

WOODWAY CITY COUNCIL MINUTES

April 26, 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, April 26, 2021, at 5:30 p.m. The following individuals were in attendance:

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| 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, Larry Adams, Mitch Davison, William Klump and Keith Lowrey |
| Councilmember Elect: | Gayle Avant |
| Contract Staff: | None |
| Registered Guests: | Guy Goodson, Germer Law Firm Dustin Traylor, RBC Capital Markets Roger Maddox, 8008 Rio Vista Shirley Zarbock, 1199 Western Oaks Dr. Lynn Strang, 8288 Forest Ridge Dr. Debbie Gerdis, 516 White Oak Dr. |

CALL MEETING TO ORDER

Mayor Kittner called the meeting to order at 5:30 p.m.

INVOCATION

1. INVOCATION

Mayor Pro Tem Sober provided the invocation.

PRESENTATIONS AND VISITORS

2. HEAR VISITORS

Roger Maddox, 8008 Rio Vista stated he was in attendance regarding Item #11 on the agenda. He is unable to stay for the meeting but wanted to state that he understands this item is for both the sewer and the Family Center. He is against anything that raise taxes and doesn't feel a new Family Center is needed.

3. PRESENTATION AND RECOGNITION OF RETIRING VOLUNTEER FIREFIGHTERS/RESERVE OFFICERS, RAY DOBBS AND DENNY STAPLETON

Chief Crook started off by recognizing two of the longest termed volunteer firefighters/reserve officers we have.

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Both have been with the City for approximately twenty-eight (28) years. They were both presented with a shadow box which included their patches and badges through the years. Mayor Kittner presented both Ray Dobbs and Denny Stapleton with an engraved clock on behalf of the City Council and Staff for their many years of dedicated and loyal service to the City.

4. PRESENTATION AND RECOGNITION OF OUTGOING CITY COUNCILMEMBER, VIC SOBER

Mayor Kittner presented Councilmember Vic Sober an engraved clock on behalf of the City Council and Staff for his dedicated service on the City Council.

5. PRESENTATION OF LIFE SAVING AWARD TO SERGEANT MARK HARTER AND CORPORAL RYAN MURRY

Assistant Chief Larry Adams presented the Life Saving Award to Sergeant Mark Harter and Corporal Ryan Murry for the quick and decisive actions they took when they responded to a call on March 9, 2021 of an unresponsive individual that undoubtedly saved the life of this individual.

6. QUARTERLY PRESENTATION – FINANCE DEPARTMENT

William Klump, Finance Director, presented the quarterly report for the Finance Department. He stated that we are halfway through the fiscal year which ended March 31, 2021. Mr. Klump discussed the general fund revenues and expenses, utility fund revenues and expenses, and tourism fund revenues and expenses.

Questions were answered by Mr. Klump and Dr. Oubre.

7. QUARTERLY PRESENTATION – PUBLIC SAFETY DEPARTMENT

Chief Crook presented the quarterly comparison statistical report for January 1 – March 31, 2020 and January 1 – March 31, 2021, for the Public Safety Department. He discussed statistics related to Communications Calls for Service, Patrol, Criminal Investigations and Crimes. The State has now lifted some restrictions as to what we can enforce on registrations and inspections. There were no questions.

ITEMS FOR INDIVIDUAL DISCUSSION, CONSIDERATION AND/OR ACTION

8. DISCUSSION AND CONSIDER ACTION ON REQUEST FOR APPROVAL OF FINAL REPLAT OF RAINBOW LAKE ADDITION, LOT 68, BLOCK A TO THE CITY OF WOODWAY, MCLENNAN COUNTY, TEXAS, BEING ALL OF TRACT 1 DESCRIBED AS LOTS 43 – 46, BLOCK A OF THE RAINBOW LAKE SUBDIVISION, TO THE CITY OF WOODWAY, MCLENNAN COUNTY, TEXAS, AS PER PLAT OF RECORD IN VOLUME 275, PAGE 278 OF THE DEED RECORDS OF MCLENNAN COUNTY, TEXAS, AND ALL OF TRACT 2 DESCRIBED IN A DEED TO MARY ANNE GARDNER, RECORDED UNDER MCLENNAN COUNTY CLERK'S FILE NUMBER 2019025233 OF THE OFFICIAL PUBLIC RECORDS OF MCLENNAN COUNTY, TEXAS

Mayor Kittner recused herself from this item and asked Mayor Pro Tem Sober to handle this item.

Dr. Oubre provided that this request is before you due to the variance request. When Rainbow Lake was originally platted (before the City's platting process) it failed to meet the City's requirement of having a minimum public street

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frontage of 100 ft. This lot size at the front street in Rainbow Lake does not meet what your minimum requirement is. The Planning and Zoning Commission heard this on April 13, 2021 and approved for your consideration. Staff recommends approval.

Councilmember Giddings moved to approve the variance and final plat of Rainbow Lake Addition, Lot 68, Block A to the City of Woodway McLennan County, Texas, being all of Tract 1 described as Lots 43 – 46, Block A of the Rainbow Lake Subdivision, to the City of Woodway, McLennan County, Texas, as per plat of record in Volume 275, Page 278 of the Deed Records of McLennan County, Texas, and all of Tract 2 described in a deed to Mary Anne Gardner, recorded under McLennan County Clerk's File Number 2019025233 of the Official Public Records of McLennan County, Texas. Councilmember Russell seconded, and the motion passed with Mayor Kittner abstaining from the vote.

9. DISCUSSION AND CONSIDER ACTION ON APPROVING BOND COUNSEL ENGAGEMENT WITH GERMER PLLC

Dr. Oubre introduced Guy Goodson who is with Germer Law Firm and Dustin Traylor who is with RBC Capital who is your financial advisor. Late last year staff put out a request for qualifications to redo and update all professional services with the City, including architects, engineers, bond counsel and financial advisors. The bond counsel engagement is before you now because the costs are actually tied to what you are in the bond market for.

Councilmember Qourzal moved to authorize the Mayor to execute the Bond Counsel engagement with Germer PLLC for the City in issuance of \$18,600,000 Tax & Revenue Certificates of Obligations, Series 2021. Councilmember Mercer seconded and the motion passed unanimously.

10. PRESENTATION BY FINANCIAL ADVISOR/BOND COUNSEL ON PROPOSED TAX & REVENUE CERTIFICATES OF OBLIGATION, SERIES 2021

Dustin Traylor, Managing Director with RBC Capital Markets, provided a presentation to the Council and reviewed with them. He provided an overview of the City's existing debt. He then went over an overview of the analysis they were asked to prepare for the City on the City's bond capacity and the impacts of these two projects if the City Council chooses to move forward. He provided different scenarios for each project at an amortized schedule for 20 years and for 25 years.

The City's current bond rating is outstanding at AA+ from Standard and Poor's. This should give the City very good access to the market when it comes time to sell these and provide very good interest rates because of the strong credit quality of the City of Woodway.

He also provided an estimated tax rate impact for the Family Center on a 20-year amortization of \$0.0327 cents increase and a 25-year amortization of \$0.0282 cents per year. An estimated monthly utility bill impact on the Sewer Project for a 20-year amortization of \$15.80 per month, per connection and on a 25-year amortization a \$13.59 per month, per connection.

Guy Goodson followed up on Mr. Traylor's presentation. He provided information on Certificates of Obligation which the City has issued for water and sewer projects in 2016 and 2017 and what is proposed tonight. These are tax exempt obligations that are sold into the public marketplace. He laid out the procedure and time period for the Notice of Intention to be posted and published in the newspaper. The earliest date these can be issued is June 14, 2021.

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Mayor Kittner provided that the Council has been discussing this for a while but the sewer project is really critical and the timing of this issuance is set so that the sewer project for Phase 3 proceeds with the continuity of the project so we can move from Phase 2 directly into Phase 3 and have it funded.

11. DISCUSSION AND CONSIDER ACTION ON ORDINANCE 21-02 AUTHORIZING AND APPROVING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CITY OF WOODWAY, TEXAS TAX & REVENUE CERTIFICATES OF OBLIGATION, SERIES 2021 (THE “CERTIFICATES”) IN A MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED \$18,600,000; AUTHORIZING THE MAYOR, CITY MANAGER, CITY CLERK, CITY STAFF, CITY FINANCIAL ADVISORS, LEGAL COUNSEL AND BOND COUNSEL TO TAKE ALL ACTIONS DEEMED NECESSARY IN CONNECTION WITH THE ISSUANCE AND SALE OF SUCH CERTIFICATES; AND PROVIDING AN EFFECTIVE DATE

Dr. Oubre provided the Notice of Intent for consideration is for an amount not to exceed \$18,600,000. That number can change and knows that the Council is interested in blending a use of some reserves which has been discussed before, rate adjustments to the water and sewer rates or some type of combination. For the Family Center the ad valorem tax consideration which approximately \$800,000.00 has been earmarked in the budget. We still don't know what to expect from the third round of the CARES ACT COVID money. It is limited to certain uses.

Councilmember Qourzal asked for clarification from Dr. Oubre as to what action is being taken today. Dr. Oubre stated that what the Council will be taken action on tonight is the narrative of not to exceed notice to the public which starts the clock ticking on notifications to the public that you are going to issue bonds for two projects, one being the sewer line project and a new family center doubling its size and programs.

Mr. Goodson went over the procedure and time period for the Notice of Intention to be posted and published in the newspaper. The earliest date these can be issued is June 14, 2021.

There was discussion of what additional costs would be involved if the projects were split.

The Mayor invited citizens an opportunity to speak on this item.

Shirley Zarbock, 1199 Western Oaks Dr – Concerned about the new Family Center. She and her husband are retired and doesn't feel this is a good time to tear down and build a new one. The Family Center does not benefit her family.

Lynn Strang, 8288 Forest Ridge Dr – Concerned that the City is competing with the school districts and the churches for recreational facilities. He would ask that the Council honor the taxpayer as much as possible.

Debbie Gerdis, 516 White Oak Dr. – Speaking on behalf of the retired citizens, \$60.00 a year is a lot for us.

Councilmember Russell stated that he would like to see this broke out in two bonds, whether it is an election or not.

A lengthy discussion was had.

Mayor Kittner provided a brief history on how and when the City acquired the Family Center. She reported the building has electrical and sewer issues. She also stated that it is very expensive to heat and cool. She feels it has come to the end of its lifetime. It is approximately forty-six (46) years old. She stated that for years the City Council has discussed replacing the Family Center and saving money towards the project.

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Councilmember Qourzal also commented that the City needs a new Family Center. He feels they have been working on this for too long to stop.

Mayor Pro Tem Sober moved to adopt Ordinance 21-02, authorizing and approving publication of Notice of Intention to Issue Combination Tax and Revenue Certificates of Obligation Series 2021 (The “Certificates”) in a maximum principal amount not to exceed \$18,600,000; authorizing the Mayor, City Manager, City Clerk, City Staff, City Financial Advisors, Legal Counsel and Bond Counsel to take all actions deemed necessary in connection with the issuance and sale of such certificates; and providing an effective date. Councilmember Mercer seconded, Mayor Kittner read aloud the caption of the ordinance as required, and the motion passed with the majority voting in favor and Councilmember Russell voting against.

12. DISCUSSION AND CONSIDER ACTION ON MOWING THE FIELD AT WHITEHALL PARK PRIOR TO THE END OF BLOOMING SEASON FOR BLUEBONNETS AND OTHER WILDFLOWERS

Dr. Oubre stated that this is always a touchy subject and Councilmember Qourzal had asked him about mowing the area in the middle of the walking track at Whitehall Park. The City’s practice has been not to mow the flowers until they have seeded out due to complaints from the neighbors and walkers. Their concern is mowing during the blooming season or seeding season.

Councilmember Qourzal is requesting action on mowing the middle of the walking track at Whitehall Park. Currently, you will see an overgrown, high grass, high foliage area. The area inside the walking track is currently un-useable for anyone who wants to play football, soccer, disc golf, etc., that are enjoyed at Whitehall Park in that area. He has received requests from several constituents if we can mow that center area to make it more feasible for activities.

There was a brief discussion.

Councilmember Qourzal moved to mow the center field of the walking track at Whitehall Park prior to the end of blooming season of the bluebonnets and other wildflowers. Councilmember Russell seconded and the motion passed with Mayor Protem Sober, Councilmember Qourzal, Councilmember Mercer and Councilmember Russell voting in favor and Mayor Kittner, Councilmember Giddings and Councilmember Cook voting against.

CONSENT AGENDA

13. A. DISCUSSION AND CONSIDER ACTION ON MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD APRIL 12, 2021, AT 5:30 P.M.
- B. DISCUSSION AND CONSIDER ACTION ON APPROVING EXPENDITURE IN THE AMOUNT OF \$35,285.78 TO RBDR ARCHITECTS FOR DESIGNS AND CIVIL ENGINEERING/SURVEYING CHARGES FOR A NEW WOODWAY FAMILY CENTER
- C. DISCUSSION AND CONSIDER ACTION ON ADOPTING RESOLUTION R-21-04, FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC’S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH OCSC; AUTHORIZING THE HIRING OF LEGAL COUNSEL AND CONSULTING SERVICES; FINDING THAT THE CITY’S REASONABLE RATE CASE

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EXPENSES SHALL BE REIMBURSED BY THE COMPANY

- D. DISCUSSION AND CONSIDER ACTION ON APPROVING THE PURCHASE AND INSTALLATION OF AN EMERGENCY WARNING SIREN NEAR NEW DEVELOPMENT AROUND RITCHIE AND OLD MCGREGOR ROAD
- E. DISCUSSION AND CONSIDER ACTION ON RESOLUTION R-21-05, DECLARING PROPERTY EXCESS TO THE CITY'S NEEDS AND AUTHORIZING THE DISPOSAL OF SAME
- F. DISCUSSION AND CONSIDER ACTION APPROVING RATE INCREASE OF TWO PERCENT (2%) TO THE BASE RESIDENTIAL RATE FOR YEAR FIVE (5) OF THE CONTRACT BETWEEN THE CITY AND FRONTIER ACCESS, LLC FOR WASTE COLLECTION

Dr. Oubre provided information on Items B through F. No items were removed for individual discussion.

14. 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 April 12, 2021, at 5:30 p.m.
- B. Authorize expenditure in the amount of \$35,285.78 to RBDR Architects for designs and civil engineering/surveying charges for a new Woodway Family Center
- C. Adopt Resolution R-21-04, finding that Oncor Electric Delivery Company LLC's Application for Approval to Amend its Distribution Cost Recovery Factor to Increase Distribution Rates within the City should be Denied; Authorizing Participation with OCSC; Authorizing the Hiring of Legal Counsel and Consulting Services; Finding that the City's Reasonable Rate Case Expenses shall be Reimbursed by the Company
- D. Approve the purchase and installment of an emergency warning siren near new development around Ritchie and Old McGregor Road from American Communications
- E. Adopt Resolution R-21-05, declaring property excess to the City's needs and authorizing the disposal of same in the best interest of the City of Woodway
- F. Approve a rate increase of two percent (2%) to the base residential rate for year five (5) of the service contract between the City and Frontier Access, LLC for waste collection

Councilmember Qourzal seconded the motion and the motion passed unanimously.

CITY MANAGER AND CITY COUNCIL REPORTS

15. CITY MANAGER'S REPORT

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Mr. Oubre provided updates on the following:

- Thursday of this week, I will be closing on the Carleen Bright house
- We are currently in discussions with the County and they are writing a grant to replace the Verizon Tower which will then be a county tower. They are working with HOTCOG on the grant. The target height will be right at 200 feet and it is currently 180 feet. It will be a monopole tower.

16. CITY COUNCIL REPORTS

Councilmember Russell reported that the Parks and Recreation Commission did not meet.

CLOSING ITEM

17. CONSIDER ACTION ON ADJOURNMENT

Mayor Pro Tem Sober moved to adjourn the meeting. Councilmember Giddings seconded the motion, and the motion passed unanimously. The meeting adjourned at 7:31 p.m.

Donna Barkley, City Secretary

Mayor