

# 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, June 13, 2016**, in the Municipal Building, 3800 University, West University Place, Texas beginning at **6:30 p.m.**

Agenda Items were as follows:

**Call to Order.** Mayor Sample called the meeting to order at 6:30 p.m. in the Council Chambers. Council and Staff in attendance were: Mayor Pro Tem Kelly, Councilmembers Ballanfant, Reilly and Turner, City Manager Peifer, City Secretary Gilliam, City Attorney Petrov, Public Works Director Beach, Parks and Recreation Director O'Connor and Police Chief Walker

Troop 211 Boy Scout John Kuryla and Troop 55 Boy Scouts Henry and George Caldwell 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.

**Alida Drewes**, 6112 Fordham, spoke regarding the library and said improvements to the library should include a wheelchair ramp, automatic doors, a closed space for the children's singing program, removal of all cancer causing asbestos, additional parking in front of the library, and an adult-only reading room with comfortable seating. Ms. Drewes also spoke about increasing the senior exemption. She said don't make seniors suffer any longer due to Council's lack of action or interest in their issues.

**John Tainer**, 4107 Ruskin, spoke regarding the AT&T property and said in 2013, AT&T repurposed its property into a commercial truck-traffic intensive use and he feels that intense truck traffic does not mix well with children and families. He said this is a community safety issue and it is common sense to want to be able to separate children and families from intensive commercial truck traffic. He said the extreme disregard of community zoning is very disturbing to him and thinks it crosses the line when it involves safety. Mr. Tainer said whatever the motivation is to support AT&T can't be worth the cost of safety for the community and for families and he strongly urges Council to put the item on an agenda for an open hearing and decision.

**Katherine Schlacher**, 4107 Ruskin, spoke regarding the AT&T property and said she was reluctant to move into West U because she would not be allowed to fence in her front yard so that her children could play safely, but now she is really happy that she did buy in West U because she realizes that the zoning ordinances are not meant to be a burden, but rather meant for the safety of residents. She said there have been a lot of emails going around and even though there are

discrepancies about the legalities, in the end it doesn't matter because it is obviously a huge safety concern for the entire community and she thinks the City should at least talk about it in a public forum. She asked Council to put this topic on a future agenda, because it is not a matter of if something will happen, but a matter of when something will happen.

**Robert Grossman**, 4103 Ruskin, spoke regarding the AT&T property and said AT&T intends to demo all of the structures on the 6707 commercial lot in order to build a new driveway, which the City claims already exists. He said that driveway hadn't existed in years and was finally closed off completely in 2011. Mr. Grossman said if AT&T doesn't have the rights to the driveway, the only place that the loading space can be is off the southeast driveway on Bellaire. He said that is a commercial street and so AT&T can work on Bellaire all hours of the night. He said he would really like Council to have a Town Hall hearing, chaired by Jim Dougherty, in order to interview AT&T to come up with suggestions for Council and staff as to whether AT&T really does comply with the City's zoning codes and whether or not those zoning codes should change.

**Amar Patel**, 4020 Ruskin, spoke regarding the AT&T property and said he lives right behind the parking lot in question. He said he recently became involved with this issue and wanted to summarize what has been going on. He said in the 1970's, the City of West U gave AT&T a waiver to allow parking there for employees, but since that time AT&T has increased the intensity of their commercial activity thereby transforming that facility into essentially a truck warehouse distribution center, so in addition to the company vans they also have 18-wheeler rigs that back up to that facility. Mr. Patel said the issue at hand is a public safety issue. He said he has a 5-year-old child and there are many children that go back and forth through that area to get to the Rec Center, Colonial Park, and Whole Foods shopping center. He said AT&T needs to access its property for the large rigs off Bellaire.

**David Cole**, 4104 Cason, spoke regarding the AT&T property and said he has lived on Cason for 39 years and has lived directly across the street from the AT&T facility for 24 years. He said regardless of what AT&T tells City staff, they do not follow the rules. He said they have been caught repairing vehicles on the residential lots after midnight, they've had deliveries coming at 4 and 5 o'clock in the morning and yet nothing ever happens to them. He said now AT&T has repurposed the 6707 Academy building by changing it from administrative to a heavy vehicle intensive operation. Mr. Cole said the City has ordinances regarding loading and unloading and they still load and unload in the streets blocking traffic. He urged Council to get involved, because what AT&T is doing with this truck barn is impacting everybody and the City needs to stop it.

## 2. Library Improvements

Matters related to discussing and confirming proposed improvements for identified deficiencies as approved in the 2016 Budget for the library located at 6108 Auden.

Public Works Director Beach presented and said a couple of years ago there was discussion about the library and the future of it, so staff and an architect looked at the facility to determine the current condition and found that there were some life safety issues that need to be addressed, which includes installing a second floor fire escape, replacing the handrails and guardrails, installing a fire alarm, installing a fire sprinkler system, replacing two existing restrooms for ADA compliance, installing panic hardware on the doors, installing exit signs, and reversing the door swing.

Mr. Beach said the initial estimate, which was budgeted for 2016, is \$300,000.

Councilmember Reilly asked how confident is staff that these are the only items requiring improvements and that the \$300,000 estimate won't become \$600,000. Mr. Beach responded that staff is very confident with the budgeted amount.

In response to Mayor Sample's question as to how long it will take, Mr. Beach said it all depends on the contractors, but he would guess the maximum of 2 to 3 months after the planning and bidding process is complete.

Councilmember Reilly said people talk about the need to have a new library, but he has thought about how many times he sees the rooms in the Community Center go unused and how it seems to him that the City could explore sharing that programming space during construction, which could possibly lead to a long-term relationship.

Mr. Beach said that is a possibility and is discussed in the Facilities Master Plan.

Councilmember Ballanfant asked if it is likely that this project could be finished before the 1<sup>st</sup> of September. Mr. Beach said it is not likely, because staff still has to design the plan and then bid the project. He said some of the major disruptive items, such as the bathrooms, could be completed first so that they can be finished before school starts.

Councilmember Ballanfant asked staff to try very hard to expedite the project. Mr. Beach said staff will do all it can to make it happen as soon as possible, but it will ultimately be in the hands of the general contractor.

Mayor Pro Tem Kelly moved to authorize the City Manager and staff to move forward with the renovations needed to the library in order to bring it up to code as outlined by the Public Works Director and to bring the construction contract back to City Council up to the amount budgeted for the contract. Councilmember Reilly seconded the motion. **MOTION PASSED.**

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

**3. Possible Changes in Council Meeting Dates During Summer Months**

Matters related to possible changes in Council meeting dates due to Council summer schedules.

Mayor Pro Tem Kelly said this was put back on the agenda because Councilmember Ballanfant was absent from the last meeting.

After discussion, due to the scheduled absence of two councilmembers on August 22, 2016, Councilmember Reilly moved that Council move the City Council meeting of August 22, 2016 to August 29, 2016, because he thinks it makes more sense to have as many members as possible present at the Council meetings. **MOTION DIED TO LACK OF A SECOND.**

**4. Future Agenda Items**

Matters related to future agenda items.

Councilmember Reilly said a number of residents spoke tonight about their concerns regarding safety and zoning issues at the AT&T facility, so it would behoove Council to allow those residents the opportunity to address their concerns with Council as well as learn more from staff about what is

going on with the AT&T property and staff can also receive some policy direction outside the purview of the ZBA regarding the facility. He said he had requested that this topic be added to tonight's agenda, but City Attorney Petrov had concerns regarding the legality of doing that and about the City's individual liability. He said instead the City Attorney suggested that Council hold a Town Hall meeting so that AT&T representatives and City staff can come together to inform everyone about what is going on, which he thinks it is an excellent suggestion. He requested a second to have that meeting.

City Attorney Petrov spoke to say that a ZBA meeting is scheduled for June 23, 2016, and will include discussion on some of the AT&T issues mentioned tonight.

City Attorney Petrov said he thinks it is great to get AT&T and the residents in the same room so that the residents and AT&T can get on the same page thereby avoiding fights and months and months of hearings.

Councilmember Reilly said he agrees with City Attorney Petrov and thinks that a lot of listening can be done on everybody's part, so he made a motion to have a Town Hall meeting and, as part of the meeting, hear staff's and the City Attorney's opinions about what sorts of issues Council could potentially address in respect to resident concerns and those beyond Council purview.

City Attorney Petrov said he is happy to address that with Council, but he was not really envisioning Council inserting itself in the AT&T community-type meeting.

Mayor Pro Tem Kelly said he thinks it is good to bring the residents and AT&T together, but if more than two councilmembers attend then Council runs into issues of it being a Council meeting.

Councilmember Reilly said it is not a problem for residents to talk about the issues; the problem is for Council to take action in a way that purports to supersede what the ZBA does. He said Council can provide staff direction regarding enforcement of the zoning ordinances.

Councilmember Reilly said he is sure there are lots of things Council can do to help address residents' concerns, so it makes sense to have a meeting to listen to them.

Mayor Pro Tem Kelly said that is a very broad statement. He said he thinks out of an abundance of caution, City Councils have always kept their hands off of ZBA matters so that it doesn't look like an impropriety. He said when items get to the ZBA and they are addressing that issue, to him it is like going down a slippery slope if Council jumps in and passes some kind of policy decision before the ZBA reaches a decision.

Councilmember Reilly said he agrees that Council should not be involved with things that are in front of the ZBA and neither should they second-guess what the ZBA does, which is not what he is talking about. He said he thinks it is time for Council to listen to the residents, listen to AT&T, find opportunities for them to come together and address their concerns jointly. He said he also thinks it is time for Council to listen to staff about what it can do to address other aspects of what residents are complaining about, like code enforcement and garbage on their streets. He said those are not ZBA issues.

Mayor Pro Tem Kelly said all of those issues can be addressed after everything before the ZBA is finished and wrapped up with a bow.

Councilmember Reilly said his point is that Council should provide some direction as a policy matter to staff about how Council wants its codes and zoning enforced. He said let Council hear from staff about the extent to which the issues can't be resolved by the parties themselves.

Councilmember Ballanfant said Council does that every two weeks. He said the ZBA is a adjudicatory body, established by State law and as part of that State law his understanding is appeals from decisions made by ZBA don't come to Council, but rather goes to the County Court downtown so this Council won't pass on the actions or the decisions determined by the ZBA.

Councilmember Reilly said he doesn't want to interfere with the ZBA or step on their toes.

Councilmember Ballanfant said he just wants to be clear that Council is not trying to give ZBA direction, which he believes would be a violation of State law.

Councilmember Reilly moved to have a Town Hall meeting to hear from the residents and staff about what other things Council can do and to listen to the concerns of the residents and hear from AT&T in response to those concerns.

Councilmember Turner said she is still concerned about the Town Hall concept associated with this if it is not to be run by a third party and the fact there may be more than two members of Council attending.

Mayor Pro Tem Kelly said another side to this is that he doesn't want to give the citizens any false hope that somehow City Council is going to affect the outcome of ZBA, because it won't happen.

Mayor Pro Tem Kelly said he can't think of a time when something was pending before the ZBA that the Council got involved in any way.

Councilmember Reilly said it just happened with the West U Baptist Church issue with the previous Council.

Mayor Sample said that's because the City was a co-applicant.

Councilmember Ballanfant said that was a whole different thing and it's all been worked out.

Councilmember Reilly said Council owes the residents an opportunity to be heard and then discuss with staff issues other than the ZBA about potential things that Council can do to provide some relief to the residents, whether it be parking changing, noise ordinance, code enforcements, etc. He said it just makes a lot of sense to have the meeting.

Mayor Sample said from the letters she received it is not about garbage and parking on the street. She said the letters she received are about a legal issue on whether a fence should be over a driveway and whether there is a loss of PNC status.

Mayor Pro Tem Kelly said whatever relief residents can get from Council, it would have to wait until the ZBA is completely through with it. He said he is in agreement about wanting to help residents, but it's just a matter of when Council can do it.

Councilmember Reilly suggested having this topic on the agenda for the City Council meeting of July 11, 2016, which will be more than 10 days after the ZBA meets.

Councilmember Reilly said he really wants staff to provide history about the property.

Councilmember Ballanfant said this has been going on for 70 years. He said AT&T was constructed at or about the same time West University was incorporated, so AT&T and this City have lived together for a long time and it has worked by and large most of the time.

Councilmember Reilly said one of things that the residents have said and what staff can help Council understand is that use of that facility has changed dramatically in the last 2 or 3 years, so it is a very different facility than it ever has been for the other 67 years it's been in existence. He said it has turned into almost a manufacturing facility rather than a place where engineers work on the lines.

Councilmember Reilly requested again to have this topic on the July 11, 2016 agenda in order to hear from the residents and staff because he thinks Council owes it to the residents.

Mayor Pro Tem Kelly reiterated that he thinks that the timing is wrong and doesn't want to get in the way of the ZBA. He said by the July 11, 2016 meeting, Council will know where things are with the ZBA and then, if necessary, Council can add it to a future agenda regarding what Council can do to help the residents.

There was no second request to add the item to an upcoming agenda.

Councilmember Reilly requested adding the recent parkland property donation to the agenda to receive an update from staff and a little more information about the timing of the process and to get more input from staff and neighbors of the property, so that the process can be constructed in a way that really involves the neighbors. He said a lot of the neighbors are upset by the fact that they were given a 48-hour notice of the meeting when Council accepted the property.

Councilmember Turner said Parks and Recreation Director O'Connor has already put pen to paper to notify the neighbors about the process and of the creation of a Task Force that will include neighbors of the park, members of the Parks Board, Friends Board, and Seniors Board and the architects that will probably be used to develop the park. She said she is not sure what further information the City can provide without slowing down the process of getting the park in place by next spring.

Councilmember Reilly said there are lots of residents who haven't been talked to by Parks and Recreation Director O'Connor, who aren't part of the Master Plan Task Force, and whose voices haven't been heard. He said he is not against the property being a park, but in order for it to be a successful park the City needs the neighbors to be on board.

Councilmember Reilly said if this is added to the next agenda, Council can set some ground rules for what the process will be.

Mayor Pro Tem Kelly said the ground rules will be in accordance with the Parks Master Plan.

Councilmember Reilly said he doesn't see the harm in adding it to the agenda to hear from the Parks and Recreation Director about what he is planning on doing and how long it will take. He said there are a lot of neighbors who feel excluded right now.

Councilmember Turner said if Parks and Recreation Director O'Connor is going to send out an email to the surrounding neighbors this week, Council can request that he include in the email the fact that Council will have a discussion and update on where the City is at the next meeting and if anyone wants to show up they can. She said he can also provide his email address and phone number in case there are people who want to respond.

Councilmembers agreed with Councilmember Turner's suggestions on directing the Parks and Recreation Director as to what to include in his email and Councilmember Reilly revised his request to ask that the parkland property donation item be added to the agenda of July 27, 2016 instead of the July 11, 2016 agenda. Councilmember Turner seconded the request.

**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 May 9, 2016 and May 23, 2016 Council meetings.  
*Recommended Action: Approve Minutes.*

**B. Appoint Member to the Friends of West U Parks Fund, Inc.**

Matters related to adopting a resolution appointing Mitra Woody to the Friends of West U Parks Fund, Inc. *Recommended Action: Adopt resolution appointing Mitra Woody to the Friends of West U Parks Fund, Inc.*

**C. Mutual Aid Agreement**

Matters related to authorizing a Mutual Aid Agreement between the government entities within the Gulf Coast State Planning Region and the City of West University Place. *Recommended Action: Authorize Mutual Aid Agreement between the government entities within the Gulf Coast State Planning Region and the City of West University Place.*

City Manager Peifer pulled Item C from the Consent Agenda. No action taken on that item and it will be added to the next agenda.

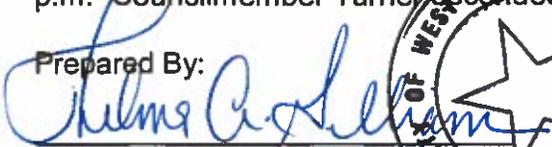
Councilmember Turner moved to approve Items A and B of the Consent Agenda. Mayor Pro Tem Kelly seconded the motion. **MOTION PASSED.**

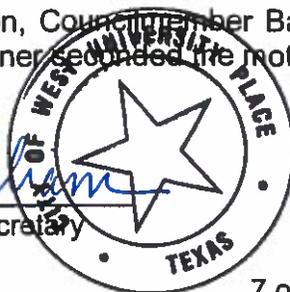
**Ayes:** Sample, Ballanfant, Kelly, Reilly, Turner  
**Noes:** None  
**Absent:** None

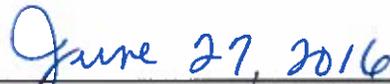
**6. Adjourn**

With no further discussion, Councilmember Ballanfant moved to adjourn the meeting at 8:00 p.m. Councilmember Turner seconded the motion. **MOTION PASSED.**

Prepared By:

  
Thelma A. Gilliam, City Secretary



  
Date Approved