

The City of West University Place

A Neighborhood City

CITY COUNCIL

Susan Sample, Mayor
Bob Kelly, Mayor Pro Tem
Burt Ballanfant, Councilmember
Brennan Reilly, Councilmember
Mardi Turner, Councilmember

STAFF

M. Chris Peifer, City Manager
Alan Petrov, City Attorney
Thelma Gilliam, City Secretary

CITY COUNCIL MEETING MINUTES

The City Council of the City of West University Place, Texas, met in regular session on **Monday, November 7, 2016**, in the Municipal Building, 3800 University, West University Place, Texas beginning at **6:30 p.m.**

Agenda Items were as follows:

Call to Order. Mayor Sample called the meeting to order at approximately 6:30 p.m. in the Council Chambers. Council and Staff in attendance were: Mayor Pro Tem Kelly (arrived at 6:35), Reilly and Turner, City Manager Peifer, City Secretary Gilliam, City Attorney Petrov, Parks and Recreation Director O'Connor, Assistant Parks and Recreation Director White, Public Works Director Beach, and Executive Assistant/Assistant City Secretary Evelyn. Councilmember Ballanfant was absent.

Also in attendance were Tri-Sports President Gregg Thompson and West U Baptist Church representative and former City Councilmember Ed Heathcott.

Councilmember Reilly led the Pledge of Allegiance.

City Secretary Gilliam confirmed that the notice of this meeting was duly posted in accordance with the Texas Government Code, Chapter 551.

1. Public Comments

This was an opportunity for citizens to speak to Council relating to agenda and non-agenda items.

David Cole, 4104 Cason, spoke to discuss the Memorandum of Understandings with West U Aquatics and Tri-Sports. He said for several years the Aquatics swim meets in June have gotten out of control relative to parking and said residents need relief in the areas of Cason, Academy, West Point, Ruskin, Riley, and Southwestern. He said there are issues with cars parking past the radius of the corners, routinely parking all the way up to the stop signs, and blocking fire hydrants. Mr. Cole said as a resident on Cason he would like to have a snowball's chance that emergency vehicles can get to his house. He said the MOUs state that there is to be no spillover traffic, but that is not enforceable or plausible. Mr. Cole also said Tri-Sports routinely leave all the ballfield lights on at the Rec Center and at the school when raining or when the fields are not occupied, so he thinks they need some skin in the game and need to pay the electric bill and quit having the City cover the cost of it.

Alida Drewes, 6112 Fordham, spoke to ask where the money comes from to pay the annual agreement amount to Tri-Sports. She asked if the City is renting out the Community Center that

belongs to taxpayers, is the City compensating the taxpayers. She said instead of staff showing movies to the seniors in the senior center, the senior center is either used for “trash” board meetings or the space is rented. Ms. Drewes said she attends other senior centers that have free activities, dinners, and events at little or no cost most of the time, unlike West U. She said it is time to take care of seniors in this community and stop putting them last on the list.

2. **Memorandum of Understanding with West University Aquatics**

Matters related to a 2017 Memorandum of Understanding between the City of West University Place and West University Aquatics. *Recommended Action: Approve Memorandum of Understanding.*

Assistant Parks and Recreation Director Susan White presented and said the 2017 Memorandum of Understanding (MOU) is intended to protect the interests of both the City and the West University Place Piranhas and that it defines the roles and expectations of the two entities. She said the City Attorney has reviewed and approved the MOU as to legal form and appropriateness.

Ms. White recommended that City Council authorize the City Manager to direct the Director of Parks and Recreation to execute the attached 2017 Memorandum of Understanding between the City of West University Place and the West University Aquatic Club - Piranhas Swim Team.

Councilmember Reilly confirmed with Ms. White that this is a program that the City could fully fund itself if not for the contract with the Piranhas. Ms. White said, in addition, it would also require the City to hire additional staffing.

In response to Councilmember Turner’s question as to how many additional parking spaces the City getting in the new lot, Parks and Recreation Director O’Connor responded 37 lots on the west side.

Councilmember Reilly said 37 spaces will not completely alleviate Mr. Cole’s concerns of parking on the neighborhood streets. He asked staff if they have ever looked into erecting temporary “no parking” signs on one side of the streets during the swim meets, which would alleviate the issue of getting fire trucks through. He said these type signs have been used for certain events in the past. Public Works Director Beach said he is not aware of such signs and was probably something taken on by the PD and the Fire Department and he will check with both departments.

Mayor Sample and Councilmember Turner asked if West U Aquatics has a Recycling Coordinator. Assistant Parks and Recreation Director White said because these events are held at a West U facility, staff is able to handle recycling in-house during the meets. Mayor Pro Tem Sample suggested that there still be a recycling coordinator on the aquatics team so that they can work with the City’s Recycling Board. Ms. White said staff will talk with the Piranhas.

Councilmember Reilly said he would like staff to research, at least on the closest blocks, putting out “no parking” signs on one side of the street because he feels that would really address Mr. Cole’s concerns. Ms. White said staff will look into it.

Councilmember Turner moved to authorize the City Manager to direct the Director of Parks and Recreation to execute the 2017 Memorandum of Understanding between the City of West University Place and the West University Place Aquatics Club/Piranhas Swim Team. Councilmember Reilly seconded the motion. **MOTION PASSED.**

Ayes: Sample, Kelly, Reilly, Turner

Noes: None
Absent: Ballanfant

3. Memorandum of Understanding with West U Baptist Church

Matters related to a 2017 Memorandum of Understanding between the City of West University Place and West University Baptist Church. *Recommended Action: Approve Memorandum of Understanding.*

Assistant Parks and Recreation Director White presented and said the City has had a formal Memorandum of Understanding (MOU) with the West University Baptist Church (WUBC) since 2012, which replaced the informal arrangement that was in place since 1996. She said the informal arrangement came about when the City needed use of the church's gymnasium for adult league basketball games as well as its parking lots on the 3800 block of Milton for participants that attended programs at the Community Building/Senior Center (CB/SC).

Ms. White said the City no longer has adult basketball leagues, but continues to rely on the use of the WUBC parking lot for its CB/SC patrons and in exchange the City allows WUBC free use of the CB/SC space for its Sunday school programs, but charges a weekly janitorial fee.

Ms. White said the 2016 MOU has worked quite well and so staff is recommending no new changes to the document. She said, in addition, the City Attorney has reviewed and approved the MOU as to legal form and appropriateness.

Ms. White said staff recommends that Council authorize the City Manager to direct the Parks and Recreation Director to execute the 2017 MOU between the City of West University Place and the WUBC.

Councilmember Reilly said the City is providing essentially reduced rental fees for the City's Community Building in exchange for some parking spaces, but unlike the case with West U Aquatics and Tri-Sports, this is not an activity that the City would be funding if not but for the church. Ms. White said that's correct, but not having the agreement might impact program participation because if the City didn't have utilization of the church's parking lots, seniors would not have easy access to the Community Building.

Councilmember Reilly stated that he rides his bike past the parking lot (Lot 3) quite a bit and has noticed how infrequently that parking lot is used during the day. He said the most he has ever seen is 6 or 7 cars in that lot during the day and asked Ms. White if she is familiar with that lot. Ms. White said she is very familiar with that lot, because she parks nearby in that area and more often than not, when she leaves her spot during the day and returns, she has to actually go to another lot to park because all the spaces in Lot 3 are full.

Councilmember Reilly asked Ms. White if she thinks the spaces in Lot 3 are all being used by people using the Senior Center and Ms. White responded yes, as well as those using the library.

Councilmember Reilly asked Ms. White if she thinks people conducting business at the church are also using the lots. Ms. White responded quite possibly.

Councilmember Reilly said that although the MOU states that the City is entitled to use the parking lot it is not exclusive to the City, unlike the case where the Community Center itself is exclusive use for the church on Sundays from 7:00 a.m. until 2:00 p.m. except on days when

there are other City events. He asked if staff has ever done a survey of how many of the parking spaces in Lot 3 are occupied by Senior Center users. Ms. White said not her knowledge.

Councilmember Reilly said Parks and Recreation Director O'Connor provided information to Council about another church that rents space in the Community Building and paid just under \$24,000 in rental fees for 2016, but under the janitorial service fee in the MOU the WUBC is paying \$3,536.

Councilmember Reilly said if the City charged the WUBC the full rate for what the City typically advertises those spaces for the cost would be \$49,920. Ms. White said the group, Greater Houston Church (GHC), that uses the facility on Wednesdays, only uses one room, whereas the WUBC is using the entire facility. Councilmember Reilly noted that if the GHC were renting the entire space they would be paying even more.

Councilmember Reilly said there is a prohibition against the City from giving gifts to other organizations or individuals, so in order for Council to approve the MOU it would have to determine that the value of that parking is at least equal to the reduced cost the City gives to the church [for use of the CS/SB]. City Attorney Petrov confirmed that the City can't give away anything of value and has to receive compensatory value for what is given.

Councilmember Reilly said if the City charged its regular advertised rate to the church it would be paying \$49,000, but instead it's paying \$3,500; so, the City is paying about \$46,000 for those 26 parking spaces, which is a little under \$2,000 per parking space per year.

Ms. White said one of staff's concerns is that no one would rent those spaces for that time period, because the City hardly ever gets requests for rentals, except for maybe 3 times a year for Sunday mornings and Wednesday evenings when GHC rents it.

Councilmember Reilly said he bet there are not many people requesting the facilities on Wednesday's, either, but the City is charging another church \$24,000 a year to rent the facility. Councilmember Turner said but that church is not giving the City any parking spaces, so there's value for value. Councilmember Reilly said there's value for value if those parking spaces are \$2,000 per year. Councilmember Turner asked Councilmember Reilly who does he suggest could make that determination. Councilmember Reilly said he feels that Council has to make that determination in order to avoid triggering the statute that prohibits Council from making a gift.

Mayor Sample confirmed with staff that there are two other parking lots the City is able to use under another agreement with the WUBC. Public Works Director Beach confirmed that the total number of spots available for the City's use under all the agreements with the WUBC is 87 spots.

Mayor Sample said she thinks that with car turnover at \$10 per day for 26 spots, the cost is closer to \$65,000 in parking annually. She said there are different ways to look at the value, but she sees parking value in a parking spot and thinks the City is getting a great deal.

Councilmember Reilly asked if the other parking agreements with the Church have other considerations. Mr. Beach said in one of the other MOUs, the City allows the church to use some spaces in a parking lot on off days.

Councilmember Reilly said when he said the 26 spots would be a little under \$2,000 per year he was being quite generous because the City doesn't have exclusive use between the period of

7:30 a.m. to 5:30 p.m. and the City isn't using all 26 spots. He said downtown Houston rental rates for parking are around \$350-\$400 a month and said the City's rates are a high percentage of that for spaces not in downtown Houston and that aren't full.

Mayor Sample said occasional rates for people coming to attend activities are much more expensive than a monthly contract.

Councilmember Reilly said he can rent a space for his use in downtown Houston and come in and out as much he wants for about \$4,000 to \$4,500 a year and so he thinks that is what the City should be measuring the value by.

Councilmember Reilly asked staff if the City needed to dedicate the parking on Milton for the City and the users of the Community Center, could the City restrict street parking on Milton to be just for users of the Library and the Community Center. City Manager Peifer said he doesn't think so because it is a public street and, therefore, available to public access. City Attorney Petrov said the City could put signs in the right-of-way, but he's not sure it's enforceable.

Councilmember Reilly said at the end of the day, Council has to be sure that the City is not paying more than fair market value so it's not considered a gift to the church. He said if Council was to approve the MOU, it would have to determine that the \$46,000 it is foregoing in revenue offsets at least the nonexclusive use of the parking spaces.

Ed Heathcott, former City Councilmember and WUBC representative, spoke to say that the basis of the discussion point is too narrow. He said there are so many events that take place at the school and at the ballfields and the citizens of West U look to this area for parking. He said the church has made an aggressive effort through the years to expand the parking and there is a large element of good-will toward the community that's a part of this MOU.

Councilmember Reilly said Mr. Heathcott made a very good point and he agrees with it, but this particular MOU doesn't deal with parking for Little League and it doesn't deal with any parking after 5:30 p.m.

Councilmember Reilly said the parking does have value, but the question is whether it is worth the discount being provided to the church.

Mr. Heathcott said the City and the church have had a long history of working together because the needs periods for both organizations have very little conflict.

Mayor Pro Tem Kelly asked Ms. White whether the value set on the parking spaces runs afoul of someone else the City is charging. Ms. White responded it is not.

Mayor Pro Tem Kelly said other than the parking spaces in Lot 3 are the citizens of West U allowed to informally use church parking spaces. Mr. Heathcott said any time.

Councilmember Reilly pointed out that there are separate agreements the City has with the church for shared parking for Little League after 5:30 p.m., so there are other agreements in which that value is taken into account. He said, to him, it would be incredibly difficult to count the value for purposes of those agreements and this MOU.

Mr. Heathcott said if he recalls, the only reason for the other parking agreements with the church is to clarify the liability aspects so there is a written understanding of what each party expects of the other. He said as for monetary compensation, the church has never looked to the City to be compensated.

Councilmember Reilly said there is no on-going exchange of money in the other MOUs, but there was some money exchanged at the beginning of the shared parking agreement where the City paid for the cost of paving that parking lot in exchange for entering into the MOU.

City Manager Peifer said he just wanted to note that one has to consider supply and demand when considering market valuations.

Mayor Pro Tem Kelly asked whether the other church that is paying has complained about the rate structure. Ms. White said no, because they are paying what is in the fee schedule and it's non-negotiable.

Mayor Pro Tem Kelly said seems to him that Council does not have to arrive at a number. He said the issue is of good-will and a value of whatever is established to the good-will.

Councilmember Reilly asked City Attorney Petrov if the City could place a value on the City's "good-will" and Mr. Petrov said yes, intangibles are taken into account. Councilmember Reilly asked if it matters if the organization is a non-profit versus a church and Mr. Petrov said no.

Councilmember Reilly asked Ms. White if the MOU included language that stated that on Sunday all the parking around the Community Center is for the WUBC exclusive use. Ms. White said no.

Councilmember Reilly said the church erects signs at the Community Center saying WUBC only, which he has pictures of, and asked if the City condones it or disapproves of it. Ms. White said staff was not aware. Mr. Heathcott spoke again to say there are no additional signs on Sunday that are not there during the week. He said there are signs on Auden Street for visitor parking. Councilmember Reilly said the signs he is talking about are on Rice Boulevard. Councilmember Heathcott said the church doesn't have anything organized to his knowledge and he would be glad to see the pictures Councilmember Reilly has.

Mayor Pro Tem Kelly moved to approve the 2017 Memorandum of Understanding between the City of West University Place and the West University Baptist Church. Councilmember Turner seconded the motion. **MOTION PASSED.**

Ayes: Sample, Kelly, Reilly, Turner
Noes: None
Absent: Ballanfant

4. Memorandum of Understanding with Tri-Sports

Matters related to a 2017 Memorandum of Understanding between the City of West University Place and Tri-Sports. *Recommended Action: Approve Memorandum of Understanding.*

Assistant Parks and Recreation Director Susan White presented and said City Council historically approves the annual Memorandum of Understanding (MOU) between the City of West University Place and the Tri-Sports Association. She said the MOU provides local, regional, state, and national athletic opportunities for over 1,400 West U youths and clearly defines the roles and

expectations of the two entities and is intended to protect the best interests of both the City and Tri-Sports.

Ms. White said other than the normal housekeeping items there are two notable changes to the 2017 MOU:

- This is the third year of the city's Annual Payment to Tri-Sports being \$125,000.00. This annual payment will remain the same through 2019. Both parties will meet and assess the payment structure during the City's 2020 Budget preparation process, June/July of 2019.
- Tri-Sports facilitated improvements to the backstop on the northernmost baseball field at the West University Place Recreation Center. The scope of improvements and the design and materials used were consistent with the exterior finishes of the WUP Recreation Center and the improvements, as mutually agreed upon by both the City and Tri-Sports. Tri-Sports fully funded and facilitated these improvements in 2016.

Mr. Gregg Thompson, President of Tri-Sports, spoke to request the \$125,000. He said Tri-Sports is basically the property manager division for Little League, Softball, and Express Soccer, because they maintain the grass, the facilities, the lighting, sprinklers, drainage, etc., and occasionally some capital improvements. He said their fields are at West U Elementary, West U Rec Center and Pershing Middle School. Mr. Thompson said Tri-Sports meets with Parks and Recreation staff and they have had several meetings with the recycling representatives.

Councilmember Turner said she was a member of the Recycling Board for several years and said it seems that there has always been a challenge in terms of recycling. She said there is a lot of recycling that could be going on, but there isn't any muscle behind it. She asked Mr. Thompson if there is anything anyone can do to move that forward.

Mr. Thompson said Tri-Sports does recycle, but know they can do better. He said he met with Recycling Chair Orval Marlow and General Services Superintendent Barrera to discuss ways to improve. Mr. Thompson said the league has two representatives that have been working on it. He said they have also discussed changes to the container to make it more ideal.

Councilmember Reilly had a question about the lights and asked if the staff has a switch that can turn the lights off automatically. Ms. White said yes. She said they also have timers that are set to Tri-Sports schedule, but if it's raining or a practice is rescheduled and Tri-Sports don't manually turn them off staff has the ability to do so.

Councilmember Turner moved that City Council authorize the City Manager to direct the Director of Parks and Recreation to execute the attached 2017 Memorandum of Understanding between the City of West University Place and the West University Tri-Sports Association. Mayor Pro Tem Kelly seconded the motion. **MOTION PASSED.**

Ayes: Sample, Kelly, Reilly, Turner
Noes: None
Absent: Ballanfant

5. Future Agenda Items

Matters related to future agenda items. *Recommended Action: Discuss and take any desired action.*
City Council

There was no discussion regarding future agenda items.

6. Consent Agenda

All Consent Agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member requests in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

A. City Council Minutes

Approve City Council Minutes of the October 10, 2016. *Recommended Action: Approve Minutes.*

B. Appoint Member to the Friends of West U Parks Board

Matters related to the adoption of a resolution appointing Jessica Newell to Position 17 of the Friends of West U Parks Board. *Recommendation Action: Adopt resolution appointing Jessica Newell to Position 17 of the Friends of West U Parks Board.*

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

Ayes: Sample, Kelly, Reilly, Turner
Noes: None
Absent: Ballanfant

7. Adjourn

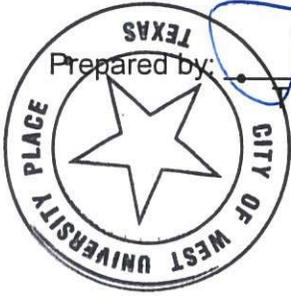
Before adjourning. Councilmember Turner asked about the status of the library renovations. She confirmed with Public Works Director Beach that it is currently closed now through the beginning of the year. She also confirmed that a sign will be erected in front of the library asking patrons to go to the City of Bellaire library to reserve, pick-up and drop off books. He said residents can also get a Bellaire library card and have full access to its library. He then reviewed the scheduled timeline.

Councilmember Reilly inquired about the complaint regarding an article he had written for the *City Currents* and to the status of the letter the City Attorney wrote to the State Ethics Commission. City Attorney responded that at this point he doesn't have formal opinion, but he received an email about their rule, which stated that one has to be aware not to electioneer in the newsletter or campaign for a person or a measure. He said at this point the City has not received anything in writing suggesting that the City has done anything one way or the other.

Mayor Pro Tem Kelly asked if it was over. City Attorney Petrov said he would say that it was over, but said no news is good news. He said he will contact the Ethics Commission again to see where they are on it and ask that they respond in writing.

With no further discussions, Mayor Pro Tem Kelly moved to adjourn the meeting at 7:40 p.m. Mayor Sample seconded the motion. **MOTION PASSED.**

Ayes: Sample, Kelly, Reilly, Turner
Noes: None
Absent: Ballanfant



Prepared by:

Thelma A. Gilliam

Thelma A. Gilliam City Secretary

11/14/16

Date