



The City of West University Place

A Neighborhood City

CITY COUNCIL

Susan Sample, Mayor
John Montgomery, Mayor Pro Tem
John P. Barnes, Councilmember
Melanie Bell, Councilmember
Shannon Carroll, Councilmember

STAFF

David J. Beach, City Manager
Scott Bounds, Olson and Olson, City Attorney
Thelma Gilliam, City Secretary

CITY COUNCIL MEETING ACTION MINUTES

The City Council of the City of West University Place, Texas, met in a workshop and regular meeting on **Monday, August 8, 2022**, at **6:00 p.m.**, in the Municipal Building at 3800 University Boulevard, to consider the agenda of items listed. The meeting was held in person and via Zoom.

WORKSHOP (6:00 PM)

1. Call Workshop to Order

Mayor Sample called the meeting to order at 6:00 p.m. In attendance were Mayor Pro Tem Montgomery and Councilmembers Barnes and Carroll. Councilmember Bell attended via Zoom.

Staff in attendance were City Manager Beach, City Secretary Gilliam, Assistant to the City Manager Thompson, and City Attorney Bounds.

2. Recess Workshop and Convene Executive Session

City Council will recess the regular session and convene an executive session in accordance with Section 551.074 of the Texas Government Code to deliberate regarding appointment of a chair to the Recycling and Solid Waste Reduction Board.

At 6:01 p.m., Mayor Pro Tem Montgomery moved to recess the workshop and convene into executive session per Section 551.074 of the Texas Government Code to discuss the appointment of a chair to the Recycling Board. Councilmember Barnes seconded the motion. **MOTION PASSED.**

Ayes: Sample, Montgomery, Barnes, Bell, Carroll

Noes: None

Absent: None

3. Adjourn Executive Session and Reconvene Workshop

At approximately 6:08 p.m., Councilmember Barnes moved to adjourn the executive session and reconvene the workshop. Mayor Pro Tem Montgomery seconded the motion. **MOTION PASSED.**

Ayes: Sample, Montgomery, Barnes, Bell, Carroll

Noes: None

Absent: None

4. Adjourn Workshop

At 6:09 p.m., Councilmember Carol moved to adjourn the workshop. Councilmember Barnes seconded the motion. **MOTION PASSED.**

Ayes: Sample, Montgomery, Barnes, Bell, Carroll
Noes: None
Absent: None

REGULAR MEETING (6:30 PM)

5. Call Regular Meeting to Order

Mayor Sample called the meeting to order at 6:38 p.m. In attendance were Mayor Pro Tem Montgomery and Councilmembers Barnes and Carroll. Councilmember Bell attended via Zoom.

Staff in attendance were City Manager Beach, City Secretary Gilliam, Assistant to the City Manager Thompson, City Attorney Bounds, Fire Chief Maxell, Public Works Director Barrera, Police Chief Walker, Parks and Recreation Director White, Finance Director Kalka, and City Attorney Bounds

Others in attendance were: Parks Board Chair Will Bertron

6. Pledge of Allegiance – Councilmember Barnes and Michael Principe, Boy Scout Troop 55, led Pledges.

7. Public Comments

This is an opportunity for citizens to speak to Council relating to agenda and non-agenda items. Speakers are required to register in advance and must limit their presentations to three minutes each.

Thelma Gilliam, City Secretary, read statements for the record (summarized below) regarding the ordinance related to regulations for City parks on behalf of the following:

- **Katherine Pazmiño**, 3322 Georgetown, requested that Council delay enacting the ordinance until after summer when schedules are more normalized and more dialogue from the community can be sought.
- **Dick Yehle**, 6401 Rutgers, stated that his biggest issue is assuring reasonable access to all people and to not have the courts monopolized by a few. He suggested that personal coaching be allowed on non-consecutive, one-hour intervals during prescribed periods and prohibit any coaching during other periods.
- **Ilya Elyashkevich**, 3925 Rice, requested that the new private instruction rules be placed on hold so that more input can be received from the residents most impacted and then Council can make a decision that works best for the Wet U Community as a whole.
- **Judy Little**, 4234 Southwestern, stated that she believes time needs to be spent collecting solid, accurate data and formulating guidelines based on that data so that Council can make an informed decision. She requested that Council postpone approving the ordinance until it can assure implementation of the ordinance is in the public interest, based on data.
- **Greg Vinbladh**, P.O. Box 25088, Houston, Texas, stated he thinks the proposed ordinance is the right policy to have in place, because he feels that all professionals in their trade should be up-to-date on credentials and insurance.

Steve Damiani, 3746 Georgetown, spoke regarding the proposed parks regulations ordinance and said it is a very good policy and something that needs to be done.

Cory Krueger, 5628 Auden, spoke regarding the proposed parks regulations and said he is highly against the ordinance as written. He said it is extremely overbroad and affects more than just tennis instructors. He asked that Council figure out what it is the City is really trying to restrict and then have discussions on how to restrict that and not the “whole world.”

Maritzu Antu, did not want to give out address, spoke regarding the proposed parks regulations ordinance and said there are less intrusive moves to achieve the results that the Parks and Recreation Board claims to reach and she strongly encourages this body to accept those instead.

Dexter Gutierrez, 5962 Ariel St., regarding the proposed parks regulations and said he is not a West U resident, but is a tennis instructor and said he only teaches West U residents. He said his main concern is the percentage the City would take from his pay because this is his main source of income.

James Sowerby, 5814 Buffalo Speedway, spoke regarding the proposed parks regulations and said he understands the need for an ordinance, but is concerned with this ordinance. He proposed dealing with coaches who misbehave on an individual basis or taking a more general approach and set limitations on an instructor’s use of the courts by the number of hours per week, per day, or combination of both.

Lindsay Steinberg, 6417 Sewanee, spoke to say she agrees with a lot of what has been said but thinks the main issue is that the proposed ordinance is way too broad and that the instructors having to give money to the City seems unfair and ridiculous.

Sandra Musallam, 4215 Tennyson, spoke regarding the proposed parks regulations and requested that approval of the ordinance be postponed until a further analysis with resident input has been done to determine the appropriate amount of available private instruction hours.

Sara Stein, 3931 Law, spoke regarding the proposed parks regulations and said the proposed ordinance seems very extreme.

Ken Hoffman, 4212 Ruskin, spoke regarding the proposed parks regulations and said he supports the ordinance banning or limiting the number of private rogue instructors that use the West U courts for rent-free places of business. He said it is difficult for residents to reserve the courts and instructors come here because other cities don’t allow it.

Lisa O’Connor, 4210 Ruskin, spoke regarding the proposed parks regulations and said she is disappointed with the proposed ordinance. She said her dissatisfaction comes from the restriction that the City has placed on who residents can use and how they are selected and said she does not feel there has been enough time to implement such a significant change such as this.

Negar Jamali, 4123 Law, spoke regarding the proposed parks regulations and said she is disappointed with the ordinance. She said if she is booking the courts for herself she does not feel she should be told who she can play with and also does not think it is fair for instructors to have to pay the City 40 percent of their income.

Sue Jensen, 3714 Plumb, spoke regarding the proposed parks regulations and asked Council to consider postponing the approval of the proposed ordinance and postpone enforcement of the revised tennis and pickle ball court rules and regulations due to there not being enough time or enough information given about the changes. She also said she thinks there is a misconception that the

ordinance is because there are too many nonresidents on the courts, because there is no data to support that.

Natalie Wommack, 2805 Sunset, spoke regarding the proposed parks regulations and agrees with those that have stated their opposition to the ordinance. She said there are a lot of tennis players in the community that like to use the facilities and so there is a greater need for the courts not only for tennis, but also for pickle ball, so she thinks that compaction is the issue and this ordinance will not solve that.

Mei Jen Ho, 3711 Albans, spoke regarding the proposed parks regulations and said the proposed ordinance will not solve the equity issue. She said the City should postpone passing the ordinance to figure out what it is actually trying to do and to make it a better ordinance.

Annette Gregory, 6624 Mercer, spoke regarding the proposed parks regulations and said she is strongly against the ordinance and said due to the confusion and perceived overkill, requested that Council postpone approval for now so as to not penalize citizens on how they use the parks.

8. Appointment of a Chair to the Recycling and Solid Waste Reduction Board

Matters related to appointing a chair to the Recycling and Solid Waste Reduction Board. *Recommended Action: Discuss and take any desired action. Mr. Gerardo Barrera, Public Works Director.*

Public Works Director Barrera presented and said with Orval Marlow's resignation from the Board, Council is being requested to take any desired action in regards to the appointment.

City Manager Beach noted that the appointment was discussed by Council in executive session.

Councilmember Barnes moved to appoint Shreya Sheth and Monte Edlund as co-chairs to the Board. Councilmember Carroll seconded the motion. **MOTION PASSED.**

Ayes: Sample, Montgomery, Barnes, Bell, Carroll
Noes: None
Absent: None

9. Ordinance Related to Regulations for City Parks

Matters related to approving an ordinance relating to regulations in City parks on the second and final reading. *Recommended Action: Approve the ordinance amending Article IV, Tennis Courts, of Chapter 58, Parks and Recreation, of the Code of Ordinances to Prohibit Commercial Activities and Concessions in Parks, Playgrounds and Park Facilities on second and final reading. Ms. Susan White, Parks and Recreation Director*

Parks and Recreation Director White presented and after providing a brief recap on how the change came about. Parks Chair Will Bertron spoke and said the board tried to create something that was fair to everyone and they had to start somewhere.

Before a vote was taken, Councilmember Barnes confirmed with Ms. White the number of public meetings and opportunities for residents to voice any concerns. In addition, Councilmember Carroll confirmed that this ordinance does not include the tennis pro fee of 60/40, there is no limit as to the number of private instructional hours in this ordinance, and there is no cap on the number of pros in this ordinance.

Parks and Recreation Director White confirmed that this ordinance harmonizes the way all of instruction is dealt with across Parks and Recreation and is in line with best practices of other cities.

Cory Krueger, 5628 Auden, spoke again to say this seems to be an ordinance about tennis and maybe swimming, but it is not what the ordinance states. He said the way it is written it limits private instruction for everything. He said he understands the point, but this ordinance is way overbroad and should not be passed right now.

After more discussion, Councilmember Bell moved to approve an amendment to Section 5 of the ordinance to delay enforcement until October 1, 2022. Councilmember Barnes seconded the motion. **MOTION PASSED.**

Ayes: Sample, Montgomery, Barnes, Bell, Carroll
Noes: None
Absent: None

Councilmember Barnes moved to approve the ordinance amending Article IV, Tennis Courts, of Chapter 58, Parks and Recreation, of the Code of Ordinances to prohibit commercial activities and concessions in parks, playgrounds and Park Facilities on second and final reading as amended. Councilmember Carroll seconded the motion. **MOTION PASSED.**

Ayes: Sample, Montgomery, Barnes, Bell, Carroll
Noes: None
Absent: None

10. Set Budget and Tax Rate Public Hearings

Matters related to setting dates for the 2023 Budget and Tax Rate public hearings. *Recommended Action: Set the date for the public hearings on the 2023 budget and 2022 tax rate for September 19, 2022 at 6:30 p.m. at the City of West University Place City Municipal Building, located at 3800 University Blvd., West University Place, Texas. Ms. Marie Kalka, Finance Director*

After a brief presentation by Finance Director Kalka, Councilmember Barnes moved to set the date for the public hearings on the 2023 budget and 2022 tax rate for September 19, 2022 at 6:30 p.m. at the City of West University Place City Municipal Building, located at 3800 University Blvd., West University Place, Texas. Mayor Pro Tem Montgomery seconded the motion. **MOTION PASSED.**

Ayes: Sample, Montgomery, Barnes, Bell, Carroll
Noes: None
Absent: None

11. Receipt of Certified Estimated Taxable Value, Collection Rate and Tax Rate Calculations

Matters related to receipt of 2022 Certified Estimated Taxable Value, Collection Rate and Tax Rate Calculations. *Recommended Action: Review and accept the 2022 Certified Estimate Taxable Value; Review and accept the 2022 Certification of Estimated Collection Rate from Harris County Tax Assessor-Collector; Review and accept the 2022 Tax Rate Calculation Worksheet as calculated by the Harris County Tax Assessor-Collector based on the Certified Estimated Taxable Value. Ms. Marie Kalka, Finance Director*

After a brief presentation by Finance Director Kalka, motions were made as follows:

Mayor Pro Tem Montgomery moved to review and accept the 2022 Certified Estimated Taxable Values. Councilmember Barnes seconded the motion. **MOTION PASSED.**

Ayes: Sample, Montgomery, Barnes, Bell, Carroll

Noes: None
Absent: None

Mayor Pro Tem Montgomery moved to review and accept the 2022 Certification of Estimated Collection Rate from Harris County Tax Assessor-Collector. Councilmember Barnes seconded the motion. **MOTION PASSED.**

Ayes: Sample, Montgomery, Barnes, Bell, Carroll
Noes: None
Absent: None

Mayor Pro Tem Montgomery moved to review and accept the 2022 Tax Rate Calculation Worksheet as calculated by the Harris County Tax Assessor-Collector based on the Certified Estimated Taxable Value – No-New-Revenue tax rate is \$0.267401 per \$100 valuation; Voter-Approval tax rate is \$0.277402 per \$100 valuation; De Minimis tax rate is \$0.277758 per \$100 valuation. Councilmember Carroll seconded the motion. **MOTION PASSED.**

Ayes: Sample, Montgomery, Barnes, Bell, Carroll
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 Meeting Minutes

Approve City Council Minutes of July 25, 2022. *Recommended Action: Approve City Council Minutes of July 25, 2022. Ms. Thelma Gilliam, City Secretary*

B. PGAL Design Contract and 2022 Budget Amendment

Matters related to a contract with PGAL for design of the Public Works Facility and approval of an ordinance amending the 2022 Budget in relation to the project. *Approve the contract amendment for architectural and engineering design services for the Public Works Campus and adopt the ordinance amending the 2022 Budget in the amount of \$20,500 to fund costs associated with the contract. Mr. Will Thompson, Assistant to the City Manager*

C. Budget Amendment to Purchase Vehicles

Matters related to approving an ordinance amending the 2022 Budget to purchase vehicles. *Recommended Action: Adopt the ordinance approving the amendment to the 2022 Budget in the amount of \$10,000 from the Vehicle Replacement Fund and authorize the purchase of a van and upfit in the amount of \$55,000. Mr. Gerardo Barrera, Public Works Director*

Councilmember Barnes moved to approve the Consent Agenda as presented. Mayor Pro Tem Montgomery seconded the motion. **MOTION PASSED.**

Ayes: Sample, Montgomery, Barnes, Bell, Carroll
Noes: None
Absent: None

13. Adjourn Meeting

With no other business before the Council, Councilmember Carroll moved to adjourn the meeting at approximately 8:16 p.m. Councilmember Barnes seconded the motion. **MOTION PASSED.**

Ayes: Sample, Montgomery, Barnes, Bell, Carroll
Noes: None
Absent: None

Prepared by: Thelma A. Gilliam, TRMC, City Secretary

Council Approved: August 22, 2022

Audio of this meeting is on the City's website. If for any reason you are unable to download the audio from the website, contact the City Secretary's office to obtain a copy, as well as a copy of any presentation.