



A G E N D A
REGULAR MEETING OF THE
HIGHLAND VILLAGE CITY COUNCIL
HIGHLAND VILLAGE MUNICIPAL COMPLEX
1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS
TUESDAY, OCTOBER 24, 2023 at 5:30 P.M.

EARLY WORK SESSION
City Council Chambers – 5:30 P.M.

Convene Meeting in Open Session

1. Discuss City Representation on the Denton County Transportation Authority (DCTA) Board of Directors
2. Receive an Update on Upper Trinity Regional Water District (UTRWD) Wholesale Pass-Through Rate
3. Clarification of Consent or Action Items listed on Today's City Council Meeting Agenda for October 24, 2023
4. Receive Presentations from Nonprofit Organizations requesting Funding for Providing Services, Programs and/or Benefits Serving a Public Purpose to City Residents

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

CLOSED SESSION
City Manager's Conference Room

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

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

6. Call Meeting to Order
7. Prayer led by Deputy Mayor Pro Tem Brian Fiorenza
8. Pledge of Allegiance to the U.S. and Texas flags led by Deputy Mayor Pro Tem Brian Fiorenza: *"Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."*

9. **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**
10. **City Manager/Staff Reports**
11. **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.)*

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

CONSENT AGENDA

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

12. **Consider approval of Minutes of the Regular City Council Meetings held on September 26, 2023 and October 10, 2023**
13. **Consider Resolution 2023-3098 canceling the November 28, 2023 and December 26, 2023 City Council Meetings**
14. **Consider Resolution 2023-3099 authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Terralogic Solutions, Inc. relating to Integration of Parks Department Software Applications and Associated Hosting and Support Services**

ACTION AGENDA

15. **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)**

16. Consider Ordinance 2023-1309 amending the City's Code of Ordinances, Chapter 20 "Transportation and Traffic" by re-titling and amending in its Entirety Article 20.07 "Motor-Assisted Scooters" to provide Regulations for the Operation of Micro-Mobility Devices (*1st of two reads*)
17. Consider Resolution 2023-3100 appointing City Representation to the Denton County Transportation Authority (DCTA) Board of Directors

LATE WORK SESSION

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

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

I HEREBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE PUBLIC BULLETIN BOARD AT THE MUNICIPAL COMPLEX, 1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS IN ACCORDANCE WITH THE *TEXAS GOVERNMENT CODE, CHAPTER 551*, ON THE 20TH DAY OF OCTOBER 2023 NOT LATER THAN 6:00 P.M.


Angela Miller, City Secretary

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

Removed from posting on the _____ day of _____, 2023 at _____

am / pm by _____.

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 1	MEETING DATE: 10/24/2023
SUBJECT:	Discuss appointing City Representatives to the Denton County Transportation Authority (DCTA) Board of Directors
PREPARED BY:	Angela Miller, City Secretary

BACKGROUND:

The City of Highland Village is a financial participating “founding municipality” member of the Denton County Transportation Authority (DCTA). As such, the City is authorized to appoint a representative to serve as a voting member on the DCTA Board of Directors. Per Article III, Section 2 of the DCTA Amended and Restated Bylaws, the City of Highland Village is allowed one representative and one alternate to serve on the Board of Directors, with each representative serving a term of two (2) years.

City Council previously appointed Mrs. Dianne Costa to serve as the City’s representative and City Manager Paul Stevens to serve as the alternate representative.

IDENTIFIED NEED/S:

The terms of Mrs. Costa and City Manager Stevens both expire on November 12, 2023. The City of Highland Village desires to maintain representation on the DCTA Board of Directors and appoint representation for terms to expire in 2025.

OPTIONS & RESULTS:

Mrs. Costa has notified Council that she does not wish to serve another term. City Manager Stevens has served as the alternate representative since 2021.

For reference, a history of previous representatives has also been included with this briefing.

City Council should discuss appointments for DCTA Board Member representation.

RECOMMENDATION:

Discuss appointment of representatives to serve on the DCTA Board of Directors. There is an item on the Action Agenda for tonight’s meeting to formally appoint representatives.

DCTA BOARD OF DIRECTORS HV REPRESENTATIVES

APPOINTMENT YEAR	REPRESENTATIVE	1 ST ALTERNATE	2 ND ALTERNATE
February 2004	Michael Leavitt	Charles Turner	--
November 2005	Dorothy Palumbo	Michael Leavitt	--
May 2007	--	Fred Busche	Michael Leavitt
October 23, 2007	Dorothy Palumbo	Fred Busche	Michael Leavitt
October 2009	Dorothy Palumbo	Vacant	Michael Leavitt
May 2010	--	Dianne Costa	--
July 2011	Michael Leavitt	Dianne Costa	Fred Busche
October 2011 *	Paul Pomeroy	Michael Leavitt	n/a
October 2013	Paul Pomeroy	Michael Leavitt	n/a
December 2015	Paul Pomeroy	Michael Leavitt	n/a
September 2017	Dianne Costa	Michael Leavitt	n/a
October 2019	Dianne Costa	Michael Leavitt	n/a
October 2020		Charlotte Wilcox	n/a
September 2021	Dianne Costa	Paul Stevens	n/a

Prior to the appointments in February 2004, leadership was provided by an Executive Committee. In 2004 the Texas Legislature clarified the right of a coordinated County transportation authority to establish staggered terms for officers serving on a Board of Directors, and DCTA amended its bylaws to implement staggered terms for Board members.

*NOTE – DCTA bylaws were changed in 2011 to allow for appointment of a City Representative and one Alternate Representative to the DCTA Board of Directors, thereby removing the 2nd alternate position.

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 2

MEETING DATE: 10/24/2023

SUBJECT: UTRWD Wholesale Pass-Through Rate Update

PREPARED BY: Ken Heerman, Assistant City Manager

BACKGROUND:

The City Ordinance related to Utility Rates specifies an annual adjustment of the pass-through component in regard to wholesale charges from the UTRWD. Amounts actually billed to the City by the UTRWD are compared with comparable charges billed to residents – prompting adjustment as needed to maintain equity.

IDENTIFIED NEED/S:

In each fiscal year budget, a projected number of billings and projected total usage is determined – these to be utilized as the basis for distributing wholesale cost as a rate per 1,000 gallons. A pass-through charge was established to reflect a base amount per billing (to pass through wholesale costs that are fixed in nature), also including a charge per gallon (to pass through wholesale volume charges). Each year, effective with the November billing, this rate is to be updated to reflect increases or decreases in rates from the City’s wholesale provider, UTRWD – adjusted by a reconciliation of billed amounts compared to actual charges incurred by the City in the previous year and those projected in the upcoming budget.

Application of this process has not been rigid – which would require an adjustment in each year. Rather, while the associated costs are reviewed each year, adjustments have been applied periodically, choosing a longer time frame to “true-up” the wholesale costs. In fact, the last change implemented for wholesale rates was November 2017.

OPTIONS & RESULTS:

For FY 2023, actual UTRWD charges totaled \$4,763,066. This was within the budgeted amount of \$4,802,444. However, the current rate structure for wholesale charges is now misaligned: under-billing for water charges, offset by over-billing of sewer charges.

FY 2023	Billed	UTRWD Actual	Variance
<i><u>Water</u></i>			
Base Charge	\$ 1,370,313	\$ 1,419,220	\$ (48,906)
Volume Charge	<u>1,101,320</u>	<u>1,156,478</u>	<u>(55,158)</u>
Total Water	\$ 2,471,633	\$ 2,575,698	\$(104,065)
<i><u>Sewer</u></i>			
Base Charge	1,721,356	1,652,970	68,386
Volume Charge	<u>609,455</u>	<u>534,399</u>	<u>75,056</u>
Total Sewer	\$ 2,330,811	\$ 2,187,369	\$ 143,442
Total			\$ 39,377

For Budget Year FY 2024, rates established by the UTRWD resulted in projected costs of \$5,011,303 (inclusive of \$175,000 UTRWD planned repairs for Lift Station #1 that are to be charged to Highland Village) – compared to the associated anticipated billed wholesale charges of \$4,740,406 based on our current billed rates. Without adjustment, FY 2024 wholesale rates would result in a deficit of roughly \$ 271,000.

FY 2024	Billed (Projected)	UTRWD (Projected)	Variance
<u>Water</u>			
Base Charge	\$ 1,378,557	\$ 1,503,100	\$ (124,543)
Volume Charge	<u>1,020,299</u>	<u>1,232,451</u>	<u>(212,152)</u>
Total Water	1,968,843	2,735,551	(336,695)
<u>Sewer</u>			
Base Charge	1,722,344	1,665,537	56,807
Volume Charge	<u>619,206</u>	<u>610,215</u>	<u>8,991</u>
Total Sewer	\$ 2,341,550	\$ 2,275,752	\$ 65,798
Total Water and Sewer			\$ (270,897)

Primary factors driving the variances:

- Water
 - Volume Charges – UTRWD volume rate has increased from \$1.12 / 1,000 gal in FY 2020 to \$1.25 / 1,000 gal in FY 2023. For FY 2024, the rate is further increased to \$1.49 / 1,000 gal. This translates to an average 7% annual increase.
 - Wholesale Demand charge from the UTRWD is increased \$27,960 for FY 2024, representing a 6% increase. This follows more modest UTRWD increases the previous three years that averaged 1.4%.
- Sewer
 - The sewer effluent volume rate from the UTRWD has been steady for several years at \$1.25 per 1,000 gal. This rate was increased to \$1.30 in FY 2023 and again increased to \$1.35 in FY 2024.
 - Capital charges from the UTRWD have remaining relatively steady. For FY 2024, the capital charges actually decreased \$162,434, however was offset by a planned additional expenditure for Lift Station #1 of \$175,000).



The working capital balance for FY 2023 exceeded our policy guidelines due to increased revenues resulting from the hot and dry summer with accompanying enhanced water sales. However, with anticipated debt issuance in FY 2024 or 2025, the projections for maintaining the target balances are predicated on revenues from wholesale rates offsetting the cost from UTRWD. There is no change to the City utility rate portion. Proposed adjusted wholesale rates are as follows:

	Whls Rates		
Water	<u>Previous</u>	<u>Updated</u>	<u>Chg</u>
Demand	\$ 20.00	\$ 22.00	10%
Volume (per 1000 gal)	0.100	0.120	20%
Sewer			
Demand	26.00	25.00	-4%
Volume (per 1000 gal)	0.150	0.150	0%

The proposed increase will result in a roughly 3% monthly increase (\$4 / month on average).

	Previous	Updated	Change	% Chg
Water - 12,000 gal				
Wholesale	\$ 32.00	\$ 36.40	\$ 4.40	13.8%
City	35.00	35.00	\$ -	0.0%
Total Water	\$ 67.00	\$ 71.40	\$ 4.40	6.6%
Sewer - 6,000 gal				
Wholesale	35.00	34.00	(1.00)	-2.9%
City	31.80	31.80	-	0.0%
Total Sewer	\$ 66.80	\$ 65.80	\$ (1.00)	-1.5%
Total	\$ 133.80	\$ 137.20	\$ 3.40	2.5%

With Summer Irrigation

	Previous	Updated	Change	% Chg
Water - 20,000 gal				
Wholesale	40.00	46.00	\$ 6.00	15.0%
City	59.00	59.00	-	0.0%
Total Water	\$ 99.00	\$ 105.00	\$ 6.00	6.1%
Sewer - 6,000 gal				
Wholesale	35.00	34.00	(1.00)	-2.9%
City	31.80	31.80	-	0.0%
Total Sewer	\$ 66.80	\$ 65.80	\$ (1.00)	-1.5%
Total	165.80	170.80	5.00	3.0%

* Please note: With sewer averaging program, billed sewer quantity does not typically change much between winter / summer months.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

N/A

RECOMMENDATION:

No action required. Work session item only.

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 4 MEETING DATE: 10/24/2023

SUBJECT: Receive Presentations from Nonprofit Organizations requesting Funding from the City of Highland Village for providing Services, Programs and/or Benefits serving a Public Purpose

PREPARED BY: Angela Miller, City Secretary

COMMENTS

Per Resolution 2018-2729, City Council will consider written requests for funding of the community services that are provided by community organizations to residents of Highland Village. Requests must satisfy the following criteria:

- Services must be provided by an organized civic, cultural, educational or service group that is a nonprofit organization with membership open to all residents of Highland Village
- Services must be of economic benefit to the community or contribute to the quality of life in Highland Village by serving a municipal public purpose
- Services must be provided to the residents of Highland Village on an equal basis
- The organization must enter into a written contract with the City of Highland Village for the provision of services

Examples of a municipal public purpose include, but are not limited to:

- Preservation, promotion or development of historically sensitive areas of the city
- Promotion of the performing arts
- Activities promoting and improving the health, safety and welfare of the youth, adults or senior citizens residing in the city
- Educational programs promoting student and citizen participation in the electoral process and local government
- Crime awareness and prevention

Council has historically allocated 0.25% of the City's Maintenance & Operations budget (excluding capital project or purchasing funds) for funding services provided by eligible nonprofit organizations. There is \$56,000 included in the Fiscal Year 2023-2024 budget for funding community services and activities provided by nonprofit organizations.

Each nonprofit requesting funding this fiscal year has submitted an application, which have been provided to Council. A total of eighteen (18) applications have been submitted this year, totaling \$72,706 in funding requests. The nonprofit organizations have been invited to send a representative to provide a brief presentation to Council during Early Work Session. Council will discuss and determine funding allocations at a separate City Council meeting.

The following list includes each of the nonprofit organizations that submitted an application this year, including the amount of their funding request.

Nonprofit Organization	Funding Request
Family Service Organizations	
Christian Community Action (CCA)	\$5,000
Denton County Friends of the Family	5,000
Denton County MHMR Center	10,000
Salvation Army – Lewisville	4,000
SPAN, Inc./Meals on Wheels of Denton County	2,106
Special Abilities of North Texas	7,000
Winning The Fight (WTF)	3,000
Children Service Organizations	
CASA of Denton County	3,000
Communities in Schools of North Texas	3,500
Journey to Dream	4,100
PediPlace	5,000
Lewisville ISD Education Foundation (LEF)	5,000
Love Thy Neighbor	2,500
Community Service Organizations	
Chisholm Trail Retired Senior Volunteer Program (RSVP)	2,500
Friends of the Flower Mound Public Library	500
Lewisville Lake Symphony Association	4,500
Studio B Performing Arts	5,000
MLK of North Texas	1,000
TOTAL	\$72,706

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 9

MEETING DATE: 10/24/2023

SUBJECT: Mayor and Council Reports on Items of Community Interest

PREPARED BY: Karen McCoy, Executive Assistant

COMMENTS

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

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 12

MEETING DATE: 10/24/2023

SUBJECT: Consider approval of Minutes of the Regular City Council Meetings held on September 26, 2023 and October 10, 2023

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 contact the City Secretary's Office prior to the meeting with suggested changes. Upon doing so, staff can 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 minutes of the Regular City Council Meetings held on September 26, 2023 and October 10, 2023.



**MEETING MINUTES OF THE REGULAR MEETING
HIGHLAND VILLAGE CITY COUNCIL
HIGHLAND VILLAGE MUNICIPAL COMPLEX
1000 HIGHLAND VILLAGE ROAD
TUESDAY, SEPTEMBER 26, 2023**

EARLY WORK SESSION

Mayor Jaworski called the meeting to order at 6:00 p.m.

Roll Call

Present: Daniel Jaworski Mayor
Jon Kixmiller Mayor Pro Tem
Kevin Cox Councilmember
Shawn Nelson Councilmember
Rhonda Hurst Councilmember
Robert Fiester Councilmember
Brian A. Fiorenza Deputy Mayor Pro Tem

Staff Members: Paul Stevens City Manager
Ken Heerman Assistant City Manager
Kevin Laughlin City Attorney
Angela Miller City Secretary
Ingrid Rex Deputy City Secretary
Doug Reim Chief of Police
Jason Collier Fire Chief
Scott Kriston Public Works Director
Phil Lozano Parks and Recreation Director
Kim Lopez Human Resources Director
Laurie Mullens Marketing & Communications Director

1. Receive Presentation on a Kickball Feasibility Study for Unity Park

The Director of Landscape Architecture from Half, Associates, Mr. Kirk Wilson, presented information on a Kickball Feasibility Study for Unity Park. To date a review of the site location has been conducted; a preliminary concept development created; and discussions have been held with City staff and the Parks and Recreation Advisory Board. Three concept plans were presented to Council that included design opportunities and design constraints associated with each plan.

Concept A

Councilmember Nelson asked if the new parking is on the north side of the railroad tracks; Mr. Wilson explained it is located on the south side. Councilmember Hurst asked for the number of new parking spaces, which Mr. Wilson estimated to be about thirty (30) spaces. Deputy Mayor Pro Tem Fiorenza asked if the multi-use fields, especially on weekends, would be sufficient. Parks and Recreation Director Lozano explained that currently the

space is non-programmed and is used on a first-come, first-serve basis, adding that once the multi-use fields are developed they could be added to the City's programmed use. Director Lozano explained that, per the agreement the City has with Lewisville Independent School District (LISD), the adjacent football fields are available for programming by the City any time after school hours when not being used by the school. The land belongs to the City, but is maintained by LISD for the school to use.

Director Lozano explained that kickball is currently being played on our one (1) girls' softball field and youth baseball fields. He added that the majority of the City's athletic programs being offered is for youth, and that the City's kickball program is one of the only adult programs that we have and it is well attended, and that the City wants to provide a field for the adults also. He also stated that kickball is family-oriented and that Unity Park provides participants and spectators access to restrooms, parking and use of Kids Kastle.

Concept B

Mayor Jaworski asked about the overlap of the Kickball field with the adjacent multi-use field. It was explained by Mr. Wilson that Concept Plan B intentionally shows the conflict. Director Lozano reported that this overlap does not make this option an acceptable plan.

Concept C

Councilmember Hurst expressed her preference for Concept C as it removed the impact of the sun on players and the bleacher(s), and that the dugout and grades could be integrated into the retaining wall(s), thereby minimizing construction. Deputy Mayor Pro Tem Fiorenza asked if additional lighting would be needed for the fields and, if so, what impact that would have to nearby residents. Director Lozano answered that additional lighting would be necessary. He stated that the latest lighting technology utilizes precision angling of the lights with minimal to zero bleed-over to adjacent properties. Councilmember Hurst asked if the plans would include a photometric plan which Mr. Wilson confirmed that, should the project go to the next phase, the study would include optic studies and photometrics.

Cost Estimate

An opinion of probable construction cost was presented. It was noted that due to increasing costs, the designing consultant endeavored to provide an opinion of probable construction cost based on evolving market increases, current cost and trends in construction, and variations in site elements. The Opinion of Probable Construction Cost (OPCC) was created with a thirty percent (30%) construction contingency to cover unknown conditions. The OPCC total presented was \$1,100,000 to 1,800,000, with soft cost for design and support services estimated at \$110,000 to \$180,000. The Kickball Field Grand Total, including the OPCC and design & support services is estimated between \$1,210,000 and \$1,980,000. Mr. Wilson reported there may be some grant opportunities available to help offset costs.

Councilmember Hurst asked if the design and support services are basically for engineering and surveying and are based on 10 percent of the construction cost, and the fee would increase as the construction cost increases. Mr. Wilson confirmed they have had to do that in the past, adding that the consultant and staff have worked together on other projects and try to work together to keep any increase at a minimum. Deputy Mayor Pro Tem Fiorenza asked for clarification on the minimum/maximum cost difference of \$770,000. Mr. Wilson stated that depending on the Concept that is chosen, there may be costs associated with where the field is located, retaining walls, site improvements, trail relocation, or utility relocation.

Mayor Pro Tem Kixmiller asked about field life expectancy, which Mr. Lozano said is about twenty to thirty (20-30) years on a natural grass field. With a warranty, a synthetic field will go between ten to fifteen (10-15) years. Director Lozano reported the synthetic surface is planned for both in/out fields, and the advantage of a synthetic field is durability and maintenance. He added there is also the option for replacing sections. A synthetic field also allows for more programming of events as it can be used continuously, whereas a natural grass field requires sod replacement after thirty to fifty (30 -50) events, with a four to six (4-6) week rest period after each season to allow for grass recovery.

Deputy Mayor Pro Tem Fiorenza asked what the financial impact would be annually to the budget for maintenance. Director Lozano reported there are currently three (3) staff members taking care of the entire athletic complex and that he would need to review their work order labor hours to determine financial cost.

Director Lozano reported the Parks and Recreation Advisory Board favored Concepts A and C over Concept B. Some Councilmembers voiced that Concept B was not feasible. Councilmember Fiester said he preferred Concept C, however it may be more expensive due to the topography and making it ADA accessible from the parking lot.

Councilmembers took a short recess at 6:44 p.m.; the meeting resumed at 6:49 p.m.

2. Discuss Nomination of a Candidate(s) to the Denton Central Appraisal District (DCAD) Board of Directors

City Secretary Miller reported that staff was contacted by the DCAD that all taxing jurisdictions have the option to nominate up to five (5) individuals to be considered for their Board of Directors. She added that Highland Village resident Alex Buck currently serves on the DCAD Board of Directors and his term will expire this year. Mrs. Miller also reported that taxing jurisdictions are not required to nominate anyone and would still retain the option to cast votes from the list of nominees submitted by other jurisdictions.

Council can nominate someone of their choice to serve, provided they meet DCAD's requirements that individuals must be a resident of the district, Denton County, and have resided in the district for at least two (2) years immediately preceding the date of taking office. Mrs. Miller stated Mr. Buck has indicated interest in serving another term. City Manager Stevens clarified that voting entitlement of a taxing unit is determined by a calculation that takes into account a taxing unit's share of the total dollar amount of property taxes imposed in the CAD. For comparison, Mrs. Miller stated Highland Village currently has around twenty-four (24) votes, whereas Lewisville and Flower Mound have around one-hundred (100). Deputy Mayor Pro Tem Fiorenza recommended nominating Mr. Buck again. The majority of Council concurred.

3. Discuss Appointment of Board and Commission Members; Review and Discuss Attendance Record and Performance of Board and Commission Members and Removal of Board and Commission Members prior to Completion of their Current Term pursuant to Code of Ordinances Section 2.04.037

Members of Council discussed attendance records of currently serving board and commission members, as well as potential appointments to the various boards and commissions.

Mayor Jaworski announced Council would meet in Closed Session and read Agenda Item #5(b).

CLOSED SESSION

Council convened into Closed Session at 7:14 p.m.

5. **Hold a Closed Meeting in accordance with the following Sections of the Texas Government Code:**
- (a) **Section 551.071 – Consultation with City Attorney Concerning Pending or Contemplated Litigation and on any Regular Session or Work Session Agenda Item Requiring Confidential, Attorney/Client Advice Necessitated by the Deliberation or Discussion of Said Item (as needed)**
 - (b) **Section 551.074 – Deliberate the Appointment, Removal, Evaluation and Duties of Public Officers, specifically Members of the Planning and Zoning Commission, Zoning Board of Adjustment, and Board of Directors of the Highland Village Community Development Corporation**

Council concluded Closed Session at 7:36 p.m. and returned to Early Work Session, which was adjourned at 7:37 p.m.

4. **Clarification of Consent or Action Items listed on Today’s City Council Meeting Agenda for September 26, 2023**

This item was not discussed.

OPEN SESSION

6. **Call Meeting to Order**

Mayor Jaworski called the meeting to order at 7:43 p.m.

Roll Call

Present:	Daniel Jaworski	Mayor
	Jon Kixmiller	Mayor Pro Tem
	Kevin Cox	Councilmember
	Shawn Nelson	Councilmember
	Rhonda Hurst	Councilmember
	Robert Fiester	Councilmember
	Brian A. Fiorenza	Deputy Mayor Pro Tem

Staff Members:	Paul Stevens	City Manager
	Ken Heerman	Assistant City Manager
	Kevin Laughlin	City Attorney
	Angela Miller	City Secretary
	Doug Reim	Chief of Police
	Jason Collier	Fire Chief
	Scott Kriston	Public Works Director
	Phil Lozano	Parks and Recreation Director
	Kim Lopez	Human Resources Director
	Laurie Mullens	Marketing & Communications Director

7. **Prayer led by Councilmember Rhonda Hurst**

Councilmember Hurst gave the invocation.

8. Pledge of Allegiance to the U.S. and Texas flags led by Councilmember Rhonda Hurst

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

9. 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

Councilmember Hurst announced the following upcoming events and meetings
Denton County Transportation Authority (DCTA) online meeting - Thursday, September 28 at 10:00 a.m.

Coffee with the Mayor - October 2

Zoning Board of Adjustment meeting - October 5

Concert in the Park - October 7

Mayor Jaworski reported that the Mound Show Down annual football game between Flower Mound and Marcus High Schools will be held at Flower Mound High School this year on Friday, September 30.

- **Presentation of a Proclamation to Luke Westcott**

Mayor Jaworski presented a proclamation to Luke Westcott.

- **Presentation of a Proclamation for Say No to Bullying Week**

Mayor Jaworski presented a proclamation to Mr. T-Ron Hicks.

10. City Manager/Staff Reports

City Manager Paul Stevens reported that Republic Services began delivering new blue trash carts and green recycling carts this week. He also provided a corrected telephone number for Republic Services as their information brochure listed an incorrect number. Additional information was provided on pick up of old carts.

11. Visitor Comments

No one wished to speak.

CONSENT AGENDA

12. Consider approval of Minutes of the Special City Council Meeting held on September 18, 2023

13. Consider Resolution 2023-3091 authorizing Renewal of the Financial Software Maintenance Agreement with Tyler Technologies

14. Consider Resolution 2023-3087 authorizing Renewal of the Interlocal Agreement with TML Intergovernmental Risk Pool for Insurance Coverage

15. Consider Resolution 2023-3088 authorizing an Interlocal Agreement with Texas Political Subdivisions for providing City Workers' Compensation Insurance for Fiscal Year 2023-2024
16. Consider Resolution 2023-3092 authorizing Renewal of the Professional Services Agreement for Financial Auditing Services with Pattillo, Brown & Hill, LLP
17. Consider Resolution 2023-3089 authorizing an Agreement with EAR Telecommunications, LLC for the Construction of the Brazos Boulevard and Highland Village Road Traffic Signal Project

Motion by Councilmember Nelson, seconded by Councilmember Fiester, to approve Consent Agenda Items #12 through #17. Motion carried 7-0.

ACTION AGENDA

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

No action was taken on this item.

- (b) Section 551.074 – Deliberate the Appointment, Removal, Evaluation and Duties of Public Officers, specifically Members of the Planning and Zoning Commission, Zoning Board of Adjustment, and Board of Directors of the Highland Village Community Development Corporation

Action was taken with Agenda Item #21.

19. Consider Resolution 2023-3093 authorizing the City Manager to Execute a Professional Services Agreement with Halff Associates, Inc. relating to Various Unity Park, Brazos Park and Highland Village Tennis Center Improvement Projects
APPROVED (7 – 0)

Director Lozano provided background information for this item on the approval by Council of Ordinance No. 2021-1291 on December 14, 2021, authorizing the issuance of certificates of obligation bonds for the purpose of obtaining funds to construct street and parks projects (the "2021 CO's"). In the discussions associated with issuance of the 2021 CO's, City Staff identified various improvement projects in the City's Parks and Tennis Center with an estimated cost for design and construction totaling \$6.4 million.

The projects relating to the improvement of Unity Park, Brazos Park, and Highland Village Tennis Center are estimated to cost \$1,442,000 million for:

- | | |
|---|-----------|
| • Unity lighted basketball court | \$230,000 |
| • Unity flex field and baseball field(s) improvements | \$907,000 |
| • Brazos athletic field improvements | \$135,000 |
| • Highland Village Tennis Center lighting | \$170,000 |

Staff requested and received a quote of \$178,500.00 from Halff, Inc. for professional design services for landscape architecture, professional engineering, and bidding

services relating to the design and construction of all of the Unity Park, Brazos Park and Highland Village Tennis Center improvement projects.

Councilmember Fiester asked if the estimates were obtained in December 2021, which was confirmed by Mr. Lozano. Mr. Fiester asked at what point the costs would be re-estimated from a construction standpoint. Mr. Lozano explained that around the thirty (30) percent mark of the design process, staff would re-evaluate the costs based on the budget to identify possible items for submission as alternate items in order to keep the cost down and within budget. In response to Councilmember Fiester's question on the project timeline, Mr. Lozano said that staff anticipated design work starting within two to three weeks of contract execution with design completion and the project out to bid hopefully in Spring 2024.

Mayor Pro Tem Kixmiller asked about the submission process if, once the engineering is complete, staff would at that point present a detailed estimate to Council based upon the new engineering, followed by staff's recommendation to Council for approval of the actual projects. Director Lozano confirmed this would be the process and it would include a presentation to Council.

Motion by Councilmember Fiester, seconded by Deputy Mayor Pro Tem Fiorenza, to approve Resolution 2023-3093 authorizing the City Manager to execute a Professional Services Agreement with Halff Associates, Inc. relating to various Unity Park, Brazos Park and Highland Village Tennis Center Improvement Projects. Motion carried 7-0.

20. **Review and Discuss the Attendance Record and Performance of City Board and Commission Members and Consider Removal of Board and Commission Members prior to Completion of their Current Term pursuant to Code of Ordinances Section 2.04.037**

No action was taken.

21. **Consider Resolution 2023-3090 appointing Members to Various Positions on the Board of Ethics, Parks and Recreation Advisory Board, Planning and Zoning Commission, Zoning Board of Adjustment, and Highland Village Community Development Corporation**

APPOINTMENTS MADE and APPROVED (7 – 0)

City Secretary Miller reported Council met with new applicants during the recent Meet and Greet, and had reviewed & discussed appointments during tonight's Early Work Session. Councilmember Fiester stated Council appreciates everyone's willingness to volunteer to serve on a board/commission. Councilmember Hurst stated there was a large number of applications received this year and encouraged anyone that was not appointed to reapply next year.

Motion by Mayor Pro Tem Kixmiller, seconded by Councilmember Cox, to approve Resolution 2023-3090 making the following appointments:

BOARD OF ETHICS:

Megan Milas

Ben Somero

Peter Casey

HIGHLAND VILLAGE COMMUNITY DEVELOPMENT CORPORATION:

Karla Limon – Citizen Representative
Rhonda Hurst – City Representative
Brian Fiorenza – City Representative
Jon Kixmiller – City Representative

PARKS AND RECREATION ADVISORY BOARD:

Kevin Pearson – Place 4
Dave Rush – Place 5
Leslie Andrus – Alternate Place 1

PLANNING AND ZONING COMMISSION:

Jared Christianson – Place 1
Denver Kemery – Place 4
Kevin McMahan – Place 5
Spencer Wilk – Alternate Place 1
Jeffrey Adams – Alternate Place 2

ZONING BOARD OF ADJUSTMENT:

Rick Reekie – Place 1
Jeremy Booker – Place 2
Collin Roberts – Place 3
Jim Fuller – Alternate Place 1
Lucy Turek – Alternate Place 2 (1 year term)

Motion passed 7-0.

LATE WORK SESSION

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

No items were discussed.

23. **Adjournment**

Mayor Jaworski adjourned the meeting at 8:08 p.m.

Daniel Jaworski, Mayor

ATTEST:

Angela Miller, City Secretary



**MEETING MINUTES OF THE REGULAR MEETING
HIGHLAND VILLAGE CITY COUNCIL
HIGHLAND VILLAGE MUNICIPAL COMPLEX
1000 HIGHLAND VILLAGE ROAD
TUESDAY, OCTOBER 10, 2023**

EARLY WORK SESSION

Mayor Jaworski called the meeting to order at 6:00 p.m.

Roll Call

Present: Daniel Jaworski Mayor
Jon Kixmiller Mayor Pro Tem
Kevin Cox Councilmember
Shawn Nelson Councilmember
Rhonda Hurst Councilmember
Robert Fiester Councilmember
Brian A. Fiorenza Deputy Mayor Pro Tem

Staff Members: Paul Stevens City Manager
Ken Heerman Assistant City Manager
Kevin Laughlin City Attorney
Angela Miller City Secretary
Doug Reim Chief of Police
Jason Collier Fire Chief
Scott Kriston Public Works Director
Kim Lopez Human Resources Director
Laurie Mullens Marketing & Communications Director

1. Review and Discussion of Proposed Micromobility Ordinance

Chief Reim reported there were several scooter related incidents at the beginning of the summer, which prompted a review of the City's scooter ordinance. A working group of City staff from several departments and a Council representative met to work through ordinance updates and to development safety guidelines and recommendations. Chief Reim asked for feedback and comments from Council on the draft ordinance that was provided in the meeting agenda packet. Upon a first violation there will be a \$50.00 fine, which can be refunded if the person completes a safety course. Chief Reim added there will be initial training conducted in the Highland Village schools by the City's School Resource Officers, with additional opportunities for the public to attend safety courses.

Councilmember Nelson asked if there was any analysis on how many violators there could be and how much effort it will take from the Police Department to enforce. Chief Reim stated he thinks it will initially take some extra effort, especially from the SROs, with follow up by Officers on the City's trails to then monitor. He added that after the program is implemented, City staff will then evaluate the program.

There were no suggested revisions.

2. Receive a Presentation and Discussion of HB 157 (passed during 2015 Legislative Session) relating to Restructuring or Reallocation of Dedicated Sales Tax

City Manager Stevens reported HB 157 was adopted during the 2015 Legislative Session and provides that tax rates for sales and use taxes imposed by municipalities could be adopted in any increment of one-eighth of one percent (1%) provided the combined rate is not in excess of a maximum combined two percent (2%). Mr. Stevens reported HB 157 clarified the increment amounts and removed the previous cap on certain sales tax uses.

He added that a municipality may, by a combined sales tax ballot proposition, lower or repeal any municipal sales tax, and by the same proposition raise or adopt any other municipal sales tax. He stated that a negative vote on a combined sales tax proposition shall have no effect on either the sales tax to be lowered or repealed or the sales tax to be raised by the proposition.

Mr. Stevens reported that in 2004, Highland Village voters approved the allocation of a ½ cent sales tax revenue to be used for the City trail system and soccer complex, known as 4B. Current 4B sales tax revenue and expenditures for FY 2024 was presented. Mr. Stevens reported that costs for some employees, equipment and debt service are paid out of this fund. Allocation scenarios showing current and reduced sales tax revenue were presented, along with reallocation results. Reducing the 4B to 1/4 cent sales tax would require additional cuts of \$500,000 or be picked up by the General Fund; reducing to ¾ cent would result in only maintaining the current system with no future enhancements. Mr. Stevens added there could be a time in the future when the City trail system is substantially complete and if sales tax is doing well, that a reallocation to another use may make sense.

Mr. Stevens reported there is also a ½ cent sales tax that is committed to Denton County Transportation Authority (DCTA). The City cannot vote to decrease this amount, however the DCTA Board of Directors has authority to do so. Mayor Jaworski asked if residents could vote to reallocate the sales tax going to DCTA. City Attorney Kevin Laughlin added that there would have to be a legislative change in order for a reallocation to even be an option. Mayor Pro Tem Kixmiller added that future DCTA Board of Directors should look at reducing sales tax being provided by the existing member cities. He added that as other cities decide to participate, that could offset the funding being provided by current cities and thereby provide an opportunity for a reduction in the City's sales tax to DCTA. Councilmember Nelson stated we could also work with our legislators, adding that if there were a reduction then use of those funds could be put before the voters to consider reallocating for other departments, or towards crime prevention or fire prevention. Councilmembers Hurst and Nelson voiced frustration over paying \$2 million/per year for mass transit for the past twenty (20) years. Deputy Mayor Pro Tem Fiorenza stated he did not want to lose sight that a minority of our residents have benefited from DCTA services.

Council also discussed scenarios of other cities ability to "buy in" and how that could change the makeup of the DCTA Board of Directors. Councilmember Nelson added that those cities would also have an exit option as they would only have a contract and not bound by legislation that contains no provision to withdraw.

3. Clarification of Consent or Action Items listed on Today's City Council Meeting Agenda for October 10, 2023

Relating to Agenda Item #12, Deputy Mayor Pro Tem Fiorenza asked if the ambulance is included in the City's vehicle lease program. Assistant City Manager Heerman confirmed the lease program only includes fleet vehicles, not ambulance and fire trucks.

Mayor Jaworski adjourned Early Work Session at 6:46 p.m.

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.

OPEN SESSION

5. **Call Meeting to Order**

Mayor Jaworski called the meeting to order at 7:00 p.m.

Roll Call

Present:	Daniel Jaworski	Mayor
	Jon Kixmiller	Mayor Pro Tem
	Kevin Cox	Councilmember
	Shawn Nelson	Councilmember
	Rhonda Hurst	Councilmember
	Robert Fiester	Councilmember
	Brian A. Fiorenza	Deputy Mayor Pro Tem

Staff Members:	Paul Stevens	City Manager
	Ken Heerman	Assistant City Manager
	Kevin Laughlin	City Attorney
	Angela Miller	City Secretary
	Doug Reim	Chief of Police
	Jason Collier	Fire Chief
	Scott Kriston	Public Works Director
	Kim Lopez	Human Resources Director
	Laurie Mullens	Marketing & Communications Director

6. **Prayer led by Councilmember Robert Fiester**

Councilmember Fiester gave the invocation.

7. **Pledge of Allegiance to the U.S. and Texas flags led by Councilmember Robert Fiester**

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

8. **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

Councilmember Hurst announced the Parks and Recreation Advisory Board meeting will be held on October 16 and that the Planning and Zoning Commission meeting is scheduled for October 17.

With October being Cyber Security Awareness Month, Mayor Jaworski reminded everyone to change their passwords.

- **Proclamation designating October as Fire Prevention Month**

Mayor Jaworski presented a proclamation to Chief Collier and members of the Highland Village Fire Department.

9. City Manager/Staff Reports

City Manager Stevens informed residents of the request for sponsors to cover the cost of veterans to attend the Salute Our Veterans Luncheon being held on November 10, and the October 12 Spirit Day at Awesome Times restaurant in support of the TXFallenPD Tribute Event. He also provided an update on the changes from CWD to Republic Services for solid waste and recycling service.

- **The Village Report**

The Report shared details about the TXFallenPD Tribute Event scheduled for October 21 at Doubletree Ranch Park, the ribbon cutting for Great American Cookies located in The Shops at Highland Village and the upcoming Concert in the Park and Amazing Race.

10. Visitor Comments

No one wished to speak.

CONSENT AGENDA

- 11. Consider approval of Minutes of the Regular City Council Meetings held on August 22, 2023 and September 12, 2023**
- 12. Consider Resolution 2023-3094 authorizing Purchase of a 2024 F550 Horton Type I Ambulance from Southern Emergency & Rescue Vehicle Sales (SERVS) through the City's Cooperative Purchasing Agreement with the Local Government Purchasing Cooperative (BuyBoard)**
- 13. Consider Resolution 2023-3095 nominating a Person for Appointment to the Denton Central Appraisal District Board of Directors**
- 14. Consider Resolution 2023-3096 authorizing Purchase of Excavation Equipment from Vermeer Texas-Louisiana and Turf Equipment from Professional Turf Products, L.P. through the City's Cooperative Purchasing Agreement with the Local Government Purchasing Cooperative (BuyBoard)**
- 15. Receive Budget Reports for Period ending August 31, 2023**

Motion by Councilmember Fiester, seconded by Councilmember Nelson, to approve Consent Agenda Items #11 and #15. Motion carried 7-0.

ACTION AGENDA

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

NO ACTION TAKEN

No action was taken on this item.

17. Conduct Annual Review of the City's Investment Policy and Consider Resolution 2023-3097 re-adopting the City's Investment Policy with any Amendments Thereto
APPROVED (7 – 0)

Assistant City Manager Heerman reported a requirement of the Public Funds Investment Act and the City's Investment Policy is an annual review of the investment policy. With that, he reported there were a few minor clarification changes:

- Article III.3 – Updated titles of designated Investment Officers
- Article V.3 – Updated the 102% collateralization level requirement to also include projected interest

Motion by Councilmember Fiester, seconded by Deputy Mayor Pro Tem Fiorenza, to approve Resolution 2023-3097. Motion carried 7-0

LATE WORK SESSION

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

No items were discussed.

19. **Adjournment**

Mayor Jaworski adjourned the meeting at 7:17 p.m.

Daniel Jaworski, Mayor

ATTEST:

DRAFT

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 13

MEETING DATE: 10/24/2023

SUBJECT: Consider Resolution 2023-3098 canceling the November 28, 2023 and December 26, 2023 City Council Meetings

PREPARED BY: Angela Miller, City Secretary

BACKGROUND:

Section 3.13 of City of Highland Village City Charter states that the City Council shall have as many regular meetings as it shall deem necessary, provided it shall have at least one meeting each month to be held within the City limits. If (i) the business of the City is such that the number of items requiring City Council discussion and/or approval are too few to justify the staff time and costs related to preparing for a city council meeting, and (ii) matters pending which do require council approval can be delayed to a later meeting, then cancellation of a council meeting is from time to time proposed.

IDENTIFIED NEED/S:

Staff has reviewed the remainder of the year and proposes the Regular City Council meetings scheduled for November 28, 2023 and December 26, 2023 be cancelled. The December 26 meeting falls during a holiday week when City offices are closed. Cancellation of both meetings will allow members of Council and staff to spend time with their families during the holiday season.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

N/A

RECOMMENDATION:

To approve Resolution 2023-3098 cancelling the November 28, 2023 and December 26, 2023 City Council meetings.

CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2023-3098

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS CANCELING THE NOVEMBER 28, 2023, AND DECEMBER 26, 2023, CITY COUNCIL MEETINGS, AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 3.13 of the City Charter of the City of Highland Village provides that the City Council shall have as many regular meetings as it shall deem necessary, provided it shall have at least one meeting each month to be held within the City limits; and

WHEREAS, the City Council customarily holds its regular meetings on the second and fourth Tuesdays of each month; and

WHEREAS, the City Council finds that cancelling the regular meetings scheduled for November 28, 2023 and December 26, 2023 will not adversely affect the operations of the City and will preserve City financial and human resources usually spent in preparation for such meetings.

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

SECTION 1. The regular City Council meetings scheduled for November 28, 2023 and December 26, 2023, are hereby canceled.

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

PASSED AND APPROVED this the 24th day of October, 2023.

APPROVED:

Daniel Jaworski, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 14

MEETING DATE: 10/24/2023

SUBJECT: Consider Resolution 2023-3099 Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Terralogic Solutions, Inc for Integration of Parks Department Software Applications and Associated Hosting and Support Services

PREPARED BY: Phil Lozano, Director of Parks and Recreation

BACKGROUND:

The City uses Active Network Recreation Management Software for registration, reservations, and point of sale transactions.

IDENTIFIED NEED/S:

To enter into a professional services agreement with Terralogic Solutions, Inc. ("Terralogic") to provide the necessary services to integrate the Ventec Parking System application software used for operations at Pilot Knoll Park with Active Network Recreation Software and provide hosting and support services.

OPTIONS & RESULTS:

When a code is provided for a camping or pavilion reservation, it can be shared and used multiple times throughout the year, resulting in a loss of revenue. The Active Network Integration with Ventek will allow for limits on entry codes that start and end on specific days and will set limits on entry timeframe. Also, the Active Network Integration with Musco Lighting System will allow the scheduling of lights for sports fields and courts through one system and not two as it is currently.

PROGRESS TO DATE: (if appropriate)

Terralogic was previously engaged to assess and evaluate six (6) recreation management software companies, including Active Network Recreation. The purpose of the assessment was to gage the ability of various software applications to reduce the complexity, enhance services, and improve efficiency. Terralogic scored each system based on the following criteria categories.

- Customer Experience
- Service Offerings and Fees
- Point of Sale
- Reporting

- Implementation
- Reliability
- Planned Maintenance
- Recoverability
- Performance Scalability
- Confidentiality
- Authentication
- Integration Compatibility

Based on the assessment results, Terralogic recommended continuing to use Active Network Recreation Management Software.

The results of the assessment by Terralogic and its recommendation were presented to the Parks and Recreation Advisory Board during its July 17th Regular Meeting. The Board which recommended that the City Council accept Terralogic's recommendation as presented.

Staff presented the assessment to the City Council during the July 11th work session meeting as part of the General Fund Budget Presentation.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

\$110,300.00

RECOMMENDATION:

To approve Resolution No. 2023-3099 as presented.

CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2023-3099

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH TERRALOGIC SOLUTIONS, INC, RELATING TO INTEGRATION OF PARKS DEPARTMENT SOFTWARE APPLICATIONS AND ASSOCIATED HOSTING AND SUPPORT SERVICES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, to improve customer experience and improve the system generated code for reservations related to camping and pavilion rentals at Pilot Knoll Park; (the "Projects"), City Administration has determined the need for professional services related to developing a software program to integrate various software applications used for such parks operations; and

WHEREAS, City Administration has determined that Terralogic Solutions, Inc has the required professional software development experience to perform the work for the Project at a fair and reasonable rate and recommends entering into an agreement with Terralogic Solutions, Inc for such services; and

WHEREAS, the City Council of the City of Highland Village finds it to be in the public's interest to concur in the above-described recommendation.

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 negotiate and execute a professional services agreement with Terralogic Solutions, Inc. for professional software development services related to the Project in the amount of \$110,300.00.

SECTION 2. This resolution shall be effective immediately upon passage.

PASSED AND APPROVED THIS THE 24TH DAY OF OCTOBER 2023.

APPROVED:

Daniel Jaworski, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(kbl:10/18/2023:4865-5220-2376 v1)

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 16

MEETING DATE: 10/24/2023

SUBJECT: Consider Ordinance No. 2023-1309 Amending by Re-titling and Amending in its Entirety Code of Ordinances Article 20.07 “Motor Assisted Scooters” to Provide Regulations for the Operation of Micro-Mobility Devices (*1st of two reads*)

PREPARED BY: Doug Reim, Chief of Police

BACKGROUND:

The first formal council meeting addressing this matter occurred on July 27, 2023, involving a discussion with County arising from community concerns that, near the end of the school year as the weather warmed, it was apparent the scooter “population” and riders grew exponentially within Highland Village. Along with such growth, a number of significant accidents/incidents occurred on roads, sidewalks, and trails within the City.

IDENTIFIED NEED/S:

Review and determine if any new or amended ordinances and needed to address City Council and citizen concerns regarding regulations relating to the operation of electric scooters and other “micro-mobility” devices.

PROGRESS TO DATE: (if appropriate)

With direction from council, a working group comprised of members from the police department, fire department, parks, marketing, and one council member was created to review current ordinances related to scooters. Over the course of working group’s four meetings, the working group addressed not only scooters, but discussed broadening the scope of the City’s ordinances to include regulation of a variety of slower, motorized, mobility devices of “Micro-Mobility Devices.” In considering the possible contents of a new ordinance regulating micro-mobility devices, the working group focused on education, safety, the enforceability, community acceptance, and need for flexibility in addressing future needs and desire for multi-modal transportation opportunities for residents.

During two subsequent council workshops, Chief Reim presented the group’s progress and recommendations and received input from City Council and the City Attorney. Following the second workshop, the City Attorney prepared the initial working draft of a proposed ordinance, which draft was presented to the working group for one additional review and comment prior to presentation of the ordinance to the City Council for consideration. The City Attorney has finalized the ordinance based on the working group’s review comments, which ordinance is presented for consideration.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

Adoption of the working group's recommendations will require adoption of the proposed ordinance. Additional police department resources will be expended in preparing and teaching the safety courses contemplated by the ordinance, but no additional budgeted funds will be required.

RECOMMENDATION:

To approve the first read of Ordinance No. 2023-1309 amending the Code of Ordinances to provide regulations for the operation of micro-mobility devices.

CITY OF HIGHLAND VILLAGE, TEXAS

ORDINANCE NO. 2023-1309

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIGHLAND VILLAGE, CHAPTER 20 “TRANSPORTATION AND TRAFFIC,” BY RE-TITLING AND AMENDING IN ITS ENTIRETY ARTICLE 20.07 “MOTOR-ASSISTED SCOOTERS” TO PROVIDE REGULATIONS FOR THE OPERATION OF MICRO-MOBILITY DEVICES; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED \$100.00 PER OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council finds it to be necessary for the protection of public safety by amending the Code of Ordinances to define what constitutes a “micro-mobility device” and to establish regulations that promote the safe use and operation of such devices on public streets and other public property within the City.

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

SECTION 1. The City of Highland Village Code of Ordinances Chapter 20 “Transportation and Traffic” is retitling and amending in its entirety Article 20.07 “Motor-Assisted Scooters” to read as follows:

ARTICLE 20.07 OPERATION OF MICRO-MOBILITY DEVICES

§ 20.07.001 Definitions:

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

Adult. Any person 18 years of age or older.

Child. Any person less than 18 years of age.

Crosswalk. The portion of a roadway (a) designated as a pedestrian crossing by surface markings, including lines; whether or not located at an intersection; or (b) at an intersection that is within the connections of the lateral lines of the sidewalks on opposite sides of the roadway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.

Daytime. The period of time each day beginning of one-half hour before sunrise and ending one-half hour after sunset as established for the National Weather Service office located at Dallas-Fort Worth International Airport.

Driver. The person driving and having physical control over a Micromobility Device.

Electric bicycle. Shall have the same meaning assigned by Texas Transportation Code section 664.001(4).

Gas combustible motor-assisted scooter. A motor-assisted scooter propelled by a gas combustible engine.

Helmet. Protective headgear that is not structurally damaged and that conforms to the standards of the American National Standards Institute, the American Society for Testing and Materials, the Snell Memorial Foundation, or any federal agency having regulatory jurisdiction over bicycle helmets, as applicable, at the time of the manufacture of the helmet.

Inclement weather. Any weather that impacts the performance or ability to control a motor-assisted scooter, which includes but is not limited to rain, lightning, heavy fog, high winds, snow, or icy conditions.

Micro-mobility Device. A range of small, lightweight vehicles or devices incapable of operating at a top assisted speed faster than 28 mph and driven by one person, which may include, but are not limited to, bicycles, electric bicycle, electric motor-assisted scooters, electric skateboards, electric pedal assisted bicycles (one, two, three, and four-wheeled included), Segways, hover board, unicycles, and skateboards with one or more wheels. Gas-powered devices are not included in this definition.

Micro-mobility safety course. A safety course conducted by the Highland Village Police Department with a curriculum designed, as a minimum, to educate people regarding the contents and requirements of this Article, other provisions of this Code and State law relating to the operation of micro-mobility devices on public streets and roadways, recommended safety practices relating to operation of a micro-mobility device.

Motor-assisted scooter. Shall have the same meaning assigned by Texas Transportation Code section 551.351(1).

Nighttime. The period beginning one-half hour after sunset and ending one-half hour before sunrise as established for the National Weather Service office located at Dallas-Fort Worth International Airport.

Operator. The person driving and having physical control over a Micromobility Device while operating the Micromobility Device.

Parent. The natural or adoptive parent or court-appointed guardian or conservator of a child.

Passenger. Any person riding upon or attached to micro-mobility device who is not the operator of such device.

Pedestrian. A person on foot

Public way or public property. Any interest in real property owned in fee simple or as an easement or right-of way, leased, or controlled by a governmental entity, including, but not limited to, a path, trail, sidewalk, alley, street or highway, or a public park.

Public Safety Personnel. An employee or officer of a governmental law enforcement agency or the city's fire department, or a person serving as a volunteer with the city's police department auxiliary or under the direction of authorized law enforcement or Fire Department

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

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

Trail. A separated linear pathway, typically 8 feet to 14 feet in width that is intended for pedestrian recreational and transportation use. (micro-mobility use needs to be specific to harmonize with other parts of this document)

§ 20.07.002 General Prohibitions:

- (a) It is unlawful for any person to operate or ride a motor-assisted scooter on any public way or public property for which the posted speed limit is more than 30 miles per hour; provided, however, it shall not be a violation of this Section 20.07.002(a) for a person to operate or ride a motor-assisted scooter across a road or a street at an intersection where the road or street being crossed has a posted speed of more than 30 miles per hour.
- (b) It is unlawful for a child to operate a micro-mobility device on a public way or on public property within the city unless the child is wearing a properly fitted helmet fastened securely to the child's head with the straps of the helmet securely tightened in the manner intended by the manufacturer to provide maximum protection and prevent the slipping of the helmet on the child's head from front to back.
- (c) It is unlawful for a parent to authorize a child to operate or ride a micro-mobility device on a public way or on public property within the city in violation of Section 20.07.002(b). It is an irrebuttable presumption that if a child is operating a micro-mobility device in violation of Section 20.07.002(b) that the child's parent authorized the child to operate or ride the micro-mobility device without wearing a helmet.
- (d) It is unlawful to operate a gas combustible motor-assisted scooter on any public way or public property within the city.

§ 20.07.003 Operation Rules for Micro-mobility Devices: It is unlawful to:

- (a) Operate a micro-mobility device on any public way or public property in excess of 28 miles per hour;
- (b) Operate a micro-mobility device in violation of the provisions of Texas Transportation Code Chapter 551, Chapter C applicable to the operation of vehicles defined in this article as micro-mobility devices;
- (c) Operate a micro-mobility device other than a non-motorized skateboard on a public way or public property at nighttime unless such micro-mobility device is equipped as required by Tex. Trans. Code §551.104(b);
- (d) Use a portable electronic device, including, but not limited to, a mobile phone or tablet, while operating a micro-mobility device on a public roadway or public property;
- (e) Use any device, including, but not limited to, headphones or earphones, that inhibit or prevent the operator from hearing approaching vehicles from any direction while operating a micro-mobility device on a public roadway or public property;
- (f) Operate a micro-mobility device on a public roadway or public property with a passenger on board;

- (g) Operate a micro-mobility device during inclement weather under conditions that impair the operation of micro-mobility device in any way;
- (h) Operate a micro-mobility device on a public roadway in tandem with one or more other micro-mobility devices operated by other people or in any configuration other than single file;
- (i) Operate a micro-mobility device in a crosswalk; provided, however, it is not unlawful to dismount and walk the micro-mobility device through the crosswalk; or
- (j) Operate a micro-mobility device with fewer than all wheels on the device in contact with the ground.

§ 20.07.004 Pedestrians

- (a) An operator of a micro-mobility device shall yield the right-of-way to pedestrians.
- (b) The operator of a micro-mobility devices shall slow and provide an audible warning to pedestrians before passing them.

§ 20.07.005 Law Enforcement Officers.

This article shall not apply to a law enforcement officer operating a micro-mobility device in the performance of the officer's official duties.

§ 20.07.006 Required Equipment

A motorized micro-mobility device shall be equipped with:

- (1) A braking system capable of stopping the device under typical operating conditions;
- (2) A deck or seat designed to allow the operator to stand or sit while operating the device; and
- (3) A means of disengaging the engine so the device may be operated by the operator's own power.

§ 20.07.007 Penalties

- (a) A person convicted of the person's first violation of any provision of this article shall pay a fine of \$50.00; provided, however, (1) if not later than 30 days after entry of judgment on the person's conviction such person schedules the person's attendance at a micro-mobility safety course and (2) attends the micro-mobility safety course on the scheduled date, the fine paid as required by this Section 20.07.006(a) shall be refunded to the person.
- (b) A person convicted of the person's second violation of any provision of this article shall pay a fine of \$50 upon conviction.
- (c) A person convicted of the third or more violations of any provision of this article shall pay a fine of \$100 upon conviction for each violation

SECTION 2. 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 3. 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 One Hundred Dollars (\$100) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 4. 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 24TH DAY OF OCTOBER 2023.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON SECOND READING ON THIS THE ____ DAY OF _____ 2023.

APPROVED:

Daniel Jaworski, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(kbl:10/17/2023:4867-2218-8680 v1)

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 17	MEETING DATE: 10/24/2023
SUBJECT:	Consider Resolution 2023-3100 appointing City Representatives to the Denton County Transportation Authority (DCTA) Board of Directors
PREPARED BY:	Angela Miller, City Secretary

BACKGROUND:

The City of Highland Village is a financial participating “founding municipality” member of the Denton County Transportation Authority (DCTA). As such, the City is authorized to appoint a representative to serve as a voting member on the DCTA Board of Directors. Per Article III, Section 2 of the DCTA Amended and Restated Bylaws, the City of Highland Village is allowed one representative and one alternate to serve on the Board of Directors, with each representative serving a term of two (2) years.

City Council previously appointed Mrs. Dianne Costa to serve as the City’s representative and City Manager Paul Stevens to serve as the alternate representative.

IDENTIFIED NEED/S:

The terms of Mrs. Costa and City Manager Stevens both expire on November 12, 2023. The City of Highland Village desires to maintain representation on the DCTA Board of Directors and appoint representation for terms to expire in 2025.

OPTIONS & RESULTS:

City Council should consider appointments for DCTA Board Member representation.

PROGRESS TO DATE (if appropriate):

City Council discussed appointments to the DCTA Board of Directors earlier during Early Work Session. This item provides for formal action to appoint representation to the DCTA Board of Directors.

RECOMMENDATION:

To approve Resolution 2023-3100 appointing Highland Village representatives to the DCTA Board of Directors.

CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2023-3100

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS APPOINTING CITY REPRESENTATION TO THE DENTON COUNTY TRANSPORTATION AUTHORITY BOARD OF DIRECTORS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, pursuant to Texas Transportation Code §460.253, Dianne Costa and Paul Stevens were appointed to serve as the City’s director and alternate, respectively, to the Denton County Transportation Authority (“DCTA”) board of directors with terms expiring on November 12, 2023; and

WHEREAS, the City Council desires and finds it in the public interest to appoint _____ and _____ to the foregoing positions, for the two-year term beginning November 13, 2023;

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

SECTION 1. In accordance with Texas Transportation Code §460.253 and applicable DCTA bylaws, the following shall be appointed as the City of Highland Village’s Representative and Alternate to the Denton County Transportation Authority Board of Directors for the stated terms and until their successors have been duly appointed and qualified by the City Council:

City Representative: _____ Term expiring November 12, 2025

Alternate: _____ Term expiring November 12, 2025

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

PASSED AND APPROVED THIS THE 24TH DAY OF OCTOBER 2023.

APPROVED:

Daniel Jaworski, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(kbl:10/12/23:4866-923-7958 v1)

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 18

MEETING DATE: 10/24/2023

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

PREPARED BY: Paul Stevens, City Manager

COMMENTS

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



UPCOMING MEETINGS

October 24, 2023	Regular City Council Meeting - 7:30 pm
November 2, 2023	Zoning Board of Adjust Meeting – 7:00 pm
November 14, 2023	Regular City Council Meeting - 7:00 pm
November 20, 2023	Parks & Recreation Advisory Board Meeting – 6:00 pm
November 21, 2023	Planning & Zoning Commission Meeting – 7:00 pm
November 23-24, 2023	City Offices Closed for the Thanksgiving Holiday
November 28, 2023	Regular City Council Meeting - 7:00 pm
December 7, 2023	Zoning Board of Adjust Meeting – 7:00 pm
December 12, 2023	Regular City Council Meeting - 7:00 pm
December 18, 2023	Parks & Recreation Advisory Board Meeting – 6:00 pm
December 26, 2023	Planning & Zoning Commission Meeting – 7:00 pm
December 26, 2023	Regular City Council Meeting - 7:00 pm
December 25-26, 2023	City Offices Closed for the Christmas Holiday
January 1, 2024	City Offices Closed for the New Year Holiday
January 4, 2024	Zoning Board of Adjustment Meeting – 7:00 pm
January 9 2024	Regular City Council Meeting Minutes – 7:00 pm

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