



# 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 MINUTES**

The City Council of the City of West University Place, Texas, met in a workshop and regular meeting on **Monday, August 23**, at **6:00 p.m.**, in the Municipal Building at 3800 University Boulevard, for the purpose of considering the agenda of items listed. The meeting was held in person, but the public was also able attend via Zoom.

Agenda of as follows:

### **Workshop (6:00 p.m.)**

#### **1. Call to Order/Roll Call**

Mayor Sample called the workshop to order at 6:00 p.m. Mayor Pro Tem Montgomery and Councilmembers Barnes, Bell, and Carroll were present.

Staff present were City Manager Beach, City Secretary Gilliam, Assistant City Attorney Loren Smith, Parks and Recreation Director White, and Senior Services Manager Brooks.

#### **2. Senior Services Overview**

Matters related to senior services. *Recommended Action: Discuss and provide feedback.* **Ms. Susan White, Parks and Recreation Director**

Parks and Recreation Director Susan White presented and provided background history about the Community Building, which was built in 1941 and in 1986 the senior wing addition was added. She discussed senior services programming, routine program participation, transportation services, and the Good Neighbor Team (approximately 35 members).

Ms. White noted that in 2019, 1,377 households claimed the over 65 tax exemption and 1,467 households claimed the exemption in 2021. She said program participation is about 65% resident and 35% non-resident.

Mayor Sample asked if it is possible to expand the Good Neighbor Team to include residents ages 80-84, because having someone available to change a lightbulb for an 80-year-old can make a difference. Council said they would like to see the cost benefit to make that change.

Councilmember Bell asked Ms. White in what capacity do volunteers work, other than the 35 volunteers on the Good Neighbor Team. Ms. White said a good number of them are part of support groups and they also volunteer for the two National Charity Leagues and the Senior Services Board.

Councilmember Bell inquired about the social services referrals. Ms. White stated that staff makes it very clear that the City does not have social services staff, but are able to provide resources and direct residents to various agencies for assistance.

Mayor Sample asked how much does the City receive from the County for services provided to non-residents. Ms. White said the City does not receive any funds from the County. She said the City only received the initial \$200,000 to build the senior wing.

Councilmember Carroll asked if there is some indication as to how the majority of seniors prefer to receive communications from the City. Ms. White said according to a 2020 survey, they prefer to receive their newsletters, etc., in the mail.

At the end of the presentation, Ms. White noted the main takeaways from a survey performed in the 2020 survey, which were:

- 95% satisfaction Rate for Senior Services (except sidewalks & parking)
- Over 90% of respondents from all age groups ranked Senior Services medium to high importance
- Opportunity to inform the general population about Senior Services Programs and the Community Building
- Level of importance of Senior Programs indicate the need to ensure adequate staffing and facilities are available for programs and/or staffing considerations if the Senior population increases in West U

Councilmember Barnes said while reviewing the Senior Needs Assessment result, he noticed that the City is good about making people aware of parks and facilities, for the most part, but over 60 percent of the respondents indicated that they are not using some of the parks and facilities, including the Community Building itself. He asked Ms. White if staff has an indication as to what is causing that differential. Ms. White explained that there was a little COVID bias at the time the survey was done, so it played a part in it even though they were asked to reflect usage prior to 2019. She said otherwise, she doesn't have any other indicators.

Mayor Sample asked if staff would provide weekly updates with more details, such as how many rooms were rented, participation at events, how many resident needed a ride, etc.

City Manager Beach said staff's goal is to help West U senior residents age in place. He asked other than demographics is there any other direction from Council or desire to look at something different.

Councilmember Bell said she thinks what staff is doing is amazing and so she would say stay the course. She said she is astounded by the number of good things the City does for the senior community, so at this point she wouldn't be looking at necessarily growing, but does like the idea of trying to re-staff the part-time position that will be discussed in the budget.

Mayor Pro Tem Montgomery said what he would like to hear back on is (1) the possibility of expanding the Good Neighbor Team and (2) communication efforts and evaluating ways to shuffle resources if needed.

Councilmember Barnes said what he would like to hear are any elements for the future that Council should be considering from the standpoint of changing demographics of the City, the changing of availability of external resources, etc.

In response to Mayor Sample's question as to whether there is changing demographics in the City, Ms.

White stated that staff ran some numbers and it seems that residents are staying longer. She said she can come back with more data.

City Manager Beach said once staff receives data from the 2020 Census, staff will analyze what the trends have been from 2010 to 2020.

Ms. White said based on voter information, in 2015 there were 5,347 seniors and in 2021 there were 5,971 – an 11 percent increase in 6 years. She said they did not get the 2020 Census information in time for the survey, but Texas A & M said they will work with staff once the 2020 data is received and will re-run the numbers based on the data.

### 3. Adjourn

At 6:36 p.m., Mayor Sample adjourned the workshop.

***Audio of this workshop in its entirety is temporarily on the City's website. If the audio is no longer on the website, contact the City Secretary's office for a copy.***

### REGULAR MEETING (6:30 p.m.)

#### 4. Call to Order/Roll Call

Mayor Sample called the regular meeting to order at 6:30 p.m. Mayor Pro Tem Montgomery and Councilmembers Barnes, Bell, and Carroll were present.

Staff present were City Manager Beach, City Secretary Gilliam, Attorney Loren Smith with Olson & Olson, Finance Director DuBose, Public Works Director Barrera, Parks and Recreation Director White, Assistant to the City Manager Thompson, Friends Executive Director LaMond, and Fire Chief Taylor

#### 5. Pledge of Allegiance

Councilmember Barnes led the Pledge.

#### 6. Public Comments

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

**Cathy Graber**, 4209 Riley, deferred her remarks on youth sports until the Workshop at the end of the meeting.

**Liz Wilder**, 6645 Westchester, deferred her remarks on youth sports until the Workshop at the end of the meeting.

**Bob Kelly**, asked to defer his comments on youth sports until the Workshop at the end of the meeting. However, he spoke briefly to say that Toby, Susan, and the senior services staff does, and has always done, a great job.

#### 7. 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**

Fire Chief Taylor provided the following report:

- In Texas, 18,800 new cases were reported on August 21, after reaching a peak of 21,900 new cases on August 14.
- COVID hospitalization for the City's trauma service area has risen to 22.86 percent as of August 22 and per the Governor's latest order (GA-38), Harris County can no longer impose restrictions.
- Positivity rate in Texas is 16.9 percent, Harris County is 21 percent, and the Texas Medical Center is 14.3 percent.
- The Texas Medical Center is reporting that they are at 85% of the combined Phase I and Phase II capacities.
- Harris County Public Health data indicate that West U has had a total 678 cases – 630 have recovered, 44 are active and a range of 0 to 5 fatalities.
- Vaccine data shows that 68 percent of the eligible population in the 77005 zip code has been vaccinated.
- The Pfizer vaccine recently received its full FDA approval for ages 16 and older.

Councilmember Barnes asked if there are any measures that the County Health or other health authorities recommend the City takes that has not yet been implemented. Chief Taylor said the City has not received any recommended guidelines from Harris County Health. He said the City looks at CDC guidelines and shares it with residents to make their own risk assessments. As for employees, City Manager Beach said the City has installed the shields, UV filters in the air handling throughout the City, and will clean the air ducts throughout the building and public facing facilities this year if there are savings in the budget. He also said there are hand sanitizer stations throughout the facilities and social distancing and wearing masks are recommended and if an employee is sick they are encouraged to stay home. He said the City has taken the common sense approach.

In response to Councilmember Bell's question as to whether employees are allowed to use sick time if they have effects from the vaccine, City Manager Beach said if an employee goes to the doctor or is ill at home, the employee would use sick time. In response to Councilmember Bell's question as to whether the City was checking wastewater for COVID levels, Mr. Beach said no. In response to Councilmember Bell's concern whether the City has the demographics on the COVID cases in West U, Chief Taylor said not any longer. He said when the data was under the Harris County platform, the City did have some of the information but when the County and the City merged databases, West U no longer receives the information.

Mayor Pro Tem Montgomery asked that if a booster shot becomes recommended for more vulnerable groups, that the information be communicated to the seniors in the community. Chief Taylor said the County will be doing a big media push and the City will definitely do its part in getting the message out.

#### **8. Buffalo Speedway Enhancement Option Review**

Matters related to discussing and selecting enhancement options for Buffalo Speedway. *Recommended Action: Discuss and take any desired action. Mr. Gerardo Barrera, Public Works Director*

Public Works Director Barrera presented and first recapped the enhancement options:

- OPTION 1 – Decorative Traffic Signals. Changing the signal lights at the intersections of University Boulevard, Rice Boulevard and Sunset to match the street lights. This has been approved and staff is moving forward.
- OPTION 2 – Removal/Reinstall of Street Lights. Working with CenterPoint to upgrade to LED lights at CenterPoint's expense.

- OPTION 3 – Gateway Signage (2). To occur by staff after project is complete.
- OPTION 4 – Intersection Enhancements (3). West U logo inlays at the intersections of University and Buffalo Speedway, Rice and Buffalo Speedway, and Sunset at Buffalo Speedway.
- OPTION 5 – Underground Power Line Crossings at 5 intersections along Buffalo Speedway.
  - Would need a 10'L x 20'W x 15" depth bore pit
  - Some of the wooden poles will need to be replaced with concrete poles – 40 to 50 feet in height with a diameter 3 times the diameter of the existing poles
  - Would be located between property lines or in backyards
  - May require "guy wire" anchor install
  - Will require 7 to 8 mature tree removals for bore pits

Mr. Barrera discussed the estimated costs for the projects. The total estimated cost, excluding tree replacement, is \$2,345,000. A breakdown is as follows:

- Gateway Signage (2)
  - Typically around \$150,000 for two (depending on design/style)
- Intersection Enhancements (3)
  - \$150,000 (\$50,000 each)
- Underground Power Line Crossings (5)
  - 10 Terminal Pole (\$30,000 each)
  - Service Relocation (\$50,000 each)
  - Customer Relocation (\$15,000 each)
  - Electric Underground Boring (\$1,800 p/ft)
    - Other utilities, i.e. ATT and Comcast (Approx. \$100 p/ft)
  - Tree Removal and Replacement (Cost to be determined)

During discussions regarding the underground power lines, Councilmember Bell confirmed with Public Works Director Barrera that there are no advantages to burying the lines during the construction project on Buffalo Speedway or waiting until after completion of the project. Mr. Barrera said the costs would be the same.

Mr. Barrera then reviewed the project budget, which was originally \$35,780,000, with the current balance being \$5,187,289 (note: grant funding from CDBG-DR of \$5,380,000 is still pending).

In response to Councilmember Barnes' concern regarding the removal of trees effecting the City's designation of being a Tree City USA or any other designations or certifications, City Manager Beach said there would be no impact to the designations or certifications.

Councilmember Bell said the one thing she would like to move forward with regarding enhancements is the one City logo on University and Buffalo Speedway. She said she doesn't personally think they are needed at Buffalo at Rice and Buffalo Speedway at Sunset. Councilmember Barnes said he would go along with that.

Councilmember Carroll said she understands that the City doesn't have to necessarily dig up the streets to bury the power lines, but obviously it seems it would be logical to do so while work is already being done, so at what point would the City need to make that decision. Public Works Director Barrera said when work begins on Amherst moving north.

In response to Councilmember Barnes' question as to what happens to unused portions of the \$5 million plus additional funding (bond funds), City Manager Beach said he would have to review the general wording of the bonds and, if it specifically states Buffalo Speedway, those funds would go to pay back the debt.

To wrap things up, City Manager Beach asked what is Council's desire regarding enhancements Options 3 through 5, as Options 1 and 2 are already underway and/or budgeted.

Mayor Pro Tem Montgomery said he supports what Councilmember Bell and Barnes said about the intersection logo at University and Buffalo, but he also thinks this is an opportunity to put them in at the other intersections now because once concrete is laid the cost of installing the logos would increase significantly. Mayor Sample agreed.

Councilmember Barnes noted that putting the pavers (intersection logos) at the offset intersections is going to have somewhat of an odd visual look as opposed to University and Buffalo, where it is centered and is a much more standard intersection.

After further discussion, Councilmember Carroll said she agreed with Mayor Pro Tem Montgomery and moved to approve installing the pavers (logos) at all three intersections. Mayor Pro Tem Montgomery seconded the motion. **MOTION PASSED.**

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

City Manager Beach said staff will execute a Change Order with the contractor to add the logos at the main intersections at Sunset, Rice, and University on Buffalo and will match the orientation of the existing logos.

Public Works Director Barrera said staff will arrange a workshop with CenterPoint for a presentation and discussion related to the power lines.

**9. Receipt of Certified Appraisal Roll and Tax Rate Calculations**

Matters related to receipt of certified appraisal roll, collection rate, and tax rate calculations. *Recommended Action: Review and accept 2021 Certified Appraisal Roll and Tax Rate Calculation Worksheet as calculated by the Harris County Tax Assessor-Collector. Ms. Katherine DuBose, Finance Director*

Finance Director DuBose presented. With no discussion, Ms. DuBose said staff recommends that City Council review and accept the 2021 Certified Appraisal Roll Review and accept the 2021 Tax Rate Calculation Worksheet as calculated by the Harris County Tax Assessor-Collector – No-New-Revenue tax rate is \$0.285941 per \$100 valuation; Voter-Approval tax rate is \$0.278522 per \$100 valuation; and De Minimis tax rate is \$0.279165 per \$100 valuation. Councilmember Barnes moved to accept staff's recommendation. Councilmember Bell seconded the motion. **MOTION PASSED**

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

**10. Record Vote on 2021 Tax Rate**

Matters related to recording vote on 2021 tax rate. *Recommended Action: Adopt resolution proposing the “not-to-exceed” tax rate. Ms. Katherine DuBose, Finance Director*

Finance Director DuBose presented and said this establishes the maximum amount that the City Council could potentially adopt as the City’s tax rate. She said this helps develop the City’s budget to go off an amount for property tax revenue and staff is recommending that the not-to-exceed proposed tax rate equal the voter approve tax rate.

Ms. DuBose confirmed with Mayor Pro Tem Montgomery that this does not mean that this is the rate that will be the rate that will be adopted by Council, but it is the maximum rate that potentially could be adopted.

Councilmember Bell asked Ms. DuBose to state for the record the reason Council is approving the minimum rate as the maximum so that of the three rates Council is approving as maximum rate is the minimum of the three. Ms. DuBose explained that this tax rate is lower that the City’s no-new revenue rate, but the no-new revenue is just one rate. She said the voter approval rate separates the City’s maintenance and operations tax rate and debt tax rate. Ms. DuBose said what staff has experienced is the upcoming principal and interest payments will be lower for the upcoming year, which reduced the debt rate, which results in a lower voter approval rate compared to the no-new revenue rate. Mayor Pro Tem Montgomery summarized that this means the City had a roll off in debt, the City is paying lower interest, and so the tax rate is going down.

Ms. DuBose said staff recommends Council adopt a resolution proposing the not-to-exceed tax rate and take a record vote on the proposed “not-to-exceed” tax rate of \$0.278522. Councilmember moved to accept staff’s recommendations. Mayor Pro Tem Montgomery seconded the motion. **MOTION PASSED.**

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

Approve City Council Minutes of August 9, 2021. *Recommended Action: Approve City Council Minutes of August 9, 2021. Ms. Thelma Gilliam, City Secretary*

**B. Changing Dates for Regular Meetings in November and December 2021**

Matters related to changing the meeting dates in November and December due to Thanksgiving and Christmas holidays. *Recommended Action: Change the November 22, 2021 regular meeting to November 15 and change the December 20, 2021 regular meeting to December 6. Mr. Dave Beach, City Manager*

**C. Reappoint Members to the Friends of West U Parks Board**

Matters related to reappointing members to the Friends of West U Parks Board. *Recommended Action: Reappoint Sarah Knysh to Position 9, Christi Young to Position 11, Mitra Woody to Position 18,*

*and Dan Fertig to Position 20, with all terms beginning on September 1, 2021 expiring on August 31, 2024.  
Ms. Donna LaMond, Director of Friends of West U Parks*

Councilmember Carroll moved to approve the Consent Agenda as presented. Councilmember Bell seconded the motion. **MOTION PASSED.**

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

## **12. Recess Regular Meeting and Convene Workshop**

Matters will reconvene the regular session and convene a workshop to discuss matters related to youth sports. **Council reserves the right to convene an executive session to discuss the issue with the City Attorney in accordance with Chapter 551 of the Texas Government Code.**

At 7:40 p.m., Mayor Sample recessed the regular meeting and convened the workshop. Before proceeding, there was a 10-minute break.

At 7:52 p.m., Mayor Sample called resumed the workshop.

At this time, Council heard comments from the public that deferred there comments until discussion of this item.

**Cathy Graber**, 4209 Riley, spoke to say she is a huge proponent of all youth sports, but is a little concerned about the lack of transparency and metrics. She said there needs to be more accountability before handing over large amounts of money to a field management group. Ms. Graber said she would like to see a utilization ratio as to how many children are actually in West U versus how many actually participate in the Tri-Sports program. She said she just wants the City to be fair in its allocation of tax dollars and be very transparent as to what the City is getting into when spending money.

**Liz Wilder**, 6645 Westchester, spoke to advocate for a change in the allocation of funds to youth sports. She recommended that there be a metrics and grant system and set up a non-arbitrary application that any non-profit group serving West U could apply and have a "crack" at that \$125,000.

**Mardi Turner**, 6515 Mercer, spoke to say that she is kind of in favor of allocating taxpayer funds assuming that it is in fact legal and provided that the recipient organizations are both transparent and accountable on the use of those funds, which she doesn't feel has been the case thus far. She asked that Council keep in mind when making the decision on the appropriate amounts that the 2015 Council, on which she and Mayor Sample served. She said that Council allocated additional funding over the standard rate of \$80,000 a year, additional funding of \$45,000 per year for 5 years, to compensate Tri-Sports and the organizations for capital improvements that they had made for the betterment of the community. Ms. Turner said the \$80,000 is the base line as far as she is concerned.

**Bob Kelly**, 3720 Plumb, spoke to say that the budget is prepared by the city manager, so it is the city manager's budget that comes to Council for review and approval. He said he has gone through 8 budget seasons as mayor and mayor and pro tem and through every one of those budget seasons, what was presented by the city manager and the city staff recommended highly the support that was being given to Tri-Sports and with thorough and very detailed analytical reasons. He said each of those City Council's looked at the budget, line item by line item, and based on the city manager's recommendations and justifications, it made sense. Mr. Kelly said one thing in particular that former Parks and Recreation Director Tim O'Connor showed was that what Tri-Sports does for the City is in excess of \$500,000 a

year. He said he has been in the City for 40+ years and the City has always had a first-class youth sports program. He said it works and so “if it ain’t broke, don’t fix it.”

After public Comments, Gregg Thompson, former President of Tri-Sports, spoke on behalf of Tri-Sports regarding a proposed outline for a new Memorandum of Understanding (MOU). Mr. Thompson first addressed some of the public comments all of which he says he agrees with.

Mr. Thompson said if anyone wants to have a discussion regarding metrics or number of residents that participate, he would be happy to meet to go over those metrics. In response to Mayor Sample’s question as to how many kids in West U participates, Mr. Thompson said, going off of memory, he will say there is 1,085 (from hand count), but he doesn’t recall the number of households. He said he could get that number if desired.

Mr. Thompson said regarding the budget in 2015 and resident Mardi Turner’s comment about the funds going from \$80,000 to \$125,000, he said that was not a reimbursement for capital improvements. He said Tri-Sports provided emails from the then city manager and Bob McLamb that show that it was not intended to be a reimbursement and it certainly was not supposed to drop to \$0 nor drop back to \$80,000. He said, in fact, there was email discussion presented over the last 2 years about Tri-Sports holding that amount and not asking for an increase until after 5 years.

Mr. Thompson said the proposed MOU addresses the very valid issues about transparency and accountability, maintenance of fields, capital improvements, and other issues. He then went over the outline of the proposed MOU for the City of West University Place (the City) and Tri-Sports Association (TS):

- **Field Management and Maintenance Responsibilities**
  - TS will manage and maintain the youth sports fields and facilities at West U Elementary, the Rec Center, and Pershing.
  - TS will manage capital improvement projects at West U Elementary, the Rec Center, and Pershing. The same three TS has managed for many, many years.
- **Field Usage Rights**
  - The TS member leagues shall have priority use and access to the fields at the Rec Center.
  - Use and access rights at West U Elementary and Pershing shall be determined by TS and HISD, in accordance with the terms and procedures outlined in the HISD leases of those fields.
- **Capital Improvements Costs**
  - As needed, TS will present proposed capital improvements projects to the City for the City approval for projects at West U Elementary and the Rec Center.
  - The City will fund 100% of approved capital improvement projects at the Rec Center.
  - Specifically, the City will reimburse TS for the cost of safety nets installed by TS at the Rec Center, which had previously been approved by the City, and which were installed in 2019 two weeks before the City notified TS that all cash support for TS would be stripped from the City budget.
  - The City will fund 50% of approved capital improvement projects at West U Elementary.
  - The City shall no responsibilities for capital improvement projects at Pershing.
- **Utilities Expenses**
  - The City will pay 100% of the utility expenses at the Rec Center.
  - The City will fund 50% of the utility expenses at West U Elementary.

- The City shall have no responsibility for utility expenses at Pershing.
- **Maintenance and Operation Expenses**
  - The City will fund 50% of the maintenance and operation costs for the fields and facilities at West U Elementary and the Rec Center.
  - The City will fund 50% of the maintenance and operation costs for the fields and facilities at West U Elementary and the Rec Center.
  - The City shall have no responsibility for maintenance and operation costs at Pershing.
  - TS will submit quarterly packages of invoices and statements regarding the maintenance and operation costs for the fields and facilities at West U Elementary and the Rec Center.
  - TS and the City will retain a third-party bookkeeper to receive and review the quarterly TS packages of invoices and statements. The costs of such bookkeeper shall be split equally between the City and TS.
  - It shall be the job of the bookkeeper to review the invoices and statements to confirm that such expenses were incurred in connection with the fields and facilities at either West U Elementary or the Rec Center, and that such expenses are of the type and kind agreed by the City and TS to constitute maintenance and operation expenses for those fields and facilities.
  - The City shall set aside a budget fund of \$100,000 per year, subject to an annual inflationary increase index, as a cap on the City's maintenance and operation cost responsibilities.
  - The City shall authorize payment from the City's maintenance and operation cost budget fund to TS of 50% of all maintenance and operation invoices and statements submitted by TS and approved by the bookkeeper, subject to the City's annual cap.
- **MOU Requirements**
  - TS and the City will enter into an annual MOU incorporating the above terms.
  - The MOU will recite the public purpose for the MOU and cite appropriate Texas Statutory authority, e.g., Texas Local Government Code section 332.002, which authorizes municipalities to “establish, acquire, construct, equip, operate, and supervise recreational facilities and programs” and will recognize that the City fulfills that purpose in material respect through its relationship with TS and its members and volunteers.
  - The MOU will recite the mission statement of the City Parks and Recreation Department, “The West University Place Parks and Recreation Department team offers quality programs, facilities, and services that encourages community participation and promote fun, physical activity and growth, in a safe and wholesome environment,” and will recognize that the City fulfills that mission in material respect through its relationship with TS and its members and volunteers.
  - The MOU will specifically recognize the historic and ongoing contributions of TS and its member leagues to the betterment of the City and the quality of life of its residents in the development, construction, improvement, and maintenance of the fields and facilities at West U Elementary and the Rec Center.
  - The MOU will specifically recognize the historic and ongoing contributions of TS and its member leagues to the betterment of the City and the quality of life of its residents in the promotion of youth sports and their positive impact on the physical and emotional development of our City's children and families and our City's collective sense of neighborhood and community.
  - The MOU will specifically recognize that providing quality youth sports programs for the children in the City that play in the TS leagues requires more field space than the 12 fields on 13 acres that TS manages and maintains, much less the 9 fields on 8 acres under TS management within the City limits, and that without TS, the City would only be able to provide 2 fields on the City's 2 acres at the Rec Center, which would be woefully inadequate to fulfill

the youth sports needs of the City's children and families.

- **Other**
  - By virtue of the relationship outlined in the MOU, the City will restore the West U Elementary sports fields to the City's parks map.

After Mr. Thompson's presentation of the outline, there were questions from Council.

Councilmember Barnes clarified with Mr. Thompson that the plan is not to involve any taxpayer dollars being transferred from the City to Tri-Sports until the expenses have been vetted and approved by a bookkeeper.

Councilmember Barnes and Councilmember Bell questioned the necessity for the historical information included in the MOU. Mr. Thompson said because no one has to go through this again and the fact that it recognizes the 40 years of contributions from Tri-Sports. He said the biggest disconnect the Council that came in at that time, in his opinion, is them not having the understanding of what Tri-Sports was and its contributions to the City. He said this MOU articulates the role of Tri-Sports and its support of the Parks and Rec Department and how it has operated in the past and how it will operate in the future.

Councilmember Barnes said it is not really a contract provision you would normally see. He said normally it is just one set of obligations in exchange for another set of obligations and, generally, not have recitals quite that broad in nature.

Mayor Sample said it is a starting point and she thinks the focus should be on the nuts and bolts of what Tri-Sports has put forth.

Regarding billing, Councilmember Barnes said where the rubber will meet the road is the selection of the bookkeeper and the degree of what kinds of records are made available to him/her.

Mayor Pro Tem Montgomery said Tri-Sports has not come to the City asking for a \$100,000 and the City is not going to write them a check for a \$100,000. He said there is a maximum cap in place, there is going to be a transparent accounting of the costs that go into providing maintenance of the fields and if there are capital expenditures, Council will have an opportunity to approve them or not approve them. So, he said there is a transparency mechanism, a known maximum on spending, which is lower than the existing agreement of \$125,000 that was extended to three leagues.

Mr. Thompson pointed out that years ago, the City actually did the books before asking Tri-Sports to take them over.

Mayor Pro Tem Montgomery asked Mr. Thompson how many volunteers and volunteer hours go into running the program. Mr. Thompson said he would be winging it, but the hours are astronomical and said he does have the metric information he can provide to Council.

Councilmember Barnes confirmed with Mr. Thompson that in addition to volunteer hours, some of the work is contracted out (i.e. mowing of the fields, electrical repairs for the light poles, and irrigation repairs).

Councilmember Barnes asked Mr. Thompson if Tri-Sports would be open to being required periodically to bid out those operations for which they contract with vendors in the same way the City bids out to third-party vendors to assure the best pricing. Mr. Thompson said Tri-Sports would entertain that, but Tri-Sports fields comprise of about 15,000 acres, with another 60 acres at their south campus (although

owned by the leagues themselves), so they receive tremendous economies of scale by having one vendor do all the fields. He said to change would be pretty difficult.

Councilmember Barnes asked if it would be possible to provide data as to what the costs per acre would be to contract for just the areas serviced by Tri-Sports. Mr. Thompson said it would be busy work, but they can do it. Councilmember Barnes said it would be helpful because it is Council's responsibility to make sure the taxpayer dollars are spent as wisely and efficiently as possible.

Councilmember Carroll asked what happens if Tri-Sports make capital improvements that exceed the \$100,000 cap. Mr. Thompson said capital improvements would be handled exclusively by the leagues for Pershing, the Rec Center (in this proposal) would be covered 100% by the City because its City property, and West U Elementary would be split 50/50. Mayor Pro Tem Montgomery confirmed with Mr. Thompson that any costs to be paid for by the City would first be approved by Council.

Councilmember Bell said if she understands correctly, there are two separate leases for the little league fields and the softball fields with HISD. She asked if that needs to be spelled out in the MOU, because it only mentions West U Elementary. Mayor Sample explained that HISD will not lease to a private organization and Mr. Thompson said the proposal would overlay all of the fields.

Councilmember Bell said one thing she did not see in the proposal MOU is recycling needs and asked Mr. Thompson his thoughts of including more recycling information in the MOU. She also asked if there is anything the leagues can do to reduce single-use plastic by the players, like use reusable bottles or big Gatorade pitchers. Mr. Thompson said, historically, it has been included in the MOUs and is included in this one. He said this outline for discussion focuses more on the funding.

Mr. Thompson said since he has been involved in the program, recycling has been incremental and gets a little better every year.

Mayor Pro Tem Montgomery asked if this proposed MOU is a supplemental or variation of the existing MOU or the one the previous Council signed. City Manager Beach said in May (2021) there were three agreements approved by the then Council for \$55,000/\$55,000/\$15,000. He said the agreements were approved by Council and forwarded to the leagues and that was the last the City heard. Mr. Thompson said that was not an agreement with Tri-Sports, but rather a complete lack of understanding of what this is all about.

Mr. Beach said currently, there is a 5-year MOU in place that basically dictates the use of the fields and the utilities. Mr. Thompson said he thinks the structure of that MOU (which he believes is the one from 2019) can be used as the base and amended to include any terms agreed upon based on this discussion.

Mayor Pro Tem Montgomery said is it his understanding that the agreements provided to the leagues (the \$55,000/\$55,000/\$15,000) will not be considered/accepted. Mr. Thompson said no, those agreements are not being considered.

Councilmember Carroll asked if as a Council they could have discussion on the agreements as there may be people not as familiar with the offer made by the previous council and there may be a general question as to why they are not being accepted or why they are non-starters.

Jenny McCarthy, league president for West U Softball, spoke to say that (1) at the time they received the offer this Council was about to be sworn in; (2) Tri-Sports was not mentioned in those agreements and the services that Tri-Sports provide and what Tri-Sports does are key as those services have been so impactful; and (3) Tri-Sports wanted transparency and they did not feel that the MOU (agreement)

provided them did not have transparency. She said they wanted to come up with a solution that encompassed all of the feedback they received from the prior Council and from this Council, provide transparency to that, provide a cap on it so everybody knew exactly what that was going to be, and to provide quarterly information with the metrics that was stated and none of that was in the split of the 55/55/15.

Councilmember Barnes said as the only person on the dais that was a member of the prior Council, he would like to hear more from Ms. McCarthy on how she feels the agreements did not provide transparency. Ms. McCarthy said the proposed MOU outlines clear cut written transparency at a level not in the agreements to the leagues.

Councilmember Barnes said to Ms. McCarthy that he assumes that the reason no response to the prior Council was because they wanted to wait for this Council. Ms. McCarthy responded “absolutely.”

Councilmember Bell said to follow up to Ms. McCarthy point that Tri-Sports was not mentioned in the agreements, she asked why was that critical. Ms. McCarthy said Tri-Sports is the glue that holds the leagues together. She said Tri-Sports allows for economies of scales on the fields, equipment, etc., and saves everybody money and helps them to harmoniously operate.

Councilmember Carroll asked if there were conditions put on the money offered to the leagues. Councilmember Barnes said in addition to what was already alluded to in regards to transparency, it was essentially a sponsorship arrangement. He said the City would get sponsorship/branding rights in exchange for money to the leagues. He said as of now, the teams have the freedom to change their names and brand themselves however they want and, in fact, the soccer team has done that on a number of occasions over time. Councilmember Barnes said the sponsorship arrangements would have made the use of the West U name mandatory.

Mayor Sample said if truth be told, it looks like a way to just cut out Tri-Sports. She said, basically, there does not need to be a sponsorship arrangement just so that it does not look like to City is not providing Tri-Sports a gift. She said Tri-Sports provides services for the City funds provided.

Mr. Thompson said there is a lack of understanding of what Tri-Sports is. He said the former City Council has no idea what Tri-Sports is. He said they came in with no understanding of it and left with even less. Mr. Thompson said Tri-Sports cuts the grass and maintains the fields. He said Council could give the money to the leagues to pay for naming rights for something that has been named West U Little League for 70 years seems arbitrary and capricious and is unnecessary. Mr. Thompson said the voters voted a new Council in to restore funding and fix this. He reiterated that Tri-Sports cuts the grass and maintains the fields – that is it, everything else is just busy work.

Mr. Thompson said it is simple and which is why the MOU needs language in there so that there is institutional knowledge that passes on to future Councils.

Regarding numbers in the leagues, Mayor Sample asked if it would be fair to say that having people outside of 77005, which she doesn't believe is more than 50 percent (except for soccer to an extent), brings more monies to the leagues. Mr. Thompson said there are a lot of kids in West U Little League that come from outside of West U and “the dirty little secret” is there are more kids in these leagues from outside of West U, but they get to call it West U Little League and, also, they drive more revenue in the form of registration fees, more volunteers, more sponsorship, and the vast majority of the fields that West University residents play on are not in West University.

Mayor Pro Tem Montgomery said the City should not lose track of the big picture. He said there was a

lot of animosity in the City on this subject and he thinks what the City has asked this Council to do is come up with a way to support youth sports in a transparent manner. He said there is an agreement in front of Council that offers extraordinary transparency and is a good start to the big picture.

Mayor Sample said that legal can take the outline provided by Mr. Thompson and incorporate it around the MOUs from 2017 and 2019 and then Council can review and provide any edits and have another open discussion on it.

Councilmember Bell added that she thinks the City has high utilization but would like to have some of that transparency as well in the quarterly reporting.

City Manager Beach said he believes that the best way is to come up with an overall “framework” with parts of past MOUs and have it reviewed by the city attorney so as to keep within law, keep the city safe, and uphold the intent of the agreement.

Mr. Smith, the City’s attorney sitting in for Scott Bounds, confirmed with Council that he will take the proposed outline and make it in MOU form and include provisions from previous MOUs. Mr. Smith said he could also have it ready in two weeks.

Councilmember Barnes asked where the \$100,000 came from. Mr. Thompson said the number comes from the historical budget over the years. *Later, towards the end of the meeting, he said the reason the amount dropped was they carved out the expenses for Pershing.*

Mayor Pro Tem Montgomery said the City has spent a lot of money on legal fees and asked City Manager Beach if he knows how much money has been spent on legal fees talking about youth sports than has been spent on the proposed agreement. Mr. Beach said he doesn’t have that total.

Mayor Pro Tem Montgomery said it is his hope that the City can come up with a document expeditiously and efficiently and there will not be any need after this to revisit the past. He said this Council has a lot of work ahead of it in terms of goals and thinks they can all agree that they would like to move forward from this goal. He said if there is a good document from 2017 maybe start with that and incorporate the suggestions of this Council. He said let’s not debate this for another two months and spend more money on legal fees.

Councilmember Barnes said everyone was coming to this generally with the spirit of good faith with the idea that they were doing what they felt was best for the City at the time they were doing it. He said he thinks that was true of the last Council as is with this one.

### **13. Adjourn Workshop and Reconvene Regular Meeting**

At 8:57 p.m., Mayor Sample adjourned the workshop and reconvened the regular meeting.

### **14. Adjourn Meeting**

With no other business before the Council, Councilmember Bell moved to adjourn the regular meeting at approximately 8:57 p.m. Mayor Pro Tem Montgomery seconded the motion. **MOTION PASSED.**

*Audio of the meeting in its entirety is temporarily on the City’s website. If the audio is no longer on the website, you can obtain a copy from the City Secretary’s office.*

Prepared by: Thelma A. Gilliam, TRMC, City Secretary  
Council Approved: September 20, 2021