

**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, JANUARY 9, 2018**

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 Michael Lombardo Barbara Fleming Fred Busche John McGee Daniel Jaworski	Mayor Mayor Pro Tem Councilmember Deputy Mayor Pro Tem Councilmember Councilmember Councilmember
Staff Members:	Michael Leavitt Kevin Laughlin Ken Heerman Angela Miller Doug Reim Cory Gullo Phil Lozano Laurie Mullens Andrew Boyd Karen Bradley	City Manager City Attorney Assistant City Manager City Secretary Police Chief Police Corporal/Detective Parks and Recreation Director Director of Marketing & Communic Media Specialist Administrative Assistant
Guests:	George Staples John Snider	City Attorney Attorney from Texas Municipal Police Association

EARLY WORK SESSION

1. Clarification of Consent or Action Items listed on today's City Council Regular Meeting Agenda of January 9, 2018

Relating to Agenda Item #11, Councilmember Lombardo asked if funds for the project were included in the budget. City Manager Michael Leavitt stated it was included in the Utility Fund budget.

Mayor Wilcox announced Council would meet in Closed Session and read Agenda Items #2(a) and #2(b).

CLOSED SESSION

Council convened into Closed Session at 6:02 p.m.

2. 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, including Litigation regarding Horner vs. City of Highland Village, 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 551.071 – Discuss pending lawsuit with City's attorneys, specifically, the case styled *Horner, et.al. v. City of Highland Village, et al.*, Cause No: 4:17-cv-774 in the United States District Court (E.D. Texas - Sherman Division)**

Council concluded Closed Session at 6:40 p.m.

OPEN SESSION

3. Call to Order

Mayor Charlotte J. Wilcox called the meeting to order at 7:30 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
	Phil Lozano	Parks and Recreation Director
	Laurie Mullens	Director of Marketing & Communic
	Andrew Boyd	Media Specialist

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

Mayor Wilcox gave the invocation.

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

Mayor Wilcox led the Pledge of Allegiance to the U.S. and Texas Flags.

6. Visitor Comments

No one wished to speak.

7. City Manager/Staff Reports

City Manager Michael Leavitt stated there has been some confusion and questions regarding the pickup of recycling items outside the recycle bin – particularly after Christmas as many households had more boxes than normal. He reported Waste

Management's contract specifies material outside the recycle bin will be picked up as bulk trash.

He stated that in 2013 the City of Highland Village and Waste Management modified our contract for recycling service from blue bags to carts. Waste Management has informed us their contract, policies and training in all cities in North America who use containerized recycling directs teams to only service the recycling bin with the recycling truck, not the materials outside of the bin. Mr. Leavitt stated residents have reported to us items outside their bin have been picked up as recycling in the past. He reported Waste Management has stated that may be the case for some however it is more likely these items were picked up by the trash truck and the resident only saw that the material had been picked up.

Mr. Leavitt reported our current contract with Waste Management expires in August of this year and we are currently in the final steps of releasing our RFP for vendors wishing to provide solid waste services in Highland Village.

He further stated, our community has a high participation level in the recycling program. If residents would like an additional recycle cart, they can email their request to utilitybilling@highlandvillage.org and City crews will deliver a new cart to their curb within three days. An extra \$2 per month will be added to resident's utility bill for each additional cart.

Mayor Wilcox clarified that the City has not instructed Waste Management to stop picking up recycling items outside the recycle bin. Mr. Leavitt stated that was a management decision made by Waste Management.

- **HVTV Update**

The latest video report from HVTV News was shown:

General Election – a General Election will be held on May 5, 2018 for City Council Places 1 (Mayor), 2, 4, and 6; anyone interested in being a candidate may visit the City's website and select the Elections tab to view eligibility requirements and to download the required paperwork; candidates may also contact the City Secretary's Office if they have any questions or would like to receive hard copies

Father Daughter Dance – tickets are on sale now for the Father Daughter Dance, which will be held on Friday, February 2 at the Hilton Garden Inn located in Lewisville; visit the City's website to purchase tickets online or in-person at the Robert & Lee DuVall Center

Give Us Your Best Shot Photo Contest – the City is looking for your best photos; categories include: City Parks, City Events, Family Fun, Nature/Wildlife/Pets; prizes will be awarded in each category; entry deadline is Jan 12, 2018; visit the City's website for contest rules and entry form

8. **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**

- **Recognition of Marcus High School Marching Band – Finalists in the Bands of America Grand National Championship**

The Marcus High School Marching Band and their Assistant Band Director Chase Howard were recognized as finalists in the Bands of America Grand Nationals.

- **Presentation of a Capital Credit Check from CoServ**

Vicki Sargent, Director of Community Relations and Tracee Elrod, Area Manager for Business and Government Relations presented the City with a capital credit check in the amount of \$19,630.05.

CONSENT AGENDA

9. **Consider Approval of Minutes of the Regular Meeting held on December 12, 2017**
10. **Consider Ordinance 2017-1239 Repealing Code of Ordinances Article 2.07 relating to Assistance to Non-Profit Organizations (2nd and final read)**
11. **Consider Resolution 2018-2730 Authorizing the City Manager to Enter into a Contract with CFG Industries, LLC for the Idlewild Court Elevated Storage Tank Repainting Project**
12. **Receive Budget Reports for Period Ending October 31, 2017**

Motion by Councilmember Lombardo, seconded by Councilmember McGee, to approve Consent Agenda Items #9 through #12. 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, including Litigation regarding Horner vs. City of Highland Village, 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 551.071 – Discuss pending lawsuit with City's attorneys, specifically, the case styled *Horner, et.al. v. City of Highland Village, et al.*, Cause No: 4:17-cv-774 in the United States District Court (E.D. Texas - Sherman Division)**

NO ACTION TAKEN

14. **Consider Resolution 2018-2729 Adopting Revised Policy regarding Financial Assistance Grants to Non-Profit Organizations**
APPROVED (7 – 0)

City Secretary Angela Miller reported in 2003, the City adopted an ordinance establishing a policy regarding the provision of financial assistance grants to non-profit agencies. This provided for a uniform policy and outlined criteria that must be satisfied in order for an organization to be eligible for consideration. No updates or changes have been made to the policy since its adoption in 2003.

Mrs. Miller reported the existing policy requires non-profit organizations desiring funding from the City to submit requests to the City Secretary's Office by April 15. Following a review of the policy, staff recommends amending the policy so that the deadline for submission of requests can be established each year based on the budget adoption calendar, but no later than August 31. She stated this date is more in line with current procedures and more timely when presentations are made to Council by the non-profit organizations. Since the policy has not been reviewed in close to 15 years, the City Attorney also reviewed and made additional clean up changes to the wording of the policy as well as adding language making it clear that grants are subject to forfeiture if the required contract is not signed and returned to the City by the deadline established by the City. No change regarding the level of funding the City may provide was proposed.

Mrs. Miller further reported, in being consistent with general practice of the City approving policies by resolution, the revised policy is submitted for consideration as a resolution. Concurrent with the resolution is repeal of the current ordinance, which was approved by Council on first read at the December 12th meeting, and on second read tonight on the Consent Agenda.

Motion by Mayor Pro Tem Schwolert, seconded by Deputy Mayor Pro Tem Fleming, to approve Resolution 2018-2729 adopting revised policy regarding financial assistance to non-profit organizations. Motion carried 7-0.

LATE WORK SESSION

15. Discuss Proposed Regulations relating to the Use of Neighborhood Electric Vehicles (NEV), Low Speed Vehicles (LSV) and Golf Carts in Highland Village

The following person spoke:

Casey Sundt (2890 Woodhollow Drive) – Mr. Sundt stated he is glad the item is being discussed and that safety is a concern everyone shares. He owns a golf cart, which does have seat belts. Mr. Sundt reported he reviewed the proposed regulations and asked Council to reconsider the following three (3) items:

- ❖ Requiring a safety car seat for persons younger than six (6) years of age for golf carts and NEVs
- ❖ Requiring golf carts to have two (2) headlamps and two (2) tail lamps – consider that there are different options available
- ❖ Requiring that golf carts and NEVs have headlights and tail lights on during daytime hours when operated on a public street or public ROW – is this needed if only allowed to operate during daytime hours

Mayor Wilcox stated she had received an email from resident Natalie Schock, requesting her information be read into the minutes:

“On behalf of my family, we are in support of allowing NEV, LSV golf carts in our lakeside community. I think with the proper rules and regulations, allowing golf carts can actually make Highland Village an even more desirable community and also allow for old-fashioned suburban social interaction and better connect neighbors in a busy world.”

Police Chief Doug Reim stated he would like the regulations for golf carts to be similar to those for an NEV and LSV and he is seeking direction from an enforcement standpoint. By having a registration process, it provides an avenue to address safety requirements.

Councilmember Busche stated he prefers only units with a vehicle identification number (VIN) be allowed on a public street.

Each member of Council provided comments on the proposed regulations:

Councilmember Jaworski asked why there was a requirement for lights on a unit if it could only be operated during the day and why a two (2) year permit rather than a one (1) year is being proposed. Mr. Leavitt stated the use of lights was for safety reasons and that most cities he researched have two (2) year permits, which he felt was fair and reasonable. Councilmember Jaworski stated he feels only individual's with a valid driver license should be allowed to operate and asked to include that drivers with only a learner permit not be allowed to operate a unit. Since NEV/LSV/golf carts are not allowed on the trails or FM 2499, Councilmember Jaworski asked about the grass areas along the trails or FM 2499. He was also concerned that some residents may be excluded from use because they may live in an area with restricted access on certain roadways. City Attorney Kevin Laughlin reported they would be prohibited from the grassy areas mentioned.

Councilmember Jaworski voiced concern with how to safely secure smaller children, such as babies. He also asked if there was going to be a fee for registration. Mr. Leavitt and Chief Reim stated any fees would simply be to cover the cost of the registration process, but kept as minimal as possible. Mr. Leavitt stated the fee aspect would have to be researched further.

Deputy Mayor Pro Tem Fleming voiced concern about their use on Brazos and Briarhill Boulevards due to the traffic on those roadways. She also voiced concern that, with Unity Park being a premier park in the city, some people would not be able to use their NEV/LSV/golf cart to get there if coming from the other side of town due to restricted use on certain roadways.

Councilmember Busche stated only drivers with a valid driver license should be allowed to operate a NEV/LSV/golf cart, and that the unit should be inspected every year.

Councilmember McGee voiced concern regarding proper safety restraints for children under six (6), and how to realistically secure them. He also stated he had seen teens recklessly driving units and that he favors requiring only drivers with a valid driver license be allowed to operate a NEV/LSV/golf cart. He also asked if thoroughfares could be restricted. Mr. Laughlin stated thoroughfares could be restricted.

Mayor Pro Tem Schwolert stated she had concerns with children driving units after dark and allowing units on public streets with a 35 mile per hour speed limit, especially golf carts on streets such as Highland Village Road.

Councilmember Lombardo voiced concern with the time and staff required for the Police Department to conduct inspections and issue permits. He stated the issue should be left to the state. Mr. Leavitt stated he is only proposing units be registered with the City, with a permit issued by the City and that no inspection will be conducted.

Mayor Wilcox stated requiring golf carts to have headlights on during daytime hours when operated on a public street or public ROW needs to be reviewed again. She stated she did not want children operating units at night and that she does agree only drivers with a valid driver license should be allowed to operate a NEV/LSV/golf cart.

Chief Reim recommended changing the maximum speed limit on public streets on which a golf cart or NEV is operated from “35 miles per hour or less” to “30 miles per hour or less”. Councilmember Busche asked if use on streets such as Brazos or Sellmeyer could be restricted. Mr. Laughlin stated they could, but would need to be identified in the ordinance.

The following resident also spoke:

Leslie Andrus (2890 Hillside Drive) – Ms. Andrus stated she has owned a NEV since her youngest child was approximately six (6) months old and has used the lap belts to convert her 5-point safety harness car set. She stated some older units do not have seat belts that would work with car seats but thinks Council should allow families to use their common sense. In addition, Ms. Andrus stated she has to have insurance for her NEV and has to register with the state. She asked if NEV owners are also going to be required to pay for another registration in addition to that one.

Mr. Leavitt stated staff has some direction now and that the following edits would be provided to Council at the next meeting:

- ❖ Hours of operation
- ❖ Inserting a definition for a LSV, similar to the one included for a NEV
- ❖ Relating to golf cart regulations, changing the sentence that reads: No person may stand or ride in the lap of the driver and/or other passenger of a golf cart while “it is moving” to read “...in operation.”
- ❖ Relating to additional operational regulations for all golf carts and NEVs:
 - Removing Item (h) – Children must be properly seated while a golf cart or NEV is in motion and may not be transported in a reckless or negligent manner. No person younger than six (6) years of age may be transported in a golf cart or NEV unless restrained by a safety car seat to the same extent required for transportation in a motor vehicle in accordance with the Texas Transportation Code Section 545.412.
 - Remove Item (l) – If not equipped with stop or turn signals, driver must use appropriate hand signals for stopping or turning.

Mr. Leavitt stated if Council had any further edits to please contact him or Chief Reim.

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.)

City Manger Leavitt provided the following update:

Planning and Zoning Commission meeting – Mr. Leavitt stated there will be a P&Z meeting on Tuesday, January 16. He reported the owner of a proposed redevelopment of the land located on the east side of Doubletree Ranch Park will be making a presentation of what is being proposed, prior to submitting any formal application. The project would include 39 single family homes. This will be a presentation and discussion item only.

Timeline for Unity Park – Staff is waiting on completion of the hydrology study for the pond. Once the study is received the pond renovations will begin, before rebuilding of Kids Kastle. This may be late 2018 or into 2019. The Parks and Recreation Director will schedule public meetings to get input from residents. Mayor Wilcox asked if the handprints from the old structure would be incorporated into the new one. Some will be

used and others may have to be returned, but this would be discussed at the public meetings.

Councilmember McGee thanked staff on behalf of the Denton County Military Veterans Peer Network for the use of the Robert & Lee DuVall Center for their Veterans and Family Christmas luncheon. Councilmember McGee also voiced concern with drivers running the stop signs at the Garden Ridge/I-35 bridge.

17. Adjournment

Mayor Wilcox adjourned the meeting at 9:48 p.m.

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary