



City of University Park

City Hall
3800 University Blvd.
University Park, TX 75205

Meeting Minutes City Council

Tuesday, March 4, 2014

5:00 PM

Council Chamber

EXECUTIVE SESSION

3:02 - 4:10 P.M. Pursuant to Texas Government Code §551.072, the City Council met in closed executive session to discuss a possible abandonment of alley right of-way to the abutting property owner of 6517 Hillcrest Ave.; Pursuant to TGC§551.071(2) to receive confidential legal advice from the City Attorney with regard to a potential use agreement for City facilities, and; to receive confidential legal advice from the City Attorney with regard to the City's legal obligation to the Firefighters' Relief and Retirement Fund (FRRF). Present included Mayor Davis, Mayor Pro Tem Clark, Councilmembers Begert, Moore and Stewart, City Attorney Dillard, City Manager Livingston and staff members Director of Finance Tvardzik, Director of Parks Bradley, Assistant City Manager Corder, Director of Public Works Smallwood, Fire Chief Howell, Community Information Officer Mace, City Secretary Spector and Assistant to the City Manager Ertle. No action was taken. Executive Conference Room, 1st Floor, City Hall.

PRE-MEETING WORK SESSION:

4:15 - 5:00 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.

TO SPEAK ON AN AGENDA ITEM

I. CALL TO ORDER

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

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

A. INVOCATION: Director of Human Resources Luanne Hanford

B. PLEDGE OF ALLEGIANCE: Director of Human Resources Hanford / Boy Scouts

Mayor Davis asked the Boy Scouts in attendance to introduced themselves. Crinan Bell, a member of Troop 518, stated he is working on his Citizenship in the Community merit badge and Andrew Bell, also of Troop 518, stated he is working on his Citizenship in the Community merit badge.

C. INTRODUCTION OF COUNCIL: Mayor W. Richard Davis

D. INTRODUCTION OF STAFF: City Manager Bob Livingston

City Manager Livingston introduced staff. They included Community Information Officer Steve Mace, Jim Criswell, UPPD Captain Jim Savage, Director of Public Works Bud Smallwood, Purchasing Agent Christine Green, City Secretary Liz Spector, Chief Planning Official Harry Persaud, Library Director Sharon Martin, Asst. to the City Manager George Ertle, Director of Parks Gerry Bradley, Acting Community Development Director Jacob Speer, Director of Finance Tom Tvardzik, Assistant City Manager Robbie Corder, Director of Human Resources Luanne Hanford and Fire Chief Randy Howell. Chief Howell introduced several Fire Department staff including Asst. Fire Marshal Marty Corn, Administrative Asst. Phyllis Mahan, Paul Abel, Terry Fowler, Paul Falkenhagen, Michael Couch, Rusty Massey, George Jones, and Shane Lecroy.

II. AWARDS AND RECOGNITION

- A. [14-024](#)** Recognition of the retirement of Firefighter Dave Watson with 35 years of service

Chief Howell introduced retired firefighter Dave Watson to the City Council. In recognition of his retirement from the City, Mayor Pro Tem Clark presented Mr. Watson with a plaque and Councilmember Begert presented him with a check.

III. CONSENT AGENDA

A motion was made by Mayor Pro Tem Clark, seconded by Councilmember Stewart, to approve the Consent Agenda. The motion carried by the following vote:

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

- A. [14-025](#)** Consider and act on purchase of City Hall Dispatch Center computer equipment replacement

The purchase of replacement computer equipment for the Dispatch Center in City Hall was approved in the amount of \$81,174.

- B. [14-026](#)** Consider and act on an ordinance cancelling the May 10, 2014 General Municipal Election and declaring unopposed candidates elected

This Ordinance cancelling the Election was adopted.

Enactment No: ORD No.14/005

- C. [14-029](#)** Consider and act on minutes of the February 4, 2014 City Council Meeting with or without corrections

The Minutes of the February 4, 2014 Council Meeting were approved as submitted.

- D. [14-030](#)** Consider and act on minutes of the February 18, 2014 City Council Meeting with or without corrections

The minutes of the February 18, 2014 Council Meeting were approved as submitted.

IV. MAIN AGENDA

- A. [13-182](#) Continue a public hearing on an amended detailed site plan for Planned Development District "PD-27" for St. Christopher's Episcopal Church to provide for a children's playground.

A motion was made by Councilmember Bob Begert, seconded by Councilmember Tommy Stewart, to postpone the public hearing to allow further consultation with church representatives before Council action. The motion carried by the following vote:

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

- B. [13-181](#) Consider and act on an Ordinance approving an amended detailed site plan for Planned Development District "PD-27" for St. Christopher's Episcopal Church to provide for a children's playground

Action on this Ordinance was postponed until the public hearing is continued.

- C. [14-022](#) Consider an ordinance creating a Special Sign District for Highland Park High School to provide for advertising signage and new scoreboard located at Highlander Stadium

Chief Planning Official Harry Persaud addressed the City Council. He said HPISD has requested approval to enlarge the scoreboard at Highlander Stadium. Mr. Persaud stated as the requested size will exceed the size allowed in the existing zoning, a special sign ordinance will need to be approved by the City Council. Mr. Persaud said UDADAC members unanimously recommended Council approval of the request subject to a special condition that the number of advertising signs shall not exceed forty and must be oriented towards the field.

Mayor Davis said the public hearing was advertised as required and no opposition to the request was received. Mr. Persaud said Mayor Davis' statement was correct.

There were no further questions and no requests to address the Council. Mayor Davis asked for a motion.

A motion was made by Councilmember Stewart, 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.14/006

- D. [13-276](#) Discuss short-term rental of single-family homes and provide direction to staff

Chief Planning Official Harry Persaud addressed the City Council. He said staff received correspondence from a resident expressing concern regarding area homes that are being used as short-term rentals. He said the resident requested the City

Council take action to prevent or regulate this type of use in single-family neighborhoods because such use had the potential to devalue property values and negatively impact the safety of residents. Mr. Persaud said the City Council referred study of the issue to the Zoning Ordinance and Advisory Committee (ZOAC) on November 19, 2013 for their review and consideration. He said ZOAC met on December 12, 2013 and on February 19, 2014 and determined there was no compelling reason to enact regulations. Mr. Persaud said the committee members reviewed the data regarding online advertising, found no police reports related to the previously identified rental properties and determined there is no need to adopt regulations. Mayor Davis thanked Mr. Persaud and called the first speaker to the dais.

Resident Kimberley Daugherty voiced concern about the short-term rental located in her block on Westminster. She said such use compromises the safety and quality of life of residents and stated it is like living next door to a hotel with a constant influx of transient guests, increased noise levels and patrons who show general disregard for neighboring properties. She said the use of single-family homes for boarding houses, rooming houses, hotels, motels and bed and breakfast establishments is specifically prohibited in single-family neighborhoods by the City Code.

Mayor Davis called resident Margot Graham to the dais. Ms. Graham said she lives next door to the house in question. She stated the house is rented virtually every weekend and she believes the value of her property has decreased dramatically because of the usage. She asked the City Council to protect homeowners' rights, property values and investments by disallowing these types of uses. She said it is like having a commercial entity in a single-family neighborhood.

Mayor Davis called resident Amy McMahan to speak. She said the use of homes for short-term rentals has changed her neighborhood drastically. She said it feels like a transient neighborhood. She said college students rent the home for parties and SMU sporting events. She also stated that the home was rented out for a corporate Christmas party. She said there is a lack of accountability for the renters of the homes.

Mayor Davis called resident Susan Wilson to the dais. She suggested the City Council take steps to regulate rental properties by defining a minimum amount of time for rental and requiring inspections for fire and other safety violations.

Resident Robin Benak She stated the short-term home rentals disrupt other residents' daily lives. She said other homeowners don't know who will be occupying the rentals and the occupants come and go throughout night creating traffic and other noises.

Mayor Davis thanked the speakers. He reminded them that this is a discussion item for possible future action and is not up for any decisions at the current meeting. Mayor Pro Tem Clark said short-term rentals appear to be inconsistent with single-family uses and any problems are best addressed early on. He said he could foresee short-term rentals becoming a problem in some locations. He suggested staff look into ways to deal with this issue.

Mayor Davis said other considerations must be taken into account. City Attorney Dillard said he had concerns that the city would be exercising "police power" if it attempts to control legal property uses with no specific demonstrable problem. He reminded the City Council that no police activity in regard to these occupancies was noted within last year. Mr. Dillard said he is not sure it is appropriate to regulate short-term rentals with no evidence of any related criminal activity.

Councilmember Begert asked UPPD Capt. Jim Savage if any calls had been received regarding the homes in questions. Captain Savage said no. He did mention that any resident may call the police department to report unreasonable noise or activity and police will taken enforcement action. He stated citations can be issued if a complainant requests or officers deem appropriate.

Mayor Davis asked Assistant City Manager Corder what staff has done in regards to thiis complaint. Mr. Corder said staff is tracking three websites for any University Park addresses being offered as short-term rentals. He also said nine weeks of tracking data was provided to ZOAC prior to their review of the issue.

Mayor Davis requested staff to continue to monitor the websites, with particular care during potential high-use times such as during SMU home sporting events, high visitations times such as holidays, and anyother special events, and bring any relevant data back to the Council in the future.

Councilmember Begert asked whether residents should be encouraged to call the police to report concerns. Mr. Corder said residents should continue to monitor any unwanted behaviors at any location in the City and file reports with the UPPD. Mayor Pro Tem Clark said the City Council is charged with maintaining and improving the quality of life in University Park and if short-term home rentals in single-family neighborhoods demean the quality of that neighborhood the City Council should consider what is best for the City and protect it from any diminishing quality. Mayor Davis closed the discussion.

V. PUBLIC COMMENTS

No requests to address the City Council were received.

VI. ADJOURNMENT

Mayor Davis adjourned the meeting at 5:40 p.m.

CONSIDERED AND APPROVED THIS 18TH DAY OF MARCH 2014:

Mayor W. Richard Davis

ATTEST:

City Secretary Elizabeth Spector