

MINUTES OF AN ONLINE STUDY SESSION OF THE TOWN COUNCIL OF THE TOWN OF HIGHLAND PARK, TEXAS, HELD VIA VIDEOCONFERENCE, AT 8:09 A.M. ON TUESDAY, JULY 21, 2020.

Prior to the study session, Tempest Brunson, Town Services Coordinator, explained that as provided by the State of Texas, this online Town Council study session could be viewed via the Town's website, or listened to by telephone, and gave the toll-free and alternate telephone numbers, as well as the access number for citizens to call. Mrs. Brunson conducted a roll call of the Town Council Members. Present at the study session were Mayor Margo Goodwin, Mayor Pro Tem David Dowler, and Town Council Members Jimmy Grisham, Marc Myers, Lydia Novakov, and Craig Penfold.

UPCOMING AGENDA DISCUSSION

Action

“Review, discuss, and consider approval of a contract with Iron T Construction, Inc. for the Drainage Easement Improvements project.” Lori Chapin, Town Engineer, described the bid process and the on July 9, 2020, three (3) bids were received. The low bid in the amount of \$646,575.00 was submitted by Iron T Construction, Inc. Staff and the engineering consultant reviewed the low bid contractor and recommended approval of the contract with Iron T Construction, Inc. Council Member Penfold asked when the project would begin. Ms. Chapin explained the project was planned to begin in mid-August, and they expected a six-month duration to complete all seven easements. Council Member Penfold asked Ms. Chapin what the type of notification the Engineering Department will provide to residents prior to commencing work. Ms. Chapin explained the notification process which includes delivering individual notices to properties adjacent to the easement, as well as utilizing the Blue Zone News and Blackboard Connect. Council Member Penfold thanked Ms. Chapin and commented on the importance of advanced notice for those residents. On a motion by Mayor Pro Tem Dowler, seconded by Council Member Grisham, the Town Council unanimously approved the contract.

“Review, discuss, and consider approval of a professional services agreement with Kimley-Horn Associates, Inc. to provide engineering services for the Douglas Park Drainage and Landscaping Restoration project.” Lori Chapin, Town Engineer, described the meeting with residents, noting Steve Galloway, Kimly-Horn Associates, Inc., and John Armstrong, landscape architect, were available. Council Member Penfold commented this was an important project to the park-adjacent neighbors. He asked to hear from those residents before approving a plan. The Mayor asked if anyone on the telephone would like to make a public comment.

William Cravens, 4241 Bordeaux Avenue, made comments related to poor drainage, mosquito harborage, and security relating to easements that lead to the park between properties. Projects to alleviate drainage have gone on for some time, and underground drainage is needed. Access to the park should only be from Douglas Park and restrict access via the easements between properties that lead to the park. Neighbors want an open use park and are not interested in walking paths and landscaping. Mr. Cravens noted the Town should correct the drainage problem, and revisit landscaping the park after the drainage project proves successful.

Todd Furniss, 4236 Armstrong Parkway, spoke about flooding in their back house due to poor park drainage. His property has been inspected for leaking pipes, and eventually, a berm was installed to keep water away from the back house. The flooding continues during heavy rains. Mosquitoes are a problem due to water pooling from poor drainage. Mr. Furniss also commented on the public using the easements as access points, leaving trash along the route. Mr. Furniss remarked he and his wife concur with Mr. Cravens' concerns.

Janice Cravens, 4241 Bordeaux Avenue, stressed the importance of trimming the trees in and around the park. If the tree canopy can be raised and the grass will grow, halting any soil erosion. Mrs. Cravens believes this would help evaporate pooled water and reduce mosquito harborage as well.

Paul Buxbaum, 4224 Armstrong Parkway, concurred with Mr. Cravens' comments. Over several years, Mr. Buxbaum attempted to control the drainage on his property. Another concern was related to trees losing branches in heavy rains, causing the blocked inlets and pool on his property. The rushing water during heavy rains erodes the soil around inlets. Mr. Buxbaum stressed the importance of maintenance once the project is complete.

The Mayor thanked the residents for their remarks on this item. She observed the comments heard today echoed the resident emails received last week. The Mayor explained the expanded project included moving water and sewer lines closer to residents' properties to allow private property repairs to be less expensive for those residents in the future. The Mayor addressed the Council, summarizing the briefing's request and then stated the activities already scheduled, including tree and bush trimming. The Mayor went on to comment on mosquitoes, noting their commonness throughout the Town in the summer months. With the completion of the drainage project, the breeding areas may be reduced at the park.

The Mayor asked the Council if there were questions for Ms. Chapin. Council Member Penfold noted he would like to see drainage flowing east and west to maximize the drainage. Ms. Chapin explained water flows naturally to the east, and there are State laws that restrict the interruption or alteration of water flow. Council Member Penfold asked Ms. Chapin whether or not directing the water in one direction will solve the drainage issues. Ms. Chapin confirmed this and noted the water would flow underground from Douglas Park and out to Armstrong Parkway.

Heather Furniss, 4236 Armstrong Parkway, asked if there was a water table under the park. She is concerned about saturation in the area related to heavy rains. Ms. Chapin stated they would research this. Mr. Buxbaum noted that when a new basement was built on his property, there was water ten feet underground and he had been told there were several springs in the area. Ms. Chapin stated this would be reviewed. Mrs. Furniss asked the Mayor if there were comments from residents beyond the immediate area. The Mayor confirmed two calls from residents stating they were happy with the planned park updates. These residents lived on Armstrong Parkway, but were not adjacent to the park.

Mayor Goodwin summarized the discussion stating that this would include, an aggressive plan for drainage, previously scheduled tree and bush trimming that begins this week, and a change to the grading of the park are in the plan. The Mayor then asked for comments on the pathway as

there are two options. Council Member Grisham stated he wanted to understand how this drainage plan relates to the drainage project from years past. He asked if this was a continuation of that project or a new plan to fix the remaining issues. Ms. Chapin explained the previous project underestimated the volume of water that flows in this area. The Mayor asked Ms. Chapin if Kimley-Horn was involved in the previous project, to which Ms. Chapin confirmed they were not. Council Member Myers asked Ms. Chapin about the timeline for the project. Ms. Chapin stated the project is due to begin in November. She then explained that with the contract approved today, Kimley-Horn will begin design. Council Member Novakov walked the park and noted the large gate and overgrowth was not inviting. She then asked if there was a marker with the parks name posted. Council Member Penfold stated there was not a sign. Ms. Novakov asked if there were usage statistics for the park. The Mayor explained Douglas Park is not a formal park, and there are not statistics. In the future, utility workers will not be allowed to drive in the easement in trucks. Instead they will be required to use all terrain vehicles or "mules." The Mayor returned the discussion to the pathway. Council Members Grisham and Penfold suggested waiting to decide on the pathway and landscaping until the drainage project is complete. On a motion by Council Member Penfold, seconded by Council Member Grisham, the Town Council unanimously approved the agreement.

"Review and discuss approval of a resolution authorizing the Town's participation in the Dallas County Hazard Mitigation Action Plan, April 2020." Rick Pyle, Director of Public Safety, described the item. Hazard mitigation planning is a process in which hazards are identified and profiled, people and facilities at risk are assessed for threat and vulnerability, and mitigation actions are developed. The Mayor asked about the difference between a hazard and a disaster. Chief Pyle explained the prioritization in the plan, but flooding is the main hazard in different locations in Town. The plan explains the various methods to address such a hazard. Council Member Penfold asked if there was a cost to participate. Chief Pyle stated there was no cost to participate, only staff time and effort. On a motion by Mayor Pro Tem Dowler, seconded by Council Member Novakov, the Town Council unanimously approved of participating.

"Review, discuss, and consider approval of a resolution confirming the appointments of representatives to the North Central Texas Council of Governments Regional Transportation Council." Kirk Smith, Assistant Director of Town Services, described the item, to confirm the appointment of Councilmember Mark Aldredge (City of University Park) as an alternate member to the Regional Transportation Council ("RTC"). The Town of Highland Park and the City of University Park share the appointment of an alternate member to the RTC. The RTC is the independent transportation policy body of the federally required Metropolitan Planning Organization, staffed through the North Central Texas Council of Governments. The Mayor asked Kirk Smith how often the commission meets. Mr. Smith stated the commission meets monthly. Council Member Grisham stated that he knew Mr. Aldredge and supports the recommendation. On a motion by Council Member Novakov, seconded by Mayor Pro Tem Dowler, the Town Council unanimously approved the appointment.

"Review, discuss, and consider referring to the Zoning Commission a request to combine the properties at 3600 and 3606 St. Johns Drive into a combined building site." Pending Town Council consideration of the request to combine the two (2) lots, plans are to construct a new detached accessory building and pool on this recently demolished vacant lot. Staff has reviewed

all zoning standards with the property owner's landscape and design consultants to address the setback and coverage regulations for improvements on a combined building site. The house at 3600 St. Johns Drive was demolished. The Mayor explained combining properties to Council Members Novakov and Myers. Council Member Penfold asked about the application process requesting Mr. Smith examine the process for making a Zoning request. Council Member Penfold hoped there could be a more expedient process for homeowners in the future. Mr. Smith will review the process and share with the Council at a future meeting. Council Member Myers asked if homeowners signed an affidavit or acknowledgement to affirm they understand the requirement. The Mayor commented there was an acknowledgement in the application, and Mr. Smith provided a slide of the application with the required acknowledgement. Jacquelin Atkinson, owner of the properties, provided background on the request. Their current home at 3606 St Johns Drive is large for the unusual lot shape and size, not allowing for a yard for their family. On a motion by Council Member Penfold, seconded by Mayor Pro Tem Dowler, the Town Council unanimously approved referring the request to the Zoning Commission.

“Review, discuss, and consider appointing an interim Town Secretary.” Bill Lindley, Town Administrator, explained the item. Following the retirement of Gayle Kirby, Town Secretary, Section 3.06 and 4.03 of the Town Charter provides the appointment of a Town Secretary by the Town Council. Duties of the Town Secretary include record minutes of Council meetings, custodian of, and make recommendations to, the preservation of municipal records, and maintain and hold the Town Seal. Tempest Brunson, Town Services Coordinator, has experience assisting the Town Secretary, in her absence, preparing Town Council minutes and agenda packets. The time period for an internal recruitment may be up to thirty (30) days while an open recruitment may take upwards of 120 days. Mayor Pro Tem Dowler added Mrs. Brunson also provides the weekly review to the Council. Council Member Grisham commented Mrs. Brunson has done a good job in the past and he expects she will continue to perform well in the position. On a motion by Mayor Pro Tem Dowler, seconded by Council Member Grisham, the Town Council unanimously approved the appointment.

FUTURE AGENDA DISCUSSION

“Review and discuss the operation and regulation of horse carriages.” Rick Pyle, Director of Public Safety, explained this is an opportunity for the Town Council to review and discuss possible changes to the Town's regulation of commercial horse-drawn carriage operations. Carriage tours are enjoyed by residents and visitors alike during the Christmas season. Council Member Grisham commented he saw five (5) carriages at one time from his front porch, and it seemed dangerous to have so many traveling near each other. Rick explained in the 2019 season, seven (7) vendors employed ninety-seven (97) drivers in the Town, with a total of seventy-five (75) carriages being operated. The Mayor asked if the vendors submitted maps of their routes for approval to the Town. Chief Pyle confirmed and explained the vendors submit a map with their application which staff approves. The Mayor asked if the Town could restrict carriage numbers in specific areas of Town. Chief Pyle responded that is was difficult to enforce. Council Member Grisham asked if the Town receives income from the carriages. Chief Pyle stated in the 2019 season, the Town received \$49,000 in revenue. Council Member Penfold commented the five percent (5%) franchise fee charged to the vendors could be raised to ten percent (10%). The Mayor noted there were many fees charged to the vendors each season

including registration fee, background checks for the drivers, etc., and the 10:00 p.m. cut off will be a hardship on the vendors. Council Member Penfold asked about the reduction in hours. Mr. Lindley stated the Sunday through Thursday reduction in hours is due to noise complaints from residents that children were awakened by the carriage rides on school nights. Council Member Novakov noted there may not be school hours this winter due to covid-19 and went on to share her concern for safety. Council Member Myers stated he would like to see stricter guidelines for the carriages to help with the traffic problems they create. Council Members Grisham and Novakov agreed there were too many carriages on the streets. Mayor Pro Tem Dowler was supportive of the comments and would not be opposed to raising the franchise fee. Council Member Novakov asked if University Park allows carriages. Chief Pyle confirmed University Park does not allow carriages. Council Member Penfold commented Highland Park needs to keep the carriages as it is a nice feature during the holiday season. The Mayor asked Chief Pyle what needs to be decided today. Chief Pyle requested a decision on changing the hours. The Mayor commented she was wary of limiting the number of carriages signed up. Council Member Penfold noted all the suggestions made today are valid. Chief Pyle commented there are five (5) to seven (7) complaints annually, and they usually relate to carriage visibility. The carriages have LED lighting on the carriage and horses, with inspections carried out by the City of Dallas. Council Member Novakov asked about the routes of the carriages. Chief Pyle explained the vendors submit their route plan with the application. The vendors station entry into the Town from different start locations, encouraging the carriage routes to be spread out through the Town. One vendor is stationed out of the 4200 Oak Lawn shopping area, another out of the Village, and another from the Lowe's store on Lemmon Avenue. The department is working to oversee the routes. The Mayor discussed raising the franchise fee. The higher rate may dissuade some vendors from working in the area. Council Member Novakov asked if it was the right time to raise the fee. The Mayor noted the so many fees already attributed to this permit, she is hesitant to raise the franchise fee. Council Member Grisham commented his greatest concern is safety. Council Member Myers inquired if this was a resident-only service. Mr. Lindley explained, of those participating, non-residents outnumber residents. The Mayor stated those stationed at 4200 Oak Lawn and the Village are most likely making a night of it and eat dinner or shop before or after the carriage ride. No action was taken at this time.

“Review and discuss the regulation of electric/gas-powered leaf blowers.” Mr. Smith explained the briefing. A frequent suggestion by citizens to elected officials and staff is to impose restrictions on the operation and use of gas-powered leaf blowers. Resident comments range from time-of-day use to banning the equipment. In recent years, the Town has promoted community education on the availability of electric-powered leaf blowers. Voluntary in nature, the half-throttle program has had limited success. Periodically, Town staff meets with landscape operators who provide service to residents. Staff also distributes periodically a flyer to landscape operators. While sound levels could be a means by which to regulate leaf blowers, it would be more practical to limit the time-of-day and days-of-week operations. If a regulatory ordinance were adopted, enforcement of a time-of-day/week regulation of leaf blower use is more easily addressed by a police officer or code enforcement officer than limiting to a certain decibel. Related to environmental factors is research regarding the air quality impacts of operating gas-powered leaf blowers in comparison to electric units. Council Member Myers commented gas-powered blowers cause noise pollution and air pollution. He feels the Council has a duty to require quieter and less air polluting blowers. Mayor Pro Tem Dowler noted the text in the

briefing related to air pollution from a gas-powered blower as comparable to a Toyota Camry driving 1,100 miles. Mayor Pro Tem Dowler then asked for the percentage of companies in the area using gas-powered blowers. Mr. Smith confirmed the percentage at approximately ninety percent (90%). Council Member Penfold asked if more complaints were related to noise levels or time-of-day use. Mr. Smith did not have that data. Council Member Penfold commented the cost to move to battery-powered blowers must be cost prohibitive. Mayor Goodwin commented the transition is expensive, with one battery priced at \$650.00. She went on to say the battery-powered blowers take longer to cover the same amount of land, and companies would complete fewer properties per day. The fastest, strongest blowers are the most desirable to companies. The Mayor noted the half throttle resolution should be reviewed as the differences in decibel level are minor. Council Member Novakov asked whether this change could be incentivized. The Mayor noted staff previously offered to identify the companies that transitioned to quieter options as a preferred vendor on the Town's website. Council Member Myers commented he that agreed with the complaints and is comfortable approving an ordinance to limit or abolish gas-powered blowers. Mayor Pro Tem Dowler agreed with the Council Member Myers and believes the gas-powered blowers should be phased out of use in the Town. Council Member Novakov noted this applies to everyone, even those residents that maintain their own properties, and the other council members agreed. The Mayor shared her situation, explaining that she would need to purchase the battery-powered blower system for her grounds person, as they would not be able to afford the purchase. Council Member Myers stated he was comfortable with the time-of-day restrictions as they stand but transitioning to battery-powered blowers is the next step. Council Member Grisham agreed with Council Member Myers and commented he did not know the appropriate length of time to phase the gas-powered blowers out. The Mayor asked if the Town should hold a public meeting on leaf blowers. The group discussed times of the year when blowers are not strong enough to clear the leaves, the wet spring and fall, for example. Council Member Grisham asked if University Park's regulations on the subject. Mr. Lindley stated University Park had no regulations for leaf blowers. Mr. Lindley asked if Dallas had regulations. Mr. Smith explained the same subject matter was reviewed by the City of Dallas in March 2019, deferred to the Dallas Public Safety Committee, and that nothing further has occurred with leaf blowers in the City of Dallas. The Mayor stated this topic would be discussed further at another study session. No action was taken at this time.

CLOSED SESSION

- 1. In accordance with the Texas Government Code Chapter 551, Subchapter D, Section 551.071 - CONSULTATION WITH ATTORNEY - the Town Council will convene into closed session for consultation with and legal advice from the Town Attorney regarding pending or contemplated litigation: USAI, LP v Town of Highland Park (Cause No. DC-20-08213).*
- 2. In accordance with the Texas Government Code Chapter 551, Subchapter D, Section 551.071 - CONSULTATION WITH ATTORNEY - the Town Council will convene into closed session for consultation with and legal advice from the Town Attorney regarding pending or contemplated litigation: McCullers v. USAI, et al. (Cause No. DC-18-08709).*

Mayor Goodwin recessed the study session at 10:01 a.m. and convened a closed session pursuant to: (1) Section 551.071 of the Texas Government Code to consult with and seek legal advice from the Town Attorney regarding pending or contemplated litigation: McCullers v. USAI, et al. (Cause No. DC-18-08709); and (2) Section 551.071 of the Texas Government Code to consult with and

seek legal advice from the Town Attorney regarding pending or contemplated litigation: USAI, LP v Town of Highland Park (Cause No. DC-20-08213).

OPEN SESSION

1. Pursuant to Section 551.102 of the Texas Government Code, the final action, decision, or vote regarding Closed Session Item 1. above, shall be made, if any.

No action, decision, or vote was taken on Open Session Item 1.

2. Pursuant to Section 551.102 of the Texas Government Code, the final action, decision, or vote regarding Closed Session Item 2. above, shall be made, if any.

No action, decision, or vote was taken on Open Session Item 2.

Mayor Goodwin closed the closed session at 10:20 a.m. and reconvened the study session in open session. No final action, decision, or vote was taken during the closed session.

Mayor Goodwin adjourned the study session at 10:20 a.m.

APPROVED on this 4th day of August 2020.

BY:



Margo Goodwin
Mayor

ATTEST:



Tempest Brunson
Interim Town Secretary

