



A G E N D A

**REGULAR MEETING OF THE
HIGHLAND VILLAGE CITY COUNCIL
HIGHLAND VILLAGE MUNICIPAL COMPLEX
1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS
TUESDAY, OCTOBER 27, 2020, at 5:30 P.M.**

Pursuant to Governor Greg Abbott's temporary suspension of various provisions of the Texas Open Meetings Act and in an effort to protect the health and safety of the public, the public will not be allowed to attend the City Council meeting in person. Members of the public may view the City Council meeting live at no cost via the following Internet link: www.highlandvillage.org/HVTV.

Any person wishing to provide comments on any matter to be considered on this agenda may email such comments to the City Secretary at amiller@highlandvillage.org by 1:00 p.m. on Tuesday, October 27, 2020.

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

- 1. Receive Presentations from Non-Profit Organizations requesting Funding for Providing Services, Programs and/or Benefits Serving a Public Purpose to City Residents**
- 2. Discuss a Supplemental Agreement to the Solid Waste, Recycling, and Household Hazardous Waste Collection Contract with Community Waste Disposal (CWD) relative to a Requested Rate Adjustment relating to the Closing of DFW Landfill**
- 3. Clarification of Consent or Action Items listed on Today's City Council Meeting Agenda of October 27, 2020**

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

**CLOSED SESSION
City Council Chambers**

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

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

5. **Call Meeting to Order**
6. **Prayer led by Councilmember Tom Heslep**
7. **Pledge of Allegiance to the U.S. and Texas flags led by Councilmember Tom Heslep: “Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.”**
8. **Visitor Comments** (*Any person wishing to provide comments on any matter to be considered on this agenda should email such comments to the City Secretary by 1:00 p.m. on Tuesday, October 13, 2020. 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.*)
9. **City Manager/Staff Reports**
10. **Mayor and Council Reports on Items of Community Interest pursuant to Texas Government Code Section 551.0415 the City Council may report on the following items: (1) expression of thanks, congratulations or condolences; (2) information about holiday schedules; (3) recognition of individuals; (4) reminders about upcoming City Council events; (5) information about community events; and (6) announcements involving imminent threat to public health and safety**

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

CONSENT AGENDA

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

11. **Consider approval of Minutes of the Regular City Council Meeting held on October 13, 2020**
12. **Consider Resolution 2020-2914 authorizing the Purchase of a Vehicle from Silsbee Ford through the City's Cooperative Purchasing Agreement with the State of Texas Purchasing Co-op (GoodBuy)**

ACTION AGENDA

13. Take action, if any, on matters discussed in closed session in accordance with the following sections of the Texas Government Code:
(a) Section 551.071 – Consultation with City Attorney Concerning Pending or Contemplated Litigation and on any Regular Session or Work Session Agenda Item Requiring Confidential, Attorney/Client Advice Necessitated by the Deliberation or Discussion of Said Item (as needed)
14. Consider Resolution 2020-2915 approving the Annual Rate Adjustment pursuant to the Solid Waste, Recycling, and Household Hazardous Waste Collection Contract with Community Waste Disposal (CWD)
15. Consider Resolution 2020-2916 approving a Supplemental Agreement to the Solid Waste, Recycling, and Household Hazardous Waste Collection Contract with Community Waste Disposal (CWD) regarding a Rate Adjustment relating to the Closing of DFW Landfill

LATE WORK SESSION

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

16. Discuss Scheduling a City Council Planning Session / Retreat
17. Status Reports on Current Projects and Discussion on Future Agenda Items (A Councilmember may inquire about a subject of which notice has not been given. A statement of specific information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.)
18. 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 23RD DAY OF OCTOBER 2020 NOT LATER THAN 6:00 P.M.



Angela Miller, City Secretary

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

Removed from posting on the _____ day of _____, 2020 at _____ am / pm by _____.

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 1

MEETING DATE: 10/27/2020

SUBJECT: Receive Presentations from Non-Profit Organizations Requesting Funding from the City of Highland Village for Fiscal Year 2020-2021 for Providing Services, Programs and/or Benefits serving a Public Purpose

PREPARED BY: Angela Miller, City Secretary

BACKGROUND:

City Resolution 2018-2729 sets out the following guidelines to be followed by non-profit organizations in order to request funding for the community services they provide to residents in Highland Village:

- Services must 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 public purpose of the City
- 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

Council has historically allocated 0.25% of the City's Maintenance & Operations budget (excluding capital project or purchasing funds) to be available for funding services provided by eligible non-profit organizations. The amount included in the Fiscal Year 2020-2021 budget for funding community services and activities will be provided to Council prior to the presentations.

Each non-profit organization that has submitted an application requesting funding for Fiscal Year 2020-2021 has been invited to send a representative to provide a brief presentation to Council during the Early Work Session. Following is a list of non-profit organizations that have requested funding for this year, including the amount of each funding request:

Non-Profit Organization	Funding Request
CASA of Denton County	\$ 2,000
Chisholm Trail RSVP, Inc.	\$2,500
Communities in Schools of North Texas, Inc.	\$ 3,000
Denton County Friends of the Family, Inc.	\$ 5,000
Friends of the Flower Mound Public Library	\$ 1,500
Highland Village Lions Foundation	\$ 3,000
Journey to Dream	\$ 3,100
Lewisville ISD Education Foundation (LEF)	\$ 5,000
Lewisville Lake Symphony Association, Inc.	\$ 4,000
PediPlace	\$ 5,000
Salvation Army	\$ 3,500
Span, Inc./Meals on Wheels of Denton County	\$ 639
Special Abilities of North Texas	\$ 5,000
Winning The Fight (WTF)	\$ 2,500
Youth and Family Counseling	\$ 7,500
TOTAL	\$53,239

Council has received a copy of each application that was submitted. No action is required at this time.

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 2

MEETING DATE: 10/27/2020

SUBJECT: Discuss a Supplemental Agreement to the Solid Waste and Recycling Service Contract with Community Waste Disposal Regarding a Rate Adjustment Related to the Closing of DFW Landfill

PREPARED BY: Ken Heerman, Assistant City Manager

COMMENTS

Community Waste Disposal (CWD) requested an additional rate increase to mitigate ongoing increased operating costs resulting from the closing of the DFW landfill. The annual CPI increase provided for in the current collection contract already addresses the increased cost related to the gate rate of the alternate landfill (City of Denton) secured by CWD. However, the increased distance of the City of Denton landfill from Highland Village results in increased operating costs that are not addressed. As the timing of the landfill closing was unexpected, CWD has requested the City consider an additional rate increase accordingly. The existing agreement with CWD was initiated in 2018 with a five-year term, thus having three remaining years.

CWD does not own a landfill. The Request for Proposal initially submitted by CWD indicates that their strategy has been “to use existing landfills within our daily refuse routes and not sign long term agreements”. In turn, they cited 18 landfills that are economically accessible to their solid waste transfer station.

Clearly, geographical proximity to a landfill is a primary factor in each of the cities they serve. And closing of the DFW Landfill by Waste Management certainly has a negative impact to CWD operations. There is no provision in the contract other than the established CPI annual adjustment to address rate adjustments based on this type of event. CWD’s request for Council to consider further relief will require an agreement to make a one-time adjustment in CWD’s collection rates beyond the amount allow in the contract if Council is so inclined. As this is solely Council discretion, Staff has no recommendation. However, to facilitate Council evaluation, Staff provided CWD with a suggested parameter of only addressing tangible incremental operating variable costs associated with the landfill closing. This would primarily involve labor cost and vehicle cost (fuel, maintenance).

CWD has requested a monthly increase of \$.48 for residential accounts, primarily reflective of estimated increased delivery time to the landfill of 35 minutes (recently measured at 24 minutes with current environment of COVID-19 influenced reduced traffic). This represents a 3.2% increase above the current year updated rate. With the approved rate model, a 10% franchise is assessed, also with applicable sales tax. The additional increase would total \$.57 as shown following:

Updated 10/1/2020					
	<u>2019</u>	<u>2020</u>	<u>CWD Addtl Request</u>	<u>Addtl Increase</u>	
Garbage	\$7.96	\$ 8.68	\$ 9.05		
Recycling	3.39	3.40	3.40		
Compost	1.42	1.55	1.62		
HH Haz Waste	0.83	0.91	0.95		
Sub-total	\$13.60	14.54	15.02	\$ 0.48	3.3%
Franchise	<u>\$1.36</u>	<u>\$1.45</u>	1.50	<u>0.05</u>	
Total Vendor Chgs	\$14.96	\$15.99	16.52	0.53	
Sales Tax	<u>1.23</u>	<u>1.32</u>	1.36	<u>0.04</u>	
Total Garbage	\$16.19	\$ 17.31	\$ 17.88	0.57	
Compost Processing	<u>0.25</u>	<u>0.25</u>	<u>0.25</u>	-	
Total Bill to Resident	\$16.44	\$17.56	\$ 18.13	\$ 0.57	3.2%

Commercial rates would be adjusted similarly, with roughly the same percentage increase.

City Staff has included an item on tonight's agenda should Council choose to take action on a Supplemental Agreement relative to a requested rate adjustment relating to the closing of the DFW Landfill.

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 10

MEETING DATE: 10/27/2020

SUBJECT: Mayor and Council Reports on Items of Community Interest

PREPARED BY: Karen McCoy, Executive Assistant

COMMENTS

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

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 11

MEETING DATE: 10/27/2020

SUBJECT: Consider Approval of Minutes of the Regular City Council Meeting held on October 13, 2020

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 13, 2020.



**MINUTES OF THE REGULAR MEETING OF THE
HIGHLAND VILLAGE CITY COUNCIL
HELD AT THE HIGHLAND VILLAGE MUNICIPAL COMPLEX
1000 HIGHLAND VILLAGE ROAD
TUESDAY, OCTOBER 13, 2020**

EARLY WORK SESSION

Mayor Charlotte J. Wilcox called the meeting to order in open session at 6:00 p.m. and announced pursuant to Governor Greg Abbott's temporary suspension of various provisions of the Texas Open Meetings Act and in an effort to protect the health and safety of the public, the meeting is being conducted using social distancing practices. Members of the public are not allowed to attend the City Council meeting in person, but may view the City Council meeting live at no cost via www.highlandvillage.org/HVTV.

In addition, she reported any person wishing to provide comments on any matter to be considered on this agenda were to email such comments to the City Secretary by 1:00 p.m. on Tuesday, October 13, 2020.

Roll Call

Present:	Charlotte J. Wilcox Jon Kixmiller Michael Lombardo Barbara Fleming Tom Heslep Robert A. Fiester	Mayor Councilmember Mayor Pro Tem Deputy Mayor Pro Tem Councilmember Councilmember
Absent:	Daniel Jaworski	Councilmember
Staff Members:	Paul Stevens Ken Heerman Kevin Laughlin Angela Miller Doug Reim Jason Collier Scott Kriston Jana Onstead Sunny Lindsey Phil Lozano Laurie Mullens Andrew Boyd	City Manager Assistant City Manager City Attorney City Secretary Chief of Police Assistant Fire Chief Public Works Director Human Resources Director Information Services Director Parks and Recreation Director Marketing Communications Director Media Specialist

Mayor Wilcox changed the order of some items on the agenda to allow for presentations first.

1. Receive an Update from Denton County Transportation Authority (DCTA)

Council received an update from DCTA Representative Dianne Costa and President Raymond Suarez. During the update Council learned the Texas Department of Transportation (TxDOT) has approved the construction of northbound access to I-35E from Highland Village Road. The City requested northbound access to I-35E in 2000 when discussions began on the expansion of I-35E. The northbound access was included in the Denton County portion of Phase 2 of the 35Express project, which was not yet funded. After working with the North Texas Council of Governments and the Regional Transportation Commission (RTC), Surface Transportation Block Grant funds were approved along with Federal Highway Administration approval of the project in the Transportation Improvement Program (TIP). TxDOT has agreed to fund the design in FY 2021 and the RTC committed to construction funding in FY 2022.

Councilmember Kixmiller asked how their CARES Act money would be used. Mr. Suarez reported it's a reimbursement of operating expenses. He added they are working to be more efficient in operation costs and working with other agencies to improve ways to improve transit services that are more effective. As they reduce their operating expenses, funds will become available for more projects in their member cities.

Relating to the location of a future station along FM 407/Justin Road in either Flower Mound or Highland Village, Mayor Pro Tem Lombardo voiced concern that viable Highland Village retail businesses located along the frontage road could be taken out and replaced with a station. However, he is also concerned that a location could be chosen on the Flower Mound side of FM 407/Justin Road, who does not contribute any funding to DCTA. He also voiced concern regarding the funds provided to DCTA by Highland Village, as he does not see the return on investment. Mr. Suarez stated he wants to work closer with contributing cities regarding future opportunities. He also stated developing the property zoned for TOD on Highland Village Road would be a great opportunity.

3. Receive Annual Update and Discuss an Annual Rate Adjustment pursuant to the Solid Waste and Recycling Service Contract from Community Waste Disposal (CWD)

CWD President Greg Rohmer presented their 2019 Annual Review. Assistant City Manager Ken Heerman reported the current contract provides for an annual rate adjustment in October of each year, and added that this year represents the second requested adjustment, which is based on three (3) criteria: DFW Consumer Price Index (CPI), the change in US Price of Natural Gas sold to Commercial Customers Index and the percentage change in the gate rate charged to CWD by the disposal sites they utilize. Applying these factors, including sales tax, would result in a \$1.12 increase to each residential customer.

Mr. Heerman also reported the City incurs a separate charge associated with processing of compost from another vendor, which equates to a \$.25 additional pass-through charge. Due to a credit balance associated with the composting, the charge has been temporarily withheld over the past year, but now needs to be reinstated.

Additionally, Mr. Heerman reported CWD has requested consideration of an amendment to the contract to provide for a market adjustment associated with the closing of the DFW

landfill at the close of 2019. City staff did not have a recommendation regarding the market adjustment, as the decision is a policy decision that would result in a change to the current contract. Deputy Mayor Pro Tem Fleming asked the term of the current contract with CWD. Mr. Heerman reported the existing agreement was initiated in 2018, with a five (5) year term; we are entering year three (3).

Mr. Rohmer presented additional information relating the adjustment. He proposed an additional monthly increase of \$.48 per home; \$.16 per yard per pickup for commercial front load customers; \$34.81 per haul for industrial/commercial roll off customers.

City Manager Paul Stevens reported there would be items on Council's next meeting agenda relating to the proposed annual rate adjustment and amendment for Council consideration.

2. Discuss appointing City Representation for an Alternate Position on the Denton County Transportation Authority (DCTA) Board of Directors

Mayor Wilcox reported Michael Leavitt served as the City's Alternate Board Member on the DCTA Board of Directors. However he has retired from the City of Highland Village, thereby leaving an unexpired term that will end in November 2021. She asked if anyone was interested in serving and stated she was willing to serve. Council consensus is for Mayor Wilcox to be the Alternate and to move the item to the Consent Agenda.

4. Receive an Update on the Kids Kastle Project

Due to time constraints, this item was moved to Late Work Session.

Mayor Wilcox reported Council would be meeting in Closed Session and she read Agenda Items #3(a) and #3(b).

CLOSED SESSION

Council convened into Closed Session at 7:41 p.m.

7. Hold a closed meeting in accordance with the following sections of the Texas Government Code:

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

Council concluded Closed Session at 8:03 p.m.

5. Discuss Appointment of Board and Commission Members; Review and Discuss the Attendance Record and Performance of City Board and Commission Members and Removal of Board and Commission Members prior to Completion of their Current Term pursuant to Code of Ordinances Section 2.037

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

6. Clarification of Consent or Action Items listed on Today's City Council Meeting Agenda of October 13, 2020

No items were discussed.

Early Work Session ended and Council took a short recess at 8:20 p.m.

OPEN SESSION

8. Call Meeting to Order

Mayor Charlotte J. Wilcox called the meeting to order at 8:27 p.m.

Roll Call

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

Absent:	Daniel Jaworski	Councilmember
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Staff Members:	Paul Stevens	City Manager
	Ken Heerman	Assistant City Manager
	Kevin Laughlin	City Attorney
	Angela Miller	City Secretary
	Doug Reim	Chief of Police
	Jason Collier	Assistant Fire Chief
	Scott Kriston	Public Works Director
	Jana Onstead	Human Resources Director
	Sunny Lindsey	Information Services Director
	Phil Lozano	Parks and Recreation Director
	Fince Espinoza	Deputy Director of Parks and Trails
	Laurie Mullens	Marketing Communications Director
	Andrew Boyd	Media Specialist

9. Prayer led by Deputy Mayor Pro Tem Barbara Fleming

Deputy Mayor Pro Tem Fleming gave the invocation.

10. Pledge of Allegiance to the U.S. and Texas flags led by Deputy Mayor Pro Tem Fleming

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

11. Visitor Comments

Mayor Wilcox stated any person wishing to provide comments on any matter to be considered on this agenda were to email such comments to the City Secretary by 1:00

p.m. on Tuesday, October 13, 2020. City Secretary Angela Miller reported no visitor comments were received.

12. City Manager/Staff Reports

- **HVTV Update**

The HVTV Update informed residents of the sign up information for the Tri-Town Amazing Race and the October 23 Concert in the Park(ing Lot) featuring Topanga. A virtual ribbon cutting video for Simply COCO, a new boutique in The Shops at Highland Village, was also included.

In addition, Chief Reim sent condolences to the family on the passing of Highland Village resident Ken Morgan. With the recent passing of Sgt Dennis Oliver, Chief Reim also thanked everyone for the overwhelming support from the community, City staff, local news, and cities of Lewisville, Grapevine, Little Elm, Flower Mound, Frisco, Fort Worth, our Fire Department, Village Church, Valley Creek Church, New Life Community Church, Flower Mound Honor Guard, Patriot Guard, the fly over by Air One from Fort Worth, and Robert Ray Photography.

13. 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

Although not in attendance, Councilmember Jaworski asked Mayor Wilcox to express gratitude to members of different law enforcement agencies from around the State that traveled to pay their final respect to Sgt Dennis Oliver. Mayor Wilcox also asked for prayers for the family of Highland Village resident Ken Morgan.

Mayor Wilcox reported Cross Hanas, who grew up in Highland Village, was drafted by the Detroit Red Wings at this year's NHL Draft. She congratulated him and wished him luck on his season.

- **Ceremonial Oaths of Office for Firefighter/Paramedic Justin Willoughby, and Firefighter/EMT Dalton King and Hugo Alonzo**

Ceremonial oaths of office were postponed to a future meeting.

- **Presentation of a Proclamation for Fire Prevention Month**

Mayor Wilcox presented the National Fire Prevention Month proclamation to Assistant Fire Chief Jason Collier.

CONSENT AGENDA

There was a consensus of Council to move Agenda Item #24 up to the Consent Agenda, appointing Charlotte Wilcox to serve as the City of Highland Village Alternate Member to the DCTA Board of Directors.

14. Consider approval of Minutes of the Regular and Special City Council Meetings held on September 8, 2020 and September 15, 2020

15. Consider Ordinance 2020-1276 adopting Amendments to the Fiscal Year 2019-2020 Budget (2nd and final read)
16. Consider Resolution 2020-2906 declaring Certain City Property as Surplus Property and authorizing the City Manager to Sell and/or Dispose of Such Property
17. Consider Resolution 2020-2907 authorizing the City Manager to Continue an Interlocal Agreement with TML Intergovernmental Risk Pool for Purposes of providing City Liability Insurance
18. Receive Budget Reports for Period Ending August 31, 2020
24. Consider Resolution 2020-2912 appointing an Alternate Member to the Denton County Transportation Authority (DCTA) Board of Directors

Motion by Deputy Mayor Pro Tem Fleming, seconded by Councilmember Fiester, to approve Consent Agenda Items #14 through #18, and #24. Motion carried 6-0.

ACTION AGENDA

19. 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
 - (b) Section 551.074 – Deliberate the Appointment, Removal, Evaluation and Duties of Public Officers, specifically Members of the Planning and Zoning Commission, Zoning Board of Adjustment, and Board of Directors of the Highland Village Community Development Corporation

Action taken with Agenda Item #26.

20. Conduct Annual Review of City's Investment Policy and Consider Resolution 2020-2908 re-adopting the City's Investment Policy with any Amendments Thereto
APPROVED (6 – 0)

Assistant City Manager Ken Heerman reported a requirement of the Public Funds Investment Act and of our Investment Policy is an annual review of the investment policy, with any changes submitted as a resolution for adoption by the City Council. There are two (2) minor changes included in the proposed Investment Policy:

- In Section V.3. Collateralization, language was fine-tuned to provide more clarity on defining pledged investment principal. In regard to collateral substitution, the investment company is allowed to substitute collateral, however specifying it must be with equal or greater market value and with right of refusal by the City.
- Changes made to authorized broker/dealers:
 - o Reflecting name change of FTN Financial to FHN Financial
 - o Removal of Raymond Janes
 - o Addition of SAMCO Capital

Motion by Councilmember Heslep, seconded by Councilmember Fiester, to approve Resolution 2020-2908. Motion carried 6-0.

- 21. Consider Resolution 2020-2909 authorizing Annual Renewal of Financial Software Maintenance Agreement with Tyler Technologies**
APPROVED (6 – 0)

Mr. Heerman reported the City utilizes Incode financial software, which is provided by Tyler Technologies. This item presented for approval is the renewal amount for FY 2021, which is a budgeted operational item. However, as the total amount exceeds the City Manager approval authority within our financial policies, it is being presented to Council for authorization. He added that there is no competitive bid requirement as it is a sole source - only this vendor can provide the support associated with the utilized financial software.

Motion by Mayor Wilcox, seconded by Deputy Mayor Pro Tem Fleming, to approve Resolution 2020-2909. Motion carried 6-0.

- 22. Consider Resolution 2020-2910 authorizing the Purchase of a Digital Back Up Storage Device from Soccour Solutions through the City's Cooperative Purchasing Agreement with Texas Department of Information Resources (DIR)**
APPROVED (6 – 0)

Information Services Director Sunny Lindsey reported that in 2015 the City purchased a Nimble core data storage array that has served as our core data storage unit. HPE has declared that our unit will reach end of service in December 2021. She stated HPE is offering its existing customers better than industry pricing for a limited time. The new unit will have faster performance, 50% increased capacity, and an extended support agreement for ten (10) years. This pricing is roughly a 40% discount from the preferred government pricing.

This item was identified in the budget presentations as a high priority for replacement in FY 2022. However, this opportunity of the sale pricing currently being offered, \$77,172, will allow the City to purchase a data storage array with greater capacity than the current unit and receive preferred pricing for the maintenance agreement as well. This would then allow moving our current data storage array to the Denco backup site and increase the City's back up storage capability.

Councilmember Lombardo clarified this is not a budgeted item in the current fiscal year budget; Ms. Lindsey reported it is not.

Motion by Deputy Mayor Pro Tem Fleming, seconded by Councilmember Heslep, to approve Resolution 2020-2910. Motion carried 6-0.

- 23. Consider Resolution 2020-2911 authorizing a Lease/Purchase Agreement with Stryker Medical for Lifepak 15 Monitors/Defibrillators, Lucas Device Automated Compression Units, Automated External Defibrillators, Power Pro Patient Cots and Stair Chairs for the Fire Department**
APPROVED (6 – 0)

Assistant Fire Chief Jason Collier reported City staff identified equipment in need of replacement during the annual budget process. In researching replacement, he stated a new program was identified that would replace all of the department's Stryker Medical/Physio Control medical equipment under a seven year lease/purchase program

at an annual cost of \$53,986.85. This cost includes the replacement of four (4) Monitor/Defibrillators, three (3) Lucas Device Automatic Compression Units, twenty-eight (28) Automatic External Defibrillators, two (2) Power Pro Patient Cots, and two (2) Stair Chair Patient Transport Devices as well as complete service and maintenance for the term of the lease/purchase program.

He added this program would provide a fixed expense from the department's equipment replacement budget for the next seven years, and save the City an estimated \$120,000 over the term of the agreement.

Motion by Councilmember Kixmiller, seconded by Councilmember Fiester, to approve Resolution 2020-2911. Motion carried 6-0.

25. **Consider Resolution 2020-2912 appointing an Alternate Member to the Denton County Transportation Authority (DCTA) Board of Directors**

This item was moved to the Consent Agenda.

25. **Review and Discuss the Attendance Record and Performance of City Board and Commission Members and Consider Removal of Board and Commission Members prior to Completion of their Current Term pursuant to Code of Ordinances Section 2.037**

No action was taken on this item.

26. **Consider Resolution 2020-2913 appointing Members to Various Positions on the Board of Ethics, Parks and Recreation Advisory Board, Planning and Zoning Commission, Zoning Board of Adjustment, and Highland Village Community Development Corporation**

APPOINTMENTS MADE and RESOLUTION APPROVED (6- 0)

Motion by Mayor Pro Tem Lombardo, seconded by Deputy Mayor Pro Tem Fleming, to approve Resolution 2020-2913 making the following appointments:

BOARD OF ETHICS:

Jordan Wootten
Joseph Kaye

PARKS AND RECREATION ADVISORY BOARD:

William (Bill) Irwin – Place 1
Janet Gershenfeld – Place 2
Mitch O'Brey – Place 3
Vanessa Boyd - Alternate Place 2

PLANNING AND ZONING COMMISSION:

Dale Butler – Place 2
Guy Skinner – Place 3
Jared Christianson – Alternate Place 1
Michael George – Alternate Place 2

ZONING BOARD OF ADJUSTMENT:

Jerry Jones – Place 4
Carly Knowles – Place 5
Dustin Sides – Alternate Place 2

Kelli Green – Alternate Place 3

HIGHLAND VILLAGE COMMUNITY DEVELOPMENT CORPORATION:

Jared Christianson – Citizen Representative

Elisabeth Mechem – Citizen Representative

Dan Jaworski – Council Representative

Motion passed 6-0.

LATE WORK SESSION

Due to time constraints, the following item was moved from Early Work Session to Late Work Session.

4. Receive an Update on the Kids Kastle Project

Parks and Recreation Director Phil Lozano provided an update on recent work at Kids Kastle. He also provided ideas for the columns located at the entrance to Kids Kastle and for time capsules. There will be six (6) time capsules total, one (1) each from the following: Marcus High School, Briarhill Middle School, Heritage Elementary, McAuliffe Elementary, Highland Village Elementary, and the City.

27. Discuss Highland Village Road Sidewalk, Victoria Walking Path and Chapel Hill Trail Connection Projects

Parks and Recreation Director Phil Lozano provided three (3) construction options for the Highland Village Road sidewalk:

Option 1 – includes curb and gutter; all concrete; total estimated cost \$881,586

Option 2 – maintains a country look and feel; total estimated cost \$1,022,744

NOTE – possible drainage survey needed with this option

Mr. Lozano reported to do either Option 1 or Option 2 using all asphalt would result in a cost savings of \$11,898 in materials.

Mayor Wilcox asked what option is the safest. Public Works Director Scott Kriston reported Option 1 is probably safer, although there are some alternative safety features that could be used if Council wanted to move forward with Option 2, such as guardrails. Council discussed safety, cost and available space within ROWs for sidewalks. Councilmember Fiester asked if the drainage study would be for certain sections of Highland Village Road or for its entirety. Mr. Kriston reported it would be for the entirety and reported the cost of a drainage study is not included in the costs presented.

Option 3

Mr. Lozano reported Mr. Kriston looked at another option involving the YMCA property. Mr. Kristin stated to get pedestrians and bike riders to the trailheads, and with the Trail Master Plan being ten (10) years old, staff looked at a new option. Mr. Kriston added this option would use street collector and adjacent sidewalks, with a new trail along the lake through the YMCA property with a possible connection to Lakeside Community Park. Mr. Kriston reported costs for this option have not been obtained, but is anticipated to be within budget. This option would be in lieu of a sidewalk along Highland Village Road.

Council voiced concern that Option 3 did not meet the goal of getting a sidewalk on Highland Village Road, as this was proposed in the bond package. Mr. Lozano reported

the sidewalk mirrored what was included in the Trail Master Plan, which is in need of an update. Councilmembers liked the idea of having a lakeside trail as a future project. Councilmember Kixmiller stated he liked the creativity of Option 3 or a combination of Option 1 and 3. Consensus of Council was to go with Option 1.

In addition, Mr. Lozano provided a breakdown of the costs for the other Parks Bond Projects. He reported he has received a quote for the Victoria Walking Trail; however, he does not yet have a quote for the Chapel Hill Trail Connection.

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

Mayor Wilcox stated the sidewalk on Briarhill, from Shannon Lane to The District, looks great. Mr. Kriston reported the sidewalk is complete and staff is now seeking a permit to replace the rear fence on the four properties that back up to the sidewalk.

29. Adjournment

Mayor Wilcox adjourned the meeting at 10:00 p.m.

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary

**CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING**

AGENDA# 12

MEETING DATE: 10/27/2020

SUBJECT: Consider Resolution 2020-2914 authorizing the Purchase of a Ford F-450 Truck from Silsbee Ford through the City's Cooperative Purchasing Agreement with the State of Texas Purchasing Co-Op "GOODBUY"

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 needs 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.

IDENTIFIED NEED/S:

In this fiscal budget year 2020/2021, under the equipment replacement schedule, staff identified the equipment that has met the city's criteria for replacement.

PROGRESS TO DATE: (if appropriate)

In the process of taking bids as required by state law, City staff found that in working with the State of Texas Purchasing Co-Op "GOODBUY", vehicles and equipment meeting or exceeding all specifications for the vehicles could be purchased for the best price. All Co-Op fees are included in the total prices.

"GOODBUY" obtained the needed vehicle through Silsbee Ford.

<u>Division</u>	<u>Quantity</u>	<u>Description</u>	<u>Cost</u>
Utility	1	2021 F-450 Super cab W/ Valve exerciser attachment	\$75,186.73
Total Utility Purchase Cost			\$75,186.73

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

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

RECOMMENDATION:

To approve Resolution 2020-2914.

CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2020-2914

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AUTHORIZING THE PURCHASE OF A VEHICLE FROM SILSBEE FORD THROUGH THE CITY'S COOPERATIVE PURCHASING AGREEMENT WITH THE STATE OF TEXAS PURCHASING CO-OP (GOODBUY); 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 a vehicle for the Public Works Department; and

WHEREAS, City Administration, while in the process of soliciting bids in accordance with state law, determined that the purchase of the equipment and vehicles that comply with City specifications can be made for the lowest price from Silsbee Ford through the City's cooperative purchasing agreement with the State of Texas Co-Op ("GOODBUY"); 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.

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) 2021 F-450 Super Cab Model Ford F-Series vehicle, through the City's cooperative purchasing agreements with GOODBUY, in the amount of \$75,186.73 from funds available in the FY 2020-2021 budget.

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 27th DAY OF OCTOBER 2020.

APPROVED:

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(kbl:10/20/2020:118663)

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 14

MEETING DATE: 10/27/2020

SUBJECT: Consider Resolution No. 2020-2915 Approving the Annual Rate Adjustment in Accordance With the Solid Waste, Recycling, and Household Hazardous Waste Collection Contract with Community Waste Disposal

PREPARED BY: Ken Heerman, Assistant City Manager

BACKGROUND:

Attached for your review and consideration is a request from Community Waste Disposal (CWD) for a rate increase. The proposed rate increase is allowed under Section 6.04 of the agreement between the City and CWD for solid waste, recycling, and household hazardous waste collection services. Rate adjustments are based on three criteria: the Dallas/Fort Worth Consumer Price Index, the change in US Price of Natural Gas Sold to Commercial Customers Index, and the percentage change in the gate rate charged to CWD by the Disposal Site(s) they utilize pursuant to our agreement. In turn, indexes were determined for each component (residential trash, recycling, roll-off trash, front load trash), with the adjustment based on the percentage change for each – applied to the respective weight assigned to each component for each service. The existing five-year agreement with CWD commenced on September 1, 2018 with term ending on September 30, 2023. The contract contains a provision to update rates effective on October 1st of each year. This is the second requested adjustment for the agreement term.

IDENTIFIED NEED/S:

CWD has provided the pertinent CPI, natural gas index and disposal site cost information for determination of the adjustment as required by the contract – and this has been substantiated by City Staff. The matrix following depicts the weighted change in each of the various components:

Updated Rate Factors					
Adjustment Criteria		CPI	Fuel	Landfill	Total % Increase
		1.50%	-4.08%	28.74%	
Trash / Compost	Weighted %	0.48	0.2	0.32	
	Change	0.0072	-0.0082	0.092	9.10%
Recycling	Weighted %	0.8	0.2	-	
	Change	0.012	-0.0082	-	0.38%
Roll-Off	Weighted %	0.37	0.13	0.5	
	Change	0.00555	-0.0053	0.1437	14.39%
Front Load	Weighted %	0.57	0.13	0.3	
	Change	0.00855	-0.0053	0.08622	8.95%

The bulk of the increase is related to the closing of the DFW Landfill in December 2019. CWD has secured an agreement with the City of Denton landfill, however at a higher rate - which is reflective of the large upward adjustment associated with the landfill component.

OPTIONS & RESULTS:

Based on the price index changes, rates charged by CWD for residential garbage collection (inclusive of recycling), will reflect a 6.9% overall increase. When including sales tax, the monthly bill to each resident will increase from \$16.19 to \$17.31 – a \$1.12 increase. Senior citizen rates (with the 10% discount), will increase from \$14.57 to \$15.59.

In addition: The City also incurs a separate charge associated with processing of compost from another vendor, which equates to a \$.25 additional pass-through charge. Due to a credit balance associated with the composting, the associated charge has been temporarily withheld over the past year, but now needs to be reinstated with the October billing.

Updated rates with annual contract adjustment.

	Updated 10/1/2019		Updated 10/1/2020		Associated Increase
	Reg Customer	Senior	Reg Customer	Senior	
Garbage	\$7.96	\$7.16	\$8.68	\$7.81	9.0%
Recycling	3.39	3.05	\$3.40	3.06	0.3%
Compost	1.42	1.28	\$1.55	1.40	8.8%
HH Haz Waste	0.83	0.75	\$0.91	0.82	9.6%
Sub-total	\$13.60	\$12.24	\$14.54	\$13.09	6.9%
Franchise	\$1.36	\$1.22	\$1.45	\$1.31	
Total Vendor Chgs	\$14.96	\$13.46	\$15.99	\$14.40	6.9%
Sales Tax	1.23	1.11	1.32	1.19	
Total Garbage Bill	\$16.19	\$14.57	\$17.31	\$15.59	
Compost Processing	0.25	0.25	0.25	0.25	
Total Bill to Resident	\$16.44	\$14.82	\$17.56	\$15.84	

Commercial rates are detailed following:

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

N/A

RECOMMENDATION:

Council to approve Resolution 2020-2915.

Commercial Front Load Rates							
FEL - includes all disposal costs (Applicable Adjustment Formula - Front Load Trash)							
Size	1x	2x	3x	4x	5x	6x	extra
2 yard	\$ 82.52	\$ 154.24	\$ 194.77	\$ 242.05	\$ 300.60	Negotiable	\$ 37.53
3 yard	\$ 97.95	\$ 157.62	\$ 215.03	\$ 272.45	\$ 332.60	Negotiable	\$ 38.63
4 yard	\$ 105.83	\$ 175.63	\$ 230.79	\$ 291.59	\$ 376.03	Negotiable	\$ 39.74
6 yard	\$ 160.99	\$ 255.56	\$ 355.76	\$ 460.46	\$ 553.91	Negotiable	\$ 41.94
8 yard	\$ 179.01	\$ 306.22	\$ 439.07	\$ 567.42	\$ 694.63	\$ 808.34	\$ 43.05
10 yard	Negotiable	Negotiable	Negotiable	Negotiable	Negotiable	\$ 1,006.49	\$ 45.25
FEL - Recycling - includes all disposal costs (Applicable Adjustment Formula - Recycling)							
2 yard	NA	NA	NA	NA	NA	NA	NA
3 yard	NA	NA	NA	NA	NA	NA	NA
4 yard	NA	NA	NA	NA	NA	NA	NA
6 yard	\$ 61.46	\$ 122.92	NA	NA	NA	NA	NA
8 yard	\$ 61.46	\$ 122.92	NA	NA	NA	NA	NA
Additional Charge for Casters, Enclosures and Locks				3.91 per collection per container			
Roll-Off Containers (Applicable Adjustment Formula = Roll Off trash)							
Roll-Off-Temp-Exclusive to contractor (1)							
	Delivery	Daily Rental		Haul Rate		Disposal per ton*	
20 yard	\$ 126.68	\$ 6.05		\$ 290.21		\$ 41.70	
30 yard	\$ 126.68	\$ 6.05		\$ 301.73		\$ 41.70	
40 yard	\$ 126.68	\$ 6.05		\$ 336.28		\$ 41.70	
Roll-Off-Permanent-Exclusive to contractor (1) (Applicable Adjustment Formula - Roll Off trash)							
	Delivery	Daily Rental		Haul Rate		Disposal per ton*	
20 yard	\$ -	\$ 6.05		\$ 290.21		\$ 41.70	
30 yard	\$ -	\$ 6.05		\$ 301.73		\$ 41.70	
40 yard	\$ -	\$ 6.05		\$ 336.28		\$ 41.70	
Roll-Off-Permanent-Exclusive to contractor (1) (Applicable Adjustment Formula - Roll Off trash)							
	Delivery	Monthly Rental		Haul Rate		Disposal per ton*	
15 yd SC		Negotiable		\$ 301.73		\$ 41.70	
20 yd SC		Negotiable		\$ 301.73		\$ 41.70	
25 yd SC		Negotiable		\$ 301.73		\$ 41.70	
30 yd SC		Negotiable		\$ 301.73		\$ 41.70	
35 yd SC		Negotiable		\$ 301.73		\$ 41.70	
40 yd Receiving Container		Negotiable		\$ 301.73		\$ 41.70	

Fee Per Residential Customer for Solid Waste, Recycle, Bulk & Brush and Compost Collection

	Regular Customer	Senior Customer	Applicable Adjustment Formula
Garbage / Compost Delivery	\$ 10.23	\$ 9.21	Residential Trash
Recycling	\$ 3.40	\$ 3.06	Recycling
Household Hazardous Waste	\$ 0.91	\$ 0.82	Residential Trash
Sub-Total	\$ 14.54	\$ 13.09	
Franchise Fee (10%) pass-through	\$ 1.45	\$ 1.31	
Total Charges	\$ 15.99	\$ 14.40	
Additional card - Recycling per month	\$ 7.24		Recycling
Special collection rate per cubic yard	\$ 13.23		Residential Trash
Disaster Management Rates			
Roll Off Truck and Container per haul	\$ 288.75		Residential Trash
Grapple Truck per hour	\$ 190.02		Roll-Off Trash
Rear Load Truck w/Crew per hour	\$ 190.02		Roll-Off Trash
Disposal Fee per ton	\$ 41.70		Roll-Off Trash
Small Commercial w/Contractor Supplied 95-gal poly carts			
1 cart 1 x week	\$ 18.74		Residential Trash
1 cart 2 x week	\$ 31.96		
Additional cart(s) 1 x week	\$ 17.08		
Additional cart(s) 2 x week	\$ 28.93		

CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2020-2915

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, APPROVING THE ANNUAL RATE ADJUSTMENT PURSUANT TO THE SOLID WASTE, RECYCLING, AND HOUSEHOLD HAZARDOUS WASTE COLLECTION CONTRACT WITH COMMUNITY WASTE DISPOSAL, L.P.; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Highland Village, Texas entered into that certain Solid Waste, Recycling, Household Hazardous Waste Collection Contract (“the Contract”) with Community Waste Disposal, L.P. (“CWD”) effective September 1, 2018, to provide solid waste and recycling collecting and disposal services in the City for a period of ending September 30, 2023; and

WHEREAS, the Contract authorizes CWD to request an annual adjustment of rates to be effective on October 1st of each year during the term of the Contract based a formula set forth in the Contract; and

WHEREAS, pursuant to the Contract, CWD has delivered a revised request for the annual rate adjustment to be effective October 1, 2020; and

WHEREAS, City Administration has reviewed the revised rate adjustment request and, after additional adjustments and corrections to which CWD has agreed, determined that the request conforms to the provisions of the Contract; and

WHEREAS, the Contract provides the requested adjustment must be approved by the City Council before it may become effective, which approval cannot be unreasonably withheld; and

WHEREAS, pursuant to the provisions of the Contract, the City Council finds no reasonable basis on which to deny the requested rate adjustment as revised.

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

SECTION 1. The rates for services as set out in the Contract are hereby adjusted and approved in accordance with Exhibit “A,” attached hereto and incorporated herein by reference effective retroactive to October 1, 2020.

SECTION 2. This Resolution shall be effective immediately upon its passage.

PASSED AND APPROVED this the 27th day of October 2020.

APPROVED:

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(kbl:10/21/2020:118678)

Resolution No. 2020-2915

Exhibit "A" – CWD Rate Tables for FY 20-21

Fee Per Residential Customer for Solid Waste, Recycle, Bulk & Brush and Compost Collection				
	Regular Customer	Senior Customer	Applicable Adjustment Formula	
Garbage / Compost Delivery	\$ 10.23	\$ 9.21	Residential Trash	
Recycling	\$ 3.40	\$ 3.06	Recycling	
Household Hazardous Waste	\$ 0.91	\$ 0.82	Residential Trash	
Sub-Total	\$ 14.54	\$ 13.09		
Franchise Fee (10%) pass-through	\$ 1.45	\$ 1.31		
Total Charges	\$ 15.99	\$ 14.40		
Additional card - Recycling per month		\$ 7.24	Recycling	
Special collection rate per cubic yard		\$ 13.23	Residential Trash	
Disaster Management Rates				
Roll Off Truck and Container per haul		\$ 288.75	Residential Trash	
Grapple Truck per hour		\$ 190.02	Roll-Off Trash	
Rear Load Truck w/Crew per hour		\$ 190.02	Roll-Off Trash	
Disposal Fee per ton		\$ 41.70	Roll-Off Trash	
Small Commercial w/Contractor Supplied 95-gal poly carts				
1 cart 1 x week		\$ 18.74	Residential Trash	
1 cart 2 x week		\$ 31.96		
Additional cart(s) 1 x week		\$ 17.08		
Additional cart(s) 2 x week		\$ 28.93		

Resolution No. 2020-2915

Exhibit "A" – CWD Rate Tables for FY 20-21

Commercial Front Load Rates							
FEL - includes all disposal costs (Applicable Adjustment Formula - Front Load Trash)							
Size	1x	2x	3x	4x	5x	6x	extra
2 yard	\$ 82.52	\$ 154.24	\$ 194.77	\$ 242.05	\$ 300.60	Negotiable	\$ 37.53
3 yard	\$ 97.95	\$ 157.62	\$ 215.03	\$ 272.45	\$ 332.60	Negotiable	\$ 38.63
4 yard	\$ 105.83	\$ 175.63	\$ 230.79	\$ 291.59	\$ 376.03	Negotiable	\$ 39.74
6 yard	\$ 160.99	\$ 255.56	\$ 355.76	\$ 460.46	\$ 553.91	Negotiable	\$ 41.94
8 yard	\$ 179.01	\$ 306.22	\$ 439.07	\$ 567.42	\$ 694.63	\$ 808.34	\$ 43.05
10 yard	Negotiable	Negotiable	Negotiable	Negotiable	Negotiable	\$ 1,006.49	\$ 45.25
FEL - Recycling - includes all disposal costs (Applicable Adjustment Formula - Recycling)							
2 yard	NA	NA	NA	NA	NA	NA	NA
3 yard	NA	NA	NA	NA	NA	NA	NA
4 yard	NA	NA	NA	NA	NA	NA	NA
6 yard	\$ 61.46	\$ 122.92	NA	NA	NA	NA	NA
8 yard	\$ 61.46	\$ 122.92	NA	NA	NA	NA	NA
Additional Charge for Casters, Enclosures and Locks				3.91 per collection per container			
Roll-Off Containers (Applicable Adjustment Formula = Roll Off trash)							
Roll-Off-Temp-Exclusive to contractor (1)							
	Delivery	Daily Rental		Haul Rate		Disposal per ton*	
20 yard	\$ 126.68	\$ 6.05		\$ 290.21		\$ 41.70	
30 yard	\$ 126.68	\$ 6.05		\$ 301.73		\$ 41.70	
40 yard	\$ 126.68	\$ 6.05		\$ 336.28		\$ 41.70	
Roll-Off-Permanent-Exclusive to contractor (1) (Applicable Adjustment Formula - Roll Off trash)							
	Delivery	Daily Rental		Haul Rate		Disposal per ton*	
20 yard	\$ -	\$ 6.05		\$ 290.21		\$ 41.70	
30 yard	\$ -	\$ 6.05		\$ 301.73		\$ 41.70	
40 yard	\$ -	\$ 6.05		\$ 336.28		\$ 41.70	
Roll-Off-Permanent-Exclusive to contractor (1) (Applicable Adjustment Formula - Roll Off trash)							
	Delivery	Monthly Rental		Haul Rate		Disposal per ton*	
15 yd SC		Negotiable		\$ 301.73		\$ 41.70	
20 yd SC		Negotiable		\$ 301.73		\$ 41.70	
25 yd SC		Negotiable		\$ 301.73		\$ 41.70	
30 yd SC		Negotiable		\$ 301.73		\$ 41.70	
35 yd SC		Negotiable		\$ 301.73		\$ 41.70	
40 yd Receiving Container		Negotiable		\$ 301.73		\$ 41.70	

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 15

MEETING DATE: 10/27/2020

SUBJECT: Consider Resolution No. 2020-2916 Approving a Supplemental Agreement to the Solid Waste and Recycling Service Contract with Community Waste Disposal Regarding a Rate Adjustment Related to the Closing of DFW Landfill

PREPARED BY: Ken Heerman, Assistant City Manager

BACKGROUND:

Attached for your review and consideration is a request from Community Waste Disposal (CWD) for an additional rate increase to mitigate ongoing increased operating costs resulting from the closing of the DFW landfill. The annual CPI increase provided for in the current collection contract already addresses the increased cost related to the gate rate of the alternate landfill (City of Denton) secured by CWD. However, the increased distance of the City of Denton landfill from Highland Village results in increased operating costs that are not addressed. As the timing of the landfill closing was unexpected, CWD has requested the City consider an additional rate increase accordingly. The existing agreement with CWD was initiated in 2018 with a five-year term, thus having three remaining years.

IDENTIFIED NEED/S:

CWD does not own a landfill. The Request for Proposal initially submitted by CWD indicates that their strategy has been “to use existing landfills within our daily refuse routes and not sign long term agreements”. In turn, they cited 18 landfills that are economically accessible to their solid waste transfer station.

Clearly, geographical proximity to a landfill is a primary factor in each of the cities they serve. And closing of the DFW Landfill by Waste Management certainly has a negative impact to CWD operations. There is no provision in the contract other than the established CPI annual adjustment to address rate adjustments based on this type of event. CWD’s request for Council to consider further relief will require an agreement to make a one-time adjustment in CWD’s collection rates beyond the amount allow in the contract if Council is so inclined. As this is solely Council discretion, Staff has no recommendation. However, to facilitate Council evaluation, Staff provided CWD with a suggested parameter of only addressing tangible incremental operating variable costs associated with the landfill closing. This would primarily involve labor cost and vehicle cost (fuel, maintenance).

OPTIONS & RESULTS:

CWD has requested a monthly increase of \$.48 for residential accounts, primarily reflective of estimated increased delivery time to the landfill of 35 minutes (recently measured at 24 minutes with current environment of COVID-19 influenced reduced traffic). This represents a 3.2%

increase above the current year updated rate. With the approved rate model, a 10% franchise is assessed, also with applicable sales tax. The additional increase would total \$.57 as shown following:

Updated 10/1/2020					
	2019	2020	CWD Addtl Request	Addtl Increase	
Garbage	\$7.96	\$ 8.68	\$ 9.05		
Recycling	3.39	3.40	3.40		
Compost	1.42	1.55	1.62		
HH Haz Waste	<u>0.83</u>	<u>0.91</u>	<u>0.95</u>		
Sub-total	\$13.60	14.54	15.02	\$ 0.48	3.3%
Franchise	<u>\$1.36</u>	<u>\$1.45</u>	<u>1.50</u>	<u>0.05</u>	
Total Vendor Chgs	\$14.96	\$15.99	16.52	0.53	
Sales Tax	<u>1.23</u>	<u>1.32</u>	<u>1.36</u>	<u>0.04</u>	
Total Garbage	\$16.19	\$ 17.31	\$ 17.88	0.57	
Compost Processing	<u>0.25</u>	<u>0.25</u>	<u>0.25</u>	<u>-</u>	
Total Bill to Resident	\$16.44	\$17.56	\$ 18.13	\$ 0.57	3.2%

Commercial rates would be adjusted similarly, with roughly the same percentage increase.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

N/A

RECOMMENDATION:

Council to consider Resolution 2020-2916.

CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2020-2916

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, APPROVING A SUPPLEMENTAL AGREEMENT TO THE SOLID WASTE AND RECYCLING SERVICE CONTRACT WITH COMMUNITY WASTE DISPOSAL, L.P. REGARDING A RATE ADJUSTMENT RELATED TO THE CLOSING OF DFW LANDFILL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Highland Village, Texas entered into that certain Solid Waste and Recycling Service Contract (“the Contract”) with Community Waste Disposal, L.P. (“CWD”) effective September 1, 2018, to provide solid waste and recycling collecting and disposal services in the City for a period of five (5) years; and

WHEREAS, in December 2019, Waste Management closed DFW Landfill, the primary landfill used by CWD for disposal of municipal solid waste collected pursuant to the Contract, a factor not anticipated in CWD’s proposal for the collection of solid waste from City’s customers; and

WHEREAS, CWD has secured an agreement with the City of Denton (“Denton”) to dispose of solid waste collected under the Contract in Denton’s landfill; and

WHEREAS, CWD has requested an adjustment in the collection rates to be charged under the Contract in an amount greater than presently allowed to under the Contract to account for and mitigate the increase in CWD’s operations costs associated with the increased distance from the Highland Village to the Denton landfill; and

WHEREAS, CWD has demonstrated a high level of service for the first two years of the Contract and desires not to increase, but maintain profit margin base implicit in its original proposal to the City, to ensure continued sustainability; and

WHEREAS, to ensure CWD remains financially able to continue to perform the solid waste collection services under the Contract in light an increase in operations cost that was beyond CWD’s control, the City Council finds it to be in the public interest to authorize a one-time adjustment in the rates to be charged under the Contract to account for such increased costs.

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 execute a supplemental agreement with CWD to establish the collection rates under the Contract retroactive to October 1, 2020, to be as set forth in Exhibit “A,” attached hereto and incorporated herein by reference.

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

PASSED AND APPROVED this the 27th day of October 2020.

APPROVED:

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney
(kbl:10/20/2020:118675)

Resolution No. 2020-2916

Exhibit "A" – CWD Rate Tables for FY 20-21

AN UPDATED EXHIBIT "A" WILL BE PROVIDED AT THE MEETING

Resolution No. 2020-2916

Exhibit "A" – CWD Rate Tables for FY 20-21

AN UPDATED EXHIBIT "A" WILL BE PROVIDED AT THE MEETING

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 17

MEETING DATE: 10/27/2020

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

PREPARED BY: Karen McCoy, Executive Assistant

COMMENTS

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



UPCOMING MEETINGS

October 27, 2020	Regular City Council Meeting - 7:30 pm
November 5, 2020	Zoning Board of Adjustment Meeting - 6:00 pm
November 10, 2020	Regular City Council Meeting - 7:00 pm
November 16, 2020	Planning & Zoning Commission Meeting – 7:00 pm
November 17, 2020	Parks & Recreation Advisory Board Meeting - 6:00 pm
November 24, 2020	Regular City Council Meeting - 7:00 pm – Cancelled
November 26-27, 2020	City Offices Closed for the Thanksgiving Holiday
December 3, 2020	Zoning Board of Adjustment Meeting - 6:00 pm
December 8, 2020	Regular City Council Meeting - 7:00 pm
December 15, 2020	Planning & Zoning Commission Meeting – 7:00 pm
December 21, 2020	Parks & Recreation Advisory Board Meeting - 6:00 pm
December 22, 2020	Regular City Council Meeting - 7:00 pm – Cancelled
December 24-25, 2020	City Offices Closed for the Christmas Holiday
January 1, 2021	City Offices Closed for the New Year Holiday

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

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