

WOODWAY CITY COUNCIL MINUTES

August 8, 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, August 8, 2022, at 5:30 p.m. The following individuals were in attendance:

Mayor:	Amine Qourzal
Mayor Pro Tem:	David Mercer
Councilmembers:	David Russell, Storey Cook, Gayle Avant, Janell Gilman and John Williams
City Manager:	Shawn Oubre
City Secretary:	Donna Barkley
City Staff:	Lenny Cabellero, William Klump, Brenda Hernandez, Mitch Davison, Bret Crook and Khalil El-Halabi
Contract Staff:	Mike Dixon, City Attorney
Registered Guests:	Mike Betke – UBI Lisa Qourzal, 11000 Sandalwood Dr., Woodway Ava Qourzal, 11000 Sandalwood Dr., Woodway Aaron Qourzal, 11000 Sandalwood Dr., Woodway Lori Whitsell, 431 Woodfall Dr., Woodway Jan Smith, 8706 Panther Dr., Woodway Marsha Estes, 8706 Panther Dr., Woodway Everett Phipps, 2816 Braemer Dr., Waco David Keyston, 400 Shadow Mountain Drive, Woodway Patty Notgrass, 823 Forest Oaks Circle, Woodway Richard Maker, 14010 Harbor Drive, Woodway Janine Woodward, 530 Mountain Lake Dr., Woodway Marvin and Nancy Goebel, 14009 Horseshoe Circle, Woodway John Wkinson, 1224 Sleepy Hollow, Woodway

CALL MEETING TO ORDER

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

INVOCATION

1. INVOCATION

Councilmember Williams provided the invocation.

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ORGANIZATION OF THE CITY COUNCIL

2. ADMINISTER THE OATH OF OFFICE TO NEWLY ELECTED COUNCILMEMBER

Dr. Oubre provided that the City Secretary will administer the Oath of Office ceremoniously to Mayor Qourzal, since he was actually sworn in this morning.

PRESENTATIONS

3. QUARTERLY PRESENTATION – COMMUNITY SERVICES AND DEVELOPMENT

Director Mitch Davison presented the Community Services and Development quarterly report covering April through June 2022. He reviewed several photographs provided on a PowerPoint presentation of current residential development around the City, along with the following commercial projects: Retail Space at 9111 Jordan Lane, Heart of Texas Smiles at 117 Burnett Court and Texas Retina at 203 Archway. Quarterly figures are attached for purposes of inspections. Mr. Davison answered questions.

4. QUARTERLY PRESENTATION – FINANCE DEPARTMENT

William Klump, Finance Director, presented the quarterly report for the Finance Department. He stated that this report goes through June 30th of this year, being seventy-five percent (75%) through the year. Mr. Klump discussed the general fund revenues and expenses, utility fund revenues and expenses, and tourism fund revenues and expenses.

There were no questions.

With Mr. Klump's upcoming retirement, Mayor Qourzal took this moment to thank him for his many years of service to Woodway.

5. SEMI-ANNUAL PRESENTATION – CARLEEN BRIGHT ARBORETUM

Dr. Caballero introduced Lysie Gomez, Events Center & Tourism Superintendent, Jack Stanley, Arboretum Superintendent and Jimmy Rogers, Woodway Family Center Superintendent.

Arboretum:

Dr. Caballero reported on the following completed projects: Drainage project, Whitehall painting and Whitehall roofing. The irrigation project is 90% complete. The next projects to begin are the tree planting and sod or hydro mulch. Other projects are walking paths and signage, overflow parking lot (currently in design), the maintenance house has been listed for sale. He stated that we are eighty percent (80%) ready for opening. This just depends on the planting, mulching and hopefully rain. There was no opening date provided.

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Pavilion – Carleen Bright Event Center

Dr. Caballero stated that Lysie Gomez has done an incredible job staying focused on new sales and daytime business. Lysie and her staff are also focusing on social media, tourism and community partnerships. We are ahead on projections and revenue. We are working on special events for September and October, such as the JackOPierce Concert and Wine & Jazz Fest.

There were no questions.

6. SEMI-ANNUAL PRESENTATION – WOODWAY FAMILY CENTER

Dr. Caballero stated that Jimmy Rogers, new Superintendent has done a tremendous job jumping in and understanding it very quickly with the on-going sewer project and the new building. We will host an upcoming Volleyball Clinic in the Family Center this month. This is already sold out. The Skateboard Clinic and Basketball Clinics that were held in the Summer were sold out as well. We participated in the Woodway/Waco Film Backpack & BBQ event at the Lakeside Park which was very successful. Mr. Rogers has opened up the facility to start doing rentals. We are assisting Public Safety with Movie Night on August 12th and the Cops & Kids Event coming in October.

New Family Center

Dr. Caballero provided that we are a little behind schedule due to the on-going sewer project. D. Guerra is on the site right now and hopefully they will be out of there by late September. He also provided an update on the construction of the new facility with a projected ground breaking of October 1st. The projected construction should be 7-10 months. We are working with Walker Partners to design overflow parking at Fairway and Estates Drive.

There were no questions.

Councilmember Cook voiced her appreciation of all their hard work at both the Arboretum and Family Center.

ITEMS FOR INDIVIDUAL DISCUSSION, CONSIDERATION AND/OR ACTION

7. DISCUSSION AND CONSIDER ACTION ON ADOPTING ORDINANCE 22-05, AMENDING CHAPTER 18 – WATER, SEWERS AND SEWAGE DISPOSAL, DIVISION 2 – SANITARY SEWER USE REGULATIONS

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

Dr. Oubre provided that this is really a City of Waco document. They take care of the sewer treatment for the entire city and they are requesting this due to TCEQ's request. This really deals with industrial use customers, which the City does not have. However, since we connect to the City of Waco's system,

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we have to adopt the same ordinance.

There was no discussion or comments.

Councilmember Cook moved to adopt Ordinance 22-05, amending Chapter 18 – Water, Sewers and Sewage Disposal, Division 2 – Sanitary Sewer Use Regulations. Councilmember Williams seconded, and Mayor Qourzal read aloud the caption of the ordinance as required. The motion passed unanimously.

8. DISCUSSION AND CONSIDER ACTION ON ACCEPTANCE OF APPLICATION TO DEVELOP IN A PLANNED DISTRICT (ADDITIONAL STORAGE FACILITY FOR UBI) LOT 18, BLOCK 1, BUSH INDUSTRIAL PARK ADDITION, LOCATED AT 22003 BUSH DRIVE, WOODWAY, TEXAS

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

Dr. Oubre provided this is just the first step of the Application to Develop process for acceptance to move to Planning & Zoning for the first required public hearing. This is a business located at 22003 Bush Drive. Mr. Betke is wanting to expand his storage at the facility.

Questions were answered, no discussion.

Councilmember Russell moved to accept the Application to Develop in a Planned District (Additional Storage Facility for UBI) Lot 18, Block 1, Bush Industrial Park Addition, located at 22003 Bush Drive, Woodway, Texas. Councilmember Gilman seconded, and the motion passed by a six to one vote. Mayor Pro Tem Mercer voted Nay to the process, not the application.

9. DISCUSSION AND CONSIDER ACTION ON AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO LEASE CITY VEHICLES THROUGH ENTERPRISE FLEET MANAGEMENT

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

Dr. Oubre provided background information on this item. The reason for looking at this option, is due to the trouble the City is having purchasing new vehicles. The wait on the new vehicles has been eighteen to twenty-four (18-24) months. This service will just be for the utility trucks, etc. This is not for Public Safety vehicles.

Ms. Hernandez, Finance Director reiterated Dr. Oubre's comments. She stated that Bo Ash, Sr. Account

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Executive with Enterprise Fleet Management to answer any questions there might be. Last year, City Council authorized two Park vehicles to be replaced and we have been unable to place those orders. Public Safety has four Tahoes that they placed orders for last year and still have not received them. Additionally, we have several vehicles that are over ten years old. These older vehicles tend to lead to higher fuel costs and higher maintenance costs. As Dr. Oubre mentioned, we are only doing this for the white fleet, Community Services and City Hall. This is about twenty (20) vehicles. We believe Enterprise Fleet Management offers a solution to this program. They have access to vehicles now because they order about a million vehicles a year directly from the manufacturer. As a former auditor, Ms. Hernandez stated that the implementation of fuel cards help improve internal controls. In her discussions with Mr. Ash, he provided that there are no wear and tear charges and no mileage restrictions.

Questions were answered.

Councilmember Cook moved to authorize the City Manager to enter into an agreement to lease city vehicles through Enterprise Fleet Management and explore the fuel card option. Councilmember Russell seconded, and the motion passed unanimously.

10. DISCUSSION AND CONSIDER ACTION ON THE PURCHASE OF THE ARE YOU OK? TELEPHONE REASSURANCE PROGRAM (RUOK)

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

Dr. Oubre provided that this information had been provided to them previously.

Councilmember Russell stated that he had seen a segment on KWTX regarding this and that the City of Hewitt had implemented this program. The program is an automated service used to check up on elderly citizens.

Dr. Oubre provided that there is software and equipment fee of \$1,179.00.

There was a brief discussion.

Citizen comment: Nancy Goebel, 14009 Horseshoe Circle asked if citizens have to sign up for this service?

Councilmember Russell moved to authorize an expenditure in the amount of \$750.00 to RUOK for the software and \$429.00 to Way 2 Call for the hardware to enhance our current welfare checks. Councilmember Gilman seconded and the motion passed unanimously.

PUBLIC HEARINGS AND RELATED ACTION

11. A. Public hearing on Application to Develop in a Planned District (General Retail) Lot 1, Block C, of the Panther Terrace Addition to the City of Woodway, McLennan County, Texas, located at 135 Estates Drive

Mayor Qourzal opened the public hearing.

Dr. Oubre provided information regarding the Application to Develop. This is located at 135 Estates Drive and is currently the Woodway Automotive Center. This will be changed into general retail. Mr. Hansen and Mr. Phipps are available to answer any questions you may have. The first public hearing was held at the Planning & Commission meeting on July 26, 2022. Aerial views of the property were shown on a PowerPoint presentation.

Will Phipps, 9611 Panther Way, representative here with the two partners in this investment property to answer any questions you might have.

John Wilkinson, 1224 Sleepy Hollow questioned the remediation process due to the gasoline tanks? Everett Phipps, 2816 Braemar Drive – Responded that the previous owner had that taken care of and the tanks have been removed.

Nancy Goebel, 14009 Horseshoe Circle, - Is neither for or against since we aren't sure what business it is.

Will Phipps stated that this is just an Application to Develop and will come back with a Site Development at a later date.

With no one else speaking in favor or in opposition, Mayor Qourzal closed the public hearing.

- B. DISCUSSION AND CONSIDER ACTION ON APPLICATION TO DEVELOP IN A PLANNED DISTRICT (GENERAL RETAIL) LOT 1, BLOCK C, OF THE PANTHER TERRACE ADDITION TO THE CITY OF WOODWAY, MCLENNAN COUNTY, TEXAS, LOCATED AT 135 ESTATES DRIVE

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

There were no additional comments from Dr. Oubre.

There was a brief discussion.

Councilmember Gilman moved to approve the Application to Develop in a Planned District (General Retail) Lot 1, Block C, of the Panther Terrace Addition to the City of Woodway, McLennan County, Texas, located at 135 Estates Drive. Councilmember Williams seconded and the motion passed by a six

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to one vote in favor with Mayor Pro Tem Mercer voting against. Mayor Pro Tem Mercer voted Nay to the process not the application.

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.

12. A. DISCUSSION AND CONSIDER ACTION ON MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JULY 11, 2022, AT 5:30 P.M.
- B. DISCUSSION AND CONSIDER ACTION ON ADDITIONAL APPOINTMENTS TO THE WOODWAY BOARDS AND COMMISSIONS

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

13. DISCUSSION AND CONSIDER ACTION ON CONSENT AGENDA

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

- A. Approve the minutes of the regular City Council meeting held July 11, 2022 at 5:30 p.m.
- B. Appoint the nominated individuals to fill the vacancies on the Parks & Recreation Commission, Planning & Zoning Commission and Woodway Youth Commission as recommended by the Nominating Committee

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

ITEMS RELATED TO PROPOSED 2022/2023 ANNUAL BUDGET AND PROPOSED 2022 AD VALOREM TAX RATE

14. DISCUSSION AND CONSIDER ACTION ON ACCEPTANCE OF 2022 AD VALOREM TAX VALUES AS CERTIFIED BY THE MCLENNAN COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS

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

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Dr. Oubre provided that we are asking you to certify the 2022 City of Woodway ad valorem tax rolls as identified by the McLennan County Appraisal District. This sets the “no-new-revenue” tax rate and the “voter approval “ tax rate.

Councilmember Cook moved to accept the 2022 City of Woodway ad valorem tax roll totals as certified by the McLennan County Appraisal District Board of Directors and delivered to the City of Woodway on July 22, 2022. Councilmember Avant seconded, and the motion passed unanimously.

15. FOLLOW-UP DISCUSSION ON PROPOSED ANNUAL BUDGET AND PROPOSED AD VALOREM TAX RATE, AND CONSENSUS ON PROPOSED TAX RATE

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

Dr. Oubre stated that since there was a budget workshop earlier in the day, he really didn't have any additional comments other than to add that staff is currently researching moving the “Sanitation” line item from the revenue side into the enterprise fund. We will report back to you after talking to the auditors.

There was a brief discussion. Dr. Oubre provided that there was no directive to lower the proposed tax rate of .4300 in the budget workshop nor make any adjustments, additions or deletions. So, I would still say you are at .4300.

Although, this item was not for a formal vote, per Truth-in-Taxation, a consensus on the proposed tax rate was necessary in order to move forward with subsequent items on the agenda. With no one opposed, consensus was reached that the proposed 2022 ad valorem tax rate would be \$.4300 per \$100 of property value with the ability to have future discussions to lower the tax rate.

16. DISCUSSION AND CONSIDER ACTION ON PROPOSAL TO PLACE AN ACTION ITEM ON A FUTURE MEETING AGENDA FOR THE PURPOSE OF ADOPTING A 2022 AD VALOREM TAX RATE

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

Dr. Oubre stated that you are using the certified tax rolls and the revenue generated last year only from property taxes to set a No-New-Revenue Tax Rate and a Voter-Approval Tax Rate. Voting for this proposal is not specifying support for or against the proposed tax rate. You are only voting to place an item on a future agenda for discussion and action on the specified rate.

Councilmember Cook moved to place an action item on a future meeting agenda for the purpose of adopting a proposed tax rate of .4300/\$100 of property value. Councilmember Williams seconded and

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the motion passed unanimously. (The record vote, as required by Truth-in-Taxation, is as follows:
Gilman – For, Avant – For, Russell – For, Qourzal – For, Mercer – For, Cook – For and Williams – For)

17. DISCUSSION AND CONSIDER ACTION ON SETTING THE DATE, TIME AND PLACE FOR THE REQUIRED PUBLIC HEARING ON THE PROPOSED 2022 AD VALOREM TAX RATE

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

This item is required by Truth-in-Taxation. Councilmember Russell moved to set the required public hearing on the 2022 proposed tax rate for Monday, August 22nd at 5:30 p.m., in the Donald J. Baker Council Chambers at Woodway City Hall, 922 Estates Drive, Woodway, Texas. Councilmember Williams seconded, and the motion passed unanimously.

VISITORS

18. HEAR VISITORS

The following Woodway citizens were in attendance and made comments:

- Dave Keyston, 400 Shadow Mountain – Comment regarding the placement of the Executive Session
- Nancey Goebel, 14009 Horseshoe Circle – Comment regarding electric cars
- Richard Maker, 14010 Harbor Drive – Whitehall Cemetery in Woodway is beautiful, maintained and respectful. There is another cemetery, 9305 Bryce, with at least 150 plots, some maybe being World War I veterans. Can the City do anything to help maintain the property?
- John Wilkinson, 1224 Sleepy Hollow – Proposed Grace Act like the City of Waco had on their agenda

EXECUTIVE SESSION

19. NOTICE IS HEREBY GIVEN THAT A CLOSED MEETING WILL BE HELD PURSUANT TO *SECTION 551.071 OF THE GOVERNMENT CODE (V.C.T.A.)* THAT AUTHORIZES A GOVERNMENTAL BODY TO CONSULT WITH ITS ATTORNEY IN AN EXECUTIVE SESSION TO SEEK HIS OR HER ADVICE ON PENDING OR CONTEMPLATED LITIGATION; OR A SETTLEMENT OFFER; OR ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER.

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Mayor Qourzal closed the open meeting at 7:09 p.m.
Mayor Qourzal reconvened the open meeting at 7:34 p.m.

OPEN SESSION AND RELATED ACTION

20. CONSIDER AND ACT ON POSSIBLE SETTLEMENT WITH S.J. LOUIS CONSTRUCTION OF TEXAS, LTD., REGARDING PHASE II OF THE SEWER PROJECT

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

There was no discussion.

Councilmember Gilman moved that the proposed Settlement Agreement and Mutual Release between the City of Woodway and S. J. Louis Construction of Texas, Ltd., be approved and the City Manager is authorized to sign the Agreement on the City's behalf and provide for and cause the payment of the settlement amount. Councilmember Russell seconded and the motion passed unanimously.

CITY MANAGER AND CITY COUNCIL REPORTS

21. 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:

- TML Quarterly meeting
- Annual HOTCOG business meeting and lunch
- Proposed Master Fee Schedule

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

No reports at this time.

CLOSING ITEMS

23. CONSIDER ACTION ON ADJOURNMENT

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Councilmember Russell moved to adjourn the meeting. Councilmember Avant seconded the motion, and the motion passed unanimously. The meeting adjourned at 7:38 p.m.

Donna Barkley, City Secretary

Amine Qourzal, Mayor