

MINUTES OF AN ONLINE STUDY SESSION OF THE TOWN COUNCIL OF THE TOWN OF HIGHLAND PARK, TEXAS, HELD VIA VIDEOCONFERENCE, AT 8:05 A.M. ON TUESDAY, JUNE 15, 2021.

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 online, or listened to by telephone, and gave the toll-free and alternate telephone numbers, as well as the access number for the public to call. Mrs. Mekeal conducted a roll call of the Town Council Members. Present at the meeting 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

Future Agenda Discussion

Review and discuss the Town's building code as it relates to construction management practices. Hugh Pender, Director of Development Services, explained that this item is provided as an opportunity for the Town Council to continue its discussion on possible revisions to the Town's building code. Staff has developed a variety of options noted during the discussion; (1) communication with owners and contractors, (2) parking management, (3) construction period, and (4) construction site management.

Currently, staff provides contractors with a packet including the Town's policy and a letter template to send to the neighbors. The Town also requires contractors to place a sign with their contact information at the construction site. Mr. Pender proposed to further develop educational materials for the contractor, as well as the owner, that clearly outline the Town's expectations. Furthermore, instead of requiring the contractor to send a letter to the neighbors, staff will control the information and send the letters including the expected project duration, contractor contact information, and a graphic of the proposed project. In addition, to create an opportunity to further instill the Town's expectations and maintain regular communication, staff would host a quarterly meeting with contractors. Finally, Town staff will maintain a partnership with the City of University Park regarding code updates and adoptions, local regulation, and best practices. Mayor Goodwin clarified that the letter would be in addition to the required sign located at the property, and it would include the contact information if a resident had a complaint or question. Mr. Pender confirmed that was correct. Council Member Novakov inquired if the owner's contact information would be included in the letter as well. Bill Lindley, Town Administrator, explained some residents may request to be anonymous for privacy reasons and prefer residents to contact the contractor. Mayor Pro Tem Dowler asked what would be included on the agenda for the proposed meetings between staff and the contractors. Mr. Pender explained topics would include Town expectations, site management, and extensions. Mayor Goodwin and Council Member Myers agreed the letters and the meetings will aid better communication between the Town and contractors.

Mr. Pender explained there are currently no parking regulations, only a parking policy and associated Parking Management Plan ("PMP") provided by the contractor. Mr. Pender proposed: (1) codify the PMP and implement an administrative penalty amount structure to avoid any plea-bargain agreements; (2) construction vehicles may only park adjacent to the lot under construction; and (3) create a parking management staff position for the Town to enforce parking violations at

construction sites. Council Member Novakov questioned where a driver would park if they were unable to park adjacent to the lot. Mr. Pender stated the contractor would be required to provide a remote location for their employees to park. Council Member Grisham preferred the concept of enforcing an administrative penalty fee for parking outside of a PMP, rather than restricting drivers to parking adjacent to the construction site. Mayor Goodwin agreed with Council Member Grisham and added that the men and women who work on the properties carry tools and equipment that require vehicles to hold them. She did not believe it was reasonable to create a parking management staff position to manage construction parking at this time. Council Member Myers stated he believed requiring a PMP from the contractor is a good suggestion; and visiting with the contractors and discussing parking expectations, would be an improvement. Council Member Grisham noted, making complex parking requirements may lead to construction projects unable to be completed in the permitted timeframe. The Town Council agreed to continue the discussion over the proposed idea of a codified PMP, while omitting the proposed concept to restrict construction parking to only adjacent to the property under construction and creating a parking management staff position.

Mr. Pender proposed three (3) suggestions to enhance current construction period standards: (1) requiring builders to provide a construction management plan ("Plan") that identifies milestone benchmarks; (2) additional meetings between the contractor and Town staff throughout the construction period; and (3) update the penalty fees for permit extensions beyond the current 24-month period. Council Member Grisham disagreed with the current 24-month construction period for every building project. He suggested before approving a project, the contractor meet with Town staff to discuss scope and size of the project related to the 24-month construction period. Ultimately, allowing Town staff the discretion to provide longer construction periods for larger, more complex projects. Council Member Myers agreed with the suggestion to meet with the contractor on a regular basis. Mayor Pro Tem Dowler stated that he believed the 24-month deadline was discussed at a past meeting and very few houses exceed the current 24-month construction period. Mayor Goodwin confirmed Mayor Pro Tem Dowler's comment was correct and added there have been contractors who knew in advance their project required more than 24 months and they have attended a Town Council meeting to discuss the project schedule, request an extension, and pay the required fee. The Mayor agreed with requiring contractors to provide a Plan, and meet with Town staff at the milestone benchmarks of the project. Knowing they will meet with Town staff to discuss progress may encourage contractors to stay on schedule. Council Member Penfold agreed with the Mayor regarding the 24-month construction period and updating the administrative penalty fees to motivate contractors to complete projects in a timely matter. Mr. Lindley added, the current penalty fee is negotiable at a lower rate in District Court. The proposed update to the penalty fee includes updating the penalty to a non-negotiable administrative fee. The Town Council agreed with the proposed plan that includes benchmark milestones, staff meetings with the contractor relating to those milestones, and allow staff to update the administrative penalty fees and the associated costs.

Mr. Pender explained there are no specific Town regulations pertaining to construction site management ("Site Standards"). He proposed three Site Standards; (1) require all construction materials be stored in a side- or rear-yard; (2) require job site cleaning before the end of each work week; and (3) require installation of fencing with mesh screening around the property. Fencing construction sites with mesh screening is a practice seen often in the City of University Park; however, it would create a visual impairment for public safety officers to monitor criminal activity.

The Mayor agreed, adding vandalism and theft are prevalent on construction sites, screening will cause a problem for the Department of Public Safety. Council Member Myers agreed with the first two proposed ideas, but he questioned how University Park patrols the screened construction sites. Paul Sandman, Director of Public Safety, explained he is unable to speak for University Park; however, theft and criminal trespassing occurs on construction sites in Highland Park. If a site is screened and locked, it is not difficult to trespass, and officers are unable to patrol beyond the screening. The Town Council agreed with options one (1) and two (2) of the Site Standards proposal. Council Member Penfold requested that construction trailers, especially those that are used for company marketing, also be considered in the Site Standards proposal and subject to the administrative penalty fee. Mr. Pender stated the trailers would be included in the Site Standards proposal. Mayor Goodwin asked if there were any further questions or comments, to which there were none.

Reports

Review and discuss the Town's horse drawn carriage regulations. Wayne Kilmer, Assistant Director of the Department of Public Safety, explained this agenda item is provided as an opportunity for the Town Council to continue its discussion and consideration of possible changes to the Town's regulations of commercial horse-drawn carriage operations. At a previous meeting, the Town Council asked staff to obtain carriage ride data for 2019. Staff learned that several companies do not have the information available. Recognizing the data is not available from the vendors for 2019, staff proposes to require vendors to provide the information on an ongoing basis. This will provide the Town Council with consistent ride information when considering further regulations and decisions. Staff recommends limiting the number of carriage permits to 75. This number represents the number of carriage permits issued in 2019. Once the data from 2021 is complete, staff will provide an analysis of 2020 and 2021, and make a recommendation accordingly. Mayor Goodwin preferred to collect the 2021 data before making any decisions on regulation in fairness to the vendors. Council Member Penfold agreed and recommended adding a section in the data explaining the reasoning for the complaint to differentiate between meritorious and minor complaints. Council Member Novakov agreed with Council Member Penfold. Assistant Chief Kilmer stated that they will be able to provide that information. Mayor Goodwin asked if there were any further questions or comments, to which there were none.

Review and discuss the Financial and Investment Report for the period ending April 30, 2021. Karen Kurtin, Controller, presented highlights of the Financial and Investment Report. This report is for the periods ending April 30, 2021, which marks the completion of the seventh month of the 2020 - 2021 fiscal year. Therefore, the year-to-date percentage for budgetary comparison purposes is 58.3%. General and Utility Fund combined revenues as of April 30, 2021, amount to \$27,183,671, which is 76.3% of the annual budgeted amounts. As of April 30, the General and Utility Fund combined expenditures and encumbrances amount to \$20,749,129 or 56.1% of the Fiscal Year 2020-21 Combined Budget. The total market value of the Town's cash and investment portfolio on April 30, was \$45,795,613, yielding an average weighted return of 0.37%, with an average maturity of 34 days. Compared to year-to-date projections, property taxes are 102.1%, sales taxes are 132.2%, building permits are 168.1% and water sales are 97.1%. The Mayor asked the Town Council if they had any questions, to which there were none.

Mayor Goodwin adjourned the Town Council meeting at 9:45 a.m.

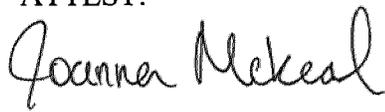
APPROVED on this 6th day of July 2021.

APPROVED:

A handwritten signature in cursive script that reads "Margo Goodwin".

Margo Goodwin
Mayor

ATTEST:

A handwritten signature in cursive script that reads "Joanna Mekeal".

Joanna Mekeal
Town Secretary