



# City of West University Place

*A Neighborhood City*

## **CITY COUNCIL**

Susan Sample, Mayor  
Bob Kelly, Mayor Pro Tem  
Burt Ballanfant, Councilmember  
Brennan Reilly, Councilmember  
Mardi Turner, Councilmember

## **STAFF**

M. Christopher Peifer, City Manager  
Alan Petrov, City Attorney  
Thelma Lenz, City Secretary

## **City Council Meeting**

**Notice is hereby given of a regular meeting of the City Council of West University Place** to be held on **Monday, January 11, 2016**, beginning at **6:30 p.m.** in the **Municipal Building**, 3800 University Boulevard, West University Place, Texas, for the purpose of considering the following agenda items.

All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

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Call to Order  
Pledge of Allegiance  
Matters related to the notice of this meeting

### **1. Public Comments**

This is an opportunity for citizens to speak to Council relating to agenda and non-agenda items. If the topic the speaker wishes to address is on the agenda, the speaker can either speak at this time or defer his/her comments until such time the item is discussed. Speakers are advised that comments cannot be received on matters which are the subject of a public hearing once the hearing has been closed. Speakers are required to register in advance and must limit their presentations to three minutes each.

### **2. Houston-Galveston Area Council 2016 General Assembly**

Matters related to designating a representative and an alternate to the Houston-Galveston Area Council 2016 General Assembly. *Recommended Action: Discuss and designate a representative and an alternate to the 2016 Houston-Galveston Area Council 2016 General Assembly. **Mr. M. Chris Peifer, City Manager** [see Agenda Memo 2]*

### **3. Independent Counsel Concerning Zoning Board of Adjustment Application**

Matters related to a discussion of whether the City should retain independent legal counsel or direct current counsel to represent the interest of the City and/or the neighboring residents in connection with the Zoning Board of Adjustment application received in regards to the AT&T (formerly Southwestern Bell) property located at 4068 Bellaire, 6707 Academy and "O" Ruskin. *Recommended Action: Discuss and take any desired action. **Councilmember Brennan Reilly and Councilmember Burt Ballanfant***

**4. Municipal Facilities**

Matters related to a presentation describing the status of each Municipal Facility and related discussion in order to determine which facilities should or should not be included in a detailed Facilities Condition Survey performed by a licensed professional. *Recommended Action: Discuss and take any desired action.* **Mr. Dave Beach, Public Works Director** [see Agenda Memo 4]

**5. City Currents**

Matters related to article content included in *City Currents*. *Recommended Action: Discuss and take any desired action.* **Mayor Susan Sample**

**6. Future Agenda Items**

Matters related to future agenda items. *Discuss and take any desired action.* **City Council** [see Future Agenda Items List]

**7. Consent Agenda**

All Consent Agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member requests in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

**A. City Council Minutes**

Approve City Council Minutes of the December 14, 2015. *Recommended Action: Approve Minutes.* **Ms. Thelma Lenz, City Secretary** [see Minutes]

**8. Adjourn**

In compliance with the Americans with Disabilities Act, if you plan to attend this public meeting and you have a disability that requires special arrangements, please contact City Secretary Thelma Lenz at 713.662.5813 at least 24 hours prior to the meeting so that reasonable accommodations can be made to assist in your participation in the meeting. The Community Building is wheel chair accessible from the west entrance and specially marked parking spaces are available in the southwest parking area. Special seating will be provided.

I certify that the attached notice and agenda of items to be considered by the West University Place City Council on January 11<sup>th</sup>, 2016 was posted on the Municipal Building bulletin board on January 8, 2016 at approximately 1:00 o'clock p.m.

(SEAL)

  
Thelma A. Lenz, TRMC, City Secretary

**AGENDA MEMO**  
**BUSINESS OF THE CITY COUNCIL**  
**CITY OF WEST UNIVERSITY PLACE, TEXAS**

<b>AGENDA OF:</b>	January 11, 2016	<b>AGENDA ITEM:</b>	2
<b>DATE SUBMITTED:</b>	December 17, 2015	<b>DEPARTMENT:</b>	Administration
<b>PREPARED BY:</b>	Thelma Lenz City Secretary	<b>PRESENTER:</b>	M. Chris Peifer City Manager
<b>SUBJECT:</b>	Designating a representative and alternate to the H-GAC 2016 General Assembly		
<b>ATTACHMENTS:</b>	Resolution		
<b>EXPENDITURE REQUIRED:</b>	N/A		
<b>AMOUNT BUDGETED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		

**EXECUTIVE SUMMARY**

H-GAC's mission is to serve as the instrument of local government cooperation, promoting the region's orderly development and the safety and welfare of its citizens.

H-GAC provides planning programs in most areas of shared governmental concern. All H-GAC programs are carried out under the policy direction of H-GAC's local elected official Board of Directors. H-GAC is made up of the region's local governments and their elected officials, and works together with public and private sector organizations and a host of volunteers.

The 13 counties in H-GAC's service region are: Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston, Harris, Liberty, Matagorda, Montgomery, Walker, Waller, and Wharton. There are more than 100 member cities in the region.

The Houston-Galveston Area Council's (H-GAC's) Bylaws provide that each member home rule city under 25,000 population, as of the last (2010) Federal Census, be entitled to designate one representative and an alternate to the H-GAC General Assembly. The two designees must be elected officials of the city's governing body.

**RECOMMENDATION**

Staff recommends Council designate a representative and alternate for the 2016 H-GAC General Assembly.

**RESOLUTION NUMBER XXXX-XX**

A RESOLUTION DESIGNATING A REPRESENTATIVE AND AN  
ALTERNATE TO THE HOUSTON-GALVESTON AREA COUNCIL 2016  
GENERAL ASSEMBLY

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF  
WEST UNIVERSITY PLACE:**

Section 1. That \_\_\_\_\_ be, and is hereby  
designated as its Representative to the GENERAL ASSEMBLY of the Houston-  
Galveston Area Council for the year 2016.

Section 2. That the Official Alternate authorized to serve as the voting  
representative should the hereinabove named representative become ineligible, or  
should he/she resign, is \_\_\_\_\_.

Section 3. That the Executive Director of the Houston-Galveston Area Council  
be notified of the designation of the hereinabove named representative and alternate.

PASSED AND ADOPTED this 11<sup>th</sup> day of January, 2016.

**ATTEST:**

**SIGNED:**

\_\_\_\_\_  
Thelma A. Lenz, City Secretary

\_\_\_\_\_  
Susan Sample, Mayor

(SEAL)

**RECOMMENDED:**

**REVIEWED:**

\_\_\_\_\_  
M. Chris Peifer, City Manager

\_\_\_\_\_  
Alan Petrov, City Attorney

**AGENDA MEMO**  
**BUSINESS OF THE CITY COUNCIL**  
**CITY OF WEST UNIVERSITY PLACE, TEXAS**

<b>AGENDA OF:</b>	January 11, 2016	<b>AGENDA ITEM:</b>	4
<b>DATE SUBMITTED:</b>		<b>DEPARTMENT:</b>	Public Works
<b>PREPARED BY:</b>	D. Beach, Public Works Dir.	<b>PRESENTER:</b>	D. Beach, Public Works Dir.
<b>SUBJECT:</b>	<b>Review of Municipal Facilities</b>		
<b>ATTACHMENTS:</b>	None		
<b>EXPENDITURE REQUIRED:</b>	N/A		
<b>AMOUNT BUDGETED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		

**EXECUTIVE SUMMARY**

As requested by Council at the workshop on Monday January 4, staff reviewed all of the City's facilities to determine which buildings would benefit from a building assessment. The assessment will evaluate a building to determine if the current size is meeting the service needs and can also evaluate the existing mechanical, electrical, structural, compliance with the American with Disabilities Act and environmental.

Below is information on our current facilities:

	Name	Address	Size (GSF)	Built	Renovated		
1	Municipal Building	3800 University Blvd.	33,690	1954	1998	2008	2014
2	Police Department Addition to Municipal Building	3800 University Blvd.	inc. above	2011			
3	Public Works Administration Building	3826 Amherst St.	4,280	1995	1998	2002 (c)	2012 (c)
4	Public Works Operations Building	3815 Milton St.	5,270	1957	1995		
5	Public Works Operations Out Buildings	3815 Milton St.	4,988	1957	1995	2013(c)	
6	Public Works Maintenance Facility	3826 Milton St.	8,160	1957	2010		
7	Library	6108 Auden St.	5,564	1963			
8	Community Center / Senior Center	6104 Auden St.	9,485	1941	2012 (c)		
9	Recreation Center	4210 Bellaire Blvd.	37,080	2009			
10	Colonial Park Pool Facility	4130 Byron St.	4,875	2009			
11	Scout House	6108 Edloe	1,738	?			
12	Wastewater Treatment Plant (Office Bldg. Only)*	2801 N. Braeswood Blvd.	1,200	1982	2014 (c)		
	*WWTP operations is not included.						
	(c) - Cosmetic renovation						

Staff will provide a brief presentation on Monday concerning the buildings with a summary of work completed and different levels of an assessment.

**RECOMMENDATION**

Staff concurs with the City Council that a facility condition assessment would be beneficial in short and long-range planning.

# FUTURE AGENDA ITEMS

Shaded items are on immediate agenda.

Date	Item	Synopsis & Recommendation
01/11/16	Independent Counsel	Matters related to a discussion of whether the City should retain independent counsel or direct current counsel to represent the interest of the City and/or the neighboring residents in connection with the Zoning Board of Adjustment application received in regards to the AT&T (formerly Southwestern Bell) property located at 4068 Bellaire, 6707 Academy and "0" Ruskin. <b>Recommended Action: Discuss and take any desired action. Councilmember Brennan Reilly and Councilmember Burt Ballanfant</b>
01/11/16	Municipal Facilities	Matters related to a presentation describing the status of each Municipal Facility and related discussion in order to determine which facilities should or should not be included in a detailed Facilities Condition Survey performed by a licensed professional. <b>Recommended Action: Discuss and take any desired action. Mr. M. Chris Peifer, City Manager</b>
01/11/16	H-GAC Area Council 2016 General Assembly	Matters related to designating a representative and an alternate to the Houston-Galveston Area Council. <b>Recommended Action: Appoint a representative and an alternate to the Houston-Galveston Area Council. M. Chris Peifer, City Manager</b>
01/11/16	City Currents	Matters related to article content included in <i>City Currents</i> . <b>Recommended Action: Discuss and take any desired action. Mayor Susan Sample</b>
01/25/16	Street Parking and Parking Violations	Matters relating to Parking Etiquette Program, designated drop off zones, parking on sidewalks, and guidance to staff regarding parking violations. <b>Discuss and take any desired action.</b>
01/25/16	Park Acquisition and Development City Council Workshop	Matters related to the future acquisition and development of parkland in West University Place. <b>Mr. Tim O'Connor, Parks and Recreation Director</b>
03/14/16	Tree City USA Recognition and Arbor Day Proclamation	Matters related to a proclamation proclaiming March 26, 2016 as Arbor Day. <b>Recommended Action: Proclaim March 26, 2016 as Arbor Day in the City of West University Place. Mr. Craig Koehl, Urban Forester and Ms. Debbie Scarcella, City Planner</b>
04/11/16	National Volunteer Month	Matters related to proclaiming the month of April "National Volunteer Month" in the City of West University Place. <b>Recommendation: Proclaim April "National Volunteer Month" in the City of West University Place. Ms. Toby Brooks, Senior Services Manager</b>
04/25/16	National Water Safety Month	Matters related to proclaiming the month of May 2016 "National Water Safety Month" in the City of West University Place. <b>Recommendation: Proclaim May "National Water Safety Month" in the City of West University Place. Ms. Brittany Bakes, Recreation Manager</b>

Date	Item	Synopsis & Recommendation
05/09/16	National Older Citizens Month	Matters related to proclaiming the month of May 2016 as “National Older Citizens Month” in the City of West University Place. <i>Recommendation: Proclaim May as “National Older Citizens Month” in the City of West University Place. Ms. Toby Brooks, Senior Services</i>
06/13/16	National Parks and Recreation Month	Matters related to proclaiming July 2016 as “National Parks and Recreation Month” in the City of West University Place. <i>Recommendation: Proclaim July as “National Parks and Recreation Month” in the City of West University Place. Mr. Tim O’Connor, Parks and Recreation Director</i>
10/24/16	Chevron Houston Marathon	Matters related to the 2017 Chevron Houston Marathon. <i>Ms. Susan White, Assistant Parks and Recreation Director</i>
10/24/16	Parks & Recreation 2017 Fee Schedule	Matters related to an ordinance adopting the 2017 Fee Schedule for the Parks and Recreation Department. <i>Mr. Tim O’Connor, Parks and Recreation Director</i>
11/14/16	Friends 2017 Projects	Matters related to funding of the Friends of West University Place Parks 2017 projects. <i>Mr. Tim O’Connor, Parks and Recreation Director</i>
11/14/16	West U Aquatics MOU	Matters related to a 2017 Memorandum of Understanding between the City of West University Place and West University Aquatics. <i>Recommended Action: Approve Memorandum of Understanding. Mr. Tim O’Connor, Parks and Recreation Director</i>
11/14/16	West U Baptist Church MOU	Matters related to a 2017 Memorandum of Understanding between the City of West University Place and West University Baptist Church. <i>Recommended Action: Approve Memorandum of Understanding. Mr. Tim O’Connor, Parks and Recreation Director</i>
11/14/16	Tri-Sports MOU	Matters related to a 2017 Memorandum of Understanding between the City of West University Place and Tri-Sports. <i>Recommended Action: Approve Memorandum of Understanding. Mr. Tim O’Connor, Parks and Recreation Director</i>
TBD	Video Distribution of Council and Board Meetings	Matters relating to the availability of City Council and Board/Commission meetings by internet video. Discuss and take any desired action.
TBD	Executive Session with City Attorney	Matters related to status update on various legal matters. <i>Councilmember Brennan Reilly and Mayor Pro Tem Bob Kelly</i>
TBD	Town Center Zoning	Matters related to Town Center Zoning. <i>Recommended Action: Discuss and take any desired. City Council</i>
TBD	Parkland Acquisition and Funding (Workshop)	Matters related to an update on parkland acquisition, development and funding. <i>Recommended Action: Discuss and take any desired action. Mr. Tim O’Connor, Parks and Recreation Director</i>

Date	Item	Synopsis & Recommendation
TBD	Poor Farm Ditch	Matters related to Poor Farm Ditch. <i>Recommended Action: Discuss and take any desired action. <b>Mayor Susan Sample</b></i>
TBD	Investment Policy	Matters related to amendments to the City's Investment Policy and Investment Strategies. <i>Discuss and take any desired action. <b>Ms. Rhonda Daugherty, Finance Director</b></i>
TBD	Buffalo Speedway	Matters related to Buffalo Speedway Replacement Project. <b>Mr. Chris Peifer, Interim City Manager</b>
TBD	Evelyn's Park Development	Matters related to the development of Evelyn's park in Bellaire, including possibility of shared parking arrangements with the City of Bellaire for Evelyn's park. <i>Discuss and take any desired action.</i>

1/8/2016 11:29:45 AM



# The City of West University Place

*A Neighborhood City*

## **CITY COUNCIL**

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Burt Ballanfant, Councilmember  
Brennan Reilly, Councilmember  
Mardi Turner, Councilmember

## **STAFF**

M. Chris Peifer, City Manager  
Alan Petrov, City Attorney  
Thelma Lenz, City Secretary

## **CITY COUNCIL MEETING MINUTES**

The City Council of the City of West University Place, Texas, met in regular session on **Monday, December 14, 2015**, in the Municipal Building, 3800 University, West University Place, Texas beginning at **6:30 p.m.**

Agenda Items were as follows:

**Call to Order.** Mayor Sample called the meeting to order at 6:30 p.m. in the City Council Chambers. Council and Staff in attendance were: Mayor Pro Tem Kelly, Councilmembers Ballanfant, Reilly and Turner, City Manager Peifer, City Attorney Petrov, City Secretary Lenz, Finance Director Daugherty, Police Chief Walker, and Public Works Director Beach

John Robuck, Investment Banker with BOSC, Inc., was also present.

Mayor Pro Tem Kelly led the Pledge of Allegiance.

City Secretary Lenz confirmed that the notice of this meeting was duly posted in accordance with the Texas Government Code, Chapter 551.

### **1. Public Comments**

This was an opportunity for citizens to speak to Council relating to agenda and non-agenda items.

**Robert Grossman**, 4103 Ruskin, requested that the City provide the citizens adjacent to the AT&T building on Academy and Ruskin a competent attorney in the Zoning Board of Adjustment (ZBA) hearing, which will occur in January. He said Reid Wilson, a well-known expert, represents AT&T and the citizens can't afford to hire an attorney of that caliber. He said staff will deliver a report, but will not coordinate evidence and testimony of neighbors necessary to support a decision by the ZBA that can be sustained upon appeal. Mr. Grossman said the ZBA will take the issue up in January and he would like the City Council to determine at its January meeting or earlier to hire James Dougherty, Jr., for this purpose because he is also a well-known expert in zoning. He said to the extent that this ensures a proper decision that is easily sustained on appeal by the interested parties, whether the citizens or AT&T, it would prove an efficient use of the city's funds and he urged the Council to consider this suggestion seriously.

### **2. Authorizing Issuance of Refunding Bonds**

Matters related to the issuance of Refunding Bonds. *Recommended action: Approve an ordinance authorizing the issuance of Permanent Improvement Refunding Bonds, Series 2016, for the City of West University Place.*

Finance Director Daugherty introduced John Robuck who reviewed the current market conditions and indicated that it is a great time to sell. He said eight (8) bids were received for the sale of the bonds, with the lowest bid received from First National Bank Texas at a rate of 1.4450, which is a lower than what his firm projected.

After Mr. Robuck's presentation, which included review of the sources and uses of funds and the final debt service requirements, Councilmember Ballanfant moved to approve the ordinance authorizing issuance of the Permanent Improvement Refunding Bonds, Series 2016, for the City of West University Place. Councilmember Turner seconded the motion. **MOTION PASSED.**

**Ayes:** Sample, Kelly, Ballanfant, Reilly, Turner  
**Noes:** None  
**Absent:** None

### **3. Future Agenda Items**

Matters related to future agenda items. *Discuss and take any desired action.*

Councilmember Ballanfant said the issue that Mr. Grossman raised (under the Public Comment section) has some significance to the City and he doesn't know whether the City should or should not hire Jim Dougherty, but the City might want to have Mr. Dougherty or some equivalent person, at least look at the issue and explain it to Council.

City Attorney Petrov said the City had Jim (Dougherty) assist in preparing the Administrative Order issued by staff.

Mayor Pro Tem Kelly said as he understands, procedurally, the ZBA ruled against AT&T.

City Attorney Petrov said there has not been a ruling on the issue. He said staff has received complaints from time to time from the neighbors regarding activities going on at the site and there have been questions about what has and hasn't been allowed based on the nature of the approvals given in the past. Staff prepared and issued an Administrative Order to identify what it thinks can and can't be done and that any interested person has a right to appeal the Administrative Order to the ZBA, which AT&T has done.

Mayor Pro Tem Kelly confirmed with Mr. Petrov that if the ZBA upholds staff's Administrative Order, and AT&T appeals it in a District Court, then the City will be in court defending the ZBA and that is when the City would hire an attorney to represent the ZBA in this matter. He confirmed that just appearing before the ZBA attempting to uphold the Administrative Order doesn't require an attorney, other than the services of Mr. Petrov who would represent the staff.

City Manager Peifer said one of the basic rules of the City's operating orders as a Home Rule city is that the City does not spend public funds for private benefit or private good.

City Attorney Petrov said it would be difficult for the City to represent the interest of any individual homeowner.

Mayor Sample said she doesn't believe Council is allowed to interfere with the quasi-judicial body deliberations, so she feels that it is better that Council stays out of it.

Councilmember Reilly said the City hired special counsel who represented the City in connection with the Church's ZBA application last fall.

Mayor Sample said the City was involved in what the end result would be and she doesn't believe the City is involved in the end result of this.

Councilmember Reilly said the issue of the ZBA is not on the list of future agenda items and asked City Attorney Petrov if it could be requested of the City Secretary to add this to the agenda for the first meeting in January.

With confirmation from City Attorney Petrov, Councilmember Reilly requested that a discussion of whether the City should retain independent counsel or direct current counsel to represent the interest of the City and/or the neighboring residents in connection with the ZBA application be on the agenda for the first meeting in January. Councilmember Ballanfant seconded the request.

Councilmember Reilly proposed that at the second meeting in January Council discuss matters relating to the parking etiquette program, designated drop-off zones, parking on sidewalks and guidance to staff regarding parking violations that is currently on the Future Agenda Items list. Mayor Pro Tem Kelly seconded the request.

**4. Consent Agenda**

All Consent Agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member requests in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

**A. City Council Minutes**

Approve City Council Minutes of the December 7, 2015. *Recommended Action: Approve Minutes.*

Mayor Pro Tem Kelly moved to approve the Consent Agenda as presented. Councilmember Reilly seconded the motion. **MOTION PASSED.**

**Ayes:** Sample, Kelly, Ballanfant, Reilly, Turner  
**Noes:** None  
**Absent:** None

**5. Adjourn**

With no further discussion, Mayor Pro Tem Kelly moved to adjourn the meeting at 6:46 p.m. Councilmember Ballanfant seconded the motion. **MOTION PASSED.**

**Ayes:** Sample, Kelly, Ballanfant, Reilly, Turner  
**Noes:** None  
**Absent:** None

Prepared By:

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Thelma A. Lenz, City Secretary

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Date Approved