



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

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

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

Matters related to the notice of this meeting

Pledge of Allegiance

1. Recognition of Judge Ed Emmett

Matters related to recognizing Judge Ed Emmett for his service to Harris County and the West University Place community. **Mayor and City Council** [see Proclamation]

2. 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.

3. Virtual Gate Security Program

Matter related to a presentation on the City's virtual gate security program. *Recommended Action: Discuss and take any desired action.* **Mr. Ken Walker, Police Chief and Mr. Gary McFarland, IT Director** [see Agenda Memo 3]

4. Ordinance Amending the 2019 Budget

Matters related to approving an ordinance amending the 2019 Budget for 2018 carryover expenses on the first and final reading. *Approve ordinance amending the 2019 Budget for 2018 carryover expenses on the first and final reading.* **Ms. Marie Kalka, Finance Director** [see Agenda Memo 4]

5. Consent Agenda

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

A. City Council Minutes

Approve City Council Meeting Minutes of February 25, 2019. [see Action Minutes]

B. FEMA Community Rating System Ordinance – Second and Final Reading

Matters related to the second reading of an ordinance approving the FEMA Community Rating System. *Recommended Action: Approve ordinance on the second and final reading. Mr. Clay Chew, Chief Building Official* [see Agenda Memo 5B]

C. Appointment to the Friends of West U Parks Fund, Inc.

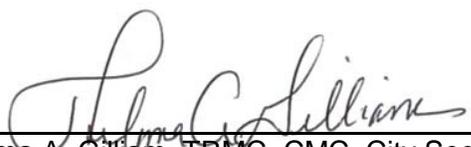
Matters related to the appointment of Danny Droubi to the Friends of West U Parks Board Fund, Inc. *Recommended Action: Approve appointment of Danny Droubi to Position 21 of the Friends of West U Parks Board Fund, Inc., with the term ending August 31, 2019. Ms. Susan White, Parks and Recreation Director* [see Agenda Memo 5C]

6. 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 March 11, 2019 was posted on the Municipal Building bulletin board on March 7, 2019 at approximately 4:30 o'clock p.m.

(SEAL)



Thelma A. Gilliam, TRMC, CMC, City Secretary

City of West University Place

Proclamation

WHEREAS, Judge Ed Emmett is a resident of the City of West University Place and a life-long resident of Harris County; and

WHEREAS, he graduated from Bellaire High School in 1967, received a Bachelor of Arts degree in Economics from Rice University in 1971, and earned his Master of Public Affairs degree from the University of Texas at Austin in 1974; and

WHEREAS, in 1978, at the age of twenty-nine, he was elected to the first of his four terms as a member of the Texas House of Representatives; and

WHEREAS, during his legislative tenure, he chaired the House Energy Committee and sat on the Transportation Committee; and, in 1989 was nominated to serve on the Interstate Commerce Commission by President George H. Bush, an appointment that he held for three years; and

WHEREAS, Judge Emmett was first appointed county judge by the commissioners court in 2007 to fill the vacancy left by the resignation of his predecessor and then went on to serve two full-terms after defeating his opponents in the general elections held in 2010 and 2014; and

WHEREAS, as county judge, he also served as the director of the Harris County Office of Homeland Security and Emergency Management and he also served as the chairman of the Houston-Galveston Area Transportation Policy Council and the county Juvenile Board.

WHEREAS, he has been awarded numerous awards in his career, including being named Transportation Person of the Year by Transportation Clubs International in 2005 and receiving the Presidential "Call to Service" Award from President George W. Bush in 2008; and

WHEREAS, Judge Emmett has worked tirelessly all while being a devoted husband to Gwen Emmett for over 43 years and a father to four children; and

WHEREAS, his impressive record of career and civic achievements has earned him the admiration and the respect of those persons who have had the privilege of associating with him.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of West University Place commends Judge Ed Emmett for his commitment and outstanding contributions, and expresses its utmost appreciation to him for his many years of dedicated public service to our nation, our state, our county, and our city.

In Witness Whereof, I have hereunto set my hand and caused this seal to be affixed on March 11, 2019.

Susan Sample, Mayor
City of West University Place

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

AGENDA OF:	March 11, 2019	AGENDA ITEM:	3
DATE SUBMITTED:	March 8, 2019	DEPARTMENT:	Police
PREPARED BY:	Chief K. Walker	PRESENTER:	Chief K. Walker
SUBJECT:	Virtual Gate Security Program		
ATTACHMENTS:	N/A		
EXPENDITURE REQUIRED:	\$4,500,000		
AMOUNT BUDGETED:	\$2,340,000		
ACCOUNT NO.:	301-7000-80100 (\$2,140,000) 101-3010-84065 (\$200,000)		
ADDITIONAL APPROPRIATION REQUIRED:	\$2,160,000		
ACCOUNT NO.:	301-7000-80100		

EXECUTIVE SUMMARY

The City has been working on a city wide security system which, when fully implemented, will provide for license plate readers and cameras at all entrances to the City.

The project will be completed in two phases, with Phase I installing cameras at 16 locations and Phase II installing cameras at the remaining 24 locations. In order to minimize the number of cameras installed, the locations are being strategically selected to cover all access points into the city with the fewest cameras, meaning that some of the cameras will be installed outside of West U's city limits.

The system is being designed to accommodate advances in technology and features in monitoring criminal activity as these become available.

Phase I is currently underway as the City has completed the system design and is soliciting bids that are due on April 5 with an anticipated award by Council on the second meeting in May. Phase II will be bid in the spring of 2020 with expected installation of cameras starting in the summer of 2020.

The total cost of this project is estimated at \$4,500,000 with recurring annual cost of an est. \$360,000 when fully implemented. Although, due to changes in technology and the market we believe our actual cost in both instances will be less.

The funding for this project will be from debt service and staff will present information on Monday night regarding the recommended funding option.

RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to move forward with Phase I vendor selection and the desired funding option.

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

AGENDA OF:	March 11, 2019	AGENDA ITEM:	4
DATE SUBMITTED:	March 7, 2019	DEPARTMENT:	Finance
PREPARED BY:	Marie Kalka, Finance Director	PRESENTER:	Marie Kalka, Finance Director
SUBJECT:	First and Final Reading: Amendment to 2019 Budget for 2018 Carryover Expenditures		
ATTACHMENTS:	Ordinance Exhibit A – Budget Amendment Worksheet		
EXPENDITURE REQUIRED:	N/A		
AMOUNT BUDGETED:	N/A		
ACCOUNT NO.:	N/A		
ADDITIONAL APPROPRIATION REQUIRED:	N/A		
ACCOUNT NO.:	N/A		

EXECUTIVE SUMMARY

The City’s Fiscal Year 2018 (FY18) ended December 31, 2018. At that time, there were contracts, purchases of goods and services and other items that were approved in FY 18, but the actual expenditure will be incurred in Fiscal Year 2019 (FY19). The carryover for those expenditures are being requested and the budget for those items to be carried over and re-established in FY19. These expenditures were originally included in the projections for FY18, and estimated ending balances account for these funds being spent. All carryover items will be funded from available balances as of 12/31/18.

The amendments are as follows:

GENERAL FUND

Police - Original appropriations total \$5,177,650; amended appropriations total \$5,263,936. Balance of 2017 encumbrance for Shrader Engineering for virtual gate project (\$86,286).

Public Works – Original appropriations total \$3,247,150; amended appropriations total \$3,277,550. 2018 encumbrance for Cahoon Consulting for CRS consulting services (\$14,700). 2018 encumbrance for Traffic Engineers, Inc. for traffic study regarding speed limits adjacent to public parks (\$4,000). Balance of 2018 encumbrance for Kendig Keast Collaborative for City ordinance reviews and amendments (\$11,700).

Parks – Original appropriations total \$4,056,700; amended appropriations total \$4,058,392. Balance of 2018 encumbrance for Forthright Construction for construction at Parks administrative offices (\$1,692).

VEHICLE REPLACEMENT FUND

Automobiles – Original appropriations \$30,000; Amended appropriations \$120,336. Purchase of two Ford Interceptor utility vehicles for Helfman Ford that were ordered and encumbered in 2018 but were not received until 2019 (\$62,290). Purchase of upfitting for the two new Ford Interceptors for Siddons-Martin that were ordered and encumbered in 2018 but not completed until 2019 (\$28,046).

CAPITAL PROJECTS FUND

Technology Projects – Original appropriations \$0; Amended appropriations \$357,288. Balance of 2018 encumbrance for Hatch Associates Consultants for consulting services for the Virtual Gate Project (\$357,288).

Other Construction Costs – Original appropriations \$2,300,000; Amended appropriations \$2,476,845. Balance of 2018 encumbrance for PGAL for design for animal control kennel (\$4,675). Rollover of 2018 appropriations to fully appropriate for the WURC Westside Concrete Parking Lot (\$400,000) for total estimated project cost of \$500,000. Rollover of 2018 appropriations for the Public Works Maintenance Parking Lot and Wash Bay reconstruction that started late 2018 and will be completed in 2019 (\$175,000). Reduction in appropriations for the Virtual Gate Project to reflect the estimated Phase 1 total project cost of \$2,140,000 (-\$402,830).

TRANSPORTATION IMPROVEMENT FUND

Professional Services – Original appropriations \$2,865,000; Amended appropriations \$2,874,078. Balance of 2018 encumbrance for HDR Engineering for environmental engineering study for Buffalo Speedway project (\$9,078).

WATER & SEWER CAPITAL PROJECTS FUND

Other Construction Costs – Original appropriations \$920,000; Amended appropriations \$2,555,000. Rollover of 2018 appropriations for the Bissonnet Water Line Improvement project that has still not been completed (\$650,000). Rollover of 2018 appropriations for Water System Inflow and Infiltration Detection/Reduction Plan (\$50,000). Rollover of balance of project to full appropriate in 2019 for Lift Stations 1-12 Lining Project (\$595,000) for total estimated project cost of \$620,000. Rollover of 2018 appropriations to fully appropriate for the Waste Water Treatment Plant (WWTP) Weir Replacement (\$140,000) for total estimated project cost of \$540,000. Rollover of 2018 appropriations to fully appropriate for the Drinking Water Disinfection Upgrades (\$200,000) for total estimated project cost of \$380,000.

The ordinance has been reviewed by the city attorney and approved as to legal form.

RECOMMENDATION

Staff recommends that City Council adopt an ordinance approving and adopting an amendment to the 2019 budget for the carryover of 2018 expenditures and appropriations.

ORDINANCE NO. XXXX

AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2019 AND ENDING DECEMBER 31, 2019; CONTAINING FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; AND DECLARING AN EMERGENCY

WHEREAS, it is found and determined that changes in the current budget are necessary for municipal purposes and that amendments are necessary for emergencies of the kind contemplated by state law, and it is formally found, determined and declared that such emergencies exist;

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

Section 1. That the budget of the City of West University Place for the 12 month period beginning January 1, 2019, and ending December 31, 2019 as heretofore adopted be, and it is hereby, amended as shown in Exhibit A attached.

Section 2. The City Council approves, adopts and ratifies the findings set out in the preamble hereof and directs that the City Secretary file a copy of this ordinance with the county clerk, in the same manner as original budgets are required to be filed.

Section 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

Section 4. 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 be affected thereby.

Section 5. 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 Open Meetings Act, Chapter 551, Texas Local Government Code, 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 6. The public importance of this measure and the requirement of the law create an emergency and an urgent public necessity requiring that this ordinance be passed and take effect as an emergency measure, and a state of emergency is hereby declared. This ordinance is accordingly passed as an emergency measure and shall take effect immediately upon adoption and signature.

Section 7. This ordinance shall become effective upon adoption and signature.

PASSED, APPROVED AND ADOPTED ON FIRST AND FINAL READING on the 11th day of March, 2019.

(Seal)

Attest: _____
City Secretary Thelma Gilliam

Signed: _____
Mayor Susan Sample

Recommended by:

City Manager Dave Beach

Approved as to legal form:

City Attorney Alan Petrov

Exhibit "A"

CITY OF WEST UNIVERSITY PLACE, TEXAS BUDGET AMENDMENT
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	2019 Budget	Amendment 11-Mar-19	Amended Budget
GENERAL FUND			
<i>Department</i>			
Administration	1,623,685		1,623,685
Finance	2,207,500		2,207,500
Police	5,177,650	86,286	5,263,936
Fire	3,589,450		3,589,450
Public Works	3,247,150	30,400	3,277,550
Parks & Recreation	4,056,700	1,692	4,058,392
Transfers Out	-		-
TOTAL EXPENDITURES	19,902,135	118,378	20,020,513
 CAPITAL PROJECTS FUND			
Other Construction Costs	2,300,000	176,845	2,476,845
Technology Projects	-	357,288	357,288
 TRANSPORTATION IMPROVEMENT FUND			
Professional Services	2,865,000	9,078	2,874,078
 WATER AND SEWER CAPITAL PROJECTS FUND			
Other Construction Costs	920,000	1,635,000	2,555,000
 VEHICLE REPLACEMENT FUND			
Automobiles	30,000	90,336	120,336



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

CITY COUNCIL ACTION MINUTES

The City Council of the City of West University Place, Texas, met in a regular meeting on **Monday, February 25, 2019**, in the Municipal Building, 3800 University, West University Place.

Call to Order. Mayor Sample called the meeting to order at approximately 6:30 p.m. in the Council Chambers. Council and Staff in attendance were: Mayor Pro Tem Turner, Councilmembers Burke, Higley, and Boyle, City Manager Beach, City Secretary Gilliam, City Attorney Petrov, Police Chief Walker, Finance Director Kalka, and Communications Director Jett

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

Mayor Pro Tem Turner led the Pledge of Allegiance.

1. Public Comments

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

There were no public comments.

2. Intent to Reimburse Expenditures

Matters related to a resolution declaring the City's official intent to reimburse expenditures from proceeds of tax-exempt obligations. *Recommended Action: Approve resolution declaring the City's official intent to reimburse expenditures from proceeds of tax-exempt obligations. Ms. Marie Kalka, Finance Director*

Councilmember Higley moved to adopt the resolution allowing the City to reimburse qualifying capital expenditures incurred prior to bond issuance from tax-exempt bond proceeds or other obligations to be issued by the City. Councilmember Burke seconded the motion. **MOTION PASSED.**

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

3. FEMA Community Rating System

Matters related to an ordinance approving the FEMA Community Rating System. *Recommended Action: Approve ordinance on the first of two readings. Ms. Diane White, Interim Public Works Director*

Councilmember Higley moved to adopt the ordinance approving the FEMA Community Rating System. Councilmember Burke seconded the motion. **MOTION PASSED.**

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

4. Consent Agenda

The Consent Agenda item listed was considered to be routine by the City Council and enacted by one motion. There was no separate discussion.

A. City Council Minutes

Approve City Council Meeting Minutes of February 11, 2019.

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

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

5. Virtual Gate Security Program

Matters related to the security camera system. *Discuss and take any desired action. Mr. Ken Walker, Police Chief and Mr. Gary McFarland, IT Director*

Recess Regular Meeting and Convene into Executive Session

Matters related to an Executive Session in accordance with Section 551.076 of Chapter 551 of the Texas Government Code: Deliberation regarding security devices. :

At 6:44 p.m., Councilmember Higley moved to recess the regular meeting and convene into Executive Session. Councilmember Burke seconded the motion. **MOTION PASSED.**

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

At 7:46 p.m., Councilmember Boyle moved to adjourn the executive session. Councilmember Turner seconded the motion. **MOTION PASSED.**

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

6. Reconvene Regular Meeting

Matters related to any action resulting from Executive Session. *Recommended Action: Discuss and take any desired action. City Council*

At 7:46 p.m., Mayor Pro Tem Turner moved to reconvene the regular meeting. Councilmember Burke seconded the motion. **MOTION PASSED.**

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

Absent: None

7. Adjourn

With no other business before the Council, Councilmember Higley moved to adjourn the meeting at 7:46 p.m. Councilmember Burke 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: _____

DRAFT

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

AGENDA OF:	March 7, 2019	AGENDA ITEM:	5B
DATE SUBMITTED:	February 20, 2019	DEPARTMENT:	Public Works
PREPARED BY:	C. Chew, Chief Bldg. Official	PRESENTER:	C. Chew Chief Bldg. Official
SUBJECT:	FEMA Community Rating System – Second and Final Reading of Ordinance		
ATTACHMENTS:	Proposed changes to the Floodplain Ordinance 1849		
EXPENDITURE REQUIRED:	N/A		
AMOUNT BUDGETED:	N/A		
ACCOUNT NO.:	N/A		
ADDITIONAL APPROPRIATION REQUIRED:	N/A		
ACCOUNT NO.:	N/A		

EXECUTIVE SUMMARY

The City is finalizing our application to join the Federal Emergency Management Agency (FEMA) Community Rating System (CRS), which provides discounts to qualifying flood insurance premiums offered through the National Flood Insurance Program (NFIP).

The goal of the CRS program is to (1) reduce and avoid flood damage to insurable property, (2) strengthen and support the insurance aspects for the NFIP, and (3) foster comprehensive floodplain management.

In order to complete the application, the following changes are needed to our Floodplain ordinance:

- Section 18-272 Definitions:
 - Add “Critical Facilities” which defines critical facilities, such as, health & safety facilities.
- Section 18-275 Provisions for Flood Hazard Prevention:
 - Revise Section A-4 to reflect 2-feet above base flood elevation,
 - Add Section A-8 which establish the requirements for compaction for proper fill,
 - Add Section A-9 which prohibits new critical facilities from being built in the 500-year floodplain, and
 - Add Section A-10 which requires all new construction outside of the 100-year floodplain to have the base floor elevation a minimum 2-feet above the crown of the street or highest adjacent grade.
- Misc. Updates to other portions of the code to clearly spell out the building codes as required by the CRS program. No changes to code; just adding clarification.

The application will be submitted no later than the first week of March and the review process can take between five (5) to seven (7) months. Our participation in the CRS program will allow qualified policy holders to receive a discount on their insurance during the October renewal period.

The ordinance has been reviewed by the city attorney and approved as to legal form.

RECOMMENDATION

Staff recommends the City Council approve the changes to Floodplain Ordinance 1849 on second and final reading.

West University Place
Harris County, Texas

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS; AMENDING CHAPTER 18, BUILDINGS AND DEVELOPMENT, ARTICLE IX, FLOOD DAMAGE PREVENTION, SECTION 18-272 DEFINITIONS; AND SECTION 18-275, PROVISION FOR FLOOD HAZARD REDUCTION, OF THE CODE OF ORDINANCES OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, BY ADDING LANGUAGE IN COMPLIANCE WITH FEMA REQUIREMENTS.

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

Section 1. Chapter 18, Buildings and Development, Article IX, Flood Damage Prevention, Section 18-272 Definitions; and Section 18-275, Provision for Flood Hazard Reduction, of the Code of Ordinances of the City of West University Place, Texas are amended by the addition of language in compliance with FEMA regulations, to read as set out in Appendix A, attached hereto. All other portions of Section 18-272 and Section 18-275, of the Code of Ordinances not specifically amended hereby remain in full force and effect.

Section 2. All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

Section 3. 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 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 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.

Section 5. This Ordinance takes effect immediately upon its passage and adoption on second reading.

PASSED, APPROVED AND ADOPTED ON FIRST READING on the 25th day of
February, 2019.

PASSED, APPROVED AND ADOPTED ON SECOND READING, AND SIGNED, on
the _____ day of _____, 2019.

(SEAL)

Susan Sample, Mayor
City of West University Place, Texas

ATTEST:

Thelma A. Gilliam, City Secretary
City of West University Place, Texas

RECOMMENDED BY:

David J. Beach, City Manager

APPROVED AS TO LEGAL FORM:

Alan Petrov, City Attorney

Appendix A

(Language to be added shown by underline, language to be deleted shown by strike-out).

ARTICLE IX. - FLOOD DAMAGE PREVENTION

Sec. 18-271. - Statutory authorization, findings of fact, purpose and methods.

- (a) *Statutory authorization.* The Legislature of the State of Texas has in ch. 16, subch. I, Texas Water Code, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the city council of the City of West University Place, Texas ("West University Place"), does ordain as follows:
 - (1) The flood hazard areas of West University Place are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
 - (2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.
- (b) *Findings of fact.*
 - (1) The flood hazard areas of West University Place are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
 - (2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.
- (c) *Statement of purpose.* It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
 - (1) Protect human life and health;
 - (2) Minimize expenditure of public money for costly flood control projects;
 - (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (4) Minimize prolonged business interruptions;
 - (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
 - (6) Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and
 - (7) Insure that potential buyers are notified that property is in a flood area.
- (d) *Methods of reducing flood losses.* In order to accomplish its purposes, this article uses the following methods:
 - (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
 - (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
 - (4) Control filling, grading, dredging and other development which may increase flood damage;
 - (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Ord. No. 1849, § 1(app. A), 7-9-2007)

Sec. 18-272. - Definitions.

Unless specifically defined below, words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this article its most reasonable application.

Alluvial fan flooding means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apex means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Appurtenant structure means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Area of future conditions flood hazard means the land area that would be inundated by the one-percent-annual chance (100-year) flood based on future conditions hydrology.

Area of shallow flooding means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) means elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a one percent chance of equaling or exceeding that level in any given year - also called the base flood.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Critical facility means a structure or other improvement that, because of its function, size, service area, or uniqueness, has the potential to cause serious bodily harm, extensive property damage, or disruption of vital socioeconomic activities if it is destroyed or damaged or if its functionality is impaired. Critical facilities include health and safety facilities, utilities, government facilities, and hazardous materials facilities.

Critical feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development means any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated building means, for insurance purposes, a nonbasement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Existing construction means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or *Flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood elevation study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) see Flood Elevation Study

Floodplain or *Floodprone area* means any land area susceptible to being inundated by water from any source (see definition of flooding).

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood protection system means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood-modifying works are those constructed in conformance with sound engineering standards.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway— see Regulatory Floodway.

Functionally dependent use means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Levee means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

Manufactured home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

New construction means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Recreational vehicle means a vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and

- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special flood hazard area— see Area of Special Flood Hazard.

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. No. 1849, § 1(app. A), 7-9-2007)

Sec. 18-273. - General provisions.

- (a) *Lands to which this article applies.* The ordinance shall apply to all areas of special flood hazard with the jurisdiction of West University Place.
- (b) *Basis for establishing the areas of special flood hazard.* The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study for Harris County, Texas and Incorporated Areas," dated June 18, 2007 (revision date), with the most effective Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated June 18, 2007 (map revised date).
- (c) *Establishment of development permit.* A floodplain development permit shall be required to ensure conformance with the provisions of this article.
- (d) *Compliance.* No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this article and other applicable regulations.
- (e) *Abrogation and greater restrictions.* This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (f) *Interpretation.* In the interpretation and application of this article, all provisions shall be;
 - (1) Considered as minimum requirements;
 - (2) Liberally construed in favor of the governing body; and
 - (3) Deemed neither to limit nor repeal any other powers granted under state statutes.
- (g) *Warning and disclaimer or liability.* The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

(Ord. No. 1849, § 1(app. A), 7-9-2007)

Sec. 18-274. - Administration.

- (a) *Designation of the floodplain administrator.* The building official is hereby appointed the floodplain administrator to administer and implement the provisions of this article and other appropriate sections of 44 CFR (Emergency Management and Assistance—National Flood Insurance Program Regulations) pertaining to floodplain management.
- (b) *Duties and responsibilities of the floodplain administrator.* Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:
 - (1) Maintain and hold open for public inspection all records pertaining to the provisions of this article.
 - (2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.
 - (3) Review, approve or deny all applications for development permits required by adoption of this article.
 - (4) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.
 - (6) Notify, in riverine situations, adjacent communities and the state coordinating agency which is the Texas Commission on Environmental Quality (or its successor as state coordinating agency, e.g., Texas Water Development Board), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - (7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
 - (8) When base flood elevation data has not been provided in accordance with subsection 18-273(b), the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of section 18-275.
 - (9) When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
 - (10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first completes all of the provisions required by Section 65.12.
- (c) *Permit procedures.*
- (1) Application for a floodplain development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
 - a. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 - b. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - c. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of subsection 18-275(b)(2);
 - d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
 - e. Maintain a record of all such information in accordance with subsection 18-274(b)(1);
 - (2) Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of this article and the following relevant factors:
 - a. The danger to life and property due to flooding or erosion damage;
 - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - c. The danger that materials may be swept onto other lands to the injury of others;

- d. The compatibility of the proposed use with existing and anticipated development;
- e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- g. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
- h. The necessity to the facility of a waterfront location, where applicable;
- i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

(d) *Variance procedures.*

- (1) The appeal board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this article.
- (2) The appeal board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this article.
- (3) Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.
- (4) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- (5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this article.
- (6) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in subsection (c)(2) of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (7) Upon consideration of the factors noted above and the intent of this article, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article (subsection 18-271(c)).
- (8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (10) Prerequisites for granting variances:
 - a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - b. Variances shall only be issued upon:
 - (i) Showing a good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

- (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - c. Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (11) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
- a. The criteria outlined in subsections 18-274(d)(1)—(9) are met; and
 - b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ord. No. 1849, § 1(app. A), 7-9-2007)

Sec. 18-275. - Provisions for flood hazard reduction.

(a) *General standards.* In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located two feet above base flood elevation so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and,
- (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (8) All new construction or substantial improvements to be constructed on fill located in the 100-year floodplain shall be constructed on properly designed and compacted fill that has appropriate protection from erosion and scour.
- (9) All new critical facilities are prohibited from being constructed in the 500-year floodplain (shaded X zone).
- (10) All new construction outside the special flood hazard area (shaded X zone and unshaded X zone), shall be constructed so that the lowest floor is a minimum of two feet above the crown of the nearest street or the highest grade adjacent to the building.

(b) *Specific standards-(AE zones).* In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) subsection 18-273(b), (ii) subsection 18-274(b)(8), or (iii) (c)(3), the following provisions are required:

(1) *Residential construction.* new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to two feet above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in subsection 18-274(c)(1)a., is satisfied.

(2) *Nonresidential construction.* new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to two feet above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level plus two feet the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.

(3) *Enclosures.* new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one foot above grade.
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) *Manufactured homes.*

a. Require that all manufactured homes to be placed within zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated two feet and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

b. Require that manufactured homes that are placed or substantially improved within zones A1-30, AH, and AE on the community's FIRM on sites:

1. Outside of a manufactured home park or subdivision;
2. In a new manufactured home park or subdivision;
3. In an expansion to an existing manufactured home park or subdivision; or
4. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to two feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of this subsection (b)(4) be elevated so that either:
 - 1. The lowest floor of the manufactured home is at two feet above the base flood elevation, or
 - 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (5) *Recreational vehicles.* Require that recreational vehicles placed on sites within zones A1-30, AH, and AE on the community's FIRM either:
 - a. Be on the site for fewer than 180 consecutive days;
 - b. Be fully licensed and ready for highway use; or
 - c. Meet the permit requirements of subsection 18-274(c)(1), and the elevation and anchoring requirements for "manufactured homes" in this subsection (b)(4).

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(c) *Standards for subdivision proposals.*

- (1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with subsections 18-271(b), (c), and (d).
- (2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet floodplain development permit requirements of subsection 18-273(c); subsection 18-274(c); and the provisions of this section.
- (3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to subsection 18-273(b) or subsection 18-274(b)(8).
- (4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- (5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(d) *Standards for areas of shallow flooding (AO/AH zones).* Located within the areas of special flood hazard established in subsection 18-273(b), are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to two feet above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
- (2) All new construction and substantial improvements of nonresidential structures:

- a. Have the lowest floor (including basement) elevated to two feet above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or
 - b. Together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO zone, or below the base flood elevation plus two feet in an AH zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
- (3) A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in subsection 18-274(c), are satisfied.
- (4) Require within zones AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.
- (e) *Floodways*. Located within areas of special flood hazard established in subsection 18-273(b), are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:
 - (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - (2) If subsection (e)(1), above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.
 - (3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulation, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by Section 65.12.
- (f) *Severability*. If any section, clause, sentence, or phrase of this article is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this article.
- (g) *Penalties for noncompliance*. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations. Violation of the provisions of this article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this court order or fails to comply with any of its requirements shall upon conviction thereof be fined not more than allowed by law or imprisoned for not more than allowed by law, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent West University Place from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 1849, § 1(app. A), 7-9-2007; Ord. No. 2051, § 1, 5-21-2018)

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

AGENDA OF:	March 11, 2019	AGENDA ITEM:	5C
DATE SUBMITTED:	March 6, 2019	DEPARTMENT:	Parks and Recreation
PREPARED BY:	Thelma Gilliam City Secretary	PRESENTER:	Susan White, PAR Director
SUBJECT:	Resolution Appointing Member to Friends of West University Parks Fund, Inc., Board		
ATTACHMENTS:	1. Resolution 2. Application		
EXPENDITURE REQUIRED:	N/A		
AMOUNT BUDGETED:	N/A		
ACCOUNT NO.:	N/A		
ADDITIONAL APPROPRIATION REQUIRED:	N/A		
ACCOUNT NO.:	N/A		

EXECUTIVE SUMMARY

The Friends of West University Parks Fund, Inc., Board (Board) is requesting approval of a resolution appointing Danny Droubi to the Board. Chair of the Board Sami Morrison and Executive Director Donna LaMond have interviewed the applicant and are satisfied that he will be an excellent addition to the Board.

RECOMMENDATION

Staff recommends Council approve the resolution appointing Danny Droubi to Position 21 of the Friends of West U Parks Fund, Inc., Board for the term beginning March 11, 2019 and ending on August 31, 2019.

City of West University Place
Harris County, Texas

RESOLUTION NUMBER XXXX-XX

A RESOLUTION APPOINTING A MEMBER TO THE BOARD OF THE FRIENDS OF WEST UNIVERSITY PARKS FUND, INC., A NON-PROFIT CORPORATION

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

Section 1. That the following person is appointed to serve as a member on the Board of the Friends of West University Parks Fund, Inc., a non-profit corporation, for the specific term of the specific position indicated below:

<u>APPOINTEE</u>	<u>EFFECTIVE DATE</u>	<u>POSITION</u>	<u>TERM ENDING</u>
Danny Droubi	March 11, 2019	Position 21	August 31, 2019

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

PASSED AND APPROVED this 11th day of March, 2019.

ATTEST:

SIGNED:

Thelma A. Gilliam, City Secretary

Susan Sample, Mayor

(SEAL)

RECOMMENDED BY:

APPROVED AS TO FORM:

David J. Beach, City Manager

Alan Petrov, City Attorney

CITY OF WEST UNIVERSITY PLACE

Board and Committee Membership Application

Name: Danny Droubi Office Phone: [REDACTED]
Home Address: [REDACTED] Cell Phone: [REDACTED]
Email Address: [REDACTED] Home Phone: _____

Employed By/Retired From: Shell Trading US Company
(Please Circle One)

Spouses Name: Lauren Droubi
(Please Circle One)

Employed By/Retired From: BP North America
(Please Circle One)

Education: Bachelor Business Administration - University of Texas - Austin

Background, Experience, Special Talents, etc. Native Houstonian, well versed in Finance & Economics, Contract Negotiation, Fitness

Previous Board or Committee Experience: Various work project committees

Specific Board or Committee Applied for: Friends of West U Parks

If no Specific Board or Committee, Area of Interest: _____

Why are you interested in this board, committee or area of service? I have two young sons and we frequent our wonderful parks very often. I am passionate about maintaining the standard of excellence.

Limitations on Availability: Some travel commitments but generally can make time.

References (optional): Steven Jacobson, Kelly Beth Hapgood, Susan Sample.

FOR CITY USE ONLY:
Date Interviewed: _____
Qualified for (1): _____
Qualified for (2): _____