

# WOODWAY CITY COUNCIL MINUTES

September 11, 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, September 11, 2023, at 5:30 p.m. The following individuals were in attendance:

Mayor: Amine Qourzal  
Mayor Pro Tem: John W. Williams  
Councilmembers: David Russell, Storey Cook, Gayle Avant, Janell Gilman and David Keyston  
City Manager: Shawn Oubre  
City Secretary: Donna Barkley  
City Staff: Brenda Hernandez, Mitch Davison, Kahlil El-Halabi, Todd Gill, Jimmy Rogers, Larry Adams and Michael Brummett  
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 Cook provided the invocation.

### 2. PLEDGE OF ALLEGIANCE

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

## **PRESENTATIONS**

### 3. Presentation of Valor Award to Corporal Williams, Officer Miller and Officer Carter

Chief El-Halabi presented Corporal Williams and Officers Miller and Carter with the valor award

## **PUBLIC COMMENT**

### 4. THE CITY COUNCIL INVITES CITIZENS TO ADDRESS THE COUNCIL ON ANY MATTER, INCLUDING ITEMS ON THE AGENDA, EXCEPT PUBLIC HEARINGS THAT ARE INCLUDED ON THE AGENDA. COMMENTS RELATED TO PUBLIC HEARINGS WILL BE HEARD WHEN THE SPECIFIC HEARING STARTS. PLEASE LIMIT YOUR COMMENTS TO THREE (3) MINUTES PER RESOLUTION R-87-11. THE COUNCIL IS NOT PERMITTED TO TAKE ANY ACTION OR DISCUSS ANY ITEM NOT LISTED ON THE AGENDA. WHEN CALLED TO SPEAK, PLEASE STATE YOUR NAME AND ADDRESS, AND IF SPEAKING ON A SPECIFIC AGENDA ITEM, STATE THE ITEM BEFORE BEGINNING YOUR COMMENTS

- Richard Hess, Woodway resident – Spoke on keeping the existing Family Center
- Reginald Peake, Woodway resident – Spoke in favor of keeping the existing Family Center
- Millie Woods, Woodway resident – Spoke in favor of keeping the existing Family Center

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- Dwain Moss, Woodway resident – Spoke that the City can afford to keep the existing Family Center
- Jean Sury, Woodway resident – Spoke in favor of senior activities and would like to hear the City Council’s plans for senior activities
- Phillip Reader, Woodway resident – Spoke on budgetary resources on new Family Center and existing Family Center. In support of keeping old Family Center.
- Jan Smith, Woodway resident – Looking forward to hearing about new activities for seniors at the new Family Center
- Jim Anne Heather, Woodway resident – Spoke in favor of keeping the existing Family Center
- Graham Cook, Woodway resident – Spoke on Item 6 regarding implementing senior programming at the new Family center
- Kristen Magueta, Woodway resident – Spoke on senior activities and to keep in mind limitations for the elderly and ADA compliance for the handicapped.
- Diana Palich, Woodway resident – Spoke on restrictive hours for senior activities at the new Family Center
- Ann Aldridge, Woodway resident – Spoke on the need for more pickle ball courts
- Barbara Grandy, Woodway resident – Spoke on senior activities at new Family Center as presented to the Parks & Recreation Commission and suggested additional programming
- Stephanie Koehne, Woodway resident – Spoke in favor of keeping the old Family Center; Spoke on the undesirable time and day of Sunday from 10 a.m. to 2 p.m. for the Farmers Market
- Mike Firmin, Beard Kultgen Law Firm – Spoke on Item 8 which has to do with an HOA and whether or not that is going to be imposed on Starlight Estates. He is confident that an HOA is not required for Starlight Estates due to the fact that they do not have any open space or recreational areas
- Helen Boyse, Woodway resident – Spoke in favor of saving the old Family Center
- Perri Shebley, Woodway resident – Spoke in favor of saving the old Family Center
- Richard Maker, Woodway resident – Spoke in favor of saving the old Family Center; Western Star demolishing trees without permits
- Dave Whitby, Woodway resident – He stated that it is very important that everyone remembers that everything written down isn’t necessary fact
- Gwen Jensen, Woodway resident – Spoke in favor of saving old Family Center and use it for Senior Center
- Donald R. Ham, Woodway resident – Spoke to the fact that all progress is change but not all change is progress

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

5. DISCUSSION AND CONSIDER ACTION ON ORDINANCE 23-11, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2023 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS AND REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES

Dr. Oubre presented this item.

There was no discussion.

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Councilmember Russell moved to adopt Ordinance 23-11, approving a negotiated settlement between the ATMOS Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the Company’s 2023 rate review mechanism filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by attached settlement tariffs to be just and reasonable and in the public interest; approving an attachment establishing a benchmark for pensions and retiree medical benefits and requiring the company to reimburse ACSC’s reasonable ratemaking expenses. Councilmember Avant seconded, Mayor Qourzal read aloud the caption of the ordinance as required, and the motion passed unanimously.

## 6. DISCUSSION AND CONSIDER ACTION ON IMPLEMENTING SENIOR PROGRAMMING FOR THE NEW WOODWAY FAMILY CENTER’S PROGRAMMING CALENDAR

Dr. Oubre provided comments and Jimmy Rogers, Superintendent at the Woodway Family Center provided a PowerPoint presentation that was also presented at a previous Parks and Recreation Commission meeting.

There was a lengthy discussion.

Councilmember Avant moved to defer action on this item. Councilmember Russell seconded and the motion failed with a 4-3 vote against. (Russell, Avant and Keyston voting for; Qourzal, Williams, Cook and Gilman voting against)

Councilmember Gilman moved to authorize staff to implement senior programming for the new Woodway Family Center. Councilmember Cook seconded, and the motion passed with a 4-3 vote (Qourzal, Williams, Cook and Gilman voting for; Russell, Avant and Keyston voting against).

## 7. DISCUSSION AND CONSIDER ACTION ON PURCHASING FURNITURE FOR THE NEW WOODWAY FAMILY CENTER FROM TOTAL OFFICE SOLUTIONS UNDER THE COOPERATIVE PURCHASING AGREEMENT WITH OMNIA PARTNERS IN AN AMOUNT NOT TO EXCEED \$33,405.08, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY DOCUMENTS IN CONNECTION THEREWITH

Dr. Oubre presented this item.

There was a brief discussion.

Councilmember Gilman moved to authorize expenditure in the amount of \$33,405.08 for the purchase of furniture for the new Woodway Family Center from Total Office Solutions under the cooperative purchasing agreement with Omnia Partners in an amount not to exceed \$33,405.08, and authorizing the City Manager to execute any documents in connection therewith. Councilmember Cook seconded and the motion passed unanimously.

## 8. DISCUSSION AND CONSIDER ACTION ON APPENDIX A – ZONING, PART TWO, USE OF LAND OR PREMISES, SECTION 2.503, PLANNED UNIT DEVELOPMENT, SUBSECTION F., COMMON OPEN SPACE OF THE CITY’S CODE OF ORDINANCES, REQUIRING THE DEVELOPERS OF STARLIGHT ESTATES TO FORM A HOME OWNERS ASSOCIATION.

Dr. Oubre provided that he was asked by Councilmember Keyston to put this item on the agenda so he deferred to Councilmember Keyston for comments.

There was a brief discussion.

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Councilmember Keyston moved to require Starlight Estates to have a HOA. Councilmember Russell seconded and the motion failed with a 3-4 vote. (Russell, Avant and Keyston voted in favor; Qourzal, Williams, Cook and Gilman votes against)

## 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.*

9.       A.       DISCUSSION AND CONSIDER ACTION ON MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD AUGUST 28, 2023 AT 5:30 P.M.
  - B.       DISCUSSION AND CONSIDER ACTION TO AWARD A CONTRACT IN RESPONSE TO BID #23-08, FOR 2-INCH WATER LINE REPLACEMENT TO J. H. CONTRACTING, THE LOWEST RESPONSIBLE BIDDER, IN AN AMOUNT NOT TO EXCEED \$576,890.00, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY DOCUMENTS IN CONNECTION THEREWITH
  - C.       DISCUSSION AND CONSIDER ACTION ON RATIFYING THE EXPENDITURE OF \$85,962.00 TO JURGENSEN PUMP, LLC, FOR EMERGENCY REPAIRS TO TATER HILL WELL DUE TO UNFORESEEN 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
10.       DISCUSSION AND CONSIDER ACTION ON CONSENT AGENDA

Dr. Oubre provided comments on Items B-C Items A and C were removed for separate discussion.

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

- B.       Award contract in response to Bid #23-08, for 2-inch water line replacement to J.H. Contracting, the lowest responsible bidder, in an amount not to exceed \$576,890.00, and authorize the City Manager to execute any documents in connection therewith.

Councilmember Keyston seconded, and the motion passed unanimously.

9.       A.       Discussion and consider action on minutes of the regular City Council meeting held August 28, 2023 at 5:30 p.m.

Councilmember Keyston moved to approve the minutes of the regular City Council meeting held August 28, 2023 at 5:30 p.m. Councilmember Russell seconded and the motion passed unanimously.

- C.       Discussion and consider action on ratifying the expenditure of \$85,962.00 to Jurgensen Pump, LLC, for emergency repairs to Tater Hill Well due to unforeseen 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

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Councilmember Russell moved to approve the expenditure of \$85,962.00 to Jurgensen Pump, LLC, for emergency repairs to Tater Hill Well due to unforeseen 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. Mayor Pro Tem Williams seconded and the motion passed unanimously.

## **EXECUTIVE SESSION**

11. NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL WILL GO INTO EXECUTIVE SESSION IN ACCORDANCE WITH THE FOLLOWING PROVISIONS OF THE GOVERNMENT CODE: SEC. 551.074(A)(1), THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A CITY OFFICER OR EMPLOYEE (ANNUAL EVALUATION OF THE CITY MANAGER)
12. NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL WILL GO INTO EXECUTIVE SESSION IN ACCORDANCE WITH THE FOLLOWING PROVISIONS OF THE GOVERNMENT CODE: SEC. 551.074(A)(1), THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A CITY OFFICER OR EMPLOYEE (EMPLOYMENT CONTRACT FOR ASSISTANT CITY MANAGER)
13. NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL WILL GO INTO EXECUTIVE SESSION IN ACCORDANCE WITH THE FOLLOWING PROVISIONS OF THE GOVERNMENT CODE: SEC. 551.074(A)(1), THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF A CITY OFFICER OR EMPLOYEE (EMPLOYMENT CONTRACT FOR FINANCE DIRECTOR)

Mayor Qourzal closed the open meeting at 7:25 p.m.

Mayor Qourzal reconvened the open meeting at 9:08 p.m.

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

14. 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 introduced Adam Niolet, the City's new Assistant City Manager.

Councilmember Russell would like the Woodway Newsletter to include more information. He also suggested a committee with Councilmember Keyston as the chair to help the staff if needed.

Councilmember Russell also suggested the possibility of an agenda item regarding a moratorium on all future building permits on homes and businesses until we are out of water restrictions.

15. CITY COUNCIL REPORTS

There were no reports at this time.

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**CLOSING ITEMS**

16. CONSIDER ACTION ON ADJOURNMENT

Councilmember Russell moved to adjourn the meeting. Councilmember Keyston seconded the motion, and the motion passed unanimously. The meeting adjourned at 9:15 p.m.

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Donna Barkley, City Secretary

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Amine Qourzal, Mayor