

**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, FEBRUARY 13, 2018**

Call to Order

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

Roll Call

Present:	Charlotte J. Wilcox	Mayor
	Michael Lombardo	Councilmember
	Barbara Fleming	Deputy Mayor Pro Tem
	John McGee	Councilmember
	Fred Busche	Councilmember
	Daniel Jaworski	Councilmember
Absent:	Michelle Schwolert	Mayor Pro Tem
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
	Jana Onstead	Human Resources Director
	Phil Lozano	Parks and Recreation Director
	Andra Foreman	Recreation Manager
	Laurie Mullens	Director of Marketing & Communic
	Andrew Boyd	Media Specialist
	Karen Bradley	Administrative Assistant

EARLY WORK SESSION

1. Receive an Update regarding Projects, Operations and Services from Upper Trinity Regional Water District (UTRWD)

UTRWD Board Director Richard Lubke reported long time Executive Director Thomas Taylor would be stepping down from his position.

Mr. Lubke also reported the UTRWD had been targeted in a phishing scam. He reported the FBI and City of Lewisville Police Department are investigating. He stated they have since had an independent audit conducted of their policies and procedures, and that additional training for staff has been completed. Councilmember Jaworski asked what affect the incident would have on customer rates. Mr. Lubke stated there will be no effect on customer rates.

2. Clarification of Consent or Action Items listed on today's City Council Regular Meeting Agenda of February 13, 2018

Relating to Agenda Item #18, City Attorney Kevin Laughlin reported the current ordinance has a bond requirement, which was going to be modified to change the requirement of providing a cash bond to a surety bond. In further discussion regarding

this requirement, it was determined that there are sufficient federal and state laws that in place to protect consumers, so the ordinance being proposed at tonight's meeting repeals the bond requirement in its entirety. Councilmember McGee asked about the consumer 3-day right to cancel a purchase. Mr. Laughlin reported that could be added as a procedural item.

Relating to Agenda Item #19, Councilmember Jaworski inquired about conflicting language under Section 20.09.003 (e). Mr. Laughlin stated the motion could include direction to have the City Attorney clear up the language for that section, as discussed in Early Work Session.

Mayor Wilcox announced Council would go into Closed Session and read agenda Items #3(a), (b), and (c).

CLOSED SESSION

Council convened into Closed Session at 6:27 p.m.

3. **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 551.071 – 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)**
 - (c) **Section 551.074 – Personnel – Deliberate the Evaluation of the City Manager and City Secretary**

Council concluded Closed Session at 7:02 p.m.

OPEN SESSION

4. Call to Order

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

Roll Call

Present:	Charlotte J. Wilcox Michael Lombardo Barbara Fleming John McGee Fred Busche Daniel Jaworski	Mayor Councilmember Deputy Mayor Pro Tem Councilmember Councilmember Councilmember
Absent:	Michelle Schwolert	Mayor Pro Tem
Staff Members:	Michael Leavitt Kevin Laughlin Ken Heerman Angela Miller	City Manager City Attorney Assistant City Manager City Secretary

Doug Reim
David Harney
Scott Kriston
Jana Onstead
Phil Lozano
Fince Espinoza
Laurie Mullens
Andrew Boyd

Police Chief
Corporal/SRO
Public Works Director
Human Resources Director
Parks and Recreation Director
Parks Operations & Project Manager
Director of Marketing & Communic
Media Specialist

5. Prayer to be led by Councilmember Mike Lombardo

Councilmember Lombardo gave the invocation.

6. Pledge of Allegiance to the U.S. and Texas flags to be led by Councilmember Mike Lombardo: *"Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."*

Councilmember Lombardo led the Pledge of Allegiance to the U.S. and Texas Flags.

7. Visitor Comments

No one wished to speak.

8. City Manager/Staff Reports

• **HVTV Update**

The latest video report from HVTV News was shown:

Spring Tennis Classes – Session I of the spring tennis classes is underway but there is still time to sign up for Sessions II or III; visit the City's website for information, age breakdowns and start dates; you may register online or in person at the Robert & Lee DuVall Center

Homestead Exemption – the deadline to file for your homestead exemption is April 30; you may qualify for various exemptions; visit www.dentoncad.com/exemptions to file your exemption(s)

Become a Volunteer – with events held all throughout the year, there are many opportunities for someone to volunteer at our community events and senior activities; contact the Parks and Recreation Department for details

9. 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

City Manager Michael Leavitt presented a Certificate of Appreciation to Scott Strasser. Mr. Strasser has worked for the City for 13 years and is a Park Technician II in the Parks and Recreation Department. While working on FM 2499, Mr. Strasser found a wallet that belonged to a resident. The wallet contained a large amount of cash, credit cards and driver license. Mr. Strasser returned the wallet to its owner, who then contacted the City to recognize him for being an honest, upstanding employee and citizen.

- **Recognition of Briarhill Middle School for Selection by NASA to host a Downlink with the International Space Station**

Mayor Wilcox stated the City is proud to recognize Briarhill Middle School for its selection by NASA to host a downlink with the International Space Station. Briarhill is the only K through 12 school in Texas, and one of 25 schools in the United States, to be selected for this opportunity. Ms. Wilcox reported one of the students created a video to show what Briarhill has done in preparing for the event.

Library Media Specialist Trela Weesner, Principal Mattingley and student Micah Dooley were in attendance for the meeting. Ms. Weesner reported the event links students directly to astronauts aboard the space station and provides unique experiences designed to enhance student learning, performance and interest in science, technology, engineering and mathematics. After the video was shown, Ms. Weesner thanked Laurie Mullens, Andrew Boyd and Officer Harney for their participation and assistance with the event.

- **Presentation of a Proclamation recognizing Parent Teacher Association (PTA) Day in Highland Village**

Mayor Wilcox presented a proclamation to President of the Lewisville ISD Council of PTA Lauren Johnson and Chair of the Lewisville ISD Council of PTA Julie Kluthe.

CONSENT AGENDA

10. **Consider Approval of Minutes of the Regular City Council Meeting held on January 23, 2018**
11. **Consider Resolution 2018-2733 Repealing Resolution 2013-2445 and Dissolving the Public Art Advisory Board**
12. **Consider Resolution 2018-2734 Amending the Public Art Master Plan**
13. **Consider Resolution 2018-2736 Amending the Public Art Policy**
14. **Consider Resolution 2018-2735 Authorizing the Purchase of Radio Telemetry Units from Prime Controls for the Public Works Utility Division**
15. **Receive Investment Report for Quarter Ending December 31, 2017**
16. **Receive Budget Reports for Period Ending December 31, 2017**

Motion by Councilmember McGee, seconded by Deputy Mayor Pro Tem Fleming, to approve Consent Agenda Items #10 through #16. Motion carried 6-0.

ACTION AGENDA

17. **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)**

(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)

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

NO ACTION TAKEN

18. Consider Ordinance 2018-1242 Amending the Code of Ordinances Article 6.03 “Peddlers and Solicitors” by Amending Section 6.03.005 relating to the Time of Day during which a Person may Operate as a Peddler or Solicitor in the City; Section 6.03.046 relating to the Time for which a Peddler and Solicitors Permit is Valid; and Repealing Section 6.03.054 “Bond” (1st of two reads)

APPROVED 1ST READ (6 – 0)

City Secretary Angela Miller reported Council previously discussed provisions relating to peddlers and solicitors at their meetings in November and December, 2017 and at their January 23, 2018 meeting. Discussions related to amending the allowable hours of operation, extending the expiration of city-issued permits for solicitors and modifying the cash bond requirement. During the last Council meeting, consensus was to amend the hours of operation to the following:

- Standard Time – allowed at a private residence from 9:00 a.m. until 7:00 p.m.
- Daylight Savings Time – allowed at a private residence from 9:00 a.m. until 8:00 p.m.

Also, in an effort to be more cost/time effective, staff suggested extending the expiration of permits from 90-days to 180-days from the date of issuance. Regarding the cash bond requirement, City Attorney Kevin Laughlin reported the current ordinance has a bond requirement, which was going to be modified to change the requirement of providing a cash bond to require a surety bond. Instead, he stated in further discussions regarding the bond requirement it was determined that there are sufficient federal and state laws in place that protect consumers, so the ordinance being proposed at tonight’s meeting repeals the bond requirement in its entirety.

Motion by Deputy Mayor Pro Tem Fleming, seconded by Councilmember McGee, to approve the first read of Ordinance 2018-1242. Motion carried 6-0.

19. Consider Ordinance 2018-1243 Amending the Code of Ordinances, Chapter 20 “Transportation and Traffic” by adding Article 20.09 “Golf Carts, Neighborhood Electric Vehicles, and Slow-Moving Vehicles” relating to the operation of Golf Carts, Neighborhood Electric Vehicles, and Slow-Moving Vehicles on public streets (1st of two reads)

APPROVED 1ST READ w/ AMENDMENTS (4 – 2)

Motion by Councilmember Busche, seconded by Councilmember Lombardo, to table Ordinance 2018-1243 and redirect staff to prepare an ordinance for consideration associated with the operation of golf carts, NEVs and SMVs on public streets.

Councilmember Busche stated he lives in Highland Shores, which is one of 3 subdivisions that will be affected by this ordinance, and doesn’t feel safety issues have not been adequately addressed. He stated he tabled the proposed ordinance to allow for further discussion. Councilmember Lombardo added that although the state allows

City's to add extra regulations to certain types of vehicles that are already licensed and inspected by the state, that doesn't mean we should.

Based on the rules of order, City Attorney Kevin Laughlin stated a motion to table is usually non-debatable, however, because statements have already been made and unless anyone raises a point of order, the Mayor could allow further discussion, to which she allowed. Councilmember Jaworski stated there has been ample opportunity for all of Council to offer input for or against. He stated having addressed all the points that have been raised that tabling the item now is futile. Councilmember McGee called for a vote on the motion to table.

Motion to table failed with the following vote:

Ayes – Busche and Lombardo

Noes – McGee, Wilcox, Fleming and Jaworski

Councilmember Jaworski made a motion to approve the first read of Ordinance 2018-1243. Councilmember McGee suggested the Mayor offer an opportunity for discussion, which she provided. Councilmember Busche stated his issue is the subdivision most affected by the proposed ordinance is Highland Shores. He is concerned with the safety of individuals driving a golf cart along Highland Shores Boulevard. Councilmember McGee stated he is not in favor of golf carts traveling on streets, but the state already allows some vehicles in this category on our streets. He stated it will be hard to enforce unless the City can provide regulations that are better than what was provided by the State and this is a reasonable attempt to do so.

Councilmember Lombardo stated he believes this issue is only to address a handful of people and he voiced concern about regulating units that have a license plate and that are registered by the State. He does not want added restrictions on them and would like an ordinance that only addresses golf carts or units without a license plate.

Councilmember Jaworski reiterated his motion to approve the first read of Ordinance 2018-1243, motion seconded by Deputy Mayor Pro Tem Fleming.

Councilmember Busche stated he does not have a concern with NEVs on the street. Mayor Wilcox stated she agrees with Councilmember Lombardo, that NEVs should not be included in the ordinance because they are licensed by the State.

City Attorney Laughlin clarified this is a policy matter. State law allows golf carts to be operated in master planned communities and does not require them to be operated just in a golf course community. A master planned community is defined as having been platted and is subject to restrictive covenants, provided it is zoned as a master planned community. If City Council does nothing, then golf carts can operate on public streets within Highland Shores at any time and with no regulations. The distinction between golf carts and NEVs is that, because of the definition of an NEV, they have all the equipment regulations that apply to them but does not have any regulations relating to their operation on public streets, with speed limits up to 35 mph. What has been presented to Council was a policy option – to do nothing, to totally prohibit, or to prohibit unless you comply with the regulations set forth in the ordinance. This last option is what was prepared based on the consensus of Council at their last meeting. Mr. Leavitt reported the proposed ordinance does include NEVs, but that they could be removed if Council wished to do so. Council discussed removing NEVs from the ordinance.

Deputy Mayor Pro Tem Fleming proposed an amendment to the motion that is currently on the floor to remove NEVs from the ordinance. Councilmember Jaworski asked if removing NEVs from the ordinance would cause any issue for the Police Department from an enforcement standpoint. Mr. Leavitt reported it could be an

opportunity to further educate staff and residents. Chief Reim stated the potential does exist because they look the same from the side, but citizens will have a hard time distinguishing. Council discussed how removing NEVs from the ordinance may limit the ability to check licensing and insurance of their drivers. ***Deputy Mayor Pro Tem Fleming withdrew her motion to amend, and stated she supports the ordinance as written.***

City Attorney Laughlin reviewed the suggested changes to the ordinance, which included:

- **Section 20.09.001** – Definition of permit to read...“authorizing the operation of the golf cart and NEV or SMV for which the permit was issued.”
- **Section 20.09.002 (i)** – Second sentence to read...“another passenger of a golf cart, NEV or SMV while it is being operated on a public street.”
- **Section 20.09.003 (e)** – Sentence to read...“A driver operating a golf cart, NEV, SMV on a public street shall cross a multi-lane federal, county or state route only at an intersection controlled by an official traffic control device...”
- **Section 20.09.005 (b)(1)** – Sentence to read...“The name, address, telephone number and Texas driver’s license number, ~~if applicable~~, of the owner of the golf cart, NEV or SMV for which the permit is requested”

Motion by Councilmember Jaworski to amend his motion to approve the first read of Ordinance 2018-1243, including suggested changes referenced by the City Attorney; motion seconded by Deputy Mayor Pro Tem Fleming. Motion passed with the following vote:

Ayes – Jaworski, Fleming, Wilcox and McGee

Noes – Lombardo and Busche

LATE WORK SESSION

20. 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.)

▪ **Discuss Cancelling the March 13, 2018 City Council Meeting**

City Manager Leavitt reported the City Council meeting scheduled for March 13th falls during spring break for Lewisville ISD and typically that meeting would be cancelled to allow Councilmembers and staff the opportunity to spend time with families. Consensus of Council was to move forward with cancelling the meeting.

21. Adjournment

Mayor Wilcox adjourned the meeting at 8:37 p.m.

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary