

WOODWAY CITY COUNCIL MINUTES

January 9, 2023

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, January 9, 2023, at 5:30 p.m. The following individuals were in attendance:

Mayor:	Amine Qourzal
Mayor Pro Tem:	David Mercer
Councilmembers:	Storey Cook, Gayle Avant, Janell Gilman, and John Williams
Absent:	David Russell
City Manager:	Shawn Oubre
Acting City Secretary:	Jennifer Rogers
City Staff:	Lenny Caballero, John Norman, Brenda Hernandez, and Khalil El-Halabi
Contract Staff:	David Shaw, City Attorney Rezzin Pullum, Attorney with Bojourquez Law Firm

CALL MEETING TO ORDER

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

INVOCATION AND PLEDGE

1. INVOCATION

Mayor Qourzal provided the invocation.

2. PLEDGE OF ALLEGIANCE

PRESENTATIONS

3. QUARTERLY PRESENTATION – PUBLIC SAFETY DEPARTMENT’S REPORT REGARDING CRIME STATISTICS AND LAW ENFORCEMENT ACTIVITIES IN THE FOURTH QUARTER OF 2022.

Assistant Chief Khalil El-Halabi presented the Public Safety Department’s quarterly presentation which covered the quarterly comparison statistics for October 2022 through December 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. He noted that there was an increase in DWIs due to a grand program that focuses on patrolling for DWIs during the holiday. Chief El-Halabi answered questions.

4. QUARTERLY PRESENTATION – COMMUNITY SERVICES AND DEVELOPMENT’S REPORT REGARDING PROGRESS ON NEW CONSTRUCTION, ANTICIPATED COMPLETION DATES AND THE ISSUANCE OF CERTIFICATES OF OCCUPANCY, AND INSPECTION STATISTICS FOR THE FOURTH QUARTER OF 2022.

Assistant Community Services and Development Director John Norman presented the Community Services and Development’s quarterly presentation covering October 2022 through December 2022. He reviewed several photographs provided on a PowerPoint presentation of current residential development

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around the City, along with several commercial projects. Quarterly figures were attached for purposes of inspections. Mr. Norman answered questions.

PUBLIC HEARINGS AND RELATED ACTION

5. A. PUBLIC HEARING ON APPLICATION FOR SITE DEVELOPMENT IN A PLANNED DISTRICT (ADDITIONAL STORAGE FACILITY FOR UBI) LOT 18, BLOCK 1, OF THE INDUSTRIAL PARK ADDITION TO THE CITY OF WOODWAY, MCLENNAN COUNTY, TEXAS, LOCATED AT 22003 BUSH DRIVE

Mayor Qourzal opened the public hearing. Dr. Oubre provided comments about the location. Mike Betke (owner of UBI) at 22003 Bush Drive spoke in favor of the Application for Site Development and explained he is needing additional space due to the nature of his business and there currently being a longer lead time and need for more space for materials.

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

- B. DISCUSSION AND CONSIDER ACTION ON APPLICATION FOR SITE DEVELOPMENT IN A PLANNED DISTRICT (ADDITIONAL STORAGE FACILITY FOR UBI) LOT 18, BLOCK 1, OF THE INDUSTRIAL PARK ADDITION TO THE CITY OF WOODWAY, MCLENNAN COUNTY, TEXAS, LOCATED AT 22003 BUSH DRIVE

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

Dr. Oubre provided that Mike Betke is the applicant for this project and is the current owner of UBI. Mr. Betke is asking for three exceptions which are (1) not have off street loading, (2) not have to plant new trees (landscape), and (3) not have irrigation. The Site Development Plan was recommended for approval on December 13, 2022 by the Planning and Zoning Commission with exceptions (1) and (3), but exception (2) was denied.

Mayor Pro Tem Mercer commented that the Council should not grant exceptions to some and not others without a process of a hardship, which is not currently in place. He believes that there should be one implemented in the future.

There was discussion on each of the exemptions listed above. It was determined that each of the applicant's exception requests were valid for this particular location.

Mayor Pro Tem Mercer moved to approve the Site Development Plan and grant all three exception requests as written. Councilmember Avant seconded, and the motion passed by a five to one vote with Councilmember Williams voting against the site development plan and exemptions.

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6. A. PUBLIC HEARING ON APPLICATION FOR SITE DEVELOPMENT IN A PLANNED DISTRICT (GENERAL RETAIL) LOT 1, BLOCK C OF THE PATNER TERRACE ADDITION TO THE CITY OF WOODWAY, MCLENNAN COUNTY, TEXAS, LOCATED AT 135 ESTATES

Mayor Qourzal opened the public hearing.

Everett Phipps at 2816 Braemar Drive, (partner and owner of the building) spoke in favor of the application and commented that the exceptions have to do with parking spots. He has requested that (1) not have off street loading and (2) no landscaping requirement to allow for more parking. He stated that the architecture renderings of this project are posted at the 135 Estates site, and that the building will be similar to Milos in Waco. The retail shop will be an ice cream and chocolate shop that is family friendly.

Councilmember Gilman commented that with it being across the street from an elementary school if any consideration was given to the amount of school traffic and safety of children. Mr. Phipps commented that all of these concerns were addressed by the architect. There was more discussion.

With no one else speaking in favor or in opposition of the Application for Site Development, Mayor Qourzal closed the public hearing.

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

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

Dr. Oubre presented an aerial view of the site in question. He provided that Staff recommended that the landscaping be done and to deny the exception. He then discussed the Application for Site Development.

Mayor Pro Tem Mercer commented again that this is why the City needs to have a hardship process to be able to consider exceptions. He also commented that the parking lot is small, and that due to the fact that there isn't a current ordinance stating that a traffic study is required, that the City cannot ask the developer to provide one.

There was discussion concerning the requested exceptions:

1. Request to not meet the parking requirements per the Ordinance 2.1013/6.1.
2. Request to not have an off-street loading space.
3. Request to not have the required amount of landscaping.
4. Request to not have a landscaping screen.
5. Request to not have grading and drainage, erosion and sedimentation control or any calculations relating to these items.

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Mayor Pro Tem Mercer suggested that the developer push the vegetation towards the awning, taking away parking spots 5 and 6, which would still allow for 14 parking spots.

Mayor Pro Tem Mercer moved to approve the Application for Site Development, and accept request #1 and that those parking requirements further be reduced from 16 spaces to 14 spaces eliminating parking spots 5 and 6 specifically on the site plan as presented; grant exceptions #2, #3 but the landscaping that is currently shown on the corner of Panther and Estates will be pushed down to make that intersection safe and for landscaping to be added along Estates where parking spots 5 and 6 were to be; and grant exceptions #4 and #5. Councilmember Cook seconded, and the motion passed unanimously by the Councilmembers present.

7. A. PUBLIC HEARING ON APPLICATION TO DEVELOP IN A PLANNED DISTRICT (MEDICAL OFFICE) LOT 2, BLOCK N, BADGER RANCH ADDITION, PHASE 2 TO THE CITY OF WOODWAY, MCLENNAN COUNTY, TEXAS, LOCATED AT 16401 BADGER RANCH BLVD.

Mayor Qourzal opened the public hearing.

Jessica Tomchesson with Nisbet Architects at 215 52nd Street, spoke in favor of the application that she represents for Hormones by Design which is a hormone replacement therapy medical office.

Opposition: Marcie Snider at 17007 Legacy Drive, stated that she had concerns about this building being in her backyard, being built in a floodplain, and that the building design doesn't match the rest of Badger Ranch.

Will McKerall residing at 17011 Salado, stated that he is concerned that he hasn't been able to see actual plans. He also agrees with his neighbor Marcie Snider.

David Mauer at 17001 Stone Briar, stated his concerns are with the median in Badger Ranch and how this will affect the traffic near this location.

Bryan Lunt at 103 Hoyt Drive, stated he is concerned that the location of the property is where the drain sits and he asked if the City would have to go through his yard to address issues for this business.

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

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- B. DISCUSSION AND CONSIDER ACTION ON APPLICATION TO DEVELOP IN A PLANNED DISTRICT (MEDICAL OFFICE) LOT 2, BLOCK N, BADGER RANCH ADDITION, PHASE 2 TO THE CITY OF WOODWAY, MCLENNAN COUNTY, TEXAS, LOCATED AT 16401 BADGER RANCH BLVD.

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

Dr. Oubre presented an aerial view of the location. He suggested that any citizens wishing to see plans

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do an Open Records Request so that the City Secretary could follow proper protocol to retrieve the documents. He also stated that the Application for Site Development was pulled by the developer so this discussion is only for the Application to Develop.

Mayor Pro Tem Mercer stated that Council cannot deny an Application to Develop because it is not subjective.

Councilmember Cook moved to approve the Application to Develop in a Planned District (medical office) Lot 2, Block N, Badger Ranch Addition, Phase 2 to the City of Woodway, McLennan County, Texas, located at 16401 Badger Ranch Blvd. Councilmember Gilman seconded, and the motion passed by a five to one vote with Mayor Pro Tem Mercer voting in opposition to the process and not the applicant.

Mayor Qourzal called for a five-minute recess and closed the open meeting at 6:44 p.m.

Mayor Qourzal reopened the open meeting at 6:53 p.m. He stated that the meeting will continue with skipping to item #14 for the Redistricting Presentation to be respectful of Mr. Rezzin Pullum's time.

PRESENTATIONS

14. RECEIVE REDISTRICTING PRESENTATION ON THE PROPOSED DRAFT MAPS AND THE IMPLICATIONS OF THE 2020 CENSUS

Mr. Rezzin Pullum on behalf of the Bourquez Law Firm which has been engaged to help with the redistricting process. This is to review the initial assessment map with the revisions to reflect the correct wards for Councilmember Avant and Councilmember Gilman. We will also review the draft maps that we have submitted for consideration tonight. Currently we have three draft maps, each labeled A, B and C accordingly. Draft Map A was presented at the last meeting, draft maps B and C are a little bit newer which were submitted with a draft map report breaking down those demographics. Mr. Pullum went over each map and the changes from the existing map to make sure everyone understands what is on the agenda for consideration tonight.

Dave Keyston, 400 Shadow Mountain Drive, asked if any of these three plans took into consideration present and future developments?

Mr. Pullum responded that his firm was charged with looking at the kind of development that is going on in each of the wards and future growth in each of these wards.

PUBLIC HEARING AND RELATED ACTION

15. A. PUBLIC HEARING TO RECEIVE CITIZEN COMMENTS AND FEEDBACK ON THE PROPOSED DRAFT MAPS FOR THE REDISTRICTING OF THE CITY OF WOODWAY COUNCILMEMBER WARD BOUNDARIES

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Mayor Qourzal opened the public hearing.

Lori Whitsell, 431 Woodfall Dr., asked if the citizens vote across wards, why run in separate wards? Mayor Qourzal responded that ward/places are for representation for citizens in that ward.

With no additional comments, Mayor Qourzal closed the public hearing.

- B. DISCUSSION AND CONSIDER ACTION ON ADOPTING ORDINANCE 23-01 ESTABLISHING ONE OF THE PROPOSED DRAFT MAPS AS THE NEW REAPPORTIONMENT PLAN THEREBY REVISING THE CITY OF WOODWAY COUNCILMEMBER WARD BOUNDARIES IN RESPONSE TO THE 2020 CENSUS

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

Dr. Oubre provided comments. Mr. Pullman did a good job in gathering all this information especially with the time-line that was set for him and has provided us with three map options.

Councilmember Williams thanked Mr. Rezzin for the work he put into this.

There was a brief discussion regarding the map choices.

Councilmember Cook moved to adopt Ordinance 23-01 establishing Map C as the new reapportionment plan thereby revising the City of Woodway Councilmember ward boundaries in response to the 2020 Census. Councilmember Avant seconded and the motion passed unanimously by the Councilmembers present.

ITEMS FOR INDIVIDUAL DISCUSSION, CONSIDERATION AND/OR ACTION

8. DISCUSSION AND CONSIDER ACTION ON RESOLUTION R-23-01, CONFIRMING INVESTMENT POLICY

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

Dr. Oubre provided comments.

Mayor Pro Tem Mercer moved to adopt Resolution R-23-01, confirming the Investment Policy. Councilmember Cook seconded, and the motion passed unanimously by the Councilmembers present.

9. DISCUSSION AND CONSIDER ACTION ON AUTHORIZING COMMUNITY BANK & TRUST TO DISTRIBUTE THE CARLEEN BRIGHT ENDOWMENT FUND ACCUMULATED INCOME BALANCE TO THE CITY OF WOODWAY

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

Dr. Oubre provided that due to the kindness of Ms. Carleen Bright, many years ago she endowed to the City, funds that are available to maintain, improve and make repairs to the Arboretum. Staff would like your approval in using those funds for lights and signage at the Arboretum.

Councilmember Avant moved to authorize Community Bank & Trust to distribute the accumulated income balance of approximately \$18,647.90 from the Carleen Bright Endowment Fund to the City to be used for lights and signage at the Carleen Bright Arboretum. Councilmember Gilman seconded and the motion passed unanimously by the Councilmembers present.

10. DISCUSSION AND CONSIDER ACTION ON ACCEPTANCE OF APPLICATION TO DEVELOP IN A PLANNED DISTRICT (OFFICE SPACE) LOT 11, BLOCK 10, WOODWAY CENTER ADDITION, TO THE CITY OF WOODWAY, MCLENNAN COUNTY, TEXAS, LOCATED AT 203 COLONNADE

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

Dr. Oubre provided this is an application by Sterling Thompson. This is for acceptance of the application so it can be referred to the next Planning & Zoning Committee meeting. This is for office space at 203 Colonnade.

There was no discussion.

Councilmember Williams moved to accept the Application to Develop in a Planned District (office space) Lot 11, Block 10, Woodway Center Addition, to the City of Woodway, McLennan County, Texas, located at 203 Colonnade. Councilmember Cook seconded and the motion passed by a five to one vote with Mayor Pro Tem Mercer voting against the process and not the applicant.

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.

11. A. DISCUSSION AND CONSIDER ACTION ON MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD DECEMBER 12, 2022, AT 5:30 P.M.
- B. DISCUSSION AND CONSIDER ACTION ON MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD DECEMBER 12, AT 5:45 P.M.

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- C. DISCUSSION AND CONSIDER ACTION ON APPROVAL OF PARTICIPATION WITH THE CITIES OF WACO, HEWITT, LACY-LAKEVIEW, AND BELLMEAD IN HOUSEHOLD HAZARDOUS WASTE DAY ON MARCH 25, 2023, OR AS RESCHEDULED BY THE CITY OF WACO
- D. DISCUSSION AND CONSIDER ACTION ON REMOVING RETIRED FINANCE DIRECTOR WILLIAM KLUMP AS AUTHORIZED SIGNER ON ALL CITY OF WOODWAY BANK ACCOUNTS AND ADDING CURRENT FINANCE DIRECTOR BRENDA HERNANDEZ AS AN AUTHORIZED SIGNER ON SAID ACCOUNTS
- E. DISCUSSION AND CONSIDER ACTION RATIFYING THE EXPENDITURE OF \$105,487.00 TO JURGENSEN PUMP FOR EMERGENCY REPAIRS TO THE SANTE FE WELL DUE TO UNFORSEEN DAMAGE AND NECESSARY TO PRESERVE OR PROTECT THE PUBLIC HEALTH OR SAFETY OF THE CITY'S RESIDENTS PURSUANT TO TEX. LOC. GOV'T CODE SEC. 252.0215.

12. DISCUSSION AND CONSIDER ACTION ON CONSENT AGENDA

Dr. Oubre provided information on Item C, D, and E. No items were removed for individual discussion.

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

- A. Approve the minutes of the regular City Council meeting held December 12, 2022, at 5:30 p.m.
- B. Approve the minutes of the regular City Council meeting held December 12, 2022, at 5:45 p.m.
- C. Authorize the City Manager to execute the Interlocal Agreement and all additional necessary documents allowing for Woodway's participation in the 2023 Household Hazardous Waste Day
- D. Authorize the removal of retired Finance Director William Klump as authorized signer on all City of Woodway bank accounts and add current Finance Director Brenda Hernandez as an authorized signer on said accounts
- E. Approve the expenditure of \$105,487.00 to Jurgensen Pump, LLC, for emergency repairs to the Sante Fe Well

Councilmember Williams seconded, and the motion passed unanimously by the Councilmembers present.

VISITORS

13. HEAR VISITORS

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-Richard Maker of Woodway, Texas, handed out a two-page document that he created and then commented on the document regarding the sewer system.

-Lori Whitsell, 431 Woodfall Drive, commented on the Executive Session language on the agenda. She provided a document for Dr. Oubre.

-David Keyston, 400 Shadow Mountain Drive, commented about the placement of the City Manager's Report being after the Executive Session on the agenda.

EXECUTIVE SESSION

16. NOTICE IS HEREBY GIVEN THAT A CLOSED MEETING WILL BE HELD PURSUANT TO SEC. 551.071 OF THE TEXAS GOVERNMENT CODE TO CONSULT WITH THE CITY ATTORNEY REGARDING PENDING OR CONTEMPLATED LITIGATION.

Due to agenda items #14 and #15 A-B being moved up into earlier in the meeting, Mayor Qourzal then closed the open meeting at 7:43 p.m. for the Council to enter in Executive Session.

Mayor Qourzal reconvened the open meeting at 8:29 p.m.

There was no action to be taken at this time.

CITY MANAGER AND CITY COUNCIL REPORTS

17. 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 that at the last meeting, Councilmember Avant asked me to give an update on the Woodway Foundation. To date, what we have found is the Woodway Foundation was established in 1984 as a tax-exempt entity. Its purpose is to enrich and enhance the quality of life in the Woodway community. It is not a fund managed by the City or governed by the City. It is currently an account managed by the Waco Foundation which is why you saw it in their publication. The last time the City received a donation from them was in 2019 and they paid for the Summer Concert series or a portion of it. Currently the only know living member is Brian Bivona who is with JRBT.

There were a few questions asked by Councilmember Avant. Councilmember Cook provided a contact at Community Bank and Trust.

18. CITY COUNCIL REPORTS

Councilmember Cook stated that it is exciting to see the Arboretum back open and packed. Thank you to Staff. She also thanked Staff for the progress on the Whitehall Park playground.

Mayor Qourzal stated that in the next couple of months he will be putting together, along with the City Manager and staff, a strategic planning meeting where we all come together as a Council and discuss any

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City business that we would like for the upcoming year.

CLOSING ITEMS

19. CONSIDER ACTION ON ADJOURNMENT

Councilmember Avant moved to adjourn the meeting. Councilmember Williams seconded the motion, and the motion passed unanimously by the Councilmembers present. The meeting adjourned at 8:32 p.m.

Donna Barkley, City Secretary

Amine Qourzal, Mayor