



A G E N D A

**REGULAR MEETING OF THE
HIGHLAND VILLAGE CITY COUNCIL
TUESDAY, NOVEMBER 13, 2018, at 6:00 P.M.
HIGHLAND VILLAGE CITY COUNCIL CHAMBERS
1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS**

**Convene Meeting in Open Session
Training Room – 6:00 P.M.**

EARLY WORK SESSION

1. Receive an Update regarding Projects, Operations and Services from Denton County Transportation Authority (DCTA)
2. Discuss amending the Code of Ordinances Article 14.06 relating to the Time Allowed for Placing Political Signs at Polling Locations on City Owned or Controlled Property
3. Clarification of Consent or Action Items listed on today's City Council Regular Meeting Agenda of November 13, 2018

(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**

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

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

5. Call to Order
6. Prayer to be led by Councilmember Robert Fiester
7. Pledge of Allegiance to the U.S. and Texas flags to be led by Councilmember Fiester: *“Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.”*

8. **Visitor Comments** *(Anyone wishing to address the City Council must complete a Speakers' Request form and return it to the City Secretary. In accordance with the Texas Open Meetings Act, the City Council is restricted in discussing or taking action on items not posted on the agenda. Action on your statement can only be taken at a future meeting. In order to expedite the flow of business and to provide all visitors the opportunity to speak, the Mayor may impose a three (3) minute limitation on any person addressing the City Council. A thirty (30) minute time allotment is set for this section, and the remaining speakers will be heard at the end of the Action Agenda.)*
9. **City Manager/Staff Reports**
 - **HVTV Update**
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**
 - **Presentation of a Proclamation celebrating Mayor for the Day**
 - **Presentation of a Grant from Atmos Energy to the Highland Village Fire Department**
 - **Presentation of a Proclamation celebrating National Geographic Information Systems (GIS) Day in Highland Village**
 - **Recognition of the Briarhill Bulldogs 7th Grade Division 2 Football Team for their Perfect Season**

CONSENT AGENDA

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

11. **Consider Approval of Minutes of the Regular City Council Meeting held on October 23, 2018**
12. **Consider Ordinance 2018-1254 amending the City of Highland Village Comprehensive Zoning Ordinance, Section 28.4 "Planned Development Standards" relating to the Minimum Area Required for Creation of a Planned Development District from the Required Three (3) Acres to Two (2) Acres (2nd and final read)**
13. **Consider Ordinance 2018-1256 amending Highland Village Code of Ordinances Article 10.02 "Ambulance Service" by amending Subsection (b) of Section 10.02.004 "Service Provided; Fee Schedule" relating to the Fees to be Charged for Providing Emergency Medical Services; Adding Section 10.02.006 "No Balance Billing for City Residents"; and adding Section 10.02.007 "Charges for Mutual Aid Recipients of Emergency Medical Services" relating to Charges for Emergency Medical Services provided to Non-Residents pursuant to a Mutual Aid Agreement (2nd and final read)**
14. **Consider Resolution 2018-2786 amending the City's Master Fee Schedule to include Emergency Medical Services Fees pursuant to Code of Ordinances Section 10.02.004**
15. **Consider Ordinance 2018-1257 adopting Amendments to the Fiscal Year 2018-2019 Budget (2nd and final read)**

16. Consider Investment Report for the Quarter Ending September 30, 2018
17. Consider Resolution 2018-2785 authorizing execution of a Substation Hosting Agreement with MP Shops at Highland Village, LLC

ACTION AGENDA

18. Take action, if any, on matters discussed in closed session in accordance with the following sections of the Texas Government Code:
 - (a) Section 551.071 – Consultation with City Attorney Concerning Pending or Contemplated Litigation and on any Regular Session or Work Session Agenda Item Requiring Confidential, Attorney/Client Advice Necessitated by the Deliberation or Discussion of Said Item (as needed)
19. Consider Ordinance 2018-1258 amending the Code of Ordinances Chapter 14 “Public Ways and Public Places” Article 14.07 “Right-of-Way Management” Section 14.07.078. “Underground Service Requirements”, Section 14.07.203, “Fees,” and Section 14.07.207, “Compliance with Design Manual (1st of two reads)

LATE WORK SESSION

(Items may be discussed during Early Work Session, Time Permitting)

20. Discuss Potential Legislative Issues for the 86th Legislative Session
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 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.)
22. 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 9TH DAY OF NOVEMBER, 2018 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 _____, 2018 at _____ am / pm by _____.

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 1

MEETING DATE: 11/13/18

SUBJECT: Receive an Update regarding Projects, Operations and Services from Denton County Transportation Authority (DCTA)

PREPARED BY: Michael Leavitt, City Manager

COMMENTS

Representatives from DCTA will provide an update regarding their projects, operations, and services.

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 2

MEETING DATE: 11/13/18

SUBJECT: Discuss amending the Code of Ordinances relating to the Time Allowed for Placing Political Signs at Polling Locations on City Property

PREPARED BY: Angela Miller, City Secretary

COMMENTS

City Ordinance 2014-1157 provides rules and regulations relating to political signs placed on City owned property that is being used as an election polling location. Currently, political signs are allowed at the Highland Village Municipal Complex during the early voting period and during Election Day. Once early voting ends, political signs must be removed no later than one-hour after the end of the early voting period. If a candidate wishes to have their political signs out for Election Day, they have to place their signs out again beginning at 12:01 a.m. prior to the commencement of Election Day.

City staff has reviewed the current ordinance and recommends an amendment so the signs will not have to be removed between the end of the early voting period and start of the Election Day period. No other amendments are being proposed and political signs would still be required to be removed no later than noon on the day after the end of the Election Day voting period.

This item is for discussion purposes only.

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 10

MEETING DATE: 11/13/18

SUBJECT: Mayor and Council Reports on Items of Community Interest

PREPARED BY: Angela Miller, City Secretary

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.

- Presentation of a Proclamation celebrating Mayor for the Day
- Presentation of a Grant from Atmos Energy to the Highland Village Fire Department
- Presentation of a Proclamation celebrating National Geographic Information Systems (GIS) Day in Highland Village
- Recognition of the Briarhill Bulldogs 7th Grade Division 2 Football Team for a Perfect Regular Season

Proclamation

The City of Highland Village

Whereas, The City of Highland Village is served by and is proud to support the Lewisville Independent School District; and

Whereas, The City of Highland Village recognizes that current LISD students are the future leaders of our city, county, state and nation; and

Whereas, Highland Village Elementary School has provided Highland Village students in grades Kindergarten through Fifth Grade with a high quality education; and

Whereas, The City of Highland Village offered a “Mayor for the Day” opportunity to one lucky student and second grader Alexa Trotta was the successful recipient.

NOW THEREFORE, on behalf of the City Council and City Staff, I, Charlotte Wilcox, Mayor of the City of Highland Village, do hereby congratulate and recognize

“Alexa Trotta as Mayor for the Day”

in the City of Highland Village.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City to be affixed on this 13th day of November 2018.

Charlotte J. Wilcox, Mayor

Proclamation

The City of Highland Village

Whereas, the science of Geographic Information Systems (GIS) connects people, regions, and systems; and

Whereas, geography is a common language that strengthens decision-making for governments, communities, non-profits and businesses all over the world; and

Whereas, GIS plays a crucial role in managing and preserving our natural resources; and

Whereas, GIS helps people collaborate and share knowledge so the systems we rely on work each day; and

Whereas, having a dedicated day of GIS activities for students, citizens, and government leaders demonstrates the benefits of GIS in a unique and concentrated way.

NOW THEREFORE, I Charlotte Wilcox, Mayor of the City of Highland Village, do hereby proclaim November 13, 2018 as

“National GIS Day”

in the City of Highland Village.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City to be affixed on this 13th day of November 2018.

Charlotte J. Wilcox, Mayor

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 11

MEETING DATE: 11/13/18

SUBJECT: Consider Approval of Minutes of the Regular City Council Meeting held on October 23, 2018

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 October 23, 2018 City Council meeting.

**MEETING MINUTES OF THE REGULAR MEETING OF THE
HIGHLAND VILLAGE CITY COUNCIL
HELD AT THE HIGHLAND VILLAGE MUNICIPAL COMPLEX
LOCATED AT 1000 HIGHLAND VILLAGE ROAD
TUESDAY, OCTOBER 23, 2018**

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

Roll Call

Present:	Charlotte J. Wilcox	Mayor
	Jon Kixmiller	Councilmember
	Michael Lombardo	Councilmember
	Barbara Fleming	Deputy Mayor Pro Tem
	Fred Busche	Mayor Pro Tem
	Robert A. Fiester	Councilmember
Absent:	Daniel Jaworski	Councilmember (arrived at 6:57 p.m.)
Staff Members:	Michael Leavitt	City Manager
	Kevin Laughlin	City Attorney
	Ken Heerman	Assistant City Manager
	Angela Miller	City Secretary
	Scott Kriston	Public Works Director
	Travis Nokes	Deputy Fire Chief
	Phil Lozano	Parks and Recreation Director
	Laurie Mullens	Director of Marketing & Communications
	Andrew Boyd	Media Specialist
	Karen Bradley	Administrative Assistant

EARLY WORK SESSION

1. Receive an Update regarding the Lake Ralph Hall Project

Larry Patterson, Executive Director of the Upper Trinity Regional Water District (UTRWD), reported the purpose of the Lake Ralph Hall project is to provide an additional water supply to address anticipated water demands associated with projected population growth for UTRWD's water providers, special districts and municipalities in Denton County and small portions of Dallas, Collin, Grayson, Wise and Cooke counties to the extent that Denton County customers' service areas extend outside Denton County. The project to construct Lake Ralph Hall include principal and emergency spillways, dam, and a reservoir with a conservation pool storage capacity of approximately 160,235 acre feet. The project will also include construction of a new 32.9-mile raw water pipeline, pump station and a 4.5-acre balancing reservoir. Raw water will be conveyed from Lake Ralph Hall directly to the Tom Harpool Water Treatment Plant adjacent to Lewisville Lake and the Tom Taylor Water Treatment Plant through discharge to Lewisville Lake via a proposed raw water transfer pipeline.

City Manager Michael Leavitt stated the US Army Corps of Engineers (USACE) has prepared a Draft Environmental Impact Statement (EIS) analyzing the effects of the proposed construction of the Project. The UTRWD has requested the City provide a letter or resolution of support for the Project to be placed in the record at the public hearing to

be conducted by USACE to receive comments on the EIS. Agenda Item #12 includes a resolution declaring support for the Project should Council wish to express such support.

2. Discuss Awarding of Grant Funds to Community Non-Profit Organizations for Fiscal Year 2018-2019

Mayor Wilcox reported the City received seventeen (17) applications for funding from non-profit organizations, with this year's requests totaling \$76,764.50. Councilmember Kixmiller stated he favors providing funds to organizations but voiced concern that past allocations may not provide enough funds to make an impact. Deputy Mayor Pro Tem Fleming requested having the organizations provide a list of their officers and board of directors as part of the application process next year.

Relating to the application submitted by the Highland Village Lions Club, Mayor Wilcox reported Emily Rhone had sent an update that Barbara Fleming had resigned as an officer and that she would be the primary contact for the organization. Council members discussed the allocation of funds for non-profit organizations and came to a consensus for awarding funding for Fiscal Year 2018-2019.

3. Clarification of Consent or Action Items listed on today's City Council Regular Meeting Agenda of October 23, 2018

Relating to Agenda Item #19, Parks and Recreation Director Phil Lozano reported Copperas Branch Park was closed in 2013 to allow TxDOT use of the park for a staging area during the I-35E Expansion Project. Approximately 6.4 acres of park land was used for the new I-35E bridge and a new entrance into the park. The City of Highland Village and Lewisville modified their corporate boundaries along the western portion of I-35E North and an additional 61 acres of land, including a body of water and land south of Highland Village Road, were annexed into the City.

With these changes, City staff has identified the need to obtain professional services relating to development of a master plan for the park. Mayor Pro Tem Busche and Councilmember Lombardo asked when the second phase of the I-35E Expansion Project would take place. City Manager Michael Leavitt stated there is no timeline on that yet. As it relates to the master plan, staff will not move forward with a capital expense until that is determined.

Councilmember Kixmiller asked if there has been a master plan regarding the area near the Transit Oriented Development (TOD). City Manager Michael Leavitt stated consultants have looked at that area and that if the City were to initiate anything it would be to consider an overlay district; however, a master plan for Copperas Branch Park is the next step. Councilmember Fiester asked about the timeline for completion of the master plan, who would set the program relating to facilities, and the possibility of seeking Texas Parks and Wildlife grants. Mr. Lozano stated start up would be early next year and the facilities would be based on public input and feasibility. He reported he is learning more about the grant process and that having a master plan is usually required when applying. Mr. Leavitt added that the park area is all located within a flood plain.

The consensus was to move this item to the Consent Agenda.

CLOSED SESSION

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

Council did not meet in Closed Session.

Early Work Session ended at 7:05 p.m.

OPEN SESSION

5. **Call to Order**

Mayor Wilcox introduced Tate Dodson as our Mayor for the Day. He called the meeting to order at 7:30 p.m.

Roll Call

Present:	Charlotte J. Wilcox	Mayor
	Jon Kixmiller	Councilmember
	Michael Lombardo	Councilmember
	Barbara Fleming	Deputy Mayor Pro Tem
	Fred Busche	Mayor Pro Tem
	Robert A. Fiester	Councilmember
	Daniel Jaworski	Councilmember
Staff Members:	Michael Leavitt	City Manager
	Kevin Laughlin	City Attorney
	Ken Heerman	Assistant City Manager
	Angela Miller	City Secretary
	Doug Reim	Chief of Police
	David Harney	School Resource Officer
	Travis Nokes	Deputy Fire Chief
	Scott Kriston	Public Works Director
	Phil Lozano	Parks and Recreation Director
	Laurie Mullens	Director of Marketing & Communications
	Andrew Boyd	Media Specialist

6. **Prayer to be led by Mayor Pro Tem Fred Busche**

Mayor Pro Tem Busche gave the invocation.

7. **Pledge of Allegiance to the U.S. and Texas flags to be led by Mayor Pro Tem Fred Busche.**

Mayor Pro Tem Busche led the Pledge of Allegiance to the U.S and Texas flags.

8. **Visitor Comments**

No one wished to speak.

9. **City Manager/Staff Reports**

- **HVTV Update**

Residents were informed of the Salute Our Veterans Luncheon to be held on November 9, the Fall Festival honoring our Veterans scheduled for November 3 at Unity Park, the Tri-Town Amazing Race planned for November 10 and Date Night at Doubletree Ranch Park to be held on October 26.

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

Mayor Wilcox reported Councilmembers and City staff participated in a Red Ribbon event earlier in the day at Marcus High School.

- **Presentation of a Proclamation honoring Carolyn Britton for her Service to the City of Highland Village**

Mayor Wilcox presented Carolyn Britton with a proclamation honoring her for her 21 years of service to the residents of Highland Village.

- **Presentation of a Proclamation celebrating Mayor for the Day**

Mayor Wilcox presented Mr. Tate Dodson with a proclamation recognizing him as Mayor for the Day.

- **Presentation of a Proclamation celebrating Art Month in Highland Village**

Mayor for the Day Tate Dodson presented a proclamation celebrating November as Art Month in Highland Village. This is part of the 17th Annual Cross Timbers Artists' Guild Studio Tour scheduled for November 10-11, 2018. Linda Chidsey, Colleen Drew, and Lorraine Hayes were in attendance to receive the proclamation.

- **Presentation of a Proclamation designating October 22-26, 2018 as Red Ribbon Week in Highland Village**

Mayor Wilcox presented a proclamation to Police Chief Doug Reim, School Resource Officer David Harney and Dr. Kim Gronberg. The proclamation promotes family and individuals living a healthy, drug-free lifestyle.

CONSENT AGENDA

Mayor Wilcox reported Agenda Item #19 would be moved up to the Consent Agenda.

- 11. Consider Approval of Minutes of the Regular City Council Meeting held on October 9, 2018**
- 12. Consider Resolution 2018-2780 declaring Support of the Environmental Impact Statement prepared by the United States Army Corps of Engineers for the Lake Ralph Hall Regional Water Supply Reservoir Project**

13. Consider Resolution 2018-2781 authorizing the City Manager to Enter into an Agreement for GIS Software Licensing and Maintenance with Environmental Systems Research Institute, Inc. (ESRI)
19. Consider Resolution 2018-2783 authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with La Terra Studio for Master Planning Copperas Branch Park

Motion by Mayor Pro Tem Busche, seconded by Deputy Mayor Pro Tem Fleming, to approve Consent Agenda Items #11 through #13, and #19. Motion carried 7-0.

ACTION AGENDA

14. 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)

NO ACTION TAKEN

Council did not meet in Closed Session.

15. Conduct a Public Hearing and Consider Ordinance 2018-1254 amending the City of Highland Village Comprehensive Zoning Ordinance, Section 28.4 “Planned Development Standards” relating to the Minimum Area Required for Creation of a Planned Development District from the Required Three (3) Acres to Two (2) Acres (1st of two reads)

PUBLIC HEARING CONDUCTED **APPROVED 1ST READ (7 – 0)**

Public Works Director Scott Kriston reported the City received an application requesting an amendment to the City’s Comprehensive Zoning Ordinance (CZO) so that the applicant may develop his property located at 1400 Highland Village Road, which is a 2.73 acre lot. If approved as a text amendment to the CZO, the minimum area for creation of Planned Development Districts would be reduced for the entire City, not just the applicant’s property.

Mr. Kriston stated this item was presented and discussed by the Planning and Zoning Commission (Commission) on September 18, 2018 and the recommendation was to send the ordinance forward to the City Council, as presented. Due to a procedural matter during the P&Z meeting, this item had been placed back on a Commission agenda on October 16, 2018 for the purpose of conducting the public hearing and making a recommendation to City Council on whether or not to send the Ordinance forward as presented. At the October 16, 2018 meeting, the Commission recommended sending the ordinance forward to City Council for approval, as presented, with a vote of (4-0).

Mr. Kriston stated to date no inquiries or comments have been received relating to this item. He reported there are approximately 60 empty lots available in the City to develop. Of that, he stated there are about 16 tracts of land remaining that are 2+ acres each. Most empty lots in the City range from 1+ acre but less than 2 acres. Mayor Wilcox opened the public hearing and with no one wishing to speak, the public hearing was closed.

Councilmember Lombardo asked how many of the 16 tracts are 3 acres and above. Mr. Kriston estimated less than 3. City Attorney Kevin Laughlin reported this is not to amend a specific property. He stated an applicant could later request an amendment but the zoning would be determined at that time. He further stated for mature communities that are built out, a planned development can be a tool to provide for development of infill lots where it hasn't been part of an overall development scheme.

Motion by Mayor Pro Tem Busche, seconded by Councilmember Jaworski, to approve the first read of Ordinance 2018-1254 reducing the required minimum acreage for creation of a Planned Development District. Motion carried 7-0.

16. **Conduct a Public Hearing and Consider Resolution 2018-2782 approving the Use of Alternative Exterior Building Materials on a Residential Building to be Located on the Property at 418 Post Oak Drive which is Presently within a Single Family Residential (SF-10) Zoning District Pursuant to City of Highland Village Comprehensive Zoning Ordinance Section 30.2.A.1**

APPROVED (7 – 0)

Mr. Kriston stated an application was submitted requesting approval of the use of Hardi Cement Fiberboard siding as an alternate exterior material on 100% of the exterior of a proposed new single-family residential structure and detached garage to be constructed in a Single Family Residential (SF-10) Zoning District located at 418 Post Oak Drive. Currently, cement fiberboard is not included among the materials defined as "masonry" within the City's Comprehensive Zoning Ordinances (CZO).

Mr. Kriston reported that during the Planning & Zoning Commission meeting held on October 16, 2018, two people spoke during the public hearing – one person in favor and one person opposed to the request. In addition, one email was received in favor of the request. The Commission recommended sending forward to City Council the application for approval with a vote of 5 to 0. Since the meeting, Mr. Kriston reported staff has also received two emails in favor of the request.

Mayor Wilcox opened the public hearing and, with no one wishing to speak, the public hearing was closed.

Councilmember Fiester asked if staff would be revising the CZO to allow the material throughout the City. He stated he favors use of the material if it is going to be allowed throughout the City. In addition, he stated allowable materials for commercial properties should also be reviewed. Mr. Leavitt stated it may be time to review the CZO and that a residential overlay district could be considered, which would allow for its use, but would be limited only to non-HOA areas of the City. Councilmember Kixmiller reported he had visited the property area and that the proposed material and design would be a good fit. Councilmember Jaworski stated this material was not a widely used material at the time the CZO was originally written, so it could warrant a review.

Mr. Laughlin clarified the exception is not the use of the material but rather the percentage allowed. In addition, he added that in considering this exception, there are some criteria to consider, such as the compatibility of the intended use with the building elevation as it relates to the area as well as the architectural design and surrounding properties.

Motion by Councilmember Kixmiller, seconded by Deputy Mayor Pro Tem Fleming, to approve Resolution 2018-2782 approving the use of alternative exterior building materials on a residential building located at 418 Post Oak Drive. Motion carried 7-0.

17. **Consider Ordinance 2018-1256 amending Highland Village Code of Ordinances Article 10.02 “Ambulance Service” by amending Subsection (b) of Section 10.02.004 “Service Provided; Fee Schedule” relating to the Fees to be Charged for Providing Emergency Medical Services; Adding Section 10.02.006 “No Balance Billing for City Residents”; and adding Section 10.02.007 “Charges for Mutual Aid Recipients of Emergency Medical Services” relating to Charges for Emergency Medical Services provided to Non-Residents pursuant to a Mutual Aid Agreement (1st of two reads)**

APPROVED 1ST READ (7 – 0)

Assistant City Manager Ken Heerman reported EMS charges are first billed to insurance, with any balance not paid by insurance to be collected from the patient. Roughly one half of the billings are directed to Medicare (52%), a small percentage to Medicaid (3%), with the remainder to be collected from insurance (27%) and patients (18%). Most of the patient balances go unpaid. Mr. Heerman reported Council has previously expressed desire not to pursue third party collection of these balances. Highland Village is at the lower end of the amount of the fees assessed in comparison with surrounding jurisdictions.

In a previous discussion with Council at its August 28, 2018 meeting, City staff proposed the following, with Council indicating a consensus to proceed accordingly:

- ❖ Updating the ordinance addressing EMS services to stipulate that EMS billing for City residents will only be billed to the patient’s insurance, Medicare / Medicaid, with any remaining balance to be written off.
- ❖ Increase fees to reflect market, capturing an increased percentage of fees insurance companies are willing to pay. The higher fee will not affect Highland Village residents directly.

Mr. Heerman stated City staff, in conjunction with the City Attorney, prepared an ordinance amending the Code of Ordinances with respect to the sections relating to EMS fees. He further added, in being consistent with the on-going process of having the City Council adopt fees by resolution and incorporated into a master fee schedule, the ordinance provides for fees to be adopted by resolution of the City Council. The revised fees discussed above will be contained in a resolution to be presented concurrently with the second reading of the proposed ordinance.

Motion by Deputy Mayor Pro Tem Fleming, seconded by Councilmember Jaworski, to approve first read of Ordinance 2018-1256. Motion carried 7-0.

18. **Consider Ordinance 2018-1257 adopting Amendments to the Fiscal Year 2018-2019 Budget (1st of two reads)**

APPROVED 1ST READ (7 – 0)

Mr. Heerman stated this is the first amendment presented to Council this fiscal year. He reported Council had approved the reallocation of \$500,000 of economic development funds and the reallocation of \$91,000, which was the resulting savings due to favorable bids received for the FY 2018 street overlay program, for other needed projects. This amendment is to re-authorize appropriations specifically identified in FY 2018 but were not completed before year-end.

Motion by Councilmember Jaworski, seconded by Councilmember Lombardo, to approve first read of Ordinance 2018-1257. Motion carried 7-0.

19. Consider Resolution 2018-2783 authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with la terra studio for Master Planning Copperas Branch Park

APPROVED ON THE CONSENT AGENDA

This item was moved to the Consent Agenda.

20. Consider Resolution 2018-2784 awarding Grant Funds to Community Non-Profit Organizations for Fiscal Year 2018-2019

APPROVED (7 – 0)

Motion by Councilmember Lombardo, seconded by Deputy Mayor Pro Tem Fleming, to approve Resolution 2018-2784 making the following allocations:

Section 1 – Family Service Organizations:

- ***Christian Community Action (CCA) - \$2,000***
- ***Denton County Friends of the Family, Inc. - \$2,500***
- ***Salvation Army Lewisville - \$2,500***
- ***Special Abilities of North Texas - \$2,500***
- ***Winning the Fight (WTF) - \$2,500***
- ***Youth and Family Counseling - \$2,500***

Section 2 – Children's Service Organizations:

- ***Casa of Denton County, Inc. - \$2,000***
- ***Communities in Schools of North Texas - \$2,500***
- ***Journey to Dream - \$2,500***
- ***PediPlace - \$2,500***
- ***Lewisville ISD Education Foundation (LEF) - \$4,500***

Section 3 – Community Service Organizations:

- ***Highland Village Lions Club - \$3,500***
- ***Friends of the Flower Mound Library - \$500***
- ***Lewisville Lake Symphony - \$3,000***
- ***Studio B Performing Arts Center - \$3,000***
- ***Greater Lewisville Community Theatre - \$500***
- ***Chisholm Trail Retired Senior Volunteer Program (RSVP) - \$2,000***

Motion carried 7-0.

Mayor Wilcox thanked all of the organizations for the services they provide to the residents of Highland Village.

LATE WORK SESSION

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 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.)

Mr. Leavitt provided the following updates:

Dog Park – City crews will close the park to plant winter rye grass and address some drainage issues. The Park will be closed from October 24 through November 2. This work will help prepare the park for winter use.

TXFallenPD Tribute Event – The purpose of the event is to raise money for the Fallen Officer Fund. Preliminary estimates show our community helped raise over \$45,000 which surpasses the City's goal of \$30,000. Mr. Leavitt thanked local businesses, residents, and all departments within the City for their help and support with the event.

Councilmember Fiester suggested an update of the Comprehensive Zoning Ordinance to allow hardi cement fiberboard as an acceptable building material. Mr. Leavitt stated a workshop of the Planning and Zoning Commission could be held to allow for review and that a consultant may also be utilized to assist with the project.

22. Adjournment

Mayor Wilcox adjourned the meeting at 9:00 p.m.

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary

CITY OF HIGHLAND VILLAGE
CITY COUNCIL

AGENDA# 12

MEETING DATE: 11/13/18

SUBJECT: Consider Ordinance 2018-1254 relating to an Application to Amend the City of Highland Village Comprehensive Zoning Ordinance, Section 28.4.C, to reduce the Required Minimum Acreage for Creation of a Planned Development District (2nd and final read)

PREPARED BY: Autumn Aman, Community Development Coordinator

BACKGROUND:

The City has received an application requesting an amendment to City of Highland Village Comprehensive Zoning Ordinance, Section 28.4.C., which currently reads as follows:

Section 28.4 Planned Development District Standards

C. Minimum Acreage: The minimum acreage for a PD district shall be three acres.

The applicant, Mr. Bill Davidson with Foremost Investments, is requesting the amendment so that he may develop his property located at 1400 Highland Village Road by creating a Planned Development District with an area of 2.713 acres. If approved as a text amendment to the CZO, the minimum area for creation of Planned Development Districts would be reduced for the entire City, not just the applicant's property.

This item was presented and discussed by the Planning and Zoning Commission on September 18, 2018 with the recommendation made to send the Ordinance forward to City Council as presented. However, due to a procedural matter during the meeting, this item had been placed back on a Planning and Zoning Commission agenda on October 16, 2018 for the purpose of conducting the Public Hearing and making a recommendation to City Council on whether or not to send the Ordinance forward as presented.

IDENTIFIED NEED/S:

All public hearing requirements have been satisfied.

OPTIONS & RESULTS:

Options are to recommend that the application be (1) approved as submitted, (2) approved with modifications, or (3) deny the request. The City Council may also postpone any action in order to receive any additional information which it requests be presented.

PROGRESS TO DATE: (if appropriate)

At the October 16, 2018 Planning and Zoning meeting, the Commission recommended sending the Ordinance forward to City Council for approval as presented with a vote of (4-0). Commissioners voting were Chairman Ricketts, Vice Chairman Lemko, and Alternate Commissioners Dylan Romo and Denver Kemery. Commissioner Tom Heslep abstained

from voting citing conflict of interest.

Staff has received no inquiries regarding this item.

City Council approved the first read of Ordinance 2018-1254 at their October 23, 2018 meeting.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

An amendment to the Comprehensive Zoning Ordinance is required. A copy of the ordinance prepared by the City Attorney is attached.

RECOMMENDATION:

The Planning and Zoning Commission recommended sending the proposed Ordinance forward to City Council for approval, as presented with a vote of (4-0). Council approved the first read of Ordinance 2018-1254 at their October 23, 2018 meeting. Staff recommends approval of the final read of Ordinance 2018-1254.

CITY OF HIGHLAND VILLAGE, TEXAS

ORDINANCE NO. 2018-1254

AN ORDINANCE OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIGHLAND VILLAGE CHAPTER 28 "ZONING," EXHIBIT A "ZONING ORDINANCE," AS PREVIOUSLY AMENDED, BY AMENDING PARAGRAPH C OF SECTION 28.4 "PLANNED DEVELOPMENT STANDARDS" RELATING TO THE MINIMUM AREA REQUIRED FOR CREATION OF A PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Highland Village, Texas, in compliance with the laws of the State of Texas and the Ordinances of the City of Highland Village, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally and to all persons interested and in the exercise of its legislative discretion, the City Council has concluded that the general regulations of the Comprehensive Zoning Ordinance, as previously amended, should be further amended as follows:

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

SECTION 1. The Code of Ordinances of the City of Highland Village, Chapter 28 "Zoning," Exhibit A "Zoning Ordinance," as amended, is further amended by amending Paragraph C of Section 28.4 "Planned Development District Standards" to read as follows:

- C. Minimum acreage: The minimum area for creation of a PD District shall be two (2) acres

SECTION 2. All ordinances of the City of Highland Village related to the use and development of property within the City heretofore adopted and in effect upon the effective date of this Ordinance are and shall remain in full force and effect except to the extent amended by this Ordinance or to the extent there is an irreconcilable conflict between the provisions of said other ordinance and the provisions of this Ordinance, in which case the provisions of this Ordinance shall be controlling.

SECTION 3. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance, or of the Comprehensive Zoning Ordinance, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance or the Comprehensive Zoning Ordinance, as amended hereby, which shall remain in full force and effect.

SECTION 4. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 5. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in Comprehensive Zoning Ordinance as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense.

SECTION 6. This ordinance shall take effect immediately from and after 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.

FIRST READ ON THE 23RD DAY OF OCTOBER 2018, BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON SECOND READING ON THIS THE 13TH DAY OF OCTOBER, 2018.

APPROVED:

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(kbl:10/16/18:102516)

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 13	MEETING DATE: 11/13/18
SUBJECT:	<p>Consider Ordinance 2018-1256 Amending Highland Village Code of Ordinances Article 10.02 “Ambulance Service” by Amending Subsection (b) of Section 10.02.004 “Service Provided, Fee Schedule” Relating to the Fees to be Charged for Providing Emergency Medical Services; Adding Section 10.02.006 “No Balance Billing For City Residents” Regarding Billing of City Residents for Emergency Medical Services; and Adding Section 10.02.007 “Charges For Mutual Aid Recipients of Emergency Medical Services” Relating to Charges for Emergency Medical Services Provided to Non-Residents Pursuant to a Mutual Aid Agreement (2nd and final read)</p>
PREPARED BY:	Ken Heerman, Assistant City Manager

BACKGROUND:

The City periodically reviews EMS fees billed to patients requiring medical treatment / transport by City EMS apparatus. This is partial cost recovery, and fees generally are determined in conjunction with prevailing market rates – with Highland Village generally on the low end of the spectrum. The City outsources the EMS billing service to a company (Emergicon) that specializes in this type of billing. Revenues total roughly \$200,000 per year.

IDENTIFIED NEED/S:

EMS charges are first billed to insurance, with balance not paid by insurance to be collected from the patient. Roughly one half of the billings are directed to Medicare (52%), a small percentage to Medicaid (3%), with the remainder to be collected from insurance (27%) and patients (18%). Most of the patient balances go unpaid. Council has previously expressed desire to not pursue third party collection of these balances. Highland Village is at the bottom end of a comparison of fees assessed by surrounding jurisdictions.

Current Rates Resident						
	<u>BLS</u>	<u>ALS</u>	<u>ALS 2</u>	<u>ALS Disp</u>	<u>BLS Disp</u>	<u>TNT</u>
Coppell	\$ 750	\$ 850	\$ 950	\$ 400	\$ 200	\$ -
*Argyle	750	850	950	350	250	0
Flower Mound	780	850	950	400	200	100
*Lake Cities	950	850	1100	420	295	100
*Highland Village	\$ 562	\$ 562	\$ 562	\$ 312	\$ 312	\$ 281

Current Rates Non-Resident						
	BLS	ALS	ALS 2	ALS Disp	BLS Disp	TNT
Coppell	\$ 850	\$ 950	\$ 1,050	\$ 400	\$ 200	\$ -
*Argyle	850	950	1050	350	250	0
Flower Mound	850	950	1050	400	200	100
*Lake Cities	950	950	1200	420	295	100
*Highland Village	\$ 700	\$ 700	\$ 700	\$ 312	\$ 312	\$ 350
*Balance Billing						
BLS - Basic Life Support						
ALS - Advanced Life Support						

In a previous discussion with Council at the August 28th meeting, City staff proposed the following:

- 1) Updating the ordinance addressing EMS services to stipulate that EMS billing for City residents will only be billed to the patient's insurance, Medicare / Medicaid, with any remaining balance to be written off.
- 2) Increase fees to reflect market, capturing an increased percentage of fees insurance companies are willing to pay. The higher fee will not affect Highland Village residents directly.

Council indicated a consensus to proceed accordingly.

PROGRESS TO DATE: (if appropriate)

The City is fortunate with close proximity to surrounding cities to participate in mutual aid arrangements. The Town of Flower Mound is the primary agency with which mutual aid services are received / rendered. Thus, it is proposed that the respective fee schedules be updated to provide for equivalent fees for both cities, as well as stipulate that mutual aid services provided to the other agency are to be billed at resident rates. It is anticipated the overall effect on revenues to be neutral, as increased amount on insurance payments will offset non-collection of balance billing.

The current fees in effect since 2010:

Base Resident Fee	\$562.00
Base Non-Resident Fee	\$700.00
Itemized Drug Costs	150%
Non-reusable medical supplies at cost	– 100%
Transport Mileage	\$6.50 per mile

The proposed fees are as follows (Equivalent to Town of Flower Mound schedule):

- a) A fee of \$750.00 for residents and \$850.00 for nonresidents shall be charged per trip, per person for basic life support (BLS) treatment and transportation by emergency ambulance to a full service hospital facility in response to a request received by the fire department for emergency medical services.
- b) A fee of \$850.00 for residents and \$950.00 for nonresidents shall be charged per trip, per person for advanced life support I (ALSI) treatment and transportation by

emergency ambulance to a full service hospital facility in response to a request received by the fire department for emergency medical services.

- c) A fee of \$950.00 for residents of the town and \$1,050.00 for nonresidents shall be charged per trip, per person for advanced life support II (ALSII) treatment and transportation by emergency ambulance to a full service hospital facility in response to a request received by the fire department for emergency medical services.
- d) An additional fee of \$15.00 shall be charged per loaded mile. In addition to all other fees charged hereunder, a fee of \$200.00 shall be charged per trip, per person for single-usage disposable items for those persons provided basic life support (BLS) treatment.
- e) In addition to all other fees charged hereunder, a fee of \$400.00 shall be charged per trip, per person for single-usage disposable items for those persons provided advanced life support (ALS) treatment.
- f) In addition to all other fees charged hereunder, a fee of \$150.00 shall be charged per trip, per person for single-usage disposable items utilized in conjunction with the provision and use of oxygen.
- g) The foregoing fees have been established based, in part at least, on the centers for Medicare and Medicaid services (CMS) rates, which rates are the reimbursement rates for ambulance fees set by Medicare. When the CMS rate for advanced life support, level 2 ambulance service ("ALS 2") is increased the city's fee for providing advanced life support II ("ALSII") treatment and transportation ambulance service shall be increased from the then current fee amount by a similar amount and rounded up to the next higher \$10.00 increment. All other fee amounts for ambulance services shall be similarly increased from the then current fee in an amount proportionate to the ALSII increase and rounded up to the next higher \$10.00 increment. Any such increase shall become effective on the first day of the next fiscal year (October 1) of the City of Highland Village, and the foregoing fee schedule revised accordingly.

Two additional changes are proposed regarding EMS billing:

- 1) For emergency medical services received by any resident of the City, only the individual's health insurance company will be billed, with any remaining balance to be written off.
- 2) Mutual aid recipients of emergency medical services provided by the City of Highland Village be billed for these services at resident rates – with understanding that a reciprocal approach will be provided from the mutual aid cities to Highland Village residents that receive mutual aid emergency medical services

City staff, in conjunction with the City Attorney, prepared Ordinance 2018-1256 amending the Code of Ordinances with respect to the sections relating to EMS fees. Council approved the first read of Ordinance 2018-1256 at their meeting held on October 23, 2018.

Consistent with the on-going process of having the City Council adopt fees by resolution and incorporated into a master fee schedule, Ordinance 2018-1256 also provides for fees to be adopted by resolution of the City Council. The revised fees discussed above are addressed in a following agenda item and included in proposed Resolution 2018-2786, being presented concurrently with the second reading of Ordinance 2018-1256.

RECOMMENDATION:

Council to approve the second read of Ordinance 2018-1256.

CITY OF HIGHLAND VILLAGE, TEXAS

ORDINANCE NO. 2018-1256

AN ORDINANCE OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AMENDING CHAPTER 10 "HEALTH AND SANITATION," ARTICLE 10.02 "AMBULANCE SERVICE" OF THE CODE OF ORDINANCES, CITY OF HIGHLAND VILLAGE, TEXAS, BY AMENDING SUBSECTION (b) OF SECTION 10.02.004 "SERVICE PROVIDED, FEE SCHEDULE" RELATING TO THE FEES TO BE CHARGED FOR PROVIDING EMERGENCY MEDICAL SERVICES; ADDING SECTION 10.02.006 "NO BALANCE BILLING FOR CITY RESIDENTS" REGARDING BILLING OF CITY RESIDENTS FOR EMERGENCY MEDICAL SERVICES; ADDING SECTION 10.02.007 "CHARGES FOR MUTUAL AID RECIPIENTS OF EMERGENCY MEDICAL SERVICES" RELATING TO CHARGES FOR EMERGENCY MEDICAL SERVICES PROVIDED NON-RESIDENTS PURSUANT TO A MUTUAL AID AGREEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council finds it is necessary to adjust the fees and charges to be assessed for the provision of emergency medical services to reflect the current costs for providing emergency medical services and associated supplies including, but not limited to, transportation, intravenous fluids, medications, bandages, and oxygen masks due to continuing increases in the cost of such services and items; and

WHEREAS, the City Council desires to only bill a city resident's health insurance company or other applicable health care benefits plan for the cost of providing emergency medical service to such resident, with any remaining balance to be written off; and

WHEREAS, the City Council further desires and finds it to be in the public interest to charge a resident of another city who receives emergency medical services provided by the City of Highland Village pursuant to a mutual aid agreement with said other city to be billed in the same manner as City residents as long as such other city will similarly charge the City's resident no more than what the City would charge if such other city provides emergency medical service to a City resident pursuant to said mutual aid agreement;

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

Section 1. Chapter 10 "Health and Sanitation," Article 10.02 "Ambulance Service" of the Highland Code of Ordinances of the City of Highland Village is amended as follows:

- A. Section 10.02.004 "Service Provided; Fee Schedule", is hereby amended by amending Subsection (b) "Fee Schedule" to read in its entirety as follows:

Sec. 10.02.004 Service Provided; Fee Schedule

* * *

(b) Fee Schedule. Fees shall be assessed to residents and non-residents of the City for the provision of the following emergency medical services furnished by the City's fire department to residents and non-residents in amounts adopted by resolution of the City Council and published in the City's Master Fee Schedule maintained in the Office of the City Secretary:

- (1) Provision of Basic Life Support (BLS) treatment and transportation by emergency ambulance to a full-service hospital facility to be charged on a per trip, per person basis;
- (2) Provision of Advanced Life Support I (ALS-I) treatment and transportation by emergency ambulance to a full-service hospital facility charged on a per trip, per person basis
- (3) Provision of Advanced Life Support II (ALS-II) treatment and transportation by emergency ambulance to a full-service hospital facility to be charged on a per trip, per person basis;
- (4) In addition to the other fees charged in this subsection (b), a fee shall be charged per loaded mile travelled by ambulance from the location where the person is loaded to the hospital facility where the person is unloaded;
- (5) In addition to the other fees charged in this subsection (b), a fee shall be charged on a per trip, per person basis for single-usage disposable items used during the provision of Basic Life Support (BLS) treatment;
- (6) In addition to the other fees charged in this subsection (b), a fee of shall be charged on a per trip, per person basis for single-usage disposable items used in the provision of ALS-I or ALS-II treatment; and
- (7) In addition to the other fees charged in this subsection (b), a fee shall be charged on a per trip, per person basis for single-usage disposable items utilized in conjunction with the provision and use of oxygen.

* * *

B. Section 10.02.006 titled "No Balance Billing for City Residents" is added to read as follows:

Sec. 10.02.006 No Balance Billing for City Residents

A City resident shall not be billed by the City for the remaining unpaid balance of fees charged pursuant to Section 10.02.004 for the provision of emergency medical services provided to said City resident after receipt by the City of final

payment from the provider of said City resident's medical insurance benefits, with such remaining unpaid balance to be written off. The foregoing shall also apply to a non-resident of the City where the City resident is a beneficiary under such non-resident's medical insurance or other medical benefits plan and the City resident was the recipient of the emergency medical services. This section shall not apply to the billing of non-residents at the City resident rates for the provision of emergency medical services under a mutual aid agreement pursuant to Section 10.02.007.

C. Section 10.02.007 title "Billing of Mutual Aid Recipients" is added to read as follows:

Sec. 10.02.007 Billing of Mutual Aid Recipients

A non-resident of the City who receives emergency medical services from the City's fire department during an emergency run made to such person's city of residence in accordance with a mutual aid or similar agreement between the City and such person's city of residence shall be charged the fees charged to the City's residents pursuant to Section 10.02.004 for the provision of emergency medical services if such person's city of residence has adopted an ordinance or resolution, or has entered into an interlocal agreement with the City, providing that such other city will charge City's residents the rate such other city charges its own residents for emergency medical services if such other city provides emergency medical services to a City resident pursuant to the mutual aid or similar agreement with the City.

Section 4. If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto 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 the ordinance despite such invalidity, which remaining portion shall remain in full force and effect.

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 23RD DAY OF OCTOBER 2018.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON SECOND READING ON THIS THE 13TH DAY OF NOVEMBER 2018.

APPROVED:

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(kbl:10/17/18:103513)

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 14	MEETING DATE: 11/13/18
SUBJECT:	Consider Resolution 2018-2786 adopting Emergency Medical Services Fees pursuant to Code of Ordinances Section 10.02.004; and Providing an Effective Date
PREPARED BY:	Ken Heerman, Assistant City Manager

BACKGROUND:

The City periodically reviews Emergency Medical Service (EMS) fees billed to patients requiring medical treatment / transport by City EMS apparatus and personnel. This is partial cost recovery, and fees generally are determined in conjunction with prevailing market rates – with Highland Village generally on the low end of the spectrum. The City outsources EMS billing to a company (Emergicon) that specializes in this type of billing. Revenues total roughly \$200,000 per year.

IDENTIFIED NEED/S:

The City participates with surrounding cities in mutual aid arrangements, including EMS calls. The Town of Flower Mound is the primary agency with which mutual aid services are exchanged. Thus, it is proposed that the respective fee schedules be updated to provide for equivalent fees for both cities, as well as stipulate that mutual aid services provided to the other agency are to be billed at resident rates. It is anticipated the overall effect on revenues to be neutral, as increased amount on insurance payments will offset non-collection of balance billing.

The current fees in effect since 2010:

Base Resident Fee	\$562.00
Base Non-Resident Fee	\$700.00
Itemized Drug Costs	150%
Non-reusable medical supplies at cost	– 100%
Transport Mileage	\$6.50 per mile

City staff, in conjunction with the City Attorney, prepared an ordinance amending the Code of Ordinances with respect to the sections relating to EMS fees, with second read to be considered at this meeting. Consistent with the on-going process of having the City Council adopt fees by resolution and incorporated into a master fee schedule, the ordinance provides for fees to be adopted by resolution of the City Council. The revised fees detailed following are contained in this resolution concurrent with the second reading of the proposed ordinance.

The proposed fees are as follows (Equivalent to Town of Flower Mound schedule):

Emergency Medical Service Fees		
Type of Service	Amount of Fee	
Base Fee for treatment and transportation by emergency ambulance to a full-service hospital facility in response to a request received by the fire department for emergency medical services (charged per trip and, if more than one patient in the ambulance, per person)	Basic Life Support (BLS)	Resident: \$750 Non-Resident: \$850
	Advance Life Support 1 (ALS-1)	Resident: \$850 Non-Resident: \$950
	Advance Life Support 2 (ALS-2)	Resident: \$950 Non-Resident: \$1050
Mileage fee per loaded mile from location where patient is loaded on the ambulance to the location of the hospital facility where transported and unloaded from the ambulance.	\$15.00 per mile	
Use of single use disposal items (charged per trip and, if more than one patient in the ambulance, per person)	Basic Life Support (BLS)	\$200
	Advance Life Support 1 (ALS-1)	\$400
	Advance Life Support 2 (ALS-2)	\$400
Single use disposable items used in conjunction with the provision and use of oxygen (charged per trip and, if more than one patient in the ambulance uses such items, per person).	All levels of service	\$150

RECOMMENDATION:

Council to approve Resolution 2018-2786 as submitted.

CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2018-2786

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS AMENDING THE CITY'S MASTER FEE SCHEDULE TO INCLUDE EMERGENCY MEDICAL SERVICES FEES PURSUANT TO CODE OF ORDINANCES SECTION 10.02.004; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council finds it is necessary to adjust the fees and charges to be assessed for the provision of emergency medical services to reflect the current costs for providing emergency medical services and associated supplies including, but not limited to, transportation, intravenous fluids, medications, bandages, and oxygen masks due to continuing increases in the cost of such services and items; and

WHEREAS, Code of Ordinances §10.02.004 provides for the adoption and amendment of emergency medical service fees by resolution of the City Council; and

WHEREAS, the City Council of the City of Highland Village finds it to be in the public interest to adopt the recommended fee schedule for use of emergency medical services.

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

SECTION 1. Pursuant to Code of Ordinances §10.02.004, the City's Master Fee Schedule is amended as set forth in Exhibit "A", attached hereto and incorporated herein by reference, to include fees for emergency medical service furnished by the Fire Department to be charged on a per-call basis, per person, for treatment or transportation by emergency ambulance to a hospital or provider of emergency medical aid, in response to a request received by the Fire Department for emergency medical services.

SECTION 2. This Resolution shall take effect immediately upon the later of final passage of this Resolution and the passage and effective date of Ordinance No. 2018-1256.

PASSED AND APPROVED THIS THE 13TH DAY OF NOVEMBER 2018.

APPROVED:

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(kbl:11/8/18:104203)

Resolution No. 2018-2786
Exhibit “A” – Emergency Medical Service Fees Schedule

The following fees for emergency medical services shall be assessed in a manner consistent with Section 10.02.004 of the Highland Village Code of Ordinances and as reflected below.

Emergency Medical Service Fees		
Type of Service	Amount of Fee	
Base Fee for treatment and transportation by emergency ambulance to a full-service hospital facility in response to a request received by the fire department for emergency medical services (charged per trip and, if more than one patient in the ambulance, per person)	Basic Life Support (BLS)	Resident: \$750 Non-Resident: \$850
	Advance Life Support 1 (ALS-1)	Resident: \$850 Non-Resident: \$950
	Advance Life Support 2 (ALS-2)	Resident: \$950 Non-Resident: \$1050
Mileage fee per loaded mile from location where patient is loaded on the ambulance to the location of the hospital facility where transported and unloaded from the ambulance.	\$15.00 per mile	
Use of single use disposal items (charged per trip and, if more than one patient in the ambulance, per person)	Basic Life Support (BLS)	\$200
	Advance Life Support 1 (ALS-1)	\$400
	Advance Life Support 2 (ALS-2)	\$400
Single use disposable items used in conjunction with the provision and use of oxygen (charged per trip and, if more than one patient in the ambulance uses such items, per person).	All levels of service	\$150

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 15

MEETING DATE: 11/13/18

SUBJECT: Consider Ordinance 2018-1257 authorizing Certain Budget Amendments pertaining to the Fiscal Year 2018-2019 Budget (2nd 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 is to re-authorize appropriations specifically identified in FY 2018 but were not completed before year-end.

- A very favorable bid for the FY 2018 street overlay program resulted in a savings of \$91,000. This provides opportunity to initiate engineering for a trail segment that has been identified as a priority, however without funding availability for the foreseeable future in the Highland Village Community Development Corporation budget. The Chapel Hill Estates Inland Trail Connector will extend the existing Chapel Hill Inland Trail to the existing Inland Trail Tunnel, providing connectivity to the City Trail. The estimated cost for the project is \$218,000. Staff recommends utilization of the \$91,000 savings from the FY 2018 street overlay to fund engineering for this project estimated at \$46,500. The remaining \$44,500 (of the \$91,000) would be earmarked toward the construction (cost projection of \$171,500). Our expectation is to add this as an alternate item to the bid for an upcoming project (Highland Village Rd Trail from City Hall to Sellmeyer) – with intent of achieving efficiency in the bid price.
- An amount of \$500,000 in the FY 2018 City Manager budget was earmarked for potential economic development participation. It was determined that there was not a demonstrated need. Thus, with Council direction, it was reallocated to other identified needs:
 - o \$110,000 network data storage apparatus – Information Services Dept.
 - This consisted of two separate devices, with one \$43,000 device received shortly after fiscal year-end. As it was received in FY 2019 it will be recorded accordingly, thus requiring re-appropriation of the \$43,000.
 - o \$91,000 for concrete street repairs - Streets Dept. To be completed in FY 2019
 - o \$275,000 related to shade structures and playground equipment at Doubletree Ranch Park. - Parks Dept. To be completed in FY 2019.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

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

RECOMMENDATION:

Council to approve the second read of Ordinance No. 2018-1257 as presented.

Budget Amendment Request Worksheet

Line Item for Proposed Change:

<u>Department</u>	<u>Category</u>	<u>Current Budget (Annual)</u>	<u>Proposed Budget (Annual)</u>	<u>Increase / Decrease</u>
Information Services	Capital	-0-	43,000	43,000
Streets	Services / Supplies	718,501	809,501	91,000
Parks	Capital	240,000	515,000	275,000
Parks	Capital	515,000	606,000	91,000
General Fund Balance			Net Change	\$ 500,000

Reason for Request

Information Services *Capital* – \$43,000 related to network data storage device (carried over from FY 2018)
Streets *Services / Supplies* - \$91,000 related to concrete panel street replacement (carried over from FY 2018)
Parks *Capital* – \$275,000 DTR shade covers and playground equipment (redirected from CM Econ Devel budget in FY 2018)
Parks *Capital* – \$91,000 Reallocated savings from street overlay bid to fund engineering for Chapel Hill Trail Connection and portion of construction.

GENERAL FUND	Net Change \$ - 500,000
--------------	--------------------------------

CITY OF HIGHLAND VILLAGE, TEXAS

ORDINANCE NO. 2018-1257

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS ADOPTING AMENDMENTS TO THE FISCAL YEAR 2018-2019 BUDGET; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; 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 2018-2019 ("2018-19 Budget"), by prior action of the City Council; 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 2018-19 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 fiscal year 2018-19 Budget amendments, 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 23rd DAY OF OCTOBER, 2018.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS ON THE SECOND READING, THIS THE 13TH DAY OF NOVEMBER.

APPROVED:

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(kbl:7/20/17:88206)

**Ordinance No. 2018-1257
Exhibit "A"**

Budget Amendment Request Worksheet

Line Item for Proposed Change:

<u>Department</u>	<u>Category</u>	<u>Current Budget (Annual)</u>	<u>Proposed Budget (Annual)</u>	<u>Increase / Decrease</u>
Information Services	Capital	-0-	43,000	43,000
Streets	Services / Supplies	718,501	809,501	91,000
Parks	Capital	240,000	515,000	275,000
Parks	Capital	515,000	606,000	91,000
General Fund Balance			Net Change	\$ 500,000

Reason for Request

Information Services *Capital* – \$43,000 related to network data storage device (carried over from FY 2018)
Streets *Services / Supplies* - \$91,000 related to concrete panel street replacement (carried over from FY 2018)
Parks *Capital* – \$275,000 DTR shade covers and playground equipment (redirected from CM Econ Devel budget in FY 2018)
Parks *Capital* – \$91,000 Reallocated savings from street overlay bid to fund engineering for Chapel Hill Trail Connection and portion of construction.

GENERAL FUND	Net Change \$ - 500,000
--------------	--------------------------------

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 16	MEETING DATE: 11/13/18
SUBJECT:	Investment Report for Quarter Ending September 30, 2018
PREPARED BY:	Heather Miller, Assistant Finance Director

BACKGROUND:

The Public Funds Investment Act, Chapter 2256.023 of the Government Code requires the investment officer of each local government to submit its governing body a quarterly report of investment transactions. The City staff has compiled the following information for your review and to comply with this reporting requirement.

IDENTIFIED NEED/S:

N/A

OPTIONS & RESULTS:

The detailed transactions for June 30, 2018 through September 30, 2018 follow this briefing.

- TexPool (Texas Local Government Investment Pool, a public funds investment pool that matures October 1, 2018)
- TexSTAR (Texas Short Term Asset Reserve Program, a public funds investment pool, custodial, and depository services are provided by JP Morgan Chase Bank and subsidiary J.P. Morgan Investor Services Co. that matures October 1, 2018)
- Independent DDA (Demand Deposit Account that matures October 1, 2018 collateralized by pledged securities held in custody by The Independent Bankers Bank)
- Independent NOW (Negotiable Order of Withdraw that matures October 1, 2018 collateralized by pledged securities held in custody by The Independent Bankers Bank)
- Southside MMA (Money Market Account that matures October 1, 2018, collateralized by pledged securities held in custody by the Federal Home Loan Bank)
- InterBank MMA (Money Market Account that matures October 1, 2018, fully insured by the Federal Deposit Insurance Corporation)
- LegacyTexas Bank CD (Certificates of Deposit that matures July 16, 2018 collateralized by a letter of credit held in custody by the Federal Home Loan Bank)

- LegacyTexas Bank CD (Certificates of Deposit that matures August 3, 2018 collateralized by a letter of credit held in custody by the Federal Home Loan Bank)
- LegacyTexas Bank CD (Certificates of Deposit that matures August 27, 2018 collateralized by a letter of credit held in custody by the Federal Home Loan Bank)
- LegacyTexas Bank CD (Certificates of Deposit that matures October 16, 2018 collateralized by a letter of credit held in custody by the Federal Home Loan Bank)
- Third Coast Bank CD (Certificates of Deposit that matures January 22, 2019 collateralized by a letter of credit held in custody by the Federal Home Loan Bank)
- LegacyTexas Bank CD (Certificates of Deposit that matures February 27, 2019 collateralized by a letter of credit held in custody by the Federal Home Loan Bank)
- LegacyTexas Bank CD (Certificates of Deposit that matures February 27, 2019 collateralized by a letter of credit held in custody by the Federal Home Loan Bank)
- Third Coast Bank CD (Certificates of Deposit that matures April 22, 2019 collateralized by a letter of credit held in custody by the Federal Home Loan Bank)
- Wallis State Bank CD (Certificates of Deposit that matures April 28, 2019 collateralized by a letter of credit held in custody by the Federal Home Loan Bank)
- Third Coast Bank CD (Certificates of Deposit that matures July 22, 2019 collateralized by a letter of credit held in custody by the Federal Home Loan Bank)
- Wallis State Bank CD (Certificates of Deposit that matures August 9, 2019 collateralized by a letter of credit held in custody by the Federal Home Loan Bank)

This information reports that the beginning market value for all cash and investments was \$24,113,905 and the ending market value on September 30, 2018 was \$22,572,325. The average yield for the quarter ending September 30, 2018 in pooled, demand deposit, negotiable order of withdrawal, and money market accounts (2.02%) is less than the six-month term treasuries. The beginning pool, demand deposit, negotiable order of withdrawal, and money market accounts invested balance at June 30, 2018 was \$12,080,035 and the ending balance at September 30, 2018 was \$11,738,812 or 52% of the City's total portfolio. The weighted average maturity of the City's portfolio at September 30, 2018 is 84 days.

The average total portfolio yield for the quarter ending September 30, 2018 was 2.14%.

The book value and market value for the City's total portfolio for the beginning and end of the reporting period is as follows:

	<u>Book Value</u>	<u>Market Value</u>
June 30, 2018	\$24,113,905	\$24,113,905
June 30, 2018	\$22,572,325	\$22,572,325

I hereby certify that the attached report is in compliance with the Public Funds Investment Act and that all investments held and transactions made during the reporting period were duly authorized and properly recorded and valued.



Heather Miller
Investment Officer



Ken Heerman
Assistant City Manager



Jeff Sun
Staff Accountant

¹Note:

Par is the stated legal dollar value or principal value at maturity.

Book value is what we paid for the instrument adjusted by any accretion or amortization costs.

Market value is what we could reasonably sell the instrument for in the current market.

RECOMMENDATION:

Council to receive the Investment Reports for the period ending September 30, 2018.



QUARTERLY INVESTMENT REPORT

For the Quarter Ended

September 30, 2018

Prepared by

Valley View Consulting, L.L.C.

The investment portfolio of the City of Highland Village is in compliance with the Public Funds Investment Act and the City of Highland Village Investment Policy and Strategies.

Ken Heerman, Assistant City Manager

Heather Miller, Assistant Finance Director

Jeff Sun, Staff Accountant

Disclaimer: These reports were compiled using information provided by the City of Highland Village. No procedures were performed to test the accuracy or completeness of this information. The market values included in these reports were obtained by Valley View Consulting, L.L.C. from sources believed to be accurate and represent proprietary valuation. Due to market fluctuations these levels are not necessarily reflective of current liquidation values. Yield calculations are not determined using standard performance formulas, are not representative of total return yields and do not account for investment advisor fees.

Annual Comparison of Portfolio Performance

FYE Results by Investment Category:

Asset Type	September 30, 2017			September 30, 2018		
	Ave. Yield	Book Value	Market Value	Ave. Yield	Book Value	Market Value
MMA/NOW/Pools	0.94%	\$ 8,357,982	\$ 8,357,982	2.02%	\$ 11,738,812	\$ 11,738,812
Securities/CDs	1.24%	4,140,014	4,140,014	2.28%	10,833,513	10,833,513
Totals		\$ 12,497,996	\$ 12,497,996		\$ 22,572,325	\$ 22,572,325
Fourth Quarter-End Yield	1.04%			2.14%		

Average Quarter-End Yields (1):

	2017 Fiscal Year	2018 Fiscal Year
Highland Village	0.85%	1.78%
Rolling Three Month Treasury	0.75%	1.67%
Rolling Six Month Treasury	0.78%	1.73%
TexPool	0.74%	1.62%

(1) Average Quarterly Yield calculated using quarter-end report average yield and adjusted book value.

Summary

Quarter End Results by Investment Category:

Asset Type	June 30, 2018			September 30, 2018		
	Ave. Yield	Book Value	Market Value	Ave. Yield	Book Value	Market Value
MMA/NOW/Pools	1.91%	\$ 12,080,035	\$ 12,080,035	2.02%	\$ 11,738,812	\$ 11,738,812
Securities/CDs	2.03%	12,033,871	12,033,871	2.28%	10,833,513	10,833,513
Totals		\$ 24,113,905	\$ 24,113,905		\$ 22,572,325	\$ 22,572,325

Current Quarter Average Yield (1)

Total Portfolio	2.14%
Rolling Three Month Treasury	2.08%
Rolling Six Month Treasury	2.15%

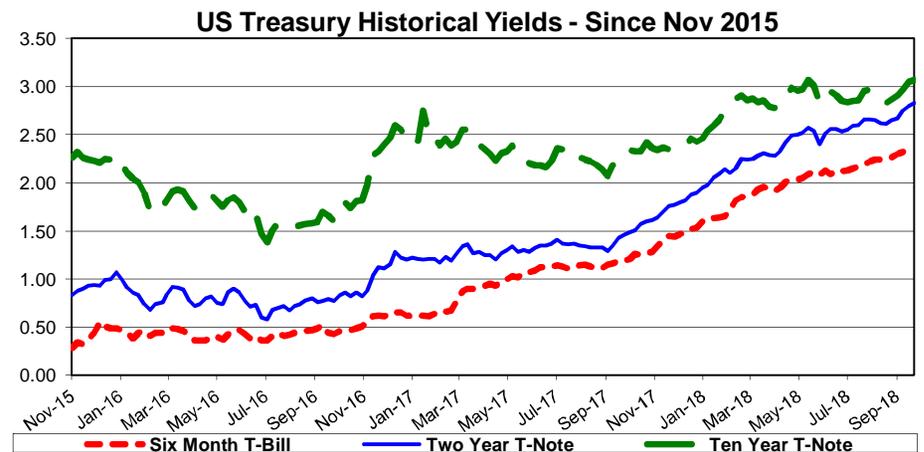
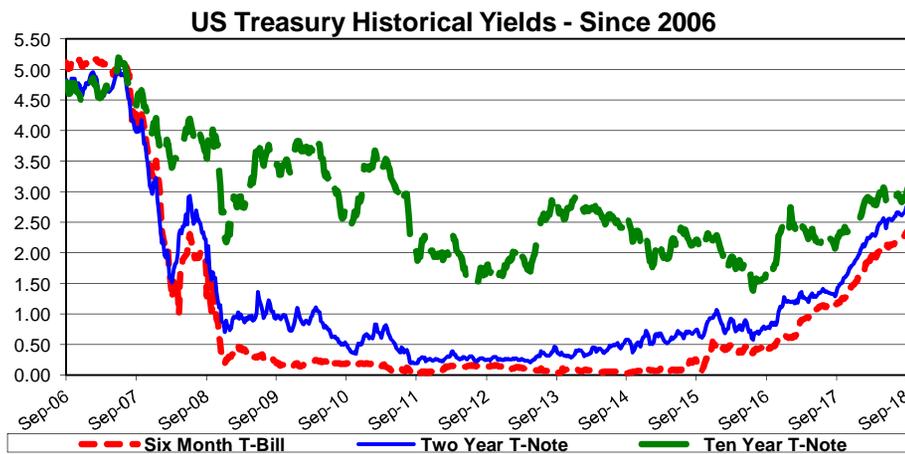
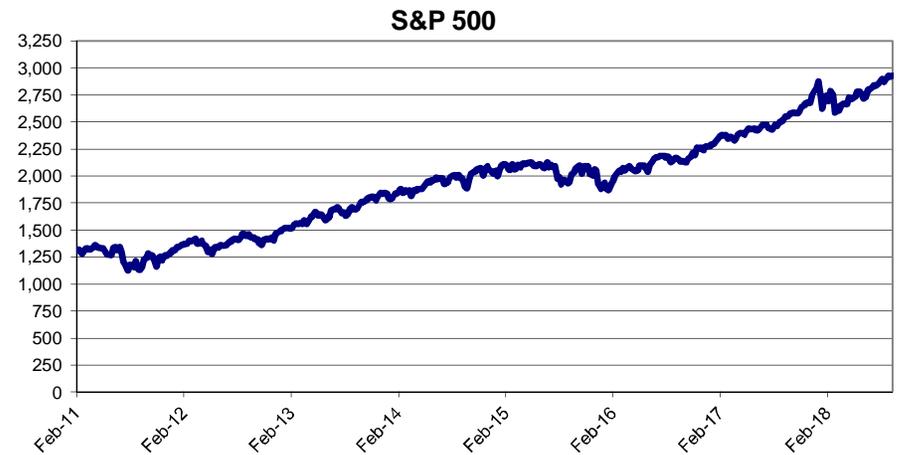
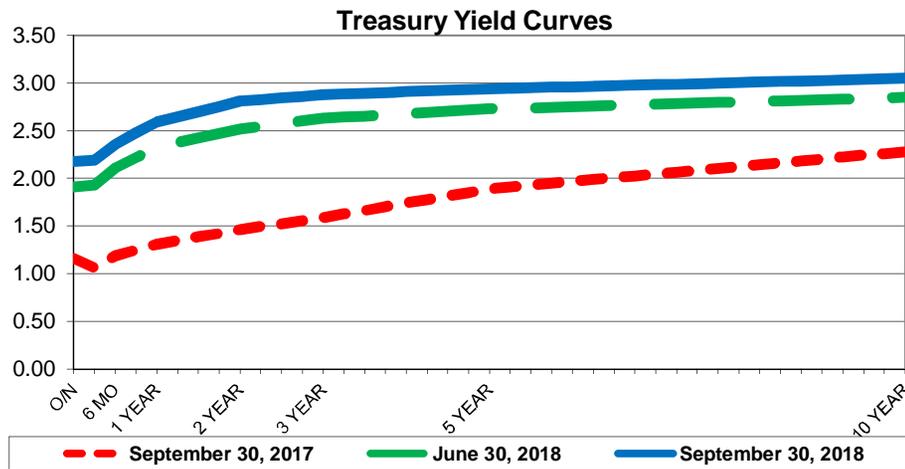
Fiscal Year-to-Date Average Yield (2)

Total Portfolio	1.78%
Rolling Three Month Treasury	1.67%
Rolling Six Month Treasury	1.73%
TexPool	1.62%

(1) Average Yield calculated using quarter end report yields and adjusted book values and does not reflect a total return analysis or account for advisory fees.

(2) Fiscal Year-to-Date Average Yields calculated using quarter end report yields and adjusted book values and does not reflect a total return analysis or account for advisory fees.

The Federal Open Market Committee (FOMC) increased the Fed Funds target range to 2.00% - 2.25% (Effective Fed Funds are trading +/-2.18%). Additional range increases are still projected for Dec 2018 and 2019. Gradual Federal Reserve Bank portfolio reduction continues by limiting reinvestment of maturing holdings. Second Quarter grew 4.2% (final estimate). Employment/Unemployment continues to strong levels. West Texas Intermediate Crude oil increased above +/- \$70. The Stock Markets reached new highs. Consumer Confidence is strong. Personal Income is improving. The flattening yield curve may or may not impact long range FOMC actions.



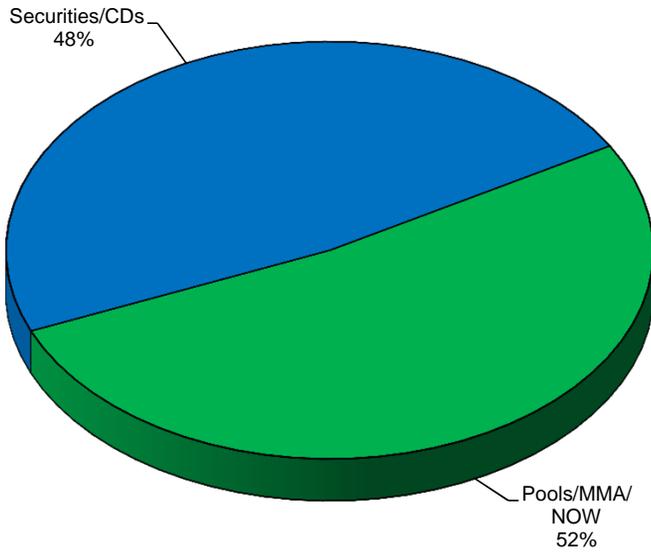
Investment Holdings
September 30, 2018

Description	Rating	Coupon/ Discount	Maturity Date	Settlement Date	Original Face/ Par Value	Book Value	Market Price	Market Value	Life (days)	Yield
TexPool	AAAm	2.00%	10/01/18	09/30/18	\$ 1,853,262	\$ 1,853,262	1.00	\$ 1,853,262	1	2.00%
TexSTAR	AAAm	2.00%	10/01/18	09/30/18	1,211,307	1,211,307	1.00	1,211,307	1	2.00%
Independent DDA		0.35%	10/01/18	09/30/18	668,566	668,566	1.00	668,566	1	0.35%
Independent NOW		0.40%	10/01/18	09/30/18	65,607	65,607	1.00	65,607	1	0.40%
Southside MMA		2.14%	10/01/18	09/30/18	2,873,647	2,873,647	1.00	2,873,647	1	2.14%
InterBank MMA		2.20%	10/01/18	09/30/18	249,457	249,457	1.00	249,457	1	2.20%
InterBank ICS		2.20%	10/01/18	09/30/18	4,816,966	4,816,966	1.00	4,816,966	1	2.20%
LegacyTexas Bank CD		1.85%	10/16/18	01/16/18	1,518,575	1,518,575	100.00	1,518,575	16	1.85%
Third Coast Bank CD		2.15%	01/22/19	01/22/18	1,010,690	1,010,690	100.00	1,010,690	114	2.15%
LegacyTexas Bank CD		2.20%	02/27/19	02/27/18	1,012,848	1,012,848	100.00	1,012,848	150	2.22%
LegacyTexas Bank CD		2.20%	02/27/19	02/27/18	1,519,272	1,519,272	100.00	1,519,272	150	2.22%
Third Coast Bank CD		2.20%	04/22/19	01/22/18	1,010,939	1,010,939	100.00	1,010,939	204	2.20%
Wallis State Bank CD		2.53%	04/26/19	09/22/18	3,000,000	3,000,000	100.00	3,000,000	208	2.55%
Third Coast Bank CD		2.25%	07/22/19	01/22/18	1,011,189	1,011,189	100.00	1,011,189	295	2.25%
Wallis State Bank CD		2.59%	08/09/19	08/09/18	750,000	750,000	100.00	750,000	313	2.61%
					\$ 22,572,325	\$ 22,572,325		\$ 22,572,325	84	2.14%
									(1)	(2)

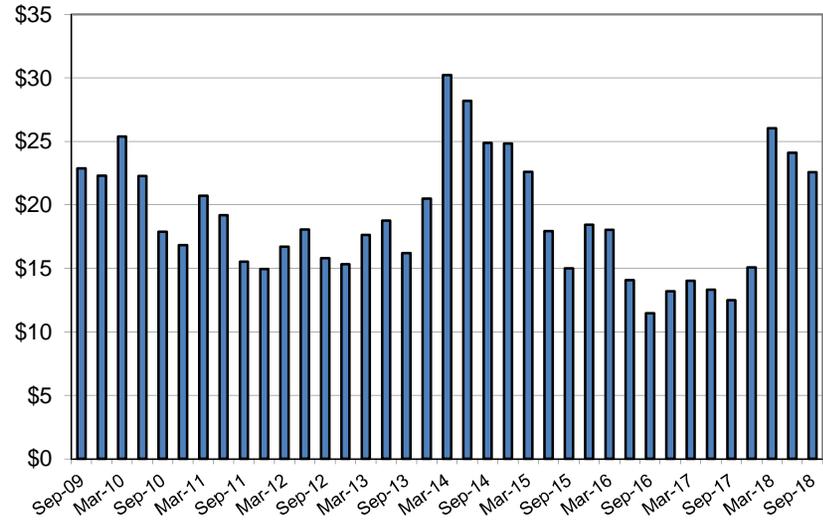
(1) **Weighted average life** - For purposes of calculating weighted average life, pool and bank account investments are assumed to have a one day maturity.

(2) **Weighted average yield to maturity** - The weighted average yield to maturity is based on adjusted book value, realized and unrealized gains/losses and investment advisory fees are not considered.

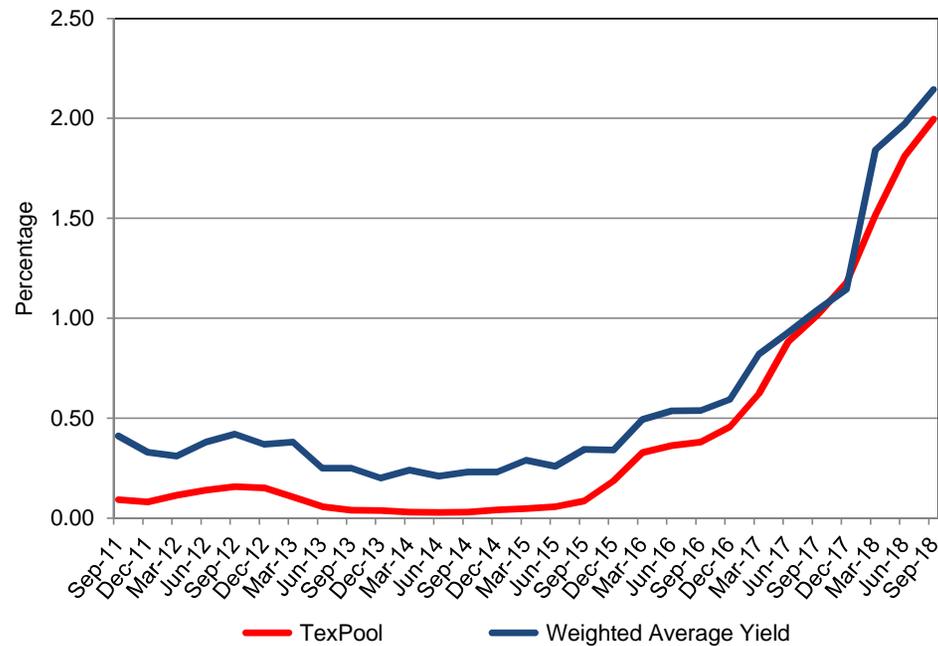
Portfolio Composition



Total Portfolio (Millions)



Total Portfolio Performance



Book Value Comparison

Description	Coupon/ Discount	Maturity Date	June 30, 2018				September 30, 2018	
			Original Face/ Par Value	Book Value	Purchases/ Accretions	Amortizations/ Sales/Maturities	Original Face/ Par Value	Book Value
TexPool	2.00%	10/01/18	\$ 1,946,410	\$ 1,946,410	\$ –	\$ (93,148)	\$ 1,853,262	\$ 1,853,262
TexSTAR	2.00%	10/01/18	1,431,973	1,431,973		(220,666)	1,211,307	1,211,307
Independent DDA	0.35%	10/01/18	639,108	639,108	29,458		668,566	668,566
Independent NOW	0.40%	10/01/18	165,460	165,460		(99,853)	65,607	65,607
Southside MMA	2.14%	10/01/18	2,858,681	2,858,681	14,966		2,873,647	2,873,647
InterBank MMA	2.20%	10/01/18	250,430	250,430		(973)	249,457	249,457
InterBank ICS	2.20%	10/01/18	4,787,973	4,787,973	28,993		4,816,966	4,816,966
LegacyTexas Bank CD	1.77%	07/16/18	1,259,180	1,259,180		(1,259,180)	–	–
LegacyTexas Bank CD	1.45%	08/03/18	708,500	708,500		(708,500)	–	–
LegacyTexas Bank CD	2.05%	08/27/18	3,020,270	3,020,270		(3,020,270)	–	–
LegacyTexas Bank CD	1.85%	10/16/18	1,511,515	1,511,515	7,059		1,518,575	1,518,575
Third Coast Bank CD	2.15%	01/22/19	1,005,301	1,005,301	5,389		1,010,690	1,010,690
LegacyTexas Bank CD	2.20%	02/27/19	1,007,253	1,007,253	5,596		1,012,848	1,012,848
LegacyTexas Bank CD	2.20%	02/27/19	1,510,879	1,510,879	8,394		1,519,272	1,519,272
Third Coast Bank CD	2.20%	04/22/19	1,005,425	1,005,425	5,515		1,010,939	1,010,939
Wallis State Bank CD	2.53%	04/26/19	–	–	3,000,000		3,000,000	3,000,000
Third Coast Bank CD	2.25%	07/22/19	1,005,548	1,005,548	5,641		1,011,189	1,011,189
Wallis State Bank CD	2.59%	08/09/19	–	–	750,000		750,000	750,000
TOTAL			\$ 24,113,905	\$ 24,113,905	\$ 3,861,010	\$ (5,402,590)	\$ 22,572,325	\$ 22,572,325

Market Value Comparison

Description	Coupon/ Discount	June 30, 2018			Qtr-to-Qtr Change	September 30, 2018		
		Original Face/ Par Value	Market Price	Market Value		Original Face/ Par Value	Market Price	Market Value
TexPool	2.00%	\$ 1,946,410	1.00	\$ 1,946,410	\$ (93,148)	\$ 1,853,262	1.00	\$ 1,853,262
TexSTAR	2.00%	1,431,973	1.00	1,431,973	(220,666)	1,211,307	1.00	1,211,307
Independent DDA	0.35%	639,108	1.00	639,108	29,458	668,566	1.00	668,566
Independent NOW	0.40%	165,460	1.00	165,460	(99,853)	65,607	1.00	65,607
Southside MMA	2.14%	2,858,681	1.00	2,858,681	14,966	2,873,647	1.00	2,873,647
InterBank MMA	2.20%	250,430	1.00	250,430	(973)	249,457	1.00	249,457
InterBank ICS	2.20%	4,787,973	1.00	4,787,973	28,993	4,816,966	1.00	4,816,966
LegacyTexas Bank CD	1.77%	1,259,180	100.00	1,259,180	(1,259,180)	—	—	—
LegacyTexas Bank CD	1.45%	708,500	100.00	708,500	(708,500)	—	—	—
LegacyTexas Bank CD	2.05%	3,020,270	100.00	3,020,270	(3,020,270)	—	—	—
LegacyTexas Bank CD	1.85%	1,511,515	100.00	1,511,515	7,059	1,518,575	100.00	1,518,575
Third Coast Bank CD	2.15%	1,005,301	100.00	1,005,301	5,389	1,010,690	100.00	1,010,690
LegacyTexas Bank CD	2.20%	1,007,253	100.00	1,007,253	5,596	1,012,848	100.00	1,012,848
LegacyTexas Bank CD	2.20%	1,510,879	100.00	1,510,879	8,394	1,519,272	100.00	1,519,272
Third Coast Bank CD	2.20%	1,005,425	100.00	1,005,425	5,515	1,010,939	100.00	1,010,939
Wallis State Bank CD	2.53%	—	—	—	3,000,000	3,000,000	100.00	3,000,000
Third Coast Bank CD	2.25%	1,005,548	100.00	1,005,548	5,641	1,011,189	100.00	1,011,189
Wallis State Bank CD	2.59%	—	—	—	750,000	750,000	100.00	750,000
TOTAL		\$ 24,113,905		\$ 24,113,905	\$ (1,541,581)	\$ 22,572,325		\$ 22,572,325

**Allocation by Fund
September 30, 2018
Book and Market Value**

Utility Funds	TexPool	TexSTAR	Independent DDA	Independent NOW	Southside MMA	InterBank MMA	InterBank ICS	Certificates of Deposit	
								10/16/2018	01/22/2019
Interest & Sinking	\$ 455,451	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Replacement Reserve	458,625								
Operations	348,325				270,195				
Impact Fees	104,589				43,117				
2013 CO Utility Capital Projects		278,817			514,755				
2018 CO Utility Capital Projects		28,829				100,184	1,678,022		
Sub Total	\$ 1,366,989	\$ 307,646	\$ -	\$ -	\$ 828,067	\$ 100,184	\$ 1,678,022	\$ -	\$ -
General Funds									
Operations	\$ 38,060	\$ 657,752	\$ -	\$ 59,311	\$ 2,045,580	\$ 50,092	\$ 961,401	\$ 1,518,575	\$ 1,010,690
Pooled Cash			668,566						
Interest & Sinking	95,858	63,843							
Drainage Utility	282,704								
Sub Total	\$ 416,622	\$ 721,596	\$ 668,566	\$ 59,311	\$ 2,045,580	\$ 50,092	\$ 961,401	\$ 1,518,575	\$ 1,010,690
General Capital Project Funds									
Park Development	\$ 69,437	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2015 Tax Note Capital Projects		46,360							
2018 GO Capital Projects		129,821				99,182	2,177,543		
Sub Total	\$ 69,437	\$ 176,181	\$ -	\$ -	\$ -	\$ 99,182	\$ 2,177,543	\$ -	\$ -
Corp Leased Park Funds									
Corp LeasedTXDot Mitigation	\$ -	\$ 3	\$ -	\$ 6,296	\$ -	\$ -	\$ -	\$ -	\$ -
Sub Total	\$ -	\$ 3	\$ -	\$ 6,296	\$ -	\$ -	\$ -	\$ -	\$ -
HV Community Development Funds									
Operations	\$ 214	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
HVDCD TXDot Mitigation		5,881							
Sub Total	\$ 214	\$ 5,881	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals	\$ 1,853,262	\$ 1,211,307	\$ 668,566	\$ 65,607	\$ 2,873,647	\$ 249,457	\$ 4,816,966	\$ 1,518,575	\$ 1,010,690

**Allocation by Fund
September 30, 2018
Book and Market Value**

(Continued)

Utility Funds	Certificates of Deposit						Total	Interest This Quarter
	02/27/2019	02/27/2019	04/22/2019	04/26/2019	07/22/2019	08/09/2019		
Interest & Sinking	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 455,451	\$ 1,947
Replacement Reserve							458,625	2,229
Operations							618,520	3,100
Impact Fees						750,000	897,706	2,451
2013 CO Utility Capital Projects							793,572	4,156
2018 CO Utility Capital Projects	1,012,848						2,819,883	15,571
Sub Total	\$ 1,012,848	\$ -	\$ -	\$ -	\$ -	\$ 750,000	\$ 6,043,756	\$ 29,454
General Funds								
Operations	\$ -	\$ -	\$ 1,010,939	\$ -	\$ 1,011,189	\$ -	\$ 8,363,589	\$ 46,944
Pooled Cash							668,566	645
Interest & Sinking							159,701	1,136
Drainage Utility							282,704	1,296
Sub Total	\$ -	\$ -	\$ 1,010,939	\$ -	\$ 1,011,189	\$ -	\$ 9,474,560	\$ 50,021
General Capital Project Funds								
Park Development	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 69,437	\$ 338
2015 Tax Note Capital Projects							46,360	226
2018 GO Capital Projects		1,519,272		3,000,000			6,925,818	37,395
Sub Total	\$ -	\$ 1,519,272	\$ -	\$ 3,000,000	\$ -	\$ -	\$ 7,041,615	\$ 37,958
Corp Leased Park Funds								
Corp LeasedTXDot Mitigation	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,299	\$ 63
Sub Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,299	\$ 63
HV Community Development Fun								
Operations	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 214	\$ 1
HV CDC TXDot Mitigation							5,881	29
Sub Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,095	\$ 30
Totals	\$ 1,012,848	\$ 1,519,272	\$ 1,010,939	\$ 3,000,000	\$ 1,011,189	\$ 750,000	\$ 22,572,325	\$ 117,526

**Allocation by Fund
June 30, 2018
Book and Market Value**

Utility Funds	TexPool	TexSTAR	Independent DDA	Independent NOW	Southside MMA	InterBank MMA	InterBank ICS	Certificates of Deposit	
								07/16/2018	08/03/2018
Interest & Sinking	\$ 396,812	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Replacement Reserve	456,396								
Operations	346,632				268,788				
Impact Fees	53,934				42,893				708,500
2013 CO Utility Capital Projects		335,896			512,074				
2018 CO Utility Capital Projects		28,688				100,172	1,668,199		
Sub Total	\$ 1,253,774	\$ 364,584	\$ -	\$ -	\$ 823,754	\$ 100,172	\$ 1,668,199	\$ -	\$ 708,500
General Funds									
Operations	\$ 130,490	\$ 760,570	\$ -	\$ 101,412	\$ 2,034,927	\$ 50,086	\$ 955,813	\$ 1,259,180	\$ -
Pooled Cash			639,108						
Interest & Sinking	232,820	63,532							
Drainage Utility	260,014								
Sub Total	\$ 623,324	\$ 824,102	\$ 639,108	\$ 101,412	\$ 2,034,927	\$ 50,086	\$ 955,813	\$ 1,259,180	\$ -
General Capital Project Funds									
Park Development	\$ 69,099	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2015 Tax Note Capital Projects		46,134							
2018 GO Capital Projects		191,297				100,172	2,163,961		
Sub Total	\$ 69,099	\$ 237,431	\$ -	\$ -	\$ -	\$ 100,172	\$ 2,163,961	\$ -	\$ -
Corp Leased Park Funds									
Corp LeasedTXDot Mitigation	\$ -	\$ 3	\$ -	\$ 64,047	\$ -	\$ -	\$ -	\$ -	\$ -
Sub Total	\$ -	\$ 3	\$ -	\$ 64,047	\$ -	\$ -	\$ -	\$ -	\$ -
HV Community Development Funds									
Operations	\$ 213	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
HVDCD TXDot Mitigation		5,853							
Sub Total	\$ 213	\$ 5,853	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals	\$ 1,946,410	\$ 1,431,973	\$ 639,108	\$ 165,460	\$ 2,858,681	\$ 250,430	\$ 4,787,973	\$ 1,259,180	\$ 708,500

Allocation by Fund
June 30, 2018
Book and Market Value

(Continued)

Utility Funds	Certificates of Deposit							Total	Interest This Quarter
	08/27/2018	10/16/2018	01/22/2019	02/27/2019	02/27/2019	04/22/2019	07/22/2019		
Interest & Sinking	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 396,812	\$ 1,027
Replacement Reserve								456,396	1,965
Operations								615,420	2,741
Impact Fees								805,327	2,863
2013 CO Utility Capital Projects								847,969	3,821
2018 CO Utility Capital Projects				1,007,253				2,804,312	14,423
Sub Total	\$ -	\$ -	\$ -	\$ 1,007,253	\$ -	\$ -	\$ -	\$ 5,926,235	\$ 26,840
General Funds									
Operations	\$ -	\$ 1,511,515	\$ 1,005,301	\$ -	\$ -	\$ 1,005,425	\$ 1,005,548	\$ 9,820,267	\$ 51,912
Pooled Cash								639,108	782
Interest & Sinking								296,352	1,242
Drainage Utility								260,014	1,055
Sub Total	\$ -	\$ 1,511,515	\$ 1,005,301	\$ -	\$ -	\$ 1,005,425	\$ 1,005,548	\$ 11,015,741	\$ 54,990
General Capital Project Funds									
Park Development	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 69,099	\$ 10
2015 Tax Note Capital Projects								46,134	198
2018 GO Capital Projects	3,020,270					1,510,879		6,986,580	36,209
Sub Total	\$ 3,020,270	\$ -	\$ -	\$ -	\$ -	\$ 1,510,879	\$ -	\$ 7,101,813	\$ 36,417
Corp Leased Park Funds									
Corp LeasedTXDot Mitigation	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 64,051	\$ 64
Sub Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 64,051	\$ 64
HV Community Development Fun									
Operations	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 213	\$ 1
HV CDC TXDot Mitigation								5,853	25
Sub Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,065	\$ 26
Totals	\$ 3,020,270	\$ 1,511,515	\$ 1,005,301	\$ 1,007,253	\$ 1,510,879	\$ 1,005,425	\$ 1,005,548	\$ 24,113,905	\$ 118,336

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 17

MEETING DATE: 11/13/18

SUBJECT: Consider Resolution 2018-2785 authorizing execution of a Hosting Agreement with MP Shops at Highland Village, LLC

PREPARED BY: Doug Reim, Police Chief

BACKGROUND:

The Shops at Highland Village (The Shops) and the City of Highland Village entered into an agreement in April 2015 for a Police Substation at no cost to the City. Further negotiations culminated in a Hosting Agreement for the City to provide police services to The Shops from January 1, 2016 through December 31, 2018.

The agreement provided for a minimum of 280 police service hours a month. In return, The Shops paid the City \$200,000 for the 1st year and about 4% more each year the agreement is was in effect. The amount which will be paid in 2018 will be \$216,320.

IDENTIFIED NEED/S:

The current Hosting Agreement expires the end of this year. Discussions between The Shops management and the Police Chief identified value in continuing services with a new agreement effective January 1, 2019 through December 31, 2021.

The new agreement will provide for a minimum of 280 police service hours per month. In return, The Shops will pay the City \$216,320 annually for the next 3 years (unless the contract is terminated by either party).

RECOMMENDATION:

Staff recommends approving Resolution 2018-2785 authorizing execution of a new Hosting Agreement with The Shops.

CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2018-2785

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS AUTHORIZING EXECUTION OF A SUBSTATION HOSTING AGREEMENT WITH MP SHOPS AT HIGHLAND VILLAGE, LLC; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, MP Shops at Highland Village, LLC (“MP Shops”) owns and operates a mixed-use retail and entertainment development within City’s incorporated limits commonly known as *The Shops at Highland Village* (“the Center”); and

WHEREAS, the Center is the City’s largest generator of private employment and retail traffic whose tenants collect annually more than 28% of City’s local sales and use tax revenue; and

WHEREAS, maintenance of the reputation of the Center as a safe place to operate and own a business as well as to shop, eat, go to the movies, and attend special events is important to the City’s economic health and long term ability to provide quality public services and amenities for the City’s residents; and

WHEREAS, a law enforcement presence at the Center in a fixed location during operational hours of the Center will provide a sense of safety and order for those working at and/or visiting the Center and encourage return visits, lower vacancies of available lease spaces, and better ensure retention of businesses which enhance the local economy and provide a better quality of life for the City’s residents; and

WHEREAS, effective January 1, 2015, MP Shops and the City entered into that certain *Police Substation Hosting Agreement* (“the Hosting Agreement”) wherein MP Shops has provided space within the Center as well as additional financial resources to encourage the City to locate and staff a police substation in the Center operated by the Highland Village Police Department (“HVPD”); and

WHEREAS, the initial term of the Hosting Agreement ends on December 31, 2018; and

WHEREAS, in lieu of annual renewal terms, City Administration has negotiated a new agreement with MP Shops to host a police substation in the Center to be staffed and operated by the HVPD for a fixed three-year period beginning January 1, 2019; and

WHEREAS, the City Council of the City of Highland Village finds it to be in the public interest to authorize execution of said agreement;

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 enter into a Police Substation Hosting Agreement with MP Shops at Highland Village, LLC, to staff during agreed times a police substation at the Shops at Highland Village in exchange for certain consideration beneficial to the City for a three year period beginning January 1, 2019.

SECTION 2. This Resolution shall take effect immediately upon passage.

PASSED AND APPROVED THIS THE 13TH DAY OF NOVEMBER 2018.

APPROVED:

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney
(kbl: 11/5/18:104122)

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 19

MEETING DATE: 11/13/18

SUBJECT: Consider Ordinance 2018-1258 Amending Code of Ordinances Chapter 14 “Public Ways and Public Places” Article 14.07 “Right-of-Way Management” Section 14.07.078, “Underground Service Requirements”, Section 14.07.203, “Fees”, and Section 14.07.207, “Compliance With Design Manual” (1st of two reads)

PREPARED BY: Scott Kriston, Director of Public Works

BACKGROUND:

Previous Council action dated August 8, 2017 adopted Ordinance 2017-1231 “Public Ways and Public Places” in response to the Texas Legislature’s 85th Regular Session ending in May, 2017. The Texas Legislature enacted Chapter 284 of the Texas Local Government Code (“Chapter 284”). Chapter 284 relates to the installation of equipment, specifically wireless network equipment, in public rights-of-way. Chapter 284 provides a state-wide regulatory scheme regarding the installation of such equipment and limits individual cities’ abilities to further regulate the location of such equipment within the public right-of-way. Such regulations are contrary the historical right of Texas cities to regulate the improvements that are located with its streets and alleys and to levy a reasonable and fair charge for the use of public right-of-way by private businesses. Chapter 284 is applicable to the installation of “network nodes” (equipment that enables wireless communications between the communications network and the user’s equipment) and related equipment, and applies to both the “wireless service provider” (who provides the service directly to the public) and to “network providers” (which are entities who do not provide service to the end-user, but instead build and install the equipment on behalf of a wireless service provider).

The FCC released the Declaratory Ruling and Third Report and Order, adopted September 26, 2018, titled FCC-18-133A.1-Network Node FCC Order, a 116-page document which discusses its reasoning behind the adoption of provisions governing the installation of small cell wireless devices throughout the country¹. The Rules adopted in this Order will impact the ability of municipalities to regulate the installation of the small cell equipment within their territory. Specific considerations concerning this Order and the Rules adopted therein are: “Fees”, “Time Clock”, “Design/Aesthetic Considerations”, “Other Equipment/Considerations” and the “Effective date”.

The new rules were published in the Federal Register on October 15, 2018, and will be effective 90 days from that date (i.e. January 14, 2019) unless their implementation is stayed as the result of any future court action.

IDENTIFIED NEED/S:

¹ <https://www.fcc.gov/document/fcc-facilitates-wireless-infrastructure-deployment-5g>

In reviewing the City's current right-of-way management ordinance in light of the Network Node FCC Order, City Administration has determined that current regulations do not adequately address numerous issues relating to management of the improvements that may be located in the City's rights-of-way and may, in some instances, be inconsistent with the FCC Order. Therefore, City Administration is recommending three revisions to the City's right-of-way management regulations. Having been approached by at least three network providers earlier in 2018 seeking to locate network nodes within the City's rights-of-way, City Administration anticipates that on or after January 15, 2019, the same network providers, along with others, will demand the right to start placing wireless equipment along City streets. Thus, there is a need to update the City's regulations by adoption of an ordinance before January 14, 2019.

PROGRESS TO DATE:

The City Attorney, in consultation with the City Manager and Director of Public Works, prepared an ordinance for consideration which addresses the identified need, a copy of which is provided with this briefing.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

Unknown.

RECOMMENDATION:

Approve the first read of Ordinance No. 2018-1258.

CITY OF HIGHLAND VILLAGE, TEXAS

ORDINANCE NO. 2018-1258

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AMENDING THE CITY OF HIGHLAND VILLAGE CODE OF ORDINANCES CHAPTER 14 “PUBLIC WAYS AND PUBLIC PLACES” , ARTICLE 14.07 “RIGHT-OF-WAY MANAGEMENT” BY AMENDING SECTION 14.07.078, “UNDERGROUND SERVICE REQUIREMENTS”, SECTION 14.07.203, “FEES”, AND SECTION 14.07.205, “COMPLIANCE WITH DESIGN MANUAL”; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS/REPEALING CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS PER VIOLATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Highland Village (the “City”) is a Home-Rule Municipality located in Denton County created in accordance with provisions of the Texas Local Government Code and operating pursuant to the legislation of the State of Texas; and

WHEREAS, the City has previously adopted Article 14.07, providing Right of Way management rules and regulations; and

WHEREAS, the City Council of the City (the “City Council”) has determined that certain sections of Article 14.07 conflict with recently adopted federal rules governing Network Providers; and

WHEREAS, the City Council finds that it is desirable to amend these provisions to read as follows.

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

SECTION 1. City of Highland Village Code of Ordinances Chapter 14 “Public Ways and Public Places,” Article 14.07, “Right of Way Management,” is amended as follows:

A. Section 14.07.078, “Underground Service Requirements”, is amended to read as follows:

Sec. 14.07.78 Underground service requirements

Placement of new utility support structures (poles) shall be prohibited for electrical distribution lines with 60,000 volts and less and all communication utilities, with the exception of antennas for network node equipment, unless otherwise allowed by other law or an existing franchise agreement between the right-of-way user and the City or a PUCT tariff. This does not prohibit replacing existing poles for maintenance purposes. Utilities shall be located underground to the extent required by Section 3.8 of the Highland Village Subdivision Ordinance, as amended.

B. Paragraph (b) of Section 14.07.203 “Fees” is amended to read as follows:

(b) Network Provider Fees

(1) *Annual Network Node Rate.* Network Providers shall pay the City an annual Network Node Rate for each Location for which Network Provider has obtained Permit(s) for the installation of Network Nodes, regardless of whether or not a Network Provider installs Network Nodes in the Public Right-of-Way. The amount of the Annual Network Rate shall be set in City's Master Fee Schedule. The annual Network Node Public Right-of-Way Rate payment for the first year at any Location ("Initial Annual Network Node Payment") begins accruing when the permit is issued and is due 30 days after Network Provider obtains a Permit to install or collocate a Network Node at the Location. The Initial Annual Network Node Payment shall be pro-rated for the months remaining in the calendar year after the permit issuance date.

(2) *Subsequent Years' Annual Network Node Rate Due Date.* The annual Network Node Public Right-of-Way Rate for every year after the Initial Annual Network Node Payment shall be paid in advance on or before December 31 of each calendar year for each Network Node in the Public Right-of-Way for the next calendar year period.

(3) *Annual Network Node Rate Adjustment.* The City may adjust the annual Network Node Public Right-of-Way Rate by an amount equal to one-half the annual change in the Consumer Price Index for All Urban Consumers for Texas, as published by the federal Bureau of Labor Statistics. The City shall provide written notice to each Network Provider of the new rate, and the rate shall apply to the first payment due to the City on or after the 60th day following that notice.

(4) *Monthly Transport Fee.* To the extent a Network Provider has Transport Facilities Permitted from the Network Nodes in the Public Right-of-Way it shall pay the City a monthly Transport Facilities fee on a quarterly basis, in the amount set in the City's Master Fee Schedule, as adopted and amended by resolution of the City Council, which begins accruing when the permit is issued. This Transport Facility fee is in addition to any annual Network Node Public Right-of-Way Rate payment required by Section 284.053, V.T.C.A. Local Government Code.

(5) *Application and Permit Fees.* Network provider shall pay the City the application and permit fees set forth in the City's Master Fee Schedule contemporaneously with the submittal of the application for the permits.

C. Section 14.07.205 "Compliance with Design Manual" is amended to read as follows:

Sec. 14.07.205 Compliance with Design Manual

A network provider shall comply with the City Design Manual for the Installation of Network Nodes and Node Support Poles, as adopted and amended by resolution of the City Council from time to time, the official copy of which shall be maintained in the office of the City Secretary. Any applications submitted for installation of Network Nodes, Node Support Poles and related equipment, the plans and specifications of which do not comply with the Design Manual, will not be approved,

unless a variance has been previously granted to the Network Provider, pursuant to Section 14.07.151 of this Chapter.

SECTION 2. All provisions of the Ordinances of the City of Highland Village, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 4. 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 5. 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 Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense as set forth in Section 1.01.009 of the Code of Ordinances.

SECTION 6. 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 13TH DAY OF NOVEMBER 2018.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON SECOND READING ON THIS THE ____ DAY OF _____ 2018.

APPROVED:

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, TRMC, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(kbl:11/6/18:104040)

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 21

MEETING DATE: 11/13/18

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

PREPARED BY: Karen Bradley, Administrative Assistant to City Secretary

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 EVENTS

November 13, 2018	Regular City Council Mtg. 7:30 pm
November 19, 2018	Park Board Mtg. 6:00 pm (if needed)
November 20, 2018	Planning & Zoning Commission Mtg. 7:00 pm (if needed)
November 22 - 23, 2018	City Offices Closed in Observance of Thanksgiving
November 27, 2018	Regular City Council Mtg. 7:30 pm- CANCELLED
December 6, 2018	Zoning Board of Adjustment Mtg. 7:00 pm (if needed)
December 11, 2018	Regular City Council Mtg. 7:30 pm
December 17, 2018	Park Board Mtg. 6:00 pm (if needed)
December 18, 2018	Planning & Zoning Commission Mtg. 7:00 pm (if needed)
December 24-25, 2018	City Offices Closed in Observance of Christmas
December 25, 2018	Regular City Council Mtg. 7:30 pm – CANCELLED
January 1, 2019	City Offices Closed in Observance of New Year's Day
January 3, 2019	Zoning Board of Adjustment Mtg. 7:00 pm (if needed)
January 8, 2019	Regular City Council Mtg. 7:30 pm

Note - Please visit www.highlandvillage.org or the City Hall bulletin board for the latest meeting additions and updates.

By: Karen Bradley, Administrative Assistant - City Secretary Office