

**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, OCTOBER 24, 2017**

The City Council of the City of Highland Village, Texas met in Early Work Session on the 24th day of October, 2017 prior to the Regular Council Meeting.

Call to Order

Mayor Charlotte J. Wilcox called the meeting to order at 6:05 p.m.

Roll Call

Present:	Charlotte J. Wilcox	Mayor
	Michelle Schwolert	Mayor Pro Tem
	Michael Lombardo	Councilmember
	Barbara Fleming	Deputy Mayor Pro Tem
	Fred Busche	Councilmember
	John McGee	Councilmember
	Daniel Jaworski	Councilmember
Staff Members:	Michael Leavitt	City Manager
	Kevin Laughlin	City Attorney
	Ken Heerman	Assistant City Manager
	Angela Miller	City Secretary
	Doug Reim	Police Chief
	Scott Kriston	Public Works Director
	Laurie Mullens	Director of Marketing & Communic
	Andrew Boyd	Media Specialist

EARLY WORK SESSION

1. Discuss Results of the Recent Solid Waste and Recycling Survey and the Upcoming Request for Proposals for Solid Waste and Recycling Services

Public Works Director Scott Kriston reported the City's current solid waste contract with Waste Management will expire on August 31, 2018. There are 5,162 residential roof tops in Highland Village that receive the following services under the current contract:

- ❖ Garbage Collection – once a week pick up; up to 10 bags and containers
- ❖ Recycling Collection – once a week pick up; contractor supplies container
- ❖ Yard Waste – once a week pick up; up to 20 bundles and brown Kraft bags
- ❖ Bulk Waste - \$100 + disposal fee(s) paid by the resident for pick up

Mr. Kriston presented a map of the city that showed collection days for the different areas of the City. He also reported the number of missed pickups in Highland Village from September 15, 2015 to January 3, 2017 totaled 338 documented complaints.

Director of Marketing and Communications Laurie Mullens then updated everyone on the recent Garbage and Recycling Survey that was conducted online. She reported the survey link was shared on Facebook, the City's website, and NextDoor and received 745 total responses. Ms. Mullens reviewed the ten (10) survey questions and responses. The next steps will be to share the survey results with the community and to provide information on special services the City provides, such as prescription disposal, hazardous household waste, paper shredding days. She reported there will be a follow

up survey, which will include follow up on some previous questions, as well as questions regarding yard waste collection for composting and automated collection and bulk pick up.

Since the contract with Waste Management will be ending in less than one year, Mr. Kriston reported City staff will issue a Request for Proposals (RFP) for solid waste and recycling services in the near future. A preliminary schedule for the proposal process was presented. City Manager Michael Leavitt stated a draft RFP would be presented to Council prior to being put forward and reported staff desires to engage the services of a consultant to help guide the preparation of the RFP. He reported a consultant will provide information regarding new services, what should be included in the future of solid waste services for the next five to ten years, and what area cities are including in their services to its residents.

Councilmember Busche stated he wanted to include some aspect of the RFP to know if a company is being environmentally conscious and that he wants more focus on recycling. Councilmember McGee voiced concern with using a consultant and stated the results of survey, or a follow up of the survey, could be used to draft the RFP. Assistant City Manager Ken Heerman reported a consultant could assist with issues such as pricing, differences in residential and commercial services, structuring of an agreement, penalties. City Attorney Kevin Laughlin reported he has been involved in several contract negotiations relating to solid waste services and that it helps to have someone with industry expertise during the process. Mayor Wilcox suggested adjusting the timeline so that a contract is approved by the end of April.

2. Discuss Awarding of Grant Funds to Community Non-Profit Organizations for Fiscal Year 2017-2018

Mayor Wilcox reported the City received seventeen (17) applications for funding from non-profit organizations, with this year's requests totaling \$66,465.75. Council members discussed the allocation of funds for non-profit organizations and came to a consensus for awarding funding for Fiscal Year 2017-2018, which totals \$41,000 in allocations.

3. Clarification of Consent or Action Items listed on today's City Council Regular Meeting Agenda of October 24, 2017

Relating to Agenda Item #14, City Manager Michael Leavitt reported the motion from the October 10, 2017 City Council meeting approving the first read of Ordinance 2017-1235 reflected a distance of 419 feet for the prohibited parking area from the Highland Forest Drive and Justin Road intersection. He stated if that distance is changed it will require a repeat of the first read of the ordinance.

Mr. Leavitt reported Agenda Item #16 is on the action agenda for tonight's regular meeting and if Council wishes to take action, it could be moved up to consent.

Early Work Session ended at 7:19 p.m.

CLOSED SESSION

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)**

Council did not meet in Closed Session.

OPEN SESSION

5. Call to Order

Mayor Charlotte J. Wilcox called the meeting to order at 7:33 p.m.

Roll Call

Present:	Charlotte J. Wilcox	Mayor
	Michelle Schwolert	Mayor Pro Tem
	Michael Lombardo	Councilmember
	Barbara Fleming	Deputy Mayor Pro Tem
	Fred Busche	Councilmember
	John McGee	Councilmember
	Daniel Jaworski	Councilmember
Staff Members:	Michael Leavitt	City Manager
	Kevin Laughlin	City Attorney
	Ken Heerman	Assistant City Manager
	Angela Miller	City Secretary
	Doug Reim	Police Chief
	David Harney	School Resource Officer
	Scott Kriston	Public Works Director
	Laurie Mullens	Director of Marketing & Communic
	Andrew Boyd	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 Cub Scout Pack #1163

Cub Scout Pack #1163 led the Pledge of Allegiance to the U.S. and Texas Flags.

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.)*

No one wished to speak.

9. City Manager/Staff Reports

• **HVTV Update**

The latest vide report from HVTV News was shown:

Bond Election – early voting is currently underway for the November 7 election to consider propositions for street and park improvements; early voting will continue through Friday, November 3; qualified registered voters of Highland Village may vote at any Denton County polling location during that time; voters must vote at their designated precinct on Election Day

Highland Village Fall Festival – this annual event will be held at Unity Park on November 4th and is free to the public; will be held from 10:00 am to 2:00 pm; there will be music, carnival games, bounce houses, face painting, artisan displays, craft and food vendors will also be onsite. For more information visit www.HVparks.com

Salute our Veterans Luncheon – the next Salute Our Veterans Luncheon will be held on Friday, November 10 from 11:00 am to 1:00 pm at the Hilton Garden Inn in Lewisville; contact Crystal Babcock regarding sponsorships to allow veterans and a guest to attend at no charge; sponsorships start at \$40.00, which covers the cost of two lunches, and continues in \$20 increments

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 McGee thanked everyone for their hard work on Saturday at the Fallen Officer Bike Race and 5K. Deputy Mayor Pro Tem Fleming recognized Cooper Chionh from Boy Scout Troop 99 who was in attendance for the meeting.

- **Proclamation – Art Month**

Mayor Wilcox presented a proclamation to members of the Cross Timbers Artist Guild members Linda Chidsey, Aaron Bacon, and Lorraine Hayes declaring November 2017 as Art Month in the City of Highland Village.

- **Proclamation – Domestic Violence Awareness Month**

This proclamation is to bring awareness to the commitment to end domestic violence in our community.

- **Proclamation – Red Ribbon Week**

Mayor Wilcox presented a proclamation to Police Chief Doug Reim and Corporal/SRO David Harney. The proclamation promotes family and individuals living a healthy, drug-free lifestyle.

CONSENT AGENDA

Councilmember McGee requested Agenda Item #16 be moved up from the Action Agenda to the Consent Agenda. Mayor Wilcox moved the item up to the Consent Agenda.

11. **Consider Approval of Minutes of the Regular Meeting held on October 10, 2017**

12. **Consider Resolution 2017-2711 Authorizing the Purchase of a Submersible Pump from Xylem Water Solutions USA, Inc. for Lift Station #3**

16. **Consider Resolution 2017-2714 Authorizing an Agreement with Solid Waste Specialists, LLC to Provide Professional Services for the Development of a Request for Proposal for Solid Waste Collection Services**

Motion by Councilmember Busche, seconded by Deputy Mayor Pro Tem Fleming, to approve Consent Agenda Items #11, #12 and #16. Motion carried 7-0.

ACTION AGENDA

13. **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)**

NO ACTION TAKEN

Council did not meet in Closed Session; no action was taken.

14. **Consider Ordinance 2017-1235 Amending Section 20.05.001(b) of the Code of Ordinances relating to the Prohibition of Parking, Standing or Stopping of Vehicles on portions of Highland Forest Drive (2nd and final read)**

APPROVED 2ND READ (7 – 0)

Police Chief Reim reported the homeowner at 2041 Highland Forest Drive requested the City review the parking restrictions relative to the area of Highland Forest Drive and Nelson Parkway. Currently, the restricted parking distance of 451 feet ends approximately half-way in front of the residence located at 2041 Highland Forest Drive. This is the only location affected and does not allow the residents or their visitors to park in front of their house.

At the October 10th Council meeting, Council approved Ordinance 2017-1235 providing that the distance of the prohibited parking area from the Highland Forest Drive and Justin Road intersection be reduced to 419 feet.

Councilmember McGee reported he had driven by to see the area and to try to understand why the signs were placed there originally. Homeowner Stacy Smith was present for the meeting and reported previous Police Chief Ed O'Bara had approached her with his concern of parking resulting from overflow from the Celebrations venue and asked if she would like no parking signs placed there. Ms. Smith said she asked him about her and her guests parking there and he told her it would only affect overflow traffic from Celebrations. Ms. Smith reported there have been no issues, until recently when her cleaning lady was parked in the no parking zone. Ms. Smith thanked Chief Reim and Mayor Wilcox for their help on this matter.

Motion by Councilmember Jaworski, seconded by Mayor Pro Tem Schwolert, to approve the second read of Ordinance 2017-1235 amending Section 20.05.001(b) of the Code of Ordinances relating to the prohibition of parking, standing or stopping of vehicles on portions of Highland Forest Drive. Motion carried 7-0.

15. **Consider Approval of a Site Plan for the Property located at 2150 Village Parkway, Lot 7B, Block 2, The Marketplace at Highland Village, as submitted by ADR Designs on behalf of Helen Lee Corporation**

SITE PLAN APPROVED (7 – 0)

Public Works Director Scott Kriston reported an application was received for a site plan to construct an approximately 13,994 square foot building for retail use. The site plan package includes a site plan, building elevations, signage, lighting plan, and landscape plans. The property is currently zoned Planned Development Retail (PD-R).

The proposed site plan is the second phase of the applicant's project and is very similar to the site plan that was approved by City Council on May 23, 2017 for Highland Village Phase I, 2100 Village Parkway, Lot 7A, Block 2, in the Marketplace at Highland Village. At their October 17, 2017 Planning and Zoning Commission meeting, the Commission approved sending the site plan forward to City Council for approval. The developer was present for the meeting.

Motion by Councilmember Busche, seconded by Councilmember Lombardo, to approve the Site Plan for the property located at 2150 Village Parkway, Lot 7B, Block 2, The Marketplace at Highland Village. Motion carried 7-0.

16. **Consider Resolution 2017-2714 Authorizing an Agreement with Solid Waste Specialists, LLC to Provide Professional Services for the Development of a Request for Proposal for Solid Waste Collection Services**

This item was moved up to the Consent Agenda.

17. **Consider Ordinance 2017-1236 Amending the Code of Ordinances by Repealing the Composting and Household Hazardous Waste Programs Fee (1st of two reads)**

APPROVED 1ST READ (7 – 0)

Assistant City Manager Ken Heerman reported the City has participated in composting and hazardous waste programs for a number of years. An initial fee of \$.70 per billing, later increased to \$.90 per billing was assessed on the City's utility bills to cover the associated costs of these two programs. In 2012, the City's solid waste vendor, Waste Management, rolled out a new service, Household Hazardous Waste At Your Door. The initial cost of this service was \$.56 per billing (\$.60 including sales tax). As this service was billed in conjunction with the garbage / recycling service, the compost fee was separated and this fee was correspondingly reduced to \$.30.

Mr. Heerman stated that over time, the actual charges associated with the Compost service was less than anticipated, resulting in a surplus of collected fees for this service. Staff recommendation is to eliminate this fee and utilize this surplus to fund compost services, which will be sufficient through the remaining solid waste contract term (August 2018) with Waste Management. Mr. Heerman stated that over the next year, all the various programs will be reviewed in development of a Request for Proposal to use for solicitation of a new contract for these services.

Motion by Councilmember Lombardo, seconded by Deputy Mayor Pro Tem Fleming, to approve the first read of Ordinance 2017-1236 amending the Code of Ordinances by repealing the Composting and Household Hazardous Waste Programs Fee. Motion carried 7-0.

18. Consider Resolution 2017-2712 Approving an Increase in Charges relating to an Annual Rate Adjustment pursuant to the Solid Waste and Recycling Service Contract with Waste Management

APPROVED (7 – 0)

Mr. Heerman stated the City received a request from Waste Management (WMI) for a rate increase. The proposed rate increase is allowed per the agreement between the City and Waste Management. Rate adjustments are based on two criteria: the Dallas/Fort Worth Consumer Price Index, as well as the change in diesel fuel prices for the Gulf Coast. The existing agreement with Waste Management was initiated in 2008 and renewed for an additional five-year term in 2013. The contract contains a stated option to have ability to update rates in October of each year. The last adjustment requested was in 2012.

Mr. Heerman reported Waste Management has provided the pertinent CPI and fuel price justification as required by the contract, which has been substantiated by City staff. The base rate adjustment requested reflects a 1.77% change in CPI coupled with a fuel price adjustment of .05%, providing a total increase of 1.82%. In accordance to the agreement, Waste Management must receive approval by Council. Also, as stipulated in the agreement, the approval shall not be unreasonably withheld and failing to take any action within 30 days of the request shall result in the request being deemed approved.

Based on the stated change in CPI index and Diesel fuel price index, the 1.82% increase by Waste Management would increase the base rate from \$13.03 to \$13.27. When including sales tax, the monthly bill to residents increases from \$14.11 to \$14.36 – a 25-cent increase. Senior citizen rates (with the 10% discount), will increase from \$12.82 to \$13.07.

Mr. Heerman further reported the City has also charged a separate additional \$.30 fee – to fund a composting program. The costs associated with this service have been less than anticipated, thus providing a surplus of collected funds. Mr. Heerman reported the ordinance presented to Council in tandem with this item drew down the surplus by eliminating this fee for the remainder of the current Waste Management contract (through August 2018). As a result, the \$.30 reduction will more than offset the garbage rate increase. These will be effective with the November billing cycle.

Motion by Deputy Mayor Pro Tem Fleming, seconded by Mayor Pro Tem Schwolert, to approve Resolution 2017-2712 approving an increase in charges relating to an Annual Rate Adjustment pursuant to the Solid Waste and Recycling Service Contract with Waste Management. Motion carried 7-0.

19. Consider Resolution 2017-2713 Awarding Grant Funds to Community Non-Profit Organizations for Fiscal Year 2017-2018

APPROVED (7 – 0)

Motion by Mayor Wilcox, seconded by Councilmember Jaworski, to approve Resolution 2017-2713 making the following allocations:

Section 1 – Family Service Organizations:

- ***Christian Community Action (CCA) - \$2,500***
- ***Denton County Friends of the Family, Inc. - \$2,500***
- ***Salvation Army Lewisville - \$2,500***
- ***Special Abilities of North Texas - \$2,500***
- ***Winning the Fight (WTF) - \$3,000***

- **Youth and Family Counseling - \$3,500**

Section 2 – Children’s Service Organizations:

- **Casa of Denton County, Inc. - \$1,000**
- **Communities in Schools of North Texas - \$2,000**
- **Journey to Dream - \$2,500**
- **PediPlace - \$2,500**
- **Lewisville ISD Education Foundation (LEF) - \$4,000**

Section 3 – Community Service Organizations:

- **Highland Village Lions Club - \$3,500**
- **Friends of the Flower Mound Library - \$500**
- **Lewisville Lake Symphony - \$3,500**
- **Studio B Performing Arts Center - \$3,000**
- **Greater Lewisville Community Theatre - \$1,000**
- **Chisholm Trail Retired Senior Volunteer Program (RSVP) - \$1,000**

Motion carried 7-0.

Mayor Wilcox thanked all of the organizations for the services they provide to the residents of Highland Village.

LATE WORK SESSION

20. Discuss the Use of Golf Carts in Highland Village

Police Chief Doug Reim reported recent legislative changes relating to the use of package delivery vehicles utilized by FedEx and UPS has sparked discussion and education on the subject of golf cart use on public streets in Highland Village. He provided definitions for a golf cart, neighborhood electric vehicle (NEV), utility type vehicle (UTV), recreational off-highway vehicle (ROV) and an all terrain vehicle (ATV). He reported the City does not have an ordinance prohibiting or regulating golf carts or NEV/LSVs, etc on public roads, therefore state law applies.

Chief Reim reported that City Attorney Kevin Laughlin informed, based on an Attorney General opinion, that the use of golf carts are currently legal in Master Planned Communities, and that Highland Shores and all Residential “Planned Development” (PDs) would be considered a “Master Planned Community” since the residential subdivision has been zoned as a PD, is subject to a uniform set of restrictive HOA covenants, and the property has been platted in accordance with City regulations. A map was shown of the areas that are a Master Planned Subdivision with HOA.

Council discussed insurance requirements and safety concerns regarding the use of golf carts on public roadways. Councilmember Lombardo stated if allowed, should be city-wide and not limited to certain areas and he would prefer they be licensed and insured. Councilmember Jaworski stated he does not want them allowed on our trails and that they be licensed to operate.

Mr. Leavitt stated staff is seeking direction from Council in addressing this city-wide:

- ❖ Option A – an ordinance allowing use city-wide and develop our criteria for inspection, insurance requirements, regulations and restrictions
- ❖ Option B – an ordinance that restricts their use city-wide

He reported staff will research and assemble draft ordinances – one prohibiting use and one allowing use – for Council to continue further discussion.

- 21. 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.)**

Mr. Leavitt reported a date needs to be discussed to canvass the results of the November 7th election. Potential dates discussed were November 17th or 20th.

Mayor Wilcox reported the Salute our Veterans Luncheon will be held on Friday, November 10. Deputy Mayor Pro Tem Fleming reminded everyone to vote.

- 22. Adjournment**

Mayor Wilcox adjourned the meeting at 9:00 p.m.

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary