



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 workshop and regular session on **Monday, October 5, 2020**, beginning at **6:00 p.m.** due to social distancing guidelines suggested by the CDC in light of the Novel Coronavirus (COVID 19).

Agenda items were as follows:

WORKSHOP (6:00 P.M.)

1. Call Meeting to Order (Remotely)

Mayor Higley called the Regular Meeting to order at 6:30 p.m. Mayor Pro Tem Trautner, Councilmembers Barnes, Lankford and Sobash attended.

Also attending remotely were: Zach Petrov for City Attorney Alan Petrov, IT Director Davenport, Recycling Board Chair Marlow and Recycling Board member Steve Stelzer.

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

2. Recycling Board Food Waste Diversion Program

Matters related to a presentation from the Recycling Board regarding a food waste diversion program.
Orval Marlow, Recycling Board Chair

Recycling and Solid Waste Reduction Board member Steve Stelzer and Chair Orval Marlow gave a presentation on a food waste diversion pilot program.

Mr. Stelzer began the presentation and said the objective of the food waste diversion pilot is to show leadership among cities by continuing reduction of solid waste and costs, expending education of the West U citizenry, establishing the first food waste diversion pilot in the area, and improving the City's diversion rate from 37 percent to 55 percent. Mr. Stelzer said food diversion will also reduce waste to the landfill, compost will become fertilizer (turning a liability into an asset), and it will cut methane emissions.

Mr. Stelzer said the Recycling and Solid Waste Reduction Board (RSWRB) is proposing a food waste drop off pilot program for 3 to 6 months, beginning November 14 with a central drop-off area for 3 hours on Saturdays. He said Zero Waste Houston is willing to donate their services for the pilot in order to establish themselves in the market.

Mayor Pro Tem Trautner said that West U already has a recycling program and collects papers and cartons, etc., and asked if it is possible to also pick up food waste at the same time. Mr. Stelzer said yes, it could be a curb-side program, but the Board thinks as part of the pilot idea, in order to gauge the interest of the community, the RSWRB thinks the easy and least expensive way would be the drop-off scenario.

Mayor Pro Tem Trautner said he thinks this is an important program and he is in favor of it, but his concern with the drop-off program is that it sounds harder for residents to proactively take the food waste and drop it off each week as opposed to integrating the food pick-up with the current recycling program. Mr. Stelzer said the reason for the drop off pilot is because he received an offer from Zero Waste Houston to handle the drop-off pilot pro bono. He said but should the City eventually decide to provide curbside service, there are two scenarios to consider:

- Subscription service where the company will take care of it; and
- Public works providing another container for residents to put their food waste in and maybe even along with the yard waste and then it becomes a public works activity. He said they haven't thoroughly researched the financial costs of doing this option because they thought they would go with the low impact drop-off pilot first to gauge the interest.

Mayor Pro Tem Trautner said he believes that the drop-off option would be a deterrent to participation. He said he thinks this is a great idea and the City should do it because it's really important for the environment, which is one of Council's strategic priorities for the City. He said he can see it costing less than a subscription service to a resident's bill just like recycling.

City Manager Beach said if it is the desire of the Council for staff to look at potentially bringing the program in-house there's a lot more that goes into it and several options would have to be explored. He said it could potentially cost residents \$5, \$6, \$7 or \$8 per month.

Due to technical difficulties with Mr. Stelzer, Mr. Marlow gave parts of the presentation.

Councilmember Lankford asked City Manager Beach if the potential costs to residents for every household or just the households that would participate. City Manager Beach said that would be one of the options staff would have to explore.

Mr. Marlow said the goal of the drop-off pilot is to educate residents about the program. He said the RSWRB would like Council's support in its efforts in the outreach program.

Councilmember Barnes said it was eluded during the program that a minimum level of participation would be needed to validate the program at the end of the pilot. He asked Mr. Marlow if the Board has a target percentage in mind. Mr. Marlow said the RSWRB discussed it but they don't have enough data to say at this point.

Councilmember Barnes asked what level of demand is necessary for this to be a viable program for the City to run it as opposed to individual subscriptions. Public Works Director Barrera responded that he can get some numbers together to discuss with Council at another time.

Mayor Higley asked Mr. Marlow and Mr. Stelzer to get with staff to get numbers for both alternatives.

3. Adjourn Workshop

Mayor Higley adjourned the workshop at approximately 6:28 p.m.

REGULAR MEETING (6:30 PM)

4. Call Regular Meeting to Order

Mayor Higley called the regular meeting to order at 6:30 p.m.

5. Roll Call

Mayor Pro Tem Trautner, Councilmembers Barnes, Lankford and Sobash attended remotely.

Staff attending remotely were Zach Petrov for City Attorney Alan Petrov and IT Director Davenport.

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

Other presenters attending remotely: John Robuck with BOK Financial Services Inc., and Marcus Deitz with Orrick, Herrington & Sutcliffe, LLP.

6. 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:

Katherine Parsons, 4101 Coleridge, deferred her comments until discussion of Item 10 (Employee Handbook).

Lisa Beckman, 4239 Dartmouth, spoke to ask Council to add MLK Day as a City holiday.

Michele Still, 2711 Quenby, spoke to ask Council to add MLK Day as a City holiday.

Neha Agrawal, 4224 Emory, spoke to ask Council to add MLK Day as a City holiday.

Jared Sterling, 4231 Sunset, spoke to ask Council to add MLK Day as a City holiday.

Laura Anne Day, 4231 Darthmouth, spoke to ask Council to add MLK Day as a City holiday.

Lorinna Heng, 4253 Darthmouth, spoke to ask Council to add MLK Day as a City holiday.

Tejal Patel, 4020 Ruskin, spoke to ask Council to add MLK Day as a City holiday.

7. Issuance of Certificates of Obligation, Series 2020

Matters related to an ordinance authorizing the issuance of Certificates of Obligation, Series 2020. *Recommended Action: Approve ordinance authorizing Certificates of Obligation, Series 2020, on first and final reading. Ms. Katherine DuBose, Finance Director.*

Finance Director Dubose presented and said that the Certificates of Obligation are being issued for city-wide street drainage and water system improvements, including Buffalo Speedway, as well as a reimbursement resolution for the purchase of land for the Community Building and Senior Center.

John Robuck with Bok Financial Securities gave a brief presentation, which included an overview of the current bond market, sources and uses of funds, the final debt service requirements, the debt service tax rate impact, and the schedule of events.

Councilmember Sobash asked what the total debt would be with the issuance of the \$27 million. Mr. Robuck responded that it would be \$56.2 million.

Councilmember Lankford said on page 13 of the ordinance, paragraph 6.3 states “It is further hereby officially found, determined and declared that the statements and representations contained in the Preliminary Official Statement and Final Official Statement are true and correct in all material respects, to the best knowledge and belief of the City Council...” She said in the documents Council were sent, the pages for both Statements were blank so she wants to be sure that what she is representing is true and correct. Mr. Robuck said that the Statements are the offering documents his office provides to the investors.

Mr. Deitz with Orrick, Herrington & Sutcliffe, LLP, said the Statements have been reviewed by him and staff and by the underwriters. He said while Council has not seen them, they have been thoroughly reviewed.

Mayor Pro Tem Trautner asked exactly what representation is Council being asked to make. Mr. Deitz said the representation is that there is no material misstatement or incorrect information in the Preliminary Official Statement or the Final Official Statement.

Mr. Deitz explained that once Council approves the ordinance, he takes all of the documents to the Attorney General’s office for review and an opinion stating that the documents are valid and incontestable for any reason. He said he hopes that additional level of checks and balances reassures Council.

Councilmember Sobash moved to adopt the ordinance authorizing the Certificates of Obligation for Series 2020 on the first and final reading. Councilmember Lankford 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:

- Trauma service area region is still well below the 15 percent threshold COVID hospital related capacity and that the City is at 6.1 percent.
- Positivity rates continue at a slow decline.
- The Statewide rate is at 6.23 percent.
- The Texas Medical Center rate is at 3 percent.
- Harris County Public Health rate is at 6.2 percent on a 14- day average.
- West U is at 133 confirmed cases – 13 are active, 120 recovered and 0 deaths.
- Staff is reviewing additional Parks and Rec programming options that will comply with the Governor’s orders.
- Staff submitted the City’s first request for CARES funding to Harris County in the amount of \$466,000. He said the request is to reimburse the City for 75 percent of personnel costs for the months of April and May 2020. He said if the request is granted by the County, the City will have \$395,499 remaining of the possible \$862,180 allocation ceiling.

Mayor Higley asked if the Governor or the County Judge made any mention to opening basketball courts. Chief Taylor said there is nothing specific to basketball courts, but there are still the basic hygiene recommendations and social distancing that is encouraged. Chief Taylor confirmed that the basketball courts in the City’s precinct are open.

9. Personnel Policies and Employee Handbook

Matters related to an ordinance amending the Personnel Policies and Employee Handbook. Recommended Action: *Approve ordinance amending the Personnel Policies and Employee Handbook on the first of two readings.* **Mr. James Urban, HR Director**

Before the presentation by HR Director Urban, Katherine Parsons of 4101 Coleridge spoke to ask Council to add the MLK Holiday to the City's holiday schedule.

HR Director Urban then discussed the Personnel Policies and Employee Handbook (Handbook). He said in July 2020 Council held a workshop to review staff's recommended changes and he provided the highlights:

- Updated the S.P.I.R.I.T values;
- Created a Code of Ethics;
- Made compensation related changes;
- Brought some of the policies forward from 2015 to 2020

Mayor Higley spoke regarding the public comments relating to adding MLK Day to the City's holiday schedule. He said after the election, but before Council was sworn-in, one of things this Council did was spend many long days setting forth objectives and priorities and so Council has a very heavy agenda from now until the end of the term.

Mayor Higley said Martin Luther King, Jr., was a hero to his generation and said this should have been done a long time ago. He asked Council if they could postpone this in order to get through the end of the year with what Council has to do...or not.

Councilmember Sobash said it is an important topic and thinks it deserves placement in the City's policy. He said he is open to adding a calendar holiday, but he is left questioning the implication, such as should a day be added or replaced with another holiday and the impacts of that. He said there is a discussion around it and it needs to be addressed in a comprehensive way. Councilmember Sobash added that Council needs to do something, but doesn't think they have the answer as to what that something is right now and how it places into what they have before them.

Mayor Higley said he would like to know the consensus of the Council so that they are very committed to addressing it. He said he does not want to bite around the corners. He said if they are going to do it, they are going to have to bite it, and if they bite at it, it will sink some of the other agenda items.

Councilmember Barnes said one suggestion that has been floating around is the idea of removing the list of holidays from the personnel policy handbook and addressing it by separate ordinance and amending the policy handbook to simply refer to that ordinance. He said that way the holidays can be addressed completely separate from the personnel handbook.

Mayor Higley said that's a problem he doesn't want to get into because that further complicates the matter. He said he sees this as being protracted and drawn out over time. He said the idea has also come up as to whether there should be all floating holidays and employees can take them when they want to take them. He said he thinks the holidays should largely be controlled by the people that enjoy the holidays – the employees of the City.

Councilmember Lankford said she thinks the City needs a more innovative holiday system that recognizes a more diverse set of holidays. She suggested having a 5-5 system whereby 5 holidays are fixed and 5 holidays are by personal choice of the employee and then the City can recognize many City

holidays which those employees can choose from. She said it is quite a deviation from what is in place now and is not an easy change, so discussion would be needed regarding implementation and how the scheduling would work.

Councilmember Lankford said currently she doesn't think it is prudent to increase the cost to the City by adding an additional holiday because of the losses with COVID and the tax caps coming up. She also said that the compensation study showed that the City was on par with the number of holidays and that the City was also above other cities with the number of personal days employees are given, so she thinks the City needs to look at an entire package when looking at a possible 5-5 system of fixed holidays and other optional holidays that employees can select.

Councilmember Lankford moved to approve the Employee Handbook (on first reading) subject to coming back and revisiting the holidays at another meeting. Councilmember Sobash seconded the motion. **MOTION PASSED.**

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

After the motion, Councilmember Sobash suggested that Councilmember Barnes be given the opportunity to speak on the matter.

Councilmember Barnes said he recognizes that Council has a lot on its plate, but the fact of the matter is it is important to remember that the holidays Council chooses to select and chooses not to select are an expression of West U's community values and there is no way around that. He said it is also an independent thing from a holiday survey versus which staff wants what holidays. Councilmember Barnes said the other thing that he is concerned about is the idea of putting it completely on staff because it is pitting staff against each other to determine which holidays will be recognized.

Councilmember Barnes said he has heard the argument that Council should wait for a better time, but there will always be a better time, easier time or more expedient time. He said had the various people whose sacrifices are recognized by MLK Day waited for a better time, Council wouldn't be having this discussion. He said the proper question for him is not whether there is a better time but whether now is the right time and to quote MLK "it's always the right time to do the right thing."

Mayor Higley said he thinks there is a time in all seasons and this is not the time given Council's agenda and purpose to move forward right now. He said he agrees with what Councilmember Lankford said and the motion as he recorded was 4 to 1. He asked Council if they would like to change their vote after hearing from Councilmember Barnes. The vote remained the same.

10. Investment Policy

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

Treasurer Nicholson presented and explained that each year staff reviews the Investment Policy and brings it to Council for approval. He said staff is requesting two additions to the Investment Policy for 2020:

- Page 7 Section A. Eligible Investments number 7. "Obligations of municipalities located in the State of Texas with a rating of no lower than AAA by Standard and Poor's or equivalent rating by Moody's Investor Services and not more than 10% of total investment portfolio value;" and
- Page 12 Exhibit C. Local Government Investment Pool. "Texas Class."

Mr. Nicholson said that the additions relate to the potential opportunity to increase investment earnings while still maintaining safety liquidity and public trust.

Regarding the first addition relating to obligations of municipalities, Mr. Nicholson said he spoke with a former GTOT Investment Policy Reviewer who said that most municipalities in the State of Texas allow Muni Bonds as a form of investments. He said adding this would allow the City to invest in bonds similar to what the City sold tonight.

In response to Mayor Higley's question as for how long the bonds will be, Mr. Nicholson said the City's policy does not invest in anything for maturity older than two years, so it's two years and under.

Regarding the second addition, adding "Texas Class" Mr. Nicholson said he thinks it would add competition amongst TexPool and said there are a lot of municipalities that have more than just one investment pool. He said the good thing about Texas Class is that it is the only one in the State of Texas that pays interest daily and so the City will pay interest on its interest.

Mayor Higley said he likes the idea of the Texas Pool, but doesn't like the idea of trading bonds. He said he is not going to vote for any kind of bond stretching out for two years regardless of whether a premium is paid yield to maturity. He said he likes being in something short and as risk-free as possible.

Councilmember Barnes moved to approve the resolution adopting the Investment Policy. **Motion died due to lack of a second.**

Councilmember Lankford said she would rather go with Mayor Higley's opinion on the bonds and so moved to accept the Investment Policy that would include only the addition of "Texas Class" on Page 12 – Exhibit C. Mayor Higley seconded the motion. **MOTION PASSED.**

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

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 September 28, 2020 City Council meeting. *Recommended Action: Approve City Council Minutes of September 28, 2020. Ms. Thelma Gilliam, City Secretary*

B. 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 second and final reading. Mr. Dave Beach, City Manager and Ms. Katherine DuBose, Finance Director.*

C. Conducted Energy Devices (Tasers)

Matters related to the purchase of Energy Devices (Tasers). *Recommended Action: Approve the purchase of Energy Devices. Mr. Ken Walker, Police Chief*

D. Buffalo Speedway Decorative Signal Poles

Matters related to a resolution approving the Advance Funding Agreement with the Texas Department of Transportation (TxDOT) for the cost of the decorative signal poles for the Buffalo Speedway project. *Recommended Action: Adopt resolution approving the Advance Funding Agreement with TxDOT. Mr. Gerardo Barrera, Public Works Director*

E. Memorandum of Understanding with West U Baptist Church

Matters related to approving an MOU with the West U Baptist Church. *Recommended Action: Take any desired action. Ms. Susan White, PARD Director*

F. Memorandum of Understanding with West U Aquatics Club – Piranhas Swim Team

Matters related to approving an MOU with the West U Aquatics Club – Piranhas Swim Team. *Recommended Action: Take any desired action. Ms. Susan White, PARD Director*

Councilmember Barnes requested removal of Item C and Mayor Higley requested removal of Item B.

Councilmember Sobash moved to approve removing Items B and C and approving the rest of the Consent Agenda as presented. Councilmember Barnes seconded the motion. **MOTION PASSED.**

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

Regarding Item B (Fee Schedule), Mayor Higley asked if there is a particular section of the fee schedule that is getting hit harder than others. He said there seems to be large fees occurring to homebuilders and developers in the City.

Councilmember Sobash said there seems to be some misunderstanding because they are not mandatory fees, but rather fees residents can go out and shop the market for better deals. He said this is just a resetting of the City's fees against the market rate.

Public Works Director Barrera said on some of the fees, such as water taps, the City doesn't allow other people to do that so resident aren't able to shop around. He also said fees for something like that are based on the amount it costs the City to do business.

City Manager Beach said the reason for the increase in the water line fees is because staff was directed to figure out exactly what it costs the City to do a water tap, and the findings resulted in an increase.

Councilmember Barnes said on Page 6, the very top line items show that a particular change regarding water permits shows the amount going down from \$4,800 to \$3,600 and he wants to make sure that isn't a typo. City Manager Beach responded that it is not a typo.

Councilmember Sobash moved to approve Item B (Fee Schedule) of the Consent Agenda. Mayor Higley seconded the motion. **MOTION PASSED.**

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

Regarding Item C (Tasers) Councilmember Barnes stated that the contract lays out the cost of purchase as being \$71,444 spread out over 5 years and it looks like there are some line items for training. He asked if there are additional certifications that will be required and impose a cost and are there any

maintenance costs apart from the contract. Chief Walker said yes there are training costs. He said the plan is to have one or two officers trained as instructors and do the training for others in-house. He said the maintenance costs are built into the contract.

Councilmember Barnes said since this contract is to replace OC Spray with Tasers, in an average year how often are West U officers encountering situations that have required them to use the OC Spray. Chief Walker said officers have encountered situations where they chose not to use the OC Spray. He said it's messy and if they use it to secure the suspect and make the arrest, the OC Spray gets into everyone's eyes in the area.

Councilmember Sobash asked the cost difference between the OC Spray and the Tasers if the City wanted to renew the contract for the spray. Chief Walker said the spray is cheaper, but it's not being used for the reasons he previously stated.

Mayor Pro Tem Trautner moved to approve the Tasers purchase request. Councilmember Barnes seconded the motion. **MOTION PASSED.**

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

12. Adjourn Meeting

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

Councilmember Sobash moved to adjourn the regular meeting at approximately 8:00 p.m. Councilmember Barnes 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 26, 2020