

WOODWAY CITY COUNCIL MINUTES

July 13, 2020

The Woodway City Council met in a regular meeting via a virtual Zoom meeting, on Monday, July 13, 2020, at 5:30 p.m. The following individuals were in attendance:

Mayor:	Jane Kittner
Mayor Pro Tem:	Vic Sober
Councilmembers:	Scott A. Giddings, Amine Qourzal, David Mercer and David Russell
Councilmember Elect:	Storey Cook
City Manager:	Shawn Oubre
City Secretary:	Donna Barkley
City Staff:	Lenny Caballero, John Norman, William Klump, Bret Crook and Keith Lowrey
Contract Staff:	None
Registered Guests:	None

CALL MEETING TO ORDER

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

INVOCATION

1. INVOCATION

Mayor Pro Tem Sober provided the invocation.

PRESENTATIONS AND VISITORS

2. QUARTERLY PRESENTATION – FINANCE DEPARTMENT

William Klump, Finance Director, provided the quarterly presentation for the Finance Department which included statistics for the third quarter report for the fiscal year running through June 30th with 75% of fiscal year being completed. Mr. Klump 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. He also explained areas where we are seeing the affect of COVID-19. Overall, Mr. Klump stated that this is a good report, especially given the circumstances. There were no questions.

3. HEAR VISITORS

No visitors came forward to speak at this time and there were no public comments received electronically.

PUBLIC HEARINGS AND RELATED ACTION

4. A. PUBLIC HEARING ON APPLICATION TO DEVELOP IN A PLANNED DISTRICT (DAYCARE) LOT 1, BLOCK 10, OF THE WOODWAY CENTER ADDITION TO THE CITY OF

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WOODWAY, MCLENNAN COUNTY, TEXAS, LOCATED AT THE INTERSECTION OF ARCHWAY DRIVE BETWEEN COLONNADE PARKWAY AND JEWEL DRIVE

Mayor Kittner opened the public hearing.

Dr. Oubre stated that this is the final public hearing for consideration of this project. This is a daycare called Kids R Kids Learning Academy. This building will house ten classrooms and space for officing. The daycare will provide for six months to twelve years of age. It will perform as a daycare and after school program. This will be located at Archway and Jewel. The Planning and Zoning Commission heard this on June 9th and are recommending this for approval.

Jesse Blackwell (Applicant) and Clay Christy (Claymore Engineering, 1903 Central Drive, Bedford, TX) did not have anything to add but were available to answer any questions that the Council might have.

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 (DAYCARE) LOT 1, BLOCK 10, OF THE WOODWAY CENTER ADDITION TO THE CITY OF WOODWAY, MCLENNAN COUNTY, TEXAS, LOCATED AT THE INTERSECTION OF ARCHWAY DRIVE BETWEEN COLONNADE PARKWAY AND JEWEL DRIVE

Mayor Kittner made a comment regarding the landscaping and feels it will be a great addition to the City.

Councilmember Giddings made a motion to approve the request for Application to Develop in a Planned District (daycare) Lot 1, Block 10, Woodway Center Addition, located at the intersection of Archway Dr. between Colonnade Pkwy and Jewel Drive. Mayor Pro Tem Sober seconded, and the motion passed unanimously.

ITEMS FOR INDIVIDUAL DISCUSSION, CONSIDERATION AND/OR ACTION

- 5. DISCUSS AND CONSIDER ACTION ON RESOLUTION R-20-11 ADOPTING AND EXECUTING A PROFESSIONAL SERVICES AGREEMENT WITH THE TEXAS COALITION FOR AFFORDABLE POWER (TCAP) STRATEGIC HEDGING PROGRAM (SHP) AND GEXA ENERGY'S FOR THE PURCHASE OF ELECTRICITY TO BE PROVIDED ON AND AFTER JANUARY 1, 2023

Dr. Oubre stated that TCAP is a consortium of cities and government entities that come together and wholesale a leverage to buy electricity in the open market since we are an open market utility system here. In 2016, the City Council executed the same contract we are asking you to extend now through TCAP with Gexa. Gexa is our utility provider. They broker a bid with TCAP to find the cheapest rates possible for cities to operate under. The City has history with TCAP; we are happy with TCAP and the provider.

Margaret Somerveve, Executive Director with TCAP provided a brief presentation. She stated that the City's current contract expires at the end of 2022. Energy prices dip to some of their lowest prices two years from the current date which is why they are getting the members to sign a contract that will begin January 1, 2023. In January 2021 they will buy electricity for 2023.

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Councilmember Qourzal made a motion to adopt and execute Resolution R-20-11 allowing the City to enter into a professional services agreement with the Texas Coalition for Affordable Power (TCAP) Strategic Hedging Program (SHP) and Gexa Energy for the purchase of electricity to be provided on and after January 1, 2023. Mayor Pro Tem Sober seconded, and the motion passed unanimously.

6. DISCUSSION AND CONSIDER ACTION ON ACCEPTANCE OF APPLICATION TO DEVELOP IN A PLANNED DISTRICT (DENTAL CLINIC) LOT 13, BLOCK 1, OF THE BURNETT ADDITION TO THE CITY OF WOODWAY, MCLENNAN COUNTY, TEXAS, LOCATED AT 117 BURNETT COURT

Dr. Oubre provided this item is brought for acceptance only and there will then be two required public hearings. The first at a Planning and Zoning meeting scheduled for July 14th and the second at City Council on August 10th for final action. The applicant is Nicholas Cobb. He currently has a business called Heart of Texas Smiles in a building next to where he is proposing this.

Nick Cobb (applicant) stated that the City Manager did a great job introducing the project. His current office is two doors down from this lot. He wants to build this new office with larger capacity to serve more patients.

John Holtz, (architect) stated that this is a new 8,900 sq. ft. building and he has been working very closely with the civil engineer, David Marek. This is a very attractive building designed to be complimentary with the neighborhood and also be an attractive and inviting facility for modern and innovative dentistry with fourteen exam rooms. It is an L-shaped building with two main volumes and a clear story window area to bring daylight into the facility.

There was brief discussion regarding the setback requirements and the detention pond due to the drainage issues in that area.

Councilmember Russell made a motion to accept the Application to Develop in a Planned District (dental clinic) Lot 13, Block 1, of the Burnett Addition to the City of Woodway, McLennan County, Texas, located at 117 Burnett Court. Councilmember Mercer seconded, and the motion passed unanimously.

7. DISCUSSION AND CONSIDER ACTION ON MCLENNAN COUNTY 9-1-1 EMERGENCY ASSISTANCE DISTRICT BOARD OF MANAGERS RUN-OFF BALLOT

Dr. Oubre provided an item was previously brought to City Council for nominations and the nomination was made for Chief Devlin of Hewitt. There was a tie vote, so therefore, we are voting in the run-off of two nominees. In speaking with Chief Crook, it is our recommendation to support Chief Devlin to serve on the McLennan County 9-1-1 Emergency Assistance District Board of Directors.

Councilmember Giddings made a motion to cast their vote for Jim Devlin. Councilmember Mercer seconded, and the motion passed unanimously.

8. DISCUSSION AND BRIEFING CONCERNING THE CORONAVIRUS (COVID-19) AND ANY ACTIONS NECESSARY THERETO

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Dr. Oubre provided the following updates:

- Since we met last, you were going to consider tonight extending or rescinding your prior action requesting masks in businesses if social distancing was not possible. The enforcement was basically on the business owner. On July 2nd, the Governor passed an executive order to supersede your local order and basically put the burden on the individual and took it away from the business. The current Governor's order issued July 2nd entitled GA 29 is what is in play right now. He has not given any indication to when he will lift it.
- In talking with the Chief this morning, no one has called the City for enforcement, no one has called the City for a warning and the officers have not participated in issuing any warnings. Although, our local community may disagree with the order, there is an awareness and a desire to comply with the Governor's current order.

There are no items in need of action.

CONSENT AGENDA

9. A. DISCUSSION AND CONSIDER ACTION ON MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JUNE 8, 2020, AT 5:30 P.M.
- B. DISCUSSION AND CONSIDER ACTION ON MINUTES OF THE CITY COUNCIL BUDGET WORK SESSION HELD JUNE 19, 2020, AT 10:30 A.M.
- C. DISCUSSION AND CONSIDER ACTION ON MINUTES OF THE SPECIAL CITY COUNCIL MEETING HELD ON JUNE 26, 2020 AT 10:00 A.M.
- D. DISCUSSION AND CONSIDER ACTION ON ACCEPTANCE OF "CERTIFICATION OF UNOPPOSED CANDIDATES" AND ON ORDINANCE 20-06, DECLARING UNOPPOSED CANDIDATE IN THE AUGUST 15TH SPECIAL CITY ELECTION TO BE ELECTED TO OFFICE AND CANCELLING THE ELECTION (*ANÁLISIS Y CONSIDERACIÓN DE LAS ACCIONE SOBRE "CERTIFICACIÓN DE CANDIDATO SIN OPOSICIÓN" Y SOBRE LA ORDENANZA 20-06, DECLARANDO CANDIDATO SIN OPOSICIÓN EN LAS ELECCIONE ESPECIAL DE LA CIUDAD DEL 15 DE AGOSTO DE 2020 QUE SERÁN ELEGIDOS PARA SUS FUNCIONES Y CANCELANDO LA ELECCIÓN*)
- E. DISCUSSION AND CONSIDER ACTION ON RESOLUTION R-20-12, DECLARING PROPERTY EXCESS TO THE CITY'S NEEDS AND AUTHORIZING THE DISPOSAL OF SAME
- F. DISCUSSION AND CONSIDER ACTION APPROVING RATE INCREASE OF TWO PERCENT (2%) TO THE BASE RESIDENTIAL RATE FOR YEAR FOUR OF THE SERVICE CONTRACT BETWEEN THE CITY AND FRONTIER ACCESS, LLC FOR WASTE COLLECTION
- G. DISCUSSION AND CONSIDER ACTION ON REQUEST FROM JOHN WILLIAMS FOR THE RENEWAL OF A SPECIAL USE PERMIT FOR A HOME OCCUPATION (MAIL ORDER BUSINESS - BOY SCOUT MEMORABILIA) AT 204 TAOS, WOODWAY, TEXAS

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- H. DISCUSSION AND CONSIDER ACTION ON CHANGING COURT COLLECTION VENDORS FROM VIGILANT SOLUTIONS TO LINEBARGER ATTORNEYS AT LAW
- I. DISCUSSION AND CONSIDER ACTION ON RESOLUTION R-20-13, DESIGNATING WILLIAM KLUMP AS THE CITY'S EMPLOYEE TO CALCULATE THE NO-NEW REVENUE TAX RATE AND THE VOTER APPROVAL TAX RATE IN ACCORDANCE WITH THE TEXAS TAX CODE

Dr. Oubre provided comments that item D needs to be moved to individual discussion as it is an Ordinance and cannot be considered under the Consent Agenda items. He then provided information on Items E through I.

10. DISCUSSION AND CONSIDER ACTION ON CONSENT AGENDA

Mayor Pro Tem Sober moved that the Consent Agenda be approved as follows except Item D:

- A. Approve the minutes of the regular City Council meeting held June 8, 2020, at 5:30 p.m.
- B. Approve the minutes of the City Council Budget Work Session held June 19, 2020, at 10:30 a.m.
- C. Approve the minutes of the special City Council meeting held on June 26, 2020 at 10:00 a.m.
- E. Adopt Resolution R-20-12, declaring property excess to the City's needs and authorizing the disposal of same
- F. Approve a rate increase of two percent (2%) to the base residential rate for year four of the service contract between the City and Frontier Access, LLC for waste collection
- G. Approve request from John Williams for the renewal of a special use permit for a home occupation (mail order business - Boy Scout memorabilia) at 204 Taos, Woodway, Texas
- H. Authorize cancellation of Vigilant Solutions contract effective September 30, 2020 and enter into a contract for collection services with Linebarger Attorneys at Law effective October 1, 2020
- I. Approve Resolution R-20-13, designating William Klump as the City's employee to calculate the no-new revenue tax rate and the voter approval tax rate in accordance with the Texas Tax Code

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

- 9. D. DISCUSSION AND CONSIDER ACTION ON ACCEPTANCE OF "CERTIFICATION OF UNOPPOSED CANDIDATES" AND ON ORDINANCE 20-06, DECLARING UNOPPOSED CANDIDATE IN THE AUGUST 15TH SPECIAL CITY ELECTION TO BE ELECTED TO OFFICE AND CANCELLING THE ELECTION (*ANÁLISIS Y CONSIDERACIÓN DE LAS ACCIONE SOBRE "CERTIFICACIÓN DE CANDIDATO SIN OPOSICIÓN" Y SOBRE LA ORDENANZA 20-06, DECLARANDO CANDIDATO SIN OPOSICIÓN EN LAS ELECCIONE ESPECIAL DE LA CIUDAD DEL 15 DE AGOSTO DE 2020 QUE SERÁN ELEGIDOS PARA SUS FUNCIONES Y CANCELANDO LA ELECCIÓN*)

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Dr. Oubre provided that this item will cancel the special election scheduled for August 15th. and will certify Storey Cook as the unopposed official candidate for the unexpired term of Keven Kehlenbach.

Councilmember Giddings made a motion to accept “Certification of Unopposed Candidate by the City Secretary” and adopt Ordinance 20-06, declaring Storey Cook elected to office for the unexpired term of Place 1 seat for Ward 2 and cancelling the special election ordered for August 15, 2020. Councilmember Russell seconded the motion, Mayor Kittner read aloud the caption of the ordinance as required, and the motion passed unanimously.

ITEMS RELATED TO PROPOSED 2020/2021 ANNUAL BUDGET AND PROPOSED 2020 AD VALOREM TAX RATE

11. Follow-up discussion on the proposed budget and tax rate

Dr. Oubre thanked the Council for the workshop the previous Friday. It was very helpful and productive providing direction for staff. He is still waiting on the following:

- Health insurance costs
- Certified tax rolls – will provide a better number to give us an idea of the deficit we are looking at

There was no additional discussion at this time.

CITY MANAGER AND CITY COUNCIL REPORTS

12. CITY MANAGER’S REPORT

Dr. Oubre provided the following:

- On July 14th, the City of Woodway will be a Vote Center for the Primary Run-Off Election from 7 a.m. to 7 p.m.
- We have arranged for the cleaning company to come in and do a deep cleaning/sanitization of the lobby and City Council Chambers after the election. COVID-19 grant monies will be used for this.
- Viking Contractors have started the slurry seal project and should be finished by Monday or Tuesday of next week
- The contractor started the environmental abatement at the Community Services building. We sent a change order in on that project because the canopy had collapsed.
- Recognition of Keith Lowrey, who has kind of done a quick crash course on training us on this Zoom meeting. He provided the PowerPoint slides this evening for us.
- He also provided appreciation for the City Council and the staff for their patience in working through all this
- Update on the issuance of the Solicitor’s permit during COVID-19 and amending the City’s ordinance to be in compliance with the Supreme Court conditions.

13. CITY COUNCIL REPORTS

Councilmember Mercer attended the previous Planning and Zoning meeting and requested that there be orientation

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or training of the new commission members. Dr. Oubre agreed and said that staff will put something together and will look for some training as well.

Councilmember Russell attended the previous Parks and Recreation Commission meeting and relayed that they are very enthusiastic about the possibilities.

CLOSING ITEMS

14. CONSIDER ACTION ON THE OPEN MEETINGS ACT RESOLUTION

Mayor Pro Tem Sober moved to approve the Open Meetings Act Resolution. Councilmember Russell seconded the motion, and the motion passed unanimously.

15. CONSIDER ACTION ON ADJOURNMENT

Councilmember Giddings moved to adjourn the meeting. Mayor Pro Tem Sober seconded the motion, and the motion passed unanimously. The meeting adjourned at 6:39 p.m.

Donna Barkley, City Secretary

Jane Kittner, Mayor