

## **WOODWAY CITY COUNCIL MINUTES**

January 24, 2022 – 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, on Monday, January 24, 2022, at 5:30 p.m. The following individuals were in attendance:

Mayor:	Jane Kittner
Mayor Pro Tem:	Scott A. Giddings
Councilmembers:	Amine Qourzal, David Mercer, David Russell, Storey Cook and Gayle Avant
Absent:	None
City Manager:	Shawn Oubre
City Secretary:	Donna Barkley
City Staff:	Lenny Caballero, John Norman and Larry Adams
Contract Staff:	None
Registered Guests:	Paula Teer, 810 Poage Dr., Woodway, TX Phil Reeder, 434 Woodfall Dr., Woodway, TX Lori Whitsell, 431 Woodfall Dr., Woodway, TX Betsy Reeder, 434 Woodfall Dr., Woodway, TX Richard Maker, 14010 Harbor Dr., Woodway, TX Debbie Sartain, 410 Woodfall, Woodway, TX Don and Pam Schreiber, 411 Shadow Mountain Dr., Woodway, TX Ray and Denise Jones, 405 Shadow Mountain Dr., Woodway, TX Linda McGregor, 407 Shadow Mountain, Woodway, TX Dave and Cheryl Keyston, 400 Shadow Mountain, Woodway, TX Sammy and Delonda Citrano, 15023 Sendero Ln., Woodway, TX 76712 Mark Hays, 802 Wooded Crest, Woodway, TX 76712 David G. Henry, 418 Riverview, Woodway, TX 76712

### **CALL MEETING TO ORDER**

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

### **INVOCATION**

#### **1. INVOCATION**

Councilmember Qourzal provided the invocation.

### **PRESENTATIONS AND VISITORS**

#### **2. HEAR VISITORS**

There were several Woodway citizens in attendance and the following citizens spoke regarding their concerns for the pending housing development in the area of Woodfall, Shadow Mountain, Harbor and Poage area:

## WOODWAY CITY COUNCIL MINUTES

Page 2

January 24, 2022

- Dr. Phil Reeder, 434 Woodfall Dr., Woodway, TX
- Lori Whitsell, 431 Woodfall Dr., Woodway, TX
- Paula Teer, 810 Poage Dr., Woodway, TX
- Betsy Reeder, 434 Woodfall Dr., Woodway, TX
- David Henry, 418 Riverview, Woodway, TX
- Richard Maker, 14010 Harbor, Woodway, TX
- Linda McGregor, 407 Shadow Mountain, Woodway, TX
- Cheryl Keyston, 400 Shadow Mountain Dr., Woodway, TX

Many of their concerns include but are not limited to the following: safety, additional traffic, flood concerns, encroachment, maintenance of new streets, and concern for trees and wildlife.

There were also lists of written questions provided to the City Manager regarding this pending development. The City Manager stated that he would reply to the questions and send his responses to those in attendance who leave their contact information.

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

#### **3. DISCUSSION AND CONSIDER ACTION ON AUTHORIZING THE CITY MANAGER TO HIRE AN INTERIM FINANCE DIRECTOR DURING THE ABSENCE OF THE CITY'S FINANCE DIRECTOR**

Dr. Oubre provided that our Finance Director has been on medical leave since January 4<sup>th</sup> to the present. It is unclear when his return date will be. We are in the middle of the annual audit, his department handles payroll, accounts receivables, accounts payables and monitors accounts as well as ongoing investments with the City. I have discussed this topic and concerns with our current auditors and with other CPA firms as well as the banks we do business with. I have also discussed this with the Government Finance Officers Association of Texas as well as Texas First Group Replacement Services. I have two people interested in part-time work which will include some remote work. This will just be temporary until the City's Finance Director can return to work.

There was a brief discussion.

Councilmember Russell moved to authorize the City Manager to hire an interim Finance Director during the absence of the City's Finance Director. Mayor Pro Tem Giddings seconded the motion, and the motion passed unanimously.

#### **4. DISCUSSION AND CONSIDER ACTION ON THE PROPOSED AMENDMENTS TO APPENDIX A-ZONING OF THE WOODWAY CODE OF ORDINANCES, PART TWO, USE OF LAND OR PREMISES, SECTION 2.2, SPECIAL REGULATIONS ARE MADE FOR PLANNED DISTRICTS AND SECTION 2.10, SITE DEVELOPMENT PLANS**

Dr. Oubre provided that as we have been working through the proposed overlay district map, in order to implement it we found through our research we needed to update or do away with the Application to

## WOODWAY CITY COUNCIL MINUTES

Page 3

January 24, 2022

Develop in Planned Commercial, while updating Appendix A- Zoning, 2.2 and 2.10. The Ordinance Committee met last week and would prefer to keep the Application to Develop and make some minor changes. The Economic Development Committee also met and asked for a recommendation from the staff which staff recommended doing away with the Application to Develop and updating Appendix A- Zoning 2.2 and 2.10 to reflect this. There have been many previous discussions on this matter. Whatever the Council decides tonight we will propose to the Planning and Zoning Commission to make a recommendation back to City Council for final approval.

Dr. Caballero provided that this is for commercial development and not residential. While looking at Section 2.10 of the Appendix A-Zoning which is the Site Development Plans and Section 2.2 which is for the Application to Develop. Currently by law, if someone wants to rezone a property it goes through Planning & Zoning and then City Council. We are not talking about rezoning, we are talking about an application to develop. Currently, when an application to develop is received it comes to City Council, then to Planning & Zoning and back to City Council. The Site Development Plan which is Section 2.10 is for a building permit or certificate of occupancy which also goes through Planning & Zoning and City Council. What we are recommending is that on the Application to Develop, as long as it is zoned properly, the developer goes through the Site Development Plans and follows all the City's ordinance requirements and they get their building permit. If they don't meet the requirements or need a variance it will still need to go to Planning & Zoning and City Council. Staff's recommendation would merge Sections 2.2 and 2.10 and doing away with the Application to Develop.

The Mayor provided that when the Ordinance Review Committee met, they discussed eliminating the first step in the application to develop process which is the acceptance by City Council and just having that taken care of by staff. This would still allow Planning & Zoning and City Council the opportunity to look at it.

Councilmember Mercer questioned "to what gain" is it by retaining this process?

Mayor Kittner responded that the present zoning ordinance has very few requirements on commercial property because of the Application to Develop process which was seen as a way to review things. There are no requirements on commercial property right now for any setbacks unless next to residential. There are a lot of things not in the ordinance because the procedure was created the other way.

Councilmember Mercer suggested correcting the ordinances instead of placing a burdensome requirement on a landowner. His concern is that the Application to Develop has no substance.

Mayor Kittner stated that the current ordinance does allow the City Council and the Planning & Zoning Commission to make recommendations for changes in circulation, the layout of the site, etc.

There was continued discussion.

Mayor Kittner, Councilmember Russell and Councilmember Cook stated that they still like the idea of the Planning & Zoning Commission along with the City Council being able to review the plan.

There was additional discussion.

## WOODWAY CITY COUNCIL MINUTES

Page 4

January 24, 2022

Dr. Caballero reiterated to the City Council that tonight we just need for them to decide whether or not they want to eliminate or continue the Application to Develop form with the corresponding ordinance amendments and submit to the Planning and Zoning Commission for their recommendation to the City Council.

There was additional discussion about eliminating the first portion of the Application to Develop which is leaving the acceptance of the Application to staff.

Councilmember Russell moved to continue with the Application to Develop form and Ordinance 2.2 and eliminate the first City Council review process and submitting the proposed amendments of Section 2.2 and 2.10 of Appendix A-Zoning, Part Two, to the Planning and Zoning Commission. Councilmember Avant seconded the motion, and the motion passed with a 6-1 vote. In favor: Kittner, Giddings, Qourzal, Russell, Cook and Avant. Opposed: Mercer

### **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.*

5.      A.      DISCUSSION AND CONSIDER ACTION ON MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JANUARY 10, 2022, AT 5:30 P.M.
- B.      DISCUSSION AND CONSIDER ACTION ON RESOLUTION R-22-01, CONFIRMING THE INVESTMENT POLICY OF THE CITY OF WOODWAY
- C.      DISCUSSION AND CONSIDER ACTION ON RESOLUTION R-22-02, NOMINATING CANDIDATES FOR ELECTION TO THE BOARD OF DIRECTORS AT THE ANNUAL MEETING OF THE BLUEBONNET WATER SUPPLY CORPORATION

Dr. Oubre provided information on Items B and C. No items were removed for individual discussion.

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

Mayor Pro Tem Giddings moved that the Consent Agenda be approved as follows:

- A.      Approve the minutes of the regular meeting held January 10, 2022, at 5:30 p.m.
- B.      Adopt Resolution R-22-01, confirming the City of Woodway Investment Policy.
- C.      Adopt Resolution R-22-01, nominating candidates for election to the Board of Directors at the annual meeting of Bluebonnet Water Supply Corporation.

Councilmember Cook seconded the motion, and the motion passed unanimously.

**CITY MANAGER AND CITY COUNCIL REPORTS**

7. 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)

Dr. Oubre provided:

- Copies from Kasia Redden of responses from the recent survey that went out in the Woodway newsletter.
- We are schedule to host the next TML Regional meeting on February 23<sup>rd</sup>. It is important that you go to represent the City.
- The State Fire Commission has completed its inspection of fire services at Public Safety. There are no issues of concern and feel they will issue a good report.
- February 28<sup>th</sup> and May 23<sup>rd</sup> are schedule City Council meetings that will conflict with the election dates. The City Council Chambers is used as a County-wide election site. The problem is the 5:30 p.m. meeting will push back when the election judge can come in and set everything up for the next morning to accept voters. We will need to reschedule the time for these two meetings.
- We will schedule a combined Planning & Zoning/City Council workshop to discuss the Highway 84 Overlay District.

8. CITY COUNCIL REPORTS (BRIEFINGS OR UPDATES MAY BE PROVIDED REGARDING CITY COUNCIL COMMITTEE AND LIAISON ASSIGNMENTS)

Councilmember Cook provided there is a scheduled Parks and Recreation Committee meeting this week. She also noted her excitement for the grand opening of the Woof-Way Dog Park on February 12<sup>th</sup> from 10 a.m. to 12 p.m.

**CLOSING ITEMS**

9. CONSIDER ACTION ON ADJOURNMENT

Councilmember Russell moved to adjourn the meeting. Councilmember Avant seconded the motion, and the motion passed unanimously. The meeting adjourned at 6:51 p.m.