

**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, OCTOBER 23, 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
Absent:	Daniel Jaworski	Councilmember (arrived at 6:57 p.m.)
Staff Members:	Michael Leavitt	City Manager
	Kevin Laughlin	City Attorney
	Ken Heerman	Assistant City Manager
	Angela Miller	City Secretary
	Scott Kriston	Public Works Director
	Travis Nokes	Deputy Fire Chief
	Phil Lozano	Parks and Recreation Director
	Laurie Mullens	Director of Marketing & Communications
	Andrew Boyd	Media Specialist
	Karen Bradley	Administrative Assistant

EARLY WORK SESSION

1. Receive an Update regarding the Lake Ralph Hall Project

Larry Patterson, Executive Director of the Upper Trinity Regional Water District (UTRWD), reported the purpose of the Lake Ralph Hall project is to provide an additional water supply to address anticipated water demands associated with projected population growth for UTRWD's water providers, special districts and municipalities in Denton County and small portions of Dallas, Collin, Grayson, Wise and Cooke counties to the extent that Denton County customers' service areas extend outside Denton County. The project to construct Lake Ralph Hall include principal and emergency spillways, dam, and a reservoir with a conservation pool storage capacity of approximately 160,235 acre feet. The project will also include construction of a new 32.9-mile raw water pipeline, pump station and a 4.5-acre balancing reservoir. Raw water will be conveyed from Lake Ralph Hall directly to the Tom Harpool Water Treatment Plant adjacent to Lewisville Lake and the Tom Taylor Water Treatment Plant through discharge to Lewisville Lake via a proposed raw water transfer pipeline.

City Manager Michael Leavitt stated the US Army Corps of Engineers (USACE) has prepared a Draft Environmental Impact Statement (EIS) analyzing the effects of the proposed construction of the Project. The UTRWD has requested the City provide a letter or resolution of support for the Project to be placed in the record at the public hearing to be conducted by USACE to receive comments on the EIS. Agenda Item #12 includes a resolution declaring support for the Project should Council wish to express such support.

2. Discuss Awarding of Grant Funds to Community Non-Profit Organizations for Fiscal Year 2018-2019

Mayor Wilcox reported the City received seventeen (17) applications for funding from non-profit organizations, with this year's requests totaling \$76,764.50. Councilmember Kixmiller stated he favors providing funds to organizations but voiced concern that past allocations may not provide enough funds to make an impact. Deputy Mayor Pro Tem Fleming requested having the organizations provide a list of their officers and board of directors as part of the application process next year.

Relating to the application submitted by the Highland Village Lions Club, Mayor Wilcox reported Emily Rhone had sent an update that Barbara Fleming had resigned as an officer and that she would be the primary contact for the organization. Council members discussed the allocation of funds for non-profit organizations and came to a consensus for awarding funding for Fiscal Year 2018-2019.

3. Clarification of Consent or Action Items listed on today's City Council Regular Meeting Agenda of October 23, 2018

Relating to Agenda Item #19, Parks and Recreation Director Phil Lozano reported Copperas Branch Park was closed in 2013 to allow TxDOT use of the park for a staging area during the I-35E Expansion Project. Approximately 6.4 acres of park land was used for the new I-35E bridge and a new entrance into the park. The City of Highland Village and Lewisville modified their corporate boundaries along the western portion of I-35E North and an additional 61 acres of land, including a body of water and land south of Highland Village Road, were annexed into the City.

With these changes, City staff has identified the need to obtain professional services relating to development of a master plan for the park. Mayor Pro Tem Busche and Councilmember Lombardo asked when the second phase of the I-35E Expansion Project would take place. City Manager Michael Leavitt stated there is no timeline on that yet. As it relates to the master plan, staff will not move forward with a capital expense until that is determined.

Councilmember Kixmiller asked if there has been a master plan regarding the area near the Transit Oriented Development (TOD). City Manager Michael Leavitt stated consultants have looked at that area and that if the City were to initiate anything it would be to consider an overlay district; however, a master plan for Copperas Branch Park is the next step. Councilmember Fiester asked about the timeline for completion of the master plan, who would set the program relating to facilities, and the possibility of seeking Texas Parks and Wildlife grants. Mr. Lozano stated start up would be early next year and the facilities would be based on public input and feasibility. He reported he is learning more about the grant process and that having a master plan is usually required when applying. Mr. Leavitt added that the park area is all located within a flood plain.

The consensus was to move this item to the Consent Agenda.

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)

Council did not meet in Closed Session.

Early Work Session ended at 7:05 p.m.

OPEN SESSION

5. Call to Order

Mayor Wilcox introduced Tate Dodson as our Mayor for the Day. He 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	Chief of Police
	David Harney	School Resource Officer
	Travis Nokes	Deputy Fire Chief
	Scott Kriston	Public Works Director
	Phil Lozano	Parks and Recreation Director
	Laurie Mullens	Director of Marketing & Communications
	Andrew Boyd	Media Specialist

6. Prayer to be led by Mayor Pro Tem Fred Busche

Mayor Pro Tem Busche gave the invocation.

7. Pledge of Allegiance to the U.S. and Texas flags to be led by Mayor Pro Tem Fred Busche.

Mayor Pro Tem Busche 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**

Residents were informed of the Salute Our Veterans Luncheon to be held on November 9, the Fall Festival honoring our Veterans scheduled for November 3 at Unity Park, the Tri-Town Amazing Race planned for November 10 and Date Night at Doubletree Ranch Park to be held on October 26.

- 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**

Mayor Wilcox reported Councilmembers and City staff participated in a Red Ribbon event earlier in the day at Marcus High School.

- **Presentation of a Proclamation honoring Carolyn Britton for her Service to the City of Highland Village**

Mayor Wilcox presented Carolyn Britton with a proclamation honoring her for her 21 years of service to the residents of Highland Village.

- **Presentation of a Proclamation celebrating Mayor for the Day**

Mayor Wilcox presented Mr. Tate Dodson with a proclamation recognizing him as Mayor for the Day.

- **Presentation of a Proclamation celebrating Art Month in Highland Village**

Mayor for the Day Tate Dodson presented a proclamation celebrating November as Art Month in Highland Village. This is part of the 17th Annual Cross Timbers Artists' Guild Studio Tour scheduled for November 10-11, 2018. Linda Chidsey, Colleen Drew, and Lorraine Hayes were in attendance to receive the proclamation.

- **Presentation of a Proclamation designating October 22-26, 2018 as Red Ribbon Week in Highland Village**

Mayor Wilcox presented a proclamation to Police Chief Doug Reim, School Resource Officer David Harney and Dr. Kim Gronberg. The proclamation promotes family and individuals living a healthy, drug-free lifestyle.

CONSENT AGENDA

Mayor Wilcox reported Agenda Item #19 would be moved up to the Consent Agenda.

- 11. Consider Approval of Minutes of the Regular City Council Meeting held on October 9, 2018**
- 12. Consider Resolution 2018-2780 declaring Support of the Environmental Impact Statement prepared by the United States Army Corps of Engineers for the Lake Ralph Hall Regional Water Supply Reservoir Project**
- 13. Consider Resolution 2018-2781 authorizing the City Manager to Enter into an Agreement for GIS Software Licensing and Maintenance with Environmental Systems Research Institute, Inc. (ESRI)**

19. **Consider Resolution 2018-2783 authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with La Terra Studio for Master Planning Copperas Branch Park**

Motion by Mayor Pro Tem Busche, seconded by Deputy Mayor Pro Tem Fleming, to approve Consent Agenda Items #11 through #13, and #19. Motion carried 7-0.

ACTION AGENDA

14. **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

Council did not meet in Closed Session.

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

PUBLIC HEARING CONDUCTED

APPROVED 1ST READ (7 – 0)

Public Works Director Scott Kriston reported the City received an application requesting an amendment to the City’s Comprehensive Zoning Ordinance (CZO) so that the applicant may develop his property located at 1400 Highland Village Road, which is a 2.73 acre lot. If approved as a text amendment to the CZO, the minimum area for creation of Planned Development Districts would be reduced for the entire City, not just the applicant’s property.

Mr. Kriston stated this item was presented and discussed by the Planning and Zoning Commission (Commission) on September 18, 2018 and the recommendation was to send the ordinance forward to the City Council, as presented. Due to a procedural matter during the P&Z meeting, this item had been placed back on a Commission agenda on October 16, 2018 for the purpose of conducting the public hearing and making a recommendation to City Council on whether or not to send the Ordinance forward as presented. At the October 16, 2018 meeting, the Commission recommended sending the ordinance forward to City Council for approval, as presented, with a vote of (4-0).

Mr. Kriston stated to date no inquiries or comments have been received relating to this item. He reported there are approximately 60 empty lots available in the City to develop. Of that, he stated there are about 16 tracts of land remaining that are 2+ acres each. Most empty lots in the City range from 1+ acre but less than 2 acres. Mayor Wilcox opened the public hearing and with no one wishing to speak, the public hearing was closed.

Councilmember Lombardo asked how many of the 16 tracts are 3 acres and above. Mr. Kriston estimated less than 3. City Attorney Kevin Laughlin reported this is not to amend a specific property. He stated an applicant could later request an amendment but the zoning would be determined at that time. He further stated for mature communities that

are built out, a planned development can be a tool to provide for development of infill lots where it hasn't been part of an overall development scheme.

Motion by Mayor Pro Tem Busche, seconded by Councilmember Jaworski, to approve the first read of Ordinance 2018-1254 reducing the required minimum acreage for creation of a Planned Development District. Motion carried 7-0.

16. **Conduct a Public Hearing and Consider Resolution 2018-2782 approving the Use of Alternative Exterior Building Materials on a Residential Building to be Located on the Property at 418 Post Oak Drive which is Presently within a Single Family Residential (SF-10) Zoning District Pursuant to City of Highland Village Comprehensive Zoning Ordinance Section 30.2.A.1**

APPROVED (7 – 0)

Mr. Kriston stated an application was submitted requesting approval of the use of Hardi Cement Fiberboard siding as an alternate exterior material on 100% of the exterior of a proposed new single-family residential structure and detached garage to be constructed in a Single Family Residential (SF-10) Zoning District located at 418 Post Oak Drive. Currently, cement fiberboard is not included among the materials defined as "masonry" within the City's Comprehensive Zoning Ordinances (CZO).

Mr. Kriston reported that during the Planning & Zoning Commission meeting held on October 16, 2018, two people spoke during the public hearing – one person in favor and one person opposed to the request. In addition, one email was received in favor of the request. The Commission recommended sending forward to City Council the application for approval with a vote of 5 to 0. Since the meeting, Mr. Kriston reported staff has also received two emails in favor of the request.

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

Councilmember Fiester asked if staff would be revising the CZO to allow the material throughout the City. He stated he favors use of the material if it is going to be allowed throughout the City. In addition, he stated allowable materials for commercial properties should also be reviewed. Mr. Leavitt stated it may be time to review the CZO and that a residential overlay district could be considered, which would allow for its use, but would be limited only to non-HOA areas of the City. Councilmember Kixmiller reported he had visited the property area and that the proposed material and design would be a good fit. Councilmember Jaworski stated this material was not a widely used material at the time the CZO was originally written, so it could warrant a review.

Mr. Laughlin clarified the exception is not the use of the material but rather the percentage allowed. In addition, he added that in considering this exception, there are some criteria to consider, such as the compatibility of the intended use with the building elevation as it relates to the area as well as the architectural design and surrounding properties.

Motion by Councilmember Kixmiller, seconded by Deputy Mayor Pro Tem Fleming, to approve Resolution 2018-2782 approving the use of alternative exterior building materials on a residential building located at 418 Post Oak Drive. Motion carried 7-0.

17. **Consider Ordinance 2018-1256 amending Highland Village Code of Ordinances Article 10.02 "Ambulance Service" by amending Subsection (b) of Section 10.02.004 "Service Provided; Fee Schedule" relating to the Fees to be Charged for Providing**

Emergency Medical Services; Adding Section 10.02.006 “No Balance Billing for City Residents”; and adding Section 10.02.007 “Charges for Mutual Aid Recipients of Emergency Medical Services” relating to Charges for Emergency Medical Services provided to Non-Residents pursuant to a Mutual Aid Agreement (1st of two reads)
APPROVED 1ST READ (7 – 0)

Assistant City Manager Ken Heerman reported EMS charges are first billed to insurance, with any balance not paid by insurance to be collected from the patient. Roughly one half of the billings are directed to Medicare (52%), a small percentage to Medicaid (3%), with the remainder to be collected from insurance (27%) and patients (18%). Most of the patient balances go unpaid. Mr. Heerman reported Council has previously expressed desire not to pursue third party collection of these balances. Highland Village is at the lower end of the amount of the fees assessed in comparison with surrounding jurisdictions.

In a previous discussion with Council at its August 28, 2018 meeting, City staff proposed the following, with Council indicating a consensus to proceed accordingly:

- ❖ Updating the ordinance addressing EMS services to stipulate that EMS billing for City residents will only be billed to the patient’s insurance, Medicare / Medicaid, with any remaining balance to be written off.
- ❖ Increase fees to reflect market, capturing an increased percentage of fees insurance companies are willing to pay. The higher fee will not affect Highland Village residents directly.

Mr. Heerman stated City staff, in conjunction with the City Attorney, prepared an ordinance amending the Code of Ordinances with respect to the sections relating to EMS fees. He further added, in being consistent with the on-going process of having the City Council adopt fees by resolution and incorporated into a master fee schedule, the ordinance provides for fees to be adopted by resolution of the City Council. The revised fees discussed above will be contained in a resolution to be presented concurrently with the second reading of the proposed ordinance.

Motion by Deputy Mayor Pro Tem Fleming, seconded by Councilmember Jaworski, to approve first read of Ordinance 2018-1256. Motion carried 7-0.

18. **Consider Ordinance 2018-1257 adopting Amendments to the Fiscal Year 2018-2019 Budget (1st of two reads)**
APPROVED 1ST READ (7 – 0)

Mr. Heerman stated this is the first amendment presented to Council this fiscal year. He reported Council had approved the reallocation of \$500,000 of economic development funds and the reallocation of \$91,000, which was the resulting savings due to favorable bids received for the FY 2018 street overlay program, for other needed projects. This amendment is to re-authorize appropriations specifically identified in FY 2018 but were not completed before year-end.

Motion by Councilmember Jaworski, seconded by Councilmember Lombardo, to approve first read of Ordinance 2018-1257. Motion carried 7-0.

19. **Consider Resolution 2018-2783 authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with la terra studio for Master Planning Copperas Branch Park**

APPROVED ON THE CONSENT AGENDA

This item was moved to the Consent Agenda.

20. Consider Resolution 2018-2784 awarding Grant Funds to Community Non-Profit Organizations for Fiscal Year 2018-2019

APPROVED (7 – 0)

Motion by Councilmember Lombardo, seconded by Deputy Mayor Pro Tem Fleming, to approve Resolution 2018-2784 making the following allocations:

Section 1 – Family Service Organizations:

- ***Christian Community Action (CCA) - \$2,000***
- ***Denton County Friends of the Family, Inc. - \$2,500***
- ***Salvation Army Lewisville - \$2,500***
- ***Special Abilities of North Texas - \$2,500***
- ***Winning the Fight (WTF) - \$2,500***
- ***Youth and Family Counseling - \$2,500***

Section 2 – Children's Service Organizations:

- ***Casa of Denton County, Inc. - \$2,000***
- ***Communities in Schools of North Texas - \$2,500***
- ***Journey to Dream - \$2,500***
- ***PediPlace - \$2,500***
- ***Lewisville ISD Education Foundation (LEF) - \$4,500***

Section 3 – Community Service Organizations:

- ***Highland Village Lions Club - \$3,500***
- ***Friends of the Flower Mound Library - \$500***
- ***Lewisville Lake Symphony - \$3,000***
- ***Studio B Performing Arts Center - \$3,000***
- ***Greater Lewisville Community Theatre - \$500***
- ***Chisholm Trail Retired Senior Volunteer Program (RSVP) - \$2,000***

Motion carried 7-0.

Mayor Wilcox thanked all of the organizations for the services they provide to the residents of Highland Village.

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.)

Mr. Leavitt provided the following updates:

Dog Park – City crews will close the park to plant winter rye grass and address some drainage issues. The Park will be closed from October 24 through November 2. This work will help prepare the park for winter use.

TXFallenPD Tribute Event – The purpose of the event is to raise money for the Fallen Officer Fund. Preliminary estimates show our community helped raise over \$45,000 which surpasses the City’s goal of \$30,000. Mr. Leavitt thanked local businesses, residents, and all departments within the City for their help and support with the event.

Councilmember Fiester suggested an update of the Comprehensive Zoning Ordinance to allow hardi cement fiberboard as an acceptable building material. Mr. Leavitt stated a workshop of the Planning and Zoning Commission could be held to allow for review and that a consultant may also be utilized to assist with the project.

22. Adjournment

Mayor Wilcox adjourned the meeting at 9:00 p.m.

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary