

**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, FEBRUARY 27, 2018**

**Call to Order**

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

**Roll Call**

Present:	Charlotte J. Wilcox	Mayor
	Michelle Schwolert	Mayor Pro Tem
	Michael Lombardo	Councilmember
	Barbara Fleming	Deputy Mayor Pro Tem
	John McGee	Councilmember
	Fred Busche	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
	Mark Stewart	Assistant Police Chief
	Jason Collier	Assistant Fire Chief
	Scott Kriston	Public Works Director
	Jana Onstead	Human Resources Director
	Sunny Lindsey	Information Services Director
	Laurie Mullens	Director of Marketing & Communic
	Andrew Boyd	Media Specialist
	Karen Bradley	Administrative Assistant

**EARLY WORK SESSION**

**1. Discuss Appointment to Fill a Vacancy on the Parks and Recreation Advisory Board**

City Secretary Angela Miller reported Parks and Recreation Advisory Board (Board) member Ron Stewart was appointed by Council to Place 2 in October of 2016, for a term expiring on September 30, 2018. Mr. Stewart recently resigned from the Board; therefore, a vacancy now exists in Place 2.

She reported Council could consider appointing alternate members of the Board to fulfill the vacancy. The following members currently serve as alternates:

- Kenneth Koonsman – Alternate Place 1 (appointed 09/26/2017)
- Christine Sherry – Alternate Place 2 (appointed 10/01/2016)

In addition, she reported Council may wish to consider applications submitted by residents interested in serving on the Parks and Recreation Advisory Board. The following submitted applications during the 2017 appointment process but were not appointed at that time. Staff has confirmed they are still interested in serving.

- Janet Gershenfeld
- Vanessa Boyd
- Warren Miluk
- Diana Kalinowska

Council discussed the applicants. Ms. Miller reported there is an item on the Action Agenda to take formal action to fill the vacancy, if Council chooses.

**2. Receive a Recap of the Operational Success of the Public Safety Radio/Communications System used at a recent Briarhill Middle School Event**

Chief of Police Doug Reim provided a recap of the recent Downlinks event held in February at Briarhill Middle School. He reported the agencies involved included Highland Village Police and Fire Departments, Denton County Sheriff's Office, Denton County Fire Marshall, DFW Airport Police, Department of Public Safety and Lewisville ISD. He reported prior to the implementation of the City's new radio/communications system, these multiple agencies were not able to communicate with each other on the same system while utilizing their own equipment. Chief Reim thanked the Council for their support and approval of the new radio/communications system.

He also stated the success of this project was a team effort and recognized Lieutenant Doyle, Corporal/SRO Harney, and Assistant Chief Stewart for their contributions to the project. Councilmember Jaworski stated he learned of the challenges regarding the old system while serving on the Fire Department Service Level Task Force. As a result of those meetings came the decision to update our radio/communications system, which he stated was one of the best investments of the City in decades. Councilmember Lombardo stated it was nice that Highland Village has a cutting edge system that other departments will be looking to as an example. City Manager Michael Leavitt thanked Mayor Wilcox for hosting a meeting during the discussion phase with officials from Denton County, Flower Mound, and Lewisville, which resulted in a robust and very effective system.

**3. Clarification of Consent or Action Items listed on today's City Council Regular Meeting Agenda of February 27, 2018**

Relating to Agenda Item #14, City Manager Leavitt stated the resolution with Halff and Associates is for approval of engineering services relating to the softball field configuration and pond improvements at Unity Park, which was included as part of the 2017 bond package. Approval for the design of Kids Kastle will be presented at a future meeting.

Mayor Wilcox announced Council would meet in Closed Session and read agenda Items #4(a) and (b).

**CLOSED SESSION**

Council convened into Closed Session at 6:31p.m.

**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 – Personnel – Deliberate the Employment and Evaluation of the City Manager and City Secretary**

Council concluded Closed Session at 6:43 p.m.

**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
	Michelle Schwolert	Mayor Pro Tem
	Michael Lombardo	Councilmember
	Barbara Fleming	Deputy Mayor Pro Tem
	John McGee	Councilmember
	Fred Busche	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
	Scott Kriston	Public Works Director
	Jana Onstead	Human Resources Director
	Laurie Mullens	Director of Marketing & Communic
	Andrew Boyd	Media Specialist

**6. Prayer to be led by Councilmember Fred Busche**

Councilmember Busche gave the invocation.

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

Councilmember Busche led the Pledge of Allegiance to the U.S. and Texas Flags.

**8. Visitor Comments**

The following person spoke:

Jimmy Bassinger (210 Edgewood) – Mr. Bassinger stated he was present to speak regarding a proposed development located at 180 Highland Village Road, which consists of 3.5 acres of buildable land. Edgewood Drive consists of 13 single family homes that border the proposed development. He stated the residents of Edgewood are proponents of development, increased tax revenue for the city, return on investment for the developer, property values and quality of life for the residents of Edgewood and the east end of Highland Village. He stated the residents of Edgewood are opposed to a development that profits Highland Village and the developer, but decimates Edgewood, and ends up being a less than desirable project.

Mr. Bassinger stated the development proposes a wall of 2 story and 3 story homes situated on small lots, with 3 houses backing up to each home located on Edgewood. He voiced concern of increased fire danger due to the close proximity of the homes, and limited street access for fire personnel. He reported residents in Edgewood are also concerned with the Transit Oriented Development overlay which he feels is not suitable or viable for that property and will result in an incomplete or a less than promised project.

## **9. City Manager/Staff Reports**

- **Presentation of the State of the City Address**

City staff presented the State of the City video, which was also shown at the State of the Cities luncheon earlier today. The luncheon is a joint event that is hosted by the cities of Lewisville, Flower Mound and Highland Village. Mayor Wilcox thanked Andrew Boyd and Laurie Mullens for their hard work and patience on the video.

## **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 Fleming reminded everyone to vote as the March Primary Election is underway.

- **Presentation of a Certificate of Appreciation recognizing Thomas Taylor for his years of service with Upper Trinity Regional Water District (UTRWD)**

City Manager Michael Leavitt recognized Executive Director Mr. Thomas Taylor for his years of service and dedication with the UTRWD. City Manager Leavitt stated Mr. Thomas was instrumental in bringing water and wastewater services to cities located in southern Denton County. He initiated the formation of the UTRWD in the late 1980's when Highland Village and many other cities were facing water shortages. Since that time, he has helped the UTRWD grow to six regional plants serving communities throughout North Texas.

## **CONSENT AGENDA**

### **11. Consider Approval of Minutes of the Regular City Council Meeting held on February 13, 2018**

### **12. Consider Resolution 2018-2737 Canceling the March 13, 2018 City Council Meeting**

### **13. Consider Resolution 2018-2738 Authorizing the Purchase of Microsoft Office Suite 2016 Licenses from CDW-G through the City's Cooperative Purchasing Agreement with Government Services Administration Federal Cooperative (GSA)**

### **14. Consider Resolution 2018-2739 Authorizing the City Manager to Negotiate and Execute an Agreement for Professional Services with Half and Associates relating to the Unity Park Improvements Project**

15. **Consider Ordinance 2018-1242 Amending the Code of Ordinances Article 6.03 “Peddlers and Solicitors” by Amending Section 6.03.005 relating to the Time of Day during which a Person may Operate as a Peddler or Solicitor in the City; Section 6.03.046 relating to the Time for which a Peddler and Solicitors Permit is Valid; and Repealing Section 6.03.054 “Bond” (2<sup>nd</sup> and final read)**

***Motion by Councilmember McGee, seconded by Councilmember Lombardo, to approve Consent Agenda Items #11 through #15. Motion carried 7-0.***

### **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 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**

(b) Section 551.074 – Personnel – Deliberate the Employment and Evaluation of the City Manager and City Secretary

#### **EMPLOYMENT CONTRACTS AMENDED – APPROVED (7 – 0)**

***Motion by Deputy Mayor Pro Tem Fleming, seconded by Councilmember McGee, to authorize the Mayor to negotiate and execute an amendment to the City Manager’s employment agreement extending the current term of the agreement to March 31, 2024. Motion carried 7-0.***

***Motion by Deputy Mayor Pro Tem Fleming, seconded by Councilmember Jaworski, to authorize the Mayor to negotiate and execute an amended and restated employment agreement with the City Secretary extending the term of the agreement to September 30, 2023, providing for six (6) month’s severance payment of base salary and employer portion of health benefits upon termination without cause, and addition of an indemnity provision. Motion carried 7-0.***

17. **Consider Ordinance 2018-1244 Approving a Tariff Authorizing an Annual Rate Review Mechanism as Negotiated between Atmos Energy Corp., Mid-Tex Division and the Atmos Cities Steering Committee (ACSC) Effective for Bills Issued on or After April 1, 2018 (1<sup>st</sup> of two reads)**

#### **APPROVED 1<sup>ST</sup> READ (7 – 0)**

Assistant City Manager Ken Heerman stated since 2007 there have been several modifications to the original RRM Tariff. The ordinance that resolved the Company’s application under the RRM Tariff in 2017 also terminated the existing RRM Tariff and required a renegotiation of the terms of that tariff. Mr. Heerman reported negotiations have taken place over the past several months, and have resulted in a revised RRM Tariff that has been agreed to by the Company. The Cities’ Executive Committee has recommended acceptance of the revised RRM Tariff.

***Motion by Mayor Pro Tem Schwolert, seconded by Deputy Mayor Pro Tem Fleming, to approve the first read of Ordinance 2018-1244 approving a tariff authorizing an Annual Rate Review Mechanism as negotiated between Atmos***

***Energy Corporation, Mid-Tex Division and the Atmos Cities Steering Committee.  
Motion carried 7-0.***

18. Consider Ordinance 2018-1243 Amending the Code of Ordinances, Chapter 20 “Transportation and Traffic” by adding Article 20.09 “Golf Carts, Neighborhood Electric Vehicles, and Slow-Moving Vehicles” relating to the operation of Golf Carts, Neighborhood Electric Vehicles, and Slow-Moving Vehicles on public streets (2<sup>nd</sup> and final read)

**APPROVED FINAL READ (5 - 2)**

***Motion by Councilmember Jaworski, seconded by Deputy Mayor Pro Tem Fleming, to approve Ordinance 2018-1243 as presented.***

Councilmember Lombardo requested discussion on the item. He stated with the ordinance as it is currently presented, a golf cart and an NEV are treated in the same way. He asked if an owner of a NEV could let their registration and insurance coverage lapse, in essence to be treated the same as a golf cart whereby the owner could get a rider on their homeowner insurance policy for coverage and not have a license plate or inspection? Police Chief Doug Reim stated the intent of the ordinance was to treat the units similarly. City Manager Michael Leavitt stated the common sense answer is an operator would be in violation if the unit was operated outside of Highland Village. Councilmember Busche voiced his opposition to the ordinance due to difficulty regarding enforcement and safety concerns. City Attorney Kevin Laughlin stated the proposed ordinance incorporates the definition of an NEV based on the Transportation Code definition. He added that although state law does have certain requirements of an NEV, Highland Village would not enforce beyond what is allowed in the ordinance.

Mayor Wilcox stated she received an email from Chris Dooley (943 Inverness Circle) stating he is in favor of Ordinance 2018-1243. ***Mayor Wilcox asked for a vote on the motion presented earlier. The motion carried with the following vote:***

***Ayes – Jaworski, Fleming, Wilcox, McGee and Schwolert***

***Noes – Busche and Lombardo***

19. Consider Resolution 2018-2740 Appointing a Member to fill a Vacancy on the Parks and Recreation Advisory Board

**APPROVED and APPOINTMENTS MADE (7 – 0)**

***Motion by Councilmember Jaworski, seconded by Councilmember Lombardo, to approve Resolution 2018-2740 appointing Christine Sherry to fill the vacancy in Place 2 and Janet Gershenfeld to Alternate Place 2 on the Parks and Recreation Advisory Board. Motion carried 7-0.***

### **LATE WORK SESSION**

20. 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 reported staff is currently in the process of evaluating the Requests for Proposals that were submitted for solid waste collection services. Finalist interviews will be conducted next and then the City’s consultant will provide an update

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regarding costs, services and a recommendation to Council at the March 27<sup>th</sup> meeting. Formal action to award the contract will be in April.

The March 13<sup>th</sup> meeting of Council has been cancelled due to Spring Break.

Mayor Wilcox reported the Highland Village Business Association will host their Community Coffee on Thursday, March 1 at 8:00 a.m. in the Council Chambers.

**21. Adjournment**

Mayor Wilcox adjourned the meeting at 8:32 p.m.

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Charlotte J. Wilcox, Mayor

**ATTEST:**

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Angela Miller, City Secretary