

WOODWAY CITY COUNCIL MINUTES

February 12, 2024

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, February 12, 2024, 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: Adam Niolet, Mitch Davison, Khalil El-Halabi and Jason Graves
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

Reverend Kevin Lentz with Trinity Lutheran Church provided the invocation.

2. PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT

3. 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

There were no public comments.

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PRESENTATIONS

4. RACIAL PROFILING REPORT – PUBLIC SAFETY DEPARTMENT (COMPLETE ANALYSIS OF THE RACIAL PROFILING DATA FOR 2023 AS REQUIRED BY ARTICLE 2.132(7) OF THE TEXAS CODE OF CRIMINAL PROCEDURE)

Chief El-Halabi presented this report which is required under Article 2.132(7) of the Texas Code of Criminal Procedure.

A copy of the report was provided in the agenda packet.

PUBLIC HEARINGS AND RELATED ACTION

5. A. PUBLIC HEARING ON APPLICATION TO DEVELOP AND SITE DEVELOPMENT PLAN IN A PLANNED DISTRICT (MEDICAL OFFICE) LOT 1, BLOCK 1, EYE WACO REALTY ADDITION, TO THE CITY OF WOODWAY, MCLENNAN COUNTY, TEXAS, LOCATED AT 8012 WOODWAY DRIVE

Mayor Qourzal opened the public hearing.

- Roxanne Klepper – Concerned about erosion, more trees being removed and flooding. She also stated that she would like the dumpster to not be on the residential side.

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

- B. DISCUSSION AND CONSIDER ACTION ON APPLICATION TO DEVELOP IN A PLANNED DISTRICT (MEDICAL OFFICE) LOT 1, BLOCK 1, EYE WACO REALTY ADDITION, TO THE CITY OF WOODWAY, MCLENNAN COUNTY, TEXAS, LOCATED AT 8012 WOODWAY DRIVE

Dr. Oubre provided comments on Items 5B and 5C. Planning and Zoning met on January 23rd for the first required public hearing and recommends approval.

Mr. Niolet provided additional information regarding the drainage/flooding which is TxDOT runoff.

Mayor Qourzal re-opened the public hearing.

- Austin Green – (part owner of dental office) He has met Dr. Ralston and is excited to welcome a new neighbor. When Donna Miller built her office 2010, she went through a similar plan as this. It just wasn't enough. There were flooding issues, leaking issues and they just want to be a good neighbor and inform him when his builders, architects and engineers are looking at it, they might want to go above and beyond what they think is minimally necessary because that is kind of where they were ten to fifteen years ago. We want this to benefit us and to benefit him.

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Mayor Qourzal closed the public hearing.

Questions were answered.

Councilmember Cook moved to approve the Application to Develop in a Planned District (medical office) Lot 1, Block 1, Eye Waco Realty Addition, to the City of Woodway, McLennan County, Texas, located at 8012 Woodway Drive. Councilmember Gilman seconded, and the motion passed unanimously.

- C. DISCUSSION AND CONSIDER ACTION ON SITE DEVELOPMENT PLAN IN A PLANNED DISTRICT (MEDICAL OFFICE) LOT 1, BLOCK 1, EYE WACO REALTY ADDITION, TO THE CITY OF WOODWAY, MCLENNAN COUNTY, TEXAS, LOCATED AT 8012 WOODWAY DRIVE

Mayor Pro Tem Williams moved to approve the Site Development in a Planned District (medical office) Lot 1, Block 1, Eye Waco Realty Addition, to the City of Woodway, McLennan County, Texas, located at 8012 Woodway Drive. Councilmember Gilman seconded, and the motion passed unanimously.

ITEMS FOR INDIVIDUAL DISCUSSION, CONSIDERATION AND/OR ACTION

- 6. DISCUSSION AND CONSIDER ACTION ON ENTERING INTO AN AGREEMENT WITH HICKS RAY ASSOCIATES, TO PROVIDE PROFESSIONAL SERVICES BY ASSISTING THE CITY OF WOODWAY IN ACQUIRING FEDERAL GRANTS FOR PUBLIC WORKS PROJECTS IN AN AMOUNT NOT TO EXCEED \$42,000.00, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS IN CONNECTION THEREWITH

Dr. Oubre provided that this item was postponed from the last council meeting and that City Council had requested Mr. Ray be present.

Tom Ray of Hicks Ray Associates provided a PowerPoint presentation on the background of Hicks Ray Associates and what they do. He also answered questions.

Councilmember Gilman moved to enter into an agreement with Hicks Ray Associates, to provide professional services by assisting the City of Woodway in acquiring federal grants for public works projects in an amount not to exceed \$42,000.00, and authorizing the City Manager to execute all documents in connection therewith. Councilmember Avant 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 JANUARY 22, 2024 AT 5:30 P.M.
- B. DISCUSSION AND CONSIDER ACTION ON RESOLUTION R-24-04, ORDERING A GENERAL CITY ELECTION IN THE CITY OF WOODWAY ON SATURDAY, MAY 4, 2024; DESIGNATING THE POLLING PLACES; AND PROVIDING OTHER MATTERS RELATING TO THE ELECTION (*DISCUTA Y CONSIDERE ACCIÓN EN RESOLUCIÓN R-24-04, ORDENANDO QUE SE LLEVEN A CABO ELECCION GENERALES EN LA CIUDAD DE WOODWAY EL SÁBADO, 4 DE MAYO DE 2024; DESIGNACIÓN LOS LUGARES DE VOTACIÓN; Y ESPECIFICACIÓN DE OTROS ASUNTOS RELACIONADOS CON LAS ELECCION*)
- C. DISCUSSION AND CONSIDER ACTION ON REQUEST FROM JULIE ERNZEN, FOR THE RENEWAL OF A SPECIAL USE PERMIT FOR A HOME OCCUPATION (PHOTOGRAPHY-OCCASIONAL INDOOR PHOTOSHOOTS) AT 908 SLEEPY HOLLOW ROAD, WOODWAY, TEXAS
- D. DISCUSSION AND CONSIDER ACTION TO AWARD A CONTRACT IN RESPONSE TO #23-09, FOR 12-INCH WATERLINE IMPROVEMENTS AT RITCHIE ROAD, OLD MCGREGOR ROAD AND OAK RIDGE ROAD TO KASPARIAN UNDERGROUND LLC, D/B/A H&B CONTRACTORS, THE LOWEST RESPONSIBLE BIDDER, IN AN AMOUNT NOT TO EXCEED \$943,581.60, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY DOCUMENTS IN CONNECTION THEREWITH
8. DISCUSSION AND CONSIDER ACTION ON CONSENT AGENDA

Dr. Oubre provided comments on Items B-D. Councilmember Russell pulled Item D for separate discussion.

Councilmember Russell moved that Items A-C on the Consent Agenda be approved as follows:

- A. Approve the minutes of the regular City Council meeting held January 22, 2024 at 5:30 p.m.
- B. Adopt Resolution R-24-04, ordering a general city election to be held as a joint election with McLennan County for the City of Woodway, Texas, to be held on Saturday, May 4, 2024, designating the polling places, and providing other matters relating to the election.

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- C. Approve request received from Julie Ernzen, for the renewal of a special use permit for a home occupation (photography-occasional indoor photoshoots) at 908 Sleepy Hollow Road, Woodway, Texas

Councilmember Gilman seconded, and the motion passed unanimously.

7. D. DISCUSSION AND CONSIDER ACTION TO AWARD A CONTRACT IN RESPONSE TO #23-09, FOR 12-INCH WATERLINE IMPROVEMENTS AT RITCHIE ROAD, OLD MCGREGOR ROAD AND OAK RIDGE ROAD TO KASPARIAN UNDERGROUND LLC, D/B/A H&B CONTRACTORS, THE LOWEST RESPONSIBLE BIDDER, IN AN AMOUNT NOT TO EXCEED \$943,581.60, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY DOCUMENTS IN CONNECTION THEREWITH

Questions were answered regarding the starting and ending points of the project along with questions about paving of the road and the size of the line being replaced.

Councilmember Russell moved to award a contract in response to Bid #23-09, for 12-inch water line improvements to Kasparian Underground, LLC d/b/a H&B Contractors, the lowest responsible bidder, in an amount not to exceed \$943,581.60, and authorize the City Manager to execute any documents in connection therewith. Councilmember Gilman seconded, and the motion passed unanimously.

EXECUTIVE SESSION

9. NOTICE IS HEREBY GIVEN THAT A CLOSED MEETING WILL BE HELD PURSUANT TO SEC. 551.071 OF THE TEXAS GOVERNMENT CODE TO CONSULT WITH THE CITY ATTORNEY REGARDING A MATTER IN WHICH THE DUTY OF THE ATTORNEY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THE OPEN MEETING PROVISIONS OF OPEN MEETINGS ACT.
10. NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL WILL GO INTO EXECUTIVE SESSION IN ACCORDANCE WITH TEXAS GOVERNMENT CODE: § 551.074 TO DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF ADAM NIOLET, A CITY OFFICER OR EMPLOYEE.

Mayor closed the open meeting at 6:41 p.m.

Mayor reconvened the open meeting at 7:54 p.m.

CITY MANAGER AND CITY COUNCIL REPORTS

11. CITY MANAGER'S REPORT (BRIEFINGS OR UPDATES MAY BE PROVIDED

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REGARDING CITY SERVICES, ADMINISTRATIVE/PERSONNEL MATTERS, REAL ESTATE/DEVELOPMENT, INFRASTRUCTURE, EVENTS, REGULATIONS, COMMUNITY AND INTERGOVERNMENTAL RELATIONS ISSUES)

Dr. Oubre stated that city offices will be closed Monday, February 19th for Presidents' Day.

12. CITY COUNCIL REPORTS

A reminder from Councilmember Cook that there is a special called meeting of the Parks & Recreation Commission on Thursday, February 22nd, at 5:30 p.m. since the January meeting did not make.

A reminder from Councilmember Keyston that there is a Planning & Zoning meeting on Tuesday, February 13th, at 5 p.m.

Mayor Pro Tem Williams inquired about the possibility of a quorum of the Council attending P&Z meetings.

Mayor Qourzal complimented the Arboretum staff on a great job at the Father & Daughter Dance.

CLOSING ITEMS

13. 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 7:58 p.m.

Donna Barkley, City Secretary

Amine Qourzal, Mayor