



# 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 Special Meeting and Regular meeting of the City Council of West University Place to be held on Monday, August 8, 2016 beginning at 6:00 p.m. in the Municipal Building located at 3800 University Boulevard, West University Place, Texas, for the purpose of considering the following agenda items.**

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

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### **SPECIAL MEETING (6:00 p.m. in the Council Chambers Conference Room)**

#### **1. Real Estate Acquisition**

Matters related to real estate acquisition. *Recommended Action: Discuss and take any desired action. Mayor Pro Tem Kelly and Councilmember Mardi Turner*

Discussion of this item will be held in closed executive session in accordance with Section 551.072 in Chapter 551, Open Meetings Act, of the Texas Government Code (discussion about the value or transfer of real property and other real estate matters) and Section 551.071 in Chapter 551 of the Texas Government Code (consultation with legal counsel to seek or receive legal advice).

#### **2. Close Executive Session and Reconvene Special Meeting**

Matters related to the desired action resulting from discussions held in closed executive.

#### **3. Adjourn**

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

#### **CALL TO ORDER**

Agenda items are as follows:

Call to Order

Pledge of Allegiance

Matters related to the notice of this meeting

#### **4. 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.

**5. Ordinance Relating to Minimum Foundation Height**

Matters related to an ordinance requiring a minimum foundation height. *Recommended Action: Approve the ordinance requiring a minimum foundation height on the second and final reading. **Clay Chew, Building Official*** [see Agenda Memo 5]

**6. Ordinance Updating the International Energy Conservation Code**

Matters related to an ordinance updating the International Energy Conservation Code. *Recommended Action: Approve the ordinance updating the International Energy Conservation Code on the second and final reading. **Clay Chew, Building Official*** [see Agenda Memo 6]

**7. Sidewalks**

Matters related to City sidewalks associated with parking. *Recommended Action: Discuss and take any desired action. **Mayor Susan Sample***

**8. Pier and Beam Foundations**

Matters related to providing guidance to the Building and Standards Commission to review foundation construction methods relative to requiring pier and beam foundations within West U. *Recommended Action: Discuss and take any desired action. **Mayor Susan Sample***

**9. Future Agenda Items**

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

**10. 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**

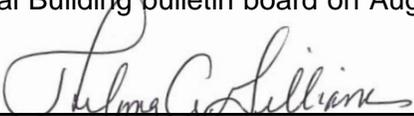
Approve City Council Minutes of the July 25, 2016 Council meeting. *Recommended Action: Approve Minutes. **Ms. Thelma Gilliam, City Secretary*** [see Minutes]

**11. 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 August 8, 2016 was posted on the Municipal Building bulletin board on August 4, 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**

<b>AGENDA OF:</b>	August 8, 2016	<b>AGENDA ITEM:</b>	5
<b>DATE SUBMITTED:</b>	July 19, 2016	<b>DEPARTMENT:</b>	Public Works
<b>PREPARED BY:</b>	C. Chew, City Bldg. Official	<b>PRESENTER:</b>	Clay Chew, City Building Official
<b>SUBJECT:</b>	<b>Second Reading of Ordinance to Require a Minimum Foundation Elevation</b>		
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"> <li>1. Memo from Building and Standards Commission</li> <li>2. Ordinance including addition to local amendments (Exhibit A)</li> </ol>		
<b>EXPENDITURE REQUIRED:</b>	N/A		
<b>AMOUNT BUDGETED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		

**EXECUTIVE SUMMARY**

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 second and final reading.

**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 25<sup>th</sup>  
day of July, 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**

<b>AGENDA OF:</b>	August 8, 2016	<b>AGENDA ITEM:</b>	6
<b>DATE SUBMITTED:</b>	July 19, 2016	<b>DEPARTMENT:</b>	Public Works
<b>PREPARED BY:</b>	C. Chew, City Building Official	<b>PRESENTER:</b>	Clay Chew, City Building Official
<b>SUBJECT:</b>	<b>Second Reading of Ordinance Amendment to Update International Energy Conservation Code</b>		
<b>ATTACHMENTS:</b>	<b>Ordinance Amendment</b>		
<b>EXPENDITURE REQUIRED:</b>	N/A		
<b>AMOUNT BUDGETED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		

**EXECUTIVE SUMMARY**

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 second and final reading.

**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   25<sup>th</sup>    
day of   July  , 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. <b>Mr. Aaron Taylor, Fire Chief</b></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. <b>Clay Chew, Building Official</b></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. <b>Clay Chew, Building Official</b></i>
08/08/16	Real Estate Acquisition (Special Meeting)	Matters related to real estate acquisition. <i>Recommended Action: Discuss and take any desired action. <b>Mayor Pro Tem Kelly and Councilmember Mardi Turner</b></i>
08/08/16	Sidewalks	Matters related to City sidewalks associated with parking. <i>Recommended Action: Discuss and take any desired action. <b>Mayor Susan Sample</b></i>
08/08/16	Pier and Beam Foundations	Matters related to providing guidance to the Building and Standards Commission to review foundation construction methods relative to requiring pier and beam foundations within West U. <i>Recommended Action: Discuss and take any desired action. <b>Mayor Susan Sample</b></i>
08/22/16	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. <b>Mr. Dave Beach, Public Works Director</b></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. <b>Ms. Rhonda Daugherty, Finance Director</b></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. <b>Ms. Rhonda Daugherty, Finance Director</b></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. <b>Ms. Rhonda Daugherty, Finance Director</b></i>
09/26/16	Senior Services Board Appointment	Matters related to the adoption of a resolution appointing Ann Crowley the Senior Services

Date	Item	Synopsis & Recommendation
		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>
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>

Date	Item	Synopsis & Recommendation
11/14/16	West U Aquatics MOU	Matters related to a 2017 Memorandum of Understanding between the City of West University Place and West University Aquatics. <i>Recommended Action: Approve Memorandum of Understanding. Mr. Tim O'Connor, Parks and Recreation Director</i>
11/14/16	West U Baptist Church MOU	Matters related to a 2017 Memorandum of Understanding between the City of West University Place and West University Baptist Church. <i>Recommended Action: Approve Memorandum of Understanding. Mr. Tim O'Connor, Parks and Recreation Director</i>
11/14/16	Tri-Sports MOU	Matters related to a 2017 Memorandum of Understanding between the City of West University Place and Tri-Sports. <i>Recommended Action: Approve Memorandum of Understanding. Mr. Tim O'Connor, Parks and Recreation Director</i>
TBD	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. <b>City Council</b>
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>

Date	Item	Synopsis & Recommendation
TBD	Buffalo Speedway	Matters related to Buffalo Speedway Replacement Project. <i>Mr. Chris Peifer, City Manager</i>

8/4/2016 2:10:30 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 25, 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 and Turner, City Manager Peifer, City Secretary Gilliam, Public Works Director Beach, Fire Chief Taylor, and Police Chief Walker. Councilmember Reilly and City Attorney Petrov were absent.

Mayor Pro Tem Kelly 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.

**Les Albin**, 3817 Southwestern, spoke regarding the ordinance relating to the minimum foundation height. He said building just to base flood elevation is not adequate to provide flood protection against situations that can easily become normal in West University Place. He said it should not have taken this long to propose this ordinance and said it should have been in place a long time ago. Mr. Albin said the flooding situation in West U is likely to get worse and he wouldn't be at all surprised if in the future the base flood elevation is higher than it is today. He said home values are impacted by home floods because people have to disclose the information if asked and it has a negative impact on the value of the home and of adjacent properties and other comparable homes. Mr. Albin said this ordinance certainly benefits the community as far as maintaining property values.

**Annette Glod**, 3818 Southwestern Street, spoke in favor of the proposition for the increase in the minimum building height. She said her house flooded during Tropical Storm Allison and has come close at other times. She said the new proposal probably won't help her, but she thinks it is great for incoming residents.

After Ms. Glod spoke, Councilmember Ballanfant asked the first speaker, Mr. Albin, if it would make sense to require that every new house have pier and beam instead of slab. Mr. Albin said a homeowner can elevate a slab or they can do a pier and beam, which he said becomes an economic decision. He said he feels pier and beam is the way to go for a lot of reasons, including avoiding problems with foundations and it makes it easier to make corrections on plumbing and

electrical issues if contractors need access under the house. He said if Council wants to make pier and beam a requirement, he wouldn't object.

**Alida Drewes**, 6112 Fordham, spoke to say changing the minimum foundation height ordinance only hurts seniors, because they live in lower priced homes and are on fixed incomes. She said seniors do not have money to raise their old homes and she believes that if more than 50 percent of their homes are damaged, they can't rebuild so this will force seniors who can't rebuild out of West University. Ms. Drewes said this Council refuses to put automatic door openers in the library, refuses to give seniors a long overdue exemption, refuses to give seniors a park within walking distance on the east side of West University and now it wants to pass an ordinance that forces seniors out of their homes. She said this City does not support seniors. Ms. Drewes said the Seniors Board is only a window dressing, because Council controls what is decided by appointing people who are agreeable to its wishes. She said the Board does not represent the will of the people and when people come to Council to speak, they are ignored. She said Council chooses what it wants to do and nothing more.

During Public Comments, Jesse McMillan, Boy Scout Troop 55 came into the room and so after comments from the public, Mayor Sample asked that the pledge be restated so that Boy Scout McMillan could lead it, which he did.

**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.*

Building Office Clay Brown and Steve Brown, resident at 3305 Rice Boulevard and Chairman of the Building and Standards Commission (BSC), presented this item.

Mr. Chew said 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). He said the BSC reviewed two options for increasing the minimum foundation height – the first option involved 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.

Mr. Chew explained Option 1 – increasing the elevation above the BFE in 100-Year Flood Plain. He said 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 within the 100-Year Flood Plain. He said the BSC was concerned that raising the foundation elevation above the already required BFE height would cause significant financial hardship for a homeowner or make the home unusable.

Mr. Chew explained Option 2 – increasing the minimum foundation elevation on new home construction. Mr. Chew said 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. He said currently, the average foundation height of new home construction in the 100-Year Flood Plain is 15-inches above BFE and said the BSC and staff used this average in determining increase in height.

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

BSC Chair Brown spoke to say about 6 or 8 months ago Council requested that BSC go back and review whether the lowest finished floor level in the flood zone (100-Year Flood Plain) should be raised to try to insure that at least new homes built in that area would have some native insurance in that they would have been built one to two feet above the base flood elevation. He said after several meetings, the BSC concluded that it could not in good conscience recommend to Council raising the building height above the base flood elevation, because if the new rule relates to the base flood elevation then FEMA has to get involved to make sure the City doesn't grant variances to work around the rule.

Mr. Brown said the City Attorney and staff went back to the drawing board and came back with a better idea, which is to require an increase in the height above standard base level, which is the natural grade of each lot in West U whether or not it's in the 100-Year Flood Plain. Mr. Brown said the advantages to this proposal is that it will apply across West U, so it will raise all new houses by 15 inches at a fraction of the cost (about 1 percent or \$2,000) of what the improvements in a new home in West U cost. He said this proposal would also have an advantage in that the ordinance would be part of the City's Building Code so would not be subject to the flood elevation rules; so, if there's a catastrophe and someone in an existing home wants to rebuild, they can build on the same foundation and not have to rise to the new rule.

Mr. Brown said the BSC looks at the cost of proposals and would not recommend regulations that would dramatically raise costs unless it's well justified and the BSC thinks the modest increase in cost for this proposal is well justified.

Councilmember Ballanfant asked Mr. Brown if there was any reason why the BSC didn't propose pier and beam foundations. Mr. Brown said they didn't discuss that option, but if Council ultimately wanted to go that route, this is a good interim proposal.

Councilmember Ballanfant said the reason he thinks pier and beam is a benefit is because it gets the house up high and safe and doesn't spread the burden onto someone else.

Mayor Sample explained that if a person is building a new home and it's going to be 35 feet, whether it is elevated or not the house is still solid and displacing the same amount of dirt. She said she doesn't believe it makes a difference.

City Manager Peifer noted that the proposed ordinance does not preclude anyone who may have an older home and chooses to spend the money to elevate it from doing so. He said, further, anyone who would choose to build pier and beam would still have to comply with the 15 inches above base standard level rule.

At the request of Councilmember Ballanfant, City Manager Peifer said an item related to pier and beams will be added to the list of future agenda items.

Mr. Albin spoke again to say that he didn't realize that the request being made was to measure from the base standard elevation on the lot and said he thinks that is a mistake if that is the only requirement. He said he thinks it is fine as long as it's an either/or situation – either above the base level on the lot or above base flood elevation, whichever is higher.

Mayor Sample said the problem with keying it off the base flood is that it has to go under the FEMA ordinance, so the 50 percent destruction of a home would have to be rebuilt and that is what was giving BSC heartburn. BSC Chair Brown confirmed the mayor's statement.

Mayor Sample said she feels that this ordinance is better than nothing. She said she is the one who requested that the ordinance be reviewed in the first place and thinks it is important that people recognize that they live in an area of Houston that floods. She said something needs to be done, but she doesn't want to handicap someone whose house burns down.

Mr. Albin said Council is sort of defeating the purpose of the ordinance change. He said FEMA protects a lot of people and if there is someone to provide an exemption for people who are not in position to be able to raise their homes, it would be appropriate to provide some exceptions.

Mr. Chew noted that the City hasn't had any reports of flooding in homes built since 2000.

Ms. Glod spoke again to ask what FEMA's authority is to prevent West University Place from establishing its own rules.

Mr. Peifer said the City has to be certified by FEMA in order for the City's residents to be able to purchase from the National Flood Insurance Program (NFIP) so if there are too many variances, then FEMA could say that the City is not following the rules and rescind the City's certification to be part of the NFIP. He said the "big stick" FEMA has over the City is the flood insurance protection.

Ms. Glod asked if there was a way the City could redefine what variance is in terms of writing its own rules on the front-end.

Mr. Peifer said he believes the City Attorney has looked at that and put forth the best option for the City in the proposed ordinance. He said the proposed ordinance not only addresses the flood plain, the floodway or the flood zone, but rather addresses all homes going forward and, therefore, it can be included in the Building Code rather than tying it to base flood, FEMA, and the NFIP.

Mayor Pro Tem Kelly said if he is hearing what everybody else is saying, at least it is a step towards the right direction.

Mr. Albin said he knows from personal experience that if a home floods more than three times, FEMA basically says that homeowner will not get flood insurance anymore through the Federal program. He said it is everybody's long-term best interest to be above the base flood elevation.

BSC Chair Brown said nothing guarantees that a home will not flood, so this is a step in the right direction and he recommends it highly. He said the advantage of not relating to base flood elevation has two good things for it: (1) it will apply city-wide and (2) it will not endanger the older homes in the 100-Year Flood Plain. He said the BSC voted unanimously for this recommendation.

Mr. Albin spoke again to say that he doesn't think there is any question that there are older homes that are lower than base flood elevation and may flood and may need to be repaired, but with that said those people are not going to be able to get flood insurance anyway, so the issues mentioned about not being able to get flood insurance due to FEMA is sort of a non-issue.

Councilmember Turner moved to approve the ordinance, Option 2, as presented on the first of two readings. Mayor Pro Tem Kelly seconded the motion. **MOTION PASSED.**

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

**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.*

Building Official Chew presented and said the State of Texas has updated its minimum statewide energy requirement with the adoption of the 2015 International Energy Conservation Code and said legislature requires all jurisdictions to adopt the new Energy Code, which takes effect in September 2016.

Councilmember Turner moved to approve the ordinance as presented on the first of two readings. Mayor Pro Tem Kelly seconded the motion. **MOTION PASSED.**

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

**4. Future Agenda Items**

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

City Manager Peifer confirmed that the item to discuss and consider providing guidance to the BSC on reviewing the foundations of pier and beam versus slab on grade will be added to the 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.*

**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.*

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

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

**6. Adjourn**

Mayor Pro Tem Kelly moved to adjourn at 7:20 p.m. Councilmember Turner seconded the motion.  
**MOTION PASSED.**

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

Prepared By:

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

\_\_\_\_\_  
Date Approved

DRAFT