

MINUTES
CITY COUNCIL MEETING
CITY OF UNIVERSITY PARK, TEXAS
COUNCIL CHAMBER – CITY HALL
TUESDAY, JUNE 4, 2013, 5:00 P.M.

4:00 - 5:00 P.M. PRE-MEETING WORK SESSION(S)

The City Council convened at 4:00 p.m. into open work session to review agenda items with staff. Present were Mayor Davis, Mayor Pro Tem Clark, Council members Begert, Moore and Stewart, along with City Manager Livingston and City Attorney Dillard.

Mayor Davis asked Director of Parks Gerry Bradley to review the proposed amendments to the park use rules with the Council. Mr. Bradley briefly reviewed the work Council and staff have done on the draft ordinance. Councilmember Begert stated he wanted to remove the restriction on the number of tennis balls permitted on the courts. Mayor Davis asked to eliminate the \$25 penalty for failure to cancel reservations. He suggested that instead, the ordinance be worded to state repeated no-shows may result in forfeiture of tennis permit.

The Council also requested staff to remove the three hour time restriction on tennis instructors in section 1.09.076.

The Council then discussed rules governing group sizes for boot camps and personal training. Mayor Pro Tem Clark suggested that such groups be restricted to a maximum size of fifteen participants. Councilmember Stewart stated he was not in favor of that restriction. The Council then discussed group sizes. Park Director Bradley said he will determine specific locations in Caruth, Burleson and Curtis parks for the various group sizes. He said staff thinks this will have the least negative impact on residents. He also said staff will work on a tier system for pricing registration of training groups and boot camps based on number of participants.

Mayor Davis adjourned the work session at 5:00 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 Mayor Davis, Mayor Pro Tem Bob Clark, Councilmember Bob Begert, Councilmember Dawn Moore, and Councilmember Tommy Stewart. Also in attendance were City Attorney Rob Dillard and City Manager Bob Livingston.

- A. INVOCATION: City Attorney Robert L. Dillard, III**
- B. PLEDGE OF ALLEGIANCE: City Attorney Dillard / Boy Scouts**
- C. INTRODUCTION OF COUNCIL: Mayor W. Richard Davis**
- D. INTRODUCTION OF STAFF: City Manager Bob Livingston**

Staff present included: Director of Parks Gerry Bradley, Director of Finance Kent Austin,

Library Director Sharon Martin, Fire Chief Randy Howell, Assistant to the City Manager George Ertle, Director of Human Resources Luanne Hanford, Assistant Director of Public Works Jacob Speer, Director of Community Development Robbie Corder, City Secretary Liz Spector, Director of Public Works Bud Smallwood, Police Chief Gary Adams, Director of Information Services Jim Criswell and Community Information Officer Steve Mace.

II. AWARDS AND RECOGNITION

A. 13-138 RECOGNITION: of Fire Department Honor Guard members

This item was pulled because the Honor Guard was in Houston, Texas attending the funeral for four Houston, Texas firefighters who were killed in the line of duty the previous week.

III. CONSENT AGENDA

A. 13-117 Consider and act on an Ordinance abandoning Preston Road Fresh Water District Easement

Consent Agenda approval will adopt Ordinance 13/20, abandoning an easement at 3925 Marquette.

ORDINANCE NO. 13/20

AN ORDINANCE OF THE CITY OF UNIVERSITY PARK TEXAS, ABANDONING A WATER MAIN LINE AND EASEMENT OF THE PRESTON ROAD FRESH WATER DISTRICT IN THE FIFTH AND SEVENTH SECTIONS OF UNIVERSITY HEIGHTS ADDITION, AS MORE PARTICULARLY DESCRIBED HEREIN, TO THE ABUTTING OWNERS; AND PROVIDING FOR THE FURNISHING OF A CERTIFIED COPY OF THIS ORDINANCE FOR RECORDING IN THE REAL PROPERTY RECORDS OF DALLAS COUNTY, TEXAS, AS A QUITCLAIM DEED OF THE CITY; AND PROVIDING AN EFFECTIVE DATE

B. 13-126 Consider and act on an Ordinance approving and adopting Rate Schedule RRM "RRM - Rate Review Mechanism" for Atmos Energy Corporation, Mid-Tex Division

Consent Agenda approval will adopt Ordinance 13/21, approving and adopting Atmos Energy Corporation Rate Schedule RRM.

ORDINANCE NO. 13/21

AN ORDINANCE OF THE CITY OF UNIVERSITY PARK, TEXAS, APPROVING AND ADOPTING RATE SCHEDULE "RRM - RATE REVIEW MECHANISM" FOR ATMOS ENERGY CORPORATION, MID-TEX DIVISION TO BE IN FORCE IN THE CITY FOR A PERIOD OF TIME AS SPECIFIED IN THE RATE SCHEDULE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A

SEVERABILITY CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND ACSC LEGAL COUNSEL.

- C. **13-133** CONSIDER AND ACT: on approval of MOU between the City of University Park and the SPCA of Texas

Consent Agenda approval will authorize the City Manager to execute a contract with the SPCA of Texas to assist with animal related relief activities including rescue and provision of transportation and sheltering of animals injured and/or displaced following a disaster at the City's request.

- D. **13-109** Consider approval of minutes of the May 7, 2013 City Council Meeting

- E. **13-131** Consider approval of minutes of the May 14, 2013 Special City Council Meeting

- F. **13-132** Consider minutes of the May 21, 2013 City Council Meeting

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

IV. MAIN AGENDA

- A. **13-124** Public Hearing on Dallas County Office of Emergency Management HazMAP Community Hazard Plan

There was no one present who wished to speak and Mayor Davis closed the public hearing.

- B. **13-105** Discuss: University Park Public Safety Committee Report on Races

UPPD Chief Gary Adams addressed the City Council regarding recommendations from the Public Safety Advisory Committee. Chief Adams stated at the request of the City Council, he conducted a discussion with the City's Public Safety Advisory Committee to receive their recommendations about regulating the increasing number of 5k races conducted on City streets. Chief Adams said after some deliberation, the committee recommended that all such requests be made 45 days in advance of the race date and that each race route be approved by the Chief of Police. In addition, he said races will be conducted on a variety of routes to ease potential hardship on residents. Chief Adams stated that unless participants in any event exceed 300, they will not be required to obtain approval of the City Council. Mayor Davis thanked Chief Adams for the information.

Councilmember Stewart said he was at meeting as the Council's representative. He said the issue was discussed thoroughly and the committee stated the twelve races

currently conducted in the City were not a burden.

Mayor Pro Tem Clark asked if there was an amount that would burden the City. Chief Adams said the committee did not determine there was a problem. He said the Police Department has no concerns about the races as they generally are conducted on weekends and early in the mornings. He said the largest race conducted in the City has been the 3-Day Walk sponsored by the Susan G. Komen Foundation. He said even that large event caused no concern for him or his staff.

C. **13-125** Discuss: PWAC recommendation regarding sidewalk and ROW improvements for building permits in excess of \$10,000 in valuation

Director of Community Development Robbie Corder addressed the Council regarding the City ordinance requiring homeowners obtaining permits valued in excess of \$10,000 to repair broken or dilapidated sidewalks and any right-of-way encroachments as part of permit approval. He said after a recent bout of bad weather, many homeowners were forced to make emergency roof repairs in excess of \$10,000, triggering this requirement for several families. He said he received a lot of feedback from the homeowners who felt the additional repairs triggered by the ordinance unfairly penalized them during a time of hardship.

He said he referred study of the issue to the Public Works Advisory Committee as requested by the Council. Mr. Corder said the committee recommended changing the requirement to only trigger the repairs when permits in excess of \$10,000 are submitted for new construction, remodels, additions, concrete work or fence permits. He said the committee recommended not including roofing permits or certain trade permits.

Mr. Corder said a second change recommended by PWAC is to remove language pertaining to appeals in sidewalk section of the Code to agree with other sections that do not allow appeals.

Councilmember Begert asked Mr. Corder if he agreed with the recommendations from PWAC. Mr. Corder stated he was. He said he will request the City Attorney to draft an ordinance amendment for the Council's future consideration if directed by the Council.

Councilmember Begert made a motion to approve the PWAC recommendation regarding sidewalk and ROW improvements for building permits in excess of \$10,000 in valuation. Mayor Pro Tem Clark seconded, and the motion carried unanimously.

D. **13-102** CONSIDER AND ACT: on proposed amendments to the Ordinance regulating park facilities usage

Mayor Davis said the City Council has worked on this issue through the three previous Council meetings. He stated the Council has received and reviewed much information from staff and residents.

Mayor Davis said the Council worked for an hour during work session to give staff information to make specific changes to the draft ordinance. He said the Council has requested staff bring a draft ordinance incorporating the changes to the next Council meeting for consideration. He stated he has closed the evidentiary hearing and will not take comments from the floor. He stated the Council will consider any written correspondences they received and he intends to finalize an ordinance amending park use rules at the June 18 meeting.

Mayor Davis thanked everyone in attendance for their interest in this issue and asked that they review the draft ordinance that will be on the website prior to the next Council meeting.

E. **13-134 DISCUSS: FY2014 budget calendar**

Director of Finance Kent Austin addressed the Council. He stated the City Council Meeting schedule for adoption of the FY14 budget needs to be set. He said he will formally transmit the budget to the Council at the August 6 meeting. He said two public hearings will need to be scheduled if there is an effective tax increase, which he anticipates. He asked the first hearing be conducted at the August 20 Regular Council Meeting followed by a second hearing at a special called meeting on August 27. He said the budget can then be adopted by the City Council at the September 3 Council Meeting. He said his objective is to have the budget approved by mid-September. Mayor Davis asked if three Council members present will be sufficient. Kent Austin said a vote will be required on August 6 to set dates for the public hearings and three members will be sufficient. City Manager Livingston asked the Mayor and Council members let him know their schedules for the months of August and September to allow staff to set dates for budget hearings.

V. **PUBLIC COMMENTS**

There were no requests to address the Council under Public Comments.

VI. **ADJOURNMENT**

There was no further business before the City Council and Mayor Davis adjourned the meeting.

Considered and approved this 18th day of June 2013.

W. Richard Davis, Mayor

ATTEST:

Elizabeth Spector, City Secretary