

WOODWAY CITY COUNCIL MINUTES

August 9, 2021

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, August 9, 2021, at 5:30 p.m. The following individuals were in attendance:

Mayor:	Absent
Mayor Pro Tem:	Scott A. Giddings
Councilmembers:	Amine Qourzal, David Russell, Storey Cook and Gayle Avant
Absent:	David Mercer
City Manager:	Shawn Oubre
City Secretary:	Donna Barkley
City Staff:	Lenny Caballero, Mitch Davison, Bret Crook and Larry Adams
Contract Staff:	None
Registered Guests:	None

CALL MEETING TO ORDER

Mayor Pro Tem Giddings called the meeting to order at 5:31 p.m.

INVOCATION

1. INVOCATION

Councilmember Qourzal provided the invocation.

PRESENTATIONS AND VISITORS

2. QUARTERLY PRESENTATION – PUBLIC SAFETY DEPARTMENT

This is the quarterly comparison statistics for April 1 – June 30, 2020 and April 1 – June 30, 2021. He discussed statistics for Police Calls for Service, Fire/EMS Calls for Service, VCO Calls for Service, Traffic Stops, Accidents, Arrests, Citations, Online Solicitation, Burglaries, Thefts, Sex Crimes, Assaults and Weapon Violations. He also provided the top four offenses. There were no questions.

3. HEAR VISITORS

No visitors came forward to speak at this time.

ITEMS FOR INDIVIDUAL DISCUSSION, CONSIDERATION AND/OR ACTION

4. DISCUSSION AND CONSIDER ACTION ON ACCEPTANCE OF APPLICATION TO DEVELOP IN A PLANNED DISTRICT (MEDICAL OFFICE) LOT 7, BLOCK 8, OF THE WOODWAY CENTER ADDITION TO THE CITY OF WOODWAY, MCLENNAN COUNTY, TEXAS LOCATED IN THE 200 BLOCK OF ARCHWAY DRIVE

Dr. Oubre provided that this is next to the additional parking lot of First Central National Bank on Woodway Drive. This is coming to you just for acceptance of the application.

Councilmember Avant moved to accept the Application in a Planned District (medical office) Lot 7, Block 8, of the Woodway Center Addition to the City of Woodway, McLennan County, Texas located in the 200 Block of Archway Drive. Councilmember Russell seconded, and the motion passed unanimously by the councilmembers present.

5. DISCUSSION AND PROVIDE DIRECTION ON SHORT TERM RENTALS

Dr. Oubre stated that the reason for the presentation is because the Council had requested information regarding the short-term rentals a few months ago. At that time, Dr. Oubre had asked them to defer this request until after the legislative session. There was no action taken during the last legislative session on the proposed bills regarding short-term rentals so staff has gathered the requested information. Currently, the City does not allow short-term rentals. It is an interpretation of an existing ordinance. Staff on a regular basis search these short-term rental sites and when someone is advertising for one in the City, we send them a cease and desist letter. This seems to be working as far as being able to police it. At the same time, these places aren't inspected or permitted, nor are they registered for collecting hotel/motel taxes.

Mitch Davison presented a PowerPoint presentation on short-term rentals. He defined what a short-term rental actually is and what is allowed in an R-1 District currently. He provided some pros and cons to allowing short-term rentals along with how some neighboring cities are regulating these rentals.

A few years ago, we brought this to Council to get feed back on how they wanted to enforce this. We were told at that time that Council did not want these in the R-1 neighborhoods. In our Appendix A Zoning Ordinance, Section 2.804: Certain Uses/Occupations Not Permitted: A tourist home is listed and renting of rooms except as a companion or care provider for a handicapped, ill or aged person who is a resident of the premises. Pool houses and guest houses are permitted, but you can't charge rent for them.

After a brief discussion, City Council directed staff to prepare an ordinance that would allow short-term rentals for their review.

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CONSENT AGENDA

9. A. DISCUSSION AND CONSIDER ACTION ON MINUTES OF THE SPECIAL CITY COUNCIL MEETING HELD JULY 7, 2021, AT 5:30 P.M.
- B. DISCUSSION AND CONSIDER ACTION ON MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JULY 12, 2021, AT 5:30 P.M.
- C. DISCUSSION AND CONSIDER ACTION ON MINUTES OF THE BUDGET WORK SESSION HELD JULY 15, 2021, AT NOON
- D. DISCUSSION AND CONSIDER ACTION ON REQUEST FROM MIKE OCHOA, JR., FOR THE RENEWAL OF A SPECIAL USE PERMIT FOR A HOME OCCUPATION (FIREARM SALES AND FIREARM TRANSFERS) AT 317 HARVEY DRIVE, WOODWAY, TEXAS
- E. DISCUSSION AND CONSIDER ACTION ON AWARD OF BID 21-03, CITY OF WOODWAY FAIRWAY GRAVITY SEWER REPLACEMENT, PHASE III

Dr. Oubre provided comments on items D and E. Councilmember Qourzal asked to remove Item 6D from the Consent Agenda for individual discussion.

7. DISCUSSION AND CONSIDER ACTION ON CONSENT AGENDA

Councilmember Qourzal moved the Consent Agenda be approved as follows:

- A. Approve the minutes of the of the special City Council meeting held July 7, 2021, at 5:30 p.m.
- B. Approve the minutes of the regular City Council meeting held July 12, 2021, at 5:30 p.m.
- C. Approve the minutes of the Budget Work Session held July 15, 202, at noon
- E. Award Bid 21-03, City of Woodway Fairway Gravity Sewer Replacement, Phase III Project, to D. Guerra Construction, LLC, in the amount of \$10,619,039.35

Councilmember Cook seconded the motion, and the motion passed unanimously by the councilmembers present.

- 6D. DISCUSSION AND CONSIDER ACTION ON REQUEST FROM MIKE OCHOA, JR., FOR THE RENEWAL OF A SPECIAL USE PERMIT FOR A HOME OCCUPATION (FIREARM SALES AND FIREARM TRANSFERS) AT 317 HARVEY DRIVE, WOODWAY, TEXAS

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There was a brief discussion as to if there was an audit since it involves firearm sales. Dr. Oubre and Chief Crook provided that this would be at the federal level. The City does not have any authority to monitor or regulate the books of a licensed firearm dealer.

Councilmember Russell moved to approve the request received from Mike Ochoa, Jr., for the renewal of his Special Use Permit for a Home Occupation (firearm sales and firearm transfers) at 317 Harvey Drive, Woodway, Texas. Councilmember Avant seconded and the motion passed with only Councilmember Qourzal opposing the request.

ITEMS RELATED TO PROPOSED 2021/2022 ANNUAL BUDGET AND PROPOSED 2021 AD VALOREM TAX RATE

8. DISCUSSION AND CONSIDER ACTION ON ACCEPTANCE OF 2021 AD VALOREM TAX VALUES AS CERTIFIED BY THE MCLENNAN COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS

Dr. Oubre stated that we are asking you to certify the tax rolls as identified by the McLennan County Appraisal District. This is so we can set the tax rate as we know how much every penny will raise and it also sets the “no-new tax rate” and the “voter approval tax rate”.

Councilmember Cook moved to accept the 2021 City of Woodway ad valorem tax roll totals as certified by the McLennan County Appraisal District Board of Directors and delivered to the City of Woodway on July 22, 2021. Councilmember Qourzal seconded, and the motion passed unanimously by the councilmembers present.

9. FOLLOW-UP DISCUSSION ON PROPOSED ANNUAL BUDGET AND PROPOSED AD VALOREM TAX RATE, AND CONSENSUS ON PROPOSED TAX RATE

Dr. Oubre stated that he first wanted to bring to the Council’s attention a correction on totals provided from the tax office that changed information provided on the Public Hearing Notice to adopt the 2021-2022 proposed budget. This new information was received after the Notice was posted and published within the time frame required by the City’s Charter.

Follow-up discussion on the proposed annual budget and Dr. Oubre provided copies of the following for the Council’s review:

- 2021-2022 Utility Rate Increase Notice (provided to the public via City’s newsletter, website, social media and included in water bills)
 - Frontier Garbage
 - Sewer project cost
- City of Woodway Property Appraisals & Values with our insurer, Texas Municipal League

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- Blue Cross Blue Shield rates (coming in a little higher than what we budgeted for)

We are proposing the tax rate of \$.4700 per \$100 value which falls below the voter-approval tax rate of \$.480291.

Although, this item was not for a formal vote, per Truth-in-Taxation, a consensus on the proposed tax rate was necessary in order to move forward with subsequent items on the agenda. As such, Dr. Oubre asked for a consensus on covering the insurance increase. With no one opposed, consensus was reached that the proposed 2021 ad valorem tax rate would be .0047 per \$100 of appraised property value.

10. DISCUSSION AND CONSIDER ACTION ON PROPOSAL TO PLACE AN ACTION ITEM ON A FUTURE MEETING AGENDA FOR THE PURPOSE OF ADOPTING A 2021 AD VALOREM TAX RATE

This item is required by Truth-in-Taxation. Dr. Oubre provided that the no-new revenue tax rate is \$.420790 and the voter-approval tax rate is \$.480291.

As required by Truth-in-Taxation, and with the Council reaching a consensus on a proposed tax rate, Councilmember Cook moved to place an action item on a future meeting agenda for the purpose of adopting a proposed tax rate of .4700/\$100 of property value. Councilmember Qourzal seconded and the motion passed unanimously by the councilmembers present. (The record vote, as required by Truth-in-Taxation, is as follows: Giddings – For, Qourzal – For, Russell – For, Cook – For and Avant – For)

11. DISCUSSION AND CONSIDER ACTION ON SETTING THE DATE, TIME AND PLACE FOR THE REQUIRED PUBLIC HEARING ON THE PROPOSED 2021 AD VALOREM TAX RATE

This item is required by Truth-in-Taxation. Councilmember Qourzal moved to set the required public hearing on the 2021 proposed tax rate for Monday, August 23rd at 5:30 p.m., in the Donald J. Baker Council Chambers at Woodway City Hall, 922 Estates Drive, Woodway, Texas. Councilmember Cook seconded, and the motion passed unanimously by the councilmembers present.

CITY MANAGER AND CITY COUNCIL REPORTS

12. CITY MANAGER'S REPORT

Dr. Oubre provided:

- Staff has decided to cancel the seasonal volleyball and flag football due to COVID and the sewer project. Will do a volleyball clinic at Pogue Park and a football clinic at Whitehall Park
- We were looking at partnering with Woodway Elementary School to upgrade the school park through a grant. However, we have since found a new application process and we may not be a

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- qualifying entity anymore
- The Government Finance Officers Association has awarded William Klump for at least the 23rd consecutive year for the Achievement Award.
- We sent some rebranding items to President George W. Bush along with some other “popular” people. President Bush sent a “thank-you” letter which we have framed and will hang here at City Hall.

13. CITY COUNCIL REPORTS

Mayor Pro Tem Giddings stated that his daughter participated in the volleyball clinic and that it was well organized and well run.

Councilmember Qourzal complimented staff on the new bathrooms at Poage Park. Dr. Oubre stated that the same has been done at Whitehall Park.

CLOSING ITEMS

14. 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 6:33 p.m.

Donna Barkley, City Secretary

Jane Kittner, Mayor