

**MEETING 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, SEPTEMBER 11, 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
	Fred Busche	Mayor Pro Tem
	Robert A. Fiester	Councilmember
	Daniel Jaworski	Councilmember
Staff Members:	Michael Leavitt	City Manager
	Kevin Laughlin	City Attorney
	Ken Heerman	Assistant City Manager
	Angela Miller	City Secretary
	Brad Goudie	Fire Chief
	Travis Nokes	Deputy Fire Chief
	Scott Kriston	Public Works Director
	Phil Lozano	Parks and Recreation Director
	Jana Onstead	Human Resources Director
	Laurie Mullens	Director of Marketing & Communications
	Andrew Boyd	Media Specialist
	Karen Bradley	Administrative Assistant

EARLY WORK SESSION

1. Receive an Update on Proposed Amendments to the City's Code Enforcement Regulations

Public Works Director Scott Kriston reported in December 2017, the City transitioned to a more proactive approach to code enforcement, and that there are 2 licensed code enforcement officers now on staff. He stated since July, there have been 149 cases, with 99 of those cases now in compliance, and 50 cases still open. To date, no citations have been issued.

Staff has reviewed the City's current ordinances with the City's Prosecutor and City Attorney. Mr. Kriston reported there are 3 items recommended for revision:

- Weeds, Grass and Other Vegetation – specifically relating to limb overhang obstruction on public roads and sidewalks
- Off-Street Parking Provisions – on private property, including side yards
- Home Occupation – the current ordinance provides a definition for home occupation, but no regulations are included

Regarding weeds, grass and other vegetation, Mr. Kriston reported staff is mostly wanting to clean up the language in the current ordinance and to address trees and other vegetation that overhangs on streets and sidewalks. Regarding on-street parking, City Attorney Kevin Laughlin reported the current ordinance lacks clarity and is difficult to enforce. He stated on-street parking is usually enforced by the Police Department versus parking in yards or unsurfaced areas, which is usually enforced by Code Enforcement.

Mr. Kriston stated staff is seeking clarification from Council on moving forward with the ordinance update, such as whether parking is only allowed on concrete or asphalt areas, or areas are grandfathered that do not currently have paved parking areas. Mayor Pro Tem Busche voiced concern with the off-street parking in areas of the City that do not have curbs, paved sidewalks or driveways.

Councilmember Fiester asked for clarification regarding enforcement of off-street parking on private property. City Manager Michael Leavitt stated staff is seeking clarification on vehicle storage or areas that may not have a concrete driveway; not temporary parking issues. Mr. Laughlin reported an ordinance can address legal non-conforming properties, which would have to meet the new standards at such time they are being rebuilt. Mr. Kriston reported most of the code enforcement complaints received relate to off-street parking. Councilmember Lombardo suggested multi-family also be included with the updates.

Regarding home occupation (home based businesses), Mr. Kriston reported the City does not currently have any regulations to allow enforcement. He presented regulations used by the City of Decatur, which staff received from the City's Prosecutor. Mr. Leavitt reported our definitions are good but regulations needs to be updated in order to provide clarity and to be enforceable. Mr. Laughlin stated revisions would address issues such as signage, number of vehicles allowed, noise, and outside activities of a business.

Consensus of Council is for the Planning and Zoning Commission to review and then bring their recommendations to Council regarding the on-street parking and home occupation updates; City staff will provide an updated ordinance relating to limb overhang obstruction on public roads and sidewalks at the Council meeting scheduled for September 28, 2018.

2. Clarification of Consent or Action Items listed on today's City Council Regular Meeting Agenda of September 11, 2018

Relating to Agenda Item #15, Assistant City Manager Ken Heerman reported Highland Village, along with 171 other cities served by Atmos Energy Corporation, is a member of the Atmos Cities Steering Committee (ACSC). The ACSC is a coalition of similarly-situated cities served by Atmos Mid-Tex that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area. The ACSC is recommending cities approve the negotiated increase. Mr. Heerman stated the proposed increase reflects an approximate \$1.06 increase on residential customer bills, and an approximate \$3.20 increase on commercial bills.

Early Work Session ended at 6:37 p.m.

3. Meet and Greet with Board and Commission Applicants

Mayor Wilcox welcomed the applicants and thanked them for their interest in servicing Highland Village; members of Council and City staff were introduced. Council and staff visited with the applicants.

CLOSED SESSION

Council did not meet in 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)**
- (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, and Board of Directors of the Highland Village Community Development Corporation**

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	Mayor
	Jon Kixmiller	Councilmember
	Michael Lombardo	Councilmember
	Barbara Fleming	Deputy Mayor Pro Tem
	Fred Busche	Mayor Pro Tem
	Robert A. Fiester	Councilmember
	Daniel Jaworski	Councilmember
Staff Members:	Michael Leavitt	City Manager
	Kevin Laughlin	City Attorney
	Ken Heerman	Assistant City Manager
	Angela Miller	City Secretary
	Scott Kriston	Public Works Director
	Phil Lozano	Parks and Recreation Director
	Jana Onstead	Human Resources Director
	Sunny Lindsey	Information Services Director
	Laurie Mullens	Director of Marketing & Communications
	Andrew Boyd	Media Specialist

6. Prayer to be led by Councilmember Jon Kixmiller

Councilmember Jon Kixmiller gave the invocation.

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

Councilmember Kixmiller led the Pledge of Allegiance to the U.S and Texas flags.

8. Visitor Comments

No one wished to speak.

9. City Manager/Staff Reports

- **HVTV Update**

The update included the Shopping Saturday segment featuring Buckle located in The Shops at Highland Village and informed residents of the September 22 Concert in the Park with King George performing.

- 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**

Deputy Mayor Pro Tem Barbara Fleming invited everyone to attend the Denim, Diamonds and Dice Gala on Saturday, September 15 benefiting Special Abilities of North Texas. She also reminded everyone to attend the annual Steak & Stetson event. This year the event will be held on September 22, includes a steak dinner, live entertainment, silent and live auctions, and dancing. Proceeds from the event will support the Special Olympics.

Mayor Pro Tem Fred Busche invited everyone to attend the kickoff of the symphony series of concerts of the Lewisville Lake Symphony. The event will be held at 7:30 p.m. on Friday, September 14th at the MCL Grand Theater in Lewisville.

- **Presentation of a Proclamation for Live United Month**

Mayor Wilcox presented United Way of Denton Board Members Josh Ashford and Jo Ann Ballantine with a proclamation celebrating September as Live United Month in Highland Village.

- **Presentation of a Proclamation for National IT Professionals Day**

Mayor Wilcox presented Information Services Director Sunny Lindsay, Network Manager Keith Pennock, and Senior Developer Van Tinch with a proclamation celebrating September 18, 2018 as National IT Professionals Day.

- **Recognition of the Actors that Participated in the FY 2018-2019 Budget Video (to be presented with Agenda Item #18)**

This item was presented with Agenda Item #18.

CONSENT AGENDA

- 11. Consider Approval of Minutes of the Regular City Council Meeting held on August 28, 2018**
- 12. Consider Resolution 2018-2767 Adopting the City of Highland Village Investment Policy for FY 2018-2019**
- 13. Consider Resolution 2018-2768 Designating Authorized Representatives to Negotiate and Execute Contracts and Necessary Documents to Establish City Investment Accounts**
- 14. Consider Resolution 2018-2769 Authorizing Renewal of the Employee Health Insurance Plan Agreements with Cigna**

15. **Consider Resolution 2018-2770 Approving a Negotiated Settlement Agreement between the Atmos Cities Steering Committee (ACSC) and Atmos Energy Corporation, Mid-Tex Division regarding the 2018 Rate Review Mechanism Filings**
16. **Receive Budget Reports for Period Ending July 31, 2018**

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

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 551.074 – Deliberate the Appointment, Removal, Evaluation and Duties of Public Officers, specifically Members of the Planning and Zoning Commission, Zoning Board of Adjustment, and Board of Directors of the Highland Village Community Development Corporation**

NO ACTION TAKEN

Council did not meet in Closed Session.

18. **Conduct a Public Hearing on the Proposed Budget and Tax Rate for Fiscal Year 2018-2019**

PUBLIC HEARING CONDUCTED

Assistant City Manager Ken Heerman reported the budget has been presented at prior Council meetings and that a public hearing was held on August 28, 2018. He announced the Marketing and Communications Department had produced a video featuring highlights of the FY 2018-2019 budget, which was then shown.

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

Highland Village Marketing and Communications Director Laurie Mullens reported the video provided information on the FY 2018-2019 Budget, as told by student actors. Ms. Mullens introduced the student actors and the role they played in the featured video:

- Mayor – Nicole Groggin
- Police Officer – Caroline McCrate (not in attendance)
- Firefighter – Mylo Ibarra
- Utilities Tech and Applicator Tech – Jakob Samuels
- Artists – Zachary Samuels and Isabella Samuels
- Sales Person at Nestle Tollhouse Cookies – Grayson McCrate (not in attendance)
- Voice Over Services – Lukas Samuels

In addition, Ms. Mullens thanked Timi Groggin who has also volunteered her time and talents to our many video productions over the past 6 years, and City staff that helped with the video – Marketing Administrative Specialist Crystal Babcock, Media Specialist Andrew Boyd, and Marketing Intern Nick Fapiano.

19. Consider Ordinance 2018-1251 Adopting the Fiscal Year 2018-2019 Annual Budget (1st of two reads)

APPROVED 1ST READ (7 – 0)

Mr. Heerman stated Truth in Taxation does require specific action in adoption of the budget and that a vote to adopt the budget must be a record vote. Additionally, adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of council to ratify the property tax increase reflected in the budget. As this budget does indeed raise more revenue, this is to be presented as a separate companion agenda item with the second read of Ordinance 2018-1251.

Motion by Councilmember Jaworski, seconded by Deputy Mayor Pro Tem Fleming, to approve the first read of Ordinance 2018-1251 adopting the Fiscal Year 2018-2019 Annual Budget. City Secretary Angela Miller took a roll call vote on the motion:

***Councilmember Lombardo – Aye
Deputy Mayor Pro Tem Fleming – Aye
Councilmember Kixmiller – Aye
Mayor Wilcox – Aye
Mayor Pro Tem Busche – Aye
Councilmember Fiester – Aye
Councilmember Jaworski – Aye***

Motion carried 7-0.

20. Consider Ordinance 2018-1252 Levying the Ad Valorem Taxes for the Year 2018 at a Rate of \$.56302 per \$100 Assessed Valuation on all Taxable Property within the Corporate Limits of the City of Highland Village as of January 1, 2018 (1st of two reads)

APPROVED 1ST READ (7 – 0)

Mr. Heerman reported the Texas Tax Code §26.05 requires a tax rate be adopted by official action following passage of a budget. The tax rate must be adopted in two separate components – Maintenance and Operations (M&O), and Interest and Sinking (I&S). The total tax rate of \$.56302/\$100 is slightly decreased from last year. Proposed Ordinance No. 2018-1252 provides for the adoption of a total tax rate of \$.56302 per \$100 valuation (composed of a Maintenance and Operation (M&O) rate of \$0.479787 per \$100 valuation and a debt service rate of \$0.083233 per \$100 valuation) to fund the FY 2018-2019 budget. Because the proposed tax rate will exceed the effective tax rate of \$0.54959 per \$100 valuation, state law requires the governing body must vote by a record vote.

For clarification, Mr. Heerman reported the proposed tax rate is a decrease from \$0.56802 to \$0.56302.

Motion by Councilmember Jaworski, seconded by Mayor Pro Tem Busche, that the property tax rate be increased by the adoption of a tax rate of \$.56302, which is effectively a 2.4 percent increase in the tax rate and, therefore, further moved that Ordinance No. 2018-1252 be approved on first reading. City Secretary Angela Miller took a roll call vote on the motion:

***Councilmember Lombardo – Aye
Deputy Mayor Pro Tem Fleming – Aye
Councilmember Kixmiller – Aye
Mayor Wilcox – Aye
Mayor Pro Tem Busche – Aye
Councilmember Fiester – Aye***

Councilmember Jaworski – Aye

Motion carried 7-0.

LATE WORK SESSION

- 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.)**

No items were discussed.

- 22. Adjournment**

Mayor Wilcox adjourned the meeting at 8:05 p.m.

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary