



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 regular meeting on **Monday, September 27**, at **6:30 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 was as follows:

1. Call to Order/Roll Call

Mayor Sample called the 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, Attorneys Scott Bound and Katie Olson & Olson, Finance Director DuBose, Public Works Director Barrera, Assistant to the City Manager Thompson, Police Chief Walker, and Fire Chief Taylor

2. Pledge of Allegiance

Mayor Pro Tem Montgomery led the Pledge.

3. 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.

Kate McCormick, resident and Municipal Judge in Southside Place, spoke to say that TCU Press is publishing a children's book that she wrote called "Happy, a True Story of a Stray Dog who Became a Hero." She said the book is about a local dog named Texas' greatest dog hero of 1931, which celebrates the long-standing relationship between West U and Southside at assisting each other's fire calls. Ms. McCormick said the book tells the story of a rescue dog who alerted two Southside families to a house fire in 1931, less than a week after the dog wandered into one of their front yards. She presented a copy of the book to West U for its archives.

Alida Drewes, 6112 Fordham, spoke on various issues including transparency, police conduct, and "abusive" staff. She said the West U PD should be reformed and defunded.

Yvonne Jacobs, 2831 Jarrard, spoke regarding the MOU with Tri-Sports. She suggested that Council (1) raise the bar regarding Tri-Sports recycling and require them to produce a contamination-free product; (2) have a substantial fine for non-compliance; and (3) reward good behavior (cleaning and maintaining the recycling and trash receptacles at the West U Elementary fields) and develop a player/parent educational plan to promote contamination-free recycling.

4. 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:

- COVID situation has improved slightly in Texas and it continues to decline statewide and regionally.
- COVID hospitalization rate for the City’s trauma service area has dropped to 16.2 percent for the City’s trauma center area.
- Positivity rate in Texas is 12.31 percent, Harris County is 15.5 percent, and the Texas Medical Center is 7.8 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 indicates that West U has had a total 735 cases – 697 have recovered, 34 are active and a range of 0 to 5 fatalities.

5. Adoption of the 2022 Budget

A. Consider an ordinance adopting the 2022 Budget.

Matters related to an ordinance adopting the budget for the fiscal year beginning January 1, 2022 and ending December 31, 2022 appropriating funds for such budget; containing findings and provisions relating to the subject. *Recommended Action: By Record Vote Approve the ordinance adopting the 2022 Budget on first and final reading. Ms. Katherine DuBose, Finance Director.*

B. Ratify the property tax increase reflected in the 2022 Budget.

Adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget. *Recommended Action: Ratify the property tax increase reflected in the budget. Ms. Katherine DuBose, Finance Director.*

Finance Director Dubose presented and noted that Council discussed the budget with staff in detail during a budget workshop on September 11 and noted that Council held a public hearing on September 20 to hear any comments from the public.

Ms. Dubose said in accordance with state law, Council must approve the budget within 30 days of filing the budget with the City Secretary, which occurred on August 27.

With no further discussion, Ms. DuBose recommended Council take the following actions:

- A.** By record vote, approve the ordinance adopting the Fiscal Year 2022 Budget on the first and final reading. Councilmember Barnes moved to approve. Mayor Pro Tem Montgomery seconded the motion. **MOTION PASSED.**

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

- B.** Ratify the property tax increase reflected in the Fiscal Year 2022 Budget.

Ayes: Sample, Montgomery, Barnes, Bell, Carroll

Noes: None
Absent: None

6. Adoption of the 2021 Tax Rate

- A. Approve the tax rate of \$0.193797 per \$100 valuation for the purposes of maintenance and operations.** *Recommended Action: By Record Vote Approve the tax rate of \$0.193797 per \$100 valuation for the purposes of maintenance and operations.*
- B. Approve the tax rate of \$0.084725 per \$100 valuation for the purposes of debt service.** *Recommended Action: By Record Vote Approve the tax rate of \$0.084725 per \$100 valuation for the purposes of debt service.*
- C. Matters related to an ordinance approving and adopting the 2021 tax rate.** *Recommended Action: By Record Vote Approve an ordinance adopting the City's combined property tax rate of \$0.278522 per \$100 in assessed value. Ms. Katherine DuBose, Finance Director*

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

Finance Director Dubose presented and said the property tax rate of .278522 per \$100 assessed value is included in the Fiscal Year 2022 Budget, and includes two components – the General Fund rate of \$0.193797 and the Debt Service component of \$0.084725 – for a total of \$0.278522. She said the rate staff recommends that Council adopt is less than the tax year 2020 tax rate (about 1.5 cents less than the current tax rate, which is about 5.3 percent reduction).

With no questions or comments, Ms. DuBose said staff is requesting action on the following three recommendations:

- A.** By Record Vote Approve the tax rate of \$0.193797 per \$100 valuation for the purposes of maintenance and operations.

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

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

- B.** By Record Vote Approve the tax rate of \$0.084725 per \$100 valuation for the purposes of debt service.

Councilmember Bell moved to approve. Councilmember Carroll seconded the motion. **MOTION PASSED.**

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

- C.** By Record Vote Approve an ordinance adopting the City's combined property tax rate of \$0.278522 per \$100 in assessed value.

Councilmember Barnes moved to approve. Mayor Pro Tem Montgomery seconded the motion.
MOTION PASSED.

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

7. Capital Improvement Plan for FY 2022-2026

Matters related to acceptance of the Capital Improvement Plan for FY 2022-2026. *Recommended Action: Accept Capital Improvement Plan for FY 2022-2026. Ms. Katherine DuBose, Finance Director*

Finance Director DuBose presented and said during the preparation of the Fiscal Year 2022 Budget process staff developed the 5-year CIP for 2022-2026, which is a planning document that helps staff determine funding needs for non-recurring expenditures.

Mayor Pro Tem Montgomery moved to accept the Capital Improvement Plan for FY 2022-2026. Councilmember Barnes seconded the motion. **MOTION PASSED.**

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

8. West University Place Tri-Sports Agreement

Matters related to an agreement West University Tri-Sports Association. *Recommended Action: Discuss and take any desired action. Mr. Dave Beach, City Manager and Mr. Scott Bounds, City Attorney*

City Manager Beach presented and said before Council tonight is the approval of an agreement with Tri-Sports and their member organizations for youth sports within and around the City. He said he and the City Attorney looked at an agreement framework for this and he noted the following main changes between the previous MOU and this agreement:

- Priority use of the of the West U Recreation Center fields
- Maintenance & Operation Support for West U Recreational Center & West U Elementary Fields
 - West U will reimburse Tri-Sports for 50% for expenses incurred by Tri-Sports or Member Organizations (baseball, softball or soccer) in amount not to exceed \$100,000.
 - Expenses will be submitted quarterly to an independent bookkeeper retained by West U and Tri-Sports whose cost shall be shared equally by both parties.
- Utilities – Water & Electricity
 - West U Recreational Center field – West U will pay 100%.
 - West U Elementary field – West U & Tri-Sports will split cost 50/50.
- Utilities – Solid Waste & Recycling
 - West U will provide residential level trash and recycling services to the West U Recreational Center and HISD Fields.
- Capital Improvements
 - Based upon approval of the scope, cost and funding by the City Council.
 - West U will pay 100% of the approved capital improvement cost at the West U Recreation Center fields.
 - West U will pay 50% of the approved capital improvement cost at the West U Elementary School.

Mr. Beach said the term of the proposed agreement is January 1, 2022 through December 31, 2022, and that the agreement would come back before council annually for review and approval.

Mayor Pro Tem Montgomery moved to discuss the agreement as proposed. Councilmember Bell seconded the motion. **MOTION PASSED.**

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

(Note: MOU, agreement, and contract are used interchangeably)

Regarding an attachment included in the agenda packet referenced by City Manager Beach, Councilmember Barnes said the attachment was something he prepared to note edits to Section 4 and Section 6 of the proposed MOU. He said to provide a little bit of context, the proposed MOU is the second version of the proposed agreement that had circulated amongst the Council since their discussion at the August 23 workshop. He said the first version (Version1) circulated on or about September 8 and a second version, after a meeting with Tri-Sports representatives, was prepared and circulated on or about September 14.

Councilmember Barnes said in Section 4 of Version 1 it reads “Tri-Sports is required to handle trash and recycling per rules set by Public Works, and have West U Little League, West U Softball, and Rise soccer each designate a representative to work with the City to develop and implement a solid waste pickup and recycling program to educate those organizations to properly address contamination, and where there were increased processing costs from contamination those costs might be passed on to Tri-Sports.” He said in Version 2, the language was amended to make it so that Tri-Sports would be required to make its best efforts only with regard to compliance and the ability to pass on costs was eliminated. He said the edits he is recommending would eliminate “the best efforts” language, making it an actual requirement, and adding flat penalty fee for each instance of non-compliance to be assessed as an offset against the 100k funds that are being set aside for reimbursement.

Councilmember Barnes said, in addition, he also recommends an amount of \$50 per instance be assessed for noncompliance, which is a number derived from the Code of Ordinances – Appendix E – Garbage Service Section F.007 where a minimum fee of \$50 per occasion is assessed for the special handling of items that are improperly bagged for trash collection. Councilmember Barnes said this recommendation derives from comments received from many people in the community, relating to the fact that for years and years and years the City has been working with Tri-Sports, but every year that the MOU comes up Tri-Sports promises to do better, but there is really no teeth in it. He said this puts teeth in it and is completely under Tri-Sports control and, thereby, encourages compliance.

Mayor Sample said noted some the errors she noticed while reviewing the document. She said on Page 3 of the contract under 3(b) it states “provide waste collection services as set forth in 4(a)(5) and she thinks it should be 4(a)(6). She also said on the signature page, the separate leagues were added as signers, which binds them to Tri-Sports terms, but the front page of the contract clearly states that the contract is between the City and Tri-sports. Mayor Sample said adding these extraneous signatures continues the confusion that the prior council ran into combining the leagues with Tri-Sports. She said the individual leagues did not sign Tri-Sports contract at any time through 2019.

City Attorney Bounds said the agreement is just between Tri-Sports and the City, so Tri-Sports is the only party to the agreement and the only intended party. He said the leagues signatures are just to acknowledge that they are aware of the agreement.

Mayor Sample said Page 3, Section 4(b) states “any fees charged by Tri-Sports and its member organizations in connection with program events shall be used for purposes directly associated with the operation of member organizations, youth sports programs. All revenues generated from Tri-Sports, or its

member organizations, youth sports programs, activities, including fees, advertising concessions, and sales shall be the exclusive property of Tri-Sports and or its member organizations.” She said she is not sure about this clause because it is telling them what they can do with the fees. Mayor Sample said this language was never in any of the MOUs prior to 2021 and thinks the clause does not have a purpose in this contract other than to have additional leverage to terminate the contract. She also said she does not think this clause protects the City's interest in any way and thinks it should be removed from the agreement.

Mayor Sample noted that Page 8, Section 9 also appears to be a layover from the 2021 MOU. She said there is a whole clause devoted to this that states “it is a material condition of this agreement that Tri-Sports be operated as a nonprofit corporation within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1985, as amended, and future corresponding revenue laws, of the United States. If Tri-Sports nonprofit and status changes during the terms of this agreement, Tri-Sports must notify the City within 30 days such change.” Mayor Sample said not only does this contract say it is a condition, it says it is a material condition and she knows under contract law, if one party to the contract materially breaches the contract the other party's discharged or excused for further performance. She said the problem comes when parties argue whether the term is material, so if it is defined in the contract, it is putting people on notice that this is something that can void the contract. She said it has never been a condition before, much less material condition, and she reviewed all the contracts prior and there was nothing through 2020. She said she also noticed that the City does not have this in any of its other contracts with vendors.

City Attorney Bounds said it is certainly not a requirement of the agreement that they be a nonprofit corporation in order to perform the services they are performing. Mayor Sample said if Tri-Sports wants it in there that is fine, but for the City's purposes, she thinks it is just extra language. City Attorney Bounds said Tri-Sports reviewed the agreement and had no objections to the language.

Mayor Sample said there is one thing that happened last year that she does not want residents and the leagues to run into again this year. She said the West U Little League and West U Softball had its annual Carnival planned for May for months. She said all the parents paid \$50 per child at the beginning of the season that was non-refundable even if the event was cancelled. She said less than a month before the event, events like this carnival were not permitted under the MOU existing at the time, and the event was cancelled. Mayor Sample said she does not want that to happen again under this agreement.

Councilmember Barnes pointed out some of his concerns between Version 1 and Version 2 of the agreement.

Councilmember Barnes made comments relating to Section 6. He said in Version 1, Section 6 required both annual and quarterly financial statements be provided to the City by Tri-Sports automatically without any request being necessary. He said in Version 2 there was no annual or quarterly financial statements and he recommends that the City have a requirement for annual financial statements, not quarterly, and make it automatic.

Councilmember Barnes said Version I had requirements relating to the identification of various persons receiving money from Tri-Sports and that, basically, his suggested edits takes the identical language from Version 1 and just separates it out as a second separate paragraph.

Councilmember Barnes said in Version 1, Tri-Sports is required to maintain the records and supporting documentation per generally accepted accounting principles for four years. He said Version 2, the one that is currently before Council, omits the gap standard, and he suggests re-inserting the gap language.

Council Barnes said with respect to the inspection of records and performance of audits of Tri-Sports financial records, Version 1 provided for a broad right of access, but did not provide for automatic auditing. He said Version 2 limited the right of access, made it upon “unreasonable notice”, and did not provide for

access to Tri-Sport personnel to answer questions regarding those documents as Version 1 had. He said the changes he would suggest are to define reasonable notice as no more than 10 business days, and do the same thing that the City does with Friends of West U Parks and have the books and records of Tri-Sports included in the City's annual audit.

Councilmember Barnes said having things happen automatically takes it out of the political realm and provides the transparency and accountability that everyone is seeking, with no costs to Tri-Sports.

Mayor Pro Tem Montgomery said what does the City think Tri-Sports is hiding. He said the agreement proposed is going to put forth all the records that are generated in support of the facilities to provide these activities, there is going to be a joint bookkeeper that the City shares expenses for examining the records, and the City is only going to pay its share as stated by the agreement.

Councilmember Barnes said it is not unreasonable to require Tri-Sports to provide annual financial statements automatically. He said it is a public document that they have to file.

Councilmember Bell inquired about Section 6C. She said it currently states "upon reasonable notice Tri-Sports will provide the City with its best information and or estimates of participation by city residents, as participants or volunteers, in the youth sports programs." Councilmember Bell said she would like to see it be more definitive by changing it to "in accordance with the City's annual budget cycle, Tri-Sports **will** provide the City with information on participation by city residents, as participants or volunteers, in the youth sports programs."

Mayor Pro Tem Montgomery said the tone and spirit of some of the language does not feel like a partnership, but rather an agreement with someone that the City does not trust. He said he does not want mechanisms in the contract where the City can penalize a partner unnecessarily. He said he is opposed to provisions in the agreement that would allow for termination, even though they try their best.

Councilmember Barnes stated it is either a partnership or an independent contractor – it cannot be both.

Mayor Pro Tem Montgomery said Council can quibble about the legal definition of the term partnership but, in his view, it is a friendly working agreement with the willingness of two parties to work together. He said he is not saying the accounting suggestion is a bad idea, but he does not know how it could be controlled if residents put in a wrong address or something like that.

Councilmember Bell said she wants to drive the City to be a data driven decision organization and she cannot do that without the data. She said with the current contract, she can request that information and they would have to go through that same process. She said, to her, having Tri-Sports provide the documents automatically sets the expectation of a better partnership, where instead of having to request the report as the City goes through the annual budget process, the expectation will be for them to provide the report so that Council has it as part of its data driven decisions. Councilmember Bell said Council could then make the decision on Tri-Sports as it does with everything else during the budget process.

Councilmember Barnes said if it is Mayor Pro Tem Montgomery's concern that errors in the reporting would result in the automatic termination of the contract, he would support having a safety clause built into the agreement so that if for some reason there were errors in the data beyond Tri-Sports control, it would not result in automatic termination contract.

Councilmember Bell said she did not have anything in her language that penalizes Tri-Sports at all. She said the request to provide the report is just another trend within that same set of data asked of Parks and Recreation. She said she thinks the City should be seeing those numbers.

Councilmember Barnes said that is his feeling as well. He said he, nor does he think Councilmember Bell, is intending to try to penalize Tri-Sports. He said they are simply trying to make sure that the City is gathering the data that the City needs to make informed decisions.

Councilmember Bell said that it needs to be made clear that Tri-Sports is to provide the report by June or July, or whenever it is needed, so that it can be part of the annual budget cycle.

At this time, Mayor Sample went back to recycling (Page 4, Paragraph 6). She said there are a lot of moving parts to this and, again, to her it seems to be a penalty provision. She said there is a general consensus with some of the Parks and Rec staff, as well as what she has seen herself, that the City's contractors who pick up waste in the City's parks are not separating trash from recycling and are just throwing it all way. She said so if the City is going to ask Tri-Sports to separate the recycling or be penalized \$50 per day, the City needs to "clean house" first. Mayor Sample said the language in this paragraph would have no effect on the City's recycling rate, so as it stands, she would remove that language and include "best efforts."

Councilmember Barnes said he thinks the problem with just saying "best efforts" is that it is what the City has essentially been doing for nine years. Mayor Sample pointed out again that the contractor throws it all away anyway.

Councilmember Barnes asked then why does the City bother to have a recycling provision in the MOU at all. Mayor Sample said that is a good question and said she does not think the City can ask them to do that until the City sorts and recycles in its parks. Councilmember Barnes said that is something the City can work on and something the City can have Tri-Sports work on as well.

Councilmember Bell said her concern is not so much recycling, but rather the amount of trash and litter left on the fields. She said she would like to see Tri-Sports take better care of this "crown jewel" within the community. Mayor Sample noted that staff, Tri-Sports representatives, and she went to look at the fields on a couple of occasions when the City received complaints and there was no trash.

Councilmember Bell said when she goes to the Rec Center she sees half-filled Gatorade bottles on the field, sports caps littered and wrappers littered on the ground. She said she sees a tremendous amount of litter on the ground at the fields and it is not something she is very proud of as a city when she sees that level of trash and litter in the fields that are being used primarily by the sports leagues.

Greg Waller spoke on behalf of Tri-Sports and said if there is trash on the fields, call them and they will do something about it, but he does not think they have a record of providing dirty fields.

Councilmember Barnes said the goal for everyone on Council is to have clean parks and facilities and asked Mr. Waller what kind of resources does Tri-Sports have, being that they work primarily on a volunteer basis, and how many times a week is actually feasible given the resources. Mr. Waller said Tri-Sports uses contracted landscapers to do trash pickup, in addition to educating its division leaders, coaches, and players about picking up in the dugout and the fields after the games so they have participant pickup, volunteer pickup, and paid pickup through their contractors. Mr. Waller said right now the paid contractors are at the Rec Center twice a week, but has now requested that the contractor go three times a week to see if that would make a difference in the calls they have been receiving. He said he does not think three times a week is unreasonable if there is cause. He said Tri-Sports takes maintaining the fields very seriously, so they will pick up as needed.

Mayor Pro Tem Montgomery noted that Tri-Sports representatives live in West U, so if there is a problem the City can call them and work something out. He said he is opposed to measures that treat them like a child.

Mr. Waller spoke on Mayor Pro Tem Montgomery's point. He said Tri-Sports was extremely disappointed in this process from where they were a month ago, because a month ago they came to the meeting and Gregg Thompson presented a proposal that they thought was a good faith effort to try to reach out and reestablish a relationship of trust that was broken over the past two years. He said the last two years have been ugly and everybody knows it. Mr. Waller said the agreement proposed in May 2021, which involved zero consultation with anyone from Tri-Sports or anyone from the member leagues, was full of traps and tricks. He said that agreement was a non-starter. Mr. Waller said so it was suggested in the meeting a month ago, and he thought all agreed, that the structure proposed by Tri-Sports would be "dropped" into one of the agreements between 2015 and 2019, and sent to the city attorney for review to see if there were any additional legal requirements needed.

Mr. Waller said the agreement received two and half weeks later was a cut and paste of the May 2021 contract with all the Version 1 provisions that Councilmember Barnes now wants to add back. He said it was again disheartening to see a set of proposed changes come back, which liken back to that May 2021 contract which seemed to them to be full of traps and tricks. He said he hopes that Council will pass the clean version of the proposal attached to the agenda with whatever changes the mayor suggested as to superfluous provisions.

Councilmember Carroll said her primary issue throughout the course of this very divisive issue in the neighborhood has been accountability. She said what she heard from residents repeatedly was that they supported Tri-Sports, they supported the idea and the benefits that they bring to the community, but they wanted accountability. She said, for her, the proposed MOU before Council provides that.

Mayor Pro Tem Montgomery said some of the suggested changes are well-intended, but he thinks they make things too difficult from what was supposed to be a very plain, good effort agreement to bring the two parties back together. .

Councilmember Bell said one of the frustrating things on her part is that, except sitting at the dais, they have not had a chance as a Council to provide input to this process. She said because of the Open Meetings Act, she has not had the opportunity to sit down with the city attorney to go through this like Tri-Sports and its member leagues have done. She said this is the only time she gets to voice any of her concerns, to voice the desire to be a data driven organization, and the desire to be a litter-free city.

Councilmember Barnes said anytime you have "upon request, upon notice, upon this on that or another," it requires a decision by this council to make the request and so he wants to make it automatic to take it out of the political realm and just have it happen so that the two parties never end up back here.

Mayor Pro Tem Montgomery reiterated that he does not think any of the suggestions are bad suggestions, he just thinks there is a temptation to ignore 30 years of a working partnership. He said the City never needed the suggestions before and to say the City is taking the politics out of it ignores the fact that it became the most political thing in West University and he is still not sure how it happened. He said he thinks to take the politics out the City should work harder towards the way it was in terms of a partnership before. He said he is not going to debate the merits of Councilmember Bell's suggestions, he just thinks the City should be careful in its tone so it does not sound like "we do not trust you so we are going to make you do this stuff just to make sure you do not do the wrong thing for the City."

Councilmember Barnes said he does not believe the things he added did that. He said they are things that the City Attorney put into the agreement and he assumes he added them based on his sound judgement as to best practices or his relationship with youth sports programs.

City Attorney Bounds said the agreement presented in May/June was a base from other agreements drafted for other Sports Association groups for other cities, but to be fair, Council had some input into some of the

details of some of those provisions. He said, however, the basic form of the agreement was looking at previous MOUs and incorporating information from sports agreements from other cities, as well as the additions of some suggestions by councilmembers. He said the agreement that was drafted after the last council meeting was an attempt to include the MOUs that the City has used in the past and some of the provisions for that agreement that were part of the base agreement.

Mr. Bounds said the clean agreement in front of Council tonight, which includes additional provisions after discussions with Tri-Sports, is from the prior MOU and the permit process to try to put that all in this one agreement. He said the City has a prior history of MOUs and permits, so though the proposed document is fairly a long document, it is not all original work. He said some of it are things the City had in the past, either in MOU form or in permit form, and some things he added to address the prior city attorney's opinion with regard to the problems with the prior agreement.

Mr. Bounds said Tri-Sports has approved the clean version of the agreement in front of Council tonight.

Councilmember Barnes asked the city attorney, based on his experience with various other municipalities that he advises with respect to entering into contracts similar to this with sports programs, does the clean version provide the level of transparency and accountability that he would normally expect to see in those agreements. City Attorney Bounds said yes.

At this time, Councilmember Carroll moved to approve the clean version of the agreement before Council tonight with the following revisions voted on as follows:

Councilmember Barnes moved to remove 4(b) regarding Tri-Sports use of funds. Mayor Pro Tem Montgomery seconded the motion. **MOTION PASSED.**

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

Mayor Sample moved to remove 9(a) and 9(b) – non-profit status and non-discrimination. Councilmember Carroll seconded the motion. **MOTION PASSED.**

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

After some discussion, Councilmember Bell moved to remove “upon request, and with reasonable notice” to “In accordance with the City’s Annual budget cycle, Tri-Sports shall provide the City with its best information and and/or estimates of the participation by City residents, as participants or volunteers, in the youth sports programs of the Member Organizations. Mayor Pro Tem Montgomery seconded the motion.

Before a vote was made on the motion, Mr. Waller spoke to say the previous Council accused Tri-Sports of producing numbers that did not mean anything. Councilmember Barnes said he is sorry Mr. Waller feels that way, but being the only member of this Council that was on that Council, the issue was that the numbers kept changing. He said he appreciates the accurate numbers that were eventually provided by Jenny McCarthy and said those numbers can be used as an actual baseline to provide information going forward.

Mr. Waller said he disagrees with Councilmember Barnes characterization about how the numbers kept changing. He said they were getting refined based on the level of specificity. He said he would like to move forward because this issue has been a waste of time and effort by not only people in the city, but by tons of volunteers who were trying to respond to what they view as unfair accusations.

At this time, a vote was made on the motion. **MOTION PASSED:**

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

Mayor Sample moved to remove the acknowledge signatures of the league presidents. Councilmember Barnes seconded the motion. **MOTION PASSED.**

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

Mayor Sample move that the agreement be approved as presented with the suggested revisions approved. Mayor Pro Tem Montgomery seconded the motion. **MOTION PASSED.**

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

9. Nominating Candidate for the Harris County Appraisal District Board of Directors

Matters related to nominating a candidate to serve on the Board of Directors of the Harris County Appraisal District to represent small cities and towns other than the Houston. *Recommended Action: Discuss and take any desired action. Mr. Dave Beach, City Manager*

Councilmember Barnes moved to approve a resolution nominating Mike Sullivan to serve on the Board of Directors of the Harris County Appraisal District to represent small cities and towns other than Houston. Councilmember Bell seconded the motion. **MOTION PASSED.**

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

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 Meeting Minutes

Approve City Council Minutes of September 20, 2021. *Recommended Action: Approve City Council Minutes of September 20, 2021. Ms. Thelma Gilliam, City Secretary*

B. Resolution Ordinance Approving Adoption of Fee Schedules by Resolution

Matters related to the second reading of an ordinance approving adoption of the City's fee schedules by resolution. *Recommended Action: Approve ordinance to adopt the City's fee schedules by resolution on the second and final reading. Ms. Katherine DuBose, Finance Director*

C. Resolution Appointing Member to the Friends of West U Parks Fund Board

Matters related to appointing Chandradev Mehta to Position 10 on the West U Parks Fund Board.
Recommended Action: Approve resolution appointing Chandradev Mehta to Position 10 on the West U Parks Fund Board for a term beginning September 27, 2021 and ending August 31, 2024. Ms. Donna LaMond, Director of the Friends of West U Parks Fund Board

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

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

11. Adjourn Meeting

With no other business before the Council, Councilmember Carroll moved to adjourn the regular meeting at approximately 8:00 p.m. Mayor Pro Tem Montgomery seconded the motion. **MOTION PASSED.**

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

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: October 11, 2021