

WOODWAY CITY COUNCIL MINUTES

March 27, 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, March 27, 2023, 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:	John Norman, Brenda Hernandez, Bret Crook and Kahlil El-Halabi
Contract Staff:	David Shaw, City Attorney

CALL MEETING TO ORDER

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

INVOCATION AND PLEDGE

1. INVOCATION

Councilmember Gilman provided the invocation.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the United States Flag was recited in unity

ITEMS FOR INDIVIDUAL DISCUSSION, CONSIDERATION AND/OR ACTION

3. DISCUSSION AND ACTION ON RESOLUTION R-23-06, TO CONSIDER WAIVER OF PENALTIES AND INTEREST ON DELINQUENT AD VALOREM TAXES PURSUANT TO TEXAS TAX CODE § 33.011 FOR JAMES & JANIS GUEST DUE TO THE CLOSURE OF CITY, COUNTY, AND FEDERAL OFFICES JANUARY 31, 2023 AND FEBRUARY 1, 2023 DUE TO SEVERE WEATHER IN THE REGION

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 Mrs. Guest was here to ask for this waiver. During January 31 – February 1 of this year, due to inclement weather, the city, county and federal buildings were closed. Their taxes were

WOODWAY CITY COUNCIL MINUTES

Page 2

March 27, 2023

paid on January 31st, but with the post offices being closed, it was not post-marked until it re-opened on February 2nd.

Janice Guest, (Applicant requesting waiver), stated that she sent in a letter to each entity because she had been informed by the McLennan County Tax Accessor's office of her delinquent taxes. She explained that when she got to the post office on the 31st, they were open and didn't realize that they transported mail to Dallas to be postmarked and drive it back to Waco. February 2nd was her postmarked date due to the delay in driving the mail to and from the Dallas area. She is asking for the amount of \$105.07 to be waived.

The City Attorney asked Mrs. Guest the following questions:

1. Did you deposit your tax payment in the mail on or before January 31st? Mrs. Guest responded that she deposited it at 4 p.m. on January 31st.
2. Is the reason your taxes were post dated to February 2nd due to the Waco Post Office not postmarking their mail and it being transported to Dallas which couldn't happen due to the weather? Mrs. Guest stated that this is true.
3. Is your understanding that the federal post office was closed here in McLennan County, in Waco and surrounding areas on January 31st and February 1st. Mrs. Guest replied that the one on Highway 6 was open but not for transportation purposes. The vans were not running.

Mayor Qourzal moved to adopt Resolution R-23-06, in the case of James and Janis Guest, to refund their delinquent tax payment to the City of Woodway due to the closure of city, county and federal offices on January 31, 2023 and February 1, 2023, due to severe weather in the region. Councilmember Cook seconded and the motion passed unanimously.

4. DISCUSSION AND ACTION ON RESOLUTION R-23-07, TO CONSIDER WAIVER OF PENALTIES AND INTEREST ON DELINQUENT AD VALOREM TAXES PURSUANT TO TEXAS TAX CODE § 33.011 FOR BARBARA WILLIAMS DUE TO THE CLOSURE OF CITY, COUNTY, AND FEDERAL OFFICES JANUARY 31, 2023 AND FEBRUARY 1, 2023 DUE TO SEVERE WEATHER IN THE REGION

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

Dr. Oubre provided that this is basically the same as the previous item but for Mrs. Barbara Williams. Mrs. Williams made the payment, but it just wasn't properly posted due to the post office being closed.

Mrs. Williams (Applicant requesting waiver), provided that her case is very similar to Mrs. Guest's situation. She dropped her payment off at the post office around noon on January 31st and it was post-marked February 2nd.

WOODWAY CITY COUNCIL MINUTES

Page 3

March 27, 2023

The City Attorney asked the following questions:

1. How did you pay? Mrs. Williams replied by check.
2. How did you deposit that check? Mrs. Williams stated that she put it in the envelope provided by the tax office and dropped it inside at the post office on January 31st around noon.
3. Were you aware that there was a winter storm coming through on that day? Mrs. Williams stated she was but she drove there and didn't have any problems and did not realize it wouldn't get postmarked on that day.
4. Your testimony is that you remitted your payment timely on January 31st and the reason it was not postmarked until February 2nd was because the trucks weren't driving delivery to Dallas due to the ice storm? Mrs. Williams replied "that is correct."

Mayor Qourzal moved to adopt Resolution R-23-07, in the case of Barbara Williams, to issue a refund of her delinquent tax payment of \$124.40 due to the closure of city, county and federal offices January 31, 2023 and February 1, 2023 due to severe weather in the region. Councilmember Cook seconded and motion passed unanimously.

5. DISCUSSION AND CONSIDER ACTION TO SUBSTITUTE IN THE CITY'S RECORDS A DRAFT OF ORDINANCE 23-02 THAT INCORPORATES A PREAMBLE REFLECTING THE REPORTS, DISCUSSION, AND FINDINGS THE CITY COUNCIL MADE AND RELIED UPON TO PASS ORDINANCE 23-02 AT THE MARCH 13, 2023, CITY COUNCIL MEETING, AND WHICH SUBSTITUTED DOCUMENT DOES NOT REVISE, ALTER, OR AMEND THE WORDING OR SUBSTANCE OF ORDINANCE 23-02 AS PASSED ON MARCH 13, 2023

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

The City Attorney provided the reason for adding the preamble to the previously adopted Ordinance 23-02. This is helpful to have in the record showing what the facts were, reports were and information that the City Council relied upon; and what discussion they had that supported the passage of that motion. We are not asking for any change to the ordinance, just to substitute this document that carries that preamble with it.

Questions were answered by the City Attorney.

Councilmember Cook moved to substitute in the City's records, a draft of Ordinance 23-02 that incorporates a preamble reflecting the reports, discussion, and findings that the City Council made and relied upon to pass Ordinance 23-02 at the March 13, 2023, City Council meeting, and which substituted document does not revise, alter, or amend the wording or substance of Ordinance 23-02 as passed on March 13, 2023. Councilmember Gilman seconded and the motion passed by a six to one vote with Councilmember Russell voting against.

WOODWAY CITY COUNCIL MINUTES

Page 4

March 27, 2023

6. DISCUSSION AND CONSIDER ACTION ON THE ADDITION OF A FULL-TIME CUSTODIAN POSITION TO PROVIDE CLEANING AND MAINTENANCE SERVICES TO CITY HALL, COMMUNITY SERVICES, AND THE PUBLIC SAFETY BUILDINGS

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

Dr. Oubre provided that this is a new item. Staff has been struggling with this for about the last six to eight months. We have had vendors that couldn't get their contractors to come in; a high turn-over rates; and a high increase in the cost to try and address the lack of third parties to help clean. This is for City Hall, Community Services and the Public Safety buildings. Because Public Safety is basically a twenty-four-hour operation they have a minimum of three cleanings a week and the other two buildings have two cleanings per week. He provided a breakdown of third-party contractor expenses incurred annually as well as an estimated cost of a full-time custodian with salary and benefits.

Councilmember Cook moved to authorize the addition of a full-time custodian position. Councilmember Gilman seconded and the motion passed unanimously.

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.

7.
 - A. DISCUSSION AND CONSIDER ACTION ON MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD MARCH 13, 2023, AT 5:30 P.M.
 - B. DISCUSSION AND CONSIDER ACTION ON REQUEST FROM H. LEON WILSON FOR THE RENEWAL OF A SPECIAL USE PERMIT FOR A HOME OCCUPATION (SALE OF FIREARMS BY PHONE/ONLINE) AT 605 WILLOW CREEK DRIVE, WOODWAY, TEXAS
 - C. DISCUSSION AND CONSIDER ACTION ON MCLENNAN COUNTY 9-1-1 EMERGENCY ASSISTANCE DISTRICT BOARD OF MANAGERS NOMINATIONS TO FILL THE UNEXPIRED TERM OF SEAT ONE (1) WHICH CHIEF BRET CROOK IS RESIGNING FROM DUE TO HIS UPCOMING RETIREMENT
8. DISCUSSION AND CONSIDER ACTION ON CONSENT AGENDA

WOODWAY CITY COUNCIL MINUTES

Page 5

March 27, 2023

Dr. Oubre provided information on Items B-C. No items were removed for individual discussion.

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

- A. Approve the minutes of the regular City Council meeting held March 13, 2023, at 5:30 p.m.
- B. Approve request received from H. Leon Wilson for the renewal of his Special Use Permit for a Home Occupation (sale of firearms by phone/online) at 605 Willow Creek Drive, Woodway, Texas
- C. Authorize staff to submit form nominating Khalil El-Halabi to fill the unexpired term of Seat One (1) on the McLennan County 9-1-1 Emergency Assistance District Board of Managers

Councilmember Avant seconded, and the motion passed unanimously.

VISITORS

9. HEAR VISITORS

- Cathryn Simons, Woodway resident, representing a group of Woodway Park users who are upset with new trails cut into the park. (a copy of her comments was provided to City Council)

CITY MANAGER AND CITY COUNCIL REPORTS

10. 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)

Nothing to report on at this time.

11. CITY COUNCIL REPORTS

Councilmember Cook reported on the following:

- Reminded everyone about the Easter Eggstravaganza Drive-Thru on April 6th from 4:30 – 6:30 p.m.

CLOSING ITEMS

12. CONSIDER ACTION ON ADJOURNMENT

WOODWAY CITY COUNCIL MINUTES

Page 6

March 27, 2023

Councilmember Russell moved to adjourn the meeting. Councilmember Cook seconded the motion, and the motion passed unanimously. The meeting adjourned at 6:10 p.m.

Donna Barkley, City Secretary

Amine Qourzal, Mayor