

**STUDY SESSION
OF THE UNIVERSITY CITY COUNCIL**
5th Floor of City Hall
6801 Delmar
July 8, 2019

AGENDA

Requested by the City Manager

1. MEETING CALLED TO ORDER

The City Council Study Session was held in Council Chambers on the fifth floor of City Hall, on Monday, July 8, 2019. Mayor Terry Crow called the Study Session to order at 5:30 p.m.

In addition to the Mayor, the following members of Council were present:

Councilmember Steven McMahon
Councilmember Paulette Carr
Councilmember Jeffrey Hales
Councilmember Tim Cusick
Councilmember Stacy Clay; (Arrived at 5:32 p.m.)
Councilmember Bwayne Smotherson; (*Excused*)

Also, in attendance was City Manager, Gregory Rose; City Attorney, John F. Mulligan Jr., and Director of Parks, Recreation, and Forestry, Darren Dunkle.

2. CHANGES TO REGULAR COUNCIL AGENDA

3. DOG PARK DISCUSSION

Mr. Rose stated tonight's presentation involves a proposal to terminate the City's agreement with U City's People for Dogs, Inc. In 2018, Mr. Rose stated he was approached by a representative of People for Dogs who informed him that they were no longer able to keep the number of volunteers needed to effectively manage the Dog Park and wanted to know if the City would be interested in absorbing their operation. So this year when Mr. Dunkle was brought on board as the Director of Parks, Recreation, and Forestry, one of his first projects was to conduct a comprehensive appraisal of the business to determine what impact it would have on the City if Council should elect to honor this request.

Mr. Dunkle provided Council with the following overview of the Proposed Agreement:

DOG PLAY AREA IMPROVEMENT AND MAINTENANCE AGREEMENT

- The City entered into an agreement with U. City People for Dogs, Inc., a 501©(3) not-for-profit charitable corporation in 2002.

AS PART OF THE ORIGINAL AGREEMENT, THE CITY WOULD:

- Designate City-owned property on Vernon near Pennsylvania as a “dog play area”

- Cut grass and collect refuse
- Collect license fees; (*Current Fees - \$40-Resident and \$60 – Non-Resident*)

U. CITY PEOPLE FOR DOGS, INC. WOULD:

- Construct fences and other structures
- Establish rules and regulations
- Maintain property and improvements

TERMS OF THE PROPOSAL TO TERMINATE ORIGINAL AGREEMENT

- The City will accept full responsibility for the overall maintenance and operation of the U City Dog Park
- The City will collect and keep all fees
- The City will establish the Dog Park as a City Park via Ordinance
- The City will establish new rules and regulations adopted by the Ordinance
- U. City People for Dogs, Inc. will relinquish all on-site assets to the City.
- U. City People for Dogs, Inc. will donate \$20,000 to the City for the construction of a pavilion at the Dog Park. (i.e., similar to the structure at Queeny Park)
- U City People for Dogs, Inc. will continue to volunteer and assist the City in its programs and activities for dogs

Mr. Rose stated he received a question regarding the impact this transition would have on the City's liability insurance, and after discussing the matter with the provider found that there would be no additional costs unless the City opted to insure the fence on the property which would cost a de minimis amount.

Councilmember Cusick asked whether the corporation's 501© (3) would be dissolved? Mr. Rose stated even though they would no longer be responsible for the Dog Park that decision would be left up to the organization. Councilmember Cusick asked if an appraisal had been made to determine the total cost of constructing a pavilion? Mr. Rose stated the cost of the pavilion will be determined based on the design, and unless Council directs staff to do otherwise, their goal is to find a design that can be built for \$20,000.

Councilmember Carr stated she had received several emails referencing problems with the enforcement of rules and the safety of dogs. So at this point, does staff know what kind of rules will be established and how they will be enforced? Mr. Rose stated under normal circumstances, Dog Parks operate on a self-policing basis because typically, the same people bring their pets to the park and normally do a good job of policing themselves. However, should a situation arise where someone does not play well in the sandbox with others, then the City's police will have the authority to step in. There will also be signs posted displaying park rules. His hope is that these types of incidents will be the exception and not the norm, but the park will be included in the Police Department's areas to be patrolled.

Councilmember Carr stated her understanding is that currently each owner can bring up to three dogs to the park. Mr. Dunkle stated that is correct. Councilmember Carr asked if that policy would remain under the City's leadership?

Mr. Rose stated staff will be working with the Park Commission to develop rules for the park and the number will be decided based on their determination of exactly how many dogs the park can accommodate at any given time.

Councilmember Carr stated this afternoon's discussion touched on dog sitters who bring in more than three dogs; their ability to handle more than three dogs and the question of whether all of their dogs are actually members. Does staff have any ideas about how to handle those kinds of things? Mr. Rose stated the intent is to vet those types of issues through the Park Commission and bring their recommendations back to the Mayor and Council for review.

Councilmember Clay asked whether memberships would still be required once the City takes over management of the Dog Park? Mr. Mulligan stated technically, you did not have to be a member of People for Dogs to visit the park. Everyone is welcome as long as their dog has a tag, which is purchased from the City's Finance Department. Councilmember Clay questioned how this fee aligned with the spirit of City parks?

Mayor Crow stated the Dog Park is analogous to the golf course or the swimming pool, where people pay a fee to utilize those services. And unless he's missing something, the only reason the City is stepping in is because People for Dogs asked for this transition. He stated the tenor of some of the emails he received seems to reflect that this transition was the City's idea, so he would like to reassure everyone that the City is merely honoring a request by an organization that is no longer able to manage the park.

Councilmember Clay stated while he understands this is an amenity, it also tethers the City to certain obligations in perpetuity. Is staff able to provide a picture of what the revenue from this amenity looks like? Mr. Rose stated at this point, staff does not have sufficient knowledge regarding the costs associated with maintaining the park, so the initial intent is to absorb the current fees and policies that have already been established. However, once staff has gained that experience, they will be in a better position to recommend whether a fee is appropriate or what, if any, changes should be brought before Council for review.

Mr. Mulligan stated with respect to the transition, the current Ordinance which establishes this area as a Dog Play Area will remain in effect, and until such time as the City Manager makes a recommendation to amend or draft new rules, the park will be subject to the rules and regulations established in October of 2012. He stated the next step is to have a meeting with the President of People for Dogs in the near future to obtain any records and discuss operational issues to ensure a seamless transition. *(Mr. Mulligan informed Council that a copy of the current rules have been included in their packets.)*

Councilmember Clay questioned whether each phase of this transition would be reviewed by the Park Commission and presented to Council through the normal recommendation process? Mr. Rose stated that it would be.

Mayor Crow asked Mr. Dunkle if he knew the number of current licenses the City has on file? Mr. Dunkle stated there are approximately 300 resident/non-resident licenses on file, and last year the park brought in \$14,800.

Mayor Crow stated for the benefit of members of the public, this item will be on Council's Agenda tonight for a vote, so if anyone is interested in speaking on this topic during the public comment section please be sure to fill out a sign-in sheet located next to the door.

Councilmember Clay questioned whether this property could ever be reverted back to its original state once it is designated as a City Park?

Mr. Mulligan informed Councilmember Clay that the Termination Agreement specifically states that the City has no obligation to continuously maintain this piece of property as a dog park.

Mayor Crow asked whether it was correct, that the City would be unable to dispose of the land once it is designated as a park? Mr. Mulligan stated it cannot be disposed of without a vote of the people. However, there is a question as to whether or not the City is already at that point?

Councilmember Clay asked if his understanding was correct; the land could cease to function as a dog park, but it would always remain as a park unless there was a vote of the people to do otherwise? Mr. Mulligan stated that his understanding was correct.

Councilmember Hales moved to go into a Closed Session; it was seconded by Councilmember McMahan.

4. Roll-Call vote to go into a Closed Council Session according to RSMo 610.021 (1)Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys.

Roll Call Vote Was:

Ayes: Councilmember Carr, Councilmember McMahan, Councilmember Hales, Councilmember Cusick, Councilmember Clay, and Mayor Crow.

Nays: None.

5. Adjournment 5:48 - 6:23

Mayor Crow closed the Study Session at 5:46 p.m. to go into a Closed Session on the second floor. The Closed Session was adjourned at 6:23 p.m. and Council reconvened in an open session at 6:30 p.m.