



**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, AUGUST 23, 2022 at 6:00 P.M.**

**EARLY WORK SESSION**  
**Training Room – 6:00 P.M.**

**Convene Meeting in Open Session**

1. Discuss Special Revenue Funds and Follow Up Discussion on the General Fund Budget for Fiscal Year 2022-2023
2. Receive an Update on the Use of Golf Carts, Neighborhood Electric Vehicles (NEV), and Slow-Moving Vehicles (SMV) in Highland Village and Review Ordinance 2018-1243
3. Receive an Update on Board and Commission Appointments
4. Clarification of Consent or Action Items listed on Today's City Council Meeting Agenda for August 23, 2022

(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**  
**Training Room**

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 551.974 – Personnel – Deliberate the Employment and Evaluation of the Highland Village Alternate Municipal Court Judge

**OPEN SESSION**  
**City Council Chambers – 7:30 P.M.**

6. Call Meeting to Order
7. Prayer led by Mayor Daniel Jaworski

8. **Pledge of Allegiance to the U.S. and Texas flags led by Mayor Daniel Jaworski:**  
*“Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.”*
9. **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.)*
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**
11. **City Manager/Staff Reports**
  - **The Village Report**

*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.**

12. **Consider approval of Minutes of the Regular City Council Meeting held on August 9, 2022**
13. **Consider Ordinance 2022-1295 adopting Amendments to the Fiscal Year 2021-2022 Budget (2<sup>nd</sup> and final read)**
14. **Consider Resolution 2022-3012 Awarding and Authorizing a Contract with Garrett Shields Infrastructure, LLC for the Parking Lot Improvements at Lions Club Park and Sellmeyer Tennis Courts, and Doubletree Ranch Park Food Truck Pad Project**
15. **Consider Resolution 2022-3010 appointing an Alternate Judge to the City of Highland Village Municipal Court of Record and authorizing an Employment Agreement**

**ACTION AGENDA**

16. 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 551.974 – Personnel – Deliberate the Employment and Evaluation of the Highland Village Alternate Municipal Court Judge
17. Consider Resolution 2022-3011 approving a Negotiated Settlement Agreement between the Atmos Cities Steering Committee (ACSC) and Atmos Energy Corporation, Mid-Tex Division, regarding the 2022 Rate Review Mechanism Fillings

**LATE WORK SESSION**

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

18. 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.)
19. 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 19<sup>TH</sup> DAY OF AUGUST 2022 NOT LATER THAN 5:00 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 \_\_\_\_\_, 2022 at \_\_\_\_\_

am / pm by \_\_\_\_\_.

**CITY OF HIGHLAND VILLAGE**  
**COUNCIL BRIEFING**

**AGENDA# 1**

**MEETING DATE: 08/23/2022**

**SUBJECT: Discuss Special Revenue Funds and Follow Up Discussion on  
the General Fund Budget for Fiscal Year 2022-2023**

**PREPARED BY: Ken Heerman, Assistant City Manager**

**COMMENTS**

City staff will present information on the Special Revenue Funds and will follow up on the General Fund Budget for Fiscal Year 2022-2023.

**CITY OF HIGHLAND VILLAGE**  
**COUNCIL BRIEFING**

**AGENDA# 2**

**MEETING DATE: 08/23/2022**

**SUBJECT: Receive an Update on the use of Golf Carts, Neighborhood Electric Vehicles, and Slow-Moving Vehicles in Highland Village and Review Ordinance 2018-1243**

**PREPARED BY: Doug Reim, Chief of Police**

**COMMENTS**

In February 2018, City Council approved Ordinance 2018-1243 to provide for the regulation of golf carts, neighborhood electric vehicles and slow-moving vehicles operating on public streets within the city. City Council has requested an update and review of the current ordinance. City staff will present data and an update from 2018 to present.

**CITY OF HIGHLAND VILLAGE, TEXAS**

**ORDINANCE NO. 2018-1243**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIGHLAND VILLAGE, CHAPTER 20 "TRANSPORTATION AND TRAFFIC," BY ADDING ARTICLE 20.09 "GOLF CARTS, NEIGHBORHOOD ELECTRIC VEHICLES AND SLOW-MOVING VEHICLES"; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED \$500.00 PER OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council finds it to be necessary for the protection of public safety to prohibit the operation of golf carts, neighborhood electric vehicles, and slow-moving vehicles on public streets within the City in the absence of regulations that promote the safe use and operation of such vehicles on public streets; and

**WHEREAS**, the City Council of the City of Highland Village, Texas, finds it to be in the public interest to amend the Code of Ordinances to provide for the regulation of golf carts, neighborhood electric vehicles, and slow-moving vehicles operating on public streets within the City;

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

**SECTION 1.** The City of Highland Village Code of Ordinances Chapter 20 "Transportation and Traffic" is amended by adding Article 20.09 titled Golf Carts, Neighborhood Electric Vehicles and Slow-Moving Vehicles" to read as follows:

**ARTICLE 20.09 GOLF CARTS, NEIGHBORHOOD ELECTRIC VEHICLES  
AND SLOW-MOVING VEHICLES**

**Sec. 20.09.001 Definitions**

When used in this article, the following words and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Driver* means the person driving and having physical control over a golf cart, SMV and/or NEV.

*Driver's License* means an authorization issued by a State for the operation of a motor vehicle.

*Golf Cart* means a motor vehicle designed by the manufacturer primarily for use on a golf course.

*Gross vehicle weight rating* or *GVWR* means the value specified by the manufacturer as the loaded weight of a single vehicle.

*Motor Carrier* means an individual, association, corporation, or other legal entity that controls, operates, or directs the operation of one or more vehicles that transport persons or cargo over a road or highway in the State of Texas.

*Neighborhood Electric Vehicle* or *NEV* shall have the same meaning as set forth in Texas Transportation Code 551.301.

*Owner* means the person holding title to the golf cart, NEV or SMV.

*Package Delivery Vehicle* means a vehicle described in Texas Transportation Code sec. 551.452(a) to which is affixed a license plate issued by the Texas Department of Motor Vehicles that includes the words "Package Delivery."

*Parking Area* means those areas accessible to the public by motor vehicular traffic and which are designated for temporary parking of motor vehicles, usually in places referred to as parking lots.

*Permit* means a certificate/decal of authorization issued to the applicant/owner by the City's Police Department authorizing the operation of the golf cart, NEV or SMV for which the permit was issued. The decal will display the month and year of expiration.

*Permit Holder* means the person to whom a golf cart, NEV, or SMV permit has been issued.

*Public Safety Personnel* means any employee or officer of a governmental law enforcement agency or the Highland Village Fire Department, or people serving as volunteers with the Highland Village Police Department Auxiliary.

*Public way* or *public property* means real property owned, leased or controlled by a political subdivision of the state, a governmental entity or agency, or similar entity, or any property that is publicly owned or maintained or dedicated to public use, including but not limited to a path, trail, sidewalk, alley, street or highway, and a public park facility.

*Public Street* means a publicly-owned or dedicated road, street, drive, alley or other right-of-way for the use of vehicles within the City's corporate boundaries.

*Sidewalk* means the portion of a street that is between a curb or lateral line of a roadway and the adjacent property line and intended for pedestrian use.

*Slow-moving vehicle* or *SMV* means a motor vehicle designed to operate at a maximum speed of 25 miles per hour or less, not including an electric personal assistive mobility device, as defined by Texas Transportation. Code Section 551.201.

*Slow-Moving Vehicle Emblem* means a triangular emblem that conforms to standards and specifications adopted by the Director of the Texas Department of Transportation under Section 547.104 of the Texas Transportation Code and is displayed in accordance with Section 547.703 of the Texas Transportation Code.

*Texas Transportation Code* means the code as it currently exists or may be amended.

### **Sec. 20.09.002 Golf Carts, NEV's, and SMV's Permitted and Restricted**

No person, other than Public Safety Personnel, may operate a golf cart, NEV, or SMV on a public street and/or public parking area unless the person first obtains a permit in accordance with this Article and complies with the following:

- (a) The maximum speed limit on the public street on which the golf cart, NEV, or SMV is operated is thirty (30) miles per hour or less;
- (b) The person has been issued and possesses a valid driver's license;
- (c) The person maintains current financial responsibility relating to operation of the golf cart, NEV, or SMV as required for the operation of passenger vehicles in accordance with Section 601.051 of the Texas Transportation Code or other liability insurance relating to operation of a golf cart, NEV, or SMV that provides substantially the same coverage and with limits not less than those required by Section 601.051 of the Texas Transportation Code;
- (d) The person complies with all applicable federal, state and local laws and ordinances applicable to the operating and equipping a golf cart, NEV, and/or SMV;
- (e) If operating a golf cart or an SMV that is not an NEV, the golf cart or SMV being operated by the person has the following equipment, which must continuously remain in good working and operational order:
  - (1) Two (2) headlamps;
  - (2) Two (2) tail lamps;
  - (3) Except as provided in subsection (j) of this section, turn signals visible from both the front and the rear of the vehicle;
  - (4) Side reflectors (two (2) front, amber in color and two (2) rear, red in color);
  - (5) Parking brake;
  - (6) Rearview mirror(s) capable of a clear, unobstructed view of at least two hundred feet (200') to the rear;
  - (7) Slow-moving vehicle emblem located on the rear of the vehicle; and
  - (8) Seat belts in numbers equal to the number of passengers for which the vehicle is rated by the vehicle's manufacturer; and

- (9) If an SMV, such other equipment as may be required under applicable provisions of Federal or State law;
- (f) If operating an NEV, the NEV is equipped as required by Texas Transportation Code 551.301;
- (g) The golf cart, NEV, or SMV being operated otherwise complies with all applicable State and Federal Motor Vehicle Safety Standards, as they exist or may be amended;
- (h) The golf cart, NEV, or SMV is being operated on a public street only between the hours of 6:00 a.m. and 9:00 p.m.; and
- (i) While the golf cart, NEV, or SMV is in motion, the driver and every passenger is seated, with a seatbelt dedicated and designed to hold passengers. No person may stand or ride in the lap of the driver and/or another passenger of a golf cart, NEV or SMV while it is being operated on a public street.
- (j) An SMV used solely by individuals or companies in association with the provision landscaping or irrigation services for street medians landscape beds, open spaces, private and/or public parks or common areas owned and/or maintained by a property owners' association, homeowners' association, or the City shall not be required to be equipped with turn signals; provided, however, the driver of an SMV that is exempt from being equipped with turn signals pursuant to this subsection (j) violates this section if the driver fails to use hand signals to indicate a turn or a stop when operating said SMV on a public street.

**Sec. 20.09.003 Additional Operational Regulations for all Golf Carts and NEV's**

- (a) Except for Public Safety Personnel or as provided by other ordinances, no person shall operate a golf cart, NEV, or SMV on or within any public park, public sidewalk, public pedestrian walkway, public jogging path, public park trail or any other location on publicly-owned or controlled property normally used for pedestrian traffic;
- (b) The driver shall move the golf cart, NEV, or SMV to the right of the public street and yield the right-of-way to faster-moving vehicles;
- (c) The driver shall not overtake and pass in the same lane occupied by the vehicle being overtaken;
- (d) No driver shall operate a golf cart, NEV, or SMV between lanes of traffic or between adjacent lines or rows of vehicles;
- (e) A driver operating a golf cart, NEV, or SMV on a public street shall cross a multi-lane federal, county or state route only at an intersection controlled by an official traffic control device which stops traffic from all directions.
- (f) No driver shall operate a golf cart, NEV, or SMV if the number of occupants in the golf cart, NEV, or SMV, including the driver, exceeds the number

of seatbelts installed and provided on the golf cart, NEV, or SMV.

(g) The driver and all passengers in a golf cart, NEV, or SMV must be wearing a seat belt while the golf cart, NEV, or SMV is in motion.

(h) Golf carts, NEV's, and SMV's may not be used for the purpose of towing another golf cart, trailer or vehicle of any kind including, without limitation, a person on roller skates, skateboard or bicycle.

#### **Sec. 20.09.004 Liability**

(a) Nothing in this Article shall be construed as an assumption of liability by the City for any injuries (including death) to persons, pets or property which may result from the operation of a golf cart, NEV, or SMV by an authorized driver.

(b) An owner is liable for the intentional or negligent actions of any person to whom the owner grants permission to operate the owner's golf cart, NEV, or SMV whether such operation occurs on private property and/or any authorized public street or public parking area, and includes, but is not limited to liability for personal injuries (including death) or property damage resulting from the acts of a person under the age of twenty-one (21) who operates the owner's golf cart, NEV, or SMV whether or not possessing a current and valid driver's license.

#### **Sec. 20.09.005 Permit required**

(a) No person shall operate, cause to be operated or allow the operation of a golf cart, NEV, SMV on any authorized public street or public parking area unless a valid permit has been issued for the golf cart, NEV, or SMV pursuant to this Section 20.09.005. It shall be a defense to a violation of this Section 20.09.005 that operation is otherwise allowed by federal or state law or other city ordinance exempting such operation from the regulations of this Article 20.09.

(b) Application for a permit authorizing the operation of a golf cart, NEV, or SMV shall be made by a person who owns, leases or otherwise uses the golf cart, NEV, or SMV for which the permit is sought. Such application shall be made in writing to the City's Police Department on a form designated for that purpose. An application for a permit required by this section shall contain at least the following:

- (1) The name, address, telephone number and Texas driver's license number of the owner of the golf cart, NEV, or SMV for which the permit is requested;
- (2) The street address where the golf cart, NEV, or SMV is kept, including the particular suite or apartment number, if applicable;
- (3) The name of the residents residing at and/or business name used for the premises where the golf cart, NEV, or SMV is kept, if applicable;
- (4) The year, make, model, color, vehicle identification number and/or serial number of the golf cart, NEV, or SMV;

(5) Whether the golf cart, NEV, or SMV is powered by an electric or gasoline engine;

(6) A copy of an insurance declaration showing liability insurance has been obtained with respect to the golf cart, NEV, or SMV as required by Sec. 20.09.002(c); and

(7) An affidavit whereby the applicant under oath swears and affirms that the golf cart or NEV for which the permit is sought is fully equipped as required by Sec. 20.09.002.

(c) The permit shall be permanently affixed on the left side of the golf cart in such a manner that it is clearly visible from fifty feet (50'). The permit must not be damaged, altered, obstructed or otherwise made illegible. The permit holder shall apply for a replacement permit and pay all applicable cost associated with the issuance and inspection of the golf cart.

(d) The permit shall only be placed upon the golf cart, NEV, or SMV for which it was issued.

(e) A permit issued to the owner of a golf cart, NEV, or SMV shall become invalid if the golf cart, NEV, or SMV is altered in a manner that fails to comply with any requirement of this article.

(f) Permits are valid for a period of (2) two years from the date issued.

(g) No permit shall be issued pursuant to this Section 20.09.005 until the applicant has paid the permit fee established by resolution of the City Council and made a part of the City's Fee Schedule. No fee shall be required to obtain a permit pursuant this Section 20.09.005 until the City Council has adopted a resolution adopting such fee.

(h) Not later than ten (10) days after:

(1) An owner transfers title to the golf cart, NEV, or SMV to another owner; or

(2) The address of the normal storage location for the golf cart, NEV, or SMV has changed.

The permit holder shall notify the City in writing of the changes in ownership or storage location submitted on a form designated by the City's Police Department.

(i) Lost or stolen permits are the responsibility of the owner. A police report must be filed in the event of a lost or stolen permit. If no record can be found of a previous application for a permit, or the receipt of a permit, the Chief of Police may direct the applicant to reapply, and also resubmit any and all fees necessary before a replacement permit is issued.

(j) Any person who operates a golf cart, NEV, or SMV and fails to receive and properly display a permit required by and issued in accordance with this section will be subject to all applicable state laws, in addition to being in violation of this Article.

(k) A permit may be revoked at any time by the Chief of Police, or his designee, if there is any evidence that the permit holder:

- (1) cannot safely operate, a permitted golf cart, NEV, or SMV, on any authorized public street or public parking area in compliance with this Article;
- (2) has failed to operate a permitted golf cart, NEV, or SMV, on any authorized public street or parking area in compliance with this Article; or
- (3) has authorized a person who has failed to operate a permitted golf cart, NEV, or SMV, on any authorized public street or parking area in compliance with this Article.

(l) A person commits an offense when making a false statement in the application for a permit under this section, including, but not limited to, any factual statement regarding the condition of the golf cart, NEV, or SMV for which a permit is sought and the manner in which such golf cart, NEV, or SMV is equipped.

#### **Sec. 20.09.006 License to be Carried and Exhibited on Demand**

(a) A driver shall:

- (1) have in the driver's possession while operating a golf cart, NEV, or SMV on a public street, the driver's license issued to the driver pursuant to Chapter 521 of the Texas Transportation Code; and
- (2) display the license on the demand of a magistrate, court officer, or peace officer.

(b) A peace officer may stop and detain a person while operating a golf cart, NEV, or SMV on a public street to determine if the person has a driver's license as required by this section.

(c) A person who violates this section commits an offense.

(d) It is a defense to prosecution under this section if the person charged produces in court a driver's license:

- (1) issued to that person; and
- (2) valid at the time of the offense.

(e) The court may assess a defendant an administrative fee not to exceed

\$10 if a charge under this section is dismissed because of the defense listed under Subsection (d) of this section.

#### **Sec. 20.09.007 Evidence of Financial Responsibility**

(a) As a condition of operating a golf cart, NEV, or SMV to which this article applies, the driver of the golf cart, NEV, or SMV on request shall provide to a peace officer, as defined by Article 2.12, Code of Criminal Procedure, or a person involved in an accident with the operator evidence of financial responsibility by exhibiting proof that the driver has obtained the insurance required by Section 20.09.002(c).

(b) Except as provided by Subsection (c), an operator who does not exhibit evidence of financial responsibility under Subsection (a) is presumed to have operated the vehicle in violation of Section 20.09.002.

(c) It is a defense to prosecution under this section if the person charged produces in court proof of the required insurance:

- (1) issued to that person; and
- (2) was in effect at the time of the offense.

(d) The court may assess a defendant an administrative fee not to exceed \$10 if a charge under this section is dismissed because of the defense listed under Subsection (c) of this section.

#### **Sec. 20.09.008 Public Safety Personnel**

Public Safety Personnel may operate a golf cart, NEV, or SMV on any public street or public parking area without restriction when the golf cart, NEV, or SMV is used in the performance of the person's official Public Safety Personnel duties.

#### **Sec. 20.09.009 Exception: Parades**

This Article shall not apply to a golf cart, NEV, or SMV that is operated on an approved parade route and participating in a parade conducted within the City pursuant to which a permit has been issued in accordance with Art. 14.04, Division 6 of this Code of Ordinances.

#### **Sec. 20.09.010 Exception: Package Delivery Vehicles**

(a) Except as provided in subsection (b), this Article shall not apply to the operation of Package Delivery Vehicles on public streets.

(b) A motor carrier may operate a Package Delivery Vehicle for the purpose of picking up or delivering mail, parcels, or packages on all or part of a public highway or public street that:

- (1) is in the corporate boundaries of the City; and

(2) has a speed limit of not more than 35 miles per hour.

**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.

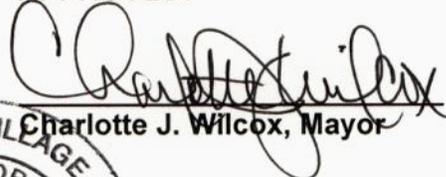
**SECTION 4.** Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 5.** This ordinance shall take effect upon its passage on Second Reading and publication of the caption in accordance with the provisions of the Charter of the City of Highland Village, and it is accordingly so ordained.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON FIRST READING ON THIS THE 13<sup>TH</sup> DAY OF FEBRUARY, 2018.**

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON SECOND READING ON THIS THE 27<sup>TH</sup> DAY OF FEBRUARY, 2018.**

APPROVED:

  
Charlotte J. Wilcox, Mayor

ATTEST:

  
Angela Miller, City Secretary



APPROVED AS TO FORM AND LEGALITY:

  
Kevin B. Laughlin, City Attorney  
(kbl:2/8/18:94632)

**CITY OF HIGHLAND VILLAGE**  
**COUNCIL BRIEFING**

**AGENDA# 3**

**MEETING DATE: 8/23/2022**

**SUBJECT: Provide an Update on Annual Appointments to the City's Boards and Commissions**

**PREPARED BY: Angela Miller, City Secretary  
Ingrid Rex, Deputy City Secretary/Records Coordinator**

**COMMENTS**

City ordinance states that each September, Council shall review applications and make appointments to the City's boards and commissions. All appointments are for terms of two years, unless an individual is appointed to fill an unexpired term that exists due to a vacancy. A "term year" shall be from October 1 until the following September 30, with terms expiring on the second year.

Citizens appointed by Council are only allowed to serve four (4) consecutive terms, with the exception of the Board of Directors for the Highland Village Community Development Corporation (4B) whose Articles of Incorporation states that no member shall serve more than three (3) consecutive terms. None of the currently serving board/commission members have reached their term limit.

Currently serving board/commission members with terms expiring this year were contacted by City staff and given the opportunity to notify the City Secretary's Office if they were interested in being considered for reappointment to the same board, appointment to a different board, or if they no longer wished to serve on a board. In addition, a call for volunteers was advertised in the June, July and August utility bill inserts, the Summer edition of the Village Newsletter, the City's Facebook Page, HVTV News, and on the City's website. Citizens interested in volunteering their time by serving on a board or commission have submitted an application to the City Secretary's Office for consideration by Council.

**There are sixteen (16) positions with terms that expire on September 30, 2022.**

Following (in Table 1) is a list of all positions and current members of each board and commission. The highlighted positions have terms expiring in September this year.

**TABLE 1**

<i>Board Member</i>	<i>Board Choice</i>	<i>Place</i>	<i>Original Appoint. Date</i>	<i>Term Expires</i>
<b>BOARD OF ETHICS</b>				
Joseph Kaye, Jr.	Different Board	N/A	10-2020	09-2022
Jordan Wootten	Same Board	N/A	10-2020	09-2022
Kevin McMahan	---	N/A	09-2017	09-2023
Peter Casey	---	N/A	03-2022	09-2023
Benjamin Somero	---	N/A	09-2017	09-2023
<b>HV COMMUNITY DEVELOPMENT CORPORATION (4B)</b>				
Dan Jaworski	Same Board	Council Rep	10-2020	09-2022
Jared Christianson	Same Board	Citizen Rep	10-2020	09-2022
Elisabeth Mechem	Different Board	Citizen Rep	09-2018	09-2022
Jon Kixmiller	---	Council Rep	07-2022	09-2023
Mike Lombardo	---	Council Rep	06-2018	09-2023
Tom Heslep	---	Council Rep	05-2019	09-2023
<b>PARKS AND RECREATION ADVISORY BOARD</b>				
William Irwin	Same Board	Place 1	10-2016	09-2022
Janet Gershenfeld	Same Board	Place 2	02-2018	09-2022
Mitch O'Brey	Same Board	Place 3	10-2020	09-2022
Kevan Fenderson	---	Place 4	09-2018	09-2023
Kenneth Koonsman	---	Place 5	09-2017	09-2023
Kathy Wells	---	Alternate Place 1	10-2021	09-2023
Hogan Heathington	Same Board	Alternate Place 2	03-2022	09-2022
<b>PLANNING AND ZONING COMMISSION</b>				
Jared Christianson	---	Place 1	10-2020	09-2023
Dale Butler	Same Board	Place 2	12-2019	09-2022
Guy Skinner	Same Board	Place 3	10-2019	09-2022
Denver Kemery	---	Place 4	09-2018	09-2023
Michael George	---	Place 5	10-2020	09-2023
Brent Myers	---	Alternate Place 1	10-2021	09-2023
Cindy Richter	Same Board	Alternate Place 2	10-2021	09-2022
<b>ZONING BOARD OF ADJUSTMENT</b>				
Kelli Green	---	Place 1	12-2021	09-2023
Jeremy Booker	---	Place 2	10-2019	09-2023
David Smith	---	Place 3	10-2016	09-2023
Jerry Jones	Different Board	Place 4	10-2019	09-2022
VACANT	---	Place 5		09-2022
Kevin Pearson	---	Alternate Place 1	10-2021	09-2023
Russell Jackson	Same Board	Alternate Place 2	10-2021	09-2022
Lou Ann Surratt	Same Board	Alternate Place 3	12-2021	09-2022

To date, a total of twenty-eight (28) applications have been received, which includes the currently serving members who wish to be considered for reappointment:

- Thirteen (13) new applications have been received
- Fifteen (15) applications have been received from currently serving members whose term expires this year that wish to be considered for reappointment:
  - Twelve (12) members would like to be considered for reappointment to their respective board/commission, with four (4) of those members also available for a different board, if needed.
  - Three (3) members would like to be considered for appointment to a different board or commission

There is one (1) vacancy on the Zoning Board of Adjustment. The vacating member has moved and is no longer a Highland Village resident.

For reference, a listing of all new applicants and currently serving board and commission members, with their preferred board of choice, is provided with this briefing. Table 2 lists the fifteen (15) currently serving members who have applied for reappointment. Table 3 lists the thirteen (13) new applicants.

During Early Work Session, Council will receive an update from staff as well as copies of all applications filed for their review and consideration. To provide an opportunity to meet face to face and to facilitate any questions, Council has hosted a “Meet and Greet” with the applicants in past years. Staff proposes September 13, 2022 for a “Meet and Greet” so that Council can make annual appointments at their September 27, 2022 meeting.

No action is required at this time. Staff is providing this information as an update for Council.

<b>TABLE 2 BOARD AND COMMISSION CURRENT MEMBER PREFERENCES</b>							
	<b>Current Service</b>	<b>Interest in Appointment</b>	<b>Ethics Board</b>	<b>HVCDC</b>	<b>Parks Board</b>	<b>P &amp; Z</b>	<b>ZBA</b>
<b>ETHICS BOARD</b>							
Joseph Kaye, Jr.	Ethics Board	Different Board	5	4	3	1	2
Jordan Wootten	Ethics Board	Same Board	1				
<b>HVCDC (4B)</b>							
Dan Jaworski	Council Rep.	Same Board		1			
Jared Christianson	Citizen Rep.	Same Board		1			
Elisabeth Mechem	Citizen Rep.	Different Board	4		3	1	2
<b>PARKS &amp; RECREATION ADVISORY BOARD</b>							
William Irwin	Place 1	Same Board			1		
Janet Gershenfeld	Place 2	Same Board			1	2	
Mitch O'Brey	Place 3	Same Board			1		
Hogan Heathington	Alt. Place 2	Same Board	4	5	1	2	3
<b>PLANNING &amp; ZONING COMMISSION</b>							
Dale Butler	Place 2	Same Board				1	
Guy Skinner	Place 3	Same Board				1	
Cindy Richter	Alt. Place 2	Same Board	4	3	2	1	5
<b>ZONING BOARD of ADJUSTMENT</b>							
Jerry Jones	Place 4	Different Board	4	5	3	1	2
VACANT	Place 5						
Russell Jackson	Alt. Place 2	Same Board				2	1
Lou Ann Surratt	Alt. Place 3	Same Board					1

<b>TABLE 3 BOARD AND COMMISSION NEW APPLICANT PREFERENCES</b>					
<b>Applicant Name</b>	<b>Ethics Board</b>	<b>HVCDC</b>	<b>Parks Board</b>	<b>P &amp; Z</b>	<b>ZBA</b>
BALLARD, Adam		1		2	3
BUSCH, Fred	5	4	2	1	3
CRENSHAW, Gregory		3	1	2	
FERRARO, Dominick	3		2	1	
FINCH, Patrick	4	1	2	3	5
GREEN, Kenneth		1	3	2	
GUMP, Tyler		2	1	3	
KOHN, Greg		2	3	1	
PIGOTT, Megan	1	2	3	4	5
RAZAVI, Babak		3		1	2
ROBERTS, Collin			2	3	1
SOLOW, Mark		2	1		
WINKLE, Steve		3		1	2

**CITY OF HIGHLAND VILLAGE**  
**COUNCIL BRIEFING**

**AGENDA# 10**

**MEETING DATE: 08/23/2022**

**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.

**CITY OF HIGHLAND VILLAGE**  
**COUNCIL BRIEFING**

**AGENDA# 12**

**MEETING DATE: 08/23/2022**

**SUBJECT: Consider Approval of Minutes of the Regular City Council Meeting held on August 9, 2022**

**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 August 9, 2022.



**MINUTES OF THE REGULAR MEETING  
HIGHLAND VILLAGE CITY COUNCIL  
HIGHLAND VILLAGE MUNICIPAL COMPLEX  
1000 HIGHLAND VILLAGE ROAD  
TUESDAY, AUGUST 9, 2022**

**EARLY WORK SESSION**

Mayor Daniel Jaworski called the meeting to order at 5:30 p.m.

**Roll Call**

Present:	Daniel Jaworski	Mayor
	Michael Lombardo	Mayor Pro Tem
	Jon Kixmiller	Deputy Mayor Pro Tem
	Shawn Nelson	Councilmember
	Tom Heslep	Councilmember
	Robert Fiester	Councilmember
	Brian A. Fiorenza	Councilmember
Staff Members:	Paul Stevens	City Manager
	Ken Heerman	Assistant City Manager
	Kevin Laughlin	City Attorney
	Angela Miller	City Secretary
	Doug Reim	Chief of Police
	David Harney	Corporal/SRO
	Ben McKelvey	Police Officer/SRO
	Jason Collier	Assistant Fire Chief
	Scott Kriston	Public Works Director
	Phil Lozano	Parks and Recreation Director
	Heather Miller	Assistant Finance Director
	Mike McWhorter	Staff Accountant
	Laurie Mullens	Marketing & Communications Director
	Andrew Boyd	Media Specialist

**1. Receive a Safety & Security Update from Lewisville Independent School District (LISD) and a Follow Up Presentation from Highland Village Police Department School Resource Officer(s)**

Matt Garrett, LISD Director of Safety & Security, provided information on safety and security upgrades that were included in their 2017 bond package. He also provided an update on recent Texas Education Agency (TEA) requirements, emergency plans initiated by the LISD, and the status of those projects. Mr. Garrett also reported there are thirty-five (35) School Resource Officers (SRO) within the LISD.

Highland Village SRO's Harney and McKelvey also provided information on their roles. Corporal/SRO Harney is assigned to Briarhill Middle School and SRO McKelvey is assigned to Highland Village Elementary, McAuliffe Elementary and Heritage Elementary. Both have completed additional training specific to SROs and focus on interacting with the students and building positive relationships.

## 2. Receive a Presentation on the Highland Shores Boulevard Mobility Study

Public Works Director Scott Kriston reported Denton County (County) plans to hold a bond election later this year. With that, City staff has contacted the County regarding funding to help offset costs for improvements to Highland Shores Boulevard. If passed in the County's bond election, the City would receive funding of approximately 50% of the project from the County, with the City funding the remaining cost of the project.

The City contracted with SPI to provide a mobility study, with the following improvement objectives:

- Pedestrian and Vehicle Safety
- Accessibility
- Maintenance
- Drainage
- Aesthetic Enhancements

Mr. Kriston explained the study is divided into three (3) sections based on the pavement improvement needs:

Section 1 – Highland Shores Boulevard from Village Parkway to Twin Coves Drive

Section 2 – Highland Shores Boulevard from Twin Coves Drive to Briarhill Drive

Section 3 – Highland Shores Boulevard from Briarhill Drive to Highland Village Road

Three (3) improvement options were then presented:

### Option A (recommended)

- Add French drain and connect to the existing underground drainage system
- Connect private drainage pipes to public storm sewers or provide erosion protection
- Place compacted fill, turf reinforcement matting with sod along pavement edge drop off areas, slope failures, and eroded areas adjacent to existing pavement
- Evaluate storm pipe condition and make repairs
- Replace pavement in its current section
- Add a roundabout at Hillside and Briarhill Drive
- Restripe to narrow vehicle lanes and widen bike lane buffer
- Adjust median noses out of crosswalks
- Reduce crosswalks to one at each intersection
- Improve ADA ramps
- Improve sidewalk connections
- Least financial impact, safety improvements, accessibility improvements, maintenance and no aesthetic enhancement
- Opinion of probable construction costs, by section –
  - Section 1 - \$2,800,000
  - Section 2 - \$5,700,000
  - Section 3 - \$1,700,000

### Option B

- Includes Option A improvements plus the following:
- Add underground storm sewer to extend pavement life and reduce future erosion

- Construct a curb and gutter pavement section with inlets to reduce future erosion and pavement undermining
- Provide a 100' ROW throughout the entire alignment with most dedication from HOA common areas
- Additional roundabouts at Creek Haven Drive, Twin Coves Drive, Timber Crest and Ranney Drive
- Improve storm sewer in conflict with the improvements to underground systems
- Provide a complete street curb and gutter section with eleven foot (11') vehicle lane, seven foot (7') bike lane, ten foot (10') left turn lanes, thirty foot (30') wide median and five foot (5') sidewalks on both sides of the roadway
- Remove vegetation creating sight distance obstructions and replace with sod
- Opinion of probable construction costs, by section –
  - Section 1 - \$4,600,000
  - Section 2 - \$7,200,000
  - Section 3 - \$5,300,000

#### Option C

- Includes Option A & B improvements, plus the following:
- Add underground storm sewer to extend pavement life and reduce future erosion
- Construct a curb and gutter pavement section with inlets to reduce future erosion and pavement undermining
- Add an eight to twelve foot (8' – 12') multiuse meandering path in the median
- Add pedestrian lighting
- Add benches
- Landscape beds and bed border bands
- Enhanced paver accents
- Opinion of approximate probable construction costs, by section –
  - Section 1 - \$5,300,000
  - Section 2 - \$8,100,000
  - Section 3 - \$5,500,000

Council discussed the various options and requested another meeting/workshop to further review the options presented. City Manager Paul Stevens reported Option B would completely change the appearance and flow of Highland Shores Boulevard. Mr. Stevens further reported City staff attended a meeting with Denton County officials and their intent is to present the bond election at a meeting next week and then to order the election, which would be held in November.

Due to time constraints, Mayor Jaworski announced discussion on the remaining Agenda Items would continue during Late Work Session.

### **3. Discuss the Utility Fund Budget for Fiscal Year 2022-2023**

This item was deferred to Late Work Session.

### **4. Discuss the City's Relationship to the Denton County Transportation Authority (DCTA) as a "founding member" under Chapter 460, Texas Transportation Code**

This item was deferred to Late Work Session.

### **5. Clarification of Consent or Action Items listed on Today's City Council Meeting Agenda for August 9, 2022**

Relating to Agenda Item #17, Mayor Pro Tem Lombardo suggested using “event center” rather than “barn”, or something similar. This was discussed further during the regular City Council Meeting.

Relating to Agenda Item #20, Mayor Jaworski stated the resolution disapproving the 2023 Denton County Appraisal District Budget is the only tool available to the taxing entities, however verbiage has been included in an updated resolution to voice a lack of confidence in the Chief Appraiser. Copies of the updated resolution were provided to Council later during the regular City Council meeting.

Mayor Jaworski adjourned Early Work Session at 7:29 p.m.

### **CLOSED SESSION**

6. **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 551.076 – Deliberations regarding Security Devices or Security Audits**

Council did not meet in Closed Session.

### **OPEN SESSION**

7. **Call Meeting to Order**

Mayor Daniel Jaworski called the meeting to order at 7:38 p.m.

#### **Roll Call**

Present:	Daniel Jaworski	Mayor
	Michael Lombardo	Mayor Pro Tem
	Jon Kixmiller	Deputy Mayor Pro Tem
	Shawn Nelson	Councilmember
	Tom Heslep	Councilmember
	Robert Fiester	Councilmember
	Brian A. Fiorenza	Councilmember
Staff Members:	Paul Stevens	City Manager
	Ken Heerman	Assistant City Manager
	Kevin Laughlin	City Attorney
	Angela Miller	City Secretary
	Doug Reim	Chief of Police
	Jason Collier	Assistant Fire Chief
	Scott Kriston	Public Works Director (arrived at 8:01 p.m.)
	Phil Lozano	Parks and Recreation Director
	Heather Miller	Assistant Finance Director
	Laurie Mullens	Marketing & Communications Director
	Andrew Boyd	Media Specialist

**8. Prayer led by Councilmember Brian Fiorenza**

Councilmember Fiorenza gave the invocation.

**9. Pledge of Allegiance to the U.S. and Texas flags led by Councilmember Brian Fiorenza**

Councilmember Fiorenza led the Pledge of Allegiance to the U.S. and Texas flags.

**10. Visitor Comments**

The following people spoke:

Tammy Thigpen (482 Sellmeyer Lane) – Ms. Thigpen thanked Council for their service. She spoke regarding apartments and urged everyone to look at reasons for having them in Highland Village, and asked if it is financially necessary for the city. She also voiced concerns regarding additional traffic, utilities and impact on public safety and our schools as a result of having apartments. Ms. Thigpen reported she will send information to Council that was prepared by a resident engineer that includes information regarding the impact of the apartments, which differs from what was shown by the developer. Additionally, Ms. Thigpen will resend a letter previously sent to Council and encouraged them to review again.

Mark Solow (730 Oak Hollow Lane) – Mr. Solow stated that if a four (4) story building is constructed, as proposed, it will require a ladder fire truck. He added that ladder trucks take approximately two (2) years to build, cost \$1.3 to \$1.5 million, another half million to add necessary equipment, four (4) specially trained firemen to operate per shift which is approximately \$1.2 million in salaries, and may potentially require another fire station. Mr. Solow stated the ladder truck is a labor intense cost for the city that would potentially cause a raise in taxes, as there would not be enough new tax revenue generated from the apartments to cover the cost.

**11. 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 Jaworski reminded everyone that school begins tomorrow and to be mindful of students and crossing guards as everyone makes their way to school.

**12. City Manager/Staff Reports**

- **The Village Report**

The Experience Highland Village spotlight video was shown and featured Awesome Times Restaurant in Highland Village.

**CONSENT AGENDA**

**13. Consider approval of Minutes of the Regular City Council Meeting held on July 26, 2022**

**14. Receive Investment Report for Quarter ending June 30, 2022**

**15. Receive Budget Reports for Period ending June 30, 2022**

***Motion by Councilmember Fiester, seconded by Mayor Pro Tem Lombardo, to approve Consent Agenda Items #13 through #15. Motion carried 7-0.***

**ACTION AGENDA**

**16. 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 551.076 – Deliberations regarding Security Devices or Security Audits**

**NO ACTION TAKEN**

No action was taken on Agenda Items #16(a) or #16(b).

**17. Consider Resolution 2022-3008 naming the Barn at Doubletree Ranch Park as the “Sgt. Dennis Oliver Event Barn”**

**APPROVED (7 – 0)**

Parks and Recreation Director Phil Lozano reported Doubletree Ranch Park has an event barn that is available for rentals. An application was submitted by Highland Village Police Chief Reim to name the barn “The Sgt. Dennis Oliver Event Barn”. The application was reviewed and then submitted to the Parks and Recreation Advisory Board (Board) for consideration at their July 18, 2022 meeting. The Board voted 5-0 to recommend to Council the naming of the Doubletree Ranch Park barn as “The Sgt. Dennis Oliver Event Barn”.

Chief Reim reported Mr. Jim Verfurth and Mr. Glenn Bonds suggested naming the barn in honor of Sergeant Dennis Oliver, a long time Highland Village Police Officer who passed away on October 2, 2020 as a result of complications from COVID. Chief Reim presented an overview of Sergeant Oliver’s career in Highland Village. A plaque with the new name is proposed for the west entrance to the barn, along with a color memorial/plaque to be installed inside the barn that will provide details about Sergeant Oliver. Chief Reim reported the TXFallenPD Event has been moved to Doubletree Ranch Park and, if approved, the name would be unveiled at the event scheduled for October 15, 2022.

Deputy Mayor Pro Tem Kixmiller suggested naming the future First Responders Monument Area after Sergeant Oliver. Mayor Pro Tem Lombardo suggested “The Sgt. Dennis Oliver Event Center”. City Attorney Kevin Laughlin clarified the proposed resolution could be modified to reflect a different name, should Council wish to do so.

***Motion by Mayor Pro Tem Lombardo, seconded by Councilmember Fiorenza, to approve Resolution 2022-3008 naming the barn at Doubletree Ranch Park as “The Sgt. Dennis Oliver Event Center”. Motion carried 7-0.***

**18. Consider Ordinance 2022-1295 adopting Amendments to the Fiscal Year 2021-2022 Budget (1<sup>st</sup> of two reads)**

**APPROVED 1<sup>st</sup> READ (6 – 0)**

Councilmember Heslep stepped away from the dais at 8:30 p.m.

Assistant City Manager Ken Heerman reported this amendment mirrors the year-end projections detailed in earlier budget discussions. Some of the proposed adjustments reflect encumbrances from Fiscal Year (FY) 2020-2021 that were actually paid in FY 2021-2022. Mr. Heerman added that primary factors comprising the majority of the requested budget appropriations include:

- Personnel budget changes in various departments to address factors incurred during the year that were not known when budgeted, such as personnel changes, unanticipated overtime, or changes in insurance coverage elections. Supplemental one-time retention incentive payments to be distributed to non-managerial employees also prompted some of the adjustments. In total, projected personnel expenditures are within the budgeted amount though.
- Expenditures other than personnel are adjusted by a collective total of \$310,000. A large portion of this was related to two items: increased fuel and utility costs, and a capital re-appropriation to address the purchase of an Animal Control Officer (ACO) truck that was purchased in the previous budget year but received in FY 2022.
- Other suggested amendments are to reflect minor changes in the actual expense compared to the budgeted amount.

***Motion by Deputy Mayor Pro Tem Kixmiller, seconded by Councilmember Fiester, to approve the first read of Ordinance 2022-1295. Motion carried 6-0.***

**19. Consider the Ad Valorem Tax Rate for Year 2022 and Set a Public Hearing Date on the Proposed Fiscal Year 2022-2023 Budget and Proposed Tax Rate**  
**APPROVED (7 – 0)**

Mr. Heerman reported Truth in Taxation requires a public hearing, preceded by certain required public notice of the public hearing and the proposed real property tax rate before implementing a property tax rate, if a rate is considered which will exceed the lower of the Voter Approved Tax Rate or the No New Revenue Tax Rate. Because the proposed tax rate, limited by the Voter Approved Rate threshold, will be reduced from last year's rate, and will still exceed the No New Revenue rate of \$.511408.

Councilmember Heslep returned to the dais at 8:37 p.m.

In applying Truth in Taxation, the proposed tax rate reflects the calculated Voter Approved Rate and is a decrease from the current tax rate of \$0.56302 to \$0.546825. Mr. Heerman clarified the vote tonight does not commit Council to a tax rate, however Council cannot adopt a tax rate that exceeds the rate being proposed in their motion.

***Motion by Deputy Mayor Pro Tem Kixmiller, seconded by Councilmember Heslep, that \$0.546825 per \$100 valuation be proposed for adoption as the City's Ad Valorem Tax Rate for the 2022 tax year and set September 13, 2022 as the date for holding the public hearing to receive public comment on said tax rate and the 2022-2023 Fiscal Year budget. Motion carried 7-0.***

**20. Consider Resolution 2022-3009 disapproving the 2023 Denton Central Appraisal District Annual Budget**

**APPROVED (5 – 2)**

Mayor Jaworski reported the Denton County Commissioners Court has taken an unprecedented step of asking jurisdictions throughout the county to consider disapproving the Denton Central Appraisal District (DCAD) budget, as the only existing tool to express

a lack of confidence in the leadership of the DCAD. Mr. Jaworski reported this was discussed by Council at a previous meeting. A draft resolution was included in tonight's agenda packet; however, Mayor Jaworski explained that an updated resolution has been drafted for Council consideration. City Secretary Angela Miller distributed copies to Council. Mayor Jaworski further reported the City of Denton and LISD have passed a resolution disapproving the DCAD budget, with Lewisville City Council considering action at their upcoming meeting.

Councilmember Fiester stated the resolution passed by Denton County includes a statement that their action demonstrates a lack of confidence in the DCAD itself and asked if we are echoing the same language in our resolution. Mayor Jaworski responded that, in talking with a member of the LISD Board of Directors and other mayors, there was some thought that the County's resolution was "watered down". Referencing a section in proposed Resolution 2022-3009 regarding a lack of confidence in the Chief Appraiser, Councilmember Fiester asked if the Chief Appraiser is hired/fired by the DCAD Board of Directors. Mayor Jaworski stated that was correct. Councilman Fiester asked if the resolution should focus on DCAD or its Board of Directors instead of the Chief Appraiser. Mayor Jaworski stated correspondence received from the Court and newspaper articles this year have all been about the Chief Appraiser. He added there are some members of the DCAD Board that feel there is a need for a change, while other members of the board like the status quo. Because neither DCAD nor the DCAD Board of Directors report to Commissioners Court, there is no local accountability. Only the DCAD Board of Directors can take action regarding the Chief Appraiser. He further added that if all jurisdictions are seeing the same problems exist from leadership of the district itself, not the DCAD Board, using this tool is the only way to exert pressure on the DCAD Board to take action.

Mayor Jaworski voiced that previous discussions of Council did not indicate a problem with their proposed budget. He added that in creating the updated resolution, a reference has been included that the City Council considered the needs identified in the budget as necessary, but stresses a lack confidence in the Chief Appraiser to successfully execute that budget. Deputy Mayor Pro Tem Kixmiller stated he was on vacation when Council last discussed this, but has watched the meeting and read the meeting minutes. He added that during his time serving on the City Council, he has never received a complaint from a resident regarding DCAD. He also stated the report prepared by the consultant referenced that the state gave DCAD an exemplary rating. Deputy Mayor Pro Tem Kixmiller stated the use of the word "toxic" is what has been reported in the news; however, that was never substantiated, and he thinks there is a lot of emotion running rampant. He added that he does not want to attack an individual and that its up to the DCAD Board to make the decision. Deputy Mayor Pro Tem Kixmiller added that if DCAD does not get the funding for additional staff, that will create a bad environment, and the DCAD Board may still not make any change in management. Having attended their meetings, reading the studies, and having interaction with the Chief Appraiser, he feels they have done their job and does not support the proposed resolution; however, he would support a resolution that voices concerns with the DCAD.

***Motion by Mayor Pro Tem Lombardo, seconded by Councilmember Heslep, to approve Resolution 2022-3009. Motion carried 5-2.***

For clarification, City Secretary Miller asked for the motion and vote was for the resolution included in the agenda packet or for the updated resolution distributed at tonight's Council meeting. Mayor Pro Tem Lombardo stated it was to approve the updated resolution.

## **LATE WORK SESSION**

Due to time constraints during Early Work Session, some agenda items were moved to Late Work Session. Mayor Jaworski announced discussion on these items would now resume.

### **3. Discuss the Utility Fund Budget for Fiscal Year 2022-2023**

Assistant City Manager Ken Heerman gave a presentation regarding the Utility Fund Budget. He reported there is a substantial increase in revenue from water sales and that sewer sales have held steady, resulting in over one-hundred (100) days of operating funds by the end of this fiscal year. Estimated revenues and expenditures for the next fiscal year were also reviewed. A slight decrease in water sales is estimated for next year, which is also dependent on weather patterns.

Mr. Heerman reviewed a five-year outlook and reported water and sewer sales will flatten out over time as there will not be as many new customers added. The rate structure includes two components - wholesale cost and City cost. Wholesale costs are related to what the City pays to the Upper Trinity Regional Water District (UTRWD) for water and sewer purchases. Mr. Heerman reported a wholesale pass through adjustment of two to three cents will need to be considered.

Councilmember Fiorenza stated the City received \$4.1 million in funds from the American Rescue Plan, which will be used to address two (2) major projects – Lake Vista well upgrades and water service to the Northwest part of the City. He asked how the remaining funds will be used. Mr. Heerman reported the remaining funds will be used for other projects over the next few years. Councilmember Fiorenza asked what the cost would be to provide sewer to the Northwest part of the City. Public Works Director Scott Kriston estimated approximately \$1 million.

Mr. Heerman announced that budget presentations will continue in August and September.

### **4. Discuss the City's Relationship to the Denton County Transportation Authority (DCTA) as a "founding member" under Chapter 460, Texas Transportation Code**

City Attorney Kevin Laughlin provided background information on creation of the DCTA. He reported DCTA is a coordinated county transportation authority created pursuant to Chapter 460 of the Texas Transportation Code. Creation of the DCTA was initiated by Denton County Commissioners Court (Commissioners Court) on October 16, 2001. An interim executive committee was formed consisting of:

- One (1) member appointed by each city with a population of 12,000 or more
- Three (3) members appointed by Commissioners Court, of whom two (2) must be from unincorporated areas
- Three (3) members designated by the remaining cities with a population of more than 500 but less than 12,000

At that time, Highland Village did have a population of more than 12,000 and therefore had a seat on the interim executive committee, along with the cities of Lewisville and Denton.

The interim executive committee was required to develop a service plan and proposed tax rate within 180 days after its first meeting and then to present these to cities within the county that had a population of 12,000 or more. The Highland Village City Council approved the initial proposed service plan and tax rate on July 23, 2002. A revised service plan was later presented and approved by Highland Village City Council on July 22, 2003.

Cities that did not approve the proposed service plan and tax rate would be ineligible to participate.

On September 13, 2003, a confirmation election was held in the county and in all cities with a population of more than 12,000 that had approved the service plan and tax rate. Highland Village voters approved the authority and tax with the following vote: 877 for and 805 against.

In May 2019, Chapter 460 of the Texas Transportation Code was amended to change the composition of the DCTA Board. The DCTA Board now consists of only five (5) voting members:

- One (1) member appointed by the governing body of each founding municipality (Highland Village, Lewisville and Denton)
- One (1) resident appointed by Commissioners Court from an unincorporated area
- One (1) resident appointed by Commissioners Court from a city that is not a founding municipality or a city that has created a public transportation financing area

Unlike Chapter 452 of the Transportation Code that governs DART, Mr. Laughlin reported Chapter 460 contains no provision to allow for the withdrawal of a Founding Municipality after a confirmation election and approval of the DCTA sales tax. He also explained that Chapter 322 of the Texas Tax Code governs the imposition, assessment, collection, administration and enforcement of a sales and use tax imposed under Chapter 451, 452, 453 and 460 Transportation Code. He further reported the following would have to occur if Highland Village no longer wanted to be a founding municipality in DCTA:

- Amendment to Chapter 460 of the Texas Transportation Code providing for a withdrawal mechanism
- Amendment to Chapter 322 of the Texas Tax Code to provide for repeal of the sales tax
- Conduct of an election for Highland Village voters and approval of any required proposition

Mr. Laughlin added that it would be unlikely to stop collecting the sales tax until the DCTA debt is paid.

Mayor Pro Tem Lombardo asked if the cities of Carrollton and Dallas participated in the election since they are only partially located within Denton County. Mr. Laughlin explained they were excluded because they were already serviced by DART. Councilmember Nelson asked if Flower Mound participated. Councilmember Fiorenza stated he did not believe they did since they had no rail accessibility, only bus service. Councilmember Nelson asked if the Kansas City Southern line taken into account at that time. Mr. Laughlin stated he did not know as he was not working with Highland Village at that time.

Deputy Mayor Pro Tem Kixmiller clarified the only way to withdraw is to have legislation changed. Mayor Jaworski suggested asking our representative(s) to sponsor a bill.

Mayor Pro Tem Lombardo asked if Highland Village could withdrawal if another city adopted the sales tax and “took our place”. Mr. Laughlin reported it would require an amendment to Chapter 322 of the Tax Code and Chapter 460 of the Transportation Code, plus an election to withdraw. Council requested the following information from DCTA in a future update:

- Statistics on Highland Village ridership, including GoZone
- An update on the Kansas City Southern corridor
- Detailed presentation with facts and metrics that show how the funds from Highland Village are used

21. **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.)**

No items were discussed.

22. **Adjournment**

Mayor Jaworski adjourned the meeting at 9:35 p.m.

\_\_\_\_\_  
Daniel Jaworski, Mayor

**ATTEST:**

\_\_\_\_\_  
Angela Miller, City Secretary

DRAFT

**CITY OF HIGHLAND VILLAGE**  
**COUNCIL BRIEFING**

**AGENDA# 13**

**MEETING DATE: 08/23/2022**

**SUBJECT: Consider Ordinance 2022-1295 Authorizing  
Amendments to the Fiscal Year 2021-2022 Budget (2<sup>nd</sup>  
and final read)**

**PREPARED BY: Ken Heerman, Assistant City Manager**

**BACKGROUND:**

Each department is responsible for not exceeding the amounts budgeted in each of three categories – Personnel, Services/Supplies, and Capital. Category subtotals of departmental expenditures thus provide the level of budgetary control. Should a need arise for reallocation between categories or between departments, budget amendments are then presented for Council consideration.

**IDENTIFIED NEED/S:**

This is the first amendment presented to Council this fiscal year. This amendment mirrors the year-end projections detailed in the budget discussions. Some of the proposed adjustments reflect encumbrances from FY 2020-2021 that were actually paid in FY 2021-2022. This amendment is to ensure sufficient appropriation for the year-end projections. In total, projected expenditures of \$20,298,709 are \$300,812 under the original budget of \$20,599,521. Projected revenues of \$18,613,088 reflect a decrease of \$180,192 from the original budget. The projected FY 2022 year-end fund balance is \$7,081,367 – exceeding the original budgeted projected amount of \$5,940,370, largely due to the actual FY 2021 fund balance exceeding projections. The presented amendments primarily ensure sufficient appropriation for each category; however, not every deviation from the budget amount is enumerated.

General Fund

Primary factors comprising the majority of the requested increased budget appropriation:

- Personnel budget changes in various departments are suggested to address factors incurred during the year that were not known when budgeted, such as mid-year adjustments, personnel changes, unanticipated overtime, insurance coverage election, etc. Also, some personnel expenditures are budgeted in a single department, such as incentive pay, with actual expenditures charged to the respective departments. In addition, supplemental one-time retention incentive payments to be distributed to non-managerial employees prompted some of the adjustments. This amendment reallocates the associated appropriation. A collective amount of \$25,000 (net) is presented to ensure sufficient appropriation in each department. However, in total, projected personnel expenditures are within the budgeted amount.

- Expenditures other than personnel are adjusted by a collective total of \$310,000. A large portion of this was related to two items:
  - o Increased fuel costs as well as increased utilities prompted an increase in appropriation in the Maintenance budget of \$150,000.
  - o A capital re-appropriation (ACO Truck) totaling \$70,000 addresses this item, purchased in the previous budget year but received in FY 2022.

Other suggested amendments are to reflect minor changes in the actual expense compared to the budgeted amount.

For the other funds, a collective total additional appropriation amount of \$278,500 is suggested:

- Personnel (\$47,000)
- Utility Fund – (\$650,000) primarily related to painting of Southwood Ground Storage Tank. However, offset by utilization of bond funds.
- Drainage Utility – (\$45,000) Purchase of skid steer
- HV Community Development Corp (4B) – (\$37,500) == Landscape Architectural Services for fencing options for the Doubletree Ranch Park splash pad. (\$12,500), Splash Pad material cost to make the repairs to enable 2022 season (\$25,000)
- Public Safety Fund – To accommodate receipt and expenditures related to received grants (\$13,500).

Individual allocations are detailed in the worksheets attached to this briefing.

### **BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)**

Budgetary changes to Fund Balance are detailed on the request worksheet following.

### **RECOMMENDATION:**

On August 9, 2022, City Council approved the first read of Ordinance No. 2022-1295. Council to approve the second and final read of Ordinance No. 2022-1295, as presented.

City Secretary	Personnel	247,745	267,745	20,000
Human Resources	Personnel	481,233	431,233	(50,000)
Police	Capital	-	70,000	70,000
Police	Personnel	4,873,785	4,783,785	(90,000)
Fire	Services / Supplies	793,797	808,797	15,000
Fire	Personnel	2,870,525	2,920,525	50,000
Community Services	Services / Supplies	26,518	36,518	10,000
Streets	Personnel	829,014	849,014	20,000
Streets	Capital	28,000	33,000	5,000
Maintenance	Personnel	379,653	399,653	20,000
Maintenance	Services / Supplies	880,295	1,030,295	150,000
Parks	Personnel	1,372,917	1,392,917	20,000
Parks	Services / Supplies	865,546	885,546	20,000
<b>General Fund Balance</b>			<b>Net Change</b>	<b>335,000</b>
<b>Reason For Request</b>				
<b>Personnel</b> (Various departments) – Actual charges vary from budget resulting from various issues: employee changes in selected insurance coverage, retirements (pmt of accrued balances), certifications, promotions, etc). A CPI Stipend is to be distributed to non-managerial employees, necessitating adjustment in various departments. In total, personnel expenditures are within the budgeted amount.				
<b>City Manager</b> Services / Supplies - \$30,000 == Related to expenditures for Comp Plan update.				
<b>Communication / Marketing</b> Services / Supplies - \$10,000 == various				
<b>Police</b> Capital - \$70,000 == Receipt of Animal Control truck budgeted in prior year				
<b>Fire</b> Services / Supplies - \$15,000 == Purchases of SCBA Air packs, station furnishings				
<b>Community Services</b> Services / Supplies - \$10,000 == Increased plan / review services				
<b>Streets</b> Capital - \$5,000 == Purchase of fork lift slightly exceeding budgeted amount				
<b>Maintenance</b> Services / Supplies - \$150,000 == Reflects increased cost of fuel and utilities				
<b>Parks</b> Services / Supplies \$20,000 == Primary associated with removal of diseased pine trees at City Hall and DTR park.				
General Fund		Net Change \$ -335,000		

# Budget Amendment Request Worksheet

## Line Item for Proposed Change:

DEPARTMENT	Category	Current Budget (Annual)	Proposed Budget (Annual)	Increase / Decrease
Utility Administration	Personnel	316,875	326,875	10,000
Utility Operations	Services / Supplies	1,674,149	2,324,149	650,000
Utility Operations	Transfers In	-	(550,000)	(550,000)
HVCDC	Services / Supplies	402,427	439,927	37,500
Corps Leased Parks Fund	Personnel	218,925	230,925	12,000
Drainage Utility	Personnel	348,912	373,912	25,000
Drainage Utility	Capital	30,000	75,000	45,000
Debt Service Fund	Other Sources/Uses	(810,357)	(930,357)	(120,000)
Debt Service Fund	Debt Payments	2,846,292	3,016,292	170,000
Public Safety Fund	Revenues	(25,600)	(39,100)	(13,500)
Public Safety Fund	Services / Supplies	-	13,500	13,500
			<b>Net Change</b>	<b>279,500</b>
<b>Reason For Request</b>				
<p><b>Personnel</b> (Various departments) – Actual charges vary from budget resulting from various issues: employee changes in selected insurance coverage, retirements (pmt of accrued balances), certifications, promotions, etc) or increased overtime. A CPI Stipend is to be distributed to non-managerial employees, necessitating adjustment in various departments.</p>				
<p><b>Utility Operations</b> Services / Supplies - \$650,000 == Primarily related to painting of Southwood Ground Storage Tank (will utilize bond proceeds for funding) as well as increased water meter replacement and projects carried over from previous year</p>				
<p><b>Utility Operations</b> Transfers In \$550,000 == Utilize bond proceeds to fund water tank painting</p>				
<p><b>HVCDC</b> Services / Supplies - \$37,500 == Professional Services - Landscape Architectural Services for fencing options for the Doubletree Ranch Park splash pad. \$12,500, Splash Pad material cost to make the repairs to enable 2022 season - \$25,000 (Splash pad surfacing scheduled for replacement, but unable to get materials in light of supply chain issues)</p>				
<p><b>Drainage Utility</b> Capital \$45,000 == Purchase of skid steer</p>				
<p><b>Debt Service Fund</b> Debt Payments - \$170,000 Refunding of portion of existing debt</p>				
<p><b>Public Safety Fund</b> Revenues == \$9,000 donations received for Bike Race event</p>				
<p><b>Public Safety Fund</b> Services / Supplies == \$8,000 related to TPCA bike race event</p>				
Utility Fund			Net Change	(110,000)
HVCDC			Net Change	(37,500)
Corps Leased Parks Fund			Net Change	(12,000)
Drainage Utility			Net Change	(70,000)
Debt Service Fund			Net Change	(50,000)
Public Safety Fund			Net Change	-

**CITY OF HIGHLAND VILLAGE, TEXAS**

**ORDINANCE NO. 2022-1295**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ADOPTING AMENDMENTS TO THE FISCAL YEAR 2021-2022 BUDGET; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Highland Village, Texas has lawfully adopted a budget for fiscal year 2021-2022 (“2021-2022 Budget”); and

**WHEREAS**, the City Manager has prepared, as required by Article VI, Section 6.08 of the City Charter, an amendment to certain appropriations and expenditures in the 2021-2022 Budget, and has submitted same to the City Council for its review and approval, a copy of which is attached to this Ordinance; and

**WHEREAS**, the City Council of the City of Highland Village has determined that this budget amendment is necessary and appropriate to preserve and protect the health, safety and welfare of the citizens of the City of Highland Village as well as other persons in the City.

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

**SECTION 1.** The amendments to the 2021-2022 Budget, attached hereto as Exhibit “A” and incorporated herein by reference, are hereby authorized, approved, and adopted.

**SECTION 2.** If any section, subsection, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared severable.

**SECTION 3.** This Ordinance shall take effect immediately from and after its passage on second reading.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS ON THE FIRST READING, THIS THE 9<sup>th</sup> DAY OF AUGUST 2022.**

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS ON THE SECOND READING, THIS THE 23<sup>RD</sup> DAY OF AUGUST 2022.**

**APPROVED:**

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**Daniel Jaworski, Mayor**

**ATTEST:**

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**Angela Miller, City Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

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**Kevin B. Laughlin, City Attorney**

(kbl:8/3/2022:130)

**Ordinance No. 2022-1295  
Exhibit "A"**

**Budget Amendment Request Worksheet  
Line Item for Proposed Change:**

<b>DEPARTMENT</b>	<b>Category</b>	<b>Current Budget (Annual)</b>	<b>Proposed Budget (Annual)</b>	<b>Increase / Decrease</b>
City Manager	Services / Supplies	534,136	564,136	30,000
City Manager	Personnel	375,451	395,451	20,000
Comunication/Marketing	Personnel	323,938	338,938	15,000
Comunication/Marketing	Services / Supplies	107,186	117,186	10,000
City Secretary	Personnel	247,745	267,745	20,000
Human Resources	Personnel	481,233	431,233	(50,000)
Police	Capital	-	70,000	70,000
Police	Personnel	4,873,785	4,783,785	(90,000)
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Parks	Services / Supplies	865,546	885,546	20,000
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<b>Reason For Request</b>				
<p><b>Personnel</b> (Various departments) – Actual charges vary from budget resulting from various issues: employee changes in selected insurance coverage, retirements (pmt of accrued balances), certifications, promotions, etc). A CPI Stipend is to be distributed to non-managerial employees, necessitating adjustment in various departments. In total, personnel expenditures are within the budgeted amount.</p>				
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<p><b>Parks</b> Services / Supplies \$20,000 == Primary associated with removal of diseased pine trees at City Hall and DTR park.</p>				
General Fund			Net Change \$ -335,000	

**Ordinance No. 2022-1295  
Exhibit "A"**

<b>Budget Amendment Request Worksheet</b>				
<b>Line Item for Proposed Change:</b>				
<b>DEPARTMENT</b>	<b>Category</b>	<b>Current Budget (Annual)</b>	<b>Proposed Budget (Annual)</b>	<b>Increase / Decrease</b>
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Drainage Utility			Net Change	(70,000)
Debt Service Fund			Net Change	(50,000)
Public Safety Fund			Net Change	-

**CITY OF HIGHLAND VILLAGE**  
**COUNCIL BRIEFING**

<b>AGENDA#</b> 14	<b>MEETING DATE:</b> 08/23/2022
<b>SUBJECT:</b> Consider Resolution 2022-3012 of the City Council of the City of Highland Village, Texas awarding and authorizing a contract with Garrett Shields Infrastructure, LLC for the Parking Lot Improvements at Lions Club Park and Sellmeyer Tennis Courts	
<b>PREPARED BY:</b> Scott Kriston, Director of Public Works	

**BACKGROUND:**

The City of Highland Village has an excellent system of parks to serve the City’s residents. To improve on that system, the City recently received bids for the Parking Lot Improvement for Lions Club Park and Sellmeyer Tennis Courts. These parking lot improvements will improve the parking at these sites and include provisions for handicapped parking at each site. An alternate has also been added for a Food Truck Pad to accommodate food trucks at Doubletree Ranch Park, near the amphitheater.

The City advertised the project with a Base Bid for the Sellmeyer Tennis Courts and Lions Club Park parking lots and 2 Alternate Bids for the Doubletree Ranch Park food truck pad. Bids were received on Tuesday, August 16, 2022 for the project from six responsive bidders. The bid total for each responsive bidder is provided below:

	Garrett Shields Infrastructure	AAA Time Saver Services	GRod	JR West Texas Concrete	Jeske Construction Company	Capko Concrete Structures
Base Bid	\$135,730.00	\$166,088.82	\$167,748.00	\$183,655.00	\$208,329.00	\$215,225.00
Add Alt. 1	\$27,385.00	\$37,610.43	\$51,806.00	\$51,070.00	\$46,290.00	\$40,650.00
Add Alt. 2	\$10,990.00	\$15,339.91	\$21,663.00	\$19,469.00	\$16,084.00	\$15,330.00
Total Bid	\$174,105.00	\$219,039.16	\$241,217.00	\$254,194.00	\$270,703.00	\$271,205.00

The lowest responsive bidder is Garrett Shields Infrastructure, LLC with a total bid in the amount of \$174,105.00. The bid has been reviewed and evaluated and is considered the lowest responsive bid. Garrett Shields Infrastructure, LLC has completed previous projects in the City, and they have sufficient resources to construct this project.

## **IDENTIFIED NEED/S:**

The City of Highland Village needs to make parking lot improvements to Lions Club Park and Sellmeyer Tennis Courts to add ADA parking spaces and provide an ADA standard route to the existing park facilities. Doubletree Ranch Park food truck spaces will create additional amenities for the park by creating a designated area near the amphitheater for food trucks to serve patrons within the park.

## **OPTIONS & RESULTS:**

The parking lot improvements to Lions Club Park and Sellmeyer Tennis Courts will create much needed ADA parking spaces and ADA access to the park facilities. Doubletree Ranch Park food truck spaces will provide a designated space for food trucks during events at Doubletree Ranch Park. This will allow patron's access to food trucks near the amphitheater during park events.

## **PROGRESS TO DATE: (if appropriate)**

Contractors' bids for construction on the project have been received and evaluated.

## **BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)**

Funded through Parks Bond Funds.

## **RECOMMENDATION:**

To approve Resolution 2022-3012 awarding and authorizing a contract with Garrett Shields Infrastructure, LLC for parking lot improvements at Lions Club Park and Sellmeyer Tennis Courts, and Doubletree Ranch Park food truck pad project.

**CITY OF HIGHLAND VILLAGE, TEXAS**

**RESOLUTION NO. 2022-3012**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS AWARDED AND AUTHORIZING A CONTRACT WITH GARRETT SHIELDS INFRASTRUCTURE, LLC FOR PARKING LOT IMPROVEMENTS AT LIONS CLUB PARK, SELLMAYER TENNIS COURTS, AND DOUBLETREE RANCH PARK; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, having solicited, received, and reviewed the bids for the construction of parking lot improvements at Lions Club Park, Sellmeyer Tennis Courts, and Doubletree Ranch Park (the "Project"), City Administrative has determined that Garrett Shields Infrastructure, LLC has submitted the lowest most responsible bid, inclusive of the base bid and two add alternates, in the amount of \$174,105.00, and recommends awarding a contract for the Project to said bidder; and

**WHEREAS**, the City Council of the City of Highland Village, Texas, finds it to be in the public interest to accept the recommendation of the City administration.

**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 execute a contract with Garrett Shields Infrastructure, LLC in the amount of \$174,105.00 for the Project, inclusive of the base bid and both add alternative, and, subject to applicable state laws, city policies, and, in the event change order(s) result in an increase in the contract amount, the availability of funds for such purpose, and to negotiate and sign such change order(s) to said contract as the City Manager determines to be in the best interest of the City.

**SECTION 2.** This Resolution shall become effective immediately upon passage.

**PASSED AND APPROVED THIS 23<sup>RD</sup> DAY OF AUGUST, 2022.**

**APPROVED:**

\_\_\_\_\_  
**Daniel Jaworski, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Angela Miller, City Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
**Kevin B. Laughlin, City Attorney**

(kbl:8/17/2022:131049)

**CITY OF HIGHLAND VILLAGE**  
**COUNCIL BRIEFING**

**AGENDA# 15**

**MEETING DATE: 08/23/2022**

**SUBJECT: Consider Resolution 2022-3010 Appointing an Alternate Municipal Court Judge to the City of Highland Village Municipal Court**

**PREPARED BY: Ken Heerman, Assistant City Manager**

**BACKGROUND:**

In May of 2016, Colette Sallas was appointed as presiding judge upon the retirement of Ron Hurst. Alternate judges are needed to fill in when the presiding judge is unavailable and to provide coverage in addressing duties associated with the jail. Currently, all coverage is provided by Judge Sallas as we do not currently have an alternate judge. A stated goal expressed by City Council was to add an alternate judge to ensure coverage for the City.

**IDENTIFIED NEED/S:**

The City of Highland Village Charter requires judges for this court to be licensed attorneys in the State of Texas and be appointed by Council. The appointments are for a two-year period. Cynthia Burkett is recommended by Judge Sallas to fill this role. She has extensive experience as an attorney and currently serves as presiding judge in Krugerville and Hickory Creek, as well as an alternate judge in Corinth, Denton and Argyle. Judge Burkett will be have an on-call schedule and will available to fill in for occasions in which Judge Sallas is out of town or unable to be present for any reason.

**BUDGETARY IMPACT/ORDINANCE CHANGE:**

Budget reflects total anticipated call-outs, thus with no effect on budget.

**RECOMMENDATION:**

Council to approve Resolution 2022-3010.

**CITY OF HIGHLAND VILLAGE, TEXAS**

**RESOLUTION NO 2022-3010**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, APPOINTING CYNTHIA BURKETT AS ALTERNATE MUNICIPAL COURT JUDGE; AUTHORIZING AN EMPLOYMENT AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 4.01 of the Code of Ordinances of the City of Highland Village, Texas provides for the appointment of the Municipal Court Judge and Alternate Municipal Court Judges, who shall serve at the pleasure of the Council; and

**WHEREAS**, the City Council finds it to be in the public interest to appoint Cynthia Burkett for the office of Alternate Municipal Court Judge for the Highland Village Municipal Court of Record and to authorize an agreement setting forth the terms, conditions, and compensation for such service.

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

**SECTION 1.** Cynthia Burkett is hereby appointed to serve as Alternate Municipal Court Judge for the Municipal Court of Record in the City of Highland Village, Texas, for a term of two years commencing on the effective date of this resolution.

**SECTION 2.** The City Manager is hereby authorized to negotiate an employment agreement for the services provided by Cynthia Burkett as Alternate Municipal Court Judge that provides for payment of City in the amount of One Hundred Dollars (\$100.00) per hour for performance of Ms. Burkett's court and magistrate duties, based on increments of .50/hour.

**SECTION 3.** This Resolution shall be effective immediately upon its approval.

**PASSED AND APPROVED THIS THE 23<sup>RD</sup> DAY OF AUGUST 2022**

**APPROVED:**

\_\_\_\_\_  
**Daniel Jaworski, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Angela Miller, City Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
**Kevin B. Laughlin, City Attorney**

(kbl:8/17/2022:131052)

**CITY OF HIGHLAND VILLAGE**  
**COUNCIL BRIEFING**

**AGENDA# 17**

**MEETING DATE: 08/23/2022**

**SUBJECT: Consider Resolution 2022-3011 Approving and Adopting Rate Schedule Rate Review Mechanism for Atmos Energy Corporation**

**PREPARED BY: Ken Heerman, Assistant City Manager**

**BACKGROUND:**

Highland Village, along with 181 other Mid-Texas Cities Served by Atmos Energy Corporation, Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Steering Committee of Cities Served by Atmos (“Cities”). In 2007, the Cities and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism (“RRM”), as a substitute for future filings under the GRIP statute.

Since 2007, there have been several modifications to the original RRM Tariff. The most recent iteration of an RRM Tariff was reflected in an ordinance adopted by ACSC members in 2018.

**IDENTIFIED NEED/S:**

On or about April 1, 2022, the Company filed a rate request pursuant to the RRM Tariff adopted by ACSC members. The Company claimed that its cost-of-service in a test year ending December 31, 2021, entitled it to additional system-wide revenues of \$141.3 million.

Application of the standards set forth in ACSC’s RRM Tariff reduces the Company’s request to \$115 million, \$83.26 million of which would be applicable to ACSC members. ACSC’s consultants concluded that the system-wide deficiency under the RRM regime should be \$95.8 million instead of the claimed \$141.3 million.

**OPTIONS & RESULTS:**

The Executive Committee recommends a settlement at \$115 million. The Effective Date for new rates is October 1, 2022. ACSC members should take action approving the Resolution/Ordinance before September 30, 2022.

Atmos generated rate tariffs attached to the Resolution/Ordinance will generate \$115 million in additional revenues. Atmos also prepared a Proof of Revenues supporting the settlement figures. ACSC consultants have agreed that Atmos’ Proof of Revenues is accurate.

**BILL IMPACT**

The impact of the settlement on average residential rates is an increase of \$4.60 on a monthly basis, or 6.7 percent. The increase for average commercial usage will be \$14.34 or 4.3 percent.

**BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)**

N/A

**RECOMMENDATION:**

Council to approve Resolution No. 2022-3011.

**CITY OF HIGHLAND VILLAGE, TEXAS**

**RESOLUTION NO. 2022-3011**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2022 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.**

**WHEREAS**, the City of Highland Village, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

**WHEREAS**, the City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of similarly-situated cities served by Atmos Mid-Tex (“ACSC Cities”) that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

**WHEREAS**, ACSC and the Company worked collaboratively to develop a new Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program (“GRIP”) process instituted by the Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

**WHEREAS**, the RRM tariff was adopted by the City in a rate ordinance in 2018; and

**WHEREAS**, on about April 1, 2022, Atmos Mid-Tex filed its 2022 RRM rate request with ACSC Cities based on a test year ending December 31, 2021; and

**WHEREAS**, ACSC coordinated its review of the Atmos Mid-Tex 2022 RRM filing through its Executive Committee, assisted by ACSC’s attorneys and consultants, to resolve issues identified in the Company’s RRM filing; and

**WHEREAS**, the Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$115 million on a system-wide basis with an Effective Date of October 1, 2022; and

**WHEREAS**, ACSC agrees that Atmos plant-in-service is reasonable; and

**WHEREAS**, with the exception of approved plant-in-service, ACSC is not foreclosed from future reasonableness evaluation of costs associated with incidents related to gas leaks; and

**WHEREAS**, the attached tariffs (Exhibit A) implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

**WHEREAS**, the settlement agreement sets a new benchmark for pensions and retiree medical benefits (Exhibit B) and

**WHEREAS**, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications.

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

**Section 1.** The findings set forth in this Resolution are hereby in all things approved.

**Section 2.** Without prejudice to future litigation of any issue identified by ACSC, the City Council finds that the settled amount of an increase in revenues of \$22.78 million for ACSC Cities represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2022 RRM filing, is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

**Section 3.** That despite finding Atmos Mid-Tex's plant-in-service to be reasonable, ACSC is not foreclosed in future cases from evaluating the reasonableness of costs associated with incidents involving leaks of natural gas.

**Section 4.** The existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Exhibit A, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$115 million on a system-wide basis, over the amount allowed under currently approved rates. Such tariffs are hereby adopted.

**Section 5.** The ratemaking treatment for pensions and retiree medical benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on Exhibit B, attached hereto and incorporated herein.

**Section 6.** Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company's 2022 RRM filing.

**Section 7.** To the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Resolution, it is hereby repealed.

**Section 8.** The meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

**Section 9.** If any one or more sections or clauses of this Resolution is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

**Section 10.** Consistent with the City Ordinance that established the RRM process, this Resolution shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after October 1, 2022.

**Section 12.** A copy of this Resolution shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Thomas Brocato, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

**PASSED AND APPROVED BY THE CITY COUNCIL OF HIGHLAND VILLAGE, TEXAS this 23rd DAY OF AUGUST 2022.**

**APPROVED:**

\_\_\_\_\_  
**Daniel Jaworski, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Angela Miller, City Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
**Kevin B. Laughlin, City Attorney**

(kbl:8/15/2022:130995)

**Exhibit A  
to 2022 RRM Resolution 2022-3011**

**Mid-Tex Tariffs  
Effective October 1, 2022**

**EXHIBIT A to 2022 RRM Resolution 2022-3011  
Mid-Tex Tariffs effective October 1, 2022**

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RATE SCHEDULE:</b>	<b>R – RESIDENTIAL SALES</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 10/01/2022</b>	

**Application**

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

**Type of Service**

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

**Monthly Rate**

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

<b>Charge</b>	<b>Amount</b>
Customer Charge per Bill	\$ 21.55 per month
Rider CEE Surcharge	\$ 0.05 per month <sup>1</sup>
<b>Total Customer Charge</b>	\$ 21.60 per month
Commodity Charge – All <u>Ccf</u>	\$0.36223 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

**Agreement**

An Agreement for Gas Service may be required.

**Notice**

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

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<sup>1</sup> Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2022.

**EXHIBIT A to 2022 RRM Resolution 2022-3011  
Mid-Tex Tariffs effective October 1, 2022**

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RATE SCHEDULE:</b>	<b>C – COMMERCIAL SALES</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 10/01/2022</b>	

**Application**

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

**Type of Service**

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

**Monthly Rate**

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

<b>Charge</b>	<b>Amount</b>
Customer Charge per Bill	\$ 63.50 per month
Rider CEE Surcharge	(\$ 0.01) per month <sup>1</sup>
<b>Total Customer Charge</b>	<b>\$ 63.49 per month</b>
Commodity Charge – All Ccf	\$ 0.14137 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

**Agreement**

An Agreement for Gas Service may be required.

**Notice**

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

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<sup>1</sup> Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2022.

**EXHIBIT A to 2022 RRM Resolution 2022-3011  
Mid-Tex Tariffs effective October 1, 2022**

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RATE SCHEDULE:</b>	<b>I – INDUSTRIAL SALES</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 10/01/2022</b>	

**Application**

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

**Type of Service**

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

**Monthly Rate**

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

<b>Charge</b>	<b>Amount</b>
Customer Charge per Meter	\$ 1,204.50 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.4939 per MMBtu
Next 3,500 MMBtu	\$ 0.3617 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0776 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

**Curtailment Overpull Fee**

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

**Replacement Index**

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

**EXHIBIT A to 2022 RRM Resolution 2022-3011  
Mid-Tex Tariffs effective October 1, 2022**

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RATE SCHEDULE:</b>	<b>I – INDUSTRIAL SALES</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 10/01/2022</b>	

**Agreement**

An Agreement for Gas Service may be required.

**Notice**

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

**Special Conditions**

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**EXHIBIT A to 2022 RRM Resolution 2022-3011  
Mid-Tex Tariffs effective October 1, 2022**

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RATE SCHEDULE:</b>	<b>T – TRANSPORTATION</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 10/01/2022</b>	

**Application**

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

**Type of Service**

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

**Monthly Rate**

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

<b>Charge</b>	<b>Amount</b>
Customer Charge per Meter	\$ 1,204.50 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.4939 per MMBtu
Next 3,500 MMBtu	\$ 0.3617 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0776 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

**Imbalance Fees**

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

**Monthly Imbalance Fees**

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

**EXHIBIT A to 2022 RRM Resolution 2022-3011  
Mid-Tex Tariffs effective October 1, 2022**

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RATE SCHEDULE:</b>	<b>T – TRANSPORTATION</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 10/01/2022</b>	

**Curtailment Overpull Fee**

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

**Replacement Index**

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

**Agreement**

A transportation agreement is required.

**Notice**

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

**Special Conditions**

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**EXHIBIT A to 2022 RRM Resolution 2022-3011  
Mid-Tex Tariffs effective October 1, 2022**

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RIDER:</b>	<b>WNA – WEATHER NORMALIZATION ADJUSTMENT</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 10/01/2022</b>	

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification

- WNAF<sub>i</sub> = Weather Normalization Adjustment Factor for the i<sup>th</sup> rate schedule or classification expressed in cents per Ccf
- R<sub>i</sub> = Commodity Charge rate of temperature sensitive sales for the i<sup>th</sup> schedule or classification.
- HSF<sub>i</sub> = heat sensitive factor for the i<sup>th</sup> schedule or classification divided by the average bill count in that class
- NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.
- ADD = billing cycle actual heating degree days.
- BL<sub>i</sub> = base load sales for the i<sup>th</sup> schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the j<sup>th</sup> customer in i<sup>th</sup> rate schedule is computed as:

$$WNA_i = WNAF_i \times q_{ij}$$

Where q<sub>ij</sub> is the relevant sales quantity for the j<sup>th</sup> customer in i<sup>th</sup> rate schedule.

**EXHIBIT A to 2022 RRM Resolution 2022-3011  
Mid-Tex Tariffs effective October 1, 2022**

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RIDER:</b>	<b>WNA – WEATHER NORMALIZATION ADJUSTMENT</b>	
<b>APPLICABLE TO:</b>	<b>ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 10/01/2022</b>	

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>
Abilene	10.58	0.1422	88.85	0.6666
Austin	9.90	0.1372	233.56	0.7819
Dallas	14.17	0.1938	186.38	0.9394
Waco	10.07	0.1308	140.10	0.7170
Wichita Falls	11.43	0.1398	131.57	0.5610

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at [atmosenergy.com/mtx-wna](http://atmosenergy.com/mtx-wna), in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNAs factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and an Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

**Exhibit B  
to 2022 RRM Resolution 2022-3011**

**Mid-Tex  
2022 Benchmark for Pensions and Retiree Benefits**

**ATMOS ENERGY CORP., MID-TEX DIVISION  
PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL  
TEST YEAR ENDING DECEMBER 31, 2021**

Line No.	Description	Shared Services		Mid-Tex Direct			Adjustment Total
		Pension Account Plan	Post-Employment Benefit Plan	Pension Account Plan	Supplemental Executive Benefit Plan	Post-Employment Benefit Plan	
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Proposed Benefits Benchmark - Fiscal Year 2022 Willis Towers Watson Report as adjusted (1) (2) (3)	\$ 1,715,323	\$ 982,708	\$ 3,137,022	\$ 313,319	\$ (341,412)	
2	Allocation to Mid-Tex	44.72%	44.72%	76.88%	100.00%	76.88%	
3	Proposed Benefits Benchmark Costs Allocated to Mid-Tex (Ln 1 x Ln 2)	\$ 767,038	\$ 439,436	\$ 2,411,882	\$ 313,319	\$ (262,493)	
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%	
5	Proposed Benefits Benchmark Costs to Approve (Ln 3 x Ln 4) (3)	\$ 767,038	\$ 439,436	\$ 2,411,882	\$ 313,319	\$ (262,493)	\$ 3,669,182
6							
7							
8	Summary of Costs to Approve (1):						
9							
10	O&M Expense Factor (WP_F-2.3, Ln 2)	79.88%	79.88%	38.60%	11.00%	38.60%	
11							
12							
13	Total Pension Account Plan	\$ 612,700		\$ 931,100			\$ 1,543,800
14	Total Post-Employment Benefit Plan		\$ 351,016			\$ (101,335)	249,681
15	Total Supplemental Executive Benefit Plan				\$ 34,465		34,465
16	Total (Ln 13 + Ln 14 + Ln 15)	\$ 612,700	\$ 351,016	\$ 931,100	\$ 34,465	\$ (101,335)	\$ 1,827,946

18 Notes:

- 19 1. Studies not applicable to Mid-Tex or Shared Services are omitted.  
20 2. Mid-Tex is proposing that the Fiscal Year 2022 Willis Towers Watson actuarial amounts shown on WP\_F-2.3 and WP\_F-2.3.1, be approved by the RRM Cities as the benchmark amounts to be used to calculate the regulatory asset or liability for future periods. The benchmark amount approved by the RRM Cities for future periods includes only the expense amount.  
21 3. SSU amounts exclude cost centers which do not allocate to Mid-Tex for rate making purposes.

**CITY OF HIGHLAND VILLAGE**  
**COUNCIL BRIEFING**

**AGENDA# 18**

**MEETING DATE: 08/23/2022**

**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 factual 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

<b>August 23, 2022</b>	<b>Regular City Council Meeting - 7:30 pm</b>
<b>August 30, 2022</b>	<b>City Council Special Joint Meeting with P &amp; Z – 6:00 pm</b>
September 1, 2022	Zoning Board of Adjustment Meeting - 6:00 pm
<b>September 5, 2022</b>	<b>City Office Closed in Observance of Labor Day</b>
<b>September 13, 2022</b>	<b>Regular City Council Meeting - 7:00 pm</b>
September 19, 2022	Parks & Recreation Advisory Board Meeting – 6:00 pm
<b>September 20, 2022</b>	<b>Special City Council Meeting for Budget – Time TBD</b>
September 20, 2022	Planning & Zoning Commission Meeting – 7:00 pm
<b>September 27, 2022</b>	<b>Regular City Council Meeting - 7:00 pm</b>
October 6, 2022	Zoning Board of Adjustment Meeting – 6:00 pm
<b>October 11, 2022</b>	<b>Regular City Council Meeting - 7:00 pm</b>
October 17, 2022	Parks & Recreation Advisory Board Meeting – 6:00 pm
October 18, 2022	Planning & Zoning Commission Meeting – 7:00 pm
<b>October 25, 2022</b>	<b>Regular City Council Meeting - 7:00 pm</b>
November 3, 2022	Zoning Board of Adjustment Meeting – 6:00 pm
<b>November 8, 2022</b>	<b>Regular City Council Meeting - 7:00 pm</b>

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](http://www.highlandvillage.org) or the City Hall bulletin board for the latest meeting additions and updates.