



## **A G E N D A**

**REGULAR MEETING  
OF THE CITY COUNCIL  
CITY OF HIGHLAND VILLAGE, TEXAS  
TUESDAY, OCTOBER 25, 2016, at 6:00 P.M.  
HIGHLAND VILLAGE CITY COUNCIL CHAMBERS  
1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS**

**Convene Meeting in Open Session  
City Council Chambers – 6:00 P.M.**

**EARLY WORK SESSION  
City Council Chambers**

1. Check Presentation from Denton County for Distribution of Proceeds from the Seizure or Sale of Contraband Seized by the Highland Village Police Department and Receive an Update Regarding the Purchase of Mentalix Live Scan Fingerprint System for the Police Department with said Proceeds
2. Receive an Update from Denton County Transportation Authority (DCTA) on New Services
3. Receive Presentations from Non-Profit Organizations Requesting Funding for Providing Services, Programs and/or Benefits Serving a Public Purpose to City Residents
4. Clarification of Consent or Action Items listed on today's City Council Regular Meeting Agenda of October 25, 2016

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

**CLOSED SESSION  
City Manager's Conference Room**

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

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

6. Call to Order

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

#### **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 Meeting held on October 11, 2016**
13. **Consider Resolution 2016-2659 Authorizing the City Manager to Continue an Interlocal Agreement with TML Intergovernmental Risk Pool for Purposes of Providing City Liability Insurance**
14. **Consider Resolution 2016-2666 Authorizing the Purchase of Mentalix Live Scan Fingerprint System Through the Texas Multiple Award Schedule Program (TXMAS) Cooperative Purchasing Contract**

#### **ACTION AGENDA**

15. **Take action, if any, on matters discussed in closed session in accordance with the following sections of the Texas Government Code:**
  - (a) **Section 551.071 – Consultation with City Attorney Concerning Pending or Contemplated Litigation and on any Regular Session or Work Session Agenda Item Requiring Confidential, Attorney/Client Advice Necessitated by the Deliberation or Discussion of Said Item (as needed)**
16. **Consider Ordinance 2016-1218 Authorizing a Boundary Adjustment Agreement with the City of Lewisville to Adjust the City's Corporate Boundaries adjacent to I-35E and within the area of Lewisville Lake West of I-35E and South of Highland Village Road, Annexing and Disannexing Property to and from the City's**

Corporate Limits consistent with said agreement, and Adopting a Service Plan for the Property being annexed (2<sup>nd</sup> and final read)

**LATE WORK SESSION**

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

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 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.)

- 35Express Update

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 21<sup>st</sup> DAY OF OCTOBER, 2016 NOT LATER THAN 4:00 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 \_\_\_\_\_, 2016 at \_\_\_\_\_ am/pm by

\_\_\_\_\_.

## **CITY OF HIGHLAND VILLAGE**

### **COUNCIL BRIEFING**

**AGENDA# 1**

**MEETING DATE: 10/25/16**

**SUBJECT: Check Presentation from Denton County for Distribution of Proceeds from the Seizure or Sale of Contraband Seized by the Highland Village Police Department and Receive an Update Regarding the Purchase of Live Scan System from Mentalix through the Texas Multiple Award Schedule Program (TXMAS) Cooperative Purchasing Contract**

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

### **COMMENTS**

The Highland Village Police Department and the Denton County Sheriff's Department maintain an agreement between the agencies regarding the disposition of seized and forfeited contraband. In October 2016, the Denton County Commissioners Court approved the transfer of \$35,000 in asset forfeiture funds from the Denton County Sheriff's Department to the Highland Village Police Department for the purchase of a Mentalix Live Scan system. At tonight's meeting, the Denton County Sheriff's Department will present a check to the Highland Village Police Department for distribution of proceeds from the seizure or sale of contraband seized by the Highland Village Police Department.

The Highland Village Police Department wishes to use the proceeds for the purchase of a Live Scan System. The Highland Village Police Department processes about 273 arrests and 45 citizen fingerprint requests annually. Currently, fingerprints are taken by inking each finger and rolling each finger on fingerprint cards (about 20 minutes) and then mailing them to the proper agencies. This method is inherently messy with poor image quality and frequent rejections. A Mentalix Live Scan is an inkless, electronic means of capturing fingerprints in a digitized format which transmits them directly to the Texas Department of Public Safety and/or the FBI. Processing fingerprints electronically generates criminal history responses in minutes instead of days as they are searched against state and federal criminal history databases. Live Scan "Fingerprint-Based" Background Checks vs. "Name-Based" Background Checks provide absolute identification.

The need for a Mentalix Live Scan was identified in 2015 and presented in the FY 2016/2017 budget initially as a supplemental request. This supplemental was put on hold in hopes of receiving funding through the Equitable Sharing Agreement between the Denton County Sheriff's Department and the Highland Village Police Department. TXMAS contract pricing was obtained for a Live Scan System from Mentalix in the amount of \$34,895.64, which includes five (5) years of maintenance agreements.

A resolution authorizing the purchase of a Live Scan system from Mentalix through the TXMAS Cooperative Purchasing Contract is on tonight's regular agenda for Council consideration.

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

**AGENDA# 2**

**MEETING DATE: 10/25/16**

**SUBJECT: Receive an Update from Denton County Transportation  
Authority (DCTA) regarding New Services**

**PREPARED BY: Angela Miller, City Secretary**

**COMMENTS**

Representatives from DCTA will provide an update on their new services that were recently launched.

## **CITY OF HIGHLAND VILLAGE**

### **COUNCIL BRIEFING**

**AGENDA# 3**

**MEETING DATE: 10/25/16**

**SUBJECT: Receive Presentations from Non-Profit Organizations Requesting Funding from the City of Highland Village for Fiscal Year 2016-2017**

**PREPARED BY: Angela Miller, City Secretary**

### **BACKGROUND:**

City Ordinance No. 03-919 sets out the following guidelines to be followed by non-profit organizations in order to request funding for community services they provide to residents of the City of Highland Village:

- Services must be provided by a 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 performing 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:**

Council has historically allocated 0.15% 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 funding allocated for Fiscal Year 2016-2017 is \$39,077.

### **OPTIONS & RESULTS:**

Council will review applications filed with the City Secretary's Office and make allocations to non-profit organizations to receive funding from the City of Highland Village for Fiscal Year 2016-2017 at the November 10, 2016 Council meeting.

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

Each non-profit organization that has submitted an application requesting funding for Fiscal Year 2016-2017 has been invited to send a representative to provide a brief presentation to Council during the Early Work Session. The following is a list of non-profit organizations that have requested funding for this year, including the amount of each funding request:

- Associates of the Lewisville Senior Activity Center, Inc. - \$1,000
- CASA of Denton County, Inc. - \$1,000
- Chisholm Trail RSVP, Inc. dba RSVP Serving Denton County - \$2,500
- Christian Community Action (CCA) - \$5,000
- Communities in Schools of North Texas, Inc. - \$2,000
- Denton County Friends of the Family, Inc. - \$5,000
- Friends of the Flower Mound Library - \$500
- Highland Village Lions Club - \$5,000
- Journey to Dream (NEW APPLICANT) - \$10,000
- Lewisville ISD Education Foundation (LEF) – 5,000
- Lewisville Lake Symphony – \$5,000
- Marine Corps League #1300 - Any amount Council feels is appropriate
- PediPlace - \$5,000
- Salvation Army – Lewisville – \$5,000
- Special Abilities of North Texas – \$7,000
- Studio B Performing Arts Center - \$5,000
- Winning The Fight – \$4,200
- Youth and Family Counseling- \$6,500

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

There is \$39,077 included in the Fiscal Year 2016-2017 budget for funding community services and activities provided by non-profit organizations.

### **RECOMMENDATION:**

No action is required at this time. Council will receive presentations from non-profit organizations requesting funding for Fiscal Year 2016-2017.

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

**AGENDA# 8**                      **MEETING DATE: 10/25/16**

**SUBJECT:            Pledge of Allegiance**

**PREPARED BY:     Angela Miller, City Secretary**

**COMMENTS**

A Councilmember will lead the Pledge of Allegiance to the U.S. and Texas Flags.

**The Pledge to the Texas Flag is as follows:**

**“Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.”**

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

**AGENDA# 10**

**MEETING DATE: 10/25/16**

**SUBJECT: Mayor and Council Reports on Items of Community Interest**

**PREPARED BY: Angela Miller, City Secretary**

**COMMENTS**

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

- Proclamation – Art Month



## PROCLAMATION

*Whereas, the City of Highland Village, located in Denton County, is a community of many artistic and creative people; and*

*Whereas, the arts enhance our quality of life and are vital to the cultural enrichment of the lives of our citizens; and*

*Whereas, professional artists inspire our citizens with works of art that reflect a wide range of talent; and*

*Whereas, to stimulate awareness of the art and artists in Highland Village and the surrounding communities, the Cross Timbers Artists Guild was established; and*


*Whereas, the Cross Timbers Artists Guild's 15<sup>th</sup> Annual Studio Tour set for November 12-13, 2016, invites our community to meet and visit with local artists in their working environment and view their creative, award winning work in a variety of media.*

*NOW THEREFORE, I, Charlotte Wilcox, Mayor of the City of Highland Village, do hereby proclaim November 2016 as:*

### ***"ART MONTH"***

*in the City of Highland Village and urge all residents to take time to visit local professional artists opening their studios to the public for a weekend of tours, demonstrations and sales, and to learn how they benefit our community.*

*IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City to be affixed on this 25<sup>th</sup> day of October, 2016.*

  
Charlotte J. Wilcox, Mayor

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

<b>AGENDA#</b> 12	<b>MEETING DATE</b> 10/25/16
<b>SUBJECT:</b>	<b>Consider Approval of Minutes of the Regular Meeting held on October 11, 2016</b>
<b>PREPARED BY:</b>	<b>Angela Miller, City Secretary</b>

**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 Department 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 October 11, 2016 Council Meeting minutes.

**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS  
HELD IN THE MUNICIPAL COMPLEX, LOCATED AT 1000 HIGHLAND VILLAGE ROAD  
TUESDAY, OCTOBER 11, 2016**

The City Council of the City of Highland Village, Texas met in Early Work Session on the 11<sup>th</sup> day of October, 2016 at 6:00 p.m., prior to the Regular Council Meeting.

**Call to Order**

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

**Roll Call**

Present:	Charlotte Wilcox Michelle Schwolert Mike Lombardo Barbara Fleming Fred Busche John McGee William Meek	Mayor Mayor Pro Tem Councilmember Councilmember Councilmember Councilmember Deputy Mayor Pro Tem
Staff Members:	Michael Leavitt Kevin B. Laughlin Ken Heerman Angela Miller Doug Reim Brad Goudie Martha Butz Laurie Mullens Andrew Boyd Karen Bradley	City Manager City Attorney Assistant City Manager City Secretary Police Chief Fire Chief Human Resources Director Public Affairs Manager Senior A/V Technician Administrative Assistant

**EARLY WORK SESSION**

**1. Discuss Appointment and/or Removal of Board and Commission Appointees**

City Secretary Angela Miller reported Council had been provided with information regarding Board and Commission positions to be filled, applicant & current member board preferences, and materials that could be used as a starting point for their discussion. Council discussed possible appointments and placement of new applicants to various open positions while honoring their stated preferences.

The general consensus of the Council was to consider the following for appointment at the Regular Meeting:

Board of Ethics: Stephanie Askew and Steven Deel

Highland Village Community Development Corporation (4B): City Representative – Charlotte Wilcox; Citizen Member – Austin Adams; Citizen Member – Steven Smith; Citizen Member – Michael Anderson

Parks and Recreation Advisory Board: Place 1 – William Irwin; Place 2 – Ron Stewart; Place 3 – Dave Rush; Alternate Place 2 – Christine Sherry; Alternate Place 1 – Scott Preddy

Planning and Zoning Commission: Place 2 – Stan Lemko; Place 3 – Robert Holden; Alternate Place 2 – Allison Lassahn; Alternate Place 1 – Thomas Heslep

Public Art Advisory Board: Place 4 – Christian Hart; Place 5 – Deborah Kreimborg; Alternate Place 2 – Gail Prince; Alternate Place 1 – Michael Birdwell

Zoning Board of Adjustment: Place 4 – Richard Metivier; Place 5 – Darrah Boxberger-Torres; Alternate Place 2 – Richard Holderby; Alternate Place 3 – David Smith

**2. Provide an Update on Legislative Strategy Meeting with Texas Municipal League**

City Manager Michael Leavitt reported he and Mayor Wilcox attended a Legislative Strategy Meeting on September 29, 2016. With the upcoming 85<sup>th</sup> Legislative Session being held in January 2017, elected city officials, county officials and city staff from eleven area cities were invited to attend the round table discussion to identify areas of common concern. A representative from TML Legislative Services also presented information to attendees regarding the upcoming Legislative Session.

Mr. Leavitt reported there is a strong movement in Austin to limit local control. The consensus from the Legislative Strategy Meeting was for cities to contact their local representatives now to show the full story on revenue and finance issues, and the impact legislation will have on their constituents. He further stated the importance in meeting directly with Ron Simmons, Tan Parker and Jane Nelson to tell the story of Highland Village if revenue and appraisal caps are put in place, and the importance of cities to have local funds to drive local services. He stated Council involvement would also be needed when meeting with our representatives.

Mr. Leavitt stated this will be discussed further at the November 10<sup>th</sup> City Council meeting.

**3. Clarification of Consent or Action Items listed on today's City Council Regular Meeting Agenda of October 11, 2016**

Regarding Agenda Item #13, Police Chief Doug Reim reported funding for the purchase of two (2) Ford Police SUV Interceptor vehicles was approved in the fiscal year 2016-2017 budget. Because there is a long wait time to receive the vehicles once the order is placed, staff would like to move forward with the order.

Mayor Wilcox announced Closed Session would be held and read Agenda Items #4(a), #4(b), and #4(c).

**CLOSED SESSION**

Council recessed into Closed Session at 6:47 p.m.

**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)**
- (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**
- (c) Section 551.087 – Deliberate the offer of a Financial or Other Incentive to Business Prospects to Occupy the Property located at 2230-2250 Justin Road, Highland Village Town Center**

Council concluded Closed Session at 7:22 p.m.

## **OPEN SESSION**

### **5. Call to Order**

Mayor Wilcox called the meeting to order at 7:33 p.m.

#### **Roll Call**

Present:

Charlotte Wilcox	Mayor
Michelle Schwolert	Mayor Pro Tem
Mike Lombardo	Councilmember
Barbara Fleming	Councilmember
Fred Busche	Councilmember
John McGee	Councilmember
William Meek	Deputy Mayor Pro Tem

Staff Members:

Michael Leavitt	City Manager
Kevin B. Laughlin	City Attorney
Ken Heerman	Assistant City Manager
Angela Miller	City Secretary
Doug Reim	Police Chief
David Harney	Corporal
Brad Goudie	Fire Chief
Jason Collier	Assistant Fire Chief
Linda Cornelius	Parks and Recreation Director
Andra Foreman	Recreation Manager
Kristin Willingham	Recreation Coordinator
Fence Espinoza	Park Operations & Projects Manager
Laurie Mullens	Public Affairs Manager
Andrew Boyd	Senior A/V Technician

### **6. Prayer to be led by Councilmember Michael Lombardo**

Councilmember Michael Lombardo gave the invocation.

### **7. Pledge of Allegiance to the U.S. and Texas Flags to be led by Councilmember Michael Lombardo**

Councilmember Michael Lombardo led the pledge to the U.S. and Texas flags.

### **8. Visitor Comments**

None one wished to speak.

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

Councilmember Busche reported the Drive and Putt for Music Golf Tournament will be held on October 17 at Lantana Golf Club, with proceeds benefiting the Lewisville Lake Symphony and the Highland Village Rotary Club Charities. Everyone is invited to play, donate or become a sponsor; go to [www.teeitupcharities.com/rotarymusic/](http://www.teeitupcharities.com/rotarymusic/) for more details.

Mayor Wilcox stated how much she enjoyed her visit with the 3<sup>rd</sup> graders today at McAuliffe Elementary School. She reported their code word is “superstar”.

- **Proclamation – Fire Prevention Week**

Mayor Wilcox presented a proclamation to Fire Chief Brad Goudie proclaiming the week of October 9, 2016 as Fire Prevention Week in Highland Village. Chief Goudie shared the importance of installing working smoke alarms and carbon monoxide detectors in every sleeping room and on every level of the home. Assistant Fire Chief Jason Collier, and members from “A” shift: Captain Tony Sorsby, Driver/Operator Vince Jones, Firefighter/Paramedics Daniel Ortmeier, Cody Wooten, Jonathan Hughes, and Trevis Jordan were also in attendance.

- **Proclamation – Fallen Officer Day**

Corporal David Harney accepted the proclamation proclaiming October 15, 2016 as Fallen Officer Day in Highland Village. The proclamation was made in support of the Highland Village Police Department's Fallen Officer Bike Race and 5K held for the last eight years in support of the Fallen Officer Fund. Corporal Harney thanked everyone for their support.

Corporal Harney reported several Highland Village Police Officers had been invited to attend the Marcus High School football game where the officers were introduced during the homecoming celebration. He thanked the following football players for their support and for attending tonight's Council meeting: Senior Ridge Rogers, Senior Micaiah Chapman, Senior Nick Wilson, and Sophomore John Brand for including the officers in the school's celebration.

- **Presentation of Texas Amateur Athletic Federation (TAAF) awards to the Parks and Recreation Department: Member City Award and Gold Member City Award**

Mayor Wilcox reported the Highland Village Parks and Recreation Department received two prestigious awards at the recent 91<sup>st</sup> annual meeting of the Texas Amateur Athletic Federation (TAAF). The *Member City of the Year Award* recognizes the department for promoting and improving the athletic programs for their members and for TAAF. Highland Village has been associated with TAAF for sixteen years. Staff members have supported TAAF in the positions of past

president, state sport commissioner, committee team members and TAAF Summer and Winter Games of Texas liaisons.

During the past five years, based on overall registrations, Highland Village has earned the Silver Member City Award in 2012 and 2013, the Platinum Member City Award in 2014, and the Gold Member City Award in 2015. The Parks & Recreation Department was also presented the *Gold Member City Award* this year, which is given to member cities that show outstanding registrations for teams and individuals in various TAAF sports and training programs. Parks and Recreation Director Linda Cornelius, Recreation Manager Andra Foreman, Recreation Coordinator Kristin Willingham, and Park Operations & Projects Manager Fince Espinoza were in attendance for the meeting.

- **Presentation of Certificate of Achievement for Excellence in Financial Reporting to the Finance Department**

Mayor Wilcox presented Assistant City Manager Ken Heerman with the Certificate of Achievement for Excellence in Financial Reporting for the City's Comprehensive Annual Financial Report. The City has been a recipient of this recognition for the last 23 years. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

#### **10. City Manager/Staff Reports**

- **HVTV Update**

The latest video report from HVTV News was shown:

Fallen Officer Bike Race and 5K Run – this annual event will be held at The Shops at Highland Village on Saturday, October 15; morning festivities will kick off with a 5K and then evening activities will include the 9<sup>th</sup> annual bike race; proceeds from the race will benefit the Fallen Officer Survivor Fund; visit [www.TXFallenPD.com](http://www.TXFallenPD.com) for race details

Restaurant Week – this week-long restaurant promotion runs October 9-15; participating restaurants will donate a percentage of their sales to the Fallen Officer Survivor Fund; the schedule and participating restaurants can be found at [www.thehvba.com](http://www.thehvba.com).

Salute Our Veterans Luncheon – to be held on Thursday, November 10 from 11:00 am to 1:30 pm at the Hilton Garden Inn in Lewisville; contact Crystal Babcock at 972-899-5131 regarding sponsorships to allow veterans and a guest to attend at no charge; sponsorships start \$40.00, which covers the cost of two lunches, and continues in \$20 increments

#### **CONSENT AGENDA**

- 11. Consider Approval of Minutes of the Regular Meeting held on September 27, 2016**
- 12. Consider Resolution 2016-2664 Providing for the Rescheduling of the November 8, 2016 City Council Meeting and the Cancellation of the November 22, 2016 and December 27, 2016 City Council Meetings**
- 13. Consider Resolution 2016-2665 Authorizing the Purchase of Police Vehicles from Silsbee Ford through the Cooperative Purchasing Agreement with Local Government Purchasing Cooperative (Buyboard)**

***Motion by Deputy Mayor Pro Tem Meek, seconded by Councilmember McGee, to approve Consent Agenda Items #11 through #13. Motion carried 7-0.***

**ACTION AGENDA**

14. Take action, if any, on matters discussed in closed session in accordance with the following sections of the Texas Government Code:
- (a) Section 551.071 – Consultation with City Attorney Concerning Pending or Contemplated Litigation and on any Regular Session or Work Session Agenda Item Requiring Confidential, Attorney/Client Advice Necessitated by the Deliberation or Discussion of Said Item (as needed)  
**NO ACTION TAKEN**
  - (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 ITEMS #16 AND #17**
  - (c) Section 551.087 – Deliberate the offer of a Financial or Other Incentive to Business Prospects to Occupy the Property located at 2230-2250 Justin Road, Highland Village Town Center  
**NO ACTION TAKEN**
15. Consider Ordinance 2016-1218 Authorizing a Boundary Adjustment Agreement with the City of Lewisville to Adjust the City's Corporate Boundaries adjacent to I-35E and within the area of Lewisville Lake West of I-35E and South of Highland Village Road, Annexing and Disannexing Property to and from the City's Corporate Limits consistent with said agreement, and Adopting a Service Plan for the Property being annexed (1<sup>st</sup> of two reads)  
**APPROVED 1<sup>st</sup> READ**

Mr. Leavitt reported in the City's original annexation, the City of Highland Village Eastern Corporate limits were established as the west edge of the Interstate 35E right-of-way in the area of Copperas Branch Park. The 35Express Project has encroached approximately 450 feet west of the existing established right-of-way to provide the needed expansion of the I-35 project.

The City of Lewisville has historically provided Police, Fire, and EMS for the I-35E corridor within its corporate limits, including the portion of I-35E that establishes the eastern limits of the City of Highland Village. As a result of the expansion of I-35E to the west, in order to maintain the historical enforcement of traffic laws and other matters along the I-35 Corridor, it will be necessary to adjust the boundaries of the two cities so that the new westerly right-of-way for Interstate 35E is located within Lewisville.

A secondary aspect of the proposed boundary adjustment agreement relates to Copperas Branch Pond (Pond), south of Highland Village Road. Currently the Pond is split between Highland Village (on the west side) and Lewisville (on the east side). It is proposed that Highland Village annex the entire Pond area up to the existing northwest property line of the Highland Lakes Phase II, Final Plat located within the City of Lewisville. The annexation limits will include the shoreline of the Pond, but no portion of the lots adjacent to the Pond. The shoreline and Pond area are currently not under any

lease by either city from the US Army Corp of Engineers. The Corp of Engineers and the City of Highland Village are currently working on the development of a lease agreement which will be similar to the City's lease for Wichita Forrest. Both areas are zoned Wildlife Management, which allows only passive recreation activities.

Two public hearings are required. The first public hearing was held on Tuesday, September 13, 2016, and the second public hearing was held on Wednesday, September 14, 2016. Highland Village and Lewisville have negotiated a Boundary Adjustment Agreement. Tonight is the first read of proposed Ordinance 2016-1218 authorizing a Boundary Adjustment Agreement with the City of Lewisville relating to adjustment to the City's corporate boundaries adjacent to I-35E and within the area of Lewisville Lake West of I-35E and South of Highland Village Road. Mr. Leavitt also reported the agreement does not go into effect until the City of Lewisville takes the same action.

***Motion by Councilmember Busche, seconded by Councilmember McGee, to approve the first read of Ordinance 2016-1218. Motion passed 7-0.***

16. **Consider the Declaration of Vacancies on the Various Boards and Commissions in accordance with Code of Ordinances Section 2.04.037(a) based on Appointee Attendance Records during the 2015-2016 Term Year**  
**ONE BOARD MEMBER REMOVED AND VACANCY DECLARED**

Based on the general consensus of Council during discussion in Early Work Session, the following motion was made.

***Motion by Councilmember Fleming, seconded by Councilmember McGee, to remove Adam Auten and declare a vacancy for the Parks and Recreation Advisory Board, Alternate Place 1 position. Motion passed 7 – 0.***

17. **Consider Resolution 2016-2661 Appointing Members to Vacancies on the Board of Ethics, Parks and Recreation Advisory Board, Planning and Zoning Commission, Zoning Board of Adjustment, Highland Village Community Development Corporation, and Public Art Advisory Board**  
**APPROVED AND APPOINTMENTS MADE**

Based on the general consensus of Council during discussion in Early Work Session, City Secretary Miller read the list of appointments being considered by Council.

***Motion by Councilmember Lombardo, seconded by Mayor Pro Tem Schwolert, to approve Resolution 2016-2661 making the following appointments:***

**Board of Ethics:** Stephanie Askew and Steven Deel

**Highland Village Community Development Corporation (4B):** City Representative – Charlotte Wilcox; Citizen Member – Austin Adams; Citizen Member – Steven Smith; Citizen Member – Michael Anderson

**Parks and Recreation Advisory Board:** Place 1 – William Irwin; Place 2 – Ron Stewart; Place 3 – Dave Rush; Alternate Place 2 – Christine Sherry; Alternate Place 1 – Scott Preddy

**Planning and Zoning Commission:** Place 2 – Stan Lemko; Place 3 – Robert Holden; Alternate Place 2 – Allison Lassahn; Alternate Place 1 – Thomas Heslep

**Public Art Advisory Board:** Place 4 – Christian Hart; Place 5 – Deborah Kreimborg; Alternate Place 2 – Gail Prince; Alternate Place 1 – Michael Birdwell

**Zoning Board of Adjustment:** Place 4 – Richard Metivier; Place 5 – Darrah Boxberger-Torres; Alternate Place 2 – Richard Holderby; Alternate Place 3 – David Smith

***Motion passed 7 – 0.***

Mayor Pro Tem Schwolert thanked all of the applicants and stated her appreciation for their willingness to serve. She stated all of those interested in serving are valued, and her desire for them to find ways to serve throughout the year, possibly at different events.

## **LATE WORK SESSION**

18. **Status Reports on Current Projects and Discussion on Future Agenda Items (A Councilmember may inquire about a subject of which notice has not been given. A statement of specific 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.)**

**Edgewood Estates** - City Manager Michael Leavitt reported the City has recently had some inquiries about a future development on several tracts of land located in the 100 Block of east Highland Village Road and some residential lots located in the subdivision of Edgewood Estates, directly east of Doubletree Ranch Park and south of Highland Village Road. He stated the entire property is currently zoned Single Family 12,000 square foot lots (SF-12). He reported the City has not received any formal application for the rezoning or the development of this area.

Mr. Leavitt further reported that in 2007, the City of Highland Village amended the Future Land Use Map by including the designated land use of Transit-Oriented Development (TOD) for the area described above. The 2007 amendment (Ordinance No. 07-1034), was the first step in potential redevelopment of this area, but the City did not rezone this area. The City only amended the Future Land Use Map, which is part of the City's Comprehensive Plan. The proposed amendment in 2007 identified the need for staff to work in cooperation with current and future developers and the Denton County Transportation Authority (DCTA) to bring forward quality developments which comply with the Comprehensive Plan's TOD policy, goal criteria and the Future Land Use Map.

He stated TOD is a live, work, and play concept. In 2007, the City Council saw the opportunity, with plans for Doubletree Ranch Park and then going east in the redevelopment of I-35E frontage, and they felt it was appropriate to look at this from the Comprehensive Plan of what could potentially go there. Mr. Leavitt reported no private entity or developer has either formally or preliminarily submitted anything to the City. He stated the City anticipates someday something may be proposed for that area, but right now there is nothing being proposed.

**Public Storage** - Mr. Leavitt stated, at the last Council meeting, Mayor Wilcox requested he reach out to Public Storage regarding citizen's concerns. He reported he has contacted the DFW managers of the project for Public Storage, and his request for modifications has been forwarded to their corporate office. He added that the project is in full compliance of the zoning ordinance that was approved by Council relating to the

development of the property. Public Storage has heard the City's request to soften or reduce the size of the orange banding, although Mr. Leavitt has not received a reply to this request.

Mr. Leavitt also stated staff is working on "Frequently Asked Questions" (FAQ) regarding the development processes, which will be out soon.

Kroger – Mr. Leavitt stated the City recently released news of the closing of the Kroger store located at FM 407 and Highland Village Road. He reported Council has charged him with working with current owners of the shopping center to find a new tenant. He met with the property management company last week, which is also concerned about losing Kroger as a tenant, and reported they are trying to get a new tenant as soon as possible. Mr. Leavitt said he would report further as he had more news.

- **35Expresss**

No update was given.

Mayor Wilcox stated Council would adjourn into Closed Session again and she read Agenda Item #4(c).

#### **CLOSED SESSION**

Council recessed into Closed Session at 8:17 p.m.

- 4. Hold a closed meeting in accordance with the following sections of the Texas Government Code:**  
**(c) Section 551.087 – Deliberate the offer of a Financial or Other Incentive to Business Prospects to Occupy the Property located at 2230-2250 Justin Road, Highland Village Town Center**

Council concluded Closed Session at 9:00 p.m. and returned to Open Session. No action was taken as the result of this Closed Session.

#### **19. Adjournment**

Mayor Wilcox adjourned the meeting at 9:01 p.m.

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Charlotte J. Wilcox, Mayor

**ATTEST:**

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Angela Miller, City Secretary

# CITY OF HIGHLAND VILLAGE

## COUNCIL BRIEFING

**AGENDA# 13**

**MEETING DATE: 10/25/16**

**SUBJECT: Consider Resolution 2016-2659 Authorizing the City Manager to Continue an Interlocal Agreement with TML Intergovernmental Risk Pool for Purposes of Providing City Liability Insurance**

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

### BACKGROUND:

The City currently obtains liability insurance coverage through TML Intergovernmental Risk Pool, through an interlocal agreement.

### IDENTIFIED NEED/S:

Presented for approval is the renewal amount for FY 2017 to continue coverage. Coverage obtained is for general liability, automobile, mobile equipment, law enforcement, public officials (errors and omissions) employee dishonesty, and sewer backup.

### OPTIONS & RESULTS:

The renewal premium for FY 2017 from TML totals \$119,193 (inclusive of pre-pay discount). This premium is an increase from last year's premium of \$110,759.

TML Liability Insurance Premium			
	Coverage	2016 Premium	2017 Premium
Liability	General Liability	10,609	9,973
	Law Enforcement Liability	15,198	14,308
	Errors & Omissions Liability	19,586	15,948
	Automobile Liability	19,054	20,472
	Supplemental Sewage Backup	4,941	4,952
	<b>Total Liability Ins Premium</b>	<b>69,388</b>	<b>65,653</b>
Property	Automobile Physical Damage	17,314	21,282
	Real & Personal Property	24,193	28,418
	Mobile Equipment	4,982	5,018
	Public Employee Dishonesty	1,254	1,254
	<b>Subtotal - Property</b>	<b>47,743</b>	<b>55,972</b>
	<b>Total Premium</b>	<b>\$ 117,131</b>	<b>\$ 121,625</b>
	Less: Equity Return	(4,029)	
	Less: Pre-Pay Discount	(2,343)	(2,433)
	<b>Grand Total</b>	<b>\$ 110,759</b>	<b>\$ 119,193</b>

Overall, TML rates for FY 2017 reflected an increase of 4% before discounts. Auto liability and law enforcement liability both reflected a 6% decrease, with Errors & Omissions reflecting a 19% decrease. This was more than offset by increases in Automobile Physical Damage (23%) and Real & Personal Property (17%).

In general, the insurance premium increased due to the following factors:

- Real / Personal Property, as well as Auto Physical Damage, reflect the overall TML increase of 5% resulting from increased claims from members. Additional increase resulted from increased property added to coverage – particularly addition of Doubletree Ranch Park.
- TML utilizes a trend factor to apply to building values on the Real and Personal Property schedule. This year reflects a 1.25% increase over last year.
- The equity return was not included with the premium as it was last year.

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

This was a budgeted item in the FY 2017 Budget.

### **RECOMMENDATION:**

Council to approve Resolution No. 2016-2659.

**CITY OF HIGHLAND VILLAGE, TEXAS**

**RESOLUTION NO. 2016-2659**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO CONTINUE AN INTERLOCAL AGREEMENT WITH THE TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL FOR PURPOSES OF PROVIDING CITY LIABILITY INSURANCE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Highland Village currently obtains liability insurance coverage through Texas Municipal League Intergovernmental Risk Pool (TMLIRP), through an interlocal agreement; and

**WHEREAS**, the City of Highland Village has contracted with TMLIRP since 2003, resulting in a high level of service received by the City, as well as substantial savings in insurance premiums; and

**WHEREAS**, City Administration recommends a continuation of the interlocal agreement providing liability insurance to the City for Fiscal Year 2016-2017; and

**WHEREAS**, the City Council of the City of Highland Village finds it to be in the public interest to concur in the above recommendation;

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

**Section 1.** The City Manager is hereby authorized to execute the necessary contract documents establishing and/or extending an interlocal agreement with TMLIRP to provide liability insurance for the City for the Fiscal Year and to take such additional action as may be reasonable and necessary to comply with the intent of this Resolution.

**Section 2.** This Resolution shall be effective immediately upon its approval.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON THIS 25<sup>th</sup> DAY OF OCTOBER, 2016.**

**APPROVED:**

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**Charlotte J. Wilcox, Mayor**

**ATTEST:**

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**Angela Kelly, City Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

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**Kevin B. Laughlin, City Attorney**

(kbl:10/19/16:80748)

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

**AGENDA# 14**

**MEETING DATE: 10/25/16**

**SUBJECT: Consider Resolution 2016-2666 Authorizing Purchase of Live Scan System from Mentalix through the Texas Multiple Award Schedule Program (TXMAS) Cooperative Purchasing Contract**

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

**BACKGROUND:**

The Highland Village Police Department processes about 273 arrests and 45 citizen fingerprint requests annually. Currently, fingerprints are taken by inking each finger and rolling each finger on fingerprint cards (about 20 minutes) and then mailing them to the proper agencies. This method is inherently messy with poor image quality and frequent rejections. A Mentalix Live Scan is an inkless, electronic means of capturing fingerprints in a digitized format which transmits them directly to the Texas Department of Public Safety and/or the FBI. Processing fingerprints electronically generates criminal history responses in minutes instead of days as they are searched against state and federal criminal history databases. Live Scan "Fingerprint-Based" Background Checks vs. "Name-Based" Background Checks provide absolute identification.

**IDENTIFIED NEED/S:**

The need for a Mentalix Live Scan was identified in 2015 and presented in the FY 2016/2017 budget initially as a supplemental request. This supplemental was put on hold in hopes of receiving funding through the Equitable Sharing Agreement between the Denton County Sheriff's Department and the Highland Village Police Department.

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

TXMAS contract pricing was obtained for a Live Scan System from Mentalix in the amount of \$34,895.64 which includes five (5) years of maintenance agreements. In October 2016, the Denton County Commissioners Court approved the transfer of \$35,000 in asset forfeiture funds from the Denton County Sheriff's Department to the Highland Village Police Department for the purchase of a Mentalix Live Scan system.

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

None.

**RECOMMENDATION:**

Approve Resolution 2016-2666 authorizing purchase of a Live Scan system from Mentalix through the TXMAS Cooperative Purchasing Contract.

**CITY OF HIGHLAND VILLAGE, TEXAS**

**RESOLUTION NO. 2016-2666**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AUTHORIZING THE PURCHASE OF LIVE SCAN FINGERPRINT SYSTEM FROM MENTALIX THROUGH THE TEXAS MULTIPLE AWARD SCHEDULE PROGRAM (TXMAS) COOPERATIVE PURCHASING CONTRACT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the ability to quickly obtain and process fingerprints and accurately and efficiently identify criminal suspects based on those fingerprints is in the best interest of the health and safety of the public; and

**WHEREAS**, the Highland Village Police Department has been presented an opportunity to purchase a digital fingerprint system with funds obtained through the Equitable Sharing Agreement between the Denton County Sheriff's Department and the Highland Village Police Department; and

**WHEREAS**, City Administration has determined that the Live Scan Fingerprint System satisfies the Police Department's specifications and can be competitively procured from Mentalix through the City's cooperative purchasing agreement through the Texas Multiple Award Schedule Program (TXMAS) Cooperative Purchasing Contract in the amount of \$34,895.64, and recommends said purchase; 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 on behalf of the City a Live Scan Fingerprint System from Mentalix through the Texas Multiple Award Schedule Program (TXMAS) Cooperative Purchasing Contract in the amount of \$34,895.64.

**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 25<sup>TH</sup> DAY OF OCTOBER, 2016.**

**APPROVED:**

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**Charlotte J. Wilcox, Mayor**

**ATTEST:**

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**Angela Miller, City Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

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**Kevin B. Laughlin, City Attorney**

(kbl:10/19/16:80766)

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

**AGENDA# 16**

**MEETING DATE: 10/25/16**

**SUBJECT: Consider Ordinance 2016-1218 Authorizing a Boundary Adjustment Agreement with the City of Lewisville relating to Property to Adjust the City's Corporate Boundaries Adjacent to I-35E and within the area of Lewisville Lake West of I-35E and South of Highland Village Road, Annexing and Disannexing Property to and from the City's Corporate Limits consistent with said Agreement, and Adopting a Service Plan for the Property being Annexed (2<sup>nd</sup> and final read)**

**PREPARED BY: Michael Leavitt, City Manager**

**BACKGROUND:**

In our original annexation, the City of Highland Village Eastern Corporate limits were established as the west edge of the Interstate 35E right-of-way in the area of Copperas Branch Park. The 35Express Project has encroached approximately 450 feet west of the existing established right-of-way to provide the needed expansion of the I-35 project.

The City of Lewisville has historically provided Police, Fire, and EMS for the I-35E corridor within its corporate limits, including the portion of I-35E that establishes the eastern limits of the City of Highland Village. As the result of the expansion of I-35E to the west, in order to maintain the historical enforcement of traffic laws and other matters along the I-35 Corridor, it will be necessary to adjust the boundaries of the two cities so that the new westerly right-of-way for Interstate 35E is located within Lewisville.

A secondary aspect of the proposed boundary adjustment agreement relates to Copperas Branch Pond (Pond), South of Highland Village Road. Currently the Pond is split between Highland Village (on the west side) and Lewisville (on the east side). It is proposed that Highland Village annex the entire Pond area up to Lewisville's corporate limit line, which will be established as the Northwest property line of the Highland Lakes Phase II, Final Plat for the City of Lewisville. The annexation does include the shoreline of the Pond. The shoreline and pond area is currently not under any lease by either city from the Corp of Engineers. The Corp of Engineers and the City of Highland Village are currently working on the development of a lease agreement which will be similar to our lease for Wichita Forrest. Both areas are zoned Wildlife Management which allows only passive recreation activities only.

Two public hearings are required. The first public hearing was held on Tuesday, September 13, 2016, and the second was held on Wednesday, September 14, 2016.

## **IDENTIFIED NEED/S:**

Tonight is the second read of proposed Ordinance 2016-1218 annexing the area within and adjacent to the Pond to Highland Village and disannexing.

## **OPTIONS & RESULTS:**

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

Highland Village and Lewisville have negotiated a boundary agreement with the City of Lewisville accordingly. City Council passed the first read of Ordinance 2016-1218 at their meeting held on October 11, 2016.

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

There is no value gained or lost by either City, all area being swapped in this boundary adjustment is owned by the U.S. Federal Government or by the State of Texas as right-of-way, which provides no property tax value to the cities.

## **RECOMMENDATION:**

To approve the second and final read of Ordinance 2016-1218 authorizing a Boundary Adjustment Agreement with the City of Lewisville relating to Adjustment to the City's Corporate Boundaries adjacent to I-35E and within the area of Lewisville Lake West of I-35E and South of Highland Village Road.

**CITY OF HIGHLAND VILLAGE, TEXAS**

**ORDINANCE NO. 2016-1218**

**AN ORDINANCE OF THE CITY OF HIGHLAND VILLAGE, TEXAS, MODIFYING ITS CORPORATE BOUNDARIES IN ACCORDANCE WITH A CERTAIN BOUNDARY ADJUSTMENT AGREEMENT ENTERED INTO WITH THE CITY OF LEWISVILLE; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA AS DESCRIBED IN EXHIBIT "B" OF SAID BOUNDARY AGREEMENT SHALL BECOME A PART OF HIGHLAND VILLAGE AND THAT THE OWNERS AND INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREINAFTER ADOPTED; PROVIDING THAT SUCH OTHER AREA DESCRIBED IN EXHIBIT "A" OF SAID BOUNDARY AGREEMENT SHALL BE RELEASED UNTO THE CITY OF LEWISVILLE FOR INCLUSION WITHIN ITS CORPORATE LIMITS; APPROVING A SERVICE PLAN; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council of the City of Highland Village, Texas (the "City"), pursuant to the Municipal Annexation Act, Texas Local Government Code, §43.001 et seq., as amended, and Sections 1.04 and 1.05 of the Highland Village City Charter, desires to adjust its corporate boundaries in accordance with a certain Boundary Adjustment Agreement between the City and the City of Lewisville (the "Agreement"), as described in Attachment "1"; and

**WHEREAS**, the City is a duly constituted Home Rule City pursuant to Article XI, Section 5 of the Texas Constitution, as amended; and

**WHEREAS**, two separate public hearings were conducted in accordance with Section 43.063 of the Municipal Annexation Act, the first being held at 7:30 p.m. on the 13<sup>th</sup> day of September, 2016, at the City Council Chambers, 1000 Highland Village Road, Highland Village, Texas; and the second hearing being held at 12:00 p.m. on the 14<sup>th</sup> day of September, 2016, at the City Council Chambers, 1000 Highland Village Road, Highland Village, Texas; and

**WHEREAS**, the public hearings were conducted and held no more than forty (40) days nor less than twenty (20) days prior to the institution of these proceedings; and

**WHEREAS**, notice of the public hearings was published in a newspaper of general circulation in the City and in the area described in the Agreement, at least once in said newspaper not more than twenty (20) days nor less than ten (10) days prior to each public hearing; and

**WHEREAS**, notice of the public hearings was also posted on the City's internet website on or after the 20<sup>th</sup> day but before the 10<sup>th</sup> day before the date of the public hearings and remained posted until the date of the public hearings; and

**WHEREAS**, a service plan for the area brought into the City's corporate limits was made available for public inspection and explained at the public hearings.

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

**SECTION 1.** The Agreement, attached hereto as Attachment “1” and made a part hereof for all purposes, is hereby adopted.

**SECTION 2.** The property described in Exhibit “B” of Attachment “1” shall be and is hereby annexed and brought within the corporate limits of the City of Highland Village, Texas, and same is hereby made an integral part hereof.

**SECTION 3.** The property described in Exhibit “A” of Attachment “1” shall be and is hereby disannexed and released unto the City of Lewisville, Texas, for inclusion within the corporate limits of the City of Lewisville, Texas.

**SECTION 4.** The service plan attached as Exhibit “C” of Attachment “1” is approved.

**SECTION 5.** The owners and inhabitants of the property described in Exhibit “B” of Attachment “1” shall be entitled to all of the rights and privileges of other citizens and property owners of the City and are hereby bound by all acts, ordinances and all other legal action now in full force and effect and all those which may be hereafter adopted.

**SECTION 6.** The official map and boundaries of the City, heretofore adopted and amended be and is hereby amended so as to reflect the boundary adjustments described in the Agreement.

**SECTION 7.** The City Manager is hereby directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the City to reflect the boundary adjustments described in the Agreement, as required by law.

**SECTION 8.** The City Secretary is hereby authorized to send a certified copy of this ordinance to the Office of the County Clerk of Denton County, Texas.

**SECTION 9.** If any section, subsection, sentence, phrase, or word of this ordinance be found to be illegal, invalid or unconstitutional, or if any portion of said property is incapable of being annexed by the City, for any reason whatsoever, the adjudication shall not affect any other section, sentence, phrase, word, paragraph or provision of this ordinance or the application of any other section, sentence, phrase, word, paragraph or provision of any other ordinance of the City. The City Council declares that it would have adopted the valid portions and the applications of this ordinance and would have annexed the valid property without the invalid part, and to this end the provisions of this ordinance are declared severable.

**SECTION 10.** Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

**SECTION 11.** This Ordinance shall take on the effect on the later of (i) the date of its passage on Second Reading and publication of the caption in accordance with the provisions of the Charter of the City of Highland Village, and it is accordingly so ordained and (ii) the effective date of a like ordinance approved by the City Council of the City of Lewisville, Texas, releasing and disannexing from its corporate limits the property described in Exhibit “B” to Attachment “1” hereto and annexing and incorporating into the corporate limits of the City of Lewisville, Texas, the property described in Exhibit “A” to Attachment “1” hereto.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON FIRST READING ON THIS THE 11<sup>TH</sup> DAY OF OCTOBER, 2016.**

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON SECOND READING ON THIS THE 25<sup>TH</sup> DAY OF OCTOBER, 2016.**

**APPROVED:**

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**Charlotte J. Wilcox, Mayor**

**ATTEST:**

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**Angela Miller, City Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

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**Kevin B. Laughlin, City Attorney**

(kbl:10/6/16:80122)

**Ordinance No. 2016-1218**  
**Attachment "1"**

<b>STATE OF TEXAS</b>	§	
	§	<b>BOUNDARY ADJUSTMENT AGREEMENT</b>
<b>COUNTY OF DENTON</b>	§	

This **Boundary Adjustment Agreement** ("Agreement") is made by and between the **City of Highland Village** ("Highland Village") and the **City of Lewisville** ("Lewisville"), both being Texas home rule municipalities (collectively referred to as "Cities"), acting by and through their authorized representatives.

**Recitals:**

**WHEREAS**, a portion of Highland Village's eastern boundary is located along the western boundary of the existing southbound lanes of Interstate 35E ("I-35E"), which boundary is also contiguous to the boundary line of Lewisville's incorporated limits; and

**WHEREAS**, the new southbound I-35E bridge over Lewisville Lake is being constructed within Highland Village's incorporated limits; and

**WHEREAS**, absent some adjustment in the boundaries of the Cities along the I-35E corridor, Highland Village will have traffic enforcement jurisdiction on the new southbound lanes of I-35E while Lewisville has traffic enforcement jurisdiction on what will become only northbound lanes of I-35E; and

**WHEREAS**, the Cities desire to modify their mutual boundary so that Lewisville will have primary traffic enforcement jurisdiction of all lanes of I-35E upon completion of construction of the new southbound lanes; and

**WHEREAS**, part of the I-35E project includes construction of a bike and pedestrian trail bridge ("the Trail Bridge") across the body of water located on the south of Highland Village Road and west of I-35E commonly known as "Copperas Lake" which will connect to Highland Village's existing public trail system; and

**WHEREAS**, the incorporated limits of the Cities presently bisect Copperas Lake; and

**WHEREAS**, the Texas Department of Transportation ("TxDOT") has expressed a desire that the Trail Bridge be located within the jurisdiction of only one of the Cities in order to facilitate future maintenance of the Trail Bridge when construction is completed; and

**WHEREAS**, the Cities desire to modify their mutual boundary so that the entirety of Copperas Lake is located within Highland Village's incorporated limits; and

**WHEREAS**, all of the land affected by the boundary adjustments described above is uninhabited and owned by either the United States of America or the State of Texas such that there will be no impact on residents of either City nor any loss of ad valorem or sales tax base by either City; and

**Ordinance No. 2016-1218**  
**Attachment “1”**

**WHEREAS**, the Cities desire to enter into an agreement providing for the adjustment of their boundaries pursuant to Tex. Loc. Govt. Code §43.031, as amended; and

**WHEREAS**, the boundary adjustment proposed by this Agreement is exempt from the requirements of Tex. Loc. Govt. Code §43.052; and

**NOW THEREFORE**, in exchange for the mutual covenants set forth herein and other valuable consideration, the sufficiency and receipt of which are hereby acknowledged, the Cities agree as follows:

**Article I**  
**Statement of Intent**

It is the intent of the Cities to modify their respective boundaries in accordance with this Agreement.

**Article II**  
**Release of Territory**

To accomplish the objective set forth in Article I:

(a) Highland Village hereby grants, releases, and apports unto Lewisville for inclusion within Lewisville’s incorporated limits the property which is more particularly described and identified in Exhibit “A” attached hereto and incorporated herein by reference (“the I-35E Tract”).

(b) Lewisville hereby grants, releases, and apports unto Highland Village for inclusion within Highland Village’s incorporated limits the property which is more particularly described and identified in Exhibit “B” attached hereto and incorporated herein by reference (“the Copperas Lake Tract”).

**Article III**  
**Waiver of Extraterritorial Jurisdiction**

(a) Highland Village does hereby waive all of its extraterritorial jurisdiction rights, if any, existing by reason of the I-35E Tract in favor of Lewisville. It is expressly agreed and understood that this waiver shall operate only in favor of Lewisville, and shall not constitute a waiver of any right, including extraterritorial jurisdiction rights, which Highland Village may be able to assert against any other municipality.

(b) Lewisville does hereby waive all of its extraterritorial jurisdiction rights, if any, existing by reason of the Copperas Lake Tract in favor of Highland Village. It is expressly agreed and understood that this waiver shall operate only in favor of Highland Village, and shall not constitute a waiver of any right, including extraterritorial jurisdiction rights, which Lewisville may be able to assert against any other municipality.

**Ordinance No. 2016-1218**  
**Attachment “1”**

**Article IV**  
**Service Plans**

(a) Upon ratification and adoption of this Agreement by an ordinance adopted by the City Council of the City of Highland Village, Highland Village does hereby agree to immediately begin implementation into the affected area of the service plan attached hereto and made a part of this Agreement as Exhibit “C” with respect to the Copperas Lake Tract.

(b) Upon ratification and adoption of this Agreement by an ordinance adopted by the City Council of the City of Lewisville, Lewisville does hereby agree to immediately begin implementation into the affected area of the service plan attached hereto and made a part of this Agreement as Exhibit “D” with respect to the I-35E Tract.

**Article V**  
**Severability**

Should any provision of this Agreement be declared void by a court of competent jurisdiction, the remaining provisions of this Agreement shall remain in full force and effect.

**Article VI**  
**Effective Date**

The Cities agree that the boundary adjustment set forth in this Agreement shall take effect only upon ratification and adoption by the governing bodies of each City.

*(signature pages to follow)*

**Ordinance No. 2016-1218  
Attachment "1"**

**SIGNED AND AGREED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**City of Highland Village, Texas**

By: \_\_\_\_\_  
Michael Leavitt, City Manager

**ATTEST:**

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

**APPROVED AS TO FORM AND LEGALITY:**

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

**ACKNOWLEDGMENT**

**STATE OF TEXAS           §**  
  **§**  
**COUNTY OF DENTON     §**

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, by Michael Leavitt, City Manager of the City of Highland Village, a Texas home rule municipality for and on behalf of said municipality.

\_\_\_\_\_  
Notary Public, State of Texas

My Commission expires: \_\_\_\_\_

**Ordinance No. 2016-1218  
Attachment "1"**

**SIGNED AND AGREED** this \_\_\_\_ day of \_\_\_\_\_, 2016.

**CITY OF LEWISVILLE, TEXAS**

By: \_\_\_\_\_  
Donna Barron, City Manager

**ATTEST:**

\_\_\_\_\_  
Julie Heinze, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lizbeth Plaster, City Attorney

**THE STATE OF TEXAS   §**  
  **§**  
**COUNTY OF DENTON    §**

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2016, by Donna Barron, as City Manager of the City of Lewisville, a Texas home rule municipality, on behalf of said municipality.

\_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires: \_\_\_\_\_

**Ordinance No. 2016-1218  
Attachment "1"**

**EXHIBIT "A"  
DESCRIPTION OF I-35E TRACT**

BEING A TRACT OF LAND OUT OF THE W.P. PEARCE SURVEY, ABSTRACT NO. 1015, AND THE STEPHEN BURNLEY SURVEY, ABSTRACT NO. 116, DENTON COUNTY, TEXAS, AS SHOWN ON THE ATTACHED EXHIBIT A, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

IT IS THE INTENT TO DESCRIBE A TRACT OF LAND BEING BOUNDED ON THE NORTH BY THE SURVEY LINE BETWEEN THE STEPHEN BURNLEY SURVEY, ABSTRACT NO. 116, AND THE WILLIS HAMMONDS SURVEY, ABSTRACT NO. 550, BEING BOUNDED ON THE EAST BY TO OLD RIGHT OF WAY LINE FOR IH 35E, BEING BOUNDED ON THE SOUTH BY CITY LIMIT LINE BETWEEN THE CITIES OF HIGHLAND VILLAGE AND LEWISVILLE, PER RESOLUTION #95-857, 2075-12-95(R) AND BEING BOUNDED ON THE WEST BY THE WEST LINE OF THE NEW RIGHT OF WAY FOR IH-35E PER THE TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) RIGHT OF WAY PLANS FOR IH-35E, DENTON COUNTY, PROJECT NO. 0196-02-110, DATED FEBRUARY 22, 2011:

The POINT OF BEGINNING is at the intersection of the north line of the Right of Way for Highland Village Road and the west line of the new Right of Way for IH-35E per said TxDOT plans;

THENCE North 09°06'29" West, with said Right of Way line, a distance of 325.00 feet to a point;

THENCE North 06°47'15" West, with said Right of Way line, a distance of 104.70 feet to a point at the beginning of a tangent curve to the right;

THENCE, with said Right of Way line, along a curve to the right, having a radius of 11798.00 feet, through a central angle of 09°08'16", an arc distance of 1881.58 feet, and having a chord which bears North 02°13'07" West, a distance of 1879.59 feet to a point;

THENCE North 05°53'04" East, with said Right of Way line, a distance of 600.35 feet to a point;

THENCE North 04°17'16" East, with said Right of Way line, a distance of 161.60 feet to a point, said point being an existing north line of the City Limit for the City of Highland Village, and being the line common to the Burnley and Hammonds Surveys;

THENCE North 89°44'34" East, with said City Limit line, a distance of 150.74 feet to a point, said point being on the west line of the old Right of Way line of IH-35E;

THENCE South 05°18'44" East, with said Right of Way line, a distance of 276.55 feet to a point;

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THENCE South 04°25'19" West, with said Right of Way line, a distance of 611.13 feet to a point at the beginning of a non-tangent curve to the left;

THENCE with said Right of Way line, along a curve to the left, having a radius of 5047.15 feet, through a central angle of 14°01'24" an arc distance of 1235.30 feet, and having a chord which bears South 02°12'08" East, a distance of 1232.22 feet to a point;

THENCE South 09°12'50" East, with said Right of Way line, a distance of 986.24 feet to a point;

THENCE South 40°03'10" West, with said Right of Way line, a distance of 66.99 feet to a point;

THENCE South 09°12'50" East, with said Right of Way line, a distance of 30.00 feet to a point;

THENCE South 45°11'50" East, with said Right of Way line, a distance of 70.00 feet to a point;

THENCE South 00°07'50" East, with said Right of Way line, a distance of 260.47 feet to a point, said point being on the south line of the City Limit for the City of Highland Village per Resolution No. 95-857, 2075-12-95(R);

THENCE South 36°57'45" West, with said City Limit Line, a distance of 189.44 feet to a point, said point being on the west line of the Right of Way for IH-35E, per said TxDOT Right of Way plans;

THENCE North 09°06'29" West, with said Right of Way line, a distance of 400.25 feet to a point on the south line of the Right of Way for Highland Village Road;

THENCE North 31°21'43" West, crossing Highland Village Road, a distance of 204.12 feet to the POINT OF BEGINNING, and containing approximately 17.22 acres of land.

**NOTES:**

COE = United States Corps of Engineers

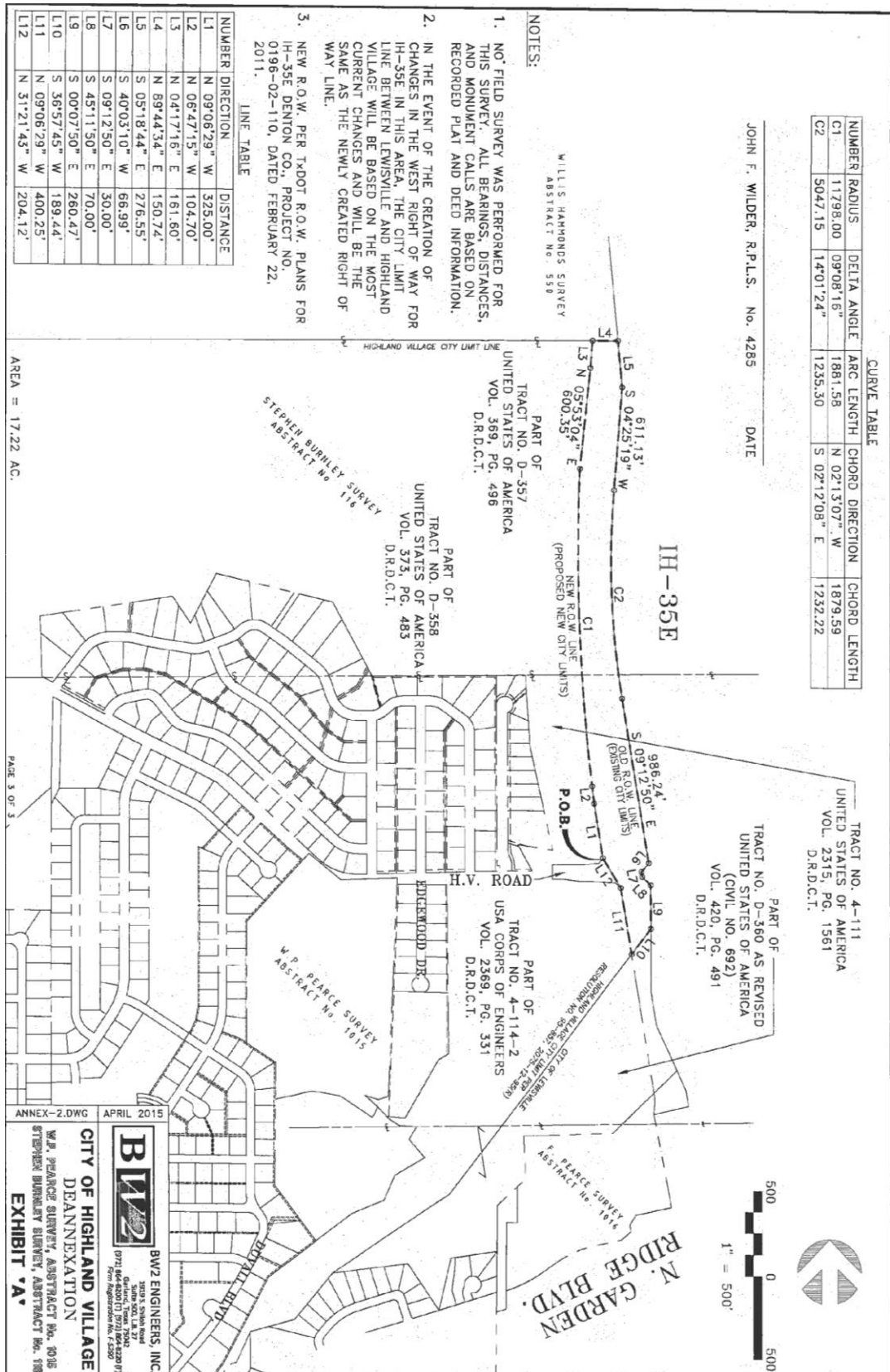
No field survey was performed for this survey. All bearings, distances, and monument calls are based on recorded plat and deed information.

In the event of the creation of changes in the west Right of Way for IH-35E in this area, the City limit line between Lewisville and Highland Village will be based on the most current changes and will be the same as the newly created Right of Way line.

\_\_\_\_\_  
John F. Wilder, RPLS 4285

\_\_\_\_\_  
DATE

# Ordinance No. 2016-1218 Attachment "1"



**Ordinance No. 2016-1218  
Attachment "1"**

**EXHIBIT "B"  
DESCRIPTION OF COPPERAS LAKE TRACT**

**DESCRIPTION**

BEING A TRACT OF LAND OUT OF THE FRANCIS PEARCE SURVEY, ABSTRACT NO. 1016, AND THE W.PL PEARCE SURVEY, ABSTRACT NO. 1019, DENTON COUNTY, TEXAS, AS SHOWN ON THE ATTACHED EXHIBIT A, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

IT IS THE INTENT TO DESCRIBE A TRACT OF LAND BEING BOUNDED ON THE NORTHWEST BY THE CITY LIMIT LINE FOR THE CITY OF HIGHLAND VILLAGE PER HIGHLAND VILLAGE RESOLUTION NO. 95-857 (RESOLUTION NO. 2075-12-95 (R)), BEING BOUNDED ON THE EAST BY THE WEST LINE OF THE RIGHT OF WAY FOR IH 35E, PER THE TEXAS DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLANS FOR IH 35E, DENTON COUNTY, PROJECT NO. 0196-02-110, DATED FEBRUARY 22, 2011, AND BEING BOUNDED ON THE SOUTHEAST BY <sup>1)</sup> THE NORTH LINE OF HIGHLAND LAKES, PHASE II, AN ADDITION TO THE CITY OF LEWISVILLE, TEXAS AS RECORDED IN CABINET O, SLIDE 97 OF THE DEED RECORDS OF DENTON COUNTY, TEXAS (DRDCT), <sup>2)</sup> THE NORTH LINE AND WEST LINE OF A TRACT OF LAND AS DEEDED TO THE CITY OF LEWISVILLE AND RECORDED IN VOLUME 2215, PAGE 523, DRDCT, <sup>3)</sup> THE NORTH LINE OF MEADOW LAKE 4, SECTION 2, AN ADDITION TO THE CITY OF LEWISVILLE AS RECORDED IN CABINET F, SLIDE 278, DRDCT:

The POINT OF BEGINNING is a 5/8 inch iron rod found for the northeast corner of said Highland Lakes, Phase II, being on the west line of said Right of Way for IH 35E,

THENCE South 44°59'47" West, departing said Right of Way line with a north line of Highland Lakes, Phase II, a distance of 343.67 feet to a Corps of Engineers monument;

THENCE South 87°56'39" West, continue with said north line, a distance of 529.91 feet to a Corps of Engineers monument;

THENCE South 02°15'33" East, with a west line of Highland Lakes, Phase II, a distance of 260.12 feet to a point;

THENCE South 46°25'45" West, with a north line of Highland Lakes, Phase II, a distance of 63.37 feet to a point being a northwest line of Highland Lakes, Phase II, and being the northeast corner of said City of Lewisville tract;

Thence South 46°20'49" West, with the north line of the City of Lewisville tract, a distance of 167.72 feet to the COE monument No. D 360-5;

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THENCE South 00°39'52" West, with the west line of City of Lewisville tract, a distance of 269.90 feet to COE monument No. D 360-6/D 361-I, said point being the northeast corner of said Meadow Lake 4;

THENCE South 81°48'11" West, with the north line of Meadow Lake 4, a distance of 275.00 feet to a COE monument;

THENCE South 13°17'21" West, continue with said north line, a distance of 314.09 feet to a point;

THENCE North 33°51'46" West, continue with said north line, a distance of 328.00 feet to a COE monument;

THENCE South 82°55'14" West, continue with said north line, passing at 436.00 feet a COE monument, in all, distance of 450.00 feet to a 5/8 inch iron rod found for the northwest corner of Meadow Lake 4, said point being on the Highland Village City Limit line per Resolution No. 95-857;

THENCE North 56°12'55" East, with said City Limit line, a distance of 833.00 feet to a point;

THENCE North 36°57'45" East, continue with said line, a distance of 1799.93 feet to a point on the west line of the Right of Way for IH 35E;

THENCE South 09°06'29" East, with said Right of Way line, a distance of 832.64 feet to the POINT OF BEGINNING, and containing approximately 19.96 acres of land.

**NOTES:**

COE = United States Corps of Engineers

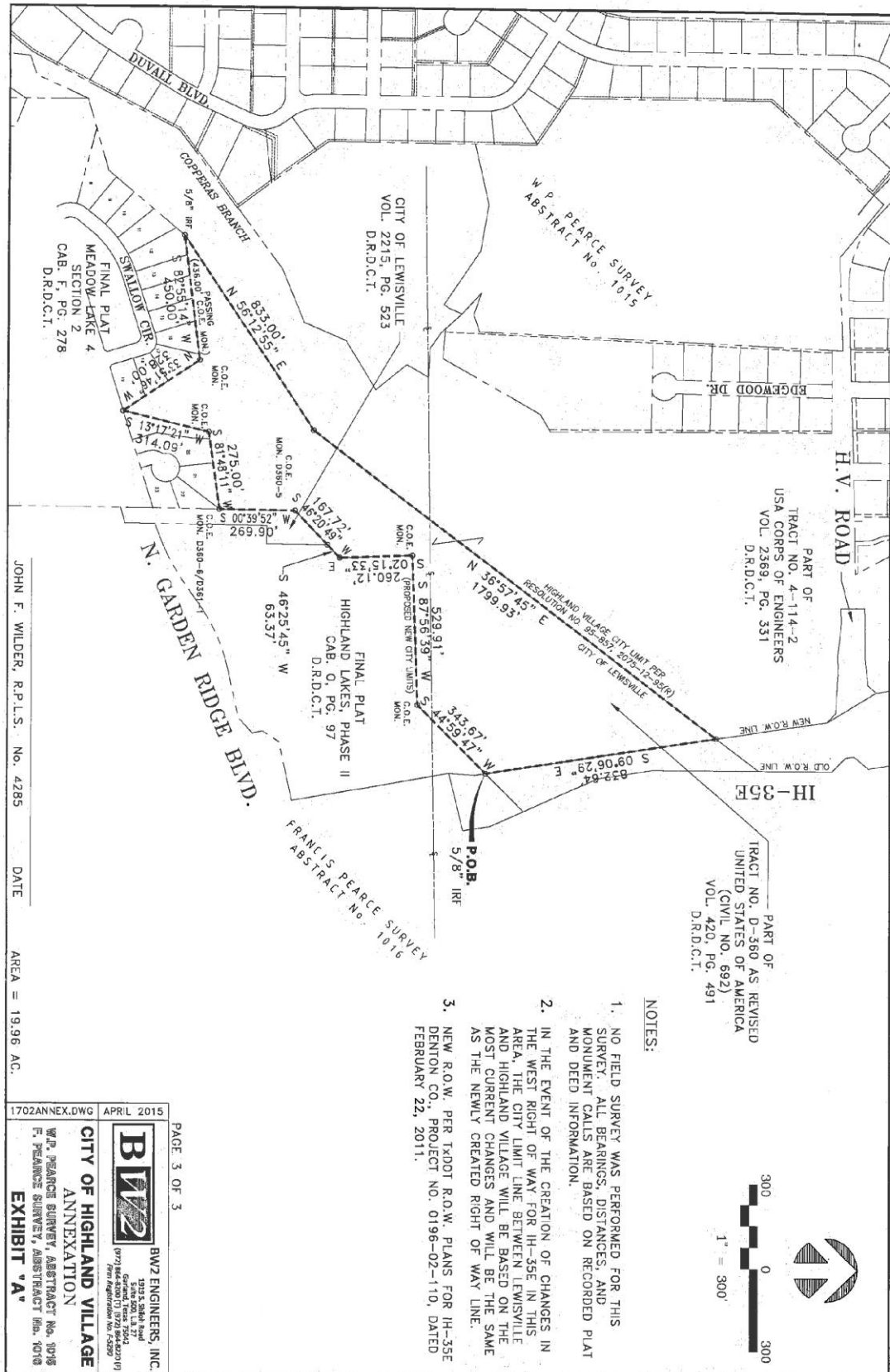
No field survey was performed for this survey. All bearings, distances, and monument calls are based on recorded plat and deed information.

In the event of the creation of changes in the west Right of Way for IH-35E in this area, the City limit line between Lewisville and Highland Village will be based on the most current changes and will be the same as the newly created Right of Way line.

\_\_\_\_\_  
John F. Wilder, RPLS 4285

\_\_\_\_\_  
DATE

**Ordinance No. 2016-1218  
Attachment "1"**



**Ordinance No. 2016-1218  
Attachment "1"**

**EXHIBIT C  
HIGHLAND VILLAGE SERVICE PLAN**

As required by Texas Local Government Code Section 43.065, following is the Service Plan for the property more particularly described and identified as the "Copperas Lake Tract."

As the result of a series of negotiations, the Cities of Highland Village and Lewisville have agreed to a boundary adjustment covering the property described and identified as the Copperas Lake Tract in the Boundary Adjustment Agreement.

The following Municipal Services will be provided by Highland Village to the area within the Copperas Lake Tract upon the effective date of the City of Highland Village ordinance approving and ratifying this Agreement:

A. Police Protection

Police enforcement and protection services are to be provided by the extension of patrol into Copperas Lake Tract and by response from the Highland Village Police Department to individual requests.

B. Fire Protection (including emergency ambulance)

Fire protection personnel and equipment, and emergency medical personnel and equipment will be provided.

C. Solid Waste Collection

In so far as the Copperas Lake Tract is owned by the United States solid waste collection services are anticipated to be necessary. If needed, Highland Village will provide it.

D. Water Service

In so far as the Copperas Lake Tract is owned by the United States of America and constitutes a portion of Lewisville Lake, no extension of water service is anticipated to be necessary. If needed, Highland Village will provide it, with extensions being subject to current ordinances, resolutions, and regulations.

E. Sanitary Sewer Service

In so far as the Copperas Lake Tract is owned by the United States of America and constitutes a portion of Lewisville Lake, no extension of sanitary sewer service is anticipated to be necessary. If needed, Highland Village will provide it, with extensions being subject to current ordinances, resolutions, and regulations.

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F. Maintenance of Roads and Streets

The Copperas Lake Tract is a body of water with construction of no roads or streets anticipated.

G. Parks and Recreation

Not applicable since there are no residents to serve within the Copperas Lake Tract.

H. Street Lighting

Not applicable since there are no streets to be served or to be constructed.

I. Traffic Engineering

Not applicable since there are no streets to be served or to be constructed.

K. Planning and Zoning

The planning and zoning jurisdiction, including the subdivision platting process, of the City of Highland Village extends to the Copperas Lake Tract, but will be subject to the Supremacy Clause in the Constitutions of the United States of American and the State of Texas for so long as the property is owned by the federal government.

L. Storm Drainage (including flood plain regulations)

The City’s regulations relating to flood plain development and storm water drainage will apply.

M. Capital Improvements

In so far as the Copperas Lake Tract is a body of water owned by the United States of America with no residents, the construction of capital improvements to serve existing developed properties is not required.

N. Miscellaneous

General municipal administrative and code enforcement services of the City of Highland Village will be provided.

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Attachment "1"**

**EXHIBIT D  
LEWISVILLE SERVICE PLAN**

As required by Texas Local Government Code Section 43.065, following is the Service Plan for the property more particularly described and identified as the "I-35E Tract."

As the result of a series of negotiations, the Cities of Highland Village and Lewisville have agreed to a boundary adjustment covering the property described and identified as the I-35E Tract in the Boundary Adjustment Agreement.

The following Municipal Services will be provided by Lewisville to the area within the Copperas Lake Tract upon the effective date of the Lewisville ordinance approving and ratifying this Agreement:

A.     Police Protection

Police enforcement and protection services are to be provided by the extension of patrol into the I-35E Tract and by response from the Lewisville Police Department to individual requests.

B.     Fire Protection (including emergency ambulance)

Fire protection personnel and equipment, and emergency medical personnel and equipment will be provided.

C.     Solid Waste Collection

Solid waste collection service is to be provided in accordance with City of Lewisville ordinances, resolutions, and regulations.

D.     Water Service

In so far as the property within the I-35E Tract is owned by either the United States of America or the State of Texas, contains no residents, no extension of water service is anticipated to be necessary. If needed, Lewisville will provide it, with extensions being subject to current ordinances, resolutions, and regulations.

E.     Sanitary Sewer Service

In so far as the property within the I-35E Tract is owned by either the United States of America or the State of Texas, contains no residents, no extension of sanitary sewer service is anticipated to be necessary. If needed, Lewisville will provide it, with extensions being subject to current ordinances, resolutions, and regulations.

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F. Maintenance of Roads and Streets

Not applicable. There are presently no roads or streets owned by the City of Lewisville which serve the I-35E Tract and none are anticipated to be constructed.

G. Parks and Recreation

Not applicable as there will never be any residents within the I-35E Tract to be served.

H. Library Service

Not applicable as there will never be any residents within the I-35E Tract to be served.

I. Street Lighting

Not applicable. There are presently no roads or streets owned by the City of Lewisville which serve the I-35E Tract and none are anticipated to be constructed.

J. Traffic Engineering

Not applicable. There are presently no roads or streets owned by the City of Lewisville which serve the I-35E Tract and none are anticipated to be constructed.

K. Planning and Zoning

The planning and zoning jurisdiction, including the subdivision platting process, of the City of Lewisville extends to the I-35E Tract, but will be subject to the Supremacy Clause in the Constitutions of the United States of American and the State of Texas to the properties owned by the federal or state government.

L. Storm Drainage (including flood plain regulations)

The City’s regulations relating to flood plain development and storm water drainage will apply.

M. Capital Improvements

In so far as the I-35E Tract consists of a body of water owned by the United States of America, the travel lanes and service roads of I-35E, and a public park operated by the City of Highland Village, the construction of capital improvements to serve existing developed properties is not required.

N. Miscellaneous

General municipal administrative and code enforcement services of the City of Lewisville will be provided.

**Ordinance No. 2016-1218**  
**Attachment “1”**

O. Copperas Branch Park

Pursuant to agreement with the City of Highland Village, and notwithstanding anything to the contrary contained in this Service Plan, for so long as Highland Village owns and operates Copperas Branch Park pursuant to its lease with the federal government, Highland Village shall provide, and will be solely responsible for providing water, sanitary sewer, solid waste collection (so long as the solid waste collection does not conflict with any existing City of Lewisville solid waste franchise agreement), and other public utility and municipal services to that portion of Copperas Branch Park located within the I-35E Tract.

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

<b>AGENDA#</b> 17	<b>MEETING DATE:</b> 10/25/16
<b>SUBJECT:</b>	<b>Status Reports on Current Projects and Discussion on Future Agenda Items</b>
<b>PREPARED BY:</b>	<b>Angela Miller, City Secretary</b>

**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.

- 35Express Update



## **UPCOMING EVENTS**

**Expected Absences:** None

**October 25, 2016                      Regular City Council Mtg. 7:30 pm**

November 3, 2016                      Zoning Board of Adjustment Mtg. 7:00 pm (if needed)

**November 8, 2016                      Regular City Council Mtg. 7:30 pm –Rescheduled**

**November 10, 2016                      Rescheduled Regular Council Mtg. 7:30 pm**

November 15, 2016                      Planning & Zoning Commission Mtg. 7:00 pm (if needed)

November 17, 2016                      Public Art Advisory Board Mtg. 7:00 pm (if needed)

November 21, 2016                      Park Board Mtg. 6:00 pm (if needed)

**November 22, 2016                      Regular City Council Mtg. 7:30 pm - Cancelled**

**November 24 & 25, 2016                      City Offices Closed for the Thanksgiving Holiday**

December 1, 2016                      Zoning Board of Adjustment Mtg. 7:00 pm (if needed)

**December 13, 2016                      Regular City Council Mtg. 7:30 pm**

December 15, 2016                      Public Art Advisory Board Mtg. 7:00 pm (if needed)

December 19, 2016                      Park Board Mtg. 6:00 pm (if needed)

December 20, 2016                      Planning & Zoning Commission Mtg. 7:00 pm (if needed)

**December 23 & 26, 2016                      City Offices Closed for the Christmas Holiday**

**December 27, 2016                      Regular City Council Mtg. 7:30 pm - Cancelled**

\*\*\*Please visit [www.highlandvillage.org](http://www.highlandvillage.org) or the City Hall bulletin board for latest additions, updates and changes\*\*\*

By: Karen Bradley, Administrative Assistant - City Secretary Office