

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, September 12, 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 approximately 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, Finance Director Daugherty, Fire Chief Taylor, Police Chief Walker.

Boy Scouts Duncan McClaren (Troop 55), Edward Millard (Troop 55), and Ryan Gilbert (Troop 125) lead 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.

Eddie Matthews, 5906 Fordham, spoke regarding the 2017 Budget and requested that staff include what additional revenues over the 2016 Budget expect to be generated by the higher tax base and the proposed tax rate and where those monies are going to be spent. He also asked if the City plans to prepare an alternate budget showing the City living off the same level of tax revenues as last year.

Robert Grossman, 4103 Ruskin, spoke regarding the AT&T litigation and said the Zoning Board of Adjustment (ZBA) got it right. He said after hours and hours hearing both sides, on July 28, 2016, the ZBA told AT&T that they would not open their reconsideration of their decision. He said they are earnest people who really thought about it and really deserve a vigorous defense of their decision and he hopes Council fulfills its obligation to provide them one because so many members of the community have spent so much time on this. He said the City should just defend the decision, have it out, have it over and move on.

Councilmember Ballanfant pointed out to Mr. Grossman that, to a certain degree, Council's hands are tied and the process is now in the hands of a different governmental entity.

Nancy Sauer, 5920 Auden, spoke regarding the Citizen's Climate Lobby and said she is primarily interested in the topic because the City, in the last decade, has never passed a resolution supporting an activist group and asked why the City would even propose to support an activist group with an agenda that has nothing to do with municipal government. She said it seems

inappropriate and a waste of time. She said these types of groups raise money based on their metrics, which are front and center. She said this is a group that is based in Coronado, California and was founded by a real estate developer whose prior experience has been poverty eradication. She said it is a 501(c)(3) which means that it can't lobby exclusively, but most significantly is that the group exists to train individuals who, by definition, don't understand the political process and train them in talking points of climate change. Ms. Sauer said if this Council wants to have a discussion about climate change, she would suggest a real public hearing where the real issues can be aired as opposed to allowing an activist group from Coronado, CA to define and tee up the issue.

Marty Allday, 6110 Annapolis, spoke regarding the Citizen's Climate Lobby and said he has spent his entire career working with and for the fossil-fuel industry and wanted to remind Council that West University Place is an oil and gas town and that fossil-fuel has put a lot of bread on a lot of tables in West U. He said from 2007 to 2012, while the rest of United States was suffering the worst economic downturn, oil and gas saw job increases by 31 percent. He said there is \$145,000,000,000 in petro-chemical plant investments and the jobs are moving back onshore in the United States. He said petro-chemicals are used in things every day and are used to improve everyday lives.

Alida Drewes, 6112 Fordham Street, spoke to thank Council for the hearing device. She then spoke about the 2017 Budget and said she hopes Council includes the seniors in this Budget. She said the Seniors Board has requested the senior exemption and the seniors have shown up to meetings to rally support for the exemption so they are long overdue, yet Council still will not put it on an agenda. She said she's done her homework to show that it's valid and yet it is still ignored. She asked that it be put on an agenda, especially now since there is so much money in the budget that the City wants to cut the taxes. Ms. Drewes said Council also wants to give the Fire Department \$1,219 or 5% from the Human Resources Wellness Budget. She said all the things on the list that the City will get for that money should already be covered in the employee's gold star health program. She said she isn't allowed to use the city's services and feels that those that are not allowed to use the services shouldn't have to pay taxes.

2. Citizen's Climate Lobby

Representatives of the Citizen's Climate Lobby will be present to discuss the organization and request support from City Council. *Recommended Action: Discuss and take any desired action.*

Peter Bryn, Conservative Director and Sandy Spears, resident at 4108 University and member of Citizen's Climate Lobby (CCL), gave a presentation to Council.

Mr. Bryn spoke to say the CCL is a volunteer driven organization, it is non-partisan, it has over 40,000 volunteers, and it has over 300 Chapters around the country with -20 of them in Texas and 8 in Houston. He said the CCL's objectives are to empower the volunteers and to build political will to act on climate change in a responsible way. He said there are two risks facing the country – one is the climate change risk and the other is the energy risk. He said if the climate change is dealt with in a way that doesn't give the marketplace transparency and predictability, there is also a risk of putting financial interest in jeopardy, so there needs to be a way to balance the two and the way CCL proposes to do that is with a policy called Revenue-Neutral Carbon Fee, which a lot of energy companies support. He said the idea is to (1) put a fee on greenhouse gas emissions; (2) return revenue to households; and (3) provide a border adjustment.

Mr. Bryn said he is not seeking donations for the organization. He said he cares about solving the climate challenge and sending a message to the members in D.C. that there is support out in the field.

Councilmember Ballanfant asked Ms. Spears and Mr. Bryn to provide Council with actual temperatures in North America since 1900 and provide their sources.

Councilmember Turner spoke to say that she invited the CCL to make the presentation and said she had little or no intention to ask Council to pass a resolution. She said she thought it was interesting to be able to hear CCL's point of view. She said she has the resolution and would be happy to send it to the rest of Council in case they want to submit one individually.

3. Litigation Update

Matters related to pending and/or threatened litigation involving the City or its employees, boards, or commissions, including but not limited to Cause No. 2016-51800 in Harris County District Court (127th Judicial District). *Recommended Action: Discuss and take any desired action.*

At 7:00 p.m. Mayor Sample moved to recess the regular meeting and convene into executive session in accordance with Section 551.071 of the Open Meetings Act relating to consultation with attorney regarding pending or contemplated litigation. Mayor Pro Tem Kelly seconded the motion. **MOTION PASSED.**

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

After discussion in Executive Session, Councilmember Turner moved to close the executive session and reconvene the regular session at 7:31 p.m. Councilmember Ballanfant seconded the motion. **MOTION PASSED.**

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

4. Assistance to Firefighter's Grant

Matters related to acceptance of an Assistance to Firefighter's Grant from the United States Department of Homeland Security in the amount of \$23,380.00 to enhance the Fire Department's Wellness/Fitness program. *Recommended Action: Accept the Assistance Firefighter's Grant from the United States Department of Homeland Security in the amount of \$23,380.00.*

Fire Chief Taylor presented this item and said in 2015 the Fire Department applied for an Assistance to Firefighter's Grant and was awarded a portion of the grant which funds firefighter physicals. He said the department is bringing it to Council for acceptance due to the required 5% (\$1,200) cost match to the grant.

Councilmember Ballanfant asked if there was any reason not to accept the grant and Chief Taylor replied no, not at all.

Councilmember Reilly asked if the grant is strictly for physicals or could it be used for an alternative purpose. Chief Taylor said this component of the grant application has to be used for physicals. He said the City did not get awarded any funds for any of the other components of the grant.

Councilmember Reilly said seems to him that under the Affordable Care Act all of the services would be preventative care services for which the City's health plan has to provide coverage without any copay or without a deductible to the firefighter.

In response to Mayor Sample's question as to what are the special things the grant would cover that a normal physical would not, Chief Taylor said most services can be received from a physician for a fee, but these physicals include extensive blood work to look for possible contaminants that could be in the bloodstream of a firefighter based on some of the situations they are put into. He said the services also provide a way of tracking results from year to year.

Councilmember Turner asked how it differs from the City's normal wellness testing that is being done for all employees. Chief Taylor said one of the main differences is that staff is able to get and track results whereas HIPAA laws prevent results from being released. He said another reason is that the City can't mandate that employees obtain this type of physical through the City's wellness program, but it is mandatory with these grant funds.

Councilmember Reilly asked if staff has ever tried to run this through the medical plan for reimbursement. Chief Taylor said no, not a physical such as what the grant requires.

Chief Taylor said this request is a very inexpensive investment. He said the number one killer of firefighters is cardiac issues and this type of physical from funds received in the past has saved a few of the City's firefighters from life threatening predicaments.

Councilmember Reilly said he has no doubt that a physical is a good idea, but his question is whether we are paying for the service twice. He said staff should at least ask the question. Chief Taylor said staff has one week remaining to accept the grant, so it is too late for this year.

Councilmember Ballanfant said \$1,219 is probably one of the smallest financial requests ever made to this Council in his recollection and dividing the amount by 5,000 people is approximately \$.24 per household. He said this is an extraordinarily inexpensive way to get the City's firefighters in a better health situation and he couldn't imagine Council not passing this.

Councilmember Turner moved that Council accept the grant from the United States Department of Homeland Security in the amount of \$23,161. Councilmember Ballanfant seconded the motion.

MOTION PASSED.

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

5. 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. *Recommended Action: Approve resolution acknowledging receipt of appraisal roll and notice of public hearings, accept the 2016 Certification of Estimated Collection Rate from Harris County Tax Office, and accept Notice of the 2016 Tax Year Proposed Property Tax Rate as calculated by the City's Tax Assessor/Collector.*

Finance Director Daugherty presented and said the Texas Property Tax Code outlines several property tax related items that must be presented to Council – the Certified Appraisal Roll, the Certified Collection Rate and the Notice of Effective Tax Rate. She said the Chief Appraiser of the Harris County Appraisal District (HCAD) certified the City’s 2016 appraisal roll and staff received the roll from the Tax Assessor/Collector on August 22, 2016. She said in accordance with Section 26.04 (b) of the Texas Property Tax Code, the following values are being submitted:

Total Appraised Value	\$6,185,974,556
Total Exemptions	\$434,734,202
Total Taxable Value	\$5,751,240,354
Total Uncertified Taxable Value (under protest)	\$93,551,188
Estimated Taxable Value of property not included on certified roll	\$42,640,341
Total Taxable Value of New Property	\$70,830,258

Finance Director Daugherty said including the anticipated values for the Uncertified Taxable Value (\$93,551,188), and the property not included on the certified roll (\$42,640,341), the total anticipated certified value for the City of West University Place for 2016 is \$5,887,431,883, a 7.79% increase over the 2015 certified values.

Finance Director Daugherty said that on July 18, 2016, the Harris County Tax Assessor/Collector estimated an anticipated collection rate of 99.84% for 2016.

Finance Director Daugherty said all taxing units that levied property taxes for 2015 and intend to levy them for 2016 must calculate and publish an effective tax rate and rollback tax rate. She said Chapter 26 of the Texas Property Tax Code requires Council to take a record vote and schedule two public hearings if the City intends to adopt a property tax rate that exceeds the lower of the effective or rollback tax rate.

After her presentation, Finance Director Daugherty said staff’s recommendation is for Council to:

- Approve a resolution proposing a not-to-exceed tax rate and schedule public hearings for October 3, 2016 and October 10, 2016;
- Review and accept the 2016 Certified Appraisal Roll;
- Review and accept the 2016 Certification of Estimated Collection Rate from Harris County Tax Office; and
- Review and accept the 2016 Notice of 2016 Tax Year Proposed Property Tax Rate as calculated by the City Tax Assessor/Collector.

Councilmember Ballanfant said his recollection during his first term as councilmember (2009-2001) is that the City crossed one billion dollars and it has increased to approximately \$6 billion, which is an enormous increase in the valuation of West U properties. He said this is attributed, in part, to the City Councils over the past 15 years of running the City in a very thoughtful and reasoned way.

In response to Councilmember Ballanfant’s inquiry, Finance Director Daugherty said she will provide him, and any other members of Council who might want them, a history of the assessed values from 1999 until now. She said she will also try to get the County’s total appraised residential value as requested by Mayor Sample.

Councilmember Reilly moved to approve the resolution acknowledging receipt of the Appraisal Roll and Notice of Public Hearing and accept the 2016 certification of the estimated collection rate from the Harris County tax office and accept notice of the 2016 tax year proposed property tax rate as calculated by the City's Tax Assessor/Collector. Councilmember Ballanfant seconded the motion. **MOTION PASSED.**

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

6. Record Vote on Tax Rate and Set Public Hearings

Matters related to a resolution recording vote on tax rate on the proposed "not to exceed" tax rate of \$0.31680 and scheduling public hearings. *Recommended Action: Approve resolution recording vote on tax rate and scheduling public hearings for October 3, 2016 and October 10, 2016.*

Finance Director Daugherty presented and said Chapter 26 of the Texas Property Tax Code requires Council to take a record vote and schedule two public hearings if the City intends to adopt a property tax rate above the effective tax rate. She said the effective and rollback tax rates for 2016 are \$0.31119 and \$0.31681 per \$100 valuation, respectively, and the debt service rate is \$0.13123 per \$100 valuation.

Finance Director Daugherty pointed out that this is not the adoption of the tax rate, but a record vote proposing a rate that will be used to prepare the required notice and hearing publications.

Councilmember Reilly moved to adopt a resolution and take a record vote on the proposed "not to exceed" rate of \$0.31680 per hundred dollars and call the necessary public hearings, with the first public hearing to be held at a special meeting on Monday, October 3, 2016 at 6:30 p.m. and the second public hearing to be held during the regular Council meeting on October 10, 2016 at 6:30 p.m. Councilmember Ballanfant seconded the motion. **MOTION PASSED.**

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

7. Schedule Public Hearings for 2017 Budget

Matters related to scheduling public hearing to hear comments on the 2017 City Budget. *Recommended Action: Schedule a Public Hearing for October 10, 2016 to hear comments on the City's 2017 Budget.*

Finance Director Daugherty presented and said Section 102.006 of the Texas Local Government Code requires the governing body of a municipality to set a date and publish notice of a public hearing on the proposed budget and that the hearing shall occur no less than 15 days after filing the budget with the City Secretary but before the date the governing body adopts the tax rate, which is scheduled for Monday, October 17, 2016. She said a copy of the draft proposed Budget will be submitted to the City Secretary and posted on the City's website by the end of the day September 16, 2016.

Finance Director Daugherty said notice of the tax public hearings will be published in the Thursday, September 15, 2016 issue of the West U Examiner and the notice of the public hearing on the 2017 Budget will be published in the Thursday, September 29, 2016 issue of the West U Examiner.

City Manager Peifer stated that staff is working diligently on some issues within the budget. He said the draft provides building blocks, but it's certainly not the final product.

Councilmember Reilly moved to schedule a public hearing on October 10, 2016 at 6:30 p.m. to hear comments on the City's 2017 Budget. Councilmember Turner seconded the motion. **MOTION PASSED.**

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

8. Future Agenda Items

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

Councilmember Turner requested that the solicitation of bids for designation of an official newspaper be added to the future agenda items list.

Councilmember Reilly requested that an update from the Master Planning Task Force be added to the next agenda to hear their recommendations and how they plan to incorporate those recommendations into the Master Plan and, if needed, get direction from Council.

Councilmember Turner said she was under the impression that the Task Force's recommendations were going to be submitted to PGAL in order to be incorporated into PGAL's document and that no further action was required on the part of the Council until that happened.

City Manager Peifer said it's his understanding that the Master Plan, including the Task Force's recommendations, are in edit and review by staff, and then staff will submit it to PGAL.

Councilmember Reilly also requested that the Task Force give an update to Council as to where they are in the process and a proposed timeline. Mayor Pro Tem Kelly agreed.

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 Minutes

Approve City Council Minutes of the August 22, 2016 Council meeting. *Recommended Action: Approve Minutes.*

Councilmember Turner moved to approve the consent agenda as presented. Councilmember Ballanfant seconded the motion. **MOTION PASSED.**

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

10. Adjourn

Mayor Pro Tem Kelly moved to adjourn the regular meeting at approximately 8:00 p.m. Councilmember Reilly seconded the motion. **MOTION PASSED.**

Ayes: Sample, Kelly, Ballanfant, Reilly, Turner

Noes: None

Absent: None

Prepared by:

Thelma C. Williams

Approved by Council on:

Sept 26, 2016

