

WOODWAY CITY COUNCIL MINUTES

August 10, 2020

The Woodway City Council met in a regular meeting via a virtual Zoom meeting, on Monday, August 10, 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, Mitch Davison, William Klump, Bret Crook and Keith Lowrey
Contract Staff: None
Registered Guests: Meredith Sexton, 9519 Bryce, Woodway
John Holtz, Plunkett Raysich Architects
Derek Neuman
Nicholas Cobb, Heart of Texas Smiles
David Marek, CP&Y

CALL MEETING TO ORDER

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

INVOCATION

1. INVOCATION

Mayor Pro Tem Sober provided the invocation.

PRESENTATIONS AND VISITORS

2. QUARTERLY PRESENTATION – COMMUNITY SERVICES AND DEVELOPMENT

Director Mitch Davison came forward to present the Community Services and Development quarterly report covering April through June, 2020. He reviewed several photographs provided on a PowerPoint presentation of residential development around the city along with the following commercial projects: Commercial offices at 15130 and 15140 Badger Ranch Blvd., Buildings #2 and #6 at The Outlook, Staybridge Suites, Camp Bow Wow and American Bank. He also provided the following capital improvement projects are underway in some form or fashion: Fairway Gravity Sewer Replacement Phase II, Woodway Street & Utility Improvements, Hwy 84 Pump Station Improvements and the Woodway Community Services Building Renovations. A Quarterly Inspection list was provided in the packet and Mr. Davison also provided that residential has picked up significantly because of the one subdivision Style Craft is building. Mr. Davison answered questions.

3. QUARTERLY PRESENTATION – PUBLIC SAFETY DEPARTMENT

Chief Crook provided this report and stated that COVID has really affected what the officers are doing in the field. We have limited some contact with the officers as well as the jail limiting the offenses they will take. The numbers provided in this report are a lot lower than normal due to COVID. This is the quarterly comparison statistics for April 1 – June 30, 2019 and April 1 – June 30, 2020. He discussed statistics for the Patrol Division, CID, Municipal Court and Communications. He also provided that one of the K-9s is out sick with a pretty significant disease. He has been out of service for about three (3) months. Various questions were answered.

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4. HEAR VISITORS

The City Manager provided that one public comment was received electronically related to Item #5A, from Meredith Sexton, and she is in attendance virtually and will be given the opportunity to speak during the public hearing.

PUBLIC HEARINGS AND RELATED ACTION

5. A. PUBLIC HEARING ON 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

Mayor Kittner opened the public hearing.

Favor: Dr. Nicholas Cobb (Applicant) along with Dr. Teresa Lassiter both with Heart of Texas Smiles. He addressed the public comment and stated that Burnett Court will be the main entrance. They don't anticipate an increase in traffic very much. David Marek with CP&Y addressed some of the issues that were raised from the previous public hearing and how they have gone above and beyond the original design capturing run-off drainage from the site and conveying it to a detention facility that is located along Fairway Rd. There is a small portion of the site that does drain directly to the street but the majority from the site is captured and taken to this pond. This is a resubmission you have before you today that shows we have enlarged the pond such that we have reduced the pre-developed run-off twenty-five percent (25%), therefore, what flows off the site post development will be seventy-five percent (75%) of the existing run-off. We enlarged the capacity of the detention pond.

John Holtz, with Plunkett Raysich Architects, the architect of record provided that the building is a foresighted architecture for the neighborhood and understand this is an established residential neighborhood and are very thoughtful of those existing residential buildings. With the design, the main entrance is on Burnett Court. He provided specific design information of the building. Landscape around the building will be very thoughtful to create buffer areas to describe both plant material and hardscape around the building that are attractive both to the community and for the Heart of Texas Smiles facility itself.

Comments were also made by Dr. Teresa Lassiter.

Opposed: Ms. Meredith Sexton has traffic concerns and would like to see just the one entrance on Burnett Ct.

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 (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 previously went before the Planning and Zoning Commission on July 14th. Mitch Davison answered questions regarding the landscaping and screening requirements in the City's ordinance.

There was a brief discussion about speed bumps.

Mayor Pro Tem Sober made a motion to approve the request for 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.

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›Councilmember Mercer seconded, and the motion passed unanimously.

ITEMS FOR INDIVIDUAL DISCUSSION, CONSIDERATION AND/OR ACTION

6. DISCUSSION AND CONSIDER ACTION ON ORDINANCE 20-07, AMENDING AND REPLACING, IN ITS ENTIRETY, CHAPTER 15, SOLICITORS AND PEDDLERS, OF THE CITY OF WOODWAY CODE OF ORDINANCES

Dr. Oubre stated that this is simply updating the current ordinance to mirror the supreme court cases and decisions that were rendered which impacted the way the City issued the permit, the amount of insurance needed for the permit and the amount charged for the permit.

A brief discussion was had regarding who is required to get a permit.

Councilmember Russell made a motion to adopt Ordinance 20-07, amending and replacing, in its entirety, Chapter 15, Solicitors and Peddlers, of the City of Woodway Code of Ordinances. Councilmember Giddings seconded, Mayor Kittner read aloud the caption of the ordinance as required, and the motion passed unanimously.

7. DISCUSSION AND CONSIDER ACTION ON ACCEPTANCE OF APPLICATION TO DEVELOP IN A PLANNED DISTRICT (PARKING LOT ADDITION FOR THE FIRST NATIONAL BANK OF CENTRAL TEXAS) LOT 3, BLOCK 8, OF THE WOODWAY CENTER ADDITION TO THE CITY OF WOODWAY, MCLENNAN COUNTY, TEXAS, LOCATED AT 7500 WEST WOODWAY DR.

Dr. Oubre provided this is brought for acceptance of the application only at this point. The applicant wanted it to go forward on tonight's agenda for acceptance but has pulled it from the scheduled Planning and Zoning Commission meeting on Tuesday until they get it formalized and get some of these questions answered.

Councilmember Giddings made a motion to accept the Application to Develop in a Planned District (parking lot addition for the First National Bank of Central Texas) Lot 3, Block 8, of the Woodway Center Addition to the City of Woodway, McLennan County, Texas, located at 7500 West Woodway Dr. Councilmember Mercer seconded, and the motion passed unanimously.

8. DISCUSSION AND CONSIDER ACTION ON AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL COOPERATION AGREEMENT REGARDING STREET IMPROVEMENTS AND UTILITY FACILITIES INVOLVING THE CITY OF WACO

Dr. Oubre asked the Council to postpone this item. It originally had to deal with three issues and the best way to resolve it was to bundle it together.

- 1) Construction of a street through a partnership with Waco;
- 2) Use of Waco's CCN inside city limits;
- 3) Metering station for the sewage in the new Tanglewood subdivision.

Since the agenda has been posted there was a discussion with the Developer/Councilman, about an outlying question we needed to have addressed. Councilmember Mercer was very cautious with his questions and he was asking as a developer and not a councilman. Dr. Oubre stated for the record, that Councilmember Mercer is within his area as a developer.

There was a brief discussion whether or not Councilmember Mercer should recuse himself due to conflict of interest when it comes back to Council for action.

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Councilmember Russell made a motion to postpone any discussion and/or action on the Interlocal Cooperation Agreement regarding street improvements and utility facilities involving the City of Waco. Councilmember Qourzal seconded, and the motion passed unanimously.

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

Dr. Oubre provided the following updates:

- Not experiencing any issues. People are very compliant coming into city properties
- The employees are very compliant
- No compliance issues with merchants
- The Chief mentioned two employees at Public Safety. Those employees weren't exposed to COVID on the job, they were exposed either away from the office, off-duty or on vacation. We are very careful and feel we have created a fairly safe bubble to be in while at work.

There are no items in need of action.

CONSENT AGENDA

10. A. DISCUSSION AND CONSIDER ACTION ON MINUTES OF THE CITY COUNCIL BUDGET WORK SESSION HELD JULY 10, 2020, AT 10:30 A.M.
- B. DISCUSSION AND CONSIDER ACTION ON MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JULY 13, 2020, AT 5:30 P.M.
- C. DISCUSSION AND CONSIDER ACTION ON MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JULY 13, 2020, AT 5:30 P.M.

Dr. Oubre provided comments on Item C.

11. DISCUSSION AND CONSIDER ACTION ON CONSENT AGENDA

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

- A. Approve the minutes of the City Council Budget Work Session held July 10, 2020, at 10:30 a.m.
- B. Approve the minutes of the regular City Council meeting held July 13, 2020, at 5:30 p.m.
- C. Approve the return of \$50,000 escrow deposit to the First United Methodist Church of Woodway

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

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

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12. DISCUSSION AND CONSIDER ACTION ON ACCEPTANCE OF 2020 AD VALOREM TAX VALUES AS CERTIFIED BY THE MCLENNAN COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS

Dr. Oubre stated that once you accept the certified tax roll, the city is then able to calculate what used to be called “the effective rate” which is now called the “no-new tax rate” and secondly, what use to be call the “rollback rate” is now the “voter approval tax rate”. These are based on the certified values.

Councilmember Giddings moved to accept the 2020 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 25, 2020. Councilmember Sober seconded, and the motion passed unanimously.

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

Dr. Oubre provided that the no-new tax rate is \$0.445419 and the voter-approval tax rate is \$0.465234. We are proposing a budget that stays at the same tax rate we currently have at \$.4500 per \$100 value. Dr. Oubre provided additional comments and answered questions. There was a brief discussion on the proposed tax rate and a lengthy discussion regarding funding the parks. It was decided that this year, due to the virus situation, the Parks and Recreation Commission could concentrate on planning for future improvements at the parks.

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. As such, Dr. Oubre asked for a consensus of removing the \$30,000 from Parks, add one and a half percent (1 ½ %) for future capital projects and take what is left over in this budget. With no one opposed, consensus had been reached that the proposed 2020 ad valorem tax rate would be .4500 per \$100.00 of appraised property value.

14. DISCUSSION AND CONSIDER ACTION ON PROPOSAL TO PLACE AN ACTION ITEM ON A FUTURE MEETING AGENDA FOR THE PURPOSE OF ADOPTING A 2020 AD VALOREM TAX RATE

Dr. Oubre stated that we will be setting the tax rate at \$.4500 and it will provide a balanced budget. He also provided that late this afternoon the Governor issued an opinion that the public hearing for the budget has to be held in a public forum and cannot be in an electronic state. The next council meeting will need to be held in person.

As required by Truth-in-Taxation, and with the Council reaching a consensus on a proposed tax rate, Councilmember Giddings moved that an action item be placed on a future meeting agenda for the purpose of adopting a proposed tax rate of .4500 per \$100 of property value. Councilmember Mercer seconded, and the motion passed unanimously. (The record vote, as required by Truth-in-Taxation, follows: Kittner – For, Sober – For, Giddings – For, Qourzal – For, Mercer – For and Russell – For.)

15. DISCUSSION AND CONSIDER ACTION ON SETTING THE DATE, TIME AND PLACE FOR THE REQUIRED PUBLIC HEARING ON THE PROPOSED 2020 AD VALOREM TAX RATE

This item is required by Truth-in-Taxation. Councilmember Giddings moved to conduct the required public hearing on the 2020 proposed tax rate for Monday, August 24th at 5:30 p.m., in the Donald J. Baker Council Chambers at Woodway City Hall, 922 Estates Drive, Woodway, Texas. Mayor Pro Tem Sober seconded, and the

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motion passed unanimously.

CITY MANAGER AND CITY COUNCIL REPORTS

16. CITY MANAGER'S REPORT

Dr. Oubre provided the following:

- Fire truck pumper on order and it is still being manufactured. We should receive it by year's end.

17. CITY COUNCIL REPORTS

No City Council reports at this time.

CLOSING ITEMS

18. CONSIDER ACTION ON THE OPEN MEETINGS ACT RESOLUTION

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

19. 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 7:09 p.m.

Donna Barkley, City Secretary

Jane Kittner, Mayor