



**A G E N D A**  
**REGULAR MEETING OF THE**  
**HIGHLAND VILLAGE CITY COUNCIL**  
**HIGHLAND VILLAGE MUNICIPAL COMPLEX**  
**1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS**  
**TUESDAY, JUNE 14, 2022 at 6:00 P.M.**

**EARLY WORK SESSION**  
**Training Room – 6:00 P.M.**

**Convene Meeting in Open Session**

1. Discuss Appointment of the Primary and Alternate Representatives for the Town of Flower Mound, City of Lewisville and City of Highland Village to the Regional Transportation Council of the North Central Texas Council of Governments
2. Clarification of Consent or Action Items listed on Today's City Council Meeting Agenda for June 14, 2022

(Items discussed during Early Work Session may be continued or moved to Open Session and/or Late Work Session if time does not permit holding or completing discussion of the item during Early Work Session.)

**CLOSED SESSION**  
**Training Room**

3. 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 Highland Village Municipal Court Judge

**OPEN SESSION**  
**City Council Chambers – 7:00 P.M.**

4. Call Meeting to Order
5. Prayer led by Mayor Pro Tem Mike Lombardo
6. Pledge of Allegiance to the U.S. and Texas flags led by Mayor Pro Tem Mike Lombardo: *"Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."*

7. **Visitor Comments** *(Anyone wishing to address the City Council must complete a Speakers' Request Form and return it to the City Secretary. In accordance with the Texas Open Meetings Act, the City Council 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. In order to expedite the flow of business and to provide all visitors the opportunity to speak, the Mayor may impose a three (3) minute limitation on any person addressing the City Council. A thirty (30) minute time allotment is set for this section, and the remaining speakers will be heard at the end of the Action Agenda.)*
8. **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
  - **Presentation of a Proclamation for our Mayor for the Day**
9. **City Manager/Staff Reports**
  - **The Village Report**

*Anyone wishing to address the City Council on any item posted on the City Council agenda for possible action, including matters placed on the Consent Agenda or posted as a Public Hearing, must complete a Speakers' Request Form available at the entrance to the City Council Chambers and present it to the City Secretary prior to the Open Session being called to order. Speakers may be limited to three (3) minutes and given only one opportunity to speak on an item. Other procedures regarding speaking on matters posted for action on the City Council agenda are set forth on the Speakers' Request Form. Subject to applicable law, the City Council reserves the right to modify or waive at any time the procedures relating to members of the public speaking on matters placed the Council's agenda.*

### **CONSENT AGENDA**

All of the items on the Consent Agenda are considered for approval by a single motion and vote without discussion. Each Councilmember has the option of removing an item from this agenda so that it may be considered separately and/or adding any item from the Action Agenda to be considered as part of the Consent Agenda items.

10. **Consider approval of Minutes of the Regular City Council Meeting held on May 24, 2022**

### **ACTION AGENDA**

11. **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**
  - (b) **Section 551.074 – Personnel – Deliberate the Employment and Evaluation of the Highland Village Municipal Court Judge**
12. **Consider Resolution 2022-3002 joining the Appointment of the Primary and Alternate Representatives for the Town of Flower Mound, City of Lewisville and City of Highland Village to the Regional Transportation Council of the North Central Texas Council of Governments**

13. Consider Ordinance 2022-1294 amending Chapter 4 "Animal Control" of the Code of Ordinances by Amending Section 4.01.003 "Fee Schedule" Relating to the Reduction, Refund, or Waiver of Fees; and Retitling and Amending Section 4.05.005 "Keeping of Chickens and Roosters" by Changing the Word "Bird" to "Fowl" and Establishing Exceptions to the Distance Requirements for Coop, Cage or Pen Locations (1<sup>st</sup> of two reads)

**LATE WORK SESSION**

(Items may be discussed during Early Work Session, time permitting)

14. 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 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.)
15. Adjournment

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 THE 10<sup>TH</sup> DAY OF JUNE 2022 NOT LATER THAN 5:00 P.M.



Angela Miller, City Secretary

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 \_\_\_\_\_, 2022 at \_\_\_\_\_

am / pm by \_\_\_\_\_.

## **CITY OF HIGHLAND VILLAGE**

### **COUNCIL BRIEFING**

**AGENDA# 1**

**MEETING DATE: 06/14/2022**

**SUBJECT: Discuss joining the Appointment of the Primary and Alternate Representatives for the Town of Flower Mound, City of Lewisville, and City of Highland Village to the Regional Transportation Council of the North Central Texas Council of Governments**

**PREPARED BY: Angela Miller, City Secretary**

### **COMMENTS**

The North Central Texas Council of Governments (NCTCOG) is the Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth Metropolitan area. The Regional Transportation Council (RTC), composed primarily of local elected officials, is the transportation policy body for the MPO. The RTC is responsible for direction and approval of the Metropolitan Transportation Plan, the Transportation Improvement Program, the Congestion Management Process, and the Unified Planning Work Program, and for satisfying and implementing federal and state laws and regulations pertaining to the regional transportation planning process.

The Cities of Lewisville, Highland Village, and Town of Flower Mound share a seat on the Regional Transportation Council, which allows for a primary member and an alternate member. Our current primary representative on the RTC is City of Lewisville Councilmember Brandon Jones, with Charlotte Wilcox serving as the alternate representative. Their terms will expire this year and new appointments must be submitted in writing to the RTC by June 30, 2022. Per the RTC Bylaws, the new two-year term begins in July.

Mr. Jones has expressed interest in serving again and the City of Lewisville will adopt a resolution this month to re-appoint him as the primary representative. Based on recent discussion, the Lewisville City Council will consider appointing Mayor Jaworski as the alternate representative during that same meeting. This agenda item provides an opportunity for Council to discuss appointments. There is a separate item on the Action Agenda for tonight's meeting to formally appoint representatives.

**CITY OF HIGHLAND VILLAGE**  
**COUNCIL BRIEFING**

**AGENDA# 8**

**MEETING DATE: 06/14/2022**

**SUBJECT: Mayor and Council Reports on Items of Community Interest**

**PREPARED BY: Karen McCoy, Executive Assistant**

**COMMENTS**

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.

- Presentation of a Proclamation for our Mayor for the Day

**CITY OF HIGHLAND VILLAGE**  
**COUNCIL BRIEFING**

**AGENDA# 10**

**MEETING DATE: 06/14/2022**

**SUBJECT: Consider Approval of Minutes of the Regular City Council Meeting held on May 24, 2022**

**PREPARED BY: Angela Miller, City Secretary**

**BACKGROUND:**

Minutes are approved by a majority vote of Council at the Council meetings and listed on the Consent Agenda.

**IDENTIFIED NEED/S:**

Council is encouraged to call the City Secretary's Office prior to the meeting with suggested changes. Upon doing so, staff will make suggested changes and the minutes may be left on the Consent Agenda in order to contribute to a time efficient meeting. If the change is substantial in nature, a copy of the suggested change will be provided to Council for consideration prior to the vote.

**OPTIONS & RESULTS:**

The City Council should review and consider approval of the minutes. Council's vote and approval of the minutes reflect agreement with the accuracy of the minutes.

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

The City Manager has reviewed the minutes and given approval to include the minutes in this packet.

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

N/A

**RECOMMENDATION:**

To approve the minutes of the Regular City Council Meeting held on May 24, 2022.



**MINUTES OF THE REGULAR MEETING  
HIGHLAND VILLAGE CITY COUNCIL  
HIGHLAND VILLAGE MUNICIPAL COMPLEX  
1000 HIGHLAND VILLAGE ROAD  
TUESDAY, MAY 24, 2022**

**EARLY WORK SESSION**

Mayor Daniel Jaworski called the meeting to order at 6:00 p.m.

**Roll Call**

Present:	Daniel Jaworski Jon Kixmiller Michael Lombardo Shawn Nelson Robert A. Fiester Brian A. Fiorenza	Mayor Councilmember Mayor Pro Tem Councilmember Councilmember Councilmember
Absent:	Tom Heslep	Councilmember
Staff Members:	Paul Stevens Ken Heerman Kevin Laughlin Angela Miller Doug Reim Jason Collier Scott Kriston Phil Lozano Jana Onstead Sunny Lindsey Laurie Mullens Jenny McCann	City Manager Assistant City Manager City Attorney City Secretary Chief of Police Assistant Fire Chief Public Works Director Parks and Recreation Director Human Resources Director Information Services Director Marketing & Communications Director Marketing & Communications Specialist

**1. Discuss Selection of Mayor Pro Tem and Deputy Mayor Pro Tem**

Mayor Jaworski reported Councilmember Heslep suggested Mike Lombardo continue as Mayor Pro Tem and Jon Kixmiller serve as Deputy Mayor Pro Tem; Council concurred. City Secretary Angela Miller added that this agenda item was for discussion purposes only and that formal action could be taken later during the regular City Council meeting.

**2. Clarification of Consent or Action Items listed on Today's City Council Meeting Agenda for May 24, 2022**

Relating to Agenda Item #15, Mayor Pro Tem Lombardo asked if the City was applying for the maximum grant amount allowed or a lesser amount. Parks and Recreation Director

Phil Lozano reported the City was seeking the maximum amount allowed, \$750,000, to help with funding of the cabin project. Councilmember Fiorenza asked for clarification regarding City's budget for funding for the project, and the terms of reimbursement for the matching grant. Mr. Lozano and Assistant City Manager Ken Heerman reported the project is a few years out, but will be reviewed during the upcoming budget discussions. Mr. Lozano added that City staff would provide budget information presented during previous City Council meetings for the newly elected City Council members.

Relating to the animal shelter lease addressed under Agenda Item #15, Councilmember Kixmiller asked if there are new building owners. Chief Reim reported the veterinary business has been sold, but the building owners remain the same as before.

Mayor Jaworski announced that Council would meet in Closed Session and read the Agenda Items #3(a) and #3(b).

### **CLOSED SESSION**

Council convened into Closed Session at 6:15 p.m.

3. **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 Highland Village Municipal Court Judge**

Council concluded Closed Session at 6:47 p.m. and returned to Early Work Session, which adjourned at 6:51 p.m.

### **OPEN SESSION**

#### **4. Call Meeting to Order**

Mayor Daniel Jaworski called the meeting to order at 7:00 p.m.

#### **Roll Call**

Present:	Daniel Jaworski	Mayor
	Jon Kixmiller	Councilmember
	Michael Lombardo	Mayor Pro Tem
	Shawn Nelson	Councilmember
	Robert Heslep	Councilmember
	Robert A. Fiester	Councilmember
	Brian A. Fiorenza	Councilmember

Staff Members:	Paul Stevens	City Manager
	Ken Heerman	Assistant City Manager
	Kevin Laughlin	City Attorney
	Angela Miller	City Secretary
	Doug Reim	Chief of Police
	Jason Collier	Assistant Fire Chief

Scott Kriston  
Phil Lozano  
Jana Onstead  
Laurie Mullens  
Jenny McCann

Public Works Director  
Parks and Recreation Director  
Human Resources Director  
Marketing & Comm Director  
Marketing & Comm Specialist

**5. Prayer led by Councilmember Jon Kixmiller**

Councilmember Kixmiller gave the invocation.

**6. Pledge of Allegiance to the U.S. and Texas flags led by Councilmember Jon Kixmiller**

Councilmember Kixmiller led the Pledge of Allegiance to the U.S. and Texas flags.

**7. Administration of Ceremonial Oaths of Office for Newly Elected City Council Members**

Mayor Jaworski announced the ceremonial oaths of office would be administered. Mrs. Gretchen Jaworski administered the oath of office for her husband, Mayor Daniel Jaworski, and Councilmember Shawn Nelson's son administered his oath of office.

**8. Selection of a Mayor Pro Tem and Deputy Mayor Pro Tem**

***Motion by Councilmember Fiester, seconded by Councilmember Heslep, to select Mike Lombardo as Mayor Pro Tem and Jon Kixmiller as Deputy Mayor Pro Tem. Motion passed 7-0.***

**9. Visitor Comments**

The following person spoke:

Janet Schnatzmeyer (121 Scenic Drive) – Ms. Schnatzmeyer is a 24-year resident of Highland Village. She reported that she and her neighbors have experienced drainage issues and understands City staff is working with engineers and looking at alternatives to address their drainage concerns. She stated she wanted to ensure new City Council members were aware of the issue and for them to see the urgency in acting on the drainage issue, as the threat of more erosion and damage comes with each rain. Ms. Schnatzmeyer reported having no flooding issues prior to the recent street improvements project.

**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 Jaworski thanked previously serving Mayor Wilcox and Councilwoman Barbara Fleming for their years of service to the residents of Highland Village, as well as Council candidates Kevin Cox and Ray David.

Mayor Jaworski also congratulated all recent Marcus High School graduates and wished them luck in their future endeavors.

**11. City Manager/Staff Reports**

- **The Village Report**

The Village Report featured Highland Village Summer Camp being conducted this year by Kidsventure, the upcoming Celebrate Highland Village event taking place on June 11, and a call for sponsorship for the TXFallenPD Tribute Event scheduled for October 15.

**CONSENT AGENDA**  
**APPROVED (7 – 0)**

**12. Consider approval of Minutes of the Regular City Council Meeting held on May 10, 2022 and the Special City Council Meeting held on May 17, 2022**

***Motion by Mayor Pro Tem Lombardo, seconded by Councilmember Fiorenza, to approve Consent Agenda Item #12. Motion carried 7-0.***

**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**

**(b) Section 551.074 – Personnel – Deliberate the Employment and Evaluation of the Highland Village Municipal Court Judge**

**NO ACTION TAKEN**

No action was taken on Items #13(a) or #13(b).

**14. Consider Resolution 2022-3000 authorizing Execution of a Lease with the Point Compass Limited Liability Company relating to the Lease of a Portion of the Building at 2810 FM 407 for the City Animal Shelter**

**APPROVED (7 – 0)**

Chief Reim reported the current 20-year lease for the Animal Shelter expires on May 31, 2022. In 2020, City staff made a presentation to the City Council regarding the various options available to the City with respect to the future of the Animal Shelter at the end of the current lease. Among the options considered were remaining in the current space, outsourcing animal control services, building a new shelter, or remaining in the current space but expanding. Based on the discussion, the direction provided was to seek to execute a new lease to remain in the current space without an expansion of the space.

City Administration has negotiated a new 172-month lease with the owner of the building for a lease term starting June 1, 2022, and ending on September 30, 2036, with options to extend the lease term for two (2) successive additional periods of five (5) years each. Dr. Paul McCullough was in attendance for the meeting.

Councilmember Heslep asked for clarification regarding the pro rata share included in the new contract. Dr. McCullough reported this includes costs associated with the Landlord's reasonably incurred expenses to maintain, repair, operate, manage, secure the property, cover insurance cost, taxes on the property and structural costs. It is a projected cost that

is adjusted annually – either refunded or increased based on the percentage rate and actual costs.

***Motion by Councilmember Fiester, seconded by Deputy Mayor Pro Tem Kixmiller, to approve Resolution 2022-3000 authorizing execution of a lease with Point Compass LLC relating to the lease of a portion of the building located at 2810 FM 407 for the City Animal Shelter. Motion carried 7 – 0.***

- 15. Consider Resolution 2022-3001 authorizing an Application to Texas Parks and Wildlife Department Local Park Grant Program for the Pilot Knoll Park Redevelopment Project - Phase I**

**APPROVED (7 – 0)**

Parks and Recreation Director Phil Lozano reported Council approved the Issuance of Certificates of Obligation in September 2021 for construction improvement projects related to Streets and Parks. Of the \$6.413 million allocated for Parks, there is \$2.3 million allocated for sixteen (16) cabins at Pilot Knoll Park. Mr. Lozano reported the City is seeking grants from the Texas Parks and Wildlife Department (TPWD) to help with funding of the cabin project. The TPWD Local Park Grant Program (Program) assists local government agencies in developing public recreation areas and facilities throughout the state. The Program provides 50% matching grants on a reimbursement base to eligible applicants. The matching maximum amount is \$750,000. City staff is working with a professional grant writer for assistance and proposed Resolution 2022-3001 is required for grant submission.

Although the City is seeking the maximum amount of \$750,000, Councilmember Fiester asked if the City could reapply in the future if the grant is only partially funded. Mr. Lozano reported the City could reapply next year for Phase 2, but could not seek Phase 1 funding again.

***Motion by Councilmember Heslep, seconded by Mayor Pro Tem Lombardo, to approve Resolution 2022-3001 authorizing an Application to Texas Park and Wildlife Department Local Park Grant Program for the Pilot Knoll Park Redevelopment Project - Phase I. Motion carried 7 – 0.***

**LATE WORK SESSION**

- 16. 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 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.)**

Councilmember Heslep requested a review of the City's obligation as it relates to the Denton County Transportation Authority (DCTA), including any exit option(s).

Deputy Mayor Pro Tem Kixmiller requested a review of the City's golf cart ordinance, and requested an update to include the number registered with the City, any impact to the City since implementation, golf cart related accidents, and number of tickets issued.

Mayor Pro Tem Lombardo asked the status of repairs being made to the splash pad. Mr. Lozano reported staff has worked on the repairs and they are now in the curing phase. Due to weather, an opening date has not been set yet.

**17. Adjournment**

Mayor Jaworski adjourned the meeting at 7:33 p.m.

\_\_\_\_\_  
Daniel Jaworski, Mayor

**ATTEST:**

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

DRAFT

## **CITY OF HIGHLAND VILLAGE**

### **COUNCIL BRIEFING**

**AGENDA# 12**

**MEETING DATE: 06/14/2022**

**SUBJECT: Consider Resolution 2022-3002 joining the Appointment of the Primary and Alternate Representatives for the Town of Flower Mound, City of Lewisville, and City of Highland Village to the Regional Transportation Council of the North Central Texas Council of Governments**

**PREPARED BY: Angela Miller, City Secretary**

### **BACKGROUND:**

The North Central Texas Council of Governments (NCTCOG) is the Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth Metropolitan area. The Regional Transportation Council (RTC), composed primarily of local elected officials, is the transportation policy body for the MPO. The RTC is responsible for direction and approval of the Metropolitan Transportation Plan, the Transportation Improvement Program, the Congestion Management Process, and the Unified Planning Work Program, and for satisfying and implementing federal and state laws and regulations pertaining to the regional transportation planning process.

### **IDENTIFIED NEED/S:**

To designate a primary and alternate member to the Regional Transportation Council, with a term expiring in June 2024.

### **OPTIONS & RESULTS:**

The Cities of Lewisville, Highland Village, and Town of Flower Mound share a seat on the Regional Transportation Council.

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

Our current primary representative on the RTC is City of Lewisville Councilmember Brandon Jones, with Charlotte Wilcox serving as the alternate representative. Mr. Jones has expressed interest in serving again. The City of Lewisville will adopt a resolution this month to re-appoint Brandon Jones as primary representative. Based on recent discussion, Mayor Jaworski will be considered at their meeting as their alternate representative.

### **RECOMMENDATION:**

To approve Resolution 2022-3002 designating a primary representative and an alternate representative to the RTC, with terms expiring in 2024.

**CITY OF HIGHLAND VILLAGE, TEXAS**

**RESOLUTION NO. 2022-3002**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, JOINING IN THE APPOINTMENT OF THE PRIMARY AND ALTERNATE REPRESENTATIVES FOR THE TOWN OF FLOWER MOUND, CITY OF LEWISVILLE, AND CITY OF HIGHLAND VILLAGE TO THE REGIONAL TRANSPORTATION COUNCIL OF THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, pursuant to the Bylaws of the North Central Texas Council of Governments ("NCTCOG"), the Town of Flower Mound, and the Cities of Lewisville and Highland Village, (collectively "the Cities") have the right to jointly appoint a representative to the NCTCOG's Regional Transportation Council ("RTC"); and

**WHEREAS**, the City Council of the City of Highland Village finds it to be in the best interest of the citizens of Highland Village to appoint \_\_\_\_\_ as primary representative and \_\_\_\_\_ as alternate representative for the Cities to the RTC.

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

**SECTION 1.** The City of Highland Village appoints \_\_\_\_\_ to serve as the primary representative for the Cities to the Regional Transportation Council and \_\_\_\_\_ as the alternate representative for the Cities to the Regional Transportation Council, with terms ending in 2024.

**SECTION 2.** This resolution shall become effective immediately upon its passage.

**PASSED AND APPROVED this the 14<sup>th</sup> day of June 2022.**

**APPROVED:**

\_\_\_\_\_  
**Daniel Jaworski, Mayor**

**ATTEST:**

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

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
**Kevin B. Laughlin, City Attorney**

## **CITY OF HIGHLAND VILLAGE**

### **COUNCIL BRIEFING**

**AGENDA# 13**

**MEETING DATE: 06/14/2022**

**SUBJECT:** Consider Ordinance No. 2022-1294 Amending Chapter 4 “Animal Control” of the Code of Ordinances by Amending Section 4.01.003 “Fee Schedule” to authorize the City Manager to Reduce, Refund or Waive Fees in Certain Instances, and retitling and amending Section 4.05.005 “Keeping of Chickens and Roosters” to apply to all Fowl and to add Certain Exceptions regarding the Location of Chicken Coops (*1<sup>st</sup> of two reads*)

**PREPARED BY:** Doug Reim, Chief of Police

### **BACKGROUND:**

City staff reviewed the existing animal control ordinance requirements for reducing, refunding and waiving animal fees and determined the ordinance provision under Section 4.01.003 Fee Schedule, which requires City Council approval of waiver, reduction, and refund of fees in certain instances, would cause unnecessary delay and not allow for timely action when these situations were warranted.

In addition, under Section 4.05.005 Keeping of Chickens and Roosters, it was determined the section title should be amended to “Keeping of Fowl” and all section references to “bird” changed to “fowl.” City ordinance already provides a definition of “Fowl” but not “Bird.” These changes are necessary to provide consistency and reduce confusion in definitions regarding what types of birds the ordinance is applicable to.

It was also determined an exception should be added to Section 4.05.005 Keeping of Chickens and Roosters regarding the prohibition of locating a coop, cage or pen location less than fifty (50) feet from a residential structure of an adjacent property. The proposed ordinance would allow a shorter distance between the coop and the residential structure on the adjacent property with the written consent of the owner and residents of the adjacent property, which consent can be rescinded by providing thirty (30) days written notice, after which the fowl permit would expire. Fowl permits would also expire thirty (30) days after a change in ownership or residents of an affected adjacent property.

### **IDENTIFIED NEED/S:**

Existing ordinance permits the City Manager to reduce, refund or waive the animal fees but only after council resolution. This process does not allow for timely action when these situations are deemed appropriate.

Other identified ordinance amendments will provide clarification and consistency regarding the keeping of fowl and reduce unnecessary restrictions when affected adjacent property owners do not object.

## **OPTIONS & RESULTS:**

N/A

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

Staff has presented and discussed with the City Council the proposed amendments on April 12, 2022, and April 26, 2022. An ordinance adopting these amendments has been prepared for first read consideration at this meeting.

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

It is anticipated there will be little or no budgetary impact in removing the resolution requirement when it is deemed appropriate to reduce, refund or waive an animal service fee. An example would be waiving animal adoption fees to increase adoption rates in order to reduce overcrowding or capacity issues at the animal shelter. The savings on personnel time, daily boarding and shelter expenses would more than make up for any reduction in adoption fees.

## **RECOMMENDATION:**

To approve the first read of Ordinance 2022-1294 amending Chapter 4 of the City's Code of Ordinance relating to "Animal Control".

**CITY OF HIGHLAND VILLAGE, TEXAS**

**ORDINANCE NO. 2022-1294**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIGHLAND VILLAGE, CHAPTER 4 "ANIMAL CONTROL" BY AMENDING SECTION 4.01.003 "FEE SCHEDULE" RELATING TO THE REDUCTION, REFUND, OR WAIVER OF FEES; AND RETITLING AND AMENDING SECTION 4.05.005 "KEEPING OF CHICKENS AND ROOSTERS" BY CHANGING THE WORD "BIRD" TO "FOWL" AND ESTABLISHING EXCEPTIONS TO THE DISTANCE REQUIREMENTS FOR COOP, CAGE OR PEN LOCATIONS; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED \$500.00 PER OFFENSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council finds it to be in the public interest to amend Code of Ordinances §4.01.003 to authorize the City Manager to reduce, refund or waive fees in certain instances; and

**WHEREAS**, the City Council further finds it to be in the public interest to amend retitle Code of Ordinances §4.05.005 and to amend said section to change the word "Birds" to "Fowl" in certain instances and to provide certain exceptions regarding the locations of coops, cages, and pens.

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

**SECTION 1.** City of Highland Village Code of Ordinances Chapter 4 "Animal Control," Article 4.01 "General Provisions," Section 4.01.003 "Fee Schedule" is amended to read as follows:

**Sec. 4.01.003 Fee Schedule**

- (a) The following fees shall be adopted from time-to-time by resolution or ordinance approved by the city council and included in the city's master fee schedule:
  - (1) Impoundment fee;
  - (2) Boarding fees;
  - (3) Rabies vaccination;
  - (4) Registration;
  - (5) Veterinary bills;
  - (6) Rabies quarantine;
  - (7) Rabies specimen testing;
  - (8) Owner release;

- (9) Deceased animal removal;
  - (10) Flea treatment; and
  - (11) Bordetella vaccination.
- (b) The city manager or designee is authorized to reduce, refund, or waive any fees under this chapter when such action is necessary or deemed in the best interest of the City of Highland Village.

**SECTION 2.** City of Highland Village Code of Ordinances Chapter 4 “Animal Control,” Article 4.01 “General Provisions,” Section 4.05.005 “Keeping of Chickens or Roosters” is re-titled and amended to read as follows:

**Sec. 4.05.005 Keeping of Fowl**

- (a) The keeping of roosters on less than one (1) acre is prohibited. No more than one (1) rooster per lot will be permitted.
- (b) More than two (2) fowl, but not more than twenty (20) fowl, may be kept on one (1) single family residentially zoned property in the city if the owner of the fowl complies with the following restrictions:
  - (1) The fowl must be kept on a lot or tract of land with an area of not less than 10,000 square feet;
  - (2) All fowl must be contained in a coop, cage, or pen at all times located not less than fifty (50) feet from any residential structure located on an adjacent lot or tract;
  - (3) The fowl must be kept in a manner that does not create a public nuisance;
  - (4) If exceeding twenty (20) fowl, an animals-in-excess permit must be obtained in accordance with section 4.04.001, the fowl must be kept on a lot size of at least one (1) acre, and the owner must also possess a current Texas Pullorum-Typhoid Certificate issued by the Texas Veterinary Medical Diagnostic Laboratory for the fowl; and
  - (5) Obtain a fowl permit from animal care services. No fee shall be charged for such permit.
- (c) Less than three (3) fowl may be kept on one (1) single-family residentially zoned property in the city if the owner of the fowl complies with the following:
  - (1) All fowl must be contained in a coop, cage, or pen at all times located not less than fifty (50) feet from any residential structure located on an adjacent lot or tract; and

- (2) The fowl must be kept in a manner that does not create a public nuisance.
- (d) Notwithstanding anything in Sections 4.05.005(b)(2) and (c)(1) to the contrary, a fowl permit may be issued to a person for fowl kept or housed in a coop, cage, or pen less than fifty (50) feet from a residential building located on an adjacent lot or tract if:
  - (1) The record owner(s) of such adjacent lot or tract and, if someone other than the record owner(s) of the adjacent lot or tract reside on such property, the resident(s) of such adjacent lot or tract, sign the application for the fowl permit consenting to the location of the coop, cage, or pen shown on the permit application;
  - (2) The coop, cage, or pen is not placed closer to said residential building than the distance to which the record owner and, when applicable, resident(s) of such adjacent lot or tract have consented in writing;
  - (3) The applicant for the fowl permit is otherwise in compliance with the remaining provisions of Section 4.05.005(b) or Section 4.05.005(c), whichever is applicable; and
  - (4) The consent provided by the owner and, when applicable resident(s) of such adjacent lot or tract in said application has not been revoked by:
    - (i) the owner and, when applicable, resident(s) of said adjacent lot or tract delivering a written revocation to City's Animal Control division, in which case the fowl permit shall be revoked and terminated effective on the 31<sup>st</sup> day after receipt of written notice from the City of the withdrawal of consent by said owner and/or resident(s), unless the holder of the fowl permit relocates the coop, cage, or pen to the distance required by Sections 4.05.005(b)(2) and (c)(1) prior to said 31<sup>st</sup> day; or
    - (ii) the adjacent residential building being conveyed to a new owner or occupied by different resident(s), in which case the fowl permit shall be revoked and terminated effective on the 31<sup>st</sup> day after receipt of written notice from the City of the change in ownership and/or occupancy of the adjacent residential building, unless prior to said 31<sup>st</sup> day:
      - a. the holder of the fowl permit relocates the coop, cage, or pen to the distance required by Sections 4.05.005(b)(2) and (c)(1); or
      - b. the new owner and, if different than the owner, resident(s) of the adjacent lot or tract delivers written

consent to the City for the coop, cage, or pen to remain at its then current location.

**SECTION 3.** Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

**SECTION 4.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, 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 punished by a fine not to exceed the sum of Five Hundred Dollars (\$500) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 6.** This ordinance shall take effect upon 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.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON FIRST READING ON THIS THE 14<sup>TH</sup> DAY OF JUNE 2022.**

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON SECOND READING ON THIS THE 28<sup>TH</sup> DAY OF JUNE 2022.**

**APPROVED:**

\_\_\_\_\_  
Daniel Jaworski, Mayor

**ATTEST:**

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

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
Kevin B. Laughlin, City Attorney  
(kbl:6/7/2022:129356)

**CITY OF HIGHLAND VILLAGE**  
**COUNCIL BRIEFING**

**AGENDA# 14**

**MEETING DATE: 06/14/2022**

**SUBJECT: Status Reports on Current Projects and Discussion on Future  
Agenda Items**

**PREPARED BY: Karen McCoy, Executive Assistant**

**COMMENTS**

This item is on the agenda to allow a Councilmember to 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.



## **UPCOMING MEETINGS**

<b>June 14, 2022</b>	<b>Regular City Council Meeting - 7:00 pm</b>
June 20, 2022	Parks & Recreation Advisory Board Meeting – 6:00 pm
June 21, 2022	Planning & Zoning Commission Meeting – 7:00 pm
<b>June 28, 2022</b>	<b>Regular City Council Meeting - 7:00 pm</b>
<b>July 4, 2022</b>	<b>City Offices Closed for the Independence Day Holiday</b>
July 7, 2022	Zoning Board of Adjustment Meeting - 6:00 pm
<b>July 12, 2022</b>	<b>Regular City Council Meeting - 7:00 pm</b>
July 18, 2022	Parks & Recreation Advisory Board Meeting – 6:00 pm
July 19, 2022	Planning & Zoning Commission Meeting – 7:00 pm
July 26, 2022	Highland Village Community Development – 5:00 pm
<b>July 26, 2022</b>	<b>Regular City Council Meeting - 7:00 pm</b>
August 4, 2022	Zoning Board of Adjustment Meeting - 6:00 pm
<b>August 9, 2022</b>	<b>Regular City Council Meeting - 7:00 pm</b>
August 15, 2022	Parks & Recreation Advisory Board Meeting – 6:00 pm
August 16, 2022	Planning & Zoning Commission Meeting – 7:00 pm
<b>August 23, 2022</b>	<b>Regular City Council Meeting - 7:00 pm</b>

Note – The Zoning Board of Adjustment, Parks & Recreation Advisory Board, and the Planning & Zoning Commission meetings are held monthly, IF NEEDED. Please visit [www.highlandvillage.org](http://www.highlandvillage.org) or the City Hall bulletin board for the latest meeting additions and updates.

By: Karen McCoy, Executive Assistant – City of Highland Village