

WOODWAY CITY COUNCIL MINUTES

April 13, 2020

The Woodway City Council met in a regular meeting by telephone conference, on Monday, April 13, 2020, at 5:30 p.m. In accordance with the Order of the Office of the Governor issued March 16, 2020, the City Council of Woodway conducted the meeting by telephone conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19). The following individuals were in attendance either by appearance in the Donald J. Baker Council Chambers at Woodway City Hall, 922 Estates Drive, Woodway, Texas or by calling in:

Mayor:	Bob Howard
Mayor Pro Tem:	Keven Kehlenbach
Councilmembers:	Jane Kittner, Scott Giddings, Barbara Grandy, Vic Sober and Amine Qourzal
City Manager:	Shawn Oubre
City Secretary:	Donna Barkley
City Staff:	Lenny Caballero, William Klump, Bret Crook, Larry Adams and John Norman
Contract Staff:	None
Registered Guests:	None

CALL MEETING TO ORDER

Mayor Howard called the meeting to order at 5:30 p.m. and provided instructions for the conference call.

The Mayor also did a roll call of the councilmembers to know for sure who was in attendance on the call.

INVOCATION

1. INVOCATION

Councilmember Vic Sober provided the invocation.

PRESENTATIONS AND VISITORS

2. HEAR VISITORS

No visitors came forward to speak at this time. There were no public comments received by email.

PUBLIC HEARINGS AND RELATED ACTION

3. A. PUBLIC HEARING ON REQUEST FOR RENEWAL OF SPECIAL USE PERMIT (GENERAL) AT 300 MERRIFIELD DRIVE, WOODWAY, TEXAS, FROM CATHY KURFESS ON BEHALF OF ALLTEL CORPORATION D/B/A VERIZON WIRELESS (OPERATION OF COMMUNICATION TOWER)

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Mayor Howard opened the public hearing. No one spoke in favor or in opposition of the renewal of the Special Use Permit at 300 Merrifield Drive.

Mayor Howard closed the public hearing.

B. DISCUSSION AND CONSIDER ACTION ON REQUEST FOR RENEWAL OF SPECIAL USE PERMIT (GENERAL) AT 300 MERRIFIELD DRIVE, WOODWAY, TEXAS, FROM CATHY KURFESS ON BEHALF OF ALLTEL CORPORATION D/B/A VERIZON WIRELESS (OPERATION OF COMMUNICATION TOWER)

Mr. Oubre provided that this is two parts. The first being the Special Use Permit application and then later on the agenda there is a lease agreement to go along with this item. Basically, this is an agreement with the City since 1994 over a cell tower which is owned by Verizon and they lease a space from the City at the City Shop property off of Merrifield. The Planning and Zoning Commission considered this at their meeting on March 24th and approved the permit for your consideration. This permit runs concurrently with the lease agreement and is a five-year extension of the current Special Use Permit.

Although the ground lease agreement is Item #4 on the agenda, Councilmember Kittner asked the City Manager to clarify the County's involvement with the ground lease agreement. Mr. Oubre provided the expiration of the Special Use Permit and ground lease with Verizon was October 31, 2019. The previous city manager and the interim manager had both worked on this lease agreement. Part of the notes in the file indicated there was a desire by council to have a monopole erected in place of the model that is currently in place. This would have come at a cost sharing of \$40,000.00 from the City and we talked about it briefly either through the activity reports or during my manager comments. Everything was tracking to meet that deadline. Mr. Oubre had also contacted some utility attorneys out of Austin on how to discuss raising lease agreements. Right before we were ready to come to terms with Verizon, the County indicated an interest to come on the same property and construct a tower that would benefit the regional radio system and allow Verizon to lease from the county. I then reached out to Verizon and they were agreeable to have a three-way discussion and eventually have a three-way agreement. There was a brief discussion and concerns regarding the buzzards roosting on the tower.

Mayor Pro Tem Kehlenbach moved to approve the request for renewal of Special Use Permit (general) at 300 Merrifield Drive, Woodway, Texas, from Cathy Kurfess on behalf of Alltel Corporation d/b/a Verizon Wireless (operation of communication tower) with an expiration date no later than October 31, 2024. Councilmember Giddings seconded and the motion passed unanimously.

ITEMS FOR INDIVIDUAL DISCUSSION, CONSIDERATION AND/OR ACTION

4. DISCUSSION AND CONSIDER ACTION ON AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDED MEMORANDUM OF GROUND LEASE AGREEMENT AND THE SECOND AMENDMENT TO THE GROUND LEASE AGREEMENT WITH ALLTEL CORPORATION D/B/A VERIZON WIRELESS REGARDING EXISTING CELLULAR TOWER AT 300 MERRIFIELD DRIVE, WOODWAY, TEXAS

In addition to the discussion on Item #3, Mr. Oubre provided that the City negotiated a 5% increase to our current lease payment which now brings it to \$18,900.00 annually from Verizon. We will begin receiving

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this payment upon execution of the lease agreement.

Councilmember Giddings moved to authorize the City Manager to execute the Amended memorandum of Ground Lease Agreement and the Second Amendment to the Ground Lease Agreement with Alltel Corporation d/b/a Verizon Wireless regarding existing cellular tower at 300 Merrifield Drive, Woodway, Texas. Councilmember Sober seconded and the motion passed unanimously.

5. DISCUSSION AND CONSIDER ACTION ON UPDATES AND ANY NEEDED ITEM RELATED TO THE CORONAVIRUS

Mr. Oubre explained that this item will be on the upcoming agendas to allow the City Council the ability to review and/or consider action when something comes up related to the Coronavirus.

1. Some of the levels of government are talking about getting into a re-opening mode. Yesterday, the Governor signed a thirty-day extension to his Stay-At-Home order which was originally signed March 13th. This extension should go through May 13, 2020. We are still under a county order which includes the City of Woodway that goes through May 4, 2020. The only thing that has occurred in this last update was how they closed the parks and golf courses to basically mirror what the Governor was asking for.

Last week was the expiration of the Mayor's emergency leave bank for all the employees. This is broken down to three different types of employees – 1) those working a normal schedule as if the Coronavirus was not happening. Most of those are police/fire, water/sewer and some department heads; 2) transitional group who works some in the office and some remotely. This is mostly maintenance, street repairs, some department heads and court; and 3) remote only, which are employees not working at all (which are very few) or those that can work totally remotely from home. At this time, there is no one employed by the City that is a confirmed case of the Coronavirus.

I would ask you to extend the emergency leave bank the Mayor set up and you concurred with at the prior council meeting until May 4, 2020, which kind of mirrors what the County is doing. We will have another council meeting on April 27, 2020, and I can update you on where we are on that plan.

Councilmember Kittner moved to extend the Mayor's emergency leave bank for city employees, until May 4, 2020. Councilmember Grandy seconded and the motion passed unanimously.

2. Interlocal Agreement between the City of Waco, City of Robinson, City of Hewitt, City of Woodway, City of Lorena, City of Lacy Lakeview and City of Bellmead for law enforcement. We currently have interlocal agreements similar to this but not as inclusive to the entities that have been named. Chief Crook provided the following additional information. As of this afternoon, the City of McGregor was also added. Our current agreements renew annually and we are working off of 2014 agreements. Under the circumstances, there is always concern if a smaller department goes down and needs officers these agreements aren't up to date. Basically, this is renewing one agreement with all the cities to add the exact same language rather than having six, seven or eight different ones.

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Councilmember Grandy moved to authorize the signature to enter into the Interlocal Agreement for Law Enforcement between the City of Waco, City of Robinson, City of Hewitt, City of Woodway, City of Lorena, City of Lacy Lakeview, City of Bellmead and City of McGregor. Councilmember Qourzal seconded and the motion passed unanimously.

6. DISCUSSION AND CONSIDER ACTION ON AUTHORIZING THE CITY MANAGER AND MAYOR TO SIGN THE REQUIRED DOCUMENTS TO TRANSFER THE OWNERSHIP OF THE WACO METROPOLITAN AREA REGIONAL SEWER SYSTEM “WMARSS” TO THE CITY OF WACO

Mr. Oubre provided that last year the City transferred the assets of WMARSS on the sewer side into the City of Waco for them to operate. The reason was to help lower operational costs and lower bonding costs so that only one entity needs to go to the bond market and the payment of the bonds. The item today is basically codifying all the old WMARSS licenses and putting them under one license through TCEQ which is the state agency that manages and inspects the sewer side of the operation. We are asking you to allow the Mayor and myself to finalize executing those documents.

Councilmember Kittner moved to authorize the City Manager and the Mayor to sign the required documents to transfer the ownership of the Waco Metropolitan Area Regional Sewer System “WMARSS” to the City of Waco. Councilmember Giddings seconded and the motion passed unanimously.

7. DISCUSSION AND CONSIDER ACTION ON MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD MARCH 23, 2020, AT 5:30 P.M.

Councilmember Giddings moved to approve the minutes of the regular City Council meeting held March 23, 2020, at 5:30 p.m. Councilmember Kittner seconded and the motion passed unanimously.

CITY MANAGER AND CITY COUNCIL REPORTS

8. CITY MANAGER’S REPORT

Mr. Oubre provided the following comments:

- Thank you for the Council’s support during this Coronavirus.
- Update on the work that staff is being able to accomplish during this period.
- The Chief advised him that the State has completely signed off on the cable project on Hwy 84. The barricades have been removed.
- Bike lanes on Estates down to the lake.
- Will need to amend our parking ordinance and prohibit parking by vehicles in the bike lanes. The Chief is working on it already.
- If you feel the bike lanes are a positive addition, we at the staff level have one or two other locations we would like to budget for next year, if even possible, due to the environment we are in right now.

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- We are setting up ways to monitor sales tax, and hotel/motel tax. We feel those will be the components most impacted by the virus. We will research historical data on sales tax. We will reach out to hotels and get their occupancy rate.
- The Finance Department is putting together a report on water/sewer accounts regarding terminations by the customer. We are monitoring the commercial accounts.
- For the record, we are still following the Presidential Federal Order of extended Family and Medical Leave (FMLA) under the Families First Coronavirus Response Act. That is basically the 14-day bank that the federal government mandated to establish for people who are employees of any entity, private or public, that can't find child care or become victims of the virus themselves.

9. CITY COUNCIL REPORTS

The Mayor thanked everyone for their patience on these phone calls. Hats off to our staff for keeping the wheels turning at a very difficult time and hopes everyone is healthy and stays safe.

CLOSING ITEMS

10. CONSIDER ACTION ON THE OPEN MEETINGS ACT RESOLUTION

Councilmember Kittner moved to approve the Open Meetings Act Resolution. Councilmember Sober seconded the motion, and the motion passed unanimously.

11. CONSIDER ACTION ON ADJOURNMENT

Councilmember Giddings moved to adjourn the meeting. Councilmember Kittner seconded the motion, and the motion passed unanimously. The meeting adjourned at 6:12 p.m.

Donna Barkley, City Secretary

Bob Howard, Mayor