

## **WOODWAY CITY COUNCIL MINUTES**

February 14, 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, February 14, 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
Acting City Secretary:	Jennifer Rogers
City Staff:	Lenny Caballero, Mitch Davison, Bret Crook and Larry Adams
Contract Staff:	None
Registered Guests:	Roger McCabe 10813 Rick Dr., Woodway, TX Lori Whitsell, 431 Woodfall Dr., Woodway, TX Richard Maker, 14010 Harbor Dr., Woodway, TX David G. Henry, 418 Riverview Dr., Woodway, TX Phillip Reeder, 434 Woodfall Dr., Woodway, TX Donald and Karen Bailey, 202 Trailview Dr., Woodway, TX Linda King, 13717 Harbor Dr., Woodway, TX Marshall Stewman, 15002 Sendero Ln., Woodway, TX Paula Teer, 810 Poage Dr., Woodway, TX Josh Tetens, 2530 Colcord, Waco, TX Hal Harris, 410 Riverview Dr., Woodway, TX Denise Jones, 405 Shadow Mountain Dr., Woodway, TX Don and Pam Schreiber, 411 Shadow Mountain Dr., Woodway, TX Jacob Bell, 823 Washington Ave., STE 100, Waco, TX Ryan Luna, 501 Washington Ave., Waco, TX Edward Young, 13740 Harbor Dr., Woodway, TX Gemma Lopez, 13725 Riverview Dr., Woodway, TX Nancy Goebel, 14009 Horseshoe Circle, Woodway, TX

### **CALL MEETING TO ORDER**

Mayor Kittner called the meeting to order at 5:31 p.m.

### **INVOCATION**

#### **1. INVOCATION**

Councilmember Qourzal provided the invocation.

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### **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 between Poage Drive and Harbor Drive which include but are not limited to the following: safety, additional traffic, flood concerns, encroachment, maintenance of new streets, public utilities, and concern for trees and wildlife.

- Dr. Phil Reeder, 434 Woodfall Dr., Woodway, TX
- Lori Whitsell, 431 Woodfall Dr., Woodway, TX
- Richard Maker, 14010 Harbor Dr., Woodway, TX
- Edward Young, 13740 Harbor Dr., Woodway, TX
- Paula Teer, 810 Poage Dr., Woodway, TX
- Betsy Reeder, 434 Woodfall Dr., Woodway, TX
- Roger McCabe, 10813 Rick Dr., Woodway, TX
- Dailey John Dieterich, 704 Poage, Woodway, TX
- Donald Bailey, 202 Trailview Dr., Woodway, TX

There were lists of written questions provided to the City Manager regarding this pending development.

Also in attendance were Ryan Luna, 501 Washington Avenue, Waco, Texas. He was there to introduce himself as the current County Court At-Law 3 Judge and asking for support for re-election. Josh Tetens, 2530 Colcord Avenue, Waco, Texas, introduced himself and stated he is seeking the position of District Attorney in McLennan County and asking for support as well.

#### 3. QUARTERLY PRESENTATION – FINANCE DEPARTMENT

Dr. Oubre provided that the City's Finance Director hasn't been back in the office to be able to put the presentation together. Dr. Oubre will work on it in the next two weeks to have something for the next agenda.

#### 4. RACIAL PROFILING REPORT – PUBLIC SAFETY DEPARTMENT

Assistant Chief Adams stated that this presentation covers the 2021 calendar year Racial Profiling Analysis.

The analysis reveals:

- We are in full compliance with the Texas Commission on Law Enforcement and that our policies are in line with TCOLE
- We have received zero complaints for racial profiling in 2021

He also provided a breakdown of percentages regarding gender, race or ethnicity, types of stops, etc. We

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conducted 657 searches and a breakdown of percentages was provided as to whether the searches were by consent, probable cause and if incident led to arrest. Out of those searched we had 412 searches where contraband was found in the vehicle or on the person.

The majority (73.3%) of our traffic stops are written warnings. The breakdown of arrests were 162 for violation of the Penal Code, 111 outstanding warrants and 8 for violation of traffic law. We had 2 incidents where physical force was used with minor injuries and 7668 where no force was used.

A copy of the report was provided in the agenda packet.

There were no questions.

### 5. UPDATE ON SEWER PROJECT PHASE II AND PHASE III

Mr. Davison provided that the Phase II contractor is in the final clean-up phases. There has not been much progress in the last month. They are doing some minor clean-up on the backside of the Arboretum property. We held a public meeting on Phase III last week and met with the contractor. Several residents from the neighborhood attended and asked very good questions. Rebecca, our P.R. person we hired has met with almost all of the property owners in the Phase III area to provide them with what is coming. The contractor plans to start the beginning of March. The first phase will be clearing down the creek alignment. After that, they will start behind City Hall where the second phase stopped.

Mr. Davison answered a question regarding the end date of Phase II by contract which he stated is March 18<sup>th</sup>.

## **PUBLIC HEARINGS AND RELATED ACTION**

### 6. A. PUBLIC HEARING ON APPLICATION TO DEVELOP IN A PLANNED DISTRICT (RETAIL COMMERCIAL DEVELOPMENT) LOT 11, BLOCK 1, OF THE WOODWAY ELEMENTARY SCHOOL ADDITION TO THE CITY OF WOODWAY, MCLENNAN COUNTY, TEXAS, LOCATED AT 9111 JORDAN LANE

Mayor Pro Tem Giddings moved to open discussion on this item and Councilmember Qourzal seconded the motion.

Dr. Oubre provided that this is the public hearing for the Application to Develop located at 9111 Jordan Lane. This will fall between Premier ER and what is now P&C Bank. Marshall Stewman is the applicant on this project and is here to answer any questions you may have.

Mayor Kittner opened the public hearing.

Marshall Stewman, (Applicant), 15002 Sendero Lane, Woodway spoke in favor of the application. He stated that ultimately, they plan on building roughly 11,000 sq. ft. of commercial retail space. This is the corner of Jordan Lane and the Highway 84 frontage road. Questions were answered regarding possible

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tenants.

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

- B. DISCUSSION AND CONSIDER ACTION ON APPLICATION TO DEVELOP IN A PLANNED DISTRICT (RETAIL COMMERCIAL DEVELOPMENT) LOT 11, BLOCK 1, OF THE WOODWAY ELEMENTARY SCHOOL ADDITION TO THE CITY OF WOODWAY, MCLENNAN COUNTY, TEXAS, LOCATED AT 9111 JORDAN LANE

Mayor Pro Tem Giddings moved to approve the request of an Application to Develop in a Planned District (retail commercial development) Lot 11, Block 1, of the Woodway Elementary School Addition to the City of Woodway, McLennan County, Texas, located at 9111 Jordan Lane. Councilmember Avant seconded the motion, and the motion passed unanimously.

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

#### 7. DISCUSSION AND CONSIDER ACTION ON WHITEHALL PARK PLAYGROUND OPTIONS

Mayor Kittner called for a motion. Councilmember Qourzal moved to open discussion on Whitehall Park Playground options. Councilmember Russell seconded the motion.

Dr. Oubre stated that a few months ago, City Council directed staff to look at replacement of playground equipment at Whitehall Park because of its age and location. We have three recommendations to review on the PowerPoint presentation. We also want to look at new slide options for Woodway Park 1 and Woodway Park 2.

They reviewed three different options for playground equipment at Whitehall Park.

1. Hunter Kneppshield: \$186,728 with six slides, musical elements and four covered swings
2. Lea Park and Play: \$199,979 with eight slides, handicapped accessible and nine swings
3. Kraftsman: \$226,989 with concrete curb, swing benches and natural design with inclusive elements
4. There are two different slides for the Lakeside parks both being Kraftsman brands priced \$17,133.79 and \$16,251.91

In earlier discussions, reserve funds were to be used to make the purchase. Dr. Oubre asked the Council to choose one of the three options if Council wanted to move forward. Dr. Oubre also stated that the location for the new park equipment will be located more in the center of the park inside the walking track.

Questions answered regarding the current equipment at Whitehall and handicapped accessible equipment.

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Mayor Kittner asked if anyone would like to speak regarding this item.

Nancy Goeber, Woodway, TX, asked if these are the only three options you will consider? Is there a possibility for a splash pad?

Sara Nance, 305 Hidden Oaks Circle, Woodway, TX. She is a mother to seven children one which is handicapped and in a wheelchair. Thank you for paying attention to that as it means a lot to our family. We reside by Poage Park and it is very hard to navigate a wheelchair. It is hard getting in and out of a wheelchair so a swing to push a wheelchair onto would be a blessing for us and our family.

Dr. Caballero provided that he has been working on different projects. In the previous city he worked for, he worked on a handicapped playground and partnered with Rotary and couple of other organizations. This is one of the capital things he wants to work on. These options have some elements of handicapped accessibility. We are also working on a splash pad at the Arboretum free to the public.

A lengthy discussion was had.

Councilmember Qourzal moved to approve Option 2, the Lea Park & Play for \$199,979 at Whitehall Park and add a feasibility study to include a wheelchair ramp and approve the Kraftsman slide at the Activity Park for \$16,257.97 and the Kraftsman slide at the Lakeside Park for \$17,133.79. Councilmember Russell seconded the motion, and the motion passed unanimously.

### 8. DISCUSSION AND CONSIDER ACTION ON ACCEPTANCE OF APPLICATION TO DEVELOP IN A PLANNED DISTRICT (WHEELHOUSE BATS BAR AND GRILL) LOT 20, BLOCK 10, WOODWAY CENTER ADDITION TO THE CITY OF WOODWAY, MCLENNAN COUNTY, TEXAS LOCATED AT 209 COLONNADE PARKWAY

Mayor Kittner called for a motion. Mayor Pro Tem Giddings moved to open discussion on this item and Councilmember Cook seconded the motion.

Dr. Oubre stated that this is the first step in the Application to Develop process. This is before you for acceptance only. This is located at 209 Colonnade Parkway which is next door to the existing Camp Bow Wow. This will be called Wheelhouse Bats Bar and Grill and the bats component is baseball.

Mayor Pro Tem Giddings moved to accept the Application to Develop in a Planned District (Wheelhouse Bats Bar and Grill) Lot 20, Block 10, Woodway Center Addition to the City of Woodway, McLennan County, Texas located at 209 Colonnade Parkway. Councilmember Cook seconded the motion, and the motion passed unanimously.

### 9. DISCUSSION AND CONSIDER ACTION ON ENGINEER'S OPINION OF PROBABLE COSTS OF DRAINAGE IMPROVEMENTS FOR RIVERVIEW DRIVE

Mayor Kittner called for a motion. Councilmember Qourzal moved to open discussion on this item and

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Mayor Pro Tem Giddings seconded the motion.

Dr. Oubre stated this was a project the Council directed him to look into for drainage issues. We engaged the services of LAN to come up with some alternatives. The recommended fix is to enlarge one box and put in another inlet on Riverview. We have an opinion of probable costs of \$44,000.00. The engineer recommends this will alleviate some of the issues of the run-off.

There was a brief discussion.

Mayor Pro Tem Giddings moved to approve advertising and receiving bids on the drainage improvements project on Riverview Drive. Councilmember Russell seconded the motion, and the motion passed unanimously.

### 10. DISCUSSION AND CONSIDER ACTION ON EXTENDING CURRENT FRONTIER WASTE SOLUTIONS GARBAGE CONTRACT

Mayor Kittner called for a motion. Councilmember moved to open this item for discussion. Mayor Pro Tem Giddings seconded the motion.

Dr. Oubre provided that we are finishing a five-year contract with Frontier Waste Solutions. It was originally signed June 1, 2017 and will expire May 31<sup>st</sup> of this year. In the contract, it has two, two-year extensions. We have been talking with Frontier Waste and they proposed an extension but I am concerned about the pricing of the extension.

There will be a rate increase no matter what we do. In the contract it has a CPI (cost of living index). If we stay with them, we will need to negotiate some rates lower than what he originally proposed because some are large numbers. The other alternative is that you instruct staff to go out for bids for another contract. It has to be done by the end of May. Frontier will not extend the two-year agreement in the current pricing capacity that we negotiated. They are proposing a new residential rate of \$15.49 where you are currently paying \$10.96. There are also increases in the 2-yard roll-offs and dumpsters. You are basically looking at between a thirty-two and forty-one percent increase in the contract itself.

There was a brief discussion.

City Council directed the City Manager to go back to Frontier Waste Solutions to re-negotiate pricing.

### **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.*

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11. A. DISCUSSION AND CONSIDER ACTION ON MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JANUARY 24, 2022, AT 5:30 P.M.
- B. DISCUSSION AND CONSIDER ACTION ON RESOLUTION R-22-03, ORDERING A GENERAL CITY ELECTION IN THE CITY OF WOODWAY ON SATURDAY, MAY 7, 2022; DESIGNATING THE POLLING PLACES; AND PROVIDING OTHER MATTERS RELATING TO THE ELECTION (*DISCUTA Y CONSIDERE ACCIÓN EN RESOLUCIÓN R-22-03, ORDENANDO QUE SE LLEVEN A CABO ELECCION GENERALES EN LA CIUDAD DE WOODWAY EL SÁBADO, 7 DE MAYO DE 2022; DESIGNACIÓN LOS LUGARES DE VOTACIÓN; Y ESPECIFICACIÓN DE OTROS ASUNTOS RELACIONADOS CON LAS ELECCION*)
- C. DISCUSSION AND CONSIDER ACTION ON RESOLUTION R-22-04, CHANGING THE TIME TO 2:00 P.M. FOR THE CITY COUNCIL REGULARLY SCHEDULED MEETINGS OF FEBRUARY 28, 2022 AND MAY 23, 2022

Mayor Kittner called for a motion. Mayor Pro Tem Giddings moved to open discussion on this item. Councilmember Russell seconded the motion.

Dr. Oubre provided information on Items A, B and C. He made a correction to the minutes on Item 4 that it should be a 6-1 vote instead of a unanimous vote. No items were removed for individual discussion.

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

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

- A. Approve the minutes of the regular meeting held January 24, 2022, at 5:30 p.m. with the correction.
- B. Adopt Resolution R-22-03, ordering a general city election to be held as a joint election with McLennan County for the City of Woodway, Texas, to be held on Saturday, May 7, 2022, designating the polling places, and providing other matters relating to the election.
- C. Adopt Resolution R-22-04, changing the time to 2:00 p.m. for the City Council regularly scheduled meetings of February 28, 2022 and May 23, 2022.

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

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

13. CITY MANAGER'S REPORT (BRIEFINGS OR UPDATES MAY BE PROVIDED REGARDING CITY SERVICES, ADMINISTRATIVE/PERSONNEL MATTERS, REAL ESTATE/DEVELOPMENT, INFRASTRUCTURE, EVENTS, REGULATIONS,

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### COMMUNITY AND INTERGOVERNMENTAL RELATIONS ISSUES)

Dr. Oubre provided:

- Would like to recognize the Chief and Assistant Chief, we got word last week that they passed the Texas Commission on Fire Protection inspection
- Recognizing the Public Safety Department in their response to a fire last week and they had a fire today at Midway Automotive and took care of that pretty quickly
- I am preparing a memo for redrawing the wards. The Charter doesn't really stipulate a year but I went ten years to look at growth in the City. It is kind of weighted in Ward 1 right now. We will need to hire someone to do this.

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

Councilmember Avant wanted to congratulate the staff on Woof Way. It was well done.

Councilmember Cook reported that the Parks & Recreation Committee did not meet last month because they were unable to make a quorum. Unfortunately, we wanted to be able to go through the playground equipment and make proposals to the Council but were unable to do so.

Councilmember Qourzal wanted to commend Jessie Reid and Lenny Caballero for the wonderful Father Daughter dance. It was a wonderful evening.

### **CLOSING ITEMS**

#### 15. 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 7:02 p.m.

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Donna Barkley, City Secretary

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Jane Kittner, Mayor