



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 26, 2020**, beginning at **5:30 p.m.** due to social distancing guidelines suggested by the CDC in light of the Novel Coronavirus (COVID 19).

Agenda items were as follows:

WORKSHOP (5:30 P.M.)

1. Call Meeting to Order (Remotely)

Mayor Higley called the Workshop to order at 5:30 p.m. Mayor Pro Tem Trautner, Councilmembers Barnes, Lankford and Sobash attended.

Also attending remotely were: City Attorney Alan Petrov, IT Director Davenport, Public Works Director Barrera, Finance Director Dubose, and Chief Building Official Chew, and PR Director White.

Staff attending remotely from the Council Chambers: City Manager Beach, City Secretary Gilliam, Assistant to the City Manager Thompson, Police Chief Walker, and Fire Chief Taylor.

2. Code Enforcement

Matters related to Code Enforcement. ***Mr. Dave Beach, City Manager and / or Mr. Gerardo Barrera, Public Works Director.***

City Manager Beach presented and said staff is presenting a high-level overview of Code Enforcement. He said staff isn't looking for a decision from Council but rather feedback on areas where improvement may be needed and for staff to answer questions.

In his presentation, City Manager Beach noted the following:

- Dogs at large increased which is likely due to more residents out walking with pets during COVID.
- Inspections are down in both West U and Southside Place due to less building activity during COVID.
- Early warnings and special collection fees are down because of increased compliance.
- Parking issues include warnings and citations which are down in part due to increased compliance.
- Most Fire Department inspections are during the time homes are built.
- Commercial inspections are down due to COVID and there is less building and commercial activity in general.

- Police Calls for service are mostly for quiet hour violations and reports of abandoned vehicles.

At the end of City Manager Beach's presentation, Mayor Pro Tem Turner said he would like to get the consensus of Council, if possible, in terms of what more the City should be doing regarding enforcement. He said he is of the view that more pro-active enforcement on the margin would be helpful. He said the City has ordinances that are complaint-based but they can also be enforced voluntarily by the Code Enforcement Officer (CEO) and he thinks that should be flipped meaning that the CEO should be primarily responsible and then complaints come in after that as the main source. He said and to the extent the City hasn't been doing that, for example on lights, he suggests an incremental increase in pro-active enforcement so that residents are not unduly annoyed. Mayor Pro Tem Trautner said his point is that the City spends a lot of time drafting ordinances and if they are not proactively enforced what effectively happens is an amendment of the ordinance by people in the field and he doesn't think anybody means to do that. He said if there is a problem with an ordinance Council should fix it.

Councilmember Barnes said what he has heard most from residents in terms of issues with enforcement relates to parking, specifically cars parking on the sidewalk and parking within the 25-foot distance from a stop sign. He said he doesn't think the CEO should be the one enforcing these issues and said he feels it should fall in the realm of the Police Department.

Mayor Higley said he wanted it to be clear that he wants police officers to be policing not issuing tickets for someone being 25-feet from a stop sign. He said on the other hand whatever level of enforcement the City has now in whatever form is not satisfying the service level expectations of the residents in general. He said while there might be a lot of targets, the question is does the City need more support in the area of enforcement and he believes the City does.

Councilmember Barnes said he doesn't have any aversion to the idea of having an additional CEO to issuing ticket for things such as stop signs and blocked sidewalks in lieu of police. He said with the current staffing levels it's safe to say the current CEO by himself is inadequate and both of the mentioned issues are safety issues mandated by state and federal laws independent of ordinances the City sets forth.

Mayor Higley said from a financial standpoint he gets the feeling that the City can add a CEO and come close to paying for the position in the first year of operation.

City Manager Beach said he appreciates Council's desire to add more resources but he wants to make sure the City is being efficient with existing resources first. He also said another item discussed during the budget process was to approach the cities of Bellaire and Southside Place about having a shared CEO for animal control services. He said this would be one step towards removing some of the workload from the existing CEO that would allow him to focus on other things.

Mayor Pro Tem Trautner said he is not opposed to sharing a CEO but would want it to work efficiently as West U residents expect. He said he shares Councilmember Barnes' and Mayor Higley's view that if an additional CEO is needed then the City should get one. He said if the City has codes that are applicable to nighttime hours, and he gave light as an example, somebody should come out at least once a month. He said the police department does a good job in dispatch, but this is something that could be taken off of their workload.

City Manager Beach said police officers typically will not respond to a complaint about light, but rather the complaint would be conveyed to the CEO and a time would be scheduled to go at night to look at issue.

Councilmember Lankford said she thinks that after-hours enforcement is important and also agrees with Mayor Pro Tem Trautner in that the City has made such an effort with its ordinances and have more now that will have an impact at night time or beyond business hours (i.e. noise, leaf blowers, light ordinances) it seems like there is so much time when these things will happen when the CEO isn't on duty so what's the point in having the ordinances if violations have to be caught in the act. She said it is so much harder to do when someone is not available. Councilmember Lankford said she sees a lot of work being done on the weekends and thinks that had the work been done during the day a permit would be required. She said she thinks it is important to have more coverage of a CEO after hours and on the weekends more frequently.

City Manager Beach said if the desire of Council is to look at hiring an additional CEO for after hours and weekends, staff can definitely look at hiring someone but advised Council that a position without a set schedule would be difficult to fill.

Councilmember Sobash said he hasn't heard data that would indicate there is a problem and so it seems that a solution is being created for a perceived problem.

Mayor Pro Tem Trautner said he thinks there could be another part-time or full-time CEO that works primarily during the day but also consistently picks up a night shift once a month. He said he understands what Councilmember Sobash is saying but using light as an example he thinks at least a third of the homes in West U are not in compliance with the City's light ordinance as he reads it, and if that's okay with Council then the ordinance needs to be changed.

Councilmember Barnes said service calls for PD are mostly quiet hour violations, which mostly occur after hours, therefore, officers are sent out to deal with those calls while not being able to deal with other police functions.

City Manager Beach again said if it is the desire of Council staff can look at the following options:

1. Use of existing resources
2. Augment the existing resources (i.e. part-time, full-time, contract)

Mayor Pro Tem Trautner said before coming to them with the options it would be helpful to have the light conversation to see if his perception on lighting is accurate.

Mayor Pro Tem Trautner asked if it is his understanding that there is a consensus of Council that has a desire to be more pro-active on the margin on code enforcement and also looking at possible different resources and looking at an example, like light, to determine rather or not it is a real problem. Councilmembers Lankford and Barnes said they think it's a fair representation.

Councilmember Sobash said he doesn't agree because he doesn't think there is a problem. He said he doesn't know what the answer is to an undefined problem and thinks the City is chasing a rabbit.

City Manager Beach said the City will approach Bellaire about their interest in an Interlocal or joint animal control operation. He said this would take some time and in the meantime staff will continue to collect data on after hours code enforcement violations.

Councilmember Sobash said he still doesn't understand why the City thinks there is a problem. Councilmember Barnes responded that one of the issues is concerning whether the City is using police resources after hours that would be better handled by a CEO. Councilmember Sobash asked if that

means that police officers should never be utilized for code enforcement. Councilmember Barnes said no. Councilmember Sobash said so if police will continue to be used for that purpose what is the right amount because there is an argument that seems to be on the table that because police has responded that we have a problem, but that's not the real issue because police will always respond. Councilmember Barnes said the issue is whether they should be responding to as many as they are now and Councilmember Sobash said no one has spoken to what is the right amount. Councilmember Barnes said staff plans to gather data on that. Councilmember Sobash asked how many will be too many for police to respond to.

Chief Walker spoke to say that officers will always respond to some of those calls. He said if there is loud music at 3:00 am he doesn't think a CEO should respond to that. He said a CEO would be better off with pro-active code enforcement so that his officers can focus more on criminal activity. He said staff is not sure what the sweet spot is with police and code enforcement answering calls. He said PD involvement depends on the type of call and other factors.

Councilmember Sobash reiterated that he doesn't believe there is a problem. He said everybody wants to jump to a solution, but he doesn't think there is enough data.

Mayor Higley said part of this is prevention and part of it is people parking willingly in the back and violating the ADA agreement that was signed. He said the CEO would have the ability to intervene in a variety of areas – proactive or responsive. He said if you walk the neighborhood you'll get about 1 or 2 in 10 people that will say that the City has a lot of rules but nobody enforces them. Mayor Higley said what good is a rule or a law when it's not being enforced. He said when laws are enforced people take notice. Councilmember Sobash said maybe there are too many rules.

Councilmember Barnes pointed out that though some of the laws are part of the City's Code of Ordinances there are some that are in fact obligations the City has under state and federal laws to enforce.

Councilmember Barnes summarized that the consensus of the Council at this point is to confirm whether there is a code enforcement problem and how to deal with it. City Manager Beach said staff will come back with options and by then there will be more data collected.

Councilmember Sobash asked what would be the policy that Council would want to see after receiving data from the City Manager. He asked what increasing enforcement accomplish and what will it look like as a policy – not tactically put another person on the street and have them knock on doors.

Mayor Pro Tem Trautner said what he is looking for as a matter of policy is an uptick in the enforcement of ordinances where there is an obvious violation. Councilmember Sobash said that Mayor Pro Tem Trautner just wants more tickets written. Mayor Pro Tem Trautner said what he wants is legislation to be implemented otherwise he doesn't want to waste time making legislation that is not implemented.

Councilmember Sobash said what if everyone in the City is in compliance and there are no tickets to be written. Mayor Pro Tem Trautner said that would be great. Councilmember Sobash said he has a hard time thinking that writing more tickets of infractions is a policy issue.

City Manager Beach said some of the issues are transient in nature meaning one minute the problem is there, the next minute it's gone. He said the resources it would take to catch everything in real-time will be astronomically high. He said he has enough information to formulate some ideas to decide if they would be germane to the discussion and, if so, how to make improvements.

Councilmember Sobash moved to adjourn the workshop at 6:28 p.m. Councilmember Barnes seconded the motion. **MOTION PASSED.**

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

REGULAR MEETING (6:30 PM)

3. Call Regular Meeting to Order

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

4. Roll Call

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

Also attending remotely were: City Attorney Alan Petrov, IT Director Davenport, Public Works Director Barrera, HR Director Urban, Finance Director Dubose, HR Director White, and Chief Building Official Chew.

Staff attending remotely from the Council Chambers: City Manager Beach, City Secretary Gilliam, Assistant to the City Manager Thompson, Police Chief Walker, Fire Chief Taylor, and Treasurer Nicholson.

5. Pledge of Allegiance

6. Martin Luther King, Jr. Holiday

Matters related to a request to add Martin Luther King, Jr., Day to the City's holiday schedule. *Recommended Action: Discuss and take any desired action. Mayor Bob Higley*

Mayor Higley moved to replace the floating holiday with observance of Martin Luther King, Jr., Day as an official City holiday. Mayor Pro Tem Trautner, Councilmember Barnes, Councilmembers Sobash, and Councilmember Lankford seconded the motion simultaneously. **MOTION PASSED.**

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

7. 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 second and final reading. Mr. James Urban, HR Director*

City Manager Beach presented for HR Director Urban and stated that the changes proposed for the handbook bring the City into 2020 with federal laws, adds S.P.I.R.I.T., creates a Code of Ethics section and updates compensation related policies. He said due to approval of the MLK Day holiday, the motion will need to include amendments.

Mayor Higley moved to approve the Personnel Policies and Employee Handbook on the second and final reading with the additional amendments: Remove all reference to the floating holiday in the handbook, designate one day of personnel leave for shift personnel as September 11 – Memorial Day, and move to replace the floating holiday with Martin Luther King, Jr., Day as an official City holiday.

Mayor Pro Tem Trautner, Councilmember Barnes, Councilmembers Sobash, and Councilmember Lankford seconded the motion simultaneously. **MOTION PASSED.**

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

8. 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:

John Raborn, 4101 Marquette, spoke regarding fees being charged to iKIDS, an entity that hosts after school programs for kids, to use space at the Scout House. He requested that this item be reviewed and maybe put on a future agenda.

A.J. Karian, 6725 Sewanee, spoke and said he no longer wished to speak as Council approved the MLK Holiday in which he was in favor.

Beth Sufian, 3024 Nottingham, spoke regarding the rim put on the basketball goal in Wier Park and requested that it be removed for the duration of COVID.

Dick Yehle, 6401 Rutgers, said based on the action taken, he has no comment.

9. 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:

- In the last two weeks there were persistent daily increases in the number of COVID cases.
- Texas cases have increased from 3,000 to 4,000 new cases per day two weeks ago to 5,000 to 6,000 cases per day as of yesterday.
- COVID-related hospital census for the region is 6.06 percent, which is well below the 15 percent threshold.
- Positivity rates in Texas is 8.9 percent.
- The Texas Medical Center rate is reporting 4.2 percent.
- Harris County Public Health rate is reporting 7.2 percent.
- West U is at 149 confirmed cases – 12 are active, 137 recovered and 0 deaths.

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 October 5, 2020 City Council meeting. *Recommended Action: Approve City Council Minutes of October 5.* **Ms. Thelma Gilliam, City Secretary**

B. Quarterly Investment Report

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

Councilmember Lankford requested that Item B be removed for discussion and Councilmember Barnes requested that Item A be removed for discussion.

Regarding Item A, Councilmember Barnes said on Page 6 the vote on Agenda Item on Item 9 reflects him voting both Aye and Nay and should only indicate his Nay vote.

Councilmember Barnes moved to approve the Minutes as amended. Mayor Higley seconded the motion. **MOTION PASSED.**

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

Regarding Item B, Councilmember Lankford requested more explanation relating to "Agency Securities." She asked the reason for the \$6 million difference between the book value of \$7 million plus in June 30, 2020 and the Book Value of \$1 million plus on September 30, 2020.

Treasurer Nicholson explained that "Agency Securities" include U.S. Treasury and Fannie Mae and Fannie Mac items and that on June 30, 2020 the City had about \$7 million invested in those items, and all except \$1 million had matured and was moved to TexPool because it paid the City more than the Treasury and the other agencies. He said also throughout the quarter the City uses money for normal expenditures typical for this time of year because most of the City's money is from property taxes beginning in November through February.

Councilmember Barnes said Treasurer Nicholson's explanation that the difference of \$6 million in the "Agency Securities" was because it was rolled into TexPool, but the numbers for TexPool shows \$3 million so there is a \$3 million gap that doesn't seem to be explained. He asked Treasurer Nicholson if the \$3 million differential basically went into expenditures incurred during the timeframe of June 30 and September 30. Treasurer Nichols replied yes.

Councilmember Barnes moved to approve the Quarterly Investment Report. Councilmember Lankford seconded the motion. **MOTION PASSED.**

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

RECESS REGULAR MEETING OF THE CITY COUNCIL TO CONVENE A MEETING OF THE CITY OF WEST UNIVERSITY PLACE EMPLOYEE BENEFITS TRUST (EBT) FOR WHICH A SEPARATE EBT AGENDA HAS BEEN POSTED.

Mayor Higley recessed the regular meeting at 7:00 p.m. and convened the meeting of the Employee Benefits Trust.

ADJOURN EBT MEETING AND RESUME REGULAR CITY COUNCIL MEETING

The Employee Benefits Meeting adjourned at 7:20 p.m. and the City Council meeting resumed. See Minutes of the EBT meeting for discussion/action.

11. Transfer of Funds to Employee Benefits Trust

Matters related to authorizing the transfer of funds from the City of West University Place to the City of West University Place Employee Benefits Trust to pay for employee-related benefits beginning with the January 2021 contribution. *Recommended Action: Authorize the transfer of funds to the West University Place Employee Benefits Trust. Mr. James Urban, Human Resources Director.*

Following discussion in the Employee Benefits Trust (EBT) meeting, Mayor Pro Tem Trautner said the City has excellent compensation and benefits for employees and the City pays anywhere from 70 to 80 percent of the insurance so he thinks pro-rata refunds should be shared between the City and employees and that when an increase comes both share in the increase.

Councilmember Barnes agreed with Mayor Pro Tem Trautner.

Mayor Higley said he wishes Council could institutionalize what Mayor Pro Tem Trautner said but doesn't think this Council can bind future councils. City Manager Beach said this could be reviewed when visiting financial policies. He said a policy wouldn't bind future council's but will set some type of benchmark.

Councilmember Barnes moved to authorize the continued transfer of funds on a monthly basis from the City of West University Place to the City of West University Place Employee Benefits Trust beginning with the January 2020 contributions and the savings being received be shared between the City and employees pro-rata. Mayor Pro Tem Trautner seconded the motion.

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

Mayor Higley said he wanted to hear discussion on the reason for Councilmember Lankford's "nay" vote. Councilmember Lankford said employees created the savings because they didn't file claims so she thinks the savings should go back to the employees especially since there were several years prior that the employees' share of the medical costs increased.

Councilmember Sobash pointed out that he thinks the City made things right with the compensation study so if the City continues to fully rebate all the savings it begins to second-guess the compensation study. He said his argument would be that at the time the compensation study was done, the City feels it made things right and will now move forward consistently with the commitment, at least with this Council, to share with employees in a pro-rata way.

Councilmember Lankford asked how the compensation study deals with previous inequities. She said the current compensation study is for the current point in time and Council knows that there were inequities before that. Councilmember Sobash asked Councilmember Lankford is she suggesting that Council right multiple years of compensation through some type of bonus program. She said she doesn't think it's a bonus program because it's reflecting savings based on not having health claims.

Mayor Pro Tem Trautner said he doesn't believe the savings is dependent upon employees' claims this year, but rather companies having saved money due to people deferring their healthcare. He said the City will see an increase in healthcare utilization over the next two years, which will result in an increase

in premiums and at that point the City will be paying more because it has a greater proportion of the expenses. He said it could also change from the next compensation study which may show that the City's portion is too great.

Councilmember Lankford said the last compensation study showed that the City was "out of whack" with employee health benefits, which the City was. Mayor Pro Tem Trautner said and the City fixed that and Councilmember Lankford agreed.

Mayor Higley said for Council to go back and think about righting a conceived inconsistency with former councils is beyond this council's ambit of control. He said although he is somewhat ambivalent, he thinks this Council is on firm footing to make a decision without looking back and trying to adjudge whether the compensation agreed to over the course of the entire enterprise of compensation during the COVID virus was fair, just and equitable. He said this year's savings is not a windfall and will come back to bite next year.

HR Director Urban spoke to say that historically employees valued stability and thinks that increases or decreases in small increments are more favored than major "rock the boats" either in plan design or premiums.

Mayor Higley asked Mr. Urban, as the representative for all employees at this moment, what he would do. Mr. Urban said he recommends the shared pro-rata approach with the understanding that in the future the burden would be shared as well.

Councilmember Lankford asked if there would be a way not to hand the money back to anyone and hold it in the Trust for future increases. City Manager Beach said staff has discussed creating a reserve fund within the EBT to handle the unknowns.

Mayor Pro Tem Trautner asked Mr. Urban if in his recollection has there ever been an increase whereby the employees paid the full increase. Mr. Urban said there hasn't been since he's been here. He said in 2017 the plan design changed drastically to keep costs down but the deductibles were much higher for employees.

City Manager Beach said in the past the City has tried in many ways to mitigate the increases to be respectful of the taxpayers while at the same time retaining employees and said he is comfortable at the staff level at this point that the City offers a competitive package that does that.

Mayor Higley called for the vote again to authorize the continued transfer of funds on a monthly basis from the City of West University Place to the City of West University Place Employee Benefits Trust beginning with the January 2020 contributions and the savings being received be share between the City and employees pro-rata. Mayor Pro Tem Trautner moved and Councilmember Barnes seconded.
MOTION PASSED.

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

12. Adjourn Meeting

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

Councilmember Lankford moved to adjourn the regular meeting at approximately 8:00 p.m. Mayor Pro Tem Trautner seconded the motion. **MOTION PASSED.**

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

Audio of the workshop and regular meeting is available 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: November 9, 2020