



City of West University Place

A Neighborhood City

CITY COUNCIL

Bob Higley, Mayor
Kevin Trautner, Mayor Pro Tem
Lauri Lankford, Councilmember
John P. Barnes, Councilmember
Ed Sobash, Councilmember

STAFF

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

City Council Meeting Agenda

Notice is hereby given of an **Executive Session, Workshop and Regular Meeting** of the West University Place City Council to be held remotely on **Monday, January 11, 2021** beginning at **5:30 p.m.** for the purpose of considering the agenda of items listed.

Due to the Novel Coronavirus (COVID 19) pandemic and CDC's recommendation regarding social distancing measures, the meeting will be held via audio/video teleconference. City Council will be audible to members of the public and allow for two-way communications for those desiring to participate. To attend the meeting via telephonic means, please **call 346-248-7799** or you can **join via <https://us02web.zoom.us/j/82429036831>**. **The Meeting ID Number is 824 2903 6831.**

Any person interested in speaking on any item on the regular agenda or during public comments must submit his/her request via email to the City Secretary at tgilliam@westutx.gov at least **one (1) hour prior to the start of the meeting**. The request must include the speaker's name, address, and the phone number that will be used for the call, and the agenda item number or description, if applicable. Speakers will be remain in a queue until their time to speak.

Handouts or other information must be emailed to tgilliam@westutx.gov no later than one day prior to the start of the meeting. The information will be provided to Mayor and Council in advance of the meeting.

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.

The agenda packet is accessible to the public on the City's website. A recording of this meeting will be made available to the public within 3 business days after the meeting. **To obtain a hard copy of the agenda packet, please contact the City Secretary via the email address above.**

WORKSHOP (5:30 p.m.)

- 1. Call Workshop to Order/Roll Call**
- 2. Network Facilities 5G**
Matters related to network facilities 5G. *Mr. Gerardo Barrera, Public Works Director*

REGULAR MEETING (6:30 p.m.)

- 3. Call Regular Meeting to Order/Roll Call**
- 4. Pledge of Allegiance**

5. Public Comments

This is an opportunity for citizens to speak to the Council relating to agenda and non-agenda items. Speakers are required to register in advance and must limit their presentations to three minutes each. 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 on matters on the agenda must be kept relevant to the subject before the Council. The presiding officer shall rule on the relevance of comments.

Persons making personal, impertinent, or slanderous remarks may be barred by the presiding officer from further comment before the Council during the meeting. This rule does not prohibit criticism of the City or criticisms of actions or omissions of the City.

6. Employee of the Year

Matters related to recognizing the City's Employee of the Year. **Mr. James Urban, HR Director** [see Agenda Memo 6]

7. Appointment to the Friends of West U Parks Fund Board

Matters related to appointing a member to the Friends of West U Parks Fund Board. *Recommended Action: Appoint Kelly Hill to Position 19.* **Ms. Donna LaMond, Executive Director of FWUPF** [see Agenda Memo 7]

8. COVID-19 Update

Matters related to COVID-19. *Recommended Action: Discuss and take any desired action.* **Mr. Aaron Taylor, Fire Chief and Emergency Management Coordinator** [see Agenda Memo 8]

9. Utility Accounts Bad Debt Write-Off

Matters related to writing off bad debts related to outstanding utility account balances. *Recommended Action: Authorize approval for staff to write-off bad debt in the amount of \$218,641.71 for utility account balances prior to 2018.* **Ms. Katherine DuBose, Finance Director** [see Agenda Memo 9]

10. 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 Minutes of the Meeting of December 14, 2020. *Recommended Action: Approve City Council Minutes of December 14, 2020.* **Ms. Thelma Gilliam, City Secretary** [see Agenda Memo 10A]

B. Lease Agreement – 5004 Dincans

Matters related to approving lease for use by SER Construction Group during reconstruction of Buffalo Speedway. *Recommended Action: Approve lease agreement with SER Construction group for temporary use of a portion of the City's property located at 5004 Dincans.* **Mr. Gerardo Barrera, Public Works Director** [see Agenda Memo 10B]

11. Executive Session Related to Personnel

City Council will convene into executive session in accordance with the following provision of Chapter 551 of the Texas Government Code (TGC):

- **Section 551.074 – City Manager Evaluation**

12. Adjourn Executive Session / Reconvene Regular Meeting

Matters related to any desired action resulting from the executive session. City Council may take action on the matters discussed in Executive Session as deemed Appropriate.

13. Adjourn Regular Meeting

In compliance with the Americans with Disabilities Act, please contact City Secretary Thelma Gilliam at 713.662.5813 at least 24 hours prior to the meeting to see whether the City can arrange for accommodations to assist in your participation in the meeting.

I certify that the attached amended notice and agenda of items to be considered by the West University Place City Council on January 11th, 2021 was posted on the Municipal Building bulletin board on January 8th, 2021, at approximately 1:00 o'clock p.m.

(SEAL)

Thelma A. Gilliam
Thelma A. Gilliam, City Secretary



AGENDA MEMO
Business of the City Council
City of West University Place, Texas

Meeting Date	1.11.2021	Agenda Item	6
Approved by City Manager	Yes	Presenter(s)	J. Urban, HR Director
Reviewed by City Attorney	N/A	Department	Administration
Subject	Employee of The Year Recognition		
Attachments	None		
Financial Information	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:	N/A	
	Additional Appropriation Required:	N/A	
	Additional Account Number:	N/A	

Executive Summary

Annually, the City recognizes employees who have gone above and beyond to contribute to the Mission, Vision, and Core Values of the City of West University Place. These principles, Superior Service, Professionalism, Integrity, Results, Innovation and Teamwork, are recognized by supervisors who nominate individuals for recognition at the end of the year. In 2020, we were unable to gather to acknowledge the work of our distinguished employees and our Employee of the Year. Instead, staff wishes to introduce the Employee of the Year to Council. The 2020 Employee of the Year is Jonathan Graham, Crew Chief in Public Works.

Recommended Action

No action required.



AGENDA MEMO
Business of the City Council
City of West University Place, Texas

Meeting Date	01.11.2021	Agenda Item	7
Approved by City Manager	N/A	Presenter(s)	Donna LaMond, Director, FWUP
Reviewed by City Attorney	N/A	Department	Parks
Subject	Appointment of Member to the Friends of West U Parks Fund Board		
Attachments	1. Resolution 2. Candidate's Application 3. Candidate's Resume		
Financial Information	Expenditure Required:		None
	Amount Budgeted:		None
	Account Number:		None
	Additional Appropriation Required:		None
	Additional Account Number:		None

Executive Summary

The Friends of West University Parks Fund Board (Board) is requesting approval of the appointment of Kelly Hill to the Board. The Executive Committee has reviewed and evaluated her application and recommends her appointment.

Recommended Action

The Friends of West University Parks Fund recommends Council approve the appointment of Kelly Hill to Position 19 of the Friends of West University Place Parks Fund Board with a term beginning January 11, 2021 and expiring August 31, 2023.

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 positions indicated below:

<u>APPOINTEE</u>	<u>EFFECTIVE DATE</u>	<u>POSITION</u>	<u>TERM ENDING</u>
Kelly Hill	January 11, 2021	Position 19	August 31, 2023

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 January, 2021.

ATTEST:

SIGNED:

Thelma A. Gilliam, City Secretary

Robert A. Higley, Mayor

(SEAL)

RECOMMENDED BY:

APPROVED AS TO FORM:

David J. Beach, City Manager

Alan Petrov, City Attorney



Board of Directors Application

Name: Kelly Hill Cell Phone: [REDACTED]

Home Address: 2911 Lafayette St. Home Phone: [REDACTED]

Email Address: [REDACTED]

Employed By/ Retired From: Mabanaft Energy Trading Inc.
(Please Circle One)

Spouses Name: Blake Hill Office Phone: [REDACTED]

Education: Bachelors in Finance from Texas A&M University, College Station, TX

Background, Experience, Special Skills, etc. (Please include resume if possible) _____

see attached resume

Previous Board or Commission Experience: _____

Any Particular Area(s) of Interest: Park Lovers' Ball Fathers & Flashlights Other _____

Why are you interested in serving on this board? Excited to become more involved with Parks Board, after helping with PLB for several years. We are avid park visitors, and look forward to providing perspective, goal setting, and funding our beloved community parks!

Limitations on Availability: occasional work trips, but with planning can make most meetings happen

References (optional): Mary Frances Dumay, Sami Morrison, Melissa Pifko

Date Application Submitted: 12/01/2020

Please return completed application to Friends Executive Director Donna LaMond by mail at 4210 Bellaire Boulevard, Houston, Texas 77025 or by email to dlamond@westutx.gov.

FOR INTERNAL USE ONLY:

Date Interviewed: _____

Date Appointed: _____

KELLY LAURENCE HILL

2911 Lafayette St.
Houston, TX 77005

CAREER SUMMARY

- Developed and implemented best business practices across middle and back office operations for energy merchants and hedge fund companies, with successes at several startups and new business lines
- Selected and directed team of personnel for financial and physical natural gas and asset optimization; Expanded operations into physical and financial power trading and merchant activities
- Coordinated activities with all levels of business technology, market risk, credit risk, legal, tax, confirmations, settlements, clearing broker, exchanges, and compliance
- Transformed communication of reported key business insights and metrics to C-suite executives regarding business performance and objectives
- Commercially oriented approach ensures operations group supports and aids front-office growth opportunities through proper evaluation and team work with traders, risk management, originators and business development teams
- Operated and marketed energy hedge fund from growth of \$25M to \$1.4B; developed processes and procedures for operations and IT staff; liaised with clients and potential investors to ensure clarity on historical performance and investment objectives

PROFESSIONAL EXPERIENCE

MABANAFT ENERGY TRADING INC, Houston, TX

2019 – present

Controller & Risk Manager

Joined newly launched distillates trading business for German based Marquard & Bahls. Initiated change and process improvements in all aspects of trade capture and reporting within proprietary ETRM and subsequent downstream processes with SAP.

- Trading Operations: Harmonized product control team supporting Houston, Singapore, London and Hamburg trading teams across 4 different systems for daily market reporting, VaR and revenue recognition processes.
- Accounting: Streamlined monthly closing processes, adding additional checks for accuracy and automation. Sync process to daily reporting adding difference reporting and metrics for C-suite leadership.
- Treasury: Work with US treasury, German credit and treasury teams to ensure smooth Letter of Credit, customer credit lines and timely payment processing globally.
- Systems Management: Committee member of trade capture system review team determining current state, future business requirements, and technology changes required for straight-thru-processing and further automation of operations and risk tasks.

KLH SOLUTIONS, LLC Houston, TX

2017 – present

Managing Member

Consulting practice specializing in project management, insurance and energy trading across varying industries.

KOCH AG & ENERGY SOLUTIONS, Houston, TX

2013 – 2016

Finance Manager, Koch Energy Services

Established Houston offices for controller's organization by hiring and developing staff during significant business growth and trading expansion in natural gas and power commodities. Key leader for expansion, bridged gap between front and back office to pave way for growth opportunity into power markets. Middle and back office team supported activities from offices in Wichita, Calgary, Denver, Dallas, Minneapolis and Houston.

- Trading Operations: Led group supporting US and Canadian based team of 14+ gas traders and 7+ power traders to capture, value and report wide variety of physical and financial products daily and monthly.

- Systems Management: Designed revisions to implementation for OpenLink Endur ETRM guaranteeing business utilization for performance reporting across risk, confirmations, credit, accounting and trading teams.
- Leadership: Established Houston office for Mid and Back Office capabilities by hiring 11 full-time staff. Transitioned newly developed operational processes and procedures ensuring accurate PnL and Risk reporting. Eliminated wasteful practices while educating support teams, such as Confirmations, Credit and Market Risk.
- Regulation and Business Planning: Liaised with trading leadership and compliance personnel to ensure new lines of business received appropriate review and regulatory filings. Developed and presented monthly to executives on key performance metrics, initiating conversations to drive timely changes across businesses.
- Accounting: Created review process driving outstanding receivables balance to <\$5,000 with 3rd parties, reduced from initial balances of >\$1.0M. Complete overhaul of invoicing and settlements processes and procedures completed. Developed accounting team responsible for AR/AP and financial reporting.

DRAXIS ENERGY MANAGEMENT, Houston, TX

2010 – 2013

Director of Operations

- Trading Operations: High-profile senior management position accountable for trading operations for Commodity Trading Advisor (CTA) and master/feeder exempt Commodity Pool Operator (CPO) fund
- Systems Management: Researched options, evaluated alternatives and implemented trade capture system to allow for straight-thru processing of trades, thereby eliminating trade entry error possibilities.
- Regulation and Business Planning: Report to business owners on potential changes to industry regulations and devise action plan for firm, as well as manage communication with outside counsel and fund investors.
- Treasury: Manage all aspects of cash for commodity fund; subscriptions, redemptions, and service provider payments
- Business Operations: Responsible for management of company business operations, trading confirmations, performance reporting, benefits administration, AR/AP, payroll, financial reporting, and tax reporting.

VELITE CAPITAL MANAGEMENT, Houston, TX

2006 – 2010

Director of Operations & Compliance, Non-trading principal

Directed all aspects of daily operations for CPO fund during growth from \$25 million to \$1.4 billion.

- Systems Management: Developed architecture, designed functions, established curve structure, tested and implemented trade capture system created alongside in-house IT manager.
- Regulation and Compliance: Independently created complete compliance program, assessed potential impact of future regulations, successfully implemented and maintained required documentation for all NFA requirements for CTA/CPO
- Trading Operations: Analyzed and reported positions and earnings to traders and business owner daily.
- Business Operations: Directed fund administrator on monthly financial reporting to investors, treasury management, and liaise with external audit team for tax reporting, audited financial statements and footnotes.
- Human Resources and Business Development: Produced employee handbook, served as human resource leader and managed numerous aspects of firm and office, as it was in constant growth mode.

MERRILL LYNCH COMMODITIES, INC, Houston, TX

2000 – 2006

Assistant Vice President

- Trading Operations: Managed physical trading clients physical and storage needs for Northeastern US LDCs; prepared daily and monthly reports for trading and accounting groups; reconciled pipeline discrepancies for volumes and pricing. Guided proprietary software build for trade capture, risk and valuation.
- Business Operations: Developed margin estimating process to analyze trading margin requirements and an accounting reconciliation tool for natural gas positions owned by various trading desks across firm
- Business Planning: Coordinated intern program for trading and pipeline organization, managed workflow and feedback from managers, and recruited new hires at Texas A&M University.

EDUCATION

Texas A&M University
Bachelor of Business Administration in Finance

College Station, TX
Lowry Mays College of Business

Community Affiliations: Junior League of Houston, variety of leadership roles within community since 2006



AGENDA MEMO
Business of the City Council
City of West University Place, Texas

Meeting Date	01.11.2021	Agenda Item	8
Approved by City Manager	N/A	Presenter(s)	A. Taylor, EMC, Fire Chief
Reviewed by City Attorney	N/A	Department	Fire
Subject	Information and Update Related to COVID-19 and City Response		
Attachments	None		
Financial Information	Expenditure Required:		None
	Amount Budgeted:		None
	Account Number:		None
	Additional Appropriation Required:		None
	Additional Account Number:		None

Executive Summary

Update and discussion between City Council and staff on the COVID-19.

Recommended Action

Report and discussion purposes only, no action recommended.



AGENDA MEMO
Business of the City Council
City of West University Place, Texas

Meeting Date	1.11.2021	Agenda Item	9
Approved by City Manager	Yes	Presenter(s)	K. DuBose, Director
Reviewed by City Attorney	N/A	Department	Finance
Subject	Utility Accounts Bad Debt Write-Off		
Attachments	Exhibit A – Detail of Utility Accounts Bad Debt Write-Off		
Financial Information	Expenditure Required:	\$218,641.71	
	Amount Budgeted:	N/A	
	Account Number:	N/A	
	Additional Appropriation Required:	N/A	
	Additional Account Number:	N/A	

Executive Summary

During a review of the outstanding utility account balances, it was discovered that inactive accounts with balances dating back to 1999 are still reported. Due to the age of these balances, accounts prior to 2018 are considered uncollectible and need to be written off. The total write-off amount is \$218,641.71.

On December 14, 2020, Council approved the selection of Credit Systems International, Inc. (CSII) to provide delinquent collection services for the City’s utility accounts. Staff will provide CSII the inactive account balances for 2018-2020 to seek collections. To prevent a large uncollectible balance in the future, accounts will periodically be submitted to CSII for collections and write-offs will be submitted to City Council on an annual basis.

Recommended Action

Authorize approval for staff to write-off bad debt in the amount of \$218,641.71 for utility account balances prior to 2018.

EXHIBIT A

Detail of Utility Accounts Bad Debt Write-Off
Account Balances Prior to 2018

<u>Year</u>	<u>Amount</u>	<u>Fee</u>	<u>Amount</u>
1999	37,034.61	ALARM PERMIT	53.68
2000	7,012.60	BROKEN LOCK/METER	22.00
2001	1,138.38	CONNECTION FEE	228.61
2002	1,645.06	DEPOSITS	180.00
2003	1,607.38	DIRECT LINK	1,635.69
2004	40,527.94	LATE PAYMENT PENALTY	1,439.63
2005	21,609.04	OTHER WATER REVENUE	1,590.53
2006	15,951.88	OVERPAYMENT/REFUND	42.87
2007	14,754.54	SEWER	42,754.86
2008	12,046.95	SOLID WASTE	33,699.18
2009	14,141.65	SOLID WASTE SALES TX	364.84
2010	16,568.23	WATER	136,629.82
2011	11,779.03		
2012	3,115.35		
2013	3,573.84		
2014	1,061.17		
2015	4,959.42		
2016	6,287.10		
2017	3,827.54		
Total	<u>218,641.71</u>		Total <u>218,641.71</u>



AGENDA MEMO

Business of the City Council
City of West University Place, Texas

Meeting Date	01.11.2021	Agenda Item	10A
Approved by City Manager	N/A	Presenter(s)	T. Gilliam, City Secretary
Reviewed by City Attorney	N/A	Department	Administration
Subject	City Council Meeting Minutes		
Attachments	Minutes		
Financial Information	Expenditure Required:	N/A	
	Amount Budgeted:	N/A	
	Account Number:	N/A	
	Additional Appropriation Required:	N/A	
	Additional Account Number:	N/A	

Executive Summary

The Minutes of the Special City Council Meeting of December 14, 2020 are attached.

Recommended Action

Staff recommends approval of the December 14, 2020 Minutes.



The City of West University Place

A Neighborhood City

CITY COUNCIL

Bob Higley, Mayor
Kevin Trautner, Mayor Pro Tem
John P. Barnes, Councilmember
Lauri Lankford, Councilmember
Ed Sobash, Councilmember

STAFF

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

CITY COUNCIL MEETING MINUTES

The City Council of the City of West University Place, Texas, **met via Zoom** in a special meeting on **Monday, December 14, 2020**, beginning at **5:00 p.m.** due to social distancing guidelines suggested by the CDC in light of the Novel Coronavirus (COVID 19).

Mayor Higley called the meeting to order at 5:00 p.m. Mayor Pro Tem Trautner and Councilmembers Sobash, Barnes, and Lankford were in attendance. City Manager Beach, City Secretary Gilliam, and City Attorney Petrov were also in attendance.

Agenda items were as follows:

EXECUTIVE SESSION (5:00 p.m.)

1. Real Property and MOUs

City Council will convene into executive session in accordance with the following provision of Chapter 551 of the Texas Government Code (TGC):

At 5:03 p.m., Mayor Higley moved to adjourn into executive session per sections 551.071 and 551.072 of the Texas Government Code. Councilmember Barnes seconded the motion. **MOTION PASSED.**

Ayes: Higley, Trautner, Barnes, Lankford, Sobash
Noes: None
Absent: None

2. Close Executive Session / Take Any Desired Action

Matters related to any desired action resulting from the executive session. City Council may take action on the matters discussed in Executive Session as deemed appropriate.

At 7:02 p.m., Councilmember Barnes moved to close the executive session. Councilmember Sobash seconded the motion. **MOTION PASSED.**

Ayes: Higley, Trautner, Barnes, Lankford, Sobash
Noes: None
Absent: None

No Action taken.

3. Adjourn Executive Session

Mayor Higley adjourned the executive session at 7:03 p.m.

REGULAR MEETING (6:30 p.m.)

Note: The regular meeting did not convene until 7:03 p.m.

Mayor Higley called the regular meeting to order at 7:03 p.m. Mayor Pro Tem Trautner and Councilmembers Barnes, Sobash and Lankford were in attendance.

Staff in attendance: City Manager Beach, City Secretary Gilliam, City Attorney Petrov, Fire Chief Taylor, Parks and Recreation Director White, Finance Director DuBose, Public Works Director Barrera, Assistant to the City Manager Thompson, Police Chief Walker, and Treasurer Nicholson.

John Peterson with HDR Engineering, Carol Harrison with IDS Engineering, and Charles Eastland and Jason Eldridge with Cobb-Fendley, were also in attendance.

4. Pledge of Allegiance

Councilmembers Barnes and Lankford led the Pledge.

5. Public Comments

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

Diane Moy, 4036 University, spoke regarding the voluntary compost pilot program currently underway. She said she is against any potential City mandated composting and is especially against any cost to the City budget or spending tax dollars to fund any food waste commercial collection.

6. COVID-19 Update

Matters related to COVID-19. *Recommended Action: Discuss and take any desired action.* **Mr. Aaron Taylor, Fire Chief and Emergency Management Coordinator**

Chief Taylor reported:

- The Pfizer vaccine received its emergency use authorization on Friday last week and the first shipments of the vaccine are being shipped to some of the hospitals in the Medical Center, some of which arrived today.
- The FDA is holding a hearing on Thursday regarding the emergency use authorization for the Moderna vaccine. The Moderna vaccine is likely the one that the City will receive for its employee vaccination program.
- Texas could start receiving the Moderna vaccine by Christmas, but not sure if the City will receive it by then.
- Once the vaccine is received in Texas, a panel will discuss and decide how the vaccines will be allocated.
- The growth rate of the third wave of the virus in Texas continues to slow down, but locally there is an increase in cases.
- COVID hospital census for the City's trauma service area is now at 14.8 percent, which is right at the 15 percent threshold for additional restrictions.
- West U has a total of 286 confirmed cases – 47 are active, 239 have recovered, and 0 deaths.
- Positivity rate in Texas is steady at 12.6 percent.
- Positivity rate in Harris County has increased to 10.7 percent.
- The Texas Medical Center reported a 7.8 percent positivity rate.

Councilmember Sobash asked if West U is still within the same parameters as the rest of Harris County in terms of keeping the City's facilities open and protecting the residents. Chief Taylor said the City is

still on par with the County and if additional restrictions are governed by the state staff will re-examine what the City is doing.

7. City-wide Lawn and Landscape Maintenance

Matters related to awarding the contract for city-wide landscaping services. *Recommended Action: Award contract for city-wide landscaping services. Ms. Susan White, Parks and Recreation Director*

Parks and Recreation Director White presented and said after reviewing the three bids received for this project, staff determined that Landscape Professionals of Texas, the City's current contractor, submitted the best value bid.

Councilmember Lankford said the contract includes maintenance of ornamental trees and asked if it also includes maintenance of the bigger trees, such as Live Oaks. Ms. White said due to the many different types of trees throughout the City, there is a separate contract for the bigger trees with a contractor that specializes in arbor care.

Councilmember Sobash asked how do costs for this contract compare with costs for the current contract. Ms. White responded that there is an increase in costs which amounts to approximately \$24,000, but to keep in mind that there has been no increase for base services in over 7 years. She said to also note that this proposed contract includes specific field maintenance of the Colonial Park East End and weekend trash pickup, which were previously performed by other contractors at a higher price.

Councilmember Sobash asked if it is fair to say that this consolidation means a lesser contract amount overall. Ms. White said it is still more overall due to the contractor's price increase to catch up with today's market pricing.

Councilmember Sobash moved that the City award the contract to Landscape Professionals of Texas for three years with two optional one-year extensions and authorize the City Manager to execute the contract. Councilmember Barnes seconded the motion. **MOTION PASSED.**

Ayes: Higley, Trautner, Barnes, Lankford, Sobash
Noes: None
Absent: None

8. Street and Drainage Improvements – East Side

Matters related to the selection for Preliminary Engineering Report (PER) and Design of Drainage Improvements for the City's east side. *Recommended Action: Award the contract for the PER – East to HDR Engineering in the amount of \$365,000 and authorize the City Manager to execute the contract. Mr. Gerardo Barrera, Public Works Director*

Public Works Director Barrera presented and said after completing the modeling of the city-wide drainage study, Council's directive was to move forward with the recommended improvements resulting from the study, which includes awarding the contract for the PER for the east side. Mr. Barrera said after review of 12 Statements of Qualifications received, staff is recommending that Council award the Citywide Street and Drainage Improvement – PER East to HDR Engineering in the amount of \$365,000 and authorize the City Manager to execute a contract based on their previous work with the City, similar projects, resources, and knowledge.

Councilmember Lankford confirmed with John Peterson of HDR and Carol Harrison of IDS that two workshops have been identified in the schedule and budgeted for this project and that the text in the contract will be updated to reflect two workshops.

Councilmember Sobash moved to approve staff's recommendation. Councilmember Barnes seconded the motion. **MOTION PASSED.**

Ayes: Higley, Trautner, Barnes, Lankford, Sobash
Noes: None
Absent: None

9. Street and Drainage Improvements – West Side

Matters related to the selection for Preliminary Engineering Report (PER) and Design of Drainage Improvements for the City's west side. *Recommended Action: Award the contract for the PER – West to Cobb-Fendley in the amount of \$1,051,332.35 and authorize the City Manager to execute the contract.*
Mr. Gerardo Barrera, Public Works Director

Public Works Director Barrera presented and stated that after vetting the Statements of Qualifications received, staff recommends Cobb-Fendley for the project. He said the work will begin in January (2021) and is scheduled to be completed in November (2021).

Councilmember Lankford confirmed with Ms. Harrison of IDS that there are three workshops scheduled and budgeted for this project and that the language would be updated in the contract.

As recommended by staff Councilmember Sobash moved that Council award the Citywide Street and Drainage Improvement – PER West to Cobb-Fendley in the amount of \$1,051,332.35, which includes three workshops, and authorize the City Manager to execute the contract. Councilmember Barnes seconded the motion. **MOTION PASSED.**

Ayes: Higley, Trautner, Barnes, Lankford, Sobash
Noes: None
Absent: None

10. 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 Minutes of the Special City Council Meeting of November 27, 2020 and the Minutes of the December 7, 2020 Regular City Council Meeting. *Recommended Action: Approve City Council Minutes of November 27, 2020 and December 7, 2020.* **Ms. Thelma Gilliam, City Secretary**

B. Budget Amendment Ordinance

Matters related to an ordinance amending the 2020 Budget. *Recommended Action: Approve ordinance on first and final reading.* **Ms. Katherine DuBose, Finance Director**

C. Selection of Firm for Collection Services

Matters related the selection of a firm to perform collection services for the City. *Recommended Action: Approve firm to perform collection services and authorize the city manager to execute a contract.* **Mr. Harrison Nicholson, Treasurer**

Councilmember Lankford moved to approve the Consent Agenda as presented. Councilmember Barnes seconded the motion. **MOTION PASSED.**

Ayes: Higley, Trautner, Barnes, Lankford, Sobash
Noes: None
Absent: None

11. Adjourn Regular Meeting

Councilmember Barnes moved to adjourn the meeting at 7:35 p.m. Councilmember Sobash seconded the motion. **MOTION PASSED.**

Ayes: Higley, Trautner, Barnes, Lankford, Sobash
Noes: None
Absent: None

Audio of the meeting is available on the City's website. You can also contact the City Secretary's office for a copy of the audio.

Prepared by: City Secretary Thelma A. Gilliam

Approved by City Council on: .



AGENDA MEMO
Business of the City Council
City of West University Place, Texas

Meeting Date	1.11.2021	Agenda Item	10B
Approved by City Manager	Yes	Presenter(s)	G. Barrera, Director
Reviewed by City Attorney	Yes	Department	Public Works
Subject	Lease Agreement -- 5004 Dincans Street, Houston TX		
Attachments	Lease Agreement		
Financial Information	Expenditure Required:		N/A
	Amount Budgeted:		N/A
	Account Number:		N/A
	Additional Appropriation Required:		None
	Additional Account Number:		None

Executive Summary

The contractor for the Buffalo Speedway Reconstruction Project, SER Construction Group (SER), is interested in temporarily leasing a portion of the City-owned property located at 5004 Dincans Street.

The proposed lease agreement allows SER access to approximately 10,000 sq. ft. of the property, which will not affect City operations. The proposed lease also requires SER to install temporary fencing, connect to all utilities, and return the site back to its original condition at the end of the lease.

The term of the agreement is twenty-four (24) months. The first twelve (12) months will be at a monthly rate of \$3,000. The lease will be revisited after the first year to determine the rate for the second 12 months and beyond, if needed. The City is requiring the first and the last month rent payments and a \$3,000 refundable damage deposit upon execution of the contract.

The contract can be cancelled by either party with a 30-day written notice.

Recommended Action

Staff recommends that the City Council approve a lease agreement with SER Construction Group and authorize the City Manager to execute the agreement and any subsequent requests for extensions or modifications to the lease agreement that does not encumber the City's use of the property beyond the duration of the construction project.

LICENSE AGREEMENT

THIS LICENSE AGREEMENT (this "*License*") is made this 12th day of January of 2021 (the "*Effective Date*") by and between **THE CITY OF WEST UNIVERSITY PLACE**, a political subdivision of the State of Texas with a principal place of business located at 3800 University Boulevard, TX 77005 ("*Licensor*") and **SER CONSTRUCTION PARTNERS, LLC** with a principal place of business located at 3636 Pasadena Blvd, Pasadena TX 77503 ("*Licensee*"). Licensor and Licensee are individually referred to herein as "Party," and collectively referred to herein as the "Parties."

RECITALS

A. Licensor owns that certain property located at 5004 Dincans Street, Houston TX 77005 (the "*Property*");

B. Licensee desires to use a portion of the Property consisting of approximately 10,000 square feet, as depicted on **Exhibit A**, attached hereto and made a part of this License for all purposes (the "*Designated Area*") upon the terms and conditions as set forth herein, for the purpose of locating material storage containers, misc. materials storage, misc. construction equipment and employee parking (the "*Permitted Use*") related to Licensor's Buffalo Speedway Project (the "*Project*");

C. Licensor has agreed to license the Designated Area to Licensee upon the terms and conditions as set forth herein;

NOW, THEREFORE, in consideration of the mutual promises made herein, the Parties hereby agree as follows:

LICENSE

1. **Recitals.** The forgoing recitals are hereby incorporated into this License by this reference.

2. **Grant of License.** Licensor hereby grants to Licensee an exclusive right to use, upon certain conditions the Designated Area for the Permitted Use subject to the express terms and conditions set forth in this License. Licensor and Licensee acknowledge and agree that this License is solely and exclusively for the Permitted Use of the Designated Area and is not intended in anyway a grant for any other uses of the Property.

3. **Designated Area.** In the event Licensee determines that additional square footage is needed for the Permitted Use, Licensor may extend the size of the Designated Area upon terms mutually acceptable to the Parties, subject to the approval of Licensor's Director of Public Works without the need to obtain approval from the City of West University Place City Council ("*City Council*") for such modification.

4. **Sublicense.** The rights and obligations granted to Licensee by this License shall not be assigned, leased, pledged or sublicensed by Licensee to any third party without the prior written consent of Licensor.

5. **Term.** This License is for a twenty-four (24) month term and will become effective on the Effective Date of January 12, 2021 and shall expire on January 11, 2023 (the "*Term*"). In the event Licensee determines that the Term should be extended to complete the Project, Licensor may, at its sole discretion, extend the Term upon terms mutually acceptable to the Parties, subject to the approval of Licensor's Director of Public Works without the need to obtain approval from City Council for such extension.

6. **Rent.** Licensee shall pay to Licensor rent in the amount of Three Thousand and No/Dollars (\$3,000.00) ("*Rent*") on the first day of each month of the Term, except that Rent for the first and last month of the Terms shall be delivered by Licensee to Licensor upon mutual execution of this License. A 3% increase to the lease amount will be assessed on January 1 starting in 2022 and thereafter.

7. **Security Deposit.** Licensee shall pay to Licensor a security deposit in the amount of Three Thousand and No/Dollars (\$3,000.00) (the "*Security Deposit*") upon mutual execution of this License. The Security Deposit shall be refunded to Licensee within thirty (30) days after termination of this License; provided that Licensee shall have removed all equipment, trailers, construction fencing and other items stored or installed at the Designated Area and shall have restored same to the condition that existed at the Designated Area prior to the commencement of this License.

8. **Construction of Fence.** Licensee shall construct a fence to separate the Designated Area from that portion of the Property used by Licensor at Licensee's sole cost and expense. The plans, construction, materials and depth of the fence shall be approved by Licensor in its reasonable discretion prior to Licensee's construction of same.

9. **Electrical Drop.** If needed, Licensee shall install an electrical drop (the "*Electrical Drop*") at the Designated Area at Licensee's sole cost and expense. The Electrical Drop shall be removed from the Designated Area upon termination of this License, at Licensee's sole cost and expense. The plans, installation and removal of the Electrical Drop shall be approved by Licensor in its reasonable discretion prior to Licensee's installation and removal of same.

10. **Licensor Representations and Warranties Due Authority.** Licensor represents and warrants that it has full right, power and authority to enter into this License and to perform all of its obligations hereunder. Licensor further represents and warrants that it has granted no other existing license to use the Designated Area for the Permitted Use during the Term and it shall grant no such other license to use the Designated Area during the Term except in accordance with the provisions hereof.

11. **Licensee Representations and Warranties.**

(a) **Due Authority.** Licensee represents and warrants that it has full right, power and authority to enter into this License and to perform all of its obligations hereunder.

(b) **Compliance with Applicable Laws.** Licensee represents warrants and covenants that it shall comply with all applicable laws, regulations, and rules of relevant public authorities and shall procure and maintain all licenses, permits, approvals and authorizations necessary to lawfully perform its obligations as contemplated hereby.

12. **Indemnification/Liability Insurance.** LICENSEE SHALL RELEASE AND HOLD LICENSOR HARMLESS FROM ANY CLAIMS OR ACTIONS RELATED TO LICENSEE'S USE OF THE DESIGNATED AREA. FURTHER, LICENSEE AGREES TO OBTAIN AND MAINTAIN, AT ITS OWN EXPENSE, THROUGHOUT THE TERM, LIABILITY INSURANCE IN AN AMOUNT NO LESS THAN ONE MILLION AND NO/100 DOLLARS (\$1,000,000) PER OCCURRENCE AND TWO MILLION AND NO/100 DOLLARS (\$2,000,000) AGGREGATE. THE LIABILITY INSURANCE POLICY SHALL PROTECT AGAINST ALL CLAIMS, DEMANDS, ACTIONS, AND DAMAGES ARISING OUT OF LICENSEE'S USE OF THE DESIGNATED AREA AND SHALL NAME LICENSOR AS AN ADDITIONAL INSURED. APPLICABLE AUTOMOBILE LIABILITY IN THE AMOUNT OF ONE MILLION AND NO/100 DOLLARS (\$1,000,000) AND WORKERS COMPENSATION AND EMPLOYER LIABILITY IN THE AMOUNT OF FIVE HUNDERD THOUSAND AND NO/100 DOLLARS (\$500,000) SHALL ALSO BE OBTAINED AND MAINTAINED BY LICENSOR THROUGHOUT THE TERM.

13. **Property Damage.** Licensee shall be responsible for any damage to the Designated Area or the Property caused by Licensee or any of its invitees, employees, or contractors, or as a result of Licensee's use of the Property.

14. **Termination.** This License may be terminated by the Licensor at any time with a 30 day notice.

MISCELLANEOUS

15. **Entire Agreement.** This License constitutes the entire agreement between the Parties with respect to the subject matter described herein and supersedes and replaces any prior agreements and understandings, whether oral or written, between the parties hereto with respect to such matters.

16. **Governing Law.** This License shall be governed by, and construed in accordance with, the laws of the State of Texas.

17. **Expenses.** Each Party shall pay all of its expenses, including attorneys' fees in connection with the negotiation of this License, the performance of its obligations hereunder, and the consummation of the transactions contemplated by this License; *provided, however*, that in any proceeding or other attempt to enforce, construe or to determine the validity of this License, the non-prevailing party will pay the reasonable expenses of the prevailing party, including reasonable attorneys' fees and costs.

18. **Rules of Construction.** This License is the result of arms-length negotiations and contains the mutual wording of the Parties. Therefore, any ambiguity shall not be construed against either party. The Parties expressly waive any and all applicable common law and statutory rules of construction that any provision of this License be construed against the Licensor's drafter and agree and affirm that this License and all provisions hereof shall in all cases be construed as a whole, according to the fair meaning of the language used.

19. **Headings.** Any headings of paragraphs herein are intended solely for the convenience of reference and shall not control the meaning or interpretation of any of the provisions of this License.

20. **Invalid Provisions.** If any provision of this License is held to be illegal, invalid or unenforceable under any present or future laws, such provision shall be fully severable, and the remaining provisions shall constitute the Parties' License agreement.

21. **Gender/Plural.** All words used in this License, including the words he or his and its or their, shall be construed to include the plural as well as the singular number and words used in the present tense shall include the future as well as the present and words used in the masculine gender shall include the feminine and neuter.

22. **Counterparts.** This License may be executed in one or more counterparts, any one of which need not contain the signatures of more than one party, but all such counterparts taken together will constitute one and the same instrument.

23. **Stormwater Protection.** Licensee shall at all times keep site clean and orderly to prevent pollution of storm sewer and shall comply with all requirements of the Licensor's Stormwater Management Plan.

[Signature Page Follows]

IN WITNESS WHEREOF, the Parties have signed this License as of the Effective Date.

LICENSOR: CITY OF WEST UNIVERSITY PLACE, TEXAS

(Signature)

(Title)

(Print name)

(Date)

LICENSEE: SER Construction Partners, LLC

(Signature)

(Title)

(Print name)

(Date)

EXHIBIT A

