

**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, JUNE 26, 2018**

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

**Roll Call**

Present:	Charlotte J. Wilcox	Mayor
	Jon Kixmiller	Councilmember
	Michael Lombardo	Councilmember
	Barbara Fleming	Deputy Mayor Pro Tem
	Robert A. Fiester	Councilmember
	Daniel Jaworski	Councilmember
Absent:	Fred Busche	Mayor Pro Tem
Staff Members:	Michael Leavitt	City Manager
	Kevin Laughlin	City Attorney
	Ken Heerman	Assistant City Manager
	Angela Miller	City Secretary
	Mark Stewart	Assistant Police Chief
	Brad Goudie	Fire Chief
	Heather Miller	Assistant Finance Director
	Priscilla Ibarra	Court Administrator
	Jana Onstead	Human Resources Director
	Scott Kriston	Public Works Director
	Phil Lozano	Parks and Recreation Director
	Laurie Mullens	Director of Marketing & Communications
	Andrew Boyd	Media Specialist

**EARLY WORK SESSION**

**1. Receive an Update from the Presiding Judge of the Highland Village Municipal Court of Record**

Judge Sallas provided information on the primary functions of Municipal Court and magistrate/judge, which include service relating to traffic violations, State Class C violations and City ordinance violations. She reported 365 days a year, there is a judge that is on-call for the Police Department. Judge Sallas introduced Court Administrator Priscilla Ibarra who has 18 years of experience with municipal government/court and a strong background with technology. Judge Sallas reported one of their goals is to be mindful of everyone's time and to streamline processes so they are more efficient, specifically offering more online services such as online case review.

Functions of Court Administrator Ms. Ibarra include processing tickets, preparing required state monthly reports and processing appeal and warrant paperwork. Ms. Ibarra reported Municipal Court has gone "paper light" by streamlining a lot of their processes and making them more automated, and by providing more options for customers while still striving to provide the best customer service.

Mayor Wilcox stated Councilmembers could attend and observe Municipal Court proceedings on the 4<sup>th</sup> Thursday of each month.

## **2. Review the Capital Improvement Program (CIP) Budget for Fiscal Year 2018-2019**

Assistant City Manager Ken Heerman explained capital improvement projects are non-operational, “big ticket” items/projects that typically require outside funding sources, such as debt issuance, grant, or lease/purchase arrangements. The City Charter calls for submission to Council of a five-year CIP budget, which provides an opportunity for Council to see a multi-year outlook that helps for planning purposes and to provide the framework for consideration of the current year’s budget and resulting tax rate.

Mr. Heerman stated after years of substantial growth and with approaching substantial build-out, the community is more settled. Capital improvements relating to basic infrastructure are widely supported and improvements related to amenities/improved services, while desired, are viewed in context of affordability. The primary emphasis in the five-year outlook for the past few years has been in controlling on-going operating costs in a context of sustainability within the anticipated revenue base. A focus on staffing has been to maintain existing staffing levels if possible – with emphasis on efficiency and leveraging technology enhancements that will not compromise the high level of service that currently exists, with new positions to be evaluated only if a demonstrated need warrants consideration.

Mr. Heerman reported the following projects were approved by voters in the November 2017 bond election and provided a status update on those current on-going capital projects

### *Street Reconstruction Project - Phase I*

The streets included in this project have reached the end of their life cycle and are in need of full reconstruction. Streets included in this phase include Rosedale, Ranier Court, Catesby Place, Rockland, Hickory Ridge, Oak Forest, Winding Creek, Dickinson, South Clearwater, Scenic, Springway, Mockingbird, Post Oak, Pecan, Raintree, Greensprings, Duvall, Baird Circle, Donna Circle and Savanna.

### *Parks Projects include:*

- Unity Park – softball field/general improvements; pond improvements; replacement of Kids Kastle play structure
- Brazos Park Parking Lot expansion
- Victoria Park Walking Trail Re-Surfacing
- Sunset Point Park – addressing immediate safety concerns, including roadway improvements to allow emergency vehicle access and turn around capabilities; added streetlights and bollards
- Highland Village Sidewalk – sidewalk construction from Municipal Complex to Sellmeyer Lane

### **Future Potential Capital Projects for Consideration**

In reviewing the Debt Management Plan, Mr. Heerman identified FY 2023 as a potential time frame to issue new debt since a new debt issuance would correspond with a reduction in existing debt service. Future projects for consideration included *Phase II of the street reconstruction program*, and *park improvements*. Needed street overlays are addressed each year in the annual budget, while bonds are issued periodically to fund street reconstruction projects, as needed. Streets that have been identified in need of reconstruction within a 5-7 year window total \$2.75 million, based on current costs.

Relating to park improvements, playground equipment and structures in neighborhood parks are regularly evaluated to ensure adherence to safety standards as well as functionality of meeting the needs of residents. Parks with anticipated needs to be addressed include Lower Sellmeyer Park, Lions Club Park, and Turpin Park.

### **Five-Year Outlook**

Mr. Heerman stated the focus of the CIP five-year outlook is to evaluate funding ability with suggested capital improvement programs – in regard to issued debt and associated debt service, as well as related ongoing operations costs. He reminded everyone that maintaining sufficient fund balance levels is a key measure of evaluation, and that the City's financial policies require a minimum 20% fund balance with a targeted range of 20 - 25%.

He reported that preliminary projections, which will be refined during the budget process through the summer months, does provide capacity to consider debt issues within the five-year outlook. Property values have experienced significant increases the past couple of years, with expectation for continued higher than historical average increases over the next few years. However, he cautioned this is to be viewed in conjunction with the stated State legislative effort to limit property tax revenue growth in cities. While the overall increased valuations do afford the City some flexibility, a focus on impending build-out of the City, as well as consideration of the State's legislative action, requires a disciplined approach to manage growth in operations cost and reduction in overall debt-service load. In the ten years prior to FY 2015, debt service represented about 20% of the tax rate. Current debt service now reflects roughly 15% of the tax rate; Mr. Heerman added that as revenues flatten with build-out, a continued focus on managing debt service is critical, in terms of both avoiding spikes, but also reducing to a lower, more manageable level for the future.

Budget discussions would continue at each City Council meeting throughout July and August.

### **3. Discuss Appointment to Fill a Vacancy for an Unexpired Term on the Planning & Zoning Commission and for a Council Representative Position on the Highland Village Community Development Corporation**

Mayor Wilcox reported as a result of the May 5, 2018 General Election, there is one (1) vacancy on the Planning & Zoning Commission (P&Z), Place 5, and one (1) vacancy on the Board of Directors of the Highland Village Community Development Corporation (CDC) for a Council Representative. She stated newly elected Councilmember Robert Fiester had served in Place 5 on P&Z, and that past Councilmember Michelle Schwolert had served on the CDC. She stated Council could consider appointing an alternate member of P&Z to fulfill the vacancy prior to appointing a new applicant. Mayor Wilcox suggested waiting to fill the vacancy on P&Z until annual appointments are made in September.

Councilmember Lombardo stated he would like to serve on the Community Development Corporation. City Secretary Angela Miller stated this item is for discussion purposes only and that, if Council wishes to take formal action, there is an item on the regular agenda to do so.

### **4. Clarification of Consent or Action Items listed on today's City Council Regular Meeting Agenda of June 26, 2018**

Relating to Agenda Item #17, City Manager Michael Leavitt reported this is a first amendment to the contract with Community Waste Disposal (CWD). Due to management and logistics, CWD approached City staff and offered collection of large brush and bulky items weekly, instead of twice a month, at no additional cost. The proposed resolution authorizes the contract amendment to provide the additional service.

Relating to Agenda Item #22, Councilmember Lombardo verified the task order is only for preliminary engineering services relating to *possibly* extending water service to the northwest part of the City. Mr. Leavitt reported the engineering task order is for planning and design purposes only.

Early Work Session ended at 6:51 p.m.

### **CLOSED SESSION**

5. **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 – Discuss the appointment of a public officer, specifically, discuss people to be considered to fill vacancies on the Planning and Zoning Commission and the Highland Village Community Development Corporation.**

Council did not meet in Closed Session.

### **OPEN SESSION**

#### **6. Call to Order**

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

#### **Roll Call**

Present:	Charlotte J. Wilcox	Mayor
	Jon Kixmiller	Councilmember
	Michael Lombardo	Councilmember
	Barbara Fleming	Deputy Mayor Pro Tem
	Robert A. Fiester	Councilmember
	Daniel Jaworski	Councilmember
Absent:	Fred Busche	Mayor Pro Tem
Staff Members:	Michael Leavitt	City Manager
	Kevin Laughlin	City Attorney
	Ken Heerman	Assistant City Manager
	Angela Miller	City Secretary
	Mark Stewart	Assistant Police Chief
	Jana Onstead	Human Resources Director
	Scott Kriston	Public Works Director
	Phil Lozano	Parks and Recreation Director
	Heather Miller	Assistant Finance Director

**7. Prayer to be led by Councilmember Dan Jaworski**

Councilmember Dan Jaworski gave the invocation.

**8. Pledge of Allegiance to the U.S. and Texas flags to be led by Councilmember Dan Jaworski: “Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.”**

Members of Boy Scout Troop 191 led the Pledge of Allegiance to the U.S and Texas flags.

**9. Visitor Comments**

No one wished to speak.

**10. City Manager/Staff Reports**

- **HVTV Update**

Shopping Saturday – This new series highlighted the Painted Tree Marketplace located in Highland Village Town Center, which offers home décor, fashion and unique items; the official grand opening is scheduled for June 30

TXFallenPD Tribute Shirts – All profits from the sale of the shirts goes directly to the Texas Police Chiefs Associations’ Fallen Officer Fund, which provides monetary assistance to Texas families of fallen officers within 24 hours following an officer’s line of duty death; you can purchase a shirt for \$20 at the Highland Village Police Department located at 1000 Highland Village Road

**11. 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 Pro Tem Fleming reported the Highland Village Lions Club is collecting eyeglasses that you may no longer be wearing. There is a recycle container located in the lobby of City Hall for collection. She also sent get-well wishes to County Commissioner Bobbie Mitchell who recently had knee replacement surgery.

Mayor Wilcox thanked Tom Hayden for his service as mayor for the Town of Flower Mound. Mr. Hayden did not run in this year’s election; Steve Dixon was elected as the new mayor of Flower Mound.

**Presentation of a Proclamation Honoring Jane Ponder**

Mayor Wilcox presented Mrs. Ponder with a proclamation honoring her for her 30 years of service to the City of Highland Village.

- **Presentation of Highland Village Balloon Festival Poster Contest Winners**

The Highland Village Lion’s Club Balloon Festival Poster Contest winners were recognized. Students from each school in Highland Village submitted poster drawings depicting the 31<sup>st</sup> Annual Balloon Festival. There were 647 entries from Highland Village schools. The top three overall winners were:

- ❖ Skylar Brackett from McCauliffe Elementary – 3<sup>rd</sup> Place
- ❖ Taylor Graham from Highland Village Elementary – 2<sup>nd</sup> Place
- ❖ Avery Southwell from Briarhill Middle School – 1<sup>st</sup> Place

## **CONSENT AGENDA**

12. **Consider Approval of Minutes of the Regular City Council Meeting held on June 12, 2018**
13. **Consider Ordinance 2018-1246 Amending Section 12.02.036 of the Code of Ordinances of the City of Highland Village to Extend the Termination Date of the City’s Juvenile Curfew Regulations (2<sup>nd</sup> and final read)**
14. **Consider Ordinance 2018-1247 Amending the Sign Regulations of the Marketplace Planned Development District with Retail (MPD-R), as amended, Applicable to Lot 1, Block A, The Shops at Highland Village, generally located Northwest of the Intersection of FM 2499 and FM 407 (2<sup>nd</sup> and final read)**
15. **Consider Resolution 2018-2750 Reappointing the Presiding Judge and an Associate Judge to the City of Highland Village Municipal Court of Record and Authorizing Negotiation of Related Contracts**
16. **Consider Resolution 2018-2751 Authorizing an Agreement for the Purchase and Installation of Shade Structures for Unity Park, Lions Club Park, Turpin Park and Lower Sellmeyer Park with Adventure Playground Systems through the City’s Cooperative Purchasing Agreement with the Harris County Department of Education (Choice Partners)**
17. **Consider Resolution 2018-2754 Authorizing the City Manager to Negotiate and Execute the First Amendment to the Solid Waste, Recycling, and Household Hazardous Waste Collection Contract with Community Waste Disposal L.P. relating to Bulky Waste and Bulky Construction Debris Collection**
18. **Consider Resolution 2018-2755 Authorizing the Purchase of a 2018 F450 Regular Cab Chassis from Sam Pack’s Five Star Ford through the City’s Cooperative Purchasing Agreement with Texas Local Government Purchasing Cooperative “SMARTBUY”**
19. **Receive the Capital Improvement Program (CIP) for Fiscal Year 2018-2019**

***Motion by Councilmember Lombardo, seconded by Deputy Mayor Pro Tem Fleming, to approve Consent Agenda Items #12 through #19. Motion carried 6-0.***

## **ACTION AGENDA**

20. **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 551.074 – Discuss the appointment of a public officer, specifically, discuss people to be considered to fill vacancies on the Planning and Zoning Commission and the Highland Village Community Development Corporation.**

**NO ACTION TAKEN**

- 21. Conduct a Public Hearing and Consider Ordinance 2018-1248 Approving a Change in Zoning from “O” Office Zoning District to a Planned Development District “PD” for Office Uses, including the Adoption of Development and Sign Regulations, relating to the Development and Use of Lots 1A, 1B, and 2, Block A, Wilkerson Addition, located at 2250, 2260, and 2280 Highland Village Road (1<sup>st</sup> of two reads)**

**PUBLIC HEARING CONDUCTED**

**APPROVED 1<sup>ST</sup> READ (6 – 0)**

Public Works Director Scott Kriston reported the City received an application to create a Planned Development for the Highland Village Business Park. The applicant, G&A Consultants, on behalf of the property owners, Tre Far Niente Partnership and Haymarket Land Corporation, requested the creation of a Planned Development District specifically for signage. The property is divided into three lots, one of which has no direct street frontage, but all three of which are developed with office buildings. Under the City's existing sign regulations, a sign placed on one of the lots that fronts on Highland Village Road, but contains information regarding a tenant occupying the lot that does not front on Highland Village Road, would be a prohibited off-premises sign. This planned development is designed to provide a master sign plan for the entire development, which will allow signs installed along the Highland Village Road frontage to include tenant information for the rear lot.

Mr. Kriston reported there would be no changes to the current location, size, number of buildings, parking areas, landscape areas, or driveways on the properties. He further reported that a request for a variance to the sign regulations was previously denied by the Zoning Board of Adjustment (ZBA) based on the request failing to satisfy the criteria for granting a variance. At the June 19, 2018, Planning and Zoning Commission (P&Z) meeting, the Commission recommended sending the ordinance forward as presented to the City Council with a vote of (5-0).

Councilmember Jaworski stated the ZBA denied the request, but P&Z recommended moving forward with the request. He asked why there was a difference. City Attorney Kevin Laughlin stated the nature of the request for a variance to the ZBA did not satisfy the criteria for a variance, as it was a self-created change. Councilmember Fiester asked if current City ordinance(s) allow lots to be developed with no access to public right-of-way. Mr. Laughlin reported approximately 2 years ago, partially due to this same development, the subdivision regulations were amended to allow non-residential rear lots with no street frontage to be developed as long as a permanent access easement from the lot to the street was established. Normally developments have to have 2 points of access; an exception was created to allow in this case. Mr. Leavitt reported there are a few properties located in Highland Village that have this same scenario and this allowed for development on those properties where only 1 point of access is available. He added this exception is only allowed for non-residential property.

Mayor Wilcox opened the public hearing and with no one wishing to speak, the public hearing was closed.

***Motion by Councilmember Jaworski, seconded by Councilmember Fiester, to approve the first read of Ordinance 2018-1248. Motion carried 6-0.***

- 22. Consider Resolution 2018-2752 Authorizing the City Manager to Execute a Task Order with BW2 Engineers, Inc. for Services relating to the FM 2499 Water Line Extension Project**

**APPROVED (6 – 0)**

Mr. Kriston reported the northwest area of the City is not currently serviced by the City's water system. Until recently, this part of the City was separated from the rest of the City by an upper arm of Lake Lewisville known as Poindexter Branch. Before FM 2499 was completed, providing a connection between this area of the City and the rest of the City, access to the northwestern part of the City had to come from the west. In addition, the water supply for the northwest part of the City presently has to come from the west from a local water supply corporation with infrastructure in that immediate area.

He further reported extending the City's water system to this area by using FM 2499 would provide water for domestic use in the Brooks Court area and other future developments in this part of the City, water for park users at Pilot Knoll Park, and water for irrigation purposes. This will also provide enhanced fire protection to the existing homes in the area, which is not provided by the area's current service provider.

Mr. Kriston stated the proposed task order is for design services for a FM 2499 water line extension service plan and design, which includes investigation of receiving the Certificate of Convenience and Necessity (CCN) from the Public Utility Commission, obtaining the permit to cross Poindexter Branch from the U.S. Army Corps of Engineers, and working with TxDOT to obtain the permit to locate a water line in their corridor. He added this is for water service only and does not include wastewater services.

***Motion by Deputy Mayor Pro Tem Fleming, seconded by Councilmember Jaworski, to approve Resolution 2018-2752. Motion carried 6-0.***

- 23. Consider Resolution 2018-2753 Appointing a Member to Fill a Vacancy for an Unexpired Term on the Planning & Zoning Commission and for a Council Representative Position on the Highland Village Community Development Corporation**

**APPROVED (6 – 0)**

Mayor Wilcox reported there was an item relating to this that was discussed by Council during Early Work Session. She announced there would not be an appointment made at this time for the vacancy on the Planning & Zoning Commission.

***Motion by Councilmember Kixmiller, seconded by Mayor Wilcox, to approve Resolution 2018-2753 appointing Mike Lombardo to fill the vacancy to an unexpired term as Council Representative on the Community Development Corporation. Motion carried 6-0.***

### **LATE WORK SESSION**

- 24. 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 next week is July 4 and reminded everyone to use caution when on Lewisville Lake during the holiday. He also reminded everyone that City offices are closed on July 4.

**25. Adjournment**

Mayor Wilcox adjourned the meeting at 8:07 p.m.

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Charlotte J. Wilcox, Mayor

**ATTEST:**

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Angela Miller, City Secretary