

# WOODWAY CITY COUNCIL MINUTES

July 24, 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, July 24, 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, Janell Gilman and David Keyston
Absent:	Gayle Avant
City Manager:	Shawn Oubre
City Secretary:	Donna Barkley
City Staff:	Brenda Hernandez, John Norman, Kahlil El-Halabi and Todd Gill
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

Pastor Rene Maciel with First Woodway Baptist Church 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**

### 4. DISCUSSION AND CONSIDER ACTION ON ENTERING INTO AN AGREEMENT WITH WALKER PARTNERS, LLC, TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE BOSQUE GROUND STORAGE TANK REHABILITATION PROJECT IN AN AMOUNT NOT TO EXCEED \$37,050.00, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS IN CONNECTION THEREWITH

Mayor Qourzal stated that the representative from the McLennan County Health District was not in attendance yet, so Item 4 was moved up on the agenda.

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

Dr. Oubre provided that Jacob Bell with Walker Partners is in attendance. This project is to paint the exterior of the tank at the Bosque Well site. This was already a budgeted item, but in the recent TCEQ audit, this is one of their requests and have given us a window to get the work done. This is just for the engineering component of the project.

Jacob Bell with Walker Partners provided that in the State of Texas, it is a requirement for a public entity to request bids for certain types of projects. Engineering specification documents have to be prepared for those

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documents to be bid out to a contractor. They will work with staff and assess the condition. Painting is one aspect of it but there are other features and accessories in part of the tank that may need to be replaced. One of the challenges on this, is that there is a limited construction budget so we will work to identify the items we think are the must haves. If there are any optional items, we will call an alternate bid so when the bids come in you will have the option to choose whether to award them or not.

Questions were asked and answered regarding the fees.

Councilmember Cook moved to recommend entering into an agreement with the Walker Partners, LLC, to provide engineering services in connection with the Bosque Ground Storage Tank Rehabilitation project in an amount not to exceed \$37,050.00. Councilmember Gilman seconded, and the motion passed unanimously by the councilmembers present.

### 3. DISCUSSION AND CONSIDER ACTION TO RENEW PARTICIPATION IN THE WACO-MCLENNAN COUNTY PUBLIC HEALTH DISTRICT FOR THE TERM RUNNING OCTOBER 1, 2023, THROUGH SEPTEMBER 30, 2028, AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS IN CONNECTION THEREWITH

With the arrival of the McLennan County Health District representative, Mayor Qourzal moved back to Item 3.

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

Dr. Oubre welcomed Ms. Horn, Executive Director with the Health District. She is here to provide a presentation and answer any questions you have.

Ms. Lashonda Malrey-Horne first apologized for her tardiness and thank the Mayor and Councilmembers for the opportunity to share the updates to the cooperative agreement for fiscal years 2024-2028. She covered the following topics: Overview of the Health District Services, public health services in the City of Woodway, funding changes approved by the Health Advisory Board and contributions from Collaborative Agreement Member Jurisdiction for FY24-FY28. Prior to COVID, public health was kind of in the shadows and behind the scenes but have always been here working really hard. The Waco-McLennan County Health District is comprised of six divisions and staffed by public health professionals from within our community that are dedicated to impacting the health outcomes of our family, friends and neighbors that live and play here in the county alongside of us. She discussed the following services provided:

- The HIV/STI division which provides case management and care coordination and services for McLennan County residents living with HIV and Aids as well as providing HIV and STI testing and public health follow-up to decrease the spread of sexually transmitted infections.
- WIC – A healthy start is a key to success and the Women, Infant and Children program provides supplemental nutrition and breast-feeding support to parents and children up to age five.
- Newest division is the Health Equity, Promotion & Prevention division – This is where the more traditional programs come in, which include health education, implementing the public health emergency preparedness plans alongside the McLennan County Office of Emergency Management. Over the last three years, the County has become very familiar with the work of our Epidemiology team and the work they do to investigate and report infectious diseases that can have a negative impact on the public's health.
- Public Health Nursing division is the home of our Texas Vaccine for Children and Adult Safety Net Vaccine programs. The immunization team works with providers enrolled in TVC and ASN to maintain compliance for these programs. The tuberculosis elimination nurses and staff case manage the people who

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live in our community that have active TB infection or late in TB infection.

- Vital statistics – Birth and death certificates are issued through this office. This is by far the busiest area in the Health District most days.

The Environmental Health division is made up of registered Sanitarians and Health Inspectors that provide restaurants, schools, daycares and pool inspections across the county as well as the administration of our on-site sewage facilities programs. Each office is also staffed by health office specialists that maintain the day-to-day functions of the division. In the City of Woodway, at least two inspections are done each year on each facility. Right now, there are about 223 permits in Woodway. This is a significant number because the average salary of a health inspector is a little over \$51,000.00 and our request for our annual contribution from the City of Woodway is well under that amount. Other public health services offered to Woodway residents: Immunizations Clinic saw 202 clients over the past year; TB Elimination has taken care of about 48 clients from February of 2022 to June of 2023; there are currently 6 Woodway residents on HIV/STI case management services, tested 31 of Woodway residents this year for HIV or different STI and our clinic has seen 35 of your community members; and there are 115 families from Woodway enrolled in the WIC program at this point.

The changes to the funding structure were approved by the Health Advisory Board during the April Board Meeting and are based on an increased cost associated with delivering public health services. Over the last three years, there has been a steady increase in the cost of supplies and an increase in the cost to recruit and retain qualified public health professionals. Also, the cost of living in McLennan County area has increased drastically, so that has also impacted the ability to recruit young professionals to the area. It is proposed that the increase will be thirty-five cents per resident, per year ending in five-year contribution of \$4.75 per person. Based on the 2020 US Census, the City of Woodway will contribute to the Health District based on 9,383 residents and in FY2024 the contribution will be \$3.35 per resident, totaling 31,433.05 each year. Each year, the contribution will increase by thirty-five cents, ending at \$4.75 in FY2028, totaling \$44,569.25. This is still under the amount of the \$51,000.00 it takes annually just to take care of your sanitarian needs and health inspection needs.

Mayor Qourzal stated that the Council had requested that the McLennan County Health District come and explain a little more about what they do and how they engage.

Councilmember Keyston asked if there were any tier levels of financial participation? Ms. Horn replied not for cities. The County pays a discounted rate per resident because they pay for each person in the county. The City of Waco carries the bulk of the burden at 56% and the other member city contributions are at 5%.

Councilmember Keyston asked if they provided a mosquito control service? Ms. Horn replied that as a part of the environmental health services there is education and annually the Health District purchases a large amount of Deet and mosquito dunks and it is distributed across the community based on need. The Parks department has access to it. The goal is to decrease the risk of West Nile Infection.

Councilmember Russell asked if the contract could be amended from five years to an annual contract? Ms. Horn replied that as it stands, it has been a five-year contribution. If they ever receive an influx of grant funds over the next few years, then they may be able to go back and revisit the contract and figure out a way to lessen the burden for the cities. At the current rate, it is still a relatively inexpensive contract for the number of services the Health District is able to provide to the residents.

Councilmember Russell stated that this is a 50 percent increase over the five years. Ms. Horn replied that this is for every entity.

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Councilmember Cook asked Ms. Horn about what she said regarding the amount it took for inspections? Ms. Horn replied that the City of Woodway currently has 223 environmental health permits placed which means that our sanitarians and health inspectors have to go out and do an inspection. The average cost of an inspector is \$51,500.00. In order to maintain that level of inspection service you would need a whole FTE. This is not something you could do with a part-time position efficiently or effectively. Every citizen of Woodway benefits from the services of the Health District because most everyone eats out at least once a month, and one of the things you want to know for sure when you do go out to eat, is that the food and quality of the food is correct and safe.

Councilmember Williams commented when you look at the numbers, we aren't just talking about twenty something people, we are talking about community-wide. He also stated that the five-year contract is a locked in five-year contract and even if the Health District wanted to go back and change it, the City would have to agree to that. Locking the number in, he would like to know a little bit more about what has transpired in the past as far as why there is this tremendous amount of increase. Ms. Horn replied that it goes with the cost of recruiting trained public health professionals. We can hire people not trained and we get the results of having staff that are not trained in public health which means lower quality programming, lower quality investigations and even with our sanitarian staff, we have only two health inspectors and the rest of the team are licensed sanitarians. This gives them the opportunity to do a higher level of work for our community members. The cost of everything has increased dramatically and some of the supplies we paid a minimal amount for over the past few years has increased tremendously. For example, the paper we print birth certificates on is a sole source, provided by one person in the whole state, and is about \$30,000.00 a year which has increased by about \$12,000.00 over the last three years. Councilmember Williams asked if we had a one-year contract, the cost will be passed on to us? Ms. Horn replied, yes. He then asked if we have a five-year contract, then the Health District will eat that cost? Ms. Horn replied, yes and that is typically what happened and they do have a health fund balance that over the last year we have had to use some of the balance of the fund to make themselves whole as a health district.

Councilmember Gilman stated that it would be helpful to see in a five-year period of time, how much have costs increased over the past five years? Ms. Horn replied that she can get the information about how the increases happened over the past five years, but the City of Waco has made up the difference. If they paid exactly what all the other cities paid, there is no way we could run the kind of Health District that we operate.

There were additional questions answered and continued discussion.

The City Attorney provided that this is an interlocal agreement with eleven cities so it is a bigger piece for us to slice us out. This is not just a contract with the Health District, it is an interlocal cooperative agreement with the City of Woodway and other cities.

Dr. Oubre asked the City Attorney about his point that it isn't just an agreement with the City and the Health District, if we wanted to make this amendment, we have to negotiate with the ten or eleven cities is what you are saying too. The City Attorney stated that it might affect them and their financial stake. It will affect everybody that is a party to the cooperative agreement.

Mayor Qourzal thanked Ms. Horn for the very detailed presentation and explanation of services. He also stated that he is very grateful for all the work the Health District does. We are talking money these days so we have to be careful how we spend our funds which is the reason for all the questions.

Mayor Qourzal opened the floor for any questions or comments.

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- Lori Whitsell, citizen – She thinks it is very important to let our community know that they have these services, because she just learned all this today.
- Caleb Loudamy, citizen – I think there is too much of a question as to should we or should we not when ultimately, if it is serving any members of our community then it really shouldn't be a further question.

Councilmember Cook stated that she did not need anymore information to move forward. She feels it is us being good neighbors and doing our part and if we inform the citizens more about what is available to them, that number of people who are served will increase.

Councilmember Russell moved to postpone action on this item to the August 14, 2023 city council meeting. Councilmember Keyston seconded, and the motion passed with a 5-1 vote, with Mayor Qourzal voting against.

5. DISCUSSION AND ACTION ON RESOLUTION R-23-12, TO CONSIDER WAIVER OF PENALTIES AND INTEREST ON DELINQUENT AD VALOREM TAXES PURSUANT TO TEXAS TAX CODE § 33.011(A)(1) FOR ONCOR ELECTRIC DELIVERY COMPANY LLC 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 Keyston seconded.

Dr. Oubre provided that Mr. Baldwin with Oncor is in attendance to answer any questions. Basically, this is referring back to the freeze and snow where we had to close local, state and county offices. It fell during the time where property taxes were due. Since all the offices were closed some people who tried to transact business on that date were unable to make their payment and received a six percent penalty and one percent interest. According to the tax code, they can ask for relief. Oncor is asking for relief because they fell victim to the bad weather just like others have.

Michael Baldwin introduced himself as the South Region Manager for Oncor and offices in Waco. He read the following statement: Oncor paid its property taxes on time. An investigation led to a discovery that about twenty packages/envelopes that were delivered to the post office were mishandled by the post office and were not processed along with other packages Oncor delivered to the post office on January 31, 2023. That particular day, he believes the post office had only one worker and we had every tax package we delivered to the post office. Oncor complied with its legal obligation when it delivered the payments to the post office for mailing. We are confident that upon review, the Courts will hold that Oncor made payment in a timely manner. It is also important to note that before Oncor learned that the post office had found and delivered the additional packages, Oncor reissued checks to jurisdictions that had not been paid. Most jurisdictions have waived the penalties, interest and collection fees. On Thursday, July 6, 2023, McLennan County approved Oncor's request and passed a resolution to waiver penalties and fees in addition, Lorena, Beverly Hills and Bruceville Eddy have also taken action and approved the waiver request.

There were no questions or discussion.

Councilmember Russell moved to adopt Resolution R-23-12 waiving the penalties and interest on delinquent ad valorem taxes per Texas Tax Code § 33.011(a)(1) for Oncor Electric Delivery Company, LLD. Councilmember Keyston seconded and the motion passed unanimously by the councilmembers present.

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6. DISCUSSION AND CONSIDER ACTION TO DESIGNATE AMERICAN BANK, THE ENTITY WITH THE MOST ADVANTAGEOUS PROPOSAL IN RESPONSE TO RFP 23-07 FOR BANK DEPOSITORY SERVICES, TO SERVE AS A DEPOSITORY FOR MUNICIPAL FUNDS IN ACCORDANCE WITH TEX. LOC. GOV'T CODE CH. 105, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY DOCUMENTS IN CONNECTION THEREWITH

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 to approve as recommended by staff American Bank to be our banking depository services provider. We are rolling off a current five-year contract with First National Bank of Central Texas which expires September 30<sup>th</sup>. We sent out a request for proposals to local banking institutions and also advertised for proposals in the Waco Tribune-Herald. We received a total of four proposals. After we reviewed the proposals, it was decided the best and most advantageous for the City would be American Bank.

Mr. Niemer with American Bank addressed the Mayor and City Council. He stated they are looking forward to working with the City. He is a long-time resident and member of this community. American Bank has been in business for seventy years within the community. We have offices here in Woodway and are excited to be working with you.

Richard Hess, citizen – He is a former banker. Does anyone know what the rating is for American Bank? Mr. Niemer stated that the bank has a five-star Bauer rating. The bank has also passed all ratings with FDIC which has completed its annual review less than a year ago, and came through with a satisfactory review.

There was no discussion.

Councilmember Gilman moved to designate American Bank, the entity with the most advantageous proposal in response to RFP 23-07 for Bank Depository Services, to serve as a depository for municipal funds in accordance with TEX. LOC. GOV'T. CODE CH. 105, and authorizing the City Manager to execute any documents in connection therewith. Councilmember Cook seconded, and the motion passed unanimously by the councilmembers present.

7. DISCUSSION AND CONSIDER ACTION ON ADOPTING ORDINANCE 23-07 AMENDING THE 2022-2023 ANNUAL BUDGET TO APPROPRIATE \$193,500 OF UN-BUDGETED REVENUES IN THE GENERAL FUND TO THE FOLLOWING GENERAL FUND DEPARTMENTS: \$75,000 TO NON-DEPARTMENTAL; \$60,000 TO THE CARLEEN BRIGHT ARBORETUM; \$33,300 TO PUBLIC BUILDINGS; \$10,200 TO FINANCE; \$10,000 TO INSPECTIONS; AND \$5,000 TO MUNICIPAL COURT

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 usually seen at the end of the fiscal year where the finance director proves up everything. The auditors you currently have, asked that this be done twice a year. There are a couple of items that need to be increased in the budget and the auditors ask it be done now and again at the end of the year.

Barbara Tipton, citizen – Asked for a breakdown of increases and these increases were read aloud by Councilmember Cook and are provided in the ordinance.

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Councilmember Gilman moved to adopt Ordinance 23-07, amending the 2022-2023 Annual Budget to appropriate \$193,500 of un-budgeted revenues in the general fund to the following general fund departments: \$75,000 to Non-Departmental; \$60,000 to the Carleen Bright Arboretum; \$33,300 to Public Buildings; \$10,200 to Finance; \$10,000 to Inspections; and \$5,000 to Municipal Court. Councilmember Cook seconded, Mayor Qourzal read aloud the caption of the ordinance as required and the motion passed unanimously by the councilmembers present.

**ITEMS RELATED TO PROPOSED 2023/2024 ANNUAL BUDGET AND PROPOSED 2023 AD VALOREM TAX RATE**

8. FOLLOW-UP DISCUSSION WITH INPUT AND QUESTIONS FROM COUNCIL CONCERNING THE PROPOSED BUDGET AND TAX RATE

There was no additional discussion on this matter as there had been a budget work session earlier in the day. Mayor Qourzal received a consensus from the councilmembers to have the next budget work session on August 14<sup>th</sup> at 4 p.m., the same day as the regular scheduled council meeting at 5:30 p.m. We should have the certified appraisal roll by that time.

**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 JUNE 12, 2023, AT 5:30 P.M.
- B. DISCUSSION AND CONSIDER ACTION ON MINUTES OF THE SPECIAL CITY COUNCIL MEETING HELD JUNE 20, 2023, AT 5:30 P.M.
- C. DISCUSSION AND CONSIDER ACTION ON MCLENNAN COUNTY 9-1-1 EMERGENCY ASSISTANCE DISTRICT BOARD OF MANAGERS BALLOT TO FILL THE UNEXPIRED TERM OF SEAT ONE (1)

10. DISCUSSION AND CONSIDER ACTION ON CONSENT AGENDA

Dr. Oubre provided comments on Item C. Councilmember Russell moved Item B for individual discussion.

Mayor Pro Tem Williams moved that the Consent Agenda with Items A and C be approved as follows:

- A. Approve the minutes of the regular City Council meeting held June 12, 2023 at 5:30 p.m.
- C. Cast vote for Ryan Holt to serve the unexpired term of Seat One on the McLennan County 9-1-1 Emergency Assistance District Board of Managers

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Councilmember Cook seconded, and the motion passed unanimously by the councilmembers present.

9. B. DISCUSSION AND CONSIDER ACTION ON MINUTES OF THE SPECIAL CITY COUNCIL MEETING HELD JUNE 20, 2023, AT 5:30 P.M

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

Councilmember Russell noted that the minutes listed the meeting being held in the training room and it needed to be amended to show the meeting was held in the Donald J. Baker Council Chambers.

He also would like the minutes to reflect his comments regarding the homestead exemption amount he was recommending and the cost of this to paid out of the surplus.

Dr. Oubre suggested that the City Secretary can listen to the audio, confirm what Councilmember Russell said and we can bring the minutes back for approval.

Mayor Qourzal moved to postpone action on the minutes of the Special City Council Meeting held June 20, 2023 at 5:30 p.m., to the August 14<sup>th</sup> City Council meeting. Councilmember Russell seconded, and the motion passed unanimously by the councilmembers present.

### **VISITORS**

11. HEAR VISITORS

- Phillip Reeder, citizen – Will the Council consider putting audio versions of the council meetings on the website?

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

12. 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)

No reports at this time.

Councilmember Russell asked about the water restrictions and if the Public Safety Department notices citizens watering, can they let them know that we are still rationing water to help them get in line with the watering times.

Also, Councilmember Russell commented that one of the citizens noted that we have a splash pad that is going all the time. Maybe it looks wrong to have the splash pad operational during the time we are in water rationing.

Dr. Oubre stated that he hears what is being said but at anytime the Council wants to regulate the splash pad that is a decision that the Council has the authority to make. If you want to pull out of the drought contingency that is a decision the Council can make too.

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Diana Pallage, citizen – Suggested running for certain times.

Dr. Oubre provided that it is regulated. If you go at 7 p.m., it is off. You have to hit the button for forty-five seconds to a minute and it stops. It is not running all day.

## 13. CITY COUNCIL REPORTS

No reports at this time.

## **CLOSING ITEMS**

## 14. CONSIDER ACTION ON ADJOURNMENT

Councilmember Russell moved to adjourn the meeting. Mayor Pro Tem Williams seconded the motion, and the motion passed unanimously by the councilmembers present. The meeting adjourned at 6:45 p.m.

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Donna Barkley, City Secretary

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Amine Qourzal, Mayor