

MINUTES  
AGENDA #2860  
CITY COUNCIL MEETING  
CITY OF UNIVERSITY PARK, TEXAS  
COUNCIL CHAMBER – CITY HALL  
TUESDAY, MAY 7, 2013, 5:00 P.M.

**2:45 - 3:30 P.M. EXECUTIVE SESSION: The City Council met in closed session under GC§551.071(1)(a) to consult with Attorney Rick Tubb, representing the City in Legacy Hillcrest Investments, Ltd. v. the Board of Adjustment of the City of University Park, Texas. No action was taken. Executive Conference Room, first floor, City Hall.**

Present were Mayor Davis, Mayor Pro Tem Clark, Councilmembers Begert, Moore and Stewart, City Attorney Dillard and City Manager Livingston. Also in attendance were Attorney Tubb, City Secretary Spector, Community Development Director Corder, and Community Information Officer Mace.

**3:45 - 4:30 P.M. DISCUSS: Parks staff provided the Council information regarding possible changes to park facilities usage and reservation policies. Council Conference Room, 2nd floor, City Hall.**

Director of Parks Gerry Bradley reviewed potential changes to park facility usage and associated fees. Mr. Bradley said he has received many comments from residents regarding private businesses being conducted in city parks, such as boot camps, and personal trainers. He has also received complaints that tennis pros are tying up City courts by using resident permit numbers to make court reservations. Mr. Bradley said many cities are having similar issues and he has discussed possible corrective actions with the Park Advisory Committee. He said the committee came up with some proposals to help ensure fairness in use of City facilities.

He said some of the ideas include a requirement that tennis pros, personal trainers, coaches, and boot camp operators register with the City and pay an annual permit fee. He said this will help ensure that these types of users are aware of park rules. Mr. Bradley also it will allow him to dedicate a specific area in the parks for such uses.

Mr. Bradley also mentioned new tennis permit regulations. He said he proposes to eliminate family tennis permits and charge each resident an annual fee for court use. He proposed an annual \$40 fee for individuals and \$10 for children 12 and under as well as \$10 for seniors 65 and older. He also stated he wants to monitor non-resident use of permit numbers for obtaining court times.

City Manager Bob Livingston mentioned that while it will be difficult to stop all non-permitted uses of park facilities, staff will be better able to communicate the rules to instructors and boot camp operators through a registration process.

**4:30 - 5:00 P.M. WORK SESSION FOR AGENDA REVIEW: The City Council convened into open work session to receive agenda item briefings from staff. No action will be taken. Council Conference Room, 2nd floor, City Hall.**

Director of Parks Bradley reviewed agreements with SMU and the George Bush

Presidential Library Foundation for funding ongoing landscape maintenance of bridge overpasses at Mockingbird Lane, SMU Blvd., University Blvd., Lovers Lane and Southwestern Blvd. He said the agreements call for SMU to fund maintenance of the Mockingbird Lane bridge and half the maintenance costs of the SMU Blvd. bridge while the Bush Foundation will fund the remaining half of the maintenance costs at SMU Blvd.

Director of Public Works Bud Smallwood reviewed a request to reject bids received for an annual contract for defective sidewalk repair. He stated one bid was received which was nearly two times higher than the current contract and he requested to rebid the contract.

Director of Finance Kent Austin reviewed a proposed ordinance establishing the Over-65 and Disabled Homestead Exemption amount at \$275,000 for 2013. He said the exemption is the same amount as the previous year.

Mayor Davis adjourned the work session at 4:59 p.m.

## **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 Councilmember Stewart, Mayor Pro Tem Clark, Mayor Davis, Councilmember Moore, and Councilmember Begert. Also in attendance were City Manager Livingston, and City Attorney Dillard.

A. INVOCATION: Councilmember Dawn Moore

B. PLEDGE OF ALLEGIANCE: Councilmember Dawn Moore

Two Boy Scouts assisted in leading the Pledge of Allegiance. They were Logan Gwinn, Troop 68, working on his Citizenship in the Community merit badge and Derek Wu, Troop 219, working on his Communications merit badge. Mayor Davis thanked the scouts for their attendance.

C. INTRODUCTION OF COUNCIL: Mayor W. Richard Davis

Mayor Davis mentioned that several former City Council members were present at the meeting. They included Mrs. Barbara Hitzelberger Wooten, Mr. Harold Peek, Mr. John Roach, Mr. Don Houseman, Mr. Syd Carter, Mr. Jim Roberts, Mr. Harry Shawver, Mr. Blackie Holmes and Mr. Ron Case.

D. INTRODUCTION OF STAFF: City Manager Bob Livingston

Staff in attendance included: Community Information Officer Steve Mace, Director of Information Services Jim Criswell, Police Chief Gary Adams, Police Captain Greg Spradlin, Police Accreditation Specialist Dorris Certain, Parking Enforcement Officer Shannon Jones, Lt. Gerry Bishop, Lt. Todd Jenkins, Lt. Keith Burks, Records Clerk Denise Obinegbo, Sgt. John Ball, Sgt. Jim Savage, Administrative Assistant Dawn Kossmann, Direct Alarm Clerk Chris Tische, Director of Public Works Bud Smallwood, City Secretary Liz Spector, Library Director Sharon Martin, Director of Finance Kent Austin, Assistant to the City Manager George Ertle,

Director of Parks Gerry Bradley, Assistant Director of Public Works Jacob Speer, and Fire Chief Randy Howell.

## **II. AWARDS AND RECOGNITION**

- A. RETIREMENT: recognize Police Captain Leon Holman's retirement after 37 years of service
- B. PRESENTATION: of Youth Advisory Council Report on 2012/2013 Activities

Tucker Davison, chair of the City's Youth Advisory Commission, addressed the Council. He gave a presentation that highlighted several activities the group was involved with during the 2012/2013 school year.

## **III. CONSENT AGENDA**

- A. CONSIDER AND ACT: on Central Expressway bridge landscape maintenance agreement with Southern Methodist University and the George W. Bush Foundation

*Consent Agenda approval will authorize the city to execute agreements indicating responsibility for funding bridge landscape maintenance costs. SMU will be responsible for funding maintenance of the Mockingbird Lane bridge as well as half the maintenance costs of the SMU Blvd. bridge. The George W. Bush Foundation will accept responsibility for funding the remaining half of landscape maintenance costs at SMU Blvd.*

- B. CONSIDER AND ACT: on bids received for annual defective sidewalk repair program

*Consent Agenda approval will reject all bids received for the annual defective sidewalk repair program and authorize the city to re-advertise the project.*

- C. CONSIDER AND ACT: on minutes of the April 16, 2013 City Council Meeting

Councilmember Stewart made a motion to approved the consent agenda . Mayor Pro Tem Clark seconded, and the motion carried unanimously.

## **IV. MAIN AGENDA**

- A. DISCUSS: proposed amendments to park facilities use ordinance and provide direction to staff

Director of Parks Bradley addressed the City Council regarding proposed amendments to the ordinance addressing use of parks and related facilities.

He presented a PowerPoint presentation detailing issues and concerns as well as proposed remedies. To address resident complaints regarding difficulties in obtaining tennis court reservations, he suggested that tennis pros should be required to obtain a city permit. He also said family passes should be discontinued and be replaced with annual \$40 individual passes, \$10 annual passes for those aged 12

and \$10 annual passes for those aged 65 and older.

Mr. Bradley said staff believes there is role for tennis instructors to instruct on City courts as the City does not provide that service. He said he met with a group of residents, staff and the Park Advisory Committee to construct a framework of rules designed to address problems with the current park use rules.

Mr. Bradley stated there are fifteen to twenty for-profit boot camps that operate in City parks. He said many of them advertise their services and City park location on their company websites. Mr. Bradley said these camps have had some negative impact on the parks. He said trees and other structures have sustained damage, and the camp members sometimes take up entire sports courts and playgrounds.

Mr. Bradley said at the April Park Advisory Committee meeting the proposed amendments were reviewed. He said the committee voted approval of the amendments in a 10 - 2 vote and referred their recommendations to the City Council.

He said included in the proposal is a reduction in reservation time from 2 hours a day to 1.5 hours a day. He also said they recommended assessing a penalty upon failure to cancel a tennis court reservation within 24 hours.

Mr. Bradley stated the proposed fees charged boot camps and tennis pros should remain equitable with other required reservation fees, and will reduce complaints regarding use by private business, and improve the Parks Department's credibility with the public.

He said to assist with enforcement of the new rules, he suggests periodic inspections for permits and usage. He also said he may explore the addition of seasonal part-time inspector position.

Mayor Davis called the first speaker to the lectern.

Ms. Kathleen Duff, a soccer trainer, addressed the Council. She expressed her concern regarding the proposed fees for trainers. She stated she works with 32 local children, including two of Councilmember Stewart's granddaughters.

Resident Laurie Drazner addressed the Council. She asked how would the term instructor be defined. She also mentioned with the new reservation rules recently implemented, tennis courts are readily available. She then asked if she has a personal trainer and wants to use a City park as a resident, would that trainer have to be permitted and pay the annual fee.

Resident Nicole Richter addressed the Council. She stated she had created a petition and has obtained 500 signatures from residents who oppose the fee amendments. She asked the Council to reconsider the fees and she said the Council should be in favor of the healthy lifestyles being promoted to the City's children.

Mr. Matt Armstrong, a Dallas tennis coach, addressed the Council. He stated he teaches fifty to seventy University Park clients. Mr. Armstrong said tennis court

reservations have gotten easier to obtain with the new rules in place.

Councilmember Moore asked if Mr. Armstrong teaches any non-University Park students on the City's courts. Mr. Armstrong said he does.

Resident Mark Drazner addressed the Council. He expressed concern about public notification of meetings discussing this proposal. He said while there was difficulty obtaining court reservations prior to the recent rule change, it has gotten easier. He said the proposed annual \$1000 fee for tennis instructors is excessive.

Resident Jenny Wood addressed the Council. She asked the Council to reconsider the proposed rule changes. She said the City's parks have fostered sense of community and doesn't want that to change.

Resident Dallas Cothrum addressed the City Council. He said this proposal is an attempt to solve a problem that no longer exists. He also said that a committee could be created to look at ways to address concerns.

Resident Bill Skelton addressed the City Council. He said this proposal is designed to ensure all University Park citizens have access to City parks. He said there have been many complaints from those who were unable to obtain tennis court reservations or use open park areas due to use by commercial ventures. He said the proposal before the Council has been discussed with many people. He also stated monopolization of tennis courts and parks by commercial uses must be monitored.

Resident Stoyan Anastassov, a local tennis instructor, addressed the Council. He asked the Council to construct park use rules with less friction to make them more functional. He also asked about the proposed rule allowing instructors to be on City courts for no more than three hours daily.

Mayor Davis thanked everyone for their input. He asked the Council how they wanted to proceed. Dawn Moore said many parts of the plan were not discussed but she said the proposed annual \$1000 instructor fee is a main concern. She said the Council wants the City's parks to be available for all community members, and there is a fine line between trainers hired by individuals vs. professional trainers and boot camps soliciting business. She suggested that boot camps be restricted from using City equipment and from damaging the landscape. She also stated the personal training classes and boot camps should primarily be comprised of UP residents.

Mayor Pro Tem Clark made a motion to tabled action on the proposed Park Use ordinance amendments and place its consideration on the May 21, 2013 agenda. Councilmember Begert seconded, and the motion carried unanimously.

Julie Ann Lancaster requested to address the Council. She said she is a personal trainer and teaches a small circuit-training class at Germany Park. She said the proposed annual fee of \$1000 is too high.

Councilmember Moore asked about the existing ordinance and related fees. Mr. Bradley said rental fees to use the Goar Park gazebo or a City ball field are

based on the number in the reservation and also includes a requirement for a security deposit. Mr. Bradley said the main goal is to get some type of registration so if any issues come up, there is a person to contact.

B. CONSIDER AND ACT: on an ordinance establishing the Over-65 and Disabled Homestead Exemption amount at \$275,000

Director of Finance Kent Austin addressed the Council. He stated the City offers an additional homestead exemption for homeowners who are over age 65 or disabled. He said the exemption is 25% of the value of the average single-family home. Mr. Austin said there was little change in value over the previous year, and staff recommends retaining a \$275,000 exemption.

There were no questions for Mr. Austin and Mayor Davis asked for a motion.

Councilmember Begert made a motion to adopted an ordinance establishing the Over-65 and Disabled Homestead Exemption amount at \$275,000. Councilmember Stewart seconded, and the motion carried unanimously.

**ORDINANCE NO. 13/17**

**AN ORDINANCE OF THE CITY OF UNIVERSITY PARK, TEXAS, TO PROVIDE AN EXEMPTION ON THE RESIDENCE HOMESTEAD OF AN INDIVIDUAL WHO IS DISABLED OR AN INDIVIDUAL WHO IS SIXTY-FIVE YEARS OF AGE OR OLDER IN THE AMOUNT OF TWO HUNDRED SEVENTY FIVE THOUSAND DOLLARS(\$275,000.00) ON THE ASSESSED VALUE; AND PROVIDING AN EFFECTIVE DATE.**

V. PUBLIC COMMENTS

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

Considered and approved this 4th day of June 2013.

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W. Richard Davis, Mayor

ATTEST:

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Elizabeth Spector, City Secretary