 5-0-0

REPORTS BY OFFICERS and COUNCIL LIAISONS

5. **Report by Planning and Zoning Committee Liaison.**

No report was given.

6. **Report by Ordinance Review Committee Liaison.**

Ordinance Review Committee is working on the "Important Woodcreek Ordinances" document, which has already resulted in some changes, i.e. the Garage Sale Ordinance. Their December Meeting was canceled due to lack of quorum, but will resume in January and will review the Short-Term Rental Ordinance.

7. **Report by Parks and Recreation Board Liaison.**

During the October 19 Meeting, it was reported that the LCRA Grant Application had been denied that was to be used for the Memorial Park and the Bocci Ball court at Augusta Park. Parks discussed reapplying in the future. Spooktacular activity before and after the event were discussed. Holiday decorations on City property, including scheduling information for luminaria distribution were also discussed.

8. **Report by Platinum Roads Panel Liaison.**

Cody Abney was elected Chair and Ed Fleming was elected Vice-Chair at the December 8th meeting. Aaron Jones, from Hays County, spoke about the various techniques and materials that they use on roads. All residents who are affected by proposed Drainage Project will be notified by City Staff before the next meeting. K.Friese is working on the revisions to their drainage plan and will re-present their RFP at the January meeting.

9. **Report by Tree Board Liaison.**

Tree City USA Application was re-submitted. Committee is also working on the RPF for the City Arborist. The Oak Wilt Assistance Application is also in progress. Items still being discussed are: maximum dollar amount on assistance, including trees that are diseased other than from oak wilt, and establishment of a wait list for assistance funds.

10. Report by City Manager.

Changes to the agenda were outlined. Training in Parliamentary Procedures and IT for the committees will be scheduled next month. Meeting videos are being watched and time stamps are being added to the meeting minutes to support motion activity. City Manager Meet and Greet on Friday, December 16th 2-4P, in addition to the Luminaria Pick Up. City Hall will be closed for the holiday from December 22 - December 26.

11. Report by City Secretary

No report was given.

REPORTS of SPECIAL (Ad Hoc) COMMITTEES

12. Report by Workgroup Member on the American Rescue Plan Act of 2021 Funding

City Manager Rule confirmed that the funding from the Act is the same for 2023 and 2021. This Committee has not yet convened, and the purpose of the Workgroup is to review applications.

13. Report by Workgroup Member on Chapters 154-157 of the Code of Ordinances, Development

Reviewing state codes for the City and its ETJ, along with the K.Friese documents to get a structure for the Ordinances. Committee is estimating the end of February to have a document prepared and ready to present for the next steps.

SPECIAL ORDERS

14. Discuss and Take Appropriate Action on A Resolution for the Texas Regional Bank Signatories to Reflect the Names of the City Manager Kevin Rule, Mayor Jeff Rasco and Councilmember Brent H. Pulley.

Motion was made by Member Hines to add City Manager Kevin Rule as a signatory for our Texas Regional Bank accounts. (21:21) Motion was seconded by Member Bailey.

A roll call vote was taken.

Voting Yea: Member Hambrick, Member Hines, Member Pulley, Member Bailey, Member Grummert

Motion Passed: 5-0-0

The minutes will be taken to the bank so the signature card can be updated.

15. Discuss and Take Appropriate Action on the Approval of the 2023 Holiday Calendar for the City of Woodcreek.

Member Hines made the motion to approve the 2023 Holiday Calendar as submitted in the packet. (22:32) Member Pulley seconded the motion.

A roll call vote was taken.

Voting Yea: Member Hines, Member Pulley, Member Bailey, Member Grummert, Member Hambrick

Motion Passed: 5-0-0

16. Discuss and Take Appropriate Action on the Appointment of a Mayor Pro Tempore for the Coming Year. (Rasco)

Member Hines made a motion to nominate Council Member Brent Pulley as Mayor Pro Tem. (23:33) Motion was seconded by Member Grummert.

A roll call vote was taken.

Voting Yea: Member Pulley, Member Bailey, Member Grummert, Member Hambrick, Member Hines

Motion Passed: 5-0-0

17. Approval of October 2022 Financial Reports.

Member Hines made a motion to approve the October 2022 Financial Reports for the purpose of discussion (25:46) Motion was seconded by Member Pulley.

Discussion of further breakdown of Page 29, Item 8900.30 Special Projects. City Manager Rule will review the account structures and will create a separate set of financial documents to review that are easier to read. He welcomed change ideas to be emailed to him for consideration.

A roll call vote was taken.

Voting Yea: Member Bailey, Member Grummert, Member Hambrick, Member Hines, Member Pulley

Motion Passed: 5-0-0

18. Approval of November 2022 Financial Reports.

Member Hines made a motion to approve the November Financial Reports for discussion purposes. (32:21) Motion was seconded by Member Grummert.

Member Hines questioned City Staff about the Public Notices line item: Budget was \$1200, but \$4000 has been spent. Response was that the ad for the Bond Notice was a larger notice requirement in the newspaper.

A roll call vote was taken.

Voting Yea: Member Grummert, Member Hambrick, Member Hines, Member Pulley, Member Bailey

Motion Passed: 5-0-0

UNFINISHED BUSINESS and GENERAL ORDERS

(None)

NEW BUSINESS

(34:40) Mayor Rasco moved Item #28, Public Hearing for the Community Block Grant to the top of the New Business Agenda, as a GrantWorks representative, Annette Garner, was present.

Public Hearing opened at 7:04PM.

Ms. Garner stated that the Public Hearing is a requirement of the grant application. Out of the options available for Block Grants, Woodcreek is only eligible for the Community Development Block Grant, which would allow the City to use the Fund for infrastructure and drainage assistance.

No additional Public Comments were offered.

Public Hearing closed at 7:10PM.

19. **Presentation of the "Spirit of Woodcreek Award" to Resident Cindy Jones.**

Mayor Rasco removed the Presentation of the "Spirit of Woodcreek Award" to Resident Cindy Jones from the agenda as Ms. Jones is ill and not in attendance.

20. **Presentation by Andre Ayala of Hilltop Securities Regarding the Plan for the Issuance of Bonds, Including the Possibility of Early Payoff of the Tax Note.**

(41:30 - 1:04)

Mr. Sabonis, a managing Director at Hilltop Securities, congratulated the City on a successful Bond Election of \$3,495,000 to fund street and road improvements and the related items needed to make the street and road improvements. The passage of this bond impacts taxpayers at the rate of a \$0.02 increase on the existing I&S Rate.

The plan of finance is to issue General Obligation Bonds over a 20-year period of amortization, using the I&S tax rate for repayment. He stated that the City has not previously applied for an "Investment Grade Rating" but believes that City will qualify.

As of May of 2023, there will be one(1) maturity left on existing tax debt, approximately \$220,000 at a rate of 1.82%. Goal would be to re-fund this debt into the new debt at 4.85%, 50 points higher than we are now, moving from a 7.8% to 9.3% interest rate, which will continue to change until May.

As a result, there will be a total of \$3,348,000 in the project fund, after the cost of issuing the bond and the City's debt repayment.

Two variables in the calculations: (1) the 4.85% interest rate, and (2) the City's taxable homeowner property value of \$310,000,000.

He does not have the information to make a recommendation now, because a decision will not be made until May or June, and interest rates change.

Since the City is a first time applicant for an "Investment Grade Rating", the following items will be under review: (a) obtaining a Professional to develop Finance and Investment Policies and Procedures, and (b) the actual Finance and Investment Policies and Procedures. The most important item is the Unrestricted Fund Balance for the City, as with any debt.

Mr. Sabonis' plan and pay-off scenarios can be viewed in the meeting packet on pages 39-42. Bond credit ratings and a municipal market update can be found on pages 45-48.

21. Discuss and Take Appropriate Action on Considering an Early Pay-Off of Remaining Tax Note Debt. (Hines)

Member Hines moved to open discussion on considering an early payoff of remaining tax note debt. (1:04)

Discussion was that savings on payoff was minimal and did not see benefit to early payoff. May see a better option with payoff rate.

Motion was withdrawn by Member Hines at 1:12:06.

No action was taken on this item.

22. Discuss and Take Appropriate Action on the Assignments of Council Liaisons to Various Board/Committees as Suggested: Councilmember Bailey to the Platinum Roads Panel, Councilmember Grummert to the Parks and Recreation Board, Councilmember Hambrick to the Planning & Zoning Commission, Councilmember Hines to the Ordinance Review Committee, and Councilmember Pulley to the Tree Board. (Grummert/Rasco)

Member Grummert made a motion to accept Councilmember Bailey to the Platinum Roads Panel, Councilmember Grummert to the Parks and Recreation Board, Councilmember Hambrick to the Planning & Zoning Commission, Councilmember Hines to the Ordinance Review Committee, and Councilmember Pulley to the Tree Board (1:13:05). Member Hines seconded the motion.

A roll call vote was taken.

Voting Yea: Member Hambrick, Member Hines, Member Pulley, Member Bailey, Member Grummert

Motion Passed: 5-0-0

23. Discuss and Take Appropriate Action on Having the New Councilmembers Chrys Grummert, Linnea Bailey and Bob Hambrick's Make Nominations of Citizens to Fill Three Expired Term Seats on Each of the Following: Parks and Recreation Board, Ordinance Review Committee, Platinum Roads Panel, and Tree Board. (Grummert)

Member Grummert made a motion that the new Council Members each make a nomination to fill the three expired terms on the following Parks and Recreation Board, the Ordinance Review Committee, the Platinum Road Panel and the Tree Board. (1:14:53) Motion was seconded by Member Hines.

Discussion of existing document listing of advisory boards and the order of nominations for each.

Member Grummert made a motion to nominate Justin Camp as a member of the Parks and Rec Board. (1:16:20) Member Pulley seconded the motion.

A roll call vote was taken.

Voting Yea: Member Pulley, Member Bailey, Member Grummert, Member Hambrick, Member Hines,

Motion Passed: 5-0-0

Legal Counsel, Roger Gordon, suggested that all nominations are done at once for expediency.

Member Grummert made a motion to nominate Emma Davenport to the Ordinance Review Committee, Aurora LeBrun to the Platinum Roads Panel and Dorothy Tasian to the Tree Board. (1:17:32)

Member Hines asked that Aurora LeBrun be considered for an alternate position to keep Abney on the Panel. Hambrick would like to see Aurora, with her wealth of information, remain on the panel. Mayor Rasco stated that Jack Bowes, former Mayor Pro Tem Aurora LeBrun and Joe Kotarba (as alternate) have all expressed interest in the panel and could have a strong group.

After discussion, (1:22) Member Grummert withdrew his nomination of Aurora and recommended Cody Abney for the Platinum Roads Panel, keeping Emma Davenport for Ordinance Review Committee and Dorothy Tasian for Tree Board. Seconded by Member Pulley.

A roll call vote was taken.

Voting Yea: Member Bailey, Member Grummert, Member Hambrick, Member Hines, Member Pulley

Motion Passed: 5-0-0

Member Hambrick made a motion to nominate Rogers Holt to the Platinum Roads Panel and Karen Poe for Parks and Rec (1:23) Motion was seconded by Member Bailey.

Member Hines asked Member Hambrick to consider Karen Duncan to the Ordinance Review Committee. Member Hambrick agreed to consider. Member Pulley asked the new Council Members to consider Terri Bissett as a member of the Tree Board.

A roll call vote was taken.

Voting Yea: Member Grummert, Member Hambrick, Member Hines, Member Pulley, Member Bailey

Motion Passed: 5-0-0

Member Bailey made a motion for nominations of Terri Bissett to the Tree Board, Ruth Ann Gilbert for Parks Board, Karen Duncan for Ordinance Review Committee and Jack Boze for Platinum Roads Panel (1:28:07) Seconded by Member Pulley.

A roll call vote was taken.

Voting Yea: Member Hambrick, Member Hines, Member Pulley, Member Bailey, Member Grummert

Motion Passed: 5-0-0

24. **Discuss and Take Appropriate Action on the Mayor Recommendations for Alternates on the Various City Boards or Committees. (Grummert)**

Motion was made by Member Grummert to take appropriate action on the Mayor recommendations for alternates on the various City Boards or Committees. (1:32:29) Motion was seconded by Member Hines.

Mayor Rasco recommended Cody as an alternate to the Parks and Recreation Board, currently doesn't have nomination for Ordinance Review, for Tree Board recommends Cynthia Jones as a second alternate and recommends Aurora LeBrun and Jack Boze as alternates for the Platinum Roads Panel.

Discussion was held that the terms of the Tree Board members be reviewed, as the summary sheet may be incorrect.

Member Hambrick stated he would be willing to relinquish his nomination for the Tree Board in order to keep Monica Rasco on the Tree Board.

A roll call vote was taken.

Voting Yea: Member Hines, Member Pulley, Member Bailey, Member Grummert, Member Hambrick

Motion Passed: 5-0-0

Recessed was called at 8:11 PM

Recess ended at 8:18 PM

25. **Discuss and Take Appropriate Action on Accepting the Minimum Lot Sizes Addition to the City of Woodcreek Code of Ordinances Zoning Chapter 156. (Hines)**

Motion was made by Member Hines to approve the recommendation as made by Planning and Zoning and accept the minimum lot size additions to the Code of Ordinances with the understanding that an actual Ordinance is pending that would trigger the appropriate Public Hearings. (1:50:28) Motion was seconded by Member Hines.

Discussion was held that this is part of the work being done by the Ad Hoc Workgroup on Chapters 154-157. This item was brought to light by K.Friese during the review of the Comprehensive Plan document when it was noted that minimum lot sizes were missing from the City's Zoning Codes. These minimum lot sizes do not impact existing platted properties in the City; they will only apply to properties in the City that if, in the future, were replatted and all property in the ETJ that is subdivided.

(2:14:54) Member Grummert Called the Question. Seconded by Member Pulley.

A roll call vote was taken on the Calling the Question.

Voting Yea: Member Pulley, Member Grummert, Member Hines

Voting Nay: Member Bailey, Member Hambrick

Motion Passed: 3-2-0

A roll call vote was taken on the Main Motion.

Voting Yea: Member Grummert, Member Hines

Voting Nay: Member Bailey, Member Hambrick, Member Pulley

Motion Failed: 2-3-0

26. Discuss and Take Appropriate Action on the Report from the Ordinance Review Committee Concerning the Request for Proposal (RFP) for a Code Compliance Officer. (Hines)

Member Hines reported that the Ordinance Review Committee made recommendations based on suggested qualifications list provided for the previous Compliance Officer. The qualification list can be found on page 60 of the packet and the recommendations from Ordinance Review can be found on page 61.

This is a pending business item that was placed on hold until the hiring of a new City Manager.

No action was taken on this item.

27. Discuss and Take Appropriate Action on 2023 Citizen Survey with Possible Edits to the Draft Copy. (Hines)

Motion was made by Member Hines that Council be directed to send additional questions to City Manger Rule and that this item be postponed until January. (2:21:26) Motion was seconded by Member Hambrick.

A roll call vote was taken.

Voting Yea: Member Grummert, Member Hambrick, Member Hines, Member Pulley, Member Bailey

Motion Passed: 5-0-0

28. Public Hearing Regarding the Community Development Block Grant (TxCDBG) Application to the Texas Department of Agriculture; TxCDBG Supports Community Development Such As Infrastructure, Economic Development Projects, Public Facilities Installation, Community Centers, Housing Rehabilitation, Public Services, Code Enforcement, Homeowner Assistance and Microenterprise Assistance.

This item was moved to the beginning of the meeting to accommodate the GrantWorks speaker and the required Public Hearing.

29. Discuss and Take Appropriate Action on a Resolution of the City of Woodcreek Moving \$25,000 from the Contingency Budget Line Item to the Community Development Block Grant Budget Line Item. (Grummert)

Motion was made by Member Grummert to adopt the resolution of moving \$25,000 from the Contingency Budget line item to the Community Development Block Grant (CDBG) budget line item. (2:22:43) Motion was seconded by Member Hines.

Member Grummert clarified that for \$500,000, there is a small match of \$25,000 based on the size of the City for the Block Grant. By setting the funds aside, our application will also be

awarded 50 points. Mayor Rasco stipulated that the funds will not be spent immediately, but earmarked in the event that we are awarded the grant.

A roll call vote was taken.

Voting Yea: Member Hambrick, Member Hines, Member Pulley, Member Bailey, Member Grummert

Motion Passed: 5-0-0

30. Executive Session for: Consultation With Legal Counsel, Pursuant to Chapter 551.071 of the Texas Government Code, Deliberation Regarding Real Property, Pursuant to Chapter 551.072 of the Texas Government Code; Deliberation Regarding Personnel Matters, Pursuant to Chapter 551.074 of the Texas Government Code.

Executive Session was called at 8:56 P.M.

Executive Session ended at 10:14 P.M.

No action was taken in Executive Session.

31. Discuss and Take Appropriate Action on Retaining the Law Offices of Roger Gordon for the Month of December 2022 to Assist With Current Development Projects, With an Option to Extend the Agreement One Month if Determined by City Council to be Necessary. (Rasco)

Motion was made by Member Pulley to retain the Law Office Roger Gordon for the month of December 2022 to assist with current development projects, with an option to extend the Agreement one month if determined by City Council to be necessary. Motion was seconded by Member Grummert.

A roll call vote was taken.

Voting Yea: Member Hines, Member Pulley, Member Bailey, Member Grummert, Member Hambrick

Motion Passed: 5-0-0

32. Discuss and Take Appropriate Action on Acceptance of Resignation of City Attorney, Kent Wymore, and Ratification of Appointment of Interim City Attorney, Roger Gordon.

Motion was made by Member Hines on the acceptance of resignation of City Attorney, Kent Wymore, and ratify the appointment of Interim City Attorney, Roger Gordon. (3:47:40) Motion was seconded by Member Bailey.

A roll call vote was taken.

Voting Yea: Member Pulley, Member Bailey, Member Grummert, Member Hambrick, Member Hines

Motion Passed: 5-0-0

33. Discuss and Take Appropriate Action on Changes to Council and Staff Communication Policy.

Counsel Gordon advised that communications be directed through Kevin's office. Council mentioned that the City Manager has been included in the "CC" in the past and will continue to do so in the future.

Manager Rule will be changing the procedure for a number of different processes. He asked that for the continuity of the flow of information, questions go through him so he can attempt to eliminate duplicate questions to paid vendors so the City is not charged for items that have been addressed.

Motion was made by Member Hines that all Council copy our City Manager on communications with any vendor at this time and staff is now directed to develop an official Staff and Council Communication Policy. (3:53:46) Motion was seconded by Member Grummert.

Member Hines does not believe that Council Members should be allowed no or limited access to vendors. Counsel Gordon clarified that this policy covers the City if, in the event that something happens to the email originator, the City would be aware of current events.

A roll call vote was taken.

Voting Yea: Member Bailey, Member Grummert, Member Hambrick, Member Hines, Member Pulley

Motion Passed: 5-0-0

34. Discuss and Take Appropriate Action on Proposed 2023 Calendar for Acceptance and Review of Applications for City Permits, Plats, Re-plats and Zoning Requests.

Counsel Gordon explained that this item also applies to Item #35. As a result of state laws, small cities who rely heavily on their engineer(s)2211 are setting policies (i.e. once per quarter) in a calendar that designates specific weeks to accept city permits that operate on a "shot clock". He is requesting authorization to collaborate with Staff to create a calendar for review of these permits.

Motion was made by Member Grummert to instruct Staff and the City Attorney to create a calendar for acceptance and review of applications and City permits, plats, replats and zoning requests and creating an amending the Code of Ordinance provisions for timelines, procedures, rules of completeness and fees required for acceptance of City permits, plats, replats and zoning requests. (4:01:55) Motion was seconded by Member Pulley.

Member Hambrick was concerned about limited residents on their home projects. Counsel Gordon explained that it would not apply to them.

Member Hines requested documents be attached in the future for items such as Item numbers 33-35.

Manager Rule explained that the work on policies and procedures cannot wait until the finalization of Chapters 154-157. We are writing a very small portion of the code as a "stop gap" measure.

A roll call vote was taken.

Voting Yea: Member Grummert, Member Hambrick, Member Hines, Member Pulley, Member Bailey

Motion Passed: 5-0-0

35. Discuss and Take Appropriate Action on Amending the Code of Ordinance Provisions for Timelines, Procedures, Rules of Completeness, and Fees Required for Acceptance of City Permits, Plats, Re-Plats and Zoning Requests.

This item was discussed and a motion was made under Item number 34.

REGULAR AGENDA

36. Reminder to Liaisons That Their Committees are Due to Vote on a Chairperson and Vice-Chairperson From Their Members Annually.

Mayor Rasco restated the text listed under this agenda item.

ADJOURN

Mayor Rasco adjourned the meeting at 10:43 PM.

Mayor Jeff Rasco, Mayor

Suzanne Mac Kenzie, City Secretary

DRAFT