



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 MINUTES

The City Council of the City of West University Place, Texas, **met via audio/video conferencing** in a regular session on **Monday, September 28, 2020**, at **6:30 p.m.** due to social distancing guidelines suggested by the CDC in light of the Novel Coronavirus (COVID 19).

Agenda items were as follows:

1. **Call Meeting to Order (Remotely)**

Mayor Higley called the Regular Meeting to order at 6:30 p.m.

2. **Roll Call**

Mayor Pro Tem Trautner, Councilmembers Barnes, Lankford and Sobash, and City Attorney Petrov were in attendance remotely.

Staff attending via video/teleconference from the Council Chambers: City Manager Beach, City Secretary Gilliam, Police Chief Walker, Finance Director DuBose, Public Works Director Barrera, Assistant to the City Manager Thompson, HR Director Urban, and Fire Chief Taylor.

Staff attending remotely: Interim IT Director McFarland.

Non-staff attending remotely: Mark Merrell, McFarland LLP.

3. **Pledge of Allegiance**

Former Councilmember Dick Yehle led the Pledge.

4. **Public Comments**

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

The following comments were made from the public:

Dick Yehle, 6401 Rutgers, spoke regarding the idea of changing the regular council meeting start time from 6:30 p.m. to an earlier time. He said he can see how it would be attractive to this council and staff (due to COVID), but the timing should be when most people in the community can attend. He said he thinks it is better to leave it at 6:30 p.m. and requested that Council not change it.

Eddie Matthews, 5906 Fordham, spoke on the budget and tax rate. Regarding the tax rate, he said in the memo and throughout the proposed ordinance reference is made to the 2020 tax rate and he thinks it should be the 2021 tax rate. City Manager Beach responded to Mr. Matthews and said it is correct as stated in the documents because the tax year is one year behind the budget.

Mr. Matthews said in terms of the budget, it has to be approved within 30 days of being filed with the City Secretary. He asked if the City is approving the proposed budget within the statutory timeframe, because it was filed on August 28th so 30 days thereafter would be September 27th. City Attorney Petrov said even if the budget was filed on the 27th, with the 27th being a Sunday it would roll over to the following Monday for action. Mr. Matthews disagreed.

5. 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 positivity rate statewide and regionally have continued to decline. He said Texas is now at 6.15 percent and last week it was reported at 6.41 percent.
- As the result of an apparent backlog (a couple of months), the numbers received from Harris County Public Health shows a significant increase. He said last week showed 53 confirmed cases in all of West U and now it shows 127 confirmed cases. He said the backlogged data did not only effect West U numbers but those of other cities, the county and the Texas Medical Center.
- Of the 127 confirmed cases in West U, 114 have recovered, 13 are active and there were 0 deaths.

Mayor Higley said that he has heard that there is a formula that would dictate whether an emergency status is still necessary and asked Chief Taylor if he is aware of the formula and if the City could use it to indicate whether the City still needs to be in a state of emergency. Chief Taylor said he is not aware of a formula, but from his perspective the emergency status is tied to reimbursement dollars so as long as the City is incurring costs related to COVID-19 it is his recommendation to continue the emergency declaration.

6. Adoption of the 2021 Budget

Matters related to an ordinance adopting the budget for the fiscal year beginning January 1, 2021 and ending December 31, 2021 appropriating funds for such budget; containing findings and provisions relating to the subject. *Recommended Action: **Two separate votes** – (1) Approve the ordinance adopting the 2021 Budget on first and final reading and (2) ratify the property tax increase reflected in the budget. Ms. Katherine DuBose, Finance Director.*

Mayor Higley asked the City Manager to provide the status of the City's General Fund, Wastewater Fund, and the Solid Waste Fund. He said he would also like to know what the City's reserves are and the requirement for having them.

City Manager Beach said the reserve for the General Fund is based on 20 percent of budgeted revenues, which would be approximately \$4.2 million. He said for the Water and Sewer Fund it is 10 percent of budgeted revenue, which is approximately \$837,000 and that the Solid Waste Fund is 10 percent of budgeted revenue, which is approximately \$180,000. Mayor Higley confirmed with City Manager Beach that reserves are required for the City's status as an AAA borrower and to meet projected expenditures for improvements for budgetary items.

Councilmember Sobash moved to adopt an ordinance on first and final reading approving and adopting the Budget for the fiscal year beginning January 1, 2021 and ending December 31, 2021. Councilmember Barnes seconded the motion. **MOTION PASSED.**

Ayes: Higley, Trautner, Barnes, Lankford, Sobash

Noes: None
Absent: None

Councilmember Sobash moved to ratify the property tax increase reflected in the Budget. Councilmember Lankford seconded the motion. **MOTION PASSED.**

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

7. Adoption of the 2020 Tax Rate

Matters related to an ordinance approving and adopting the 2020 tax rate. *Recommended Action: Move that the property tax rate be decreased by the adoption of a tax rate of \$0.294066, which is effectively a 2.93 percent decrease in the tax rate and approve the ordinance adopting the 2020 tax rate on first and final reading. Ms. Katherine DuBose, Finance Director.*

Councilmember Sobash moved that the property tax rate be decreased by the adoption of a tax rate of \$0.294066, which is effectively a 2.93 percent decrease in the tax rate and approve the ordinance adopting the 2020 tax rate on first and final reading. Mayor Pro Tem Trautner seconded the motion. **MOTION PASSED.**

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

8. Adoption of the 2021 Fee Schedule

Matters related to an ordinance adopting the City's 2021 Fee Schedule. *Recommended Action: Approve ordinance adopting the City's 2021 Fee Schedule on the first of two readings. Mr. Dave Beach, City Manager and Ms. Katherine DuBose, Finance Director.*

Councilmember Lankford moved to approve the City's 2021 Fee Schedule on the first of two readings. Councilmember Barnes seconded the motion. **MOTION PASSED.**

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

9. Appointment of an IT Director

Matters related to the appointment of an IT Director. *Recommended Action: Approve the city manager's appointment of Kevin Davenport as the IT Director.*

Councilmember Barnes moved to approve the City Manager's appointment of Kevin Davenport as the City's IT Director. Mayor Pro Tem Trautner seconded the motion. **MOTION PASSED.**

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

10. Change in Start Time for Regular City Council Meetings

Matters related to changing the start time for regular City Council meetings. *Recommended Action: Discuss and take any desired action. Mr. Dave Beach, City Manager*

Mayor Higley said he added this topic to the agenda to see if there would be any interest. Not hearing any interest, compounded with the compelling remarks made by former Councilmember Dick Yehle, he

suggested that Council move on from this topic and not take any action. Council was in agreement so no action was taken.

11. Agreement for Special Legal Services

Matters related to authorizing the City Manager to enter into a legal services agreement for services related to the acquisition of the easement at W. Holcombe Boulevard and Buffalo Speedway. *Recommended Action: Authorize the City Manager to enter into an agreement with McFarland PLLC and begin easement acquisition proceedings, including condemnation proceedings, as necessary. Mr. Dave Beach, City Manager*

Councilmember Lankford inquired about the fees. She said it doesn't seem that the Engagement Letter gives the City room to question the amount of billable hours.

Mr. Merrill with McFarland, LLP, said he understands the concern but his firm has no interest in overbilling the City and has never been accused of doing so. Mr. Merrill said he is more than happy to speak with Council about the condemnation process and what fees can be expected. He said condemnation proceedings can be an expensive process and advises that the City have discussions on the frontend.

In response to Mayor Higley's question as to how much it will cost, Mr. Merrill said it depends because like any litigation condemnation cases get resolved at various stages of the process.

Mayor Pro Tem Trautner asked would the current rates carry through next year if the case goes on that long and Mr. Merrill replied yes.

Mayor Pro Tem Trautner said he feels the rates are fair enough and doesn't think it's appropriate to put a cap on something like this and would be in favor of approving this if there is a consensus.

Councilmember Sobash asked if there is any guidance on how long he thinks this process will run. Mr. Merrill said his guess is about 3 or 4 months depending on some contingencies for when the court will appoint commissioners and when hearings can be scheduled.

Mayor Pro Tem Trautner moved to approve engaging Mark Merrill and his firm as proposed in the Engagement Letter with McFarland condemnation attorneys. Councilmember Barnes seconded the motion. **MOTION PASSED.**

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

12. 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 the Minutes of the Budget Workshop of September 8, 2020, the City Council Meeting Minutes of September 14, 2020 and the Special Meeting of September 21, 2020. *Recommended Action: Approve Minutes of August 24, 2020. Ms. Thelma Gilliam, City Secretary*

B. Memorandum of Understanding with City of Houston for Buffalo Speedway

Matters related to an MOU for construction of drainage and roadway in City of Houston city limits. *Recommended Action: Approve MOU. Mr. Gerardo Barrera, Public Works Director*

Councilmember Lankford requested removal of Item B for discussion and moved to approve all the Minutes in Item A with a few minor corrections that were provided to the City Secretary before the meeting. Councilmember Barnes seconded the motion. **MOTION PASSED.**

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

Councilmember Lankford said she thinks the MOU needs to specify that the City wants the City of Houston to provide unlimited access to City of Houston property for this project. After discussion, it was confirmed by City Attorney Petrov that the MOU is just a “feel good” document for TxDOT. He said it is not so much an enforceable agreement as it is more of a document acknowledging that the entities are aware of, and onboard with, the project. In addition, City Manager Beach pointed out that revisions would mean having to go back to the City of Houston and TxDOT to open up renegotiations to discuss a document that essentially is not a legal contract.

With no further discussion, Councilmember Sobash moved to accept the Memorandum of Understanding with the City of Houston for the Buffalo Speedway project. Councilmember Barnes seconded the motion. **MOTION PASSED.**

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

13. Adjourn Meeting

With no other matter before the council, the meeting will adjourn.

Councilmember Sobash moved to adjourn the regular meeting at approximately 7:30 p.m. Mayor Pro Tem Trautner seconded the motion. **MOTION PASSED.**

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

Audio of this Council Meeting is available in its entirety on the City’s website. You can also contact the City Secretary’s office for a copy of the audio and/or for copies of any presentations/handouts.

Prepared by: City Secretary Thelma A. Gilliam

Approved by City Council on: October 5, 2020