



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 Gilliam, City Secretary

City Council Meeting Agenda

Notice is hereby given of a regular meeting of the City Council of West University Place to be held on **Monday, April 25, 2016** beginning at **6:30 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.

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

1. Gold Medal Award

Representative Sarah Davis will present the City of West University Place with a Proclamation acknowledging the City's receipt of the Gold Medal Award from the Texas Recreation and Parks Society. ***Mr. Tim O'Connor, Parks and Recreation Director***

2. 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.

3. National Water Safety Month

Matters related to proclaiming the month of May 2016 "National Water Safety Month" in the City of West University Place. *Recommended Action: Proclaim May 2016 "National Water Safety Month" in the City of West University Place. Ms. Brittany Bakes, Recreation Manager* [see Agenda Memo 3]

4. Video Distribution of Council and Board Meetings

Matters related to posting audio and /or video of Council and Board meetings on the City's website. *Recommended Action: Discuss and take any desired action. Mayor Susan Sample* [see Agenda Memo 4]

5. Interlocal Agreement with Harris County Flood Control District

Matters related to an Interlocal Agreement with the Harris County Flood Control District for an easement exchange. *Recommended Action: Discuss and authorize the Mayor to execute an Interlocal Agreement and related easement deed documents with Harris County Flood Control District for an easement exchange – upon approval by the Commissioners Court. Mr. Dave Beach, Public Works Director* [see Agenda Memo 5]

6. Future Agenda Items

Matters related to future agenda items. *Recommended Action: 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 April 11, 2016. *Recommended Action: Approve Minutes. Ms. Thelma Gilliam, City Secretary* [see Minutes]

8. Council Liaison Report – Zoning and Planning Commission

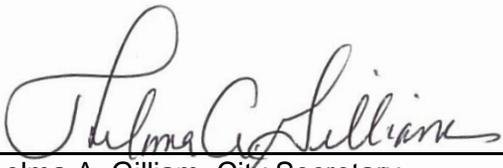
Matters related to an activity report from the Zoning and Planning Commission Council liaison. *Councilmember Brennan Reilly*

9. 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 Gilliam 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 April 25, 2016 was posted on the Municipal Building bulletin board on April 21, 2016 at approximately 3:30 o'clock p.m.

(SEAL)



Thelma A. Gilliam, City Secretary

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

AGENDA OF:	April 25, 2016	AGENDA ITEM:	3
DATE SUBMITTED:	April 19, 2016	DEPARTMENT:	Parks and Recreation
PREPARED BY:	Tim O'Connor & Brittany Bakes	PRESENTER:	Brittany Bakes, Recreation Manager
SUBJECT:	WUP City Council Proclamation – May 2016 Water Safety Month		
ATTACHMENTS:	Proclamation		
EXPENDITURE REQUIRED:	N/A		
AMOUNT BUDGETED:	N/A		
ACCOUNT NO.:	N/A		
ADDITIONAL APPROPRIATION REQUIRED:	N/A		
ACCOUNT NO.:	N/A		

EXECUTIVE SUMMARY

The City of West University Place recognizes the importance of swimming and aquatic-related activities in promoting good physical condition and mental health and enhancing the quality of life for all people. The City of West University Place further recognizes the importance of abiding by water safety standards set forth by nationally recognized best practices and the obligation the city has continue its efforts in protecting our aquatic facility patron and educating the public on pool safety issues.

RECOMMENDATION

Staff requests that City Council formally proclaim May 2016 as Water Safety Month in West University Place.

City of West University Place Proclamation



WHEREAS, residents of the City of West University Place recognize the vital role that swimming and other aquatic activities relate to good physical health and enrich the quality of life for all people; and

WHEREAS, the residents of the City of West University Place understand the crucial role water safety education plays in preventing drownings and recreation water-related injuries; and

WHEREAS, the residents of the City of West University Place recognize the significance of abiding by water safety rules set forth by the nationally recognized best practices; and

WHEREAS, we recognize the contributions made by the recreation water industry, as represented by the Association of Pool & Spa Professionals, the National Recreation & Parks Association, the World Waterpark Associate, the Texas Public Pool Council and the National Water Safety Month Coalition, in developing safe swimming facilities, aquatic programs, home pools and spas, and related activities which provide healthy places to recreate, learn and grow, build self-confidence and sense of self-worth which contributes to the quality of life in our community; and

WHEREAS, the citizens of the City of West University Place recognize the ongoing efforts and commitments to educate the public on pool and spa safety issues and initiatives by the pool, spa, waterpark, recreation and parks industries; and

WHEREAS, the citizens of the City of West University Place understand the significance of communicating Water Safety rules and programs to families and individuals of all ages, whether owners of private pools, users of public swimming facilities, or visitors to waterparks;

NOW, THEREFORE, I, Susan Sample, Mayor of the City of West University Place do hereby recognize May, 2016, as

WATER SAFETY MONTH

throughout the City of West University Place and urge all citizens to support and promote this observance by advocating for water safety and educating friends, family, and neighbors.

Susan Sample, Mayor
City of West University Place

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

AGENDA OF:	April 25, 2016	AGENDA ITEM:	4
DATE SUBMITTED:	April 12, 2016	DEPARTMENT:	Information Technology
PREPARED BY:	Gary McFarland, IT Director	PRESENTER:	Gary McFarland, IT Director
SUBJECT:	Video Broadcasting of City Council, Board, and Commission Meetings		
ATTACHMENTS:	None		
EXPENDITURE REQUIRED:	TBD		
AMOUNT BUDGETED:	N/A		
ACCOUNT NO.:	N/A		
ADDITIONAL APPROPRIATION REQUIRED:	N/A		
ACCOUNT NO.:	N/A		

EXECUTIVE SUMMARY

Continue discussions on methods of video & audio distribution, or audio only, of Council and selected Board meetings. Below are the previously presented methods which now include the new scope of doing only Internet audio:

COMBINATIONS

Option	Broadcasting Method	Content Type	Production Method	Qty of Cameras (per room)
1	Internet	Archived	In-House	Single Camera
2	Internet	Archived + Live	Service Provider	Single Camera
3	Internet + PEG TV	Archived & Scheduled + Live	In-House	Multiple Cameras
4	Internet + PEG TV	Archived & Scheduled + Live	Service Provider	Multiple Cameras
5	Internet Audio ONLY	Archived	In-House	none

RECOMMENDATION

Discuss if this is a service we want to pursue further and provide staff with direction on the preferred method.

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

AGENDA OF:	April 25, 2016	AGENDA ITEM:	5
DATE SUBMITTED:	April 20, 2016	DEPARTMENT:	Public Works
PREPARED BY:	P. Walters, Operations Supt.	PRESENTER:	D. Beach, Public Works Director
SUBJECT:	Interlocal Agreement with Harris County Flood Control District		
ATTACHMENTS:	Interlocal Agreement		
EXPENDITURE REQUIRED:	N/A		
AMOUNT BUDGETED:	N/A		
ACCOUNT NO.:	N/A		

EXECUTIVE SUMMARY

Staff has worked in cooperation with the Harris County Flood Control District (HCFCD) to create an interlocal agreement which will facilitate the widening of Braes Bayou. This Interlocal Agreement is necessary to manage the exchange of easements adjacent to Braes Bayou and the City of West University Place Wastewater Treatment Plant (WWTP) located at 2801 North Braeswood Drive on the bank of Braes Bayou.

The current WWTP was constructed in the late 1980 and placed in service in 1982. During the construction a portion of the plant was constructed upon land which had been granted as an easement to the Harris County Flood Control District by City Council Action on February 27, 1956.

Harris County Flood Control District has recommended an exchange of easement property which will facilitate the widening of Braes Bayou. This exchange includes requirements that HCFCD at their sole cost construct a retaining wall which will protect the WWTP structure and to install a new outfall pipe at the west end of the retaining wall to direct WWTP treated effluent into the bayou.

The Interlocal Agreement has been reviewed and approved by the City Attorney. Once the Interlocal is approved by West University Place it is scheduled to go before the Harris County Commissioners Court for approval on May 10, 2016 for approval.

RECOMMENDATION

Staff recommends that the City Council authorize the Mayor to approve an Interlocal Agreement with the Harris County Flood Control District for an easement exchange and execute the Easement Deed Documents to fulfill the agreement upon approval by the Commissioners Court.

**INTERLOCAL AGREEMENT
(HCFCD UNIT D100-00-00)**

**THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §**

THIS AGREEMENT is made and entered into pursuant to the Interlocal Cooperation Act (TEX. GOV'T CODE ANN., ch 791) by and between the **City of West University Place**, a home rule city of the State of Texas, principally situated in Harris County, acting by and through its City Council, hereinafter referred to as the "City," and the **Harris County Flood Control District**, a body corporate and politic under the laws of the State of Texas, hereinafter referred to as the "District" or "HCFCD."

WITNESSETH, that

WHEREAS, the City owns a Wastewater Treatment facility located on a 3.916 acre tract adjacent to Brays Bayou (the "Land"), pursuant to deeds filed for record in Volume 1083, Page 722, in the Deed Records of Harris County, Texas; and

WHEREAS, the District owns certain easements and rights-of-way for drainage and flood control purposes (the "Easements") as set forth in documents filed for record in Volume 3141, Page 695 in the Deed Records of Harris County, Texas; and

WHEREAS, the District, at its sole cost and expense, desires to construct certain improvements on the Land in connection with the Brays Bayou channel enlargement, HCFCD Project I.D. No. D100-00-00-E009 (the "Project") as more particularly described in the Scope of Work attached hereto as Exhibit A and made a part hereof for all purposes, and further desires permission to enter upon the Land for the specific purpose of constructing the Project upon the Land; and

WHEREAS, a portion of the City's Wastewater Treatment facility was constructed on the District's Easements; and

WHEREAS, the City desires to support and cooperate with HCFCD to facilitate the construction of the Project for the purpose of fulfilling the City's objective of providing an increase in flood protection for citizens of the City; and

WHEREAS, the City owns fee title to the 7,215 -square-foot area, labeled as Tract 2 on the survey attached hereto as Exhibit B and made a part hereof for all purposes and, to minimize the encroachment area, shall convey to HCFCD a drainage easement on Tract 2; and

WHEREAS, HCFCD agrees, at its expense and within a reasonable time following the date of this Agreement, to design, install and connect a new outfall pipe for the City, that will be maintained by the City.

WHEREAS, it is necessary and advantageous to the City and HCFCD to enter into and implement this Agreement in accordance with Texas Government Code Chapter 791.

NOW, THEREFORE, in consideration of the mutual covenants, agreements, and benefits to the parties, the parties agree as follows:

I.

HCFCF shall abandon its Easements, to wit its rights, titles and interests in and to the 4,591-square-foot area, labeled Tract 1 on the survey attached hereto as Exhibit B and made a part hereof for all purposes. The City releases and covenants not to sue HCFCF for any present or future damages in inverse condemnation related to HCFCF's construction or use of Brays Bayou adjacent to Tract 1.

HCFCF agrees, at its expense and within a reasonable time following the date of this Agreement, to design, install and connect a new outfall pipe for the City of West University Place Wastewater treatment plant. HCFCF agrees to obtain at its expense all the necessary permits for the improvements pursuant to this Agreement. The City agrees to give HCFCF a right-of-entry for construction of the Project ("Temporary Right of Entry"), 10 feet offset from the proposed HCFCF ROW as shown on Exhibit A. The temporary Right of Entry will expire at the completion of the Project.

The City agrees, at its expense, to relocate a manhole and certain other City equipment, as necessary, to accommodate the new outfall pipe.

II.

The City owns fee title to the 7,215 -square-foot area, labeled as Tract 2 on the survey attached hereto as Exhibit B and made a part hereof for all purposes. The City shall convey a drainage easement to HCFCF free and clear of any encumbrances, on, over, across and through Tract 2.

As consideration for its participation herein, the City shall convey a perpetual easement and right-of-way for drainage and flood control as part of the HCFCF Unit D100-00-00 as more fully described in Exhibit B. No further consideration, other than constructing a flood damage reduction project for the health, well-being, and other benefits to the citizens of Houston, shall be required of HCFCF for the necessary perpetual easement and right-of-way to complete the Project.

III.

HCFCF will prepare or cause to be prepared plans and specifications for the construction of the Project. The plans and specifications will be prepared in accordance with HCFCF and City standards. HCFCF will submit said plans and specifications to the City for review and approval in accordance with its current standards and criteria before bidding the Project. The City will promptly review and approve the plans and specifications, which approval shall not be unreasonably withheld. HCFCF will be responsible for all permitting, surveying, title recordation, and other administrative and legal action.

IV.

HCFCF will advertise and receive bids for construction of the Project in a manner similar to that of other HCFCF projects, and in compliance with applicable competitive bidding laws. Upon receipt and tabulation of bids, HCFCF will determine the responsible bidder who submits the lowest and best bid and recommend award of construction contract(s) and pay all costs associated therewith.

V.

HCFCF will administer and supervise construction of the Project, providing the City access at all reasonable times to the construction site and to all relevant plans, specifications, contract documents, and records in order to verify the Project is being constructed in accordance with this Agreement, provided that in doing so, the City shall not interfere with the work in progress.

VI.

HCFCFCD may make such changes and amendments to the plans and specifications within the general scope of the Project as it deems necessary or desirable during construction, with the prior approval of the City, which shall not be unreasonably withheld.

VII.

Upon completion of the Project, HCFCFCD will maintain the Premises to the same extent and in the same manner as other like or similar facilities within HCFCFCD, subject to the availability and certification of funds.

VIII.

The City has not allocated any funds for this Project under this Agreement and has and shall have no financial or legal liability under this this Agreement for the Project. HCFCFCD has not specifically allocated funds for the purpose of meeting its obligations hereunder. HCFCFCD may, but shall not be obligated to, encumber funds from time to time for the purpose of meeting its obligations hereunder. In the event of default on the part of HCFCFCD hereunder, the sole remedy of the City will be to terminate this Agreement. Provided, however, that prior to terminating the Agreement pursuant to this provision, the City shall first notify HCFCFCD in writing of such default and allow HCFCFCD not less than thirty (30) days after receipt of such notice to cure such default.

IX.

This Agreement is not intended to and shall not create a joint enterprise between the City and HCFCFCD. It is understood and agreed by the parties that the personnel of one party shall not be considered employees, agents, partners, joint venturers, or servants of the other party to this Agreement. The parties are undertaking governmental functions or services under this Agreement and the purpose hereof is solely to further the public good, rather than any pecuniary purpose. The party undertaking work under this Agreement shall have a superior right to control the direction and management of such work and the responsibility for day-to-day management and control of such work, except as may otherwise expressly be provided herein.

X.

Neither party hereto shall make, in whole or in part, any assignment of this Agreement or any obligation hereunder without the prior written consent of the other party.

XI.

All notices and communications under this Agreement shall be mailed by certified mail, return receipt requested, or delivered to the City at the following address:

City of West University Place
3800 University Blvd.
West University Place, Texas 77005
Attn: Director of Public Works

All notices and communications under this Agreement shall be mailed by certified mail, return receipt requested, or delivered to the District at the following address:

Harris County Flood Control District
9900 Northwest Freeway
Houston, Texas 77092
Attn: Executive Director

XII.

This instrument contains the entire Agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any modifications concerning this instrument shall be of no force or effect, excepting a subsequent modification in writing, signed by all parties hereto.

IN WITNESS WHEREOF, the Parties' action under authority of their respective governing bodies have caused this Agreement to be duly executed in several counterparts, each of which is deemed to be an original.

EXECUTED in triplicate originals _____.

APPROVED AS TO FORM:

VINCE RYAN
HARRIS COUNTY ATTORNEY

HARRIS COUNTY FLOOD CONTROL
DISTRICT

By: 

Mitzi Turner
Assistant County Attorney

By: _____
Ed Emmett, County Judge

ATTEST / SEAL:

CITY OF WEST UNIVERSITY PLACE
("CITY")

Mayor

City Secretary

APPROVED:

APPROVED AS TO FORM:

Director,
Dept. of Public Works

City Attorney

THE STATE OF TEXAS §
 §
 COUNTY OF HARRIS §

The Commissioners Court of Harris County, Texas, convened at a meeting of said Court at the Harris County Administration Building in the City of Houston, Texas, on _____, with the following members present, to-wit:

Ed Emmett	County Judge
Gene L. Locke	Commissioner, Precinct No. 1
Jack Morman	Commissioner, Precinct No. 2
Steve Radack	Commissioner, Precinct No. 3
R. Jack Cagle	Commissioner, Precinct No. 4

and the following members absent, to-wit: _____, constituting a quorum, when among other business, the following was transacted:

**ORDER AUTHORIZING EXECUTION OF INTERLOCAL AGREEMENT
 BETWEEN THE HARRIS COUNTY FLOOD CONTROL DISTRICT
 AND THE CITY OF WEST UNIVERSITY PLACE**

Commissioner _____ introduced an order and made a motion that the same be adopted. Commissioner _____ seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

		Yes	No	Abstain
AYES:	Judge Ed Emmett	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NAYS:	Comm. Gene L. Locke	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ABSTENTIONS:	Comm. Jack Morman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Comm. Steve Radack	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Comm. R. Jack Cagle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The County Judge thereupon announced that the motion had duly and lawfully carried and that the order had been duly and lawfully adopted. The order thus adopted follows:

WHEREAS, the City owns a Wastewater Treatment facility located on a 3.916 acre tract adjacent to Brays Bayou (the "Land"), pursuant to deeds filed for record in Volume 1083, Page 722, in the Deed Records of Harris County, Texas; and

WHEREAS, the District owns certain easements and rights-of-way for drainage and flood control purposes (the "Easements") as set forth in documents filed for record in Volume 3141, Page 695 in the Deed Records of Harris County, Texas; and

WHEREAS, the District, at its sole cost and expense, desires to construct certain improvements on the Land in connection with the Brays Bayou channel enlargement, HCFCFD Project I.D. No. D100-00-00-E009 (the "Project") as more particularly described in the Scope of Work attached hereto as Exhibit A and made a part hereof for all purposes, and further desires permission to enter upon the Land for the specific purpose of constructing the Project upon the Land; and

WHEREAS, a portion of the City's Wastewater Treatment facility was constructed on the District's Easements; and

WHEREAS, the City desires to support and cooperate with HCFCD to facilitate the construction of the Project for the purpose of fulfilling the City's objective of providing an increase in flood protection for citizens of the City; and

WHEREAS, the City owns fee title to the 7,215 -square-foot area, labeled as Tract 2 on the survey attached hereto as Exhibit B and made a part hereof for all purposes and, to minimize the encroachment area, shall convey to HCFCD a drainage easement on Tract 2; and

WHEREAS, HCFCD agrees, at its expense and within a reasonable time following the date of this Agreement, to design, install and connect a new outfall pipe for the City, that will be maintained by the City.

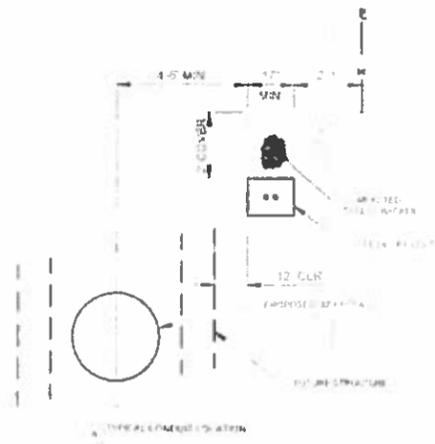
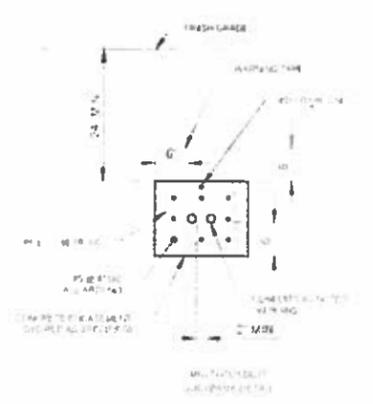
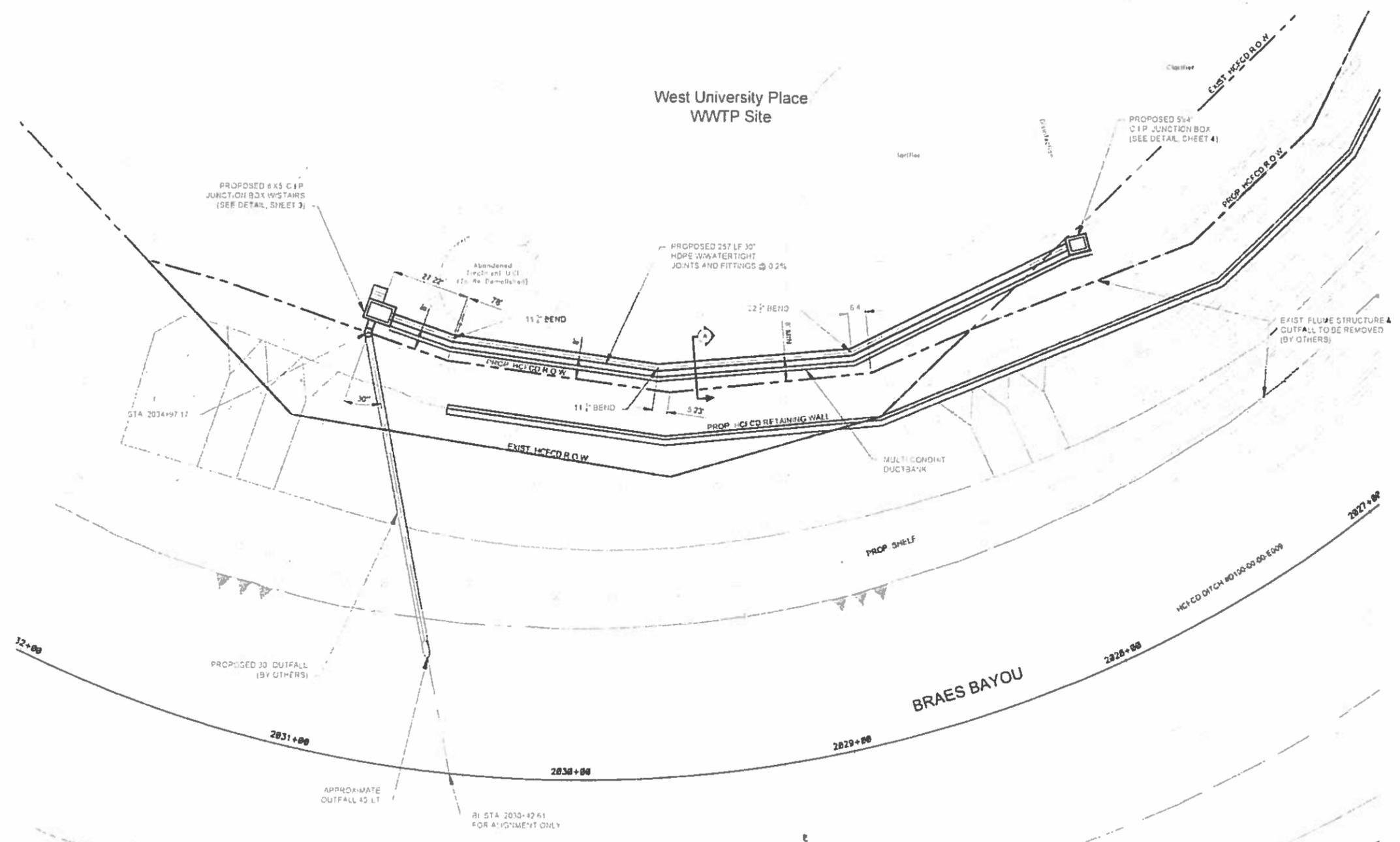
WHEREAS, it is necessary and advantageous to the City and HCFCD to enter into and implement this Agreement in accordance with Texas Government Code Chapter 791.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF HARRIS COUNTY, TEXAS THAT:

- Section 1: The recitals set forth in this order are true and correct.
- Section 2: County Judge Ed Emmett is hereby authorized to execute for and on behalf of the Harris County Flood Control District, an Interlocal Agreement by and between the Harris County Flood Control District and the City of West University Place, said Agreement being incorporated herein by reference for all purposes as though fully set forth verbatim herein.
- Section 3: County Judge Ed Emmett is hereby authorized to execute for and on behalf of the Harris County Flood Control District, an Interlocal Agreement by and between the Harris County Flood Control District and the City of West University Place for the purposes of constructing certain improvements on the land in connection with the Brays Bayou channel enlargement, HCFCD Project I.D. No. D100-00-00-E009, the City shall perform certain work and agrees to convey to the District a drainage easement on Tract 2 as consideration for the District agreeing to abandon described easement to the City and the District designing, installing and connecting a new outfall pipe for the City that will be maintained by the City, said Agreement being incorporated herein by reference for all purposes as though fully set forth verbatim herein.

EXHIBIT "A"

West University Place WWTP Site



Texas P.E. Firm
Registration No. F-754

HDR Engineering, Inc.
4535 Southwest Freeway, Suite 1000
Houston, Texas 77027
P 713 622 6264 F 713 622 9265
www.hdrinc.com

PROJECT FOR
WWTP

OUTFALL RELOCATION

PRIVATE UTILITY LINES SHOWN
AT LEAST 15 FEET FROM EXISTING AND PROPOSED STREETS AND
LATERALS TO A MINIMUM STANDARD DEPTH OF 18\"/>

NOTICE:
For your safety you are required by Texas Law to call 811 or your local utility group to
locate underground utilities before construction. This notice does not constitute a
verification of private utility lines.

VERIFICATION OF PRIVATE UTILITY LINES

Date: _____
Contractor: _____
Texas State Electrician License No. _____
City: _____
State: _____

Date: _____
Approved by AT&T Texas/SWBT Underground Conduit Facilities ONLY
Signature Valid for one year

MARK	DATE	DESCRIPTION

PROJECT NUMBER: _____
CHECKED BY: **D. Johnson**
DRAWN BY: **G.S. Feltner**



SHEET NAME
Site Layout

SCALE
0 10 20 30
1" = 20' - 0"
1" = 2' - 0"

SHEET NUMBER
2 of 5

FILE NAME

FUTURE AGENDA ITEMS

Shaded items are on immediate agenda

Date	Item	Synopsis & Recommendation
04/25/16	Video Distribution of Council and Board Meetings	Matters related to posting audio and/or video of Council and Board meetings on the City's website. <i>Discuss and take any desired action.</i> Mayor Pro Tem Kelly
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 2016 "National Water Safety Month" in the City of West University Place.</i> Ms. Brittany Bakes, Recreation Manager
04/25/16	Gold Medal City Award	Matters related to Representative Sarah Davis proclaiming the City of West U a "Gold Medal City". <i>Recommendation: Receive proclamation from Representative Sarah Davis.</i> Mr. Tim O'Connor, Parks and Recreation Director
04/25/16	ZPC Council Liaison Report	Matters related to an activity report from Zoning and Planning Commission's Council liaison. <i>Recommended Action: Receive and discuss activity report.</i> Councilmember Brennan Reilly
04/25/16	HCFCF Interlocal Agreement	Matters related to an Interlocal Agreement with the Harris County Flood Control District for an easement exchange. <i>Recommended Action: Discuss and authorize the Mayor to execute an Interlocal Agreement and related easement deed documents with Harris County Flood Control District for an easement exchange – upon approval by the Commissioners Court.</i> Mr. Dave Beach, Public Works Director
05/09/16	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
05/09/16	National Older Citizens Month and National Volunteer Month	Matters related to proclaiming the month of May 2016 as "National Older Citizens and National Volunteers Month" in the City of West University Place. <i>Recommendation: Proclaim May as "National Older Citizens and National Volunteers Month" in the City of West University Place.</i> Ms. Toby Brooks, Senior Services
05/09/16	Facilities Master Plan (Workshop)	Matters related to hearing recommendations from the Facilities Master Plan Task Force and providing the Task Force with further guidance. <i>Recommended Action: Hear recommendations and take any desired action.</i> Mayor Susan Sample
05/09/16	Seniors' Exemption	Matters related to the exemption for senior West U residents. <i>Recommended Action: Discuss and take and desired action.</i> Mayor Susan Sample
06/27/16	Annual Financial Report (CAFR)	Matters related to acceptance of the Annual Financial Report. <i>Recommended Action: Accept the Annual Financial Report.</i> Ms. Rhonda Daugherty, Finance Director

Date	Item	Synopsis & Recommendation
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.</i> <i>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.</i> <i>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.</i> <i>Mr. Tim O'Connor, Parks and Recreation Director</i>
TBD	Park Acquisition and Development	Matters related to a report from the Parks Board and staff regarding a presentation relating to current and previous parks surveys. <i>City Council</i>
TBD	Park Acquisition and Development	Matters related to the status of the work with the Evelyn's Park Conservancy and the planning efforts with CenterPoint.
TBD	WU Rec Center Campus Parking Lot	Matters related to the proposed expansion of the parking lot on the ELPH Pipeline Property / West Side of the campus. <i>Recommended Action: Discuss and take any desired action.</i> <i>Mr. Tim O'Connor, Parks and Recreation Director</i>
TBD	Safe Pedestrian Crossing	Matters regarding the investigation and installation of a safe pedestrian crossing at the railroad tracks on the north side of Bellaire Boulevard. <i>Recommended Action: Discuss and take any desired action.</i> <i>Mr. Tim O'Connor, Parks and Recreation Director</i>
TBD	Evelyn's Park Development	Matters related to the development of Evelyn's park in Bellaire, including possibility of shared parking arrangements with the City of Bellaire for Evelyn's park. <i>Discuss and take any desired action.</i> <i>Mr. Tim O'Connor, Parks and Recreation Director</i>
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> <i>Councilmember Brennan Reilly</i>
TBD	Parking Survey	Matters related to a parking survey. <i>Recommended Action: Discuss and take and desired action.</i> <i>Mr. Dave Beach, Public Works Director</i>

Date	Item	Synopsis & Recommendation
TBD	Town Center Zoning	Matters related to Town Center Zoning. <i>Recommended Action: Discuss and take any desired.</i> City Council
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	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

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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 Gilliam, City Secretary

CITY COUNCIL MEETING MINUTES

The City Council of the City of West University Place, Texas, met in regular session on **Monday, April 11, 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 Council Chambers. Council and Staff in attendance were: Mayor Pro Tem Kelly, Councilmembers Ballanfant, Reilly and Turner, City Manager Peifer, Executive Assistant/Asst. City Secretary Evelyn, City Attorney Petrov, Public Works Director Beach and Police Chief Walker.

Boy Scout David Wesson led the Pledge.

Executive Assistant/Asst. City Secretary Evelyn confirmed that the notice of the meeting was duly posted in accordance with the Texas Government Code, Chapter 551.

Agenda items were as follows:

1. Public Comments

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

Speakers that signed up to speak deferred their comments until discussion of Item 3.

2. Water Rate Increase

Matters related to approval of an ordinance to increase water rates by 0.50%, effective May 1, 2016. *Recommended action: Approve ordinance increasing water rates to West University Place residents by 0.50%, effective May 1, 2016, on the second and final reading.*

Finance Director Daugherty presented and said the City received notice from the City of Houston in a letter dated March 10, 2016 that Houston would increase its treated water rates to the City of West University Place in the amount of 1.4 percent. She said in order for the City to continue recovering the cost of purchasing the treated water and keeping the pay-as-you-go Capital Improvement Program, staff is proposing a .5 percent increase in the water rates sold to residents, which equates to approximately .38 cents per month for a customer that uses 12,000 gallons. She noted that it is not .95 per month as she had indicated during first reading of the ordinance.

Councilmember Reilly confirmed with Ms. Daugherty that West U fully budgets for the cost increases.

Councilmember Reilly stated that Ms. Daugherty created a great supplemental chart which shows City of Houston increases since 2007 and said what the City pays to Houston has almost doubled in the last 8 years, but the cumulative cost increase has been twenty eight and a half percent. He said West U is avoiding all of the costs by being more efficient, using its own resources, and by not using much City of Houston water. He also said that even though Houston keeps increasing its rates, West U is increasing its rates at a much slower pace.

As requested by Mayor Sample, City Manager Peifer elaborated on state laws that require West U to use a percentage of surface water from Houston.

Councilmember Ballanfant moved to approve the ordinance on second and final reading. Councilmember Kelly seconded the motion. **MOTION PASSED.**

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

3. Office of Public Integrity Section of Harris County District Attorney's Office - Investigation

Matters related to the Harris County District Attorney investigation of City Council members, including payment or reimbursement of attorneys' fees. *Recommended Action: Discuss and take any desired action.*

Before Council discussion began, comments were heard from members of the public who signed up to speak on the topic.

Eddie Matthews, 5906 Fordham Street, spoke to say that this topic was brought up during the Council meeting of February 8, 2016, when Councilmember Reilly sought to add it to the future agenda items. He said at that time, it was pointed out by a fellow councilmember that "councilmembers were told specifically that nothing they paid for out of their own pockets regarding that issue were going to be reimbursed." Mr. Matthews said the Minutes from that meeting when all of Council was present, reads "item not added to the future agenda items list due to lack of second from another councilmember" and in his view that was a firm and final decision on this issue. He said, however, during the Council meeting on March 28, 2016, Councilmember Reilly requested the same item be designated "to be determined" on the future agenda items list and received a second from Councilmember Ballanfant. Mr. Matthews said Council determined this issue on February 8, 2016 and he doesn't think Council can forever revisit decisions just because one member of Council doesn't agree with the outcome. He said if there was no provision in the City rules in place for indemnification for Council when the alleged actions in the DA investigation occurred, then he doesn't believe that any member of Council is entitled to reimbursement of legal costs. He said if Council decides to implement a new policy to allow for reimbursement, it should be on a future basis only and should not be made retroactive to cover past defenses.

Alida Drewes, 6112 Fordham Street, stated that she agrees with every single point her neighbor (the previous speaker) made and that every single point he made is valid because councilmembers "don't get paid when they already decided that they are not going to get paid". She said if there is cause why people are going down to the District Attorney's office, then maybe Council needs to be a little more careful how fiscally responsible it is and about the decisions that are being made, such as the chemicals that are being sprayed across West University that are killing the bees which are necessary for pollination. Ms. Drewes said Council is not being transparent about this and said one has to beg for a form that states that the City is killing bees. She said one can't survive if the City is

poisoning the air and said one doesn't know what it is doing to the children and pets that have to stay outside.

After public comments were made on the issue, Mayor Pro Tem Kelly requested to speak first. He said he wanted to make something clear to Mr. Matthews and everyone, which is that the City already has insurance that covers the mayor and city council for criminal actions if a charge or an indictment is made against them and that costs are reimbursable up to \$10,000 (if there is no conviction or they are not found guilty).

Mayor Pro Tem Kelly said it is his understanding that the complaint filed with the District Attorney (DA) was unsworn. He said DA did their duty and began a criminal investigation and what came out of it was that there is a gap in the insurance covering city council and the mayor. He said mayor and council is covered during a certain stage, but not during the earlier stage and he's not sure why. He said through his own research and via the city attorney's opinion, it appears that there is nothing that prohibits a city from reimbursing a mayor or city councilmember when an investigation begins and is carried forward in a criminal manner and there is never any finding of wrongdoing.

Mayor Pro Tem Kelly said he wants it made very clearly that he has no intent of asking the City of West University Place to reimburse him for consulting an attorney during this investigation. He said when the DA's office contacted the City and each member of council requesting emails and wanting to interview them about matters surrounding Mike Ross' termination, he decided it was in his best interest to hire an attorney to advise him about criminal matters and criminal investigations and how things would proceed. He said he feels it was very helpful to have that attorney's advice and guidance, since the City Attorney could not represent him or the other members of Council due to it being a conflict of interest.

Mayor Pro Tem Kelly said as a volunteer representing the City of West University Place he had to spend money to hire an attorney in this matter with the matter ending with no charges brought against him and no trip to the grand jury. He wanted to know if this Council could legally vote on a prospective basis for other councils and mayors to have that insurance that covers that gap in order to protect those citizens that will serve on Council in the future from those that file unsworn complaints.

Mr. Matthews came forward to speak again to address a point made by Mayor Pro Tem Kelly. He said he thinks the problem, as Mayor Pro Tem Kelly stated, is that there is a gap in the City's insurance policy. He said it is unfortunate that there is a gap, which existed when Council came on board and so he personally thinks Council has to live with that. He said he has no problem with Council correcting and eliminating the gap on a go-forward basis.

Mayor Pro Tem Kelly said he agrees with Mr. Matthews and thinks having gap coverage is good so that the mayor and city council are not personally penalized financially for something that doesn't get past the DA's office.

Mayor Kelly said there is not going to be a charge or grand jury indictment in this case because the investigation has ended.

Mayor Sample said City doesn't really have anything that says that the investigation is closed. She said what might have been heard is that the District Attorney's office is not currently prosecuting it further, but it can open back up at any time, unless there is something in writing that says they

would never prosecute this again. She also said that by declining to prosecute doesn't mean there was no finding of wrongdoing.

Mayor Pro Tem Kelly said if anyone has any doubt, including the mayor, as to whether the investigation has ended, they should either call the Village News (who, to his knowledge, is the only source who tried to call the DA attorneys involved) or they can call the DA attorneys themselves. He said the quote given to the Village News by the lawyer involved in the matter was very clear. Mayor Pro Tem Kelly said it is a little problematic as to how to determine whether or not there was an end to the investigation, but a very simple way to determine that is by the statute of limitations. He said if the DA doesn't bring a charge or go to a grand jury, then the statute of limitations runs and the matter concludes with no finding by a jury of any legal or criminal act.

Mayor Pro Tem Kelly said he doesn't understand the mayor's reluctance to protect future councils and mayors against this type of action.

Mayor Sample said she doesn't condone this type of action but feels that it is a valid check in society for someone to go, if they feel there's been some type of problem, to whatever law enforcement agency they feel is appropriate.

Mayor Kelly said he agrees with the mayor, but said if that person decides to do that then the repercussion should not fall on the innocent mayor and councilmembers. He said they should not have to pay out of their own pockets for no wrongdoing when trying to serve the interest of the City. He said he finds it interesting for the mayor not to be in favor of protecting future councils and mayors from that type of activity.

Councilmember Reilly spoke to say that at the commencement of the investigation, his first question to the DA was whether they would bring charges against the person who filed the complaint if at the conclusion of the investigation it is found that there was no merit to the investigation and he was told no and that they would only do that in exceptional cases. He said it also would not have mattered if the complaint sworn or unsworn, because they don't want to be stifling complaints and they would have a very difficult time proving that a complaint was done for malicious, harassing purposes even though he thinks that it is obvious that there were no merits to allegations of this case and that it was done for harassment.

Regarding a policy, Councilmember Reilly said he agrees that if a policy is to be adopted, with Alan's guidance, it should be prospective. He said his focus is that he wants to be able to encourage residents of the City to run for City Council. He said the City needs more diversity and more representation on City Council and on the boards and commissions, some of which are subject to the same Open Meetings Act. He said if a member of the Zoning Board of Adjustment denies a resident's application for an exception and that resident files an anonymous complaint against the board member just to harass him, the City ought to be responsible for taking care of that member who has agreed to serve the City when there are no merits to the allegations.

To reiterate what Mayor Pro Tem Kelly said, Councilmember Reilly said if anybody has any doubt that this investigation has been closed, they can talk to his or Mayor Pro Tem Kelly's attorneys who were told by the DA that there were no merits to the allegations and that the investigation has been closed. He said technically it is correct to say that the case can be reopened in the future, though he thinks it is incredibly unlikely.

Councilmember Reilly asked City Attorney Petrov if the Attorney General (AG) Opinion that reads that the Mayor and Council are prohibited from voting for a policy to reimburse themselves is correct. Mr. Petrov said he doesn't believe that's correct. He said he thinks Council is prohibited from voting to reimburse themselves in a specific instance and said the interesting aspect about this investigation is that it involved a majority of the councilmembers and so in this case the majority of the council is disqualified from voting on reimbursing themselves or anybody else.

Councilmember Reilly asked if that extends to future actions that haven't occurred – for example could Council recommend to the City that it buy the gap insurance in the future even though that might potentially benefit this Council, or could this Council only do it with respect to prospective councils. Mr. Petrov stated that with respect to prospective events, including this Council, he thinks that this Council could adopt a policy, but then it will still get into the situation that whenever there is a particular situation that involves a majority of Council, the vote of the actual reimbursement could be in question.

Councilmember Reilly asked if that could be solved by purchasing insurance so that there is no action of the Council in the future. Mr. Petrov said it could be solved by insurance, if insurance was available, which he doesn't believe is available for this type of claim.

Councilmember Reilly then asked if the City has a policy that protects councilmembers, employees, board and commission members, etc., in the event they are sued personally. Mr. Petrov said yes, the TML coverage applies to all City officers and employees.

Councilmember Reilly said to satisfy the gap, would it be okay for the policy to state that in any case for someone for which there is no insurance and in circumstances in which all the other requirements of the AG Opinions are satisfied, the City can have a policy whereby the City Manager would bring that request for reimbursement to the next Council for consideration. Mr. Petrov said assuming that the next Council was different councilmembers and the City had insurance and there was a claim that fell within the coverage, he doesn't think there would be a problem.

Councilmember Ballanfant spoke to say that in certain cases where there are ultimate convictions, the costs could fall on the taxpayers. He said people should always be careful when going to the DA to make charges about people.

Councilmember Reilly asked City Attorney Petrov if the existing TML coverage for all employees provides coverage for criminal activity. He said he presumes the City would have an obligation to defend an employee for acting within the scope of his/her employment in the nature of reimbursement. City Attorney Petrov said his understanding is yes, up to \$10,000 in reimbursements. Councilmember Reilly then asked if the City would be able to provide legal representation to that employee. He said with public funds, there is a three-prong test: (1) the person is acting within the scope of his/her responsibility; (2) the expenditure serves the public interest; and (3) the person is not found guilty. Councilmember Reilly asked if Council approves the reimbursement of that employee's attorney's fees. Mr. Petrov said yes, after a finding of the employee being not guilty and the charges are clearly dropped.

Councilmember Reilly asked Mayor Sample if she has been informed whether this investigation has been closed. Mayor Sample said she was told by the Assistant District Attorney that it is not being pursued at this time.

Councilmember Turner said other than meeting with the DA's office when they called, she has not had any other conversations with the DA regarding the investigation.

Councilmember Reilly said he would encourage the person who filed the complaint anonymously to come forward and acknowledge their responsibility. He said he thinks they should apologize to the City Council and to his kids who had to go to school and be asked if their father was going to jail. He said it is terrible that he had to have that conversation with his kids. He said he has a pretty thick skin but for those folks who have blogs and who constantly post a bunch of trash about this investigation being ongoing and continue to publicize it even though it's clear that it never had any merit and doesn't have any merit is atrocious and shameful. Councilmember Reilly said he hopes as a City that the rest of the citizens of West U understands that the City is not going to be able to convince people to serve on the boards, commissions, and task forces if every time somebody disagrees with them, somebody files a harassing complaint against them and their name gets thrown in the paper with a lot of mud.

Councilmember Reilly said he would like staff to report back to Council regarding a couple questions: (1) Is there insurance available to cover the gap between the time an investigation is commenced and if the investigation is dropped before any charges are brought; and (2) If City Council can't get that coverage, can there be an official policy adopted by City Council whereby if the City Manager gets a request for reimbursement he/she would hold it and bring it to the next Council that is qualified to hear the request.

Before the vote, another citizen, David Dutch, 3901 Rice Boulevard, said he doesn't understand the insurance, but if it did lapse, that's an egregious error. Mayor Sample said it has not lapsed.

Mr. Dutch said if the councilmembers are exonerated, he feels unequivocally that they should be reimbursed. He said if he was sitting on Council and somebody brought forth a suit and it never came to fruition and he came out of pocket \$5,000 to \$20,000, it would blow his mind that his City wasn't behind him.

Councilmember Turner spoke to say that she agrees that Council should look into the possibility of future reimbursements, but doesn't think it should apply to this Council.

Before closing discussion, City Manager Peifer confirmed that staff will look into Councilmember Reilly's requests regarding gap insurance.

4. Future Agenda Items

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

Councilmember Reilly requested that an item be added to the next agenda for him to report on Zoning and Planning Commission activities as its Council liaison.

Councilmember Turner asked what additional information/benefit is Council getting from this approach as opposed to distributing the Minutes that are already on the website. Councilmember Reilly said the biggest benefit is that it gives Council an opportunity to talk about it together in a way that it can't do outside of a Council meeting.

Councilmember Turner said there are three boards that are quasi-judicial that are required to operate under certain rules and regulations and have to file their Minutes in a certain meaningful fashion. She said the other boards are more community service organizations and pretty much run themselves so she is still struggling with the benefit.

Councilmember Reilly said, other than the Zoning Board of Adjustment, Council liaison reports will be helpful.

5. 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. Joint Resolution with Harris County

Matters related to adopting a resolution with Harris County. *Recommended Action: Approve Resolution.*

B. Harris ERP Annual Software Maintenance and Support

Matters related to approve contract payment with Harris ERP for software maintenance and support. *Recommended Action: Approve contract payment.*

C. 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. *Recommended Action: Replace Belt Filter Press #2 at the Wastewater Treatment Plant.*

D. City Council Meeting

Approve City Council Minutes of the March 14, 2016 and March 28, 2016. *Recommended Action: Approve Minutes.*

Councilmember Reilly requested that Item 5C be removed for discussion. He then moved to approve the Consent Agenda with respect to Items 5A, 5B, and 5D. Councilmember Turner seconded the motion. **MOTION PASSED.**

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

In regards to Item 5C, Councilmember Reilly said he agrees with staff's recommendation to accept the second lowest bid, because the difference is almost nothing, but he said if the lowest bid was 30% less rather than 2% less, what is the process for addressing that, even when the lowest bidder doesn't meet other requirements. Public Works Director Beach said there will always be criteria to ensure that the City gets a quality contractor that can finish the job in a timely manner and do what they say they can do.

Councilmember Reilly said are there circumstances in which staff would waive certain criteria because of the difference in price. Mr. Beach and Mr. Peifer said no, especially when it comes to public health and safety. Mr. Beach said criteria isn't put in place to exclude contractors, they are put in place to protect the community's interest.

After discussion, Councilmember Turner moved to approve staff's recommendation to approve a contract with R & B Group, Inc. for performance of the WWTP Belt Filter Press Replacement Phase II Project in the amount of \$377,000. Councilmember Reilly seconded the motion. **MOTION PASSED.**

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

6. City Manager/Council/Attorney Reports

City Manager Peifer reported that CenterPoint Energy has informed the City that it will proceed with seeking a cost recovery of \$49.5 million system-wide and will be adding recovery costs to the rates.

7. Adjourn

At 7:43 p.m., Councilmember Turner moved to adjourn the regular meeting. Councilmember Reilly seconded the motion. **MOTION PASSED.**

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

Prepared By:

Thelma A. Gilliam, City Secretary

Date Approved