

WOODWAY CITY COUNCIL MINUTES

March 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, March 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
City Secretary:	Donna Barkley
City Staff:	Lenny Caballero, Mitch Davison, Bret Crook and Larry Adams
Contract Staff:	Mike Dixon
Registered Guests:	Richard Maker, 14010 Harbor Dr., Woodway, TX Alice McCabe, 10813 Rick Dr., Woodway, TX Roger McCabe 10813 Rick Dr., Woodway, TX Lori Whitsell, 431 Woodfall Dr., Woodway, TX Nancy Goebel, 14009 Horseshoe Circle, Woodway, TX Geri Shows, 10011 Stony Point, Woodway, TX John Bennett, 313 S. 13 th Street, Waco, TX Trent Neumann, 209 Colonnade Parkway, Woodway, TX Mike Gentry, 11115 Oak Tree Dr., Salado, TX John Williams, 8501 Oakdale Dr., Woodway, TX Marshall Stewman, 15002 Sendero Ln., Woodway, TX Janell Gilman, 420 Broughton Dr., Woodway, TX Betsy Reeder, 434 Woodfall Dr., Woodway, TX Phil Reeder, 434 Woodfall Dr., Woodway, TX Tara Nance, 305 Hidden Oaks Cir., 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.

PRESENTATIONS

2. THE WOODWAY PUBLIC SAFETY DEPARTMENT IS BEING RECOGNIZED FOR THEIR “RE-RECOGNITION STATUS” FOR COMPLIANCE WITH THE TEXAS POLICE CHIEFS’ ASSOCIATION

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FOUNDATION ACCREDITATION PROGRAM

Councilmember Cook arrived to the meeting at 5:33 p.m.

Dr. Oubre provided that the accreditation is a voluntary process where police agencies in Texas prove their compliance with 170 Texas Law Enforcement best practices. Since the inception in 2006, over one hundred Texas Law Enforcement Agencies have been accredited. He also stated that the City, the Chief and department chooses to meet this higher standard of professional operation.

Chief Mike Gentry was there to present the award. He provided that he is a retired Police Chief and served and is still serving in law enforcement for almost forty-five years in the State of Texas. He is now the Director of Training for the Texas Police Chiefs Association. He was on the recognition committee that first reviewed and approved Woodway's initial application sixteen plus years ago. He provided comments as to when and how the program was conceived. Since the inception there have been 186 agencies currently accredited in the State of Texas. There are less than twenty-five that have managed to do so for their fourth time, and Woodway is among that group. He stated that Chief Crook and his staff continue to do an outstanding job exemplifying good practices in police work.

3. QUARTERLY PRESENTATION – FINANCE DEPARTMENT

Dr. Oubre provided that this is for the first quarter ending December 31, 2021. As you know, about this same time our Finance Director had a health issue and we are just getting through the process and having an interim in his place.

He discussed general fund revenues and expenditures, utility fund revenues and expenditures, water system revenues and expenditures, sewer system revenues and expenditures, and tourism fund revenues and expenditures. There were no questions.

4. UPDATE ON SEWER PROJECT PHASE II AND PHASE III

Mr. Davison provided that on Phase II, they are in the process of closing out the contract. On Phase III, they have submitted their clearing plans and the engineer is reviewing them. The plan is to get started sometime next week. We hired Rebecca Carroll and she has met with all the property owners in that area and they are aware of what is coming.

Dr. Oubre added that there will be an executive session with the City Attorney on Phase II of this project. Phase II ran from the Cotton Creek Crossing neighborhood up to the stopping point directly behind our building. As you can see there is still work to be done and we are unfortunately in a disagreement of what needs to be done on some change orders and how they will finish.

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PUBLIC HEARINGS AND RELATED ACTION

5. A. PUBLIC HEARING ON SITE DEVELOPMENT 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

The Mayor asked for a motion to open this item. Mayor Pro Tem Giddings made a motion to open this item and Councilmember Russell seconded.

Dr. Oubre provided that this is for 9111 Jordan Lane and will be a commercial development. An aerial view of the property was shown on a PowerPoint presentation. Dr. Oubre provided additional comments.

Mayor Kittner then opened the public hearing. The Applicant, Marshall Stewman, 15002 Sendero spoke in favor of this project. He stated that he was ready to answer any questions the Council might have. This will be a roughly 11,000 sq. ft. commercial/retail building. It will be a mix of ideally, half restaurant and half retail. There were no questions.

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

- B. DISCUSSION AND CONSIDER ACTION ON SITE DEVELOPMENT 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

Dr. Oubre provided additional comments. The Application to Develop has already gone through the process and been approved. Staff recommends approval of this site development plan.

Councilmember Cook moved to approve the request of a Site Development 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 seconded, and the motion passed unanimously.

6. A. PUBLIC HEARING ON APPLICATION TO DEVELOP IN A PLANNED DISTRICT (WHEELHOUSE BATS BAR AND GRILL) LOT 20, BLOCK 10, OF THE WOODWAY CENTER ADDITION TO THE CITY OF WOODWAY, MCLENNAN COUNTY, TEXAS, LOCATED AT 209 COLONNADE PARKWAY

Mayor Kittner asked for a motion to start discussion. Mayor Pro Tem Giddings moved to start discussion and Councilmember Qourzal seconded.

Dr. Oubre provided that the Applicant and his partner are both here. This was considered at the March 8th Planning and Zoning meeting.

Mayor Kittner opened the public hearing:

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Mr. Adam Ylitalo, 207 Settlers Creek, Woodway, TX, and Trent Neumann were both available to answer any questions City Council might have. This is a 3.85 acre property that we are looking to form a restaurant that also involves outdoor batting cages, pickle ball courts, lawn games and a very family friendly site. He stated that he appreciates the One Stop Shop, Mitch and staff.

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

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

Dr. Oubre provided this is new construction out near the theater. The applicant is asking for one variance dealing with where to locate the dumpster. The current ordinance requires it to be in the back of the property all the time. In this case, where the kitchen will be located in the building along with the ingress and egress and the drive, the variance request is to pull it a little more in the middle of the property. It will not be in plane site of the curb line from the street. The Planning and Zoning Commission heard this request on March 8th and approved it along with the variance request. Staff recommends approval with the variance request.

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

DISCUSSION AND CONSIDER ACTION

7. DISCUSSION AND CONSIDER ACTION ON AWARD OF THE NEW FAMILY CENTER CONSTRUCTION MANAGER-AT-RISK

Dr. Caballero directed Council to the background information provided in the Council packet. In December of 2019, City Council approved the hire of RBDR to design the new Woodway Family Center. July 2021, the City Council approved the sale of certificates of obligation to fund the new center. In August 2021, the Council accepted \$6,750,000 financing to fund the new center. December of 2021, staff posted Step 1 – Request for Qualifications and we received six proposals. In January 2022, it was narrowed down to three contractors. In March 2022, staff conducted interviews with the three companies chosen and after the interviews, staff recommends awarding the contract to John W. Erwin General Contractor, Inc.

Dr. Oubre stated that Mr. John Bennett, with the John Erwin firm is in attendance and available for any questions.

Dr. Caballero added additional comments on the process of how staff arrived at this decision.

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Dr. Caballero was asked by Councilmember Mercer if it was clear that the City is very budget limited. Dr. Caballero assured him that it was made clear the City has a \$6,000,000 budget and we will not go over it with change orders. The Manager At Risk will be working with us now through the design process with RBDR to look at steel, concrete, etc. and start locking in the prices now.

Nancy Goebel (citizen), 14009 Horseshoe Circle, Woodway, asking if this is a complete destruction of the original building and where the new one will be located?

Council provided the new building will be behind Public Safety and this has been in the works for years. We hired a firm in December 2019. The current building is starting to fall apart and we are spending more money on repairs. We have already gone out for bonds and realized the importance which is why we are hiring a Construction Manager At Risk due to our strict budget. There is also a plan to repurpose the old building. This project is separate of that.

Mayor Pro Tem Giddings stated that this is a project that the Council has been working on for a long time. It also became important as our programs at the Family Center continued to grow. We have very limited parking and the facility has used its life. We felt like it was the right time as an investment in the community.

Mayor Kittner also provided that we have been patching it up for years and the main issue with this building is we have too many kids involved and have had to really do some creative scheduling management. This will allow more space to schedule more activities at the same time as our community grows.

Mayor Pro Tem Giddings moved to award the new Woodway Family Center Construction Manager-At-Risk to John W. Erwin General Contractor Inc. Councilmember Mercer seconded, and the motion passed unanimously.

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.

8. A. DISCUSSION AND CONSIDER ACTION ON MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD FEBRUARY 28, 2022, AT 2:00 P.M.
- B. DISCUSSION AND CONSIDER ACTION ON RESOLUTION R-22-06, DECLARING PROPERTY EXCESS TO THE CITY'S NEEDS AND AUTHORIZING THE DISPOSAL OF SAME

Mayor Kittner called for a motion. Councilmember Avant moved to open discussion. Councilmember Russell seconded the motion.

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

4. 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 February 28, 2022, at 2:00 p.m.
- B. Adopt Resolution R-22-06, declaring property excess to the City's needs and authorizing the disposal of same in the best interest of the City of Woodway.

Mayor Pro Tem Giddings seconded the motion, and the motion passed unanimously.

VISITORS

10. HEAR VISITORS

Mayor Kittner took a moment to clarify some procedure items relating to the proposed development.

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, escarpment zones and concern for trees and wildlife.

- Roger McCabe, 10813 Rick Dr., Woodway, TX
- Richard Maker, 14010 Harbor Dr., Woodway, TX
- Dr. Phil Reeder, 434 Woodfall Dr., Woodway, TX

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

Karen Nance, 305 Hidden Oaks Circle. She thanked the Mayor for explaining the process. She asked about the volunteer Planning and Zoning Commission which was explained to her.

EXECUTIVE SESSION

- 11. Mayor Kittner closed the open meeting at 6:35 p.m.

Mayor Kittner reconvened the open meeting at 7:13 p.m.

- 12. DISCUSSION AND CONSIDER ACTION ON APPROVAL FOR THE FILING OF CLAIMS ON

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THE PERFORMANCE BOND OF S.J. LOUIS OF TEXAS, LTD., RELATED TO THE FAIRWAY SEWER PROJECT, PHASE II

There was no action taken at this time.

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, COMMUNITY AND INTERGOVERNMENTAL RELATIONS ISSUES)

Dr. Oubre provided:

- At the next council meeting there will be four disaster contracts to sign and engage. They are what we call standby contracts and don't cost anything to engage.
- Finishing up on Request for Proposals for auditor and it should go out for advertisement in May
- Staff is completing the Engineering and Architectural Survey RFQ and Grant Manager RFQ for the American Rescue Plan

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

There were no City Council reports at this time.

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 7:16 p.m.

Donna Barkley, City Secretary

Jane Kittner, Mayor