



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, January 25, 2021**, beginning at **5:30 p.m.** due to social distancing guidelines suggested by the CDC in light of the Novel Coronavirus (COVID 19).

WORKSHOP (5:30 p.m.)

1. Call Workshop to Order/Roll Call

Mayor Higley called the workshop to order via Zoom at 5:30 p.m. Mayor Pro Tem Trautner and Councilmembers Barnes, Lankford and Sobash were all present.

Staff present were City Manager Beach, City Attorney Petrov, City Secretary Gilliam, Public Works Director Barrera, and Assistant to the City Manager Thompson.

Richard Weatherly, Engineer with Freese and Nichols, and Carol Harrison with IDS were also present.

2. Drinking Water Capacity and Efficiency Study

Matters related to the Water Efficiency and Modeling Study (Water System Assessment Study). **Mr. Gerardo Barrera, Public Works Director and Mr. Richard Weatherly, Engineer**

Mr. Richard Weatherly, engineer with Freese and Nichols, presented an overview of the Water System Assessment Study. The study included:

- Field testing
- Water Distribution System Model Development
- Hydraulic Modeling Analysis Results
- Phase Improvement Recommendations
 - Partnering with City staff and City Engineer (IDS) to develop Capital Improvement Plan

Mr. Weatherly reviewed the schedule and noted that the final presentation would be presented to Council in April 2021.

Mr. Weather explained the hydraulic modeling analysis and said the model would be to:

- Evaluate the City's water system to see where the minimum pressures are and make sure they all meet the minimum thresholds.
- Tell where the available fire flows are.

- Tell where locations of high water age is, which can indicate water quality issues.

City Manager Beach said the overall intent of the assessment is to help identify the current condition of the water towers, what the anticipated needs are, what are the shortfalls, and what the City can do to address the shortfalls, if any.

In response to Councilmember Lankford's question as to whether the goal of the system is to have an equal water pressure across the City, including fire hydrants, as well as to ensure there are no quality issues, Public Works Director Barrera responded, yes that is the goal.

Councilmember Barnes asked if it would be feasible to explore the possibilities of having a shared water system with Southside Place. City Manager Beach stated that it probably will not be feasible, but staff will look into it.

At 6:09 p.m., Mayor Higley adjourned the workshop.

Audio of the full discussion is available on the City's website. You can also contact the City Secretary's office for a copy of the audio and/or a copy of the presentation.

REGULAR MEETING (6:30 p.m.)

3. Call Regular Meeting to Order/Roll Call

Mayor Higley called the regular meeting to order at 6:30 p.m. Mayor Pro Tem Trautner and Councilmembers Barnes, Lankford and Sobash were all present.

Staff present were City Manager Beach, City Attorney Petrov, City Secretary Gilliam, Public Works Director Barrera, Assistant to the City Manager Thompson, Police Chief Walker, Fire Chief Taylor, Finance Director DuBose, and Treasurer Nicholson.

Richard Wilson, Chair of the Zoning and Planning Commission, was also present.

4. Pledge of Allegiance

Councilmembers Lankford and Sobash led the Pledge.

5. Public Comments

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

There were no comments from the public.

6. Request for Joint Public Hearing

Matters related to a request from the Zoning and Planning Commission to hold a Joint Public Hearing related to proposed amendments to the Zoning Ordinance concerning through lots and pervious and open area requirements. *Recommended Action: Approve ordinance calling for a Joint Public Hearing with the Zoning and Planning Commission. Mr. Gerardo Barrera, Public Works Director*

Public Works Director Barrera presented and said the Zoning and Planning Commission (ZPC) is requesting that Council approve an ordinance calling for a Joint Public Hearing on Monday, February 22, 2021, to hear comments on the proposed amendments to the zoning ordinance.

Mayor Higley asked ZPC Chair Wilson if the ZPC looked at rotated corners as requested by Council. Mr. Wilson said ZPC examined that subject and decided that no action was necessary or appropriate.

For clarification, Councilmember Barnes asked, with respect to any change in the Zoning Ordinance related to rotated corner lots, what affect, if any, would that have on existing rotating corner lots already permitted by the city. City Attorney Petrov responded what already exists, and built on, becomes a prior non-conforming structure and will continue to remain.

City Manager Beach noted that ZPC was also asked to look at Municipal Overlay and that the ZPC believes the current process is adequate, so there is no recommendation from ZPC for that item as well. Chair Wilson said he is not sure that ZPC has gotten that far and said the issue is still in discussions. Chair Wilson said the ZPC did want to convey clearly to City staff the ZPC was unanimously not in favor of the draft the consultant presented to the ZPC and that the ZPC is waiting to see if anyone has a proposal on some kind of middle ground before moving forward.

Councilmember Barnes moved to approve the ordinance calling for a Joint Public Hearing with the Zoning and Planning Commission concerning through lots and pervious and open area requirements. Mayor Pro Tem Trautner seconded the motion. **MOTION PASSED.** *Recommended Action: Approve ordinance calling for a Joint Public Hearing with the Zoning and Planning Commission.*

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

7. H-GAC General Assembly Appointments

Matters related to appointing a representative and alternate to the Houston-Galveston Area Council. *Recommended Action: Discuss and make desired appointments. Ms. Thelma A. Gilliam, City Secretary*

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

Mayor Pro Tem Trautner moved to appoint Councilmember Barnes and Councilmember Lankford as the representative and alternate, respectively, to the Houston-Galveston Area Council General Assembly. Councilmember Sobash seconded the motion. **MOTION PASSED.**

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

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*

Chief Taylor reported:

- Positivity rate in Texas is at 14.75 percent.
- Positivity rate in Harris County has increased to 19 percent.
- The Texas Medical Center reported at 11.6 percent positivity rate.
- West U has 471 confirmed cases – 96 are active, 374 have recovered, and one death.
- Majority of vaccine allocations are still being distributed to the three vaccination hubs.
- Johnson and Johnson is applying for emergency use authorization for its vaccine in February.

Councilmember Barnes asked if there are any external programs trying to get vaccines to people that are either homebound or bedbound. Chief Taylor said he is not aware of any such programs at this time, but will keep an eye out for information.

Mayor Higley asked Chief Taylor if the parks in West U were open or closed when there were record-breaking numbers in Texas. Chief Taylor said they were open.

Mayor Higley asked Chief Taylor if he believes it is necessary to close City parks in light of the new announcement that West U had one death. Chief Taylor said he does not believe it is necessary at this time as the numbers in the cases and positivity rates are trending downward. Mayor Higley asked Chief Taylor to call him if at any time before the next Council meeting he changes his mind.

9. Consent Agenda

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

A. City Council Minutes

Approve Minutes of the regular meeting of January 11, 2021 and the Minutes of the special meeting of January 19, 2021. *Recommended Action: Approve City Council Minutes of January 11, 2021 and January 19, 2021. Ms. Thelma Gilliam, City Secretary*

B. Ground Lease – 4213 Bellaire

Matters related to approving a ground lease for 4213 Bellaire. *Recommended Action: Approve Ground lease for 4213 Bellaire. Mr. Dave Beach, City Manager*

C. Quarterly Investment Report

Matters related to the City's Quarterly Investment Report. *Recommended Action: Accept the Investment Report. Mr. Harrison Nicholson, Treasurer*

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

Councilmember Lankford removed items B and C from the Consent Agenda for discussion.

Councilmember Sobash moved to approve the remaining item on the Consent Agenda as presented. Mayor Pro Tem Trautner seconded the motion. **MOTION PASSED.**

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

Regarding Item B, Councilmember Lankford suggested adding "Choice of Law" as well as "Choice of Venue" to all City contracts.

Councilmember Sobash moved to approve Item B with the noted adjustment. Councilmember Barnes seconded the motion. **MOTION PASSED.**

Ayes: Higley, Trautner, Barnes, Lankford, Sobash

Noes: None
Absent: None

Regarding Item C, Councilmember Lankford said there was a \$10 million increase in agency securities and though she believes it is due to the Certificates of Obligation, she wanted to be sure. Treasurer Harrison confirmed that the increase was due to Certificates of Obligation, the collection of property taxes, and allocations in investments.

Councilmember Sobash moved to approve Item C as presented. Mayor Pro Tem Trautner seconded the motion. **MOTION PASSED.**

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

10. Recess Regular Meeting and Convene Workshop on Financial Policies

Matters related to the review of Council financial policies and staff procedures. *Ms. Katherine DuBose, Finance Director*

Mayor Higley recessed the regular meeting and convened the workshop at 7:06 p.m.

Finance Director DuBose presented this item and said as part of the strategic plan, and as a high priority for Council, staff is bringing forth three financial policies for discussion.

In response to a question from Mayor Higley as to how staff generated the proposed changes, Ms. DuBose said staff looked at policies from similar cities and looking at the best practices from the Government Finance Officers Association (GOFA).

Ms. DuBose said the Purchasing Policy outlines the procedures as required by Chapter 252 of the Local Government Code and provides guidance for the City's procurement card (P-Card) program. She said the proposed changes to the Purchasing Policy (previously referred to as the Purchasing Manual, are as follows:

- Refer to the document as an actual policy rather than a manual.
- Add "cooperative purchases" as an exemption.

After comments from Council regarding the Purchasing Policy, Ms. DuBose said staff would make the following changes:

- Remove "purchasing employees will not allow a supplier to become dependent on the City for most of its business."
- Add exception for sole source suppliers.
- Add language for the Texas Sales and Use Tax Exemption Certification.
- Add link to the IRS webpage for De Minimis fringe benefits.

Regarding the Debt Management Policy, Ms. DuBose said this is a newly created policy that will provide a framework when issuing new debt and managing existing debt.

Mayor Pro Tem Trautner said he is concerned that it appears staff is putting additional restrictions on the City with this policy when there are already limitations on debt issuances under federal and state law and existing debt covenants, which are very specific. He said the City has to be very careful not

to have a policy in place whereby some of the additional restrictions the City puts on itself are not defined.

Mayor Pro Tem Trautner said another issue he has with the Debt Policy and the additional restrictions being proposed is that the driver of Standard and Poor's (S&P) AAA rating is the \$6.5 billion asset valuation in a two square-mile area. He said with property taxes being the majority of the City's revenue, the City is not subject to the sales tax cycles and he doesn't want the numerous factors that S&P may or may not use to determine the City's AAA rating to drive some of the definitions in the policy.

Mayor Pro Tem Trautner said S&P does not state what determines the AAA, so there is no need to add additional restrictions and constrain the City unnecessarily. He suggested a policy with a couple of paragraphs that states the City's general fiscal responsibility.

Ms. DuBose said she does not see this policy as a constraining document, because it outlines what staff already does.

Councilmember Barnes said his concern is that the City may be binding itself into an existing situation that may not reflect the future environment, or changing laws, and so the City may not be able to take advantage of opportunities that could arise if staff has bring the policy back before Council to approve the changes.

Mayor Pro Tem Trautner suggested a policy that included a broad statement about fiscal responsibility in the best interest of the taxpaying homeowners, but then when the time comes there are so many factors to consider and bring in the experts at that point.

Ms. DuBose said staff will include educational information, such as definition of terms, and remove the unnecessary restrictions, as well as use "may" instead of "will" and "must" where it can be used to allow for flexibility.

Ms. DuBose presented the Fund Balance Policy, last reviewed and approved by Council in November 2011. She said staff's proposed changes include calculating the unassigned minimum fund balance to be based on expenditures, rather than revenue, and specify that in the event of a deficit the fund will be replenished within two years. Ms. DuBose said a section was added to indicate that internal service funds would be reviewed during the annual budget process, as well as an addition to allow the ability to transfer any surplus funds to the Capital Reserve Fund.

Mayor Pro Tem Trautner said the City needs to think about what the appropriate amount of reserves are. He said with the amount the City currently has in reserves, Council should work with management and find a number that protects the City based on a couple of hurricanes a year and a real estate opportunity of around \$2 million for a park, though he is not suggesting that it be spent on a park anytime soon.

Councilmember Barnes said he is not sure that Council should base real estate acquisition with park acquisition and Mayor Pro Tem Trautner said then reserve it for any opportunity that comes up.

Mayor Pro Tem Trautner said most of the City revenues come from property taxes so being a good steward of taxpayers money, he would rather dollars sit in the hands of taxpayers rather than having extra dollars sitting at the City.

Councilmember Barnes said he would like to see a statement for each of the reserves as to what those funds are for because some people feel they are "slush" funds, which they are not.

Mayor Pro Tem Trautner said he believes that the 20% (Reserve Fund) and 10% (Enterprise Fund) that the City has used works and does not see any reason to change it, but is open to management's argument to change it, if any.

Councilmember Sobash said he agrees with Mayor Pro Tem Trautner.

Councilmember Barnes confirmed that the recommendation from staff at this time is for the City to target 20% for the general fund and target 10% for the Water and Sewer Fund.

At this exact moment, what is staff recommending. City Manager Beach confirmed that it is 20 percent for the general fund and 10 percent for the utilities fund.

11. Adjourn Workshop and Reconvene Regular Meeting

At 7:57 p.m., Mayor Higley adjourned the workshop.

12. Adjourn Regular Meeting

Councilmember Barnes moved to adjourn the meeting at 7:57 p.m. Mayor Pro Tem Trautner 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 and any handouts/presentations.

Prepared by: City Secretary Thelma A. Gilliam

Approved by City Council on: February 8, 2021