

**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, NOVEMBER 13, 2018**

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

Roll Call

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|----------------|---------------------|--|
| Present: | Charlotte J. Wilcox | Mayor |
| | Jon Kixmiller | Councilmember |
| | Michael Lombardo | Councilmember |
| | Barbara Fleming | Deputy Mayor Pro Tem |
| | Fred Busche | Mayor Pro Tem |
| | Robert Fiester | Councilmember |
| | Daniel Jaworski | Councilmember |
| Staff Members: | Michael Leavitt | City Manager |
| | Kevin Laughlin | City Attorney |
| | Ken Heerman | Assistant City Manager |
| | Angela Miller | City Secretary |
| | Scott Kriston | Public Works Director |
| | Douglas Reim | Chief of Police |
| | Jason Collier | Assistant Fire Chief |
| | Phil Lozano | Parks and Recreation Director |
| | Laurie Mullens | Director of Marketing & Communications |
| | Andrew Boyd | Media Specialist |

EARLY WORK SESSION

1. Receive an Update regarding Projects, Operations and Services from Denton County Transportation Authority (DCTA)

City Manager Michael Leavitt reported he served as the DCTA representative in 2001 when the agency was first formed. At that time there were two goals: (1) to provide an alternative form of transportation to help relieve traffic congestion during the I-35 Project; and (2) to study future development/growth in the North Texas area in order to provide an alternate transportation mode that could meet the demands of that growth. DCTA Board Member Dianne Costa provided background information on transportation in the Denton County area. She also reported DCTA is looking to be more innovative and in following that path recently appointed Raymond Suarez as their President/Chief Executive Officer.

For 2019, Mr. Suarez reported DCTA will be assessing their service delivery strategies along with the growth of local and regional markets. He stated with the region growing exponentially, transit services and infrastructure demands will increase therefore it is critical that the region address the expected growth and start planning now. Mr. Suarez also addressed some of the challenges being faced, such as their access to workers, changes in travel preferences, and the demand for innovative transit solutions and regional connectivity. In addition, he reported DCTA staff will be working closely with their stakeholders to address any concerns and/or future needs.

Mayor Pro Tem Busche voiced concern over the time it takes to get from point "A" to point "B" using the A-train. Councilmember Kixmiller stated he would like a presentation on ridership and tax dollars and where DCTA is headed operationally. Councilmember Jaworski asked if the trend of more people working from home has been used as a factor in their planning for future services. Mr. Suarez stated they use a model that was developed by a private company which utilizes census data, zip codes, and population trends. Councilmember Jaworski added he would like to see where DCTA revenues are generated, how those funds are spent and ridership per capita for each contributing city. Councilmember Lombardo stated his concern on the City's return on investment (ROI).

Mr. Suarez stated he understood the concerns and that the agency has to be more responsive to its member cities, including providing their financial plan. Ms. Costa added there have been recent leadership changes at the agency and would like to have some time to make assessments and updates.

2. Discuss amending the Code of Ordinances Article 14.06 relating to the Time Allowed for Placing Political Signs at Polling Locations on City Owned or Controlled Property

For polling locations located on City owned property, City Secretary Angela Miller reported political signs are allowed in designated areas during the early voting period and during Election Day. Once early voting ends, signs must be removed no later than one-hour after the end of the early voting period and then candidates have to place their signs out again beginning at 12:01 a.m. prior to the commencement of Election Day. Staff recommends amending the ordinance so the signs will not have to be removed between the end of the early voting period and start of the Election Day period.

Consensus of the City Council was to move forward with an amendment.

3. Clarification of Consent or Action Items listed on today's City Council Regular Meeting Agenda of November 13, 2018

No items were discussed.

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 7:30 p.m.

OPEN SESSION

5. Call to Order

Mayor Wilcox introduced Alexa Trotta as Mayor for the Day. Ms. Trotta called the meeting to order at 7:37 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 | Corporal/School Resource Officer |
| | Travis Nokes | Deputy Fire Chief |
| | Jason Collier | Assistant Fire Chief |
| | Scott Kriston | Public Works Director |
| | Phil Lozano | Parks and Recreation Director |
| | Sunny Lindsey | Information Services Director |
| | Darla Pyron | GIS Administrator |
| | Laurie Mullens | Director of Marketing & Communications |
| | Andrew Boyd | Media Specialist |

6. Prayer to be led by Councilmember Robert Fiester

Councilmember Fiester gave the invocation.

7. Pledge of Allegiance to the U.S. and Texas flags to be led by Councilmember Fiester

Councilmember Fiester 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**

The update informed residents of Our Village Glows at The Shops at Highland Village on Saturday, November 17; Santa Day at the Fire Station on December 1; and Christmas at the Ranch at Doubletree Ranch Park on Saturday, December 8.

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 announced the Mayors of Highland Village, Lewisville and Flower Mound are challenging each other to "Ring the Bell". Members of the City Council will be "Ringing

the Bell” on Saturday, December 8 at the Highland Village Wal-Mart located at FM 407 & 2499. Mayor Wilcox encouraged everyone to help in the challenge and support our local Salvation Army.

- **Recognition of the Briarhill Bulldogs 7th Grade Division 2 Football Team for their Perfect Season**

Councilmember Jaworski recognized the Briarhill Bulldogs 7th Grade Division 2 football team for their perfect season.

- **Presentation of a Grant from Atmos Energy to the Highland Village Fire Department**

Jan Rugg, Manager of Public Affairs from Atmos Energy, presented a grant check for \$3,200 to the Highland Village Fire Department. The grant will be used for natural gas monitors and testing equipment for natural gas and carbon monoxide leaks.

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

Mayor Wilcox recognized Ms. Alexa Trotta as Mayor for the Day.

- **Presentation of a Proclamation celebrating National Geographic Information Systems (GIS) Day in Highland Village**

Mayor Wilcox presented a proclamation to Information Services Director Sunny Linsey and GIS Administrator Darla Pyron celebrating National Geographic Information Systems Day in Highland Village.

CONSENT AGENDA

11. **Consider Approval of Minutes of the Regular City Council Meeting held on October 23, 2018**
12. **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 (2nd and final read)**
13. **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 (2nd and final read)**
14. **Consider Resolution 2018-2786 amending the City’s Master Fee Schedule to include Emergency Medical Services Fees pursuant to Code of Ordinances Section 10.02.004**
15. **Consider Ordinance 2018-1257 adopting Amendments to the Fiscal Year 2018-2019 Budget (2nd and final read)**
16. **Consider Investment Report for the Quarter Ending September 30, 2018**

17. **Consider Resolution 2018-2785 authorizing execution of a Substation Hosting Agreement with MP Shops at Highland Village, LLC**

Motion by Councilmember Lombardo, seconded by Deputy Mayor Pro Tem Fleming, 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 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.

19. **Consider Ordinance 2018-1258 amending the Code of Ordinances Chapter 14 “Public Ways and Public Places” Article 14.07 “Right-of-Way Management” Section 14.07.078. “Underground Service Requirements”, Section 14.07.203, “Fees,” and Section 14.07.207, “Compliance with Design Manual (1st of two reads)**

APPROVED 1ST READ (7 – 0)

Public Works Director Scott Kriston reported Council had previously adopted Ordinance 2018-1258 that provided right-of-way management rules and regulations, which was in response to action taken at the Texas Legislature’s 85th Regular Session enacting Chapter 284 of the Texas Local Government Code. The Federal Communications Commission (FCC) released the Declaratory Ruling and Third Report and Order, adopted September 26, 2018, titled FCC-18-133A.1-Network Node FCC Order, which is a 116-page document that discusses its reasoning behind the adoption of provisions governing the installation of small cell wireless devices throughout the country. Mr. Kriston further reported the rules adopted in this Order will impact the ability of municipalities to regulate the installation of the small cell equipment within their territory. Specific considerations concerning this Order and the Rules adopted therein are: “Fees”, “Time Clock”, “Design/Aesthetic Considerations”, “Other Equipment/Considerations” and the “Effective Date”. The new rules were published in the Federal Register on October 15, 2018, and will be effective 90-days from that date, which is January 14, 2019, unless their implementation is stayed as the result of any future court action.

In light of the Network Node FCC Order, Mr. Kriston stated staff has reviewed the City’s current right-of-way management ordinance and has determined that current regulations do not adequately address numerous issues relating to management of the improvements that may be located in the City’s rights-of-way and may, in some instances, be inconsistent with the FCC Order. Therefore, City staff is recommending three revisions to the City’s right-of-way management regulations. Having been approached by at least three network providers earlier this year seeking to locate network nodes within the City’s rights-of-way, City Administration anticipates that on or after January 15, 2019, the same network providers, along with others, will demand the right to start placing wireless equipment along City streets. Thus, there is a need to update the City’s regulations by adoption of an ordinance before January 14, 2019.

Motion by Mayor Pro Tem Busche, seconded by Councilmember Jaworski, to approve Ordinance 2018-1258. Motion carried 7-0.

LATE WORK SESSION

20. Discuss Potential Legislative Issues for the 86th Legislative Session

City Manager Michael Leavitt reported November 12, 2018 was the first day to file bills for the 86th Legislative Session. He reported there are some legislative issues that have been identified which will directly impact cities, such as:

- City revenue caps
- Reduction in roll-back rate
- Additional property tax exemptions
- Limits in City-issued debt
- Lowered appraisal caps
- Changes to appraisal and appeals process
- Reduced local rule-making authority

He added that school financing may also be addressed, which could change the issues listed above. Mr. Leavitt stated Governor Abbott has proposed a property tax reform blueprint. In moving forward, Mr. Leavitt recommends meeting and communicating with our legislators on the impacts of revenue caps on Highland Village. He added that each city is unique and that what may work for one city will not necessarily work for all cities. Proposed items to include when meeting include:

- Oppose negatively expanding appraisal caps and revenue caps of any type
- Oppose legislation of “Unfunded Mandates” that redirects, reduces or reapportions municipal revenues to fund a State or Federal mandate
- Support funding for Phase 2 of the 35Express Project
- Oppose any bill decreasing the authority of a city to be adequately compensated for use of its rights-of-way and that would erode city authority of management and control of rights-of-ways
- Oppose any bill imposing state “tap fees” or any state charge on municipal water systems
- Amend Chapter 460 Transportation Code “DCTA Authorization” – potentially amending Board of Directors membership to allow (but not require) cities to appoint a current City Council member as the City’s representative on the DCTA Board of Directors

Councilmember Jaworski asked about an opportunity for Council input regarding the updates relating to DCTA. Mayor Wilcox stated all members of Council will need to be involved. Mr. Leavitt provided copies to Council of the Transportation Code Chapter 460, which allowed for the creation of DCTA. He recommended Council members review and ask questions, if needed. Councilmember Kixmiller asked if there could be an amendment that would only affect DCTA. City Attorney Kevin Laughlin stated it would ultimately affect the entire state. Mr. Leavitt stated he would keep everyone updated on any future meetings. Deputy Mayor Pro Tem Fleming suggested a meet and greet with the new representatives.

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 asked the status of the wireless internet service project at Pilot Knoll Park. Assistant City Manager Ken Heerman reported there has been a challenge in working with vendor to put equipment on the water tower and issues in getting that deployed, which has delayed the process.

22. Adjournment

Mayor Wilcox adjourned the meeting at 8:53 p.m.

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary