

MINUTES
AGENDA #2860
CITY COUNCIL MEETING
CITY OF UNIVERSITY PARK, TEXAS
COUNCIL CHAMBER – CITY HALL
TUESDAY, MAY 21, 2013, 5:00 P.M.

EXECUTIVE SESSION

3:00 - 4:00 P.M. The City Council convened into closed Executive Session under Government Code Section 5GC 551.071(1)(a) to receive confidential legal advice from attorney Tom Brandt in the case of Brad Tucker v. the City of University Park, and, to receive confidential legal advice from the City Attorney in the appeal of the decision in the case of Legacy Hillcrest Investments, Ltd. v. the Board of Adjustment. No action was taken. Executive Conference Room, 1st Floor, City Hall.

Mayor Davis, Mayor Pro Tem Clark, Councilmembers Begert, Moore and Stewart, City Attorney Dillard and City Manager Livingston were present. Also present were City Secretary Spector, CIO Mace, Director of Community Development Corder, Director of Human Resources Hanford, Director of Parks Bradley and Director of Public Works Smallwood.

WORK SESSION FOR AGENDA REVIEW

4:00 - 5:00 P.M. The City Council convened into open work session to receive agenda item briefings from staff. No action was taken. Council Conference Room, 2nd Floor, City Hall.

Director of Public Works Bud Smallwood briefed the Council on a request to reject bids for the annual street sweeping contract due to a clerical error. He stated the contract should be rebid.

Mr. Smallwood then briefed the Council on an ordinance designating no parking along Boedeker from McFarlin south to SMU Blvd. He said the request was from neighborhood residents.

Mr. Smallwood then reviewed a request to accept a bid for a mile-per-year project for replacement of water mains, sanitary sewer mains, and street / alley pavement. He said the lowest responsible bid was from Ark Contracting in the amount of \$3,566,476. Mayor Davis asked if this project had been approved by the Capital Projects Review Committee and Mr. Smallwood replied the project is in the approved five-year budget but he requested to move it up to the current year. Mayor Davis suggested the project should be approved by the CPRC. Mr. Smallwood asked City Attorney Dillard if he could obtain CPRC approval via telephone conference. Mr. Dillard said yes. Mr. Smallwood said he would obtain approval from the committee and inform the Council.

I. CALL TO ORDER

The City Council Meeting was called into session at 5:00 p.m. in the Council Chamber at City Hall. Present were Mayor W. Richard Davis, Mayor Pro Tem Bob Clark,

Councilmember Bob Begert, Councilmember Dawn Moore and Councilmember Tommy Stewart. Also present were City Attorney Rob Dillard and City Manager Livingston.

- A. INVOCATION: Assistant to the City Manager George Ertle
- B. PLEDGE OF ALLEGIANCE: Assistant to the City Manager George Ertle
- C. INTRODUCTION OF COUNCIL: Mayor W. Richard Davis
- D. INTRODUCTION OF STAFF: City Manager Bob Livingston

Staff present included: Community Information Officer Steve Mace, Director of Information Services Jim Criswell, Police Chief Gary Adams, Director of Public Works Bud Smallwood, City Secretary Liz Spector, Assistant to the City Manager George Ertle, Director of Finance Kent Austin, Director of Human Resources Luanne Hanford, Director of Community Development Robbie Corder, Controller Tom Tvardzik, Director of Parks Gerry Bradley, and Fire Chief Randy Howell.

II. AWARDS AND RECOGNITION

None.

III. CONSENT AGENDA

- A. CONSIDER AND ACT: to reject all bids for Bid No. 13-05, Street Sweeping - Annual Contract

Consent Agenda approval will authorize City staff to re-advertise Bid No. 13-05, Street Sweeping.

- B. CONSIDER AND ACT: on an Ordinance designating NO PARKING ANYTIME along Boedeker

Consent Agenda approval will adopt an ordinance designating No Parking Anytime on Boedeker from McFarlin south to SMU Blvd.

- D. CONSIDER AND ACT: on an ordinance amending hours of enforcement for certain locations in the residential parking district near the George W. Bush Presidential Library

Consent Agenda approval will adopt an ordinance amending days of enforcement for certain locations in the residential parking district from Monday through Friday to daily.

Councilmember Moore made a motion to approve the consent agenda. Councilmember Stewart seconded and the motion carried unanimously.

IV. MAIN AGENDA

- C. CONSIDER AND ACT: on bids for replacement of water mains, sanitary sewer mains, and pavement

Mayor Davis requested separate consideration of this item and it was moved from the Consent Agenda to the Main Agenda. Mayor Davis asked for verification that the Capital Projects Review Committee supports Mr. Smallwood's request to move the project up to FY2013. Mr. Smallwood said he will obtain the committee members' approval and let the Council know if consensus is reached prior to beginning the work.

Councilmember Moore made a motion to approve as amended the low bid subject to review and approval by CPRC. Mayor Pro Tem Clark seconded, and the motion carried unanimously.

A. Receive FY2012 Comprehensive Annual Financial Report (CAFR)

Director of Finance Austin addressed the Council. He presented the Council with the annual audit report of the City's financials. Mr. Austin said an unqualified opinion was received from the external auditors, Weaver LLP. He said he is transmitting the CAFR to the Council in demonstration of the successful completion of the audit.

B. CONSIDER AND ACT: on proposed amendments to sections of the Code of Ordinances regulating park facility usage and park rentals

Director of Parks Gerry Bradley addressed the Council. He said the Council met on May 7 and May 14 to review the proposed changes to the parks and facilities use rules. He said staff and the City Attorney have put together an ordinance incorporating their recommendations as well as using community input for the Council's review today.

Mr. Bradley said some of the changes include no family tennis permits, an annual \$40 permit fee for individuals, an annual \$10 youth permit, and an annual \$10 senior permit. He also said residents are limited to reserving courts no more than 1.5 hours per day. He also said a \$25 penalty is suggested for non-cancellation of court reservations within 24 hours.

Mr. Bradley said the Council reduced the annual fee for tennis instructors to \$100 and required they only teach UP residents on the City's courts. He also said instructors shall be allowed to use City courts for no more than three hours per day.

Mr. Bradley said personal trainers will pay a \$500 annual fee plus \$250 refundable damage deposit.

He said the Council also requested that boot camps and sports clinics be comprised of at least 51% resident participants.

He suggested the City use a photo-ID pass system, white for resident pool passes, blue for resident tennis passes and green for instructor permits. He said this will help to easily identify users of courts and other facilities.

Mr. Bradley said he proposes the new ordinance to be effective August 1, 2013. He said the Council also requested a reduction in the maximum number of allowed participants for park and facility rentals from 300 to 200. He said larger groups will be required to request Council approval.

Resident Nicole Richter addressed the Council. She said most people she has talked to seem happy with the change to tennis permits. She expressed concern with lack of notification of the Special May 14 meeting. She also said smaller boot camps should not be on the same fee structure as the larger commercial boot camps.

Councilmember Moore asked Ms. Richter what the Council should charge. Ms. Richter said it could be dependent on group size.

Councilmember Moore asked Mr. Bradley why sports clinics are not required to pay a security deposit. Mr. Bradley said sports clinics are primarily turf-based activity and do little damage to the parks.

Councilmember Begert asked how boot camps would be monitored for size. Mr. Bradley said that information will be required at registration. He said he will use that data to determine locations for the particular boot camps. Councilmember Begert said he is concerned that several residents have mentioned their concern about notification of the public meetings where this has been discussed. City Manager Livingston said personal notification of Council issues is only done when triggered by state requirements for public hearings. He said issues that fall under these requirements include certain rezoning issues such as PD changes. In that case, he said the City is required to mail notification to property owners within 200 feet of the proposed change. He said for all Council Meetings, notice is posted on the City's website and in the public bulletin board at City Hall at least 72 hours prior to all meetings.

Mr. Livingston said the democratic process holds citizens responsible for staying informed. He also mentioned that the complete agenda as provided to the City Council is posted on the website 72 hours prior to the meeting.

Mayor Pro Tem Clark asked Mr. Bradley how usage fees were determined. Mr. Bradley said he surveyed other cities as well as made calculations on projected revenues tennis pros are realizing from using City courts. Mr. Bradley said he wants to communicate to non-resident commercial users of the parks that if they want to use public property for private gain, they should be prepared to pay certain associated costs.

Mr. Bradley suggested the Council consider implementing a tiered fee structure, based on number of users per class or training session. Councilmember Moore said an annual fee of \$500 for boot camp operators does not seem too expensive.

Mr. Randy James addressed the Council. He asked about the intent of restricting professionals from making reservations. Mayor Davis said he is in favor of only allowing University Park residents to make reservations. Mr. James said his tennis pro has his permit number. Mr. Bradley mentioned that a teaching professional will be limited to three hours per day on City courts by this ordinance.

Mr. James said the intent is good but he thinks a better starting point would be to not limit teaching professionals now that existing rules are being enforced and later determine if limits should be imposed.

Resident Stoyan Amastasso addressed the Council. He said there are a lot of good suggestion with the proposed changes. He said many courts are now available for reservation. Mr. Amastasso asked the Council to reconsider the 3 hour daily limit for professionals.

Councilmember Stewart thanked Gerry Bradley for his hard work on the proposed ordinance. Mr. Stewart asked to table consideration of this ordinance to the next meeting. He said several good ideas have been received and he wants time to consider them.

Councilmember Stewart made a motion to table proposed amendments to sections of the Code of Ordinances regulating park facility usage and park rentals. Councilmember Begert seconded, and the motion carried unanimously.

Mr. Bradley asked for the Council to provide him direction on what changes they want to see in the proposed ordinance. Mayor Davis said staff could consider size of groups when arriving at a fee structure. Councilmember Moore said she is unsure how to differentiate between training groups of 6 vs. groups of 15. She stated that she is in favor of regulating usage of park equipment, an annual registration and enforcement. She said these fees are not designed to be a revenue stream for the city, but to encourage users to take park use rules seriously. She agreed with possible implementation of a tiered fee system.

C. CONSIDER AND ACT: on a Resolution amending the Master Fee Schedule

Councilmember Begert made a motion to table a Resolution amending the Master Fee Schedule. Councilmember Stewart seconded, and the motion carried unanimously.

V. PUBLIC COMMENTS

There were no requests to address the Council from the floor and Mayor Davis adjourned the meeting.

Considered and approved this 4th day of June 2013.

ATTEST:

W. Richard Davis, Mayor

Elizabeth Spector, City Secretary