



A G E N D A

**REGULAR MEETING OF THE
HIGHLAND VILLAGE CITY COUNCIL
HIGHLAND VILLAGE MUNICIPAL COMPLEX
1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS
TUESDAY, MAY 25 2021, at 6:00 P.M.**

EARLY WORK SESSION

City Council Chambers – 6:00 P.M.

Convene Meeting in Open Session

- 1. Receive an Update from Denton County Transportation Authority (DCTA)**
- 2. Receive Results of a Traffic Study and a Presentation regarding Speed Limits in Residential Areas of Highland Village**
- 3. Clarification of Consent or Action Items listed on Today's City Council Meeting Agenda for May 25, 2021**

(Items discussed during Early Work Session may be continued or moved to Open Session and/or Late Work Session if time does not permit holding or completing discussion of the item during Early Work Session.)

CLOSED SESSION

City Council Chambers

- 4. Hold a Closed Meeting in accordance with the following Sections of the Texas Government Code:
(a) Section 551.071 – Consultation with City Attorney Concerning Pending or Contemplated Litigation and on any Regular Session or Work Session Agenda Item Requiring Confidential, Attorney/Client Advice Necessitated by the Deliberation or Discussion of Said Item (as needed)**

OPEN SESSION

City Council Chambers – 7:00 P.M.

- 5. Call Meeting to Order**
- 6. Prayer led by Councilmember Jon Kixmiller**
- 7. Pledge of Allegiance to the U.S. and Texas flags led by Councilmember Jon Kixmiller: *"Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."***

8. **Visitor Comments** *(Anyone wishing to address the City Council must complete a Speakers' Request Form and return it to the City Secretary. In accordance with the Texas Open Meetings Act, the City Council is restricted in discussing or taking action on items not posted on the agenda. Action on your statement can only be taken at a future meeting. In order to expedite the flow of business and to provide all visitors the opportunity to speak, the Mayor may impose a three (3) minute limitation on any person addressing the City Council. A thirty (30) minute time allotment is set for this section, and the remaining speakers will be heard at the end of the Action Agenda.)*
9. **City Manager/Staff Reports**
10. **Mayor and Council Reports on Items of Community Interest** pursuant to Texas Government Code Section 551.0415 the City Council may report on the following items: (1) expression of thanks, congratulations or condolences; (2) information about holiday schedules; (3) recognition of individuals; (4) reminders about upcoming City Council events; (5) information about community events; and (6) announcements involving imminent threat to public health and safety
 - **Swearing In Ceremony for Officer Natalie Berrios**

Anyone wishing to address the City Council on any item posted on the City Council agenda for possible action, including matters placed on the Consent Agenda or posted as a Public Hearing, must complete a Speakers' Request Form available at the entrance to the City Council Chambers and present it to the City Secretary prior to the Open Session being called to order. Speakers may be limited to three (3) minutes and given only one opportunity to speak on an item. Other procedures regarding speaking on matters posted for action on the City Council agenda are set forth on the Speakers' Request Form. Subject to applicable law, the City Council reserves the right to modify or waive at any time the procedures relating to members of the public speaking on matters placed the Council's agenda.

CONSENT AGENDA

All of the items on the Consent Agenda are considered for approval by a single motion and vote without discussion. Each Councilmember has the option of removing an item from this agenda so that it may be considered separately and/or adding any item from the Action Agenda to be considered as part of the Consent Agenda items.

11. **Consider approval of Minutes of the Regular City Council Meeting held on May 11, 2021**
12. **Consider Resolution 2021-2939 authorizing the Purchase of a Vehicle from Silsbee Ford through the City's Cooperative Purchasing Agreement with the State of Texas Purchasing Cooperative (GoodBuy), and repealing Resolution 2020-2914**

ACTION AGENDA

13. **Take action, if any, on Matters discussed in Closed Session in accordance with the following Sections of the Texas Government Code:**
 - (a) **Section 551.071 – Consultation with City Attorney Concerning Pending or Contemplated Litigation and on any Regular Session or Work Session Agenda Item Requiring Confidential, Attorney/Client Advice Necessitated by the Deliberation or Discussion of Said Item (as needed)**
14. **Conduct a Public Hearing and consider Ordinance 2021-1282 amending Section 12.02.036 of the City of Highland Village Code of Ordinances to Extend the Termination Date of the City's Juvenile Curfew Regulations (1st of two reads)**
15. **Consider Resolution 2021-2940 approving a Negotiated Settlement Agreement between the CoServ Gas Cities and CoServ Gas, Ltd. regarding a Gas Rate Increase**

LATE WORK SESSION

(Items may be discussed during Early Work Session, time permitting)

16. Status Reports on Current Projects and Discussion on Future Agenda Items (A Councilmember may inquire about a subject of which notice has not been given. A statement of specific information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.)
17. Adjournment

I HEREBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE PUBLIC BULLETIN BOARD AT THE MUNICIPAL COMPLEX, 1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS IN ACCORDANCE WITH THE *TEXAS GOVERNMENT CODE, CHAPTER 551*, ON THE 21ST DAY OF MAY 2021 NOT LATER THAN 6:00 P.M.



Angela Miller, City Secretary

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (972) 899-5132 or Fax (972) 317-0237 for additional information.

Removed from posting on the _____ day of _____, 2021 at _____

am / pm by _____.

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 1

MEETING DATE: 05/25/2021

SUBJECT: Receive an Update from Denton County Transportation Authority (DCTA)

PREPARED BY: Paul Stevens, City Manager

COMMENTS

A representative(s) from the Denton County Transportation Authority (DCTA) will be present to provide an update to City Council.

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 2

MEETING DATE: 05/25/2021

**SUBJECT: Receive Results of a Traffic Study and a Presentation
regarding Speed Limits in Residential Areas of Highland
Village**

PREPARED BY: Scott Kriston, Public Works Director

COMMENTS

City staff will provide results of a traffic study and present information regarding speed limits on residential streets in the city.

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 10

MEETING DATE: 05/25/2021

SUBJECT: Mayor and Council Reports on Items of Community Interest

PREPARED BY: Karen McCoy, Executive Assistant

COMMENTS

Pursuant to Texas Government Code Section 551.0415 the City Council may report on the following items: (1) expression of thanks, congratulations or condolences; (2) information about holiday schedules; (3) recognition of individuals; (4) reminders about upcoming City Council events; (5) information about community events; and (6) announcements involving imminent threat to public health and safety.

- Swearing In Ceremony for Officer Natalie Berrios

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 11

MEETING DATE: 05/25/2021

SUBJECT: Consider Approval of Minutes of the Regular City Council Meeting held on May 11, 2021

PREPARED BY: Angela Miller, City Secretary

BACKGROUND:

Minutes are approved by a majority vote of Council at the Council meetings and listed on the Consent Agenda.

IDENTIFIED NEED/S:

Council is encouraged to call the City Secretary's Office prior to the meeting with suggested changes. Upon doing so, staff will make suggested changes and the minutes may be left on the Consent Agenda in order to contribute to a time efficient meeting. If the change is substantial in nature, a copy of the suggested change will be provided to Council for consideration prior to the vote.

OPTIONS & RESULTS:

The City Council should review and consider approval of the minutes. Council's vote and approval of the minutes reflect agreement with the accuracy of the minutes.

PROGRESS TO DATE: (if appropriate)

The City Manager has reviewed the minutes and given approval to include the minutes in this packet.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

N/A

RECOMMENDATION:

To approve the minutes of the Regular City Council Meeting held on May 11, 2021.



**MINUTES OF THE REGULAR MEETING OF THE
HIGHLAND VILLAGE CITY COUNCIL
HELD AT THE HIGHLAND VILLAGE MUNICIPAL COMPLEX
1000 HIGHLAND VILLAGE ROAD
TUESDAY, MAY 11 2021**

EARLY WORK SESSION

Mayor Charlotte J. Wilcox called the meeting to order at 6:00 p.m.

Roll Call

Present:	Charlotte J. Wilcox	Mayor
	Jon Kixmiller	Councilmember
	Michael Lombardo	Mayor Pro Tem
	Barbara Fleming	Deputy Mayor Pro Tem
	Tom Heslep	Councilmember
	Robert A. Fiester	Councilmember
	Daniel Jaworski	Councilmember
Staff Members:	Paul Stevens	City Manager
	Kevin Laughlin	City Attorney
	Ken Heerman	Assistant City Manager
	Angela Miller	City Secretary
	Ingrid Rex	Deputy City Secretary/Records Coordinator
	Mark Stewart	Assistant Police Chief
	Michael Thomson	Fire Chief
	Scott Kriston	Public Works Director
	Phil Lozano	Parks & Recreation Director
	Jana Onstead	Human Resources Director
	Sunny Lindsey	Information Services Director
	Laurie Mullens	Marketing & Communications Director

1. Receive an Update from Denton Central Appraisal District (DCAD)

Chief Appraiser Hope McClure and Deputy Chief Appraiser Don Spencer provided an update, and gave clarification on the following items:

- Explanation of the 2021 preliminary totals provided to staff in relation to the market that would indicate a higher total to be more likely
- What is the process used by DCAD to determine assessed valuation

Mr. Spencer reported an issue was discovered in the 2021 preliminary totals in the State Category Breakdown for the accounts category relating to leased vehicles. The way the information was listed on the accounts in DCAD's previous system was not efficient for

them or for state tax collectors. He reported DCAD has addressed the issue and will now be able to provide a cleaner report that will accurately provide that information, which should be reflected by an increase in the next several weeks in both Market and Taxable Value.

Regarding valuations, Mr. Spencer noted that Highland Village is unique in that single-family makes up approximately 82% of the tax base versus the 60% that is typically seen elsewhere in Denton County. He added that a more generalized, mass appraisal process is used for each subdivision, which is different from an appraisal used by a bank for a refinance. The information used to determine appraised value includes sales data gathered from validated sales information that is provided through the Multiple Listing Service (MLS) and deed transactions. The information is analyzed, with models built to apply to all properties, including metrics such as market price per square foot.

Regarding residential property protests, Ms. McClure stated the Appraisal Review Board (ARB) is made up of a panel of local citizens appointed by a Denton County administrative judge, and is separate from the DCAD. Mr. Spencer reported the sales information and data collected by DCAD is provided to the ARB, along with information provided by property owners during their appeal. Ms. McClure added that property owners can present information/photos specific to their property that could affect the appraisal, such as foundation problems or cracks in walls. DCAD staff is not allowed inside homes, therefore this type of information would be important for property owners to provide to the ARB. All of the information provided by DCAD and a property owner is used by the ARB in making its determination regarding a protest.

Mayor Wilcox asked for clarification regarding the process used when there is a protest relating to a commercial property. Mr. Spencer reported all commercial property taxes are based on income and costs, and on local market data such as rent & expenses, which is a different formula in comparison to a residential property. The only exception would be in a highly specialized situation that would require the use of data outside of the local area for comparison.

2. Discuss Selection of Mayor Pro Tem and Deputy Mayor Pro Tem

Mayor Wilcox reported Mike Lombardo currently serves as Mayor Pro Tem and Barbara Fleming serves as Deputy Mayor Pro Tem, and that both would be agreeable to serving again. She asked members of Council if anyone else was interested in serving. Mayor Wilcox stated this agenda item is for discussion purposes only and that formal action could be taken later during the regular City Council meeting.

Mayor Wilcox moved Agenda Item #4 up on the agenda.

4. Clarification of Consent or Action Items listed on Today's City Council Meeting Agenda for May 11, 2021

Relating to Agenda Item #19, Mayor Wilcox reported the term of current representative Sue Tejml will expire this year and that Ms. Tejml has expressed desire to serve another term. She stated that no one else has expressed an interest in serving. With that, Mayor Wilcox suggested this item be moved to the Consent Agenda during the regular meeting.

3. Continue Discussion of Placement of Cameras at Park Facilities

This item was discussed during Closed Session.

Mayor Wilcox read the agenda items for Closed Session and announced Council would meet in Closed Session.

CLOSED SESSION

Council convened into Closed Session at 6:42 p.m.

5. **Hold a Closed Meeting in accordance with the following Sections of the Texas Government Code:**
 - (a) **Section 551.071 – Consultation with City Attorney Concerning Pending or Contemplated Litigation and on any Regular Session or Work Session Agenda Item Requiring Confidential, Attorney/Client Advice Necessitated by the Deliberation or Discussion of Said Item (as needed)**
 - (b) **Section 551.089 – Deliberation regarding Security Devices or Security Audits**

Council concluded Closed Session at 7:30 p.m. and took a short recess.

OPEN SESSION

6. **Call Meeting to Order**

Mayor Charlotte J. Wilcox called the meeting to order at 7:40 p.m.

Roll Call

Present:	Charlotte J. Wilcox	Mayor
	Jon Kixmiller	Councilmember
	Michael Lombardo	Mayor Pro Tem
	Barbara Fleming	Deputy Mayor Pro Tem
	Tom Heslep	Councilmember
	Robert A. Fiester	Councilmember
	Daniel Jaworski	Councilmember

Staff Members:	Paul Stevens	City Manager
	Kevin Laughlin	City Attorney
	Ken Heerman	Assistant City Manager
	Angela Miller	City Secretary
	Ingrid Rex	Deputy City Secretary/Records Coordinator
	Mark Stewart	Assistant Police Chief
	Michael Thomson	Fire Chief
	Scott Kriston	Public Works Director
	Phil Lozano	Parks & Recreation Director
	Laurie Mullens	Marketing & Communications Director

7. **Prayer led by Mayor Charlotte J. Wilcox**

Mayor Wilcox gave the invocation.

8. **Pledge of Allegiance to the U.S. and Texas flags led by Mayor Charlotte J. Wilcox**

Mayor Wilcox led the Pledge of Allegiance to the U.S. and Texas flags.

9. **Consider Approval of Resolution 2021-2937 canvassing the Results of the May 1, 2021 General Election**

APPROVED (7 – 0)

Mayor Wilcox read Resolution 2021-2937 canvassing the results of the General Election:

City Council, Place 3	Number of Votes Cast
Andrew Crawford	227
Mike Lombardo	1,054
Having received the majority of the votes cast, Mike Lombardo is elected to Place 3.	
City Council, Place 5	Number of Votes Cast
Jason Bates	298
Tom Heslep	968
Having received the majority of the votes cast, Tom Heslep is elected to Place 5.	
City Council, Place 7	Number of Votes Cast
Dan Jaworski	1,073
Having received the majority of the votes cast, Dan Jaworski is elected to Place 7.	

Motion by Deputy Mayor Pro Tem Fleming, seconded by Mayor Wilcox, to approve Resolution 2021-2937 canvassing and declaring the results of the General Election of the City of Highland Village held on May 1, 2021 to elect Councilmembers to Places 3, 5 and 7. Motion carried 7-0.

10. **Administration of Ceremonial Oaths of Office**

Mayor Wilcox announced the ceremonial oaths of office would be administered. Mrs. Marci Lombardo administered the oath of office for Mayor Pro Tem Lombardo; Mrs. Kelly Heslep administered the oath office for Councilmember Heslep; and Mr. Tony Oliver administered the oath of office for Councilmember Dan Jaworski. Mayor Wilcox presented each Councilmember with their Certificate of Election.

11. **Selection of a Mayor Pro Tem and Deputy Mayor Pro Tem**

Motion by Councilmember Jaworski, seconded by Councilmember Heslep, to select Mike Lombardo as Mayor Pro Tem and Barbara Fleming as Deputy Mayor Pro Tem. Motion passed 7-0.

12. **Visitor Comments**

No one wished to speak.

13. City Manager/Staff Reports

- **COVID-19 Update**

Fire Chief Mike Thomson reported the Highland Village Fire Department has a vaccination clinic scheduled for Thursday, May 13. With a saturation of people having received the vaccine, Chief Thomson reported there might soon be a reduction in the large vaccination hubs and a move towards smaller events, or vaccine availability at local retail pharmacies and/or health clinics.

14. Mayor and Council Reports on Items of Community Interest pursuant to Texas Government Code Section 551.0415 the City Council may report on the following items: (1) expression of thanks, congratulations or condolences; (2) information about holiday schedules; (3) recognition of individuals; (4) reminders about upcoming City Council events; (5) information about community events; and (6) announcements involving imminent threat to public health and safety

Mayor Wilcox announced Celebrate Highland Village would be held this year on June 5th at Copperas Branch Park. Parking passes are now available for residents and will be made available to the general public on May 17.

Mayor Pro Tem Lombardo and Councilmember Heslep thanked residents for turning out to vote during the May 1, 2021 General Election.

- **Presentation from Children's Advocacy Center**

Children's Advocacy Center Board Member Joe Booth thanked the Highland Village City Council and Police Department for their support and provided a brief explanation of services the Center provides. Mayor Pro Tem Fleming announced their 2021 Champions for Children Gala will be held on Saturday, November 13th at Texas Motor Speedway and encouraged everyone to attend.

- **Presentation of Proclamation designating Emergency Medical Services Week**

Mayor Wilcox presented Chief Thomson and members of the Highland Village Fire Department with a proclamation designating May 16-22, 2021 as Emergency Medical Services Week in Highland Village.

- **Presentation of Proclamation designating Mental Health Month and Children's Mental Health Awareness Day**

Mayor Wilcox read the proclamation proclaiming May 2021 as Mental Health Month and May 7, 2021 as Children's Mental Health Awareness Day in Highland Village.

CONSENT AGENDA

Mayor Pro Tem Lombardo requested Agenda Item #19 be moved to the Consent Agenda. Mayor Wilcox announced the item would be moved and that Sue Tejml would be nominated as a candidate to the slate of nominees for the Board of Managers of the Denco Area 9-1-1 District.

15. Consider approval of Minutes of the Regular City Council Meeting held on April 27, 2021
16. Receive Investment Report for Quarter Ending March 31, 2021
17. Receive Budget Reports for Period Ending on March 31, 2021
19. Consider Resolution 2021-2938 nominating One Candidate to a Slate of Nominees for the Board of Managers of the Denco Area 911 District

Motion by Deputy Mayor Pro Tem Fleming, seconded by Mayor Pro Tem Lombardo, to approve Consent Agenda Items #15 through #17, and Agenda Item #19. Motion carried 7-0.

ACTION AGENDA

18. Take action, if any, on Matters discussed in Closed Session in accordance with the following Sections of the Texas Government Code:
 - (a) Section 551.071 – Consultation with City Attorney Concerning Pending or Contemplated Litigation and on any Regular Session or Work Session Agenda Item Requiring Confidential, Attorney/Client Advice Necessitated by the Deliberation or Discussion of Said Item (as needed)
 - (b) Section 551.089 – Deliberation regarding Security Devices or Security Audits

No action was taken.

19. Consider Resolution 2021-2938 nominating One Candidate to a Slate of Nominees for the Board of Managers of the Denco Area 911 District

This item was moved to the Consent Agenda.

LATE WORK SESSION

20. Status Reports on Current Projects and Discussion on Future Agenda Items (A Councilmember may inquire about a subject of which notice has not been given. A statement of specific information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.)

City Manager Paul Stevens reported Requests for Proposals for the Comprehensive Plan Update; Parks, Recreation and Open Space Master Plan Update; Trail System Master Plan Update; and FM 407 Trail Corridor and Amenity Plan project were due on Friday, May 14th.

Councilmember Kixmiller asked about the status of the Highland Village Road Sidewalk project. Public Works Director Scott Kriston reported the project would be advertised later this month and awarded in late June 2021.

21. **Adjournment**

Mayor Wilcox adjourned the meeting at 8:14 p.m.

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary

DRAFT

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 12

MEETING DATE: 05/25/2021

SUBJECT: Consider Resolution 2021-2939 Authorizing the Purchase of a F-450 Super Cab Truck from Silsbee Ford through the City's Cooperative Purchasing Agreement with the State of Texas Purchasing Cooperative ("GOODBUY"); Repealing Resolution No. 2020-2914

PREPARED BY: Scott Kriston, Director of Public Works

BACKGROUND:

During the budget process, the Fleet Maintenance division works with each division in evaluating their present vehicle and equipment inventory and need for the upcoming budget year. The City criteria for vehicle replacement is based on vehicle mileage of approximately 100,000 miles, repair history and age of vehicle. Equipment replacement is based on the repair history, age, hours of service and increased needs for each division.

Previous Council action dated October 22, 2020 authorized the purchase of a F-450 truck through Silsbee Ford. After the Council meeting, City staff learned the equipment vendor to whom the purchase was awarded did not include the costs of the accessories to the truck as part of the specification and sale. Staff has received an updated price quote sheet for the needed truck and has determined the proposed vehicle now meets the vehicle specification as submitted. There will be a cost increase as the result of revising the price quote sheet for this purchase. The original budgeted amount was \$90,000, the final quoted price is \$110,749.23, an increase of \$20,749.23.

IDENTIFIED NEED/S:

In this fiscal budget year 2020-2021, under the equipment replacement schedule, staff identified the equipment that satisfies the City's criteria for replacement. Equipment being replaced will no longer be needed for City operations and will be sold in accordance with applicable state law and City policies upon the City Council's determination that such vehicle constitutes surplus property and may be sold.

PROGRESS TO DATE: (if appropriate)

In the process of taking bids as required by state law, City staff found that in working through the State of Texas Purchasing Cooperative ("GOODBUY"), vehicles meeting or exceeding all specifications for the vehicles could be purchased for the best price. All fees are included in the total price.

GOODBUY obtained the needed vehicle through Silsbee Ford.

<u>Division</u>	<u>Quantity</u>	<u>Description</u>	<u>Cost</u>
Utility	1	2021 F-450 Super Cab W/ Valve exerciser attachment	\$110,749.23
Total Utility Purchase Cost			\$110,749.23

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

Approved in FY 2020-2021 Vehicle / Equipment Replacement Budget.

RECOMMENDATION:

To approve Resolution 2021-2939.

CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2021-2939

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AUTHORIZING THE PURCHASE OF A F-450 SUPERCAB TRUCK VEHICLE FROM SILSBEE FORD THROUGH THE CITY'S COOPERATIVE PURCHASING AGREEMENT WITH THE STATE OF TEXAS PURCHASING COOPERATIVE "GOODBUY"; REPEALING RESOLUTION NO. 2020-2914; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to its review of the City's vehicle and equipment in accordance with the City's replacement policies, City Administration has identified the need to replace seven vehicles for the Public Works, Parks and Police Departments; and

WHEREAS, City Administration, while in the process of soliciting bids in accordance with state law, determined that the purchase of the F-450 Truck complies with City specifications can be made for the lowest price from Silsbee Ford through the City's cooperative purchasing agreement with the State of Texas Purchasing Cooperative ("GOODBUY"); and

WHEREAS, following approval of Resolution No. 2020-2914 authorizing the purchase of the above described vehicle from a the vendor, City Administration learned the vendor was unable to sell the specified vehicle to the City as priced due to omitted specified accessories; and

WHEREAS, as the result of the foregoing finding, Resolution No. 2020-2914 should be repealed; and

WHEREAS, upon taking delivery the new vehicle described above, the vehicle being replaced will not be needed for use in City operations and will constitute surplus personal property; and

WHEREAS, the City Council of the City of Highland Village finds it to be in the public interest to authorize the above-described purchase and to authorize the sale of the replaced vehicle.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, THAT:

SECTION 1. The City Manager is hereby authorized to purchase one (1) F-450 Super Cab vehicle from Silsbee Ford through the City's cooperative purchasing agreement with GOODBUY in the amount of \$110,749.23 from funds available in the FY 2020-2021 Utility budget.

SECTION 2. The truck being replaced by the vehicle purchased pursuant to the authority of Section 1, above, shall constitute surplus personal property upon delivery to the City of the new vehicle described above and may be sold in accordance with applicable state law and City policies.

SECTION 3. Resolution No. 2020-2914 is hereby repealed.

SECTION 4. This Resolution shall take effect immediately upon passage.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE,
TEXAS, ON THIS 25TH DAY OF MAY 2021.**

APPROVED:

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(kbl:5/18/21:122562)

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 14

MEETING DATE: 05/25/2021

SUBJECT: Conduct a Public Hearing and Consider Ordinance No. 2021-1282 amending Section 12.02.036 of the Code of Ordinances of the City of Highland Village to Extend the Termination Date of the City's Juvenile Curfew Regulations (First Reading)

PREPARED BY: Doug Reim, Chief of Police

BACKGROUND:

The City of Highland Village first enacted a Juvenile Curfew Ordinance in 1995. The ordinance establishes a juvenile curfew between the hours of 12:00 a.m. and 6:00 a.m. on Friday and Saturday nights, and between 11:00 p.m. and 6:00 a.m. on Sunday through Thursday. The ordinance applies to juveniles 16 years of age and under, and allows for several defenses including being accompanied by a parent or authorized adult, traveling on a direct route to or from a place of employment, entertainment, restaurant, emergency errand, etc.

IDENTIFIED NEED/S:

The Juvenile Curfew Ordinance is an effective tool in protection of minors and the public, preventing juveniles from becoming crime victims, preventing illegal drug and alcohol abuse and discouraging other juvenile criminal activities.

OPTIONS & RESULTS:

Local Government Code 370.002 requires the City Council to review its Juvenile Curfew regulations every three (3) years and conduct a public hearing on the need to continue, modify or abolish the ordinance.

PROGRESS TO DATE: (if appropriate)

City Council last amended the ordinance in June 2018, by extending the expiration date to June 30, 2021.

RECOMMENDATION:

Staff recommends conducting a public hearing and approving the ordinance extending the City's Juvenile Curfew regulations unchanged through June 30, 2024.

CITY OF HIGHLAND VILLAGE, TEXAS

ORDINANCE NO. 2021-1282

AN ORDINANCE OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIGHLAND VILLAGE, CHAPTER 12 "OFFENSES AND NUISANCES" ARTICLE 12.02 "MINORS," DIVISION 2 "CURFEW" BY AMENDING SECTION 12.02.036 "REVIEW OF REGULATIONS" RELATING TO THE EXPIRATION OF SAID DIVISION 2; PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00); PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, because of their peculiar vulnerability and inability to make critical decisions in an informed, mature manner as a result of their lack of experience, perspective and judgment, the City Council has an interest in protecting minors; and

WHEREAS, the City Council has an interest in controlling and preventing nocturnal juvenile mischief and crime; and

WHEREAS, prior to the adoption of the City's first juvenile curfew regulations pursuant to Ordinance No. 95-708, the City of Highland Village had for several years experienced an increase in nocturnal juvenile mischief and crime; and

WHEREAS, there has been and continues to be a noticeable increase in the potential dangers and risks incident to minors being on the streets and in parking lots, whether public or private, at night; and

WHEREAS, the City Council, following public hearings held in accordance with state law, has regularly renewed, extended, and amended the City's juvenile curfew regulations; and

WHEREAS, following a public hearing at which all interested persons were provided an opportunity to comment on the subject matter of this Ordinance, the City Council finds it is reasonable, necessary, and in the best interest of the health, safety, and welfare of the citizens and residents of the City of Highland Village to protect minors as well as minimize juvenile delinquency by extension of the expiration date of the City's juvenile curfew regulations set forth in this ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, THAT:

SECTION 1. The Code of Ordinances of the City of Highland Village, Chapter 12 "Offenses and Nuisances," Article 12.02 "Minors," Division 2 "Curfew," Section 12.02.036 "Review of Regulations" is re-titled "Expiration" and be amended to read as follows:

Sec. 12.02.036 Expiration Unless otherwise extended by the City Council in accordance with Section 370.002 of the Texas Local Government Code, as amended, this division shall expire and be of no effect after June 30, 2024. Notwithstanding the foregoing, an offense committed before the expiration of this division shall be governed by prior law and the provisions of this division in effect

when the offense was committed and the former law is and shall be continued in effect for said purpose.

SECTION 2. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 3. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

SECTION 4. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 5. This ordinance shall take effect on July 1, 2021, after its passage on second reading and publication in accordance with the provisions of the state law and the Charter of the City of Highland Village.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON FIRST READING ON THIS THE 25TH DAY OF MAY 2021.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON SECOND READING ON THIS THE ____ DAY OF JUNE 2021.

APPROVED:

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney
(kbl:4/22/21:122030)

CITY OF HIGHLAND VILLAGE

COUNCIL BRIEFING

AGENDA# 15

MEETING DATE: 05/25/2021

SUBJECT: Consider Resolution No. 2021-2940 Approving a Negotiated Settlement between a Coalition of Cities Served by CoServ Gas and CoServ Gas, LTD

PREPARED BY: Ken Heerman, Assistant City Manager

BACKGROUND:

On or about November 13, 2020, CoServ Gas, Ltd. ("CoServ" or "Company") filed to increase rates in all cities with exclusive original jurisdiction over the rates, operations, and services within its service area. In its application, CoServ sought to increase base rates by 11.8% for its entire service area.

The City, pursuant to § 104.102 of the Gas Utility Regulatory Act ("GURA"), has exclusive original jurisdiction over the gas rates charged by the Company. Although, CoServ proposed an original effective date of January 23, 2021, the Company agreed to extend the proposed effective date to March 14, 2021, with a statutory deadline of August 10, 2021. The City suspended the effective date for 90 days, giving the City until June 12, 2021 to evaluate the application and take final action. The City joined with the other cities (collectively the "CoServ Gas Cities") to conduct a review of the Company's application by hiring and directing legal counsel and consultants to prepare a common response and negotiate with the Company. In Highland Village, homes in the Rolling Hills and Highland Oaks subdivisions are served by CoServ Gas, representing just under 200 homes. Also served by CoServ Gas are the Shops at Highland Village and Marketplace shopping centers.

IDENTIFIED NEED/S:

On or about May 14, 2021, a Settlement Agreement was reached between the CoServ Gas Cities and the Company. The Settlement Agreement reduces the Company's requested rate increase of \$11.5 million down to \$6.25 million, representing a 45.6% reduction to the Company's request. Additionally, the Settlement Agreement provides for a 9.5% return on equity rather than the Company's requested 11.5% return on equity. Finally, the Settlement Agreement provides for a customer charge of \$15, compared to the Company's original \$18.50 request. The commercial and public authority customer charge will be \$35, versus the Company's original \$43.50 request. The Company has agreed to 100% recovery of City's rate case expenses.

OPTIONS & RESULTS:

The purpose of the resolution is to approve the Settlement Agreement and direct the Company to implement the rates in the Settlement Agreement. Additionally, pursuant to GURA § 103.022, cities are entitled to reimbursement of the expenses associated with the

rate case to the extent the expenses are reasonable.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

N/A

RECOMMENDATION:

City staff recommends adoption of Resolution 2021-2940 as presented.

CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2021-2940

A RESOLUTION OF THE CITY OF COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, FINDING THAT THE SETTLEMENT AGREEMENT BETWEEN THE CITY AND COSERV GAS, LTD. IS REASONABLE; ORDERING COSERV GAS, LTD. TO IMPLEMENT THE RATES AGREED TO IN THE SETTLEMENT AGREEMENT; REQUIRING REIMBURSEMENT OF CITIES' RATE CASE EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on or about November 13, 2020, CoServ Gas, Ltd. ("CoServ" or "Company"), pursuant to Gas Utility Regulatory Act ("GURA") § 104.102 filed a Statement of Intent to Increase Rates with the Railroad Commission of Texas (the "Commission") within the unincorporated areas it serves in the State of Texas and filed with the City of Highland Village ("City") a Statement of Intent to change gas rates in all municipalities exercising original jurisdiction within the Company's service area, effective January 23, 2021; and

WHEREAS, the Commission docketed Company's rate request as Docket No. OS-20-00005136; and

WHEREAS, Company agreed to extend the proposed effective date to March 14, 2021; and

WHEREAS, City has exclusive original jurisdiction over the rates, operations, and services of a gas utility within the municipality, pursuant to GURA § 103.001; and

WHEREAS, GURA § 103.021 grants a municipality authority to require a utility to submit information as necessary to make a reasonable determination of rate base, expenses, investment, and rate of return in the municipality; and

WHEREAS, City suspended the effective date of the proposed rate change for ninety (90) days pursuant to GURA § 104.107; and

WHEREAS, City joined with other similarly situated cities, the Steering Committee of Cities Served by CoServ Gas, Ltd. ("CoServ Gas Cities"), to conduct a review of Company's application by hiring and directing legal counsel and consultants to prepare a common response and to negotiate with Company and direct any necessary litigation; and

WHEREAS, on or about May 14, 2021, the CoServ Gas Cities reached a Settlement Agreement resolving all issues relating to Company's Statement of Intent to Increase Rates; and

WHEREAS, the CoServ Gas Cities' members and attorneys recommend that City approve this settlement agreement setting rates; and

WHEREAS, GURA § 103.022 provides that reasonable costs incurred by cities in ratemaking activities are to be reimbursed by the regulated utility.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, THAT:

SECTION 1. City approves the Settlement Agreement reached between the CoServ Gas Cities and Company in the Commission's Docket No. OS-20-00005136 and directs Company to implement the rates indicated in the Settlement Agreement.

SECTION 2. City's reasonable rate case expenses shall be reimbursed by Company.

SECTION 3. It is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

SECTION 4. A copy of this Resolution shall be sent to CoServ, care of Charles Harrell, CoServ Gas, Ltd. 7701 South Stemmons Freeway, Corinth, Texas 76210 (CHarrell@coserv.com), and to Thomas Brocato at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701 (tbrocato@lglawfirm.com).

SECTION 4. This Resolution shall take effect immediately upon passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON THIS 25TH DAY OF MAY 2021.

APPROVED:

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney
(kbl:5/19/21:122562)

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 16

MEETING DATE: 05/25/2021

**SUBJECT: Status Reports on Current Projects and Discussion on Future
Agenda Items**

PREPARED BY: Karen McCoy, Executive Assistant

COMMENTS

This item is on the agenda to allow a Councilmember to inquire about a subject of which notice has not been given. A statement of specific information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.



UPCOMING MEETINGS

May 25, 2021	Regular City Council Meeting - 7:00 pm
May 31, 2021	City Offices Closed for the Memorial Day Holiday
June 3, 2021	Zoning Board of Adjustment Meeting - 6:00 pm
June 8, 2021	Regular City Council Meeting - 7:00 pm
June 15, 2021	Planning & Zoning Commission Meeting – 7:00 pm
June 21, 2021	Parks & Recreation Advisory Board Meeting – 6:00 pm
June 22, 2021	Regular City Council Meeting - 7:00 pm
July 1, 2021	Zoning Board of Adjustment Meeting - 6:00 pm
July 5, 2021	City Offices Closed for the Independence Day Holiday
July 13, 2021	Regular City Council Meeting - 7:00 pm
July 19, 2021	Planning & Zoning Commission Meeting – 7:00 pm
July 20, 2021	Parks & Recreation Advisory Board Meeting – 6:00 pm
July 27, 2021	Regular City Council Meeting - 7:00 pm
August 5, 2021	Zoning Board of Adjustment Meeting - 6:00 pm
August 10, 2021	Regular City Council Meeting - 7:00 pm

Note – The Zoning Board of Adjustment, Parks & Recreation Advisory Board, and the Planning & Zoning Commission meetings are held monthly, IF NEEDED. Please visit www.highlandvillage.org or the City Hall bulletin board for the latest meeting additions and updates.

By: Karen McCoy, Executive Assistant – City of Highland Village