



## **A G E N D A**

**REGULAR MEETING  
OF THE CITY COUNCIL  
CITY OF HIGHLAND VILLAGE, TEXAS  
TUESDAY, APRIL 25, 2017, at 6:00 P.M.  
HIGHLAND VILLAGE CITY COUNCIL CHAMBERS  
1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS**

**Convene Meeting in Open Session  
City Council Chambers – 6:00 P.M.**

**EARLY WORK SESSION  
City Council Chambers**

- 1. Presentation by Pat Cannon regarding Lion's Club Special Event**
- 2. Discuss Utility Rate Increase**
- 3. Clarification of Consent or Action Items listed on today's City Council Regular Meeting Agenda of April 25, 2017**

**(Items discussed during Early Work Session may be continued or moved to Open Session and/or Late Work Session if time does not permit holding or completing discussion of the item during Early Work Session)**

**CLOSED SESSION  
City Manager's Conference Room**

- 4. Hold a closed meeting in accordance with the following sections of the Texas Government Code:  
(a) Section 551.074 – Personnel – Deliberate the Evaluation of the City Manager and City Secretary  
(b) Section 551.074 – Deliberate the appointment, evaluation and duties of public officers for the Planning and Zoning Commission  
(c) Section 551.071 – Consultation with City Attorney Concerning Pending or Contemplated Litigation and on any Regular Session or Work Session Agenda Item Requiring Confidential, Attorney/Client Advice Necessitated by the Deliberation or Discussion of Said Item (as needed)**

**OPEN SESSION  
City Council Chambers – 7:30 P.M.**

- 5. Call to Order**
- 6. Prayer to be led by Councilmember John McGee**

7. **Pledge of Allegiance to the U.S. and Texas Flags to be led by Councilmember John McGee**
8. **Visitor Comments** *(Anyone wishing to address the City Council must complete a Speakers' Request form and return it to the City Secretary. In accordance with the Texas Open Meetings Act, the City Council is restricted in discussing or taking action on items not posted on the agenda. Action on your statement can only be taken at a future meeting. In order to expedite the flow of business and to provide all visitors the opportunity to speak, the Mayor may impose a three (3) minute limitation on any person addressing the City Council. A thirty (30) minute time allotment is set for this section, and the remaining speakers will be heard at the end of the Action Agenda.)*
9. **City Manager/Staff Reports**
  - **HVTV Update**
10. **Mayor and Council Reports on Items of Community Interest pursuant to Texas Government Code Section 551.0415 the City Council may report on the following items: (1) expression of thanks, congratulations or condolences; (2) information about holiday schedules; (3) recognition of individuals; (4) reminders about upcoming City Council events; (5) information about community events; and (6) announcements involving imminent threat to public health and safety**
  - **Presentation to Outgoing Deputy Mayor Pro Tem William Meek**
  - **Proclamation – Mayor for the Day**
  - **Proclamation – Greyhound Adoption Week**
  - **Swearing In of Corporal Anita Sanchez and Corporal Cory Gullo**

## **CONSENT AGENDA**

All of the items on the Consent Agenda are considered for approval by a single motion and vote without discussion. Each Councilmember has the option of removing an item from this agenda so that it may be considered separately and/or adding any item from the Action Agenda to be considered as part of the Consent Agenda items.

11. **Consider Approval of Minutes of the Regular Meeting held on April 11, 2017**

## **ACTION AGENDA**

12. **Take action, if any, on matters discussed in closed session in accordance with the following sections of the Texas Government Code:**
  - (a) **Section 551.074 – Personnel – Deliberate the Evaluation of the City Manager and City Secretary**
  - (b) **Section 551.074 – Deliberate the appointment, evaluation and duties of public officers for the Planning and Zoning Commission**
  - (c) **Section 551.071 – Consultation with City Attorney Concerning Pending or Contemplated Litigation and on any Regular Session or Work Session Agenda Item Requiring Confidential, Attorney/Client Advice Necessitated by the Deliberation or Discussion of Said Item (as needed)**
13. **Consider Ordinance 2017-1221 amending Section 14.04.001 and Section 14, Division 2 of the Code of Ordinances relating to the Parks and Recreation Advisory Board (1<sup>st</sup> of two reads)**
14. **Consider Ordinance 2017-1222 amending Section 1.04.005 of the Code of Ordinances relating to the appointment and duties of the Clerk of the City's Municipal Court of Record (1<sup>st</sup> of two reads)**

**LATE WORK SESSION**

(Items may be discussed during Early Work Session, Time Permitting)

15. Discuss Appointment to Fill a Vacancy on the Planning and Zoning Commission
16. Status Reports on Current Projects and Discussion on Future Agenda Items (A Councilmember may inquire about a subject of which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.)
  - 35Express Project Update
17. Adjournment

I HEREBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE PUBLIC BULLETIN BOARD AT THE MUNICIPAL COMPLEX, 1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS IN ACCORDANCE WITH THE *TEXAS GOVERNMENT CODE, CHAPTER 551*, ON THE 21<sup>ST</sup> DAY OF APRIL, 2017 NOT LATER THAN 4:00 P.M.



Angela Miller, City Secretary

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (972) 899-5132 or Fax (972) 317-0237 for additional information.

Removed from posting on the \_\_\_\_\_ day of \_\_\_\_\_, 2017 at  
\_\_\_\_\_ am / pm by \_\_\_\_\_.

**CITY OF HIGHLAND VILLAGE**  
**COUNCIL BRIEFING**

**AGENDA# 1**

**MEETING DATE: 04/25/17**

**SUBJECT: Presentation by Pat Cannon regarding Lion's Club Special  
Event**

**PREPARED BY: Angela Miller, City Secretary**

**COMMENTS**

Pat Cannon will provide a presentation regarding Lion's Club special event.

**CITY OF HIGHLAND VILLAGE**  
**COUNCIL BRIEFING**

<b>AGENDA#</b> 2	<b>MEETING DATE:</b> 04/25/17
<b>SUBJECT:</b>	Discuss Utility Rate Increase
<b>PREPARED BY:</b>	Ken Heerman, Assistant City Manager

**COMMENTS**

City staff will be present to review options for a utility rate increase.

**CITY OF HIGHLAND VILLAGE**  
**COUNCIL BRIEFING**

**AGENDA# 7**                      **MEETING DATE: 04/25/17**

**SUBJECT: Pledge of Allegiance**

**PREPARED BY: Angela Miller, City Secretary**

**COMMENTS**

A Councilmember will lead the Pledge of Allegiance to the U.S. and Texas Flags.

**The Pledge to the Texas Flag is as follows:**

**“Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.”**

**CITY OF HIGHLAND VILLAGE**  
**COUNCIL BRIEFING**

**AGENDA# 10**

**MEETING DATE: 04/25/17**

**SUBJECT: Mayor and Council Reports on Items of Community Interest**

**PREPARED BY: Angela Miller, City Secretary**

**COMMENTS**

Pursuant to Texas Government Code Section 551.0415 the City Council may report on the following items: (1) expression of thanks, congratulations or condolences; (2) information about holiday schedules; (3) recognition of individuals; (4) reminders about upcoming City Council events; (5) information about community events; and (6) announcements involving imminent threat to public health and safety.

- Presentation to Outgoing Deputy Mayor Pro Tem William Meek
- Proclamation – Mayor for the Day
- Proclamation – Greyhound Adoption Week
- Swearing In of Corporal Anita Sanchez and Corporal Cory Gullo



## **PROCLAMATION**

**WHEREAS**, *The City of Highland Village is served by and is proud to support the Lewisville Independent School District and recognizes that current LISD students are the future leaders of our city, county, state and nation; and*

**WHEREAS**, *Highland Village Elementary School has provided Highland Village students in grades Kindergarten through Fifth Grade with a high quality education; and*

**WHEREAS**, *The Highland Village Elementary PTA, which provides an excellent support system to our Highland Village students, holds an annual silent auction to raise funds to serve the needs of Highland Village Elementary School; and*

**WHEREAS**, *At last year's auction, the City of Highland Village offered a "Mayor for the Day" opportunity to one lucky student; and*

**WHEREAS**, *Student Ms. Gracie McWilliams was the successful recipient of the "Mayor for the Day" honor.*

**NOW THEREFORE**, *on behalf of the City Council and City Staff, I, Charlotte Wilcox, Mayor of the City of Highland Village, do hereby congratulate and recognize*

***"Gracie McWilliams as Mayor for the Day"***

*IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Highland Village to be affixed on this the 25<sup>th</sup> day of April 2017.*

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*Charlotte J. Wilcox, Mayor*





## PROCLAMATION

*WHEREAS, the Greyhound Adoption League of Texas is a 501(c) 3 organization operating totally with volunteers, and no paid staff; and*

*WHEREAS, the Greyhound Adoption League of Texas assists greyhounds, primarily those that are retired from or affiliated with the racing industry, to find forever homes, and continue to provide educational support to the greyhounds family after placement to ensure a successful adoption; and*

*WHEREAS, greyhounds are friendly, gentle dogs that thrive on human companionship and make wonderful household pets; and*

*WHEREAS, the Greyhound Adoption League of Texas has saved over 2,700 Greyhounds and sight hounds since its inception in 2001; and*

*WHEREAS, Greyhound Adoption League of Texas is celebrating its 16<sup>th</sup> Birthday Anniversary on Saturday April 29, 2017 from 11:00 am until 3:00 pm at Doubletree Ranch Park in Highland Village, Texas; and*

*NOW THEREFORE, I, Charlotte Wilcox, Mayor of the City of Highland Village, do hereby proclaim April 29, 2017 as:*

### *“Greyhound Adoption Day”*

*in the City of Highland Village and encourage citizens to adopt shelter and rescue animals who need to find their forever homes.*

*IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Highland Village to be affixed on this the 25<sup>th</sup> day of April, 2017.*

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*Charlotte J. Wilcox, Mayor*

**CITY OF HIGHLAND VILLAGE**  
**COUNCIL BRIEFING**

<b>AGENDA#</b> 11	<b>MEETING DATE</b> 04/25/17
<b>SUBJECT:</b>	<b>Consider Approval of Minutes of the Regular Meeting held on April 11, 2017</b>
<b>PREPARED BY:</b>	<b>Angela Miller, City Secretary</b>

**BACKGROUND:**

Minutes are approved by a majority vote of Council at the Council meetings and listed on the Consent Agenda.

**IDENTIFIED NEED/S:**

Council is encouraged to call the City Secretary's Office prior to the meeting with suggested changes. Upon doing so, staff will make suggested changes and the minutes may be left on the Consent Agenda in order to contribute to a time efficient meeting. If the change is substantial in nature, a copy of the suggested change will be provided to Council for consideration prior to the vote.

**OPTIONS & RESULTS:**

The City Council should review and consider approval of the minutes. Council's vote and approval of the minutes reflect agreement with the accuracy of the minutes.

**PROGRESS TO DATE: (if appropriate)**

The City Manager has reviewed the minutes and given approval to include the minutes in this packet.

**BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)**

N/A

**RECOMMENDATION:**

To approve the April 11, 2017 City Council meeting minutes.

**MINUTES OF THE REGULAR MEETING OF THE  
HIGHLAND VILLAGE CITY COUNCIL  
HELD AT THE HIGHLAND VILLAGE MUNICIPAL COMPLEX  
LOCATED AT 1000 HIGHLAND VILLAGE ROAD  
TUESDAY, APRIL 11, 2017**

The City Council of the City of Highland Village, Texas met in Early Work Session on the 11<sup>th</sup> day of April, 2017, prior to the Regular Council Meeting.

**Call to Order**

Mayor Charlotte J. Wilcox called the meeting to order at 6:00 p.m.

**Roll Call**

Present:	Charlotte J. Wilcox	Mayor
	Mike Lombardo	Councilmember
	Barbara Fleming	Councilmember
	Fred Busche	Councilmember
	John McGee	Councilmember
	William Meek	Deputy Mayor Pro Tem
Absent:	Michelle Schwolert	Mayor Pro Tem
Staff Members:	Michael Leavitt	City Manager
	Kevin B. Laughlin	City Attorney
	Angela Miller	City Secretary
	Scott Kriston	Public Works Director
	Jana Onstead	Human Resources Director
	Mark Stewart	Assistant Police Chief
	Laurie Mullens	Public Affairs Manager
	Andrew Boyd	Media Specialist
	Karen Bradley	Administrative Assistant

**EARLY WORK SESSION**

**1. Discuss Curbside Clothing and Home Goods Recycling Program offered by Simple Recycling**

Public Works Director Scott Kriston stated representatives from Simple Recycling were at the last Council meeting and provided information on their curbside clothing and home goods recycling program. The program is free to the City and residents, and Simple Recycling handles all aspects of the program, from launch, collection, processing and management of the program. Mr. Kriston reported staff received a contract today from Simple Recycling that has been forwarded to the City Attorney for review. City Manager Michael Leavitt stated the proposed contract is a four (4) year contract; Simple Recycling reports due to their investment in the program, they need that time to recoup costs. He also reported Waste Management is considering a very similar program. Councilmembers voiced concerns about entering into a four (4) year contract, rather than a one (1) year.

Council discussed days and location of pick up, having a central pick up location with collection boxes rather than door to door service. Mr. Leavitt stated although Simple Recycling does offer collection boxes, he was concerned collection boxes would become a catch-all. Councilmember McGee asked about the volume of collections in the City.

Based on information provided by Simple Recycling, Mr. Leavitt reported it could be considerable. Of the textile waste generated in the United States, 15% gets donated or recycled and 85% goes to our landfills.

Mr. Leavitt stated staff is seeking direction from Council. Council directed to move forward with a one (1) year contract for curbside pick up.

**2. Receive an Update on Damage to City Facilities, Vehicles and Properties as a result of Recent Storms in Highland Village**

Mr. Kriston reported claims have been filed with insurance relating to the recent damage to city facilities/properties and vehicles. The vehicles have all been inspected and he anticipates a final report from the insurance company in the next week or so. The deductible is \$500/per vehicle.

In addition, there was damage to all four main City buildings, which includes: Municipal Complex, Fire Station, Public Works Building & DuVall Center, and Doubletree Ranch Park (includes the barn, pump house, and pavilion). Mr. Kriston reported staff is working with the insurance company and is in the process of getting repair estimates. He anticipates a full report next week that will also include all parks and outbuildings. The combined deductible for all City buildings is \$2,500.

Councilmembers McGee and Bushe asked if any of the metal material could be recycled for other uses within the City. Mr. Leavitt reported that would be researched and evaluated.

**3. Clarification of Consent or Action Items listed on today's City Council Regular Meeting Agenda of April 11, 2017**

Relating to Agenda Item #13, Councilmember Lombardo asked about the increase in the Public Safety Special Revenue Fund. City Manager Michael Leavitt reported he would verify, but thinks that was due to the drug forfeiture money received from Denton County, which went towards the purchase of our new digital finger print scanner.

Mayor Wilcox announced that Council would convene into Closed Session and read Agenda Items #4(a) and #4(b).

Early Work Session ended at 6:37 p.m.

**CLOSED SESSION**

Council convened into Closed Session at 6:38 p.m.

**4. Hold a closed meeting in accordance with the following sections of the Texas Government Code:**

- (a) Section 551.074 – Personnel – Deliberate the Evaluation of the City Manager and City Secretary**
- (b) Section 551.071 – Consultation with City Attorney Concerning Pending or Contemplated Litigation and on any Regular Session or Work Session Agenda Item Requiring Confidential, Attorney/Client Advice Necessitated by the Deliberation or Discussion of Said Item (as needed)**

Council concluded Closed Session at 7:28 p.m.

## **OPEN SESSION**

### **5. Call to Order**

Mayor Charlotte J. Wilcox called the meeting to order at 7:37 p.m.

#### **Roll Call**

Present:	Charlotte J. Wilcox Mike Lombardo Barbara Fleming Fred Busche John McGee William Meek	Mayor Councilmember Councilmember Councilmember Councilmember Deputy Mayor Pro Tem
Absent:	Michelle Schwolert	Mayor Pro Tem
Staff Members:	Michael Leavitt Kevin B. Laughlin Angela Miller Mark Stewart Scott Kriston Laurie Mullens Andrew Boyd	City Manager City Attorney City Secretary Assistant Police Chief Public Works Director Public Affairs Manager Media Specialist

### **6. Prayer to be led by Councilmember Fred Busche**

Councilmember Busche gave the invocation.

### **7. Pledge of Allegiance to the U.S. and Texas Flags to be led by Councilmember Fred Busche**

Councilmember Busche led the Pledge to the U.S. and Texas Flags.

### **8. Visitor Comments**

The following person spoke:

Susan Dawson (3425 Camden Drive, Flower Mound) – Ms. Dawson serves on the Board for the Children’s Advocacy Center of Denton County. Ms. Dawson reported they coordinate the investigation of child abuse in a collaborative, child-friendly environment. The organization assists law enforcement and Child Protective Services investigators by conducting specialized, fact-finding interviews. She reported April is Child Abuse Awareness Month and that there were over 700 children in Denton County last year that were abused. Ms. Dawson thanked the City Council, Police Chief Doug Reim and Assistant Chief Mark Stewart for funding provided by the City towards services they provide to our residents.

### **9. City Manager/Staff Reports**

- **HVTV Update**

Highland Village Art Festival – this year’s event will be held on Saturday, May 6 at The Shops at Highland Village from 10:00 a.m. to 6:00 p.m. and will include displays from

local artists, artist demonstrations, live music and entertainment, and interactive children's art activities; free admission and parking

Paper Shredding Day – a free, on-site paper shredding service will be onsite at Pilot Knoll Park on April 29 from 2:00 p.m. to 5:00 p.m.; for Highland Village residents only, businesses are not allowed; present your ID at the gatehouse

Bellissima Salon – a new salon located in The District of Highland Village; offers services to achieve healthy, sassy and shiny hair; the salon is also looking for stylists

Eye on Highland Village Mobile App – a mobile application that is now available using your iPhone or Android smart phone to report issues, such as pot holes or lawns that need mowing; simply open the application, select an issue, take a picture and tap submit; the application picks up the location and sends the issue directly to the staff member who can fix the problem

10. **Mayor and Council Reports on Items of Community Interest pursuant to Texas Government Code Section 551.0415 the City Council may report on the following items: (1) expression of thanks, congratulations or condolences; (2) information about holiday schedules; (3) recognition of individuals; (4) reminders about upcoming City Council events; (5) information about community events; and (6) announcements involving imminent threat to public health and safety**

Mayor Wilcox reported her and members of the City Council won the Lip Sync Battle that was held on Saturday, April 1 as part of Heritage Elementary's Hawkfest.

Mayor Wilcox gave accolades to the Streets Division for their efforts in serving the residents after the recent storm came through Highland Village. She reported they were prompt in taking care of downed trees throughout the City.

- **Proclamation - Child Abuse Awareness Month**

Mayor Wilcox presented a proclamation to Ms. Lorraine Perry and Ms. Gretchen Jaworski for Child Abuse Awareness Month. Lorraine works with the CPS Board and is looking for volunteers to serve as foster parents or to volunteer their time.

## **CONSENT AGENDA**

11. **Consider Approval of Minutes of the Special Meeting held on March 11, 2017 and the Regular Meeting held on March 28, 2017**
12. **Consider Ordinance 2017-1220 Granting a Conditional Use Permit (CUP) for an Accessory Dwelling Unit located at Highland Shores Phase II-C, Lot 15, Block BO, commonly known as 505 Lanier Way (2<sup>nd</sup> and final read)**
13. **Receive Budget Report for Period Ending February 28, 2017**

***Motion by Councilmember McGee, seconded by Councilmember Lombardo, to approve Consent Agenda Items #11 through #13. Motion carried 6-0.***

## **ACTION AGENDA**

14. **Take action, if any, on matters discussed in closed session in accordance with the following sections of the Texas Government Code:**

**(a) Section 551.074 – Personnel – Deliberate the Evaluation of the City Manager and City Secretary**

**NO ACTION TAKEN**

**(b) Section 551.071 – Consultation with City Attorney Concerning Pending or Contemplated Litigation and on any Regular Session or Work Session Agenda Item Requiring Confidential, Attorney/Client Advice Necessitated by the Deliberation or Discussion of Said Item (as needed)**

**NO ACTION TAKEN**

**LATE WORK SESSION**

- 15. Status Reports on Current Projects and Discussion on Future Agenda Items (A Councilmember may inquire about a subject of which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.)**

City Manager Michael Leavitt reported Fitch Ratings affirmed the City's AA bond rating. The City's recent re-funding prompted the analysis. He stated this is testament to our fiscal responsibility, the guidance of Council and work by our Assistant City Manager Ken Heerman. Fitch states Highland Village has demonstrated a strong commitment to enhancing the City's financial flexibility; budgeting is conservative, and management has been proactive in maintaining operational balance throughout economic cycles.

In the affirmation, Fitch used their Analytical Sensitivity Tool (FAST) and concluded the City's financial resilience is exceptionally strong, supported by solid expenditure flexibility and independent revenue-raising capacity. This led them to say the City would experience limited revenue losses in a moderate economic downturn. Fitch believes the City's reserve levels have typically been maintained well in excess of both the City's fund balance policy of 15% of general fund expenditures and Fitch's reserve safety margin for issuers with limited revenue volatility.

In addition, Mr. Leavitt provided Council an update on the Highland Village Fire Department response time data. At the February 14<sup>th</sup> City Council meeting, Council received response time data from February 2016-2017 for medical calls for service. The new CAD system allows for daily reporting and analysis of response times. The data is broken down into three categories: the time the call is received to the time the unit dispatched; the time dispatched to the time personnel leaves the station; and the time personnel leaves the station to the time they arrive at the scene. The time personnel is dispatched to the time they left the station, or "turn-out time," has improved dramatically for the month of March. The average turn-out time for 2016-2017 was two minutes and forty-three seconds. The March analysis shows all three shifts have made improvements in turn-out time. C Shift with Captain Jared Middleton averaged 59 second turn-out time; A Shift with Captain Tony Sorsby averaged one minute and two second turn-out time; B Shift with Captain Daniel Ortmeier average one minute and twelve second turn-out time. Each crew has far exceeded the expectations of a two minute turn-out time.

Councilmember McGee asked for an update on the City's emergency siren system. Mr. Leavitt reported the City went through a process to ensure the digital and analog systems were "talking" to each other. He stated now with the new dispatch center being digital, the City will have to do a full conversion to the new system. This is a priority that will be included in the CIP budget for the Fire Department.

Mr. Leavitt reported 94 roofing permits have been issued and 100 contractors have registered with City. Many residents of Highland Village have experienced severe damage to their property during the recent storms. In an effort to accelerate the reconstruction process, a temporary 90-day allowance for extended work hours on Saturday and Sunday has been granted. Saturday work hours will be from 8:00 a.m. to 7:00 p.m. and Sunday work hours will be between the hours of 9:00 a.m. to 5:00 p.m. Excessive noise will not be tolerated, such as playing of loud music and no deliveries of materials on Sunday are allowed.

- **35Express Project Update**

Mr. Leavitt provided the following update:

- Work on Highland Village Road at the I-35E southbound frontage road is scheduled for completion this spring.
- Construction of Copperas Branch Park and Highland Lakes Park are scheduled to begin this spring.
- Work on the new fencing along the pedestrian/bike path on the west side of the new Lewisville Lake bridge has begun. The path and the southbound frontage road lanes are scheduled for completion this summer.
- The north and southbound main lanes between Garden Ridge Boulevard and Swisher road are now in their permanent configuration over the original Lewisville Lake bridge. The additional northbound main lane, frontage road lanes and pedestrian/bike path are scheduled to open this summer.

## **16. Adjournment**

Mayor Wilcox adjourned the meeting at 8:12 p.m.

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Charlotte J. Wilcox, Mayor

**ATTEST:**

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Angela Miller, City Secretary



**CITY OF HIGHLAND VILLAGE**  
**COUNCIL BRIEFING**

**AGENDA# 13**

**MEETING DATE: 04/25/17**

**SUBJECT: Consider Ordinance 2017-1221 amending the Code of Ordinances relating to the Parks and Recreation Advisory Board (1<sup>st</sup> of two reads)**

**PREPARED BY: Angela Miller, City Secretary**

**BACKGROUND:**

At their June 28, 2016 meeting, City Council directed the City Attorney and staff to move forward with a legal review of the Highland Village Home Rule Charter (Charter). Upon review, the City Attorney noted that several sections of the Charter needed to be updated to better reflect current state law and/or city functions, as well as several sections where the intent of the language was generally assumed and understood, but required further clarification because of literal readings that could be construed in a manner not originally intended when adopted. At their meetings on November 10 and December, 2016 and January 10, 2017 Council discussed and reviewed the possible charter amendments.

Among the sections identified by the City Attorney for possible amendment, the City Attorney noted Section 4.06.B establishing the Parks and Recreation Advisory Board (“the Board”). The City Attorney noted that Section 4.06.B contains many of the basic organizational details of the Board, including the number of members and alternate members that may be appointed to the Board. The City Attorney further noted that such detail in the Charter had in the past prohibited the Council from increasing the number of members on the Board as well as prevented the Council from altering the duties and responsibilities of the Board to reflect the current operations of the City’s parks and trail system and recreational programs. Initial staff recommendation was to repeal Section 4.06.B of the Charter, but after further discussion, it was decided to propose amending Section 4.06.B by deleting the specific organizational details of the Board from the Charter and adding such details to the Code of Ordinances sections relating to the Board. As the City approaches full build out of the City’s parks and trails system, removing the provision from the Charter will allow greater flexibility in defining the role of the Parks and Recreation Advisory Board as the City’s needs shift from park and trail development to maintenance and development.

A special election was called by the City Council on May 6, 2017, for the purpose of placing before the voters of the City of Highland Village various propositions regarding amendments to the City’s Home Rule Charter. Proposition 6 proposes to amend Section 4.06, Subsection B of the City of Highland Village City Charter to require enactment of an ordinance establishing a Parks and Recreation Advisory Board and the purpose and duties of said board.

## **IDENTIFIED NEED/S:**

In anticipation of the passage of Proposition 6, and to provide for a seamless and continuous existence of the Parks and Recreation Advisory Board, an ordinance needs to be adopted amending the provisions of the Code of Ordinances relating to the Parks and Recreation Advisory Board to add to the Code of Ordinances the organizational provisions to be removed from the City Charter, with such ordinance to be effective concurrently with the effective date of the proposed charter amendment if Proposition 6 is approved at the Special Election to be held on May 6<sup>th</sup>..

## **OPTIONS & RESULTS:**

Because the City Charter presently sets out the number of members and alternate members of the Parks and Recreation Advisory Board, such detail is not set out in the Code of Ordinances. If Proposition 6 is approved, failing to concurrently amend the Code of Ordinances to add the details relating to the number of members of the Board and other organizational details will result in uncertainty as to the size of the Board or even if the Board still exists despite Council's intent to the contrary.

## **PROGRESS TO DATE: (if appropriate)**

See the discussion in Background.

## **BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)**

No budgetary impact. An ordinance amending portions of Section 14 of the Code of Ordinances relating to the Parks and Recreation Advisory Board as prepared by the City Attorney is required

## **RECOMMENDATION:**

To approve the first read of Ordinance 2017-1221 amending Section 14.04.001 and Section 14, Division 2 of the Code of Ordinances relating to the Parks and Recreation Advisory Board.

**CITY OF HIGHLAND VILLAGE, TEXAS**

**ORDINANCE NO. 2017-1221**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AMENDING ARTICLE 14 “PARKS AND RECREATION” OF THE CODE OF ORDINANCES OF THE CITY OF HIGHLAND VILLAGE BY AMENDING SECTION 14.04.001 “DEFINITIONS” TO REVISE THE DEFINITION OF “BOARD” AND BY RE-TITLING AND AMENDING IN ITS ENTIRETY DIVISION 2 “PARKS AND RECREATION BOARD”; PROVIDING FOR A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, a special election has been called by the City Council on May 6, 2017, for the purpose of placing before the voters of the City of Highland Village various propositions regarding amendments to the City’s Home Rule Charter; and

**WHEREAS**, Proposition 6 proposes to amend Section 4.06, Subsection B of the City of Highland Village City Charter to require enactment of an ordinance establishing a Parks and Recreation Advisory Board and the purpose and duties of said board; and

**WHEREAS**, the proposed amendment to Section 4.06, Subsection B of the City Charter, if approved, would remove the specific organizational details of the Parks and Recreation Advisory Board from the Charter and require they be enacted by City ordinance; and

**WHEREAS**, in anticipation of the passage of Proposition 6, and to provide for a seamless and continuous existence of the Parks and Recreation Advisory Board, the City Council of the City of Highland Village finds it to be in the public interest to adopt an ordinance amending the provisions of the Code of Ordinances relating to the Parks and Recreation Advisory Board to provide for the organizational provisions to be removed from the City Charter to be effective concurrently with the effective date of the proposed charter amendment.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, THAT:**

**SECTION 1.** The definition of “Board” as set forth in Code of Ordinances Section 14.04.001 is amended to read as follows:

*Board.* The Parks and Recreation Advisory Board as established in Division 2 of this article as required by Section 4.06.B. of the city charter.

**SECTION 2.** Code of Ordinances Section 14 “Parks and Recreation,” Division 2 “Parks and Recreation Board” is retitled as “Parks and Recreation Advisory Board” and amended in its entirety to read as follows:

**Sec. 14.04.031            Creation; Membership**

In accordance with Section 4.06.B of the Charter, the Parks and Recreation Advisory Board is established. The Board shall be composed of five (5) voting members and two (2) alternate members with two (2) voting members and one (1) alternate member appointed for terms commencing in odd numbered years

and three (3) voting members and one (1) alternate member appointed for terms commencing in even numbered years.

**Sec. 14.04.032 Powers and duties**

The Board shall act in accordance with the provisions of the Charter, this Code, and other City ordinances, and only in an advisory capacity to the City Council, in all matters pertaining to parks and recreation, and shall:

- (1) Acquaint itself with, and make a continuous study and inspection of the City parks system;
- (2) Follow a master plan for park property, structures, facilities, athletic areas or other improvements on public park and recreation facilities;
- (3) Recommend the adoption of standards on areas, programs and financial support;
- (4) Recommend to the City Council rules and regulations governing the use of public park and recreation facilities;
- (5) Advise the city staff of recommendations and reasons therefor; and
- (6) Perform such other duties as the City Council may prescribe.

**Sec. 14.04.033 Meetings**

- (a) Schedule of Meetings. The Board shall meet as necessary to conduct the business of the Board, or by written request sent to the chairman or vice-chairman by three members of the board or the director.
- (b) Staff Liaison and Support. The Director or, when the Director is unable to attend, a designated senior staff person from the Department, shall attend all meetings of the Board, and provide staff support and assistance, reports and recommendations.

**SECTION 3.** Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

**SECTION 4.** This ordinance shall take effect from and after its passage on Second Reading, publication of the caption in accordance with the provisions of the Charter of the City of Highland Village, and the effective date of and ordinance amending Section 4.06.B. of the Charter of the City of Highland Village following approval of Proposition 6 in the Special Election held on May 6, 2017; provided, however, if said Proposition 6 is not approved by the voters of the City, then this ordinance shall expire and not take effect; and it is accordingly so ordained.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON FIRST READING ON THIS THE 25<sup>TH</sup> DAY OF APRIL, 2017.**

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON SECOND READING ON THIS THE \_\_\_\_\_ DAY OF MAY, 2017.**

**APPROVED:**

\_\_\_\_\_  
**Charlotte J. Wilcox, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Angela Miller, City Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
**Kevin B. Laughlin, City Attorney**  
(kbl:4/18/17:85404)

**CITY OF HIGHLAND VILLAGE**  
**COUNCIL BRIEFING**

**AGENDA# 14**

**MEETING DATE: 04/25/17**

**SUBJECT: Consider Ordinance 2017-1222 amending the Code of Ordinances relating to the Appointment and Duties of the Clerk of the City's Municipal Court of Record (1<sup>st</sup> of two reads)**

**PREPARED BY: Angela Miller, City Secretary**

**BACKGROUND:**

At their June 28, 2016 meeting, City Council directed the City Attorney and staff to move forward with a legal review of the Highland Village Home Rule Charter (Charter). Upon review, the City Attorney noted that several sections of the Charter needed to be updated to better reflect current state law and/or city functions, as well as several sections where the intent of the language was generally assumed and understood, but required further clarification because of literal readings that could be construed in a manner not originally intended when adopted. At their meetings on November 10 and December, 2016 and January 10, 2017 Council discussed and reviewed the possible charter amendments.

Among the sections identified by the City Attorney, Council discussed the repeal of Section 4.05 of the City Charter relating to the appointment of the Clerk of the Municipal Court. The City Attorney noted the City Charter currently provides for the municipal court judge to appoint the Clerk of the Municipal Court when, in fact, the Municipal Court Clerk is presently hired by the City Manager. State law does not state who is required to appoint the Municipal Court Clerk, only that one be appointed. The City Attorney further noted that if Section 4.05 of the Charter were to be repealed, an amendment to the Code of Ordinances would need to be adopted to reflect current practice regarding the Municipal Court Clerk's appointment.

A special election was called by the City Council to be held on May 6, 2017, for the purpose of placing before the voters of the City of Highland Village various propositions regarding amendments to the City's Home Rule Charter. Proposition 5 proposes to repeal Section 4.05 of the City Charter relating to the appointment of the Clerk of the Municipal Court.

**IDENTIFIED NEED/S:**

State law requires a city that operates a municipal court of record to provide by ordinance for the appointment of a municipal court clerk. In anticipation of the passage of Proposition 5, an ordinance amending Code of Ordinances Section 1.04.005 relating to the appointment and duties of the Clerk of the Municipal Court to reflect the current practice regarding who appoints the Clerk of the Municipal Court needs to be adopted to be effective concurrently with the effective date of the proposed charter amendment if the voters of Highland Village approve Proposition 5 at the Special Election to be held on May 6<sup>th</sup>.

## **OPTIONS & RESULTS:**

Code of Ordinances Section 1.04.005 presently states that the municipal court judge appoints the municipal court clerk. Even if Proposition 5 is approved by the voters, failing to amend the Code of Ordinances would result in the Code conflicting with the current appointment process for the Municipal Court Clerk.

## **PROGRESS TO DATE: (if appropriate)**

See the discussion in Background.

## **BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)**

No budgetary impact. An ordinance amending Section 1.04.005 of the Code of Ordinances as prepared by the City Attorney is required.

## **RECOMMENDATION:**

To approve the first read of Ordinance 2017-1222 amending Section 1.04.005 of the Code of Ordinances relating to the appointment and duties of the Clerk of the City's Municipal Court of Record.

**CITY OF HIGHLAND VILLAGE, TEXAS**

**ORDINANCE NO. 2017-1222**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AMENDING SECTION 1.04.005 OF THE CODE OF ORDINANCES OF THE CITY OF HIGHLAND VILLAGE RELATING TO THE APPOINTMENT AND DUTIES OF THE CLERK OF THE CITY'S MUNICIPAL COURT OF RECORD; PROVIDING FOR A SAVING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, a special election has been called by the City Council on May 6, 2017, for the purpose of placing before the voters of the City of Highland Village various propositions regarding amendments to the City's Home Rule Charter; and

**WHEREAS**, Proposition 5 proposes to repeal Section 4.05 of the City of Highland Village City Charter relating to the appointment of the Clerk of the Municipal Court; and

**WHEREAS**, in anticipation of the passage of Proposition 5, the City Council of the City of Highland Village finds it to be in the public interest to adopt an ordinance amending the provisions of the Code of Ordinances relating to the appointment and duties of the Clerk of the Municipal Court to be effective concurrently with the effective date of the proposed charter amendment that better reflects the current practice with respect to the appointment of the Clerk of the Municipal Court.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, THAT:**

**SECTION 1.** Article 1.04 "Municipal Court of Record," Section 1.04.005 "Clerk and Other Personnel; Seal, Court Report" is amended by amending subsection (a) to read as follows:

(a) Appointment of clerk and other personnel; duties of clerk. The City Manager, in consultation with the judge of the municipal court of record, shall appoint a person to hold the office of clerk of the municipal court of record, who shall also be known as the municipal court clerk. The municipal court clerk shall keep the records of the municipal court of record, issue process, and generally perform the duties of a clerk of a county court at law exercising criminal jurisdiction. In the annual budget, the city council may provide for deputy clerks, warrant officers, and other personnel as needed for the proper operation of the municipal court of record. The municipal court clerk shall supervise the selection of persons for jury service in the municipal court of record. Trial by jury, including the summoning of jurors, must substantially conform to chapter 45, Code of Criminal Procedure.

**SECTION 2.** Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

**SECTION 3.** This ordinance shall take effect from and after its passage on Second Reading,



publication of the caption in accordance with the provisions of the Charter of the City of Highland Village, and the effective date of and ordinance amending Section 4.06.B. of the Charter of the City of Highland Village following approval of Proposition 5 in the Special Election held on May 6, 2017; provided, however, if said Proposition 5 is not approved by the voters of the City, then this ordinance shall expire and not take effect; and it is accordingly so ordained.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON FIRST READING ON THIS THE 25<sup>TH</sup> DAY OF APRIL, 2017.**

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON SECOND READING ON THIS THE \_\_\_\_\_ DAY OF MAY, 2017.**

**APPROVED:**

\_\_\_\_\_  
**Charlotte J. Wilcox, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Angela Miller, City Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
**Kevin B. Laughlin, City Attorney**  
(kbl:4/20/17:85485)

**CITY OF HIGHLAND VILLAGE**  
**COUNCIL BRIEFING**

**AGENDA# 16**

**MEETING DATE: 04/25/17**

**SUBJECT: Status Reports on Current Projects and Discussion on Future  
Agenda Items**

**PREPARED BY: Angela Miller, City Secretary**

**COMMENTS**

This item is on the agenda to allow a Councilmember to inquire about a subject of which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.

- 35Express Update



## UPCOMING EVENTS

**Expected Absences: None**

**April 25, 2017 Regular City Council Mtg. 7:30 pm**

May 4, 2017 Zoning Board of Adjustment Mtg. 7:00 pm (if needed)

**May 9, 2017 Regular City Council Mtg. 7:30 pm**

May 15, 2017 Park Board Mtg. 6:00 pm (if needed)

May 16, 2017 Planning & Zoning Commission Mtg. 7:00 pm (if needed)

May 18, 2017 Public Art Advisory Board Mtg. 7:00 pm (if needed)

**May 23, 2017 Regular City Council Mtg. 7:30 pm**

**May 29, 2017 Memorial Day Holiday (City Offices Closed)**

June 1, 2017 Zoning Board of Adjustment Mtg. 7:00 pm (if needed)

**June 13, 2017 Regular City Council Mtg. 7:30 pm**

June 15, 2017 Public Art Advisory Board Mtg. 7:00 pm (if needed)

June 19,, 2017 Park Board Mtg. 6:00 pm (if needed)

June 20, 2017 Planning & Zoning Commission Mtg. 7:00 pm (if needed)

**June 27, 2017 Regular City Council Mtg. 7:30 pm**

**July 4, 2017 Independence Day Holiday (City Offices Closed)**

July 6, 2017 Zoning Board of Adjustment Mtg. 7:00 pm (if needed)

**July 11, 2017 Regular City Council Mtg. 7:30 pm**

July 17, 2017 Park Board Mtg. 6:00 pm (if needed)

July 18, 2017 Planning & Zoning Commission Mtg. 7:00 pm (if needed)

July 20, 2017 Public Art Advisory Board Mtg. 7:00 pm (if needed)

**June 27, 2017 Regular City Council Mtg. 7:30 pm**

\*\*\*Please visit [www.highlandvillage.org](http://www.highlandvillage.org) or the City Hall bulletin board for latest additions, updates and changes\*\*\*

By: Karen Bradley, Administrative Assistant - City Secretary Office