

## **WOODWAY CITY COUNCIL MINUTES**

April 10, 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, April 10, 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 and Kahlil El-Halabi
Contract Staff:	David Shaw, City Attorney

### **CALL MEETING TO ORDER**

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

### **INVOCATION AND PLEDGE**

#### **1. INVOCATION**

Councilmember Cook provided the invocation.

#### **2. PLEDGE OF ALLEGIANCE**

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

### **PRESENTATIONS**

#### **3. QUARTERLY PRESENTATION – PUBLIC SAFETY DEPARTMENT’S REPORT REGARDING CRIME STATISTICS AND LAW ENFORCEMENT ACTIVITIES IN THE SECOND QUARTER OF 2023**

Captain El-Halibi presented the quarterly report. This is the quarterly comparison statistics for January 1 – March 31, 2022 and January 1 – March 31, 2023. 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. They partnered with TxDOT to bring a grant to the City to try and deter and be pro-active with DWIs which resulted in dozens of extra arrests. DWIs was the number one incident during this quarter with narcotics being next. Warrants is the third highest arrest for us. Last year at this time, narcotics were number one as opposed to DWIs. There were no questions.

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### **PUBLIC HEARINGS AND RELATED ACTION**

4.           A.           Public hearing on Application for Change in Zoning Classification of Lot 19, Block 1 of the Woodway Elementary School Addition, to the City of Woodway, McLennan County, Texas, located at the southwest corner of Estates Drive from “LR-P” Planned Local Retail to “P-C” Planned Commercial

Dr. Oubre provided that the Mr. Lalani (applicant) is here to answer any questions. This property is currently zoned Planned Local Retail and the applicant is asking to change the zoning to Planned Commercial.

Mayor Qourzal opened the public hearing.

Favor:

- Kary Lalani (applicant). He is a Woodway resident and thinks what has made Woodway such a wonderful community is the historical commitment to making it a great community to raise a family but also an eye to the future in terms of continuing to expand amenities, services and tax base. Right now, he is asking for a zoning change with the idea of being able to have more options when it comes to development.
- Mr. Lalani answered questions regarding to building a bar. He has no intention and also added that TABC would not allow the sell of alcohol that close to a school.
- Lisa Qourzal, Woodway resident – Has a son at Woodway Elementary and is in the pick-up line and drop-off line and has not noticed an issue with the Dutch Brothers being there. She was nervous about it at first, but has dropped her son off almost every day and with no issue. She also stated that if we are allowing any type of commerce to happen in Woodway, she would rather it be by one of our fellow Woodway residents who has a vested interest in our community.

Opposed:

- Lori Whitsell, Woodway resident - asked what the applicant is planning for this property.
- Debbie Peters, Woodway resident – She stated that she had read the Planning & Zoning differences and did the pros and cons. This particular area is by the school. Concerned if zoning is commercial, there could be a bar.
- Terry Runs, Woodway resident – Asked why the secrecy as to what Mr. Lalani’s intentions are for the property?
- Dave Keyston, Woodway resident – Any Councilmember should recuse themselves from any vote pertaining to any development or party he or she is affiliated with.
- Diana Pallage, Woodway resident – Concerned about traffic on that corner of Estates. Feels Woodway is a bedroom community.
- Richard Maker, Woodway resident – Concerned about builders saying and then doing different things.

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

- B.           DISCUSSION AND CONSIDER ACTION TO AMEND THE FUTURE LAND USE PLAN FOR LOT 19, BLOCK 1 OF THE WOODWAY ELEMENTARY SCHOOL ADDITION TO THE CITY OF WOODWAY, MCLENNAN COUNTY, TEXAS, LOCATED AT THE SOUTHWEST CORNER OF ESTATES DRIVE, FROM “LR-P” (PLANNED LOCAL

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### RETAIL) TO “P-C” (PLANNED COMMERCIAL)

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

Dr. Oubre stated that he didn't have any additional comments but this item is to consider the Future Land Use Plan.

Mr. Lalani answered various questions posed by the Councilmembers.

David Shaw, City Attorney provided clarification as to what type of questions were relevant regarding the Future Land Use Plan.

There was a brief discussion. Councilmember Russell asked that if anyone is getting a benefit from this lot should they be voting, because it could be considered a quid pro quo. The Mayor directed that question to the City Attorney. Mr. Shaw asked what the concern was. Councilmember Russell commented that one of the councilmembers has a campaign sign on the property. Mr. Shaw stated that a conflict of interest would be ownership to the lot next door or a certain distance from that lot. Campaign signs and things of that nature, you don't know who put it up and who supports the candidate. Based on what we know, his answer was “no” to the quid pro quo question.

Councilmember Cook moved to amend the Future Land Use Plan for Lot 19, Block 1 of the Woodway Elementary School Addition to the City of Woodway, McLennan County, Texas, located at the Southwest Corner of Estates drive, from “LR-P” (Planned Local Retail) to “P-C” (Planned Commercial). Mayor Qourzal seconded, and the motion passed with a four to two vote: Qourzal, Cook, Avant, and Gilman voting in favor; Russell and Williams voting against and Mercer abstaining.

### C. DISCUSSION AND CONSIDER ACTION ON ORDINANCE 23-05, AMENDING THE ZONING CLASSIFICATION OF LOT 19, BLOCK 1 OF THE WOODWAY ELEMENTARY SCHOOL ADDITION, TO THE CITY OF WOODWAY, MCLENNAN COUNTY, TEXAS, LOCATED AT THE SOUTHWEST CORNER OF ESTATES DRIVE FROM “LR-P” PLANNED LOCAL RETAIL TO “P-C” PLANNED COMMERCIAL

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

No additional comments by the City Manager.

Councilmember Williams commented his concerns regarding standards for changing zoning. He also stated that we are here to represent Woodway as a whole. Because of that, its not just about the citizens having rights but we also have a duty to those who might want a change. We have discussed an overlay district and I think this highlights the importance of that where we get to a standard.

Barbara Tipton, Woodway resident – She stated that one of the councilmembers made a comment a couple of meetings back regarding the old gas station on Estates that is being redone, that “we want Estates Drive to be our Shining Star of Woodway”. We want it to be something we can all be proud of. We think that speaks to why all

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of us need to know more about changing these zones.

Kary Lalani, applicant – He really appreciates the comments and concerns. The nature of this zoning change, and anyone who has been in development or construction will tell you the Planned Local Retail is really not conducive to real estate development. We are trying to change the zoning so it is more conducive to real estate development. He also stated that there is nobody on City Council, that is in anyway related, nor has any interest to this property, so that notion is absurd.

Councilmember Cook moved to adopt Ordinance 23-05, amending the zoning classification of Lot 19, Block 1 of the Woodway Elementary School Addition to the City of Woodway, McLennan County, Texas, located at the Southwest Corner of Estates drive, from “LR-P” (Planned Local Retail) to “P-C” (Planned Commercial). Councilmember Gilman seconded, Mayor Qourzal read aloud the caption of the ordinance as required and the motion passed with a four to two vote: Qourzal, Cook, Avant, and Gilman voting in favor; Russell and Williams voting against and Mercer abstaining.

### **ITEMS FOR INDIVIDUAL DISCUSSION, CONSIDERATION AND/OR ACTION**

#### **5. DISCUSSION AND CONSIDER ACTION ON MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD MARCH 27, 2023, AT 5:30 P.M.**

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 Russell moved to approved the minutes of the regular City Council meeting held March 27, 2023, at 5:30 p.m. Councilmember Avant seconded and the motion passed unanimously.

#### **6. DISCUSSION AND CONSIDER ACTION ON ACCEPTANCE OF APPLICATION TO DEVELOP IN A PLANNED DISTRICT (MEDICAL CLINIC) LOT 3, BLOCK 1, BURNETT ADDITION, TO THE CITY OF WOODWAY, MCLENNAN COUNTY, TEXAS, LOCATED AT 104 BURNETT CT.**

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

Dr. Oubre provided comments and stated that this property is located next door to Primrose. This is just for acceptance of the application. It will then go to Planning and Zoning and then back to City Council for the two required public hearings.

Richard Morgan, Architect with K-4 – provided that they are doing a new eye clinic for the Bealka's. They currently have two clinics, one in Hillsboro and one in Gatesville. They wanted to have a clinic here centrally located in between them. This will basically be for getting your eyes checked with some small medical procedures.

Councilmember Russell moved to accept the Application to Develop in a Planned District (medical clinic) Lot 3, Block 1, Burnett Addition, to the Cit of Woodway, McLennan County, Texas, located at 104 Burnett Ct.

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Councilmember Williams seconded and the motion passed with a six to one vote: Qourzal, Russell, Cook, Avant, Gilman and Williams in favor with Mercer voting against in opposition to the process and not the applicant.

### 7. DISCUSSION AND CONSIDER ACTION ON ADOPTING ORDINANCE 23-04, AMENDING CHAPTER 12 ½, PARKS AND RECREATION, ARTICLE I – IN GENERAL

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 was discussed previously but the Council wanted the Parks and Recreation Commission to review it before Council took any action. They reviewed it at the March 23<sup>rd</sup> meeting and the only change they would like Council to consider is opening the parks at 5 a.m. instead of 6 a.m.

Councilmember Cook, (Parks & Recreation Commission Liaison) asked about the current time it opens now and why there was a later time proposed from a Public Safety perspective. Dr. Oubre provided that Chief Crook suggested that time based on cars coming and going along with people walking. Councilmember Cook said that there were some groups that were concerned that they would not be able to meet if the time is changed to 6 a.m.

There was a brief discussion.

Councilmember Cook moved to adopt Ordinance 23-04, amending Chapter 12 ½, parks and Recreation, Article I – In General with an earlier opening time of 5:30 a.m. Councilmember Russell seconded, Mayor Qourzal read aloud the caption of the ordinance as required and the motion passed unanimously.

## **VISITORS**

### 8. HEAR VISITORS

- Dr. Kari Barron, Woodway citizen – Being bullied by neighbor and it seems City ordinances have not deterred her harassment of her family or other neighbors. She has had to call the police department several times due to excessively loud music at all hours., signage, lights, etc. She would like to see more enforcement of the ordinances.
- Lori Whitsell, Woodway citizen – Posting of agenda
- Dave Keyston, Woodway citizen – Stand up for the people you represent.
- Teri Runs, Woodway citizen – Feels the City Council doesn't care what the citizens want
- Richard Maker, Woodway citizen – Commented on sign-in sheet

## **CITY MANAGER AND CITY COUNCIL REPORTS**

### 9. 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)

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Nothing to report on at this time.

### 10. CITY COUNCIL REPORTS

Councilmember Cook reported that the unfortunately, the weather prevented the Eggstravaganza from taking place.

### **CLOSING ITEMS**

### 11. CONSIDER ACTION ON ADJOURNMENT

Councilmember Russell moved to adjourn the meeting. Councilmember Avant seconded the motion, and the motion passed unanimously. The meeting adjourned at 6:39 p.m.

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Donna Barkley, City Secretary

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Amine Qourzal, Mayor