

WOODWAY CITY COUNCIL MINUTES

March 15, 2021 – 5:30 P.M.

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, and via a virtual Zoom meeting, on Monday, March 15, 2021, at 5:30 p.m. The following individuals were in attendance:

Mayor:	Jane Kittner
Mayor Pro Tem:	Vic Sober
Councilmembers:	Scott A. Giddings, Amine Qourzal, David Mercer, David Russell and Storey Cook
Absent:	None
City Manager:	Shawn Oubre
City Secretary:	Donna Barkley
City Staff:	Lenny Caballero, Bret Crook, Mitch Davison, William Klump and Keith Lowrey
Contract Staff:	Mike Dixon, City Attorney
Registered Guests:	Logan Owens with Tex-Mix David Marek with CP&Y

CALL MEETING TO ORDER

Mayor Kittner called the meeting to order at 5:32 p.m.

INVOCATION

1. INVOCATION

Mayor Pro Tem Sober provided the invocation.

PRESENTATIONS AND VISITORS

2. HEAR VISITORS

No visitors came forward to speak at this time.

EXECUTIVE SESSION

3. NOTICE IS HEREBY GIVEN THAT A CLOSED MEETING WILL BE HELD PURSUANT TO *SECTION 551.071 OF THE GOVERNMENT CODE (V.C.T.A.)* SO THAT THE CITY COUNCIL CAN SEEK AND RECEIVE LEGAL ADVICE FROM ITS ATTORNEYS REGARDING PENDING OR THREATENED LITIGATION, SETTLEMENT OFFERS, CLAIMS, OR OTHER MATTERS FOR WHICH THE ATTORNEYS' DUTIES TO THEIR CLIENT UNDER THE TEXAS STATE BAR DISCIPLINARY RULES OF PROFESSIONAL CONDUCT CONFLICTS WITH THE OPEN MEETINGS ACT (CH. 551, GOV. CODE) IF NECESSARY FOR A SUBJECT CONTAINED ON THIS AGENDA.

Mayor Kittner called the City Council into Executive Session at 5:34 p.m.

Mayor Kittner called the City Council meeting back into regular session at 6:39 p.m.

Councilmember Cook left the meeting at approximately 6:15 p.m.

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OPEN SESSION AND RELATED ACTION

4. DISCUSSION AND CONSIDER ACTION ON SETTLEMENT WITH SANTA CLARA CONSTRUCTION COMPANY ARISING OUT OF WORK ON PHASE I OF THE SANITARY SEWER PROJECT.

Mayor Pro Tem Sober moved to accept the negotiated settlement with Santa Clara Construction Company arising out of Phase I of the Sanitary Sewer Project and allow the City Manager and City Attorney to execute all necessary documents and releases. Councilmember Russell seconded and the motion passed unanimously by the councilmembers present.

PUBLIC HEARINGS AND RELATED ACTION

5. A. PUBLIC HEARING ON REQUEST FOR RECONSIDERATION OF APPLICATION TO DEVELOP IN A PLANNED DISTRICT OF TEX-MIX – PLANNED INDUSTRIAL, (CONCRETE BATCH PLANT) LOT 2, BLOCK 1, OF THE SURBER ADDITION TO THE CITY OF WOODWAY, MCLENNAN COUNTY, TEXAS, LOCATED AT 22024 WOODWAY DR.; INCLUDING REQUESTED VARIANCES.

Mayor Kittner opened the public hearing. Speaking in favor of the application was:

- Logan Owens, Applicant and on behalf of the partners in Tex-Mix. We have submitted the request for reconsideration and withdrew all variance requests. We would like clarification on the City's ordinance on mechanical equipment. Based on our conversations with the City Manager we understand this ordinance applies to mechanical HVAC equipment and would like to clarify that today.

Dr. Oubre clarified that the discussion he had previously with Mr. Owens and Mr. Pettit is regarding the conveyors and the silos on site which could be multi-story in height. The minimum requirement in our City Ordinance asks for screening the items on the ground like HVAC units. They are complying with that but they are wanting clarification if we are requiring screening of the multi-story conveyors and silos and the City is not.

With no-one else to speak in favor or in opposition, the Mayor closed the public hearing.

- B. DISCUSSION AND CONSIDER ACTION ON REQUEST FOR RECONSIDERATION OF APPLICATION TO DEVELOP IN A PLANNED DISTRICT OF TEX-MIX – PLANNED INDUSTRIAL, (CONCRETE BATCH PLANT) LOT 2, BLOCK 1, OF THE SURBER ADDITION TO THE CITY OF WOODWAY, MCLENNAN COUNTY, TEXAS, LOCATED AT 22024 WOODWAY DR.; INCLUDING REQUESTED VARIANCES.

The Mayor noted that the request for variances has been withdrawn by the applicant.

Councilmember Mercer moved to approve the request for reconsideration of the Application to Develop in a planned district of Tex-Mix – Planned District (concrete batch plant) Lot 2, Block 1, of the Surber Addition to the City of Woodway, McLennan County, Texas, located at 22024 Woodway Drive. Mayor Pro Tem Sober seconded and the motion passed unanimously with the councilmembers present.

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ITEMS FOR INDIVIDUAL DISCUSSION, CONSIDERATION AND/OR ACTION

6. DISCUSSION AND BRIEFING CONCERNING THE CORONAVIRUS (COVID-19) AND ANY ACTIONS NECESSARY THERETO

Dr. Oubre provided the following:

- The Texas Department of Health State Services reports that there are currently 2,345,000 case of COVID in the United States
- The state has distributed over ten million of the COVID vaccines and have administered eight million of those doses throughout the state
- The McLennan County Health District vaccination site will continue to be McLane Stadium. They are continuing to receive 1,500 vaccinations for first COVID injections and 1,500 for second COVID injections.
- COVID testing is still ongoing and encouraged
- As of today, the state approved the counties opening up the 1C group (50 years of age and older) for vaccinations

There are no items in need of action.

7. DISCUSSION AND CONSIDER ACTION ON FY 2019 – 2020 ANNUAL AUDIT

Dr. Oubre provided that last week the Audit Committee, consisting of Councilmember Giddings (Chair), Mayor Pro Tem Sober and Councilmember Mercer, met and went over the audit with the Finance Director and the auditors.

Mr. Baxter Jander came forward to present the findings of the annual audit. He has met with the Audit Committee and thoroughly gone over the 2019-2020 audit for the City. Mr. Baxter presented informational slides on various aspects of the annual audit. This is an independent audit and the financial statements were fairly presented. The City received a clean opinion.

Following the presentation, Councilmember Giddings, City Council Audit/Investment Committee chair, provided comments. Councilmember Giddings moved to accept the 2019-2020 annual audit and Councilmember Russell seconded, and the motion passed unanimously by the Councilmembers present.

Councilmember Qourzal left the meeting at approximately 6:50 p.m.

8. DISCUSSION AND CONSIDER ACTION ON TERMINATING FOR CONVENIENCE, FINANCIAL SERVICES PROVIDED BY HILLTOP SECURITIES.

Dr. Oubre stated that staff advertised for Request for Qualifications (RFQs) at the end of 2020. When you engage professional services, you don't have to go out for sealed bids and take the lowest bidder. RFQs allow for them to tell you what they specialize in, how many people are in the firm, etc. We advertised RFQs for engineers, traffic planners, urban planners, financial advisors, bond counsel and for several other areas. We are thinking that we may be entering into the bond market sooner rather than later so one of things we wanted to look at was our financial advisor who we have had for several years. They did a good job but at this time we felt like another firm could better provide services to us. In looking at the current contract with Hilltop, it just automatically renewed itself by City Council's action so staff needs Council's action and it also requires a thirty (30) day notice. We are asking you to terminate the contract with Hilltop Securities and go with another firm.

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Mayor Pro Tem Sober moved to approve terminating Hilltop Securities for future financial services. Councilmember Russell seconded and the motion passed unanimously by the councilmembers present.

9. DISCUSSION AND CONSIDER ACTION ON SELECTION OF BOND COUNSEL FOR THE CITY.

Dr. Oubre stated that this is the same selection process. Your bond counsel engagement is the person who advises you, prepares all the documents, etc. His scope of work is just for that one bond issuance. You won't have a contract to terminate. After reviewing all the firms who submitted qualifications, staff is recommending Mr. Guy Goodson and Ms. Kate Leverett with the Germer Law Firm.

There was brief discussion regarding Dr. Oubre's knowledge of Mr. Goodson and Ms. Leverett.

Councilmember Giddings moved to approve hiring Mr. Guy Goodson and Ms. Kate Leverett from Germer Law Firm to represent the City as bond counsel. Mayor Pro Tem Sober seconded and the motion passed unanimously by the councilmembers present.

10. DISCUSSION AND CONSIDER ACTION ON SELECTION OF FINANCIAL ADVISOR FOR THE CITY.

Dr. Oubre provided that this selection of financial advisor is to replace Hilltop Securities. They went through the same process as the bond counsel. We checked references and we have people on staff who have personal knowledge and have used RBC capital before. They are the second largest financial advisor in the State of Texas.

Councilmember Giddings moved to approve and accept hiring Mr. Dustin Traylor from RBC Capital Markets, LLC to represent the City as financial advisor. Councilmember Russell seconded and the motion passed unanimously by the councilmembers present.

11. DISCUSSION AND CONSIDER ACTION ON APPROVING REPLACEMENT OF THE WOODWAY PUBLIC SAFETY BUILDING ROOF AS AN EMERGENCY REPAIR.

Dr. Oubre stated that the Public Safety building already had some leaks and we were going to bring this to you in the budget workshop. However, we also had some settling of the building which was creating some separation and added to the roof problems. We have re-leveled the building and now we are dealing with twenty – thirty leaks throughout the building. We don't feel this is something that can wait until the budget workshop and for the next fiscal year. We received three quotes and the quote from Cen-Tex Roofing is the only company on a state contract of cooperative purchasing program.

Councilmember Russell moved to approve the replacement of the Woodway Public Safety Building roof as an emergency repair using Cen-Tex Roofing. Councilmember Giddings seconded and the motion passed unanimously by the councilmembers present.

CONSENT AGENDA

12. A. Discussion and consider action on minutes of the regular City Council meeting held February 22, 2021, at 5:30 p.m.
- B. Discussion and consider action on minutes of the City Council Workshop held March 3, 2021, at 5:00 p.m.

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- C. Discussion and consider action on purchase of backup generator for Summit Lift Station.

Dr. Oubre provided information on Item C. No items were removed for individual discussion.

13. DISCUSSION AND CONSIDER ACTION ON CONSENT AGENDA

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

- A. Approve the minutes of the regular City Council meeting held February 22, 2021, at 5:30 p.m.
- B. Approve the minutes of the City Council Workshop held March 3, 2021, at 5:00 p.m.
- C. Authorize expenditure in the amount of \$50,148.00 to Cummins Sales and Service for the purchase of an onsite backup generator. Authorize \$6,765.00 for the installation and the startup of the generator to Maddox Electric, LLC.

Councilmember Russell seconded the motion and the motion passed unanimously by the Councilmembers present.

CITY MANAGER AND CITY COUNCIL REPORTS

14. CITY MANAGER'S REPORT

Mr. Oubre provided updates on the following:

- I will summarize my report on the winter storm damage and get that information to you
- William, Dr. Caballero and myself began wondering what the City's electricity bill was going to be. We pulled the contract and looked it over, and there is a section that gives us concern even though we have caps on our rate. The section we are concerned about talks about breaking the load threshold. I have been in discussions with our provider, GEXA. They negotiated with TCAP which we are a part of. They may have an answer for us by the end of the month. However, at this time, I don't know what to expect.

15. CITY COUNCIL REPORTS

No council reports at this time.

CLOSING ITEM

16. CONSIDER ACTION ON ADJOURNMENT

Councilmember Russell moved to adjourn the meeting. Mayor Pro Tem Sober seconded the motion, and the motion passed unanimously by the Councilmembers present. The meeting adjourned at 7:17 p.m.