

WOODWAY CITY COUNCIL MINUTES

April 25, 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 25, 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, William Klump, John Norman and Bret Crook
Contract Staff:	Mike Dixon, City Attorney
Registered Guests:	Geri Shows, 10011 Stony Point, Woodway Janine Woodward, 530 Mountain Lake Dr., Woodway Alice McCabe, 10813 Rick, Woodway Roger McCabe, 10813 Rick, Woodway Bruce Hamelin, 1507 Wandering Trail, Woodway Phil and Betsy Reeder, 434 Woodfall, Woodway Lori Whitsell, 401 Woodfall, Woodway Driscilla and David Henry, 418 Riverview Dr., Woodway Dani Carr, 9600 N. Central Expressway, Ste. 100, Dallas Randy Robison, 6815 Broad, Woodway Roger Janusek, 116, Bradford Square, Woodway Don Schreiber, 411 Shadow Mountain Dr., Woodway Janell Gilman, 420 Broughton Dr., Woodway Matt Merrill, 200 Texas Central Pkwy, Woodway Adam Ylitalo, 207 Settlers Creek, Waco Trent Neuman, 3626 Castle Avenue, Waco Nancy Goebel, 14009 Horseshoe Circle, Woodway Marvin Goebel, 14009 Horseshoe Circle, Woodway Dianne Miller, 609 Santa Fe Dr., Woodway Doug Ballard, 14013 Lone Oak Ln, Woodway

CALL MEETING TO ORDER

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

INVOCATION

1. INVOCATION

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Councilmember Qourzal provided the invocation.

PRESENTATIONS

2. QUARTERLY PRESENTATION – FINANCE DEPARTMENT

William Klump, Finance Director, presented the quarterly report for the Finance Department. He stated that we are halfway through the fiscal year which ended March 31, 2022. Mr. Klump discussed the general fund revenues and expenses, utility fund revenues and expenses, and tourism fund revenues and expenses.

There were no questions.

DISCUSSION AND CONSIDER ACTION

3. DISCUSSION AND CONSIDER ACTION ON AUTHORIZING CITY MANAGER TO AMEND AND EXTEND THE SOLID WASTE COLLECTION AND DISPOSAL CONTRACT WITH FRONTIER WASTE SOLUTIONS

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

Dr. Oubre provided that the end of May of this year will be the end of the first five years of the current agreement which started on June 1, 2017. This was brought before council in February to discuss and negotiate an extended agreement. Tonight, we have the negotiated agreement. Effective June 1, 2022 we will start a new five-year agreement.

There were a few comments and a brief discussion.

Mr. Tim Henderson with Frontier Waste Solutions answered questions.

Mayor Pro Tem Giddings moved to authorize the City Manager to amend and extend the Solid Waste Collection and Disposal contract with Frontier Waste Solutions. Councilmember Cook seconded, and the motion passed unanimously.

4. DISCUSSION AND CONSIDER ACTION ON MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD APRIL 11, 2022, AT 5:30 P.M.

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

There was no discussion.

Mayor Pro Tem Giddings moved to approve the minutes of the regular City Council meeting held April

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11, 2022, at 5:30 p.m. Councilmember Cook seconded, and the motion passed unanimously.

5. DISCUSSION AND CONSIDER ACTION ON RESOLUTION R-22-09, CASTING VOTES TO ELECT A MEMBER OF THE GOVERNING BODY OF THE MCLENNAN COUNTY RURAL TRANSIT DISTRICT

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

Dr. Oubre provided that this was discussed at the March 28th City Council meeting to nominate a member of Council to the pool of candidates. The ballot lists three candidates and the Council is instructed to disburse 20 votes between the three with the maximum of ten towards Councilmember Mercer. The three candidates are: Charles Turner (Hewitt), Steven Dutschmann (McGregor) and David Mercer (Woodway).

There was a brief discussion to determine how to disburse the votes.

Councilmember Cook moved to cast their votes as five for David Mercer, seven for Charles Turner and eight for Steven Dutschmann and adopt Resolution R-22-09, casting these votes to elect a Member of the Governing Body of the McLennan County Rural Transit District. Councilmember Russell seconded and the motion passed unanimously.

PUBLIC HEARINGS AND RELATED ACTION

6. A. PUBLIC HEARING ON 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

Mayor Kittner opened the public hearing.

Matt Merrill, the applicant, 200 Central Texas Parkway, spoke in favor of the application. He provided that he was there to answer any questions for this development and this is to expand on their existing facility.

Adam Ylitalo, 207 Settlers Creek, Waco, Texas spoke in opposition of the U-Haul storage facility next to his development of Wheelhouse Bats Bar and Grill to include a restaurant, pickle ball courts, batting cages, outdoor lawn games and a family friendly area. Woodway does not have much real estate undeveloped and that can still be developed in restaurants/entertainment. He strongly opposes the U-Haul Self-Storage units going in next door to his development.

Lori Whitsell, 401 Woodfall Drive, Woodway, Texas. Not opposed to U-Haul but doesn't think it is a good location for U-Haul and agrees that the City needs more family friendly places.

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

6. B. DISCUSSION AND CONSIDER ACTION ON 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

Dr. Oubre provided that the Planning and Zoning heard this at their April 12th meeting which included the first required public hearing. This property is zoned industrial which allows this type of construction. The other properties are zoned commercial. Staff recommends approval of this project.

There were questions answered by the Applicant, Mr. Merrill.

Mike Dixon, City Attorney provided comments regarding the project being located in an area that it is zoned for.

The applicant stated that the majority of that property is going to house the building and there is a small area that will be open and they are discussing putting additional landscaping or something to help.

There was discussion.

Mr. Trent Neuman, 3626 Castle, Waco, Texas, stated that he and Adam are partners on the adjacent property. They are not arguing that the building is not going to look visually nice. Their concerns are they will be surrounded in an industrial area and their restaurant will get choked out. They were hoping to attract more "like businesses" since they will be investing in that area.

Mayor Pro Tem Giddings moved to approve the request of an 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 with modifications of landscaping on the side of Wheelhouse Bats Bar and Grill. Councilmember Avant seconded and the motion passed six to one with Councilmember Mercer voting against.

7. A. PUBLIC HEARING ON 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

Mayor Kittner opened the public hearing.

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

- B. DISCUSSION AND CONSIDER ACTION ON 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

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Dr. Oubre provided information and an aerial view of the property being discussed. The applicant is Sterling Thompson. The Planning and Zoning Commission heard this at the first required public hearing on April 12th and recommends approval of the application. The property is zoned Planned Commercial. Staff recommends approval.

Councilmember Cook moved to approve 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 Russell seconded and the motion passed with a six to one vote with Councilmember Mercer voting against.

8. A. PUBLIC HEARING ON 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

Mayor Kittner opened the public hearing.

Randy Robison, Robison Construction spoke in favor of this application. He answered questions.

With no one additional speaking in favor or in opposition, Mayor Kittner closed the public hearing.

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- B. DISCUSSION AND CONSIDER ACTION ON 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

Dr. Oubre provided information and an aerial view of the property being discussed. The Planning and Zoning heard this at the first required public hearing on April 12th and recommends approval of this application. This is properly zoned for the proposed project. Staff recommends approval.

Mayor Pro Tem Giddings moved to approve 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 Drive. Councilmember Qourzal seconded and the motion passed with a six to one vote with Councilmember Mercer voting against.

9. A. PUBLIC HEARING ON APPLICATION FOR CHANGE IN ZONING CLASSIFICATION OF LOT 1, BLOCK 1, ESTATES DRIVE ADDITION TO THE CITY OF WOODWAY, MCLENNAN COUNTY, TEXAS, LOCATED AT 405 ESTATES DRIVE, FROM "R-1" RESIDENTIAL TO "P-C" PLANNED COMMERCIAL

Mayor Kittner opened the public hearing.

With no one speaking in favor or opposition of the application, Mayor Kittner closed the public hearing.

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- B. DISCUSSION AND CONSIDER ACTION ON AMENDING THE FUTURE LAND USE PLAN OF LOT 1, BLOCK 1, ESTATES DRIVE ADDITION TO THE CITY OF WOODWAY, MCLENNAN COUNTY, TEXAS, LOCATED AT 405 ESTATES DRIVE, FROM “R-1” RESIDENTIAL TO “P-C” PLANNED COMMERCIAL

Dr. Oubre provided information and an aerial view of this property and a list of businesses that can occur in Planned Commercial zoning. He also stated that there were at least four area property owners that spoke in opposition of this change in zoning request at the Planning and Zoning meeting. Planning and Zoning Commission voted against this request.

Nancy Goebel, 14009 Horseshoe Circle, questioned the zoning. Mayor Kittner responded with what the current zoning is and what Planned Commercial zoning would mean.

Mayor Pro Tem Giddings moved on the recommendation of the Planning and Zoning Commission to disapprove amending the City of Woodway Future Land Use Plan of Lot 1, Block 1, Estates Drive Addition to the City of Woodway, McLennan County, Texas, located at 405 Estates Drive, from “R-1” Residential to “P-C” Planned Commercial. Councilmember Russell seconded and the motion passed unanimously.

- C. DISCUSSION AND CONSIDER ACTION ON ORDINANCE 22-02, AMENDING THE ZONING CLASSIFICATION OF LOT 1, BLOCK 1, ESTATES DRIVE ADDITION TO THE CITY OF WOODWAY, MCLENNAN COUNTY, TEXAS, LOCATED AT 405 ESTATES DRIVE, FROM “R-1” RESIDENTIAL TO “P-C” PLANNED COMMERCIAL

This item was not considered and no action taken since the amendment to the Future Land Use Plan was disapproved.

VISITORS

10. HEAR VISITORS

The following Woodway Citizens were in attendance to express their concerns about the increase in property taxes and homestead exemptions in the City:

- Roger Janusek, 116 Bradford Square, Woodway, TX
- Janine Woodward, 530 Mountain Lake, Woodway, TX
- Bruce Hamelin, 1507 Wandering Trail, Woodway, TX
- Doug Ballard, 14013 Lone Oak Ln., Woodway, TX

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.

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- Roger McCabe, 10813 Rick Dr., Woodway, TX
- Nancy Goebel, 14009 Horseshoe Circle, Woodway, TX

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 closed the open meeting at 6:40 p.m.

Mayor Kittner reconvened the open meeting at 7:02 p.m.

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

Councilmember Qourzal moved to authorize the City Attorney and City Manager to approve the filing of claims on the performance bond of S.J. Louis of Texas, Ltd., related to the Fairway Sewer Project, Phase II., as needed. Councilmember Avant seconded and the motion passed unanimously.

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:

- Whitehall Park parking issues

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

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Councilmember Cook:

- Waco Family & Faith International Film Festival will be hosting their Third Annual Community Barbecue and Back to School Picnic at Whitehall Park
- Complimented the City staff for hosting the Silo District Marathon this past weekend

Mayor Kittner provided that the Nominating Committee met and there is still a need for Youth Commission applicants.

Councilmember Qourzal provided that he participated with the Woodway Youth Commission in their park clean-up project this past weekend. The Youth Commission did a great job.

CLOSING ITEMS

17. 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 7:09 p.m.

Donna Barkley, City Secretary

Jane Kittner, Mayor