



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, July 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.

CALL TO ORDER

Agenda items are as follows:

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

1. Public Comments

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

2. Ordinance Relating to Minimum Foundation Height

Matters related to ordinance requiring a minimum foundation height. *Recommended Action: Approve ordinance requiring a minimum foundation height on the first of two readings.* **Clay Chew, Building Official** [see Agenda Item 2]

3. Ordinance Updating the International Energy Conservation Code

Matters related to ordinance updating the International Energy Conservation Code. *Recommended Action: Approve ordinance updating the International Energy Conservation Code on the first of two readings.* **Clay Chew, Building Official** [see Agenda Item 3]

4. Future Agenda Items

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

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. City Council Minutes

Approve City Council Minutes of the July 11 2016 Council meeting. *Recommended Action: Approve Minutes.* **Ms. Thelma Gilliam, City Secretary** [see Minutes]

B. Harris County Firefighter’s Association Mutual Aid Agreement

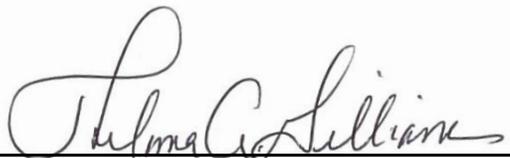
Matters related to authorizing the execution of the Harris County Firefighter’s Association (HCFFA) Mutual Aid Agreement between the government entities within Harris County and the City of West University Place. *Recommended Action: Authorize the HCFFA Mutual Aid Agreement between the government entities within Harris County and the City of West University Place.* **Mr. Aaron Taylor, Fire Chief** [see Agenda Memo 5B]

6. 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 July 25, 2016 was posted on the Municipal Building bulletin board on July 21, 2016 at approximately 3:00 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: | July 25, 2016 | AGENDA ITEM: | 2 |
| DATE SUBMITTED: | July 19, 2016 | DEPARTMENT: | Public Works |
| PREPARED BY: | C. Chew, City Bldg. Official | PRESENTER: | Clay Chew, City Building Official |
| SUBJECT: | Ordinance to require a minimum foundation elevation | | |
| ATTACHMENTS: | <ol style="list-style-type: none"> 1. Memo from Building and Standards Commission 2. Ordinance including addition to local amendments (Exhibit A) | | |
| EXPENDITURE REQUIRED: | N/A | | |
| AMOUNT BUDGETED: | N/A | | |
| ACCOUNT NO.: | N/A | | |
| ADDITIONAL APPROPRIATION REQUIRED: | N/A | | |
| ACCOUNT NO.: | N/A | | |

EXECUTIVE SUMMARY

At the request of the City Council, the Building and Standards Commission (BSC) reviewed the floodplain requirement of elevating the lowest floor level above Base Flood Elevation (BFE).

The BSC review two options for increasing the minimum foundation height. The first options looked at increasing the foundation height solely in the 100-year flood plain and the second option looked at increasing the minimum foundation height on new construction throughout the entire City.

Option 1 – Increase elevation above the BFE in 100-year flood plain. The BSC felt it would be beneficial to raise the foundation height on new construction, but there was a concern that it would cause a hardship for existing homes that were substantially damaged or improved with in the 100-year flood plain. The BCS’s was concerned that raising the foundation elevation above to already required BFE height would cause significant financial hardship or make the home unusable.

Option 2 – Increase minimum foundation elevation on new home construction. The BSC reviewed this option that would require the minimum foundation on all new home construction to be 15-inches above standard base level (natural grade) in the entire City. Currently, the average foundation height of new home construction is in the 100-year flood plain is 15-inches above BFE. The BSC and staff used this average in determining increase in height.

The BSC unanimously voted to require 15 inches above standard base level for all new homes built in the city.

RECOMMENDATION

The Building and Standards Commission and staff recommend the City Council approve the ordinance amendment as presented on the first reading of two readings.

Building and Standards Commission
City of West University Place, Texas
3800 University Boulevard
West University Place, Texas 77005

To the Honorable Mayor and
Members of the City Council:

The Building and Standards Commission (BSC) submits this report for the assistance of the Council and other interested persons.

Scope of proposal

City Council recently requested the BSC to review and study the floodplain regulations and make a recommendation to City Council concerning possible amendments to the flood protection and prevention regulations of the City.

Core Issue

Should the City of West University Place adopt a “freeboard” requirement for all structures located within the special flood hazard areas (SFHA, commonly called the 100-year flood plain)? Freeboard is the height by which the lowest-finished-floor level exceeds the National Flood Insurance Plan’s base flood elevation (BFE).

Background and Discussion

The City’s existing ordinance requires that the lowest finished floor be at or above BFE. Some cities require an additional one to two feet of freeboard above BFE. BFE is an experience-based, statistical estimate of flood level and frequency. Building at increasing heights above BFE improves one’s chances of escaping flooding but provides no guarantee.

From 2013 through 2015, 212 new home permits were issued in West U. Twenty-five of these (12%) were built in the 100-year floodplain. Approximately 25% of West U’s area is located within a SFHA and would be affected by any change in today’s zero-freeboard requirement.

Elevation certificates for the 25 new homes built in West U’s SFHA in 2013–2015 show that 80% of these homes were designed and completed with more than one foot of freeboard without any city requirement. The average freeboard of these 25 new homes in the SFHA was 1.24 feet above BFE. These new homes also meet all other City building and zoning standards, including the 35-foot height limit.

Advantages of BFE +1 foot

- Finished floor would be at least one foot above the required Base Flood Elevation, potentially reducing flood damage
- Lower flood insurance premiums
- Provide some protection for buyers of new homes
- Can be cost effective. Is much like additional insurance

Disadvantages of BFE +1

- This standard could be prohibitively costly for many existing structures if they were substantially damaged or substantially improved (50% damaged or improved) by requiring their lowest-finished-floor elevation to meet or exceed the new regulatory standard. FEMA allows no exceptions for existing structures and checks from time to time to ensure that cities are not working around the rules by granting variances.

The BSC discussed the pros and cons of additional freeboard extensively over the course of four meetings. The commission recognized the long-term advantage of having all homes in West U built above expected flood levels. Getting there from where we are today is the problem. The concern is that requiring an increase in first-finished-floor height could hurt the very homeowners who have come before Council seeking flood relief. It could place their homes in big-time financial jeopardy on top of their flood exposure.

After weighing this concern against the advantages of ensuring that all new homes constructed in the SFHA have at least one additional foot of flood protection, the BSC at its meeting on April 7, 2016, voted unanimously for the recommendation below.

Recommendation

The BSC recommends no change in the existing requirement that the first finished floor in the special flood hazard areas be at, or above, base flood elevation.

Looking Ahead

The commission was very pleased to learn that 80% of builders in the SFHA recognize the importance of added flood protection and are already providing a foot or more of freeboard in their new homes. This trend should continue to be strongly encouraged by West U's Chief Building Official in his discussions with architects and builders.

Respectfully Submitted,



Steve Brown, Chair
Building and Standards Commission
April 14, 2016

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS; AMENDING APPENDIX C, TECHNICAL CODES SCHEDULE, SECTION C-104, INTERNATIONAL BUILDING CODE, OF THE CODE OF ORDINANCES OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, BY ADDING A NEW SUBSECTION C-104, 3.J. RELATING TO FOUNDATION HEIGHT 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. Appendix C, Technical Code Schedules, of the Code of Ordinances of the City of West University Place, Texas is amended by adding a new Section C-104, 3.j. relating to foundation height to read as set out in Appendix A, attached hereto. All other portions of Appendix C 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 Appendix C, Section C-104, 3.j. Code of Ordinances)

Section C-104. International Building Code.

3. The foundation for each new building (and each new addition to a building) must meet all the criteria in this section, as applicable. Exception. if the building or addition does not contain habitable space (as defined in the IBC), it must meet only the requirements for "nonhabitable space," as indicated below.

j. *Elevation of bottom floor.* Each foundation shall have an elevation of at least 15 inches above standard base level.

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

| | | | |
|---|---|---------------------|--------------------------------------|
| AGENDA OF: | July 25, 2016 | AGENDA ITEM: | 3 |
| DATE SUBMITTED: | July 19, 2016 | DEPARTMENT: | Public Works |
| PREPARED BY: | C. Chew, City Building Official | PRESENTER: | Clay Chew, City Building Official |
| SUBJECT: | Ordinance amendment to update International Energy Conservation Code | | |
| ATTACHMENTS: | Ordinance Amendment | | |
| EXPENDITURE REQUIRED: | N/A | | |
| AMOUNT BUDGETED: | N/A | | |
| ACCOUNT NO.: | N/A | | |
| ADDITIONAL APPROPRIATION REQUIRED: | N/A | | |
| ACCOUNT NO.: | N/A | | |

EXECUTIVE SUMMARY

The state of Texas has updated its minimum statewide energy requirements for homes with the adoption of the 2015 International Energy Conservation Code (IECC). The legislation requires all local jurisdictions to adopt the new energy efficiency requirements which take effect in September 2016.

The main change will establish an Energy Rating Index (ERI) compliance path which will allow builders another option to comply with the 2015 IECC and use the rating to achieve compliance with code requirements for energy efficiency. Texas amended the ERI to phase in lower maximum ratings over the next 6 years.

Below is a summary of the major changes reflected in this ordinance amendment:

1. **Required inspections.** Foundation, Framing, Plumbing rough-in, and Mechanical rough-in.
2. **Vertical access doors.** A new exception has been added that allows vertical doors from conditioned space to unconditioned space.
3. **Building envelope air leakage testing.** Building envelope air leakage testing must now be done in accordance with either ASTM E 779 or ASTM E 1827.
4. **Duct Insulation.** Duct insulation will be dependent upon the location and diameter of the duct. Supply duct in the attic must be a minimum of R-8 (where >3-inch in dia.) and R-6 (where <3-inch in dia.).

RECOMMENDATION

The Building and Standards Commission and staff recommend the City Council approve the ordinance amendment as presented on the first reading of two readings.

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS; AMENDING APPENDIX C, TECHNICAL CODES SCHEDULE, OF THE CODE OF ORDINANCES OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, BY REPEALING THE INTERNATIONAL ENERGY CONSERVATION CODE 2012 EDITION AND ADOPTING THE INTERNATIONAL ENERGY CONSERVATION CODE 2015 EDITION 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. Appendix C, Technical Codes Schedule of the Code of Ordinances of the City of West University Place, Texas is amended by repealing the International Energy Conservation Code 2012 Edition and Adopting the International Energy Conservation Code 2015 Edition as published by the International Code Council. All other portions of Appendix C 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

FUTURE AGENDA ITEMS

Shaded items are on immediate agenda

| Date | Item | Synopsis & Recommendation |
|----------|---|--|
| 07/25/16 | HCFFA Mutual Aid Agreement (Consent Agenda) | Matters related to authorizing the execution of the Harris County Firefighter's Association (HCFFA) Mutual Aid Agreement between the government entities within Harris County and the City of West University Place. <i>Recommended Action: Authorize HCFFA Mutual Aid Agreement between the government entities within Harris County and the City of West University Place. Mr. Aaron Taylor, Fire Chief</i> |
| 07/25/16 | International Energy Conservation Code | Matters related to ordinance updating the International Energy Conservation Code. <i>Recommended Action: Approve ordinance updating the International Energy Conservation Code on the first of two readings. Clay Chew, Building Official</i> |
| 07/25/16 | Minimum Foundation Height | Matters related to ordinance requiring a minimum foundation height. <i>Recommended Action: Approve ordinance requiring a minimum foundation height on the first of two readings. Clay Chew, Building Official</i> |
| 08/08/16 | Advance Funding Agreement | Matters related to an Advance Funding Agreement for a Surface Transportation Program (STP) between the Texas Department of Transportation and the City of West University Place. <i>Recommended Action: Approve Agreement. Mr. Dave Beach, Public Works Director</i> |
| 08/08/16 | Sidewalks | Matters related to City sidewalks associated with parking. <i>Recommended Action: Discuss and take any desired action. Mayor Susan Sample</i> |
| 09/12/16 | Certified Appraisal Roll | Matters related to a resolution acknowledging receipt of the appraisal roll, the assessor-collector's certificate and notice of a public hearing. <i>Recommended Action: Approve resolution acknowledging receipt of appraisal roll, assessor-collector's certificate, effective tax rate, and notice of a public hearing. Ms. Rhonda Daugherty, Finance Director</i> |
| 09/12/16 | Record Vote on Tax Rate and Set Public Hearings | Matters related to a resolution recording vote on tax rate and scheduling public hearings. <i>Recommended Action: Approve resolution recording vote on tax rate and schedule public hearings. Ms. Rhonda Daugherty, Finance Director</i> |
| 09/12/16 | Schedule Public Hearings for 2017 Budget | Matters related to scheduling public hearings to hear comments on the 2017 City Budget. <i>Recommended Action: Schedule public hearings for _____ and _____, to hear comments on the City's 2017 Budget. Ms. Rhonda Daugherty, Finance Director</i> |
| 09/26/16 | Senior Services Board Appointment | Matters related to the adoption of a resolution appointing Ann Crowley the Senior Services Board. <i>Recommendation Action: Adopt resolution appointing Ann Crowley to the Senior Services Board. Ms. Toby Brooks, Senior Services Manager</i> |
| 09/26/16 | Microsoft Agreement Renewal | Matters related to renewing an agreement with Microsoft. <i>Recommendation Action: Approve renewal agreement with Microsoft. Mr. Gary McFarland, IT Director</i> |
| 10/01/16 | Budget Workshop with Council (Saturday Workshop) | Matters related to city finances, 2016 tax rate and the 2017 Budget including revenues and expenditures for current and future years for all funds. <i>Mr. M. Chris Peifer, City Manager</i> |

| Date | Item | Synopsis & Recommendation |
|----------------|---|--|
| 10/03/16 | First Public Hearing on Tax Rate (Special Meeting, If Necessary) | Matters related to the first of two public hearings to hear comments on the proposed tax rate. <i>Recommended Action: Hold first public hearing on the proposed tax rate. Ms. Rhonda Daugherty, Finance Director</i> |
| 10/10/16 | Second Public Hearing on Tax Rate (If Necessary) | Matters related to a second public hearing to hear comments on the proposed tax rate. <i>Recommended Action: Hold second and final public hearing on the proposed tax rate. Ms. Rhonda Daugherty, Finance Director</i> |
| 10/10/16 | Public Hearing on 2017 Budget | Matters related to a public hearing to hear comments on the 2017 City Budget. <i>Recommended Action: Hold public hearing on the City's 2017 Budget. Ms. Rhonda Daugherty, Finance Director</i> |
| 10/17/16 | Adoption of the 2017 Budget (Special Meeting) | Matters related to an ordinance adopting the budget for the fiscal year beginning January 1, 2017 and ending December 31, 2017 appropriating funds for such budget; containing findings and provisions relating to the subject; and declaring an emergency. Public Hearing has been closed. <i>Recommended Action: Adopt ordinance adopting the 2017 Budget on first and final reading. Ms. Rhonda Daugherty, Finance Director</i> |
| 10/17/16 | Adoption of the 2016 Tax Rate | Matters related to an ordinance approving and adopting the 2016 Tax Rate, and declaring an emergency. <i>Recommended Action: Adopt ordinance reducing the 2016 tax rate to _____ on first and final reading. Ms. Rhonda Daugherty, Finance Director</i> |
| 10/17/16 | Fee Schedule | Matters related to an ordinance adopting the 2017 Fee Schedule. <i>Recommended Action: Approve an ordinance on the first of two readings. Mr. Chris Peifer, City Manager</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 | Video Distribution of Council and Board Meetings | Matters related to posting videos of Council and Board meetings on the City's website. <i>Mr. Gary McFarland, IT Director</i> |
| 11/14 or 11/28 | Jennie Elizabeth Hughes Park (Approval of Final design) | Matters related to approval of the final design and authorization to proceed with construction of the Jennie Elizabeth Hughes Park. <i>Recommended Action: Approve the final design and authorize proceeding with construction of the Jennie Elizabeth Hughes Park. 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> |

| Date | Item | Synopsis & Recommendation |
|----------|----------------------------------|--|
| 11/14/16 | Tri-Sports MOU | Matters related to a 2017 Memorandum of Understanding between the City of West University Place and Tri-Sports. <i>Recommended Action: Approve Memorandum of Understanding. Mr. Tim O'Connor, Parks and Recreation Director</i> |
| TBD | 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. City Council |
| 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 | 2017 General Election | Matters related to an ordinance calling the 2017 Election. <i>Recommended Action: Approve ordinance on the first and final reading. Ms. Thelma Lenz, City Secretary</i> |
| 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. 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. 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. 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. Councilmember Brennan Reilly</i> |
| TBD | Parking Survey | Matters related to a parking survey. <i>Recommended Action: Discuss and take and desired action. Mr. Dave Beach, Public Works Director</i> |
| TBD | Town Center Zoning | Matters related to Town Center Zoning. <i>Recommended Action: Discuss and take any desired. City Council</i> |
| TBD | Poor Farm Ditch | Matters related to Poor Farm Ditch. <i>Recommended Action: Discuss and take any desired action. Mayor Susan Sample</i> |
| TBD | Buffalo Speedway | Matters related to Buffalo Speedway Replacement Project. Mr. Chris Peifer, City Manager |

7/21/2016 2:39:56 PM



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, July 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: Councilmembers Ballanfant and Turner, City Manager Peifer, City Secretary Gilliam, City Attorney Petrov, Public Works Director Beach, Parks and Recreation Director O'Connor and Police Chief Walker. Mayor Pro Tem Kelly and Councilmember Reilly were absent.

Boy Scout Matthew Rice with Troop 55 led the Pledge.

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

1. Public Comments

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

Robert Grossman, 4103 Ruskin, spoke regarding the AT&T issue and said he had provided pictures showing AT&T violating City codes. He said there is a dumpster that was prohibited in the November decision by the Administrative Zoning official and the ZBA upheld in January, but it is still there 8 months later. He said he thinks Council should have a hearing and find out why AT&T's attorney testified that AT&T has not received a citation on any action they had taken on those Ruskin properties. He said he was told by Planner Scarcella that AT&T would not receive any citations until this "mess" is cleared up.

David Cole, 4104 Cason, spoke regarding the AT&T issue and said because he lives adjacent to Academy he has been unfortunate enough to host boring and trenching contractors four times over the last 15 years. He urged Council and the City Attorney to tighten up the City's ordinances and create stronger specifications.

2. Municipal Matters Related to the Hughes Park Donation

Matters related to an update from staff, a park development timeline, and the appointment of a Task Force. *Recommended Action: Hear update from the Parks and Recreation Director, discuss a park development timeline, appoint a Task Force, and take any other desired action.*

Parks and Recreation Director O'Connor presented this item and said the mayor signed the donation agreement on June 27, 2016 and City Attorney Petrov provided the executor of the

Hughes estate with a fully executed copy of the agreement on July 8, 2016. He said Mr. Petrov is currently working with the Hughes estate executor to prepare a deed that will actually transfer the property from the Hughes estate to the City.

In regards to resident notification, Mr. O'Connor said staff is committed to continuing its efforts to being very open and transparent throughout the planning and construction processes. He said staff will post regular updates on the City's website, distribute regular press releases, provide any interested resident with updates electronically, meet with the Council appointed Task Force, and conduct a Town Hall meeting ahead of the Task Force bringing its final park design recommendation to Council.

Mr. O'Connor said staff prepared and hand-delivered approximately 200 letters to residents within approximately two blocks from the proposed Hughes Park address, 6446 Sewanee, and installed two informational yard signs at the site. He said residents were also invited to be included on an e-directory to receive all updates moving forward and as of 5:30 this evening staff received approximately 65 requests – 16 of which were from residents not on Council or any of the citizen boards.

Mr. O'Connor said staff has engaged the services of White Oak Studios to facilitate the design and construction process. He said Jim Patterson, CEO of White Oak Studio, will be the primary contact and said Mr. Patterson is very familiar with the community, because White Oak Studio led the 2000 and 2015 Park Master Planning efforts, the design and construction of the East End of Colonial Park, and the design and construction of Friends Park in 2007.

Mr. O'Connor said the feedback from neighbors of the proposed park received to date has shown that the primary concerns the neighbors have involve the following:

- Increased vehicular traffic;
- Parking concerns; and
- Criminal activity

Mr. O'Connor said the traffic concerns should be non-issues as the park will be passive in nature and the City will not schedule any events or activities that will make it a destination park. He said staff also feels that the criminal activity concern will not be an issue because the police department regularly provides staff with police activity on all parks and recreational facilities and over the course of at least the last 13 years there have been no serious incidents of crime at any of the neighbor parks or recreational facilities.

Mr. O'Connor said the last item for Council consideration is the appointment of a Citizen Task Force. He said there are 20 members on the proposed list and recommends that Council appoint them all, because 70 percent of the proposed Task Force are medical doctors or attorneys so the probability of the Task Force having full attendance at any giving meeting is slim.

In response to Mayor Sample's question as to how many meetings the Task Force is expecting to have, Mr. O'Connor said there will be a total of 5 meetings at this point with one of those being a Town Hall meeting, where at least 2 design concepts will be presented publicly. He said the final meeting will be to review the outcome of the Town Hall meeting and finalize a conceptual design to bring forward to Council for approval.

Councilmember Turner asked if there is a possibility that the time line, which indicates that the project will extend into 2018, will get pulled back. Mr. O'Connor said it is a possibility, but the consultant felt that due to possible delays with construction this given timeline would be the most responsible at this point.

Councilmember Turner asked if staff envisions birthday parties or other events being scheduled at the proposed park. Mr. O'Connor said staff certainly won't encourage it, unless it's the immediate neighbors. He said staff will not prohibit such things unless Council gives them the direction or the Task Force recommends that sort of restriction. Mr. O'Connor confirmed with Councilmember Turner that it will be a non-rental facility, unlike other West U Parks.

Councilmember Ballanfant asked if the probate court approved this. City Attorney Petrov responded no because deed is not yet approved. Councilmember Ballanfant said staff should try and push that along in order to have it in the rearview mirror.

Mr. O'Connor said he forgot to point out that City Attorney Petrov suggested staff get written permission from the Hughes estate to proceed with tree work. He said there are three trees that the City's forester has identified as health and safety hazards and has recommended removal. The Hughes estate gave the City written permission required by legal and so staff will be moving forward with the tree work this week.

Mr. O'Connor said as of June 1, 2016, staff took over ground maintenance of the property, so the City's contractor is mowing the lawn at a residential grade and maintaining the current landscape. He said the tree work and lawn maintenance are the only two activities that the City has been allowed to conduct on site until the deed is in hand.

Councilmember Turner asked if the structures on the site would be left in place until somewhere down the timeline. Mr. O'Connor said yes and said from June 28 moving forward, the City has 90 days to facilitate the terms of Mr. Hughes' will. He said staff doesn't feel there is much value to the structures, but staff would like to recover some of the materials from the structures and repurpose those for any park amenities that may be recommended by the Task Force, i.e. park benches.

Mr. O'Connor said one of the stipulations of the agreement is for the City to have appropriate signage designating the park as the Jenny Elizabeth Hughes Park.

After a brief discussion regarding tree diversity, Mr. O'Connor requested that Council consider approving the list of 20 members to serve on the Jenny Elizabeth Hughes Park Citizen Task Force for 2016 and through the remainder of the project. He said staff has confirmed that they are all residents of West University Place and are either immediate neighbors of the proposed park or they serve in capacities on the Seniors Board, Friends Board and Parks Board.

Councilmember Turner noted that she is on the list to serve as the Council liaison.

Before voting on the Task Force, resident **Alida Drewes**, 6112 Fordham, said before speaking on the park issue, she wanted to suggest that a an exemption for seniors be placed on an upcoming Council agenda. Regarding the park, she said the 20 member Task Force list is not transparent. She said Council keeps saying it is all about transparency, but it's not and it needs to step up the transparency part of the game it's playing. Ms. Drewes said all of the park money is going to the west side. She said retired people should be on the Task Force, not doctors and lawyers and all the people who are working all the time, but those that would actually use a passive park.

Mayor Sample noted that the City did a comprehensive park survey in 2014 and it covered where people wanted a park and what people wanted in a park and that the results were that people wanted a park in the proposed park area in a passive nature, so this donation is a blessing as it dovetails perfectly with what the people in West U want.

At this time, Councilmember Turner moved to approve the proposed 20-member Task Force presented by staff. Councilmember Ballanfant seconded the motion. **MOTION PASSED.**

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

3. Future Agenda Items

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

There was no discussion.

4. Consent Agenda

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

A. City Council Minutes

Approve City Council Minutes of the June 27, 2016 Council meetings.

Councilmember Turner moved to approve the Consent Agenda as presented. Councilmember Ballanfant seconded the motion. **MOTION PASSED.**

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

5. Adjourn

Councilmember Turner moved to adjourn 7:00 p.m. Councilmember Ballanfant seconded the motion. **MOTION PASSED.**

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

Prepared By:

Thelma A. Gilliam, City Secretary

Date Approved

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

| | | | |
|---|---|---------------------|-----------------------------------|
| AGENDA OF: | June 13, 2016 | AGENDA ITEM: | 5B |
| DATE SUBMITTED: | May 31, 2016 | DEPARTMENT: | Fire Department |
| PREPARED BY: | Aaron Taylor, Fire Chief / EMC | PRESENTER: | Aaron Taylor, Fire Chief / EMC |
| SUBJECT: | Harris County Firefighters Association Mutual Aid Agreement | | |
| ATTACHMENTS: | Harris County Firefighters Association Mutual Aid Agreement | | |
| EXPENDITURE REQUIRED: | N/A | | |
| AMOUNT BUDGETED: | N/A | | |
| ACCOUNT NO.: | N/A | | |
| ADDITIONAL APPROPRIATION REQUIRED: | N/A | | |
| ACCOUNT NO.: | N/A | | |

EXECUTIVE SUMMARY

The HCFFA Mutual Aid Agreement will replace the multi-agency mutual aid agreement that was adopted by the City in 1980 that allowed resources to be shared between jurisdictions within Harris County during a disaster. The majority of jurisdictions in non-incorporated areas of Harris County have become party to this agreement. Since that time, there have been several disasters within Harris County including floods, fires and tropical events. Lessons learned from those disasters indicated that changes needed to be made in the Mutual Aid Agreement to ensure that FEMA would honor requests for reimbursement.

The Harris County Firefighter’s Association took on the task of revising the mutual aid agreement to accomplish these goals. The new mutual aid agreement better addresses reimbursement issues raised by FEMA. It also provides financial protection to both the requesting and the responding jurisdictions during a major disaster. This agreement recognizes the vulnerability of the people and communities located in the county to damage, injury, and loss of life and property resulting from emergencies which may present equipment and manpower requirements beyond the capacity of each individual community. The Mutual Aid Agreement will allow for better coordination of effort, provide that adequate equipment is available, and help ensure that Mutual Aid is accomplished in the minimum time possible. Mutual Aid will be consistent with the mutual aid plans developed and approved by the respective jurisdictions.

The Mutual Aid Agreement was reviewed and approved by the City Attorney as to form and legality.

RECOMMENDATION

Staff recommends authorizing the execution of the HCFFA Mutual Aid Agreement which will secure the benefits of Mutual Aid and protection of life and property in the event of a disaster.

MUTUAL AID FIRE PROTECTION & AGREEMENT

THE STATE OF TEXAS §

HARRIS COUNTY §

This Agreement is made and entered into by and between the “Entities”, as described in Section IX Definitions, of Harris County, and adjoining “Entities, (hereinafter referred to as the “Parties”) that have signed this Agreement.

Whereas, the undersigned Parties desire to enter into a mutual aid fire protection agreement wherein the equipment, facilities, and trained personnel of each fire department are available to the other Parties in this mutual aid agreement on an as requested basis.

Now therefore, that in consideration of the mutual covenants, agreements and benefits to all Parties, it is hereby AGREED as follows:

**I.
Scope of Services**

A. During the term of this Agreement, the Parties agree to provide upon request such fire protection and suppression personnel and to make available such equipment or facilities as may be needed for the suppression of fires or the duties and responsibilities associated with saving lives and property within the jurisdictional areas of the requesting department; provided that the personnel, equipment or facilities requested are not otherwise required within the jurisdiction as determined by the Fire Chief or Chief Fire Service Officer or his/her designated representative of the providing party. It is expressly understood and agreed by all Parties hereto that no providing Party shall be required to use any equipment, facilities and/or personnel where such use would prevent or disrupt adequate protection of its own jurisdictional area. Requests for mutual aid made

pursuant to this Agreement shall be made by and to the respective Fire Chiefs or Chief Fire Safety Officers or their designated representatives.

B. The Parties agree that a request will only be made when an emergency occurs in their jurisdiction that cannot be handled by the resources of that jurisdiction and is beyond the requesting party's capabilities.

C. The Parties agree:

- a. to maintain the work force and equipment needed to sufficiently control fires or other emergencies common to the saving of lives and property which are most likely to occur within their jurisdiction;
- b. to maintain an emergency action plan for activating their personnel and equipment within their jurisdiction;
- c. to maintain established procedures for the mitigation of emergencies; and
- d. to provide all other departments with current lists of the available work force and or materials and equipment which, under most circumstances, could be furnished to the requesting department.

D. In the event a local, state or national emergency is declared, this Agreement shall not constitute a waiver of the rights of the respective parties to claim local, state and/or federal funds or reimbursements.

E. Notwithstanding Subsection I.A. of this Agreement, if a Party hereto requests mutual aid assistance that requires a response that exceeds twelve (12) consecutive hours, the Requesting Party shall reimburse the Responding Party its actual cost for providing mutual aid assistance to the Requesting Party after the first twelve (12) hours, including costs for personnel, operation and maintenance of equipment, damaged equipment, food, lodging, and transportation, provided that,

in no event shall the cost for a service or item be greater than the rate, as such rates are amended from time to time, set by the Federal Emergency Management Agency (FEMA) for the substantially same service or item. FEMA rates are available at <http://www.fema.gov>. The Parties mutually agree that a Responding Party shall not be entitled to and will not seek reimbursement from a Requesting Party for either: (a) assistance provided that does not exceed twelve (12) consecutive hours or (b) for assistance provided during the initial twelve (12) hours of the response.

F. Nothing herein shall be construed as a warranty or guaranty of response, whether in terms of there being appropriate assets available or sufficient personnel being available to respond.

II. Direction and Control

The requested fire service company(s) or task force(s), [as defined in Section IX Definitions], shall be under the direction and control of their own company officer or task force leader. The company will remain intact as a unit, responsible for its own equipment and personnel throughout the incident. The company officer or task force leader will report to the Command Post [as defined in Section IX, Definitions] of the Incident Commander [as defined in Section IX, Definitions] of the requesting department and will make himself/herself and the company or task force for which they are responsible available for service. The Incident Commander will assume direction and control of the unit in whole and will give that unit an assignment. The fact that the task at hand is inherently dangerous must always be considered.

III. Equipment and Consumable Resources

A. The condition of the equipment must be the sole responsibility of its owner. Except as

provided by Section I.D. above, if the equipment is damaged or destroyed during the Incident, the financial responsibility is the owner's which may be recovered through insurance acquired by the owner or any other resource available to the owner, and the requesting party will never be responsible for damage to equipment, injury to persons or for the actions of the responding party.

B. Except as provided by Section I.D. above, any consumable resources may be reimbursed by or through the Incident Commander's jurisdiction (Requesting Party) provided that sufficient funds have been appropriated for said purpose. The Incident Commander has a right to recover any and all cost of the incident from any resources available.

C. In the event the incident receives a Disaster Declaration from State or Federal authority, the requesting party shall make the claim to include the actual cost involved of responding parties on the requesting party sub-grant application. The requesting party shall disburse the proportionate share of state/federal funds to responding parties in a timely manner.

IV. Terms of Agreement

The terms of this Agreement shall be for one (1) year with recurring annual renewal for one (1) year unless a party gives written notice to terminate. Any Party shall have the right to terminate upon thirty (30) days written notice to the other Parties. The addition or deletion of departments to or from this Agreement shall not affect the Agreement as to the remaining Parties.

V. Amendments

This Agreement can be amended or replaced by a majority of the Parties. All of the Parties must be notified in writing within thirty (30) days and an open forum must be held in which all of

the Parties have been invited to attend. The Amendment will not be effective to any party who does not agree.

VI.
Compliance with All Applicable Laws

The Departments shall observe and comply with all Federal, State, and local laws, rules, ordinances, and regulations affecting the conduct of services provided and the performance of all obligations undertaken by this Agreement.

VII.
Legal Considerations

A. All local, State, and Federal laws shall supersede any provisions made in this Agreement. Any provision so effected will not negate the rest of the Agreement. In case any one or more of the provisions contained in this Agreement shall be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

B. Venue for any proceeding under this Agreement shall be in Harris County, Texas.

C. This Agreement shall become effective upon each Party's signing of said instrument.

D. This Agreement supersedes and replaces all previous Harris County Fire Fighter Association (HCFFA) Mutual Aid Agreements as between any two Parties to this Agreement ninety (90) days after execution of this Agreement by those same Parties. This Agreement also supersedes and replaces any and all previous mutual aid agreements and/or any other similar agreements of assistance between any two or more Parties to this Agreement upon the execution of this Agreement by those same Parties.

VIII. Liability

A. The Parties agree that except with respect to the matter of reimbursement as otherwise provided for in this Agreement, each shall be responsible for its own actions and those of its members while fighting fires, providing rescue services, providing fire responses, emergency medical services, traveling to or from the emergency scene, or in any manner providing services pursuant to and within the scope of this Agreement or a supplement thereto.

B. It is expressly understood and agreed by the Parties that neither shall be held liable for the actions of the other Party or any of the other Party's members while in any manner furnishing services hereunder.

IX. Definitions

A. **Entities** – Any Emergency Services Provider that is fire based or 911 initiated. These would include, but not limited to fire departments, 911 EMS services, and certain Emergency Service Districts (ESD), cities.

B. **Task Force** – A group of any type or kind of resource, with communications and a leader, temporarily assembled for a specific mission (not to exceed five [5] resources).

C. **Incident Command Post (ICP)** – The field location at which the primary tactical - level, on-scene incident command functions are performed. The ICP may be co-located with the incident base or other incident facilities.

D. **Incident Commander (IC)** – The individual responsible for all incident activities, including the development of strategies and tactics and the ordering and release of resources. The

IC has overall authority and responsibility for conducting incident operations and is responsible for the management of all incident operations at the incident site.

This Agreement, together with all terms and conditions contained herein, is approved and accepted by the following entities and is executed by their duly authorized representatives:

| <u>Entity</u> | <u>Authorized Representative Signature</u> |
|--|---|
| Aldine Volunteer Fire Department | _____ |
| H. C. E.S.D. # 24 | _____ |
| Atascocita Volunteer Fire Department | _____ |
| H. C. E.S.D. # 46 (for approval only) | _____ |
| Baytown Fire & Rescue | _____ |
| H. C. E.S.D. #75 (for approval only) | _____ |
| Bellaire Fire Department | _____ |
| Champions Fire Department | _____ |
| H. C. E.S.D. # 29 | _____ |
| Channelview Fire Department | _____ |
| H. C. E.S.D. # 50 | _____ |
| City of Jersey Village Fire Department | _____ |
| Cloverleaf Fire Department | _____ |
| H. C. E.S.D. # 12 | _____ |
| Community Volunteer Fire Department | _____ |
| H. C. E.S.D. # 100 (for approval only) | _____ |

Crosby Volunteer Fire Department _____
H. C. E.S.D. # 80 (for approval only) _____
(Crosby area) H. C. E S. D. #5 _____
Cy Fair Volunteer Fire Department _____
H. C. E.S.D. # 9 (for approval only) _____
Cypress Creek EMS _____
H. C. E.S.D. # 11 (for approval only) _____
Cypress Creek Volunteer Fire Department _____
H. C. E.S.D. # 13 (for approval only) _____
Deer Park Volunteer Fire Department _____
Eastex Volunteer Fire Department _____
Northeast Fire & Rescue _____
H. C. E.S.D. # 10 (for approval only) _____
Ellington Field Fire Department _____
Forest Bend Volunteer Fire Department _____
H. C. M.U.D. # 55 _____
Friendswood Volunteer Fire Department _____
Galena Park Volunteer Fire Department _____
Highlands Volunteer Fire Department _____
H. C. E.S.D. # 14 _____
Houston Fire Department _____
Huffman Volunteer Fire Department _____
H. C. E.S.D. # 4 (for approval only) _____

Humble Fire Department _____

Jacinto City Volunteer Fire Department _____

Katy Fire Department _____

Klein Volunteer Fire Department _____

H. C. E.S.D. # 16 (for approval only) _____

LaPorte Volunteer Fire Department _____

League City Volunteer Fire Department _____

Little York Volunteer Fire Department _____

H. C. E.S.D. # 17 _____

Missouri City Fire Department _____

Nassau Bay Volunteer Fire Department _____

Northwest Rural EMS _____

H. C. E.S.D. # 8 (for approval only) _____

Northwest Volunteer Fire Department _____

H. C. E.S.D. # 20 _____

Pasadena Volunteer Fire Department _____

Pearland Volunteer Fire Department _____

Ponderosa Volunteer Fire Department _____

H. C. E.S.D. # 28 (for approval only) _____

Port of Houston Fire Department _____

Rosehill Volunteer Fire Department _____

H. C. E.S.D. #3 (for approval only) _____

H. C. E.S.D. #21 (for approval only) _____

Seabrook Volunteer Fire Department _____

Sheldon Community Volunteer Fire Department _____

H. C. E.S.D. # 60 _____

South Houston Volunteer Fire Department _____

Southeast Volunteer Fire Department _____

Clearbrook City MUD _____

Southside Place Fire Department _____

Spring Volunteer Fire Department _____

H. C. E.S.D. # 7 (for approval only) _____

Stafford Fire Department _____

Tomball Fire Department _____

H. C. E.S.D. # 15 (for approval only) _____

Tri-County Volunteer Fire Department _____

Waller / H. C. E.S.D. # 200 (for approval only) _____

Village Fire Department _____

Waller Volunteer Fire Department _____

Waller / H. C. E.S.D. # 200 (for approval only) _____

Webster Volunteer Fire Department _____

H. C. E.S.D. # 48 Fire Department _____

West University Place Fire Department _____

Westfield Volunteer Fire Department _____

H. C. E.S.D. # 25 (for approval only) _____

Westlake Volunteer Fire Department _____

H. C. E.S.D. # 47

The Parties have executed this Agreement in multiple copies, each of which is an original.

ATTEST/SEAL:

CITY OF _____, TEXAS

Signed by: (If required)

By: _____

City Secretary

Mayor

APPROVED:

COUNTERSIGNED BY: (If required)

Chief, _____ Fire Department

City Controller

APPROVED AS TO FORM:

DATE COUNTERSIGNED:

(If required)

Assistant City Attorney