

**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, AUGUST 22, 2017**

The City Council of the City of Highland Village, Texas met in Early Work Session on the 22nd day of August, 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 Michelle Schwolert Barbara Fleming Fred Busche Daniel Jaworski	Mayor Mayor Pro Tem Deputy Mayor Pro Tem Councilmember Councilmember
Absent:	John McGee Michael Lombardo	Councilmember Councilmember
Staff Members:	Michael Leavitt Kevin Laughlin Ken Heerman Angela Miller Mark Stewart Scott Kriston Linda Cornelius Laurie Mullens Andrew Boyd Karen Bradley	City Manager City Attorney Assistant City Manager City Secretary Assistant Police Chief Public Works Director Parks and Recreation Director Public Affairs Manager Media Specialist Administrative Assistant

EARLY WORK SESSION

1. Discuss Design Manual for the Installation of Network Nodes and Node Support Poles

Public Works Director Scott Kriston reported during its 85th Regular Session, the Texas Legislature enacted Chapter 284 of the Texas Local Government Code ("Chapter 284"), which relates to the installation of equipment, specifically wireless network equipment, in public rights-of-way. Chapter 284 provides a state-wide regulatory scheme regarding the installation of such equipment and limits individual cities' abilities to further regulate the location of such equipment within public rights-of-way. Such regulations are contrary to the historical right of Texas cities to regulate the improvements that are located with its streets and alleys and to levy a reasonable and fair charge for the use of public right-of-way by private businesses.

Chapter 284 is applicable to the installation of "network nodes" (equipment that enables wireless communications between the communications network and the user's equipment) and related equipment, and applies to both the "wireless service provider" (who provides the service directly to the public) and to "network providers"

(which are entities who do not provide service to the end-user, but instead build and install the equipment on behalf of a wireless service provider). Cities may require that providers apply for a permit, and require compliance with the city's right-of-way management ordinance and design manual, but cannot apply zoning regulations to the installation of such equipment or require a license agreement. If providers desire to place equipment on city service poles (i.e. traffic lights, signage, light poles), a city can require a co-location agreement.

Cities are prohibited from enacting any type of moratorium relating to installation of equipment under Chapter 284, and there are specific time limitations which apply to the processing of applications. Chapter 284 is effective September 1, 2017, and provides that any current agreements or ordinances remain applicable to network nodes which are operational before that date.

Staff presented Ordinance 2017-1231 for consideration on August 8, 2017. First read of said Ordinance passed unanimously. During the presentation, staff notified the Council that a proposed design manual ("Manual") would be forthcoming for consideration and approval. Chapter 14 "Public Ways and Public Places" of the Code of Ordinances, Division 7 "Network Providers", Section 14.07.155 "Compliance with the Design Manual" identifies the City Council to adopt a Design Manual for the installation of Network Nodes and support poles.

The Director of Public Works, in consultation with the City Manager and City Attorney, prepared a Manual for consideration. Included in the Manual is criteria for the installation as it relates to safety communication networks, SCADA, traffic signals, water meter reading systems, impediment of pedestrian or traffic safety, designated underground and aerial areas, and designated special design districts.

2. Provide Status on Board and Commission Applications

City Secretary Angela Miller reported on the number of positions there are on each board with terms that will expire on September 30, 2017. An update on current board member preferences and new applicant preferences was also presented. On September 12th, Council will hold a Meet and Greet with current board and commission members wishing to serve again, as well as with new applicants. Appointments will be made at the September 26th City Council meeting.

3. Clarification of Consent or Action Items listed on today's City Council Regular Meeting Agenda of August 22, 2017

No items were discussed.

Mayor Wilcox announced Council would convene into Closed Session and read Agenda Items #4(a) and #4(b). Early Work Session ended at 6:36 p.m.

CLOSED SESSION

Council convened into Closed Session at 6:37 p.m.

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

- (a) 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)

(b) Section 551.074 – Deliberate the Appointment, Removal, Evaluation and Duties of Public Officers, specifically Members of the Planning and Zoning Commission, Zoning Board of Adjustment, Board of Directors of the Highland Village Community Development Corporation, and Board of Directors of the Denton County Transportation Authority

Council concluded Closed Session at 7:17 p.m.

OPEN SESSION

5. Call to Order

Mayor Charlotte J. Wilcox called the meeting to order at 7:30 p.m.

Roll Call

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

6. Prayer to be led by Mayor Charlotte J. Wilcox

Mayor Charlotte J. Wilcox gave the invocation.

7. Pledge of Allegiance to the U.S. and Texas Flags to be led by Mayor Charlotte J. Wilcox

Mayor Charlotte J. Wilcox led the Pledge to the U.S. and Texas flags.

8. Visitor Comments

No one wished to speak.

9. City Manager/Staff Reports

- **HVTV Update**

Back to School Update - Officer Dave with the HV Police Department welcomed students back for the 2017-2018 school year; he reminded students to be kind to each other, both when speaking with someone and when using technology and social media; his 4 keys to success include: do the right thing, be kind to others, be humble, and be accountable & listen; Officer Dave also reminded parents about school zones and that school zone times are changing (specific times are available on the City's website); he also reminded students if they need help to find a responsible adult or to contact the Police Department

Annual Fallen Officers Bike Race and 5K – this year marks the 10th year for this annual event that will be held at The Shops at Highland Village on Saturday, October 21st; morning festivities will kick off with a 5K and then evening activities will include the annual bike race; proceeds from the race will benefit the Texas Police Chiefs Associations' Fallen Officer Fund; memorial t-shirts are available to purchase; visit TXFallenPD.com for locations where you can purchase a shirt

Concert in the Park – this free concert featuring Infinite Journey Band begins August 26 at 7:00 p.m. at Doubletree Ranch Park; bring the whole family, your lawn chairs and blankets for a fun-filled evening; concessions will be available for purchase

- 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**

Councilmember Busche reported how much he enjoyed the Lions Club Balloon Festival that was held over the previous weekend. He stated he thought the festival was very well run and was one of the best festivals they have had in a long time. On behalf of the Lions Club, Deputy Mayor Pro Tem Fleming thanked the City and Councilmembers for attending the event and for helping make their 30th year event such a success.

Councilmember Jaworski reported the Dental Depot of Highland Village will have their 4th annual Dentistry from the Heart event on Saturday, September 30 from 8:00 a.m. to 2:00 p.m. They will open their doors for a free day of dentistry for adults who are in need, to provide basic cleanings, simple extractions, fillings and limited exams.

Mayor Pro Tem Schwolert reminded everyone that with the start of school, students have a lot of expectations placed on them and encouraged everyone to show our students support and praise this school year.

Mayor Wilcox announced City Council will hold a hold a Town Hall meeting on Thursday, September 14 at 7:00 p.m. at the Municipal Complex. The purpose of the meeting is to share information regarding two specific topics - the upcoming utility rate adjustment and increase, and a November bond election for street improvements and park projects. If anyone has questions or issues they would like addressed, please send them to citysecretary@highlandvillage.org.

CONSENT AGENDA

At the request of Mayor Pro Tem Schwolert, Mayor Wilcox moved Agenda Item #20 up from the Regular Agenda to the Consent Agenda.

- 11. Consider Approval of Minutes of the Regular Meeting held on August 8, 2017 and the Special Meeting held on August 14, 2017**

12. **Consider Ordinance 2017-1230 Adopting Section 1.02.017 of the Code of Ordinances Establishing Monthly and Annual Limits on the Amount of Time Spent to Produce Public Information for a Requestor (2nd and final read)**
13. **Consider Ordinance 2017-1231 adopting Article 14.07 of the Code of Ordinances Establishing Regulations for Construction, Placement and Excavation in Rights-of-Way and Public Easements, providing for the adoption of design guidelines and establishment of certain fees, and repealing Divisions 3 and 4 of Article 14.02 of the Code of Ordinances (2nd and final read)**
14. **Consider Resolution 2017-2695 Awarding a Bid and Authorizing the City Manager to Negotiate and Sign a Contract for the Pilot Knoll Park Restroom Renovation Project**
20. **Consider Resolution 2017-2696 Adopting a Design Manual for the Installation of Network Nodes and Node Support Poles in Public Rights-of-Way within the City**

Motion by Deputy Mayor Pro Tem Fleming, seconded by Councilmember Jaworski, to approve Consent Agenda Items #11 through #14, and Agenda Item #20. Motion carried 5-0.

ACTION AGENDA

15. **Take action, if any, on matters discussed in closed session in accordance with the following sections of the Texas Government Code:**
 - (a) **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)**
 - (c) (b) **Section 551.074 – Deliberate the Appointment, Removal, Evaluation and Duties of Public Officers, specifically Members of the Planning and Zoning Commission, Zoning Board of Adjustment, Board of Directors of the Highland Village Community Development Corporation, and Board of Directors of the Denton County Transportation Authority**

NO ACTION TAKEN

16. **Presentation of City Manager Recommended Budget for Fiscal Year 2017-2018**

City Manager Michael Leavitt reported each year the budget is constructed in context of a five-year outlook with the purpose of adequately planning for the future. Development considerations used in preparing the budget are to provide a high level of service expected in Highland Village and to provide services in a cost-effective manner. Mr. Leavitt presented the following:

Personnel

- A 4% overall adjustment is proposed to address market adjustments, certifications, and employee increases. Public Safety will receive a higher increase to reflect adjustment for market conditions.
- Health insurance reflected a 15% increase
- TMRS rate remained flat, with rate decreasing from 13.79% to 13.71%

Public Safety

- Full implementation of the Emergency Care Attendant (ECA) program – medical emergency response by police officers trained to provide initial emergency aid, coupled with implementation of the Computer Aided Dispatch (CAD) system installed in last year are positive factors in the City’s excellent emergency response time
- Upgrade to the outdoor warning siren system (\$54,000) with addition of a siren at Sunset Point (\$16,500) will provide full coverage of the City
- New equipment in the Fire Department - a second Lucus device (\$20,000) to now equip both ambulances

Economic Development

- There is \$500,000 earmarked for potential economic development incentive. With the closing of the Kroger store in the Highland Village Town Center development, the City has been diligently pursuing opportunities to facilitate reviving this center. Incentive opportunities (not limited to this development) have not yet been identified, or may not be required.

City Parks

- Shade covers for several existing playgrounds (\$64,000)
- Upgrade of ballfield lights at Unity Park, also including light shields to minimize light spillage to surrounding area (\$55,000)
- Thor Guard Lightning detection system at Brazos Park (\$11,000)

Assistant City Manager Ken Heerman reported assessed valuations for Fiscal Year 2017-2018 reflect an increase of 6% over the previous year. Included in the proposed budget is a tax rate decrease, and an increase in the exemption amount from \$50,000 to \$75,000 for disabled residents and/or residents age 65 and over. He reported the projected ending fund balance for Fiscal Year 2017-2018 will be at 26%. A bond election is proposed for November to consider street projects and park projects. A utility bond will also be considered separately. In closing, Mr. Heerman stated the City is in good financial condition, with a very positive outlook. The proposed budget is available on the City’s website and has also been filed with the City Secretary.

Councilmember Busche asked Mr. Heerman to report on how funding from the Community Development Corporation (4B) can be used. Mr. Heerman reported the trail system and soccer facilities are the only approved use of 4B funds. In order to change that, it would have to be presented to voters in Highland Village. Mr. Heerman explained the bond items are for projects outside the allowed use of 4B funds.

City Manager Leavitt thanked Mr. Heerman, each of the department heads, Mayor and Council for their hard work on the budget. The Mayor and Council stated their appreciation of the conservative leadership of the staff.

17. Conduct a Public Hearing on the Proposed Budget and Tax Rate for Fiscal Year 2017-2018

Mayor Wilcox opened the public hearing. With no one wishing to speak, Mayor Wilcox closed the public hearing.

18. Consider Ordinance 2017-1232 Authorizing a Fee to Defray Costs of Collecting Delinquent Fines, Fees, Court Costs and Other Debts Pursuant to Article 103.0031 of the Texas Code of Criminal Procedure (1st of two reads)

APPROVED 1ST READ (5 – 0)

Mr. Heerman reported the City has a significant sum of uncollected fines and fees assessed by the Highland Village Municipal Court of Record (Court). The City has never engaged an attorney or other vendor to collect such fees, as authorized by Texas Code of Criminal Procedure. Mr. Heerman stated the current sum of unpaid fines and fees now warrants the use of an attorney or other vendor to collect such unpaid sums.

In order to provide funds to compensate an attorney or other vendor engaged in collecting delinquent municipal court fines and fees for a city, the Texas Code of Criminal Procedure Article 103.0031 allows a 30% collection fee to be added to all fines and fees that are 60 days delinquent, which is then paid to the collection firm. This will ensure that the offender pays the collection fee (with no cost to the City), allowing the City to collect 100% of the delinquent amount.

Motion by Councilmember Busche, seconded by Deputy Mayor Pro Tem Fleming, to approve the first read of Ordinance 2017-1232 authorizing a fee to defray costs of collecting delinquent fines, fees, court costs and other debts pursuant to Article 103.0031 of the Texas Code of Criminal Procedure. Motion carried 5-0.

19. **Consider Resolution 2017-2697 Authorizing Agreements for Collection of Delinquent Utility Accounts and Delinquent Municipal Court Fines and Fees**
APPROVED (5 – 0)

Mr. Heerman reported the City currently contracts with Perdue Bandon Fielder Collins & Mott, LLP for collection of delinquent property taxes. He stated they are one of the largest, most experienced firms in the State with respect to collection of delinquent receivables and the firm's performance on behalf of the City has been excellent. In addition to delinquent property taxes, the firm also provides collection services for delinquent Court and Utility payments. Adding these services to our contract is proposed for Council consideration.

Motion by Mayor Pro Tem Schwolert, seconded by Councilmember Busche, to approve Resolution 2017-2697 authorizing agreements for collection of delinquent utility accounts and delinquent municipal court fines and fees. Motion carried 5-0.

20. **Consider Resolution 2017-2696 Adopting a Design Manual for the Installation of Network Nodes and Node Support Poles in Public Rights-of-Way within the City**

At the request of Mayor Pro Tem Schwolert, Mayor Wilcox moved Agenda Item #20 up from the Regular Agenda to the Consent Agenda.

LATE WORK SESSION

21. **Receive a Legislative Update**

With the 85th Texas Legislative Session concluded, Mr. Leavitt provided a brief update on the following new laws that go into effect on September 1, 2017:

House Bill 62 – Prohibits drivers on public roads from using a wireless communication device to read, write or send an electronic message while operating a motor vehicle. The new law will preempt all "texting and driving" ordinances previously passed by cities, but does not preempt city ordinances which go beyond texting while driving.

House Bill 478 – States that a person who, by force or otherwise, enters a motor vehicle for the purpose of removing a vulnerable individual (i.e. child) from a vehicle is immune from civil liability for damages resulting from that entry or removal.

House Bill 590 – Shields first responders who provide roadside assistance in good faith from liability related to their care, so long as they are not grossly negligent, reckless, or commit intentional misconduct.

House Bill 1774 – Adds significant hurdles to policyholders who want to dispute weather-related property damage claims. The goal of the new law is to discourage property owners from suing insurers over weather-related claims such as hail damage to a home's roof.

House Bill 1935 – Eliminates daggers, dirks, stilettos, poniards, swords, spears, and Bowie knives' from Texas statute, effectively allowing them to be carried anywhere in the state. Blades over 5½" are now defined as "location restricted" knives. These knives may be carried throughout the state except in a narrow list of places, such as schools, colleges, correctional facilities, houses of worship, and bars. Minors under the age of 18 are also restricted from carrying these types of knives.

Senate Bill 2205 – Permits the Texas Department of Public Safety to govern the operation of automated motor vehicles, and prohibits political subdivisions and state agencies from regulating the operation of such vehicles.

Senate Bill 1187 – Will require a peace officer to attempt to verify the existence of a driver's liability insurance policy through the verification program before they are allowed to issue a citation to a driver of a motor vehicle for operating the vehicle without financial responsibility.

Senate Bill 179 – Will modify the existing definition of bullying and create a new definition for cyber bullying. The law mandates that public and private schools adopt policies relating to cyber bullying, and includes a provision that would require the reporting of potential bullying offenses to local law enforcement.

Senate Hill 693 – Under current law, a school bus and school activity bus must be equipped with a three-point seat belt for each passenger. The new law will amend current Transportation Code by including multifunction school activity buses or school-charter buses to the seat belt requirement, for newer models.

Senate Bill 16 – Drops the cost of a License to Carry from \$140 to \$40. Also waives the fee for Texas military and peace officers.

House Bill 3535 – States that a qualified landowner or landowner's agent may contract to participate as a hunter or observer in using a hot air balloon to take depredate feral hogs or coyotes under the authority of a permit.

- 22. 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

Mr. Leavitt provided the following update:

AGL Constructors continues to work on the final surface paving for the northbound and southbound I-35E main lanes. There will be various nightly main lane closures along the I-35E corridor as well as exit and entrance ramp closures for this work and motorists should be prepared for short term uneven pavement conditions and rough surfaces.

An opening celebration for Phase 1 is in the works and will likely take place in mid-to-late October. More information will be provided as it is received.

23. Adjournment

Mayor Wilcox adjourned the meeting at 8:28 p.m.

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary