

Town of Trophy Club Town Council Meeting Minutes
June 24, 2024, 6:00 p.m., Work Session and Regular Meeting
1 Trophy Wood Drive, Trophy Club, Texas 76262

CALL WORK SESSION TO ORDER

Mayor Tiffany called the work session to order at 6:00 p.m.

COUNCIL MEMBERS PRESENT

Jeannette Tiffany, Mayor
Steve Flynn, Mayor Pro Tem
Stacey Bauer, Council Member Place 1
Jeff Beach, Council Member Place 2
Dennis Sheridan, Council Member Place 3
LuAnne Oldham, Council Member Place 5

With the following member absent:

Rhylan Rowe, Council Member Place 4

STAFF MEMBERS PRESENT

Brandon Wright, Town Manager
Tammy Dixon, Town Secretary
Dean Roggia, Town Attorney
Jason Wise, Fire Chief
April Duvall, Director of Finance
Matt Cox, Director of Community Development
Denise Deprato, Director of Human Resources
Chase Ellis, Director of Parks and Recreation
Jill Lind, Director of Communications and Marketing

WORK SESSION ITEM

1. Presentation and discussion of legal concerns regarding regulating short-term rental properties. (Dean Roggia, Town Attorney and Brandon Wright, Town Manager)

Town Manager Wright and Town Attorney Roggia gave a presentation on the comprehensive process of adopting and implementing short-term rental (STR) regulations as follows and answered questions from the Town Council:

THRESHOLD QUESTIONS

DRAFTING, ADOPTION, AND IMPLEMENTATION DEVELOPING DEFENSIBLE STR ORDINANCES

- Identify the current status of short-term rentals in the city.
- Any pre-existing STR regulations requiring amendment?
- Any record of STR-related complaints?
 - What types of complaints?
 - Who complains? STR occupants, long-term residential neighbors?

THRESHOLD QUESTIONS

- What are the governing body's goals?
 - Limit or reduce STRs?
 - Address nuisance-type issues?
 - Life safety for STR occupants?
 - Repair an existing ordinance?
- Zoning regulations vs. traditional permitting & enforcement

CREATING A RECORD

- Courts look more favorably upon regulations that have a strong basis in public record
 - Complaints
 - STR data
 - Police/Code Enforcement calls
 - Municipal Court
- Encourage staff to create a record in support of the regulations
- What kind of record will you need if an STR owner brings a lawsuit?

DRAFTING

- Zoning ordinance or general code of ordinances?
- Safety valves to protect against threats of litigation
 - Special exception to the Zoning Ordinance
 - How to handle nonconforming uses?
- Identify appropriate appeal structures for permit revocation, suspension, or denial
 - Who is the initial decisionmaker? (ex. planning director, city manager)
 - Who reviews their decision? (ex. city manager, City Council)
 - Set parameters for any appeal

ADOPTION

- Public hearings
 - Still creating a record
- Deliberations
 - Encourage governing body to discuss broader areas of concern related to STR operations
 - Affordable housing
 - Preservation of neighborhood character
 - Rights of non-STR property owners

ENFORCEMENT

- Remind staff: not every rental issue is an STR issue
- Work closely with Code Enforcement and municipal court staff
 - Assist prosecutors with complaint language
 - Assist with development of internal policies for issuance of citations

WORK SESSIONS

- Consider: appointing a task force
 - Are STRs a particularly hot political topic?
 - Stakeholders: STR owners, residents, Council, tourism board
- Staff work sessions
 - Representatives from departments involved
 - Police, fire, code, finance, planning/development, legal
 - Stress the importance of gathering data
- Preliminary Council/Planning & Zoning work sessions

DRAFTING

- Return to your threshold questions
- Consider results of work sessions
- Draft to address problem areas
 - STR density
 - Parking
 - Inspections/life safety
 - Nuisance-type violations
 - Permit transfers
 - Due process

WORK SESSIONS (ROUND 2)

- Helpful once an ordinance draft exists
- Public Meetings
 - Planning & zoning bodies
 - City Council
- Continued staff meetings
 - Focus on feasibility of implementation and enforcement
 - Consider software compatibility
- More public input creates a better record

IMPLEMENTATION

- Effective date – does staff need time to prepare?
- Consider software needs – check in with staff on capabilities
- Assist with permit forms, form letters for notices of violation, etc.
 - Does everything match up with the ordinance?
- Do any boards/commissions need training on STR-specific issues?
 - Zoning boards of adjustment if implementing mechanism like special exception

HOTEL OCCUPANCY TAX COLLECTION

- Platforms typically do not collect HOT on behalf of STR operators
- Example: AirBNB users are required to click a "check box" for terms and conditions acknowledging that AirBNB does not collect HOT
- Owners/operators are responsible for complying with HOT laws
- Enforcement options?
 - Conduct an audit (costs to be paid by delinquent party under certain conditions)
 - Require payment of penalties and interest
 - File tax collection suit (authorizes municipality to collect attorneys' fees)

SOME FINAL THOUGHTS

- Expect this to be a long process
- Expect a lot of public input & threats of litigation
- Expect your governing body to push for a more aggressive approach
- Remember to create a record to support the regulations
- Coordinate closely with staff – more closely than may be typical

Following discussion staff was directed to:

1. Review Rental Registration Ordinance: Staff to provide recommended language updates for the existing rental registration ordinance.
2. Identify Potential Rental Properties: Initiate a project aimed at identifying potential rental properties within Trophy Club.
3. Create Nuisance/Police Report Summary: Develop a summary of nuisance and police reports specific to rental properties once these properties have been identified.

ADJOURN

Mayor Tiffany adjourned the work session at 6:54 p.m.

CALL REGULAR MEETING TO ORDER

Mayor Tiffany, assisted by Mayor of the Day Isabella Ramos, called the regular meeting to order at 7:00 p.m.

INVOCATION

Chaplain David Impwi, Chaplain at Methodist Southlake Medical Center, led the invocation.

PLEDGES

Mayor Pro Tem Flynn led the Pledge of Allegiance to the American and Texas Flags.

Mayor Tiffany presented Isabella Ramos with a Proclamation proclaiming June 24, 2024, Isabella Ramos Mayor of a Day.

PUBLIC COMMENTS

There were none.

COMMUNITY SPOTLIGHT

2. Trophy Club Stars and Stripes

Tiffany Nimphius, Mindi Bone, and Kelly Castonguay gave a presentation on the Trophy Club Stars and Stripes program noting the following:

- The program began in 2012 with the planting of 11,000 flags along the primary streets throughout town. It has since grown significantly, now including over 40,000 flags planted by approximately 175 volunteers.
- They emphasized the importance of the volunteers, expressing a huge thank you to all of them, as the program would not be in place without their support.
- They reviewed the planned activities, volunteer opportunities, and promotional strategies to maximize community participation and enjoyment.
- The dedication and efforts of the volunteers were highlighted as the cornerstone of the program's success, ensuring its continued impact on the community.

3. Working for You . . . Trophy Club

a) Update from Town Council Members

Council Member Oldham expressed her gratitude to all community volunteers serving on boards, commissions, or corporations. She highlighted that these groups, composed of resident volunteers, play a crucial role in advising on important issues and shaping policies for the town. To join, one must be a resident and a qualified voter of Trophy Club. She encouraged residents ready to take on leadership roles to apply.

Council Member Oldham shared information from a Dallas Morning News article written by Dave Leberman regarding the Texas Data Privacy and Security Act (TDPSA), a new state data and privacy law that goes into effect on July 1. This law allows residents to request, edit, and delete data kept on them by large companies. She encouraged residents to learn their rights under this new legislation.

Mayor Pro Tem Flynn thanked Chase Ellis, Director of Parks and Recreation, for the successful pickleball public engagement pop-up event held on June 22nd at Harmony Park, which allowed the community to share their input on the future of pickleball. He encouraged residents to attend the next event scheduled for June 29th, 4 – 6 p.m., at Independence Park.

Mayor Tiffany stated that she and Matt Cox, Director of Community Development, attended a North Central Texas Council of Governments (NCTCOG) luncheon on June 14th. The luncheon highlighted the upcoming 2026 World Cup in North Texas, noting its significant economic impact, equivalent to hosting nine Super Bowls over a 38-day period.

b) Update from Town Manager

Town Manager Wright provided the following updates:

- Pickleball public engagement pop up event held on June 22nd at Harmony Park was successful with another event scheduled on June 29th, 4 – 6 p.m., at Independence Park.
- Fourth of July Planning
 - Patriot 5K and 1 Mile Fun Run starts at 7:15 AM
 - Parade of Patriots follows at 10:00 a.m.
 - Fireworks Celebration starts at 6:00 p.m.
- Upcoming Boards and Commissions Meetings
 - July 15, 2024, 6:00 p.m., Parks and Recreation Board
 - July 15, 2024, 7:00 p.m., Economic Development Corp. Board

Town Secretary Dixon provided an overview of the Town's updated Boards and Commission webpage and portal.

c) Quick Civic Tip

Town Attorney Dean Roggia provided an overview of the signature authority of the mayor and town manager as outlined in the Town's Charter.

CONSENT AGENDA

4. Consider approval of the Town Council meeting minutes for the May 28, 2024, regular meeting; June 6 and 7, 2024, Town Council retreat; and the June 10, 2024, regular meeting. (Tammy Dixon, Town Secretary)
5. Consider a developer's agreement between the Town of Trophy Club and Beldonia Town Homes, LLC for the Beldonia Townhomes and authorizing the Mayor or her designee to execute same on behalf of the Town. (Matt Cox, Director of Community Development)

Council Member Beach moved to approve Consent Items 4-5. Mayor Pro Tem Flynn seconded the motion.

VOTE ON MOTION

AYES: Bauer, Beach, Sheridan, Tiffany, Oldham, Flynn

NAYES: None

ABSENT: Rowe

VOTE: 6-0-1

PUBLIC HEARINGS

6. **Case PD-AMD-24-002 PD-30 Amendment Multi-tenant Monument**

Conduct a public hearing and consider an ordinance amending Planned Development District (PD-30) to allow a multi-tenant monument sign with CEVMS display located at 2200-2300 SH 114 on Lot 2, Block A, of the Trophy Club Town Center Addition, of the C. Medlin Survey, Abstract No. 823, Denton County, Texas. (Matt Cox, Director of Community Development)

Mayor Tiffany opened the public hearing at 7:36 p.m.

Staff presentation:

Matt Cox, Director of Community Development, gave a presentation noting the following:

- The proposed multi-tenant monument sign with CEVMS does not fit in the Freestanding Development Identification Sign category in PD-30 due to the tenant advertising.
- As proposed, the structure is angled southeast to 114 and specified to be 35' tall and 17' wide, 20 tenant panels, and one CEVMS 128 sq. ft. panel.

Planning and Zoning Commission (P&Z) Chair Briggs advised that the P&Z unanimously recommended approval at its June 6, 2024, meeting.

Mr. Arrouas, Director of Operations for the applicant, answered questions from the Town Council.

No one spoke in favor.

The following spoke in opposition:

- Paul Jablonski, 104 Greenhill Trail S., Trophy Club, TX 76262

Mayor Tiffany closed the public hearing at 7:54 p.m.

The Town Council discussed the size of the CEVMS display sign on the monument sign, the overall height of the monument sign, and expressed that the wording for Trophy Club Town Center should be at the top of the sign. The Council also raised concerns about the overall size of the display, believing it does not align with the community's aesthetic. Council members recognized the importance of supporting local businesses and their advertising efforts but emphasized the need to balance effective advertising with maintaining the town's character and appeal. The consensus was in favor of sending the item back to the P&Z with these concerns.

Mayor Tiffany moved to remand Case PD-AMD-24-002 PD-30 Amendment Multi-tenant Monument back to the Planning and Zoning Commission. Council Member Beach seconded the motion.

VOTE ON MOTION

AYES: Bauer, Beach, Sheridan, Tiffany, Oldham, Flynn
NAYES: None
ABSENT: Rowe
VOTE: 6-0-1

INDIVIDUAL ITEMS

7. Consider a resolution casting the Town of Trophy Club's vote appointing a candidate to the Denco Area 9-1-1 District Board of Managers. (Tammy Dixon, Town Secretary)

Ms. Dixon explained that the Denco Area 9-1-1 District Board of Managers includes two members appointed jointly by all participating municipalities. Each municipality is asked to vote for one of the nominees, Jim Carter or Greg Kohn.

Council Member Sheridan moved to approve Resolution No. 2024-11 casting the Town of Trophy Club's vote appointing Jim Carter to the Denco Area 9-1-1 District Board of Managers. Council Member Bauer seconded the motion. The caption of the resolution reads as follows:

RESOLUTION NO. 2024-11

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TROPHY CLUB, TEXAS, CASTING THE TOWN OF TROPHY CLUB'S VOTE TO APPOINT A CANDIDATE AS A MEMBER OF THE BOARD OF MANAGERS OF THE Denco AREA 9-1-1 DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Bauer, Beach, Sheridan, Tiffany, Oldham, Flynn
NAYES: None
ABSENT: Rowe
VOTE: 6-0-1

8. Consider authorizing the Town Manager to pay Oncor Electric Delivery Company, LLC \$43,215.12 for services rendered to lower a main power line required by the Indian Creek/Fair Green Storm Drainage Project. (Matt Cox, Director of Community Development)

Council Member Beach moved to authorize the Town Manager to pay Oncor Electric Delivery Company, LLC \$43,215.12 for services rendered to lower a main power line required by the Indian Creek/Fair Green Storm Drainage Project. Council Member Sheridan seconded the motion.

VOTE ON MOTION

AYES: Bauer, Beach, Sheridan, Tiffany, Oldham, Flynn
NAYES: None
ABSENT: Rowe
VOTE: 6-0-1

9. Consider rescinding the previous Town Council motion on November 13, 2023 expanding the community pool amenities through Phase 2 of the Community Pool Project and authorizing the Town Manager to negotiate and execute a professional services agreement with Parkhill for public engagement, the development of pool amenity options, schematic design, and construction cost analysis services in the amount of \$101,759. (Chase Ellis, Director of Parks and Recreation)

Chase Ellis, Director of Parks and Recreation, explained that on November 8, 2022, the Town Council approved a \$4 million community pool renovation project, initially managed by Halff & Associates. Phase 1, included upgrades to mechanical systems, restrooms, concessions, office areas, and splash pad amenities.

Director Ellis advised that before commencing Phase 2, the Town terminated the agreement with Halff & Associates and initiated a new RFQ process. After evaluating and interviewing four firms, Parkhill was selected and recommended by the Park Board on May 20, 2024.

He explained to proceed with Parkhill, the Town Council needed to rescind their November 13, 2023, action which would allow for full project design, funding allocation, and additional community input, ensuring high-quality amenities that meet residents' needs and expectations.

Chris Tribble, Senior Advisor of Parkhill provided a presentation on his firm and example community projects.

Director Ellis answered questions from the Town Council regarding costs, community engagement and steps for future approvals of the project.

Council Member Sheridan noted that the community input had come from the Parks Board, which had unanimously approved the original plan. He raised concerns about the recent Parks Board discussions, which included more amenities than just the meeting room and slide. He expressed concern about revisiting previously approved decisions. While he objected to spending additional money, he did not oppose ending the original contract.

Mayor Tiffany praised the pickleball initiative as a successful example of community engagement and suggested using a similar approach for the pool project. She emphasized the importance of gathering input from those who do not usually attend park board meetings and highlighted that projects like the bobcat and pickleball explorations set a precedent for future community involvement. Additionally, she advocated hiring the consultant to help the town progress, adding that an upfront investment would help avoid future problems.

Council Member Oldham praised the presentation and the community engagement efforts but opposed reversing the prior decision due to concerns about additional costs and redundancy. She objected to spending more taxpayer dollars to redo work. She added that while she supports community engagement, she did not want to reimagine the entire pool project.

Council Member Beach moved to rescinding the previous Town Council motion on November 13, 2023 expanding the community pool amenities through Phase 2 of the Community Pool Project; and to authorize the Town Manager to negotiate and execute a professional services agreement with Parkhill for public engagement, the development of pool amenity options, schematic design, and construction cost analysis services in the amount of \$101,759. Council Member Bauer seconded the motion.

VOTE ON MOTION

AYES: Bauer, Beach, Tiffany, Oldham

NAYES: Sheridan, Oldham

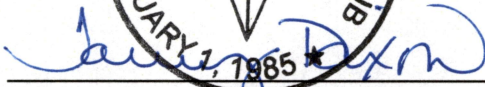
ABSENT: Rowe

VOTE: 4-2-1

ADJOURNMENT

Mayor Tiffany adjourned the Town Council meeting 8:52 p.m.

Attest:



Tammy Dixon, Town Secretary





Jeannette Tiffany, Mayor