

MINUTES OF AN ONLINE STUDY SESSION OF THE TOWN COUNCIL OF THE TOWN OF HIGHLAND PARK, TEXAS, HELD VIA VIDEOCONFERENCE, AT 8:37 A.M. ON TUESDAY, DECEMBER 1, 2020.

Prior to the study session, Joanna Mekeal, Town Secretary, 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. Mekeal 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 Right-of-Way Encroachment Agreement along a portion of Mockingbird Lane requested by the Dallas County Club.* Lori Chapin, Director of Engineering, explained the agenda item, as it is an opportunity for the Town Council to discuss a request by the Dallas Country Club ("DCC") to construct an underground parking garage and fence along a portion of Mockingbird Lane on the Town's property. The right-of-way ("ROW") encroachment is proposed to be approximately 3 feet wide by 300 feet in length and would generally be located beginning at the DCC's main entrance, traversing east and terminating near the bank of Turtle Creek. The scope of encroachment was greater than initially anticipated. The encroachment could have impacts to existing and future utilities that are typically within the ROW. The Town has a waterline and a sewer line within Mockingbird Lane that runs within the ROW. If approved, it could impact maintenance on future construction utilities within the area. Ms. Chapin displayed an illustration of the area on the virtual screen for the Town Council to review. The Mayor expanded on the topic and stated that the DCC based their request for the encroachment on the precedent of the flowerbed that is extended currently onto the Town's property. The flowerbed can be removed at any time, however the construction they are proposing is more permanent. DCC has other design options that do not include encroaching on the Town's ROW. Motion was made and seconded to approve the encroachment, said motion was denied.

*Review, discuss, and consider approval of an amendment to the construction contract with Nu-Way Construction for the Fairfax Park Improvement project.* Kathleen Stewart, Director of Town Services, explained this item is provided as an opportunity for the Town Council to consider pathway enhancements for the Fairfax Park Improvement project. Following the Town Council meeting held on September 1, 2020, John Armstrong, the project's landscape architect, developed three proposals for pathway consideration. Pricing for the various options were not available at the time and the Town Council deferred a final decision to this meeting. The options for the pathway are separated into three elements: Option A - Base Design; Option B - Enhanced Design; and Option C - Reduced Enhanced Design. Pending Town Council approval of an amendment to the construction contract, the pathway construction would begin immediately. Town staff recommends Option C eliminating the perimeter seat walls and therefore reducing the need to consider amending the contract by \$74,463. This action allows the Town Council to consider adjusting the contract by only 19.3 percent. The Douglas Park construction bid scheduled for January can include off-site improvements for the perimeter seat walls in Fairfax Park. The

Douglas Park construction bid will be presented to the Town Council in February and include the seat walls. This timeline gives adequate time for the perimeter seat walls to be constructed prior to the park being reopened to the public in late August. Council Member Penfold asked Mrs. Stewart to explain the difference between Option B and Option C. Mrs. Stewart stated approximately \$63,000 and exterior seat walls. The Mayor asked for any questions from the Town Council, to which there was none. On a motion by Council Member Penfold, seconded by Council Member Novakov, the Town Council voted unanimously to approve Option C as an amendment to the construction contract with Nu-Way Construction for the Fairfax Park Improvement project.

*Review, discuss, and consider approval of purchasing a software enterprise agreement renewal with Microsoft Licensing through Software House International.* Shone Doville, Manager of Information Services, explained the Town of Highland Park's desktop computer technology services have been provided by Microsoft's client/server platform. Microsoft offers an Enterprise Licensing Agreement as a way for organizations to centralize software licensing, purchasing, and management. This agreement allows the Town to standardize to the most current software versions, including cloud services, thus delivering a more collaborative work environment. Software House International ("SHI") is the vendor approved by the Texas Department of Information Resources to provide a competitive bid price negotiated by the State. The licensing agreement is between Microsoft and the Town, purchased through SHI. The initial agreement is for three years, with an option to extend an additional three years. The Town's Information Technology Department will be responsible for deploying the new software licensing to the Town's computers and servers. Microsoft will provide access to current and future upgrades, online user training, training vouchers, documentation, and cloud services for email, collaboration, and user file storage. Council Member Penfold asked if this is replacing any current software. Mr. Doville explained that it would not replace software, but it is a new agreement. Council Member Myers asked if the agreement was renewed at the same price point. Mr. Doville answered that there will be a \$30,000 increase when renewed. Council Member Myers asked if there was a competitive alternative. Mr. Doville confirmed this was the competitive alternative. Mayor Goodwin asked in three years, will there be an opportunity to review and discuss renewing again. Depending on the quality of service, it can be reviewed and decided if the Town wishes to continue service with this vendor or investigate other vendors. Mr. Doville confirmed that was correct. The Mayor asked for any questions from the Town Council, to which there was none. On a motion by Council Member Penfold, seconded by Council Member Myers, the Town Council voted unanimously to approve the purchasing of a software enterprise agreement with Microsoft Licensing through Software House International.

### **Consent**

*Review and discuss modifying the 4200 block of Livingston Avenue for Resident-Only Parking designation by eliminating the Two-hour Parking for the general public.* Paul Sandman, Director of Public Safety, introduced the briefing. Residents in the 4200 block of Livingston Avenue have stated that the current parking provisions for the street contribute to their parking concerns. Issues mentioned included vehicles parking for more than two-hours, limitation of available parking for family and friends, loud noise, and trash deposited along the street. The Department of Public Safety (DPS) enforces the Town's various parking restrictions on a complaint basis. Time constraints and responding to other policing demands limit the availability of a police officer to proactively patrol the area for parking violations. This is further compounded by a need of the

police officer to return later to inspect if vehicles are moved within the two-hour period. Eliminating the general public's access to park on the street would allow the police officer to immediately issue a parking citation if an appropriate Town parking sticker is not displayed. Residents of the 4200 block of Livingston Avenue requested the Town Council modify the parking restrictions for the street. A petition was submitted signed by all 12 residents that are in support of prohibiting general public parking along the 4200 block of Livingston Avenue. Key features of the petition include: delivery vehicles would be allowed to park for a maximum of five minutes, three resident permits would be issued to each address, five guest permits would be issued to each address, and resident permits must be displayed inside the vehicle's windshield. Pending Town Council discussion, the amended ordinance will be prepared, and a public hearing is scheduled for Town Council consideration at its January 5, 2021 meeting. The Mayor asked for any questions from the public. Luke Crosland stated that several weeks ago he submitted packets for each of the Town Council Members to review regarding the parking issue. He has also met with representatives of the Highland Park Village who also support the proposed parking restriction. He appreciates this request for Town Council consideration and approval. The Mayor confirmed that the Town Council Members received the packet he sent. Council Member Penfold complimented the citizens of the 4200 block of Livingston Avenue for the professional manner by which they requested these changes. He asked for clarification that each house is receiving five guest permits. Mr. Lindley confirmed that the current ordinance provides three guest passes, and the residents believe having five would grant more flexibility. Mayor Pro Tem Dowler inquired if each resident would receive three resident permits and five visitor plaques, which means each resident could possibly have eight vehicles parked on the block creating the same parking issue. Mr. Crosland stated that it would be managed internally and affirmed the people living in this block are a very cohesive group. The intent is not to permanently park on the street, but to have the ability to come and go without interference. Also, having more parking plaques for flexibility would eliminate the need to reach out to the Highland Park DPS as often. The Mayor asked for any questions from the Town Council or callers, to which there was none.

*Review, discuss, and consider an Interlocal Agreement with the City of Weatherford to utilize goods and services from present and future contracts.* Lori Chapin, Director of Engineering, explained the item. The Town Council approved a three-year contract with the Pavement Doctor Corp., LLC ("contractor") on May 5, 2019, for the Town's pavement preservation program. While initiating its own preservation program, the City of Weatherford ("City") contacted the Town regarding the quality of work by the contractor. Representatives from the City performed a site visit and determined they would like to utilize the contractor for their program. Based on the Town's contract provisions, pricing, and quality of work by the contractor, the City desires to initiate an Interlocal Agreement ("ILA") with the Town in order to utilize the Town's contract pricing. Council Member Penfold asked what the benefit is to the Town entering into this agreement. Ms. Chapin and Mr. Lindley explained that municipalities initiate ILAs to provide a mechanism for each entity to utilize bid pricing and share in the purchase of goods and services. The ILA is a general reciprocal agreement and is beneficial to both entities through anticipated savings. The ILA provides a mechanism for each municipality to pay a contractor directly for work performed and eliminates the need for separately bidding the work. The Mayor asked for any questions from the Town Council or callers, to which there was none.

*Review and discuss bids for Douglas Park Site and Utility Improvements.* Lori Chapin, Director of Engineering stated that Kimley-Horn and Associates, Inc. completed the design and bid package

preparation services for the Douglas Park Site and Utility Improvements specific to the site grading, drainage, and utilities. The project was bid on November 17, 2020, and six bids were received. The low bid in the amount of \$430,000 was submitted by Iron T Construction, Inc. Construction is anticipated to begin in January and last approximately five months. Iron T Construction, Inc. is currently working in the Town on another project, and staff and contracted consultants are satisfied that the contractor can complete the work in a timely manner and within budget. Staff recommends approval of the contract in the amount of \$430,000 with Iron T Construction, Inc. for the Douglas Park Site and Utility Improvements project. The Mayor asked for any questions from the Town Council or callers, to which there was none.

*Review and discuss a resolution validating the review of the Statement of Investment Policies as adopted by the Town of Highland Park and approving recommended changes.* Steven Alexander, Director of Administrative Services and Chief Financial Officer, explained the policy. The Town's Statement of Investment Policies ("Investment Policies") has been prepared to comply with Chapter 2256 of the Texas Government Code ("Public Funds Investment Act"), and Chapter 2257 of the Texas Government Code ("Public Funds Collateral Act"), as well as to reflect the Town's investment strategies. The Public Funds Investment Act and the Investment Policies call for at least an annual review of established policies by the Town Council. The purpose of this review is to discuss any proposed changes and to update the Town Council regarding any reporting requirements. The proposed changes do not materially change the Town's Investment Policies and more closely align the policy with the requirements of the Public Funds Investment Act. Council Member Penfold stated it was a good policy last year, and that he agreed with the changes presented to create a better policy this year. The Mayor asked for any questions from the Town Council or callers, to which there was none.

*Review and discuss scheduling Town Council meetings for the year 2021.* Joanna Mekeal, Town Secretary, stated the agenda item is provided as an opportunity for the Town Council to review the meeting schedule for the year 2021. Currently, the Town Council schedules its regular meeting dates at 8:00 a.m. on the first and third Tuesday of each month. This meeting is immediately followed by the study session for discussion, review of future agenda items, and staff reports. Based on past years, the Town Council has not met during the week of Highland Park Independent School District's spring break holiday in March. The Town Council historically schedules only the first meeting of the month in November and December. The Mayor asked for any questions from the Town Council or callers, to which there was none.

## **Reports**

*Review and discuss resident complaints concerning Livingston Avenue parking and street use issues.* Bill Lindley, Town Administrator, explained this item is scheduled in response to correspondence and material previously provided to the Town Council by Mr. Luke Crosland. Staff identified options available for action in response to the five issues noted by the resident in an August 28, 2020 letter to the Highland Park Village ("the Village"). At the request of the Town, a meeting was hosted by the Village with several residents and the Town Administrator on October 14, 2020. The collaborative meeting was productive with the Village replying days later with an action plan addressing the concerns raised by the resident. The Mayor asked for any questions from the Town Council or callers, to which there was none.

*Review and discuss proposed landscape and irrigation improvements for Douglas Park.* Kathleen Stewart, Director of Town Services, explained this item is provided as an opportunity for the Town Council to review and consider the landscaping elements for the frontage of Douglas Park. The design elements were drawn from the Town Council discussion at the June 2, 2020, and July 21, 2020 study sessions. The overall project will address the drainage concerns in the park and update the landscaping and irrigation. Mrs. Stewart displayed drawings of the proposed landscaping updates for the Town Council and public to review. Council Member Novakov asked if the “Water My Yard” pole from the Park Cities Municipal Utility District will stay in the park. Mrs. Stewart and the Mayor confirmed it will stay, and its purpose is to conduct a study that measures the moisture in the ground. The Mayor asked about a gate that is displayed in one of the drawings presented. Mrs. Stewart stated that the gate was an idea, but ultimately, it was decided not to include the gate. The Mayor asked how Town staff would enter the park with a utility terrain vehicle (UTV) to complete maintenance or utility work. Mrs. Stewart responded one alternative is to create two pathways in the easement with gravel and stone. The Mayor asked for any questions from the Town Council or callers, to which there was none.

*Review and discuss the Financial and Investment Report for the period ending September 30, 2020.* Karen Kurtin, Controller, discussed the report for the period ending September 30, 2020, which marks the completion of the 2020 - 2021 fiscal year. Therefore, the Year-to-Date percentage for budgetary comparison purposes is 100.0%. General and Utility Fund combined revenues amount to \$35,872,396 which is 96.6% of the annual budgeted amounts. The General and Utility Fund combined expenditures and encumbrances amount to \$34,906,766 or 93.0% of the Fiscal Year 2019-20 Combined Budget. The total market value of the Town's cash and investment portfolio was \$37,969,528, yielding an average weighted return of 0.67%, with an average maturity of 65 days. In total year to date, the Town is at 100.1% of projection in property taxes, 99.2% of projection in sales taxes, 108.5% projection in building permit revenue, 95.7% in water revenue, and 91.5% in wastewater revenue. Council Member Penfold asked if the Town is currently receiving additional property taxes that are not included in this report. Ms. Kurtin confirmed that the upcoming year collection tax revenues are received in November through December, majority of them being received in January.

*Review and discuss the Quarterly Investment Report for the quarter ending September 30, 2020.* Ms. Kurtin discussed the report prepared by Valley View Consultants, the Town's investment advisors, for the quarter ending September 30, 2020 and marks the fourth quarter of Fiscal Year 2019 - 2020. In the fourth quarter, the Town's balances are historically the lowest and will pick back up in the next fiscal year in November and December. As of September 30, 2020, the book value of the Town's investments was \$37,969,528, with a market value of \$37,969,528. Current quarter average yield for the portfolio is 0.67%, with a fiscal year-to-date average yield of 1.29%. Quarterly interest income was approximately \$69,128, with year-to-date interest income of \$569,828. This report was provided to the Finance & Audit Advisory Committee on November 20, 2020.

CLOSED SESSION

1. *In accordance with the Texas Government Code, Chapter 551, Subchapter D, Section 551.072 – REAL ESTATE – the Town Council will convene into closed session to deliberate the purchase, exchange, lease, or value of real property, to wit: a parcel of land owned by the Town located at 2500 Conveyor Lane, in the City of Dallas.*
2. *In accordance with the Texas Government Code, Chapter 551, Subchapter D, Section 551.072 – REAL ESTATE – the Town Council will convene into closed session to deliberate the purchase, exchange, lease, or value of real property (West side governmental and public uses).*

Mayor Goodwin recessed the study session at 9:39 a.m. and convened a closed session pursuant to: (1) Section 551.072 of the Texas Government Code to deliberate the purchase, exchange, lease, or value of real property, to wit, a parcel of land owned by the Town located at 2500 Conveyor Lane, in the City of Dallas; and (2) Section 551.072 of the Texas Government Code to deliberate the purchase, exchange, lease, or value of real property, to wit, a parcel of land owned by the Town located on the West side governmental and public uses.

Mayor Goodwin ended the closed session at 10:35 a.m. and reconvened the study session in open session at 10:36 a.m. No final action, decision, or vote was taken during the closed session.

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 adjourned the study session at 10:37 a.m.

APPROVED on this 5<sup>th</sup> day of January 2021.

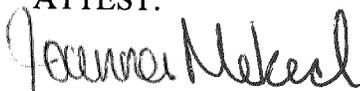
APPROVED:



Margo Goodwin

Mayor

ATTEST:



Joanna Mekeal  
Town Secretary