

## **WOODWAY CITY COUNCIL MINUTES**

April 11, 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, April 11, 2022, at 5:30 p.m. The following individuals were in attendance:

Mayor:	Jane Kittner
Mayor Pro Tem:	Absent
Councilmembers:	Amine Qourzal, David Mercer, David Russell and Gayle Avant
Absent:	Storey Cook
City Manager:	Shawn Oubre
City Secretary:	Donna Barkley
City Staff:	Lenny Caballero, William Klump, Mitch Davison and Khalil El-Halabi
Contract Staff:	Diana Ward and Brenda Hernandez, auditors
Registered Guests:	David G. Henry, 418 Riverview, Woodway, TX Sam Moore, 5750 Genesis Ct., Frisco, TX Nancy Goebel, 14009 Horseshoe Circle, Woodway, TX Geri Shows, 10011 Stony Point Dr., Woodway, TX Scott Pearson, 22008 Woodway Dr., Woodway, TX Roger McCabe, 10813 Rick Dr., Woodway, TX Doug Ballard, 1403 Lone Oak Ln., Woodway, TX Dave and Cheryl Keyston, 400 Shadow Mountain Dr., Woodway, TX Richard Maker, 14010 Harbor Dr., Woodway, TX Alice McCabe, 10813 Rick Dr., Woodway, TX Scott Kapczynski, 2416 Columbus Avenue, Waco, TX

### **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**

#### **2. QUARTERLY PRESENTATION – COMMUNITY SERVICES AND DEVELOPMENT**

Director Mitch Davison presented the Community Services and Development quarterly report covering January through March 2022. He reviewed several photographs provided on a PowerPoint presentation of current residential development around the City, along with the following commercial projects: Tex-Mix, Oak & Ivy, Heart of Texas Smiles, Take 5 Oil Change and Texas Retina. He also provided that the

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new Inspector is busy with a lot of inspections. There were no questions.

### 3. QUARTERLY PRESENTATION – PUBLIC SAFETY DEPARTMENT

Captain El-Halibi presented the quarterly report. This is the quarterly comparison statistics for January 1 – March 31, 2021 and January 1 – March 31, 2022. He discussed statistics for Police Calls for Service, Fire/EMS Calls for Service, VCO Calls for Service, Traffic Stops, Citations, Accidents, Arrests, Online Solicitations, Thefts, Assaults and Weapon Violations.

The top four offenses during this time period in 2021 were drug/narcotic violations, all other larceny, theft from motor vehicles and simple assault. The top offenses during this time period in 2022 were drug/narcotic violations, all other larceny, driving under influence, destruction/damage/vandalism and theft from motor vehicles. Questions were answered.

## **DISCUSSION AND CONSIDER ACTION**

### 4. DISCUSSION AND CONSIDER ACTION ON ACCEPTANCE OF FY 2020-2021 ANNUAL AUDIT

The Mayor called for a motion. Councilmember Russell moved to open this item for discussion and Councilmember Qourzal seconded.

Brenda Hernandez serves as the audit manager and came forward to present findings of the annual audit. Diana Ward, shareholder on the engagement, is also in attendance. They previously met with the Audit Committee to go over the report in detail. She presented informational slides on various aspects of the annual audit. The financial statements were fairly presented and the City received a clean opinion.

There were questions answered.

Dr. Oubre complimented Ms. Ward and Ms. Hernandez. He also stated that these audits are scheduled in December and as you are aware, our Finance Director became ill in early January and that prolonged the audit process. We appreciate them being flexible and understanding about our challenges. Also, the members of the audit committee are Mayor Pro Tem Giddings (Chair), Councilmember Mercer and Councilmember Avant.

Councilmember Mercer provided additional comments.

Councilmember Qourzal moved to accept the 2020-2021 annual audit prepared by Jaynes, Reitmeier, Boyd & Therrell based on the review and recommendation of the City Council Audit/Investment Committee and Councilmember Mercer seconded, and the motion passed unanimously by the Councilmembers present.

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5. DISCUSSION AND CONSIDER ACTION ON ACCEPTANCE OF APPLICATION TO DEVELOP IN A PLANNED DISTRICT (U-HAUL MOVING & STORAGE) LOT 19, BLOCK 10, OF THE WOODWAY CENTER ADDITION TO THE CITY OF WOODWAY, MCLENNAN COUNTY, TEXAS, LOCATED AT 211 COLONNADE PARKWAY

The Mayor called for a motion. Councilmember Avant moved to open this item for discussion and Councilmember Russell seconded.

Dr. Oubre provided that this is a three-step process. This being the first step where the application is accepted. It will then go to Planning & Zoning tomorrow and then their recommendation sends it back to City Council on April 25<sup>th</sup>. Matt Merrill is the Applicant and is available for questions.

Matt Merrill, Applicant provided this project will be on Colonnade Parkway and is basically an expansion of their existing site. This will be a four-story facility and approximately 100,000 sq. ft. gross. It will also have a secondary building that will be about 17,000 sq. ft. that will handle their portable storage products.

Councilmember Russell moved to accept the Application to Develop in a Planned District (U-Haul Moving & Storage) Lot 19, Block 10, of the Woodway Center Addition to the City of Woodway, McLennan County, Texas, located at 211 Colonnade Parkway. Councilmember Avant seconded, and the motion passed by a four to one vote with Councilmember Mercer voting against.

6. DISCUSSION AND CONSIDER ACTION ON ACCEPTANCE OF APPLICATION TO DEVELOP IN A PLANNED DISTRICT (FLOORCO) LOT 4, BLOCK 1, OF THE FLORENCE MOORE ADDITION TO THE CITY OF WOODWAY, MCLENNAN COUNTY, TEXAS, LOCATED AT 16000 WOODWAY DRIVE

Dr. Oubre provided this is another Application to Develop and Floorco is a flooring company. Sterling Thompson is the applicant. This will go to Planning & Zoning tomorrow night and then back to City Council on April 25<sup>th</sup>.

Questions were answered.

Councilmember Russell moved to accept the Application to Develop in a Planned District (Floorco) Lot 4, Block 1, of the Florence Moore Addition to the City of Woodway, McLennan County, Texas, located at 16000 Woodway Drive. Councilmember Avant seconded and the motion passed by a four to one vote with Councilmember Mercer voting against.

7. DISCUSSION AND CONSIDER ACTION ON ACCEPTANCE OF APPLICATION TO DEVELOP IN A PLANNED DISTRICT (RETAIL SHELL BUILDING) LOT 6, BLOCK 8, OF THE WOODWAY CENTER ADDITION TO THE CITY OF WOODWAY, MCLENNAN COUNTY, TEXAS, LOCATED AT 193 ARCHWAY DRIVE

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Dr. Oubre provided this is an Application to Develop and Sterling Thompson is the applicant. Scott Kapczynski is a representative of SterlingKap Architects. The building is a shell retail building and there are plans for there to be some sort of food establishment or coffee shop in one of the corner units. Councilmember Qourzal moved to accept the Application to Develop in a Planned District (retail shell building) Lot 6, Block 8, of the Woodway Center Addition to the City of Woodway, McLennan County, Texas, located at 193 Archway. Councilmember Russell seconded and the motion passed by a four to one vote with Councilmember Mercer voting against.

8. DISCUSSION AND CONSIDER ACTION ON ACCEPTANCE OF APPLICATION TO DEVELOP IN A PLANNED DISTRICT (DRIVE THROUGH COFFEE SHOP) LOT 10, BLOCK 1, OF THE WOODWAY ELEMENTARY SCHOOL ADDITION TO THE CITY OF WOODWAY, MCLENNAN COUNTY, TEXAS, LOCATED AT 9000 JORDAN LANE

Dr. Oubre provided this is an Application to Develop and Sam Moore is the applicant.

Sam Moore, 5750 Genesis Court, Frisco, Texas. This is the second Dutch Bros coffee shop they are proposing in the market. It is a drive through coffee shop that sells beverages, coffee, tea, energy drinks and pre-packaged food items.

Councilmember Russell moved to accept the Application to Develop in a Planned District (Drive Through Coffee Shop) Lot 10, Block 1, of the Woodway Elementary School Addition to the City of Woodway, McLennan County, Texas, located at 9000 Jordan Lane. Councilmember Avant seconded and the motion passed by a four to one vote with Councilmember Mercer voting against.

9. DISCUSSION AND CONSIDER ACTION ON AUTHORIZING MITCHELL CONSTRUCTION TO COMPLETE EMERGENCY REPAIRS AS AUTHORIZED BY SECTION 252.022 (A)(3) OF THE TEXAS LOCAL GOVERNMENT CODE ON FOUNDATION AND DRAINAGE ISSUES AT THE PAVILION EVENT CENTER

Dr. Oubre provided there have been some problems in the last couple of years with the front left corner of the Pavilion area settling. Dr. Caballero put together a team with Jim Winton as the engineer, RBDR Professional Services and Mitchell Construction to do some exploratory work. Dr. Caballero will explain what they have found and what the path forward is to remedy the issues we are seeing at the Pavilion.

Dr. Caballero provided additional background information and issues with this area. Jim Winton observed the structural integrity of the site and the beams underneath and he did some soil testing. He recommended they remove all concrete, etc. for further observation and inspect for proper drainage.

The integrity of the building is not bad. Walker Partners and Mitchell Construction recommended installing large inlets, replace flatwork and pour new ramp/speed bump for water diversion to correct the drainage issue.

Councilmember Russell moved to authorize Mitchell Construction to complete emergency repairs as

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authorized by Section 252.022 (a)(3) of the Texas Local Government Code on foundation and drainage issues at the Pavilion Event Center in the amount of \$149,061.00. Councilmember Qourzal seconded and the motion passed unanimously by the councilmembers present.

### **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.*

10.     A.   DISCUSSION AND CONSIDER ACTION ON MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD MARCH 28, 2022, AT 5:30 P.M.
- B.   DISCUSSION AND CONSIDER ACTION ON THE PURCHASE OF 800 MHZ PAGERS FOR PUBLIC SAFETY
- C.   DISCUSSION AND CONSIDER ACTION ON RESOLUTION R-22-08, DECLARING PROPERTY EXCESS TO THE CITY'S NEEDS AND AUTHORIZING THE DISPOSAL OF SAME

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

11.     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 March 28, 2022, at 5:30 p.m.
- B.     Authorize expenditure in the total amount of \$32,750 to Bearcom Communications to replace Woodway Public Safety Department 800 MHZ pagers
- C.     Adopt Resolution R-22-08, declaring property excess to the City's needs and authorize the sale of obsolete P25 VHF radio equipment, licensing and tower in the manner that is in the best interest of the City

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

### **VISITORS**

12.    HEAR VISITORS

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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.

- Richard Maker, 14010 Harbor Dr., Woodway, TX
- Roger McCabe, 10813 Rick Dr., Woodway, TX
- Doug Ballard, 14013 Lone Oak, Woodway, TX

There was a list of written questions provided to the City Manager regarding this pending development.

### **EXECUTIVE SESSION**

13. AN EXECUTIVE (CLOSED) SESSION WILL BE HELD PURSUANT TO §551.071 OF THE *TEXAS GOVERNMENT CODE* SO THAT THE CITY COUNCIL MAY SEEK AND RECEIVE ADVICE AND COUNSEL ON PENDING OR THREATENED LITIGATION, SETTLEMENTS, MEDIATIONS, AND LEGAL POSITIONS/CLAIMS OF THE CITY, CONTROVERSIES, AND DISPUTES WHERE THE PROFESSIONAL OBLIGATIONS OF THE CITY'S ATTORNEY TO THE CITY AS CLIENT CONFLICT WITH THE OPEN MEETINGS ACT – PHASE II SEWER SYSTEM CONTRACT DISPUTE

Mayor Kittner stated that this has been withdrawn.

### **OPEN SESSION AND RELATED ACTION**

14. DISCUSSION AND POSSIBLE ACTION ON REMEDIES AGAINST CONTRACTOR FOR PHASE II OF THE GRAVITY SEWER PROJECT, S.J. LOUIS, INCLUDING BUT NOT LIMITED TO DECLARING A DEFAULT, SET-OFFS AND BACK-CHARGES, AND PERFORMANCE BOND CLAIMS

Since the Executive Session was withdrawn, there will be no action taken on this related action item.

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

15. 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:

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- Dates for early voting, election day, possible dates of canvassing and seating newly elected councilmembers and new council orientation
- Coffee with the Manager and Council scheduled for May 17 between 9 a.m. – 10 a.m. at the Woodway Family Center meeting room
- Bosque Well is off line
- Boards & Commissions appointments (Need 1 full member and 4 alternates for BOA, 1 Planning & Zoning, 2 Parks & Recreation and 7 Youth Commission)
- Reached out to Mr. Haberman regarding working on holidays, and he said he doesn't work on holidays and will be glad to comply with that request
- City offices will be recognizing Good Friday and will be closed

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

No City Council reports at this time.

## **CLOSING ITEMS**

### 17. CONSIDER ACTION ON ADJOURNMENT

Councilmember Russell moved to adjourn the meeting. Councilmember Qourzal seconded the motion, and the motion passed unanimously by the councilmembers present. The meeting adjourned at 6:32 p.m.

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Donna Barkley, City Secretary

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Jane Kittner, Mayor