



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, NOVEMBER 12, 2019, at 6:00 P.M.**

EARLY WORK SESSION

City Council Chambers – 6:00 P.M.

Convene Meeting in Open Session

- 1. Discuss awarding of Grant Funds to Community Non-Profit Organizations for Fiscal Year 2019-2020**
- 2. Receive an Update on Public Safety Response Times for Highland Village Fire/Emergency Medical Service (EMS) and for Highland Village Police Department**
- 3. Receive an Update on the Kids Kastle Community Build Project**
- 4. Clarification of Consent or Action Items listed on Today's City Council Meeting Agenda of November 12, 2019**

(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 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 to Order**
- 7. Prayer to be led by Councilmember Dan Jaworski**
- 8. Pledge of Allegiance to the U.S. and Texas flags to be led by Councilmember Dan Jaworski: *“Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.”***

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

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

CONSENT AGENDA

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

12. **Consider approval of Minutes of the Regular City Council Meeting held on October 22, 2019**
13. **Consider Resolution 2019-2854 authorizing the City Manager to Enter into Interlocal Cooperation Agreements with Denton County for Ambulance and Fire Protection Services**
14. **Consider Resolution 2019-2857 authorizing the Purchase of a VAC-CON Flusher Truck from Houston Freightliner through the City's Cooperative Purchasing Agreement with the Houston-Galveston Area Council of Government Cooperative (HGAC); Declaring the Replaced Vacuum Truck as Surplus Property and authorizing its Sale; and repealing Resolution 2019-2852**
15. **Consider Resolution 2019-2858 declaring certain City Property as Surplus Property and authorizing the City Manager to Sell and/or Dispose of Such Property**
16. **Receive Investment Report for Quarter Ending September 30, 2019**

ACTION AGENDA

17. 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)
18. Conduct a Public Hearing and Consider Ordinance 2019-1268 amending the Highland Village Code of Ordinances Chapter 26 “Subdivision and Site Development Regulations,” Exhibit A “Subdivision Ordinance” by amending in their entirety “I. General Provisions - Section 1” and “II. Procedures – Section 2” relating to the procedures for making application for and obtaining approval of the subdivision of real property within the City (*1st of two reads*)
19. Consider Resolution 2019-2855 casting the City of Highland Village Votes for Denton Central Appraisal District Board of Directors
20. Consider Resolution 2019-2856 awarding Grant Funds to Community Non-Profit Organizations for Fiscal Year 2019-2020

LATE WORK SESSION

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

21. Receive an Update on Briarhill Sidewalk
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 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.)
23. 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 8TH DAY OF NOVEMBER, 2019 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 _____, 2019 at _____ am / pm by _____.

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 1	MEETING DATE: 11/12/19
SUBJECT: Discuss Awarding of Grant Funds to Community Non-Profit Organizations for Fiscal Year 2019-2020	
PREPARED BY: Angela Miller, City Secretary	

BACKGROUND:

Per Resolution 2018-2729, community organizations desiring funding from the City must submit applications to the city secretary's office. Once all applications are received, the city secretary processes the applications and submits the requests to the City Council for review.

Requests must meet the following criteria:

- Services to be provided by an organized civic, cultural, educational, or service group that is a non-profit organization with membership open to all citizens 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 citizens 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 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 in the city
- Educational programs promoting student and citizen participation in the electoral process and local government
- Crime awareness and prevention

City Council may consider written requests for financial assistance and determine allocation amounts, if any, for the community non-profit organizations. Council has historically allocated 0.25% of the City's Maintenance & Operations budget (excluding capital project or purchasing funds) for non-profit organizations. There is \$45,600 included in the Fiscal Year 2019-2020 budget for funding community services and activities provided by non-profit organizations.

A copy of all applications have been provided to Council for consideration and Council received presentations from representatives of the following non-profit organizations at their regular meeting held October 22, 2019: CASA of Denton County, Chisholm Trail RSVP, Communities in Schools of North Texas, Denton County Friends of the Family, Denton County MHMR Center, Highland Village Lions Foundation, Journey to Dream,

Lewisville ISD Education Foundation (LEF), Lewisville Lake Symphony, PediPlace, Special Abilities of North Texas, The Salvation Army, SPAN/Meals on Wheels, Studio B Performing Arts Center, Winning the Fight, and Youth and Family Counseling.

Below is a listing of the non-profit organizations that filed an application with the City Secretary for Fiscal Year 2019-2020 funding:

Non-Profit Organization	Funding Request
CASA of Denton County, Inc.	\$ 2,000
Chisholm Trail Retired Senior Volunteer Program (RSVP)	\$ 2,500
Communities in Schools of North Texas, Inc.	\$ 3,000
Denton County Friends of the Family, Inc.	\$ 5,000
Denton County MHMR Center	\$ 5,000
Friends of the Flower Mound Public Library	\$ 1,500
Highland Village Lions Foundation	\$ 4,000
Journey to Dream	\$ 3,975
Lewisville ISD Education Foundation (LEF)	\$ 5,000
Lewisville Lake Symphony Association, Inc.	\$ 5,000
PediPlace	\$ 5,000
Salvation Army	\$ 5,000
SPAN, Inc./Meals on Wheels of Denton County	\$ 700
Special Abilities of North Texas	\$ 8,500
Studio B Performing Arts	\$ 5,000
Winning The Fight (WTF)	\$ 2,550
Youth and Family Counseling	\$ 5,000
TOTAL	\$68,725

A listing of funding allocations awarded to each non-profit organization for the previous three (3) fiscal years is attached to this briefing.

In addition to the funding awarded annually to non-profit organizations, the City purchases tables and individual tickets to special events that are held during the year by local Chambers as well as non-profit, civic and community organizations. In order to provide a better understanding of the monetary support of the City and City Council for local organizations, below is a listing of these purchases for the previous three (3) fiscal years:

ADDITIONAL SPONSORSHIPS / PURCHASES			
EVENT	FY 2016-2017	FY 2017-2018	FY 2018-2019
FM Chamber - Fiesta Flower Mound	1 Table = \$1,500	1 Table = \$1,500	1 Table = \$1,500
FM Chamber - Awards Banquet	1 Ticket = \$50	1 Ticket = \$50	2 Tickets = \$100
Lewisville Chamber - Awards Banquet	n/a	2 Tickets = \$200	1 Table = \$800
State of the Cities Luncheon	1 Table = \$300	1 Table = \$350	1 Table = \$350

Unity in Communities Luncheon	1 Table = \$300	1 Table = \$350	1 Table = \$350
Mayor's Prayer Breakfast	1 Table = \$250	1 Table = \$250	1 Table = \$250
Children's Advocacy Center of Denton County	\$4,000 Funds included in PD Annual FY Budget	\$4,000 Funds included in PD Annual FY Budget	\$4,000 Funds included in PD Annual FY Budget
Children's Advocacy Center of Denton County - Gala	n/a	n/a	1 Ticket = \$250
Ally's Wish - Gala	n/a	n/a	1 Table = \$1,500
Special Olympics Steaks and Stetsons	1 1/2 Tables = \$1,800	1 Table = \$1,200	1 Table = \$1,200
Youth & Family Counseling - Holiday Extravaganza	n/a	1 Ticket = \$44	1 Ticket = \$45
Special Abilities of North Texas - Denim & Diamonds Gala	n/a	1 Ticket = \$100	1 Ticket = \$100
LEF - 2019 Evening for Education	n/a	3 Tickets = \$300	1 Ticket = \$100
United Way Breakfast	n/a	n/a	1 Ticket = \$35
Total	\$8,200	\$8,344	\$10,580

This item provides for Council discussion to identify non-profit organizations that will receive funding as allocated in the Fiscal Year 2019-2020 budget. There is an item on tonight's Action Agenda for formal action.

Funding History for Non-Profit Organizations

Organization	FY 2016-2017	FY 2017-2018	FY 2018-2019
CASA of Denton County	\$1,000	\$1,000	\$2,000
Chisholm Trail RSVP	\$0	\$1,000	\$2,000
Christian Community Action (CCA)	\$2,500	\$2,500	\$2,000
Communities in Schools of North Texas	\$2,000	\$2,000	\$2,500
Denton County Friends of the Family	\$2,500	\$2,500	\$2,500
Denton County MHMR Center	n/a	n/a	n/a
Friends of the Flower Mound Public Library	\$500	\$500	\$500
Greater Lewisville Community Theatre	n/a	\$1,000	\$500
Highland Village Lions Foundation	\$3,500	\$3,500	\$3,500
Journey to Dream	\$2,500	\$2,500	\$2,500
Lewisville ISD Education Foundation (LEF)	\$3,500	\$4,000	\$4,500
Lewisville Lake Symphony Association	\$3,500	\$3,500	\$3,000
PediPlace	\$2,500	\$2,500	\$2,500
Salvation Army - Lewisville	\$2,500	\$2,500	\$2,500
Span, Inc/Meals on Wheels of Denton Cty	n/a	n/a	n/a
Special Abilities of North Texas	\$2,500	\$2,500	\$2,500
Studio B Performing Arts	\$3,000	\$3,000	\$3,000
Winning The Fight (WTF)	\$3,000	\$3,000	\$2,500
Youth and Family Counseling	\$3,000	\$3,500	\$2,500
Associates of the Lewisville Senior Activity Center	\$1,000	n/a	n/a
Marine Corps League #1300	\$0	n/a	n/a
TOTAL	\$39,000	\$41,000	\$41,000

Funding Requests for 2019-2020
\$2,000
\$2,500
n/a
\$3,000
\$5,000
\$5,000
\$1,500
n/a
\$4,000
\$3,975
\$5,000
\$5,000
\$5,000
\$5,000
\$700
\$8,500
\$5,000
\$2,550
\$5,000
n/a
n/a
\$68,725

n/a = Organization did not submit an application

\$0 = Organization submitted an application, however no funds were awarded

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 2

MEETING DATE: 11/12/19

SUBJECT: Receive an Update on the Public Safety Response Times

PREPARED BY: Michael Leavitt, City Manager

COMMENTS

City staff will provide an update on public safety response times for Highland Village Fire/Emergency Medical Service and the Highland Village Police Department.

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 3

MEETING DATE: 11/12/19

SUBJECT: Receive an Update on the Kids Kastle Community Build Project

PREPARED BY: Phil Lozano, Parks and Recreation Director

COMMENTS

Discuss Kids Kastle projected budget and cost associated with two surfacing options:

- Playground equipment with Engineered Wood Fiber with limited unitary rubber sidewalks to castle play structures and pad around the merry-go-round cost \$580,788.00
- Playground equipment Inclusive unitary surfacing that allows access to all play areas cost \$831,712.00

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 11

MEETING DATE: 11/12/19

SUBJECT: Mayor and Council Reports on Items of Community Interest

PREPARED BY: Karen McCoy, Administrative Assistant to 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.

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 12

MEETING DATE: 11/12/19

SUBJECT: Consider Approval of Minutes of the Regular City Council Meeting held on October 22, 2019

PREPARED BY: Angela Miller, City Secretary

BACKGROUND:

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

IDENTIFIED NEED/S:

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

OPTIONS & RESULTS:

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

PROGRESS TO DATE: (if appropriate)

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

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

N/A

RECOMMENDATION:

To approve the minutes of the Regular City Council meeting held on October 22, 2019.



A G E N D A

**REGULAR MEETING OF THE
HIGHLAND VILLAGE CITY COUNCIL
HIGHLAND VILLAGE CITY COUNCIL CHAMBERS
1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS
TUESDAY, OCTOBER 22, 2019, at 6:00 P.M.**

Mayor Charlotte J. Wilcox called the meeting to order at 6:00 p.m. and introduced Colin McKenzie as our Mayor for the Day.

Roll Call

Present:	Charlotte J. Wilcox	Mayor
	Jon Kixmiller	Councilmember
	Michael Lombardo	Mayor Pro Tem
	Barbara Fleming	Deputy Mayor Pro Tem
	Tom Heslep	Councilmember
	Robert A. Fiester	Councilmember
	Daniel Jaworski	Councilmember
Staff Members:	Michael Leavitt	City Manager (arrived at 6:26 p.m.)
	Kevin Laughlin	City Attorney
	Ken Heerman	Assistant City Manager
	Angela Miller	City Secretary
	Doug Reim	Chief of Police
	Michael Thomson	Fire Chief
	Scott Kriston	Public Works Director
	Phil Lozano	Dpty Director of Parks Operations & Projects
	Fince Espinoza	Park and Trail Superintendent
	Laurie Mullens	Marketing & Communications Director
	Andrew Boyd	Media Specialist
	Karen McCoy	Administrative Assistant

EARLY WORK SESSION

- 1. Receive Presentations from Non-Profit Organizations requesting Funding for Providing Services, Programs and/or Benefits Serving a Public Purpose to City Residents**

City Council received brief presentations from the following non-profit organizations that have requested funding from the City of Highland Village for Fiscal Year 2019-2020:

- **CASA of Denton County** – Debbie Jenson
- **Chisholm Trail RSVP, Inc.** – Diana Corona
- **Communities in Schools of North Texas, Inc.** – Katie Clifford

- **Denton County Friends of the Family** – Holly Wright
- **Denton County MHMR Center** – Lori Common
- **Highland Village Lions Foundation** – Harry Dinsmore
- **Journey to Dream** – Nesa Grider
- **Lewisville ISD Education Foundation (LEF)** – Dr. Tony White
- **Lewisville Lake Symphony Association, Inc.** – Nancy Wright
- **PediPlace** – Ryan Schroer
- **Salvation Army** – Stephen Thomas and Betty Milligan
- **SPAN, Inc./Meals on Wheels** – Michelle McMahon & Kristine Herrera
- **Special Abilities of North Texas** – JaChel Redmond
- **Studio B Performing Arts Center** – Jarrette Moore
- **Winning the Fight (WTF)** – Kathy Duke
- **Youth and Family Counseling** – Sue Ridnour

Friends of the Flower Mound Public Library representatives were unable to attend due to prior commitments that could not be rescheduled.

Mayor Wilcox thanked all of the representatives for attending and for providing information regarding their organization. She reported Council would consider funding allocations at the next Council meeting to be held on November 12, 2019.

2. Clarification of Consent or Action Items listed on Today’s City Council Meeting Agenda of October 22, 2019

No items were discussed.

Early Work Session concluded at 7:24 p.m.

CLOSED SESSION

3. 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

4. Call to Order

Mayor Charlotte J. Wilcox called the meeting to order at 7:30 p.m. and introduced Colin McKenzie as our Mayor for the Day.

Roll Call

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

	Daniel Jaworski	Councilmember
Staff Members:	Michael Leavitt	City Manager
	Kevin Laughlin	City Attorney
	Ken Heerman	Assistant City Manager
	Angela Miller	City Secretary
	Doug Reim	Chief of Police
	David Harney	Police Corporal/SRO
	Michael Thomson	Fire Chief
	Scott Kriston	Public Works Director
	Jana Onstead	Human Resources Director
	Phil Lozano	Parks and Recreation Director
	Fince Espinoza	Dpty Director of Parks Operations & Projects
	Andra Foreman	Recreation Manager
	Laurie Mullens	Marketing & Communications Director
	Andrew Boyd	Media Specialist

5. Prayer to be led by Councilmember Robert Fiester

Councilmember Fiester gave the invocation.

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

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

7. Visitor Comments

The following person spoke:

Fred Busche (71 Remington Drive) – Mr. Busche informed everyone of the Highland Village Rotary Club’s work with other entities to educate the public about polio and their commitment to eradicate the disease.

8. City Manager/Staff Reports

- **HVTV Update**

The HVTV Update was filmed at the Olive Branch Tea Room located inside the Painted Tree Marketplace, informed residents of the Fall Festival Honoring Veterans scheduled for Saturday, November 2, the Tri-Town Amazing Race on November 16 and the Factual Phil segment shared how to report a street light outage.

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

Deputy Mayor Pro Tem Fleming reported on activities planned at local schools to celebrate Red Ribbon events.

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

Mayor Wilcox presented a proclamation to Colin McKenzie, who served as Mayor for the Day.

- **Presentation of a Proclamation designating October 22-26, 2019 as Red Ribbon Week in Highland Village**

Mayor Wilcox presented a proclamation to Police Chief Doug Reim and Corporal/SRO David Harney designating October 22-26 as Red Ribbon Week in Highland Village.

- **Presentation of a Proclamation designating November as Art Month in Highland Village**

Mayor Wilcox presented a proclamation to Linda Chidsey, Colleen Drew and Lorraine Hayes designating November as Art Month.

CONSENT AGENDA

10. **Consider approval of Minutes of the Regular City Council Meeting held on October 8, 2019**
11. **Consider Resolution 2019-2852 authorizing the Purchase of a VAC-CON Flusher Truck from CLS Equipment Company, Inc. through the City's Cooperative Purchasing Agreement with the Houston-Galveston Area Council of Governments Cooperative (HGAC)**
12. **Consider Resolution 2019-2853 adopting the City's Investment Policy**

Motion by Mayor Pro Tem Lombardo, seconded by Councilmember Kixmiller, to approve Consent Agenda Items #10 through #12. Motion carried 7-0.

ACTION AGENDA

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

NO ACTION TAKEN

Council did not meet in Closed Session.

14. **Consider Resolution 2019-2848 naming the Bridge at Doubletree Ranch Park located on Property Leased from the U.S. Army Corps of Engineers as "The Aaron M. Hudson Memorial Bridge"**

APPROVED (7 – 0)

Parks and Recreation Director Phil Lozano reported the City received a request from several Highland Village residents to name an amenity within one of the City's parks after Aaron M. Hudson, who was a resident of Highland Village and was killed in action on April 16, 2005 while serving his country in Iraq. Mr. Lozano reported the new pedestrian bridge that connects Doubletree Ranch Park to Garden Ridge Road was identified as the memorial location and the Parks and Recreation Advisory Board unanimously approved

recommending the City Council name the bridge the “PFC Aaron M. Hudson Memorial Bridge.”

Residents and family of Aaron Hudson were in attendance for the meeting, and will work with the City to design a storyboard and monument for the bridge. Mr. Lozano stated the U.S. Army Corps of Engineers has approved a design and the naming of the bridge. Funds will be provided by private donations and the City.

Motion by Councilmember Jaworski, seconded by Deputy Mayor Pro Tem Fleming, to approve Resolution 2019-2848, naming the bridge located at Doubletree Ranch Park as the “PFC Aaron M. Hudson Memorial Bridge”. Motion carried 7-0.

15. Consider Resolution 2019-2850 amending the City’s Master Fee Schedule by Amending and/or Eliminating Certain Parks and Recreation Fees

APPROVED (7 – 0)

Mr. Lozano reported that upon an annual review of the Parks and Recreation fee schedule, staff found several fees that should be included in the fee schedule, some fees that need to be modified and some that should be removed from the schedule as they are no longer relevant. These include:

- The inclusion of new fees for Kids Kamp Weekly Fees, which were never included in the original fee schedule, and the addition of Doubletree Ranch Park Barn Kitchen/Concession Rental
- Modification of fees to include changing the minimum hourly rental from 1-hour to 2-hours for Doubletree Ranch Park Barn Rooms 101 and 102
- Removal of fees relating to inline hockey fees, which are no longer available
- Removal of fees for primitive campsites at Pilot Knoll, which are no longer available

The proposed amendments were presented to the Parks and Recreation Advisory Board (Board) at their meeting held on October 21, 2019. The Board voted unanimously to recommend the City Council approve the amendments.

Motion by Councilmember Kixmiller, seconded by Councilmember Jaworski, to approve Resolution 2019-2850. Motion carried 7-0.

16. Consider Resolution 2019-2851 authorizing the City Manager to Negotiate and Execute a Contract for Construction Services with Cole Construction, Inc. for the Unity Park Plaza Improvements Project

APPROVED (7 – 0)

Mr. Lozano reported five (5) bids for the project were received on October 9, 2019. City staff reviewed the amounts of the base bid and the amounts bid for the two alternates, with the lowest bidder being Cole Construction, Inc. Their bid has been reviewed and evaluated, and references have also been checked. Councilmember Lombardo asked why the bid amounts were so varied. Mr. Lozano stated he was unsure, although the bids had been verified with staff and the City’s consultant. Councilmember Kixmiller asked where Cole Construction, Inc. was located and if references had been checked. Mr. Lozano reported the City had contracted with Cole Construction, Inc. for a previous City project and they were vetted at that time.

Motion by Deputy Mayor Pro Tem Fleming, seconded by Councilmember Heslep, to approve Resolution 2019-2851. Motion carried 7-0.

17. **Consider Approval of a Preliminary Plat for 2.713 +/- acres in the E. Clary Survey, Abstract No. 248, for the proposed Tequesta subdivision**
APPROVED (7 – 0)

Public Works Director Scott Kriston reported an application for review and consideration of a preliminary plat and tree plan was submitted for the proposed Tequesta subdivision. The applicant wishes to develop a 2.713+/- acre tract as a Single Family Residential Subdivision consisting of eleven (11) lots and a detention pond area. Councilmember Kixmiller acknowledged that existing regulations are being met but added he wished an attempt could be made to keep the two (2) trees located along the northern boundary. Councilmember Fiester asked for clarification on the City's Tree Mitigation Policy. Mr. Kriston reported the existing policy relates to public open spaces, not private property.

Motion by Councilmember Jaworski, seconded by Mayor Pro Tem Lombardo, to approve the preliminary plat for proposed Tequesta Subdivision. Motion carried 7-0.

LATE WORK SESSION

18. **Receive an Update on the City's Proposed Subdivision Ordinance Amendments**

As a result of House Bill 3167, City Manager Michael Leavitt reported City staff has reviewed the City's existing subdivision ordinances and regulations to determine the need to adopt amendments. Mr. Leavitt provided information for Council to review regarding proposed amendments that will be considered by the Planning and Zoning Commission meeting scheduled for November 5. A proposed ordinance will be presented to Council at their November 12 meeting.

19. **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 congratulated Deputy Mayor Pro Tem Fleming and her husband on their upcoming 40th wedding anniversary.

20. **Adjournment**

Mayor Wilcox adjourned the meeting at 8:35 p.m.

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 13	MEETING DATE: 11/12/19
SUBJECT:	Consider Resolution 2019-2854 authorizing the City Manager to Enter into Interlocal Cooperation Agreements with Denton County for Fire Protection Services and Ambulance Services
PREPARED BY:	Michael Thomson, Fire Chief Angela Miller, City Secretary

BACKGROUND:

The City of Highland Village received Interlocal Cooperation Agreements from Denton County to provide ambulance services and fire protection services to specified unincorporated areas of Denton County. The terms of the agreements are for the period of October 1, 2019 through September 30, 2020.

IDENTIFIED NEED/S:

The Interlocal Cooperation Agreements between Denton County and all municipalities are essential to inter-agency emergency services throughout the County.

OPTIONS & RESULTS:

The City of Highland Village participation in the Interlocal Cooperation Agreements promotes harmony and good will between all municipalities and Denton County and provides for Emergency Operations continuity between all participating jurisdictions.

PROGRESS TO DATE: (if appropriate)

The Interlocal Cooperation Agreements are the same as previous agreements and have been reviewed by the Fire Department staff and the City Attorney.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

Per the Interlocal Cooperation Agreements, Denton County agrees to pay an estimated fee of \$8,721 for ambulance services. Similarly, Denton County will pay \$10,000 upon execution of the agreement for fire protection services and an additional \$600 per fire call, estimating one (1) fire call for a total of \$600. The total estimated payment for fire protection services is to be \$10,600.

RECOMMENDATION:

To approve Resolution 2019-2854.

THE COUNTY OF DENTON

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**CITY OF HIGHLAND VILLAGE
FIRE DEPARTMENT**

STATE OF TEXAS

**INTERLOCAL COOPERATION AGREEMENT
AMBULANCE SERVICE**

THIS AGREEMENT, which has an effective date of October 1, 2019, is made and entered into by and between Denton County a political subdivision of the State of Texas, hereinafter referred to as "the **COUNTY**," and the City of Highland Village, a municipal corporation, located in Denton County, Texas, hereinafter referred to as "the **AGENCY**".

WHEREAS, the **COUNTY** is a duly organized political subdivision of the State of Texas engaged in the administration of county government and related services for the benefit of the citizens of Denton County; and

WHEREAS, the **AGENCY** is a municipal corporation, duly organized and operating under the laws of the State of Texas and engaged in the provision of ambulance services and related services for the benefit of the citizens of the City of Highland Village; and

WHEREAS, the **AGENCY** is an owner and operator of certain ambulance vehicles and other equipment designed for the transportation of persons who are sick, infirmed or injured and has in its employ trained personnel whose duties are related to the treatment of said individuals and the use of such vehicles and equipment; and

WHEREAS, the **COUNTY** desires to obtain emergency ambulance and related services for the benefit of residents of the **COUNTY** living in unincorporated areas of the **COUNTY** which the **AGENCY** is capable of providing; and

WHEREAS, the provision of emergency ambulance and related services is a governmental function that serves the public health and welfare and is of mutual concern to both the **COUNTY** and the **AGENCY**; and

WHEREAS, the **COUNTY** desires to expend County funds to defray the expense of establishing, operating and maintaining emergency ambulance services in the County; and

WHEREAS, the **COUNTY** and the **AGENCY** mutually desire to be subject to and contract pursuant to the provisions of Texas Government Code, Chapter 791 and Texas Health and Safety Code, Section 774.003, and

NOW THEREFORE, the **COUNTY** and the **AGENCY**, in consideration of the mutual promises, covenants, and Agreements stated herein, agree as follows:

I.
TERM

The term of this Agreement shall be for the period beginning of October 1, 2019, and ending on September 30, 2020.

II.
DEFINITIONS

As used herein, the words and phrases hereinafter set forth shall have the meanings as follows:

- A. "Emergency" shall mean any circumstance that calls for immediate action and in which the element of time in transporting the sick, wounded or injured for medical treatment is essential to the health or life of a person or persons. Whether an emergency, in fact, exists is solely up to the discretion of the **AGENCY**. For dispatch purposes only, "emergency" shall include, but not be limited to:
1. The representation by the individual requesting ambulance service that an immediate need exists for the transportation of a person from any location within the agreed operating area of the **AGENCY** to a place where emergency medical treatment may be obtained; or
 2. The representation by the individual requesting ambulance service that an immediate need exists for the transportation of a person from any location within the agreed operating area of the **AGENCY** to the closest medical facility.
- B. "Rural area" means any area within the boundaries of the **COUNTY**, but outside the corporate limits of all incorporated cities, towns and villages within the **COUNTY**.
- C. "Urban area" means any area within the corporate limits of an incorporated city, town or village within the **COUNTY**.
- D. "Emergency ambulance call" means a response to a request for ambulance service by the personnel of the **AGENCY** in a situation involving an emergency, as defined above, by an ambulance vehicle. A single response to a call may involve the transportation of more than one person at a time, but shall be considered as only one call.

III.
SERVICES

The services to be rendered under this Agreement by the **AGENCY** are the ambulance services normally rendered by the **AGENCY** to citizens of City of Highland Village in circumstances of emergency, but which services will now be extended to all citizens of the

COUNTY residing in the unincorporated areas of the **COUNTY** within the operating territory or jurisdiction of the **AGENCY**, as agreed to by the **AGENCY** and the **COUNTY** in this Agreement and as set forth in "Exhibit A," attached hereto and incorporated herein by reference.

It is recognized that the officers and employees of the **AGENCY** have the duty and responsibility of rendering ambulance services to citizens of the **AGENCY** and the **COUNTY**. In the performance of these duties and responsibilities, it shall be within the sole responsibility and discretion of the officers and employees of the **AGENCY** to determine priorities in the dispatching and use of such equipment and personnel and the judgment of the officer or employee shall be final.

The **COUNTY** shall designate the County Judge to act on behalf of the **COUNTY** and to serve as "Liaison Officer" between the **COUNTY** and the **AGENCY**. The County Judge, or his designated substitute, shall devote sufficient time and attention to insure the performance of all duties and obligations of the **COUNTY** under this Agreement and shall provide for the immediate and direct supervision of employees, agents, contractors, sub-contractors and/or laborers of the **COUNTY** engaged in the performance of this Agreement.

IV. **PERFORMANCE OF SERVICES**

The **AGENCY** shall devote sufficient time and attention to insure the performance of all duties and obligations of the **AGENCY** under this Agreement and shall provide immediate and direct supervision of the **AGENCY's** employees, agents, contractors, sub-contractors and/or laborers engaged in the performance of this Agreement for the mutual benefit of the **AGENCY** and the **COUNTY**.

V. **COMPENSATION**

COUNTY agrees to pay to the **AGENCY** an estimated fee of \$8,721.00 (amount rounded to the nearest dollar) based on a funding formula as follows:

1. A fixed sum based on a population percentage .4702 per capita; said sum computes to \$7,954.36.
2. A fixed sum of \$246.4959 per ambulance transport for an estimated maximum amount of \$246.50. Said sum is based upon 1 transport made by the **AGENCY** in fiscal year 2019.
3. A fixed sum based on .75 rural miles in the agreed operating territory; said sum computes to \$520.22.

The first and third sums are based upon population and mileage figures obtained from the North Central Texas Council of Governments. The second sum is based upon the definition of an “ambulance call” for purposes of this Agreement. Payment shall not be allowed for any instance in which a patient is not transported. Consistent with the reporting procedures described below, the **AGENCY** shall receive payment for transporting the patient regardless of the service delivery area in which the call originated.

Each emergency transport made shall be submitted on the standardized ambulance transportation reporting form approved and provided by the **COUNTY**. It shall be the responsibility of the **AGENCY** to fully complete the forms and to provide complete and accurate patient information. A list of emergency transports shall be submitted monthly by the **AGENCY**. Emergency transport forms not timely submitted shall not be considered for payment. Completed emergency transport forms may be submitted by personal delivery, U.S. Mail, facsimile or email to the office of the Denton County Fire Marshal. The date of submission shall be the date the fully documented request is received in said office.

VI.
FINANCIAL RECORDS

The **AGENCY** agrees to make its financial records available for audit and/or review by the **COUNTY**, upon request by the **COUNTY**.

VII.
RESPONSIBILITY OF THE COUNTY

The **COUNTY**, to the extent permitted by law, shall be responsible for the acts, omissions and negligence of all officers, employees and agents of the **COUNTY** who are engaged in the performance of this Agreement.

VIII.
RESPONSIBILITY OF THE AGENCY

The **AGENCY**, to the extent permitted by law, shall be responsible for the acts, omissions and negligence of all officers, employees and agents of the **AGENCY** who are engaged in the performance of this Agreement.

IX.
APPLICABLE LAW

The **COUNTY** and the **AGENCY** understand and agree that liability under this contract is governed by Texas Government Code, Chapter 791 and Texas Health and Safety Code, Section 774.003. This Agreement is made in contemplation of the applicability of these laws to

the Agreement. Insofar as legally possible the **COUNTY** and the **AGENCY** agree to be bound by the above mentioned statutes as they exist as of the date of this Agreement.

X.
DEFAULT

In the event of default of any of the covenants herein contained, this Agreement may be terminated at the discretion of the non-defaulting party if such default continues for a period of ten (10) days after notice to the other party in writing of such default and the intent to terminate this Agreement due to the default. Unless the default is cured, this Agreement shall terminate.

XI.
TERMINATION

This Agreement may be terminated at any time by either the **COUNTY** or the **AGENCY** by giving sixty (60) days advance written notice to the other party. In the event of termination by either party, the **AGENCY** shall be compensated pro rata for all services performed to termination date together with reimbursable expenses then due as authorized by this Agreement. In the event of such termination, should the **AGENCY** be overcompensated on a pro rata basis for all services performed to the termination date and/or be overcompensated for reimbursable expenses, the **COUNTY** shall be reimbursed pro rata for all such overcompensation. Acceptance of such reimbursement shall not constitute a waiver of any claim that may otherwise arise out of this Agreement.

XII.
GOVERNMENTAL IMMUNITY

The fact that the **COUNTY** and the **AGENCY** accept certain responsibilities relating to the rendering of ambulance services under this Agreement as a part of their responsibility for providing protection for the public health makes it imperative that the performance of these vital services be recognized as a governmental function and that the doctrine of governmental immunity shall be, and is hereby, invoked to the extent permitted under the law. Neither the **AGENCY**, nor the **COUNTY** waive, nor shall be deemed to have hereby waived any immunity or defense that would otherwise be available to it against claims arising from the exercise of governmental powers and functions.

XIII.
ENTIRE AGREEMENT

This Agreement represents the entire Agreement between the **COUNTY** and the **AGENCY** and supersedes all prior negotiations, representations and Agreements, either written or oral. This Agreement may be amended only by written instrument signed by both parties.

XIV.
LAW OF CONTRACT

This Agreement and any of its terms or provisions, as well as the rights and duties of the parties hereto, shall be governed by the laws of the State of Texas. The venue for any dispute, or matter, arising under this Agreement shall lie in Denton County, Texas.

XV.
SEVERABILITY

In the event that any portion of this Agreement shall be found to be contrary to law, it is the intent of the parties hereto that the remaining portions of this Agreement shall remain valid and in full force and effect to the fullest extent possible.

XVI.
AUTHORITY

The undersigned officer or agents of the parties are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the Parties.

XVII.
SERVICE AREA

Acceptance of this Agreement constitutes approval of the service area set out in attached Exhibit "A".

EXECUTED in triplicate originals on the dates set forth below.

COUNTY:

Denton County, Texas
110 West Hickory Street, 2nd Floor
Denton, Texas 76201

BY: _____
Andy Eads
Denton County Judge

AGENCY:

City of Highland Village
Highland Village Fire Department
1200 Highland Village Road
Highland Village, Texas 75077

BY: _____
Name _____
Title _____

Acting on behalf of and by
the authority of the Denton County
Commissioners Court of Denton, Texas

Acting on behalf of and by the
authority of the City of Highland Village

DATED: _____

DATED: _____

ATTEST:

ATTEST:

BY: _____
Denton County Clerk

BY: _____
City Secretary

APPROVED AS TO CONTENT:

BY: _____
Denton County Fire Marshal

APPROVED AS TO FORM:

BY: _____
Assistant District Attorney

**APPROVED AS TO FORM AND
LEGALITY:**

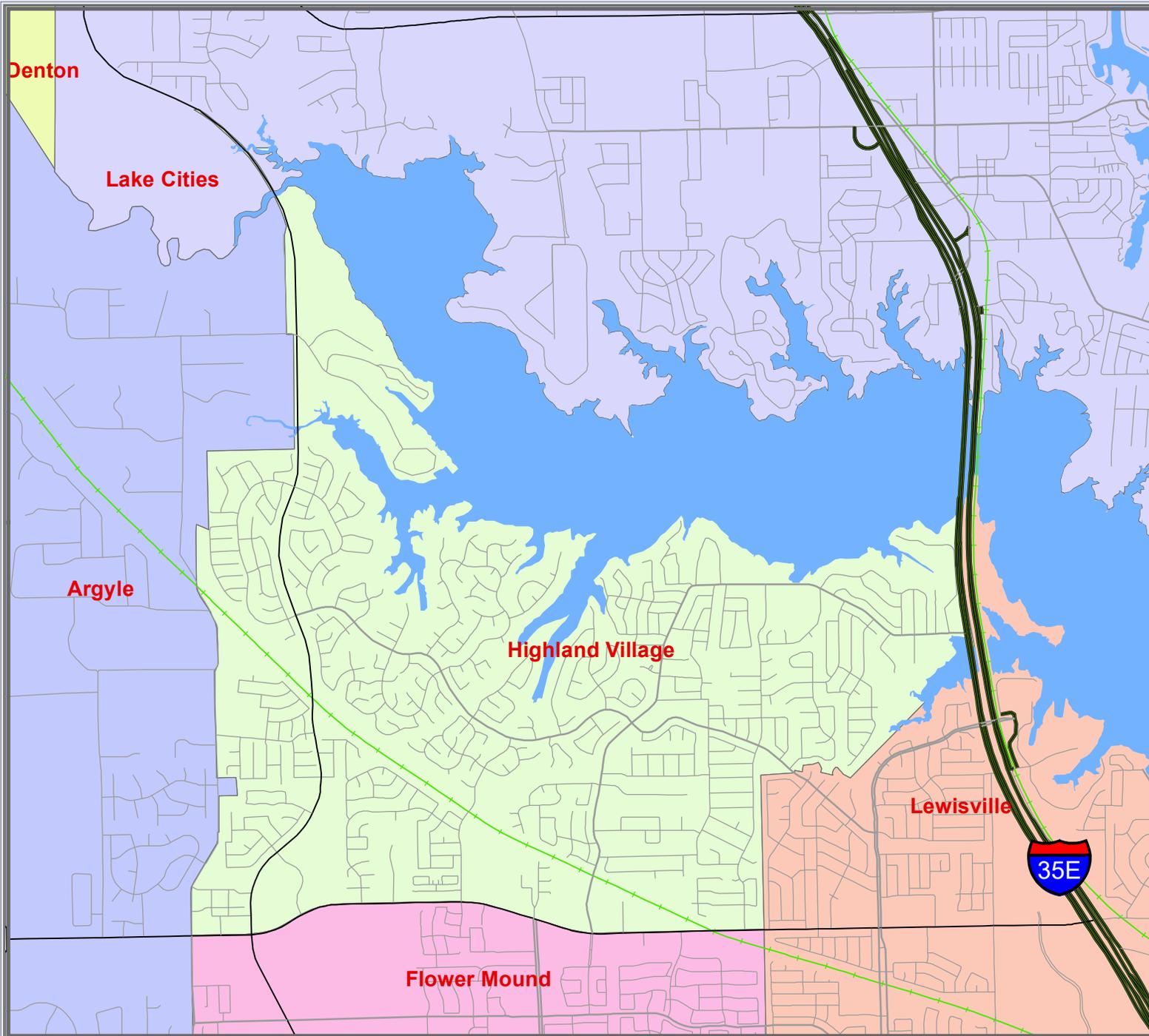
BY: _____
City Attorney

AUDITOR'S CERTIFICATE

I hereby certify that funds are available in the amount of \$ _____ to
accomplish and pay the obligation of Denton County under this Agreement.

Jeff May, Denton County Auditor

DENTON COUNTY Highland Village EMS District Exhibit A



INTERSTATE
 U.S. HIGHWAY
 STATE HIGHWAY
 FARM TO MARKET
 MAJOR THOROUGHFARES
 MINOR ROADS
 CEMETERY
 RAILROADS
 AIRPORTS
 STREAMS
 LAKES & PONDS

City Population

Denton > 100,000
Lewisville 40,000 - 100,000
Covington 10,000 - 30,999
Sanger 2,000 - 9,999
Foster < 2,000

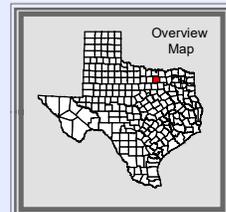
N
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1 inch = 0.6 miles
October 18, 2019

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Denton County does not guarantee the correctness or accuracy of any features on this product and assumes no responsibility in connection therewith. This product may be revised at any time without notification to any user.

CONTACT INFORMATION
LANDMARKMAP GIS: gis.dentoncounty.com
E-MAIL: gis@dentoncounty.com



DEPARTMENT OF TECHNOLOGY SERVICES

DTS

DENTON COUNTY

THE COUNTY OF DENTON

§
§
§
§

**CITY OF HIGHLAND VILLAGE
FIRE DEPARTMENT**

STATE OF TEXAS

**INTERLOCAL COOPERATION AGREEMENT
FIRE PROTECTION SERVICES**

THIS AGREEMENT, which has an effective date of October 1, 2019, is made and entered into by and between Denton County, a political subdivision of the State of Texas, hereinafter referred to as "the **COUNTY**," and the City of Highland Village Fire Department, a municipal corporation, located in Denton County, Texas, hereinafter referred to as "the **AGENCY**".

WHEREAS, the **COUNTY** is a duly organized political subdivision of the State of Texas engaged in the administration of county government and related services for the benefit of the citizens of Denton County; and

WHEREAS, the **AGENCY** is a municipal corporation, duly organized and operating under the laws of the State of Texas and engaged in the provision of fire protection services and related services for the benefit of the citizens of the City of Highland Village; and

WHEREAS, the **AGENCY** is the owner and operator of certain fire protection vehicles and other equipment designed for the extinguishing of fire and prevention of damage to property and injury to persons from fire and has in its employ trained personnel whose duties are related to the use of such vehicles and equipment; and

WHEREAS, the **COUNTY** and the **AGENCY** mutually desire to be subject to and contract pursuant to provisions of the Texas Government Code, Chapter 791 and the Texas Local Government Code, Chapter 352, and

NOW, THEREFORE, the **COUNTY** and the **AGENCY**, for the mutual promises, covenants, Agreements and consideration stated herein, agree as follows:

I.
TERM

The term of this Agreement shall be for the period beginning of October 1, 2019, and ending September 30, 2020.

II.
SERVICES

The services to be rendered in accordance with this Agreement by the **AGENCY** are the fire protection services normally rendered by the **AGENCY** to citizens of the City of Highland

Village in circumstances of emergency, but which services will now be extended to all citizens of the **COUNTY** residing in the unincorporated areas of the **COUNTY** within the operating territory or jurisdiction of the **AGENCY**, as agreed to by the **AGENCY** and the **COUNTY** in this Agreement and as set forth in "Exhibit A," attached hereto and incorporated herein by reference. These services are rendered in consideration of the basic funding and the separate per call fee set forth in this Agreement for the common good and benefit and to serve the public convenience and necessity of the citizens of the **COUNTY** who are not otherwise protected with respect to fire prevention, extinguishment, safety and rescue services. The services to be rendered are as follows:

- A. The **AGENCY** shall make available and provide emergency fire prevention, extinguishment, safety and rescue services within the agreed or specified territory or jurisdiction of the **AGENCY**.
- B. The **AGENCY** shall respond to requests for fire protection services made within the portion of the **COUNTY** designated as "*Highland Village*" as set out in Exhibit "A".
- C. The **COUNTY** agrees that, in the event a fire in the **AGENCY**'s unincorporated designated area which the **AGENCY** considers to be of an incendiary nature and upon request by the **AGENCY**, the County Fire Marshal will dispatch investigation personnel to the fire scene within a response time sufficient to legally maintain and protect all evidence of said fire and will conduct all appropriate investigation and assist in the prosecution of any case of arson. The **AGENCY** shall not be responsible for investigations of suspected incendiary fires in the unincorporated areas, but shall cooperate with the County Fire Marshal in immediately relating all pertinent information possible to the investigator(s).
- D. The **COUNTY** agrees that the County Fire Marshal may assist in the conduct of appropriate investigations of a fire which the **AGENCY** considers to be of incendiary nature in the **AGENCY**'s incorporated area upon request of the **AGENCY**.
- E. The **AGENCY** shall submit monthly statements on the Texas Fire Incident Reporting System's standardized forms to the Denton County Fire Marshal, 3900 Morse St., 2nd Floor, Denton, Texas 76208. This form will serve as the billing statement to the **COUNTY** for reimbursement of calls made in the unincorporated area. The Denton County Fire Marshal shall provide the forms upon request from the **AGENCY**.
- F. The **AGENCY**, in the performance of its duties and responsibilities under this Agreement, shall have the responsibility, within the sole discretion of the officers and employees of the **AGENCY**, except as otherwise determined by the Denton County Fire Marshal, to determine priorities in the dispatching and use of the **AGENCY**'s equipment and personnel, and the judgment of any such officer or employee as to such matters shall be the final determination.

The **COUNTY** shall designate the County Judge to act on behalf of the **COUNTY** and to serve as "Liaison Officer" between the **COUNTY** and the **AGENCY**. The County Judge, or his designated substitute, shall devote sufficient time and attention to insure the performance of all duties and obligations of the **COUNTY** under this Agreement and shall provide immediate and direct supervision of employees, agents, contractors, sub-contractors and/or laborers of the **COUNTY** engaged in the performance of this Agreement for the mutual benefit of the **COUNTY** and the **AGENCY**.

III.
PERFORMANCE OF SERVICE

The **AGENCY** shall devote sufficient time and attention to insure the performance of all duties and obligations of the **AGENCY** under this Agreement and shall provide immediate and direct supervision of the **AGENCY's** employees, agents, contractors, sub-contractors and/or laborers engaged in the performance of this Agreement for the mutual benefit of the **AGENCY** and the **COUNTY**.

IV.
COMPENSATION

The **COUNTY** agrees to pay to the **AGENCY** for the full performance of services as provided in this Agreement the sum of **\$10,000.00**, payable upon execution of this Agreement, and further agrees to pay the sum of **\$600.00** per fire call in the designated unincorporated areas of the **COUNTY** from October 1, 2019, to September 30, 2020. The **COUNTY** anticipates the **AGENCY** to run approximately **1** fire calls for a total funding of **\$600.00** for fire calls. The total payments by the **COUNTY** to the **AGENCY** pursuant to this Agreement are estimated to be **\$10,600.00**. The **COUNTY** will make no payment to the **AGENCY** for service provided outside the agreed service district whether by Mutual Aid Agreement or otherwise. The **AGENCY** understands and agrees that payment by the **COUNTY** to the **AGENCY** shall be made in accordance with the normal and customary processes and business procedures of the **COUNTY** and in conformance with applicable state law.

V.
FINANCIAL RECORDS

The **AGENCY** agrees to make its financial records available for audit and/or review by the **COUNTY**, upon request by the **COUNTY**.

VI.
RESPONSIBILITY OF THE COUNTY

The **COUNTY**, to the extent permitted by law, shall be responsible for the acts, negligence and omissions of all officers, employees and agents of the **COUNTY** who are engaged in the performance of this Agreement.

VII.
RESPONSIBILITY OF THE AGENCY

The **AGENCY**, to the extent permitted by law, shall be responsible for the acts, negligence and omissions of all officers, employees and agents of the **AGENCY** who are engaged in the performance of this Agreement.

VIII.
APPLICABLE LAW

The **COUNTY** and the **AGENCY** understand and agree that liability under this contract is governed by the Texas Government Code, Chapter 791 and the Texas Local Government Code, Chapter 352. This Agreement is made in contemplation of the applicability of these laws to the Agreement. Insofar as legally possible the **COUNTY** and the **AGENCY** agree to be bound by the above mentioned statutes as they exist as of the date of this Agreement.

IX.
DEFAULT

In the event of default of any of the covenants herein contained, this Agreement may be terminated at the discretion of the non-defaulting party if such default continues for a period of ten (10) days after notice to the other party in writing of such default and the intent to terminate this Agreement due to the default. Unless the default is cured, this Agreement shall terminate.

X.
TERMINATION

This Agreement may be terminated any time, by either the **COUNTY** or the **AGENCY** by giving sixty (60) days advance written notice to the other party. In the event of termination by either party, the **AGENCY** shall be compensated pro rata for all services performed to the termination date together with reimbursable expenses then due as authorized by this Agreement. In the event of such termination, should the **AGENCY** be overcompensated on a pro rata basis for all services performed to the termination date and/or be overcompensated reimbursable expenses, the **COUNTY** shall be reimbursed pro rata for all such overcompensation.

Acceptance of such reimbursement shall not constitute a waiver of any claim that may otherwise arise out of this Agreement.

XI.
GOVERNMENTAL IMMUNITY

The fact that the **COUNTY** and the **AGENCY** accept certain responsibilities relating to the rendition of fire protection services under this Agreement as part of their responsibility for providing protection for the public health makes it imperative that the performance of these vital services be recognized as a governmental function and that the doctrine of governmental immunity shall be, and it is hereby, invoked to the extent permitted by law. Neither the **AGENCY**, nor the **COUNTY** waive, nor shall be deemed to have hereby waived, any immunity or defense that would otherwise be available to it against claims arising from the exercise of government powers and functions.

XII.
ENTIRE AGREEMENT

This Agreement represents the entire Agreement between the **COUNTY** and the **AGENCY** and supersedes all prior negotiations representations and Agreements, either written or oral. This Agreement may be amended only by written instrument signed by both parties.

XIII.
LAW OF CONTRACT

This Agreement and any of its terms or provisions, as well as the rights and duties of the parties hereto, shall be governed by the laws of the State of Texas. The venue for any dispute, or matter, arising under this Agreement shall lie in Denton County, Texas.

XIV.
SEVERABILITY

In the event that any portion of this Agreement shall be found to be contrary to law, it is the intent of the parties hereto that the remaining portions shall remain valid and in full force and effect to the fullest extent possible.

XV.
AUTHORITY

The undersigned officer or agents of the parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the parties.

XVI.
SERVICE AREA

Acceptance of this Agreement constitutes approval of the service area set out in attached Exhibit "A".

EXECUTED in triplicate originals on the dates set forth below.

COUNTY

Denton County, Texas
110 West Hickory Street, 2nd Floor
Denton, Texas 76201

AGENCY

City of Highland Village
Highland Village Fire Department
1200 Highland Village Road
Highland Village, Texas 75077

By _____
Andy Eads
Denton County Judge

By _____
Name _____
Highland Village City Manager

Acting on behalf of and by the
authority of Denton County
Commissioners Court of
Denton County, Texas

Acting on behalf of and by the
authority of the City of Highland Village

DATED: _____

DATED: _____

ATTEST:

ATTEST:

BY: _____
Denton County Clerk

BY: _____
City Secretary

APPROVED AS TO CONTENT:

BY: _____
Denton County Fire Marshal

APPROVED AS TO FORM:

BY: _____
Assistant District Attorney

**APPROVED AS TO FORM AND
LEGALITY:**

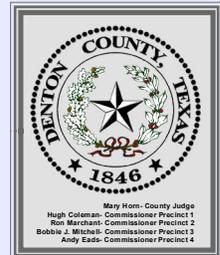
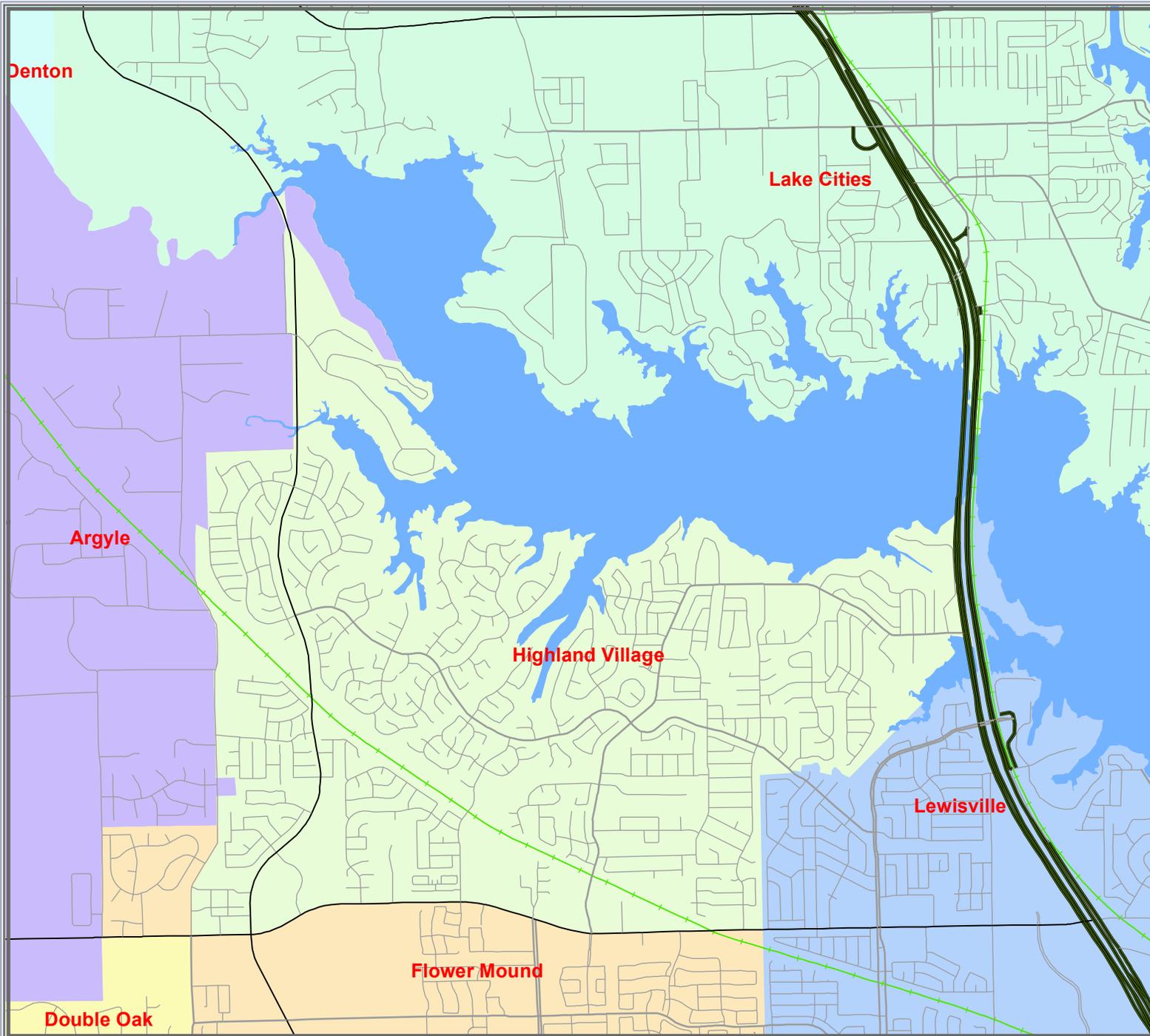
BY: _____
City Attorney

AUDITOR'S CERTIFICATE

I hereby certify that funds are available in the amount of \$ _____ to accomplish and pay the obligation of Denton County under this Contract/Agreement.

Jeff May, Denton County Auditor

DENTON COUNTY Highland Village Fire District Exhibit A



Legend

- INTERSTATE
- U.S. HIGHWAY
- STATE HIGHWAY
- FARM TO MARKET
- MAJOR THOROUGHFARES
- MINOR ROADS
- CEMETERY
- RAILROADS
- AIRPORTS
- STREAMS
- LAKES & PONDS

City Population

Denton > 100,000
 Lewisville 40,000- 100,000
 Corinth 10,000- 30,999
 Sanger 2,000- 9,999
 Ponder - 2,000

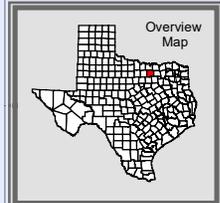
North Arrow

1 inch = 0.6 miles
 October 18, 2019

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Denton County does not guarantee the correctness or accuracy of any features on this product and assumes no responsibility in connection therewith. This product may be revised at any time without notification to any user.

CONTACT INFORMATION
 LANDMARKMAP GIS: gis.dentoncounty.com
 E-MAIL: gis@dentoncounty.com



CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2019-2854

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO INTERLOCAL COOPERATION AGREEMENTS WITH DENTON COUNTY FOR AMBULANCE AND FIRE PROTECTION SERVICES TO UNINCORPORATED AREAS OF DENTON COUNTY DURING FISCAL YEAR 2019-2020; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Denton County has requested the City of Highland Village enter into Interlocal Cooperation Agreements to provide Ambulance and Fire Protection Services to unincorporated areas of Denton County for the Fiscal Year 2019-2020; and

WHEREAS, the provision of such services provides a benefit to the citizens of Denton County; and

WHEREAS, the City Council of the City of Highland Village finds it in the public interest to enter into the above described 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 sign on behalf of the City into the Interlocal Cooperation Agreements with Denton County for ambulance and fire protection services for Fiscal Year 2019-2020.

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

PASSED AND APPROVED THIS THE 12TH DAY OF NOVEMBER 2019.

APPROVED:

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(kbl:11/5/19:111973)

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 14

MEETING DATE: 11/12/19

SUBJECT: Consider Resolution 2019-2857 Authorizing the Purchase of a VAC-CON Flusher Truck from Houston Freightliner through the City's Cooperative Purchasing Agreement with the Houston-Galveston Area Council of Government Cooperative ("HGAC"); Declaring the Replaced Vacuum Truck as Surplus Property and Authorizing its Sale; Repealing Resolution No. 2019-2852

PREPARED BY: Scott Kriston, Director of Public Works

BACKGROUND:

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

Previous Council action dated October 22, 2019 authorized the purchase of a VAC-CON Flusher truck through CLS Equipment, Inc. After the council meeting, City staff learned the equipment vendor to whom the purchase was awarded is not authorized to sell the Freightliner truck as part of the sale. Staff has determined another vendor, Houston Freightliner, is authorized to sell the specified vehicle through the City's cooperative purchasing agreement with HGAC. There will be no cost increase or decrease as the result of changing the selected vendor for this purchase.

IDENTIFIED NEED/S:

In this fiscal budget year 2019-2020, under the equipment replacement schedule, staff identified the equipment that satisfies the City's criteria for replacement. Equipment being replaced will no longer be needed for City operations and will be sold in accordance with applicable state law and City policies upon the City Council's determination that such vehicle constitutes surplus property and may be sold.

PROGRESS TO DATE: (if appropriate)

In the process of taking bids as required by state law, City staff found that in working through the Houston-Galveston Area Council of Governments Cooperative ("HGAC"), vehicles meeting or exceeding all specifications for the vehicles could be purchased for the best price. HGAC fees are included in the total price.

HGAC obtained the needed vehicle through Houston Freightliner.

<u>Division</u>	<u>Quantity</u>	<u>Description</u>	<u>Cost</u>
Utility	1	2020 VAC-CON V390 Freightliner 114SD	\$358,778.50
		Total Utility Purchase Cost	\$358,778.50

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

Approved in FY 2019-2020 Vehicle / Equipment Replacement Budget.

RECOMMENDATION:

To approve Resolution 2019-2857.

CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2019-2857

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AUTHORIZING THE PURCHASE OF A VAC-CON FLUSHER TRUCK VEHICLE FROM HOUSTON FREIGHTLINER THROUGH THE CITY'S COOPERATIVE PURCHASING AGREEMENT WITH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE (HGAC); DECLARING THE REPLACED VACUUM TRUCK AS SURPLUS PROPERTY AND AUTHORIZING ITS SALE; REPEALING RESOLUTION NO. 2019-2852; AND PROVIDING AN EFFECTIVE DATE

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

WHEREAS, City Administration, while in the process of soliciting bids in accordance with state law, determined that the purchase of the VAC-CON Flusher Truck vehicle complies with City specifications can be made for the lowest price from Houston Freightliner through the City's cooperative purchasing agreement with the Houston-Galveston Area Council of Governments Cooperative ("HGAC"); and

WHEREAS, following approval of Resolution No. 2019-2852 authorizing the purchase of the above described vehicle from a different vendor, City Administration learned the other vendor was unable to sell the specified vehicle to the City; and

WHEREAS, as the result of the foregoing finding, Resolution No. 2019-2852 should be repealed; and

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

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

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

SECTION 1. The City Manager is hereby authorized to purchase one (1) VAC-CON V390 Freightliner 114SD vehicle from Houston Freightliner through the City's cooperative purchasing agreement with HGAC in the amount of \$358,778.50 from funds available in the FY 2019-2020 Utility budget.

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

SECTION 3. Resolution No. 2019-2852 is hereby repealed.

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

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE,
TEXAS, ON THIS 12TH DAY OF NOVEMBER 2019.**

APPROVED:

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(kbl:11/5/19:111974)

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 15

MEETING DATE: 11/12/19

SUBJECT: Consider Resolution 2019-2858 Declaring Replaced Vehicles, Equipment and Scrap Metal as Surplus Property and Authorizing the Sale

PREPARED BY: Scott Kriston, Director of Public Works

BACKGROUND:

The Fleet Maintenance Division manages the equipment inventory and purchases all of the new authorized vehicles and equipment each fiscal year. The various field operations divisions (Utilities, Streets, Drainage, Fleet, Facilities and Parks) produce scrap throughout the daily operations and in-house projects. The old vehicles, equipment and scrap all have a certain value that the City can collect and utilize to fund new purchases or projects.

IDENTIFIED NEED/S:

Vehicles, equipment and various scrap items that have been replaced are no longer needed for City operations and are proposed to be sold in accordance with applicable state law and City policies upon the City Council's determination that such vehicles and equipment constitutes surplus property and may be sold.

PROGRESS TO DATE: (if appropriate)

In the process of taking an inventory of the City's surplus vehicles, equipment and scrap; the following surplus inventory list was created:

Unit ID	Make	Model	Year	Vin / serial #	Dept.
321706	Ford	F-150	2007	1FTRX12W17NA54706	Parks
522538	Ford	F-250	2008	1FTSX20588ED17583	Police
633109	Ford	F-450	2008	1FDAX46R59EA94109	Utilities
932786	Ford	F-350	2008	1FDSW34R28EC06786	Drainage
622030	Ford	F-250	2013	1FT7X2A69DEA69030	Utilities
316123	Ford	Expedition	2005	1FMPU15505LA64123	Police
621935	Ford	F-150	2008	1FTRX12W28FB53935	Utilities
922061	Ford	F-250	2008	1FTSX20518EB86061	Drainage
532310	Freightliner	M2106	2009	1FVACYBS7AHAP0310	Streets
522325	Ford	F-250	2009	1FTSX2A53AEA28325	
414343	Ford	Crown Victoria	2011	2FABP7BV8BX143343	Police
455128	Toberlin	Emerge golf cart	2007	5TSTF14378002128	Police

455104	Toberlin	Emerge golf cart	2007	5TSTF24378002104	Police
351104	Toro	33455	2016	316000104	Parks
414202	Ford	Fusion	2013	3FA6P0H7XDR194202	Police
323587	Ford	F-350	2008	1FTWW30528ED17587	Parks
323588	Ford	F-350	2008	1FTWW30525ED17588	
323394	Ford	F-350	2009	1FTWW30569EA51394	Parks
322170	Ford	F-250	2010	1FTSX2A57AEB17170	Parks
422777	Ford	F-350	2005	1FTWW30Y75EB72777	Police
632006	Freightliner	M2106	2005	1FVACYDC35HU05006	Utilities
632358	Freightliner		2009	1FVAC3BS49HAH1358	Utilities
721458	Ford	F-150	2005	1FTRX12W55FA51458	Fleet
667396	Komatsu	PC35MR-2	2006	7369	Utilities
973433	National	Sunray	2011	1N9MC1417AF272433	Drainage
373493	Topline	Trailer	1997	4GWGN202XWT000493	Parks
386998	Land Pride	Tiller	1994	L68998	Parks
NA	Trailer	Home Made	1990		Parks
NA	Irrigation hose reel			C-5037	Parks
NA	Leaf Eater	Billy Goat	1995	11796069	Parks
351147	Toro	Z597-D	2004	250000174	Parks
NA	Sweepster	M24C6A		824042	Parks

Surplus scrap metal, Utilities, Streets, Drainage, Fleet, Facilities and Parks field Ops
Surplus palletized small engine equipment (weed eaters, chain saws, blowers, quick saws, trimmers, etc.)

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

Sales proceeds shall be deposited into the General Fund.

RECOMMENDATION:

To approve Resolution 2019-2858.

CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2019-2858

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, DECLARING CERTAIN CITY PROPERTY AS SURPLUS PROPERTY AND AUTHORIZING THE CITY MANAGER TO SELL AND/OR DISPOSE OF SUCH PROPERTY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council recognizes that in the normal course of providing municipal services, the various City Departments will exhaust the useful life of its capital equipment and other property that does not meet the capital equipment threshold, to the point where it is no longer cost effective to maintain and operate, or acquire other materials that are not usable for City operations; and

WHEREAS, City Administration has determined the personal property described in Exhibit A, attached hereto and incorporated herein by reference, is not currently needed by the City, that the City has no foreseeable need or use for such property, and that said property should be declared surplus and sold or conveyed to others in accordance with law; and

WHEREAS, the City Council declares the property described in Exhibit A as surplus property, the sale or other disposition of which is in the best interest of the City.

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

SECTION 1. The City Council declares the property identified in Exhibit A, hereto, surplus for City purposes and authorizes the City Manager or his designee to sell and/or dispose of the property according to applicable state law and City policies.

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON THIS 12th DAY OF NOVEMBER 2019.

APPROVED:

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(kbl:11/5/19:111977)

Resolution No. 2019-2858

EXHIBIT A

SURPLUS PROPERTY NOVEMBER 2019

321706	Ford	F-150	2007	1FTRX12W17NA54706	Parks
522538	Ford	F-250	2008	1FTSX20588ED17583	Police
633109	Ford	F-450	2008	1FDAX46R59EA94109	Utilities
932786	Ford	F-350	2008	1FDSW34R28EC06786	Drainage
622030	Ford	F-250	2013	1FT7X2A69DEA69030	Utilities
316123	Ford	Expedition	2005	1FMPU15505LA64123	Police
621935	Ford	F-150	2008	1FTRX12W28FB53935	Utilities
922061	Ford	F-250	2008	1FTSX20518EB86061	Drainage
532310	Freightliner	M2106	2009	1FVACYBS7AHAP0310	Streets
522325	Ford	F-250	2009	1FTSX2A53AEA28325	
414343	Ford	Crown Victoria	2011	2FABP7BV8BX143343	Police
455128	Toberlin	Emerge golf cart	2007	5TSTF14378002128	Police
455104	Toberlin	Emerge golf cart	2007	5TSTF24378002104	Police
351104	Toro	33455	2016	316000104	Parks
414202	Ford	Fusion	2013	3FA6POH7XDR194202	Police
323587	Ford	F-350	2008	1FTWW30528ED17587	Parks
323588	Ford	F-350	2008	1FTWW30525ED17588	
323394	Ford	F-350	2009	1FTWW30569EA51394	Parks
322170	Ford	F-250	2010	1FTSX2A57AEB17170	Parks
422777	Ford	F-350	2005	1FTWW30Y75EB72777	Police
632006	Freightliner	M2106	2005	1FVACYDC35HU05006	Utilities
632358	Freightliner		2009	1FVAC3BS49HAH1358	Utilities
721458	Ford	F-150	2005	1FTRX12W55FA51458	Fleet
667396	Komatsu	PC35MR-2	2006	7369	Utilities
973433	National	Sunray	2011	1N9MC1417AF272433	Drainage
373493	Topline	Trailer	1997	4GWGN202XWT000493	Parks
386998	Land Pride	Tiller	1994	L68998	Parks
NA	Trailer	Home Made	1990		Parks
NA	Irrigation hose reel			C-5037	Parks
NA	Leaf Eater	Billy Goat	1995	11796069	Parks
351147	Toro	Z597-D	2004	250000174	Parks
NA	Sweepster	M24C6A		824042	Parks

<p>Surplus scrap metal, Utilities, Streets, Drainage, Fleet, Facilities and Parks field Ops Surplus palletized small engine equipment (weed eaters, chain saws, blowers, quick saws, trimmers, etc.)</p>

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 16

MEETING DATE: 11/12/19

SUBJECT: Investment Report for Quarter Ending September 30, 2019

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, 2019 through September 30, 2019 follow this briefing.

- TexPool (Texas Local Government Investment Pool, a public funds investment pool that matures October 1, 2019)
- 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, 2019)
- Independent DDA (Demand Deposit Account that matures October 1, 2019 collateralized by pledged securities held in custody by The Independent Bankers Bank)
- Independent NOW (Negotiable Order of Withdraw that matures October 1, 2019 collateralized by pledged securities held in custody by The Independent Bankers Bank)
- Southside MMA (Money Market Account that matures October 1, 2019, collateralized by pledged securities held in custody by the Federal Home Loan Bank)
- InterBank MMA (Money Market Account that matures October 1, 2019, fully insured by the Federal Deposit Insurance Corporation)
- InterBank ICS (Insured Cash Sweep that matures October 1, 2019, fully insured by the Federal Deposit Insurance Corporation)

- Wallis State Bank CD (Certificates of Deposit that matures October 25, 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 January 24, 2020 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 24, 2020 collateralized by a letter of credit held in custody by the Federal Home Loan Bank)
- Wallis State Bank CD (Certificates of Deposit that matures July 24, 2020 collateralized by a letter of credit held in custody by the Federal Home Loan Bank)

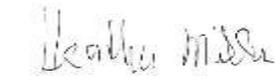
This information reports that the beginning market value for all cash and investments was \$22,680,584 and the ending market value on September 30, 2019 was \$19,755,523. The average yield for the quarter ending September 30, 2019 in pooled, demand deposit, negotiable order of withdrawal, and money market 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, 2019 was \$16,860,650 and the ending balance at September 30, 2019 was \$15,701,089 or 79% of the City's total portfolio. The weighted average maturity of the City's portfolio at September 30, 2019 is 34 days.

The average total portfolio yield for the quarter ending September 30, 2019 was 2.17%.

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, 2019	\$22,680,584	\$22,680,584
September 30, 2019	\$19,755,523	\$19,755,523

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, 2019.



QUARTERLY INVESTMENT REPORT

For the Quarter Ended

September 30, 2019

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, 2018			September 30, 2019		
	Ave. Yield	Book Value	Market Value	Ave. Yield	Book Value	Market Value
MMA/NOW/Pools	2.02%	\$ 11,738,812	\$ 11,738,812	2.02%	\$ 15,701,089	\$ 15,701,089
Securities/CDs	2.28%	10,833,513	10,833,513	2.77%	4,054,434	4,054,434
Totals		\$ 22,572,325	\$ 22,572,325		\$ 19,755,523	\$ 19,755,523

Fourth Quarter-End Yield **2.14%** **2.17%**

Average Quarter-End Yields (1):

	2018 Fiscal Year	2019 Fiscal Year
Highland Village	1.78%	2.35%
Rolling Three Month Treasury	1.67%	2.30%
Rolling Six Month Treasury	1.73%	2.37%
TexPool	1.62%	2.31%
Fiscal YTD Interest Earnings	\$ 337,097	\$ 550,951

(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, 2019			September 30, 2019		
	Ave. Yield	Book Value	Market Value	Ave. Yield	Book Value	Market Value
MMA/NOW/Pools	2.52%	\$ 16,860,650	\$ 16,860,650	2.02%	\$ 15,701,089	\$ 15,701,089
Securities/CDs	2.65%	5,819,934	5,819,934	2.77%	4,054,434	4,054,434
Totals		\$ 22,680,584	\$ 22,680,584		\$ 19,755,523	\$ 19,755,523

Current Quarter Average Yield (1)

Total Portfolio	2.17%
Rolling Three Month Treasury	2.02%
Rolling Six Month Treasury	2.17%
TexPool	2.16%

Fiscal Year-to-Date Average Yield (2)

Total Portfolio	2.35%
Rolling Three Month Treasury	2.30%
Rolling Six Month Treasury	2.37%
TexPool	2.31%

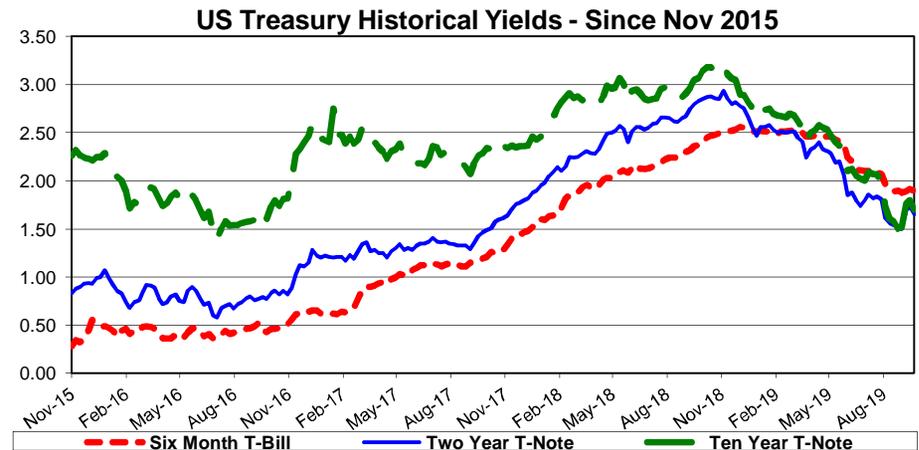
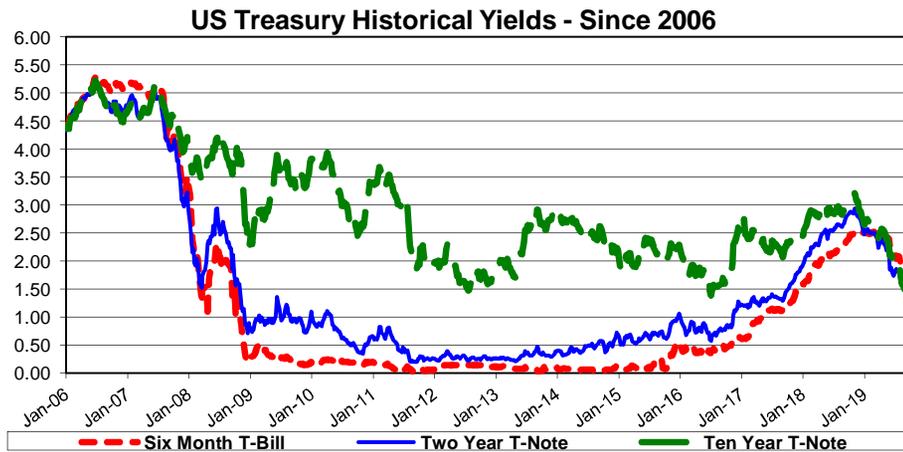
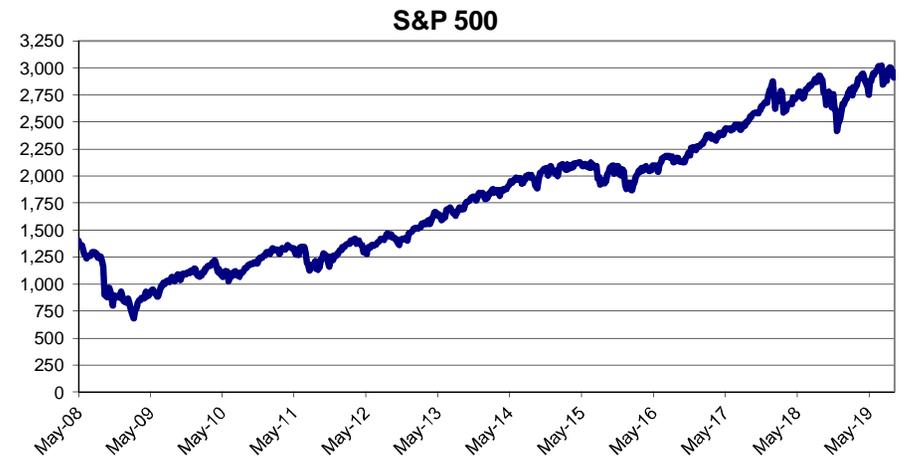
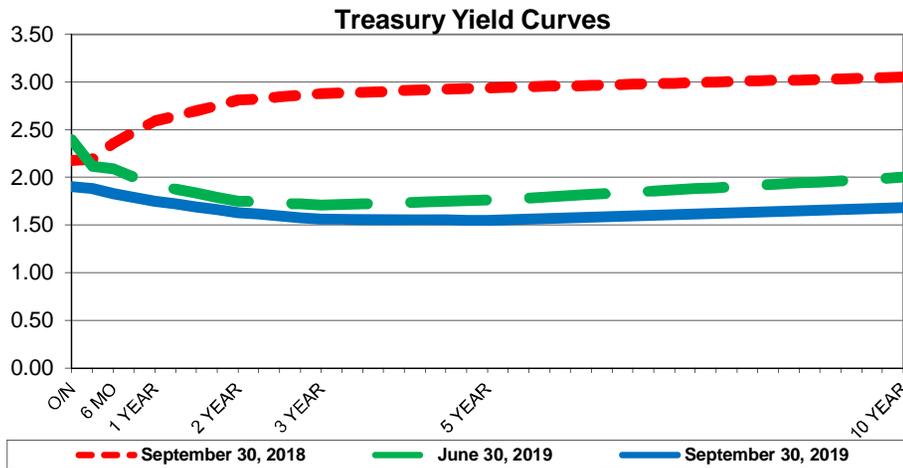
Interest Earnings

Quarterly Interest	\$ 133,330	Approximate
Fiscal Year-to-Date Interest	\$ 550,951	Approximate

(1) **Current Quarter Average Yield** - based on adjusted book value, realized and unrealized gains/losses and investment advisory fees are not considered. The yield for the reporting month is used for bank, pool, and money market balances.

(2) Fiscal Year-to-Date Average Yields calculated using quarter end report yields..

The Federal Open Market Committee (FOMC) reduced the Fed Funds target range to 1.75% - 2.00% (Effective Fed Funds are trading +/-1.83%). The Futures Market continues to project additional decreases. Gradual Federal Reserve Bank portfolio reduction ended. August Non Farm Payroll added 136,000 new jobs, with the rolling three month averaging 157,000. Crude oil settled back and trades +/- \$55. The Stock Markets waffled near the recent highs. Consumer spending continues albeit less robustly. Overall economic activity remains mostly positive with 2nd Quarter GDP recorded at 2.0%. Brexit, Chinese trade concerns, growth outlook, and other factors may weigh on US growth. The inverted Yield Curve persists with yields declining.



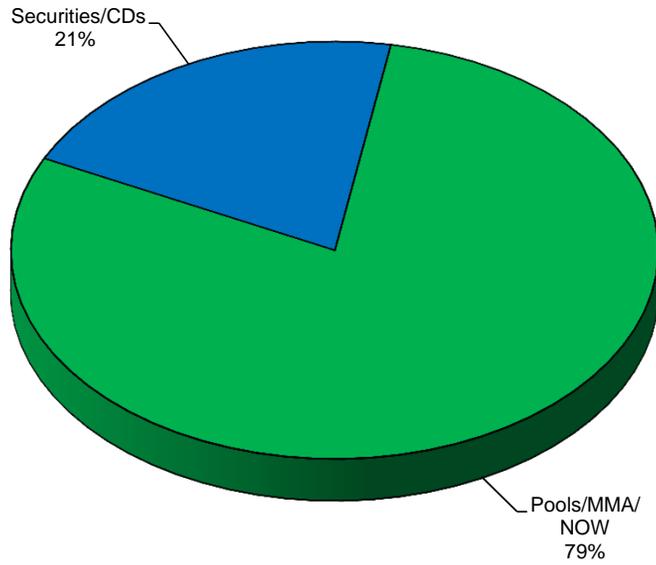
Investment Holdings
September 30, 2019

Description	Rating	Coupon/ Discount	Maturity Date	Settlement Date	Original Face/ Par Value	Book Value	Market Price	Market Value	Life (days)	Yield
TexPool	AAAm	2.16%	10/01/19	09/30/19	\$ 3,698,319	\$ 3,698,319	1.00	\$ 3,698,319	1	2.16%
TexSTAR	AAAm	2.11%	10/01/19	09/30/19	905,520	905,520	1.00	905,520	1	2.11%
Independent DDA		0.35%	10/01/19	09/30/19	1,460,649	1,460,649	1.00	1,460,649	1	0.35%
Independent NOW		0.40%	10/01/19	09/30/19	6,640	6,640	1.00	6,640	1	0.40%
Southside MMA		2.30%	10/01/19	09/30/19	1,417,678	1,417,678	1.00	1,417,678	1	2.30%
InterBank MMA		2.20%	10/01/19	09/30/19	212,135	212,135	1.00	212,135	1	2.20%
InterBank ICS		2.20%	10/01/19	09/30/19	8,000,148	8,000,148	1.00	8,000,148	1	2.20%
WallisBank CD		2.70%	10/25/19	01/24/19	1,013,434	1,013,434	100.00	1,013,434	25	2.73%
WallisBank CD		2.74%	01/26/20	01/24/19	1,013,634	1,013,634	100.00	1,013,634	118	2.77%
WallisBank CD		2.74%	04/26/20	01/24/19	1,013,634	1,013,634	100.00	1,013,634	209	2.77%
WallisBank CD		2.76%	07/26/20	01/24/19	1,013,733	1,013,733	100.00	1,013,733	300	2.79%
					\$ 19,755,523	\$ 19,755,523		\$ 19,755,523	34	2.17%
									(1)	(2)

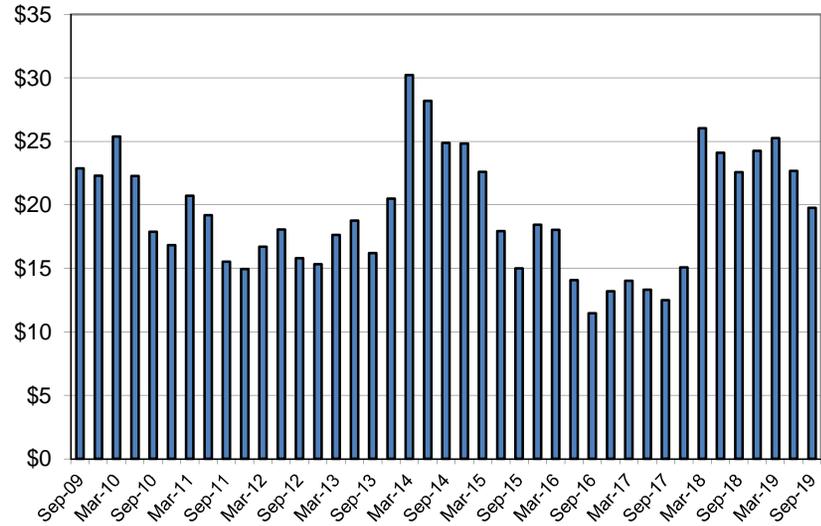
(1) **Weighted average life** - For purposes of calculating weighted average life, pool and bank account investments are assumed to have a one day maturity.

(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.

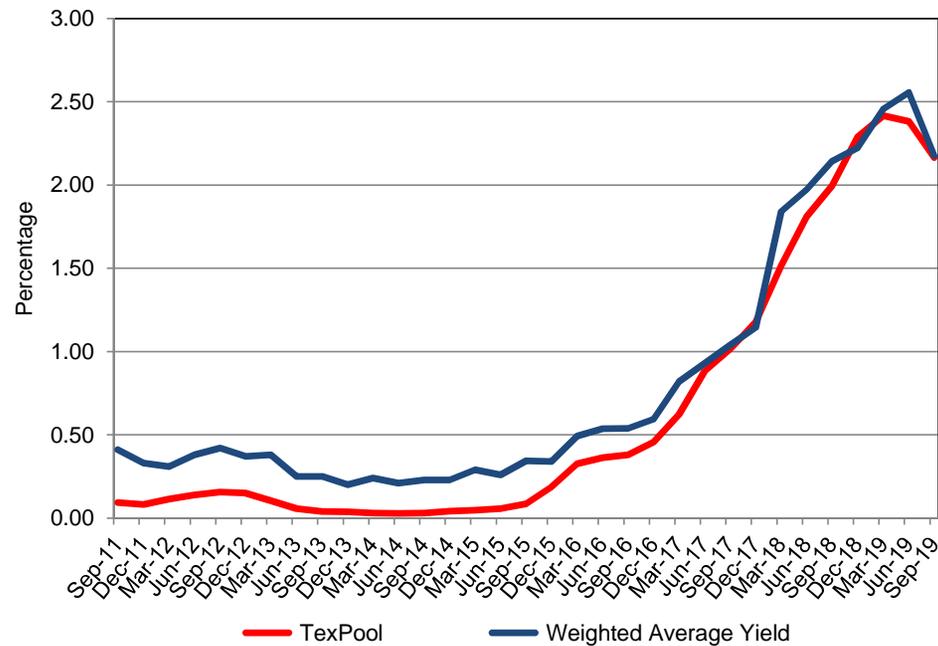
Portfolio Composition



Total Portfolio (Millions)



Total Portfolio Performance



Book Value Comparison

Description	Coupon/ Discount	Maturity Date	June 30, 2019				September 30, 2019			
			Original Face/ Par Value	Book Value	Purchases/ Accretions	Amortizations/ Sales/Maturities	Original Face/ Par Value	Book Value		
TexPool	2.16%	10/01/19	\$ 3,548,709	\$ 3,548,709	\$ 149,610	\$ –	\$ 3,698,319	\$ 3,698,319		
TexSTAR	2.11%	10/01/19	2,433,716	2,433,716		(1,528,195)	905,520	905,520		
Independent DDA	0.35%	10/01/19	307,946	307,946	1,152,703		1,460,649	1,460,649		
Independent NOW	0.40%	10/01/19	6,633	6,633	7		6,640	6,640		
Southside MMA	2.30%	10/01/19	2,403,413	2,403,413		(985,736)	1,417,678	1,417,678		
InterBank MMA	2.20%	10/01/19	212,112	212,112	23		212,135	212,135		
InterBank ICS	2.20%	10/01/19	7,948,121	7,948,121	52,028		8,000,148	8,000,148		
Third Coast Bank CD	2.25%	07/22/19	1,028,364	1,028,364		(1,028,364)	–	–		
WallisBank CD	2.59%	08/09/19	764,594	764,594		(764,594)	–	–		
WallisBank CD	2.70%	10/25/19	1,006,658	1,006,658	6,776		1,013,434	1,013,434		
WallisBank CD	2.74%	01/26/20	1,006,756	1,006,756	6,877		1,013,634	1,013,634		
WallisBank CD	2.74%	04/26/20	1,006,756	1,006,756	6,877		1,013,634	1,013,634		
WallisBank CD	2.76%	07/26/20	1,006,805	1,006,805	6,928		1,013,733	1,013,733		
TOTAL			\$ 22,680,584	\$ 22,680,584	\$ 1,381,829	\$ (4,306,890)	\$ 19,755,523	\$ 19,755,523		

Market Value Comparison

Description	Coupon/ Discount	June 30, 2019			Qtr-to-Qtr Change	September 30, 2019		
		Original Face/ Par Value	Market Price	Market Value		Original Face/ Par Value	Market Price	Market Value
TexPool	2.16%	\$ 3,548,709	1.00	\$ 3,548,709	\$ 149,610	\$ 3,698,319	1.00	\$ 3,698,319
TexSTAR	2.11%	2,433,716	1.00	2,433,716	(1,528,195)	905,520	1.00	905,520
Independent DDA	0.35%	307,946	1.00	307,946	1,152,703	1,460,649	1.00	1,460,649
Independent NOW	0.40%	6,633	1.00	6,633	7	6,640	1.00	6,640
Southside MMA	2.30%	2,403,413	1.00	2,403,413	(985,736)	1,417,678	1.00	1,417,678
InterBank MMA	2.20%	212,112	1.00	212,112	23	212,135	1.00	212,135
InterBank ICS	2.20%	7,948,121	1.00	7,948,121	52,028	8,000,148	1.00	8,000,148
Third Coast Bank CD	2.25%	1,028,364	100.00	1,028,364	(1,028,364)	—		—
WallisBank CD	2.59%	764,594	100.00	764,594	(764,594)	—		—
WallisBank CD	2.70%	1,006,658	100.00	1,006,658	6,776	1,013,434	100.00	1,013,434
WallisBank CD	2.74%	1,006,756	100.00	1,006,756	6,877	1,013,634	100.00	1,013,634
WallisBank CD	2.74%	1,006,756	100.00	1,006,756	6,877	1,013,634	100.00	1,013,634
WallisBank CD	2.76%	1,006,805	100.00	1,006,805	6,928	1,013,733	100.00	1,013,733
TOTAL		\$ 22,680,584		\$ 22,680,584	\$ (2,925,062)	\$ 19,755,523		\$ 19,755,523

**Allocation by Fund
September 30, 2019
Book and Market Value**

Utility Funds	TexPool	TexSTAR	Independent DDA	Independent NOW	Southside MMA	InterBank MMA	InterBank ICS
Interest & Sinking	\$ 661,921	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Replacement Reserve	469,351	-	-	-	-	-	-
Operations	356,472	-	-	-	276,890	-	-
Impact Fees	1,002,894	-	-	-	44,186	-	-
2013 CO Utility Capital Projects	-	119,548	-	-	361	-	-
2018 CO Utility Capital Projects	-	562,638	-	-	-	100,193	2,230,234
Sub Total	\$ 2,490,639	\$ 682,186	\$ -	\$ -	\$ 321,436	\$ 100,193	\$ 2,230,234
General Funds							
Operations	\$ 844,427	\$ 104,493	\$ -	\$ 319	\$ 1,096,242	\$ 12,750	\$ -
Pooled Cash	-	-	1,460,649	-	-	-	-
Interest & Sinking	105,837	65,333	-	-	-	-	-
Drainage Utility	180,106	-	-	-	-	-	-
Sub Total	\$ 1,130,369	\$ 169,826	\$ 1,460,649	\$ 319	\$ 1,096,242	\$ 12,750	\$ -
General Capital Project Funds							
Park Development	\$ 71,061	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2015 Tax Note Capital Projects	-	47,442	-	-	-	-	-
2018 GO Capital Projects	-	44	-	-	-	99,191	5,769,914
Sub Total	\$ 71,061	\$ 47,486	\$ -	\$ -	\$ -	\$ 99,191	\$ 5,769,914
Corp Leased Park Funds							
Corp LeasedTXDot Mitigation	\$ -	\$ 3	\$ -	\$ 6,321	\$ -	\$ -	\$ -
Sub Total	\$ -	\$ 3	\$ -	\$ 6,321	\$ -	\$ -	\$ -
HV Community Development Funds							
Operations	\$ 6,250	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
HVDCD TXDot Mitigation	-	6,019	-	-	-	-	-
Sub Total	\$ 6,250	\$ 6,019	\$ -	\$ -	\$ -	\$ -	\$ -
Totals	\$ 3,698,319	\$ 905,520	\$ 1,460,649	\$ 6,640	\$ 1,417,678	\$ 212,135	\$ 8,000,148

Allocation by Fund
September 30, 2019
Book and Market Value

(Continued)

Utility Funds	Certificates of Deposit				Total	Interest
	10/25/2019	01/24/2020	04/24/2020	07/24/2020		This Quarter
Interest & Sinking	\$ -	\$ -	\$ -	\$ -	\$ 661,921	\$ 2,814
Replacement Reserve	-	-	-	-	469,351	2,642
Operations	-	-	-	-	633,362	3,643
Impact Fees	-	-	-	-	1,047,079	8,688
2013 CO Utility Capital Projects	-	-	-	-	119,909	1,011
2018 CO Utility Capital Projects	-	-	-	-	2,893,065	17,887
Sub Total	\$ -	\$ -	\$ -	\$ -	\$ 5,824,688	\$ 36,685
General Funds						
Operations	1,013,434	1,013,634	1,013,634	1,013,733	\$ 6,112,665	\$ 53,961
Pooled Cash	-	-	-	-	1,460,649	757
Interest & Sinking	-	-	-	-	171,170	1,657
Drainage Utility	-	-	-	-	180,106	1,561
Sub Total	\$ 1,013,434	\$ 1,013,634	\$ 1,013,634	\$ 1,013,733	\$ 7,924,590	\$ 57,935
General Capital Project Funds						
Park Development	\$ -	\$ -	\$ -	\$ -	\$ 71,061	\$ 400
2015 Tax Note Capital Projects	-	-	-	-	47,442	263
2018 GO Capital Projects	-	-	-	-	5,869,149	38,003
Sub Total	\$ -	\$ -	\$ -	\$ -	\$ 5,987,652	\$ 38,666
Corp Leased Park Funds						
Corp LeasedTXDot Mitigation	\$ -	\$ -	\$ -	\$ -	\$ 6,325	\$ 6
Sub Total	\$ -	\$ -	\$ -	\$ -	\$ 6,325	\$ 6
HV Community Development Fun						
Operations	\$ -	\$ -	\$ -	\$ -	\$ 6,250	\$ 3
HVDCD TXDot Mitigation	-	-	-	-	6,019	33
Sub Total	\$ -	\$ -	\$ -	\$ -	\$ 12,268	\$ 37
Totals	\$ 1,013,434	\$ 1,013,634	\$ 1,013,634	\$ 1,013,733	\$ 19,755,523	\$ 133,330

**Allocation by Fund
June 30, 2019
Book and Market Value**

Utility Funds	TexPool	TexSTAR	Independent DDA	Independent NOW	Southside MMA	InterBank MMA	InterBank ICS
Interest & Sinking	\$ 420,412	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Replacement Reserve	466,709	-	-	-	-	-	-
Operations	354,465	-	-	-	275,254	-	-
Impact Fees	146,615	-	-	-	43,925	-	-
2013 CO Utility Capital Projects	-	256,040	-	-	359	-	-
2018 CO Utility Capital Projects	-	559,518	-	-	-	100,222	2,215,438
Sub Total	\$ 1,388,202	\$ 815,558	\$ -	\$ -	\$ 319,537	\$ 100,222	\$ 2,215,438
General Funds							
Operations	\$ 1,487,418	\$ 1,055,845	\$ -	\$ 318	\$ 2,083,877	\$ 12,670	\$ -
Pooled Cash	-	-	307,946	-	-	-	-
Interest & Sinking	319,802	64,971	-	-	-	-	-
Drainage Utility	282,076	-	-	-	-	-	-
Sub Total	\$ 2,089,296	\$ 1,120,816	\$ 307,946	\$ 318	\$ 2,083,877	\$ 12,670	\$ -
General Capital Project Funds							
Park Development	\$ 70,661	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2015 Tax Note Capital Projects	-	47,179	-	-	-	-	-
2018 GO Capital Projects	-	444,174	-	-	-	99,220	5,732,683
Sub Total	\$ 70,661	\$ 491,353	\$ -	\$ -	\$ -	\$ 99,220	\$ 5,732,683
Corp Leased Park Funds							
Corp LeasedTXDot Mitigation	\$ -	\$ 3	\$ -	\$ 6,315	\$ -	\$ -	\$ -
Sub Total	\$ -	\$ 3	\$ -	\$ 6,315	\$ -	\$ -	\$ -
HV Community Development Funds							
Operations	\$ 550	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
HVDC TXDot Mitigation	-	5,985	-	-	-	-	-
Sub Total	\$ 550	\$ 5,985	\$ -	\$ -	\$ -	\$ -	\$ -
Totals	\$ 3,548,709	\$ 2,433,716	\$ 307,946	\$ 6,633	\$ 2,403,413	\$ 212,112	\$ 7,948,121

Allocation by Fund
June 30, 2019
Book and Market Value

(Continued)

Utility Funds	Certificates of Deposit						Total	Interest This Quarter
	07/22/2019	08/09/2019	10/25/2019	01/24/2020	04/24/2020	07/24/2020		
Interest & Sinking	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 420,412	\$ 1,896
Replacement Reserve	-	-	-	-	-	-	466,709	2,788
Operations	-	-	-	-	-	-	629,719	3,867
Impact Fees	-	764,594	-	-	-	-	955,134	5,905
2013 CO Utility Capital Projects	-	-	-	-	-	-	256,398	2,675
2018 CO Utility Capital Projects	-	-	-	-	-	-	2,875,178	18,721
Sub Total	\$ -	\$ 764,594	\$ -	\$ -	\$ -	\$ -	\$ 5,603,551	\$ 35,851
General Funds								
Operations	\$ 1,028,364	\$ -	1,006,658	1,006,756	1,006,756	1,006,805	\$ 9,695,468	\$ 70,209
Pooled Cash	-	-	-	-	-	-	307,946	478
Interest & Sinking	-	-	-	-	-	-	384,773	2,231
Drainage Utility	-	-	-	-	-	-	282,076	1,680
Sub Total	\$ 1,028,364	\$ -	\$ 1,006,658	\$ 1,006,756	\$ 1,006,756	\$ 1,006,805	\$ 10,670,263	\$ 74,598
General Capital Project Funds								
Park Development	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 70,661	\$ 422
2015 Tax Note Capital Projects	-	-	-	-	-	-	47,179	281
2018 GO Capital Projects	-	-	-	-	-	-	6,276,077	42,372
Sub Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,393,917	\$ 43,075
Corp Leased Park Funds								
Corp LeasedTXDot Mitigation	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,318	\$ 6
Sub Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,318	\$ 6
HV Community Development Fun								
Operations	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 550	\$ 4
HVCDC TXDot Mitigation	-	-	-	-	-	-	5,985	36
Sub Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,536	\$ 39
Totals	\$ 1,028,364	\$ 764,594	\$ 1,006,658	\$ 1,006,756	\$ 1,006,756	\$ 1,006,805	\$ 22,680,584	\$ 153,570

CITY OF HIGHLAND VILLAGE
CITY COUNCIL

AGENDA# 18

MEETING DATE: 11/12/19

SUBJECT: Conduct Public Hearing and Consider Ordinance 2019-1268 proposing Amendments to the City of Highland Village Subdivision Ordinance, Chapter 26, relating to the Procedure for the Approval of Subdivision Plats and Plans (1st of two reads)

PREPARED BY: Autumn Aman, Community Development Coordinator

BACKGROUND:

During the 2019, Texas 86th Legislative Session, House Bill 3167 was passed and became effective September 1, 2019.

The bill makes numerous changes to the subdivision platting approval process, therefore, requiring the City to make amendments to its subdivision ordinance. Technically, the bill is meant to force cities to speed up the plat/plan approval process, and to provide more information when a plan or plat isn't approved.

IDENTIFIED NEED/S:

Amend the City's subdivision regulations relating to the procedures for adoption of subdivision plats and plans to conform to changes in state law adopted pursuant to HB 3167.

OPTIONS & RESULTS:

Options are to (1) approve the request as submitted, (2) approve with modification, or (3) deny the request.

PROGRESS TO DATE: (if appropriate)

The City Attorney, working in conjunction with City Staff, has drafted the proposed ordinance amendments. The City Attorney also prepared a separate memo summarizing the requirements of HB 3167 and a summary of the proposed amendments that was provided to the Commission at the October 15th meeting and City Council at the October 18th meeting.

At the Special Planning and Zoning meeting held on November 5, 2019, the Commission recommended sending the Ordinance forward for approval as submitted with a vote of (5-0).

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

An Ordinance amendment is required.

RECOMMENDATION:

Staff recommends the City Council receive and consider the recommendation of the Planning and Zoning Commission prior to the approval of the first read of Ordinance No. 2019-1268.

CITY OF HIGHLAND VILLAGE, TEXAS

ORDINANCE NO. 2019-1268

AN ORDINANCE OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 26 "SUBDIVISION AND SITE DEVELOPMENT REGULATIONS," EXHIBIT A "SUBDIVISION ORDINANCE," BY AMENDING IN THEIR ENTIRETY "I. GENERAL PROVISIONS - SECTION 1" AND "II. PROCEDURES - SECTION 2" RELATING TO THE PROCEDURES FOR MAKING APPLICATION FOR AND OBTAINING APPROVAL OF THE SUBDIVISION OF REAL PROPERTY WITHIN THE CITY; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2000.00); 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 persons interested and situated in the city, and in the exercise of its legislative discretion, the City Council has concluded that the Highland Village Subdivision Ordinance, as previously amended, should be further amended.

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

SECTION 1. The Highland Village Subdivision Ordinance, published as Exhibit A to Chapter 26 "Subdivision and Site Development Regulations," of the Code of Ordinances of the City of Highland Village is amended by amending in their entirety "I. General Provisions - Section 1" and "II. Procedures - Section 2" to read as follows:

**SUBDIVISION ORDINANCE
I. GENERAL PROVISIONS - SECTION 1**

Section 1.1. Authority.

The following rules and regulations are hereby adopted as the subdivision regulations of the City of Highland Village, Texas, also known and cited as the "Highland Village Subdivision Ordinance," and shall be applicable to the filing of plats and the subdivision of land, as that term is defined herein and in V.T.C.A., Local Government Code ch. 212, within the corporate city limits of the City of Highland Village as they may be from time to time adjusted by annexation or disannexation and within all the areas of the extraterritorial jurisdiction of the City of Highland Village as that area may exist from time to time, as provided by V.T.C.A., Local Government Code ch. 42. The City shall have all remedies and rights provided by V.T.C.A., Local Government Code ch. 212 with regard to the control and approval of subdivisions and plats both within the City and within its extraterritorial jurisdiction.

Section 1.2. Interpretation and purpose.

In the interpretation and application of the provisions of these regulations, it is the intention of the City Council that the principles, standards and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions in the City of Highland Village and its jurisdiction and superseding the previous subdivision ordinance.

Subdivision of land is the first step in the process of urban development. The distribution and relationship of residential, commercial, industrial, and agricultural uses throughout the community along with the system of improvements for thoroughfares, utilities, public facilities, and community amenities determine in large measure the quality of life enjoyed by the residents of the community. Health, safety, economy, amenities, environmental sensitivity, and convenience are all factors which influence and determine a community's quality of life character. A community's quality of life is of public interest. Consequently, the subdivision of land, as it affects a community's quality of life, is an activity where regulation is a valid function of municipal government. The regulations contained herein are designed and intended to encourage the development of a quality urban environment by establishing standards for the provision of adequate light, air, open space, stormwater drainage, transportation, public utilities and facilities, and other needs necessary for ensuring the creation and continuance of a healthy, attractive, safe, and efficient community that provides for the conservation, enhancement, and protection of its human and natural resources. Through the application of these regulations, the interests of the public, as well as those public and private parties, both present and future, having interest in property affected by these regulations are protected by the granting of certain rights and privileges. By establishing a fair and rational procedure for developing land, the requirements in this ordinance further the possibility that land will be developed for its most beneficial use in accordance with existing social, economic, and environmental conditions.

The procedure and standards for the development, layout and design of subdivisions of land within the corporate limits and extraterritorial jurisdiction of the City of Highland Village, Texas, are intended to:

- A. Promote and develop the utilization of land in a manner to ensure the best possible community environment in accordance with the comprehensive plan and the comprehensive zoning ordinance of the City of Highland Village;
- B. Guide and assist the developers in the correct procedures to be followed and to inform them of the standards which shall be required;
- C. Protect the public interest by supervising the location, design, class and type of streets, sidewalks, utilities and essential areas and services required;
- D. Assist orderly, efficient and coordinated development within the city limits and extraterritorial jurisdiction;

- E. Provide neighborhood conservation and prevent the development of slums and blight;
- F. Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts;
- G. Provide that the cost of improvements to minimum standards which primarily benefit the tract of land being developed be borne by the owners or developers of the tract, and that cost of improvements to minimum standards which primarily benefit the whole community be borne by the whole community as contained in this ordinance;
- H. Provide the best possible design for each tract being subdivided;
- I. Provide the most attractive relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide the proper location and width of streets;
- J. Prevent pollution of the air, streams, and ponds; to ensure the adequacy of drainage facilities; to safeguard both surface [water] and groundwater supplies; and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land;
- K. Preserve the natural beauty and topography of the municipality and to ensure appropriate development with regard to these natural features;
- L. Establish adequate and accurate records of land subdivision;
- M. Ensure that public or private facilities are available and will have a sufficient capacity to serve proposed subdivisions and developments within the territorial jurisdiction;
- N. Protect and provide for the public health, safety, and general welfare of the community;
- O. Provide for adequate light, air, and privacy; secure safety from fire, flood, and other danger; and prevent overcrowding of the land and undue congestion of population;
- P. Protect the character and the social and economic stability of all parts of the community and encourage the orderly and beneficial development of all parts of the community;

Q. Protect and conserve the value of land throughout the community and the value of buildings and improvements upon the land; and minimize the conflicts among the uses of land and buildings;

R. Guide public and private policy and action in providing adequate and efficient transportation systems, public utilities, and other public amenities and facilities; and

S. Encourage the development of a stable, prospering economic environment.

Minimum standards for development are contained in the City's TCSS manuals, related technical standards, zoning ordinance, the building code and in this ordinance. However, the comprehensive plan and future land use plan express policies designed to achieve an optimum quality of development in the urban area. If only the minimum standards are followed, as expressed by the various ordinances regulating land development, a standardization of development will occur. This will produce a monotonous urban setting. Subdivision design should be of a quality to carry out the purpose and spirit of the policies expressed in the comprehensive plan and in this ordinance and is encouraged to exceed the minimum standards required herein.

Section 1.3. Issuance of Permits, etc.

Except as authorized by Section 6.5.C, no permit authorized to be issued pursuant to Chapter 24 of the Code of Ordinances relating to the construction of buildings, structures, or other improvements to property within the City, certificate of occupancy, floodplain permit, or utility tap or certificate of acceptance for required public improvements shall be issued by the City for any parcel or plat of land until a final plat has been approved for the property in accordance with this ordinance and either:

A. All public improvements required to be constructed in accordance with this ordinance or the Comprehensive Zoning Ordinance, including the planting of any replacement trees as required by the approved tree mitigation plan, has been completed and approved by the Director of Public Works; or

B. The owner or developer of the property which is being subdivided has complied with Section 6.2 of this ordinance by delivering to the City the required financial assurance securing completion of construction or installation of all required improvements, including the planting of all required replacement trees.

Section 1.4. Jurisdiction.

The provisions of these subdivision regulations, as authorized by V.T.C.A., Local Government Code §§212.001–212.050, including the technical construction standards and specifications, shall apply to the following forms of land

subdivision and development activity within the city limits or its extraterritorial jurisdiction:

- A. The division of land into two or more tracts, lots, sites or parcels;
or
- B. All subdivisions of land whether by metes and bounds division or by plat, which were outside the jurisdiction of the City's subdivision regulations in Denton County, Texas, and which subsequently came within the jurisdiction of the City's subdivision regulations through:
 - 1. Annexation; or
 - 2. Extension of the City's extraterritorial jurisdiction.
- C. The division of land previously subdivided or platted into tracts, lots, sites or parcels subject to and not in accordance with adopted City subdivision regulations in effect at the time of such subdividing or platting and having occurred on or after June 2, 1977; or
- D. The combining of two or more contiguous tracts, lots, sites or parcels for the purpose of creating one or more legal lots in order to achieve a more developable site except as otherwise provided herein; or
- E. When a building permit is required for the following uses:
 - 1. Residential single-family and duplex.
 - a. New construction;
 - b. Moving of a primary structure onto vacant property.
 - 2. Nonresidential and multifamily.
 - a. New construction;
 - b. Additions (increase of square footage of existing building more than 20 percent of the gross floor area);
 - c. Moving of a primary structure onto vacant property.
- F. For tracts where any public improvements are proposed.
- G. Whenever a property owner proposes to divide land lying within the City or its extraterritorial jurisdiction into two or more tracts and claims exemption from V.T.C.A., Local Government Code §§ 212.001–212.018 for purposes of development, that results in parcels or lots all greater than five acres in size, or in the event that development of any such tract is intended, and where no public improvement is proposed to be dedicated, he shall first obtain approval of a development plat that meets the

requirements of V.T.C.A., Local Government Code §§ 212.041–212.050. See Section 2.6 of this ordinance for requirements for development plats.

Section 1.5. Exemptions.

The provisions of these subdivision regulations shall not apply to:

- A. Development of land legally platted and approved prior to the effective date of these subdivision regulations except as otherwise provided for herein (construction of facilities shall conform to construction standards in effect at the time of construction) and for which no re-subdivision is sought; or
- B. Development of land constituting a single tract, lot, site or parcel for which a legal deed of record describing the boundary of said tract, lot site or parcel was filed of record in the deed records of Denton County, Texas, on or before June 2, 1977; or
- C. Sale, inheritance, or gift of land by metes and bounds of tracts on which no improvements, subdivision or alteration is occurring; or
- D. Existing cemeteries complying with all state and local laws and regulations (does not apply to new cemeteries or expansion of existing cemeteries); or
- E. Divisions of land created by order of a court of competent jurisdiction; or
- F. When a building permit is requested for unplatted or already platted parcels for the following activities:
 - 1. Replacement or reconstruction of an existing primary single-family or duplex structure but not to exceed the square footage of the original structure;
 - 2. Additions (increase in square footage of structure) not over 50 percent of the existing structure's value and not over 20 percent of the gross floor area;
 - 3. Accessory buildings;
 - 4. Remodeling or repair (no expansion of square footage);
 - 5. Moving a structure off a lot or parcel or for demolition permits.

Section 1.6. Applicable law.

All applications for plat approval, including final plats, pending on the effective date of these regulations and which have not lapsed shall be reviewed under

regulations in effect immediately preceding the date of adoption of these regulations.

Section 1.7. Interpretation, conflict and separability.

A. Interpretation. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

B. Conflict with other laws. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law except as provided in these regulations. To the extent that these subdivision regulations promulgate standards or impose restrictions or duties which differ from those imposed by other City ordinances, rules or regulations, these regulations shall supersede such other provisions to the extent of any conflict or inconsistency.

C. Separability. If any part of provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered, and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application which is judged to be invalid.

Section 1.8. Saving provision.

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the City under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the City except as shall be expressly provided in these regulations.

Section 1.9. Superseding regulations.

Upon the adoption of these regulations according to law, all subdivision regulations of the City previously in effect are hereby superseded, except as provided in Sections 1.6 and 1.7.

Section 1.10 Amendments.

For the purpose of protecting the public health, safety and general welfare, the Commission or council may from time to time propose amendments to these

regulations which shall then be approved or disapproved by the council at a public meeting.

Section 1.11. Special Exceptions.

A. General. Where the City Council finds that unreasonable hardships or difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve special exceptions to these subdivision regulations so that substantial justice may be done and the public interest secured; provided that the special exception shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the City Council shall not approve special exceptions unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The granting of the special exception will not be detrimental to the public safety, health, or welfare or injurious to other property;
2. The conditions upon which the request for a special exception is based are unique to the property for which the special exception is sought and are not applicable generally to other property;
3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
4. The special exception will not in any manner vary the provisions of the zoning ordinance or comprehensive plan, future land use plan, thoroughfare plan, and other adopted plans, except that those documents may be amended in the manner prescribed by law;
5. An alternate design will achieve the same result or intent as the standards and regulations prescribed herein.

B. Criteria for special exceptions from development exactions. Where the City Council finds that the imposition of any development exaction pursuant to these regulations exceeds reasonable benefit to the property owner or is so excessive as to constitute confiscation of the tract to be platted, it may approve special exceptions to such requirements, so as to prevent such excess.

C. Conditions. In approving special exceptions pursuant to Section 1.2.B., the City Council may require such conditions as will, in its judgment, secure substantially the purposes described in Section 1.2.

D. Procedures.

1. A petition for a special exception shall be submitted in writing by the property owner at the time when the development plat, preliminary plat or final plat is filed for the consideration of the Commission. The

petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

2. Where a hardship is identified in a land study which will result in a request for a special exception, the Commission may recommend a conditional special exception. A conditional special exception shall receive final approval along with a preliminary plat (or final plat, if no preliminary plat is required), provided that the preliminary plat (or final plat) conforms to the land study and no new information or reasonable alternative plan exists which, at the determination of the council, voids the need for a special exception. All special exceptions shall have final approval or disapproval by the City Council.

E. Criteria for special exceptions for street exactions. Where the City Council finds that the imposition of any dedication or construction requirement for streets pursuant to these regulations exceeds reasonable benefit to the property to be platted, it may approve special exceptions to such requirements, so as to prevent such excess. In order to qualify for a special exception under this Section, the property owner shall demonstrate that the costs of right-of-way dedication and/or construction for non-local streets imposed pursuant to these regulations substantially exceeds the incremental costs of providing land and transportation improvements necessary to offset the additional traffic impacts generated by or attributable to the development on the transportation network serving the property, including that which may be generated by or attributed to other phases to be platted.

Section 1.12. Enforcement, violations, and penalties.

A. Violations and penalties. Any person who violates any of these regulations for lands within the corporate boundaries of the City shall be subject to a fine of not more than \$2,000.00 per occurrence, per day, pursuant to the V.T.C.A., Local Government Code § 54.001 et seq., as amended.

B. Civil enforcement. Appropriate civil actions and proceedings may be maintained in law or in equity to prevent unlawful construction, to recover damages, to impose additional penalties, to restrain, correct, or abate a violation of these regulations, whether such violation occurs with respect to lands within the corporate boundaries of the City or within the City's extraterritorial jurisdiction, pursuant to the V.T.C.A., Local Government Code § 54.012 et seq., as amended. These remedies shall be in addition to the penalties described above.

C. Restitution. Any person found guilty of violating Section 4.3 of the regulations may be ordered to provide restitution of illegally removed protected trees and/or specimen trees. Such restitution for illegally removed protected trees shall be up to two times the caliper measured in inches at 4-1/2 feet above ground level. Such restitution of illegally removed specimen trees shall be up to ten times the caliper inch of the specimen tree removed. Such replacement trees shall have minimum caliper width of four inches, measured at six inches above ground level, and not more than six inches of caliper width measured at 12 inches above ground level. Replacement trees shall have a minimum height of 14 feet. Any ordered restitution shall be a credit against any ordered fine, and the

aggregate value of ordered replacement trees and fines per occurrence, for illegally removed protected trees, shall not exceed \$2,000.00 and each tree shall constitute a separate offense. For illegally removed specimen trees, any ordered restitution shall be a credit against any ordered fine. A monetary penalty of \$500.00 per caliper inch of width of illegally removed specimen tree shall be imposed, and each tree shall constitute a separate offense.

Section 1.13. Payment of all indebtedness attributable to a specific property.

A. No person who owes delinquent taxes, delinquent paving assessments or any other delinquent debts or obligations to the City and which are directly attributable to a piece of property shall be allowed to record an approved plat or replat until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof shall have been first fully discharged by payment, or until an arrangement satisfactory to the City Manager has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that the taxes have been paid.

B. Impact fees shall be paid in accordance with Chapter 23 of the Code of Ordinances as amended.

Section 1.14. Right to deny hearing.

No application for a plan or plat shall be placed on the agenda of the Commission or City Council until after such application has been determined by the City Manager or the Community Development Coordinator to be administratively complete in accordance with this Ordinance.

Section 1.15. Misrepresentation of facts unlawful.

A. Misrepresentation or failure to include. It shall be unlawful for any person to knowingly or willfully misrepresent, or fail to include, any information required by this ordinance on any application for annexation, zoning, development, or subdivision of property.

B. Penalties and exceptions. If any applicant for such hearing, or any owner of property subject to such hearing, shall allow such hearing before the planning and zoning Commission and/or the City Council to be heard in violation of any of the provisions of the ordinance, such person shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a penalty in accordance with Section 1.12.

Section 1.16. Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. Definitions not expressly prescribed herein are to be

determined in accordance with customary usage in municipal planning and engineering practices. The word “shall” is always mandatory, while the word “may” is merely directory.

A. Addition. One lot, tract or parcel of land lying within the corporate boundaries of the City which is intended for the purpose of development.

B. Administrative officers. Any office referred to in this chapter, or ordinance, by title, i.e., City Manager, City Attorney, City Secretary, city planner, director of community development, City Engineer, director of public works, etc., shall be the person so retained in this position by the City, or his duly authorized representative. This definition shall also include engineering, planning and other consultants retained by the City to supplement or support existing City staff as deemed appropriate by the City.

C. Administratively Complete Application. A plat application that has been determined by the City Manager or Community Development Coordinator to be accompanied by all documents and information required by and prepared in accordance with the requirements of this Subdivision Ordinance and all application, review, and impact fees as may be enacted from time to time by the City Council that must be paid at time of filing the plat application have been paid.

D. Alley. A minor public right-of-way not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.

E. Amended plat. A revised plat correcting errors or making minor changes to the original recorded final plat; also termed amending plat.

F. Amenity. An improvement to be dedicated to the public or the common ownership of the lot owners of the subdivision and providing an aesthetic, recreational or other benefit, other than those prescribed by this ordinance.

G. Block length. For a residential subdivision, that distance of a block face measured along the centerline of a right-of-way from one street intersection to another or to the midpoint of a cul-de-sac or to a 90-degree turn.

H. Bond. Any form of a surety bond in an amount and form satisfactory to the City.

I. Building setback line. The line within a property defining the minimum horizontal distance between a building or other structure and the adjacent street line.

J. Capital improvements program. The official proposed schedule of all future public projects listed together with cost estimates and the anticipated means of financing each project, as adopted by City Council.

K. City. The City of Highland Village, Texas, together with all its governing and operating bodies.

- L. City Engineer. City Engineer shall apply only to such registered professional engineer or firm of registered professional consulting engineers that has been specifically employed by the City.
- M. City Manager. The person holding the position of City Manager as appointed by the City Council according to the City Charter.
- N. Commission. The planning and zoning Commission of the City.
- O. Comprehensive plan. The phrase “comprehensive plan” shall mean the comprehensive plan of the City and adjoining areas as adopted by the City Council and the Commission, including all its revisions. This plan indicates the general location recommended for various land uses, transportation routes, public and private buildings, streets, parks, water, sewer and other public and private developments and improvements.
- P. Concept plan. A sketch drawing of initial development ideas superimposed on a topographic map to indicate generally the plan of development and to serve as a working base for noting and incorporating suggestions of the City Manager, Commission, engineer, or others who are consulted prior to the preparation of the preliminary plat.
- Q. Construction plan or drawing. The maps or drawings accompanying a plat and showing the specific location and design of public improvements to be installed in the subdivision or addition in accordance with the requirements of the City as a condition of the approval of the plat.
- R. Contiguous. Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot.
- S. Council or City Council. The duly elected governing body of the City.
- T. Cul-de-sac. A street having but one outlet to another street and terminated on the opposite end by a vehicular turnaround.
- U. Dead-end street. A street, other than a cul-de-sac, with only one outlet.
- V. Easement. An area for restricted use on private property upon which a public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easements. The public utility shall at all times have the right of ingress and egress to and from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.
- W. Escrow. A deposit of cash with the City in accordance with City policies.

X. Final plat (also Record plat or File plat). The one official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a surveyor or engineer with the subdivision location referenced to a survey corner and all boundaries, corners, and curves of the land division sufficiently described so that they can be reproduced without additional references. The final plat of any lot, tract, or parcel of land shall be recorded in the records of Denton County, Texas. An amended plat is also a final plat.

Y. Improvement or developer agreement. A contract entered into by the developer and the City by which the developer promises to complete the required public improvements within the subdivision or addition within a specified time period following final plat approval.

Z. Land study. A general plan for an area proposed for partial or complete subdivision. The land study shall show the proposed locations of land uses, streets, phasing of development, important physical features, and other applicable information for the entire area to be subdivided.

AA. Land planner. Persons including surveyors or engineers who possess and can demonstrate a valid proficiency in the planning of residential, commercial, industrial, and other related developments; such proficiency often having been acquired by education in the field of landscape architecture or other specialized planning curriculum and/or by actual experience and practice in the field of land planning, and may be a member of the American Institute of Certified Planners.

BB. Lot or lot of record. A divided or undivided tract or parcel of land having frontage on a public street and which is or in the future may be offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record.

CC. On-site facilities or improvements. Those existing or proposed facilities or improvements constructed within the property boundaries of the plat. On-site shall also mean those existing or proposed facilities required to be constructed or improved immediately adjacent to the property which are required to serve the development. These include streets, water lines, sewer lines, storm drainage, curb and gutter, and any other construction or reconstruction to serve the property.

DD. Official Filing Date. The date a plat application has been determined to be administratively complete and accepted for filing.

EE. Off-site facilities or improvements. Those facilities or improvements required for service to the site but not located within the boundaries of the plat. These include all oversizing for streets, sewer lines, water lines, storm drainage, as well as the excess capacity of facilities such as water storage tanks and wastewater treatment plants available for new development.

FF. Pavement width. The portion of a street available for vehicular traffic. Where curbs are laid, it is the portion face to face.

GG. Perimeter street. Any existing or planned street which abuts the subdivision or addition to be platted.

HH. Person. Any individual, association, firm, corporation, governmental agency, or political subdivision.

II. Plan. A subdivision development plan, including a subdivision plan, subdivision construction plan, site plan, land development application, and site development plan required to be submitted and approved pursuant to these Subdivision Regulations.

JJ. Planning and zoning Commission. Same as Commission.

KK. Plat application. An application for any of the following submitted pursuant to this ordinance: preliminary plat, final plat, replat, minor plat, and amended plat.

LL. Preliminary plat. The graphic expression of the proposed overall plan for subdividing, improving, and developing a tract shown by superimposing a scale drawing of the proposed land division on a topographic map and showing in plan existing and proposed drainage features and facilities, street layout and direction of curb flow, and other pertinent features with notations sufficient to substantially identify the general scope and detail of proposed development.

MM. Protected tree. Any existing living tree of a species or type listed in "Appendix A, Recommended Tree List" and which has single or multiple trunks of six-inch caliper or greater, measured at 4-1/2 feet above natural grade level, and at least 12 feet high, located outside of the buildable area of a building lot or site as included on a final plat approved by the City Council and filed in the plat records of Denton County, Texas.

NN. Public improvements. The public improvements described in Section 5.1(C) hereinafter.

OO. Replanning. The resubdivision of any part or all of any block or blocks of a previously platted subdivision, additional lot or tract.

PP. Right-of-way. A parcel of land occupied or intended to be occupied by a street or alley. Where appropriate right-of-way may include other facilities and utilities, such as sidewalks, railroad crossings, electrical, communication, oil or gas, water or sanitary or storm sewer facilities, or for any other special use. The use of right-of-way shall also include parkways and medians outside of pavement. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

QQ. Specimen tree. A tree which has a circumference of 50 percent, measured in inches at 4-1/2 feet above ground level, of the same such tree as listed in the most current edition of the Big Tree Registry, as amended, published by the Texas Forest Service, shall be considered a specimen tree. A copy of said registry shall be available for review in the office of community services. In addition to the above, a specimen tree shall be any other tree that has been designated by the City Council, upon recommendation by the tree board, after public hearing and due notice to the owner of the tree, to be of high value because of its type, size, age, historical value or relevant criteria.

RR. Street. A public right-of-way, however designated, which provides vehicular access to adjacent land.

1. Major thoroughfares (also arterial streets, primary thoroughfares, etc.) provide vehicular movement from one neighborhood to another, to distant points within the urban area or to freeways or highways leading to other communities.
2. Collector streets (also feeder streets, secondary thoroughfares, etc.) provide vehicular circulation within neighborhoods and from minor streets to major thoroughfares.
3. Local residential streets (also minor thoroughfares or streets, etc.) are primarily for providing direct vehicular access to abutting residential property.

SS. Street improvement. Any street or thoroughfare, together with all appurtenances required by City regulations to be provided with such street or thoroughfare, including but not limited to, sidewalks, drainage facilities to be situated in the right-of-way for such street or thoroughfare, traffic-control devices, streetlights, and street signs, for which facilities the City will ultimately assume the responsibility for maintenance and operation.

TT. Street right-of-way. The shortest distance between the lines which delineate the rights-of-way of a street.

UU. Subdivider. Any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner, or authorized agent of such owner or equitable owner, such as a developer, or land sought to be subdivided.

VV. Subdivision (also Addition). A division or redivision of any tract of land situated within the corporate limits, or within the extraterritorial jurisdiction of such limits, for the purpose of transfer of ownership, layout of any subdivision of any tract of land or any addition, or for the layout out of building lots, or streets, alleys or parts of other portions for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto.

WW. Substandard street. An existing street or road that does not meet the minimum specifications in the thoroughfare master plan and City construction

standards and specifications and is not constructed to the ultimate extent for the type of roadway it is designated for in the major thoroughfare plan. A standard street is a street or road that meets or exceeds said standard specifications and major thoroughfare plan.

XX. Surveyor. A licensed state land surveyor or a registered public surveyor, as authorized by the state statutes to practice the profession of surveying.

YY. Technical construction standards and specifications (TCSS). Those standards and specifications approved from time to time by the City Council to ensure proper installation of the improvement required by this ordinance. The TCSS manuals shall be collectively the most recent edition of following documents and shall be available for review or purchase at City's offices during normal business hours. The TCSS manuals will supersede the City of Dallas Public Works Paving Design Manual, or as recommended by the City Engineer.

1. City of Highland Village Drainage Criteria Manual.
2. Stormwater Quality Best Management Practices for Construction Activities North Central Texas.
3. City of Dallas Department of Public Works Paving Design Manual as may be amended by the City of Highland Village.
4. Standard Specifications for Public Works Construction, published by the North Central Texas Council of Governments, as may be so amended.
5. Sections 22.04.001–22.04.007 of the Code of Ordinances.
6. City of Highland Village TCSS Manuals: Utility/Drainage/Miscellaneous Specifications.

II. PROCEDURES - SECTION 2

Section 2.1 Application Processing

A. Complete Application Determination. Every plat application shall be subject to a determination of administrative completeness by the City Manager or Community Development Coordinator. No plat application shall be accepted for processing unless it is determined to be an administratively complete application.

B. Development Review Committee. For the purposes of assisting the Community Development Coordinator in the review of a plat application, there is hereby established a Development Review Committee, chaired by the Director of Public Works and composed of those City employees, county employees and utility company representatives selected by the City Manager to serve because of their specialized or technical knowledge of urban development issues.

C. Incompleteness as Grounds for Conditional Approval or Denial. The processing of a plat application by any City official or employee prior to the time

the application is determined to be administratively complete shall not be binding on the City as the official acceptance of the application for filing, and the incompleteness of the plat application shall be grounds for conditional approval, denial or revocation of the application. A determination of administrative completeness shall not constitute a determination of compliance with the substantive requirements of these Subdivision Regulations.

D. Pre-application Conference. A property owner may request a pre-application conference with the Community Development Coordinator for purposes of identifying requirements that apply to a proposed plat application. The request shall be made in writing on a form prepared by the Community Development Coordinator and shall state that any proposed development concept discussed at the pre-application conference is not intended as a plan of development or plat application.

E. Time for Making Determination. Following submission of a plan of development or plat application, the City Manager or Community Development Coordinator shall make a determination in writing whether the plan or plat application is administratively complete not later than the tenth business day after the date the application is submitted. The determination shall specify the documents or other information needed to complete the plat application and shall state the date the application will expire if the documents or other information is not provided.

F. Deemed Complete. A plat application shall be deemed complete on the expiration of the 10th business day after the application has been received if the applicant has not otherwise been notified that the application is not administratively complete.

G. Time for Completing Application. If a plat application is not determined to be administratively complete on or before the 45th calendar day after the application is initially submitted to the City for processing the application in accordance with his or her written notification, the plat application will be deemed to have expired and it will be returned to the applicant together with any accompanying documents. Thereafter, a new plat application must be submitted. The City may retain any fee paid for reviewing the application for completeness.

H. Vested Rights. No vested rights accrue solely from the filing of a plat application that has expired pursuant to this Section, or from the filing of an administratively complete plat application that is subsequently denied.

I. Official Filing Date. The time period established by state law or these subdivision regulations for processing or deciding a plat application shall commence on the official filing date.

J. Action by Commission. The City Manager or Community Development Coordinator shall place a plat application on a scheduled meeting of the Commission prior to the expiration of 30 days following the official filing date of the application. The Commission shall recommend the City Council approve, approve with conditions, or disapprove the final plat application. If the Commission recommends the plat application be approved with conditions or

disapproved, the Commission shall identify requirements set forth in these Subdivision Regulations which must be satisfied to obtain unconditional approval of such application. The Commission may not table the consideration of any plat application. The applicant may elect to withdraw the application at any time prior to the action of the Commission and may resubmit the project with no additional fees if the plat application is resubmitted within 60 days. Any resubmission will be treated as an original application. Failure of the Commission to take action on a plat application within 30 days of the official filing date, the Commission shall be deemed to have recommended approval of the application to the City Council.

K. Action by City Council. The City Council shall act to approve, approve with conditions, or deny a plat application not later than 30 days after the date the Commission votes to make its recommendation on the action the City Council should take on the plat application.

Section 2.2. Procedure for land study approval.

A. Applicability. A land study shall be submitted to the planning and zoning Commission and the City Council for review, evaluation and approval in the following circumstances:

1. In conjunction with an application for preliminary plat approval for any tract of land over 25 acres in size, or for a smaller tract, where the land is part of a larger parcel over 25 acres in size which is ultimately to be developed under the City's subdivision regulations.
2. In conjunction with a development plat.
3. In any case where a road is to be realigned.

B. Purpose. The purpose of the land study is to allow the planning and zoning Commission and City Council to review the proposed major thoroughfare and collector street patterns, land use, environmental issues, conformance to the comprehensive plan, zoning ordinance, future land use plan, master thoroughfare plan and other applicable plans, and the property's relationship to adjoining subdivisions or properties (also see Section 3.1.E) and assist in evaluating the impacts of developing the land to be platted on provision of supporting public facilities and services, the environment, provision of open space and recreational opportunities and the general health, safety and general welfare of the community.

C. Phase development. When the preliminary plat or development plat designates the land to be developed in phases, the land study area shall include the entire property from which the phase is being subdivided and an approximate development schedule. Where the applicant can demonstrate that natural or man-made features, such as thoroughfares and creeks, make inclusion in the land study of the entire property unnecessary to adequately review the items listed in the preceding paragraph, he may request approval from the City Manager or City administrative official for a smaller land study area. Boundaries such as thoroughfares (existing or proposed), creeks, political subdivisions, or

other such natural or man-made features may be used to delineate the smaller study area.

D. Land study; scale; inclusions. The land study shall be prepared at a scale no smaller than of one inch = 200 feet and showing:

1. A title block within the lower right-hand corner of the land study with the proposed name of the addition, the name and address of the developer and the land planner, engineer, or surveyor responsible for the design or survey, the scale of the drawing, the date the drawing was prepared, and the location of the tract according to the abstract and survey records of Denton County, Texas.

2. The limits of the tract and scale distances with north clearly indicated to the top or left of the study.

3. The names of adjacent additions or subdivisions or the name of the owners of record of adjoining parcels on unplatted land. The land study shall include a depiction of all contiguous holdings of the property owners, the uses of adjacent property, a general arrangement of future land uses, including the approximate number of lots and any nonresidential uses anticipated, and a generalized circulation plan.

4. The existing zoning and proposes [proposed] uses on adjoining land, the location, width, and names of all existing or platted streets or other public ways within or adjacent to the tract, existing permanent buildings, railroad rights-of-way, and topography with existing drainage channels or creeks, and other important natural features, all substantial natural vegetation and trees, adjacent political subdivisions or corporate limits, and school district boundaries.

5. The layout and width of proposed thoroughfares, collector streets, and intersections, and a general configuration of proposed nonresidential and residential streets.

6. A general arrangement of land uses including, but not limited to, park and school sites, public facilities, private open space, floodplains and drainageways, phasing plan, and proposed nonresidential and residential densities and building heights.

7. The phasing of development or the order of platting.

E. Procedures and conditions. The Commission and the City Council shall review and evaluate the land study to determine whether the proposed preliminary plat or development plat conforms to the comprehensive plan and applicable development regulations of the City Code. The council or the Commission may require additional information to be submitted to supplement the initial study. Based upon the land study, the Commission may recommend, and the City Council may require as a condition of preliminary plat or development plat approval, that the land to be platted be developed in phases, that proposed phases be developed in a different sequence or include more or

less land, or that all phases designated be accompanied by a schedule of public improvements to adequately serve the development under the City's subdivision standards. A land study may be submitted for review concurrently with an application for preliminary plat.

F. Effect of review. The land study shall be used only as an aid to determine the sufficiency of the preliminary plat or development plat proposed. Any proposed use or development depicted in the land study shall not be deemed authorized or approved unless the development is part of the approved preliminary plat or development plat. If the applicant chooses to plat only the initial phase or phases of a multiphase project designated in the land study, a new land study may be required for plat approval of subsequent phases, if proposed development or conditions affecting the development have substantially changed. The land study shall be valid for two years unless specifically extended by the City Council.

Section 2.3. Procedure for approval of a preliminary plat and submission requirements.

A. On reaching conclusions at the pre-application conference (informally as recommended in Section 2.1.D above) regarding a general development program and objectives, the subdivider shall prepare a preliminary plat, together with general utility plans, a tree mitigation plan in compliance with Section 4.3, and other required supplementary materials. The preliminary plat shall be in accordance with the policy master plan including all adopted water, sewer, future land uses, parks and thoroughfare plans. The preliminary plat may be prepared by an engineer, land planner, surveyor, or other qualified individual.

B. Copies of prints of the proposed subdivision drawn on sheets at a size of 18 inches by 24 inches or 24 inches by 36 inches and drawn to a scale of 100 feet or 50 feet to the inch shall be submitted in the number of copies specified by the City. The required number of copies and any reductions shall be specified by the City staff on an application form. In cases of large developments which would exceed the dimensions of the sheet of 100 feet scale, preliminary plats may be 200 feet to the inch or a scale approved by the City administrative official. Preliminary plats which do not include the required data, number of copies and information will be considered incomplete and not accepted for submission by the City and shall not be scheduled until the proper information is provided to the City staff. Additional copies of the preliminary plat may be required if revisions or corrections are necessary. A preliminary plat, if not preceded by a land study, shall include all contiguous property under the ownership or control of the applicant. It may contain more than one phase which, if so, shall be clearly identified.

C. Following review of the preliminary plat and other material submitted for conformity thereof to these regulations, and discussions with the subdivider on changes deemed advisable and the kind and extent of improvements to be installed, the Commission shall act thereon as submitted, or modified. If approved, the Commission shall recommend its approval or state the conditions of such approval, if any, or if disapproved, its disapproval and reasons therefor.

D. Approval of a preliminary plat by the City Council following a recommendation by the Commission shall be deemed approval of the layouts submitted on the preliminary plat as a guide for the future installation of streets, water, sewer, and other required improvements and utilities subject to satisfaction of any conditions set forth by the City Council at the time of approval of the preliminary plat. Except as provided herein, approval of the preliminary plat shall constitute conditional approval of the final plat when all conditions of approval noted as provided in this Section and any additional requirements relating to approval of a final plat have been satisfied. Any developer or subdivision agreements must be approved prior to approval of the final plat.

E. No preliminary plat shall be recommended for approval by the Commission or approved by the Council unless the following conditions have been satisfied or information provided:

1. The preliminary plat substantially conforms with the approved land study and/or other studies as applicable.
2. The preliminary utility layouts have been approved by the City Engineer.
3. A tree mitigation plan that complies with Section 4.3 has been delivered to the City.
4. The preliminary plat conforms to applicable zoning and other regulations.

F. For subdivisions less than five acres which contain only one lot, the requirement for a preliminary plat may be waived by the director of public works or designated administrative official if no public improvements are being proposed. See Section 4.2 for additional requirements for plats where the requirement for dedication of land for parks or cash in lieu thereof is applicable.

G. No construction work shall begin on the public improvements in the proposed subdivision prior to approval of the final plat by the City Council. The applicant shall also provide copies of letters from applicable local utility companies stating that the utility company has reviewed the plat and stated any requirements. This requirement may be deferred until the final plat is submitted if approved by the director of public works. No excavation, except preliminary grading and clearing for streets, shall occur prior to approval of the final plat.

H. An application for preliminary plat may not be deemed administratively complete until the proposed preliminary plat drawings include all of the following information and are accompanied by the identified supporting information:

1. A vicinity or location map that delineates the location of the proposed preliminary plat in the City indicating scale or not to scale (NTS) and provide north arrow.
2. Boundary lines, abstract lines, corporate boundaries, existing or proposed highways and streets, bearings, and distances sufficient to

locate the exact area proposed for the subdivision. Abstract and survey lines may be noted in the metes and bounds description in lieu of pictorial description.

3. The name and location of all adjoining subdivisions or property owners of unplatted property shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivision in sufficient detail to show accurately the existing street and alleys and other features that may influence the layout of development of the proposed subdivision adjacent unplatted land shall show property lines and owners of record.

4. The location and widths of all streets, alleys and easements existing or proposed within the subdivision limits. A list of proposed street names shall be required to be submitted for all new streets. Approved street names are required at the time the final plat is approved.

5. The location of all existing property lines, existing lot and block numbers and date recorded, buildings, existing sewer or water mains, gas mains or other underground structures, easements of record or other existing features within the area proposed for subdivision.

6. Proposed arrangement and square footage of lots (including lot and block numbers) and proposed use of same. For nonresidential uses, the location and size of buildings (this information may be provided on separate sheets).

7. The title under which the proposed subdivision is to be recorded, the name and address of the owner with the name of the planner, engineer, or registered public surveyor preparing the drawing. The subdivision name shall not be duplicated, but phasing identification is allowed. The City shall determine if the proposed subdivision identification will be in conflict with existing plats.

8. Sites, if any, to be reserved or dedicated for parks, playgrounds or other public uses.

9. Contours with intervals of two feet or less shown for the area with all elevations on the contour map referenced to the latest U.S.C. and G.S. data.

10. Areas contributing drainage to the proposed subdivision shall be shown on the preliminary plat or separate map, if necessary. The information may be shown on a smaller scale supplemental drawing. Locations proposed for drainage discharge from the site shall be shown by directional arrows.

11. All physical features of the property to be subdivided including location and size of all watercourses, 100-year floodplain according to Federal Emergency Management Agency (FEMA) information, Corps of Engineers flowage easement requirements, ravines, bridges, culverts,

existing structures, drainage area in acres or area draining into subdivisions and other features pertinent to subdivision.

12. A proposed general plan of water and sewer lines and infrastructure (including sizes) to be constructed in the subdivision shall be shown on a separate map. The proposed connections to distribution mains shall be indicated.

13. Where a subdivision is proposed to occur in phases, the subdivider, in conjunction with submission of the preliminary plat, shall provide a schedule of development. The dedication of rights-of-way for streets and street improvements, whether on-site or off-site, intended to serve each proposed phase of the subdivision. The City Council shall determine whether the proposed streets and street improvements are adequate pursuant to standards herein established and may require that a traffic impact analysis be submitted for the entire project or such phases as the council determines to be necessary to adjudge whether the subdivision will be served by adequate streets and thoroughfares.

14. All preliminary plats shall be submitted in a legible format on a good grade blue-line or black-line paper.

15. Proposed or existing zoning.

16. The following notice shall be placed in the lower right-hand corner of the page of each preliminary plat by the developer:

“Preliminary Plat”

“Approved by the planning and zoning Commission”
Date _____

“Approved by the City Council”
Date _____

17. A title block with the following:
- a. “Preliminary Plat”
 - b. Proposed subdivision name, lot, block
 - c. Acreage
 - d. Number of lots (if residential project, residential and HOA lots)
 - e. Survey name and abstract
 - f. City of Highland Village, Denton County
 - g. Submission date

18. Drawn to a scale of one-inch equals one hundred feet or larger.
19. Boundaries must be surveyed and tied to four or more control points tied to the State Plane Coordinate System, North Central Texas, Zone 5351, Datum NAD83.
20. For all recorded instruments referenced on the preliminary plat drawing, the recording information (e.g. Volume/Page; Book/Page; Cabinet/Slide; Instrument No.); identified as being filed in the Deed Records, Denton County, Texas (DRCCT), Plat Records, Denton County, Texas (PRCCT), Map Records, Denton County, Texas (MRCCT), or Official Public Records, Denton County, Texas (OPRCCT).
21. All shown streets to be labeled and include an abbreviated suffix and no directional prefix.
22. Trails and trail crossings of creeks, tributaries and ravines.
23. The location of the nearest existing sewers, water and gas mains, and other public utilities, if any.

I. Extension and reinstatement procedure.

1. A preliminary plat shall be effective for two years after the date of approval unless reviewed by the Commission and City Council in the light of new or significant information which would necessitate the revision of the preliminary plat. If no development or change in requirements has occurred which would affect the proposed plat at the end of the two-year period after approval, the City Council may, at the request of the applicant, extend its approval another year without the submission of a new preliminary plat by reapproving the original preliminary plat. No filing fee is required for such reapproval.
2. Sixty days prior to or following the lapse of approval for a land study or preliminary plat, as provided in these regulations, the property owner may petition the City to extend or reinstate the approval. Such petition shall be considered at a public meeting at the Commission and City Council.
3. In determining whether to grant such request, the City Council shall take into account the reasons for lapse, the ability of the property owner to comply with any conditions attached to the original approval and the extent to which newly adopted subdivision regulations shall apply to the plat or study. The Commission and City Council shall extend or reinstate the plat or study, or deny the request, in which instance the property owner must submit a new application for approval.
4. The Commission and City Council may extend or reinstate the approval subject to additional conditions based upon newly enacted regulations or such as are necessary to ensure compliance with the

original conditions of approval. The Commission and City Council may also specify a shorter time for lapse of the extended or reinstated plat or study than is applicable to original approvals.

Section 2.4 Procedure for approval of final plat.

A. *Final plat application.* An application for final plat shall be filed with the community development department in accordance with the published schedule of submittal dates. The final plat submittal shall include:

1. Application form signed by the existing owner or his authorized representative of the property to be platted.
2. Documents establishing the mandatory homeowners' association, and any proposed declarations, covenants, conditions or restrictions.
3. Final plat copies that shall be clearly legible.
4. The original plat shall be drawn to a scale of one inch equals 100 feet or larger in ink on bluelines or other acceptable permanent material on paper sheets no larger than 18 inches by 24 inches with all figures and letters legible with four or more control points tied to the State Plane Coordinate System, North Central Texas, Zone 5351, Datum NAD83. Where more than one sheet is required to encompass the subdivision, an index sheet, 18 inches by 24 inches shall be filed showing the entire subdivision together with the complete dedication, attests, dates, titles and seals, on one sheet.
5. Payment of fees.

B. *Required information.* An application for final plat shall not be deemed administratively complete, and shall not be deemed to be filed, unless and until the applicable application fee has been paid and the application, inclusive of the proposed final plat drawing and required supporting documents, includes all of the following information in addition to the information required on the related preliminary plat:

1. A title block in the lower right corner of the page with the following:
 - a. "Final Plat/Replat"
 - b. Subdivision name, lot, block
 - c. Acreage
 - d. Number of lots (if residential project, residential and HOA lots)
 - e. Right-of-Dedication (square feet and acreage)
 - f. Survey name and abstract

- g. City of Highland Village, Denton County
 - h. Submission Date
- 2. North arrow, written and bar graph scale, less than or equal to 1" = 100' are shown.
- 3. North arrow shall be oriented to the top or right side of the sheet.
- 4. Submittal Log including dates of submittals/revisions.
- 5. Four or more control points tied to the State Plane Coordinate System, North Central Texas, Zone 5351, Datum NAD83.
- 6. The name or names, address, and phone number of the owner, developer, and surveyor.
- 7. Location/vicinity map indicating scale or not to scale (NTS) and provide north arrow.
- 8. Property boundary is indicated by a heavy solid line, intermittent with two dashed lines; dimensioned with bearing and distance and corner markers by individual symbols.
- 9. The length and bearing of all straight lines, radii, arc lengths, tangent length and central angles of all curves are indicated along the lines of each lot. The curve data pertaining to block or lot boundary may be placed in a curve table at the base of the plat and prepared in a tabular form with the following information:
 - a. Curve number
 - b. Delta
 - c. Radius
 - d. Tangent length
 - e. Tangent offset
 - f. Arc length
 - g. Chord
 - h. Chord direction
- 10. An accurate outline description, and area to the nearest hundredth of an acre, of all parcels of land which is offered for dedication or reserved for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, or reservations for other uses, together with

the purpose and conditions or limitations of such reservations and/or dedications, if any.

11. All survey monuments.
12. Standard Plat Language, including Owner's Certificate, Surveyor's Certificate and signature blocks for appropriate approval authority.
13. Location of property lines, owner or subdivision name(s) and recording information of abutting properties within 200-feet.
14. For all recorded instruments referenced on the General Development Plan, the recording information (e.g. Volume/Page; Book/Page; Cabinet/Slide; Instrument No.); identified as being filed in the Deed Records, Denton County, Texas (DRCCT), Plat Records, Denton County, Texas (PRCCT), Map Records, Denton County, Texas (MRCCT), or Official Public Records, Denton County, Texas (OPRCCT).
15. All shown streets to be labeled and include an abbreviated suffix and no directional prefix.
16. Existing right-of-way dimensioned from property line to property line and property line to centerline of adjacent right-of-way.
17. A table of lot sizes for all single-family residential plats on a separate document.
18. The systematic assignment of numbers to lots and letters to blocks. All open space and common area lots should be identified as Block "X".
19. The location of floodplain boundaries and state or federally protected areas, such as wetlands are indicated.
20. Finished floor elevations of building foundations shall be shown for lots adjacent to a floodway or area susceptible to flooding.
21. Any reservation for future public school sites or rights-of-way dedication shall be platted in accordance with the approved preliminary plat.
22. Copy of documents approved by the City Attorney that establish the Mandatory Homeowner's Association, and any proposed declarations, covenants, conditions or restrictions.
23. Original tax certificates from each taxing entity, signed by the City tax assessor, stating that all taxes and assessments then due and payable on the land described in the final plat application have been paid.
24. The following information shall be required only for application for replats:

- a. All requirements for the Final Plat, above.
- b. A statement of the proposed revisions in numerical format on 8 1/2" x 11" sheet of letterhead. Statement shall include verification that proposed revisions are limited to those identified and that no other modifications to the plat are taking place.
- c. A separate redline drawing of the proposed changes on an 11" x 17" page(s).
- d. A purpose statement, on the plat, that summarizes the proposed revisions.
- e. Proposed revisions shall be shown on the replat with the final plat configuration ghosted in.

25. Final engineering drawings for all public improvements and all utility and access easements and all fire lanes have been approved by the City Engineer;

C. *Standards for approval.* No completed application for final plat shall be approved unless the application complies with the following:

1. The final plat substantially conforms with the approved preliminary plat;
2. All fire lanes have been approved by the fire marshal;
3. Adequate provision has been made for adequate public improvements;
4. The plat conforms to applicable zoning and other regulations; and
5. The plat meets all other requirements of this Ordinance.

D. *Expiration of approval.* Not later than 90 days after approval of an application for final plat by the City Council, the Community Development Department shall record the final plat with Denton County Clerk. Should the developer fail to pay all applicable development and/or construction fees within said 90-day period, then the final plat shall be rendered void. The City Council may approve an extension of time, not to exceed 60 days, for the recording of a final plat, provided a request for extension of time is made not less than 15 days prior to the expiration of the final plat.

E. In addition to the requirements of Subsections A through E of this Section, an application for final plat shall not be administratively complete until detailed engineering and construction plans and the detailed estimate for the costs of such public improvements have been submitted to and approved by the City Engineer for all public improvements to be constructed in association with the development of the land to which the final plat application applies. Except

when approval of a preliminary plat is not required by this subdivision ordinance, an application final plat may not be submitted prior to approval of the preliminary plat for the same property.

F. The final plat (and any replats) shall be prepared by a registered public surveyor or state-licensed land surveyor. Construction plans shall be prepared by or under the supervision of a professional engineer or architect registered in the State of Texas as required by state law governing such professions in accordance with this ordinance and the Technical Construction Standards and Specifications. Construction plans submitted for review by the City shall be dated and bear the responsible engineer's registration number, and the designation of "professional engineer," or "P.E." and an appropriate stamp or statement near the engineer's identification, stating that the documents are for preliminary review and are not intended for construction. Construction plans shall be approved by the City Engineer when such plans meet all of the requirements of this ordinance and the TCSS manuals.

G. Before approval of any final plat by the City Council, the developer shall prepare, or have prepared, and submit the required copies of the complete engineering construction plans of streets, alleys, storm sewers and drainage structures, and water and sanitary sewer improvements for the area covered by the final plat. Prior to approval of the final plat, a set of construction plans marked "approved" must be on file at the City. A drainage plan showing how the drainage of each lot relates to the overall drainage plan for the plat under consideration shall be submitted with the construction plan. The drainage plan shall be made available to each builder within the proposed subdivision, and all builders shall comply with the drainage plan. The developer shall have these plans prepared by his own professional engineer subject to approval of the plans by the City. The city administrative official shall review, or cause to be reviewed, the plans and specification[s] and, if approved, shall mark them approved and return one set to the developer. If not approved, one set shall be marked with the objections noted and returned to the applicant or developer for correction. The subdivider shall provide additional sets of corrected engineering plans as specified by the city administrative official for use during construction. After approval of the plat, plans, and specifications by the City, the developer shall cause a contractor to install the facilities in accordance with the approved plans and standard specifications of the City, including the preservation, replacement, or removal of any tree identified on the approved final tree mitigation plan, and at the developer's expense (also see Section 6). The developer shall employ engineers, surveyors, and other professionals as necessary to design, stake and supervise the construction of such improvements and shall cause his contractor to construct the said improvements in accordance with the regulations. The City shall inspect the installation of the improvements. When all of the improvements are found to be installed in accordance with the approved plans and specifications, and after the improvements have been completed, including the preservation, replacement, or removal of any tree identified on the approved final tree mitigation plan, and upon receipt by the City of a maintenance bond or certificate of deposit in accordance with Section 6 of this ordinance from each contractor, three sets of as-built (or record drawing) plans and one set of as-built or record drawing sepias shall be submitted with a letter stating the contractor's compliance with these regulations. After such letter is received, the City Manager

or his designee shall receive and accept for the City the title, use, and maintenance of the improvements according to Section 6.6.

H. Engineering and construction plans shall also be submitted according to the Technical Construction Standards and Specifications (TCSS) and the requirements set forth herein. Engineering construction plans showing paving and design details of streets, alleys, culverts, bridges, storm sewers, water mains, sanitary sewers, perimeter sidewalks, landscape plans, and other engineering details of the proposed subdivision at a scale of one inch equals 40 or 50 feet horizontally and one inch equals four feet, five feet, or ten feet vertically shall be submitted to the city administrative official along with the final plat of the subdivision. The number of copies as specified on the application form shall be submitted with the final plat submittal. Such plans shall be prepared by a registered professional engineer and shall conform to the Technical Construction Standards and Specifications.

I. The engineering construction plans shall be valid for a period of 18 months after approval by the city's engineer. The city's engineer may grant a one-year extension after which they are subject to reapproval by the City if no construction has occurred.

J. Timing of public improvements.

1. The Commission and City Council may require that all public improvements be installed, offered for dedication and accepted by the City prior to the approval of the final plat by the City. Also see Section 6. The City Council may permit or require the deferral of the construction of public improvements if, in its judgment, deferring the construction would not result in any harm to the public, or offer significant advantage in coordinating the site's development with adjacent properties and off-site public improvements. Any required public improvement(s) approved for deferred construction must be provided for as required in Section 6.2(D) prior to the approval of the final plat.

2. If the City Council does not require that all public improvements be installed, offered for dedication and accepted by the City prior to signing of the final plat, the applicant shall execute an agreement and provide security for the agreement as provided in Sections 6.2 and 6.3.

K. Certificates shall be attached to and be a part of the final subdivision plat and shall contain a minimum of the following information:

1. A statement that the subdivided area is legally owned by the applicant.

2. An accurate legal description by the line deflection, necessary curve data, and line distance of all lines bounding the property with descriptions correlated to a permanent survey monument.

3. A statement signed by the owner and acknowledged before a notary public as to the authenticity of the signatures, saying that the

owner adopts the plat as shown, described and named and they do dedicate to the public forever the streets and alleys shown on the plat. The owner further reserves any easement areas shown for mutual use of all public utilities desiring to use the same. Any public utility shall have the right to remove and keep removed all or any part of any vegetative growth for construction or maintenance, or efficiency of its respective system in these easements and all or any part of, any growth or construction which in any way hinders or interferes with the right of ingress and egress to these easements for any necessary use without asking anyone's permission.

4. A registered public surveyor's certificate, with a place for signatures.

5. A place for plat approval signature of the mayor or mayor pro tem of the City Council and a place for the secretary to attest such signature and the approval date by planning and zoning Commission and City Council.

6. Following are examples of the information required on the final plat which meet the above requirements:

a. Owner's certificate (example).

STATE OF TEXAS §

COUNTY OF DENTON §

WHEREAS, John Doe and Jane Doe are the Owners of a tract of land situated in the XYZ Survey, Abstract No. 999, Denton County, Texas and being out of a [_____] acre tract conveyed to them by Joe Smith and Tom Smith and a _____ acre tract conveyed to them by John Smith and being more particularly described as follows:

(Enter accurate metes and bounds property description here)

NOW, THEREFORE, KNOWN ALL MEN BY THESE PRESENTS:

That _____ acting herein by and through its duly authorized officers, does hereby adopt this plat designating the hereinabove described property as _____, an addition to the City of Highland Village, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements

or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City of Highland Village. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Highland Village's use thereof. The City of Highland Village and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Highland Village and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Highland Village, Texas

WITNESS, my hand, this the _____ day of _____, ____.

BY: _____
Authorized Signature or Owner

Printed Name and Title

STATE OF TEXAS §

COUNTY OF DENTON §

Before me, the undersigned authority, a notary public in and for said county and state, on this day personally appeared John Doe and Jane Doe, owners, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they each executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this _____ day of _____.

Notary Public, State of Texas

b. Surveyor's certificate (example).

KNOW ALL MEN BY THESE PRESENTS:

That I, _____, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the subdivision regulations of the City of Highland Village.

Registered Public Surveyor

RECOMMENDED Planning and Zoning Commission
FOR APPROVAL
BY:

City of Highland Village

By: _____
Chairman

Date: _____

APPROVED BY: City Council, City of Highland Village

By: _____
Mayor

City Secretary

Date

c. Visibility, access and maintenance easements (example).

The area or areas shown on the plat as "VAM" (visibility, access, and maintenance) easement(s) are hereby given and granted to the City, its successors and assigns, as an easement to provide visibility, right of access for maintenance upon and across said VAM easement. The City shall have the right but not the obligation to maintain any and all landscaping within the VAM easement. Should the City exercise this maintenance right, it shall be

permitted to remove and dispose of any and all landscaping improvements including, without limitation, any trees, shrubs, flowers, ground cover and fixtures. The City may withdraw maintenance of the VAM easement at any time. The ultimate maintenance responsibility for the VAM easement shall rest with the owners. No building, fence, shrub, tree or other improvements or growths, which in any way may endanger or interfere with the visibility, shall be constructed in, on, over or across the VAM easement. The City shall also have the right but not the obligation to add any landscape improvements to the VAM easement, to erect any traffic-control devices or signs on the VAM easement and to remove any obstruction thereon. The City, its successors, assigns, or agents shall have the right and privilege at all times to enter upon the VAM easement or any part thereof for the purposes and with all rights and privileges set forth herein.

d. Fire lanes (example).

That the undersigned does hereby covenant and agree that he (they) shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction including, but not limited to, the parking of motor vehicles, trailers, boats or other impediments to the access of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes stating, "Fire Lane, No Parking." The police or his [their] duly authorized representative is hereby authorized to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for fire department and emergency use.

e. Access easements (example).

The undersigned does covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of general public vehicular and pedestrian use and access, and for fire department and emergency use in, along, upon and across said premises, with the right and privilege at all times of the City of Highland Village, its agents, employees, workers and representatives having ingress, egress, and regress in, along, upon and across said premises.

Section 2.5 - Administrative approval of certain amending plats, minor plats and replats.

- A. The City Manager is authorized to approve the following:
 - 1. Amending plats described Section 2.8
 - 2. Minor plats described in Section 2.9; and
 - 3. Replats that are also Minor Plats.
- B. The City Manager may for any reason elect to present the minor plat, replat or amending plat to the Commission and City Council for action.
- C. Any minor plat, replat, or amending plat which the City Manager fails or refuses to approve shall be submitted to the Commission and City Council for action.

Section 2.6 - Development plats.

- A. Authority. This Section is adopted pursuant to V.T.C.A., Local Government Code §§ 212.041–212.050.
- B. Applicability. For purposes of this Section, the term “development” means the new construction of any building, structure or improvement of any nature (residential or nonresidential), or the enlargement of any external dimension thereof. This Section shall apply to any land lying within the City or within its extraterritorial jurisdiction in the following circumstances:
 - 1. The development of any tract of land which has not been platted or replatted under this ordinance, unless expressly exempted herein.
 - 2. The development of any tract of land for which the property owner claims an exemption from the City's subdivision regulations, including requirements to replat, which exemption is not expressly provided for in such regulations.
 - 3. The development of any tract of land for which the only access is a private easement or street.
 - 4. The division of any tract of land resulting in parcels or lots each of which is greater than five acres in size, and where no public improvement is proposed to be dedicated.
- C. Exceptions. No development plat shall be required, where the land to be developed has received final plat or replat approval prior to the effective date of this ordinance. The City Council may, from time to time, exempt other development or land divisions from the requirements of this Section.

D. Prohibition on development. No development shall commence, nor shall any building permit, utility connection permit, electrical connection permit or similar permit be issued, for any development or land division subject to this Section, until a development plat has been approved by the planning and zoning Commission and City Council and filed with the City Secretary.

E. Standards of approval. The development plat shall not be approved until the following standards have been satisfied:

1. The proposed development conforms to all City plans including, but not limited to, the comprehensive plan, thoroughfare plan, land use plan, parks and open space master plan, utility plans and applicable capital improvements plans;
2. The proposed development conforms to the requirements of the zoning ordinance;
3. The proposed development is adequately served by public facilities and services, parks and open space in conformance with City regulations;
4. Appropriate agreements for acceptance and use of public dedications to serve the development have been tendered;
5. The proposed development conforms to the design and improvement standards contained in the ordinance and in the TCSS manuals.

F. Conditions. The City may impose such conditions on the approval of the development plat as are necessary to ensure compliance with the standards in Subsection (E) above.

G. Land study requirements. Whenever a property owner proposes to divide land into tracts or lots each of which is greater than five acres, and for which no public improvements are proposed, he shall submit a land study, together with his application for approval of a development plat. in accordance with Section 2.2 of this ordinance.

H. Approval procedure. The application for a development plat shall be approved, conditionally approved, or denied by the City Council following review and recommendation by the planning and zoning Commission. Upon approval, the development plat shall be filed with the City by the City Secretary.

I. Submittal requirements. Each development plat shall:

1. Be prepared by a registered professional land surveyor.
2. Clearly show the boundary of the development plat.

3. Show each existing or proposed building, structure or improvement or proposed modification of the external configuration of the building, structure or improvement involving a change therein.
4. Show all easements and rights-of-way within or adjacent to the development plat.

Section 2.7 Replatting.

A. Replat required. Unless otherwise expressly provided for herein, a property owner who proposes to replat any portion of an already approved final plat, other than to amend or vacate the plat, must first obtain approval for the replat under the same standards and by the same procedures prescribed for the final platting of land by this ordinance. The City Manager may waive or modify requirements for a land study and preliminary plat under circumstances where the previously approved land study or preliminary plat is sufficient to achieve the purposes set forth in this ordinance.

B. Replatting without vacating preceding plat. A replat of a final plat or portion of a final plat may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

1. Is signed and acknowledged by only the owners of the property being replatted;
2. Does not attempt to amend or remove any covenants or restrictions previously incorporated in the recorded final plat.

C. In addition to compliance with Subsection B, above, a replat without vacation of the preceding plat must conform to the requirements of this Section if:

1. During the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or
2. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.

D. If a proposed replat described by Subsection C, above, requires a variance or exception, a public hearing must be held by the City Council prior to approval of the replat application.

E. If the conditions described in Subsection D. of this Section exist, then the following is required:

1. Notice of the hearing shall be given 15 days before the day of the hearing by:
 - a. Publication in the City's officially designated newspaper;
 - and

b. By written notice, with a copy of the specific language contained in the following Subsection (b) attached thereto, forwarded by the Commission to the owners of property in the original subdivision located within 200 feet of the property upon which the replat is requested, as such owners are indicated on the most recently approved City tax roll or, in the case of a subdivision within the extraterritorial jurisdiction of the City, the most recently approved county tax roll. The written notice may be delivered by depositing the notice, properly addressed with the postage prepaid, in a post office or postal depository within the municipal boundaries of the City.

2. If the proposed replat requires a variance and is protested in accordance with this Subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members of the Commission present and voting. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the Commission prior to the close of the public hearing.

3. In computing the percentage of land area under Subsection 4.b. of this Section, the area of streets and alleys shall be included.

4. Compliance with Subsections 5.b. and 5.c. of this Section is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

F. If a proposed replat described by Subsection 2. above does not require a variance or exception, not later than the 15th day after the date the replat is approved, written notice by mail of the approval of the replat will be provided to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent City or county tax roll. This Subsection does not apply to a proposed replat if the Commission or City Council holds a public hearing and gives notice of the hearing in the manner provided by Subsection 5.

G. The notice of replat approval required by Subsection F. above must include:

1. The zoning designation of the property after the replat; and

2. A telephone number and e-mail address that an owner of a lot may use to contact the City about the replat.

Section 2.8 Amended plat.

A. Amended plat procedure shall be as follows:

1. An amended plat shall meet all of the informational and procedural requirements set forth for a final plat.

2. The City Manager may approve and issue an amending plat, which may be recorded and is controlling over the preceding plat, without vacation of that plat, if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:

a. To correct an error in a course or distance shown on the preceding plat;

b. To add a course or distance that was omitted on the preceding plat;

c. To correct an error in a real property description shown on the preceding plat;

d. To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;

e. To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

f. To correct any other type of scrivener or clerical error or omission previously approved by the planning and zoning Commission and City Council, including lot numbers, acreage, street names, and identification of adjacent recorded plats;

g. To correct an error in courses and distances of lot lines between two adjacent lots if:

(1) Both lot owners join in the application for amending the plat;

(2) Neither lot is abolished;

(3) The amendment does not attempt to remove recorded covenants or restrictions; and

(4) The amendment does not have a material adverse effect on the property rights of the owners in the plat;

h. To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement; or

i. Relocate one or more lot lines between one or more adjacent lots if:

(1) The owners of all those lots join in the application for amending the plat;

(2) The amendment does not attempt to remove recorded covenants or restrictions; and

(3) The amendment does not increase the number of lots;

j. To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:

(1) The changes do not affect applicable zoning and other regulations of the City;

(2) The changes do not attempt to amend or remove any covenants or restrictions; and

(3) The area covered by the changes is located in an area that the planning and zoning Commission or other appropriate governing body, after a public hearing, [has designated] as a residential improvement area; or

k. To replat one or more lots fronting on an existing street if:

(1) The owners of all those lots join in the application for amending the plat;

(2) The amendment does not attempt to remove recorded covenants or restrictions;

(3) The amendment does not increase the number of lots; and

(4) The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

C. Notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.

D. The amended plat shall be entitled and clearly state that it is an amended plat. It shall also state the specific lots affected or changed as a result of the amended plat and include the original subdivision plat boundary. All references to "final plat" or "replat" shall be removed.

E. Unless otherwise specified, application and all related procedures, including recording of an amended plat shall be the same as specified for a final plat. Review and approval shall be in accordance with Section 2.5 and other applicable provisions of this Ordinance.

Sec. 2.9 - Minor plats.

A. The purpose of a minor plat is to simplify divisions of land under certain circumstances outlined in state law. An application for approval of a minor plat may be filed only in accordance with state law, when all of the following circumstances apply:

1. The proposed division results in four or fewer lots;
2. All lots in the proposed subdivision front onto an existing public street and the construction or extension of a street or alley is not required to meet the requirements of this Code; and
3. Except for right-of-way widening and easements, the plat does not require the extension of any municipal facilities to serve any lot within the subdivision.

B. Unless otherwise specified, application and all related procedures, including recordation, shall be the same as specified for a final plat. Review and approval shall be in accordance with Section 2.5 and other applicable provisions of this Ordinance.

Section 2.10 Plat vacation.

A. By property owner. The property owner of the tract covered by a plat may vacate, upon the approval of the Commission and City Council, the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.

B. By all lot owners. If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat.

C. Criteria. The Commission and City Council shall approve the petition for vacation on such terms and conditions as are in accordance with V.T.C.A., Local Government Code § 212.013, and reasonable to protect public health, safety and welfare. As a condition of vacation of the plat, the City Council may direct the petitioners to prepare a revised final plat in accordance with these regulations.

D. Effect of action. On the execution and recording of the vacating instrument, the vacated plat shall have no effect. Regardless of the Commission's and City Council's action on the petition, the property owner or developer will have no right to a refund of any monies, fees or charges paid to the City nor to the return of any property or consideration dedicated or delivered

to the City except as may have previously been agreed to by the Commission and City Council.

E. City-initiated plat vacation.

1. General conditions. The Commission and City Council, on its motion, may vacate the plat of an approved subdivision or addition when:

a. No lots within the approved plat have been sold within five years from the date that the plat was signed by the City.

b. The property owner has breached an improvement agreement and the City is unable to obtain funds with which to complete construction of public improvements, except that the vacation shall apply only to lots owned by property owner or its successor.

c. The plat has been of record for more than five years and the City determines that the further sale of lots within the subdivision or addition presents a threat to public health, safety and welfare, except that the vacation shall apply only to lots owned by the property owner or its successors.

2. Procedure. Upon any motion of the Commission or City Council to vacate the plat of any previously approved subdivision or addition, in whole or in part, the Commission shall publish notice in a newspaper of general circulation in the county and provide personal notice to all property owners within the subdivision or addition and shall also provide notice to the City Council. The notice shall state the time and place for a public hearing on the motion to vacate the subdivision or addition plat. The Commission shall recommend approval and the City Council shall approve the vacation only if the criteria in C. above are satisfied.

3. Record of notice. If the Commission and City Council approve vacating a plat, the City Secretary shall record a copy of the resolution or ordinance in the county clerk's office with a copy of the area or plat vacated. If the Commission and City Council adopt a resolution or ordinance vacating a plat in part, it shall cause a revised final plat to be recorded which shows that portion of the original plat that has been vacated and that portion that has not been vacated.

SECTION 2. All provisions of the ordinances of the City of Highland Village 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 of Highland Village not in conflict with the provisions of this Ordinance shall remain in full force and effect.

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

SECTION 4. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Code of 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 the Code of Ordinances of the City of Highland Village as heretofore amended and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2000.00) for each offense, and each and every day such violation shall continue shall be deemed and constitute a separate offense.

SECTION 6. This ordinance shall become effective immediately upon final approval of this Ordinance and publication as required by charter and state law but shall be applicable only to applications for a plat or plan received on or after the effective date of this Ordinance.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON FIRST READING ON THIS THE 12th DAY OF NOVEMBER 2019.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON SECOND READING ON THIS THE 10th DAY OF DECEMBER 2019.

APPROVED:

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(kbl:11/5/19:111981)

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 19

MEETING DATE: 11/12/19

SUBJECT: Consider Resolution 2019-2855 Casting the City of Highland Village Votes for Denton Central Appraisal District (DCAD) Board of Directors

PREPARED BY: Angela Miller, City Secretary

BACKGROUND:

The Chief Appraiser of the Denton Central Appraisal District (DCAD) is responsible for initiating the process for taxing jurisdictions to select individuals to serve as the DCAD's Board of Directors. In odd-numbered years, the Chief Appraiser notifies jurisdictions within Denton County of the list of candidates. The Chief Appraiser also notifies the jurisdictions of the number of votes, based on tax levies, they are entitled to cast for Board members.

Each jurisdiction must cast its votes by written resolution to the Chief Appraiser before December 15, 2019. The jurisdiction may cast its votes for one candidate or may distribute the votes among any number of candidates. The Chief Appraiser reported the City of Highland Village has 31 votes to cast this year. There is no provision for write-in candidates. When a voting unit casts its votes, it must cast the votes for a person that was nominated and is named on the ballot. The five nominees receiving the most votes will become the Board of Directors, serving a two year term beginning January 1, 2020 and ending December 31, 2021.

The current DCAD Board of Directors are: Charles Stafford (Chairman), David Terre (Vice Chairman), Mike Hassett (Secretary), Roy Atwood and George Pryor (Members) and Michelle French (Ex Officio Member).

IDENTIFIED NEED/S:

Each voting jurisdiction must cast its vote by written resolution and submit it to the Chief Appraiser before December 15, 2019. The candidates are listed below in alphabetical order by last name:

Candidate	Nominating Jurisdiction
Roy Atwood	Lewisville ISD City of Lewisville City of The Colony
Sharon Gentry	Town of Flower Mound
Katy Grote	Town of Flower Mound
Carla Hardeman	Town of Northlake
David Johnson	Lewisville ISD
Danny Mayer	Town of Trophy Club
Joel McGregor	Town of Northlake
Laura McGregor	Town of Northlake
Ashleigh Miller	Carrollton-Farmers Branch ISD

Brian Montini	Town of Northlake
George Pryor	Denton County City of Lewisville City of The Colony
Michael Savoie	Town of Northlake
Kelly Sayre	Carrollton-Farmers Branch ISD Denton County
Charles Stafford	Denton ISD City of Lewisville City of The Colony
Mike Stallings	Town of Flower Mound
David Terre	Frisco ISD Lewisville ISD Little Elm ISD Northwest ISD Denton County City of Frisco City of The Colony Town of Flower Mound
Tom Washington	Lewisville ISD Denton County
Bryan Webb	Argyle ISD Lewisville ISD City of Lewisville Town of Flower Mound
Rick Woolfolk	City of Denton

Please note, Michelle French was nominated by the City of Lewisville as a candidate. Ms. French would like to remain on the Board of Directors as an Ex Officio Member. This would be automatic and would require no votes from the entities.

OPTIONS & RESULTS:

The City may cast its votes for one candidate or split votes among several candidates.

PROGRESS TO DATE: (if appropriate)

Some of the candidates submitted nominee forms to the Denton Central Appraisal District (DCAD), which have been provided to Council under separate cover.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

N/A

RECOMMENDATION:

To approve Resolution 2019-2855 casting the City's votes for the DCAD Board of Directors.

CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2019-2855

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS CASTING ITS VOTES FOR ONE OR MORE CANDIDATES FOR APPOINTMENT TO THE DENTON CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, in accordance with applicable provisions of the Texas Tax Code and the by-laws of the Denton Central Appraisal District (DCAD), the City of Highland Village has a total of 31 votes to cast among one or more nominees to the DCAD Board of Directors; and

WHEREAS, the candidates nominated for terms commencing January 1, 2020 and ending December 31, 2021, are: Roy Atwood, Sharon Gentry, Katy Grote, Carla Hardeman, David Johnson, Danny Mayer, Joel McGregor, Laura McGregor, Ashleigh Miller, Brian Montini, George Pryor, Michael Savoie, Kelly Sayre, Charles Stafford, Mike Stallings, David Terre, Tom Washington, Bryan Webb, and Rick Woolfolk; and

WHEREAS, the City Council of the City of Highland Village wishes to cast the City's votes.

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

SECTION 1. The Council desires to cast its 31 votes for appointment to the Board of Directors of the Denton Central Appraisal District as follows:

Candidate	Number of Votes
Roy Atwood	
Sharon Gentry	
Katy Grote	
Carla Hardeman	
David Johnson	
Danny Mayer	
Joel McGregor	
Laura McGregor	
Ashleigh Miller	
Brian Montini	
George Pryor	
Michael Savoie	
Kelly Sayre	
Charles Stafford	
Mike Stallings	
David Terre	
Tom Washington	
Bryan Webb	
Rick Woolfolk	

SECTION 2. The City Secretary is directed to send a copy of this Resolution to the Chief Appraiser of the Denton Central Appraisal District.

SECTION 3. This Resolution shall take effect immediately upon passage.

PASSED AND APPROVED this the 12th day of November, 2019.

APPROVED:

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(kbl:11/5/19:111971)

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 20	MEETING DATE: 11/12/19
SUBJECT: Consider Resolution 2019-2856 awarding Grant Funds to Community Non-Profit Organizations for Fiscal Year 2019-2020	
PREPARED BY: Angela Miller, City Secretary	

BACKGROUND:

Per Resolution 2018-2729, community organizations desiring funding from the City must submit applications to the city secretary's office. Once all applications are received, the city secretary processes the applications and submits the requests to the City Council for review.

Requests must meet the following criteria:

- Services to be provided by an organized civic, cultural, educational, or service group that is a non-profit organization with membership open to all citizens 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 citizens 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 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 in the city
- Educational programs promoting student and citizen participation in the electoral process and local government
- Crime awareness and prevention

IDENTIFIED NEED/S:

City Council will consider written requests for financial assistance and determine allocation amounts, if any, for the community non-profit organizations. Council has historically allocated 0.25% of the City's Maintenance & Operations budget (excluding capital project or purchasing funds) for non-profit organizations. There is \$45,600 included in the Fiscal Year 2019-2020 budget for funding community services and activities provided by non-profit organizations.

OPTIONS & RESULTS:

To identify non-profit organizations that will receive funding as allocated in the Fiscal Year 2019-2020 budget.

PROGRESS TO DATE: (if appropriate)

A copy of all applications have been provided to Council for consideration and Council received presentations from representatives of the following non-profit organizations at their regular meeting held October 22, 2019: CASA of Denton County, Chisholm Trail RSVP, Communities in Schools of North Texas, Denton County Friends of the Family, Denton County MHMR Center, Highland Village Lions Foundation, Journey to Dream, Lewisville ISD Education Foundation (LEF), Lewisville Lake Symphony, PediPlace, Special Abilities of North Texas, The Salvation Army, SPAN/Meals on Wheels, Studio B Performing Arts Center, Winning the Fight, and Youth and Family Counseling.

Below is a listing of the non-profit organizations that filed an application with the City Secretary for Fiscal Year 2019-2020 funding:

Non-Profit Organization	Funding Request
CASA of Denton County, Inc.	\$ 2,000
Chisholm Trail Retired Senior Volunteer Program (RSVP)	\$ 2,500
Communities in Schools of North Texas, Inc.	\$ 3,000
Denton County Friends of the Family, Inc.	\$ 5,000
Denton County MHMR Center	\$ 5,000
Friends of the Flower Mound Public Library	\$ 1,500
Highland Village Lions Foundation	\$ 4,000
Journey to Dream	\$ 3,975
Lewisville ISD Education Foundation (LEF)	\$ 5,000
Lewisville Lake Symphony Association, Inc.	\$ 5,000
PediPlace	\$ 5,000
Salvation Army	\$ 5,000
SPAN, Inc./Meals on Wheels of Denton County	\$ 700
Special Abilities of North Texas	\$ 8,500
Studio B Performing Arts	\$ 5,000
Winning The Fight (WTF)	\$ 2,550
Youth and Family Counseling	\$ 5,000
TOTAL	\$68,725

A listing of funding allocations awarded to each non-profit organization for the previous three (3) fiscal years is attached to this briefing.

In addition to the funding awarded annually to non-profit organizations, the City purchases tables and individual tickets to special events that are held during the year by local Chambers as well as non-profit, civic and community organizations. In order to provide a better understanding of the monetary support of the City and City Council for local organizations, below is a listing of these purchases for the previous three (3) fiscal years:

ADDITIONAL SPONSORSHIPS / PURCHASES

EVENT	FY 2016-2017	FY 2017-2018	FY 2018-2019
FM Chamber - Fiesta Flower Mound	1 Table = \$1,500	1 Table = \$1,500	1 Table = \$1,500
FM Chamber - Awards Banquet	1 Ticket = \$50	1 Ticket = \$50	2 Tickets = \$100
Lewisville Chamber - Awards Banquet	n/a	2 Tickets = \$200	1 Table = \$800
State of the Cities Luncheon	1 Table = \$300	1 Table = \$350	1 Table = \$350
Unity in Communities Luncheon	1 Table = \$300	1 Table = \$350	1 Table = \$350
Mayor's Prayer Breakfast	1 Table = \$250	1 Table = \$250	1 Table = \$250
Children's Advocacy Center of Denton County	\$4,000 Funds included in PD Annual FY Budget	\$4,000 Funds included in PD Annual FY Budget	\$4,000 Funds included in PD Annual FY Budget
Children's Advocacy Center of Denton County - Gala	n/a	n/a	1 Ticket = \$250
Ally's Wish - Gala	n/a	n/a	1 Table = \$1,500
Special Olympics Steaks and Stetsons	1 1/2 Tables = \$1,800	1 Table = \$1,200	1 Table = \$1,200
Youth & Family Counseling - Holiday Extravaganza	n/a	1 Ticket = \$44	1 Ticket = \$45
Special Abilities of North Texas - Denim & Diamonds Gala	n/a	1 Ticket = \$100	1 Ticket = \$100
LEF - 2019 Evening for Education	n/a	3 Tickets = \$300	1 Ticket = \$100
United Way Breakfast	n/a	n/a	1 Ticket = \$35
Total	\$8,200	\$8,344	\$10,580

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

Council has historically allocated 0.25% of the City's Maintenance & Operations budget (excluding capital project or purchasing funds) to fund services provided by eligible non-profit organizations. There is \$45,600 included in the Fiscal Year 2019-2020 budget for funding community services and activities provided by non-profit organizations.

RECOMMENDATION:

To approve Resolution 2019-2856 making non-profit funding allocations for Fiscal Year 2019-2020.

Funding History for Non-Profit Organizations

Organization	FY 2016-2017	FY 2017-2018	FY 2018-2019
CASA of Denton County	\$1,000	\$1,000	\$2,000
Chisholm Trail RSVP	\$0	\$1,000	\$2,000
Christian Community Action (CCA)	\$2,500	\$2,500	\$2,000
Communities in Schools of North Texas	\$2,000	\$2,000	\$2,500
Denton County Friends of the Family	\$2,500	\$2,500	\$2,500
Denton County MHMR Center	n/a	n/a	n/a
Friends of the Flower Mound Public Library	\$500	\$500	\$500
Greater Lewisville Community Theatre	n/a	\$1,000	\$500
Highland Village Lions Foundation	\$3,500	\$3,500	\$3,500
Journey to Dream	\$2,500	\$2,500	\$2,500
Lewisville ISD Education Foundation (LEF)	\$3,500	\$4,000	\$4,500
Lewisville Lake Symphony Association	\$3,500	\$3,500	\$3,000
PediPlace	\$2,500	\$2,500	\$2,500
Salvation Army - Lewisville	\$2,500	\$2,500	\$2,500
Span, Inc/Meals on Wheels of Denton Cty	n/a	n/a	n/a
Special Abilities of North Texas	\$2,500	\$2,500	\$2,500
Studio B Performing Arts	\$3,000	\$3,000	\$3,000
Winning The Fight (WTF)	\$3,000	\$3,000	\$2,500
Youth and Family Counseling	\$3,000	\$3,500	\$2,500
Associates of the Lewisville Senior Activity Center	\$1,000	n/a	n/a
Marine Corps League #1300	\$0	n/a	n/a
TOTAL	\$39,000	\$41,000	\$41,000

Funding Requests for 2019-2020
\$2,000
\$2,500
n/a
\$3,000
\$5,000
\$5,000
\$1,500
n/a
\$4,000
\$3,975
\$5,000
\$5,000
\$5,000
\$5,000
\$700
\$8,500
\$5,000
\$2,550
\$5,000
n/a
n/a
\$68,725

n/a = Organization did not submit an application

\$0 = Organization submitted an application, however no funds were awarded

CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2019-2856

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AWARDED GRANT FUNDS TO NON-PROFIT ORGANIZATIONS FOR FISCAL YEAR 2019-2020; AUTHORIZING CONTRACTS WITH SUCH ORGANIZATIONS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, City Resolution 2018-2729 establishes a uniform policy to grant financial assistance to non-profit organizations and community service providers; and

WHEREAS, grant funds are included in the Fiscal Year 2019-2020 Budget; and

WHEREAS, the Council finds it to be in the public interest to authorize the City Manager to execute agreements with non-profit organizations who are to receive funding from the City, in accordance with Resolution 2018-2729 based on the funding allocation set forth in this Resolution.

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

SECTION 1. The City Manager is authorized to negotiate and sign service agreements on behalf of the City of Highland Village with the following Family Service Organizations for Fiscal Year 2019-2020 in the following designated amounts:

<u>Organization</u>	<u>Funding Amount</u>
<u>Denton County Friends of the Family, Inc.</u>	\$ _____
<u>Denton County MHMR Center</u>	\$ _____
<u>Salvation Army</u>	\$ _____
<u>SPAN, Inc./Wheels on Meals of Denton County</u>	\$ _____
<u>Special Abilities of North Texas</u>	\$ _____
<u>Winning the Fight (WTF)</u>	\$ _____
<u>Youth and Family Counseling</u>	\$ _____

SECTION 2. The City Manager is authorized to negotiate and sign service agreements on behalf of the City of Highland Village with the following Children's Service Organizations for Fiscal Year 2019-2020 in the following designated amounts:

<u>Organization</u>	<u>Funding Amount</u>
<u>CASA of Denton County, Inc.</u>	\$ _____
<u>Communities in Schools of North Texas</u>	\$ _____

<u>Journey to Dream</u>	\$ _____
<u>PediPlace</u>	\$ _____
<u>Lewisville ISD Education Foundation (LEF)</u>	\$ _____

SECTION 3. The City Manager is authorized to negotiate and sign service agreements on behalf of the City of Highland Village with the following Community Service Organizations for Fiscal Year 2019-2020 in the following designated amounts:

<u>Organization</u>	<u>Funding Amount</u>
<u>Highland Village Lions Foundation</u>	\$ _____
<u>Friends of the Flower Mound Public Library</u>	\$ _____
<u>Lewisville Lake Symphony Association, Inc.</u>	\$ _____
<u>Studio B Performing Arts</u>	\$ _____
<u>Chisolm Trail Retired Senior Volunteer Program (RSVP)</u>	\$ _____

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

PASSED AND APPROVED THIS THE 12TH DAY OF NOVEMBER 2019.

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney
(KBL:11/6/19:111994)

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 22

MEETING DATE: 11/12/19

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

PREPARED BY: Karen McCoy, 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 12, 2019	Regular City Council Mtg. 7:30 pm
November 18, 2019	Park Board Mtg. 6:00 pm (if needed)
November 19, 2019	Planning & Zoning Commission Mtg. 7:00 pm (if needed)
November 26, 2019	Regular City Council Mtg. 7:30 pm (Cancelled)
November 28- 29, 2019	City Offices Closed for the Thanksgiving Holiday
December 5, 2019	Zoning Board of Adjustment Mtg. 7:00 pm (if needed)
December 10, 2019	Regular City Council Mtg. 7:30 pm
December 16, 2019	Park Board Mtg. 6:00 pm (if needed)
December 17, 2019	Planning & Zoning Commission Mtg. 7:00 pm (if needed)
December 24, 2019	Regular City Council Mtg. 7:30 pm Cancelled
December 24-25, 2019	City Offices Closed for the Christmas Holiday
January 1, 2020	City Offices Closed for the New Year's Holiday
January 2, 2020	Zoning Board of Adjustment Mtg. 7:00 pm (if needed)
January 14, 2020	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 McCoy, Administrative Assistant - City Secretary Office