

MINUTES OF A MEETING OF THE TOWN COUNCIL OF THE TOWN OF HIGHLAND PARK, TEXAS, HELD AT THE TOWN HALL, 4700 DREXEL DRIVE, HIGHLAND PARK, TX, 75205, AT 8:00 A.M. ON TUESDAY, DECEMBER 3, 2024.

Mayor Will C. Beecherl, Mayor Pro Tem Don Snell, Town Council Members Marc Myers, Lydia Novakov, and Leland White attended the meeting. Council Member Alan Friedman was absent.

- I. Mayor Will C. Beecherl called the meeting to order at 8:00 a.m.
- II. Mayor Pro Tem Don Snell gave the Invocation.
- III. PUBLIC COMMENT

Mayor Beecherl asked if anyone wished to address the Town Council about any item listed on the agenda and explained that the Town Council may not discuss or make decisions on items not listed on the agenda. Public comments are limited to three minutes per speaker unless otherwise required by law. Items suggested for action may be placed on a future agenda at the Town Council's discretion. There was no comment.

IV. CONSENT AGENDA

On a motion by Council Member Lydia Novakov, seconded by Council Member Marc Myers, the Town Council voted unanimously to approve Items A. through F. on the Consent Agenda. Prior to the vote, Mayor Beecherl explained that all items under the Consent Agenda are considered routine or were discussed at a previous meeting. There will be no separate discussion of items unless a request by a Council Member is made prior to the Town Council voting on the motion.

- A. Take action on the Town of Highland Park Legislative Priorities for the 89th Texas Legislative Session.*
- B. Take action on the 2025 Town Council meeting schedule.*
- C. Take action on approval of the Highland Park Quality of Life Foundation's board members.*
- D. Take action on the purchase of water meters as part of the FY 2025 Annual Water Meter Replacement Program.*
- E. Take action on the minutes of the Town Council meeting held on November 5, 2024.*
- F. Take action on the minutes of the Town Council study session held on November 5, 2024.*

V. MAIN AGENDA

A. Review, discuss, and take action to extend the construction time period for a new single-family residence at 3712 Beverly Drive from 24 to 36 months. Jeff Armstrong, Director of Community Development, explained that the owner of 3712 Beverly Drive, Watermark Family Capital Two, LLC, has requested an extension of the construction time period. The permit is currently under review and has not yet been issued. Bob Liberi, General Contractor of Robert Raymond Homes, LTD, requested extended time due to the size and scale of the project. The house would include 18,522 square feet of climate-controlled space, a total of 23,276 square feet under roof, and a basement. If approved, the final completion date would be 36 months from the date the building permit is approved for construction. The applicant has provided a proposed parking plan

showing parking on Beverly Drive, in front of the property, and overflow parking on the west side of Eton Avenue. In response to questions from Mayor Beecherl and Council Member Myers, Mr. Liberi confirmed that he would research and consider offsite parking and a shuttling service for the workers to the construction site on an as-needed basis to help relieve mobility and parking for the residents that live around 3712 Beverly Drive. On a motion made by Council Member Marc Myers, seconded by Mayor Pro Tem Don Snell, the Town Council unanimously voted to approve the request, subject to staff approval of a revised parking plan that is inclusive of shuttling workers when necessary, to extend the construction period for a new single-family residence at 3712 Beverly Drive from 24 to 36 months.

B. Review, discuss, and consider a referral to the Zoning Commission for a request to amend the Zoning Ordinance with respect to building height requirements in the A Zoning District. Jeff Armstrong, Director of Community Development, explained that the property owner at 4101 Beverly Drive has requested an amendment to the Zoning Ordinance to allow certain ornamental features to exceed the maximum height currently allowed in the A Zoning District. By ordinance, the Town Council must consider whether or not to refer zoning applications to the Zoning Commission. If the Town Council approves the referral, staff will prepare an ordinance for the Commission's recommendation and the Town Council's final consideration. On a motion made by Council Member Leland White, seconded by Mayor Pro Tem Don Snell, the Town Council unanimously voted to approve the referral to the Zoning Commission for a request to amend the Zoning Ordinance with respect to building height requirements in the A Zoning District.

C. Review, discuss, and take action on Ordinance No. 2139 to amend the Code of Ordinances, Chapter 10A, Subdivision Ordinance, by amending definitions, application review, and the approval process for plats. Jeff Armstrong, Director of Community Development, explained that staff is proposing several amendments to the Subdivision Ordinance in an effort to comply with State laws, streamline the platting process, and ensure that the process and fees are meeting the needs of the Town. The proposed ordinance would clarify and modernize the application process. It would also take two public meetings out of the process. Currently, the ordinance requires the Town Council to take action to direct the plat to the Zoning Commission. The Zoning Commission recommends the plat to the Town Council, and finally, the Town Council takes action. The proposed ordinance amendment would have plats considered by the Town Council. The State passed a bill commonly referred to as the "shot clock bill" that requires plats to be approved, approved with conditions, or disapproved within 30 days of application submittal. Failing to do so deems the plat approved, whether or not it meets the Town's ordinance requirements. Under the current ordinance, action cannot be taken within the State-mandated 30 days. On a motion made by Mayor Pro Tem Don Snell, seconded by Council Member Lydia Novakov, the Town Council unanimously voted to approve Ordinance No. 2139 to amend the Code of Ordinances, Chapter 10A, Subdivision Ordinance, by amending definitions, application review, and the approval process for plats.

D. Review, discuss, and take action on Ordinance No. 2140 amending the Code of Ordinance Section 3.01.004 to incorporate provisions related to the installation of residential generators and Section 14.01.003 related to Board of Adjustment and Zoning Commission term limits. Jeff Armstrong, Director of Community Development, stated that generators provide backup power to homes and have become more prevalent in recent years. The Town Code prohibits generators in the side yard setback on residential properties. In some cases, a property owner has limited locations to place a generator and needs to utilize the side yard. In these circumstances, an

application for a variance may be made and then approved by the Board of Adjustment. Since January 2022, five variance applications have been requested for generators in the side yard setback, and the Board of Adjustment has approved all five requests. None of the applications received opposition from neighbors, and four of the five received at least one letter of support from neighbors. The proposed ordinance would allow generators in the side yard setback with several conditions. The proposed conditions are primarily intended to mitigate potential nuisances that a generator may create. The proposed ordinance also would change the term limits for the Board of Adjustment ("BOA") and the Zoning Commission ("ZC"). At the study session meeting held on June 18, 2024, the Town Council requested to extend the term limits from three two-year terms to five two-year terms. The proposed ordinance would repeal Ordinance No. 2059 and extend the term limits to five two-year terms. After discussing the proposed ordinance, the Town Council agreed to increase the maximum noise level allowed from 70 to 80 decibels and amend the testing of the generator from 9:00 a.m. to 6:00 p.m., Monday through Saturday to 12:00 p.m. to 3:00 p.m., Monday through Friday. On a motion made by Mayor Pro Tem Don Snell, seconded by Council Member Marc Myers, the Town Council unanimously voted to approve Ordinance No. 2140, amending the Code of Ordinance Section 14.01.003 related to Board of Adjustment and Zoning Commission term limits and Section 3.01.004 to incorporate provisions related to the installation of residential generators with the following stipulations: (1) amend the maximum noise level allowed to 80 decibels and (2) amend the periodic testing of the generator during the hours of 12:00 p.m. to 3:00 p.m., Monday through Friday.

E. Review, discuss, and take action to ratify a previously executed contract along with the first amendment for sales tax compliance review services and to authorize the Town Administrator to execute a second amendment to the contract reducing the contingency fee. John Samford, Director of Finance, stated that on August 4, 2017, Town staff entered into a contract ("Agreement") with MuniServices, LLC ("Consultant") for sales tax compliance review services. The fee for the sales/use tax compliance services is 35% of (a) past compliance (as applicable) -- sales and use tax revenues received by the Town from prior periods; and (b) prospective compliance (as applicable) -- incremental increase in sales and use tax revenues received for the first eight consecutive reporting quarters (24 months) following correction of the errors and confirmation of receipt of revenue by the Town. An incremental increase is calculated as the current month's correct tax remittance less the monthly average of the prior 12 months immediately prior to the first month of correct tax remittance. The initial term of the Agreement was for a period of three years with two subsequent one-year auto renewals along with a termination clause requiring a 30-day notice. On September 16, 2022, staff entered into an amendment providing for an additional one-year period from August 4, 2022 through August 3, 2023 and to automatically renew the extended term for subsequent one year renewal terms unless terminated in accordance with the provisions of the Agreement. At the time staff entered into the Agreement and first amendment, staff did not anticipate the Agreement would exceed an annual expenditure of \$30,000.00; however, the service has been very successful resulting in additional sales tax revenue of \$461,580.00 and fees of \$161,553.00 in 2024 alone. The previous maximum annual fee was \$27,972.00. Since the inception of the Agreement, the Town has received over \$712,000.00 in additional sales tax revenue attributed to services provided by the Consultant resulting in fees of just over \$249,000.00. Town staff has negotiated with the Consultant to reduce the contingency fee to 28%, which would go into effect upon the execution of the second amendment. This reduced contingency fee is fair and reasonable for the services being provided. This item is being brought to the Town Council for approval as it has been demonstrated recently that fees, from time to time, may exceed \$50,000.00. On a motion made by Council Member Leland White, seconded by

Council Member Lydia Novakov, the Town Council unanimously voted to approve the ratification of a previously executed contract along with the first amendment for sales tax compliance review services and to authorize the Town Administrator to execute a second amendment to the contract reducing the contingency fee.

F. Review, discuss, and take action on the acceptance of a grant for the installation of infrastructure and equipment for the Next Generation 9-1-1 Communication platform; Ordinance No. 2141 for a budget amendment to cover reimbursable costs associated with this grant; and ratification of the completed work performed by AT&T for fiber installation, fulfilling Task #1 of this project, with payment due in the amount of \$66,585.75. Chuck McGinnis, Director of Public Safety, explained that in 2021, House Bill ("HB") 2911 was enacted, mandating that by September 1, 2025, all areas of Texas must be covered by Next Generation 9-1-1 ("NG9-1-1") service. The bill also established the Next Generation 9-1-1 Service Fund, allowing the comptroller to allocate funds from the Coronavirus State and Local Recovery Funds (under Section 9901 of the American Rescue Plan Act of 2021) to support the deployment and operation of NG9-1-1 services. These funds can be used for equipment, operations, and administration costs and are made available through a reimbursable grant administered by the Commission on State Emergency Communications ("CSEC"). Through the dedicated efforts of Kelle Hall, Communications Manager, the Town of Highland Park was initially awarded a grant from the CSEC Texas 9-1-1 Entity Subrecipient Subaward Grant Contract in the amount of \$177,635.84 on September 13, 2022. Subsequently, additional funding became available, and Mrs. Hall applied for and was awarded a further grant of \$484,036.18 on September 15, 2023. This brings the total awarded grant amount for the NG9-1-1 Service Project to \$661,672.02. The Town Council thanked Mrs. Hall for her efforts. Next Generation 9-1-1 represents a modernization of emergency response systems, aiming to replace the traditional 9-1-1 infrastructure. NG9-1-1 utilizes an Internet Protocol ("IP")-based system instead of legacy systems' analog or digital phone lines. The NG9-1-1 Service Project for the Town of Highland Park consists of three primary tasks, with ongoing monthly recurring costs for the service: NG9-1-1 circuit and fiber construction (\$66,585.75), installation of the Emergency Services IP Network (estimated cost \$44,000), and replacement of existing customer premise equipment (estimated cost \$470,000). On a motion made by Mayor Pro Tem Don Snell, seconded by Council Member Marc Myers, the Town Council unanimously voted to approve the acceptance of a grant for the installation of infrastructure and equipment for the Next Generation 9-1-1 Communication platform, Ordinance No. 2141 for a budget amendment to cover reimbursable costs associated with this grant, and ratification of the completed work performed by AT&T for fiber installation, fulfilling Task #1 of this project, with payment due in the amount of \$66,585.75.

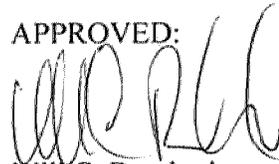
G. Review, discuss, and take action on a resolution casting the Town's vote for the Board of Directors of the Dallas Central Appraisal District. Joanna Mekeal, TRMC, Town Secretary, explained that Section 6.0301 of the Texas Property Tax Code provides that an appraisal district in a populous county shall be governed by a board of nine appointed and elected directors. Five of the directors are to be appointed by the taxing units that participate in the district in the manner as previously prescribed by Section 6.03 of the Tax Code, and three directors are to be elected by majority vote at the general election for state and county officers by the voters of the county in which the district is established. The County tax assessor-collector serves as a voting ex-office member. In the study session on November 5, 2024, the Town Council reviewed the biographic information of the 15 nominees to represent suburban cities and towns other than the City of Dallas. The Town Council requested more information about the candidates to discuss further at a

future meeting. Staff emailed each nominee to better understand why they would like to serve on the board. After reviewing the responses and biographic information, staff recommends Brett Franks and/or David Palmer. The Town Council is allocated 10 votes that can be distributed amongst the candidates or dedicated to one candidate. The Town Council agreed cast 5 votes to Brett Franks and 5 votes to David Palmer. On a motion made by Mayor Pro Tem Don Snell, seconded by Council Member Leland White, the Town Council unanimously voted to approve Resolution No. 018-24 casting 5 votes to Brett Franks and 5 votes to David Palmer for the Board of Directors of the Dallas Central Appraisal District.

Mayor Beecherl adjourned the Town Council meeting at 9:08 a.m.

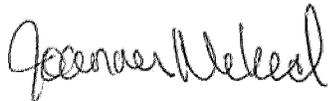
Approved on this the 7th day of January 2025.

APPROVED:



Will C. Beecherl
Mayor

ATTEST:



Joanna Mekeal
Town Secretary