

MINUTES OF A STUDY SESSION OF THE TOWN COUNCIL OF THE TOWN OF HIGHLAND PARK, TEXAS, HELD AT TOWN HALL, 4700 DREXEL DRIVE, HIGHLAND PARK, TX, 75205 AT 8:14 A.M. ON TUESDAY, OCTOBER 19, 2021.

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, discuss, and consider approval of current and proposed procedures and ordinance changes related to the Town's residential building code and construction site management practices.* Hugh Pender, Director of Development Services, explained that this item is provided as an opportunity for Town staff to deliver an update of its current work to the Town Council. Following general discussion during the Town Council study session on June 15, 2021, staff has made progress on options noted during the discussion; (1) communication with owners and contractors, (2) parking management, (3) construction period, and (4) construction site management.

Communication with the owners and contractors included proactively sending letters to the neighbors introducing upcoming construction projects, Town staff hosted a home builder's meeting, and partnered with the City of University Park to update the Residential Code. In December 2021, staff plans to further develop educational materials for future contractors and property owners.

Parking management includes a proposal to codify the Parking Management Plan ("PMP") and to create an administrative fine structure as an enforcement mechanism. The Town developed a parking management policy that is provided to builders and property owners during the building permit issuance process, and it is required that a parking plan be provided for each project. Currently, there are no consequences for failing to follow the parking plan. The incorporation of the PMP into the Town's Code of Ordinances will provide for a penalty structure that would address parking violations. Enforcement of the PMP would be managed by administrative penalties. The current draft ordinance requires the PMP be included as part of the permit package and subjects the contractor to a stop work order in the event of repeated violations, and requires payment of an administrative penalty to lift the stop work order. In response to a question raised by Mayor Margo Goodwin, Mr. Pender explained the citation will be given to the contractor, not the property owner. In response to a question raised by Mayor Pro Tem David Dowler, Mr. Pender explained that the proposed penalty structure would not be more administratively challenging, it will un-complicate standards enforcement.

In the past, meetings between the contractor and staff were only required at month 12 of a construction project; contact meetings are now required at more frequent intervals: 12 months, 18 months, 21 months, and 22.5 months. Staff added these meetings to all active projects that date back to 2020 and will require these meetings for all future construction projects. Contractors expressed no issues with the additional contact meetings. To reduce the number of requested extensions for the construction period, staff proposes two more options: (1) Amend the Residential Code to require a construction management plan ("CMP") with identification of milestone benchmarks and (2) Modify the penalty structure for permit extensions. The proposed penalty

structure includes \$250 per day for the first 45 days, \$500 per day for the second 45 days, and \$750 per day beyond the 90 days. Mayor Pro Tem Dowler believed this proposal may encourage contractors to function more professionally. Council Member Jimmy Grisham raised concerns about the 24-month construction period when applied to larger homes. Council Member Marc Myers agreed with Council Member Grisham for larger homes but stated most homes can be completed in the 24-month construction period.

Regarding construction site maintenance, staff proposes to: (1) Require all construction materials, trash dumpsters, and portable toilets to be stored in a side- or rear-yards to the greatest extent possible. Administrative exceptions may be required when space is not available in a side- or rear-yards. (2) Require all construction sites to be cleaned and left in a neat, organized, and orderly condition before the end of each work week. In response to questions raised by Council Members Grisham and Myers, Paul Sandman, Director of Public Safety, explained that screening construction sites poses a security issue for the Public Safety Officers due to almost zero visibility of any criminal activity that could occur behind the screens. Council Member Penfold recommended adding the restriction of construction trailers. If there are construction trailers on site, limit the size and length of time they will be visible. Council Member Penfold also suggested limiting the number of dumpsters on a construction site, as well as requiring portable toilets be located at the rear-yard.

The Town Council was not prepared to approve the ordinance as it was, and Mayor Goodwin recommended to continue the discussion at a later Town Council meeting.

*Review and discuss engineering and landscape architectural services contracts with Kimley-Horn Associates, Inc., and Armstrong Berger for the Phase I Hackberry Creek Corridor Improvements.* Lori Chapin, Director of Engineering, explained the Master Plan (“Plan”) for Hackberry Creek was developed based on in-depth site analysis for the area between Byron Avenue and Armstrong Avenue to understand, categorize, and document the physical conditions of the Hackberry Creek corridor. Within the Plan are projects that were selected and prioritized to preserve the natural beauty, restore the infrastructure of the bridges, walls, outfalls, and mitigate erosion along the creek corridor. The projects were broken into five phases, spread over 10 years and assigned a priority, cost, and year. Phase I, Phase II, and a portion of Phase III within the Plan include projects between Byron Avenue and Miramar Avenue. These projects were originally planned to be implemented over six years. Staff determined that it would be beneficial to realign the phases through this area and combine these projects into the Phase I Hackberry Creek Corridor Improvements project. Combining these phases of the project would be beneficial when performing some of the design elements including surveying, flood studies, and environmental impact studies. Work related to the three phases of the project was delayed to the current year in response to Capital Improvement Plan (“CIP”) funding impacts caused by the COVID-19 pandemic. In response to a question raised by Council Member Grisham, Ms. Chapin explained the full Plan could not be completed simultaneously; however, staff can identify opportunities to expedite the project. Mayor Goodwin asked if there were any further questions, to which there were none.

*Review and discuss an engineering services contract with Kimley-Horn Associates, Inc. for the reconstruction of Potomac Avenue between Key Street and Hillcrest Avenue.* Lori Chapin, Director of Engineering, explained the professional services agreement specifies that Kimley-Horn and Associates, Inc. will provide design and bid package preparation services for the Potomac Avenue Improvements project. The design services include the reconstruction of Potomac Avenue from

Key Street to Hillcrest Avenue, which includes curb and gutter replacement, full roadway replacement, and an asphalt overlay. Mayor Goodwin asked if there were any questions, to which there were none.

*Review, discuss, and consider approval of a resolution in support of the application for Municipal Setting Designation submitted by ESS WCOT Owner LLC, the owner of the property located at 5431 Lemmon Avenue in Dallas, Texas.* Lori Chapin, Director of Engineering, explained that in accordance with Chapter 361, Texas Health and Safety Code 361.801-808, Municipal Setting Designation ("MSD") is an official State designation given to a property within a municipality or its extraterritorial jurisdiction. The designation certifies that groundwater at the property is not used as potable water and is prohibited from future use as potable water because that groundwater is contaminated more than the applicable potable-water protective concentration level. ESS WCOT Owner LLC is applying to the Texas Commission on Environmental Quality ("TCEQ") for an MSD for the property located at 5431 Lemmon Avenue in the City of Dallas. The purpose of the MSD is to address certain constituents in the groundwater underlying the 5431 Lemmon Avenue. The City of Dallas issued an ordinance relevant to the MSD Application on June 9, 2021. The ordinance expresses the support of the City of Dallas of the ESS WCOT Owner LLC MSD Application. Like past requests received in 2015 and in 2018, ESS WCOT Owner LLC is requesting that the Town consider adopting a similar resolution supporting the MSD application. The Town does not allow groundwater wells for potable drinking water, as it obtains its water from the Dallas County Park Cities Municipal Utilities District. It has been determined that the impacted groundwater at this location is confined to a shallow unit, and the groundwater's flow direction is to the southwest, and does not pose a threat to the Town of Highland Park. While the Town allows groundwater wells for irrigation purposes, this request is specific to potable drinking water and historically the Town to supports these types of requests. In response to questions raised by Mayor Goodwin and Council Member Penfold, Paul Rodusky, Division Manager for The Vertex Companies, Inc., explained that based on (1) the distance to the Town of Highland Park's municipal jurisdiction; (2) the determination that the chemicals of concern ("COC") concentrations are stable or declining; (3) the determination that the impacted groundwater is confined to a shallow perched unit; (4) the groundwater's southwesterly flow direction under the site; and (5) the identified release within the MSD area at the site does not pose a threat to the Town of Highland Park. Approval of the resolution in support of the 5431 Lemmon Avenue MSD will allow the TCEQ Voluntary Cleanup Program closure process to continue at the site. On a motion made by Council Member Myers, seconded by Mayor Pro Tem Dowler, the Town Council voted unanimously to approve a resolution in support of the application for Municipal Setting Designation submitted by ESS WCOT Owner LLC, the owner of the property located at 5431 Lemmon Avenue in Dallas, Texas.

#### RESOLUTION NO. 008-21

A RESOLUTION IN SUPPORT OF THE APPLICATION OF ESS WCOT OWNER LLC TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR A MUNICIPAL SETTING DESIGNATION AT 5431 LEMMON AVENUE.

## Reports

*Review and discuss a report on the new work schedule for the Department of Public Safety, Operations Department.* Paul Sandman, Director of the Department of Public Safety, and Wayne Kilmer, Assistant Director of the Department of Public Safety, explained the briefing. The Department of Public Safety's Operations Division consists of 46 sworn Public Safety Officers ("PSOs"), and they currently operate on a 24/48-hour work schedule. The schedule consists of a PSO working eight hours of police patrol with the remaining 16 hours on a fire engine or ambulance. Training and sleep are allocated during the 16-hour, fire-ambulance work period. In recent years, a growing number of fire-EMS departments across the country have adopted a 48/96-hour work schedule. Under such a schedule, the Town's employees continue working the same total number of hours per year. The department's focus for adopting the new work schedule is to address long-term employee fatigue, potential improvement, or continuation of a PSO's individual performance, and the quality of life for individual employees and their families. Each of these factors will be beneficial to employee wellness and performance, as well as assist the department with its ongoing recruitment and retention initiatives. The HPDPS sought the services of two independent organizations to evaluate the new work schedule to assess whether it would degrade the cognitive abilities of the officers. Dr. Michael Milburn, creator of the DRUID system, and Dr. Lois James of Washington State University's, Sleep and Performance Research Center assisted the department. Two short duration pilot tests were conducted with the department's PSOs to assess the impact of the work schedule. In response to a question raised by Mayor Pro Tem Dowler, Assistant Chief Kilmer explained caffeine intake was the same in both schedules. The consultants concluded the schedule would not cause any adverse impacts to the performance of the PSOs. In response to a question raised by Council Member Penfold, Chief Sandman confirmed the HPDPS spent time identifying the qualitative measures of the new work schedule with employees and their families, and HPDPS PSOs are in support of the new schedule. The HPDPS will implement the new work schedule beginning November 2, 2021, with a 3-, 6-, and 12-month evaluation. Mayor Goodwin asked if there are any further comments, to which there were none.

The Town Council did not convene into Closed Session to discuss the items below. These items have been moved to the following Town Council study session meeting.

*1. In accordance with Texas Government Code Chapter 551, Subchapter D, Section 551.071 – Consultation with Town Attorney – the Town Council will convene into closed session to seek legal advice regarding pending or contemplated litigation or settlement offers (Texas Opioid Settlement Agreement). No discussion.*

*2. In accordance with Texas Government Code Chapter 551, Subchapter D, Section 551.074 – Personnel Matters – the Town Council will convene into closed session to conduct the annual performance evaluation of the Town Administrator. No discussion.*

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 discussion.

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 discussion.

Mayor Goodwin adjourned the Town Council meeting at 9:46 a.m.

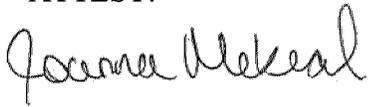
APPROVED on this 9<sup>th</sup> day of November 2021.

APPROVED:



Margo Goodwin  
Mayor

ATTEST:



Joanna Mekeal  
Town Secretary