

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS
HELD IN THE MUNICIPAL COMPLEX, LOCATED AT 1000 HIGHLAND VILLAGE ROAD
TUESDAY, JANUARY 24, 2017**

The City Council of the City of Highland Village, Texas met in Early Work Session on the 24th day of January, 2017, prior to the Regular Council Meeting.

Call to Order

Mayor Pro Tem Michelle Schwolert called the meeting to order at 6:00 p.m.

Roll Call

Present:	Michelle Schwolert	Mayor Pro Tem
	Mike Lombardo	Councilmember
	Barbara Fleming	Councilmember
	John McGee	Councilmember
	Fred Busche	Councilmember
	William Meek	Deputy Mayor Pro Tem
Absent:	Charlotte Wilcox	Mayor
Staff Members:	Michael Leavitt	City Manager
	Kevin B. Laughlin	City Attorney
	Ken Heerman	Assistant City Manager
	Angela Miller	City Secretary
	Scott Kriston	Public Works Director
	Linda Cornelius	Parks and Recreation Director
	Andra Foreman	Recreation Manager
	Jana Onstead	Asst Director of Human Resources
	Jeff Sun	Staff Accountant
	Laurie Mullens	Public Affairs Manager
	Andrew Boyd	Media Specialist
	Karen Bradley	Administrative Assistant

EARLY WORK SESSION

1. Introduction of Candidate for Alternate Municipal Court Judge

City Manager Michael Leavitt introduced Judge Sallas and candidate Stephanie Askew. Judge Sallas stated she is working to ensure Municipal Court is set up for the long term. Currently, virtually all coverage is provided by Judge Sallas and Associate Judge Hurst. She reported although Judge Hurst serves as a backup, there is still the need for another Associate Judge. She would like to bring someone in now so they can observe for a while before performing the duties of Associate Judge.

Stephanie Askew reported she has been practicing law for approximately eleven (11) years and currently has her own practice. She stated she has worked in various levels of government, including the City of Arlington in the City Attorney's Office, Dallas County District Attorney's Office and for Senator Kay Bailey Hutchison's Office. Ms. Askew said she has lived in Highland Village for eight (8) years, is grateful to raise her family here, and wants to give back to the community.

Mr. Leavitt stated if Council would like to move forward with an appointment, the next step would be for staff to bring a resolution for Council consideration.

2. Receive Presentations from Highland Village Area Baseball Softball Association (HVABSA), Greater Lewisville Area Soccer Association (GLASA) and City/Neighborhood Sports Youth Football & Basketball League

Parks and Recreation Director Linda Cornelius introduced new HVABSA President Walter Fitts and HVABSA Vice President of Rec Baseball Scott Isaacson. Mr. Isaacson reported they operate completely with volunteers, and that background checks are done for all coaches. Games are played at Unity Park.

Mr. Isaacson provided a history of the program. The HVABSA has been in existence for 20+ years and offers blastball, baseball and girls softball. Most of the participants come from the local schools and feed into the local high schools. The HVABSA offers both recreational and select sports, with over 1,000 children in ages 3-16 participating. He presented the following breakdown of where participants live:

- ❖ Highland Village – 73%
- ❖ Flower Mound – 12%
- ❖ Lewisville – 8%
- ❖ Other – 7%

Mr. Isaacson reported over the past few years they have committed over \$100,000 towards improvements and programming:

- ❖ Baseball and softball fields - \$76,000
- ❖ Drainage improvements to virtually eliminate rain-outs – over \$30,000
- ❖ Lighted batting cages
- ❖ State of the art concession stand
- ❖ Affordable registration fees
- ❖ High quality uniforms

They have also been involved in community events, such as the annual Back the Badge Softball Game between Highland Village Police and Fire Departments and the HVABSA coaches. Funds totaling over \$3,000 were raised in cooperation with the Firefighter's Association. In addition, they offer a "New Umpire" program where they instruct children ages 13 years and up about officiating games. The newly trained umpires can then work as umpires.

Mr. Isaacson stated the HVABSA has grown over the years, therefore creating a need for more fields for both practices and games. He thanked Ms. Cornelius and the Parks and Recreation Department and said HVABSA couldn't do what they do without their help and support. Mr. Fitts stated he has worked with other area cities in the past and complimented the program offered in Highland Village and that it offers a very healthy program for our children.

Mayor Pro Tem Schwolert asked if it was feasible to get a couple of the fields back (with dirt) at Copperas. Ms. Cornelius stated there is a need for more baseball and softball practice sites and recommended adding 2-3 fields with skinned infield areas. She further stated the vision is to have 2 skinned fields with a large open multi-use green space.

Ms. Cornelius stated Mike Malone is President of the GLASA and reported Mr. Malone gave a presentation at the last Parks and Recreation Advisory Board meeting. She encouraged everyone to watch that presentation.

Recreation Manager Andra Foreman reported the youth flag football and basketball leagues are co-sponsored by the City and Neighborhood Sports. She stated the co-sponsorship started in the fall of 2011 with youth flag football; youth basketball was added in the summer of 2012. The NFL Youth Flag Football League is offered for boys and girls in Pre-K through 10th grade. The league uses Brazos Park during the spring and fall seasons. The NBA Youth Basketball League is offered for boys and girls in 1st through 12th grade. The league uses Briarhill Middle School and other surrounding middle schools during the winter and summer months.

Ms. Foreman further reported participation has increased each year since their inception, with the following:

Flag Football

Fall of 2016 – 559 participants

Spring of 2016 – 569 participants

Basketball

Summer of 2016 – 466 participants

Winter of 2016 – 579 participants (expected to rise to 723 in Winter of 2017)

Ms. Cornelius stated parking at Brazos Park is a concern, and they are working to find a solution.

3. Clarification of Consent or Action Items listed on today's City Council Regular Meeting Agenda of January 24, 2017

No items were discussed.

Since time allowed, Mayor Pro Tem Schwolert moved Agenda Items #17 and #18 up on the Early Work Session portion of the agenda.

17. Discuss City Council Planning Session Meeting

Mr. Leavitt stated this item is to discuss a date for the City Council Planning Session. He reported in working with Mayor Wilcox, a Saturday meeting date in March would be good, and suggested March 4 or March 11. Councilmember McGee stated he would be out of town beginning March 12.

Consensus of Council is to meet on Saturday, March 11 at 8:30 a.m. at the Highland Village Service Center, located at 948A Highland Village Road.

18. 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.)

- **Highland Village Road Update**

Public Works Director Scott Kriston provided the following update regarding Highland Village Road:

Mr. Kriston reported the contract for the Highland Village Road Overlay is \$345,810.25. He stated with \$302,112.40 paid to date, the City is holding \$33,568.05 in retainage. The inspection of the final overlay section found many areas to be out of compliance with NCTCOG specification 302.9.6.8 SURFACE TEST. City staff met with the contractor to bring the issue to their attention. The contractor confirmed the compliance issue by performing a ride quality analysis using radar testing equipment and brought forth a project cost reduction resolution that staff rejected. City staff met with the contractor and agreed to the contractor performing pavement grinding of the out of compliance areas to achieve ride quality for the overlaid section of the road. He reported the pavement grinding operation was completed, a FOG Seal was applied and the striping was placed. At this time, the project is considered complete. The City has received a few complaints regarding the surface of the finished product. This project was simply a mill and overlay project and was not intended to be a reconstruction project. The goal of repairing several base failures was achieved as part of this project. The project does meet specifications for an asphalt overlay project. The reconstruction of this section of Highland Village Road is identified as a future project in 6-8 years as funding allows. Total reconstruction cost is estimated at \$1.5 million dollars. Mr. Kriston stated this project will extend the useful life of the existing road until total reconstruction can be funded.

Early Work Session ended at 7:00 p.m.

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.

OPEN SESSION

5. **Call to Order**

Mayor Pro Tem Michelle Schwolert called the meeting to order at 7:30 p.m.

Roll Call

Present:	Michelle Schwolert	Mayor Pro Tem
	Mike Lombardo	Councilmember
	Barbara Fleming	Councilmember
	John McGee	Councilmember
	Fred Busche	Councilmember
	William Meek	Deputy Mayor Pro Tem
Absent:	Charlotte Wilcox	Mayor

Staff Members:	Michael Leavitt	City Manager
	Kevin B. Laughlin	City Attorney
	Ken Heerman	Assistant City Manager
	Angela Miller	City Secretary
	Doug Reim	Police Chief
	Karl Schlichter	Police Commander
	Jason Collier	Assistant Fire Chief
	Scott Kriston	Public Works Director
	Laurie Mullens	Public Affairs Manager
	Andrew Boyd	Media Specialist

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

Mayor Pro Tem Schwolert gave the invocation.

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

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

8. Visitor Comments

The following people spoke:

Ginger Simonson (3104 Native Oak Drive, Flower Mound) and Douglas Brown (1721 Ingleside Drive, Flower Mound) presented a “repurposed” American Flag to the City by the Military Veterans Peer Network and the Military Officers Association in honor of the City allowing the organizations to host the Veterans and Family Christmas Eve Dinner at the DuVall Center. The organization held the event for veterans who are struggling with reintegration, combat experiences and other trauma. The flag is “repurposed” by a Marine mom who cleans, folds and repairs flags that are worn, tattered and torn and gives them as gifts to veterans.

9. 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

- **Swearing In and Pinning Ceremony for:**
 - ❖ **Officer Eric Luster**

Police Chief Doug Reim swore in Officer Eric Luster. Officer Luster was a Reserve Officer in Blue Mound, Texas and has a bachelor’s degree from Texas Tech. Officer Luster’s longtime girlfriend Emma pinned his badge. His mother and grandmother were also in attendance.

- ❖ **Officer Alvin Varughese**

Police Chief Reim swore in Officer Alvin Varughese. Officer Varughese has a master’s degree from Trinity University and moved to Texas to become a police

officer. Officer Varughese's brother and family were in attendance. His wife Christina pinned his badge.

❖ **Officer Desydelia Townsend**

Police Chief Reim swore in Officer Desydelia Townsend. Officer Townsend worked as a Dispatcher in Highland Village and has sixteen (16) years law enforcement experience at Texas Women's University, the City of Krum and the Denton County Sheriff's Office. Officer Townsend's family was in attendance. Her husband William pinned her badge.

• **Presentation – Donation of Pet Oxygen Masks from the Project Breathe Program to the Highland Village Fire Department**

Mr. Bobby Swan, owner of Invisible Fence Brand of Greater Dallas, presented two (2) pet oxygen mask kits to Assistant Fire Chief Brad Collier on behalf of the Highland Village Fire Department. The donated oxygen masks will help reduce the number of pets killed each year in fires. The kits will help resuscitate a dog or cat when found in a burning house, and are made possible through Invisible Fence Brand's Project Breathe Program, which has now donated over 5,000 kits to fire departments throughout the United States and Canada.

10. City Manager/Staff Reports

• **HVTV Update**

The latest video report from HVTV News was shown. The report included information on the following:

Highland Village General Election – Highland Village will hold a general election on May 6, 2017 for Places 3, 5 and 7; anyone interested in running for City Council should visit the elections page on the City's website to find the necessary forms to file to run; continue to check the City's website or contact the City Secretary's Office for further information

Eye on Highland Village App – is an online tool that allows residents to report issues and concerns to City staff; photos can also be uploaded; then a map and description of the issue is sent to the respective department; look online to "Report a Concern" when visiting the City's website to learn more about the free app

Father Daughter Dance - the Father and Daughter Valentine's Dance will take place on Friday, February 3 at the Hilton Garden Inn in Lewisville from 6:30-9:00 p.m.; tickets are on sale now and can be purchased online or in person at the DuVall Center; tickets are \$30/per person for residents and \$35/per person for non-residents

CONSENT AGENDA

11. Consider Approval of Minutes of the Regular Meeting held on January 10, 2017

12. Receive Budget Report for Period Ending November 30, 2016

Motion by Councilmember Lombardo, seconded by Councilmember McGee, to approve Consent Agenda Items #11 and #12. Motion carried 6-0.

ACTION AGENDA

13. **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; no action was taken.

14. **Discussion and Consideration of all Matters Incident and Related to the Issuance and Sale of “City of Highland Village, Texas, General Obligation Refunding Bonds, Series 2017”, including the Adoption of Ordinance 2017-1219 Authorizing the Issuance of such Bonds and Providing for the Redemption of the Obligations being Refunded (first and only reading)**

APPROVED (6-0)

Assistant City Manager Ken Heerman reported this ordinance will refund bonds at an interest rate of 2.28% and provides a \$247,189 savings. Mr. Heerman introduced Jim Sabonis, Managing Director from First Southwest. Mr. Sabonis reported the bonds, issued in 2008 and 2009, related to the 4B and Utility funds and totaled \$6,640,000. He stated the savings will be structured to reduce the annual debt service over the next eight (8) years.

Mr. Sabonis stated investors competed heavily for this refunding, with eleven (11) bids submitted. He said he has never seen that many banks respond and that it shows the quality, superb financial stability of the City.

Motion by Councilmember Busche, seconded by Councilmember Fleming, to approve Ordinance 2017-1219. Motion carried 6-0.

15. **Conduct a Public Hearing on Potential Amendments to the Highland Village City Charter**

PUBLIC HEARING CONDUCTED

City Manager Michael Leavitt stated on June 28, 2016, direction was given by Council to move forward with a legal review of the City Charter. At their meetings in November and December, 2016 and January 10, 2017, Council discussed and reviewed possible Charter amendments. A legal review was completed by the City Attorney and includes updates regarding state laws and the election code, as well as language and procedural clarifications. Mr. Leavitt presented an overview of the following items being considered:

Section 3.04(A) – Member Qualification: The current language is not clear as to when to begin counting back with respect to the 12 month period. The Texas Election Code provides that a City may establish a residency requirement, but the requirement cannot be longer than a twelve month period is as of Election Day. Clarification of the language in this section will make it consistent with state law

Section 3.07(A) – Procedure to Enact Legislation: This section restructures the current paragraphs and removes the reference to two (2) separate reads as it relates to ordinances. Procedurally the Council already has the option to table an item or to defer action to another meeting before voting on an ordinance, therefore this amendment

changes the requirement of two (2) separate reads for adoption of ordinances to one (1) read for the adoption of ordinances.

Section 3.12.1 – The Deputy Mayor Pro Tem: Currently the Deputy Mayor Pro Tem is a position of ceremonial representation only. This authorizes the Deputy Mayor Pro Tem to perform all the duties of the Mayor in the absence of the Mayor and Mayor Pro Tem.

Section 3.13 – Council Meetings: Currently a quorum of five (5), composed of the Mayor or Mayor Pro Tem and four (4) members of Council, must be present to hold a Council meeting. There have been occasions when five (5) members of the City Council could meet, but both the Mayor and Mayor Pro Tem were required to be absent, resulting in the inability to conduct a meeting. This section relates to the above Section 3.12.1 in that it adds that the Deputy Mayor Pro Tem may preside at meetings in the absence of the Mayor and Mayor Pro Tem.

Section 4.05 – Clerk of the Municipal Court: The Charter states the Court may appoint a Clerk of the Municipal Court with such duties and responsibilities as the Council may direct. A total repeal of this section is proposed in order to reflect current practice, and the Code of Ordinances, Section 1.004.005 would be amended to reflect that the Municipal Court Clerk is appointed by the City Manager, with duties and responsibilities directed by the City Manager.

Section 4.06(B) – Commissions, Boards and Committees/Parks and Recreation Board: As the City approaches full build out of the City's parks and trails system, removing this provision from the City Charter will allow the City Council greater flexibility in defining the role of the Parks and Recreation Advisory Board as the City's needs shift from park and trail development to maintenance and redevelopment. A total repeal of this section is proposed, in lieu of the existing provisions relating to the Parks and Recreation Advisory Board in the Code of Ordinances, Section 14.04.032

Section 8.02(A)2 – Filing for Office/Eligibility to File: The current language states a candidate must have resided in the City for twelve (12) months prior to the date of the filing deadline and is contrary to applicable provisions of the Texas Election Code. The Texas Election Code states that the twelve (12) month period is determined as of Election Day. Clarification of the language in this section will make it consistent with state law

Section 8.02(A)5 – Filing for Office/Eligibility to File: The current language states that a person filing as a candidate for City Council shall resign from the office and the position declared vacant if an incumbent is seeking another office or position. This language creates some confusion when a sitting councilmember desires to run for Mayor in light of the language in Section 3.06. This language would be clarified to include a cross reference to Section 3.06.

Section 9.02 – Initiation of Proceedings, Petitioners' Committee, Affidavit: The current language states that *immediately* after the affidavit of the petitioners' committee is filed, the city secretary shall issue the appropriate petition blanks to the petitioners' committee. Amending this section would clarify the term "immediately" as to read "within ten (10) business days".

Section 10.02 – Public Records: The current language does not correspond with what is allowed by state law. Amending this section would provide:

- (1) That documents are open to the public for inspection except to the extent such public information may or must be withheld in accordance with applicable state or federal law; and
- (2) That the City may establish the rates to be charged for retrieving, copying, and making available for inspection such records not to exceed amounts allowed by state law. Clarification of the language in this section will make it consistent with state law

Section 10.08 – Codification of Ordinances: This section references that Council shall publish as soon as practicable in pamphlet form for public distribution the ordinances of the City, and shall annually thereafter revise and keep same up to date. Given the size of the Code of Ordinances, publication in “pamphlet form” is impractical if not impossible. Amending this section to update the language reflects current practice with respect to codification of the City’s ordinances and the updating of the Code of Ordinances.

Mayor Pro Tem Schwolert stated although formal public hearings are not required by law, informal public hearings are being held in order to receive public comments. Mayor Pro Tem Schwolert opened the public hearing. With no one wishing to speak, Mayor Pro Tem Schwolert closed the public hearing.

A second public hearing will be held during the February 14, 2017 City Council meeting.

16. Receive Annual Report Regarding Compliance with the Highland Village Police Department’s Policy Prohibiting Racial Profiling
REPORT RECEIVED

Commander Karl Schlichter presented the report for 2016. 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 35 searches conducted, 4 of the searches were consent based, and 31 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

Motion by Councilmember McGee, seconded by Councilmember Fleming, to accept the report. Motion carried 6-0.

LATE WORK SESSION

17. Discuss City Council Planning Session Meeting

Since time allowed, Mayor Pro Tem Schwolert moved Agenda Item #17 up to the Early Work Session portion of the agenda.

18. 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.)

- **Highland Village Road Update**

Since time allowed, Mayor Pro Tem Schwolert moved Agenda Item #18 up to the Early Work Session portion of the agenda.

19. Adjournment

Mayor Pro Tem Schwolert adjourned the meeting at 8:26 p.m.

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary