

# WOODWAY CITY COUNCIL MINUTES

September 9, 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, September 9, 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, Janell Gilman, David Keyston and Ken Sury
City Manager:	Adam Niolet
City Secretary:	Donna Barkley
City Staff:	Jennifer Rogers, John Norman, Khalil El-Halabi, Todd Gill, Nolan Schaffer and Keith Lowrey
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 Kenneth McNeil with Willow Grove Baptist 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 made at this time.

**PRESENTATIONS**

4. PRESENTATION OF YARD OF THE MONTH FOR SEPTEMBER

Mayor Qourzal recognized the Smith Family at 9614 Old Farm Road as recipients of the Yard of the Month certificate for September.

5. INTRODUCTION OF NEW PUBLIC SAFETY OFFICER

Chief El-Halabi introduced Joe Rogers as one of the City's newest public safety officers.

**PUBLIC HEARINGS AND RELATED ACTION**

6. A. PUBLIC HEARING ON THE PROPOSAL FROM THE CENTURION FOUNDATION, INC., THAT THE NATIONAL FINANCE AUTHORITY ISSUE TAX-EXEMPT REVENUE BONDS IN ONE OR MORE SERIES IN A TOTAL AMOUNT NOT TO EXCEED \$31,000,000 (1) TO FINANCE THE ACQUISITION OF A MEDICAL OFFICE AND HEALTHCARE FACILITY LOCATED AT 6101 WOODWAY DRIVE, WOODWAY, TEXAS, AND (2) TO PAY CERTAIN EXPENSES INCURRED IN CONNECTION WITH THE ISSUANCE OF THE BONDS

Mayor Qourzal opened the public hearing.

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

B. DISCUSSION AND CONSIDER ACTION ON RESOLUTION R-24-19, TO APPROVE THE REQUEST FROM THE CENTURION FOUNDATION, INC., THAT THE NATIONAL FINANCE AUTHORITY ISSUE TAX-EXEMPT REVENUE BONDS IN A TOTAL AMOUNT NOT TO EXCEED \$31,000,000 (1) TO FINANCE THE ACQUISITION OF A MEDICAL OFFICE AND HEALTHCARE FACILITY LOCATED AT 6101 WOODWAY DRIVE, WOODWAY, TEXAS, AND (2) TO PAY CERTAIN EXPENSES INCURRED IN CONNECTION WITH THE ISSUANCE OF THE BONDS

Mr. Niolet presented this item.

Jason Turman, representing Ascension Providence was in attendance and Jeremi Ullmon, attorney for

WOODWAY CITY COUNCIL MINUTES

Page 3

September 9, 2024

Centurion Foundation attended virtually to answer any questions.

Councilmember Keyston moved to adopt Resolution R-24-19 to approve the request from the Centurion Foundation, Inc., that the National Finance Authority issue tax-exempt revenue bonds in a total amount not to exceed \$31,000,000 (1) to finance the acquisition of a medical office and healthcare facility located at 6101 Woodway Drive, Woodway, Texas and (2) to pay certain expenses incurred in connection with the issuance of the bonds. Councilmember Russell seconded, and the motion passed unanimously by the councilmembers present.

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

7. DISCUSSION AND CONSIDER ACTION ON ORDINANCE 24-10, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2024 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

Mr. Niolet presented this item.

Councilmember Cook moved to adopt Ordinance 24-10, approving a negotiated settlement between the ATMOS Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division regarding the Company’s 2024 rate review mechanism filing; declaring existing 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 Sury seconded, Mayor Qourzal read aloud the caption of the ordinance as required and the motion passed unanimously by the councilmembers present.

8. DISCUSSION AND CONSIDER ACTION ON CHANGE ORDER WITH JH CONTRACTING, LLC, FOR ADDITIONAL ASPHALT PAVEMENT REPLACEMENT ON THE WOODWAY WATER LINE REPLACEMENT PROJECT IN AN AMOUNT NOT TO EXCEED \$48,744.00, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY DOCUMENTS IN CONNECTION THEREWITH

Mr. Niolet presented this item.

# WOODWAY CITY COUNCIL MINUTES

Page 4

September 9, 2024

Mayor Pro Tem Williams moved to accept the change order with JH Contracting, LLC, for additional asphalt pavement replacement on the Woodway Water Line Replacement project in an amount not to exceed \$48,744.00, and authorizing the City Manager to execute any documents in connection therewith. Councilmember Cook seconded, and the motion passed unanimously by the councilmembers present.

9. DISCUSSION AND CONSIDER ACTION TO APPROVE THE PURCHASE OF 33 TASERS THROUGH AXON ENTERPRISES INC., UTILIZING BUYBOARD CONTRACT PRICING, IN AN AMOUNT NOT TO EXCEED \$145,820.00 OVER A 5-YEAR PERIOD -SUBJECT TO APPROPRIATION, AUTHORIZING DISPOSAL OF TASERS THAT HAVE REACHED THE END OF THEIR USEFUL SERVICE LIFE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS IN CONNECTION THEREWITH

Mr. Niolet presented this item along with Chief El-Halabi and Captain Schaffer who provided additional information on a PowerPoint presentation.

Councilmember Keyston moved to approve the purchase of 33 tasers through Axon Enterprises, Inc., utilizing BuyBoard Contract Pricing, in an amount not to exceed \$145,820.00 over a 5-year period subject to appropriation, authorizing disposal of tasers that have reached the end of their useful service life, and authorizing the City Manager to execute all documents in connection therewith. Councilmember Russell seconded and the motion passed unanimously by the councilmembers present.

## **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.*

10. A. DISCUSSION AND CONSIDER ACTION ON MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD AUGUST 26, 2024, AT 5:30 P.M.
- B. DISCUSSION AND CONSIDER ACTION RATIFYING THE EXPENDITURE OF \$37,143.00 TO JURGENSEN PUMP, LLC FOR EMERGENCY REPAIRS TO REBUILD THE MOTOR AT BOSQUE 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 §252.0215
- C. DISCUSSION AND CONSIDER ACTION RATIFYING THE EXPENDITURE OF \$29,690.00 TO ALLIANCE ELECTRICAL GROUP, LLC FOR REPAIRS TO THE STARTER AT BUSINESS ACRES WELL DUE TO UNFORESEEN DAMAGE AND NECESSARY TO PRESERVE OR PROTECT THE PUBLIC HEALTH OR SAFETY OF

## WOODWAY CITY COUNCIL MINUTES

Page 5

September 9, 2024

### THE CITY'S RESIDENTS PURSUANT TO TEX.LOC.GOV'T CODE §252.0215

#### 11. DISCUSSION AND CONSIDER ACTION ON CONSENT AGENDA

Mr. Niolet provided comments on Items B and C. Councilmember Russell pulled Item A for separate discussion.

Mayor Pro Tem Williams moved that Items B and C on the consent agenda be approved as follows:

- B. Approve the expenditure in the amount of \$37,143.00 (Jurgensen Pump, LLC) for emergency repairs to Bosque Well
- C. Approve the expenditure in the amount of \$29,690.00 (Alliance electrical Group, LLC) for repairs to Business Acres Well

Councilmember Sury seconded and the motion passed unanimously by the councilmembers present.

#### 10. A. DISCUSSION AND CONSIDER ACTION ON MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD AUGUST 26, 2024, AT 5:30 P.M.

Councilmember Cook moved to approve the minutes as presented. Councilmember Sury seconded and the motion passed with a 5-1 vote. (Ayes – Qourzal, Williams, Cook, Keyston and Sury; Nay – Russell)

### **EXECUTIVE SESSION**

- 12. NOTICE IS HEREBY GIVEN THAT A CLOSED MEETING WILL BE HELD PURSUANT TO TEX. GOV'T CODE §551.071 THAT AUTHORIZES A GOVERNMENTAL BODY TO CONSULT WITH ITS ATTORNEY IN AN EXECUTIVE SESSION TO SEEK HIS OR HER ADVICE ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH TEX. GOV'T CODE CHAPTER 551

Mayor Qourzal recessed the open session at 6:09 p.m.

Mayor Qourzal reconvened the open session at 6:19 p.m.

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

- 13. CITY MANAGER'S REPORT (BRIEFINGS OR UPDATES MAY BE PROVIDED REGARDING CITY SERVICES, ADMINISTRATIVE/PERSONNEL MATTERS, REAL

## WOODWAY CITY COUNCIL MINUTES

Page 6

September 9, 2024

### ESTATE/DEVELOPMENT, INFRASTRUCTURE, EVENTS, REGULATIONS, COMMUNITY AND INTERGOVERNMENTAL RELATIONS ISSUES)

Mr. Niolet spoke on the following:

- The Arboretum survey received 170 responses and got a lot of good feedback from the community.
- As we are moving into the next budget, we have 10 applications for public safety officers, 3 applications for dispatch and 5 applications for an IT professional.
- Handed out a copy of the income statement and utility fund
- Between this meeting and the next meeting, I will already have been here a year. He thanked the Council, the Mayor and all the staff for their support.

#### 14. CITY COUNCIL REPORTS

Councilmember Keyston reported that there was a Youth Commission meeting last Thursday and was really impressed with the turnout.

### **CLOSING ITEMS**

#### 15. CONSIDER ACTION ON ADJOURNMENT

Councilmember Cook moved to adjourn the meeting. Mayor Pro Tem Williams seconded, and the motion passed unanimously by the councilmembers present. The meeting adjourned at 6:22 p.m.

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Donna Barkley, City Secretary

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Amine Qourzal, Mayor