



**MINUTES OF THE REGULAR MEETING OF THE
HIGHLAND VILLAGE CITY COUNCIL
HELD AT THE HIGHLAND VILLAGE MUNICIPAL COMPLEX
1000 HIGHLAND VILLAGE ROAD
TUESDAY, MAY 12, 2020**

EARLY WORK SESSION

Mayor Charlotte J. Wilcox called the meeting to order in open session at 6:00 p.m. and announced pursuant to Governor Greg Abbott's temporary suspension of various provisions of the Texas Open Meetings Act and in an effort to protect the health and safety of the public, the meeting is being conducted using social distancing practices. Members of the public are not allowed to attend the City Council meeting in person, but may view the City Council meeting live at no cost via www.highlandvillage.org/HVTV.

In addition, she reported any person wishing to provide comments on any matter to be considered on this agenda were to have emailed such comments to the City Secretary by 1:00 p.m. on Tuesday, May 12, 2020. She asked if any public comments were received; City Secretary Angela Miller reported none were received.

Roll Call

Present:	Charlotte J. Wilcox	Mayor
	Jon Kixmiller	Councilmember
	Michael Lombardo	Mayor Pro Tem
	Barbara Fleming	Deputy Mayor Pro Tem
	Tom Heslep	Councilmember
	Robert A. Fiester	Councilmember
	Daniel Jaworski	Councilmember
Staff Members:	Michael Leavitt	City Manager
	Ken Heerman	Assistant City Manager
	Kevin Laughlin	City Attorney
	Angela Miller	City Secretary
	Michael Thomson	Fire Chief
	Doug Reim	Chief of Police
	Scott Kriston	Public Works Director
	Phil Lozano	Parks & Recreation Director
	Jana Onstead	Human Resources Director
	Sunny Lindsey	Information Services Director
	Laurie Mullens	Marketing & Communications Director
	Andrew Boyd	Media Specialist

1. Discuss Selection of a Mayor Pro Tem and Deputy Mayor Pro Tem

Mayor Wilcox reported Mike Lombardo currently serves as Mayor Pro Tem and Barbara Fleming serves as Deputy Mayor Pro Tem. She asked members of Council if anyone was interested in serving. Deputy Mayor Pro Tem Fleming suggested Councilmember Lombardo continue serving as Mayor Pro Tem. Councilmember Kixmiller suggested Barbara Fleming continue serving as Deputy Mayor Pro Tem. Mayor Wilcox stated this agenda item is for discussion purposes only and that formal action could be taken later during the regular City Council meeting.

2. Clarification of Consent or Action Items listed on Today's City Council Meeting Agenda of May 12, 2020

Relating to Agenda Item #13, Mayor Pro Tem Lombardo asked for clarification regarding penalties and recent action taken by Governor Abbott. City Attorney Kevin Laughlin reported the penalty provision included within proposed Ordinance 2020-1273 is consistent with the Governor's order which provides for a penalty not to exceed \$500, which is a Class C offense and not a jailable offense.

Relating to Agenda Item #19, Mr. Laughlin stated Resolution 2020-2884 amends the Declaration of Local Disaster issued by the Mayor of Highland Village on March 16, 2020, and ratified and extended by the City Council on March 19, 2019, which is set to expire on May 13. Proposed Resolution 2020-2884 extends the declaration adopted by the Governor's executive order and is consistent with the provisions executed by Denton County and the State. This will extend the order for so long as the governor continues the statewide disaster declaration and provides for incorporating any future executive orders.

Relating to Agenda Item #21, Mayor Wilcox reported current representative Jim Carter's term will expire this year and Mr. Carter has expressed desire to serve another term. No one else has expressed a desire to serve.

Relating to Agenda Item #22, Mayor Wilcox reported Lewisville Mayor Rudy Durham has expressed his desire to serve again as the primary representative on the Regional Transportation Council (RTC), and Mayor Wilcox is willing to continue serving as the alternate. She stated the City of Lewisville and Town of Flower Mound have advised their respective City Councils are scheduled to adopt a similar resolution this month.

Mayor Wilcox read the items on the agenda for Closed Session and stated Council would meet in Closed Session.

CLOSED SESSION
City Council Chambers

Council convened into Closed Session at 6:10 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 – Personnel – Discuss the Employment or Appointment of City Manager

Council concluded Closed Session at 7:15 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	Mayor Pro Tem
	Barbara Fleming	Deputy Mayor Pro Tem
	Tom Heslep	Councilmember
	Robert A. Fiester	Councilmember
	Daniel Jaworski	Councilmember
Staff Members:	Michael Leavitt	City Manager
	Ken Heerman	Assistant City Manager
	Kevin Laughlin	City Attorney
	Angela Miller	City Secretary
	Michael Thomson	Fire Chief
	Doug Reim	Chief of Police
	Scott Kriston	Public Works Director
	Phil Lozano	Parks & Recreation Director
	Jana Onstead	Human Resources Director
	Laurie Mullens	Marketing & Communications Director
	Andrew Boyd	Media Specialist

5. Prayer to be led by Councilmember Jon Kixmiller

Councilmember Kixmiller gave the invocation.

6. Pledge of Allegiance to the U.S. and Texas flags to be led by Councilmember Jon Kixmiller

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

7. Selection of a Mayor Pro Tem and Deputy Mayor Pro Tem

Motion by Mayor Wilcox, seconded by Councilmember Kixmiller, selecting Mike Lombardo as Mayor Pro Tem and Barbara Fleming as Deputy Mayor Pro Tem. Motion carried 7-0.

8. Visitor Comments

Mayor Wilcox announced any person wishing to provide comments on any matter to be considered on this agenda were to email such comments to the City Secretary by 1:00 p.m. on Tuesday, May 12, 2020. She asked if any public comments were received. City Secretary Angela Miller reported none were received.

9. City Manager/Staff Reports

- **COVID-19 Update**

Fire Chief Michael Thomson reported emergency management operations continue, with monitoring through daily calls with federal, state and county partners. He provided an update on cases in Highland Village, Denton County and the State.

Assistant City Manager Ken Heerman provided an update on projected sales tax. The March 2020 sales tax detail shows a variance of \$21,014 of our budgeted amount. Our sales tax revenue received prior to COVID-19 has helped to offset any losses so far. Mr. Heerman reported a potential shortfall of approximately \$219,786 to \$425,742.

Marketing and Communications Director Laurie Mullens reported how the city has supported our area businesses, which includes 32 short videos highlighting each restaurant in Highland Village, except for fast food restaurants. The HVBA website has been updated with a support local page to include all retailers and restaurants, and the type of services they are providing. Many national chains have remained closed, but most local retailers are open now.

Mr. Leavitt added that City staff has hosted multiple meetings with our restaurants and retailers to provide education on how to open while still remaining compliant with state, county and city orders. Ms. Mullens added that video conference calls have also been hosted with our retail center management companies to assist them in opening. City staff also prepared a one-page reference sheet that lists different business establishments along with minimum standard health protocols.

- **HVTV Update**

The Update informed residents of opening dates for City facilities, programs and amenities and of Phase I Water Conservation. A thank you to our community from Highland Village Public Safety was also included.

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**

With the recent passing of Marcus High School Coach Steve Telaneus, Councilmember Jaworski sent condolences and asked everyone to keep his family in their prayers.

Mayor Wilcox reminded residents to complete the 2020 Census, which can be completed online.

- **Presentation of a Proclamation designating Emergency Medical Services (EMS) Week in Highland Village**

Mayor Wilcox read a proclamation designating May 17-23, 2020 as Emergency Medical Services Week.

CONSENT AGENDA

11. Consider approval of Minutes of the Special City Council Meetings held on April 22, 2020; April 23, 2020 and April 27, 2020; and Regular City Council Meeting held on April 28, 2020
12. Consider Ordinance 2020-1272 re-adopting in its Entirety Article 14.04 “Parks and Recreation” Division 7 “Youth Services Standards of Care” of the Code of Ordinances of the City of Highland Village, setting forth and adopting the Standards of Care for Youth Programs offered by the Parks and Recreation Department (2nd and final read)
13. Consider Ordinance 2020-1273 amending the Code of Ordinances, Chapter 1, “General Provisions,” Article 1.03 “Emergency Management”; by amending Section 1.03.009 “Prohibited Acts” to Create an Offense for Violating the Restrictions of an Emergency Order and Section 1.03.010 “Penalty” amending the Penalty for Violation of the Article (2nd and final read)
14. Consider Resolution 2020-2883 awarding and authorizing a Contract with H&H Electrical Contractors, Inc. for the Miscellaneous Motor Control Improvements Project at the Highland Shores Pump Station, Wastewater Lift Station No. 2 and Idlewild Booster Pump Station
15. Consider Resolution 2020-2887 authorizing a Professional Services Agreement with The Harbeck Company relating to the Recruitment and Selection of City Manager
16. Receive Investment Report for Quarter Ending March 31, 2020
17. Receive Budget Reports for Period Ending March 31, 2020

Motion by Mayor Pro Tem Lombardo, seconded by Councilmember Heslep, to approve Consent Agenda Items #11 through #17. Motion carried 7-0.

ACTION AGENDA

18. 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 a 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 – Personnel – Discuss the Employment or Appointment of City Manager

NO ACTION TAKEN
19. Consider Resolution 2020-2884 amending the Declaration of Local Disaster issued by the Mayor of Highland Village on March 19, 2020 and Orders related Thereto

APPROVED (7 – 0)

City Manager Michael Leavitt reported this extends and keeps our Declaration active should assistance be needed, and is consistent with the provisions executed by Denton County and the State, with two special provisions included in the City’s declaration:

- Suspension of permits/licenses for peddlers and solicitors
- Suspension of delivery time restrictions

Motion by Deputy Mayor Pro Tem Fleming, seconded by Councilmember Fiester, to approve Resolution 2020-2884. Motion carried 7-0.

20. Consider Ordinance 2020-1274 amending Section 20.03.052 “Maximum Speed Limits on Specific Streets” to adopt and amend the Maximum Prima Facia Speed Limits for the Segment of FM 2499 located within the Corporate Limits of Highland Village (1st of two reads)

APPROVED 1ST READ (7 – 0)

Public Works Director Scott Kriston reported City staff received notice in March from the Texas Department of Transportation (TxDOT) that a speed zone study on FM 2499 from FM 2181 to the Tarrant County line was conducted, as requested by TxDOT’s Denton County area office. The study determined that several speed limit zones need to be changed. TxDOT recommends the following:

- The speed limit from the northern corporate limit line to the northern part of the intersection of FM 2499/Highland Shores/Castlewood be adjusted from 45 miles per hour (MPH) to 50 MPH
- The speed limit from the intersection of FM 2499/Highland Shores/Castlewood to the intersection of FM 2499/FM 407 (southern corporate limit line) be adjusted from 40 MPH to 45 MPH

Mr. Kriston added that TxDOT’s speed zone study results are in line with the City’s unofficial speed zone study results for the same area. Mr. Leavitt stated TxDOT is setting the new speed limit, which was not requested by the City. In order to enforce the new speed limit, passage of the proposed ordinance is required.

Councilmember Kixmiller clarified the City did not choose to change the speed limit, but would need passage of Ordinance 2020-1274 in order to enforce the speed limit change.

Motion by Mayor Pro Tem Lombardo, seconded by Councilmember Heslep, to approve Ordinance 2020-1274. Motion carried 7-0.

21. Consider Resolution 2020-2885 nominating One Candidate to a Slate of Nominees for the Board of Managers of the Denco Area 911 District

APPROVED (7 – 0)

Motion by Deputy Mayor Pro Tem Fleming, seconded by Councilmember Heslep, to approve Resolution 2020-2885 nominating Jim Carter for the Slate of Nominees for the Board of Managers of the Denco Area 911 District. Motion carried 7-0.

22. Consider Resolution 2020-2886 Joining in the Appointment of the Primary and Alternate Representatives for the Town of Flower Mound, City of Lewisville and City of Highland Village to the Regional Transportation Council (RTC) of the North Texas Council of Governments

APPROVED (7 – 0)

Motion by Councilmember Jaworski, seconded by Councilmember Fiester, to approve Resolution 2020-2886. Motion carried 7-0.

LATE WORK SESSION

23. Discuss Doubletree Ranch Park Splash Pad Operations

Parks and Recreation Director Phil Lozano stated the splash pad has become a popular summer destination and once county and State orders provide the opportunity, the plan is to open the splash pad. Mr. Lozano reported the splash pad is free for all users and has become very popular for daycare field trips, which has created challenges for families and smaller groups also enjoying the site as they are overwhelmed by the daycares.

Mr. Lozano reported the Parks and Recreation Advisory Board will discuss potentially creating a policy for daycare use at their next meeting and will work towards recommended options for Council to discuss and, if warranted, to take action.

24. Receive an Update on the Kids Kastle Rebuild Project

Mr. Lozano reported the community build, originally scheduled for March 23-26 and March 31-April 5, had to be postponed due to COVID-19 therefore leaving City staff to look at other opportunities for completion of the project. City staff secured Play by Design for May 18-21 to construct Phase I of the project. Current orders from the State and County, with compliance to CDC standards for construction projects, allow for Phase I to take place. Play by Design consultants, City staff, and contract labor will complete the work for Phase I, which will set the stage for a community build for Phase II to take place sometime late summer or early fall. Councilmember Kixmiller stated he would like to get as much of the project completed while Play by Design is onsite and would like to have the plans so City staff can continue moving the project ahead, rather than having to wait until they are available.

Since the project was postponed due to COVID-19, Mr. Leavitt reported City staff is tracking all project costs incurred as a result of COVID-19 as to hopefully be able to recoup those costs through possible funding offered through available program(s).

25. 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.)

Mayor Wilcox asked the status of the TxDOT project for the IH-35 northbound access from Highland Village Road. Mr. Leavitt stated our Regional Transportation Council (RTC) Representative Dianne Costa has verified the project is included in the State's 2021 Unified Transportation Program (UTP), which will be voted on by the Texas Transportation Commission's August 2020 meeting.

Because of COVID-19, Mr. Leavitt reported the Denton County Transportation Authority (DCTA) has received CARE funding. He has asked Ms. Costa about DCTA's local assistance program to help fund transportation projects within their member cities. He will update Council as he receives additional information.

Mr. Leavitt stated he and Mayor Wilcox were recently notified of action by the Bureau of Land Management regarding property in Highland Village located in the northern area of FM 2499. The property is owned by the Bishop family and includes an existing gas well. Mr. Leavitt reported the owners of the land and mineral rights under Lewisville Lake, by federal law, have the right to access those minerals.

He reported the City had provided opposition in 2016 to a sale of mineral leases in the same area due to concerns regarding the Lewisville Lake dam. With additional concerns regarding the effects of the fracking process, Mr. Leavitt has contacted the Upper Trinity

Regional Water District (UTRWD). The UTRWD will provide a joint jurisdiction response in opposition.

26. Adjournment

Mayor Wilcox adjourned the meeting at 8:50 p.m.

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary