

## **WOODWAY CITY COUNCIL MINUTES**

March 13, 2023

The Woodway City Council met in a regular meeting in the Donald J. Baker Council Chambers at Woodway City Hall, 922 Estates Drive, Woodway, Texas, on Monday, March 13, 2023, at 5:30 p.m. The following individuals were in attendance:

Mayor:	Absent
Mayor Pro Tem:	David Mercer
Councilmembers:	David Russell, Storey Cook, Gayle Avant, Janell Gilman and John Williams
City Manager:	Shawn Oubre
City Secretary:	Donna Barkley
City Staff:	Lenny Caballero, Mitch Davison, Bret Crook and Kahlil El-Halabi
Contract Staff:	David Shaw, City Attorney

### **CALL MEETING TO ORDER**

Mayor Pro Tem Mercer called the meeting to order at 5:30 p.m.

### **INVOCATION AND PLEDGE**

#### **1. INVOCATION**

Councilmember Cook provided the invocation.

#### **2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the United States Flag was recited in unity

### **ITEMS FOR INDIVIDUAL DISCUSSION, CONSIDERATION AND/OR ACTION**

#### **3. DISCUSSION AND CONSIDER ACTION ON ADOPTING ORDINANCE 23-02, AMENDING CHAPTER 12, OFFENSES-MISCELLANEOUS OF THE CODE OF ORDINANCES OF THE CITY OF WOODWAY, TEXAS, TO ADD ARTICLE X, SHORT-TERM RENTALS**

Mayor Pro Tem Mercer called for a motion to discuss. Councilmember Cook moved to open this item for discussion and Councilmember Russell seconded.

Councilmember Avant arrived at 5:32 p.m.

Dr. Oubre reported the City receives calls/complaints or requests for support regarding short-term rentals.

## WOODWAY CITY COUNCIL MINUTES

Page 2

March 13, 2023

Currently, when the City receives a complaint, it responds with a cease and desist order to the property owner the zoning ordinances does not allow commercial operation in residential areas. Owners are not paying hotel/motel taxes like the hotels collect at the point of sale. This ordinance outlines a regulatory permitting process that will allow short-term rentals to occur in commercial districts in the City. Section 12-124 outlines the permitting process and Section 12-125 is the minimum standards and Section 12-130 outlines enforcement element that the City would undertake if not compliant.

There was a lengthy discussion and questions were answered.

Councilmember Avant asked if anyone has complained to the City about the people renting short-term? If so, how often?

City Manager reported the City receives about two complaints a month. Complaints include cars being parked in the street and inquiries regarding proper permitting. Larger cities experience citizens complaining about larger gatherings, parking in the yard, excess garbage and excessive noise.

Mayor Pro Tem Mercer expressed concern that if he lived on a street with his kids and family, and the entire rest of the block became short-term rentals, he would be very unhappy.

Chief of Police Bret Crook reported that there has been one criminal complaint where there was an Airbnb in the City and the person exposed himself to another person.

Mayor Pro Tem Mercer expressed concern an ordinance allowing short-term rentals could essentially commercialize the City's residential areas.

Councilmember Russell responded the proposed ordinances accomplishes the opposite.

Councilmember Williams agreed with Councilmember Russell.

Councilmember Williams commented he has met many people flying to Waco to visit the Silos, and even when vehicular traffic is not an issue, tourists may bring noise pollution with large parties of people staying in short-term rentals and having parties until two or three in the morning because they don't have to get up and go to work.

Councilmember Cook commented that when discussing short-term rentals with other citizens she has never heard a citizen say, "that sounds wonderful". Woodway is a quiet, family-oriented community, and residents do not like the idea of not knowing who is next door.

Councilmember Avant asked what other solutions does the City have to limit the noise pollution?

City Manager reported that officers can issue citations, but visitors may not answer court summonses. The City Manager clarified the tenant, not the owner, receives the citation.

## WOODWAY CITY COUNCIL MINUTES

Page 3

March 13, 2023

Mayor Pro Tem Mercer expressed concern for children and dangers of not knowing one's neighbors or having the neighbors change every three to four days.

Discussion was had between councilmembers and City staff that current zoning ordinances do not allow short-term rentals in R-districts, and the proposed ordinance provides a mechanism to enforce that rule.

Mayor Pro Tem opened the floor for anyone who would like to speak on this matter:

- Amy Marsh, Woodway resident expressed concern that residences backing up to a short-term rental essentially about a business with tenants changing every few days.
- Julie Wilder, Axtell resident, expressed concerns about safety.

Councilmember Cook moved to adopt Ordinance 23-02, amending Chapter 12, Offenses-Miscellaneous of the Code of Ordinances of the City of Woodway, Texas, to add Article X, Short-Term Rentals. Councilmember Gilman seconded, Mayor Pro Tem Mercer read aloud the caption of the ordinance as required and the motion passed with a four to two vote: Mercer, Cook, Gilman and Williams voting in favor and Russell and Avant voting against.

#### 4. DISCUSSION AND CONSIDER ACTION ON ADOPTING ORDINANCE 23-03, AMENDING CHAPTER 16, STREETS AND SIDEWALKS, ARTICLE II – CONSTRUCTION STANDARDS, OF THE CODE OF ORDINANCES OF THE CITY OF WOODWAY, TEXAS, TO ADD SECTION 16-21, SIDEWALKS, CURBS, GUTTERS AND DRIVEWAYS

Mayor Pro Tem Mercer called for a motion to discuss. Councilmember Cook moved to open this item for discussion and Councilmember Russell seconded.

Dr. Oubre provided that this ordinance is to consider requiring sidewalks to be constructed to existing and infill areas in the community. The City Charter allows for the Planning and Zoning Commission to annually make recommendations to the City Council. During the last budget process, they recommended that Council look at drafting an ordinance considering requiring the construction of sidewalks throughout the City to existing maintenance of sidewalks as well as what we call infill areas, that basically require any new construction to also include a six-foot sidewalk from property line to property line.

There was a brief discussion.

Mayor Pro Tem opened the floor for anyone who would like to speak on this matter:

- Norm Hoffman, Woodway resident – Concerned about the idea of older homes needing sidewalks. Understands adding sidewalks to new subdivisions.
- Amy Marsh, Woodway resident – Conformity is important to be esthetically pleasing

## WOODWAY CITY COUNCIL MINUTES

Page 4

March 13, 2023

There was additional discussion.

Councilmember Cook moved to adopt Ordinance 23-03, amending Chapter 16, Streets and Sidewalks, Article II – Construction Standards, of the Code of Ordinances of the City of Woodway, Texas, to add Section 16-21, Sidewalks, Curbs, Gutters and Driveways. Councilmember Williams seconded, Mayor Pro Tem Mercer read aloud the caption of the ordinance as required and the motion passed with a five to one vote: Mercer, Cook, Gilman, Williams and Avant voting in favor and Russell voting against.

5. DISCUSSION AND CONSIDER ACTION ON ADOPTING ORDINANCE 23-04, AMENDING CHAPTER 12 ½, PARKS AND RECREATION, ARTICLE I – IN GENERAL, IN ITS ENTIRETY

Mayor Pro Tem Mercer called for a motion to discuss. Councilmember Russell moved to open this item for discussion and Councilmember Gilman seconded.

Dr. Oubre provided that this is to make a minor change due to more activity at the parks. There have been more requests for larger groups having enrolled activities. The biggest change is to have a memorandum of agreement for groups of fifty or more who are wanting to use the park, that the City allows and agrees to, through terms and negotiations of that memorandum of agreement.

Discussion was had and Councilmember Russell suggested the Parks and Recreation Commission take a look at the proposed ordinance. Councilmember Cook (Liaison to the Parks and Recreation Commission) stated that she wasn't opposed to it, but stated that she didn't really think it was that Commission's purview since it is mostly about the City's relationship with outside entities.

Mayor Pro Tem opened the floor for anyone who would like to speak on this matter: There was no one to speak on this item.

Councilmember moved to present this proposed ordinance to the Parks and Recreation Commission before City Council takes action. Councilmember Avant seconded and the motion passed unanimously by the councilmembers present.

### **CONSENT AGENDA**

*The Consent Agenda consists of non-controversial, routine and budgeted items which require no public hearing. The Consent Agenda is subject to being approved with one single motion; however, the Mayor or any City Councilmember may remove any item from the Consent Agenda for separate discussion and consideration.*

6. A. DISCUSSION AND CONSIDER ACTION ON MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD FEBRUARY 27, 2023, AT 5:30 P.M.

## WOODWAY CITY COUNCIL MINUTES

Page 5

March 13, 2023

- B. DISCUSSION AND CONSIDER ACTION REJECTING ALL BIDS IN RESPONSE TO THE BID INVITATION ISSUED FOR BID NO. 23-01, THE CITY OF WOODWAY – TATER HILL WELL EQUIPMENT SHED PROJECT
- C. DISCUSSION AND CONSIDER ACTION ON AWARDING LAWNS, LTD, INC., A CONTRACT TO MOW THE HIGHWAY 84 CORRIDOR IN AN AMOUNT NOT TO EXCEED \$30,695.00, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS IN CONNECTION THEREWITH
- D. Discussion and consider action on agreement between McLennan County and the City of Woodway for the purpose of conducting a joint election, and approving the contract for election services between the McLennan County Election Administration Department and authorizing the Mayor to execute the Joint Election Agreement and Contract for Election Services

### 7. DISCUSSION AND CONSIDER ACTION ON CONSENT AGENDA

Dr. Oubre provided information on Items B - D. No items were removed for individual discussion.

Councilmember Cook moved that the Consent Agenda be approved as follows:

- A. Approve the minutes of the regular City Council meeting held February 27, 2023, at 5:30 p.m.
- B. Reject all bids in response to Bid Invitation issued for Bid #23-01, the City of Woodway – Tater Hill Well Equipment Shed project and rebid the project
- C. Award Lawns, LTD, Inc., a contract to mow the Highway 84 corridor in an amount not to exceed \$30,695.00, and authorize the City Manager to execute all documents in connection therewith
- D. Approve the agreement and contract for election services as presented and authorize the Mayor to execute same

Councilmember Williams seconded, and the motion passed unanimously by the Councilmembers present.

## **VISITORS**

### 8. HEAR VISITORS

- Amy Marsh, Woodway resident, Traffic patterns between the bridge on Estates to UPS? Is curious if there is any plans for stop light to go in from Wells Fargo side to HEB. There is a lot of growth and she

## WOODWAY CITY COUNCIL MINUTES

Page 6

March 13, 2023

hopes that traffic patterns will be considered for children walking and cyclists cycling on Oak Creek Rd.  
-Richard Maker, Woodway resident, commented on the following:

- Citizens providing their address
- February 27<sup>th</sup> spoke about Texas law that allows grave visitation and has received an email from Western Star Ranch attorney threatening him about his comments
- TCEQ fines

### **CITY MANAGER AND CITY COUNCIL REPORTS**

9. CITY MANAGER’S REPORT (BRIEFINGS OR UPDATES MAY BE PROVIDED REGARDING CITY SERVICES, ADMINISTRATIVE/PERSONNEL MATTERS, REAL ESTATE/DEVELOPMENT, INFRASTRUCTURE, EVENTS, REGULATIONS, COMMUNITY AND INTERGOVERNMENTAL RELATIONS ISSUES)

Nothing to report on at this time.

10. CITY COUNCIL REPORTS

Councilmember Cook reported on the following:

- Reminded everyone about the Easter Eggstravaganza Drive-Thru on April 6<sup>th</sup>
- Thanked staff on getting the new Whitehall Park equipment installed

### **CLOSING ITEMS**

11. CONSIDER ACTION ON ADJOURNMENT

Councilmember Russell moved to adjourn the meeting. Councilmember Avant seconded the motion, and the motion passed unanimously by the Councilmembers present. The meeting adjourned at 6:44 p.m.

---

Donna Barkley, City Secretary

---

Amine Qourzal, Mayor