



City of West University Place

A Neighborhood City

CITY COUNCIL

Susan Sample, Mayor
Bob Kelly, Mayor Pro Tem
Burt Ballanfant, Councilmember
Brennan Reilly, Councilmember
Mardi Turner, Councilmember

STAFF

M. Christopher Peifer, City Manager
Alan Petrov, City Attorney
Thelma Gilliam, City Secretary

City Council Meeting Agenda

Notice is hereby given of a regular meeting of the City Council of West University Place to be held on **Monday, July 11, 2016** beginning at **6:30 p.m.** in the **Municipal Building** located at 3800 University Boulevard, West University Place, Texas, for the purpose of considering the following agenda items.

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

CALL TO ORDER

Agenda items are as follows:

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

1. Public Comments

This is an opportunity for citizens to speak to Council relating to agenda and non-agenda items. If the topic the speaker wishes to address is on the agenda, the speaker can either speak at this time or defer his/her comments until such time the item is discussed. Speakers are advised that comments cannot be received on matters which are the subject of a public hearing once the hearing has been closed. Public comments must be kept relevant to the subject before the Council. The presiding officer shall rule on the relevance of comments. Persons making irrelevant, personal, impertinent, or slanderous remarks may be barred by the presiding officer from further comment before the Council during the meeting. Speakers are required to register in advance and must limit their presentations to three minutes each.

2. Matters Related to the Hughes Park Donation

Matters related to an update from staff, a park development timeline, and the appointment of a Task Force. *Recommended Action: Hear update from the Parks and Recreation Director, discuss a park development timeline, appoint a Task Force, and take any other desired action. Mr. Tim O'Connor, Parks and Recreation Director* [see Agenda Memo 2]

3. Future Agenda Items

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

4. Consent Agenda

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

A. City Council Minutes

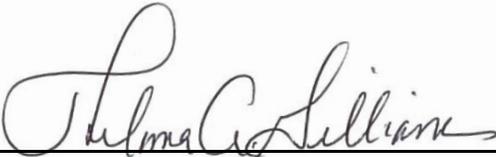
Approve City Council Minutes of the June 27, 2016 Council meetings. *Recommended Action: Approve Minutes. Ms. Thelma Gilliam, City Secretary* [see Minutes]

5. Adjourn

In compliance with the Americans with Disabilities Act, if you plan to attend this public meeting and you have a disability that requires special arrangements, please contact City Secretary Thelma Gilliam at 713.662.5813 at least 24 hours prior to the meeting so that reasonable accommodations can be made to assist in your participation in the meeting. The Council Chambers is wheel chair accessible from the west entrance and specially marked parking spaces are available in the southwest parking area. Special seating will be provided.

I certify that the attached notice and agenda of items to be considered by the West University Place City Council on July 11, 2016 was posted on the Municipal Building bulletin board on July 7, 2016 at approximately 11:30 o'clock a.m.

(SEAL)



Thelma A. Gilliam, City Secretary

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

AGENDA OF:	July 11, 2016	AGENDA ITEM:	2
DATE SUBMITTED:	July 5, 2016	DEPARTMENT:	Parks and Recreation
PREPARED BY:	Tim O'Connor	PRESENTER:	Tim O'Connor, PAR Director
SUBJECT:	Update on Jennie Elizabeth Hughes Park		
ATTACHMENTS:	<ol style="list-style-type: none">1) Letter of Donation Agreement – City and Hughes Estate2) Neighbor Notification Letter & Signage3) Design and Development Timeline4) List of Residents Interested in Serving on the Jennie Elizabeth Hughes Citizen Task Force		
EXPENDITURE REQUIRED:	N/A		
AMOUNT BUDGETED:	N/A		
ACCOUNT NO.:	N/A		
ADDITIONAL APPROPRIATION REQUIRED:	N/A		
ACCOUNT NO.:	N/A		

EXECUTIVE SUMMARY

On June 13, 2016 City Council directed staff to provide a comprehensive update on all facets of the acquisition, design and development of the Jennie Elizabeth Hughes Park.

On June 27, 2016 Mayor Sample signed the formal Letter of Agreement between the Hughes Estate and the City, specifically in regard to the donation of the 15,000 square foot lot and all fixed structures located at 6446 Sewanee.

RECOMMENDATION

Request that City Council formally appoint a Jennie Elizabeth Hughes Park Citizens Task Force and provide staff with any specific direction in all matters relating to this project.

**DONATION AGREEMENT BETWEEN
THE CITY OF WEST UNIVERSITY PLACE, TEXAS
AND THE ESTATE OF JAMES M. HUGHES**

This Donation Agreement ("Agreement") is entered into this the 28th day of June, 2016, by the City of West University Place, Texas (the "City") and the Estate of James M. Hughes ("Donor") by and through its co-executors, Thomas A. Thompson Jr. and Thomas A. Thompson III ("Co-Executors") (collectively, the "Parties").

RECITALS

A. Donor is the sole owner of the real property located at 6446 Sewanee Street, City of West University Place, Harris County, Texas, legally described as Lot 1, Block 27, West University Place Section 1, and all of the improvements thereon (collectively, the "Property").

B. Donor, in subparagraph (9) of his last will and testament (the "Will"), attached hereto as **Exhibit A**, has given, devised and bequeathed the Property to the City to be used solely as a "quiet park," as further defined herein, subject to the terms and conditions contained in the Will and as further described in this Agreement.

C. Donor, in the Will, also devised and bequeathed the sum of Two Hundred Thousand and No/100 Dollars (\$200,000.00) to the City to be used solely for the improvement and the development of the Property (the "Development Funds"), but only in the event that the City accepts the Property as conditioned by the Will.

D. The consideration for Donor's donation of the Property and the Development Funds is the City's acceptance of the Property as conditioned by the Will, and the City's further commitment, once the Property is developed, to use and maintain the Property as a "quiet park" in perpetuity.

E. The Parties acknowledge and agree that this Agreement, executed by the City and delivered to Co-Executors within six (6) months of April 1, 2016, serves as the City's express written acceptance of the bequests of the Property and the Development Fund in accordance with the Will.

AGREEMENT

1. **Recitals.** The recitations set forth above are declared true and correct and are hereby incorporated as part of this Agreement.

2. **Donation of Property and Development Funds.** The Property, including all rights, title and interest therein, and the Development Funds shall be donated to the City pursuant to the Will.

3. Conditions of Donation. In consideration of the donation of the Property and the Development Funds, the City agrees to and accepts the following conditions:

- a. The Property shall be dedicated as a public park of the City and is to be used for no other purpose.
- b. The Property, once dedicated as a public park and developed, shall bear the name "JENNIE ELIZABETH HUGHES PARK," which name shall continue in perpetuity and shall be displayed on a suitable sign located on the front of the Property.
- c. The Property shall be developed only as a "quiet park," which means that (i) it shall not be used for formal or structured athletics and (ii) nothing shall be constructed to interfere or impede quiet use and enjoyment of the Property by residents of the City, such as bright lights or noise-producing elements.
- d. The City shall use the Development Funds solely for the improvement and development of the Property.

4. Existing Improvements. The City, in its sole discretion, shall have the option of removing all of the improvements from the Property or preserving all or any portion of the improvements on the Property to provide facilities for meetings and quiet activities of various civic groups, and/or to house historical archives of the City or for any other similar purpose.

5. Park Improvements. The City shall be the sole judge as to any and all decisions regarding the park design, improvements and installations so long as such plan, improvements and installations are consistent with the requirement that the Property be developed as a "quiet park." The City will take into consideration any input from the Co-Executors regarding the park design and development. In the event the City creates a Jennie Elizabeth Hughes Park design task force, Mr. Tommy A. Thompson III, or his designee, will be appointed by City Council to serve on the task force.

6. Development Timeline. The Donor acknowledges that the City has no present budget or design plans to convert the Property into a park immediately upon the transfer of title to the City and that the Property may remain in its current condition for an indefinite period of time. However, the City agrees to, within ninety (90) days of taking possession of the Property; notify Donor whether or not the City intends to keep the structure and the structure's contents. Should the City determine that it will not keep the structure and the structure's contents, Donor shall have thirty (30) days from being notified of same to remove the contents. In addition, the Parties agree that if the City has not taken reasonable steps to develop the Property, such as the creation of park plan, within two (2) years of the transfer of title to the City, the Donor's successors may elect to pursue an action for specific performance of this Agreement.

7. Maintenance of Property. From and after the delivery of the Deed, the City will assume full responsibility for the maintenance of the Property in an attractive and orderly condition, including periodic mowing and trimming.

8. Record Title and Taxes. The deed to the Property, free and clear of all liens and encumbrances, shall be delivered by the Co-Executors to the City and the Mayor of the City is authorized to accept the deed. The City will pay the cost of recording all documents necessary to place record title of the Property in the City's name. The City will pay all general and special real estate taxes payable following the transfer of the Property. All taxes, special assessments levied, pending or assessed against the Property prior to the transfer of the Property to the City will be paid by Donor.

9. Condition of Property. The Parties acknowledge that the Property is being donated in AS-IS condition.

10. Notice. Any notice required or permitted hereunder shall be given by either (i) personal delivery upon an authorized representative of a party hereto, or (ii) United States registered or certified mail, return receipt requested, postage prepaid or (iii) facsimile copy followed by mailed notice, or (iv) a nationally recognized, reputable overnight courier, in each case properly addressed as follows:

If to City: City of West University Place
3800 University Boulevard
West University Place, Texas 77005-2899
Attention: City Manager

If to Donor: Mr. Thomas A. Thompson III
12706 Summerwood Glen
Houston, Texas 77041

11. Donor's Remedies. If, within two (2) years after the Property is deeded to the City and the Development Fund is gifted to the City, any of the conditions of the Will or this Agreement have not been met and satisfied, the Donor's remedy shall be specific performance of this Agreement.

12. City's Remedies. The obligation of City to accept the donations contemplated hereby is, at City's option. At any time prior to the Property being deeded to the City, the City may elect to terminate this Agreement.

13. Governing Law. This Agreement is to be construed and enforced according to and governed by the laws of the State of Texas.

14. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors and permitted assigns.

15. Clauses Independent. The clauses, paragraphs, and subparagraphs contained in this Agreement are intended to be read and construed independently of each other. If any part of this Agreement is held to be invalid, this invalidity will not affect the operation of any other part of this Agreement.

16. Cumulative Effect. All of the rights, remedies and benefits provided in this Agreement will be cumulative and will not be exclusive of any other such rights, remedies and benefits allowed by law or equity that the Parties may have now or may acquire in the future.

17. Entire Agreement, Amendments and Waivers. This Agreement contains the entire agreement and understanding of the Parties with respect to the subject matter hereof, and the same may not be amended, modified or discharged nor may any of its terms be waived except by an instrument in writing signed by the Party to be bound thereby.

18. Survival and Benefit. All representations, warranties, agreements, indemnifications and obligations of the Parties shall, notwithstanding any investigation made by any Party hereto, survive the delivery of the Deed to the City and the same shall inure to the benefit of and be binding upon the respective successors and assigns of the Parties.

19. No Third Party Benefits and Assignment. This Agreement is for the sole and exclusive benefit of the Parties hereto and their respective successors and assigns, and no third party is intended to or shall have any rights hereunder.

CITY OF WEST UNIVERSITY PLACE,
TEXAS

By: Susan Sample
Susan Sample, Mayor

ESTATE OF JAMES M. HUGHES,
DONOR

By: Tommy A. Thompson Jr.
Tommy A. Thompson Jr.
Co-Executor

By: Tommy A. Thompson III
Tommy A. Thompson III
Co-Executor

ATTEST:



By: Thelma Lenn
Thelma Lenn, City Secretary
Lenn

Exhibit A

James M. Hughes' Bequests to City

- (7) To the CITY OF WEST UNIVERSITY PLACE LIBRARY, in Harris County, Texas, I hereby give, devise and bequeath all of my books.
- (8) To my first cousin by marriage, ESTELLE F. THOMPSON, I hereby give, devise and bequeath all personal and household effects in my residence, other than those items specifically devised hereinabove, to be kept by her or divided among her children and grandchildren, or other family members, as she may choose. However, in the event that the CITY OF WEST UNIVERSITY PLACE accepts the bequest of my residence as set forth in Article Fourth, subparagraph (9) below, and decides to maintain and use any of the improvements on the real property, then it is my wish that any furnishings other than those specifically bequeathed in subparagraph (3) of this Article Fourth, such as sofas, chairs, tables, lamps, and kitchen equipment which may enhance the use of those improvements, be retained in those improvements by the CITY OF WEST UNIVERSITY PLACE, in Harris County, Texas. In the event that ESTELLE F. THOMPSON does not survive me, then such bequest shall instead pass to my first cousin once removed, ESTELLE THOMPSON DICKERSON to be divided among family members as she may choose. Any items of personal and household effects which are not accepted by a named beneficiary, or otherwise remaining after distribution as set forth above, shall be given to the ST. VINCENT de PAUL THRIFT STORES in Houston, Texas.

I may leave one or more written memoranda, letters, notes, or other written indicia of items of personal and household effects to pass other than those described in this Will. It is my express desire that my Executor or other personal representative and all beneficiaries under this Will honor all such memoranda, letters, notes, and indicia. My executor shall have sole discretion in the division and distribution of any such items among my beneficiaries, and shall be fully protected in relying upon any such memoranda, letters, notes, and written indicia.

- (9) In the event that my residence described below has not been placed in a Trust or otherwise been disposed of, then I make the following bequest:

To the CITY OF WEST UNIVERSITY PLACE, in Harris County, Texas ("the City"), I hereby give, devise and bequeath my residence, described as Lot 1, Block 27, City of West University Place, Harris County, Texas, located at 6446 Sewanee Street, together with all improvements thereon; PROVIDED, HOWEVER, that

this bequest is conditioned as follows: (a) the property is to be developed by the City for use as a "quiet park", and is to be used for no other purpose; (b) the property shall bear the name of JENNIE ELIZABETH HUGHES PARK, and such designation shall be displayed on a suitable sign located on the front of the property. For these purposes, the term "quiet park" shall mean that the property is not intended to be used for formal or structured athletics, and that nothing shall be constructed to interfere or impede quiet use of the property by residents of the City, such as bright lights or noise-producing elements. At the option of appropriate officials of the City, all or any portion of the buildings on the property may be preserved to provide facilities for meetings and quiet activities of various civic groups, and/or to house historical archives of the City or for any other similar purpose.

In the event, and only in the event, that the City accepts this gift of real property as conditioned herein, then I further give, devise, and bequeath to the CITY OF WEST UNIVERSITY PLACE the sum of Two Hundred Thousand and No/100 Dollars (\$200,000.00) to be used for improvements to and the development of the property.

The bequests made in this subparagraph (9) shall only apply in the event that the CITY OF WEST UNIVERSITY PLACE accepts such bequests as conditioned hereinabove, and expresses such acceptance by written document delivered to my personal representative within six (6) months after the date of my death.

In the event that any bequest made in this subparagraph (9) is not accepted by the City as conditioned herein, then such bequest shall instead pass pursuant to the residuary clause of this Will.



Administration
3800 University Blvd.
West University Place, TX 77005

713.668.4441
www.westutx.gov

July 6, 2016

Dear WUP Resident,

You may or may not be aware that the City has been presented most generous gift of a 15,000 square foot property, including all structures, to be used exclusively as a city park. This amazing gift was made possible through the will of recently departed resident Mr. James Hughes, who was born in 1929 and lived his entire life on this property. The property is located at 6446 Sewanee, northwest corner of Sewanee at Pittsburg. The stipulations of the donation require 1) that the park must be named in honor of Mr. Hughes mother - Jennie Elizabeth Hughes and 2) that the property be developed as passive, open greenspace with no sport courts or play features. Mr. Hughes also bequeathed \$200,000 cash to the city for the purpose of the park design and development. The Friends of West University Place Parks has tentatively agreed to fund the balance of the park development, so please note that as of this time no taxpayer monies will be used in bringing this project to fruition.

The process moving forward will be for City Council to appoint a Jennie Elizabeth Hughes Park Development Task Force. This group of residents will be made up of several immediate park neighbors, a City Council Liaison, representatives from the Parks, Friends and Senior Boards, along with staff and the landscape architect. The task force will meet regularly and be involved in the final design recommendations and the city will conduct a "Town Hall" meeting presenting the design recommendation and soliciting feedback from park neighbors, ahead of taking the matter to council for approval. Staff will be posting regular project updates on the city website, www.westutx.gov. However, if you would like to receive these updates directly, please provide us with your e-mail address and we shall add you to that e-directory: e-mail request to: myparks@westutx.gov

Thank you for your time and attention to this communication. Please feel free to contact me directly should you have any immediate questions, concerns or suggestions.

Sincerely,

Tim O'Connor, Director of Parks and Recreation



City of
**West University
Place**

ATTENTION

THIS PROPERTY IS THE FUTURE SITE OF THE
JENNIE ELIZABETH HUGHES PARK

This project made possible by the generous donation of property and some development funding from the estate of Mr. James Hughes.

If you have questions or would like to receive regular project updates, please provide the Parks and Recreation Department with your e-mail address C/O myparks@westutx.gov .

Jennie Elizabeth Hughes Park Citizens Task Force Volunteers (2016-2017)

<i>Name</i>	<i>Affiliation</i>
Tommy Thompson Jr.	Hughes Family Representative
Mark Prescott	Friends Board Chairman
Kevin Boyle	Parks Board Chairman and Park Neighbor
Melissa Pifko	Parks Board Vice-Chair
Peter Billipp	Parks Board Member
Donna Petrone	Parks Board Member
Mardi Turner	City Council Liaison to Parks Board and Friends Board
Kara Schaefer	Friends Board Member and Park Neighbor
Sue Hanna	Friends Board Member
Selby Clark	Senior Board Member
Lynn Old	Park Neighbor
Dorothy Zink	Park Neighbor
Dick Yehle	Park Neighbor
Dr. Eric Berkman	Park Neighbor
Dr. Andrew Kopel	Park Neighbor
Kelly Whitley	Park Neighbor
Dr. Anita Major	Park Neighbor
Dr. Isabel Garcia	Park Neighbor

FUTURE AGENDA ITEMS

Shaded items are on immediate agenda

Date	Item	Synopsis & Recommendation
07/11/16	Hughes Park Donation	Matters related to an update from staff, a park development timeline, and the appointment of a Task Force. <i>Recommended Action: Hear update from the Parks and Recreation Director, discuss a park development timeline, appoint a Task Force, and take any other desired action. Mr. Tim O'Connor, Parks and Recreation Director</i>
07/25/16	HCFFA Mutual Aid Agreement (Consent Agenda)	Matters related to adoption of a resolution authorizing the execution of the Harris County Firefighter's Association (HCFFA) Mutual Aid Agreement between the government entities within Harris County and the City of West University Place. <i>Recommended Action: Approve resolution adopting a HCFFA Mutual Aid Agreement between the government entities within Harris County and the City of West University Place. Mr. Aaron Taylor, Fire Chief</i>
08/08/16	Sidewalks	Matters related to City sidewalks associated with parking. <i>Recommended Action: Discuss and take any desired action. Mayor Susan Sample</i>
09/12/16	Certified Appraisal Roll	Matters related to a resolution acknowledging receipt of the appraisal roll, the assessor-collector's certificate and notice of a public hearing. <i>Recommended Action: Approve resolution acknowledging receipt of appraisal roll, assessor-collector's certificate, effective tax rate, and notice of a public hearing. Ms. Rhonda Daugherty, Finance Director</i>
09/12/16	Record Vote on Tax Rate and Set Public Hearings	Matters related to a resolution recording vote on tax rate and scheduling public hearings. <i>Recommended Action: Approve resolution recording vote on tax rate and schedule public hearings. Ms. Rhonda Daugherty, Finance Director</i>
09/12/16	Schedule Public Hearings for 2017 Budget	Matters related to scheduling public hearings to hear comments on the 2017 City Budget. <i>Recommended Action: Schedule public hearings for _____ and _____, to hear comments on the City's 2017 Budget. Ms. Rhonda Daugherty, Finance Director</i>
09/26/16	Senior Services Board Appointment	Matters related to the adoption of a resolution appointing Ann Crowley the Senior Services Board. <i>Recommendation Action: Adopt resolution appointing Ann Crowley to the Senior Services Board. Ms. Toby Brooks, Senior Services Manager</i>
10/01/16	Budget Workshop with Council (Saturday Workshop)	Matters related to city finances, 2016 tax rate and the 2017 Budget including revenues and expenditures for current and future years for all funds. <i>Mr. M. Chris Peifer, City Manager</i>
10/03/16	First Public Hearing on Tax Rate (Special Meeting, If Necessary)	Matters related to the first of two public hearings to hear comments on the proposed tax rate. <i>Recommended Action: Hold first public hearing on the proposed tax rate. Ms. Rhonda Daugherty, Finance Director</i>
10/10/16	Second Public Hearing on Tax Rate (If Necessary)	Matters related to a second public hearing to hear comments on the proposed tax rate. <i>Recommended Action: Hold second and final public hearing on the proposed tax rate. Ms.</i>

Date	Item	Synopsis & Recommendation
		<i>Rhonda Daugherty, Finance Director</i>
10/10/16	Public Hearing on 2017 Budget	Matters related to a public hearing to hear comments on the 2017 City Budget. <i>Recommended Action: Hold public hearing on the City's 2017 Budget. Ms. Rhonda Daugherty, Finance Director</i>
10/17/16	Adoption of the 2017 Budget (Special Meeting)	Matters related to an ordinance adopting the budget for the fiscal year beginning January 1, 2017 and ending December 31, 2017 appropriating funds for such budget; containing findings and provisions relating to the subject; and declaring an emergency. Public Hearing has been closed. <i>Recommended Action: Adopt ordinance adopting the 2017 Budget on first and final reading. Ms. Rhonda Daugherty, Finance Director</i>
10/17/16	Adoption of the 2016 Tax Rate	Matters related to an ordinance approving and adopting the 2016 Tax Rate, and declaring an emergency. <i>Recommended Action: Adopt ordinance reducing the 2016 tax rate to _____ on first and final reading. Ms. Rhonda Daugherty, Finance Director</i>
10/17/16	Fee Schedule	Matters related to an ordinance adopting the 2017 Fee Schedule. <i>Recommended Action: Approve an ordinance on the first of two readings. Mr. Chris Peifer, City Manager</i>
10/24/16	Chevron Houston Marathon	Matters related to the 2017 Chevron Houston Marathon. <i>Ms. Susan White, Assistant Parks and Recreation Director</i>
10/24/16	Video Distribution of Council and Board Meetings	Matters related to posting videos of Council and Board meetings on the City's website. <i>Mr. Gary McFarland, IT Director</i>
11/14 or 11/28	Jennie Elizabeth Hughes Park (Approval of Final design)	Matters related to approval of the final design and authorization to proceed with construction of the Jennie Elizabeth Hughes Park. <i>Recommended Action: Approve the final design and authorize proceeding with construction of the Jennie Elizabeth Hughes Park. Mr. Tim O'Connor, Parks and Recreation Director</i>
11/14/16	Friends 2017 Projects	Matters related to funding of the Friends of West University Place Parks 2017 projects. <i>Mr. Tim O'Connor, Parks and Recreation Director</i>
11/14/16	West U Aquatics MOU	Matters related to a 2017 Memorandum of Understanding between the City of West University Place and West University Aquatics. <i>Recommended Action: Approve Memorandum of Understanding. Mr. Tim O'Connor, Parks and Recreation Director</i>
11/14/16	West U Baptist Church MOU	Matters related to a 2017 Memorandum of Understanding between the City of West University Place and West University Baptist Church. <i>Recommended Action: Approve Memorandum of Understanding. Mr. Tim O'Connor, Parks and Recreation Director</i>
11/14/16	Tri-Sports MOU	Matters related to a 2017 Memorandum of Understanding between the City of West University Place and Tri-Sports. <i>Recommended Action: Approve Memorandum of Understanding. Mr. Tim O'Connor, Parks and Recreation Director</i>

Date	Item	Synopsis & Recommendation
TBD	Park Acquisition and Development	Matters related to a report from the Parks Board and staff regarding a presentation relating to current and previous parks surveys. City Council
TBD	Park Acquisition and Development	Matters related to the status of the work with the Evelyn's Park Conservancy and the planning efforts with CenterPoint.
TBD	2017 General Election	Matters related to an ordinance calling the 2017 Election. <i>Recommended Action: Approve ordinance on the first and final reading.</i> Ms. Thelma Lenz, City Secretary
TBD	WU Rec Center Campus Parking Lot	Matters related to the proposed expansion of the parking lot on the ELPH Pipeline Property / West Side of the campus. <i>Recommended Action: Discuss and take any desired action.</i> Mr. Tim O'Connor, Parks and Recreation Director
TBD	Safe Pedestrian Crossing	Matters regarding the investigation and installation of a safe pedestrian crossing at the railroad tracks on the north side of Bellaire Boulevard. <i>Recommended Action: Discuss and take any desired action.</i> Mr. Tim O'Connor, Parks and Recreation Director
TBD	Evelyn's Park Development	Matters related to the development of Evelyn's park in Bellaire, including possibility of shared parking arrangements with the City of Bellaire for Evelyn's park. <i>Discuss and take any desired action.</i> Mr. Tim O'Connor, Parks and Recreation Director
TBD	Texas Ethics Commission Opinion	Matters related to a Texas Ethics Commission opinion relating to the content of articles written in <i>City Currents</i> . <i>Recommended Action: Discuss and take any desired action.</i> Councilmember Brennan Reilly
TBD	Parking Survey	Matters related to a parking survey. <i>Recommended Action: Discuss and take any desired action.</i> Mr. Dave Beach, Public Works Director
TBD	Town Center Zoning	Matters related to Town Center Zoning. <i>Recommended Action: Discuss and take any desired.</i> City Council
TBD	Poor Farm Ditch	Matters related to Poor Farm Ditch. <i>Recommended Action: Discuss and take any desired action.</i> Mayor Susan Sample
TBD	Buffalo Speedway	Matters related to Buffalo Speedway Replacement Project. Mr. Chris Peifer, City Manager

7/7/2016 10:57:45 AM



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 27, 2016**, in the Municipal Building, 3800 University, West University Place, Texas beginning at **6:30 p.m.**

Agenda Items were as follows:

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

Also present was Robert Belt with Belt Harris Pechacek LLP.

Boy Scouts Andrew Debnam and Joshua Wilson with Troop 55 led the Pledge.

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

1. Public Comments

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

Carla Danbury, 4102 Judson, spoke regarding the alarm at the lift station on Academy and advocated for a silent, electronic alarm system that notifies Public Works when something is wrong instead of a blaring horn, which is the current notification system.

Robert Grossman, 4103 Ruskin spoke to request reimbursement of a fee he paid to the City to appeal the City's official position that it was okay to load and unload trucks and count inventory in the residential lots on Ruskin. He said the ZBA found that the citizens were correct, but oddly they have to pay a fee that is not refunded. He said he used the word "oddly" because AT&T's strongest argument with the issue was that they have been doing what they are doing for years and they have never received a citation. Mr. Grossman said he thinks it is shameful that the citizens had to pay a fee to the City to set the City straight and he thinks the City should refund the fee.

Dick Yehle, 6401 Rutgers, spoke to say that he has a plan to save West U about \$64,000 by simply foregoing the proposed Municipal Facilities Building Assessment (survey). He said the main driver for the survey is to facilitate the Master Planning process, but he said there are at least four reasons that the survey offers little value for the rather large expenditure: (1) The City already understands the status of most its buildings by virtue of their regular use and routine maintenance, so it is unlikely that the survey will do anything but confirm the obvious; (2) Since the scope of the survey is limited to assessing the physical condition of facilities, it leaves the equally important "fitness for purpose" evaluation undone and without the latter perspective, the Master Planning

process remains stymied, meaning the survey will contribute very little; (3) The practical value of the survey must be questioned in light of the imminent improvements to the library, something being done before the survey results are likely to be delivered. While perhaps the library renovations cannot wait, a more logical sequence would be to do the survey first and then undertake appropriate corrective actions, which might more reasonably suggest replacement of the facility rather than a \$300,000 stopgap renovation; and (4) In spite of the well-known deficiencies in some buildings, notably the library and vehicle maintenance building, the Master Plan Task Force found no issues with the quality of fitness for purpose of any facilities that would significantly influence plans for the next ten years. Mr. Yehle said if that is the official view of the City, it seems that a more detailed documentation of current conditions in the proposed assessment is unlikely to stimulate a more visionary long-term course. He said his conclusion is that the survey has little value and the money would be better spent elsewhere.

Alida Drewes, 6112 Fordham Street, spoke regarding the seniors and said they may lose their homes. She said no one taxpaying senior has a home valued over \$1,000,000 and said most seniors are on fixed incomes. Ms. Drewes told Council it doesn't follow through with the vote to obtain parkland, it refuses her services, and now the seniors can't get their exemptions, which she wonders is it because of her. She said the City has the money to give the seniors an exemption, but doesn't think seniors are supported in this community.

2. Municipal Facilities Building Assessment

Matters related to the Municipal Facilities Building Assessment. *Recommended Action: Discuss and take any desired action, to include providing additional direction in the manner the City will proceed in this matter.*

Public Works Director Beach presented this item and said staff solicited Request for Qualifications for the Facilities Assessment and selected Huitt Zollars due to their proposal and work experience with municipal assessments. He said the cost for base services is \$63,700, which will consist of a Facility Condition Assessment (Phase I), preliminary needs assessment and planning (Phase II), and an Asset Management Plan (Phase 3), which in total will take approximately 90 to 120 days to complete.

Mr. Beach said staff is seeking direction from Council so, therefore, does not have a recommendation.

In response to Mayor Pro Tem Kelly's question as to what having the assessment will do for the City, Mr. Beach responded that it will put a professional stamp on what staff already knows.

In response to Mayor Pro Tem Kelly's question as to whether the City has an existing maintenance plan for its facilities, Mr. Beach replied yes.

Mr. Beach confirmed that the proposed assessment of the facilities would cover the Community Building/Senior Center, Library, Fleet Maintenance Building, Operations Building, Public Works Administration Building, Scout House, Wastewater Treatment Plant Office Building, and the Fire Station Apparatus Bay.

Councilmember Ballanfant said it's his understanding that staff has been putting money aside to address long-range maintenance issues. Mr. Beach replied that's correct, but only for major capital equipment.

In regards to the library, Councilmember Ballanfant asked what the current issues are at that facility. City Manager Peifer replied there are life safety issues, such as fire access, fire alarm, fire sprinkler systems, etc., all of which are being addressed.

Mr. Beach said a design contract has been let for the Library and staff will be meeting with Harris County Library representatives to discuss related events pertaining to the schedule of the project.

In regards to the assessment, Mayor Sample said the Task Force seemed to think that this was something great for them, because the members kept waiting for the assessment before making any changes to the current Municipal Facilities Plan. Mr. Beach said there was some confusion between some of the Task Force members as to what the building assessment was going to accomplish. He said things have now been clarified because he told them the same thing he has told Council, which is that the assessment will tell them what staff already knows about the condition of the facilities.

Councilmember Turner said other than putting a professional stamp on what is already known, the \$64,000 is adding value in what way. Mr. Beach said the City will get more detail, but doesn't see that the City will be getting the value of the cost.

Mayor Pro Tem Kelly said members of the Task Force looked at facilities to see what the City has, where they are located, and their functionality and then gave Council an opinion, which was that the members didn't see anything significant that required anything to be done. He said it seems as though staff is in agreement from a maintenance standpoint. Mr. Beach agreed.

Mayor Pro Tem Kelly said it's his understanding the Task Force is now developing the process for getting community input to develop proposed changes to the Master Plan.

Mr. Beach said the Task Force will be taking their recommendations and direction from Council from the time it was discussed and incorporate those recommendations into the existing Facilities Master Plan. He said the architects have met with the Task Force to get its feedback and they will now go through the process of updating the Plan and the new proposed Plan will be brought before Council.

Eddie Matthews, resident at 5906 Fordham and member of the Task Force, spoke to say from his recollection of the meetings he attended with the Task Force and Council, the whole idea of a building assessment was brought up during the Council Workshop of January 4, 2016 and was driven by Councilmember Ballanfant. He said it was at that time City staff was asked to solicit RFQs for the assessment and later in the same day, the scope and membership of the Task Force were determined. Mr. Matthews said the Task Force worked through things and didn't depend on a building assessment. He said the Task Force did regularly inquire from Dave Beach as to the stages of the RFQ and when it would be available, but at the end of the day the Task Force came up with its own recommendations and conclusions, which it presented to Council.

Mr. Matthews said if Council decides to move forward with a building assessment and a major issue is identified, he would be prepared to rethink some of the Task Force's recommendations. He said this is his personal view and not that of the Task Force.

Mayor Sample said she believes that with the Task Force's recommendations that have been submitted, the Task Force is done unless Council comes back with another charge.

Mayor Pro Tem Kelly said he thought there was another phase, which was for the Task Force to recommend a process as the Parks Master Plan Task Force did for the Parks Master Plan.

Mr. Matthews agreed. He said the Task Force is waiting for an amended redline version of the current Master Plan.

Mayor Pro Tem Kelly said when the Task Force has the redline version ready, Council will have another workshop with the Task Force to see where it is headed in the future.

Councilmember Turner asked staff to provide Council the most recent report from Sugarland or another City, in addition to the redlined version of the Master Plan.

3. Automated Meter Reading

Matters related to the close-out for the Automated Meter Reading Project. *Recommended Action: Approve close-out of the project.*

Public Works Director Beach presented and said that in 2014, Council approved the Automated Meter Reading project, which basically changed out all the meters throughout the City with automated readers over a wireless/radio network.

Mr. Beach said the total project budget is \$1,980,000 and the City is approximately \$3,000 shy of the budgeted amount. He said there was one Change Order in the amount \$76,000 for an additional 127 meters and to lift meters that were too deep in the ground.

Mr. Beach said staff recommends that the City Council accept the project as complete and approve the final payment in the amount of \$87,727.07, which includes Change Order No. 1, to Aqua-Metrics, Inc.

Mayor Pro Tem Kelly made the motion as recommended. Councilmember Turner seconded the motion. **MOTION PASSED.**

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

4. 2015 Budget Amendment

Matters related to an ordinance amending the 2015 Budget. *Recommended Action: Approve ordinance amending the 2015 Budget.*

Finance Director Daugherty presented and said this is the annual amendment to the previous year's budget and is a housekeeping thing to make sure the City has all of its budgets in the correct department. .

Councilmember Turner moved to adopt an ordinance approving and adopting an amendment to the 2015 Budget as enumerated by the Finance Director. Councilmember Ballanfant seconded the motion. **MOTON PASSED.**

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

5. Annual Financial Report (CAFR)

Matters related to acceptance of the Annual Financial Report. *Recommended Action: Accept the Annual Financial Report.*

Finance Director Daugherty introduced Robert Belt with Belt, Harris and Pechacek LLP who presented and reviewed with Council some of the highlights of the City's Comprehensive Annual Financial Report for year ending December 31, 2015.

Mr. Pechacek said the City has a six-month reserve and is in excellent financial condition from a fund balance position.

After the presentation and a brief question and answer period, Councilmember Turner moved to accept the Annual Financial Report as presented. Councilmember Ballanfant seconded the motion.

MOTION PASSED.

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

6. Investment Policy

Matters related to a resolution adopting the West University Place Investment Policy. *Recommended Action: Approve the resolution adopting the West University Place Investment Policy.*

Finance Director Daugherty presented and said this is the annual review of the City's Investment Policy per a requirement of Texas Government Code, Section 2256. She said a representative from Public Trust Advisors reviewed the City's policy in November and based on that review, staff made a few changes. She reviewed those changes with Council.

Ms. Daugherty pointed out that one of the changes considered was due to a question Councilmember Reilly asked last year about the No Load Money Market Mutual Funds that are registered with the Securities and Exchange Commission. She said based on staff's consultation with Public Trust Advisors, it was recommended not to make any changes to that section. She said even though the City doesn't currently invest in those types of funds, staff wants to have the option.

After discussing other minor changes, Councilmember Turner moved to approve the resolution adopting the City's Investment Policy as presented. Councilmember Ballanfant seconded the motion.

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

7. 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.*

Fire Chief Aaron Taylor presented and said this agreement provides mutual aid protection between all signing parties within the 13-county H-GAC region and also sets forth some procedures that will

ensure that FEMA will honor reimbursement requests following a disaster. He said this agreement offers the City more financial protection than the previous 1980 agreement.

Mayor Pro Tem Kelly moved to authorize the Mutual Aid Agreement between the government entities with the Gulf coast State Planning Region and the City of West University Place. Councilmember Ballanfant seconded the motion. **MOTION PASSED.**

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

8. Future Agenda Items

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

There was no discussion of this item.

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 June 13, 2016 Council meetings. *Recommended Action: Approve Minutes.*

Mayor Pro Tem Kelly moved to approve Consent Agenda as presented. Councilmember Ballanfant seconded the motion. **MOTION PASSED.**

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

7. Adjourn

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

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

Prepared By:

Thelma A. Gilliam, City Secretary

Date Approved