



# City of West University Place

*A Neighborhood City*

## **CITY COUNCIL**

Susan Sample, Mayor  
Mardi Turner, Mayor Pro Tem  
Bob Higley, Councilmember  
Kellye Burke, Councilmember  
Kevin Boyle, Councilmember

## **STAFF**

David J. Beach, City Manager  
Alan Petrov, City Attorney  
Thelma Gilliam, City Secretary

## **City Council Meeting Agenda Agenda de la reunión del Ayuntamiento**

**Notice is hereby given of a regular City Council meeting** of West University Place to be held on **Monday, February 11, 2019** 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.

Por la presente se da aviso de una reunión regular del Concejo Municipal de West University Place que se llevará a cabo el lunes 11 de febrero de 2019 a partir de las 6:30 p.m. en el Edificio Municipal ubicado en 3800 University Boulevard, West University Place, Texas, con el propósito de considerar los siguientes puntos de la agenda.

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.

Nota: Todos los temas de la agenda están sujetos a acción. El Ayuntamiento se reserva el derecho de reunirse en sesión cerrada en cualquier punto del orden del día si fuera necesario y, en su caso, de acuerdo con la autorización del Título 5, Capítulo 551, del Código del Gobierno de Texas.

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Call to Order

Matters related to the notice of this meeting

Pledge of Allegiance

### **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. Land Use and Zoning Discussion**

Matters related to City Council discussion about the current process for zoning and land use issues in the City and recommendation to the Zoning and Planning Commission on modifications to the rules of procedure and ordinances. *Recommended Action: Discuss and take any desired action. Mayor Susan Sample and City Council*

**3. Ordinances Calling the May 4, 2019 General and Special Elections**

Matters related to ordinances calling for the 2019 General Election and Special Charter Election. *Recommended Action: Approve ordinances calling the General and Special Elections on second and final reading. City Attorney Alan Petrov, Ms. Katherine Brem, Charter Review Committee Chair, and Ms. Thelma Gilliam, City Secretary* [see Agenda Memo 3]

**Ordenanzas convocando las elecciones generales y especiales del 4 de mayo de 2019**

Asuntos relacionados con las ordenanzas que piden la Elección General de 2019 y la Elección de la Carta Especial. *Acción recomendada: aprobar las ordenanzas que convocan las elecciones generales y especiales en segunda y última lectura. El abogado de la ciudad Alan Petrov, la Sra. Katherine Brem, Presidenta del Comité de Revisión de la Carta, y la Sra. Thelma Gilliam, Secretaria de la Ciudad* [véase Memoria del Programa 3]

**4. Paperless Utility Billing**

Matters related to informational presentation on paperless utility billing. *Recommended Action: No action required. Ms. Marie Kalka, Finance Director* [see Agenda Memo 4]

**5. Tree Trust Program Budget Transfer**

Matters related to a budget transfer for the Tree Trust Program. *Recommended Action: Allow for a budget transfer for the Tree Trust Program. Ms. Diane White, Interim Public Works Director* [see Agenda Memo 5]

**6. House Bill 789 Resolution**

Matters related to a resolution supporting House Bill 789 relating to the height of billboard signs. *Recommended Action: Discuss and take any desired action. Susan Sample, Mayor* [see Resolution]

**7. 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**

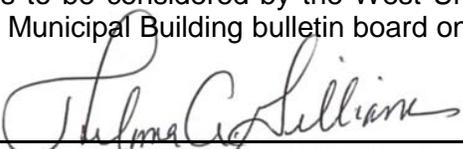
Approve City Council Meeting Minutes of January 28, 2019. [see Action Minutes]

**8. 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 February 11, 2019 was posted on the Municipal Building bulletin board on February 8, 2019 at approximately 4:45 o'clock p.m.

(SEAL)

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

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

<b>AGENDA OF:</b>	February 11, 2019	<b>AGENDA ITEM:</b>	3
<b>DATE SUBMITTED:</b>	February 7, 2019	<b>DEPARTMENT:</b>	Administration
<b>PREPARED BY:</b>	T. Gilliam, City Secretary	<b>PRESENTER:</b>	A. Petrov, City Attorney K. Brem, CRC Chair T. Gilliam, City Secretary
<b>SUBJECT:</b>	<b>2019 General and Special Elections</b>		
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"> <li>1. General Election Ordinance (without County)</li> <li>2. General Election Ordinance (with County)</li> <li>3. Special Election Ordinance (without County)</li> <li>4. Special Election Ordinance (with County)</li> <li>5. Memo from Charter Committee Chair with Proposed Amendments</li> </ol>		
<b>EXPENDITURE REQUIRED:</b>			\$21,500
<b>AMOUNT BUDGETED:</b>			\$15,000
<b>ACCOUNT NO.:</b>			101-1010-75001
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>			N/A
<b>ACCOUNT NO.:</b>			N/A

**EXECUTIVE SUMMARY**

**General & Special Elections:**

The ordinances were approved on their first reading by City Council at their January 28, 2019 meeting. Staff is requesting the City Council adopt the following ordinances:

- (1) Calling for a general election for the purpose of electing a mayor and four councilmembers, and
- (2) Calling for a special election relating to amendments to the City's Charter.

**Changes to Harris County's Participation in West U Election:**

The City received notice on February 4, 2019, that Harris County will no longer lease voting equipment to the City.

The following are our current practices for the May and November elections:

- May (City): One location for early voting and Election Day (City Hall)
- November (County): Four locations for Election Day voting (WURC, CPP, CB & SH)  
Early voting at any early voting station in Harris County

**Available Options:**

There are two options available to West U at this time:

- (1) Contract with Harris County to hold the May election(s), or
- (2) Purchase, store and maintain 8 voting machines and misc. equipment. The life expectancy of the machines is 10 years.

**Cost of Available Options:**

(1) Contract with Harris County:

Cost of the elections are determined by the number of agencies participating in an election. During elections where Harris County has items on the ballot, they typically cover 50% of the cost and elections where Harris County has nothing on the ballot, those cost are split amongst participants. The City’s average cost during an election where Harris County has something on the ballot is approximately \$8,500 and during an election where they have nothing on the ballot the cost is approximately \$21,500. The matrix below shows the avg. and high cost to contract with Harris County over a 10-year period.

	Election with County Participation	Election without County Participation	Avg. Election Cost	# of May Elections over 10 yrs	Total Avg. Cost	Total Cost w/o County Part.
County Contract Cost:	\$8,500	\$21,500	\$15,000	5	\$75,000	\$107,500

(2) City Purchases Equipment:

The upfront cost to purchase equipment is approximately \$85,000, plus annual operating costs (license and support fee) and manufacturer programming cost for each election. The matrix below shows the City’s costs to purchase machines and ongoing costs over the 10-year life expectancy of the machine. Included in the cost below is an annual replacement charge which sets aside funds to purchase new machines at the end of the useful life.

	Service Life (yrs)	Onetime Cost	ongoing Cost	10-Year Total Cost
New Equipment	10	\$85,000		\$85,000
Replacement Cost / Year	10		\$10,000	\$100,000
Maintenance Agreement	10		\$5,283	\$52,830
Avg. Program Cost / Electi	5		\$3,000	\$15,000
		\$85,000	\$18,283	\$252,830

Please note – the City paid approximately \$13,000 per election to rent the County machines or a total of \$65,000 over a 10-year period.

Due to evolving technology, many cities throughout Texas that use to host their own elections are moving towards contracting with their respective counties. Main reason is the cost to replace machines, vendors no longer supporting older machines or key equipment and cities being left with obsolete machines.

**Advantage and Disadvantages of Options:**

(1) Contract with Harris County:

- a. More early voting locations throughout the County where residents can vote.  
*Note: Approval is pending from Commissioners Court to have voting centers throughout the County that will allow voters to vote at any voting center on Election Day.*
- b. Reduces confusion for the voter because the polling locations more than likely to remain the same as the November locations.
- c. City does not have the cost of staffing polling places.
- d. Least costly.
- e. Previous concerns about length of time to receive results.
- f. Previous concerns that West U voting information is towards the bottom of the ballot.
- g. Subject to County increases.

(2) City Purchasing Equipment:

- a. Central location for residents.
- b. More costly to purchase, maintain and store the equipment.
- c. Locating a secure and climate controlled space to store the equipment.
- d. Cost associated with equipment replacement, programming and training.

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

Staff expects savings in this year's operating budget to cover the additional \$6,500 in funds needed.

**RECOMMENDATION**

Staff recommends that the City Council take the following action:

- (1) Adopt the ordinance calling the General Election and approve contracting with Harris County to conduct the election;
- (2) Take any desired action regarding the Special Election ordinance for May 4, 2019, and if the Special Election is called, approve contracting with Harris County to conduct the election; and
- (3) Authorize the City Manager to take any action necessary for Harris County to host the City's May 2019 elections.

**City of West University Place  
Harris County, Texas**

**Ordinance No. XXXX**

AN ORDINANCE CALLING AN ELECTION WITHIN THE CITY OF WEST UNIVERSITY PLACE, TEXAS FOR THE FOURTH (4<sup>th</sup>) DAY OF MAY, 2019, FOR THE PURPOSE OF ELECTING A MAYOR AND FOUR (4) COUNCIL MEMBERS; DESIGNATING PRECINCTS AND POLLING PLACE; APPOINTING ELECTION OFFICIALS; AND CONTAINING FINDINGS AND PROVISIONS RELATING TO SAID ELECTION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS:

SECTION 1. A general election is hereby ordered and shall be held in the City of West University Place, Texas ("City") on May 4, 2019 ("Election Day"), for the purpose of electing a Mayor and four (4) Council Members of the City.

SECTION 2. (a) The eSlate Direct Recording Electronic Voting System (the "DRE") shall be used for early voting by personal appearance and for regular voting on Election Day.

(b) Paper ballots shall be used for voting by mail and such ballots shall be manually counted.

All ballots shall be prepared in accordance with the applicable provisions of the TEXAS ELECTION CODE and the Voting Rights Act of 1965 and any amendments thereto so that the voters may cast their ballots for the candidates of their choice.

(c) The City Council hereby appoints Ramsay Elder to be Presiding Judge for the Central Counting Station, which shall be located at the West University Place Municipal Building, 3800 University Boulevard, West University Place, Texas 77005 (Council Chambers). Thelma Gilliam shall serve as the Manager and Tabulation Supervisor of the Central Counting Station.

SECTION 3. (a) The City shall have one (1) polling place for citizens residing in all five (5) Harris County voting precincts within West University Place (#15, #87, #133, #183, #906) to vote and the persons hereby appointed to serve, for this election only, as Presiding Judge and Alternate Presiding Judge for the polling place, are as follows:

**Polling Place:**

West University Place Council Chambers  
3800 University Boulevard

Marie Monroe, Presiding Judge  
TBD, Alternate Presiding Judge

(b) The Presiding Judge shall appoint not fewer than four (4) and not more than six (6) qualified clerks to serve and assist at the polling place under his/her jurisdiction in holding said election; provided that, the Presiding Judge herein appointed actually serves in holding said election, the Alternate Presiding Judge shall be one of the clerks.

(c) The Presiding Judge and Alternate Presiding Judge will be entitled to compensation at an hourly rate not to exceed \$12.00 and each election clerk will be entitled to compensation at an hourly rate not to exceed \$9.00.

(d) On Election Day, the polls shall be open from 7:00 A.M. to 7:00 P.M.

(e) The early voting clerk shall be the City Secretary of the City. Early voting by personal appearance shall be conducted at the City Hall Council Chambers, Municipal Building, 3800 University Blvd., West University Place, Texas 77005, on weekdays during the early voting period (April 22, 2019 through April 27, 2019 and on April 30, 2019) during the hours the City Secretary's main business office is regularly open for business (8:00 a.m. to 5:00 p.m.) on each day which is not a Saturday, Sunday, or official state or federal holiday, in accordance with the provisions of the TEXAS ELECTION CODE. Extended hours for early voting will held on April 26<sup>th</sup> and April 28<sup>th</sup> from 7:00 a.m. to 7:00 p.m. The early voting clerk's mailing address, to which ballot applications and ballots voted by mail may be sent, shall be: City Secretary, Municipal Building, 3800 University Blvd., West University Place, Texas 77005. Applications for ballots by mail must be received by the early voting clerk in person no later than the close of business on April 19, 2019 and by mail no later than the close of business on April 23, 2019. Marie Monroe shall serve as the presiding officer of the Early Voting Ballot Board for this election.

SECTION 4. All qualified electors of the City shall be permitted to vote at said election. Notwithstanding any provisions to the contrary in this ordinance, the election shall be held and conducted in accordance with the TEXAS ELECTION CODE and the VOTING RIGHTS ACT OF 1965, as amended, and, as may be required by law. All election materials and proceedings shall be printed in English and Spanish. In addition, standard voting information shall be provided in English and Spanish and the City Secretary shall make arrangements with the election officials for the use of a Spanish interpreter. It is found and determined that these measures will adequately serve any Spanish speakers eligible to vote in the election. In addition, per the preclearance of the United States Department of Justice and the Voting Rights Act of 1965, the City shall utilize a targeting system for Vietnamese and Chinese speakers, as necessary, so that such language minority group members who need minority language materials and assistance receive them.

SECTION 5. The form of the notice prescribed by the Texas Secretary of State's Office shall serve as proper notice of said election. Said notice, including a Spanish translation thereof, shall be given by publishing it and posting it in accordance with Section 4.003, of the TEXAS ELECTION CODE. In addition, per the Voting Rights Act of 1965, the City Secretary will make the Notice available in both Chinese and Vietnamese languages, as may be necessary pursuant to the targeting system.

SECTION 6. The Mayor, the Mayor Pro Tem, the City Manager, the City Secretary and the Assistant City Secretary, or any one of them, are authorized on behalf of the City Council to evidence adoption of this Ordinance and to do any and all other things legal and necessary in connection with the holding and consummation of such election and to give effect to the intent of this Ordinance. Appointments of election officials in this Ordinance are made for this election only.

SECTION 7. If any word, phrase, clause, sentence, paragraph, section or other part of this ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this ordinance to any other persons or circumstances, shall not be affected thereby.

SECTION 8. All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

SECTION 9. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required

by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

PASSED AND APPROVED ON THE **FIRST OF TWO READINGS**, this the 28<sup>th</sup> day of January, 2019.

PASSED AND APPROVED ON **SECOND AND FINAL READING**, this 11<sup>th</sup> day of February, 2019.

**SIGNED:**

(SEAL)

\_\_\_\_\_  
Susan V. Sample  
Mayor

**ATTEST:**

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

**RECOMMENDED:**

**REVIEWED:**

\_\_\_\_\_  
David J. Beach  
City Manager

\_\_\_\_\_  
Alan P. Petrov  
City Attorney

**City of West University Place  
Harris County, Texas**

**Ordinance No. XXXX**

AN ORDINANCE CALLING AN ELECTION WITHIN THE CITY OF WEST UNIVERSITY PLACE, TEXAS FOR THE FOURTH (4<sup>th</sup>) DAY OF MAY, 2019, FOR THE PURPOSE OF ELECTING A MAYOR AND FOUR (4) COUNCIL MEMBERS; DESIGNATING PRECINCTS AND POLLING PLACES; APPOINTING ELECTION OFFICIALS; AND CONTAINING FINDINGS AND PROVISIONS RELATING TO SAID ELECTION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS:

SECTION 1. A general election is hereby ordered and shall be held in the City of West University Place, Texas ("City") on May 4, 2019 ("Election Day"), for the purpose of electing a Mayor and four (4) Council Members of the City, in conjunction with elections to be administered by Harris County, Texas ("County") for the City and other local entities.

SECTION 2.

(a) The eSlate Direct Recording Electronic Voting System (the "DRE") shall be used for early voting by personal appearance and for regular voting on Election Day.

(b) Paper ballots shall be used for voting by mail and such ballots shall be manually counted.

All ballots shall be prepared in accordance with the applicable provisions of the TEXAS ELECTION CODE and the Voting Rights Act of 1965 and any amendments thereto so that the voters may cast their ballots for the candidates of their choice.

SECTION 3. (a) The City consists of five (5) voting precincts and polling places (i.e., #15, #87, #133, #183, #906), the polling places of which are those designated by the County.

(b) The Presiding Judge, Manager, and Tabulation Supervisor shall be those special officials appointed by the County for the purposes of this election.

(c) Each of the referenced five (5) voting precincts is a regular County election precinct and, therefore, the City hereby appoints the County election officials as its special officials for the purpose of this election.

(d) On Election Day, the polls shall be open from 7:00 A.M. to 7:00 P.M.

(e) Early voting by personal appearance shall be conducted by the Harris County Clerk's Office, Elections Division, 1001 Preston, 1<sup>st</sup> Floor, Houston, Texas 77002, or any of the other early voting polling locations designated by the County on weekdays during the early voting period (April 22, 2019 through April 27, 2019 and on April 30, 2019), during the hours designated by the County, on each day which is not a Saturday, Sunday, or official state or federal holiday, in accordance with the provisions of the TEXAS ELECTION CODE. Early voting by mail for the election shall be conducted by making application for an early voting ballot with Diane Trautman, Harris County Clerk, P. O. Box 1148, Houston, Texas 77251-1148. Voters qualified to vote early by mail may begin applying for a ballot by mail on January 1, 2019. Applications for ballots by mail must be received by the Harris County Clerk's Office in person

no later than the close of business on April 19, 2019 and by mail no later than the close of business on April 23, 2019.

SECTION 4. All qualified electors of the City shall be permitted to vote at said election. Notwithstanding any provisions to the contrary in this ordinance, the election shall be held and conducted in accordance with the TEXAS ELECTION CODE and the VOTING RIGHTS ACT OF 1965, as amended, and, as may be required by law. All election materials and proceedings shall be printed in English and Spanish. In addition, standard voting information shall be provided in English and Spanish and the County shall make arrangements with the election officials for the use of a Spanish interpreter. It is found and determined that these measures will adequately serve any Spanish speakers eligible to vote in the election. In addition, per the preclearance of the United States Department of Justice and the Voting Rights Act of 1965, the County shall utilize a targeting system for Vietnamese and Mandarin Chinese speakers, as necessary, so that such language minority group members who need minority language materials and assistance receive them.

SECTION 5. The form of the notice prescribed by the Texas Secretary of State's Office shall serve as proper notice of said election. Said notice, including a Spanish translation thereof, shall be given by publishing it and posting it in accordance with Section 4.003, of the TEXAS ELECTION CODE. In addition, per the Voting Rights Act of 1965, the County will make the Notice available in both Mandarin Chinese and Vietnamese languages, as may be necessary pursuant to the targeting system.

SECTION 6. The Mayor, the Mayor Pro Tem, the City Manager, the City Secretary and the Assistant City Secretary, or any one of them, are authorized on behalf of the City Council to evidence adoption of this Ordinance and to do any and all other things legal and necessary in connection with the holding and consummation of such election and to give effect to the intent of this Ordinance. Appointments of election officials in this Ordinance are made for this election only.

SECTION 7. If any word, phrase, clause, sentence, paragraph, section or other part of this ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this ordinance to any other persons or circumstances, shall not be affected thereby.

SECTION 8. All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

SECTION 9. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

PASSED AND APPROVED ON THE **FIRST OF TWO READINGS**, this the 28<sup>th</sup> day of January, 2019.

PASSED AND APPROVED ON **SECOND AND FINAL READING**, this 11<sup>th</sup> day of February, 2019.

**SIGNED:**

(SEAL)

\_\_\_\_\_  
Susan V. Sample  
Mayor

**ATTEST:**

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

**RECOMMENDED:**

\_\_\_\_\_  
David J. Beach  
City Manager

**REVIEWED:**

\_\_\_\_\_  
Alan P. Petrov  
City Attorney

**City of West University Place  
Harris County, Texas**

**Ordinance No. XXXX**

AN ORDINANCE CALLING A SPECIAL ELECTION WITHIN THE CITY OF WEST UNIVERSITY PLACE, TEXAS FOR THE FOURTH (4<sup>th</sup>) DAY OF MAY, 2019, FOR THE PURPOSE OF SUBMITTING PROPOSED CHARTER AMENDMENTS TO THE QUALIFIED VOTERS OF THE CITY; DESIGNATING PRECINCTS AND POLLING PLACE; APPOINTING ELECTION OFFICIALS; AND CONTAINING FINDINGS AND PROVISIONS RELATING TO SAID ELECTION.

WHEREAS, as required by Section 10.13 of the home-rule Charter ("Charter") of the City of West University Place, Texas ("City"), the City Council of the City appointed a Charter Review Committee; and

WHEREAS, the Charter Review Committee has carefully studied the Charter and has made a number of recommendations to the City Council for amendments; and

WHEREAS, the City Council desires to submit proposed amendments to the qualified voters of the City, as authorized by Section 9.004 of the Texas Local Government Code; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS:

SECTION 1. A special election is hereby called by the City Council of the City (the "City Council") and shall be held in the City on May 4, 2019 ("Election Day"), for the purpose of submitting proposed City Charter amendments to the qualified voters of the City. The City Council finds that holding the election on such date is in the public interest. The proposed Charter amendments are as follows:

*(In the text of the proposed amendments, words ~~stricken out~~ would be deleted from the Charter. All other words would be in the Charter if the amendments are adopted. Words to be added are typically shown by underlining.)*

**PROPOSED CHARTER AMENDMENTS**

*Amend Section 2.03 of the Charter as follows:*

Section 2.03 – Limit on Successive Terms.

No person shall serve as Mayor for more than ~~two~~ three successive terms and no person shall serve as Council Member for more than ~~two~~ three successive terms.

*Amend Section 2.05 of the Charter as follows:*

Section 2.05 – Vacancies.

If at any time a vacancy exists on the Council, Council shall fill the vacancy with an appointment by a majority vote of the remaining Council members, with such appointee to serve until the next regularly scheduled election, ~~provided, however, that if such vacancy is not filled by Council within 60 days, then such vacancy shall be filled by special election.~~ Council shall fill the vacancy within 60 days. Any person appointed or elected to the Council under this provision, shall meet all qualifications to serve as a

Council member under Section 2.02 as of the date of such appointment or election.

*Amend Section 2.07 of the Charter as follows:*

Section 2.07 – Mayor Pro Tem.

~~At its first meeting,~~ [T]he Council shall elect one of its members Mayor Pro Tem, who shall perform the duties and have the power of the Mayor during the absence or inability of the Mayor to perform the duties of that office. Election of the Mayor Pro Tem shall be at the Council's first meeting or, in the event of a vacancy, within 60 days.

*Amend Section 7.07 of the Charter as follows:*

Section 7.07 – Issuance of Bond and Other Obligations of the City.

The City shall have the right and power to borrow money on the credit of the City for permanent public improvements or for other public purposes as determined by the Council, and the power to issue bonds, certificates of obligation, warrants, or other evidences of indebtedness of the City as authorized by the laws of the State of Texas. On the date of any bond issue, the total bonded indebtedness of the City, including such issue, shall not exceed ~~five~~ three percent of the net taxable value of property on the tax rolls of the City, and any issue of bonds in excess of said sum shall be void as to such excess. Notwithstanding any other provisions of this Charter to the contrary, ordinances authorizing the issuance of bonds, certificates of obligation, warrants, or other evidences of indebtedness, or ordinances authorizing the levy of taxes or the pledge of revenues to secure payment of indebtedness shall require only one reading, shall become effective immediately, and shall not be subject to referendum. Nothing in this Section excuses compliance with Section 7.08 of the Charter.

*Amend Section 10.13 of the Charter as follows:*

Section 10.13 – Charter Review.

a. In 1988, and every six years thereafter, the Council shall appoint, at its first regular meeting in June, a Charter Review Committee of ~~seven~~ nine residents of the City. The term of office of the Charter Review Committee shall be six months unless extended by the Council.

b. Powers and Duties of Charter Review Committee. The Charter Review Committee shall:

- (1) Inquire into the operations of the City government and review this Charter to determine whether the Charter needs revision. Public hearings may be held and the Committee shall have the power to compel the attendance of City officers or employees and to require the submission of City records necessary to the inquiry and review.

- (2) Propose to Council recommendations if necessary to insure that the City government and its operations comply with this Charter.
- (3) Propose to Council recommendations if necessary to improve the effectiveness of this Charter.
- (4) Make a written report of its findings and recommendations to Council.
- (5) Present to Council proposed Charter amendments if any are considered necessary.
- (6) Meet at least once every two months during its term.

SECTION 2. (a) The eSlate Direct Recording Electronic Voting System (the "DRE") shall be used for early voting by personal appearance and for regular voting on Election Day.

(b) Paper ballots shall be used for voting by mail and such ballots shall be manually counted.

(c) The City Council hereby appoints Ramsay Elder to be Presiding Judge for the Central Counting Station, which shall be located at the West University Place Municipal Building, 3800 University Boulevard, West University Place, Texas 77005 (Council Chambers). Thelma Gilliam shall serve as the Manager and Tabulation Supervisor of the Central Counting Station.

(d) The following PROPOSITIONS for the Special Election shall be submitted in accordance with law:

PROPOSED CHARTER AMENDMENTS

PROPOSITION A  
RELATING TO LIMIT ON SUCCESSIVE TERMS

SHALL ARTICLE II, SECTION 2.03 OF THE CHARTER RELATING TO THE LIMIT ON SUCCESSIVE TERMS FOR MAYOR AND COUNCIL, BE AMENDED TO INCREASE THE NUMBER OF SUCCESSIVE TERMS FROM TWO (2) TO THREE (3)?

PROPOSITION B  
RELATING TO VACANCIES ON CITY COUNCIL

SHALL ARTICLE II, SECTION 2.05 OF THE CHARTER RELATING TO VACANCIES ON CITY COUNCIL, BE AMENDED TO REQUIRE CITY COUNCIL TO FILL A VACANCY ON CITY COUNCIL BY APPOINTMENT WITHIN SIXTY (60) DAYS AND REMOVE A SPECIAL ELECTION FOR THE MATTER IN ACCORDANCE WITH STATE LAW?

PROPOSITION C  
RELATING TO THE MAYOR PRO TEM

SHALL ARTICLE II, SECTION 2.07 OF THE CHARTER RELATING TO THE MAYOR PRO TEM, BE AMENDED TO REQUIRE CITY COUNCIL TO ELECT A MAYOR PRO TEM WITHIN SIXTY (60) DAYS IN THE EVENT OF A VACANCY?

PROPOSITION D

RELATING TO ISSUANCE OF BOND AND OTHER OBLIGATIONS OF THE CITY

SHALL ARTICLE VII, SECTION 7.07 OF THE CHARTER RELATING TO ISSUANCE OF BOND AND OTHER OBLIGATIONS OF THE CITY, BE AMENDED TO DECREASE THE MAXIMUM TOTAL BONDED INDEBTEDNESS OF THE CITY FROM FIVE PERCENT (5%) TO THREE PERCENT (3%) OF THE NET TAXABLE VALUE OF PROPERTY ON THE TAX ROLLS OF THE CITY?

PROPOSITION E

RELATING TO CHARTER REVIEW

SHALL ARTICLE X, SECTION 10.13 OF THE CHARTER RELATING TO CHARTER REVIEW, BE AMENDED TO INCREASE THE CHARTER REVIEW COMMITTEE FROM SEVEN (7) TO NINE (9) RESIDENTS OF THE CITY?

All ballots shall be prepared in accordance with the applicable provisions of the TEXAS ELECTION CODE and the Voting Rights Act of 1965 and any amendments thereto, so as to permit the electors to vote "FOR" or "AGAINST" the aforesaid propositions separately, which shall be set forth in substantially the following form in English and Spanish: Chinese-Mandarin:

OFFICIAL BALLOT

PROPOSITION A

- |                          |         |   |  |
|--------------------------|---------|---|--|
| <input type="checkbox"/> | FOR     | ) | AUTHORIZE AN AMENDMENT TO ARTICLE II, SECTION 2.03 OF THE CHARTER RELATING TO  |
| <input type="checkbox"/> | AGAINST | ) | THE LIMIT ON SUCCESSIVE TERMS FOR MAYOR AND COUNCIL, TO INCREASE THE NUMBER OF SUCCESSIVE TERMS FROM TWO (2) TO THREE (3). |

PROPOSITION B

- |                          |         |   |   |
|--------------------------|---------|---|---|
| <input type="checkbox"/> | FOR     | ) | AUTHORIZE AN AMENDMENT TO ARTICLE II, SECTION 2.05 OF THE CHARTER RELATING TO   |
| <input type="checkbox"/> | AGAINST | ) | VACANCIES ON CITY COUNCIL, TO REQUIRE CITY COUNCIL TO FILL A VACANCY ON CITY COUNCIL BY APPOINTMENT WITHIN SIXTY (60) DAYS AND REMOVE A SPECIAL ELECTION FOR THE MATTER IN ACCORDANCE WITH STATE LAW. |

PROPOSITION C

- |                          |         |   |   |
|--------------------------|---------|---|---|
| <input type="checkbox"/> | FOR     | ) | AUTHORIZE AN AMENDMENT TO ARTICLE II, SECTION 2.07 OF THE CHARTER RELATING TO   |
| <input type="checkbox"/> | AGAINST | ) | THE MAYOR PRO TEM, TO REQUIRE CITY COUNCIL TO ELECT A MAYOR PRO TEM WITHIN SIXTY (60) DAYS IN THE EVENT OF A VACANCY. |

PROPOSITION D

- [ ] FOR ) AUTHORIZE AN AMENDMENT TO ARTICLE VII, SECTION 7.07 OF THE CHARTER RELATING TO
- [ ] AGAINST ) ISSUANCE OF BOND AND OTHER OBLIGATIONS OF THE CITY, TO DECREASE THE MAXIMUM TOTAL BONDED INDEBTEDNESS OF THE CITY FROM FIVE PERCENT (5%) TO THREE PERCENT (3%) OF THE NET TAXABLE VALUE OF PROPERTY ON THE TAX ROLLS OF THE CITY.

PROPOSITION E

- [ ] FOR ) AUTHORIZE AN AMENDMENT TO ARTICLE X, SECTION 10.13 OF THE CHARTER RELATING TO
- [ ] AGAINST ) CHARTER REVIEW, TO INCREASE THE CHARTER REVIEW COMMITTEE FROM SEVEN (7) TO NINE (9) RESIDENTS OF THE CITY.

SECTION 3. (a) The City shall have one (1) polling place for citizens residing in all five (5) Harris County voting precincts within West University Place (#15, #87, #133, #183, #906) to vote and the persons hereby appointed to serve, for this election only, as Presiding Judge and Alternate Presiding Judge for the polling place, are as follows:

**Polling Place:**

West University Place Council Chambers  
3800 University Boulevard

Marie Monroe, Presiding Judge  
Maria Graf, Alternate Presiding Judge

(b) The Presiding Judge shall appoint not fewer than four (4) and not more than six (6) qualified clerks to serve and assist at the polling place under his/her jurisdiction in holding said election; provided that, the Presiding Judge herein appointed actually serves in holding said election, the Alternate Presiding Judge shall be one of the clerks.

(c) The Presiding Judge and Alternate Presiding Judge will be entitled to compensation at an hourly rate not to exceed \$12.00 and each election clerk will be entitled to compensation at an hourly rate not to exceed \$9.00.

(d) On Election Day, the polls shall be open from 7:00 A.M. to 7:00 P.M.

(e) The early voting clerk shall be the City Secretary of the City. Early voting by personal appearance shall be conducted at the City Hall Council Chambers, Municipal Building, 3800 University Blvd., West University Place, Texas 77005, on weekdays during the early voting period (April 22, 2019 through April 27, 2019 and on April 30, 2019) during the hours the City Secretary's main business office is regularly open for business (8:00 a.m. to 5:00 p.m.) on each day which is not a Saturday, Sunday, or official state or federal holiday, in accordance with the provisions of the TEXAS ELECTION CODE. Extended hours for early voting will be held on April 26<sup>th</sup> and April 28<sup>th</sup> from 7:00 a.m. to 7:00 p.m. The early voting clerk's mailing address, to which ballot applications and ballots voted by mail may be sent, shall be: City Secretary, Municipal Building, 3800 University Blvd., West University Place, Texas 77005. Applications for ballots by mail must be received by the early voting clerk in person no later than the close of business on April 19, 2019 and by mail no later than the close of business on April 23, 2019. Marie Monroe shall serve as the presiding officer of the Early Voting Ballot Board for this election.

SECTION 4. All qualified electors of the City shall be permitted to vote at said election. Notwithstanding any provisions to the contrary in this ordinance, the election shall be held and conducted in accordance with the TEXAS ELECTION CODE and the VOTING RIGHTS ACT OF 1965, as amended, and, as may be required by law. All election materials and proceedings shall be printed in English and Spanish. In addition, standard voting information shall be provided in English and Spanish and the City Secretary shall make arrangements with the election officials for the use of a Spanish interpreter. It is found and determined that these measures will adequately serve any Spanish speakers eligible to vote in the election. In addition, per the preclearance of the United States Department of Justice and the Voting Rights Act of 1965, the City shall utilize a targeting system for Vietnamese and Chinese speakers, as necessary, so that such language minority group members who need minority language materials and assistance receive them.

SECTION 5. The form of the notice prescribed by the Texas Secretary of State's Office shall serve as proper notice of said election. Said notice, including a Spanish translation thereof, shall be given by publishing it and posting it in accordance with Section 4.003, of the TEXAS ELECTION CODE. In addition, per the Voting Rights Act of 1965, the City Secretary will make the Notice available in both Chinese and Vietnamese languages, as may be necessary pursuant to the targeting system.

SECTION 6. The Mayor, the Mayor Pro Tem, the City Manager, the City Secretary and the Assistant City Secretary, or any one of them, are authorized on behalf of the City Council to evidence adoption of this Ordinance and to do any and all other things legal and necessary in connection with the holding and consummation of such election and to give effect to the intent of this Ordinance. Appointments of election officials in this Ordinance are made for this election only.

SECTION 7. If any word, phrase, clause, sentence, paragraph, section or other part of this ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this ordinance to any other persons or circumstances, shall not be affected thereby.

SECTION 8. All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

SECTION 9. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

PASSED AND APPROVED ON THE **FIRST OF TWO READINGS**, this the 28<sup>th</sup> day of January, 2019.

PASSED AND APPROVED ON **SECOND AND FINAL READING**, this 11<sup>th</sup> day of February, 2019.

**SIGNED:**

(SEAL)

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Susan V. Sample  
Mayor

**ATTEST:**

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Thelma A. Gilliam  
City Secretary

**RECOMMENDED:**

**REVIEWED:**

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David J. Beach  
City Manager

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Alan P. Petrov  
City Attorney

**City of West University Place  
Harris County, Texas**

**Ordinance No. XXXX**

AN ORDINANCE CALLING A SPECIAL ELECTION WITHIN THE CITY OF WEST UNIVERSITY PLACE, TEXAS FOR THE FOURTH (4<sup>th</sup>) DAY OF MAY, 2019, FOR THE PURPOSE OF SUBMITTING PROPOSED CHARTER AMENDMENTS TO THE QUALIFIED VOTERS OF THE CITY; DESIGNATING PRECINCTS AND POLLING PLACES; APPOINTING ELECTION OFFICIALS; AND CONTAINING FINDINGS AND PROVISIONS RELATING TO SAID ELECTION.

WHEREAS, as required by Section 10.13 of the home-rule Charter ("Charter") of the City of West University Place, Texas ("City"), the City Council of the City appointed a Charter Review Committee; and

WHEREAS, the Charter Review Committee has carefully studied the Charter and has made a number of recommendations to the City Council for amendments; and

WHEREAS, the City Council desires to submit proposed amendments to the qualified voters of the City, as authorized by Section 9.004 of the Texas Local Government Code; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS:

SECTION 1. A special election is hereby called by the City Council of the City (the "City Council") and shall be held in the City on May 4, 2019 ("Election Day"), for the purpose of submitting proposed City Charter amendments to the qualified voters of the City, in conjunction with elections to be administered by Harris County, Texas ("County") for the City and other local entities. The City Council finds that holding the election on such date is in the public interest. The proposed Charter amendments are as follows:

*(In the text of the proposed amendments, words ~~stricken out~~ would be deleted from the Charter. All other words would be in the Charter if the amendments are adopted. Words to be added are typically shown by underlining.)*

**PROPOSED CHARTER AMENDMENTS**

*Amend Section 2.03 of the Charter as follows:*

Section 2.03 – Limit on Successive Terms.

No person shall serve as Mayor for more than ~~two~~ three successive terms and no person shall serve as Council Member for more than ~~two~~ three successive terms.

*Amend Section 2.05 of the Charter as follows:*

Section 2.05 – Vacancies.

If at any time a vacancy exists on the Council, Council shall fill the vacancy with an appointment by a majority vote of the remaining Council members, with such appointee to serve until the next regularly scheduled election, ~~provided, however, that if such vacancy is not filled by Council within 60 days, then such vacancy shall be filled by special election.~~ Council shall fill the vacancy

within 60 days. Any person appointed or elected to the Council under this provision, shall meet all qualifications to serve as a Council member under Section 2.02 as of the date of such appointment or election.

*Amend Section 2.07 of the Charter as follows:*

Section 2.07 – Mayor Pro Tem.

~~At its first meeting,~~ [T]he Council shall elect one of its members Mayor Pro Tem, who shall perform the duties and have the power of the Mayor during the absence or inability of the Mayor to perform the duties of that office. Election of the Mayor Pro Tem shall be at the Council's first meeting or, in the event of a vacancy, within 60 days.

*Amend Section 7.07 of the Charter as follows:*

Section 7.07 – Issuance of Bond and Other Obligations of the City.

The City shall have the right and power to borrow money on the credit of the City for permanent public improvements or for other public purposes as determined by the Council, and the power to issue bonds, certificates of obligation, warrants, or other evidences of indebtedness of the City as authorized by the laws of the State of Texas. On the date of any bond issue, the total bonded indebtedness of the City, including such issue, shall not exceed ~~five~~ three percent of the net taxable value of property on the tax rolls of the City, and any issue of bonds in excess of said sum shall be void as to such excess. Notwithstanding any other provisions of this Charter to the contrary, ordinances authorizing the issuance of bonds, certificates of obligation, warrants, or other evidences of indebtedness, or ordinances authorizing the levy of taxes or the pledge of revenues to secure payment of indebtedness shall require only one reading, shall become effective immediately, and shall not be subject to referendum. Nothing in this Section excuses compliance with Section 7.08 of the Charter.

*Amend Section 10.13 of the Charter as follows:*

Section 10.13 – Charter Review.

- a. In 1988, and every six years thereafter, the Council shall appoint, at its first regular meeting in June, a Charter Review Committee of ~~seven~~ nine residents of the City. The term of office of the Charter Review Committee shall be six months unless extended by the Council.
- b. Powers and Duties of Charter Review Committee. The Charter Review Committee shall:
  - (1) Inquire into the operations of the City government and review this Charter to determine whether the Charter needs revision. Public hearings may be held and the Committee shall have the power to compel the attendance of City officers or employees and to require

the submission of City records necessary to the inquiry and review.

- (2) Propose to Council recommendations if necessary to insure that the City government and its operations comply with this Charter.
- (3) Propose to Council recommendations if necessary to improve the effectiveness of this Charter.
- (4) Make a written report of its findings and recommendations to Council.
- (5) Present to Council proposed Charter amendments if any are considered necessary.
- (6) Meet at least once every two months during its term.

## SECTION 2.

(a) The eSlate Direct Recording Electronic Voting System (the "DRE") shall be used for early voting by personal appearance and for regular voting on Election Day.

(b) Paper ballots shall be used for voting by mail and such ballots shall be manually counted.

(c) The City Council hereby appoints Ramsay Elder to be Presiding Judge for the Central Counting Station, which shall be located at the West University Place Municipal Building, 3800 University Boulevard, West University Place, Texas 77005 (Council Chambers). Thelma Gilliam shall serve as the Manager and Tabulation Supervisor of the Central Counting Station.

(d) The following PROPOSITIONS for the Special Election shall be submitted in accordance with law:

### PROPOSED CHARTER AMENDMENTS

#### PROPOSITION A

#### RELATING TO LIMIT ON SUCCESSIVE TERMS

SHALL ARTICLE II, SECTION 2.03 OF THE CHARTER RELATING TO THE LIMIT ON SUCCESSIVE TERMS FOR MAYOR AND COUNCIL, BE AMENDED TO INCREASE THE NUMBER OF SUCCESSIVE TERMS FROM TWO (2) TO THREE (3)?

#### PROPOSITION B

#### RELATING TO VACANCIES ON CITY COUNCIL

SHALL ARTICLE II, SECTION 2.05 OF THE CHARTER RELATING TO VACANCIES ON CITY COUNCIL, BE AMENDED TO REQUIRE CITY COUNCIL TO FILL A VACANCY ON CITY COUNCIL BY APPOINTMENT WITHIN SIXTY (60) DAYS AND REMOVE A SPECIAL ELECTION FOR THE MATTER IN ACCORDANCE WITH STATE LAW?

PROPOSITION C  
RELATING TO THE MAYOR PRO TEM

SHALL ARTICLE II, SECTION 2.07 OF THE CHARTER RELATING TO THE MAYOR PRO TEM, BE AMENDED TO REQUIRE CITY COUNCIL TO ELECT A MAYOR PRO TEM WITHIN SIXTY (60) DAYS IN THE EVENT OF A VACANCY?

PROPOSITION D  
RELATING TO ISSUANCE OF BOND AND OTHER OBLIGATIONS OF THE CITY

SHALL ARTICLE VII, SECTION 7.07 OF THE CHARTER RELATING TO ISSUANCE OF BOND AND OTHER OBLIGATIONS OF THE CITY, BE AMENDED TO DECREASE THE MAXIMUM TOTAL BONDED INDEBTEDNESS OF THE CITY FROM FIVE PERCENT (5%) TO THREE PERCENT (3%) OF THE NET TAXABLE VALUE OF PROPERTY ON THE TAX ROLLS OF THE CITY?

PROPOSITION E  
RELATING TO CHARTER REVIEW

SHALL ARTICLE X, SECTION 10.13 OF THE CHARTER RELATING TO CHARTER REVIEW, BE AMENDED TO INCREASE THE CHARTER REVIEW COMMITTEE FROM SEVEN (7) TO NINE (9) RESIDENTS OF THE CITY?

All ballots shall be prepared in accordance with the applicable provisions of the TEXAS ELECTION CODE and the Voting Rights Act of 1965 and any amendments thereto, so as to permit the electors to vote "FOR" or "AGAINST" the aforesaid propositions separately, which shall be set forth in substantially the following form in English and Spanish: Chinese-Mandarin:

OFFICIAL BALLOT

PROPOSITION A

- |                          |         |  |
|--------------------------|---------|--|
| <input type="checkbox"/> | FOR     | ) AUTHORIZE AN AMENDMENT TO ARTICLE II, SECTION 2.03 OF THE CHARTER RELATING TO THE                                      |
| <input type="checkbox"/> | AGAINST | ) LIMIT ON SUCCESSIVE TERMS FOR MAYOR AND COUNCIL, TO INCREASE THE NUMBER OF SUCCESSIVE TERMS FROM TWO (2) TO THREE (3). |

PROPOSITION B

- |                          |         |   |
|--------------------------|---------|---|
| <input type="checkbox"/> | FOR     | ) AUTHORIZE AN AMENDMENT TO ARTICLE II, SECTION 2.05 OF THE CHARTER RELATING TO   |
| <input type="checkbox"/> | AGAINST | ) VACANCIES ON CITY COUNCIL, TO REQUIRE CITY COUNCIL TO FILL A VACANCY ON CITY COUNCIL BY APPOINTMENT WITHIN SIXTY (60) DAYS AND REMOVE A SPECIAL ELECTION FOR THE MATTER IN ACCORDANCE WITH STATE LAW. |

PROPOSITION C

- [ ] FOR ) AUTHORIZE AN AMENDMENT TO ARTICLE II, SECTION 2.07 OF THE CHARTER RELATING TO THE
- [ ] AGAINST ) MAYOR PRO TEM, TO REQUIRE CITY COUNCIL TO ELECT A MAYOR PRO TEM WITHIN SIXTY (60) DAYS IN THE EVENT OF A VACANCY.

PROPOSITION D

- [ ] FOR ) AUTHORIZE AN AMENDMENT TO ARTICLE VII, SECTION 7.07 OF THE CHARTER RELATING TO
- [ ] AGAINST ) ISSUANCE OF BOND AND OTHER OBLIGATIONS OF THE CITY, TO DECREASE THE MAXIMUM TOTAL BONDED INDEBTEDNESS OF THE CITY FROM FIVE PERCENT (5%) TO THREE PERCENT (3%) OF THE NET TAXABLE VALUE OF PROPERTY ON THE TAX ROLLS OF THE CITY.

PROPOSITION E

- [ ] FOR ) AUTHORIZE AN AMENDMENT TO ARTICLE X, SECTION 10.13 OF THE CHARTER RELATING TO
- [ ] AGAINST ) CHARTER REVIEW, TO INCREASE THE CHARTER REVIEW COMMITTEE FROM SEVEN (7) TO NINE (9) RESIDENTS OF THE CITY.

SECTION 3.

(a) The City consists of five (5) voting precincts and polling (i.e., #15, #87, #133, #183, #906), the polling places of which are those designated by the County.

(b) The Presiding Judge, Manager, and Tabulation Supervisor shall be those special officials appointed by the County for the purposes of this election.

(c) Each of the references five (5) voting precincts is a regular County election precinct and, therefore, the City hereby appoints the County election officials as its special officials for the purpose of this election.

(d) On Election Day, the polls shall be open from 7:00 A.M. to 7:00 P.M.

(e) Early voting by personal appearance shall be conducted by the Harris County Clerk's Office, Elections Division, 1001 Preston, 1<sup>st</sup> Floor, Houston, Texas 77002, or any of the other early voting polling locations designated by the County, on weekdays during the early voting period (April 22, 2019 through April 27, 2019 and on April 30, 2019) during the hours designated by the County on each day which is not a Saturday, Sunday, or official state or federal holiday, in accordance with the provisions of the TEXAS ELECTION CODE. Applications for ballots by mail must be received by the Harris County Clerk's Office in person no later than the close of business on April 19, 2019 and by mail no later than the close of business on April 23, 2019.

SECTION 4. All qualified electors of the City shall be permitted to vote at said election. Notwithstanding any provisions to the contrary in this ordinance, the election shall be held and conducted in accordance with the TEXAS ELECTION CODE and the VOTING RIGHTS ACT

OF 1965, as amended, and, as may be required by law. All election materials and proceedings shall be printed in English and Spanish. In addition, standard voting information shall be provided in English and Spanish and the County shall make arrangements with the election officials for the use of a Spanish interpreter. It is found and determined that these measures will adequately serve any Spanish speakers eligible to vote in the election. In addition, per the preclearance of the United States Department of Justice and the Voting Rights Act of 1965, the County shall utilize a targeting system for Vietnamese and Mandarin Chinese speakers, as necessary, so that such language minority group members who need minority language materials and assistance receive them.

SECTION 5. The form of the notice prescribed by the Texas Secretary of State's Office shall serve as proper notice of said election. Said notice, including a Spanish translation thereof, shall be given by publishing it and posting it in accordance with Section 4.003, of the TEXAS ELECTION CODE. In addition, per the Voting Rights Act of 1965, the County will make the Notice available in both Mandarin Chinese and Vietnamese languages, as may be necessary pursuant to the targeting system.

SECTION 6. The Mayor, the Mayor Pro Tem, the City Manager, the City Secretary and the Assistant City Secretary, or any one of them, are authorized on behalf of the City Council to evidence adoption of this Ordinance and to do any and all other things legal and necessary in connection with the holding and consummation of such election and to give effect to the intent of this Ordinance. Appointments of election officials in this Ordinance are made for this election only.

SECTION 7. If any word, phrase, clause, sentence, paragraph, section or other part of this ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this ordinance to any other persons or circumstances, shall not be affected thereby.

SECTION 8. All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

SECTION 9. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

PASSED AND APPROVED ON THE **FIRST OF TWO READINGS**, this the 28<sup>th</sup> day of January, 2019.

PASSED AND APPROVED ON **SECOND AND FINAL READING**, this 11<sup>th</sup> day of February, 2019.

**SIGNED:**

(SEAL)

\_\_\_\_\_  
Susan V. Sample  
Mayor

**ATTEST:**

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

**RECOMMENDED:**

\_\_\_\_\_  
David J. Beach  
City Manager

**REVIEWED:**

\_\_\_\_\_  
Alan P. Petrov  
City Attorney

**MEMORANDUM**

TO: City Council, City of West University Place  
FROM: Charter Review Committee  
DATE: November 7, 2018  
RE: CRC Findings and Recommendations

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The City of West University Place Charter Review Committee (“CRC”) met on July 26, August 2, September 6, October 10, and October 30, 2018, to review the city’s Charter in order to ensure that city government and its operations comply with the Charter and to improve the effectiveness of the Charter. As required by Charter Article 10.13(b)(4), CRC now makes the following written report of its findings and recommendations, for Council’s consideration:

1. On a 6–1 vote, CRC recommends alteration of Section 2.03 as follows:

Section 2.03. – Limit on Successive Terms.

No person shall serve as Mayor for more than ~~two~~ **three** successive terms and no person shall serve as Council Member for more than ~~two~~ **three** successive terms.

Reasoning: The City’s two-year term limits are among the shortest in the county. This prohibits council members from participating meaningfully in county-wide or state-wide municipal organizations. CRC considers our current two-year term limits a net positive in that they promote turnover of City officials and prevent “career legislators.” However, CRC believes the proposed increase in term limits from two to three successive terms will continue to accomplish these goals, yet permit city officials to participate meaningfully in outside municipal organizations.

CRC acknowledges that a similar recommendation was proposed six years ago, when the Charter was last reviewed, and that city residents narrowly defeated this proposition (983 – 963). However, CRC – with fully new membership – feels strongly that this recommendation is worthy of renewed consideration, and that is why we include it here.

2. On a 5–2 vote, CRC recommends alteration of Section 2.05 as follows:

Section 2.05. – Vacancies

If at any time a vacancy exists on the Council, Council shall fill the vacancy with an appointment by a majority vote of the remaining Council members, with such appointee to serve until the next regularly scheduled election, ~~provided, however, that if such vacancy is not filled by Council within 60 days, then such vacancy shall be filled by special election.~~ **Council shall fill the vacancy within 60 days.** Any person appointed or elected to the Council under this provision, shall meet all qualifications to serve as a Council member under Section 2.02 as of the date of such appointment or election.

Reasoning: Council “shall be composed of five persons, a Mayor and four Council Members.” Section 2.01. When Council is composed of fewer members, no matter the reason, the public is deprived of representation.

The current version of the Charter anticipates this shortcoming, requiring Council to fill a vacancy within 60 days or hold a special election. However, Texas election law has changed since we last reviewed the charter, and the City can now hold special elections only in November or May, in compliance with attendant notice provisions. Practically speaking, this means that Council need not fill a Council vacancy until the next *regularly scheduled* election. CRC believes this is too long to wait. Accordingly, CRC proposes this revision to restore representation to the electorate.

Of note, the two dissenting CRC members also favor this revision. However, they prefer to provide that, if Council fails to act within the required 60 days, authority to fill the vacancy will pass solely to the Mayor. This recommendation is noted in bold, red type below:

Section 2.05. – Vacancies

If at any time a vacancy exists on the Council, Council shall fill the vacancy with an appointment by a majority vote of the remaining Council members, with such appointee to serve until the next regularly scheduled election, ~~provided, however, that if such vacancy is not filled by Council within 60 days, then such vacancy shall be filled by special election.~~ **Council shall fill the vacancy within 60 days. If Council does not fill the vacancy within 60 days, then the Mayor shall fill the vacancy.** Any person appointed or elected to the Council under this provision, shall meet all qualifications to serve as a Council member under Section 2.02 as of the date of such appointment or election.

3. On a 6–1 vote, CRC recommends alteration of Section 2.07 as follows:

Section 2.07. – Mayor Pro Tem.

~~At its first meeting,~~ [T]he Council shall elect one of its members Mayor Pro Tem, who shall perform the duties and have the power of the Mayor during the absence or inability of the Mayor to perform the duties of that office. **Election of the Mayor Pro Tem shall be at Council’s first meeting or, in the event of a vacancy, within 60 days.**

Reasoning: The Charter provides that Council “shall be composed of five persons, a Mayor and four Council Members.” Section 2.01. It further provides that, “*at its first meeting,*” Council is required to elect a member to serve as Mayor Pro Tem, “who shall perform the duties and have the power of the Mayor” whenever the mayor is unavailable. Section 2.07 (emphasis added).

The Charter thus clearly reflects the electorate’s preference for the presence of a Mayor on Council, or someone acting in the Mayor’s stead. CRC agrees with this preference, noting that many mayoral duties – including emergency management – must be performed in a timely fashion. Having a vacancy in the mayoral position, even if only for a few days, could be problematic if it occurred at the wrong time.

Accordingly, CRC believes that when Council fails to elect a mayor pro tem, the public is deprived of representation. For this reason, CRC proposes to clarify that Council should elect a mayor pro tem whenever there is a vacancy.

4. On a 4–3 vote, CRC recommends alteration of Section 7.07 as follows:

Section 7.07. – Issuance of Bond and Other Obligations of the City

The City shall have the right and power to borrow money on the credit of the City for permanent public improvements or for other public purposes as determined by the Council, and the power to issue bonds, certificates of obligation, warrants, or other evidences of indebtedness of the City as authorized by the laws of the State of Texas. On the date of any bond issue, the total bonded indebtedness of the City, including such issue, shall not exceed ~~five~~ **three** percent of the net taxable value of property on the tax rolls of the City, and any issue of bonds in excess of said sum shall be void as to such excess. Notwithstanding any other provisions of this Charter to the contrary, ordinances authorizing the issuance of bonds, certificates of obligation, warrants, or other evidences of indebtedness, or ordinances authorizing the levy of taxes or the pledge of revenues to secure payment of indebtedness shall require only one reading, shall become effective immediately, and shall not be subject to referendum. Nothing in this Section excuses compliance with Section 7.08 of the Charter.

Reasoning: In FY2011, the net taxable value of property on the tax rolls of the city totaled approximately \$4.1 billion; thus, the acceptable total bonded indebtedness of the city permitted by the Charter would top out at approximately \$205 million. By comparison, in FY2017, the net taxable value of property on the tax rolls of the city totaled approximately \$6.4 billion; thus, the acceptable total bonded indebtedness of the city permitted by the Charter would top out at approximately \$320 million.<sup>1</sup> By making this change from 5% to 3%, it would bring the permitted debt limit more into line with that approved in 2012, when the Charter was last reviewed. Moreover, any increase in the net taxable value of city property over the next six years, when the Charter is once again scheduled for review, would increase the bond limit accordingly.

A slim majority of CRC supported this change, four of seven members, believing that allowing the city to take on this much debt would be a mistake. However, given that the city’s current debt load hovers around \$40 million,<sup>2</sup> CRC believes the danger of the city taking on too much debt is slim; accordingly, the three remaining CRC members preferred the “if it ain’t broke, don’t fix it” approach.

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<sup>1</sup> In the Operating Budget, Finance Director Marie Kalka notes a total taxable property value of \$6.047 Billion per Harris County as of this year. This is a decrease, but it still sets the permitted debt level at more than \$300 million.

<sup>2</sup> Total Debt at 12.31.2017, per CAFR, was \$46.14 million (of which \$7.77 million was due for repayment in fiscal 2018). Total Debt at 10.15.2018 (date of Operating Budget) was \$42.3 million per Finance Director Kalka. The Estimated Total Debt at 12.31.2018 (year-end per Operating Budget) is expected to be \$38.37 million.

5. On a 7–0 vote, CRC recommends alteration of Section 10.13 as follows:

Section 10.13. – Charter Review

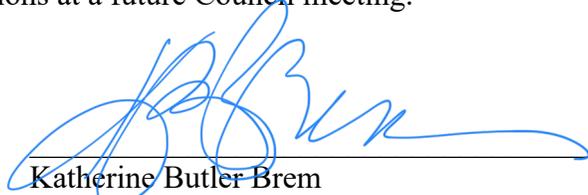
- a. In 1988, and every six years thereafter, the Council shall appoint, at its first regular meeting in June, a Charter Review Committee of ~~seven~~ **nine** residents of the City. . . .

Reasoning: Through discussions with the City Secretary, CRC understands Council struggled with the decision whether to appoint any alternates to CRC. CRC believes appointment of nine residents as regular members would permit CRC to function in the manner in which it was intended, without requiring the appointment of any alternates.

Without proposing amendments to the current Charter, CRC does offer the following observations about our deliberations in order that Council might consider preparing a guidance document to assist future councils:

- 1) The committee should meet within 60 days after Council appoints the CRC.
- 2) At its first meeting, CRC should elect a Chair and Vice-Chair.
- 3) The CRC may also elect a Secretary, or choose to appoint the City Secretary to serve in this capacity.

Speaking on behalf of CRC, we thank you for the opportunity to serve our community. We will be happy to address any of your questions at a future Council meeting.



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Katherine Butler Brem  
Chairperson, Charter Review Committee

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

<b>AGENDA OF:</b>	February 11, 2019	<b>AGENDA ITEM:</b>	4
<b>DATE SUBMITTED:</b>	February 7, 2019	<b>DEPARTMENT:</b>	Finance
<b>PREPARED BY:</b>	M. Kalka, Finance Director	<b>PRESENTER:</b>	M. Kalka, Finance Director
<b>SUBJECT:</b>	<b>Electronic Billing for Utility Services</b>		
<b>ATTACHMENTS:</b>	None		
<b>EXPENDITURE REQUIRED:</b>	N/A		
<b>AMOUNT BUDGETED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		

**EXECUTIVE SUMMARY**

During Council’s goal setting workshop in September 2017, one of the goals set was to “Continue to improve auto pay levels to eliminate paper billing etc. from 93% to 40%”. While progress has been made in reducing paper billing to 85%, in order to meet Council’s goal, City staff will initiate a stepped up approach to convert as many residents as possible to electronic billing.

Staff will be presenting a PowerPoint outlining the progress being made and plan to meet Council’s goal.

**RECOMMENDATION**

No action required at this time.

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

<b>AGENDA OF:</b>	February 11, 2019	<b>AGENDA ITEM:</b>	5
<b>DATE SUBMITTED:</b>	February 4, 2019	<b>DEPARTMENT:</b>	Public Works
<b>PREPARED BY:</b>	Debbie Scarcella, City Planner	<b>PRESENTER:</b>	Diane White, Interim Public Works Director
<b>SUBJECT:</b>	<b>Request for Funds Reallocation From the Tree Trust to the Tree Planting Program</b>		
<b>ATTACHMENTS:</b>	<b>Bids for Tree Trust Planting Program</b> 1. Embark Bid Sheet 2. Yellowstone Bid Sheet 3. Davey Bid Sheet		
<b>EXPENDITURE REQUIRED:</b>	\$50,000		
<b>AMOUNT BUDGETED:</b>	\$35,000		
<b>ACCOUNT NO.:</b>	208-5080-85010		
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>	\$15,000		
<b>ACCOUNT NO.:</b>	208-0000-44199		

**EXECUTIVE SUMMARY**

Annually, the City sponsors a tree planting program that allows residents to request a complimentary tree that is planted in the public realm along their property lines with the understanding that they will maintain and water the tree. This program is a highlight of our Tree City, USA recognition and is an opportunity for the City to provide trees for those that may not otherwise plant them. It also serves to help replenish the urban forest with younger trees. Residents can sign up for this program throughout the year, but there is generally a deadline date in order to accommodate planting the trees in the cooler months of the year.

This year there were almost twice as many requests – 58 total - for the trees, and the bids came back at a higher cost per tree. A few years ago, staff reorganized the program and upgraded to larger trees due to accounting issues and poor quality of smaller trees. The cost difference is \$15,000 between the budgeted amount and the lowest bid. We are in the process of obtaining quotes on substitutions of smaller trees and species to help lower the costs to below \$50,000. Staff will obtain market values on different species of trees before budgeting going forward, and will reassess tree sizing for certain species in the future.

The additional funding will allow us to provide all of the applicants with trees this year. The additional funding is available through the Tree Trust Fund which currently has a fund balance of \$259, 582. This money is collected from owners without enough space on their property to plant all of the required tree replacements requested of applicants.

**RECOMMENDATION**

Staff recommends reallocation of funds to account #208-5080-85010 for the purpose of planting trees.

**City of West University Place  
2018/2019 Annual Tree Trust Planting Bid Sheet**

December 6, 2018

<b>Container size</b>	<b>Species</b>	<b>Quantity</b>	<b>Unit Price</b>	<b>Total Line item Price</b>
65 gallon	Loblolly Pine	1	\$ 1,040.00	1,040.00
65 gallon	Shumard Oak	1	\$ 1,040.00	1,040.00
65 gallon	Live Oak	11	\$ 1,300.00	14,300.00
65 gallon	Swamp Chestnut Oak	1	\$ 1,040.00	1,040.00
65 gallon	Texas Redbud	2	\$ 1,040.00	2,080.00
65 gallon	Chinese Pistache	3	\$ 950.00	2,850.00
65 gallon	Monterrey Oak / Mexican White Oak	4	\$ 1,040.00	4,160.00
65 gallon	Cedar Elm	2	\$ 1,100.00	2,200.00
65 gallon	Drummond Red Maple	8	\$ 1,040.00	8,320.00
65 gallon	Nuttal Oak	2	\$ 1,040.00	2,080.00
65 gallon	Baldcypress	2	\$ 1,040.00	2,080.00
65 gallon	East Palatka Holly	4	\$ 1,200.00	4,800.00
65 gallon	Bur Oak	1	1,040.00	1,040.00
<b>Total Tree Planting Price</b>				<b>47,030.00</b>

***All trees to be planted in City of West University Place Street right of way (typically between sidewalk and street) or front yard-Trees must be No.1 quality without v-crotches or girdling roots. Trees to be staked with minimum of 2 t-posts with arbor chain or rope (no wire permitted) and mulched with 3" thick layer of shredded mulch.***

**Please list substitutions on bid sheet-no substitutions will be permitted after PO is issued. Contract-PO will be for each tree planted, not lump sum, as all trees may not be in locations that allow planting.**

<b>Company submitting bid:</b>	Embark Tree Care
<b>Submitted by:</b>	Jeff Kettler
<b>Date:</b>	1/3/2019

**City of West University Place  
2018/2019 Annual Tree Trust Planting Bid Sheet**

December 6, 2018

<i>Container size</i>	<i>Species</i>	<i>Quantity</i>	<i>Unit Price</i>	<i>Total Line item Price</i>
<b>65 gallon</b>	Loblolly Pine	1	\$ 1,245.00	1,245.00
<b>65 gallon</b>	Shumard Oak	1	\$ 840.00	840.00
<b>65 gallon</b>	Live Oak	11	\$ 840.00	9,240.00
<b>65 gallon</b>	Swamp Chestnut Oak /SUBSTITUTE WITH CHINQUAPIN OAK	1	\$ 975.00	975.00
<b>65 gallon</b>	Texas Redbud/ SUBSTITUTE WITH 45 GALLON	2	\$ 630.00	1,260.00
<b>65 gallon</b>	Chinese Pistache	3	\$ 840.00	2,520.00
<b>65 gallon</b>	Monterrey Oak / Mexican White Oak	4	\$ 840.00	3,360.00
<b>65 gallon</b>	Cedar Elm	2	\$ 840.00	1,680.00
<b>65 gallon</b>	Drummond Red Maple	8	\$ 1,245.00	9,960.00
<b>65 gallon</b>	Nuttal Oak/SUBSTITUTE WITH 45 GALLON	2	\$ 630.00	1,260.00
<b>65 gallon</b>	Baldcypress	2	\$ 630.00	1,260.00
<b>65 gallon</b>	East Palatka Holly/SUBSTITUTE WITH EAGLESTON	4	\$ 1,485.00	5,940.00
<b>65 gallon</b>	Bur Oak/SUBSTITUTE WITH 45 GALLON	1	630.00	630.00
<b>Total Tree Planting Price</b>				<b>40,170.00</b>
<p><i>All trees to be planted in City of West University Place Street right of way (typically between sidewalk and street) or front yard-Trees must be No.1 quality without v-crotches or girdling roots. Trees to be staked with minimum of 2 t-posts with arbor chain or rope (no wire permitted) and mulched with 3" thick layer of shredded mulch.</i></p> <p><b>Please list substitutions on bid sheet-no substitutions will be permitted after PO is issued. Contract-PO will be for each tree planted, not lump sum, as all trees may not be in locations that allow planting.</b></p>				
	<b>Company submitting bid: Yellowstone Landscape</b>			
	<b>Submitted by: Steve Zimmerman</b>			
	<b>Date: 12/13/2018</b>			

**City of West University Place  
2018/2019 Annual Tree Trust Planting Bid Sheet**

December 6, 2018

<b>Container size</b>	<b>Species</b>	<b>Quantity</b>	<b>Unit Price</b>	<b>Total Line item Price</b>
65 gallon	Loblolly Pine	1	\$ 1,400.00	1,400.00
65 gallon	Shumard Oak	1	\$ 1,400.00	1,400.00
65 gallon	Live Oak	11	\$ 1,700.00	18,700.00
65 gallon	Swamp Chestnut Oak	1	\$ 1,400.00	1,400.00
65 gallon	Texas Redbud	2	\$ 1,300.00	2,600.00
65 gallon	Chinese Pistache	3	\$ 1,200.00	3,600.00
65 gallon	Monterrey Oak / Mexican White Oak	4	\$ 1,400.00	5,600.00
65 gallon	Cedar Elm	2	\$ 1,800.00	3,600.00
65 gallon	Drummond Red Maple	8	\$ 1,400.00	11,200.00
65 gallon	Nuttal Oak	2	\$ 1,400.00	2,800.00
65 gallon	Baldcypress	2	\$ 1,400.00	2,800.00
65 gallon	East Palatka Holly- Substitution = Eagleston Holly	4	\$ 1,500.00	6,000.00
65 gallon	Bur Oak	1	1,400.00	1,400.00
<b>Total Tree Planting Price</b>				<b>62,500.00</b>
<p><i>All trees to be planted in City of West University Place Street right of way (typically between sidewalk and street) or front yard-Trees must be No.1 quality without v-crotches or girdling roots. Trees to be staked with minimum of 2 t-posts with arbor chain or rope (no wire permitted) and mulched with 3" thick layer of shredded mulch.</i></p> <p>Please list substitutions on bid sheet-no substitutions will be permitted after PO is issued. Contract-PO will be for each tree planted, not lump sum, as all trees may not be in locations that allow planting.</p>				
	Company submitting bid: Davey Tree			
	Submitted by: Alex Singeltary			
	Date: 1/4/2019			

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

<b>AGENDA OF:</b>	February 11, 2019	<b>AGENDA ITEM:</b>	6
<b>DATE SUBMITTED:</b>	February 8, 2019	<b>DEPARTMENT:</b>	Administration
<b>PREPARED BY:</b>	T. Gilliam City Secretary	<b>PRESENTER:</b>	Mayor Susan Sample
<b>SUBJECT:</b>	<b>Resolution Supporting House Bill 789</b>		
<b>ATTACHMENTS:</b>	<b>Resolution</b>		
<b>EXPENDITURE REQUIRED:</b>			
<b>AMOUNT BUDGETED:</b>			
<b>ACCOUNT NO.:</b>			
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>			
<b>ACCOUNT NO.:</b>			

**EXECUTIVE SUMMARY**

A resolution in support of House Bill 789, which limits the billboard heights to 42-1/2 feet.

**RECOMMENDATION**

Discuss and take any desired action.

RESOLUTION NO. XX-XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, SUPPORTING HOUSE BILL 789 RELATING TO THE HEIGHT OF OUTDOOR ADVERTISING SIGNS REGULATED BY THE TEXAS DEPARTMENT OF TRANSPORTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS:

Section 1: That the City of West University Place supports House Bill 789 that amends Sections 391.038(b) and (c) to the Transportation Code, limiting the height of new billboard signs to 42-1/2 feet.

Section 2: All resolutions and parts of resolutions in conflict herewith are hereby repealed to the extent of the conflict only.

Section 3: If any word, phrase, clause, sentence, paragraph, section or other part of this resolution or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this resolution and the application of such word, phrase, clause, sentence, paragraph, section, or other part of this resolution to any other person or circumstances shall not be affected thereby.

Section 4: The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this resolution was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

Section 5: This resolution shall take effect September 1, 2019.

INTRODUCED AND PASSED by the affirmative vote of the City Council of the City of West University Place this the 11<sup>th</sup> day of February, 2019.

\_\_\_\_\_  
Mayor

REVIEWED BY:

ATTEST

\_\_\_\_\_  
David J. Beach, City Manager

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Alan Petrov, City Attorney



# The City of West University Place

*A Neighborhood City*

## CITY COUNCIL

Susan Sample, Mayor  
Mardi Turner, Mayor Pro Tem  
Bob Higley, Councilmember  
Kellye Burke, Councilmember  
Kevin Boyle, Councilmember

## STAFF

David J. Beach, City Manager  
Alan Petrov, City Attorney  
Thelma Gilliam, City Secretary

## **DRAFT** CITY COUNCIL ACTION MINUTES

## **PROGETTO** MINUTI DI AZIONE DEL CONSIGLIO COMUNALE

The City Council of the City of West University Place, Texas, met in a workshop and a regular meeting on **Monday, January 28, 2019**, in the Municipal Building, 3800 University, West University Place.

Consiglio comunale della città di West University Place, Texas, si è riunito in un workshop e un incontro regolare il lunedì 28 gennaio 2019, nel Palazzo comunale, 3800 Università, West University Place.

### Workshop Agenda

**Call to Order.** Mayor Sample called the special meeting to order at approximately 6:02 p.m. in the Council Chambers. Council and Staff in attendance were: Mayor Pro Tem Turner, Councilmembers Burke, Higley, and Boyle, City Manager Beach, City Secretary Gilliam, and City Attorney Petrov

#### 1. **Convene into Executive Session (Council Conference Room)**

Notice is hereby given that the City Council will convene into executive session in accordance with the following provisions of Chapter 551 of the Texas Government Code:

At approximately 6:00 p.m., Councilmember Higley moved to recess the workshop and convene into executive session per Sections 551.071, 551.072, and 551.074 of the Texas Government Code. Councilmember Burke seconded the motion. **MOTION PASSED.**

**Ayes:** Sample, Turner, Burke, Higley, Boyle  
**Noes:** None  
**Absent:** None

#### 2. **Reconvene Workshop and Adjourn**

Matters related to any action resulting from the executive session discussions.

With no action taken, at 6:30 p.m. Councilmember Higley moved to close the executive session and reconvene the special meeting. Councilmember Burke seconded the motion. **MOTION PASSED.**

**Ayes:** Sample, Turner, Burke, Higley, Boyle  
**Noes:** None  
**Absent:** None

Councilmember Higley then moved to adjourn the workshop. Councilmember Burke seconded the motion. **MOTION PASSED.**

**Ayes:** Sample, Turner, Burke, Higley, Boyle  
**Noes:** None  
**Absent:** None

**Regular Meeting Agenda**

**Call to Order.** Mayor Sample called the special meeting to order at approximately 6:30 p.m. in the Council Chambers. Council and Staff in attendance were: Mayor Pro Tem Turner, Councilmembers Burke, Higley, and Boyle, City Manager Beach, City Secretary Gilliam, City Attorney Petrov, Interim Public Works Director White, General Services Superintendent Barrera, Police Chief Walker, and Finance Director Kalka

City Secretary Gilliam confirmed that the Notice of the meeting was posted as required by law.

Boy Scouts Pete Curtis, Edward Millard and Matt Patterson, with Troop 55, led the Pledge.

**3. Public Comments**

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

**Robert Grossman**, 4103 Ruskin, tried to speak on the AT&T issue, but Mayor Sample reminded him that the public hearing closed at the last City Council meeting and so comments on the issue could no longer be heard.

**David Cole**, 4104 Cason, spoke regarding AT&T, but not as it related to the public hearing.

**Alida Drewes**, 6114 Fordham, spoke on various issues.

**4. Purchase of Property**

Matters related to the purchase of the property located at 3807 Rice Blvd. including authorization for the City Manager to execute any and all documents necessary for the purchase if so approved. *Recommended Action: Approve purchase and authorize City Manager to execute documents for same.* **Mr. Dave Beach, City Manager**

Councilmember Higley moved to authorize the transfer \$680,000 from the City's Fund Balance Reserve to the Land Acquisition Account and to authorize the city manager to execute the contract for purchase of the property located at 3807 Rice Boulevard in the amount of \$665,000, plus closing cost and commission not to exceed a total of \$680,000. Councilmember Boyle seconded the motion.

**MOTION PASSED.**

**Ayes:** Sample, Turner, Burke, Higley, Boyle  
**Noes:** None  
**Absent:** None

**5. Purchase of Solid Waste Truck**

Matters related to the purchase of a solid waste truck. *Recommended Action: Approve purchase.* **Mr. Gerardo Barrera, General Services Superintendent**

Councilmember Higley moved to authorize the city manager to execute the documents necessary to purchase the solid waste truck from Freightliner of Houston in the amount of \$117,005.00 and the

trash body from Heil of Texas in the amount of \$106,671.00. Councilmember Burke seconded the motion. **MOTION PASSED.**

**Ayes:** Sample, Turner, Burke, Higley, Boyle  
**Noes:** None  
**Absent:** None

**6. Pest Control Services**

Matters related to awarding contract for pest control services. *Recommended Action: Award contract. Mr. Gerardo Barrera, General Services Superintendent*

Councilmember Higley moved to award the bid to Cypress Creek Pest Control for a term of 5 years and (3) one-term extensions and authorize the city manager to execute the contract. Councilmember Burke seconded the motion. **MOTION PASSED.**

**Ayes:** Sample, Turner, Burke, Higley, Boyle  
**Noes:** None  
**Absent:** None

**7. Wastewater Treatment Plant Master Planning Services**

Matters related to awarding a contract to Kimley Horn for Wastewater Treatment Plant Master Planning Services. *Recommended Action: Award contract to Kimley Horn for services relating to Wastewater Treatment Plant Master Planning. Mr. Dave Beach, City Manager*

Councilmember Boyle moved to approve the engineering agreement with Kimley Horn Associates in the amount of \$85,200.00 and authorize the city manager to execute the contract. Councilmember Higley seconded the motion. **MOTION PASSED.**

**Ayes:** Sample, Turner, Burke, Higley, Boyle  
**Noes:** None  
**Absent:** None

**8. Buffalo Speedway Project**

Matters related to approving a contact for engineering services related to the Buffalo Speedway drainage project. *Recommended Action: Approve contract for engineering services related to the Buffalo Speedway drainage project. Mr. Gerardo Barrera, General Services Superintendent*

Councilmember Higley moved to award engineering services related to the Buffalo Speedway Drainage Improvement project to HDR Engineering, Inc., in the amount of \$1,246,348.00 and authorize the city manager to execute the contract. Councilmember Burke seconded the motion. **MOTION PASSED.**

**Ayes:** Sample, Turner, Burke, Higley, Boyle  
**Noes:** None  
**Absent:** None

**9. Consent Agenda**

All Consent Agenda items listed considered to be routine by the City Council and were enacted by one motion.

**A. City Council Minutes**

Approve City Council Meeting Minutes of January 14, 2019.

**B. Interlocal Agreement with Fort Bend County**

Matters related to an Interlocal Agreement with Fort Bend County. *Recommended Action: Designate the City Manager to enter into an Interlocal Purchasing Agreement with Fort Bend County. Mr. Gerardo Barrera, General Services Superintendent*

**C. Quarterly Investment Report**

Matters related to receiving the City's fourth quarter investment report. *Recommended Action: Receive report. Harrison Nicholson, Treasurer*

**D. Ordinances Calling the May 4, 2019 General and Special Elections**

Matters related to ordinances calling for the 2019 General Election and Special Charter Election. *Recommended Action: Approve ordinances calling the General and Special Elections. Ms. Thelma Gilliam, City Secretary*

**Ordenanzas convocando las elecciones generales y especiales del 4 de mayo de 2019**

*Asuntos relacionados con las ordenanzas que requieren la Elección General de 2019 y la Elección de la Carta Especial. Acción recomendada: aprobar las ordenanzas que convocan las elecciones generales y especiales. Sra. Thelma A. Gilliam, Secretaria de la Ciudad*

Councilmember Burke moved to approve the Consent Agenda as presented. Councilmember Higley seconded the motion. **MOTION PASSED.**

**Ayes:** Sample, Turner, Burke, Higley, Boyle  
**Noes:** None  
**Absent:** None

El Concejal Burke propuso aprobar la Agenda de Consentimiento tal como se presentó. El concejal Higley secundó la moción. **MOVIMIENTO APROBADO.**

**Sí:** Sample, Turner, Burke, Higley, Boyle  
**Noes:** Ninguno  
**Ausente:** Ninguno

**10. Adjourn**

With no other business before the Council, Councilmember Higley moved to adjourn the meeting at 7:05 p.m. Councilmember Boyle seconded the motion. **MOTION PASSED.**

**Ayes:** Sample, Turner, Burke, Higley, Boyle  
**Noes:** None  
**Absent:** None

Prepared by: Thelma A. Gilliam, TRMC, City Secretary

Council Approved: \_\_\_\_\_