

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 workshop and regular session on **Monday, May 23, 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 Reilly and Turner, City Manager Peifer, City Secretary Lenz, City Attorney Petrov, Public Works Director Beach, Parks and Recreation Director O'Connor and Police Chief Walker. Councilmember Ballanfant was absent.

Facilities Master Plan Task Force Chair Owen Rutz was also present.

Mayor Pro Tem Kelly led the Pledge.

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

1. Public Comments

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

Alida Drewes, 6112 Fordham, spoke to say that the last senior property exemption was granted 8 years ago. She said some seniors are now making less than \$20,000 and said a report showing a list of homes and their values inhabited by residents over 65 years of age clearly shows that West University Place seniors live in lower priced homes. Ms. Drewes said the City must allow fixed income seniors to remain in their homes despite rising property taxes and values.

John Tainer, 4107 Ruskin, spoke to say that AT&T is developing a building on Academy as a warehouse, which is causing intense truck traffic on neighborhood streets. He said the truck traffic is incompatible with the surrounding single-family homes and said it is a community problem because this is an area heavily used by families. He said having the intense truck traffic may benefit AT&T and increase the value of their land, but it does it by taking away the value of the neighborhood and the single-family homes. He said it is a joke to have single-family zoning when there is intensive truck traffic and his concern is that it won't be a joke to any of the residents when a family is injured or a child is killed by one of those trucks. Mr. Trainer urged Council to take a look at this and think about the whole purpose of zoning, which is to protect families and the community and if zoning can't do this then why have zoning at all.

Robert Grossman, 4103 Ruskin, spoke to say he wanted to be sure that all the councilmembers had the opportunity to read the opinion of the zoning official regarding the use of Ruskin residential lots. He said as a property owner the opinion is really difficult to understand, because it describes concepts and law that can't be found in court records, in the City's zoning ordinances, or in the laws of the state. Mr. Grossman said perhaps there is a basis for the legal concepts put forward, but as a citizen he who would like to dispute the conclusion that the zoning lots are tied to the use of 6707 Academy so that any activity by AT&T that is allowed on 6707 Academy is allowed on Ruskin lots. He said he can't combat that if the zoning official's opinion has no footnote or basis for him to understand the logic of it other than the conceptual idea of time, which he can't find any basis for in law. Mr. Grossman said he also doesn't understand how a property that was residential due to a change in ownership now becomes entirely like commercial, which is the implication of the legal opinion. Mr. Grossman said this has been a battle fought for many years from time to time in West U, because landowners along Bellaire and Kirby have repeatedly at times tried to buy residential property on Cason and streets along Kirby to expand their Kirby properties and expand parking and that has always been fought bitterly and they never succeeded in doing that.

Melissa Pifko, 2812 Nottingham, spoke in favor of the donation of the Hughes property. Being Vice Chair of the Parks Board and having served on the award-winning Parks Master Planning Committee, Ms. Pifko said the Parks Master Plan spoke to the need for a park in exactly the area where the Hughes land is located as well as to the idea of passive green space use for the land. Ms. Pifko said, also, the property is located on a corner lot, which is not addressed specifically in the Master Plan, but it's highly desirable to have a park on a corner lot. She said she believes there is also funding in the donation to develop the property as a passive park as is a requirement of the donation, so she thinks this donation could not have happened at a better time and in a manner that is more consistent with precisely what the Parks Master Plan has called for. She said she wholeheartedly endorses excepting the donation.

Steve Damiani, 4006 Amherst, spoke in favor of the donation of the Hughes property. He said he has lived in the City for about 10 years and he can't think of a more positive news item to be published than the donation of the Hughes property. He said he is a member of the Parks Board and when they heard about this, it was a unanimous agreement from those members in attendance that it will benefit everyone and all property values will be enhanced by this. He encouraged strong support for the donation.

2. Friends Funding of Parks Projects

Matters related to a request to approve acceptance of funding from the Friends of West U Parks Fund, Inc., for various parks projects. *Recommended Action: Approve funding from the Friends of West U Parks Fund, Inc., for various parks projects.*

Parks and Recreation Director O'Connor presented this item and said one of the elements of the long-term planning for the west side of the campus at the West U Recreation Center was to enhance the jogging/walking trail with some anaerobic fitness stations at each of the turns. He said that since this idea was fully embraced by all participants involved, staff thoroughly researched outdoor fitness equipment and determined that the Greenfields equipment line would be best suited for this project. He said on May 11, 2016, the Friends Board reviewed and unanimously approved this funding request and on May 18, 2016, the Parks Board reviewed and unanimously approved the request. Mr. O'Connor said the request is being brought forward for Council approval as per City ordinance.

Mr. O'Connor said Staff recommends that City Council approve the Friends funding of four (4) adult fitness stations to be installed on the perimeter of the walking jogging trail on the west side of the West University Place Recreation Center campus, at a cost not to exceed \$28,000.00 and authorize staff to move forward with preparing construction documents, the construction phase and moving forward with the construction.

Councilmember Turner moved to approve staff's recommendation. Mayor Pro Tem Kelly seconded the motion. **MOTION PASSED.**

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

3. Facilities Master Plan

Matters related to the City's Facilities Master Plan, specifically the Library, and other related matters. *Recommended Action: Discuss and take any desired action.*

Owen Rutz, Chair of the Facilities Master Plan Task Force, presented this item and reviewed the recommendations suggested at the May 9, 2016 Council Workshop, which were as follows:

- Retain the Public Works Maintenance and Operations Facilities at their current location on Milton Street.
- Retain the Dincans facility for City use or benefit for the foreseeable future.
- The City should complete improvements to the Library as budgeted in the 2016 Budget, which will allow the City enough time to properly solicit public feedback concerning the future use of the Library, Community Center, and Senior Center.
- The City Council should canvass the West U Community to assess whether the Library, Community Building and Senior Center meet the residents current future needs and wants.
- The City needs to have a plan for acquiring property for use by the City (long-term planning).

Mayor Sample asked Mr. Rutz if the Facilities Master Plan Task Force (Task Force) plans to redline these recommendations and add them to the current Facilities Master Plan (the Plan) and if the Task Force thinks the rest of the Plan is okay. She asked if the Task Force plans to do more work or if these are its final recommendations to add to the Plan.

Mr. Rutz said that is for City Council to decide. He said the Task Force could redo the proposal section of the November 2015 Facilities Master Plan and consolidate their recommendations down to that section of the Plan so their efforts could be officially documented.

Mr. Rutz said if Council wants to do something specifically, it needs to engage the citizens of West U via Town Hall meetings and other public forums to make sure there is a clear understanding of what it is they want.

Mayor Sample said if Council wants to take action on any one of the Task Force's recommendations, she agrees that Council would need to discuss and vet it with the public; but, this

is just a long-term planning project so she feels that surveying the residents at this point would be premature.

Councilmember Turner said from her previous notes there was a time constraint put on Milton, which was not mentioned in this review. She said other than asking the citizenry regarding the reconstruction of, or the creation of, a new Library and Community Center, she doesn't see any other things that would require input from the residents.

Mr. Rutz said looking at the November 2015 Plan there were some recommendations made. He said there seem to be concerns among the citizens of West University Place that there were issues that need to be addressed and it was the Task Force's view that it's difficult to move forward with any specific recommendations without having additional input from the citizens.

Councilmember Turner said the Task Force has made several specific recommendations regarding Milton, Dincans, completing Library improvements and canvassing the residents regarding the Library and the Community Center. She said she sees citizen impact in only one of those situations.

Mayor Sample said when the City wants to purchase lots for parking that's also when citizen input would be necessary.

Mayor Sample said it looks like the Task Force is envisioning a new library now if it wants the residents canvassed.

Mr. Rutz said in the November 2015 Facilities Master Plan there were a series of suggestions that involved doing various things that some West U citizens didn't feel comfortable with, such as moving Public Works facilities to Dincans. He said he doesn't know how broad those feelings are, but a few were very expressive of their opinions regarding that particular issue.

Mayor Sample said the City isn't ready to implement that move right now. She said implementation is one thing and suggesting options ten years down the line, among a bunch of other options, is a different thing. She said resident input will be solicited when the time comes.

Mayor Sample said she is not sure what the Task Force is looking to do now since it appears that Council isn't (or at least she isn't) looking to implement anything.

Mayor Pro Tem Kelly referred to a statement he made at the Council Workshop of May 9, 2016 and he read the excerpt from those Minutes, which stated: *Mayor Kelly said the Task Force did an excellent job and basically is stating that what the City has now works and there is no critical need that needs to be addressed at this time other than what has been budgeted for upgrades to the library. He said he also agrees that now it is time to go the public for their input and once those are received then the City can start developing the options and carrying them out maybe through an election. He said the citizens will either vote it up or down.*

Mayor Pro Tem Kelly said it seems that the Task Force is saying that the current Plan is premised on those recommendations in the current plan and that those recommendations need to be amended. He said by adopting the Task Force's recommendations doesn't mean the City is moving forward on anything, but rather saying that it is maintaining the status quo. He said the City doesn't maintain the status quo under the current Plan, so he thinks Council needs to amend the recommendations and put the recommendations of the Task Force into the 2015 Facilities Master

Plan. He said, also, in light of what is going on, some of the options in the current plan are no longer relevant; for example, the church is now building its facility on Milton Street so any recommendations that considered the Super Block is no longer valid because the church is now building its facility right in the middle of where the "Super Block" was going to be.

Mayor Pro Tem Kelly said what he hears the Task Force saying is nothing needs to be done right now, except for to repair the library if there is a real safety issue and use the \$300,000 that has been budgeted for that project. He said if anything else is to be done it would need to be vetted with the public through Town Hall meetings and focus groups. He said if the public's desire is to build a new structure, Council would need to figure out how much it costs and then take it to the citizens for an election.

Mayor Pro Tem Kelly said he feels Council has to deal with the current Plan, which is why the Task Force was appointed. He said the City can't live with the current Plan in the current format, because it assumes too many things that are no longer relevant for various reasons. He said the Task Force has somewhat recognized that with the changes in its recommendations.

Mr. Rutz said Mayor Pro Tem Kelly did a good job of summarizing the situation. He said the Task Force discussed having a new library, but said the problem is it doesn't know if there's enough West U citizen support for that idea. He said the Task Force will not make that recommendation without knowing that there are enough people out there that would like to see that happen.

Mayor Sample said she is not a big fan of removing options from the Plan. She said leaving options in for future use is prudent and does not tie the hands of future councils to what someone on this Council may have thought was odious.

Mr. Rutz said he believes that most of the Task Force would agree with what Mayor Sample said.

Mayor Pro Tem Kelly said by adopting the Task Force's recommendations and putting them in the Plan does not commit future councils to anything just like this Council isn't committed to anything from the prior council.

Mayor Pro Tem Kelly said as he sees it now, there is a Facilities Master Plan dated November 2015 of which a large part is no longer relevant and the premise is based on recommendations that lead to options. He said the Task Force is only recommending amendments to the Plan, not taking away future options that exist down the road.

Mr. Rutz said the Task Force agrees with what Mayor Pro Tem Kelly is saying, which is why Library improvements are specifically a recommendation. He said there is a differentiation between things that need to be done versus things they would like to do.

Mr. Rutz confirmed with Mayor Sample that the Task Force is not suggesting that any of the options in the Plan be withdrawn. He said the Task Force is looking strictly short-term and said it could update the last section where specific short-term recommendations are made, but leave all the other ideas in the document as is.

Councilmember Reilly asked for the purpose of having a Task Force review the 2015 document. He said that document was exclusively put together by City staff and professional consultants. He said there are a series of recommendations at the beginning of the document so it is important for citizens to decide whether those recommendations are appropriate, which he views as the main

goal of the Task Force. He said he views the recommendations as goals. In one example, Councilmember Reilly said one of the goals stated "The previous plans have recommended future improvements that have not yet been implemented. These include the following: (1) relocation of Public Works Maintenance Facility out of City Center; (2) consolidation of city-owned property in City Center; and (3) expansion of parking in City Center." He said those are goals of the City Facilities Master Plan and one of the most important functions, in his mind, that the Task Force can undertake is to determine the appropriateness of those goals. He said as one is reading the rest of the document, most of the discussion of specific changes to specific buildings is made by reference to the goals, such as building consolidation because of the distance between the Public Works Building and City Hall; therefore, he thinks one of the questions the Task Force needs to think about is whether it is worth spending millions of dollars so that someone doesn't have to walk 100-yards between two buildings.

Councilmember Reilly said he feels it doesn't make sense to retain some of the goals currently listed in the 2015 Plan, because some of them no longer make sense. For example, it doesn't make any sense to retain a series of options for a municipal campus next to City Hall when that Municipal campus was rejected in the last election and now after further study, it seems that the Task Force has decided the City doesn't need a municipal campus. He said if that is not the case and it it's not unanimous among the members of the Task Force then let Council know because he would love to hear any differences because it gives Council more information with which to make decisions.

Councilmember Reilly said he doesn't see the recommendations as being the end of the process, so he thinks what Council needs now is for the Task Force to operationalize its recommendations into the Facilities Master Plan so that it makes sense for the future.

Councilmember Reilly said the Facilities Master Plan is important because the City has an opportunity to do some thinking ahead of time so that when opportunities arise in the future, the City can take advantage of those without reinventing the wheel. He said, for example, tonight the City has an opportunity to acquire some parkland and the City has a Parks Master Plan with specific recommendations and criteria for the acquisition of parkland that must followed whenever the City requires parkland. He said the City thought about that beforehand so that now when this opportunity for donated parkland came up, the City can look at the criteria to evaluate. He said he would like to see more of that process for the Municipal Facilities Plan and would like the members of the Task Force to take that opportunity to think ahead of time and create a process.

Councilmember Reilly said it was surprising to him that the Task Force recommended leaving the Dincans property recommendation as is. He said he is not sure that Council is better real estate evaluators than the real estate agents, so when the Task Force says to leave it as is as a future investment, what it is really saying is the Task Force thinks it is going to appreciate more than anybody else thinks it will, otherwise the City would try to monetize it to some extent now instead of sitting on an piece of empty land. He said it could be that it is the right conclusion, but he would want more process and thinking about that as well as potential uses, because if the potential uses aren't there it doesn't make sense to hold on to it because it costs the City and the citizens money.

Councilmember Reilly said he doesn't know if the Task Force discussed these things and is just not there yet because it is an early draft or if it is something the Task Force doesn't want to do.

Mr. Rutz said the Task Force discussed these things, but it thought it was premature to address them at this particular point. He said they are looking for feedback and guidance from Council as to

what the next steps should be. He said the Task Force was given a scope, but wasn't told what it should do within that scope.

Councilmember Reilly said what it looks like the Task Force has decided that what it has done runs counter to what is in much of the document, so it needs to be written to take into account their recommendations and flush out more of the process. He said citizen input has been missing as to whether these goals are appropriate and if the process is appropriate.

Mr. Rutz said that is the kind of information the Task Force can move forward on. He said it is a matter of needs versus wants. He said they never got to what would be nice for the City to have. He said they just looked at whether there was any emergency or anything that needed immediate attention and then they stopped at that point.

Mr. Rutz said the one thing the Task Force did say was that the City needs a plan for acquisition of property, because opportunities come and then they won't be there in the future; so, the last recommendation alludes to that.

Councilmember Turner said she would like the recommendation for acquiring property to be a little more specific about what the objective is.

Mayor Sample said the City will have obtained a structural assessments in approximately 6 months, which may be helpful to the Task Force in their deliberations, because discussion of some of these things may be premature.

Councilmember Reilly said one of the things he was hoping to get out of the process was some different opinions and so Task Force member Eddie Matthews came forward to speak.

Mr. Matthews spoke to say that he supports Mr. Rutz's views that the Task Force is in agreement with all of the recommendations. He said he wanted to address a couple points that were made tonight. He said the first referred to an inquiry made by Councilmember Turner concerning the 10-year timeframe. He said the 10-year timeframe was discussed because the original Master Plan was meant to cover, to the Task Force's understanding, the next 10 years, so they weren't looking 20 or 30 years down the road. Councilmember Reilly said if that is their assumption, he asked that they make that explicitly known, because that would be valuable.

Mr. Matthews said the reason the Task Force did not make any reference to the municipal campus was because (1) it is off the table; and (2) in his mind it wasn't a part of their scope.

Councilmember Reilly said the municipal campus was depicted in the current Plan as being something that potentially holds the buildings that the Task Force was asked to look at and so to the extent that the Task Force doesn't view the need for those buildings to be connected to the existing City Center long-term is something that would be important to the document.

Regarding Dincans, Mr. Matthews said that it might be monetized through a long-term lease, but he thinks it is better for staff to handle this for two reasons: (1) he doesn't think Council would want individual citizens or groups of citizens going out to real estate agents, which is what would have to be done; and (2) the City already has a relationship with a real estate firm.

Councilmember Reilly said he agrees that ultimately that would be handled through the City staff, but he would like to see the Task Force look at whether it makes sense from a citizen's perspective

for this Master Plan to contemplate that the City look at a long-term lease for the potential use of that property.

City Manager Peifer said with long-term leases on city-owned property, the City can't exceed 15 years because it then becomes a de facto purchase and would have to go out for open bids. City Attorney Petrov said it's not a cut and dried rule, but anything above the 15-year range is tantamount to a purchase or a sale and would have to follow the competitive bidding requirements.

Councilmember Reilly confirmed with City Attorney Petrov that if the City did follow the competitive bidding process, it could exceed a 15-year lease or greater..

Mayor Pro Tem Kelly said he would like to add to the recommendation section of the Plan that "this Council saw the need to appoint a citizen Task Force and got citizen input from a cross-section of the community." He said it is a small percentage of the total population of the City, but it is more than there was for the current Plan. He said this Council has now instituted a process and the recommendation would show that this Council took it upon itself to institute a public input process and appointed a Task Force and in a broad sense Council adopted their recommendations. He said then the recommendations and the names of the Task Force members can be listed, too. Mayor Pro Tem Kelly said the bottom line he hopes would come out of reading those recommendations is that in the final analysis more public input is needed. He said if the City is going to go forward, it will have citizen input via focus groups and town hall meetings and whatever it takes to get the information out to the citizens and then if it turns out that a significant amount of money needs to be spent then Council will take it to the public for a vote.

Mayor Pro Tem Kelly said to leave the November 2015 Plan as it stands now is an embarrassment to the City, which is why the document needs to be amended, if nothing else to include the Task Force recommendations and showing the process.

Mayor Pro Tem Kelly said when the structural assessments are received and Council believes that the Library is a safety matter then the City needs to go ahead and spend the funds that are budgeted and get it done.

In response to Councilmember Turner's question as to when the structural assessment will be finalized, Mr. Beach responded 2 ½ to 4 months.

Councilmember Turner said she feels pretty strongly that if Council is going to be waiting another four months or so to get the building assessment information, she wonders if Council can carve out the Library project and get going on it.

Councilmember Reilly said Council has not seen a staff presentation on each specific item. He said he thinks if there is going to be a motion to approve renovating the library it should come as part of a separate agenda item and staff should lay out exactly what will be done.

Councilmember Turner asked the City Manager if the library improvements can be on the next agenda. City Manager Peifer said yes.

Councilmember Reilly informed the Task Force that it is his hope that the members will review the recommendations based on input received tonight then over the next three months, while waiting on the assessment reports, think about the specific changes that they would make to the current

Master Plan. He also asked that the Task Force think about the criteria for future development and future acquisition and about documenting the process as was done in the Parks Master Plan.

Mr. Rutz said the Task Force has several ideas in mind, one being to work with PGAL to update the last section of the Plan and make sure the Task Force understands all of the ramifications and then come up with a draft and submit it to Council for review.

Councilmember Reilly reiterated to the Task Force that it can't just do the last section without also touching on the goals to decide whether they are appropriate.

Mayor Pro Tem Kelly moved that the Council accept the recommendation that the Facilities Master Plan Task Force has presented, direct the City Manager to have the staff, in conjunction with working with the Task Force, consult with the consultant and update the November 2015 Master Plan to incorporate those accepted recommendations as mentioned hereto. Councilmember Reilly seconded the motion.

Councilmember Reilly said he understands the motion, but he would like to see more flesh on some of the recommendations, in particular the last one about acquiring property. He said to him it doesn't say the purpose for the acquisition and he is not sure that the City needs an open-ended recommendation to purchase property in the Master Plan. He said there is too much room for mischief for future councils.

Councilmember Turner said she is not against Mayor Pro Tem Kelly's motion, although she would still like to carve the library project out.

Councilmember Reilly asked what it means to "accept" the recommendations as stated in Mayor Pro Tem Kelly's motion.

Mayor Pro Tem Kelly said it is a matter of principles and guidance and that nothing is set in concrete.

Councilmember Reilly moved to amend the motion so that Council is directing City staff to work with the Maser Planning Task Force and appropriate consultants to update the November 2015 Facilities Master Plan to incorporate the draft recommendations made this evening, along with such additional clarifications to take into account the input received tonight from Council. Mayor Pro Tem Kelly seconded the motion. **MOTION PASSED.**

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

4. Houston Coalition of Cities Resolution

Matters related to consideration and action on adoption of a resolution joining the Houston Coalition of Cities. *Recommended Action: Approve resolution.*

Mayor Sample presented and said on April 24, 2016, CenterPoint filed an application for approval of a Distribution Cost Recovery Factor with the City. She said CenterPoint argues that their increase is necessary to cover capital costs that they were unable to capture in their prior base rate increase. She said if the request is approved, it appears the average residential customer using 1,000

kilowatt hours per month would experience an average increase of .87 per month during the period September 2, 2016 to August 31, 2017 and \$1.07 increase per month thereafter.

Mayor Sample said it is being recommended that Council deny the request and force CenterPoint to justify the proposal to the PUC or negotiate a compromise with the City.

City Manager Peifer said that Council is being asked to (1) pass a resolution to join the Houston Coalition of cities and (2) approve an ordinance (next Agenda item) denying CenterPoint's application.

Councilmember Reilly asked if staff has been able to review the consultant's report noted in the preamble in the resolution and, if so, does staff agree with it. City Attorney Petrov said he has not reviewed the report, but since the coalition is spearheaded by the City of Houston it hires the consultants to do the rate analysis and pays those costs so we are just riding on their coat tails. City Manager Peifer said the report is very preliminary and is a very detailed specialty. He said as much as he understands, he doesn't have a problem with the report and agrees with the summary.

Councilmember Reilly said he would like to hear from CenterPoint as to whether they have a contrary view of what the City is doing.

Paul Wilson, Services Area Director for CenterPoint, spoke to say he doesn't have a contrary point of view. He said CenterPoint wants to support Council and the City so he suggests that Council do whatever it thinks is in the best interest of the citizens of West University Place. He said he feels like the merits of the case will be vetted fully at the PUC and there is really a safe harbor for the City either way.

Councilmember Reilly moved to adopt the resolution to rejoin the Houston Coalition of Cities for purposes of protesting the CenterPoint application to amend its Distribution Cost Recovery Factor. Councilmember Turner seconded the motion. **MOTION PASSED.**

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

5. Ordinance Denying CenterPoint's Application for Cost Recovery Factor

Matters related to adoption of an ordinance denying the CenterPoint Energy's application to amend its Distribution Cost Recovery Factor.

Mayor Pro Tem Kelly moved to approve the ordinance denying the CenterPoint application to amend its Distribution Cost Recovery Factor. Councilmember Reilly seconded the motion. **MOTION PASSED.**

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

6. Accept Donation and Authorize Execution of a Donation Agreement

Matters related to Council approving accepting of a donation and further authorizing the Mayor to execute the Donation Agreement between the City of West University Place and the Estate of

James M. Hughes. *Recommended Action: Accept the donation and authorize the mayor to execute the Donation Agreement between the City of West University Place and the estate of James M. Hughes.*

Mayor Sample presented and said this item comes to Council from a recent generous offer from long-time resident James Hughes who was recently deceased. She said over a year ago a relative and future executor of Mr. Hughes' estate approached the City to explore carrying out Mr. Hughes' final wish that the City receive his life-long home, a 15,000-square-foot corner lot on which it sits and \$200,000 in funding for development of that area into a passive park. She said the location, timing and purpose could not have been executed more perfectly than if it had been planned.

Mayor Sample said the property sits at 6446 Sewanee Street and sits squarely within the area recommended by the 2015 Parks Master Plan as the area in which to pursue additional property as passive, unstructured open-space for the citizens of West U. She said the reason this area was highlighted as the area in which park acquisition should occur as that the area between Buffalo Speedway and Edloe Poor Farm Ditch remain the largest area that does not have a park within a half-mile effective walking radius for residents. She said prior park master plans, as well as the current survey and plan, indicate that it is vitally important to West U residents that they are able to walk safely to City parks.

Mayor Sample said the other major point highlighted by the Parks Master Plan is that this acquisition should be done with no increase to tax revenue. She said this park would be acquired at no cost to the taxpayer and its development would be almost fully funded by the donor.

Mayor Sample said she recommends approval to accept this donation as soon as possible to avoid problems with a protracted timeline and to make the process for the donor as painless as possible.

At this time Council heard from the public who had deferred their comments until this time.

John Old, 6422 Sewanee, spoke to say that he was on the Parks Master Plan Task Force and said this property ideally fits the guidelines set forward in the Plan. He said it is a beautiful lot and his wife also supports this idea and he encouraged Council to proceed with getting the agreement signed.

Dick Yehle, 6401 Rutgers, spoke to say that as it has been said, one could not have written the script of the Parks Master Plan more precisely for the elements that this park brings to the City. He said the location, the size, the corner lot, etc., is just what the City would look for if it was looking to purchase property. He said one of the things the Master Plan was less specific on was how it would be used. Mr. Yehle said he understands the donor of this park requested that it be a passive or quiet park, which means it won't have a basketball court, swimming pool or basketball court, so he recommends that Council finalize the acceptance of the donation, but asks that Council consider getting dispensation for sort of a small playground facility so that it becomes an attractive place for people to go and not just be a piece of grass.

Roger Zink, 6527 Sewanee, spoke to say he lives about 4 houses south and across the street from the property and said he has lived in the area for over 25 years and over those years he has seen the small lots disappear and big houses appear, which means lots of pavement and loss of green space. He said he just assumed that was the future of the neighborhood. Mr. Zink said Council has a unique opportunity to change that in the stroke of a pen. He said the proposed park fits economically, it fits the criteria of the Parks Master Plan and it adds back green space that has been lost over the years. He encouraged Council to approve to move forward.

City Secretary Gilliam read the following emails into record:

Joni Hruska Fichter, 3733 Arnold, wrote "what a blessing to have another park (named in honor of this wonderful man/family)."

Wayne Franklin, resident at 4107 Dartmouth and member of the West U Parks Board, wrote "I cannot attend the City Council meeting tonight, but I would to show my support for the City of West U to take ownership of the land up for a vote, for park use. I think the City of West U should accept this generous donation."

Kevin S. Boyle, Sr., 6425 Virginia Court, wrote "As chair of the Parks and Recreation Department Board, I wanted to express my sincere gratitude to the very generous Mr. Hughes and encourage the City to accept this gift. As the property is in an area identified as underserved by the Parks Master Plan and the passive use consistent with the voice of the residents, this a true win-win."

Kaam Sahely, 6337 Sewanee, wrote "Amy and I are West U residents at 6337 Sewanee, approximately 1.5 blocks from the proposed new park (Hughes Park on the corner of Sewanee Avenue and Pittsburg Streets at 6446 Sewanee St) that I understand you are discussing tonight. We have three small boys. We would be very much in favor of a small park with lots of grass for the kids in the area. I sincerely hope that this unique opportunity does not get derailed by concerns over parking or other issues. The reality is this park would be overwhelmingly used by the kids (and families) in the immediately surrounding area and I don't believe it would attract much car traffic. We might need more stop signs on the street but that may be it. We think that most of the residents on the four streets in this area would agree with our views."

Mark Prescott, 2906 Nottingham, wrote "It is my understanding that Council meets tonight to vote on formally accepting the land donation which will become Hughes Park, and I am writing to express my support. Having served as a task force member for the recent Parks and Open Space Master Plan, it is my personal belief that Hughes Park will satisfy the City's need for unstructured green space. And as a Parks Board member and the Chair of Friends of West University Parks, I very much look forward to working with the City and Parks Staff on this project. We are incredibly fortunate."

Joan Johnson, 6615 West Point, wrote "I cannot attend tonight's Council Meeting, but request that my comments from this email be included in the minutes of Monday night's meeting. I ask Council to accept the generous offer of Jim Hughes Estate to provide a Park in West University Place. This piece of land is within the perimeters laid out by the Parks Master Plan and would greatly improve the quality of life for residents in this area of the City. I support a vote to accept this generous offer to the City."

There were no more comments from the public or emails to be read by City Secretary Gilliam.

Parks and Recreation Director O'Connor spoke to say it is an extremely exciting opportunity to have another park to develop and agrees that it was like the Master Plan was written for this particular donation.

Councilmember Reilly asked Mr. O'Connor if the immediate neighbors were contacted to get their input upon acceptance of this donation. He said what the Master Plan contemplates is that when the City acquires new parkland it will address neighbor support.

Councilmember Turner said if the City was going out to acquire property then that's when neighborhood discussion really kicks in, but this is a gift of 15,000 square-feet of land that can't be picked up and moved anywhere. She said staff can certainly talk to the neighbors about it, but she is not willing to walk away from the donation if they're not thrilled.

Councilmember Reilly said he agrees that it is an amazing gift, but in order to honor the man and his mother in accepting it, he wants to be sure that the City will vote to have this become a park and in order for it to become a park it has to be specifically approved and one of the criteria is to talk to the neighbors.

Mr. O'Connor said staff has not talked to the immediate neighbors. He said staff has known about the possibility of the donation for some time, but it wasn't until last Thursday evening that the executors of the Hughes estate asked to meet with Mayor Sample, the City Attorney, the City Manager and himself for a discussion and walk-through of the property. He said this is a donation as opposed to an acquisition and he thinks four of the speakers this evening are immediate neighbors.

Councilmember Reilly said the right way to do this would have been for the Parks Board to do its due diligence, vote to approve it and then Council would consider the recommendation from the Parks Board to approve accepting the property.

Councilmember Turner mentioned that there is a timeline that the City is working against.

City Attorney Petrov stated that the structure (house) and the contents go to the City, but if the City decides not to use the structure then the contents revert to St. Vincent de Paul and so the donors wanted to know pretty quickly if the City wanted to keep the house and the contents or if they should call St. Vincent de Paul to come and clean it out.

Mr. Petrov said according to the will, the City has two years to develop the land as a park, so the idea was within that 2-year period a committee would be formed to determine exactly how the development what would happen.

In response to Councilmember's Reilly's question as to the timing to accept the property and fixtures, Mayor Sample said it is 90 days after taking possession of the property.

Councilmember Reilly said then there is no urgency and this can be put off for two weeks from today so that the Parks Board can get the neighbors input. He said the neighbors shouldn't find out about this because it is put on a Council agenda at 5:00 p.m. on a Friday. He said they should find out about it when they get a knock on the door from the members of the Parks Board or the City staff. He said the neighbors input might be rejected, but it should at least be heard.

Councilmember Turner said it has been published in Instant News and it will probably be in the Village News tomorrow. She said it would also be inappropriate to canvass the neighbors during the summer because essentially no one is home.

Roger Zink spoke again to say that the 45 years he has lived in the area there were no kids and now the whole block is full of them. He said kids are playing in the streets and in the yards because there is nowhere else for them to play. He said he would bet Council that the community will be overwhelmingly supportive because of the nature of the change in that part of the community. He

said he feels the urgency because the opportunity is here and said he feels that the proper way to handle this is to go ahead and approve it and involve the community in the design within the parameters of the donation.

Dorothy Zink, 6527 Sewanee, spoke to say that she has talked to a lot of people about it and said the donor's cousin lives across the street from the property. She said this is a win-win for the City.

Lyn Old, 6422 Sewanee, spoke to say there are 20-40 kids on the block playing in the streets. She said she believes the demographics in the area would support the park with open hands and she thinks it would be a wonderful place. She said the property has been so well cared for and the trees are magnificent and so the City would be good stewards to preserve it.

Mayor Pro Tem Kelly said it seems that this donation meets all the requirements of the Parks Master Plan and though the process is not followed the way it normally is, if there was any opposition to this he believes Council would have already heard about it – even though it was just published on Friday. He said this seems to have so much going on for it that none of the neighbors that Council knows of has stood up and objected to it.

Councilmember Reilly said he wants to honor this gift so if Council accepts this tonight and tomorrow when people read about it in the newspaper and they do start the picketing and the screaming and the yelling is Council going to back down from designating this as a park? He said probably not, but why not do the little bit of extra work and get the neighbors input, especially since there is no urgency.

Mayor Sample said having to think about accepting the gift is a blow to the donors and they can take back their offer and take a trip around the world. She recommended closing the deal.

Mayor Pro Tem Kelly moved to accept the very generous and heartwarming offer to the City of the donated property on the corner of Sewanee and Pittsburg and authorize the Mayor to enter into, and sign on behalf the City of West University Place, the donation agreement between the City of West University Place, Texas and the estate of James Hughes. Councilmember Turner seconded the motion.

Mayor Pro Tem Kelly said he would really like to have this park developed and used before this Council leaves office. Mr. O'Connor said completion of the park is doable within a year if it's a passive park.

Councilmember Reilly said he is all in favor of accepting this donation and thinks it is fantastic for the City, but he doesn't like the process and thinks that it should have gone to the Parks Board first. He said he will vote for it because he believes it is the right thing to do, but feels the City should have gotten the neighbors input first and said he will go talk to them himself and if it is appropriate will move for a motion to reconsider to give them an opportunity to be heard. He said to be heard is powerful and Council should always be mindful of that when taking actions.

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

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

7. Possible Changes in Council Meeting Dates During Summer Months

Matters related to possible changes in Council meeting dates due to Council summer schedules. *Recommended Action: Discuss and take any desired action.*

After discussion, Councilmember Reilly moved to move the City Council meeting from August 22, 2016 to August 29, 2016 to accommodate the two members who would be absent from the August 22, 2016 meeting. Mayor Pro Tem Kelly seconded the motion.

Mayor Sample said it is a bad precedent to set and it will become a mess if Council tries to reschedule its meetings around everyone's vacation, so she is for keeping it as is and schedule vacations around the meetings or just accept the fact that certain members won't be at certain meetings.

A vote was made on the motion. **MOTION FAILED.**

Ayes: Kelly, Reilly
Noes: Sample, Turner
Absent: Ballanfant

8. Future Agenda Items

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

Councilmember Reilly requested that discussion to reschedule summer meetings be added to the next agenda. Councilmember Kelly seconded the request. City Secretary Gilliam will add it to the next meeting agenda.

9. Consent Agenda

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

A. City Council Meeting Minutes

Approve City Council Minutes of the May 9, 2016. *Recommended Action: Approve Minutes.*

Councilmember Reilly removed the May 9, 2016 City Council Minutes from the Consent Agenda to correct an error on Page 3, in the fifth paragraph. He said there is a reference to Ruffino Hills that is not correct. The reference to Ruffino Hills should be the Brays Bayou Wastewater Treatment Plant.

City Secretary Gilliam will make the correction and add the revised May 9, 2016 Minutes to the next agenda for approval.

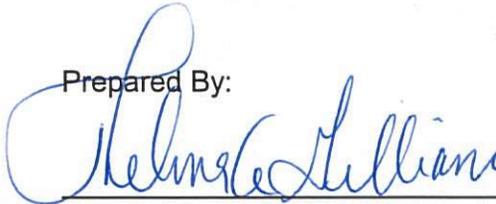
10. Adjourn

With no further discussion, Councilmember Turner moved to adjourn the meeting at 8:50 p.m. Mayor Pro Tem Kelly seconded the motion. **MOTION PASSED.**

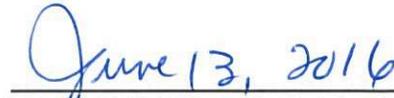
Ayes: Sample, Kelly, Reilly, Turner
Noes: None

Absent: Ballanfant

Prepared By:



Thelma A. Gilliam, City Secretary



Date Approved