



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 Agenda

Notice is hereby given of a workshop and regular meeting of the City Council of West University Place to be held on Monday, February 22, 2016 beginning at 6:00 p.m. in the Municipal Building located at 3800 University Boulevard, West University Place, Texas, for the purpose of considering the following agenda items.

Note: 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.

SPECIAL MEETING (6:00 p.m. in the Bill Watson Conference Room)

1. Park Acquisition and Development

Matters related to the future acquisition and development of parkland in West University Place.
Recommended Action: Discuss and take any desired action. Mr. Tim O'Connor, Parks and Recreation Director and Alan Petrov, City Attorney [see Agenda Memo 1]

2. Adjourn

REGULAR MEETING (6:30 p.m. in the City Council Chambers)

CALL TO ORDER

Agenda items are as follows:

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

3. 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. Public comments must be kept relevant to the subject before the Council. The presiding officer shall rule on the relevance of comments. Persons making irrelevant, personal, impertinent, or slanderous remarks may be barred by the presiding officer from further comment before the Council during the meeting. Speakers are required to register in advance and must limit their presentations to three minutes each.

4. Evelyn Park Development

Matters related to the status of the development of Evelyn's park in Bellaire, including possibility of shared parking arrangements with the City of Bellaire for Evelyn's park. *Discuss and take any desired action. Mr. Tim O'Connor, Parks and Recreation Director* [see Agenda Memo 4]

5. Solid Waste Ordinance

Matters related to updating Chapter 38 Garbage and Trash of the Code of Ordinances of the City of West University Place. *Recommended Action: Approve ordinance of the Code of Ordinances of the City of West University Place on the first of two readings. Mr. Dave Beach, Public Works Director* [See Agenda Memo 5]

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 Meeting

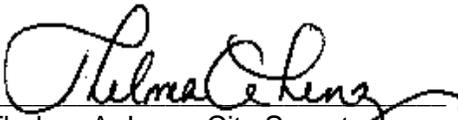
Approve City Council Minutes of the February 8, 2016. *Recommended Action: Approve Minutes. Ms. Thelma Lenz, City Secretary* [see Minutes]

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 Council Chambers 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 February 22th 2015 was posted on the Municipal Building bulletin board on February 19th, 2016 at approximately 1:15 o'clock p.m.

(SEAL)


Thelma A. Lenz, City Secretary

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

| | | | |
|---|--|---------------------|---|
| AGENDA OF: | February 22, 2016 | AGENDA ITEM: | 1 |
| DATE SUBMITTED: | February 12, 2016 | DEPARTMENT: | Parks and Recreation |
| PREPARED BY: | Tim O'Connor | PRESENTER: | Tim O'Connor, PAR Director & Alan Petrov, City Attorney |
| SUBJECT: | Council Workshop - Future Parkland Acquisition and Funding | | |
| ATTACHMENTS: | <ol style="list-style-type: none"> 1) 2015 Parks Master Plan – Park Acquisition and Development Slides. 2) Legal Opinion of city’s options in spending the \$2M in approved bonds for park acquisition – 2006 Bond Election 3) Properties identified as currently possessing potential. | | |
| EXPENDITURE REQUIRED: | N/A | | |
| AMOUNT BUDGETED: | N/A | | |
| ACCOUNT NO.: | N/A | | |
| ADDITIONAL APPROPRIATION REQUIRED: | N/A | | |
| ACCOUNT NO.: | N/A | | |

EXECUTIVE SUMMARY

On September 28, 2015 Council directed staff to prepare and present a summary of the park acquisition efforts to-date. At the conclusion of that presentation, Council stated that they would take time to consider the information I had presented and they would schedule a workshop to re-visit the matter and provide staff with further direction.

On February 8, 2016 Councilmember Turner called for a motion to workshop the parkland acquisition matter on Monday, February 28, 2016, ahead of the regularly scheduled City Council meeting. Specific points for Council discussion:

- Overview of the 2015 Citizen Survey, specific to parkland acquisition and development.
- Legal opinion / direction regarding the spending of the \$2M in 2006 Municipal Bonds for parkland acquisition.
- Review of any land that the city has had conversation with the owners in regard to the possible purchase for parkland.
- Discuss the possible formation of and the expectations of a park acquisition citizen’s task force.
- Discuss the perceived duties and responsibilities of such a task force.

RECOMMENDATION

Request that City Council continue to provide staff direction in moving forward with matters involving park acquisition, development and funding.

Council Workshop Parkland Acquisition

Monday, February 22, 2016

ACQUISITION

- * 45% of survey respondents indicated they were neutral regarding acquiring parkland.
- * 22% agreed parkland was needed elsewhere but 32% of respondents disagree.
- * 32% of survey respondents agree land should be acquired between Edloe and Buffalo Speedway while 38% were neutral and 30% disagreed.

ACQUISITION

continued

- * 37% of survey respondents stated they would support a new park near their home.
- * 26% of survey respondents stated they were neutral in regard to the prospect of a new park near their home.
- * 37% of survey respondents stated they would not support a new park near their home.

FUNDING

- * Approximately 25% of residents would support a property tax increase to acquire and develop new parkland.
- * Only 31% of residents were in support of using revenue bonds repaid with increased property taxes
- * **Majority of residents favor using private contributions (96%) and corporate sponsorship (85%) to fund parks.**

ACQUISITION CONCLUSION

- * Based on aggregate analysis of the survey data, our citizens do not collectively indicate strong consensus for acquiring additional parkland in WUP at this time.
- * In the event additional parkland were to be acquired or existing lands redeveloped, data indicates efforts should focus on creating and enhancing open and unstructured green spaces.

ACQUISITION CONCLUSION

continued

- * A strong majority of residents do not support the funding of additional parkland and its development through tax dollars.
- * There is not strong majority support for immediate action to be taken in regard to acquiring or developing additional parkland in WUP.
- * A majority of residents are in favor of additional parkland acquisitions and development being funded through private and corporate donations.

West University Place Citizen Survey Snapshot



Parks

Safe walking distances to parks (70%); and shaded seating (51%), benches (51%), open, unstructured spaces (45%), and walking paths in parks (42%) are of high importance to citizens.

Access

82% of Citizens indicate members of their household can **easily walk to a West U park**.

Park Use

56% of survey respondents use at least one West U park **at least once a month**.



Impact

Citizens indicate West U parks provide **safe places to recreate/ exercise (89%)** and **provide opportunities to interact with neighbors (77%)**.



Acquisition

38% and 45% of survey respondents indicated they were **neutral regarding acquiring parkland**. 32% agree land should be acquired between Edloe and Buffalo Speedway, while 30% disagreed. 22% agreed parkland was needed elsewhere but 32% of respondents disagree.

Funding

Majority of residents favor using **private contributions (96%)** and **corporate sponsorship (85%)** to fund parks.

1,430 survey responses

99% C.I. +/- 3



97% own



3% rent



Avg. Household



MASTER PLAN RECOMMENDATIONS

- * **Explore ways to increase unstructured open space in existing parks.**

- * *Consider expanding existing parks by acquiring adjacent lots as available.*
- * *As parks are reevaluated consider opportunities to rearrange park layouts to add more unstructured green space.*

- * **Seek opportunities to add unstructured open space to the parks system.**

- * *Pursue conversation of a portion of Poor Farm Ditch along Edloe, between Sunset and Georgetown to become a linear park.*

MASTER PLAN RECOMMENDATIONS

continued

- * **Work with the Friends of WUP Parks to explore expanding the use of corporate sponsorships and partnerships.**
- * **Develop a broad-based strategy to fund parks acquisition and capital projects.**
 - * *Explore grants and interagency assistance.*
 - * *Explore private donations and property where appropriate.*
 - * *Consider a strategy of obtaining an option to purchase for property of interest.*

MASTER PLAN RECOMMENDATIONS

continued

- * **Pursue acquisition of additional park property for development as passive, unstructured open space, if parameters specified in this plan can be met.**
 - * *Within target area between Edloe and Buffalo Speedway, both north and south of University.*
- * **Explore cooperative arrangements with other agencies and non-profit organizations.**
 - * *Joint use arrangements.*
 - * *Cooperative development.*
 - * *Planning coordination.*

MOVING FORWARD

Council Direction Needed

Park Acquisition

- * Update the potential park properties map within the identified areas of the city.
- * Update the 2007/2008 Park Acquisition and Development Criteria Forms.
- * Consider citizen appointments to a 2015/2017 Park Acquisition Task Force.

Park Development

- * Develop a written conceptual vision for both active and passive future WUP parks.
- * Develop funding expectations and guidelines.

2006 MUNICIPAL BOND ELECTION

- Voters passed a \$2M bond referendum for the exclusive purpose of purchasing parkland.
- November, 2016. The Texas Attorney General's Office considers a bond election to have gone "stale" after ten years, meaning that the authorization by the voters to issue bonds is no longer effective if the City has not taken affirmative steps to issue the bonds within ten years of the bond election.
- Since it has been nearly ten years since this bond referendum passed, Council should determine if the matter needs to be taken back to the voters for their approval ahead of authorizing the sale of the 2006 authorized municipal bonds.

HARRIS COUNTY APPRAISAL DISTRICT
 REAL PROPERTY ACCOUNT INFORMATION
 039326000007

Tax Year: 2015



| Owner and Property Information | | | | | | |
|--|----------------------------|-----------|--|--------------|-----------|----------|
| Owner Name & Mailing Address: | | | Legal Description: TRS 7A 8A 8B & 9A BLK 35 WEST UNIVERSITY PLACE SEC 1 | | | |
| | | | Property Address: 3615 PITTSBURGH ST HOUSTON TX 77005 | | | |
| State Class Code | Land Use Code | Land Area | Total Living Area | Neighborhood | Map Facet | Key Map® |
| C1 -- Real, Vacant Lots/Tracts (In City) | 1000 -- Residential Vacant | 26,038 SF | 0 SF | 7427.01 | 5255C | 532F |

| Value Status Information | | |
|--------------------------|-------------|------------|
| Value Status | Notice Date | Shared CAD |
| Noticed | 04/24/2015 | No |

| Exemptions and Jurisdictions | | | | | | |
|------------------------------|-----------|-----------------------|-----------------|-----------------------|-----------|-----------|
| Exemption Type | Districts | Jurisdictions | Exemption Value | ARB Status | 2014 Rate | 2015 Rate |
| None | 001 | HOUSTON ISD | | Certified: 08/14/2015 | 1.196700 | 1.196700 |
| | 040 | HARRIS COUNTY | | Certified: 08/14/2015 | 0.417310 | 0.419230 |
| | 041 | HARRIS CO FLOOD CNTRL | | Certified: 08/14/2015 | 0.027360 | 0.027330 |
| | 042 | PORT OF HOUSTON AUTHY | | Certified: 08/14/2015 | 0.015310 | 0.013420 |
| | 043 | HARRIS CO HOSP DIST | | Certified: 08/14/2015 | 0.170000 | 0.170000 |
| | 044 | HARRIS CO EDUC DEPT | | Certified: 08/14/2015 | 0.005999 | 0.005422 |
| | 048 | HOU COMMUNITY COLLEGE | | Certified: 08/14/2015 | 0.106890 | 0.101942 |
| | 085 | WEST UNIVERSITY PLACE | | Certified: 08/14/2015 | 0.361790 | 0.331790 |

Texas law prohibits us from displaying residential photographs, sketches, floor plans, or information indicating the age of a property owner on our website. You can inspect this information or get a copy at [HCAD's information center at 13013 NW Freeway.](#)

| Value as of January 1, 2014 | | | Value as of January 1, 2015 | | |
|-----------------------------|------------------|------------------|-----------------------------|------------------|------------------|
| | Market | Appraised | | Market | Appraised |
| Land | 2,083,040 | | Land | 2,603,800 | |
| Improvement | 24,490 | | Improvement | 0 | |
| Total | 2,107,530 | 2,107,530 | Total | 2,603,800 | 2,603,800 |

| Land | | | | | | | | | | | | |
|-------------------|--------------------------------|-----------|-----------|--------|-------------|-------------|-----------------|-----------------|-----------|------------|----------------|--------------|
| Market Value Land | | | | | | | | | | | | |
| Line | Description | Site Code | Unit Type | Units | Size Factor | Site Factor | Appr O/R Factor | Appr O/R Reason | Total Adj | Unit Price | Adj Unit Price | Value |
| 1 | 1000 -- Res Vacant Table Value | SF5 | SF | 15,000 | 1.00 | 1.00 | 1.00 | -- | 1.00 | 100.00 | 100.00 | 1,500,000.00 |
| 2 | 1000 -- Res Vacant Table Value | SF3 | SF | 11,038 | 1.00 | 1.00 | 1.00 | -- | 1.00 | 100.00 | 100.00 | 1,103,800.00 |

Building
 Vacant (No Building Data)

HARRIS COUNTY APPRAISAL DISTRICT
 REAL PROPERTY ACCOUNT INFORMATION
 039326000006

Tax Year: 2015



| Owner and Property Information | | | | | | |
|--|------------------------------|-----------|---|--------------|-----------|----------|
| Owner Name & Mailing Address: | | | Legal Description: TR 6 BLK 35 WEST UNIVERSITY PLACE SEC 1 | | | |
| | | | Property Address: 6502 MERCER ST HOUSTON TX 77005 | | | |
| State Class Code | Land Use Code | Land Area | Total Living Area | Neighborhood | Map Facet | Key Map® |
| A1 -- Real, Residential, Single-Family | 1001 -- Residential Improved | 6,500 SF | 3,953 SF | 7427.01 | 5255D | 532F |

| Value Status Information | | |
|--------------------------|-------------|------------|
| Value Status | Notice Date | Shared CAD |
| Noticed | 04/24/2015 | No |

| Exemptions and Jurisdictions | | | | | | |
|------------------------------|-----------|-----------------------|-----------------|-----------------------|-----------|-----------|
| Exemption Type | Districts | Jurisdictions | Exemption Value | ARB Status | 2014 Rate | 2015 Rate |
| None | 001 | HOUSTON ISD | | Certified: 08/14/2015 | 1.196700 | 1.196700 |
| | 040 | HARRIS COUNTY | | Certified: 08/14/2015 | 0.417310 | 0.419230 |
| | 041 | HARRIS CO FLOOD CNTRL | | Certified: 08/14/2015 | 0.027360 | 0.027330 |
| | 042 | PORT OF HOUSTON AUTHY | | Certified: 08/14/2015 | 0.015310 | 0.013420 |
| | 043 | HARRIS CO HOSP DIST | | Certified: 08/14/2015 | 0.170000 | 0.170000 |
| | 044 | HARRIS CO EDUC DEPT | | Certified: 08/14/2015 | 0.005999 | 0.005422 |
| | 048 | HOU COMMUNITY COLLEGE | | Certified: 08/14/2015 | 0.106890 | 0.101942 |
| | 085 | WEST UNIVERSITY PLACE | | Certified: 08/14/2015 | 0.361790 | 0.331790 |

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| Value as of January 1, 2014 | | | Value as of January 1, 2015 | | |
|-----------------------------|------------------|------------------|-----------------------------|------------------|------------------|
| | Market | Appraised | | Market | Appraised |
| Land | 520,000 | | Land | 650,000 | |
| Improvement | 552,500 | | Improvement | 606,000 | |
| Total | 1,072,500 | 1,072,500 | Total | 1,256,000 | 1,256,000 |

| Land | | | | | | | | | | | | |
|-------------------|----------------------------------|-----------|-----------|-------|-------------|-------------|-----------------|-----------------|-----------|------------|----------------|------------|
| Market Value Land | | | | | | | | | | | | |
| Line | Description | Site Code | Unit Type | Units | Size Factor | Site Factor | Appr O/R Factor | Appr O/R Reason | Total Adj | Unit Price | Adj Unit Price | Value |
| 1 | 1001 -- Res Improved Table Value | SF1 | SF | 6,500 | 1.00 | 1.00 | 1.00 | -- | 1.00 | 100.00 | 100.00 | 650,000.00 |

| Building | | | | | | | |
|----------|------------|-----------|---------------------------|----------------------|-----------|------------|------------------|
| Building | Year Built | Remodeled | Type | Style | Quality | Impr Sq Ft | Building Details |
| 1 | 1990 | 1996 | Residential Single Family | Residential 1 Family | Excellent | 3,953 * | Displayed |

* All HCAD residential building measurements are done from the exterior, with individual measurements rounded to the closest foot. This measurement includes all closet space, hallways, and interior staircases. Attached garages are not included in the square footage of living area, but valued separately. Living area above *attached* garages is included in the square footage living area of the dwelling. Living area above *detached* garages is not included in the square footage living area of the dwelling but is valued separately. This method is used on all residential properties in Harris

County to ensure the uniformity of square footage of living area measurements district-wide. There can be a reasonable variance between the HCAD square footage and your square footage measurement, especially if your square footage measurement was an interior measurement or an exterior measurement to the inch.

Building Details (1)

| Building Data | |
|------------------------------|-----------------|
| Element | Detail |
| Cost and Design | New / Rebuilt |
| Cond / Desir / Util | Good |
| Foundation Type | Slab |
| Grade Adjustment | A |
| Heating / AC | Central Heat/AC |
| Physical Condition | Good |
| Exterior Wall | Brick / Veneer |
| Element | Units |
| Room: Total | 10 |
| Room: Rec | 2 |
| Room: Half Bath | 1 |
| Room: Full Bath | 4 |
| Room: Bedroom | 5 |
| Fireplace: Masonry Firebrick | 1 |

| Building Areas | |
|--------------------|-------|
| Description | Area |
| BASE AREA PRI | 2,537 |
| BASE AREA UPR | 1,416 |
| OPEN MAS PORCH PRI | 200 |

| Building Features | |
|---|-------|
| Description | Units |
| Brick or Stone Detached Garage w/living | 1 |

HARRIS COUNTY APPRAISAL DISTRICT
 REAL PROPERTY ACCOUNT INFORMATION
 039316000033

Tax Year: 2015



| Owner and Property Information | | | | | | |
|--|----------------------------|-----------|---|--------------|-----------|----------|
| Owner Name & Mailing Address: | | | Legal Description: TR 14A BLK 25 WEST UNIVERSITY PLACE SEC 1 | | | |
| | | | Property Address: 3618 DUKE ST HOUSTON TX 77005 | | | |
| State Class Code | Land Use Code | Land Area | Total Living Area | Neighborhood | Map Facet | Key Map® |
| C1 -- Real, Vacant Lots/Tracts (In City) | 1000 -- Residential Vacant | 5,000 SF | 0 SF | 7427.01 | 5255A | 532F |

| Value Status Information | | |
|--------------------------|-------------|------------|
| Value Status | Notice Date | Shared CAD |
| Noticed | 04/24/2015 | No |

| Exemptions and Jurisdictions | | | | | | |
|-------------------------------|-----------|-----------------------|-----------------|--------------------------|-----------|-----------|
| Exemption Type | Districts | Jurisdictions | Exemption Value | ARB Status | 2014 Rate | 2015 Rate |
| Partial Residential Homestead | 001 | HOUSTON ISD | 82,522 | Supplemental: 09/11/2015 | 1.196700 | 1.196700 |
| | 040 | HARRIS COUNTY | 82,522 | Supplemental: 09/11/2015 | 0.417310 | 0.419230 |
| | 041 | HARRIS CO FLOOD CNTRL | 82,522 | Supplemental: 09/11/2015 | 0.027360 | 0.027330 |
| | 042 | PORT OF HOUSTON AUTHY | 82,522 | Supplemental: 09/11/2015 | 0.015310 | 0.013420 |
| | 043 | HARRIS CO HOSP DIST | 82,522 | Supplemental: 09/11/2015 | 0.170000 | 0.170000 |
| | 044 | HARRIS CO EDUC DEPT | 82,522 | Supplemental: 09/11/2015 | 0.005999 | 0.005422 |
| | 048 | HOU COMMUNITY COLLEGE | 41,261 | Supplemental: 09/11/2015 | 0.106890 | 0.101942 |
| | 085 | WEST UNIVERSITY PLACE | 0 | Supplemental: 09/11/2015 | 0.361790 | 0.331790 |

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| Valuations | | | |
|-----------------------------|---------|-----------------------------|-------------|
| Value as of January 1, 2014 | | Value as of January 1, 2015 | |
| | Market | Appraised | |
| Land | 400,000 | | Land |
| Improvement | 0 | | Improvement |
| Total | 400,000 | 375,100 | Total |
| | | | 417,000 |
| | | | 412,610 |

| Land | | | | | | | | | | | | |
|-------------------|--------------------------------|-----------|-----------|-------|-------------|-------------|-----------------|-----------------|-----------|------------|----------------|------------|
| Market Value Land | | | | | | | | | | | | |
| Line | Description | Site Code | Unit Type | Units | Size Factor | Site Factor | Appr O/R Factor | Appr O/R Reason | Total Adj | Unit Price | Adj Unit Price | Value |
| 1 | 1000 -- Res Vacant Table Value | SF5 | SF | 5,000 | 1.00 | 1.00 | 1.00 | -- | 1.00 | 100.00 | 100.00 | 500,000.00 |

Building

Vacant (No Building Data)

| Detailed View of Vacant Data | | | | | | |
|------------------------------|-------|-----|------|--------|--------|------|
| Year | Month | Day | Hour | Minute | Second | Zone |
| 2015 | 01 | 01 | 00 | 00 | 00 | EST |

| Summary of Vacant Data | | |
|------------------------|-------|------------|
| Year | Count | Percentage |
| 2015 | 1 | 100% |

| Year | Month | Day | Hour | Minute | Second | Zone |
|------|-------|-----|------|--------|--------|------|
| 2015 | 01 | 01 | 00 | 00 | 00 | EST |

| Summary of Vacant Data | |
|------------------------|-------|
| Year | Count |
| 2015 | 1 |

| Summary of Vacant Data | |
|------------------------|-------|
| Year | Count |
| 2015 | 1 |

HARRIS COUNTY APPRAISAL DISTRICT
 REAL PROPERTY ACCOUNT INFORMATION
 039316000014

Tax Year: 2015



| Owner and Property Information | | | | | | |
|--|----------------------------|--|-------------------|--------------|-----------|----------|
| Owner Name & Mailing Address: | | Legal Description: TRS 14B 14E & 14F BLK 25 WEST UNIVERSITY PLACE SEC 1 Property Address: 3622 DUKE ST HOUSTON TX 77005 | | | | |
| State Class Code | Land Use Code | Land Area | Total Living Area | Neighborhood | Map Facet | Key Map® |
| C1 -- Real, Vacant Lots/Tracts (In City) | 1000 -- Residential Vacant | 8,456 SF | 0 SF | 7427.01 | 5255A | 532F |

| Value Status Information | | |
|--------------------------|-------------|------------|
| Value Status | Notice Date | Shared CAD |
| Noticed | 05/01/2015 | No |

| Exemptions and Jurisdictions | | | | | | |
|------------------------------|-----------|-----------------------|-----------------|-----------------------|-----------|-----------|
| Exemption Type | Districts | Jurisdictions | Exemption Value | ARB Status | 2014 Rate | 2015 Rate |
| None | 001 | HOUSTON ISD | | Certified: 08/14/2015 | 1.196700 | 1.196700 |
| | 040 | HARRIS COUNTY | | Certified: 08/14/2015 | 0.417310 | 0.419230 |
| | 041 | HARRIS CO FLOOD CNTRL | | Certified: 08/14/2015 | 0.027360 | 0.027330 |
| | 042 | PORT OF HOUSTON AUTHY | | Certified: 08/14/2015 | 0.015310 | 0.013420 |
| | 043 | HARRIS CO HOSP DIST | | Certified: 08/14/2015 | 0.170000 | 0.170000 |
| | 044 | HARRIS CO EDUC DEPT | | Certified: 08/14/2015 | 0.005999 | 0.005422 |
| | 048 | HOU COMMUNITY COLLEGE | | Certified: 08/14/2015 | 0.106890 | 0.101942 |
| | 085 | WEST UNIVERSITY PLACE | | Certified: 08/14/2015 | 0.361790 | 0.331790 |

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| Valuations | | | |
|-----------------------------|----------------|-----------------------------|--------------|
| Value as of January 1, 2014 | | Value as of January 1, 2015 | |
| | Market | Appraised | |
| Land | 578,200 | | Land |
| Improvement | 0 | | Improvement |
| Total | 578,200 | 578,200 | Total |

| Land | | | | | | | | | | | | |
|-------------------|--------------------------------|-----------|-----------|-------|-------------|-------------|-----------------|-------------------|-----------|------------|----------------|------------|
| Market Value Land | | | | | | | | | | | | |
| Line | Description | Site Code | Unit Type | Units | Size Factor | Site Factor | Appr O/R Factor | Appr O/R Reason | Total Adj | Unit Price | Adj Unit Price | Value |
| 1 | 1000 -- Res Vacant Table Value | SF5 | SF | 6,000 | 1.00 | 1.00 | 1.00 | -- | 1.00 | 100.00 | 100.00 | 600,000.00 |
| 2 | 1000 -- Res Vacant Table Value | SF3 | SF | 2,456 | 1.00 | 1.00 | 0.50 | Restr or Non-Conf | 0.50 | 100.00 | 50.00 | 122,800.00 |

Building
 Vacant (No Building Data)

HARRIS COUNTY APPRAISAL DISTRICT
 REAL PROPERTY ACCOUNT INFORMATION
 0393160000028

Tax Year: 2015



| Owner and Property Information | | | | | | |
|--|------------------------------|-----------|---|--------------|-----------|----------|
| Owner Name & Mailing Address: | | | Legal Description: TRS 1B & 14D BLK 25 WEST UNIVERSITY PLACE SEC 1 | | | |
| | | | Property Address: 6358 MERCER ST HOUSTON TX 77005 | | | |
| State Class Code | Land Use Code | Land Area | Total Living Area | Neighborhood | Map Facet | Key Map® |
| A1 -- Real, Residential, Single-Family | 1001 -- Residential Improved | 7,500 SF | 3,280 SF | 7427.01 | 5255B | 532F |

| Value Status Information | | |
|--------------------------|-------------|------------|
| Value Status | Notice Date | Shared CAD |
| Noticed | 04/24/2015 | No |

| Exemptions and Jurisdictions | | | | | | |
|------------------------------|-----------|-----------------------|-----------------|-----------------------|-----------|-----------|
| Exemption Type | Districts | Jurisdictions | Exemption Value | ARB Status | 2014 Rate | 2015 Rate |
| None | 001 | HOUSTON ISD | | Certified: 08/14/2015 | 1.196700 | 1.196700 |
| | 040 | HARRIS COUNTY | | Certified: 08/14/2015 | 0.417310 | 0.419230 |
| | 041 | HARRIS CO FLOOD CNTRL | | Certified: 08/14/2015 | 0.027360 | 0.027330 |
| | 042 | PORT OF HOUSTON AUTHY | | Certified: 08/14/2015 | 0.015310 | 0.013420 |
| | 043 | HARRIS CO HOSP DIST | | Certified: 08/14/2015 | 0.170000 | 0.170000 |
| | 044 | HARRIS CO EDUC DEPT | | Certified: 08/14/2015 | 0.005999 | 0.005422 |
| | 048 | HOU COMMUNITY COLLEGE | | Certified: 08/14/2015 | 0.106890 | 0.101942 |
| | 085 | WEST UNIVERSITY PLACE | | Certified: 08/14/2015 | 0.361790 | 0.331790 |

Texas law prohibits us from displaying residential photographs, sketches, floor plans, or information indicating the age of a property owner on our website. You can inspect this information or get a copy at [HCAD's information center at 13013 NW Freeway.](#)

| Value as of January 1, 2014 | | | Value as of January 1, 2015 | | |
|-----------------------------|------------------|------------------|-----------------------------|------------------|------------------|
| | Market | Appraised | | Market | Appraised |
| Land | 600,000 | | Land | 750,000 | |
| Improvement | 561,592 | | Improvement | 574,782 | |
| Total | 1,161,592 | 1,161,592 | Total | 1,324,782 | 1,324,782 |

| Land | | | | | | | | | | | | |
|-------------------|----------------------------------|-----------|-----------|-------|-------------|-------------|-----------------|-----------------|-----------|------------|----------------|------------|
| Market Value Land | | | | | | | | | | | | |
| Line | Description | Site Code | Unit Type | Units | Size Factor | Site Factor | Appr O/R Factor | Appr O/R Reason | Total Adj | Unit Price | Adj Unit Price | Value |
| 1 | 1001 -- Res Improved Table Value | SF1 | SF | 7,500 | 1.00 | 1.00 | 1.00 | -- | 1.00 | 100.00 | 100.00 | 750,000.00 |

| Building | | | | | | |
|----------|------------|---------------------------|----------------------|-----------|------------|------------------|
| Building | Year Built | Type | Style | Quality | Impr Sq Ft | Building Details |
| 1 | 1984 | Residential Single Family | Residential 1 Family | Excellent | 3,280 * | Displayed |

* All HCAD residential building measurements are done from the exterior, with individual measurements rounded to the closest foot. This measurement includes all closet space, hallways, and interior staircases. Attached garages are not included in the square footage of living area, but valued separately. Living area above attached garages is included in the square footage living area of the dwelling. Living area above detached garages is not included in the square footage living area of the dwelling but is valued separately. This method is used on all residential properties in Harris

County to ensure the uniformity of square footage of living area measurements district-wide. There can be a reasonable variance between the HCAD square footage and your square footage measurement, especially if your square footage measurement was an interior measurement or an exterior measurement to the inch.

Building Details (1)

| Building Data | |
|------------------------------|-----------------|
| Element | Detail |
| Cost and Design | New / Rebuilt |
| Cond / Desir / Util | Good |
| Foundation Type | Slab |
| Grade Adjustment | A |
| Heating / AC | Central Heat/AC |
| Physical Condition | Good |
| Exterior Wall | Brick / Veneer |
| Element | Units |
| Room: Total | 7 |
| Room: Rec | 1 |
| Room: Half Bath | 1 |
| Room: Full Bath | 3 |
| Room: Bedroom | 4 |
| Fireplace: Masonry Firebrick | 2 |

| Building Areas | |
|----------------------|-------|
| Description | Area |
| BASE AREA PRI | 1,640 |
| OPEN FRAME PORCH PRI | 416 |
| MAS/BRK GARAGE PRI | 460 |
| WOOD DECK PRI | 634 |
| BASE AREA UPR | 1,640 |
| OPEN FRAME PORCH UPR | 416 |

HARRIS COUNTY APPRAISAL DISTRICT
 REAL PROPERTY ACCOUNT INFORMATION
 039316000001

Tax Year: 2015



| Owner and Property Information | | | | | | |
|--|------------------------------|---|-------------------|--------------|-----------|----------|
| Owner Name & Mailing Address: | | Legal Description: TRS 1A & 14C BLK 25 WEST UNIVERSITY PLACE SEC 1 Property Address: 6348 MERCER ST HOUSTON TX 77005 | | | | |
| State Class Code | Land Use Code | Land Area | Total Living Area | Neighborhood | Map Facet | Key Map® |
| A1 -- Real, Residential, Single-Family | 1001 -- Residential Improved | 7,500 SF | 4,417 SF | 7427.01 | 5255B | 532F |

| Value Status Information | | |
|--------------------------|-------------|------------|
| Value Status | Notice Date | Shared CAD |
| Noticed | 04/24/2015 | No |

| Exemptions and Jurisdictions | | | | | | |
|------------------------------|-----------|-----------------------|-----------------|-----------------------|-----------|-----------|
| Exemption Type | Districts | Jurisdictions | Exemption Value | ARB Status | 2014 Rate | 2015 Rate |
| Residential Homestead | 001 | HOUSTON ISD | 271,598 | Certified: 08/14/2015 | 1.196700 | 1.196700 |
| | 040 | HARRIS COUNTY | 246,598 | Certified: 08/14/2015 | 0.417310 | 0.419230 |
| | 041 | HARRIS CO FLOOD CNTRL | 246,598 | Certified: 08/14/2015 | 0.027360 | 0.027330 |
| | 042 | PORT OF HOUSTON AUTHY | 246,598 | Certified: 08/14/2015 | 0.015310 | 0.013420 |
| | 043 | HARRIS CO HOSP DIST | 246,598 | Certified: 08/14/2015 | 0.170000 | 0.170000 |
| | 044 | HARRIS CO EDUC DEPT | 246,598 | Certified: 08/14/2015 | 0.005999 | 0.005422 |
| | 048 | HOU COMMUNITY COLLEGE | 123,299 | Certified: 08/14/2015 | 0.106890 | 0.101942 |
| | 085 | WEST UNIVERSITY PLACE | 0 | Certified: 08/14/2015 | 0.361790 | 0.331790 |

Texas law prohibits us from displaying residential photographs, sketches, floor plans, or information indicating the age of a property owner on our website. You can inspect this information or get a copy at **HCAD's information center at 13013 NW Freeway.**

| Valuations | | | Value as of January 1, 2014 | | | Value as of January 1, 2015 | | |
|--------------|------------------|------------------|-----------------------------|------------------|------------------|-----------------------------|--------|-----------|
| | Market | Appraised | | Market | Appraised | | Market | Appraised |
| Land | 600,000 | | Land | 750,000 | | | | |
| Improvement | 520,900 | | Improvement | 630,536 | | | | |
| Total | 1,120,900 | 1,120,900 | Total | 1,380,536 | 1,232,990 | | | |

| Land | | | | | | | | | | | | |
|-------------------|----------------------------------|-----------|-----------|-------|-------------|-------------|-----------------|-----------------|-----------|------------|----------------|------------|
| Market Value Land | | | | | | | | | | | | |
| Line | Description | Site Code | Unit Type | Units | Size Factor | Site Factor | Appr O/R Factor | Appr O/R Reason | Total Adj | Unit Price | Adj Unit Price | Value |
| 1 | 1001 -- Res Improved Table Value | SF1 | SF | 7,500 | 1.00 | 1.00 | 1.00 | -- | 1.00 | 100.00 | 100.00 | 750,000.00 |

Building

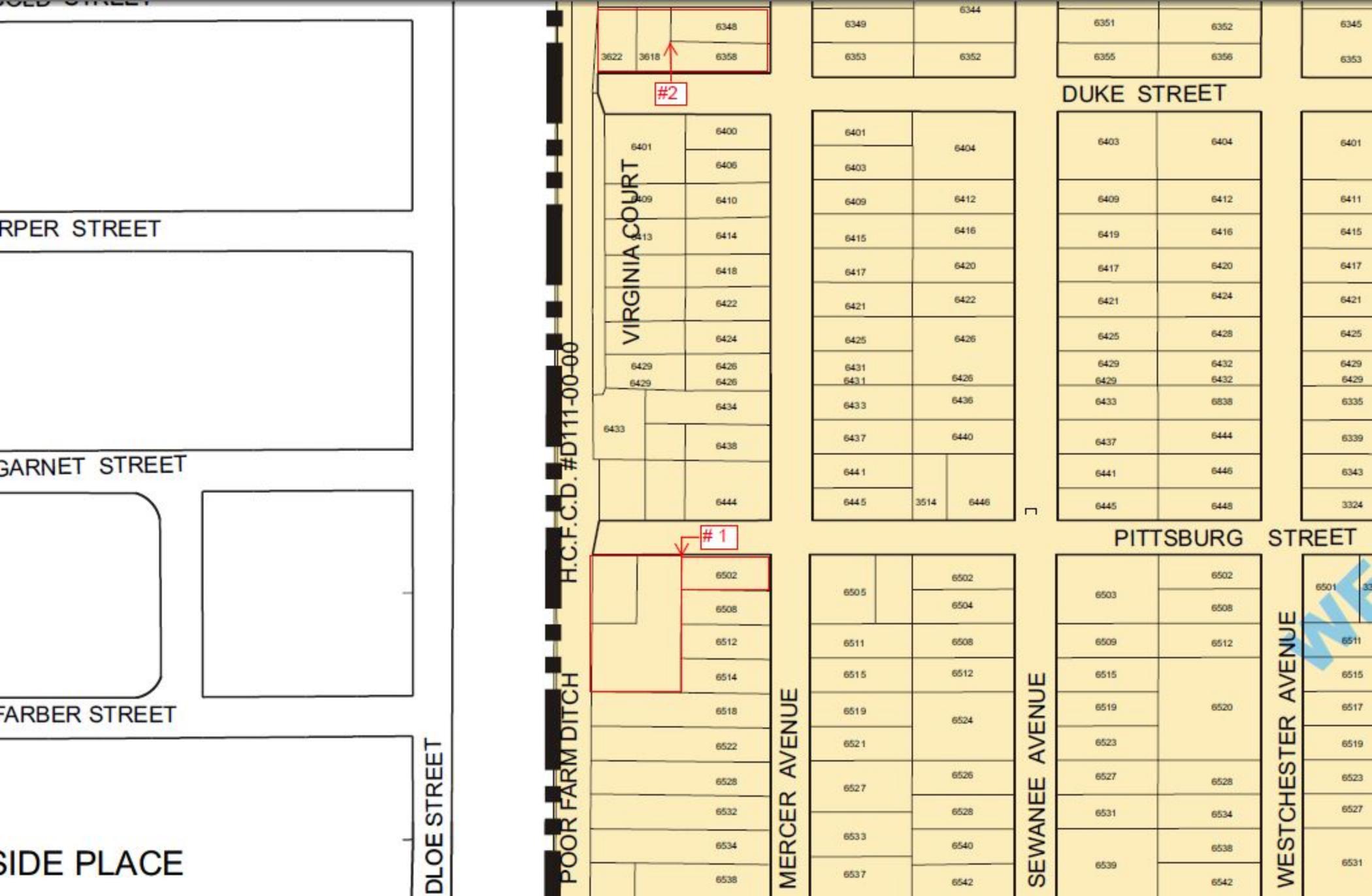
| Building | Year Built | Remodeled | Type | Style | Quality | Impr Sq Ft | Building Details |
|----------|------------|-----------|---------------------------|----------------------|-----------|------------|------------------|
| 1 | 1987 | -- | Residential Single Family | Residential 1 Family | Excellent | 3,977 * | Displayed |
| 2 | 1987 | 1999 | Residential Single Family | Residential 1 Family | Average | 440 * | View |

* All HCAD residential building measurements are done from the exterior, with individual measurements rounded to the closest foot. This measurement includes all closet space, hallways, and interior staircases. Attached garages are not included in the square footage of living area, but valued separately. Living area above *attached* garages is included in the square footage living area of the dwelling. Living area above *detached* garages is not included in the square footage living area of the dwelling but is valued separately. This method is used on all residential properties in Harris County to ensure the uniformity of square footage of living area measurements district-wide. There can be a reasonable variance between the HCAD square footage and your square footage measurement, especially if your square footage measurement was an interior measurement or an exterior measurement to the inch.

Building Details (1)

| Building Data | |
|------------------------------|-----------------|
| Element | Detail |
| Cost and Design | New / Rebuilt |
| Cond / Desir / Util | Average |
| Foundation Type | Slab |
| Grade Adjustment | A |
| Heating / AC | Central Heat/AC |
| Physical Condition | Average |
| Exterior Wall | Brick / Veneer |
| Element | Units |
| Room: Total | 9 |
| Room: Rec | 2 |
| Room: Half Bath | 1 |
| Room: Full Bath | 3 |
| Room: Bedroom | 4 |
| Fireplace: Masonry Firebrick | 1 |

| Building Areas | |
|----------------------|-------|
| Description | Area |
| CARPORT PRI | 275 |
| BASE AREA PRI | 1,770 |
| OPEN MAS PORCH PRI | 30 |
| BASE AREA UPR | 1,770 |
| OPEN FRAME PORCH UPR | 304 |
| ENCL FRAME PORCH PRI | 264 |
| OPEN FRAME PORCH PRI | 40 |
| ONE STORY MAS PRI | 144 |
| ONE STORY MAS UPR | 275 |
| OPEN FRAME PORCH PRI | 18 |
| ONE STORY MAS UPR | 18 |
| ATTIC UNFINISHED | 35 |



...ED STREET
HARPER STREET

GARNET STREET

FARBER STREET

SIDE PLACE

DLOE STREET

H.C.F.C.D. #D111-00-00
POOR FARM DITCH

VIRGINIA COURT

MERCER AVENUE

SEWANEE AVENUE

WESTCHESTER AVENUE

DUKE STREET

PITTSBURG STREET

| | | |
|------|------|------|
| 3622 | 3618 | 6348 |
| | | 6358 |

#2

| | |
|------|------|
| 6401 | 6400 |
| 6409 | 6406 |
| 6413 | 6410 |
| | 6414 |
| | 6418 |
| | 6422 |
| | 6424 |
| 6429 | 6426 |
| 6429 | 6426 |
| | 6434 |
| 6433 | 6438 |
| | 6444 |

#1

| | |
|--|------|
| | 6502 |
| | 6508 |
| | 6512 |
| | 6514 |
| | 6518 |
| | 6522 |
| | 6528 |
| | 6532 |
| | 6534 |
| | 6538 |

| | |
|------|------|
| 6349 | 6344 |
| 6353 | 6352 |

| | |
|------|-----------|
| 6401 | 6404 |
| 6403 | |
| 6409 | 6412 |
| 6415 | 6416 |
| 6417 | 6420 |
| 6421 | 6422 |
| 6425 | 6426 |
| 6431 | 6426 |
| 6431 | 6426 |
| 6433 | 6436 |
| 6437 | 6440 |
| 6441 | |
| 6445 | 3514 6446 |

| | |
|------|------|
| 6351 | 6352 |
| 6355 | 6356 |

| | |
|------|------|
| 6403 | 6404 |
| 6409 | 6412 |
| 6419 | 6416 |
| 6417 | 6420 |
| 6421 | 6424 |
| 6425 | 6428 |
| 6429 | 6432 |
| 6429 | 6432 |
| 6433 | 6838 |
| 6437 | 6444 |
| 6441 | 6446 |
| 6445 | 6448 |

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|------|
| 6345 |
| 6353 |

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|------|
| 6401 |
| 6411 |
| 6415 |
| 6417 |
| 6421 |
| 6425 |
| 6429 |
| 6429 |
| 6335 |
| 6339 |
| 6343 |
| 3324 |

| | |
|------|----|
| 6501 | 33 |
| 6511 | |
| 6515 | |
| 6517 | |
| 6519 | |
| 6523 | |
| 6527 | |
| 6531 | |
| 6531 | |
| 6531 | |

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

| | | | |
|---|---|---------------------|---|
| AGENDA OF: | February 22, 2016 | AGENDA ITEM: | 4 |
| DATE SUBMITTED: | February 15, 2016 | DEPARTMENT: | Parks and Recreation |
| PREPARED BY: | Tim O'Connor | PRESENTER: | Tim O'Connor, PAR Director, Ms. Patricia King-Ritter, President and Mr. Lou Waters Vice President of the Evelyn's Park Conservancy |
| SUBJECT: | Presentation of an update on the City of Bellaire's Evelyn's Park, an overview of actions staff has taken in regard to the possibility of shared parking and a railroad pedestrian crossing and Council discussion. | | |
| ATTACHMENTS: | | | |
| EXPENDITURE REQUIRED: | N/A | | |
| AMOUNT BUDGETED: | N/A | | |
| ACCOUNT NO.: | N/A | | |
| ADDITIONAL APPROPRIATION REQUIRED: | N/A | | |
| ACCOUNT NO.: | N/A | | |

EXECUTIVE SUMMARY

Councilmember Reilly requested staff provide City Council with an update on the status of the development of Evelyn's Park, including the possibility of a shared parking arrangement with the City of Bellaire. Ms. Patricia King-Ritter and Mr. Lou Waters, the president and vice president of the Evelyn's Park Conservancy respectively, have graciously agreed to present an overview of the parks concept, design, general amenities and the project timeline.

Overview of staff action in regard to shared parking and a safe pedestrian railroad crossing: In August 2015 I contacted the City of Bellaire to determine if there was a possibility of West University Place sharing the cost of the development of a parking lot on the CenterPoint utility corridor. At that time Bellaire was investigating in respect to developing a 200 – 250 space lot to accommodate off-site parking for Evelyn's Park. The Parks and Recreation Director, Karl Miller, informed me that no definitive action had been taken by Bellaire in respect to lot at that time, but told me he would contact me when action was being considered and that the initial action may be to simply prepare a letter requesting that consideration. Upon further follow-up with the City of Bellaire, it appears that the parking lot on CenterPoint property is not a high priority at this time and that due to CenterPoint requirements the possibility of West University Place being able to share the cost/use of a parking lot on the CenterPoint Utility Corridor is highly unlikely.

Staff has conducted some initial investigation in regard to facilitating construction of a safe pedestrian crossing on the north side of Bellaire Boulevard at the BNSF rail-road crossing and found that it is doable. I contacted Ms. Annett Jenkins, Senior Manager Permits with the Rail Practice group and she informed me that the city would need to file an application (\$750.00) for a Private Crossing Permit and submit that application along with a drawing that reflects the pedestrian crossing at the exact location. I facilitated some very preliminary research on pedestrian crossing and discovered that such construction normally costs in excess of \$75K. Staff has taken no further action at this time.

Staff is investigating the expansion and improvement of the parking lot on the west side of the WUP Recreation Center campus. The property is owned by the ELPH Pipeline Company and they have previously allowed the city, and the YMCA before the city took ownership of the campus, to construct and maintain a crushed rock parking lot on the pipeline. The current unstripped parking lot can accommodate approximately 30 vehicles and with the expansion of the lot north to Ruskin and with a proposed asphalt overlay, stripping and parking stops, we estimate that we can accommodate 52 vehicles. The WUP Recreation Center has 135 parking spaces and 6 handicapped parking spaces.

RECOMMENDATION

Request that City Council continue to provide staff direction in moving forward with matters involving parking and pedestrian rail-road crossings.

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

| | | | |
|---|--|---------------------|------------------------------------|
| AGENDA OF: | February 22, 2016 | AGENDA ITEM: | 5 |
| DATE SUBMITTED: | February 18, 2016 | DEPARTMENT: | Public Works |
| PREPARED BY: | G. Barrera, General Svcs. Supt. | PRESENTER: | D. Beach, Public Works Director |
| SUBJECT: | First Reading of the Proposed Changes to City Ordinance - Chapter 38: Garbage and Trash Ordinance | | |
| ATTACHMENTS: | Ordinance with Redlined Changes | | |
| EXPENDITURE REQUIRED: | None | | |
| AMOUNT BUDGETED: | N/A | | |
| ACCOUNT NO.: | N/A | | |
| ADDITIONAL APPROPRIATION REQUIRED: | N/A | | |
| ACCOUNT NO.: | N/A | | |

EXECUTIVE SUMMARY

Chapter 38 of the ordinance was last revised in its entirety in 1998 via ordinance 1576, with a minor addition in 2014 via ordinance 1990. Since 1998, there have been changes in the way the City collects and disposes of trash and recycling, changes to the collection routes, and the addition of new programs, however, there has been little to no change to the ordinance.

With the guidance of the City Attorney and advisement of the Recycling and Solid Waste Reduction Board, staff is proposing the following changes to the ordinance:

- **Title of Chapter**
 - The addition of “recycling” to the title of the chapter.
- **Article I – Sec 38-1 – Definitions**
 - Revision and addition to definitions that are referenced throughout the ordinance.
- **Sec 38-2 – Role of Director**
 - Changes to how regulations take effect as established by the director.
- **Sec 38-3 – Certain Deposits prohibited**
 - Addition that makes the disposal of waste in the storm sewer system unlawful.
- **Article II – Sec 38-28 – Preparation, placement, etc.; basic and special services**
 - Clarification of preparation of recycling materials.
 - Addition of definition of Yard Waste and Yard Waste Materials.
 - Change from six (6) days to (3) days before collection to the placement requirement of yard waste material (limbs).
 - New addition of Bulk Waste section

- **Sec 38-30 – Accumulation of waste**
 - Addition of “nuisance” to the title of this section.
 - Adding provision to allow code enforcement officer to take action for violations under this section.

- **Sec 38-31 – Programs to encourage recycling, etc.**
 - Removal of provision granting credit of solid waste fee for participation in recycling.

RECOMMENDATION

Staff recommends that City Council approve the recommended changes to Chapter 38 on first reading.

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS; AMENDING CHAPTER 38, GARBAGE, TRASH AND RECYCLING, ARTICLES I, IN GENERAL, ARTICLE II, CITY COLLECTION SYSTEM AND ARTICLE III, PRIVATE HAULERS, OF THE CODE OF ORDINANCES OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, FOR THE PURPOSE OF UPDATING THE CITY'S GARBAGE COLLECTION REGULATIONS AND CONTAINING FINDINGS AND PROVISIONS RELATING TO THE SUBJECT.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, THAT:

Section 1. Chapter 38, Garbage, Trash and Recycling, Articles I, in General, Article II, City Collection System and Article III, Private Haulers, of the Code of Ordinances of the City of West University Place, Texas is amended to read as set out in Appendix A, attached hereto. All other portions of Chapter 38 of the Code of Ordinances not specifically amended hereby remain in full force and effect.

Section 2. All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

Section 3. If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

Section 4. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

Section 5. This Ordinance takes effect immediately upon its passage and adoption on second reading.

PASSED, APPROVED AND ADOPTED ON FIRST READING on the ____ day
of _____, 2016.

**PASSED, APPROVED AND ADOPTED ON SECOND READING, AND
SIGNED**, on the ____ day of _____, 2016.

Attest: _____
City Secretary (Seal)

Signed: _____
Mayor

Recommended:

City Manager

Approved as to legal form:

City Attorney

Appendix A
(Amended Chapter 38, Code of Ordinances)

ARTICLE I. - IN GENERAL

Sec. 38-1. - Definitions.

Unless the context requires a different meaning, the following terms, when used in this chapter, have the meanings indicated below:

Alley shall mean a paved asphalt or concrete drive of sufficient width to provide easy access for collection equipment.

Approved bag shall mean a bag meeting the most recently published specifications for the type of garbage ~~or~~ trash or yard waste it contains. The director shall establish the specifications within these standards:

- (1) The specified bags must be readily available in the area, at a reasonable cost;
- (2) The bags must allow efficient collection and handling;
- (3) There may be different types of bags for different types of garbage ~~or~~ trash or yard waste; and
- (4) There may be distinctive tags or markings required for bags containing certain types of garbage or trash.

~~The director is specifically authorized to specify recyclable bags for yard waste or other materials.~~

Curbside shall mean the area between the sidewalk and the roadway portion of a street or alley, or if there is no sidewalk, the area considered to be the right of way, usually found within ten feet of the roadway.

Dwelling shall mean a living unit such as a building or any part thereof used exclusively as living quarters for any number of individuals living together as a single housekeeping unit, including apartments, duplexes and multi-apartments.

~~Garbage~~Recyclable material means material that has been recovered or diverted from the non-hazardous waste stream for purposes of reuse, recycling, or reclamation. Recyclable material is not solid waste. However, recyclable material may become solid waste at such time, if any, as it is abandoned or disposed of rather than recycled, whereupon it will be solid waste with respect only to the party actually abandoning or disposing of the material

~~Recycling~~ shall mean solid waste consisting of animal and vegetable waste a process by which materials that have served their intended use or are scrapped, discarded, used, surplus, or obsolete, are collected, separated, or processed and returned to use in the form of raw materials in the production of new products. Except for mixed municipal solid waste composting, that is, composting of the typical mixed

solid waste stream generated by residential, commercial, and/or institutional sources, recycling includes the composting process if the compost material is put to beneficial use.

Waste

(a) Bulky trash/waste:

Large objects with dimensions and proportions greater than those allowed for/in basic collection (limitations apply).

(b) Construction & Demolition (C&D) waste:

Waste resulting from the handling, construction or demolition projects; includes all materials that are directly or indirectly the by-products of construction work or that result from demolition of buildings and other structures.

(c) Garbage:

Solid wastes from the domestic and commercial preparation, cooking, dispensing and consumption of food.

(d) ~~Trash shall mean~~ Hazardous waste:

Any solid waste consisting or liquid waste identified or listed as a hazardous waste by the administrator of newspapers, mixed paper, glass, cartons, yard the United States Environmental Protection Agency (EPA) pursuant to the Federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, 42 USC, § 6901 et seq., as amended.

(e) Infectious wastes:

Waste material containing pathogens or biologically active materials which because of its type, concentration, and quality are capable of transmitting disease to persons exposed to the waste materials.

(f) Liquid Waste:

Any waste material that is determined to contain "free liquids" as defined by EPA Method 9095 (Paint Filter Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical methods" (EPA Publication Number SW-846).

(g) Medical waste:

Animal waste, bulk blood and blood products, microbiological waste, pathological waste, sharps, and special waste from health care-related facilities as those terms are defined in 25 Texas Administrative Code Section 1.132 (Tex. Dept. of Health, Definition, Treatment and Disposition of Special Waste from Health Care-Related Facilities).

(h) Municipal solid waste:

Solid waste resulting from or incidental to municipal, community, commercial, institutional, and recreational activity, including garbage, rubbish, ashes, street cleaning, dead animals, and anyall other material commonly understood to be waste, excluding industrial solid waste and hazardous waste or substances.

(i) Putrescible waste:

Organic wastes that is capable of being decomposed by microorganisms with sufficient rapidity as to cause odors or gases or is capable of providing food for or attracting birds, animals, and disease vectors.

(j) Rubbish:

Trash and ~~eligible for debris~~ of all kinds that is nonputrescible waste and refuse material that is not yard or special waste.

(k) Special Waste:

Any solid waste or combination of solid wastes that because of its quantity, concentration, physical or chemical characteristics, or biological properties requires special handling and disposal at an ordinary municipal landfill. The term "trash" shall also protect the human health or the environment. [If improperly handled, transported, stored, processed or disposed of or otherwise managed, it may pose a present or potential danger to the human health or the environment.]

(l) Trash:

Discarded matter and are no longer useful or wanted and have been thrown away.

(m) Yard Waste:

Grass, grass clippings, and yard debris, brush, including clean woody vegetation that results from residential landscaping maintenance. This does not include ~~items subject to the city's recycling program (cans, bottles, newspapers, etc.)~~ stumps, roots or shrubs with intact root balls.

(Code 2003, § 11.001)

Sec. 38-2. - Role of director.

To the extent provided in this chapter, the director of the public works department or other person designated by the city manager (referred to in this chapter as the "director") shall have jurisdiction over garbage, trash, recycling and trashyard waste accumulated in the city, including collection, conveyance and disposal. The director shall establish regulations consistent with this Code establishing the schedules for regular collections, specifying the types of recycling materials, specifying approved bags and other containers and providing other regulations for preparation and placement. However, no change in such regulations takes effect until published in the city's newsletter or utility bills. An educational campaign effort will be made to ensure all residents are notified of changes that have been made and approved.

(Code 2003, § 11.002)

Sec. 38-3. - Certain deposits prohibited.

(a) In general. It shall be unlawful for any person to:

(1) Scatter, throw or deposit any garbage, trash, or other rubbish, refuse or litter upon any street area or alley; or

(2) Place, sweep, deposit or throw garbage, trash, [recycling, yard waste](#) or other rubbish, refuse or litter within the city in such a manner that it may be carried or deposited by the elements upon or into any street area or any other premises different from the premises where it is placed, swept, deposited or thrown.

(3) [Place, sweep, deposit or throw garbage, trash, recycling, yard waste or other rubbish, refuse or litter in the storm drainage system.](#)

Exception: This subsection does not apply to garbage ~~or~~, trash, [recycling and yard waste](#) prepared and placed as required for basic collection by the city, at a dwelling for which fees under this chapter are nondelinquent.

(b) Responsibility of owner, etc. When prohibited material is found in a street area, it shall be the duty of each person who owns or controls adjacent premises to remove it, if the person knows that the material is present. In this subsection, "prohibited material" means material prohibited to be placed in the street area by subsection (a). It is an affirmative defense to prosecutions under this subsection that the material:

(1) Did not originate on the adjacent premises; and

(2) Was placed in the street area without the consent of any person in control of the adjacent premises.

(c) Affirmative defenses. The following are affirmative defenses to prosecutions under this section:

(1) Because of hurricane or other calamity, it was not practicable to remove the material or to store it somewhere else.

(2) The time and manner of placement of the material was specifically directed by an authorized representative of the city.

(3) There was a permit in effect for a major development or major remodeling of the affected premises, and the premises are in full compliance with applicable regulations for work site conditions and clean-up (see, e.g., section 18-58 of this Code).

(4) The material was eligible for city collection under this chapter, it was intended to be collected by the city as a special [collection](#) service, and it was in fact collected by the city and paid for as a special [collection](#) service.

(Code 2003, § 11.003)

Sec. 38-4. - Vacated premises to be cleaned.

It shall be unlawful for any person who owns, occupies or controls premises which are vacated, or from which the occupant moves:

(1) To fail or refuse to remove all garbage, trash and other rubbish from such premises; or

(2) To fail or refuse to place the premises in a thoroughly sanitary condition within 24 hours after the premises are vacated or moved from.

(Code 2003, § 11.004)

Secs. 38-5—38-26. - Reserved.

ARTICLE II. - CITY COLLECTION SYSTEM

Sec. 38-27. - Collection system established; application.

A city system of collecting garbage, trash, recycling and trashyard waste at curbside or in alleys is hereby established. City collection applies to all dwellings but does not apply to schools, churches, business establishments, commercial, industrial or other premises used for business or nondwelling purposes.

(Code 2003, § 11.010)

Sec. 38-28. - Preparation, placement, etc.; basic and special services.

- (a) Basic collections. The basic fee covers basic collection of garbage and trash prepared and placed as follows:

~~Type Preparation Placement (location) Placement (time)
Recycling materials designated by the director Sorted by type, in paper bags or other containers designated by the director, not to exceed 40 pounds per bag. Curbside
Not sooner than 6:00 p.m. on the day before a regular collection day for this type of material, nor later than the actual time of collection. (Normally one day per week.)
Tree and hedge trimmings and limbs two to four feet long and not more than three inches in diameter. Untied bundles or stacked. Curbside adjacent to the dwelling unit of origin Not sooner than the sixth day before a regular collection day for this type of material, nor later than the actual time of collection. (Normally one day per week.)
Leaves, grass clippings, and small tree and hedge trimmings (up to one foot long and up to 0.25 inch in diameter) In approved bags, not to exceed 40 pounds per bag. Note: The director may require recyclable bags. Curbside adjacent to the dwelling unit of origin Not sooner than 6:00 p.m. on the day before a regular collection day for this type of material, nor later than the actual time of collection. (Normally two days per week.)
All other garbage and trash. In closed and secured approved bags, not to exceed 40 pounds per bag. Curbside adjacent to the dwelling unit of origin Not sooner than 6:00 p.m. on the day before a regular collection day for this type of material, nor later than the actual time of collection. (Normally two days per week.)~~

| <u>Type</u> | <u>Preparation</u> | <u>Placement (location)</u> | <u>Placement (time)</u> |
|-------------|--------------------|-----------------------------|-------------------------|
|-------------|--------------------|-----------------------------|-------------------------|

| | | | |
|---|--|--|--|
| <u>Recycling materials designated by the director</u> | <u>In City provided recycling bins or other approved containers designated by the director, not to exceed 40 pounds per container.</u> | <u>Curbside adjacent to the dwelling unit of origin.</u> | <u>Not sooner than 6:00 p.m. on the day before a regular collection day for this type of material, nor later than the 8:00a.m. the day of scheduled collection. (Normally one day per week.)</u> |
| <u>Yard Waste materials - Tree and hedge trimmings and limbs two to four feet long and not more than three inches in diameter.</u> | <u>Untied bundles or stacked.</u> | <u>Curbside adjacent to the dwelling unit of origin</u> | <u>Not sooner than the third day: before a regular collection day for this type of material, nor later than the actual time of collection. (Normally one day per week.)</u> |
| <u>Yard Waste materials - Leaves, grass clippings, and small tree and hedge trimmings (up to one foot long and up to 0.25 inch in diameter)</u> | <u>In approved bags, not to exceed 40 pounds per bag.</u> | <u>Curbside adjacent to the dwelling unit of origin</u> | <u>Not sooner than 6:00 p.m. on the day before a regular collection day for this type of material, nor later than 8:00a.m. the day of scheduled collection. (Normally one days per week.)</u> |
| <u>Bulk Trash designated by the director</u> | <u>Stacked neatly behind the curb.</u> | <u>Curbside adjacent to the dwelling unit of origin</u> | <u>Not sooner than 6:00p.m. on the day before a regular collection day for this type of material, no later than 8:00 a.m. the day of scheduled collection. (Normally one day per week)</u> |

| | | | |
|-------------------------------------|--|---|--|
| <u>All other garbage and trash.</u> | <u>In closed and secured approved bags, not to exceed 40 pounds per bag.</u> | <u>Curbside adjacent to the dwelling unit of origin</u> | <u>Not sooner than 6:00 p.m. on the day before a regular collection day for this type of material, nor later than 8:00 a.m. the day of scheduled collection. (Normally two days per week.)</u> |
|-------------------------------------|--|---|--|

- (b) Special collection services. The director may ~~collect~~ authorize the collection of garbage, trash or other material not covered by this article.
- (c) Other materials. Other materials, including paint, insecticides, chemicals, etc. may be collected under special programs established by the director from time to time. These may be handled as an adjunct to regular collections or as a special service.

(Code 2003, § 11.011)

Sec. 38-29. - Fees.

- (a) Established. A basic fee shall be charged each month for each dwelling to cover basic collections. Additional fees are charged for special services. The basic fees and special services fees shall be established from time to time by the city council. The occupant of a dwelling and any other person who controls that dwelling are jointly responsible for the basic fees and any other fees for collection of garbage ~~or~~, trash, recycle and yard waste from curbside adjacent to that dwelling.
- (b) Delinquent accounts. All delinquent accounts are subject to suspension of garbage, trash, recycle and trashyard waste collection. Service shall be resumed after suspension only on payment of accumulated fees for the period of collection and the period of non-collection.
- (c) Disputes; waivers. The director is authorized to investigate any disputed fee and to make corrections. The director is authorized to waive a special services fee if:
- (1) The circumstances causing the fee were not under the control of the person charged or of any occupant or person in control of the dwelling in question; or
 - (2) Other good cause is shown.

However, no waiver is effective unless described in a written memorandum from the director to the finance director. The memorandum must identify the account name, account address, amount waived and reason.

(Code 2003, § 11.012)

Sec. 38-30. ~~Accumulation~~ Nuisance; accumulation of ~~garbage and trash~~ waste.

Any unauthorized accumulation of ~~rubbish, refuse, garbage or trash~~ waste on any

premises is hereby declared unlawful, to be a nuisance and is prohibited. A person in control of the premises shall be given adequate warning to dispose of such accumulation, after which the city may cause the removal of the accumulation at the expense of the property owner. Violations will be assessed in accordance with Chapter 42, Article III of the city ordinance.

(Code 2003, § 11.013)

Sec. 38-31. - Programs to encourage recycling, etc.

From time to time, the city council, by motion ~~or~~, resolution or through budgetary action, may approve special programs to encourage recycling, mulching, composting and similar techniques to reduce the waste that the city must handle conventionally. A program may be in effect indefinitely or only for a limited time. As part of a program, the city council may:

~~(1) — Grant a credit against the city's solid waste fee for a user who participates in the program, which shall be an exception to the generally applicable fee schedule; and~~

~~(2)~~ (1) Make available devices and equipment to users of the city's waste collection system, at a reduced cost or no cost.

In each case, the benefits of the program to the city must be designed to equal or exceed the costs borne by the city, including both expenditures and fee credits.

(Code 2003, § 11.016)

Secs. 38-32—38-50. - Reserved.

ARTICLE III. - PRIVATE HAULERS

Sec. 38-51. - When permit required.

It shall be unlawful for any person, other than duly authorized employees and representatives of the city, to collect garbage ~~or~~, trash or recycling at curbside from any dwelling unit within the city, unless authorized to do so by a current and valid private hauler permit. It is an affirmative defense to prosecution under this section that the owner or person in control of the dwelling unit in question made a contract or other special arrangement for the collection of the garbage or trash in question.

(Code 2003, § 11.021)

Sec. 38-52. - Application; public convenience, etc.

A person desiring a private hauler permit must apply in writing to the director and pay the prescribed fee. The director shall investigate each application and determine if the public convenience and necessity require the issuance of the permit, taking into account the existing services, the proposed service, the needs of the public, the costs of service and other related matters.

(Code 2003, § 11.022)

Sec. 38-53. - Issuance of permit; duration.

If the director determines that public convenience and necessity require the issuance of a permit, the director shall issue the applicant the appropriate permit. No permit shall be transferable, and each permit shall expire at midnight on May 2 following the date on which the permit was issued.

(Code 2003, § 11.023)

Sec. 38-54. - Revocation; appeal.

Any permit issued under this chapter may be revoked or suspended by written notice from the director for any violation of this Code, other ordinance of the city, traffic law or state law, by the permittee or the operator of any vehicle of such permittee. Before issuing such a notice, the director shall make a reasonable attempt to contact the permittee and provide an opportunity for the permittee to respond to the allegations. Within five days after receiving such a notice, an appeal may be made to the city council for reinstatement. The city council shall give the appellant a hearing, and after the hearing, the city council may reverse, affirm or modify the action taken.

(Code 2003, § 11.024)

Sec. 38-55. - Commercial collections; containers.

- (a) In general. Commercial collection rules shall apply to any school, church, business establishment, commercial, industrial or other premises not used exclusively for residential purposes in the city (collectively referred to below as "nonresidential premises"). The city will not provide commercial collection of garbage or trash. Collection of commercial garbage and trash is the responsibility of the property owner or other person in control of the premises, who must provide adequate collection to prevent the unauthorized accumulation of garbage and trash. This may require a "dumpster" or other container for garbage or trash with a capacity larger than 95 gallons (referred to below as a "large container").
- (b) Container regulations.
 - (1) It shall be unlawful for any person owning or controlling any nonresidential premises to maintain or allow the outdoor accumulation of garbage or trash on (or adjacent to) the premises, except within a container that is:
 - a. Made of metal or other rigid material;
 - b. Designed, constructed and maintained to completely enclose garbage or trash and prevent the entry of vermin; and
 - c. Kept completely closed at all times, except when being filled, emptied or cleaned with a top or lid that is made for that container. All containers used by the public must be kept closed with a top or lid at all times.
 - (2) It shall be unlawful for any person owning or controlling any nonresidential premises to place, use, maintain or allow any large container on those premises, if it does not comply with the additional criteria for large containers set out in subsection (c), below.
 - (3) It shall be unlawful for any person to own any large container, or to place, lease, rent, control, empty or service it, if the container is:

- a. Located on nonresidential premises; and
 - b. Does not comply with the additional criteria for large containers set out in subsection (c), below.
- (4) It shall be unlawful for any person to empty, clean or service any large container on any day after 7:00 p.m. or before 7:00 a.m., or to knowingly cause or allow it to occur.
- (c) Additional criteria for large containers. Large containers on nonresidential premises must:
- (1) Comply with the zoning ordinance as to location, screening, etc.; large containers must also comply with the following specific location and screening requirements as follows:
 - a. Intent. Dumpsters shall be located and screened from public view.
 - b. Placement. Dumpsters shall be located in the side or rear of the property, at least ten feet from the property line, so they generally are not visible from the public right-of-way and are screened with plantings or durable materials compatible with adjacent architecture. They shall be located outside of the required building setback area.
 - c. Screening. Dumpsters shall be screened on three sides using one of the following methods:
 - 1. A masonry wall enclosure of a height that is a minimum of one foot above top of dumpster.
 - 2. A planting enclosure of large evergreen shrubs planted a minimum of four feet apart that shall create a solid screen to a minimum height of seven feet within two years.
 - 3. A combination of the subsections 1. and 2. of this subsection. All dumpster screening plans shall be identified and detailed on a submitted and approved site plan.
 - d. Enclosure size. The minimum enclosure size for refuse and recycling containers shall be based upon a seven-foot-wide by seven-foot-deep container (ten-cubic-yard container). The interior dimensions of the enclosure shall provide the following minimum clearances:
 - 1. The minimum side-to-side clearance between containers and/or enclosure walls shall be two and one-half feet.
 - 2. The minimum front-to-back clearance between containers and enclosure walls or gates shall be two feet.
 - e. Have a conspicuous notice reading as follows: "Unlawful to empty this container after 7:00 p.m. or before 7:00 a.m. in the City of West University Place. This container must be kept closed except when being filled, emptied or cleaned." The notice must be printed with red letters at least two inches high on a white background, and it must be permanently affixed (or painted) in a location where it is plainly visible to any person filling or emptying the container.

(Code 2003, § 11.025; Ord. No. 1990, § 2(app. A), 5-19-2014)

FUTURE AGENDA ITEMS

Shaded items are on immediate agenda.

| Date | Item | Synopsis & Recommendation |
|----------|--|--|
| 2/22/16 | Park Acquisition and Development City Council Workshop | Matters related to the future acquisition and development of parkland in West University Place. Mr. Tim O'Connor, Parks and Recreation Director |
| 02/22/16 | Video Distribution of Council and Board Meetings | Matters relating to the availability of City Council and Board/Commission meetings by internet video. <i>Discuss and take any desired action.</i> Councilmember Brennan Reilly and Mayor Pro Tem Kelly |
| 02/22/16 | Solid Waste Ordinance (first reading) | Matters related to updating Chapter 38 Garbage and Trash of the Code of Ordinances of the City of West University Place. <i>Recommended Action: Approve ordinance of the Code of Ordinances of the City of West University Place on the first of two readings.</i> Mr. Dave Beach, Public Works Director |
| 02/22/16 | 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> Mr. Tim O'Connor, Parks and Recreation Director |
| 03/14/16 | Ground Storage Tank | Matters related to authorizing funds from the Water Capital Improvement Project Fund to fund a 1.5 MG Storage Tank concrete floor. <i>Recommended Action: Authorize funds from the CIP fund for a 1.5 MG Storage Tank concrete floor.</i> Mr. Dave Beach, Public Works Director. |
| 03/14/16 | Parks and Recreation Dept. Awards | Matters related to a presentation from the Parks and Recreation Department staff related to the two recent awards bestowed the City on behalf of the Houston-Galveston Area Council and the Texas Recreation and Parks Society. Mr. Tim O'Connor, Parks and Recreation Director |
| 03/14/16 | Water Well No. 9 Rehabilitation | Matters related to awarding a contract for the rehabilitation of Water Well No. 9. <i>Recommended Action: Award contract.</i> Mr. Dave Beach, Public Works Director |
| 03/14/16 | Solid Waste Ordinance (second and final reading) | Matters related to updating Chapter 38 Garbage and Trash of the Code of Ordinances of the City of West University Place. <i>Recommended Action: Approve ordinance of the Code of Ordinances of the City of West University Place on the second and final reading.</i> Mr. Dave Beach, Public Works Director |
| 03/14/16 | Tree City USA Recognition and Arbor Day Proclamation | Matters related to a proclamation proclaiming March 26, 2016 as Arbor Day. <i>Recommended Action: Proclaim March 26, 2016 as Arbor Day in the City of West University Place.</i> Mr. Craig Koehl, Urban Forester and Ms. Debbie Scarcella, City Planner |
| 04/11/16 | National Volunteer Month | Matters related Matters related to proclaiming the month of April "National Volunteer Month" in the City of West University Place. <i>Recommendation: Proclaim April "National Volunteer Month" in the City of West University Place.</i> Ms. Toby Brooks, Senior Services Manager |

| Date | Item | Synopsis & Recommendation |
|----------|--|---|
| 04/11/16 | Joint Resolution with Harris County | Matters related to adopting a resolution with Harris County. <i>Recommendation: Approve Resolution. Mr. Aaron Taylor, Fire Chief</i> |
| 04/11/16 | Wastewater Treatment Plant Belt Filter Press #2 | Matters related to awarding a contract for the replacement of Belt Filter Press #2 at the Wastewater Treatment Plant. <i>Recommended Action: Replace Belt Filter Press #2 at the Wastewater Treatment Plant. Mr. Dave Beach, Public Works Director</i> |
| 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. <i>Recommendation: Proclaim May "National Volunteer Month" in the City of West University Place. Ms. Brittany Bakes, Recreation Manager</i> |
| 04/25/16 | Lemonade Day Proclamation | Matters related to proclaiming May 1, 2016 as Lemonade Day in West University Place, Texas. <i>Recommended Action: Proclaim May 1, 2016 as Lemonade Day in West University Place. Mayor Susan Sample</i> |
| 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> |

| Date | Item | Synopsis & Recommendation |
|------|---|--|
| TBD | Harris County District Attorney Investigation | Matters related to the Harris County District Attorney investigation of City Council members, including payment or reimbursement of attorneys' fees. <i>Discuss and take any desired action.</i> Councilmember Brennan Reilly |
| TBD | Fee Schedule | Matters related to approving an ordinance amending the fee schedule. <i>Recommended Action: Approve ordinance amending the fee schedule on the first of two readings.</i> Mr. Chris Peifer |
| TBD | Texas Ethics Commission Opinion | Matters related to a Texas Ethics Commission opinion relating to the content of articles written in <i>City Currents</i> . <i>Recommended Action: Discuss and take any desired action.</i> Councilmember Brennan Reilly |
| TBD | Parking Survey | Matters related to a parking survey. <i>Recommended Action: Discuss and take and desired action.</i> Mr. Dave Beach, Public Works Director |
| TBD | Executive Session with City Attorney | Matters related to status update on various legal matters. Councilmember Brennan Reilly and Mayor Pro Tem Bob Kelly |
| TBD | Town Center Zoning | Matters related to Town Center Zoning. <i>Recommended Action: Discuss and take any desired.</i> City Council |
| TBD | Poor Farm Ditch | Matters related to Poor Farm Ditch. <i>Recommended Action: Discuss and take any desired action.</i> Mayor Susan Sample |
| TBD | Investment Policy | Matters related to amendments to the City's Investment Policy and Investment Strategies. <i>Discuss and take any desired action.</i> Ms. Rhonda Daugherty, Finance Director |
| TBD | Buffalo Speedway | Matters related to Buffalo Speedway Replacement Project. Mr. Chris Peifer, Interim City Manager |

2/19/2016 7:42:37 AM



The 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. 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, February 8, 2016**, 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, Turner and Reilly, City Manager Peifer, City Attorney Petrov, City Secretary Lenz, Police Chief Walker, Public Works Director Beach, Chief Building Official Chew and Executive Asst. / Asst. City Secretary Evelyn.

Councilmember Turner 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.

Susan Oshfeldt, 4101 Tennyson, spoke about the issue of parking over sidewalks. She said parking over the sidewalk on Academy where she lives is the only way to park on her driveway. She said several houses on the west end were built without sidewalks thereby not impairing those residents' ability to use their driveways for normal parking purposes, like guest parking or washing the car. She said she does not have any relief except to tear down a beautiful 27-year-old oak tree by her driveway or get cited a ticket because she needs to park in her driveway to wash her car. Ms. Oshfeldt said parking on the street is not a good idea because of flash floods that happen several times a year in the City. She said the Americans with Disability Act (ADA) does not require a person to have a sidewalk and if it is a violation of ADA for her to park across her sidewalk, then she wants the City to take her sidewalk out because so she can use her sidewalk like every other resident of West U.

Judy Lee, 4104 Rice, spoke regarding parking over sidewalks. She said when cars are parked on both sides of her street, her neighbors have trouble getting out of their driveways and the ambulance and fire trucks almost can't get through. She said Rice floods a lot so if they park in front of their house, their car would likely flood. She said it is important to note that it is a matter of fairness and being able to use the driveway that they bought a long time ago and forced to build it the way it is. Ms. Lee said she believes, however, there is a compromise and she would hope that before the City would issue citations, it would work with residents who are trying to be good neighbors. Ms. Lee said parking on the street could also create a security hazard and encourage

vandalism when it's dark. She said parking on the street is also a concern for people who are handicapped or having mobility issues.

Alida Drewes, 6112 Fordham, spoke to say that she agreed with the last two comments about parking across the sidewalks, because she was forced to get a sidewalk against her will. She said additional concrete adds to street flooding and when people park on the streets during heavy rains, cars are damaged costing home owners thousands of dollars. She said the sidewalks are uneven and are a liability. Ms. Drewes also talked about the sculpture on Sunset and said it is a wonderful addition to the community and she prefers that the sculpture be allowed to stay.

2. 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. *Discuss and take any desired action.*

City Attorney Petrov presented and gave his opinion on the City's potential liability for allowing people to park over sidewalks on short driveways. He said a policy was issued by the then City Manager in 2004, which took the position that cars parked over the sidewalk in those instances where driveways were shorter than the length of a car would not be considered illegally parked, so it would not be a violation.

City Attorney Petrov said the 2004 policy is basically an administrative interpretation and that city managers interpret the codes and how the city will enforce those codes all the time.

City Attorney Petrov said in his research of similar situations, he found that it is not uncommon amongst cities to have policies where those type situations are not considered violations given the totality of the circumstances, in that cars would be forced to be in other positions that may be just as difficult with respect to traffic. He said essentially the policy that was put in place in 2004 is a legally defensible policy and does not in and of itself create liability for the City. Mr. Petrov said there could at times be some specific incidences that might have to be addressed with some kind of accommodation under the ADA, but as a blanket rule the way the City has been interpreting this policy does not create a liability situation.

Public Works Director Beach spoke in reference to the 2004 policy regarding the installation of sidewalks and said the policy was made official by the City in August of 2008 per Ordinance 1879.

Mr. Beach said staff recently surveyed the number of corner lots (only) and there are 1,200 lots with driveways – 591 were in compliance and 421 were not. He said of the 421 corner lots that do not meet the parking requirement, 158 are “old stock” cottage homes. He said the rationale is that if the cottage homes are rebuilt they will then meet the requirement of the ordinance for parking, which would leave non old-stock homes in violation at 263.

Councilmember Ballanfant said over time all requirements would be addressed on a lot by lot basis as home ownership changes. Mr. Peifer pointed out that that would happen through redevelopment not change of ownership, because an old house can be bought and utilized as is but if it's torn down or significantly redeveloped, it would require that everything be brought up to code.

Councilmember Reilly said it is a State law that prohibits parking on sidewalks that was enacted in 1991 and the City policy wasn't changed for some time after that, but there are residents in the meantime that built houses still subject to that State law. He asked Mr. Beach how many homes were built after the State law was enacted and before the City adopted the Ordinance in 2008. Mr. Beach said he would research the answer.

Mayor Sample asked were the new homes built in the 90's not required to have sidewalks. She said when the City had the sidewalk overhaul under Councilmember Ballanfant (then Mayor Ballanfant) it seems the City was adding sidewalks to side homes that didn't have sidewalks. Councilmember Reilly said people were required to have sidewalks, but the City wasn't building them. He said the residents were required to build the sidewalks. Mr. Beach said he will research what transpired with the sidewalks and the construction of homes in the 90's.

Councilmember Reilly asked City Attorney Petrov to speak on cases related to the Americans with Disabilities Act. Mr. Petrov said there have been instances where individuals have brought to the attention of a city a certain route, if you will, where the route was being utilized and was not ADA compliant and those cities were required to put in curb-cuts, etc., to accommodate individuals on an individual basis.

Councilmember Reilly asked City Attorney Petrov if Council was to receive an email from a resident who has a disability and said that the parking of vehicles on sidewalks was a problem, could the City revise its policy of not enforcing the restrictions under the State law of parking on sidewalks to no longer permit parking on the sidewalks. Councilmember Reilly said the City is never allowed under the State's statute to grant an exemption by ordinance from the no parking on sidewalks rule, but it seems that the City has done this with the administrative policy. City Attorney Petrov said he wouldn't say that. He said staff interpreted the requirements such that the situation is either placing the cars over the driveways or placing them in positions on the street, which may be just as much a traffic problem, so the City has taken the position to leave it up to the homeowner to decide where to place the vehicle in those situations.

Councilmember Reilly asked City Attorney Petrov to confirm whether it's the discretion of the police officer to make the decision to ticket violators or if it's an official policy of the City. Mr. Petrov said it can be done either way. He said it could be left up to the police to handle in a case-by-case situation, but in discussions with Chief Walker, Chief Walker would rather have a better guideline for his guys to go by rather than have them pick and choose out in the field. Councilmember Reilly said that's just part of the job.

Regarding the ADA issue, Mr. Petrov said the City has a responsibility to look at the individual circumstance and may have to adjust the policy in a given location for that individual to make an accommodation or the City may have to adjust the sidewalk or curb cuts to accommodate wheel-chairs and such. He said the City doesn't have to scratch the entire policy, but it might have to be tailored in specific circumstances.

Councilmember Reilly said despite a lot of debate from two councils ago about this 2004 policy, it was never officially approved or rejected by any City Council and was a creation by City staff.

Councilmember Reilly asked if there are any other parking laws that this City has an official administrative position regarding the non-enforcement of State laws. Mr. Petrov responded not that he is aware of.

Mayor Pro Tem Kelly said he believes this particular issue has come to the forefront because it is a very big issue with some people and it has been for some time.

Councilmember Reilly said he doesn't feel the City should have a position on the enforcement of a State law. He said he would leave it up to the discretion of staff and police on a case-by-case basis as to whether to give a ticket.

Councilmember Reilly said there are enough people in the City that have disabilities so that if the City continues with the policy in place, those people will be encouraged to go out and pursue claims against the City and the City will have to eventually enforce the law as written by virtue of complaints from citizens who need to use those sidewalks. He said the City needs to be honest and City Council ought to repeal the non-enforcement policy.

Mayor Pro Tem Kelly asked if there is anything to repeal. Councilmember Reilly said there is a policy on the books, which was approved by Michael Ross as City Manager that allows cars to park on the sidewalks when the home has a short driveway.

Councilmember Reilly moved that the City Council vote to direct staff to revoke the 2004 policy, which permits parking on the sidewalks in violation of the State law. Councilmember Ballanfant seconded the motion.

Mayor Pro Tem Kelly said Councilmember Reilly makes a strong, sound and legal type of argument, but he thinks the problem will eventually correct itself. He said if the ADA situation comes up and somebody gives a compelling argument, then that would be the time Council will decide what needs to be done, even if it means taking up the sidewalks. He said he would be generally opposed to changing the policy in place, even though he is not sure it is a binding policy since the Council didn't vote on it. He said he thinks the discretion still falls back on the Police Department and the Police Department now has the legal opinion that has been issued by the City Attorney, which he feels might be more controlling than Mike Ross' policy.

Councilmember Reilly said he thinks the City should have done a better job of implementing the policy requiring longer driveways. He said the City waited 16 or 17 years before putting that policy in place and the City should not have done that. He said on the point about the numbers going down, almost two-thirds of the homes that do not comply with the ordinance are new stock houses (houses built in the last 20 years or so) and so those houses are not going away anytime soon. He said it will be 60 or 70 years before the City is compliant and in the meantime, as people age, the City will see this become more and more of a problem for the residents.

Councilmember Ballanfant said while the City has been given a legal opinion, he doesn't know that Council has been given enough facts to come to a decision to vote tonight. He said he thinks Council needs to review everything that pertains to this issue before taking a position. He suggested that Council not consider what Brennan has moved, and he has seconded, and that Council should vote on it at the next Council meeting.

Councilmember Turner said Council has the policy, the survey, and the City's ordinance so she is wondering what additional information staff can provide that will make a difference.

Mayor Sample said she doesn't like walking in the street and said she always uses the sidewalks and when there are cars in the way it can be very annoying, but she sees the position of the people on the corner lots. She said many of them had to put a sidewalk in via the sidewalk renewal project and they went from being able to use their driveways to not being able to use their driveways. She said what she understands now and didn't think of before is while some people have the luxury of parking in front of their homes, those people on corner lots don't because they can't park 30 feet from the end of the street. Mayor Pro Tem Sample said as for walking in the street people do it even though it's against State law. She said they walk in the street, not because of cars in the driveway, but rather they want to walk abreast and walk the strollers without hitting vegetation. She said she also sees the problem reducing itself so she doesn't want to go commando on a lot of

people, because if Council pulls this policy, a lot of people are going to get ticketed and the City would probably open a Pandora's Box of other problems. She said if people are forced to park on the streets, it will invite thefts and she prefers not to invite more people into the City than there already are to break windows, stick their hands into cars and then move on into homes.

Councilmember Reilly said the argument that Council wants to get the cars off the street and onto the driveways even if they are parked over a sidewalk is just as valid an argument for somebody who has a very long driveway, but has four vehicles and need to park over the sidewalk at night. He asked Mayor Sample if this administrative policy is expanded to allow cars to park over driveways at night. Mayor Sample no.

Councilmember Ballanfant asked what the real reason is for the City not wanting to follow the State law. He reiterated that Council hasn't had a real written proposal to look at and so he thinks Council needs to go back and review this more thoroughly than it has in preparation for tonight.

Councilmember Reilly said he is happy to entertain a motion to table if someone wants to do that.

Councilmember Reilly asked those councilmembers who are in favor of the administrative policy if they want to make a motion to approve the 2004 policy as written so that the Council stands behind that policy. Councilmember Turner said the policy has been in place for 12 years so she is not sure Council needs additional votes to validate something that was put in place by the administrative head of the City. Councilmember Reilly said then the city manager could revoke the policy without any Council input. City Attorney Petrov confirmed that statement.

Mayor Sample called for a vote on the motion made by Councilmember Reilly for Council to direct staff to revoke the 2004 policy adopted by the City Manager, which permits parking on the sidewalks in violation of the State law and that Councilmember Ballanfant seconded.

Before the vote, Councilmember Reilly stated that he suspects that what Council will see next is a concerted move by individuals in the City who have disabilities or are adversely affected by this policy to get the City Manager to revoke it to avoid additional liability to the City. Mayor Sample said only if encouraged by an individual, because the City hasn't had an uprising in the last 12 years. Councilmember Reilly said he hopes residents understand what's happening tonight and seize the opportunity to take action and take things into their own hands if they are adversely affected by this.

At this time, a vote was made on the motion. **MOTION FAILED.**

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

3. Future Fence Height Restrictions

Matters related to the application of fence height restrictions to decorative items and the standard for granting variances to fence height restrictions. *Recommended Action: Discuss and take any desired action, including referral to Building Standards Commission and/or Zoning and Planning Commission.*

Councilmember Reilly presented this item and said recently the Building and Standards Commission (BSC) rejected a variance regarding an exception to a fence height restriction on a house on Sunset to install a decorative sculpture. He asked that Steve Brown come forward to

provide some background and provide information on situations when the BSC has granted variances, if any, given the fairly extraordinary requirements.

Steve Brown, resident at 3305 Rice and Chairman of the BSC, spoke and said as usually happens when a rule comes before Council it's because of a specific case, which is what happened here. Mr. Brown said the City Code has extremely rigorous requirements for any variance request. He said in tonight's case and in the situation that existed with 3304 Sunset, the BSC was faced with requirements specified in Section 1820 of the City Code, which applies to all variance requests.

Mr. Brown said the BSC is a non-elected, non-legislative group that has to follow the rules as written and those written on variances on extremely strict. He said the most difficult one to meet, generally, is that it must be proved that there is an exceptional hardship and that the hardship cannot be financial only.

Mr. Brown said his thought on changing the rules on variances is that Council could have the Code changed and add a special exception possibility, which would make it easier for someone promoting something positive for the City to fit within the general idea of special exceptions.

Mr. Brown said he feels that the Codes should be simple and clear. He said City employees shouldn't be trying to make judgments about whether something is aesthetically pleasing and therefore good for the City. He said the employees and city manager should be provided with clear guidelines.

Mr. Brown said the BSC has had to rule within the framework of the guidelines it was given. He said in this particular case many on the BSC and many residents thought that this particular sculpture was attractive, but the BSC had no choice but to rule as it did with the guidelines given.

Councilmember Reilly reviewed two of the nine requirements for a variance: (1) An exceptional hardship, which just can't be financial; and (2) There must be no reasonable and feasible method of procedure currently available to comply with the requirement. Councilmember Reilly said he doesn't see how one could ever comply with that fence height restriction.

Councilmember Reilly asked whether the City has made the variance so difficult to get that it basically encourages non-compliance through another way. He said he feels the other 7 requirements would be the better way to get a variance and then he stated the other seven: (3) good and sufficient cause, (4) doesn't increase a threat to public or other safety, (5) consistent with the purpose and intent of the ordinance, (6) doesn't cause a nuisance, (7) doesn't cause fraud, (8) doesn't cause additional increase in public expenditures or budgets, and (9) doesn't create a conflict with any other ordinance, rule or regulation.

Regarding the nine requirements, Councilmember Reilly noted that it is an "and" situation not an "or" situation, which means that all nine requirements must be met in order for an individual to be granted a variance.

Councilmember Reilly asked if there has ever been a situation where the BSC would have granted a variance, but for the first two requirements. Mr. Brown said not in his brief experience with the BSC, but he can't speak for the period before his time.

Councilmember Reilly asked what is planned to be done in this particular situation to fix the problem.

Clay Chew, Building Official, responded that the applicant said he would fix the problem by taking it down and reconstructing the sculpture in a different way so that it's not part of the fence. He said the sculpture can be the same height, etc., just not attached to the fence.

Councilmember Reilly said so the City will be in the same exact position it would have been had the variance been granted, which makes him wonder why the City has the rules in the first place if a person can get to the same exact place and comply with the rules through something that's completely form over substance. He said maybe the City should have granted the variance in the first place. He said he understands that staff's hands were tied, but in the right situation the City should be able to grant a variance if the person can get there the exact same way.

Councilmember Reilly said he thinks the rules for getting a variance should be relaxed under particular circumstances so that effective non-compliance is not encouraged. He said he wants people to be encouraged to get a variance when appropriate.

Mr. Brown said the City will need to think about all the possibilities for variances. He said he doesn't know how the City arrived at the very strict prescription as to what is required to obtain a variance, but he would recommend building a possibility for a special exception into the Code rather than change the rules for variances.

City Manager Peifer cautioned that if the City wants to look at the method and criteria for allowing a variance is one thing, but cautioned that every well-intended knee-jerk reaction to a certain issue always carries unintended consequences.

Councilmember Reilly said he would like to send the requirements back to BSC for review.

Councilmember Turner said she doesn't mind looking at a special exception, but she doesn't want to change the current variance rules.

Mayor Sample said she would hate to jump into this where someone requested a variance, didn't get it, flouted the ruling and sent Council a letter asking to change the Code. She said she doesn't think that's a great way to legislate, which is why she doesn't want to send it back to BSC.

Councilmember Reilly said, to make it clear, the person who requested the variance for the sculpture is now going to get exactly what they wanted, but not through the variance process, but by building the exact same thing they have now and detaching it inches from the fence. He said his point is that Council, as a matter of policy, ought to set it up so that the process happens inside the system rather than outside the system.

Councilmember Reilly moved to refer to the BSC to ask the members to study whether nor not the current variance proposal is too strict and should be modified by looking at the practices of other cities as well as just a review of the City's own experience of the past year and to purely make a recommendation back to Council. **MOTION FAILED FOR LACK OF A SECOND.**

4. Additional Appropriation for the City's Annual Tree Planting Program

Matters related to a request by staff for an additional appropriation of \$25,000 to the City's Annual Tree Planting Program. *Recommended Action: Staff recommends that City Council appropriate an additional \$25,000 from the Urban Forest Enhancement Fund to the Annual Tree Planting Program.*

Public Works Director Beach presented this item and said the City has had the Annual Tree Planting Program for over 20 years. He said staff is requesting additional appropriation, not to exceed \$50,000. He said the funds will come out of the Tree Trust Fund.

In response to Sample's question as to how much a homeowner pays for cutting out a tree, Mr. Beach said currently it's about \$125 an inch, but said in 2017 staff will bring forth a recommendation to increase those fees.

Councilmember Reilly said if the expenditures are expected to double and the program is funded by penalties, the City should make the change contemporaneous with the additional funding.

Mr. Peifer said staff typically brings forth the fee schedule once a year, but staff might be able to bring it forth in April when the City of Houston increases its water rates.

Councilmember Reilly said he's inclined to not grant additional funding without the increase in the fees as a way to recoup the funding.

Mayor Pro Tem Kelly asked if the funding was needed right now.

Mr. Beach said that would be preferable so that when the bid comes in next week, staff can start having trees in the ground in February instead of mid-March because it gives the trees more time to establish before the heat of the summer.

Councilmember Reilly asked why the fee increase couldn't be brought forward to the next Council meeting. Mr. Peifer said it could, but staff tries not to put fees on the agenda more than once or twice a year.

Mayor Pro Tem Kelly suggested that Council approve the additional funds now and discuss increasing the fees at a later date.

Mr. Beach confirmed that staff isn't using general fund money, but rather Tree Trust money, which is a fund on its own.

Mayor Pro Tem Kelly moved that Council appropriate the additional \$25,000 to the City's Annual Tree Planting Program from the Tree Trust. Councilmember Turner seconded the motion.
MOTION PASSED.

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

5. Future Agenda Items

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

Councilmember Turner requested that the parkland requisition item be added back to the next agenda.

Councilmember Reilly asked Councilmember Turner if she would be willing at the same time to talk about the things the City can do to assist the development of Evelyn Park, in particular whether or not the City can discuss shared parking.

Councilmember Turner said the effort is already underway and the Parks and Recreation Director can provide a report at the same meeting.

Councilmember Turner seconded Councilmember Reilly’s request to add the item for the Parks and Recreation Director to provide an update on Evelyn Park.

Councilmember Reilly said he would also like to add an item regarding the Harris County investigation of unfounded allegations that this City Council violated the Open Meetings Act. He said the District Attorney decided not to pursue that allegation because there was no basis for it, so he would like Council to discuss the City’s policies regarding indemnification and reimbursement of City Council expenses.

Councilmember Turner pointed out that councilmembers were told specifically that nothing they paid for out of their own pockets regarding that issue were going to be reimbursed, so she is not sure why this is coming up now.

Councilmember Reilly said he thinks it would be appropriate to talk as a Council about the extent to which the City Councilmembers should be reimbursed for their out-of-pocket expenses that they were forced to incur because of spurious claims. *(Item not to be added to the future agenda items list due to lack of second from another Councilmember).*

6. 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 Meeting

Approve City Council Minutes of the January 25, 2016. *Recommended Action: Approve Minutes.*

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

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

7. Adjourn

With no further discussion, Councilmember Turner moved to adjourn the meeting at 7:36 p.m. Mayor Pro Tem Kelly seconded the motion. **MOTION PASSED.**

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

Prepared By:

Thelma A. Lenz, City Secretary

Date Approved