

MINUTES

AUGUST 24, 2022 6:30PM

IN PERSON, REC CENTER

TYPE OF MEETING	Parks and Recreation Board Monthly Meeting
CHAIR	Will Bertron
SECRETARY	Evan Mintz
ATTENDEES	Members Present: Will Bertron, Sami Morrison, Richard Cunningham, Amar Patel, Evan Mintz, Stephen Damiani, Lulu Lopez, Laura Turley, Arlene Wells, Bret Bingham, Staff: Susan White Council Liaison: John Montgomery
VISITORS	Additional Attendees: Judy Little, Sandra Musallam, Lara Lehmann, Marcia Carboni, Sue Jensen, Kara Makaded (sp?), Douglas Pritchett, Sammy Rumsberg (sp?), Leo Slootsky

I. **Call to Order:** Will Bertron called the meeting to order at 6:34 p.m.

II. **Citizen Comments:**

Judy Little: She plays tennis recreationally and likes to play with an instructor. She is trying to figure out where this comes from, and says other places don't do it like this. She says that Sugarland, which was a model, allows residents to use courts with an instructor. And that the 80/20 split with instructors only works if they give instructors unlimited time to use courts. West U's contract limits instructors to only 6 hours of time per week. This doesn't allow them to make money, and the good ones don't apply. Also, she says tax law probably prohibits the city from controlling too much if they're going to be independent contractors. This contract is not standard and puts the city at risk. There are ways to get consent and approve instructors that doesn't involve this kind of system.

Sue Jensen– She agrees with everything Judy says, and thinks that not enough research has been done on the topic. The redlined document sent out in March had none of the changes that involved professional instructors. The only changes sent to residents involved adding Pickleball. This committee didn't take into account the public. The current contract says 40%. Now she hears it is 30%. And they have a 33% self employment tax. They're left without any pay, and the city isn't providing equipment. She doesn't know of any arrangement where a fee is charged and the balls and hoppers aren't provided. What are the instructors getting besides a reduction in pay? The limits on number of people at other facilities is 6 per professional and West U's rules don't regulate this. Southside doesn't have these restrictions as long as a resident is on the court.

Sandra Musallam– Been a resident for almost 20 years. She thanks the board for the opportunity to talk, and she expressed concerns about this at city council and echoes the prior concerns. When council passed the ordinance unanimously they said these topics would be thoroughly researched and encourages the city to do that research with resident input or maybe looking for other ways to deal with the problem of crowded

courts besides contracts – such as time set aside for non-pros or other options.

Lara Lehmann – She thinks the board could have been more transparent about the process and changes. She hasn't received any emails about any of this. She thinks the goals could have been achieved by enforcing the current rules. CoH has regulations, not ordinances, and West U's policies may be overkill. The distinction between recreational and professional use of the courts is an artificial distinction. She plays on the courts once per week with friends and a pro and it would be unfortunate if the rules make this difficult or impossible in the future. She wonders whether the complaints stemmed from people who actually tried to reserve the courts or just walk on. And it seems like many of the courts aren't crowded during the day. She thinks a survey could have been done of residents. A fee on pros seems like a money grab – aren't taxes paying for this? She doesn't understand why we're passing rules that seemingly punish tennis players and this overall makes West U worse. A more narrowly tailored rule would have been better. The dividing structure in Wier park is not safe

Doug Pritchett – He's a longtime resident and doesn't have any problem with the commercial use being taken into consideration. The concern is about who is driving the use of courts. Up to this point, use was dictated by residents and reserving process. The pro didn't decide when to play or when to use the courts. You can't have overuse if it is being used by residents. That's all appropriate use by residents. If there has been a problem with pros using courts without reservation or using a resident's credentials, that is a different issue that should be addressed properly. But the system we had in place was self-limiting and driven by the residents. If the new policies are to have pros who contract with the city and have the city dictate terms, then you have the pros driving the use of courts and that shifts from recreational use to commercial use. What happens if pros start booking courts has most popular times? Will they push out residents? He would be curious about seeing data on court use – do we see that certain residents or pros are driving use?

Leo Sloodsky– Used to be a tennis professional, and uses them all the time with his family and knows the pros who use the courts. He wants to echo the sentiment that the courts were being used at some points by pros with non-residents. That is not appropriate and could be solved by enforcing the existing rules better. The fee structure as proposed will eliminate any incentive for pros to teach in West U. Most people who use the courts use it for their kids. This ordinance will harm the youth of West U – and the people who can't pay for higher cost settings.

III. **Meeting Minutes:** Minutes for the amended June PRB meeting were approved unanimously.

IV. **Texas Open Meetings Act Review – Tommy Ramsey, City Attorney**

Ramsey is providing briefings to all of the boards to remind them of Open Meetings Act requirements and best practices. The state has a training board members should watch. Purely advisory bodies are not subject to Open Meetings Act – but boards never know they are until a court says so. Thus is always best practice to adhere to the rules in order to provide a public forum and also safeguard the actions and members of the board and council.

It is also important to make sure that individual board members don't accidentally create a walking quorum by talking about board issues with other members outside of meetings.

The top things to look out for are: Don't reply all on emails; Do make sure issues are listed on the agenda and discussed at the meeting; Don't interact with board issues on social media, even a 'like' button, because if other board members do it could create a quorum

The quorum number for our board is Six.

V. **Friends Update: Sami, Morrison, Friends Board Chair**

Not too much to share as the Friends Board has taken the summer off and will be reconvening next Wednesday. Fathers and Flashlights is Nov. 5 and 6. Registration for returning campers is Sept 15 at 8am. For new campers it is Sept. 16th.

The sponsor is Memorial Hermann. Gibson Dunn is committed to being one of the camp directors.

VI. **Council Update: John Montgomery, Mayor Pro Tem**

The council did not take the summer off and held regular meetings twice per week. The big themes addressed over the summer has been the sustainability taskforce, which concluded its work and make 100 pages of recommendations to the council with a lot of great, thorough suggestions. The document is available to the public. Two areas the city has already talked about are: Construction of the new public works facility near the Goode Company Seafood parking lot and whether it should be a LEED rated building. The council wants to show some leadership on the issue and show it is taking the matter seriously. The other issue is water conservation. Through July the city was in Stage 2 water conservation – looking for voluntary compliance. West U water is half from an aquifer and half from City of Houston. There is a discussion about tiered pricing on water to discourage the highest, most wasteful usage.

City Council is also issuing Bonds to fund drainage, wastewater infrastructure, Buffalo Speedway work, and the new public works building, and they want public input.

Also, there's the new policy on for-profit instruction in public facilities. A lot of opinion has been shared and this is a hard job. You can't always make everyone happy.

VII. **Parks and Recreation Update: Susan White, Parks and Recreation Director**

New Ordinance – Regulations for Commercial Activities and Concessions in Parks; Policies & Procedures and Enforcement: Mayor Pro Tem already talked about a lot of this, and John Montgomery covered much of this at the beginning. But she wanted to note that ordinance and regulations are different. We now have a better idea of how many instructors are working in West U and we will expand those regulatory numbers. So far 11 people have contacted the city with interest. 3 have submitted applications. A reminder is being sent for a Sept. 1 deadline for instructors just to know whether or not they're interested. There is also discussion over number of students allowed per lesson. Comments are being taken into consideration. It isn't one size fits all.

Also, this isn't just a tennis issue. Some soccer coaches have been using city facilities.

As for contracts, they're the same as used with all currently existing instructors. In fact, it is on the more advantageous side! The city understands those concerns but the city has had many people working under these parameters for a long time.

There is also some questions about the divider fence at Wier. A divider had been requested for a long time, and the Pickleball lines sped up the process. Something will be put along the top rail to create some safety cushioning.

A question was asked as to whether Tennis and Pickleball subcommittee meetings are public. They haven't been up to this point but they could/should be. They're held over zoom, and notifications will be sent out in the future.

A question was asked about a comment from public comment – if we can't enforce the current rules then how will we enforce the new rules? We have evidence that pros are bringing in non-residents. If we're hiring a part time person can they then enforce? Susan says the problem was that we didn't have an ordinance in place to actually enforce. Now we can fine people for violations. There is a park attendant and that can be part of their regular duties – to spot check courts. And staff members can inspect complaints. And the new cameras that cover the courts will help.

Fee Schedule Update: A new schedule has been submitted to council and the budget request for 2023 will be discussed at an upcoming meeting.

Program Fees – Including Non-Resident Fees: It was hard to come to consensus. The staff looked at aquatics fees – the biggest revenue generator – and how we compare to peer institutions. We raised our lessons to put us in line with other agencies, and also are talking about nonresident fees. The fees have been this way for a long time, but it is probably time for a big overview. The national parks org. has a management school and it might be worthwhile to work in 2023 on guiding values for implementing new rules in 2024. No to status quo bias, it is time to look at our program fees.

A question was asked about big picture guiding values, and whether we should seek to match the West U tax subsidy to the nonresident fee so that taxpayers do not end up subsidizing nonresidents.

Internal practices are that, regardless of residency, existing users get priority over new residents. There are complaints that current residents are on waitlists for classes. What is the data of nonresidents in classes?

Whatever changes happen, we need to warn people.

A scenario was raised of creating a special category for longtime nonresident users vs. existing users.

Susan noted that while tennis and swimming are popular and crowded, some classes have a minimum sign-up and rely on nonresidents to fill spots and hit that minimum. Charging them too much could drive them away and force the class to be cancelled for residents and nonresidents alike!

John Montgomery brought up that resident access should be the priority, as that was the guiding agenda for the for-profit use regulations. Also he wanted to know how many residents are on waiting lists in classes where nonresidents are in class. And he wanted a registration system that gives priority to current residents.

Susan noted it is difficult for staff to make special rules.

There was discussion as to how long the resident registration period should be.

Questions were raised about the right way to alert residents – especially new memberships – about the class registration timeline.

The issue of tennis regulations was also raised and the question of permitting fees. Susan noted there is no permitting fee, and there is a split on revenue, and that the city is still working on the parameters. Some instructors have said the split won't work for them. Once enough trainers have applied for the city they'll get a sense of what hours/use regulations looks like.

The issue was raised that if the problem is just accessibility to courts then maybe we shouldn't have a revenue split for trainers and instead just cap the number of hours. Or maybe people have to list their coaches when using facilities to better track this info. Susan said the city is working with the software company to do this.

Whatever the city does, board members said, the city needed to ensure that residents don't lose their coaches.

The issue was also raised that the city should simply charge people extra to reserve a court with a coach.

Recreation Center Operational Hours: Residents have requested earlier opening of the rec center. The city has budgeted for current hours. The city is trying to use scans to figure out how many people are here when the doors first open.

A question was raised about how many people use the facility at any time. Are there a lot in the early morning vs other times? Susan said there aren't a lot of users, but it is a small, dedicated group of people.

A question was raised about staying open later. Susan said she wants to see data.

Judson Park Improvements: Judson is starting to get moving. Artificial turf is being replaced and the gaga ball pit will be going in soon. Pickleball lines are being installed in September.

Misc – Edloe Pathway news: An update is being sent soon. The bid documents were received from the landscape architect. We didn't receive grants from the state or AARP, but the city can use Metro funding for the project. It was noted that Council Member Barnes talked about the project in West U Essentials, so expect questions or feedback.

Special events – Pirates of the Colonialbian Event was a success. And a longtime lifeguard

saved a kid from choking, and later saved a student who hit their head on the slide.

A Party on the Patio event postponed because of weather will be held in September.

The funrun signups will be soon for the Oct. 29 event. The proceeds from the next 3 runs will be saved to resurface the West U rec center track.

Tree lighting ceremony on Dec. 5th.

VIII. **Wier Park: Will Bertron**

Some progress has been made. Some meetings and bids processes have happened. The scope of work will probably be beyond city staff, notably the perimeter changes. One of the major issues was the desire for additional shade, especially over a climbing wall and swing sets – priced at \$33k. The bid for the shade included an aerial photo that demonstrated most of those areas of concern were shaded during certain times of day. The forester said that decking over tree roots was probably fine as long as it wasn't too invasive to the root system. Post-COVID demand makes it difficult to find a quality architect – especially at a reasonable price.

Susan noted that roughly 15 people have signed up to be on the user group, which will hopefully first meet in September. She wants to make sure that the group has basketball and tennis representation.

IX. **Park Ambassador Reports & Remarks**

- Colonial Park: Amar Patel (east) not much to report. The grass looks good! It looks like turf; Evan Mintz (west) There are some missing parts to the wood deck on the west side, and some noticeable rotting; Stephen Damiani (pool) It is awesome and the slide is great.
- Friends Park: Sami Morrison – Everything looks fine. The tree is still there.
- Huffington Park: Brett Bingham – Everything good at Huffington. By the way, compliments to the staff doing a great job at the pool
- Jennie Hughes Park: Laura Turley – The water feature wasn't working, but the click to report app functioned appropriately. And Girl Scouts are labeling plants.
- Judson Park: Richard Cunningham – Nothing new. Waiting for work to start. Unrelated, the historic marker was approved
- Recreation Center: Manish Agrawal –
- Whitt Johnson Park: Arlene Wells – All is good, but a question about whether the city can paint the basketball goals.
- Wier Park: Lulu Lopez – The gate directly in front of the tennis courts isn't latching. The city is clearly adjusting it to try to fix, but nevertheless.

XI. **Order of Business**

XII. **Adjournment**

Motion to Adjourn – 9:04 pm.