



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, February 22, 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 virtual meeting to order 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, Parks and Recreation Director White and Assistant to the City Manager Thompson.

Parks Board Chair Peter Billipp was also present.

2. Huffington Park Improvements

Matters related to Huffington Park Improvements. ***Ms. Susan White, Parks and Recreation Director and Parks Chair Peter Billipp.***

Parks and Recreation Director White and Parks Chair Billipp presented proposed changes for Huffington Park. After the presentation, Ms. White said the next step in the process is to submit a funding request to the Friends of West U Parks Board (Friends) at its meeting on Wednesday, February 24.

Ms. White if Friends approve funding for the improvements, staff will request that Council approve the expenditure for those improvements at the next City Council meeting.

3. Adjourn Workshop

At 5:57 p.m., Mayor Higley closed the workshop.

A copy of the audio of the workshop in its entirety is on the City's website or you can obtain a copy of the audio and/or the presentation from the City Secretary's office.

REGULAR MEETING (6:30 p.m.)

4. Call Regular Meeting to Order/Roll Call

Mayor Higley called the virtual 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, Finance Director DuBose, Parks and Recreation Director White, Building Official Chew, and Fire Chief Taylor.

Others present: Evan Duvall with BBG Consultants; Scott Bounds with Olson and Olson

5. Pledge of Allegiance

Councilmember Lankford and Sobash led the Pledge.

6. Public Comments

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

Alida Drewes, 6112 Fordham, signed up to speak but was not able to speak due to technical difficulty.

Dick Yehle, 6401 Rutgers, spoke to say that communications during the winter storm were great. He said he signed up to speak on Agenda Items 7 and 8 and reserved the right to comment on those items at the time of discussion.

7. Joint Public Hearing

Matters related to a Joint Public Hearing to hear comments for and against amendments to the Zoning Ordinance. *Recommendation: Hold Joint Public Hearing. Mr. Gerardo Barrera, Public Works Director*

Mayor Higley recessed the regular meeting and called the Joint Public Hearing to order on behalf of Council at 6:35 p.m.

Zoning and Planning Commission (ZPC) Chair Wilson called the Joint Public Hearing to order on behalf of the ZPC at 6:35 p.m. and noted that a quorum of members were present: John Cutrer, Winfield Campbell, David Kuykendall and Brian Brantley. Bob Powell and Sylvette Bobb were absent.

Chair Wilson provided a brief explanation of hearing procedures and noted that the hearing related to two the following proposals to amend the Zoning Ordinance: (1) definition of through lots and (2) pervious and open area requirements for single-family residential districts.

Chair Wilson then opened the hearing and confirmed with the City Secretary that the Notice of the Hearing was publish and posted in accordance with state law.

At this point in the process, Evan Duvall with BBG, the City Zoning and Planning consultant, gave staff's first report on the proposal to amend the definition of through lots.

Mr. Duvall said the ZPC members voted 5 to 0 to amend the proposed amendments to the Zoning Ordinance relating to through lots. Two of the members were absent.

Discussion ensued as to the how lots were identified as through lots. There was also discussion regarding properties specifically identified in the proposed language and any properties defined as through lots in the future.

After discussion, Chair Wilson asked resident Dick Yehle, who signed up to speak on this item, if he wanted to comment and Mr. Yehle responded that he did not.

With no further comments on through lots, Mr. Duvall began his presentation on the proposal regarding pervious and open area requirements.

Mr. Duvall said the proposed amendments to the ordinance are:

- Pervious Area: Modify the required pervious area for the entire building site from 24% to 35%;
- Open Area: Modify the required open area from 40% to 45%; and
- General Clean-up: Allow the building official to approve alternative materials (such as pervious pavers)

Councilmember Barnes asked, for the record, the benefits of making the changes regarding pervious and open areas. Mr. Duvall responded that it is the goal to have a little less pavement on properties. City Manager Beach said it also helps help with drainage and it would add more air circulation and green space.

Mayor Pro Tem Trautner asked if there was consideration given to taking a more aggressive approach to the pervious requirements and grandfathering in prior non-conforming properties. Chair Wilson said it was discussed and it was staff's recommendation, but there was a fairly strong consensus on the ZPC to proceed with caution because the data set they are working with is very small compared to the number of homes in the City. Mr. Wilson also said the ZPC is not certain of the total number of properties that would have prior nonconforming status if the percentage amount changed to 40 percent and because the impact is unknown, the decision was to take "baby steps" and see where it goes.

Mr. Wilson said there was a similar discussion with the ZPC regarding open areas. He said the percentages have been in a place a long time and with only having data on 30 homes, the ZPC opted to go the conservative route.

ZPC Commissioner Cutrer said another concern was that the change would affect the smaller homes more than the larger homes. Mayor Pro Tem Trautner asked if there could be a sliding scale to help with this. Mr. Wilson responded and said things could get complicated with sliding scales plus the current building practices is based on the current data which shows that people are prone to have more pervious areas and more open space than they are required to have under the current ordinance. Mr. Wilson said since it does not appear that the seemingly low existing percentages are being abused the ZPC suggests leaving it as it is for now and revisit it when the plan approval people can get a better sense of whether it at all has an impact on what people are building.

After further discussion, Mr. Duvall said the ZPC unanimously recommended approval for the proposed modifications to the open and pervious areas.

Resident Dick Yehle, who signed up to speak on this topic, said Council asked the right questions during discussion so he has no comments to add.

At 7:33 pm, Chair Wilson moved that all statements, exhibits and documents be made part the official record of this hearing and that this hearing be formally closed. Commission Member Cutrer seconded the motion. **MOTION PASSED.**

Ayes: Wilson, Kuykendall, Brantley, Winfield, Cutrer
Noes: None
Absent: Powell, Bobb

At 7:33 p.m., Mayor Pro Tem Trautner moved to close the hearing for City Council. Councilmember Sobash seconded the motion. **MOTION PASSED.**

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

At 7:34 p.m., Mayor Higley reconvened the regular meeting of the City Council.

8. Report from the Zoning and Planning Commission Regarding Rotated Corners

Matters related to a report from the Zoning and Planning Commission regarding Rotated corners. *Recommended Action. Hear from the Zoning and Planning Commission. Mr. Gerard Barrera Public Works Director and Mr. Richard Wilson, Chair of the Zoning and Planning Commission.*

Chair Wilson provided a brief overview and said there are very few rotated corner lots in West U and they are all in the same Zoning District (SF-1). Mr. Wilson said the ZPC studied this topic for a long time and that eventually moved away from rotated corners to a broader overview that looked at corner lots in general, as well as fencing issues. He said the ZPC felt that the existing rules have been in place for a long time and people were able to access those rules at the time they bought their properties and so the ZPC's focus became more on safety.

Mr. Wilson the ZPC voted 5-2 to table any further look at what started as rotated corners.

The City's consultant, Evan Duvall, gave a presentation on this topic. He said the applicable lots already have an increased setback requirement and are not allowed to have corner side fencing, so when looking at the rotated corner by definition of the zoning ordinance, that was not the topic that needed to be addressed. The ZPC started looking at the real issue, which is when there is a side yard next to a front yard of a residential home.

Mr. Duvall said when looking at all the lots that have this issue in West University Place, which is approximately 200 lots, it seems for the most part that the regulations in place are working for the setbacks.

Mr. Duvall said ZPC treated this primarily as a safety issue and the traffic engineer's letter stated that safety is not a concern, so the ZPC is recommending no changes to the Zoning Ordinance relating to rotated corners.

Mr. Duvall noted that a change to this regulation would affect so many more lots within West U that it could have some negative effects for property owners.

Chair Wilson asked City Attorney Petrov if at this stage of the procedure if Council is free to legislate whatever it likes without punting it back to ZPC for something that may or may not garner the four votes to bring it back.

Mayor Higley said he would like it to go back to ZPC for a second look.

Mayor Pro Tem Trautner said he would like the ZPC to assess some of the larger lots with the larger homes if it makes sense to have the garage on one of the street lines stick out further than the front line setback for the entire street.

Councilmember Sobash said it feels like Council is continuing to ask the same question until it gets the answer it wants.

Councilmember Lankford said it would help to have a few examples with specifics.

Mayor Pro Tem Trautner said he would like the ZPC to consider the Belmont example and confirm that the University/Rutgers example is within the front setback.

Councilmember Lankford moved to send it back to the ZPC. Mayor Pro Tem Trautner seconded the motion.

Councilmember Barnes said with the answers being sought it might be better to send it to staff rather than ZPC. City Manager Beach said because it is a zoning issue, staff would just send it back to the ZPC.

With no further discussion, there was a vote on the motion. **MOTION PASSED.**

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

9. COVID-19 and Winter Storm Updates

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

Chief Taylor's report on COVID:

- COVID hospitalizations for trauma service area is at 12 percent.
- Rate dropped below 15% threshold on February 9.
- Positivity rate in Texas is 11.76 percent.
- Harris County Public Health reported 13 percent positivity rate.
- The Texas Medical Center reported a 9.3 percent positivity rate.
- West U has 526 confirmed cases – 41 are active, 483 recovered and 2 deaths.
- There are still six vaccine hubs in Harris County, with focus still on Phase IA and Phase 1B populations.

Chief Taylor's report on the Winter Storm:

- City's EOC returned to normal status Thursday afternoon. Some Public Works staff stayed until Friday afternoon.
- Highlights from February 14th – 18th
 - Incoming 911 calls – 552. Calls fielded by PD, FD, and Public Works.
 - Non-emergency calls totaled 1,235.
 - The warming center served over 600 residents.
 - Phone bank, which was set up to assist with calls received in dispatch, fielded over 250 phone calls.
 - Staff published a total of 16 Emergency Alerts and Newsflashes.
 - Water and wastewater systems stayed operational (no boil water notices).
 - Recreation Center offered reservations for shower facilities. Over 100 residents signed up for the service so far and staff will review the demand for the service on a weekly basis until the service is no longer necessary.
 - Staff will be submitting an application to FEMA for reimbursement for associated expenses.
 - Highlight was team effort of West U staff and everyone working as a team.

Council said staff did an absolute heroic job and gave a sincere thanks to Public Works, Fire, Police and Parks for the wonderful level of service.

10. Waiver of Permit Fees to Repair Damages Related to Declared Emergencies

Matters related to an ordinance authorizing the Mayor to waive permit fees for residents that have to repair any damages to property resulting from declared emergencies. *Recommended Action: Approve ordinance on the first and final reading. Mayor Bob Higley*

Councilmember Sobash moved to approve the ordinance on first and final reading. Councilmember Barnes seconded the motion. **MOTION PASSED.**

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

Mayor Higley stated that he chose to abstain from voting on this ordinance being that it gives greater power to the mayoral position.

11. 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 February 8, 2021.

B. Colonial Park Deck

Matters Related to the replacement of the pool deck at Colonial Park. *Approve a contract to the replace the deck at Colonial park. Ms. Susan White, Parks and Recreation Director*

C. St. Vincent's Easement

Matters related to approving the St. Vincent's easement. *Recommended Action: Approve easement. Mr. Dave Beach, City Manager*

D. Permitting Documents for Virtual Gate

Matters related to develop a plan and profile for virtual gate locations for Virtual Gate locations in the City of Houston. *Recommended Action: Award contract to IDS to develop a plan and profile for Virtual Gate. Mr. Gerardo Barrera, Public Works Director*

E. Legal Services Contract

Matter related to awarding a contract for legal services to Olson and Olson. *Recommended Action: Award contract for legal services to Olson and Olson. Mr. Dave Beach, City Manager*

Councilmember Barnes removed item 11E from the Consent Agenda for discussion.

Councilmember Sobash moved to approve the Consent Agenda as presented with the exception of 11E. Mayor Pro Tem Trautner seconded the motion. **MOTION PASSED.**

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

Regarding 11E, Councilmember Barnes asked if the scope of services in the legal engagement letter could include other items, such as the Employee Benefits Trust.

Scott Bounds, Olson and Olson, said the scope of service is just to provide legal services. He said the engagement letter does have a provision that Council and/or the City Manager can provide other specific assignments.

Councilmember Barnes said his concern is about “modified rate provisions” that might fall outside the scope of services as opposed to the rates set forth in the contract itself.

City Manager Beach said due to delays because of the winter storm he “plugged in” information and language that he will tweak before signing to be sure those types of things are at the rates that are in the Letter of Engagement.

Councilmember Barnes moved to approve the contract as amended. Mayor Pro Tem Trautner seconded the motion.

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

12. Recess Regular Meeting and Convene into Executive Session

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

At 8:37 p.m., Mayor Pro Tem Trautner moved to recess the regular meeting and convene into executive session per Section 551.072 of the Texas Government Code, to deliberate about real property related to the purchase of a drainage easement and a temporary construction easement.

13. Adjourn Executive Session and Reconvene Regular Meeting

Matters related to any action resulting from Executive Session.

At approximately 8:45 p.m., Mayor Pro Tem Trautner moved to approve the purchase of the drainage easement with the Catholic Dioceses for \$850,000 and the temporary construction easement for an amount of \$21,000, and authorize the city manager to execute the contract. Councilmember Sobash seconded the motion. **MOTION PASSED.**

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

14. Adjourn Regular Meeting

At approximately 8:46 p.m., Councilmember Barnes moved to adjourn. Councilmember Sobash seconded the motion.

Prepared by: Thelma A. Gilliam

Approved by City Council on March 8, 2021

The meeting audio can be downloaded from the City’s website or a copy of the audio and any presentation can be obtained from the City Secretary’s office.