



## AGENDA

**REGULAR MEETING OF THE  
PLANNING AND ZONING COMMISSION  
CITY OF HIGHLAND VILLAGE, TEXAS  
TUESDAY, SEPTEMBER 18, 2018, 7:00 PM  
HIGHLAND VILLAGE MUNICIPAL COMPLEX  
CITY COUNCIL CHAMBERS  
1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS**

**OPEN SESSION  
(City Council Chambers – 7:00 PM)**

- 1. Call to Order/ Roll Call.**
- 2. Consider Approval of the Minutes from the Regular meeting of Planning and Zoning held on July 17, 2018.**
- 3. Visitor's Comments**  
*(Anyone wishing to address the Planning and Zoning Commission must complete a Speakers' Request form and return it to City Staff. In accordance with the Texas Open Meetings Act, the Commission is restricted in discussing or taking action on items not posted on the agenda. Action on your statement can only be taken at a future meeting.)*
- 4. Conduct Public Hearing and Review and Consider an application for a Conditional Use Permit (C.U.P) to allow for a Video Arcade for an approximately 4,012 square foot area of Lot 1, Blk., F, Highland Plaza Shopping Center, commonly known as 1842 Justin Road, Highland Village, Texas located in a Retail Zoning District.**
- 5. Conduct Public Hearing and Review and Consider an application to amend the City of Highland Village Comprehensive Zoning Ordinance, Section 28.4.C to reduce from three (3) acres to two (2) acres, the required minimum acreage of a Planned Development District.**
- 6. Receive Status Report on Various Projects.**
  - **Future P&Z Meetings**
- 7. Adjournment.**

Pursuant to Section 551.071 of the Texas Government Code, the Planning and Zoning Commission reserves the right to consult in closed session with its attorney and to receive legal advice regarding any item listed.

**I HEREBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE PUBLIC BULLETIN BOARD AT THE MUNICIPAL COMPLEX, 1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE, CHAPTER 551, ON SEPTEMBER 14, 2018 NOT LATER THAN 5:00 P.M.**

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Autumn Aman  
Community Development Coordinator

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (972) 899-5132 or Fax (972) 317-0237 for additional information.

Removed from posting on the \_\_\_\_\_ day of \_\_\_\_\_, 2018 at \_\_\_\_\_ by  
\_\_\_\_\_ at \_\_\_\_\_.

**DRAFT MINUTES**  
**REGULAR MEETING OF THE**  
**PLANNING AND ZONING COMMISSION CITY OF HIGHLAND VILLAGE, TEXAS**  
**HELD IN THE MUNICIPAL COMPLEX, 1000 HIGHLAND VILLAGE ROAD**  
**TUESDAY, JULY 17, 2018**

**1. Call to Order/Roll Call.**

Chairman Deedee Ricketts called the meeting to order at 7:00 p.m.

**Roll Call**

Present:	Deedee Ricketts	Chairman
	Stan Lemko	Vice Chairman
	Rick Turner	Commissioner
	Bob Holden	Commissioner
Absent:	Tom Heslep	Alternate Commissioner
	Dylan Romo	Alternate Commissioner
Staff Members:	Autumn Aman	Community Development Coordinator
	Sasha Torres	Community Services Assistant

**2. Consider Approval of the Minutes from the Regular meeting of the Planning and Zoning Commission held on June 19, 2018.**

Vice Chairman Stan Lemko made a motion to approve the minutes as written. Commissioner Rick Turner seconded the motion.

**Motion passed (4-0)**

**3. Visitor's Comments.**

There were no Visitor Comments.

**4. Conduct Public Hearing and Review and Consider an application on proposed amendments to the development and use regulations for the property located at 2910 Justin Road, Lot 1, Barnett Center Phase 1, City of Highland Village, said property being located in the Barnett Center PD-C Zoning District.**

Community Development Coordinator Autumn Aman stated the City had received an application to amend the development and use regulations of the Barnett Center Planned Development District as they relate to the use of the property located at 2910 Justin Road. She continued the applicant would like to purchase the property subject to a condition that the property could be used and developed for a Salon Booth Rental business, Permanent Cosmetics and Makeup, along with the applicant's permanent cosmetic equipment, supply distribution business and permanent cosmetics school. The Permanent Cosmetics and Makeup school would consist of training and education, and certification of permanent cosmetic technicians and the use would be limited to occupying not more than thirty-five percent of the total gross floor area of the building. Ms. Aman stated that the building is approximate 10,000 square foot and was once

occupied by Tutor Time.

Ms. Aman continued the current zoning on the property is Planned Development Commercial. Uses permitted within the Barnett Center PD are those that are permitted within a Commercial zoning district unless the PD specifically prohibits it. Based on current zoning a Salon Booth Rental business requires a Conditional Use Permit (C.U.P.). Ms. Aman stated, in accordance with the Comprehensive Zoning Ordinance, the application of permanent cosmetics or makeup is allowed only in Retail zoning as an incidental use in association with operation of a barbershop, beauty salon, nail salon, or similar business that constitutes the primary use, and is restricted to no more than fifteen percent (15%) of the building area devoted to that primary use. Private trade schools, wholesale beauty supply and wholesale distribution sales are currently allowed in Commercial zoning, so the applicant would not need to do any other other amendments for her business.

Chairman Ricketts opened the Public Hearing at 7:06 p.m.

Ms. Pattie Guzik, 826 Office Park Circle, Lewisville, Texas stated she owns the property located at 2920 Justin Road. Her concern was the increase in traffic. She stated with the Karate Studio in her building, there are many children in the parking lot. They share a driveway and when anyone leaves the center, they drive through her parking lot. Ms. Guzik stated she would like to see some type of signage on the property notifying drivers that there are young children in the area.

Chairman Ricketts read an email the City had received from Mr. Burton Strauss, 42 Remington Dr. W., Highland Village that read as follows:

*The applicants request #3, changing the definition of "Permanent Cosmetics and Makeup", is not a P&Z function, it is a change to an existing ordinance and should go to Council. Curious what the additional planned use would be. They have specified 35% and 50%, leaving 15% unspecified. There is no loading dock or good access for trucks to the property, so traffic may be a concern. Would P&Z and Council intend this to be a permanent use or one that is specific to the applicant? If specific, we need to make sure the institutional memory of the City includes this, otherwise we will have the same "temporary" building that was to house a cell phone sales business in the Goody Goody mall become permanent.*

Chairman Ricketts stated that everything goes to City Council.

Chairman Ricketts closed the Public Hearing at 7:10 p.m.

The Commissioners, Community Development Coordinator Aman, and the applicants Ms. Sandi Hammons, 618 Duvall Blvd., Highland Village, and Mr. Chuck Elsey, Elsey and Elsey Attorneys at Law, 3212 Long Prairie Rd., Ste. 200, Flower Mound, discussed the application as it pertained to the following:

- **Terms of shipping of equipment or the need for a loading dock.** Mr. Chuck Elsey stated there would be no equipment to be shipped only cosmetics. There would be no large items so there would be no need for a loading dock.
- **What portion of building would be used for the business?** Mr. Elsey responded 50% would be for Salon Booth Rental, 35% for permanent cosmetics and makeup, 15% for regular cosmetic application and (1) large room for training. Approximate half of the

building for cosmetic procedures and the remaining half for training and office space.

- **Would the booths be leased?** Mr. Elsey stated most would be primarily leased.
- **What type of licensing is required and the hours of training?** Ms. Sandi Hammons responded that most of the students are in the beauty industry, esthetician, cosmetology, etc. There was no specific requirement of what their background had to be but they all would have to comply with the Texas Department of Health rules and regulations. Training would consist of approximate (40-300) hours; entry level at (100) hours and it usually consist of (7-10) days.
- **Would there be any opposition of putting up some type of signage on the property to address the concern of traffic and children that frequent the Karate Studio at 2920 Justin Rd?** Ms. Hammons stated she was not opposed to this request.
- **Are there any other locations?** Ms. Hammons stated she does have a location in Northern California and Arlington, Texas.
- **Parking.** The request for the applicant to do a formal assessment of the number of parking spaces available versus what would be needed for her everyday business. Reviewing the occupancy, number of students, staff, and customers along with hours of operation. Mr. Elsey stated they were not opposed to looking at the request closely and responding back to the City with their findings.
- **Any special handling/disposal of inventory, expired pigments, disposal of needles/sharps.** Ms. Hammons stated disposal would be similar to disposal of any other hazardous materials. They would have sharps containers similar to what medical facilities use and they would have a service pick up all materials.
- **Would the Arlington location remain?** Ms. Hammons stated the Arlington location would remain. They would still maintain their small manufacturing in Arlington but most of everything else and all of the training would be relocated to Highland Village.
- **The anticipated number of students.** Ms. Hammons responded there would be approximate (30) students every other week, total (60) a month. Most students that travel would stay at the Marriott on the Riverwalk and get to the location by other means of transportation, hotel shuttle, Uber, etc.
- **Tattooing.** Ms. Hammons stated that the Health Department licenses the studio and there would be no body tattooing.
- **Health Department Inspections.** Ms. Hammons stated the state regularly inspects for safety, sanitation and sterilization. She stated since they are the largest distributor and trainer in North America, the state inspects them quite frequently.
- **Hours of operation.** Ms. Hammons stated Monday through Friday, 9:00 a.m. through 9:00 p.m. There would be limited hours on Saturday's and Sunday's.
- **Clarification on Section 2.C. (1) and (2) of the draft ordinance on the fees for**

**models and students.** The Ordinance was drafted to ensure the business would remain a school other than one large permanent cosmetics salon.

- **What would be on the sign at the location and possible name of the business?** Ms. Hammons stated she had been considering “SHE” (Sandi Hammons Enterprises), however, the name had not yet been finalized. Community Development Coordinator Aman stated that current City Ordinances for the area would regulate all signage on the property.

Vice Chairman Lemko made a motion to recommend to City Council approval of the ordinance as presented with the applicant looking at the possible need for signage on the property to make drivers aware of children in the area. Commissioner Holden seconded the motion.

**Motion Passed (4-0)**

**5. Receive Status Reports on Various Projects**

- **Future P&Z Meetings**

Community Development Coordinator Aman stated that the next meeting would be held on August 21, 2018.

**6. Adjournment.**

Meeting adjourned at 8:00 p.m.

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Autumn Aman  
Community Development Coordinator

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Deedee Ricketts - Chairman  
Planning and Zoning

**CITY OF HIGHLAND VILLAGE**  
**PLANNING AND ZONING**

**AGENDA# 4**

**MEETING DATE: September 18, 2018**

**SUBJECT: Conduct Public Hearing and Review and Consider an application for a Conditional Use Permit (C.U.P.) to allow for a Video Arcade business for an approximately 4,012 square foot area of Lot 1, Block F, Highland Plaza Shopping Center, commonly known as 1842 Justin Road, located within an R-Retail District.**

**PREPARED BY: Autumn Aman, Community Development Coordinator**

**BACKGROUND**

An application was received for a Conditional Use Permit (C.U.P.) for a Video Arcade business to be located in approximately 4,012 square foot lease space in the Highland Plaza Shopping Center. The property is located within a R-Retail District.

The applicant is proposing to utilize the space for a retro video arcade, table top board games along with a full service bar and food service.

**IDENTIFIED NEED/S:**

The use of this building for a video arcade on property within a R-Retail District requires the approval of a Conditional Use Permit. The request for a full service bar and food service is allowed by right in a R-Retail District.

Public Hearings are required for Conditional Use Permits.

**OPTIONS & RESULTS:**

Options are to recommend to the City Council that the application be (1) approved as submitted, (2) approved with modifications, or (3) deny the request. The Commission may also postpone any action in order to receive any additional information which it requests be presented.

**PROGRESS TO DATE: (if appropriate)**

City staff has reviewed the application and all staff comments have been addressed by the applicant. The applicant will be present to address any questions or comments the Commission may have. All public hearing notification requirements have been satisfied. As of the date of this briefing, September 14, 2018, staff has received no calls or written comments in response to the public hearing notices.

**BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)**

This will have no impact on budget. A draft ordinance has been prepared by the City Attorney and is included with this briefing.

**RECOMMENDATION:**

City staff has no objections to the application. The Commission should review the applicant's request and provide a recommendation to City Council.



**ORDINANCE NO. 2018-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF HIGHLAND VILLAGE, TEXAS, GRANTING A CONDITIONAL USE PERMIT (C.U.P.) FOR A VIDEO ARCADE FOR A 4,012 SQUARE FOOT AREA OF A BUILDING LOCATED ON LOT 1, BLOCK F, HIGHLAND PLAZA SHOPPING CENTER, HIGHLAND VILLAGE, TEXAS, SAID PROPERTY BEING MORE COMMONLY KNOWN AS 1842 JUSTIN ROAD, HIGHLAND VILLAGE, TEXAS; APPROVING A SITE PLAN; PROVIDING FOR TERMINATION ON ABANDONMENT OR DISCONTINUANCE OF THE CONDITIONAL USE; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission and the governing body of the City of Highland Village, Texas, in compliance with the laws of the State of Texas and the Ordinances of the City of Highland Village, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally and to all persons interested and situated in the affected area, and in the vicinity thereof, and in the exercise of its legislative discretion, and upon a finding that the proposed conditional use is consistent with the standards for approval set forth in Sections 12.3 of the Comprehensive Zoning Ordinance of the City of Highland Village, Texas, the City Council has concluded that the Comprehensive Zoning Ordinance and Zoning District Map of the City of Highland Village, Texas, as previously amended, should be further amended as follows:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, THAT:**

**SECTION 1.** The Comprehensive Zoning Ordinance of the City of Highland Village, Texas, as amended ("Zoning Ordinance"), shall be further amended by granting a Conditional Use Permit (C.U.P.) for a Video Arcade for a 4,012 square foot portion of a building located on Lot 1, Block F, Highland Plaza Shopping Center, City of Highland Village, Denton County, Texas, and more commonly known as 1842 Justin Road, Highland Village, Texas ("the Property"), the location of the Property being depicted in Exhibit "A," attached hereto and incorporated herein by reference.

**SECTION 2.** If the use of the Property for the purpose of operating a Video Arcade (a) does not commence before the first anniversary of the effective date of this Ordinance or (b) is discontinued or abandoned for a period of six (6) consecutive months, such use shall not resume and this Ordinance and the Conditional Use Permit granted herein shall be deemed to have terminated. For purposes of this Section 2, whether or not the required use has been discontinued or abandoned shall be determined in the same manner as the abandonment or discontinuance of a non-conforming use as set forth in Section 7 of the Zoning Ordinance, as amended.

**SECTION 3.** All ordinances of the City of Highland Village related to the use and development of the Property heretofore adopted and in effect upon the effective date of this Ordinance are and shall remain in full force and effect except to the extent amended by this Ordinance or to the

extent there is an irreconcilable conflict between the provisions of said other ordinance and the provisions of this Ordinance, in which case the provisions of this Ordinance shall be controlling.

**SECTION 4.** Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance, or of the Comprehensive Zoning Ordinance, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance or the Comprehensive Zoning Ordinance, as amended hereby, which shall remain in full force and effect.

**SECTION 5.** An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 6.** Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in Comprehensive Zoning Ordinance as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense.

**SECTION 7.** This ordinance shall take effect immediately from and after its passage on Second Reading and publication of the caption in accordance with the provisions of the Charter of the City of Highland Village, and it is accordingly so ordained.

**FIRST READ ON THE \_\_\_ DAY OF \_\_\_\_\_, 2018, BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS.**

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON SECOND READING ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.**

**APPROVED:**

\_\_\_\_\_  
**Charlotte J. Wilcox, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Angela Miller, City Secretary**

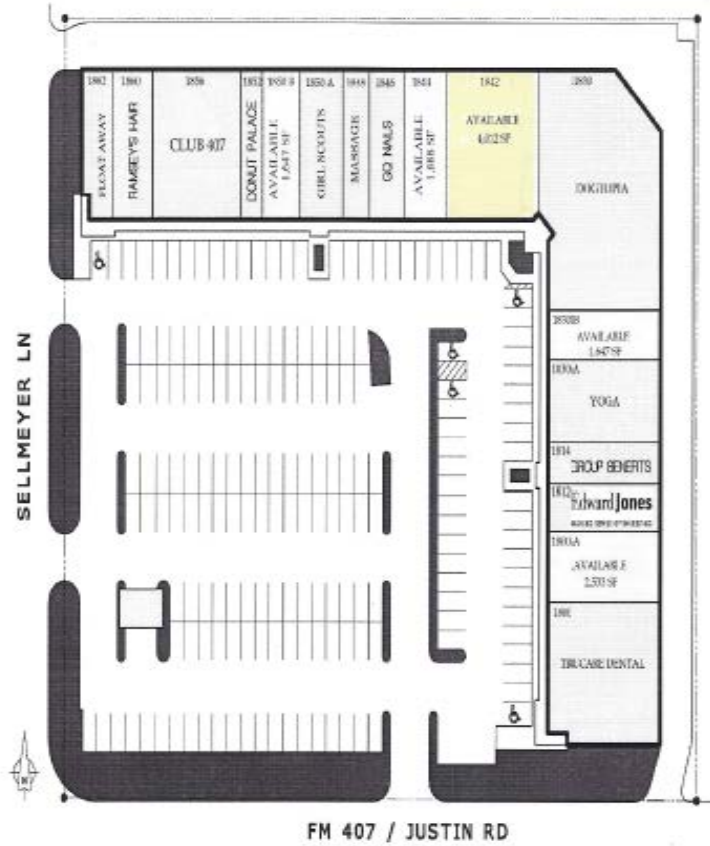
**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
**Kevin B. Laughlin, City Attorney**  
(kbl:9/8/18:102515)

**EXHIBIT "A"**  
**PROPERTY LOCATION AND SITE PLAN**

**HIGHLAND PLAZA SHOPPING CENTER**  
 1800 – 1850 FM 407 | HIGHLAND VILLAGE, TX | 75077

**FOR LEASE**



See Plans for detailed floor plan. Details shown are approximate. Seller, lessor, or licensor makes no warranty, express or implied, as to the accuracy or quality of these plans. The availability of the property is subject to change without notice, and the availability of the property is subject to change without notice.



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**CITY OF HIGHLAND VILLAGE**  
**PLANNING AND ZONING**

**AGENDA# 5**

**MEETING DATE: September 18, 2018**

**SUBJECT: Conduct Public hearing and review and consider an application to amend the City of Highland Village Comprehensive Zoning Ordinance, Section 28.4.C, to reduce from three (3) acres to two (2) acres, the required minimum acreage of a Planned Development.**

**PREPARED BY: Autumn Aman, Community Development Coordinator**

**BACKGROUND**

The City has received an application requesting to amend the City of Highland Village Comprehensive Zoning Ordinance, Section 28.4.C., which currently reads as follows:

Section 28.4 Planned Development District Standards

*C. Minimum Acreage: The minimum acreage for a PD district shall be three acres.*

The applicant, Mr. Bill Davidson with Foremost Investments is requesting the amendment so that he may develop his property with an area of 2.713 acres located at 1400 Highland Village Road by creating a Planned Development. As a text amendment to the CZO, if approved, the minimum area for creation of Planned Developments would be reduced with respect to the entire City, not just the applicant's property.

**IDENTIFIED NEED/S:**

To amend this ordinance, public hearings are required to be conducted by both the Planning and Zoning Commission and City Council. All public hearing notification requirements have been satisfied. Prior to the City Council taking any action on the application, the Commission must review the application and make a recommendation for action to the City Council.

**OPTIONS & RESULTS:**

Options are to recommend to the City Council that the application be (1) approved as submitted, (2) approved with modifications, or (3) deny the request. The Commission may also postpone any action in order to receive any additional information which it requests be presented.

**PROGRESS TO DATE: (if appropriate)**

As of the date of preparation of this briefing, September 14, 2018, staff has received no inquiries regarding this item.

**BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)**

An amendment to the Comprehensive Zoning Ordinance is required. A copy of the draft ordinance prepared by the City Attorney is attached.

**RECOMMENDATION:**

Staff recommends the Planning and Zoning Commission review and forward a recommendation to City Council.

ORDINANCE NO. 2018-\_\_\_\_\_

**AN ORDINANCE OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIGHLAND VILLAGE CHAPTER 28 “ZONING,” EXHIBIT A “ZONING ORDINANCE,” AS PREVIOUSLY AMENDED, BY AMENDING PARAGRAPH C OF SECTION 28.4 “PLANNED DEVELOPMENT STANDARDS” RELATING TO THE MINIMUM AREA REQUIRED FOR CREATION OF A PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission and the governing body of the City of Highland Village, Texas, in compliance with the laws of the State of Texas and the Ordinances of the City of Highland Village, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally and to all persons interested and in the exercise of its legislative discretion, the City Council has concluded that the general regulations of the Comprehensive Zoning Ordinance, as previously amended, should be further amended as follows:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, THAT:**

**SECTION 1.** The Code of Ordinances of the City of Highland Village, Chapter 28 “Zoning,” Exhibit A “Zoning Ordinance,” as amended, is further amended by amending Paragraph C of Section 28.4 “Planned Development District Standards” to read as follows:

- C. Minimum acreage: The minimum area for creation of a PD District shall be two (2) acres

**SECTION 2.** All ordinances of the City of Highland Village related to the use and development of property within the City heretofore adopted and in effect upon the effective date of this Ordinance are and shall remain in full force and effect except to the extent amended by this Ordinance or to the extent there is an irreconcilable conflict between the provisions of said other ordinance and the provisions of this Ordinance, in which case the provisions of this Ordinance shall be controlling.

**SECTION 3.** Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance, or of the Comprehensive Zoning Ordinance, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance or the Comprehensive Zoning Ordinance, as amended hereby, which shall remain in full force and effect.

**SECTION 4.** An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 5.** Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in Comprehensive Zoning

Ordinance as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense.

**SECTION 6.** This ordinance shall take effect immediately from and after its passage on Second Reading and publication of the caption in accordance with the provisions of the Charter of the City of Highland Village, and it is accordingly so ordained.

**FIRST READ ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2018, BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS.**

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON SECOND READING ON THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2018.**

**APPROVED:**

\_\_\_\_\_  
**Charlotte J. Wilcox, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Angela Miller, City Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
**Kevin B. Laughlin, City Attorney**  
(kbl:9/8/18:102516)