

**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 25, 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
	Travis Nokes	Deputy Fire Chief
	Scott Kriston	Public Works Director
	Andra Foreman	Recreation Manager
	Jana Onstead	Human Resources Director
	Laurie Mullens	Director of Marketing & Communications
	Andrew Boyd	Media Specialist
	Karen Bradley	Administrative Assistant

Mayor Wilcox announced Agenda Item #23 will be moved up on the agenda.

EARLY WORK SESSION

23. Discuss Cancelling the November 27, 2018 and December 25, 2018 City Council Meetings

Mayor Wilcox reported Council typically only has one meeting in November and December. The consensus of Council was to cancel the meetings for 2018. Staff will present a resolution at the next meeting for Council to take formal action.

2. Clarification of Consent or Action Items listed on today's City Council Regular Meeting Agenda of September 25, 2018

Relating to Agenda Item #20, Councilmember Lombardo asked why there was a trade in amount given for the fire engine, but not for the ambulance. City Manager Michael Leavitt stated an ambulance typically does not have as much trade in value due to the nature of its use. He stated the new fire engine is being purchased from a company that is familiar with maintenance records of our current engine, which was a factor in its trade in value.

Relating to Agenda Item #15, City Attorney Kevin Laughlin reported there was a procedural issue relating to the public hearing that was scheduled for Planning and Zoning, therefore staff is not able to move forward with the item at this City Council meeting. The item has been rescheduled for the October 23, 2018 City Council meeting.

Mayor Wilcox announced Council would convene into Closed Session and she read Agenda Items #3(a) and #3(b).

CLOSED SESSION

Council convened into Closed Session at 6:06 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 551.074 – 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**

Council concluded Closed Session at 6:45 p.m.

EARLY WORK SESSION

Early Work Session reconvened at 6:47 p.m.

1. **Discuss Appointment of Board and Commission Members; Review and Discuss the Attendance Record and Performance of City Board and Commission Members and Removal of Board and Commission Members prior to Completion of their Current Term pursuant to Code of Ordinances Section 2.037**

Deputy Mayor Pro Tem Fleming voiced concern with the number of absences of Parks and Recreation Advisory Board members Christine Sherry and Tamara Lisby. Councilmember Jaworski asked about their attendance from the previous year. City Secretary Angela Miller reported Ms. Sherry missed 33% of the meetings and Ms. Lisby missed 50%.

Council discussed potential appointments to the various boards.

Early Work Session ended at 6:59 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	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
	Doug Reim	Police Chief
	Travis Nokes	Deputy Fire Chief
	Jason Collier	Assistant Fire Chief
	Scott Kriston	Public Works Director
	Andra Foreman	Recreation Manager
	Laurie Mullens	Director of Marketing & Communications
	Andrew Boyd	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

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 Foodie Friday segment was presented and featured Froyo Joe's located in The District of Highland Village. Paper Shredding Day was also featured. This event is for Highland Village residents only and will be held on Saturday, September 29 at Pilot Knoll Park. Business shredding is not included with this event.

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

Mayor Pro Tem Busche reminded everyone of the leash law in Highland Village and to always be sure to pick up after your pet.

- **Presentation of a Proclamation for Fire Prevention Week**

Mayor Wilcox presented Deputy Fire Chief Travis Nokes and Assistant Fire Chief Jason Collier with a proclamation designating October 7 through October 13, 2018 as Fire Prevention Week in Highland Village.

CONSENT AGENDA

10. **Consider Approval of Minutes of the Regular City Council Meeting held on September 11, 2018**
11. **Consider Resolution 2018-2771 authorizing the City Manager to enter into an Interlocal Agreement with Texas Political Subdivisions for Purposes of Providing City Workers' Compensation Insurance**
12. **Consider Resolution 2018-2772 awarding and authorizing a Contract with Canary Construction, Inc. for Construction of the Winding Creek Drive, Oak Forest Drive, and Canyon Creek Drive Water Lines and KCS Railroad Sanitary Sewer Line Crossing at Winding Creek Drive**

Motion by Councilmember Lombardo, seconded by Mayor Pro Tem Busche, to approve Consent Agenda Items #10 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 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
 - (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**
ACTION TAKEN with AGENDA ITEM #22
14. **Conduct a Public Hearing and Consider Ordinance 2018-1253 approving a Conditional Use Permit to allow for a Video Arcade in a Retail Zoning District located at Lot 1, Block F, Highland Plaza Shopping Center, commonly known as 1842 Justin Road (1st of two reads)**
APPROVED 1ST READ (7 – 0)

Public Works Director Scott Kriston reported the City received an application for a Conditional Use Permit (CUP) for a video arcade business to be located in an approximately 4,012 square foot lease space in the Highland Plaza Shopping Center. The property is located within a R-Retail District. The use of this building for a video arcade requires approval of a CUP.

Mr. Kriston stated the applicant proposes to utilize the space for a retro video arcade, table top board games along with a full service bar and food service, which is allowed by right in a R-Retail District. Mr. Kriston stated City staff has reviewed the application and all staff comments have been addressed by the applicant. In addition, he stated all public hearing notification requirements have been satisfied. As of the date of this meeting, no calls or written comments in response to the public hearing notices have been received.

At the September 18, 2018 Planning and Zoning Commission meeting, the Commission recommended sending the ordinance forward for approval as presented with a vote of 5-0. The applicant was also present for the Council meeting and reported 1970, 1980 and

1990 video games will be available, along with rental options for board games that can be played onsite.

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

Motion by Mayor Pro Tem Busche, seconded by Councilmember Jaworski, to approve the first read of Ordinance 2018-1253. Motion carried 7-0.

15. **Conduct a Public Hearing and Consider Ordinance 2018-1254 amending the City of Highland Village Comprehensive Zoning Ordinance, Section 28.4.C to reduce the Required Minimum Acreage for a Planned Development District from Three (3) Acres to Two (2) Acres (1st of two reads)**

**** THIS ITEM HAS BEEN RESCHEDULED FOR THE OCTOBER 23, 2018 CITY COUNCIL MEETING ****

Due to a procedural matter, this item was not discussed and not considered at this meeting.

16. **Consider Ordinance 2018-1255 amending the Highland Village Code of Ordinances Chapter 12 “Offenses and Nuisances,” Article 12.05 “Nuisances,” Section 12.05.004 “Weeds, Grass and Other Vegetation” as it relates to the Height and Encroachment of Trees and Other Vegetation over Streets and Sidewalks (1st of two reads)**
APPROVED 1ST READ (7 – 0)

Mr. Kriston reported the City’s current ordinance regarding the height of tree limbs hanging over public right-of-ways (ROW) conflicts with the City’s Fire Code. Section 12.05.004 (2)(C) of the current ordinance allows tree limbs to overhang a public road not less than 12-feet and over a sidewalk not less than 7-feet. However, Section 8.04.001 adopts the 2015 Fire Code, where Section 503.2.1 of the Fire Code states there shall be an unobstructed vertical clearance of not less than 13-feet 6-inches.

In addition, the Department of Transportation’s (DOT) maximum vehicle height is 14-feet, with a special permit required for vehicles that measure 13-feet 6-inches in height or greater. The Manual of Uniform Traffic Control Devices (MUTCD) requires all overhead traffic signs to have a minimum vertical clearance of 17-feet.

Mr. Kriston reported staff had discussed this issue with Council at their September 11th meeting where the recommendation was to move forward with amending the nuisance ordinance regarding overhanging tree limbs over public ROW, sidewalks and trails to a minimum of 14-feet overhang over a road and 8-feet overhang over a sidewalk or trail.

Motion by Deputy Mayor Pro Tem Fleming, seconded by Councilmember Jaworski, to approve the first read of Ordinance 2018-1255. Motion carried 7-0.

17. **Consider Ordinance 2018-1251 adopting the Fiscal Year 2018-2019 Annual Budget (2nd and final read)**
APPROVED 2ND READ (7 – 0)

Assistant City Manager Ken Heerman reported staff initiated the FY 2019 budget process in May of this year, with departments reviewing programs and related costs in their respective areas. He stated the budget had been developed with Council in a series of workshops where the Capital Improvement Program was presented, followed by the

General Fund Budget, Special Revenue Funds, and the Utility Fund. He added that the proposed budget has been available on the City website for review by residents. He further reported the final document presented is a joint product of staff and Council to reflect priorities established by Council in the initial stages of the budget process. Public hearings were conducted on August 28, 2018 and September 11, 2018.

Motion by Councilmember Jaworski, seconded by Councilmember Lombardo, to approve the second 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.

18. **Consider Resolution 2018-2773 ratifying the Property Tax Revenue Increase Reflected in the Fiscal Year 2018-2019 Budget**

APPROVED (7 – 0)

Mr. Heerman stated in accordance with Local Government Code Section 102.007(c), 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. He stated this action acknowledges that Council is aware this budget will cost more than last year's budget, and, as this budget does indeed raise more revenue, this is a required action.

He added that while the property tax rate reflects a decrease from last year, overall tax dollars are increased – this year collecting \$12,697,794 compared to \$12,133,948 last year. The increase is reflective of a 5.6 percent increase in valuation, inclusive of new valuation of \$22,425,063 added to the tax base. Of the \$563,852 increased levy, \$361,290 is to be applied to increased debt service resulting from the 2018 bond issue approved by voters.

Motion by Councilmember Fiester, seconded by Mayor Pro Tem Busche, to approve Resolution 2018-2773 ratifying the property tax increase reflected in the Fiscal Year 2018-2019 Budget as required by Local Government Code Section 102.007(c).

Motion carried 7-0.

19. **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 (2nd and final read)**

APPROVED 2ND READ (7 – 0)

Mr. Heerman reported Ordinance 2018-1251 provides for the adoption of the City's official budget for Fiscal Year 2018-19, which was prepared and presented in accordance with state law. The proposed budget is based on anticipated revenues to the City from various sources, including the assessment of taxes on real and business personal property located within the City. In order to provide for sufficient revenues to pay the City's operation and maintenance obligations as well as the City's outstanding debt obligations,

the FY 2018-19 budget requires the City receive property tax revenues that would be generated through the adoption of the proposed tax rate. Mr. Heerman reported staff prepared Ordinance 2018-1252 for consideration, which 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. The total tax rate of \$.56302/\$100 is a ½ cent decrease from last year.

Motion by Councilmember Fiester, seconded by Councilmember Jaworski, 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 move that Ordinance 2018-1252 be approved on second read. 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 Resolution 2018-2774 authorizing the Purchase of a Fire Engine from Siddons-Martin Emergency Group and an Ambulance from Professional Ambulance through the City's Cooperative Purchasing Agreement with the Houston Galveston Area Council of Governments (HGAC), and authorizing the City Manager to Execute a Ten-Year Maintenance Service Agreement with Siddons-Martin Emergency Group

APPROVED (7 – 0)

Assistant Fire Chief Jason Collier reported during the annual budget process, the Fire Department works with Fleet Maintenance to evaluate the current vehicle inventory and any needs or replacements for the upcoming budget year. Evaluation criteria are based on vehicle repair history, age, mileage, hours of service and department needs. In general, engine replacements are based on a 15-year cycle and ambulance replacements are based on a 7-year cycle. The following were identified by the Fire Department as needing replacement:

- 2005 Pierce Dash Fire Engine
- 2013 Ford F450 Horton Ambulance

Mayor Wilcox asked if the City has always had a maintenance agreement. Chief Collier reported that since this same company has all of the maintenance records, it provides for a larger trade in value. Aside from being conveniently located in Denton, a maintenance agreement locks in the rate for ten years. Councilmember Kixmiller asked the expected life of the engine. Chief Collier stated typically about 15 years and that City Manager Michael Leavitt has directed staff to investigate trade in values at 10 and 15 years, along with maintenance costs. Mr. Leavitt stated this purchase will be a cash purchase.

Motion by Councilmember Jaworski, seconded by Deputy Mayor Pro Tem Fleming, to approve Resolution 2018-2774 authorizing the Purchase of a Fire Engine from Siddons-Martin Emergency Group and an Ambulance from Professional Ambulance through the City's Cooperative Purchasing Agreement with the Houston Galveston Area Council of Governments (HGAC), and authorizing the City Manager

to Execute a Ten-Year Maintenance Service Agreement with Siddons-Martin Emergency Group. Motion carried 7-0.

21. **Review and Discuss the Attendance Record and Performance of City Board and Commission Members and Consider Removal of Board and Commission Members prior to Completion of their Current Term pursuant to Code of Ordinances Section 2.037**

REMOVALS MADE and APPROVED (7 – 0)

City Secretary Angela Miller stated the Code of Ordinances provides Council the option to review attendance records and performance of board/commission members prior to the completion of their current term, and to allow for removal of a member, if needed.

Motion by Deputy Mayor Pro Tem Fleming, seconded by Councilmember Lombardo, to remove the following board members:

- ***Tamara Lisby – Parks and Recreation Advisory Board, Place 5***
- ***Denver Kemery – Zoning Board of Adjustment, Place 2***

Motion carried 7-0.

Relating to the removal of Denver Kemery from the Zoning Board of Adjustment, City Attorney Kevin Laughlin stated the record should reflect he is not being removed for cause. Mr. Kemery did previously apply to serve on the Planning and Zoning Commission and since there is currently a vacancy on said board, he recommended Council deem this effective as a resignation from the Zoning Board of Adjustment.

22. **Consider Resolution 2018-2775 appointing Members to Various Positions on the Board of Ethics, Parks and Recreation Advisory Board, Planning and Zoning Commission, Zoning Board of Adjustment, and Highland Village Community Development Corporation**

APPOINTMENTS MADE and RESOLUTION APPROVED (7 – 0)

Motion by Deputy Mayor Pro Tem Fleming, seconded by Councilmember Jaworski, to approve Resolution 2018-2775 making the following appointments:

BOARD OF ETHICS:

**Steven Deel
Brian Tackett**

PARKS AND RECREATION ADVISORY BOARD:

**William Irwin – Place 1
Janet Gershenfeld – Place 2
Dave Rush – Place 3
Kenneth Koonsman – Place 5
Kevan Fenderson – Alternate Place 1
Vanessa Boyd – Alternate Place 2**

PLANNING AND ZONING COMMISSION:

**Stan Lemko – Place 2
Tom Heslep – Place 3
Angelina Robinson – Place 5
Denver Kemery – Alternate Place 2**

ZONING BOARD OF ADJUSTMENT:

Richard Holderby – Place 2

Richard Metivier – Place 4
Darrah Boxberger-Torres – Place 5
Annette Brunken – Alternate Place 2
David Smith – Alternate Place 3

HIGHLAND VILLAGE COMMUNITY DEVELOPMENT CORPORATION:

Elisabeth Mechem – Citizen Representative
Manika Kataria – Citizen Representative
Charlotte Wilcox – Council Representative

Motion passed 7-0.

LATE WORK SESSION

- 23. Discuss Cancelling the November 27, 2018 and December 25, 2018 City Council Meetings**

This item was moved up on the agenda and discussed during Early 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 reminded everyone of the HVBA Community Coffee that will be held on October 4 at 8:00 a.m. at the Painted Tree.

Mayor Wilcox asked for an update on the installation of a light on the I-35 service road at Highland Village Road. Mr. Kriston reported he is still waiting on approval from TxDOT.

- 25. Adjournment**

Mayor Wilcox adjourned the meeting at 8:30 p.m.

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary