

**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, JANUARY 23, 2018**

Call to Order

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

Roll Call

Present:	Charlotte J. Wilcox Michelle Schwolert Michael Lombardo Barbara Fleming Daniel Jaworski	Mayor Mayor Pro Tem Councilmember Deputy Mayor Pro Tem Councilmember
Absent:	John McGee Fred Busche	Councilmember Councilmember
Staff Members:	Michael Leavitt Kevin Laughlin Ken Heerman Angela Miller Doug Reim Brad Goudie Scott Kriston Phil Lozano Laurie Mullens Andrew Boyd	City Manager City Attorney Assistant City Manager City Secretary Police Chief Fire Chief Public Works Director Parks and Recreation Director Director of Marketing & Communic Media Specialist

EARLY WORK SESSION

1. Discuss the City's Current Ordinance relating to Motor-Assisted Scooters

City Manager Michael Leavitt stated in light of recent research relating to golf carts, the ordinance regulating scooters may warrant updating. He reported the current ordinance allows a child 12-years of age or older to operate a motor-assisted scooter if they successfully complete a safety course. At the time the ordinance was adopted, scooters were much more popular than they are today. Police Chief Doug Reim reported the number of scooter permits have greatly declined since 2004, with no permits being issued the last two years.

Mr. Leavitt asked Council if this was something they would like to have updated. Increasing the age restriction, prohibiting use on certain streets and a review of the permitting requirement were discussed. Mr. Leavitt reported Chief Reim would bring back suggested revisions at a future meeting.

2. Discuss Status of the Public Art Advisory Board

Mr. Leavitt stated during last year's annual appointment process, Council had postponed appointments to the Public Art Advisory Board (PAAB) to allow staff to find out more information regarding the status of the Highland Village Parks Foundation (Foundation)

and to allow further discussion regarding the mission and scope of the PAAB. At that time, there was some indication of interest in dissolving the Foundation and potentially having the PAAB serve as a non-profit to continue the work of the Foundation. In addition, there was also some frustration by PAAB members due to a lack of funding and interest in doing something beyond their annual Highland Village Art Festival event.

Mr. Leavitt stated with the Art Festival coming up in May, City staff is already working with The Shops to continue the event. Parks and Recreation Director Phil Lozano has discussed the possibility of dissolving the PAAB with the Parks and Recreation Advisory Board taking over its functions. Mr. Leavitt reported increasing the use of volunteers to assist with some of the work previously carried out by the PAAB would allow more flexibility to seek out donations and acquisitions, which would then be presented through the Parks and Recreation Advisory Board and ultimately presented to City Council for approval, per the Highland Village Public Art Master Plan. Volunteers could also assist staff with the annual Highland Village Art Festival as well as other city sponsored special events.

Councilmember Jaworski asked if there was any further update on the status of the Foundation. Mr. Leavitt stated Mr. Lozano would be contacting member(s) to follow up and he would update as he had further details. The consensus of Council was to move forward with dissolving the PAAB. An agenda item will be provided on the agenda for the February 13th Council meeting.

3. Discuss Regulations relating to Peddlers and Solicitors in Highland Village

Mr. Leavitt reported amendments regarding hours of operation and extending permit expiration from 90-days to 180-days were presented to Council last year. Just prior to the second read, it was determined that another provision in the existing ordinance which relates to a cash bond requirement also needed to be updated. In addition, the City Attorney provided an update and background information to Council on area cities that also considered amending their hours of operation for solicitors. At the December meeting, the ordinance was tabled to allow for further research and for a modified ordinance to be presented to Council at a future meeting.

City Attorney Kevin Laughlin suggested amending the hours of operation to the following:

- Standard Time – allowed at a private residence from 9:00 a.m. until 7:00 p.m.
- Daylight Savings Time – allowed at a private residence from 9:00 a.m. until 8:00 p.m.

Consensus of council was to move forward with an ordinance that includes provisions relating to hours of operation, as suggested above; extending the expiration of permits to 180-days; and modifying the bond provision to require a copy of a current surety bond rather than provide a cash bond

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

Regarding Agenda Item #14, Mr. Leavitt reported this item is for repairs and upgrades to the existing outdoor warning system before the spring storm season, but does not include adding a siren at Sunset Point. The siren at Sunset Point will be a standalone quote and project that will be addressed at a later time.

Mr. Leavitt asked is anyone had any questions regarding Agenda Item #20. Deputy Mayor Pro Tem Fleming asked about the golf carts used for the Balloon Festival. Mr.

Leavitt reported that could be addressed in the application process for the special event. Council discussed having two ordinances, one for Slow Moving Vehicles and another regulating golf carts. Councilmember Lombardo voiced concern with the use of golf carts on public streets. Councilmember Jaworski asked how many times dispatch had been contacted regarding an issue with a golf cart. Mr. Leavitt reported 42 times over the last year. Further discussion would continue later during the regular meeting.

Early Work Session concluded at 6:55 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, including Litigation regarding Horner vs. City of Highland Village, 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.

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 Michelle Schwolert Michael Lombardo Barbara Fleming Daniel Jaworski	Mayor Mayor Pro Tem Councilmember Deputy Mayor Pro Tem Councilmember
Absent:	John McGee Fred Busche	Councilmember Councilmember
Staff Members:	Michael Leavitt Kevin Laughlin Ken Heerman Angela Miller Doug Reim Karl Schlicter Brad Goudie Scott Kriston Phil Lozano Laurie Mullens Andrew Boyd	City Manager City Attorney Assistant City Manager City Secretary Police Chief Police Commander Fire Chief Public Works Director Parks and Recreation Director Director of Marketing & Communic Media Specialist

7. Prayer to be led by Mayor Pro Tem Michelle Schwolert

Mayor Pro Tem Schwolert gave the invocation.

- 8. Pledge of Allegiance to the U.S. and Texas flags to be led by Mayor Pro Tem Michelle Schwolert: “Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.”**

Mayor Pro Tem Schwolert led the Pledge of Allegiance to the U.S. and Texas Flags.

9. Visitor Comments

No one wished to speak.

0. City Manager/Staff Reports

- **HVTV Update**

The latest video report from HVTV News was shown:

Foodie Friday – This month’s HVBA Foodie Friday video featured Bistecca, an Italian steakhouse located in Highland Village. Chef Morris Salerno shared new items that would be featured on the Valentine’s Day menu.

Senior All Stars – Highland Village seniors are invited to take a trip to the Fort Worth Stockyards for a day of fun on February 17. Attendees will stop at Joe T Garcia’s for lunch. To register, contact the staff at the Robert & Lee DuVall Center or visit the City’s website to register online.

- 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**

Deputy Mayor Pro Tem Fleming wished her granddaughter Anna a happy 16th birthday.

CONSENT AGENDA

- 12. Consider Approval of Minutes of the Regular City Council Meeting held on January 9, 2018**
- 13. Consider Resolution 2018-2731 Ordering a General Municipal Election to be held on May 5, 2018 for the Purpose of Electing Councilmembers to Places 1 (Mayor), 2, 4, and 6; Authorizing a Joint Election with other Denton County Political Subdivisions; and Authorizing a Contract for Election Services with Denton County**
- 14. Consider Resolution 2018-2732 Authorizing the City Manger to Enter into an Agreement with Joe Goddard Enterprises, LLC for the Storm Warning Siren Project**
- 15. Receive Budget Reports for Period Ending November 30, 2017**

Motion by Mayor Pro Tem Schwolert, seconded by Deputy Mayor Pro Tem Fleming, to approve Consent Agenda Items #12 through #15. Motion carried 5-0.

ACTION AGENDA

16. **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, including Litigation regarding Horner vs. City of Highland Village, 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

17. **Discuss and Consideration of all matters incident and related to the Issuance and Sale of “City of Highland Village, Texas, General Obligation Bonds, Series 2018”, including the adoption of Ordinance 2018-1240 Authorizing the Issuance of such Bonds for Street and Parks & Recreation Improvements**

APPROVED (5 – 0)

Assistant City Manager Ken Heerman reported that in November, two propositions were approved by voters – one for Street improvements and one for Parks projects.

Jim Sabonis from Hilltop Securities reported the bid process was successful. Six bidders competed, with the winning bid coming in approximately \$43,000 less than anticipated. Mr. Sabonis stated the City’s recent increase by Standard & Poors from a rating of AA+ to AAA is the highest credit rating available. Standard & Poors credited the rating increase to the City’s strong economy supported by wealth and income metrics, in addition to the City’s very strong and stable financial flexibility. The City’s financial position is further supported by its very strong financial management practices and policies.

Mr. Heerman also reported there is no tax increase associated with this bond issuance.

Motion by Councilmember Jaworski, seconded by Mayor Pro Tem Schwolert, to approve Ordinance 2018-1240. Motion carried 5-0.

18. **Discuss and Consideration of all matters incident and related to the Issuance and Sale of “City of Highland Village, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2018”, including the adoption of Ordinance 2018-1241 Authorizing the Issuance of such Certificates of Obligation for Water and Sewer System Improvements**

APPROVED (5 – 0)

Assistant City Manager Ken Heerman reported debt issuance for utility capital projects in the amount of \$2.45M was articulated in the Fiscal Year 2017-2018 Budget, which will be accomplished with a certificate of obligation to be issued in conjunction with the voter-approved general obligation bond. He stated this would be supported by water and sewer revenues, with no additional utility rate increase resulting from this issue.

Jim Sabonis from Hilltop Securities reported the bid process was successful. Four bidders competed, with the winning bid coming in approximately \$37,000 less than anticipated. Mr. Sabonis also referenced the City’s recent rating increase from AA+ to AAA, referenced in more detail with Agenda Item #17, played a role in a successful bid process.

Motion by Councilmember Lombardo, seconded by Deputy Mayor Pro Tem Fleming, to approve Ordinance 2018-1241. Motion carried 5-0.

19. Receive Annual Report regarding Compliance with the Highland Village Police Department's Policy Prohibiting Racial Profiling
REPORT PRESENTED

Commander Karl Schlichter presented the report for 2017. He advised that state law requires each law enforcement agency in the state to adopt a written policy on racial profiling and to submit a report containing the information compiled during the previous calendar year to the governing body. He explained that this report requires the collection of information relating to traffic stops in which a citation is issued and arrests resulting from those traffic stops, including information relating to:

- The race or ethnicity of the individual detained; and
- Whether a search was conducted and, if so, whether the person detained consented to the search
- Race or ethnicity was known prior to stop

Commander Schlichter advised the City has a policy in place prohibiting racial profiling, as well as a formal, comprehensive complaint process. He further advised that police departments with the capabilities to collect video/audio recordings of each traffic stop and capabilities for audio recording of each pedestrian interaction are exempt from collecting certain data. Because the Highland Village Police Department has procedures enacted to capture the required data, they qualify for exemptions for both.

He reported the following:

- There were 46 searches conducted, 9 of the searches were consent based, and 37 of the searches were non-consent (arrests or probable cause)
- Race/ethnicity are proportionate with the increased growth of the City and increased traffic interactions
- Per state law, video/audio records are maintained for a minimum of 90 days
- Highland Village Police Department is in compliance with Code of Criminal Procedure, Article 2.132

LATE WORK SESSION

20. Discuss/Consider an Ordinance relating to the Use of Neighborhood Electric Vehicles, Low Speed Vehicles and Golf Carts in Highland Village

Mr. Leavitt stated the reference to Low Speed Vehicles (LSV) is now designated as Slow Moving Vehicles (SMV). He also reported Council had provided comments and suggestions at their January 9th meeting, and a second draft ordinance provided in Council's agenda packets incorporates those items. He stated staff is seeking direction from Council on how they would like to proceed - Do they wish to address NEV, SMV and golf carts into one ordinance or separate out NEVs since they are governed by state law and have an issued license plate?

Councilmember Lombardo stated he would like to remove the units that have titles and are licensed by state. He considers an NEV and SMV to be totally different types of units and the ordinance should only refer to golf carts.

Councilmember Jaworski stated he prefers all units together in one ordinance. He stated it is difficult to distinguish between a NEV and golf cart. He voiced concern about how to safely secure smaller children, such as 1-3 year olds. In addition, Councilmember Jaworski also voiced concern that an NEV or SMV can currently be driven on Highland Village Road and FM 2499.

Mayor Wilcox stated she agrees with Councilmember Lombardo that the ordinance should only address golf carts. She also stated NEVs, which are licensed and have a license plate, would be easy to differentiate from a golf cart.

Deputy Mayor Pro Tem Fleming stated she would prefer all units addressed in one ordinance because it would be easier to enforce.

Mayor Pro Tem Schwolert stated she agrees that all units should be addressed in one ordinance.

Council also discussed insurance requirements. Mr. Leavitt stated the ordinance can include a requirement that a driver shall show proof of insurance. Based on input from Council, he reported an ordinance will be provided at the next meeting to include seatbelt requirements for each individual seat, times of operation, and an exemption for delivery vehicles (FedEx / UPS). He also stated the use of the units during special events will be addressed in a separate ordinance relating to special events.

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.)

Mayor Wilcox provided the following update:

Council and staff have been made aware of safety concerns at the intersection of Garden Ridge and the I-35E frontage road. This intersection is within the City of Lewisville jurisdiction, however our residents travel this way leaving and entering our city so we have a vested interest. Traffic flow at the intersection is currently facilitated by stop signs, which are hard to see and many are driving through the intersection causing collisions or near misses. Signal lights are installed at the intersection but are not operational.

AGL installed the signal lights in anticipation of meeting the warrant study criteria. However, after the warrant study was conducted, this intersection did not meet the criteria. Mayor Wilcox reported TxDOT had stated the signals will not be turned on and that TxDOT would probably use the vertical pole components for the stop signs in that there apparently is not a good spot for other poles. She contacted Commissioner Bobbie Mitchell and requested the signal lights flash red in all directions to call attention to the need to stop at the intersection and hopefully provide a safer traveling experience for all.

Today, notification came from TxDOT that the signals will be activated soon to flash red in all directions. Mayor Wilcox thanked Commissioner Bobbie Mitchell for her assistance on this.

For future agenda items, City Manager Leavitt stated there are some short term rental units listed on Airbnb.com and similar rental websites located in Highland Village and

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asked Council if this is a topic they would like explored. Per the City's zoning ordinance, they are prohibited. The consensus of Council was to provide further information.

22. Adjournment

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

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary