



Meeting Minutes  
City Council

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Tuesday, November 5, 2013

5:00 PM

Council Chamber

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**EXECUTIVE SESSION**

*2:30 - 4 P.M. Pursuant to Texas Government Code §551.071(2), the City Council met in closed session to receive confidential legal advice from the City Attorney. 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.*

**PRE-MEETING WORK SESSION**

*4 - 5 P.M. The City Council met in open work session to receive agenda item briefings from staff. No action was taken. Council Conference Room, 2nd floor, City Hall.*

**I. CALL TO ORDER**

**ROLLCALL**

**Present:** 5 - Mayor W. Richard Davis, Mayor Pro Tem Bob Clark, Councilmember Bob Begert, Councilmember Dawn Moore and Councilmember Tommy Stewart

*Also seated on the dais were City Attorney Robert L. Dillard, III and City Manager Bob Livingston.*

**A. INVOCATION:** Councilmember Dawn Moore

**B. PLEDGE OF ALLEGIANCE:** Councilmember Moore / Boy Scouts

*Boys Scouts in attendance included Jackson Hinckley, Troop 82, working on the Citizenship in the Community merit badge, Pearson Riley, Troop 577, working on the Communications merit badge, and Jack Hardage, Troop 577, also working on the Communications merit badge.*

**C. INTRODUCTION OF COUNCIL:** Mayor W. Richard Davis

**D. INTRODUCTION OF STAFF:** City Manager Bob Livingston

*Staff in attendance included: Director of Information Services Jim Criswell, Acting Police Chief Greg Spradlin, Director of Public Works Bud Smallwood, Community Information Officer Steve Mace, City Secretary Liz Spector, Director of Parks Gerry*

*Bradley, Chief Planning Official Harry Persaud, Library Director Sharon Martin, Assistant City Manager/Director of Community Development Robbie Corder, Assistant Director of Public Works Jacob Speer, Fire Chief Randy Howell, Acting Director of Finance Tom Tvardzik, and Assistant to the City Manager George Ertle.*

## II. AWARDS AND RECOGNITION

- A. [13-261](#) Proclamation establishing November 21, 2013 as Arbor Day 2013 in the City of University Park

*Community Information Officer Steve Mace addressed the Council regarding the Arbor Day proclamation. He said University Park has traditionally celebrated Arbor Day in November by planting trees across the community. He said as a special recognition this year, the City is participating with many other communities in Dallas County's Day of Service. Mr. Mace said honoring the legacy of President John F. Kennedy and First Lady Jacqueline Kennedy, City staff will plant a red oak tree and rose bushes following a brief ceremony in Williams Park on November 21, 2013. Mayor Davis read the proclamation into the record.*

## III. CONSENT AGENDA

*City Manager Livingston summarized the Consent Agenda items for the Council and audience. Mayor Davis asked for a motion.*

**A motion was made to approve the Consent Agenda. The motion carried unanimously.**

**Aye:** 5 - Mayor Davis, Mayor Pro Tem Clark, Councilmember Begert, Councilmember Moore, and Councilmember Stewart

- A. [13-257](#) Consider and act to award bid for replacement of Electronic Access Control system  
**The bid for installation of an Electronic Access Control system was awarded to Schneider Electric in the amount of \$78,050.00.**
- B. [13-265](#) Consider and act on cooperative purchase of three (3) police vehicles  
**Consent agenda approval authorizes purchase of three (3) Chevrolet Tahoes from Caldwell Country Chevrolet for the UPPD in the amount of \$104,178.00.**
- C. [13-259](#) Consider a resolution casting the City's ballot for the Suburban Cities' Representative to the DCAD Board of Directors  
**Consent agenda approval adopts a resolution casting the City Council's vote for Michael Hurtt as the City's DCAD Board representative.**  
Enactment No: RES No.13-014
- D. [13-258](#) Consider and act on minutes of the October 15, 2013 City Council Meeting with or without corrections  
**The minutes were approved as submitted.**

## IV. MAIN AGENDA

**A.** [PZ 13-004](#)

Public hearing on request by HPISD to amend the detailed site plan for Planned Development District PD-15, to add a concrete pad and fabric shade structure on the north side of the campus.

*City Manager Livingston introduced the agenda item and asked Chief Planning Official Harry Persaud to address the Council. Mr. Persaud provided a brief summary of the item. He said University Park Elementary School has requested an amendment to their site plan to allow for a shade structure and sports court to be constructed on the north side of the building. Mayor Davis opened the public hearing.*

*Dr. Lynda Carter, principal of University Park Elementary, was called to speak. She said a committee was formed in partnership with the PTA/Dads' Club and met to come up with ideas to create additional play areas which would include improved play surfaces on the grounds. Dr. Carter said additional shaded play areas were an important part of the plan because 150 to 180 students play on the school grounds each day. She also mentioned that the community as a whole would benefit from the shaded area when it is used outside of school times. Dr. Carter said the improved play area will allow visual security and the shaded area will provide a centrally located area for children who are required to be held out of playtime. Dr. Carter said mobility-impaired children will be able to move more easily around the proposed play area. She also said that a crucial requirement of the request is for the space to function well with the neighbors.*

*Mr. Rodger Jayroe was called to speak. Mr. Jayroe stated he owns a property across the street from the school and he expressed concern about the aesthetics of the shade structures. He likened their appearance to structures on used car lots. Mr. Jayroe also mentioned that P & Z cited concerns about the proliferation of similar structures in local parks. He stated there is adequate shade provided for the children from nearby trees and a 10 ft. x 10 ft. arbor. He said the climbing equipment on the playground is in the shade. Mr. Jayroe asked the school to come up with an alternate plan as there is too much concrete in that location already. He also expressed concern about the wind load of the proposed shade structure. He requested the Council deny the request as presented*

*Mr. Lathram Pou was called to speak. Mr. Pou stated he lives in the middle of the block on Amherst, across the street from the proposed play area. He said although his child attends the school, he initially signed an objection to the proposed playground. He said after he spoke with Dr. Carter and members of the Dads' Club he was better informed and is now in favor of the proposal. He said he and his family chose to live across the street from the school and while progress can be difficult, he realizes it is necessary due to the growth of the student population at the school. He also mentioned the school has agreed to plant trees around the shade structure to help screen it from the neighboring homes. He stated three other neighbors who initially objected to the proposal have now removed their objections.*

*Ms. Kellison Golden was called to speak. She stated she is a second grade teacher at UP Elementary and said the shade structure will provide sun protection and improved visibility on sunny days. Ms. Golden stated she wants to raise awareness of skin cancer and its prevention as she been diagnosed with malignant skin cancer. She stated the shade structure will block harmful UV rays from the children and teachers. Ms. Golden stated that shade for the sports court is a need and she respectfully asked for the council's approval.*

*Ms. Jenny Liebes Castellaw was called to speak. She introduced herself as the school nurse at UP Elementary as well as a resident of the city. Ms. Liebes Castellaw said she is an advocate for children at UP who are medically fragile and*

*will benefit from a shaded structure. She said without such space, medically fragile students go to the library during PE and are treated differently. She asked the Council to approve the request.*

*Mr. Edward DeLoach, Jr. was called to speak. He stated he owns property directly across the street from the proposed playground and he strongly objects to the shade structure. Mr. DeLoach said trees are better long-term solutions than the proposed concrete pad and artificial shade structures. He said they not only look better, but are environmentally friendly. He said the concrete pad will impede drainage, as well as absorb and reflect heat. Mr. DeLoach said the shade structure will negatively impact area home values and he stated no other HPISD campus has such a shade structure. He requested the City Council reject the proposal as recommended by P & Z.*

*Ms. Marilyn Jayroe was called to speak. She said she researched different structures that could be used. Ms. Jayroe said the proposed structure is relatively large and she doesn't think there are that many children with health problems or disabilities to necessitate such a large structure. She said she is not completely opposed to the proposed playground, but she asks school administrators to think more long-term.*

*Mr. Phil Law was called to speak. He said he moved into a property across the street from the proposed play area in December 2012. He said he has a student in fourth grade in the district and recognizes the wonderful administration, however, he said the proposed structure is unacceptable. Mr. Law said it is too large and unsightly and asked the City Council to have the school look at alternatives.*

*There were no more requests to speak and Mayor Davis closed the public hearing.*

**B. [13-267](#)**

Consideration of an ordinance approving an amended detailed site plan for Planned Development District PD-15, to add a concrete pad and fabric shade structure on the north side of the campus.

*Councilmember Stewart asked who comprised the committee overseeing the proposed project. Dr. Carter said the committee included school administration members, the UP Dads' Club and representatives from SHW Architectural.*

*Councilmember Moore asked Mr. Persaud if the amount of concrete at the location met the City's impermeability standards. Mr. Persaud said the school grounds were well within the percentages identified in the City's Zoning Ordinance. Mr. Persaud also mentioned that the school will plant four cedar elm trees surrounding the shade structure which will increase the available shade as well as screen the structure from the neighborhood. He said the trees will be no smaller than 4-inch caliper in diameter at the time of planting. He mentioned the trees are Texas natives and will provide a huge canopy when fully grown.*

*Mr. Persaud said the school reduced the size of structure from 42 ft. x 24 ft. to 40 ft. x 20 ft. He also stated the height was reduced from 14 feet to 10 feet.*

*Mayor Pro Tem Clark said there seems to be an excessive amount of paved area and asked if a greener approach was considered. He said structure seems to be an inexpensive solution for a critical need and he questioned if it is the best solution. Dr. Carter said the committee found the proposed location will allow 360 degree visibility and screening for the teachers supervising students. She stated there is no other location for this sports court other than the front lawn of the school. HPISD Superintendent Dr. Dawson Orr said there is a large amount of paved area at the back of the school but he and the committee believe the proposed play area is the*

*best solution.*

*Councilmember Stewart said there is a small minority opposed to the type of shade structure proposed by the school. He suggested the committee work with the homeowners to find a more acceptable type of structure and return to the Council with a new concept.*

**A motion was made by Councilmember Stewart, seconded by Councilmember Begert, that this Ordinance be recommended for disapproval. The motion failed by the following vote:**

**Aye:** 2 - Councilmember Begert, and Councilmember Stewart

**Nay:** 2 - Mayor Davis, and Councilmember Moore

**Abstain:** 1 - Mayor Pro Tem Clark

Enactment No: ORD No.13/033

*After the motion to deny the ordinance amendment failed, Councilmember Moore presented a new motion.*

**A motion was made by Councilmember Dawn Moore, seconded by Mayor Pro Tem Bob Clark, to adopt this Ordinance amending the site plan of PD-15 for the University Park Elementary School to allow for a sports court and shade structure. The motion carried by the following vote:**

**Aye:** 4 - Mayor Davis, Mayor Pro Tem Clark, Councilmember Begert, and Councilmember Moore

**Nay:** 1 - Councilmember Stewart

Enactment No: ORD No.13/033

**C.**     [PZ 13-005](#)

Public hearing on a request by SMU to change the zoning from Single Family, SF-4 to University Campus, UC-2 zoning district classification, on a tract of 2.66 acres more or less located north of McFarlin and east of Airline Road.

*Chief Planning Official Harry Persaud addressed the Council. He said SMU owns the subject site and has requested rezoning of the tract to University Campus, UC-2 zoning district classification to allow for future development consistent with their long range master plan. Mr. Persaud said until the future development plans are realized, SMU proposes to construct a surface parking lot on the site to provide 215 parking spaces. He said as part of the zoning consideration, SMU requests the City abandon and convey public right-of-ways located on the property to the university. He said SMU will provide the city with utility easements to access and maintain city water and sewer lines located on the subject site.*

*Mayor Davis opened the public hearing. There were no requests to speak and Mayor Davis closed the public hearing.*

**D.**     [13-270](#)

Consideration of an ordinance granting approval for a change of zoning from Single Family, SF-4 to University Campus, UC-2 zoning district classification, on a tract of 2.66 acres more or less located north of McFarlin and east of Airline Road.

**A motion was made by Mayor Pro Tem Clark, seconded by Councilmember Moore, that this Ordinance be adopted. The motion carried by the following**

**vote:**

**Aye:** 5 - Mayor Davis, Mayor Pro Tem Clark, Councilmember Begert, Councilmember Moore, and Councilmember Stewart

Enactment No: ORD No.13/034

**E. [13-268](#)**

Consider and act on a request from SMU for the City to abandon certain street and alley rights-of-way between Airline and Dublin

*City Manager Livingston introduced the abandonment item. He stated as discussed in the previous agenda item, as part of their rezoning request SMU has asked that the City abandon street and alley rights-of-way in the rezoned area. He said the Council should include the cost of the abandonment in the motion and cite inclusion of the metes and bounds of the property in the abandoning ordinance.*

**A motion was made by Councilmember Bob Begert, seconded by Mayor Pro Tem Bob Clark, to adopt the ordinance abandoning specific street and alley rights-of-way to SMU for \$3,895,000 and to include the metes and bounds in the ordinance. The motion carried by the following vote:**

**Aye:** 5 - Mayor Davis, Mayor Pro Tem Clark, Councilmember Begert, Councilmember Moore, and Councilmember Stewart

Enactment No: ORD No.13/035

**F. [13-185](#)**

Consider and act on an ordinance amending Section 40 of the Comprehensive Zoning Ordinance to amend the definition of Community Center (Public)

**A motion was made by Councilmember Stewart, seconded by Councilmember Moore, that this Ordinance be tabled. The motion carried by the following vote:**

**Aye:** 5 - Mayor Davis, Mayor Pro Tem Clark, Councilmember Begert, Councilmember Moore, and Councilmember Stewart

**G. [13-260](#)**

Consider Parks Department request for Aquatics Supervisor/Program Specialist position

*City Manager Livingston introduced the item. Director of Parks Gerry Bradley discussed the staff request to add a full-time position to oversee operations of the aquatic center, manage special events and act as liaison between the City, the YMCA and HPIISD with the Council. Councilmember Moore asked how the position will be funded. Mr. Bradley stated funding is available in the current year pool operating budget, including revenues generated from pool fees and other parks programming. He said the some of the duties for the new position include oversight of lifeguard certifications and any other requirements to conduct lifeguard business, and responsibility for pool management starting with seasonal hiring in January through closing the pool in October. Mr. Bradley said the position will also manage the nine or ten special events offered by the City through the year, like the Eggstravaganza and Movies in the Park. There were no more questions for Mr. Bradley and Mayor Davis asked for a motion.*

**A motion was made by Mayor Pro Tem Clark, seconded by Councilmember Begert, that this Action Item be approved. The motion carried by the following vote:**

**Aye:** 5 - Mayor Davis, Mayor Pro Tem Clark, Councilmember Begert, Councilmember Moore, and Councilmember Stewart

H. [13-262](#) Consider and act on an amendment to the animal impound agreement with All American Animal Control

*Acting Police Chief Greg Spradlin addressed the Council. He said the City entered into agreement with All American Animal Control (AAAC) to provide animal control and impound services. He mentioned AAAC has been doing a great job for the City and it is a beneficial partnership. Chief Spradlin said the company has requested the City provide support for new infrastructure at the company's facility to house the animals impounded from University Park to include a variety of kennel sizes for dogs and two storage facilities for impounded cats. He said the total cost fo the City is \$17,000.00. There were no questions for Chief Spradlin and Mayor Davis asked for a motion.*

**A motion was made by Councilmember Moore, seconded by Councilmember Begert, that this Action Item be approved. The motion carried by the following vote:**

**Aye:** 5 - Mayor Davis, Mayor Pro Tem Clark, Councilmember Begert, Councilmember Moore, and Councilmember Stewart

V. **PUBLIC COMMENTS**

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

VI. **ADJOURNMENT**

*Mayor Davis mentioned that several Youth Advisory Commission members were present at the meeting and he asked the Council to stay over and chat with the YAC members for a brief period after the meeting.*

*As there was no further business, Mayor Davis adjourned the meeting.*

*Considered and Approved this 19th day of November 2013:*

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*Mayor W. Richard Davis*

ATTEST:

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*Elizabeth Spector, City Secretary*