A G E N D A

REGULAR MEETING
OF THE CITY COUNCIL
CITY OF HIGHLAND VILLAGE, TEXAS
THURSDAY, NOVEMBER 10, 2016, at 6:00 P.M.
HIGHLAND VILLAGE CITY COUNCIL CHAMBERS
1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS

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

EARLY WORK SESSION
Training Room

1. **Check Presentation to the Texas Police Chief's Association from the Highland Village Police Department's Fallen Heroes Bike Race/5K Race Proceeds**

2. **Discuss 2017 State Legislative Program for the City of Highland Village as it Relates to Revenue and Finance Issues**

3. **Discuss Procedure, Time Line for Review, and Subject of Possible Amendments to the Highland Village City Charter**

4. **Discuss Award of Grant Funds to Non-Profit Organizations for Fiscal Year 2016-2017**

5. **Clarification of Consent or Action Items listed on today's City Council Regular Meeting Agenda of November 10, 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
Training Room

6. **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.

7. **Call to Order**

8. Prayer to be led by Councilmember Fred Busche

9. Pledge of Allegiance to the U.S. and Texas Flags to be led by Councilmember Fred Busche

10. 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.)***

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

- **Recap of the 9th Annual Highland Village Police Department's Fallen Officer Bike Race/5K**
- **Award Presentation – Heart Safe Community Recognition**

12. 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.

13. Consider Approval of Minutes of the Regular Meeting held on October 25, 2016

14. Receive Investment Report for the Period Ending September 30, 2016

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 Resolution 2016-2667 Awarding Grant Funds to Non-Profit Organizations for Fiscal Year 2016-2017

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 4th DAY OF NOVEMBER, 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: 11/10/16**

SUBJECT: **Check Presentation to the Texas Police Chief's Association from the Highland Village Police Department's Fallen Heroes Bike Race/5K Proceeds**

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

COMMENTS

Police Chief Doug Reim will present a check to Richland Hills Police Chief Barbara Childress, representing the Texas Police Chief's Association, for the proceeds that were raised from the Highland Village Police Department's Fallen Heroes Bike Race/5K. Funds will benefit the Fallen Officer Fund to provide monetary assistance to Texas families of fallen heroes within 24 hours following an Officer's line of duty death.

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 2	**MEETING DATE: 11/10/16**
SUBJECT:	**Discuss 2017 State Legislative Program as it Relates to Revenue and Finance**
PREPARED BY:	**Angela Miller, City Secretary**

COMMENTS

City staff will provide an overview on revenue and finance issues that may be proposed during the 2017 State Legislative Program and how it relates to the City of Highland Village.

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA # 3 **MEETING DATE: 11/10/16**

SUBJECT: **Discuss Procedure, Time Line for Review, and Subject of Possible Amendments to the Highland Village City Charter**

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

COMMENTS

At the June 28, 2016 Council meeting, direction was given to move forward with a legal review of the City Charter with amendments to be put before the voters not earlier than the May, 2017 election. The legal review to be conducted by the City Attorney will include updates regarding state laws and the election code, as well as any language clarification.

This item has been placed on the agenda to allow Council the opportunity to discuss items for possible amendments, provide procedures for a review of proposed amendments, and a time line of events.

If Council wishes to hold a charter amendment election at the May 6, 2017 election, Council would need to order the election no later than their regular meeting scheduled for Tuesday, February 14, 2017. Per the Election Code, the last day to order the election is February 17, 2017.

Council is encouraged to discuss the Charter Review to arrive at a consensus for the following:

- Charge and/or Areas to Include for in the Review
- Procedure for Review of Amendments
- Timeline

HOME RULE

CHARTER

THE HOME RULE CHARTER OF HIGHLAND VILLAGE*

PREAMBLE

Recognizing that effective government is a government of law, we the people of Highland Village, Texas, establish this Charter as the basic law of our City. This Charter will provide a home rule government which will recognize and protect individual freedom, encourage interest and participation by the citizens, and serve in behalf of the general welfare.

ARTICLE I. INCORPORATION/FORM OF GOVERNMENT/BOUNDARIES†

Sec. 1.01. Incorporation.

The inhabitants of the City of Highland Village, Texas, within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the "City of Highland Village," hereafter known as the "City." (Ordinance 01-850, sec. 3, adopted 2/27/01)

Sec. 1.02. Form of Government.

The municipal government provided by this Charter shall be known as the "Council-Manager government." Pursuant to its provisions, and subject only to the limitations imposed by the Texas State Constitution, the statutes of the State of Texas, and by this Charter, all powers of the City shall be vested in the elected City Council, hereinafter referred to as the "Council." (Ordinance 01-850, sec. 3, adopted 2/27/01)

State law reference–Form of government, V.T.C.A., Local Government Code, sec. 26.021.

Sec. 1.03. Boundaries.

The bounds and limits of the City of Highland Village, Texas, are hereby established as described in the original incorporation proceedings of the City filed of record February 18, 1963, in the office of the clerk of the county court of Denton County, Texas, and those boundaries established and changed thereafter in all annexation ordinances and proceedings of the City of Highland Village, Texas.

State law reference–Map of municipal boundaries and extraterritorial jurisdiction, V.T.C.A., Local Government Code, sec. 41.001.

Sec. 1.04. Annexation.

A. The Council shall have the power by ordinance to fix the boundary limits of the City and to provide for the alteration of said boundary limits and the annexation of additional territory lying adjacent to it, whether said territory be inhabited or uninhabited. Should the territory be inhabited, the Council may also, upon a petition signed by a majority of the qualified voters in such territory, consider such petition for annexation. The Council shall not consider any petition or act to annex any inhabited territory unless the City can provide fire and police protection to the territory at the time of annexation. Services not mentioned therein shall be provided at such time as designated by the Council.

B. No annexation ordinance shall be passed unless a public hearing has been held.

C. The Council shall provide and publish notices as required by the laws of the State of Texas.

D. When any additional territory has been annexed, it shall be a part of the City. The property situated therein shall bear its prorated part of the taxes levied by the City, and the inhabitants thereof shall be entitled to all rights and privileges of other citizens of the City, and shall be bound by the acts, ordinances, and resolutions of the City.

E. All powers of annexation of the Council are subject to the provisions of the Municipal Annexation Act of the State of Texas.

(Ordinance 01-850, sec. 3, adopted 2/27/01)

State law references–Municipal annexation, V.T.C.A., Local Government Code, ch. 43; authority of home-rule municipality to annex area, V.T.C.A., Local Government Code, sec. 43.021.

Sec. 1.05. Disannexation.

A. Whenever there exists within the corporate limits of the City any territory adjoining the outer boundary of the City, either inhabited or uninhabited, not suitable or necessary for City purposes, or upon a petition signed by a majority of the qualified voters residing in said inhabited territory, the Council may, upon a public hearing and by ordinance duly passed, disannex said territory as part of the City.

B. Any petition and/or ordinance as described above shall specify accurately the metes and bounds of the territory sought to be eliminated from the City and shall contain a plat designating such territory sought to be eliminated from the City so that the same can be definitely ascertained. When said ordinance has been duly passed, the same shall be entered upon the minutes and records of the City and the territory shall immediately cease to be a part of the City. The territory shall remain responsible for liabilities incurred by the City for the disannexed area during the time it was a part of the city.

C. All powers of disannexation of the Council are subject to the provisions of the Municipal Annexation Act of the State of Texas.

(Ordinance 01-850, sec. 3, adopted 2/27/01)

ARTICLE II. POWERS OF THE CITY*

Sec. 2.01. General.

The City shall have all powers that now are or hereafter may be granted to municipalities by the Constitution and laws of the State of Texas, and all such powers, whether expressed or implied, shall be exercised and enforced in the manner prescribed by this Charter, and when not prescribed therein, in such manner as may be provided by the ordinances or resolutions of the Council, the State Constitution, or by the statutes of the State of Texas. The enumeration of particular powers in this Charter shall not be held or deemed to be exclusive.

Sec. 2.02. Specific Powers.

The City may use a corporate seal, may sue and be sued, may contract and be contracted with, may be impleaded in all courts in all matters whatsoever, and may cooperate with the government of the State of Texas and any agency thereof, the federal government or any agency thereof, or any political subdivision of the State of Texas. (Ordinance 01-850, sec. 3, adopted 2/27/01)

State law reference–Authority relating to lawsuits, V.T.C.A., Local Government Code, sec. 51.075.

Sec. 2.03. Eminent Domain.

The City shall have the full right, power and authority to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this Charter or by the Constitution and laws of the State of Texas. The City may also exercise the power of eminent domain in any other manner now or

hereafter authorized or permitted by the Constitution and laws of the State of Texas. The power of eminent domain hereby conferred shall include the right of the City to take the fee and easement in the lands so condemned, and such power and authority shall include the right for such purposes. The City shall have and possess this power of condemnation of property within or without the corporate limits for any municipal or public purpose, even though not specifically enumerated in this Charter. (Ordinance 01-850, sec. 3, adopted 2/27/01)

State law references–Eminent domain, V.T.C.A., Property Code, ch. 21; municipal right of eminent domain, V.T.C.A., Local Government Code, ch. 251.

Sec. 2.04. Power to Tax.

A. The City shall have the power to levy, assess and collect taxes of every character and type for any municipal purpose not prohibited by the Constitution and laws of the State of Texas.

B. The City shall have the power to grant tax exemptions in accordance with the laws of the State of Texas.

State law references–Local taxation, V.T.C.A., Tax Code, ch. 301 et seq.; tax collection powers, V.T.C.A, Tax Code, sec. 302.102.

Sec. 2.05. Streets and Rights-of-Way.

The City shall have exclusive domain, control and jurisdiction of streets and rights-of-way situated in the City, including the power to establish, alter and improve them.

State law references–Authority of municipality over and under public highways, streets and alleys, V.T.C.A., Transportation Code, sec. 311.001; authority over sidewalks, V.T.C.A., Transportation Code, sec. 311.004.

Sec. 2.06. Water System.

The City shall have the power to provide for and/or own a water system; and to require property owners to connect their premises with such water system; and to prescribe charges, rules, regulations, rates and restrictions with reference to the use, consumption, waste, payment, cutoff, turn-on, connections and management of such system; and to prescribe penalties for violation of such rules and regulations. (Ordinance 01-850, sec. 3, adopted 2/27/01)

State law references–Water systems in home-rule municipalities, V.T.C.A., Local Government Code, sec. 552.017; municipal jurisdiction over water and sewer utility rates, operations and services, V.T.C.A., Water Code, sec. 13.042.

Sec. 2.07. Sanitary Sewer System.

The City shall have the power to provide for and/or own a sanitary sewer system and to require property owners to connect their premises with such sewer system; and to provide penalties for failing to make sanitary sewer connections; and shall further have the right to fix charges and compensation to be charged by the City for sewer services; and to provide rules and regulations for the collection thereof.

State law reference–Municipal jurisdiction over water and sewer utility rates, operations and services, V.T.C.A., Water Code, sec. 13.042.

Sec. 2.08. Solid Waste Disposal.

The City shall have the power to provide for solid waste collection and disposal. The Council shall have the right by ordinance to adopt and prescribe rules and regulations for the handling of all garbage, trash and rubbish in the City, and shall further have the right to fix charges and compensation to be charged by the City for its removal, and to provide rules and regulations for the collection thereof.

State law reference–Municipal solid waste, V.T.C.A., Health and Safety Code, ch. 363.

Sec. 2.09. Parks and Playgrounds.

The City shall have exclusive control of all public parks and playgrounds. It shall control, regulate and remove all obstructions and prevent all encroachments thereupon, and provide for raising, grading, filling, terracing, landscape gardening, and for erecting buildings, swimming and wading pools, tennis courts, and other structures. (Ordinance 01-850, sec. 3, adopted 2/27/01)

State law references–Authority to acquire and maintain parks, museums and historic sites, V.T.C.A., Local Government Code, ch. 331; municipal and county recreational programs and facilities, V.T.C.A., Local Government Code, ch. 332.

Sec. 2.10. Police.

The City shall have the power to enact such ordinances as necessary to preserve order and provide protection of its residents.

Sec. 2.11. Fire.

The City shall have the power to provide fire protection, prescribe fire codes and stipulate and provide minimum requirements for construction of buildings. It may also, by ordinance, regulate or forbid the storage of lumber, building materials or any kind of inflammable or explosive goods. (Ordinance 01-850, sec. 3, adopted 2/27/01)

ARTICLE III. CITY COUNCIL

Sec. 3.01. Composition of the Council.

The legislative and governing body of the City shall consist of a Mayor and six members, and shall be known as the "Council." The seven Council members, whether elected or appointed, shall be referred to as the entire Council. (Ordinance 01-850, sec. 3, adopted 2/27/01)

Sec. 3.02. Terms of Office.

The Mayor and each Councilmember shall hold office for a period of two years. Should a duly elected Councilmember be disqualified under the provisions of this Charter, the Council shall declare a vacancy and select a successor as provided herein. No person shall serve for more than four consecutive terms on the Council, regardless of place. A term shall mean a period of time for which a councilmember is elected to office, regardless of the number of days served. No person shall serve his/her full complement of successive terms more than twice during his/her lifetime. (Resolution 06-1832, sec. 13, adopted 3/9/06; Resolution 09-2137, prop. 1, adopted 5/15/09)

Sec. 3.03. Election Methods.

All members of the Council shall be elected under the place system, at large. Those members of the Council whose terms expire in even-numbered years shall be places two, four and six. Those members of the Council whose terms expire in odd-numbered years shall be places three, five and seven. The Mayor shall be elected, as place one, in even-numbered years.

Sec. 3.04. Member Qualification.

A. The Mayor and each Councilmember shall be a citizen of the City for a period of twelve (12) months, and a qualified voter of the State of Texas.

B. If the Mayor or any Council member fails to maintain the foregoing qualifications or

(1) is convicted of a crime involving moral turpitude,

(2) holds any other public office other than a notary public, a member of the military or except as may be authorized by law or ordinance,

(3) shall move from the City,

(4) shall miss three consecutive regularly scheduled meetings, without valid excuse as determined by the Council,

(5) violates this Charter,

the Council shall at its next regular meeting declare a vacancy to exist and shall fill said vacancy as set forth in this Charter.

(Ordinance 01-850, sec. 3, adopted 2/27/01; Resolution 06-1832, sec. 13, adopted 3/9/06; Resolution 09-2137, prop. 2, adopted 5/15/09)

State law reference–Age and residence requirements for home-rule city office, V.T.C.A., Election Code, sec. 141.003.

Sec. 3.05. Vacancies.

The office of a Councilmember or the Mayor shall become vacant upon death, resignation, or removal from office in any manner authorized by law.

Sec. 3.06. Filling of Vacancies.

A vacancy in the Council shall be filled within thirty days of the occurrence of the vacancy by a majority vote of the remaining members of the Council by selection of a person qualified for the position as described in this Charter. This appointee shall serve until the position can be filled at the next regular City election regardless of place.

If an incumbent files for a different office within the first seven days of the filing period, the vacated office shall be placed on the ballot to be filled at the upcoming regular City election, and the effective resignation date shall be deferred until the date of the election.

Sec. 3.07. Procedure to Enact Legislation.

The Council shall legislate by ordinance, and the enacting clause of every ordinance shall be: "Be it ordained by the City Council of the City of Highland Village." The City Attorney shall review all ordinances adopted by the Council as to the legality thereof, or shall file with the City Secretary his written legal position thereto.

Evidence of the review of an ordinance by the City Attorney may be by notation on the ordinance itself, or by separate paper or instrument. Every ordinance enacted by the Council shall be signed by the Mayor, Mayor Pro Tem, or by three Councilmembers and shall be filed with and recorded by the City Secretary upon passage.

A. All routine ordinances shall be read at two open meetings of the Council on two separate days; the second such reading shall occur not less than ten days following the first such reading. The ordinance, unless provided by law or by its terms, shall take effect immediately upon the final passage thereof.

B. Emergency ordinances may be enacted without two separate readings when dealing with the immediate preservation of the public peace, health, safety or welfare. These ordinances must be adopted by the favorable vote of not less than four of the entire Council and shall contain a statement as to the nature of the emergency and the length of time the ordinance will be in effect, not to exceed ninety days.

(Ordinance 01-850, sec. 3, adopted 2/27/01)

State law reference–Ordinance, rule or regulation necessary to carry out other powers, V.T.C.A., Local Government Code, sec. 51.001.

Sec. 3.08. Publication of Ordinance.

Except as otherwise provided by law or this Charter, the City Secretary shall give notice of the enactment of every ordinance imposing any penalty, fine or forfeiture for any violation of any of its provisions. The caption of the ordinance shall be published at least once within ten days after the final passage thereof or as soon thereafter as possible in the official newspaper.

State law reference–Publication of ordinances, V.T.C.A., Local Government Code, sec. 52.013.

Sec. 3.09. Council to be Judge of the Qualification of its Members.

The Council shall be the judge of the qualification of its members. If a member of the Council is charged with grounds for removal as set out in Section 3.04, such charges shall be set for a public hearing not less than ten days nor more than thirty days from the date on which the written charges are presented. At such hearing, the accused shall have the right to present evidence in defense but shall be disqualified from voting as to innocence or guilt. At the conclusion of evidence, a vote shall be taken, and upon the affirmative vote of five voting Council members, the accused member shall be removed from office and the seat declared vacant. The Council shall have the power to subpoena witnesses and require the production of records, but the decision of the Council in the exercise of such power shall be subject to review by the courts. (Ordinance 01-850, sec. 3, adopted 2/27/01)

Sec. 3.10. Council Compensation.

The Council shall serve without pay. Actual and necessary expenses incurred while in the discharge of the duties of the office shall be paid as provided in the budget. (Resolution 09-2137, prop. 3, adopted 5/15/09)

State law reference–Compensation of officers in home-rule municipality, V.T.C.A., Local Government Code, sec. 141.004.

Sec. 3.11. The Mayor.

The Mayor shall preside at meetings of the Council, administer oaths and be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law. The Mayor may participate in the discussion of all matters coming before the Council and vote but shall have no veto power.

Sec. 3.12. The Mayor Pro Tem.

The Council, at its first meeting after election of Council members, shall elect one of its members Mayor Pro Tem. The Mayor Pro Tem shall perform all the duties of the Mayor in the absence or disability of the Mayor.

Sec. 3.12.1. The Deputy Mayor Pro Tem.

The Council at its first meeting after election of the Council members, shall select one of its members Deputy Mayor Pro Tem. The Deputy Mayor Pro Tem shall be a position of ceremonial representation only. He shall not preside over meetings of the Council, administer oaths or be considered the head of the City for any reason.

Sec. 3.13. Council Meetings.

Each Council meeting shall be held by published agenda. The Mayor or any member of the Council may place an item on the agenda. Once an item is placed on the agenda, it may only be removed by a majority vote of the Council. At each Council meeting a quorum of five, composed of the Mayor or Mayor Pro Tem and four members of the Council, must be present but no action shall be of any force or effect unless adopted by the favorable vote of not less than four of the entire Council (unless otherwise provided by this Charter). In the event of a tie vote the item/issue shall be placed on the agenda of the next regular Council meeting for further consideration.

A. Regular meetings: The Council shall have as many regular meetings as it shall deem necessary, provided it shall have at least one meeting each month to be held within the City limits.

B. Special meetings: Special meetings may be called by the Mayor or upon written application of any three members of the Council. The City Secretary shall arrange a special meeting for the time and date set out in the applications. Notice of special meetings shall be given by the City Secretary to each member of the Council, including the Mayor, and to the City Manager, or left at such person's residence. Notice shall be given to the public as required by law.

C. Open meetings: Meetings shall be open to the public except where closed meetings are authorized by law.

State law reference–Open meetings, V.T.C.A., Government Code, ch. 551.

Sec. 3.14. Council to Establish Rules of Procedure.

The Council shall determine by ordinance its own rules and order of business. Provisions shall be made for the taking of minutes, which shall be a public record. The vote of each Council member on any matter shall be recorded in the minutes.

ARTICLE IV. CITY COUNCIL APPOINTIVE POSITIONS*

Sec. 4.01. Judge.

The Council shall appoint a Judge for the Municipal Court who shall serve at the pleasure of the Council. The Judge shall be a practicing attorney in the State of Texas, a member of the State Bar of Texas in good standing and shall receive such compensation as may be set by the Council. No member of the Council or the Mayor shall act as Judge. The Council may appoint an Alternate Municipal Court Judge who shall act in the place of the Municipal Court Judge when such Judge cannot act. The Alternate Municipal Court Judge shall have the same qualifications as the Municipal Court Judge and shall have the same powers and perform all the duties of said office. (Ordinance 01-850, sec. 3, adopted 2/27/01)

State law reference–Municipal court judges, V.T.C.A., Government Code, sec. 29.004.

Sec. 4.02. City Secretary.

The City Council shall establish and maintain an Office of the City Secretary that shall keep the minutes of the proceedings of all Council meetings, administer oaths, be the official custodian of the records of the City and perform such other duties and responsibilities as directed by the Council or set forth in this Charter. The City Council shall appoint a City Secretary who shall be the administrative officer of the Office of the City Secretary. The City Secretary shall, in accordance with the personnel policies of the City, appoint and remove the employees of the Office of the City Secretary and shall perform such duties as may be required of the Office of the City Secretary. The term shall be indefinite with removal at the will and pleasure of the Council by vote of a majority of the entire Council.

The Office of the City Secretary shall be under administrative control of the City Council; however, due to the uniqueness of the responsibilities of the Office there shall be open and continuous dialogue between the City Manager and the Office of the City Secretary.

(Ordinance 01-850, sec. 3, adopted 2/27/01; Resolution 06-1832, sec. 13, adopted 3/9/06)

Editor's note–Prior to its reenactment by Ord. 01-850, sec. 3, adopted Feb. 27, 2001, section 4.02 of the charter had been repealed.

Sec. 4.03. City Attorney.

The Council shall appoint or retain a qualified and licensed attorney or law firm to represent the City in all legal proceedings. The attorney appointed by the City or provided by the law firm shall have practiced law in the State of Texas for at least two years immediately prior to serving as City Attorney and be a member of the State

Bar of Texas in good standing. The City Attorney shall serve at the discretion of the Council and shall receive for his services such compensation as may be fixed by the Council. The City Attorney shall be the legal advisor of, and attorney for, all of the offices and departments of the City and shall represent the City in all litigation and legal proceedings, provided the Council may retain special counsel at any time they deem same appropriate and necessary. The City Attorney shall review and approve as to form and legality all contracts and legal instruments in which the City may have an interest. The City Attorney shall perform other duties prescribed by this Charter, by ordinance or at the direction of the Council.

Sec. 4.04. Municipal Court.

The Council shall establish and maintain a court, designated as the Municipal Court, for the trial of misdemeanor offenses, with all such powers and duties as are now or may hereafter be prescribed by the laws of the State of Texas relative to municipal courts.

State law reference–Municipal courts generally, V.T.C.A., Government Code, sec. 29.001 et seq.

Sec. 4.05. Clerk of the Municipal Court.

The Court may appoint a clerk of the Municipal Court with such duties and responsibilities as the Council may direct. The clerk shall have the power to administer oaths and affidavits, make certificates, affix the seal of the Court thereto, and otherwise perform any and all acts necessary in conducting the business thereof. Nothing herein shall prevent the City Secretary or any other city official or employee from also being designated the clerk, and the Council may appoint a deputy with the same power as the clerk. (Ordinance 01-850, sec. 3, adopted 2/27/01)

State law reference–Municipal court clerk generally, V.T.C.A., Government Code, sec. 29.010.

Sec. 4.06. Commissions, Boards and Committees.

In addition to the following commissions, boards and committees, the Council may appoint other such citizen groups as it deems necessary and advisable either for a given term or in an ad hoc capacity. These commissions, boards and committees shall serve without compensation.

A. Planning and Zoning Commission.

There is hereby established a Planning and Zoning Commission which shall consist of five members, a first alternate member and a second alternate member, who shall be appointed by the Council to two year terms. Not more than three members' terms or one alternate member term shall expire during a year. When a member is absent from a Commission meeting, the alternate member replacement shall have voting privileges. The Commission members shall be qualified voters of the City. If a vacancy should occur in the membership, the Council shall appoint a new member to fill the vacancy for the unexpired term. A majority of members shall constitute a quorum. The Commission shall elect a chairman. A meeting shall be held as frequently as needed to conduct pending business as scheduled by City Staff or as directed by City Council. The Commission shall keep the minutes of meetings which shall be public record, and copies shall be sent to the Council members. The Planning and Zoning Commission shall

(1) propose amendments, extensions or additions to the Master Plan for the physical development of the City, which shall contain the Commission's recommendations for growth, improvement and beautification of the City;

(2) recommend to the Council for approval or disapproval of proposed changes in zoning, boundaries and regulations as set forth by ordinance or laws of the State of Texas;

(3) notify the Council of recommended approval or disapproval of the planning or subdividing of land, including land for parks as recommended by the Parks and Recreation Board or other related matters within the corporate limits of the City and within the extraterritorial jurisdiction as permitted by law;

(4) perform such additional duties and exercise such additional powers as may be prescribed by ordinance not inconsistent with the provisions of this Charter.

State law reference–Authority of municipality to establish planning and zoning commission, V.T.C.A., Local Government Code, sec. 211.007.

B. Parks and Recreation Board.

There is hereby established a Parks and Recreation Board of five members, a first alternate member and a second alternate member, who shall be appointed by the Council to two-year terms. Not more than three members' terms, or one alternate member's term, shall expire during a year. When a member is absent from a Board meeting, the alternate member replacement shall have voting privileges. The Board members shall be qualified voters of the City. If a vacancy should occur in the membership, the Council shall appoint a new member to fill the vacancy for the unexpired term. A majority of the members shall constitute a quorum.

The Parks and Recreation Board shall formulate and submit recommendations of park and recreation policies to the Council.

The Parks and Recreation Board shall submit recommended plans for land use and location of public parks to Council.

The Parks and Recreation Board shall propose annual parks operating requirements and five-year capital plan and submit both to the Manager no later than one hundred twenty days prior to the final date for submission of the budget.

C. Board of Adjustment.

There is hereby established a Board of Adjustment of five members, a first alternate member, a second alternate member and a third alternate member, who shall be appointed by the Council to two-year terms. Not more than three members' terms or two alternate members' terms shall expire during a year. When a member is absent from a Board meeting, the alternate member replacement shall have voting privileges. The Board members shall be qualified voters of the City. If a vacancy should occur in the membership, the Council shall appoint a new member to fill the vacancy for the unexpired term. Decisions requiring a vote of the Board may only be made with a concurring vote of four or more members.

The Council shall, by ordinance, provide standards and procedures for the Board to hear and determine appeals from administrative decisions and petitions for variances in the case of peculiar and unusual circumstances which would prevent the reasonable use of land and such other matters as may be required by the Council or by law.

State law reference–Establishment and authority of zoning board of adjustment, V.T.C.A., Local Government Code, sec. 211.008 et seq.

D. Fiscal Committee. [Repealed]

(Ordinance 01-850, sec. 3, adopted 2/27/01; Resolution 09-2137, prop. 4, adopted 5/15/09)

ARTICLE V. ADMINISTRATION*

Sec. 5.01. Appointments and Qualifications.

The Council, by majority vote, shall appoint a City Manager, hereafter referred to as the "Manager", who shall be administrator and chief operating officer of the City and shall be responsible to the Council for the administration of the affairs of the City. He shall be chosen by the Council solely on the basis of his executive and administrative training, experience and ability. No member of the Council shall, during the time for which

he is elected and for two years thereafter, be appointed Manager. (Ordinance 01-850, sec. 3, adopted 2/27/01; Resolution 09-2137, prop. 5, adopted 5/15/09)

Sec. 5.02. Term.

The Manager shall not be appointed for a definite term but may be removed at the will and pleasure of the Council by a vote of the majority of the entire Council. The action of the Council in the suspending or removing of the Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibilities of such suspensions or removal in the Council. In case of absence, disability or suspension of the Manager, the Council may designate a qualified person other than the Mayor or a member of the Council to perform his duties.

Sec. 5.03. Duties of the Manager.

The duties of the Manager shall include the following:

(1) See that all state laws and city ordinances are effectively enforced.

(2) Appoint, suspend or remove all or any one of the directors of departments and employees, except as otherwise provided in this Charter.

(3) Attend all meetings of the Council except when excused by Council, and shall have the right to take part in the discussion.

(4) Prepare the fiscal and capital program and budget annually; submit it to the Council and be responsible for its administration after its adoption.

(5) Prepare and submit to the Council at the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year.

(6) Keep the Council advised of the financial condition and future needs of the City.

(7) Make other such reports as the Council may require concerning the operations of city departments, offices and agencies subject to his direction and supervision.

(8) Perform such other duties as may be prescribed by the Council, as consistent with this Charter.

Sec. 5.04. Reserved.

Editor's note–Former section 5.04 pertaining to the personnel policies manual was repealed by Proposition 6 of Resolution 09-2137, adopted May 15, 2009.

Sec. 5.05. Bonding of City Employees.

All officers and employees who act in a financial capacity, or others as the Council may require, before assuming the duties of their offices, shall enter into a good and sufficient fidelity bond in a sum to be determined by the Council, payable to the City. The premium on such bonds shall be paid by the City.

State law reference–Official bonds, V.T.C.A., Government Code, ch. 604.

Sec. 5.06. Residency Requirement.

The Manager shall be required to live within the City limits. The individual appointed for such position shall be allowed one year to comply with this provision. The Council may waive the residency requirement with just cause after discussion during open session.

State law reference–Residency requirements for municipal employees, V.T.C.A., Local Government Code, sec. 150.021.

Sec. 5.07. Interference with Administration.

Except for the purposes of inquiries and investigations as set forth in this Charter, the Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Council nor its members shall give orders to any such officer or employee, whether publicly or privately, except as otherwise provided in this Charter.

Sec. 5.08. Appointments and Removals.

Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees which the Manager or any of his subordinates are empowered to appoint. The Council may express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees, except as otherwise provided in this Charter.

Sec. 5.09. Police Department.

There shall be established and maintained a department of police to preserve order within the City and to secure the residents of the City from violence and their property therein from injury or loss. With the approval of the Council, the Manager shall appoint a Chief of Police, who shall be the administrative officer of the Police Department. He shall, in accordance with the City's personnel policies, appoint and remove the employees of the department and shall perform such duties as may be required of him. His term shall be indefinite, subject to removal by the Manager with appropriate appeals to the Council. (Ordinance 01-850, sec. 3, adopted 2/27/01)

State law reference–Police force in home-rule municipality, V.T.C.A., Local Government Code, sec. 341.003.

Sec. 5.10. Fire Department.

A qualified Fire Department shall be established and maintained to provide for protection against the threat and destruction of fires. With the approval of the Council, the Manager shall appoint a Fire Chief who shall be the administrative officer of the Fire Department. He shall, in accordance with the City's personnel policies, appoint and remove the employees of the department and shall perform such duties as may be required of him. His term shall be indefinite with removal by the Manager with appropriate appeals to the Council.

State law reference–Fire department in home-rule municipality, V.T.C.A., Local Government Code, sec. 342.011.

Sec. 5.11. Inquiries.

Council members, in preparation for Council meetings, may make inquiries of department heads regarding items and issues before the Council.

Sec. 5.12. Investigations.

The Council shall have the authority to initiate an investigation, or to authorize the Manager, a Special Counsel, committee or individual to initiate an investigation into the conduct of any department, agency, officer or employee of the City and to make investigations as to City affairs, and for that purpose shall have the power to subpoena witnesses, administer oaths and compel the production of books, papers, and other evidence material to said investigation. The Council shall provide by ordinance penalties for contempt in refusing to obey any such subpoenas or failure to produce books, papers and other evidence, and shall have the power to punish any such contempt in the manner provided by ordinance.

Sec. 5.13. City Secretary.

[Repealed–see Section 4.02]

ARTICLE VI. FINANCIAL PROCEDURES*

Sec. 6.01. Fiscal Year.

The fiscal year of the City shall begin on the first day of October and end on the last day of September.

State law references–General fiscal power to establish fiscal year, V.T.C.A., Local Government Code, sec. 101.022; city fiscal year, V.T.C.A., Tax Code, sec. 1.05.

Sec. 6.02. Submission of Budget and Budget Message.

No later than forty-five days prior to the end of the fiscal year, the Manager shall submit to the Council a budget for the ensuing fiscal year and an accompanying message.

State law reference–Annual budget required, V.T.C.A., Local Government Code, sec. 102.002.

Sec. 6.03. Budget Message.

The Manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall describe the important features of the budget and indicate any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the City's debt position, and include such other material as the Manager deems desirable. (Ordinance 01-850, sec. 3, adopted 2/27/01; Resolution 09-2137, prop. 7, adopted 5/15/09)

Sec. 6.04. Fiscal Budget.

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such a form as the Manager deems desirable or the Council may require. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for the actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

(1) proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such operations;

(2) proposed capital expenditures for current operations during the ensuing fiscal year detailed by offices, departments and agencies with the proposed method of financing each such capital expenditure; and

(3) anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditures information shall be attached as appendices to the budget.

(Ordinance 01-850, sec. 3, adopted 2/27/01)

State law reference–Itemized budget and contents, V.T.C.A., Local Government Code, sec. 102.003

Sec. 6.04.1. Reserved.

Editor's note–Former section 6.04.1 pertaining to the proposed budget for the office of city secretary was repealed by Proposition 8 of Resolution 09-2137, adopted May 15, 2009. See section 6.04.

Sec. 6.05. Five-Year Capital Program.

A. Submission to Council/Planning and Zoning Commission. The City Manager shall prepare a minimum five-year capital budget. The City Manager shall submit to the Council his recommended five-year capital budget at least sixty days prior to the final date for submission of the budget.

B. Contents. The capital program shall include

(1) a clear general summary of its contents;

(2) a list of all capital improvements which are proposed to be undertaken during the next three fiscal years, with appropriate supporting information as to the necessity for such improvements;

(3) cost estimates, method of financing and recommended time schedules for each such improvement; and

(4) the estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

(Ordinance 01-850, sec. 3, adopted 2/27/01)

Sec. 6.06. Council Action on Fiscal Budget and Capital Budget.

A. Notice and Hearing. The Council shall publish notice and hold public hearings on the proposed budget as required by state law.

B. Amendment before Adoption. After the public hearing, the Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income and available balances.

C. Adoption. The budgets shall be adopted by an affirmative vote of the majority of the entire Council. Adoption of the budgets shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

D. Failure to Adopt. If the Council fails to adopt the budget and tax rate within the time prescribed by state law, the tax rate shall be set as prescribed by state law. The budget shall be the amounts appropriated for the prior fiscal year, not to exceed projected revenues and available balances, in which case, appropriated amounts would be reduced on a pro-rata basis as needed to provide a balanced budget. The budget may be amended as allowed by state law and this Charter.

(Ordinance 01-850, sec. 3, adopted 2/27/01; Resolution 09-2137, props. 9–11, adopted 5/15/09)

State law reference–Public hearing on proposed budget, V.T.C.A., Local Government Code, sec. 102.006; special notice by publication for budget hearing, V.T.C.A., Local Government Code, sec. 102.0065; adoption of budget, V.T.C.A., Local Government Code, sec. 102.007.

Sec. 6.07. Public Records.

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at the office of the City Secretary.

State law reference–Approved budget filed with municipal clerk, V.T.C.A., Local Government Code, sec. 102.008.

Sec. 6.08. Amendments After Adoption.

A. Supplemental Appropriations. If during the fiscal year the Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

B. Emergency Appropriations. To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of Section 3.07 B. To the extent that there are no available unappropriated revenues to meet such

appropriations, the Council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time. These notes and renewals of any fiscal year shall be paid not later than the last day of the next fiscal year.

C. Reduction of Appropriations. If at any time during the fiscal year it appears probable to the Manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the Council without delay, indicating the cause and estimated amount of the deficit, any remedial action taken by him, and his recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit, and for that purpose it may by ordinance reduce one or more appropriation[s].

D. Transfer of Appropriations. At any time during the fiscal year upon written request by the Manager, the Council may by ordinance transfer part or all unencumbered appropriation balance from one department, office or agency to another.

E. Limitations. No appropriations for debt service may be transferred or reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof.

(Ordinance 01-850, sec. 3, adopted 2/27/01)

State law references–Levy of taxes and expenditure of funds under budget, emergency expenditure, V.T.C.A., Local Government Code, sec. 102.009; changes in budget for municipal purposes, V.T.C.A., Local Government Code, sec. 102.010.

Sec. 6.09. Lapse of Appropriations.

Every appropriation, except for capital expenditures, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue until the purpose for which it was made has been accomplished or abandoned. The purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation. Any funds not expended, disbursed or encumbered shall be deemed excess funds.

Sec. 6.10. Depository.

All monies received by any person, department or agency of the City for or in connection with the affairs of the City shall be deposited promptly in the City depository. This depository shall be designated by the Council in accordance with such regulations and subject to the requirements established by ordinance and law. Procedures for the withdrawal of money or the disbursement of funds from the City depository shall be prescribed by ordinance. Multiple City depositories shall be allowed.

State law reference–Depositories for municipal funds, V.T.C.A., Local Government Code, ch. 105.

Sec. 6.11. Independent Audit.

At the close of each fiscal year, and at such other times as may be deemed necessary, the Council shall call for an independent audit to be made of all accounts of the City by a certified public accountant. The certified public accountant selected shall have no personal interest, directly or indirectly, in the financial affairs of the City or any of its officers. The audit report with the auditor's recommendations will be made to the Council. Upon completion of the audit, a copy of the audit shall be filed with the City Secretary as a public record, as required by state law. (Resolution 09-2137, prop. 12, adopted 5/15/09)

State law reference–Audit of municipal finances, V.T.C.A., Local Government Code, ch. 103.

Sec. 6.12. Administration of Budget.

A. No payment shall be made or obligation incurred against any allotment or appropriation unless the Manager or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation, and that sufficient funds are or will be available to cover the claim or meet the obligation when it becomes due and payable.

B. Any authorization of payment or incurrence of obligation in violation of the provisions of this Charter shall be void and any payment made illegal. Such action shall be cause for removal of any officer who knowingly authorized or made such a payment or obligation, and he shall also be liable to the City for any amount so paid.

C. This prohibition shall not be construed to prevent the making or authorizing of payments, or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, or other evidences of indebtedness, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, providing that such action is made or approved by ordinance.

D. The Manager shall submit to the Council each month a financial report covering the revenues and expenditures of the City in such a form as requested by the Council.

Sec. 6.13. Tax Collections.

Taxes shall be collected by the County Tax Assessor-Collector or any successor agency. (Ordinance 01-850, sec. 3, adopted 2/27/01)

Sec. 6.14. Taxes: When Due and Payable.

A. All taxes in the City shall be payable at the office of the County Tax Assessor-Collector or any successor agency, or at such location or locations as may be designated by the Council, and may be paid at any time after the tax rolls for the year have been completed and approved. Taxes for each year shall be paid before February 1 of the next year, and all such taxes not paid prior to that date shall be deemed delinquent and shall be subject to penalty and interest as the Council shall provide by ordinance in accordance with state law. The Council may provide discounts for the payment of taxes prior to January 1 in amounts not to exceed those established by the State of Texas.

B. Failure to levy and assess taxes through omission in preparing the appraisal rolls shall not relieve the person, firm or corporation so omitted from obligation to pay such current or past due taxes as shown to be payable by recheck of the rolls and receipts for the years in question, omitting penalty and interest.

(Ordinance 01-850, sec. 3, adopted 2/27/01)

State law reference–Delinquency date for payment of taxes, V.T.C.A., Tax Code, sec. 31.02.

Sec. 6.15. Tax Liens, Liabilities and Suits.

A. All taxable property located in the City on January 1 of each year shall stand charged from that date with a special lien in favor of the City for the taxes due. All persons purchasing any such property on or after January 1 in any year shall take the property subject to the liens provided above. In addition to the liens herein provided, on January 1 of any year the owner of property subject to taxation by the City shall be personally liable for the taxes due for that year.

B. The City shall have the power to sue for and recover personal judgment for taxes without foreclosure, or to foreclose its lien or liens, or to recover both personal judgment and foreclosure. In any such suit where it appears that the description of any property in the City appraisal rolls is insufficient to identify such property, the City shall have the right to plead a good description of the property to be assessed, to prove the same, and to have a judgment foreclosing the tax lien or for personal judgment against those owning such property for taxes.

(Ordinance 01-850, sec. 3, adopted 2/27/01)

State law reference–Tax liens and personal liability, V.T.C.A., Tax Code, ch. 32.

Sec. 6.16. Borrowing.

A. Power to Borrow. The City shall have the right and power, except as prohibited by state law and this Charter, to borrow money by whatever method it may deem to be in the public interest.

B. Emergency Funding. In any budget year, the Council may by unanimous resolution of the Council members present at the meeting at which the resolution is to be considered, authorize the borrowing of money. Notes may be issued which

are repayable not later than the end of the current fiscal year.

(Resolution 09-2137, prop. 13, adopted 5/15/09)

State law references–Public Security Procedures Act, V.T.C.A., Government Code, ch. 1201; refunding bonds, V.T.C.A., Government Code, ch. 1207; bond elections generally, V.T.C.A., Government Code, ch. 1251; municipal bonds, V.T.C.A., Government Code, ch. 1331; authority of municipality to issue bonds for public improvements, V.T.C.A., Government Code, sec. 1331.052.

Sec. 6.17. Purchasing.

A. All contracts for purchases shall be subject to the purchasing and contracting requirements as allowed by state law.

B. Emergency contracts as authorized by law and this Charter may be negotiated by the Council or Manager if given such authority by the Council, without competitive bidding. Such emergency shall be declared by the Manager and approved by the Council, or may be declared by the Council.

(Ordinance 01-850, sec. 3, adopted 2/27/01; Resolution 09-2137, prop. 14, adopted 5/15/09)

State law reference–Purchasing and contracting authority of municipality, V.T.C.A., Local Government Code, chs. 252, 271.

ARTICLE VII. UTILITY AND PUBLIC SERVICE FRANCHISES AND LICENSES*

Sec. 7.01. Authority.

All utilities, franchised or otherwise, shall be subject to the City's police power to manage, maintain and govern the public rights-of-way within the corporate city limits. (Ordinance 01-850, sec. 3, adopted 2/27/01)

Sec. 7.02. Ordinance Granting Franchise.

A. Any ordinance granting, renewing, extending or amending a public service or utility franchise must be read at two separate meetings of the Council and shall not take effect until thirty days after the final reading. Within fifteen days following each reading of the ordinance, a summary of the ordinance shall be published in the official newspaper of the City. The expense of such publication shall be borne by the prospective franchisee.

B. At its discretion, the Council may grant, renew or extend a franchise for a term not to exceed twenty years.

C. No franchise may be exclusive.

Sec. 7.03. Transfer of Franchise.

No public service or utility franchise is transferable, except with the approval of the Council. The franchisee may pledge franchise assets as security for a valid debt or mortgage.

Sec. 7.04. Franchise Value not to be Allowed.

No value shall be assigned to any franchise granted by the City in fixing reasonable rates and charges for utility service within the City or determining the just compensation to be paid by the City for public utility property which it may acquire by condemnation or otherwise.

Sec. 7.05. Licenses.

The City shall have the power to license, levy and collect fees in order to license any lawful business or occupation subject to control pursuant to the enforcement powers of the State of Texas and for any other purpose not contrary to the Constitution and laws of the State of Texas.

Sec. 7.06. Right of Regulation.

In granting, amending, renewing and extending public service utility franchises and licenses, the City reserves unto itself all the usual and customary rights, including, but not limited to, the following rights:

(1) to repeal the franchise by ordinance for failure to begin construction or operation within the time prescribed, or for failure to comply with terms of the franchise;

(2) to require all extensions of service within the City limits to become part of the aggregate property of the service and operate subject to all obligations and reserved rights contained in this Charter. Any such extension is considered part of the original grant and terminable at the same time and under the same conditions as the original grant;

(3) to require expansion and extension of facilities and services and to require maintenance of existing facilities to provide adequate service at the highest level of efficiency;

(4) to require reasonable standards of service and quality of product and prevent rate discrimination;

(5) to impose reasonable regulations and restrictions to insure the safety and welfare of the public;

(6) to examine and audit accounts and records and to require annual reports on local operations of the public service or utility;

(7) to require the franchisee to restore, at the franchisee's expense, all public or private property to a condition as good or better than before disturbed by the franchisee for construction, repair or removal;

(8) to require the franchisee to furnish to the City, within a reasonable time, at the franchisee's expense, a general map outlining current location, character, size, length, depth, height and terminal of all facilities over and under property within the City and its extraterritorial jurisdiction;

(9) to require compensation, rent or franchise fees to be paid to the City as may be permitted by the laws of the State of Texas.

(10) [Repealed.]

(Ordinance 01-850, sec. 3, adopted 2/27/01)

Sec. 7.07. Regulation of Rates.

A. The Council has the power to fix and regulate the rates and charges of all utilities and public services, consistent with State statutes.

B. Upon receiving written request from a utility or public service requesting a change in rates, or upon a recommendation from the City that rates for services provided by the City be changed, the Council shall call a public hearing for consideration of the change.

C. Any ordinance granting a rate change must be read at two separate meetings of the Council and shall not take effect until thirty days after the final reading. Within fifteen days following each reading of the ordinance, a summary of the ordinance shall be published once in the official newspaper of the City. The expense of such publication shall be borne by the prospective franchisee.

D. The City, public service or utility must show the necessity for the change by any evidence required by the Council in accordance with normal and customary rate making policies.

E. If not satisfied with the sufficiency of evidence, the Council may hire rate consultants, auditors and attorneys to investigate and, if necessary, litigate requests for rate changes, the expense of which shall be reimbursed to the City by the franchisee.

ARTICLE VIII. NOMINATIONS AND ELECTIONS*

Sec. 8.01. City Elections.

A. Conduct and Regulation of Elections. All City elections shall be conducted as prescribed by the laws of the State of Texas, the Charter and ordinances of the city, in that order.

B. Special Elections. The Council may, by ordinance or resolution, order a special election under the following conditions: an ordinance, bond issue, Charter amendment, recall or other appropriate purposes so deemed by the Council. The Council shall be responsible for holding such election.

(Ordinance 01-850, sec. 3, adopted 2/27/01; Resolution 09-2137, prop. 15, adopted 5/15/09)

State law references–Applicability of Election Code, V.T.C.A., Election Code, sec. 1.002; date for election of officers, V.T.C.A., Local Government Code, sec. 26.042; election dates, V.T.C.A., Election Code, ch. 41.

Sec. 8.02. Filing for Office.

A. Eligibility to File. Each candidate for any elective City office shall meet the following qualifications:

1. shall be a qualified and effectively registered voter of the City;

2. shall have resided within the corporate limits of the City, including the annexed territory, for the twelve consecutive months prior to the filing deadline;

3. shall meet the requirements of sponsorship required in Section 8.02B;

4. shall not file for more than one office or position number per election;

5. shall resign from the office and the position declared vacant if an incumbent and seeking another office or position number;

6. shall not continue as a City employee after becoming a candidate for an elective office.

B. Procedure and Scheduling for Filing. Any qualified voter of the City meeting the qualifications stated in Section 8.02A may be nominated for an elective office by petition of the minimum number of qualified voters required by state law, who shall be designated his sponsors. No voter shall sign more than one sponsoring or nominating petition for a particular office or position number. If a voter does sign more than one, his signature shall be void except as to the first filed of the petitions signed by him. All signatures of a nominating petition shall be in ink and shall include the signer's address, date of birth or voter registration number, and the date of his signing. The signed petition shall be filed with the City Secretary as prescribed by the Texas Election Code.

C. Certificate of Petition. Within three business days, after the filing of a nominating petition, the City Secretary shall notify the candidate whether or not the petition satisfied the requirements prescribed in this Charter. If a petition is found insufficient, the City Secretary shall immediately provide written notice to candidate with a statement certifying wherein it is insufficient. The City Secretary shall keep on file, in accordance with the state retention schedule, all petitions found to be sufficient for filing for elected office.

D. Public Disclosure. Candidates shall file with the City Secretary twenty-one days prior to the day of election a financial disclosure statement pertaining to the candidate, the candidate's spouse and dependent minor children, consisting of the following:

(1) list of all property owned or held in trust within the City limits and extraterritorial jurisdiction. This list will include location, size and current use;

(2) list of all fees, salaries, or gifts of value exceeding ten dollars received from companies or individuals under contract with the City during the twelve months prior to filing for public office;

(3) list of ownership of stocks in companies under contract to the City when such stock comprises more than two percent of the company's total outstanding stock.

(Ordinance 01-850, sec. 3, adopted 2/27/01; Resolution 09-2137, props. 16, 17, adopted 5/15/09)

State law references–Eligibility for public office, V.T.C.A., Election Code, sec. 141.001 et seq.; age and residence requirements for home-rule city office, V.T.C.A., Election Code, sec. 141.003; candidates for city office, V.T.C.A., Election Code, ch. 143.

Sec. 8.03. Official Ballot.

A. Names on the Ballot. The official ballot shall be prepared as prescribed by the Texas Election Code.

B. Ballots for Ordinances, Bond Issues and Charter Amendments. An ordinance, bond issue or Charter amendment to be voted on by the City shall be presented for voting by ballot title. The ballot title may differ from its legal title and shall be clear, concise and approved by the Council, describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance, bond issue or Charter amendment) be adopted?" Immediately below or to the left of such question shall appear in the following order, the words "YES" and "NO" next to which the voter may cast his vote.

(Ordinance 01-850, sec. 3, adopted 2/27/01; Resolution 09-2137, prop. 18, adopted 5/15/09)

State law reference–Ballot form, content and preparation, V.T.C.A., Election Code, ch. 52.

Sec. 8.04. Canvassing and Election Results.

A. Canvassing. The returns of every municipal election shall be conducted as prescribed by the Texas Election Code. The candidates who receive a majority of the legal votes cast for each place shall be declared elected.

B. Runoff Election and Tie Vote. A runoff election shall be held whenever no candidate receives a majority of the legal votes cast for the place for which such person is running. Runoff elections shall be conducted as prescribed by the Texas Election Code.

(Ordinance 01-850, sec. 3, adopted 2/27/01; Resolution 09-2137, prop. 19, adopted 5/15/09)

State law references–Election by plurality, V.T.C.A., Election Code, sec. 2.001 et seq.; runoff election, V.T.C.A., Election Code, sec. 2.021 et seq.; canvassing elections, V.T.C.A., Election Code, ch. 67.

Sec. 8.05. Oath of Office.

Every officer of the City, whether elected or appointed, before entering upon the duties of office, shall take and subscribe to the appropriate oath or affirmation in accordance with state law. (Resolution 09-2137, prop. 20, adopted 5/15/09)

State constitution reference–Oath of office, Texas Constitution, art. 16, sec. 1.

ARTICLE IX. INITIATIVE, REFERENDUM AND RECALL

Sec. 9.01. General Authority.

A. Initiative. The qualified voters of the City shall have the right to propose ordinances to the Council. If the Council fails to adopt an ordinance so proposed without any change, the voters may adopt or reject it at a City election. This power shall not extend to the budget, capital programs or any ordinance relating to appropriation of money, levy of taxes or salaries of City officers or employees. Such initiative power may be used to enact a new ordinance, or repeal or amend sections of an existing ordinance.

B. Referendum. The qualified voters of the City shall have the power to require reconsideration by the Council of any adopted ordinance. If the Council fails to repeal any ordinance so reconsidered, the voters may approve or reject it at a City election, provided that such power shall not extend to the budget, or capital program or any properly enacted emergency ordinance, ordinance relating to appropriation of money or levying of taxes or ordinance relating to the control of armed or violent insurrection, revolt, rebellion or riot.

C. Recall. The qualified voters of the City shall have the power to recall any elected official on grounds of incompetency, noncompliance with this Charter, misconduct or malfeasance.

(Ordinance 01-850, sec. 3, adopted 2/27/01)

Sec. 9.02. Initiation of Proceedings, Petitioners' Committee, Affidavit.

At least five qualified voters may begin initiative, referendum, or recall proceedings by filing with the City Secretary an affidavit stating they constitute the petitioners' committee. This committee will be responsible for coordinating the circulation of the petition and filing it in proper form; stating their names and addresses and specifying the address to which all notices to the committee are to be sent. The committee will set out in full the proposed initiative ordinance, the ordinance for reconsideration, or the particulars for recall. Immediately after the affidavit of the petitioners' committee is filed, the City Secretary shall issue the appropriate petition blanks to the petitioners' committee.

After the affidavit of the petitioners' committee is filed, the ordinance sought to be amended or repealed shall not be repealed, or amended or reenacted by the Council unless

(1) the action taken by the Council is that which the petition requests,

(2) the petition has not been filed within the prescribed time limit,

(3) there is a final determination of the insufficiency of the petition,

(4) the petition is withdrawn by the petitioners' committee, or

(5) one year has elapsed since Council or voter action has been taken on the petition.

(Ordinance 01-850, sec. 3, adopted 2/27/01)

Sec. 9.03. Petitions.

A. Number of Signatures. Initiative, referendum or recall petitions must be signed by currently registered voters of the City equal in number to at least twenty percent of the total number of voters registered to vote at the last regular municipal election.

B. Form and Content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. To be certified, each signature shall have been personally signed by such voter in ink, shall be followed by the date signed, the address of the person signing and include the voter's date of birth or voter registration number as prescribed by the Texas Election Code. Petitions of initiative or referendum shall contain, or have attached thereto throughout their circulation, the full text of the ordinance proposed or sought to be reconsidered. A recall petition shall contain the identity of the elected official and a list of grounds.

C. Affidavit of Circulator. When filed, each paper of a petition shall have attached to it an affidavit executed by the circulator thereof stating that

(1) he personally circulated the petition,

(2) the signature count of the petition,

(3) that all the signatures were affixed in his presence,

(4) the belief of the signatures to be genuine, and

(5) that each signer had an opportunity before signing to read the full text of the ordinance proposed, or sought to be reconsidered or the identity of the elected official and grounds.

D. Time for Filing Petitions. Referendum petitions must be filed within sixty days after adoption by the Council of the ordinance sought to be reconsidered. Initiative and recall petitions must be filed within forty-five days after issuance of the appropriate petition blanks to the petitioners' committee. Additional time as specified in Section 9.04 E shall be allowed for amending petitions.

(Ordinance 01-850, sec. 3, adopted 2/27/01; Resolution 06-1832, sec. 13, adopted 3/9/06; Resolution 09-2137, prop. 21, adopted 5/15/09)

Sec. 9.04. Determination of Sufficiency.

A. Certification. Within fifteen working days after the petition is filed, the City Secretary shall complete a certificate as to the petition's sufficiency, specifying, if it is insufficient, the particulars wherein it is defective. Immediately upon completion of certification, a copy of the certificate shall be sent to the petitioners' committee by registered mail.

B. Sufficient Petition, Final Determination. If the petition is certified sufficient, the City Secretary shall present the certificate to the Council within three working days. The certificate shall then be a final determination as to the sufficiency of the petition.

C. Insufficient Petition, Final Determination. If a petition is certified insufficient, and the petitioners' committee does not elect to amend or request Council review under 9.04 D and E within the time required, the City Secretary shall present a certificate to the members of the Council within three working days, which shall be the final determination of the sufficiency of the petition.

D. Insufficient Petition, Amending. A petition certified insufficient for lack of required number of signatures may be amended as allowed by state law.

E. Insufficient Petition, Appeal. If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it as in Section 9.04 D, the committee may, within three working days after receiving the copy of such certificate, file a request that it be reviewed by the Council. The Council shall review the certificate at its next regular meeting following the filing of such request and approve or disapprove it. The Council's determination shall be final as to the sufficiency of the petition.

F. Court Review; New Petitioner. A final determination as to the sufficiency of a petition shall be subject to review in the appropriate court of record. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

(Ordinance 01-850, sec. 3, adopted 2/27/01; Resolution 09-2137, prop. 22, adopted 5/15/09)

Sec. 9.05. Referendum Petitions, Suspension of Effect of Ordinance.

When a referendum petition is filed with the City Secretary, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when one of the following occurs:

(1) there is a final determination of insufficiency of the petition, or

(2) the Petitioners' committee withdraws the petition, or

(3) the Council repeals the ordinance, or

(4) the vote of the people in a referendum election determines whether the ordinance sought to be repealed is repealed or is sustained and the election results are certified by the election officials.

All action previously taken under such ordinance or resolution shall be suspended and its legality or validity determined by the final disposition of the referendum petition.

(Ordinance 01-850, sec. 3, adopted 2/27/01)

Sec. 9.06. Action on Petitions.

A. Action by the Council. The Council shall promptly consider the proposed initiative ordinance in the manner prescribed for enacting ordinances or reconsider the referred ordinance by voting its repeal. Within sixty days after the date the initiative or referendum petition has been finally determined sufficient, Council shall either

(1) adopt a proposed initiative ordinance without any change in substance;

(2) repeal a referred ordinance; or

(3) call an election on the proposed referred ordinance for the next legal election date.

In the case of recall, the Council shall, after the elected official has been given an opportunity to resign, order an election forthwith to determine whether such officer shall be recalled.

B. Submission to Voters. Copies of the proposed or referred ordinance or recall grounds shall be made available at the polls and the office of the City Secretary for fifteen days immediately preceding the election and shall be posted at the regular posting places.

C. Withdrawal of Petitions. An initiative or referendum petition may be withdrawn at any time prior to the day that Council calls the election by filing a request for withdrawal signed by at least four members of the petitioners' committee. Upon filing the request with the City Secretary, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

D. Withdrawal of Recall. A recall petition may be withdrawn at any time prior to the day that Council calls the election by filing a request for withdrawal signed by at least four members of the petitioners' committee or upon resignation of the named official. Upon filing the request with the City Secretary, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(Ordinance 01-850, sec. 3, adopted 2/27/01; Resolution 09-2137, prop. 23, adopted 5/15/09)

Sec. 9.07. Form of Ballots.

A. Initiative. Ordinances shall be submitted by ballot title, which shall be prepared in all cases by the City Attorney. The ballot title may be different from the legal title of any such initiated or referred ordinance, and it shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance. Immediately below the ballot title shall be printed the following two statements, one above the other, in the order indicated:

"For adoption of the ordinance.

"Against adoption of the ordinance."

B. Referendum. Ordinances being considered for repeal shall be submitted by ballot title, which shall be prepared in all cases by the City Attorney. The ballot title may be different from the legal title of any such initiated or referred ordinance, and it shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance. Immediately below the ballot title shall be printed the following two statements, one above the other, in the order indicated:

"For repeal of the ordinance.

"Against repeal of the ordinance."

C. Recall. Ballots used at recall elections shall, with respect to each person whose removal is sought, submit the following question:

"Shall (name of the person) be removed from the office of (name of office) by recall?"

Immediately below each such question there shall be printed the following two statements, one above the other, in the order indicated:

"For the removal of _____ by recall.

"Against the removal of _____ by recall."

(Ordinance 01-850, sec. 3, adopted 2/27/01)

Sec. 9.08. Results of Election.

A. Initiative. If the majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

B. Referendum. If a majority of the qualified electors voting on a referred ordinance vote for its repeal, it shall be considered repealed upon certification of the election results.

C. Recall. If a majority of the votes cast at a recall election shall be against removal of the elected official named on the ballot, he shall continue in office. If the majority of the votes cast at the election be for removal of the elected official named on the ballot, the Council shall immediately declare his office vacant, and such vacancy shall be filled in accordance with the provisions of this Charter for filling of vacancies. An elected official thus removed shall not be allowed to succeed himself.

(Ordinance 01-850, sec. 3, adopted 2/27/01)

Sec. 9.09. Limitations on Repeal and Recall.

A. Limitation of Council Repeal. The Council may not repeal or amend the initiated ordinance for one year after the effective date, unless conflicting with state law, and then only by the unanimous vote of the entire Council.

B. Limitation of Recall. No recall petition shall be filed against an elected official within three months after he takes office or three months prior to the expiration of his term, and no elected official shall be subjected to more than one recall election during a term of office.

Sec. 9.10. Public Hearing for Recall.

The elected official whose removal is sought may, within five days after such recall petition has been presented to the Council, request that a public hearing be held to permit him to present facts pertinent to the charges specified in the recall petition. In this event, the Council shall order such public hearing to be held not less than five days nor more than fifteen days after receiving such request for a public hearing. (Ordinance 01-850, sec. 3, adopted 2/27/01)

Sec. 9.11. Failure of Council to Call a Recall Election.

In case all of the requirements of this Charter shall have been met and the Council shall fail or refuse to receive the recall petition, or order such recall election, or discharge other duties imposed upon said Council by the provisions of this Charter with reference to such recall, then any qualified voter in the City may seek judicial action in the District Court of Denton County, Texas, to have any of the provisions of this chapter pertaining to recall carried out by the proper official. (Ordinance 01-850, sec. 3, adopted 2/27/01)

ARTICLE X. GENERAL PROVISIONS

Sec. 10.01. Master Plan.

The City shall have a comprehensive master plan for the physical development of the City. The master plan shall contain recommendations for the growth, development and beautification of the City and its extraterritorial jurisdiction. The master plan shall specify a process for periodic review and update. Before any modification to the master plan, at least one public hearing shall be held on the proposed actions.

State law reference–Municipal zoning authority, V.T.C.A., Local Government Code, ch. 211.

Sec. 10.02. Public Records.

All records of the City shall be open for inspection except for those that are closed to the public by law. The records may be examined and copied in the City offices during normal business hours at a charge established by State law. (Ordinance 01-850, sec. 3, adopted 2/27/01)

State law references–Public access to records, V.T.C.A., Local Government Code, sec. 201.009; public information, V.T.C.A., Government Code, ch. 552.

Sec. 10.03. Official Newspaper.

The council shall declare the official newspaper for the City as prescribed by state law. (Ordinance 01-850, sec. 3, adopted 2/27/01; Resolution 09-2137, prop. 24, adopted 5/15/09)

Sec. 10.04. Personal Financial Interest.

All elected or appointed officials shall comply with Chapter 171 of the Texas Local Government Code.

Nothing in this section shall prohibit the City from obtaining land through purchase, gift or agreement from any elected city official or employee when required for easement, right-of-way, parks, or municipal buildings; provided, however, no Council member shall participate in Council action during the acquisition of such land when that Council member has any financial interest, directly or indirectly, in said land and further provided that purchase agreements must not exceed fair market value as determined by an independent and disinterested appraiser.

(Ordinance 01-850, sec. 3, adopted 2/27/01; Resolution 06-1832, sec. 13, adopted 3/9/06)

State law references–Conflicts of interest of officers, V.T.C.A., Local Government Code, ch. 171; public disclosure, V.T.C.A., Government Code, ch. 553.

Sec. 10.05. Political Activities of Employees.

In order to avoid undue influence of City employees on the outcome of City Council elections, and to avoid undue influence of City Council members or candidates for City Council on City employees, the following restrictions are imposed:

(1) No employee of the City may publicly endorse or actively support candidates for the City Council while at work or in a City uniform or in the offices or buildings of the City of Highland Village;

(2) No employee of the City may circulate petitions for City Council candidates, although he may sign such a petition;

(3) No employee of the City may contribute, directly or indirectly, to such a campaign nor solicit or receive contributions for a City Council candidate;

(4) No employee of the City may wear City Council campaign buttons nor distribute campaign literature at work or in a City uniform or in the offices or buildings of the City of Highland Village.

(Ordinance 01-850, sec. 3, adopted 2/27/01)

Sec. 10.06. Nepotism.

No person related, within the second degree by affinity or consanguinity, to any elected official of the City or the Manager shall be employed or appointed to any office, position or clerkship of the City. This prohibition shall not apply, however, to any person who shall have been continuously employed by the City at least two years prior to the election or appointment of said official.

State law reference–Nepotism, V.T.C.A., Government Code, ch. 573.

Sec. 10.07. Assignment, Execution, and Garnishment.

The property, real and personal, belonging to the City shall not be liable to be sold or appropriated under any writ or execution or cost bill. The funds belonging to the City in the hands of any person, firm or corporation,

shall not be liable to garnishment, attachment or sequestration; nor shall the City be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the City nor any of its elected officials or agents shall be required to answer any such writ of garnishment on any accounts whatsoever. (Ordinance 01-850, sec. 3, adopted 2/27/01)

State law reference–Authority to provide that municipal funds not subject to garnishment, V.T.C.A., Local Government Code, sec. 101.023.

Sec. 10.08. Codification of Ordinances.

The Council, within twelve months after the adoption of this Charter, shall cause to be codified, then published as soon as practicable in pamphlet form for public distribution the ordinances of the City, and shall annually thereafter revise and keep same up to date.

State law reference–Code of ordinances, V.T.C.A., Local Government Code, ch. 53.

Sec. 10.09. No City Official or Employee to Accept Gifts.

No elected official or employee of the City shall ever accept, directly or indirectly, any gift, favor, privilege, or employment from any corporation or individual enjoying a grant of any franchise, privilege or easement from the City, during such employment of such employee, except as may be authorized by law or ordinance. Any official or employee of the City who shall violate the provisions of this section shall be removed from office or employment.

State law reference–Conflicts of interest of officers, V.T.C.A., Local Government Code, ch. 171.

Sec. 10.10. Appointive Prohibition.

No officer of the City shall also hold an appointed position on a standing committee.

Sec. 10.11. Notice of Claims.

The City shall not be held liable for damages due to the death or personal injury of any person or for damage to property of any kind unless written notice is given to the Council or Manager, duly verified by affidavit, within six months after same has been sustained. This notice shall state specifically when, where, and how the death, injury, or damage occurred; the apparent extent of any such injury or amount of damage sustained; the City's alleged fault producing or contributing to the death, injury, or damage; the identity of all parties involved; the actual residence of the claimant by street and number at the date of claim; the actual residence of such claimant for six months immediately preceding the occurrence of same; and the names and addresses of all witnesses. The failure to so notify the Council or Manager within the time and manner specified herein shall exonerate, excuse and exempt the City from any liability whatsoever. In the event the claimant shows good cause for nonsubmission due to physical or mental disability and files said notice within six months after the same is removed, the filing time may be extended. No act of any official or employee of the City shall waive compliance or stop the City from requiring compliance with the provisions of this section as to notice, but such provisions may be waived by resolution of the Council, made and passed before the expiration of the six-month period herein provided, and evidenced by minutes of the Council. (Ordinance 01-850, sec. 3, adopted 2/27/01)

State law references–Texas Tort Claims Act, V.T.C.A., Civil Practice and Remedies Code, ch. 101; notice procedures, V.T.C.A., Civil Practice and Remedies Code, sec. 101.101.

Sec. 10.12. Power to Settle Claims.

The Council shall have the power to compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City, including suits by the City and to recover delinquent taxes.

Sec. 10.13. Separability Clause.

If a section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear.

Sec. 10.14. Effect of This Charter on Existing Laws.

All ordinances, resolutions, rules and regulations now in force under the City government and not in conflict with the provisions of this Charter, shall remain in full force and effect under this Charter until altered, amended or repealed by the Council, after this Charter takes effect. All rights of the City under existing franchises and contracts are preserved in full force and effect.

Sec. 10.15. Amending the Charter.

Amendments to this Charter may be framed and submitted to the voters of the City in the manner provided by V.T.C.A., Local Government Code § 9.004.

State constitution reference–Adoption or amendment of charter, Texas Constitution, art. 11, sec. 5.

State law reference–Adoption or amendment of charter, V.T.C.A., Local Government Code, sec. 9.001 et seq.

Sec. 10.16. Judicial Notice.

This Charter shall be deemed a public act and shall have the force and effect of general law. It may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places.

Sec. 10.17. Wording Interpretation.

The gender of the wording throughout this Charter shall always be interpreted to mean either sex. All singular words shall include the plural and all plural words shall include the singular. All references to state law or laws of the State of Texas, however expressed in this Charter, shall mean "as presently enacted or hereafter amended."

Sec. 10.18. Transition.

At the time of this Charter's adoption by the qualified voters of the City, the places of the City Council will be redefined to agree with Section 3.03. Those places previously numbered three, four and five will draw lots for new places three, five and seven with places one and two drawing lots for places two and four.

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA #	**4**	**MEETING DATE:**	**11/10/16**
SUBJECT:	**Discuss Award of Grant Funds to Non-Profit Organizations 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 municipal public purpose
- Services must be provided to the citizens of Highland Village on an equal basis
- The organization must enter into a written contract with the City of Highland Village for the provision of services

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

- Preservation, promotion or development of historically sensitive areas of the City
- Promotion of the performing arts
- Activities promoting and improving the health, safety and welfare of the youth, adults or senior citizens of 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:

To discuss applications submitted by non-profit organizations for the allocation of funds for Fiscal Year 2016-2017.

PROGRESS TO DATE: (if appropriate)

A copy of all applications that were submitted (18 total) has been provided to Council for consideration. Council received presentations from representatives of the following non-profit organizations at their regular October 25, 2016 meeting: Associates of the Lewisville Senior Activity Center, CASA of Denton County, Christian Community Action (CCA), Communities in Schools of North Texas, Denton County Friends of the Family, Friends of the Flower Mound Library, Highland Village Lions Club, Journey to Dream, Lewisville ISD Education Foundation (LEF), Lewisville Lake Symphony, PediPlace, The Salvation Army – Lewisville, Special Abilities of North Texas, Studio B Performing Arts, Winning The Fight (WTF), and Youth and Family Counseling. Chisholm Trail RSVP and Marine Corps League #1300 did not attend the meeting. A representative from Chisholm Trail RSVP did contact staff after the last Council meeting to apologize for their oversight.

Below is a listing of the non-profit organizations that filed an application with the City Secretary for Fiscal Year 2016-2017 funding:

FY 2016-2017 Applications Received	
Organization	**Funding Requested**
Associates of the Lewisville Senior Activity Center	$1,000
CASA of Denton County	$ 1,000
Chisholm Trail RSVP	$2,500
Christian Community Action - CCA	$ 5,000
Communities in Schools of North Texas	$ 2,000
Denton County Friends of the Family	$ 5,000
Friends of the Flower Mound Public Library	$ 500
Highland Village Lions Club	$ 5,000
Journey to Dream (NEW)	$10,000
Lewisville ISD Education Foundation - LEF	$ 5,000
Lewisville Lake Symphony	$ 5,000
Marine Corps League #1300	Any Amount
PediPlace	$ 5,000
The Salvation Army - Lewisville	$5,000
Special Abilities of North Texas	$7,000
Studio B Performing Arts	$ 5,000
Winning The Fight - WTF	$4,200
Youth and Family Counseling	$ 6,500
TOTAL	**$74,700**

Below is a listing of funding awarded for the three (3) previous fiscal years:

NON-PROFIT FUNDING HISTORY			
Organization	**FY 2015-2016**	**FY 2014-2015**	**FY 2013-2014**
Associates of the Lewisville Sr Activity Center	$500	n/a	n/a
CASA of Denton County	$1,000	$1,000	$ 1,000
Chisholm Trail Retired Sr Volunteer Program	$500	n/a	n/a
Christian Community Action - CCA	$2,500	$2,000	$ 2,000
Communities in Schools of North Texas	$1,500	$1,000	$ 1,000
Denton County Friends of the Family	$3,000	$2,500	$ 2,000
Friends of the Flower Mound Library	$500	$500	$ 500

Highland Village Lions Club	$4,700	$4,000	$ 4,000
Lewisville ISD Education Foundation	$3,000	$2,500	$ 2,500
Lewisville Lake Symphony	$2,500	$2,000	$ 2,000
Marine Corps League #1300	**$500	n/a	n/a
PediPlace	$3,500	$3,000	$ 3,000
Special Abilities of North Texas	$3,000	$2,500	$ 2,500
Studio B Performing Arts Center	$3,000	$2,500	$ 5,000
The Salvation Army - Lewisville	n/a	$3,000	$ 3,000
Winning the Fight - WTF	$3,500	$3,000	n/a
Youth and Family Counseling	$5,500	$5,000	$ 5,500
TOTAL	**$38,700**	**$34,500**	**$34,000**

**Note – This amount was awarded to the Marine Corps League #1300, however staff was unable to acquire a signed contract or invoice for last fiscal year, therefore no funds were paid.

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

ADDITIONAL SPONSORSHIPS / PURCHASES			
EVENT	**FY 2015-2016**	**FY 2014-2015**	**FY 2013-2014**
FM Chamber Fiesta Flower Mound	1 Table = $1,500	1 Table = $1,200	1 Table = $1,200
Lewisville Chamber Awards Celebration	n/a	1 Ticket = $50	1 Ticket = $ 50
State of the Cities Luncheon	1 Table = $300	1 Table = $300	1 Table = $ 300
Unity in the Community Luncheon	1 Table = $300	9 Tickets = $270	1 Table = $ 300
Mayor's Prayer Breakfast	1 Table = $250	1 Table = $250	1 Table = $ 250
Communities in Schools of North Texas Star Gala	n/a	n/a	2 Tickets = $ 140
Children's Advocacy Center of Denton County Annual Gala	n/a	4 Tickets = $500	n/a
Heroes of Denton County Annual Banquet	n/a	n/a	n/a
Special Olympics Steaks and Stetsons	1 Table = $1,200	1 Table = $1,200	n/a
TOTAL	**$3,550**	**$3,770**	**$2,240**

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

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

RECOMMENDATION:

This item is included on the Action Agenda for approval.

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 9	**MEETING DATE: 11/10/16**
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# 11 **MEETING DATE: 11/10/16**

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.

- Recap of the 9th Annual Highland Village Police Department's Fallen Officer Bike Race/5K
- Award Presentation – Heart Safe Community Recognition

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 13 **MEETING DATE 11/10/16**

SUBJECT: **Consider Approval of Minutes of the Regular Meeting held on October 25, 2016**

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 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 25, 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 25, 2016

The City Council of the City of Highland Village, Texas met in Early Work Session on the 25th 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	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
	Karen Bradley	Administrative Assistant
	Doug Reim	Police Chief
	Scott Kriston	Public Works Director
	Laurie Mullens	Public Affairs Manager
	Andrew Boyd	Senior A/V Technician

EARLY WORK SESSION

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

Police Chief Doug Reim reported 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. Sheriff Will Travis presented 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.

Chief Reim stated 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. He reported a Mentalix Live Scan is an inkless, electronic means of capturing fingerprints in a digitized format which transmits them

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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. Chief Reim further stated the Live Scan "Fingerprint-Based" Background Checks vs. "Name-Based" Background Checks provide absolute identification.

Chief Reim stated the 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.

2. Receive an Update from Denton County Transportation Authority (DCTA) on New Services

Highland Village DCTA representative Paul Pomeroy, DCTA CEO Jim Kline and VP of Marketing & Communication Nicole Recker provided an update on the new services being offered by DCTA. Mr. Pomeroy stated that DCTA's finances are still in very good shape. DCTA recently changed the maintenance provider that runs the rail system to First Transit out of Ohio which also runs the DCTA bus system.

Mr. Pomeroy stated that services Connect Shuttle and Community on Demand were launched in April 2016. During this time, DCTA has carried 3,611 passengers, more than two and a half times the amount carried in 2015 with the RSVP service. DCTA Vice President of Marketing and Communications, Nicole Recker, also informed Council of a new partnership with Uber. Under the agreement, those traveling within the specified Highland Village Zone will receive a $2 discount for Uber rides as part of the new pilot program.

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

Council received brief presentations from the following non-profit organizations that are requesting funding from the City of Highland Village for Fiscal Year 2016-2017:

Associates of the Lewisville Senior Activity Center, Inc. – Mike Cogliano
CASA of Denton County, Inc. – Steve Kuzmich
Christian Community Action (CCA) - Chasz Parker
Communities in Schools of North Texas, Inc. – Brooke Moore
Denton County Friends of the Family, Inc. – Tony Mowles and Gen Cherrnay
Friends of the Flower Mound Library – Ann Martin
Highland Village Lions Club – Harry Dinsmore
Journey to Dream (NEW APPLICANT) – Kimberly Hinkle
Lewisville ISD Education Foundation (LEF) – Connie Pelphrey and Andy Eades
Lewisville Lake Symphony – Nancy Wright
PediPlace – Larry Robins
Salvation Army of Lewisville – Steve Thomas
Special Abilities of North Texas – Brian Petty
Studio B Performing Arts Center – Elizabeth Nowell
Winning The Fight – Kathy O'Keefe
Youth and Family Counseling- Terri Donsbach and Eric Diaz

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Mayor Wilcox thanked all the non-profit representatives for attending and providing information for Council regarding their organizations. She advised that the Council would consider funding allocations at the next Council meeting to be held on November 10, 2016.

4. Clarification of Consent or Action Items listed on today's City Council Regular Meeting Agenda of October 25, 2016

Regarding Agenda Item #16, Mr. Leavitt stated this is the second read of Ordinance 2016-1218 and typically it is placed on consent. The Council's action tonight will not go into effect until the City of Lewisville takes action at their November 7, 2016 City Council Meeting. Mr. Leavitt stated he placed the item on action to information Council of this timeline.

CLOSED SESSION

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)

Council did not meet in Closed Session.

OPEN SESSION

6. Call to Order

Mayor Wilcox called the meeting to order at 7:34 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
	Karen Bradley	Administrative Assistant
	Doug Reim	Police Chief
	Scott Kriston	Public Works Director
	Laurie Mullens	Public Affairs Manager
	Andrew Boyd	Senior A/V Technician

7. Prayer to be led by Councilmember Barbara Fleming

Councilmember Fleming gave the invocation.

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8. Pledge of Allegiance to the U.S. and Texas Flags to be led by Councilmember Barbara Fleming

Councilmember Fleming led the pledge to the U.S. and Texas flags.

9. Visitor Comments

No one wished to speak.

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

Mayor Pro Tem Schwolert gave a special thanks to the Highland Village Fire Department for Council being invited to their banquet last weekend.

Mayor Pro Tem Schwolert also stated that it is Red Ribbon Week and that it is very near and dear to her heart. And while it's good that the schools have their themes, it is also important to remember the true meaning behind Red Ribbon Week and educate yourself as parents and families. Use the resources in the community to try to keep your children from drugs as much as possible.

Councilmember Lombardo reminded everyone that it is election season and early voting has started. He invited residents to early vote to help avoid even longer lines on Election Day.

- **Proclamation – Art Month**

Mayor Wilcox presented a proclamation declaring November 2016 as Art Month in the City of Highland Village to members of the Cross Timbers Artists Guild, Linda Pomeroy and Linda Chidsey.

11. City Manager/Staff Reports

- **HVTV Update**

The latest video report from HVTV News was shown:

> The annual Fall Festival at Unity Park on November 5th is free to the public (10:00 am to 2:00 pm.) There will be music, carnival games, and food vendors' onsite. For more information visit www.HVparks.com
>
> 13th Annual Salute Our Veterans on November 10th at the Hilton Garden Inn in Lewisville. This event is free to Veterans and gives you a chance to be recognized for your service along with other Veterans. Congressman Burgess awards congressional accommodations to selected local Veterans at this event. Please RSVP by November 4 Veteran lunch sponsorships are available by contacting Crystal Babcock with The HVBA at 972-899-5131.

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Denton County Early Voting –

October 24 – October 28	Monday – Friday	8:00 am – 5:00 pm
October 29	Saturday	7:00 am – 7:00 pm
October 30	Sunday	1:00 pm – 6:00 pm
October 31 – November 4	Monday – Friday	7:00 am – 7:00 pm

Voters must vote at their designated precinct on Election Day. For questions or a list of polling locations, visit www.VoteDenton.com for all the details.

As we gear up for the upcoming holidays you can check out all the places in Highland Village to shop, taste and pay by visiting www.TheHVBA.com

Mr. Leavitt addressed Council about the shooting that happened in Highland Village on October 24, 2016. He stated that we cannot go into much detail because of the ongoing case and asked Chief Reim to give a briefing on the situation. Chief Reim stated that the Highland Village Police Department had to deal with the unfortunate shooting in the City. He thanked the Fire Department, Public Works Department, Police Department for all pulling together to safely arresting and taking into custody two suspects that were involved in a shooting here in Highland Village. Not much information was able to be released because of the active investigation. Chief Reim stated that this was not some random act of violence. The parties involved knew each other and there was history between them. Chief Reim stated that our city received swift assistance from the Denton County Sherriff, Texas Rangers, Oklahoma Police Department and the FBI. Within 9 hours two suspects were captured in Oklahoma.

CONSENT AGENDA

Council moved agenda item #16 to the consent agenda.

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

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 (2nd and final read)

Motion by Councilmember McGee, seconded by Deputy Mayor Pro Tem Meek, to approve Consent Agenda Items #12 through #14, and #16. Motion carried 7-0.

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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)

Council did not meet in Closed Session; no action was taken.

Council moved agenda item #16 to the consent agenda.

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 (2nd and final read)

LATE WORK SESSION

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**

City Manager Michael Leavitt provided the following update regarding the 35Express Update:

There will be night time lane closures and flagging operations taking place on the northbound I-35 frontage road between FM 407 and Garden Ridge:

- Nightly Flagging Operation on the Connector Road from the Northbound Interstate 35E Frontage Road to east and westbound Garden Ridge Boulevard from 9 p.m. until 6 a.m. Wednesday, October 26 through Saturday, October 29.
- Various lanes of the northbound I-35E frontage road between FM 407 and Garden Ridge Boulevard will be closed nightly from 9 p.m. until 6 a.m. Monday, Oct. 31 through Thursday, Nov. 3. During the closure, the following detours will be in place:

    - Traffic from Eagle Point will turn right onto the northbound frontage road and continue to the connector road to eastbound Garden Ridge Boulevard, travel east on Garden Ridge, turn left onto the southbound I-35E frontage road, proceed to FM 407, turn left at FM 407 and then turn left onto the northbound I-35E frontage road and use the entrance ramp from FM 407.

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- Eastbound Garden Ridge traffic will turn right onto the southbound I-35E frontage road, proceed to FM 407, turn left at FM 407 and then turn left again at the northbound I-35E frontage road. Traffic will then take the northbound entrance ramp from FM 407.

35Express Community Meeting
The 35Express project team will host a series of community meetings to provide updates on the $1.4 billion expansion of IH-35E. These meetings are an opportunity for the public to receive status updates on work that has been completed as well as learn about upcoming construction. The Middle Segment meeting (Lewisville, Highland Village, Lake Dallas, and Hickory Creek) will be held on Thursday, October 27 at 6:30 p.m. at MCL Grand Theater, 100 North Charles Street, Lewisville.

- ***HV Rd. Overlay*** *:*

The inspection of the final overlay section found approximately 65 areas to be out of compliance with NCTCOG specification 302.9.6.8 SURFACE TEST. Staff held an onsite meeting with the contractor on August 26th to bring the issue to their attention. Staff notified the contractor in writing on September 13th that a resolution needed to be brought to the table for the compliance issue. The contractor confirmed the compliance issue by performing a ride quality analysis on September 20th using radar testing equipment and brought forth an $8,125.00 project cost reduction resolution that staff rejected. Staff met with the contractor on October 19th and agreed to the contractor performing pavement grinding of the out of compliance areas to achieve ride quality for the overlaid section of Highland Village Road. It is anticipated that the pavement grinding operation will take approx. 2-days to complete and be completed by November 4th. Once the road surface meets specification, the striping will be placed and the project closed out.

- ***Dog Park:***

The Contractor will be done with construction and clean up by Friday, November 4th. Turf establishment and maintenance will continue for 4 + weeks.

City Crews will then begin working on items such as bench pads, install of benches, install of irrigation system, shade structures, and getting electrical work done on existing soccer field lights in the dog park area.

The park will remain closed until turf is established.

- ***Use of the Green Field for temporary off leash area:***

HVABSA has a tournament scheduled for November 11 – 13. We plan to allow use of the fenced in area on the outfield of the green field as a temporary off leash dog area through mid January (similar to last winter). We plan to open this area on Monday, November 14th by 3:00 p.m. Our crew just need to lock gates, put up rules sign, and put out trash cans, pet waste stations and scoopers.

The area will be available for use until January 22, 2017.

- ***FM2499 median modifications:***

In an effort to protect the safety of the traveling public, the unprotected median opening located at the intersection of FM2499 and Barton Creek was recommended to be

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modified to controlled left turning movements only. The City brought the recommendation forward to TxDOT and they agreed to the project. The City funded the engineering design of the project and TxDOT agreed to fund the project construction as part of US377 TxDOT project. The TxDOT contractor has constructed the new concrete median portion of the project and installed temporary pavement markers and signage. City forces will install temporary pavement striping ASAP (today). The TxDOT contract runs through August, 2017. Permanent pavement markings are anticipated to be installed prior to the end of the US377 TxDOT contract.

18. Adjournment

Mayor Wilcox adjourned the meeting at 8:02 p.m.

_____

Charlotte J. Wilcox, Mayor

ATTEST:

_____

Angela Miller, City Secretary

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CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 14 **MEETING DATE: 11/10/16**

SUBJECT: **Investment Report for Quarter Ending September 30, 2016**

PREPARED BY: **Heather Miller, Assistant Finance Director**

BACKGROUND:

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

IDENTIFIED NEED/S:

N/A

OPTIONS & RESULTS:

The detailed transactions for June 30, 2016 through September 30, 2016 follow this briefing.

- TexPool (Texas Local Government Investment Pool, a public funds investment pool that matures October 1, 2016)
- TexSTAR (Texas Short Term Asset Reserve Program, a public funds investment pool, custodial, and depository services are provided by JP Morgan Chase Bank and subsidiary J.P. Morgan Investor Services Co. that matures October 1, 2016)
- Independent DDA (Demand Deposit Account that matures October 1, 2016 collateralized by a letter of credit held in custody by the Federal Home Loan Bank)
- Independent NOW (Negotiable Order of Withdraw that matures October 1, 2016 collateralized by a letter of credit held in custody by the Federal Home Loan Bank)
- Southside MMA (Money Market Account that matures October 1, 2016, collateralized by pledged securities held in custody by the Federal Home Loan Bank)
- Wallis State Bank CD (Certificates of Deposit that matures July 26, 2016 collateralized by a letter of credit held in custody by the Federal Home Loan Bank)
- Independent CD (Certificates of Deposit that matures September 12, 2016 collateralized by a letter of credit held in custody by the Federal Home Loan

Bank)

- Wallis State Bank CD (Certificates of Deposit that matures January 26, 2017 collateralized by a letter of credit held in custody by the Federal Home Loan Bank)

- LegacyTexas Bank CD (Certificates of Deposit that matures January 29, 2017 collateralized by a letter of credit held in custody by the Federal Home Loan Bank)

- Wallis State Bank CD (Certificates of Deposit that matures July 26, 2017 collateralized by a letter of credit held in custody by the Federal Home Loan Bank)

- LegacyTexas Bank CD (Certificates of Deposit that matures July 29, 2017 collateralized by a letter of credit held in custody by the Federal Home Loan Bank)

This information reports that the beginning market value for all cash and investments was $14,078,420 and the ending market value on September 30, 2016 was $11,459,159. The rate of return for the quarter ending September 30, 2016 in pooled, demand deposit, negotiable order of withdrawal, and money market accounts (0.38%) is less than the six-month term treasuries. The beginning pool, demand deposit, negotiable order of withdrawal, and money market accounts invested balance at June 30, 2016 was $7,608,270 and the ending balance at September 30, 2016 was $7,195,226 or 63% of the City's total portfolio. The weighted average maturity of the City's portfolio at September 30, 2016 is 87 days.

The average total portfolio yield for the quarter ending September 30, 2016 was 0.45%.

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

	Book Value	Market Value
June 30, 2016	$14,078,420	$14,078,420
September 30, 2016	$11,459,159	$11,459,159

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

Heather Miller
Investment Officer

Ken Heerman
Assistant City Manager

[1]Note:
Par is the stated legal dollar value or principal value at maturity.
Book value is what we paid for the instrument adjusted by any accretion or amortization costs.
Market value is what we could reasonably sell the instrument for in the current market.

PROGRESS TO DATE: (if appropriate)

N/A

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

N/A

RECOMMENDATION:

Council to receive the Investment Reports for the period ending September 30, 2016.

QUARTERLY INVESTMENT REPORT

For the Quarter Ended

September 30, 2016

Prepared by

Valley View Consulting, L.L.C.

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

Ken Heerman, Assistant City Manager

Heather Miller, Assistant Finance Director

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

Annual Comparison of Portfolio Performance

FYE Results by Investment Category:

	September 30, 2016			September 30, 2015		
Asset Type	**Ave. Yield**	**Book Value**	**Market Value**	**Ave. Yield**	**Book Value**	**Market Value**
MMA/NOW/Pools	0.38%	$ 7,195,226	$ 7,195,226	0.19%	$ 10,497,216	$ 10,497,216
Securities/CDs	0.81%	4,263,932	4,263,932	0.54%	4,510,358	4,510,358
Totals		**$ 11,459,159**	**$ 11,459,159**		**$ 15,007,574**	**$ 15,007,574**

	2016	**2015**	**Change**
Total Portfolio (1)	0.45%	0.27%	0.18%
Rolling Three Mo. Treas. Yield	0.25%	0.03%	0.22%
Rolling Six Mo. Treas. Yield	0.37%	0.09%	0.28%
Quarterly TexPool Yield	0.31%	0.06%	0.26%

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

Summary

Quarter End Results by Investment Category:

Asset Type	Ave. Yield	September 30, 2016 Book Value	September 30, 2016 Market Value	June 30, 2016 Book Value	June 30, 2016 Market Value
MMA/NOW/Pools	0.38%	$ 7,195,226	$ 7,195,226	$ 7,608,270	$ 7,608,270
Securities/CDs	0.81%	4,263,932	4,263,932	6,470,150	6,470,150
Totals		**$ 11,459,159**	**$ 11,459,159**	**$ 14,078,420**	**$ 14,078,420**

Current Quarter Average Yield *(1)*	
Total Portfolio	0.54%
Rolling Three Mo. Treas. Yield	0.29%
Rolling Six Mo. Treas. Yield	0.42%

Fiscal Year-to-Date Average Yield *(2)*	
Total Portfolio	0.45%
Rolling Three Mo. Treas. Yield	0.25%
Rolling Six Mo. Treas. Yield	0.37%
Average Quarterly TexPool Yield	0.31%

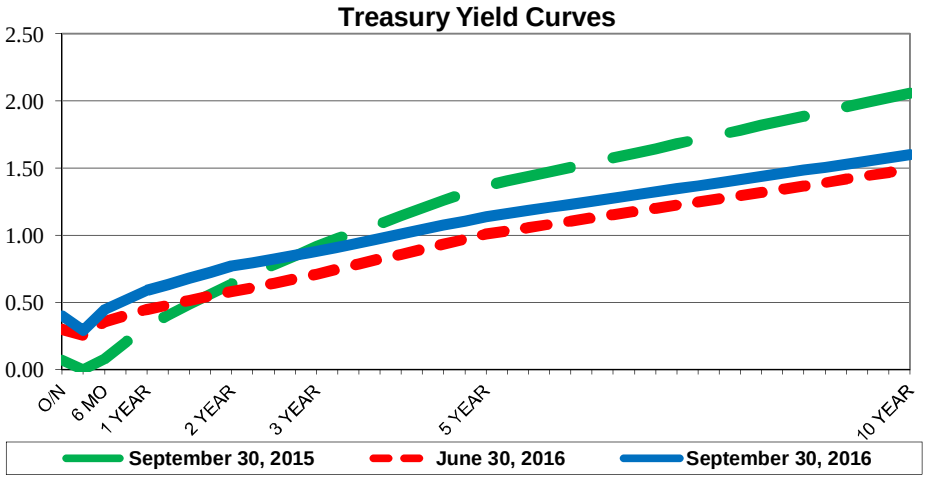
(1) Average Yield calculated using quarter end report yields and adjusted book values and does not reflect a total return analysis or account for advisory fees.

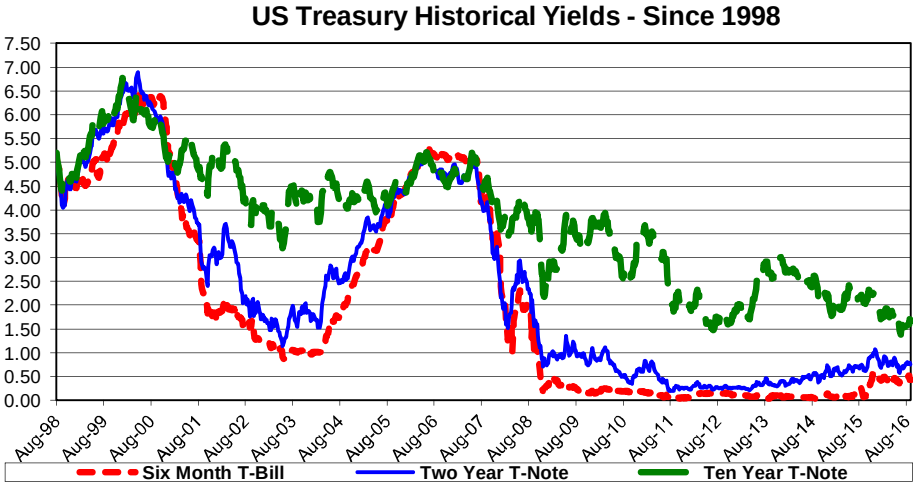
(2) Fiscal Year-to-Date Average Yields calculated using quarter end report yields and adjusted book values and does not reflect a total return analysis or account for advisory fees.

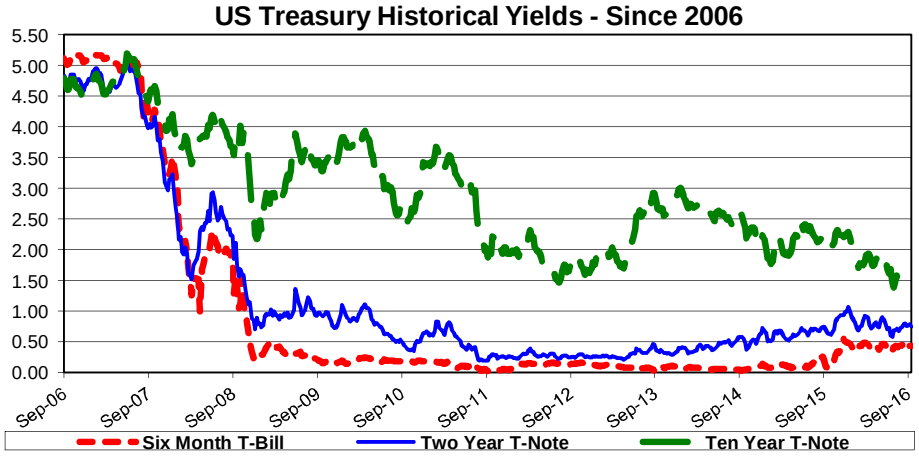
Economic Overview

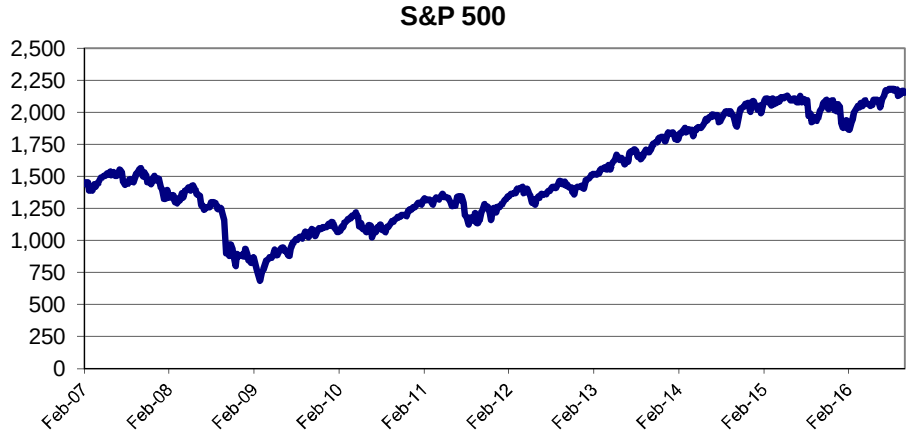
9/30/2016

The Federal Open Market Committee (FOMC) maintained the Fed Funds target range of 0.25% - 0.50% (actual Fed Funds traded +/-40 bps). The September FOMC meeting recorded dissenting votes for maintaining rates. More hawkish members wanted to raise the range by 0.25%. The current probability of a December FOMC meeting vote to raise the Fed Funds target is +/-60%. Second Quarter US GDP revised to 1.4% (from 1.1%, no more revision is expected). Other economic data reflected modest, yet inconsistent, growth. The US Stock markets have maintained higher levels. Treasury yields drifted slightly higher on tightening rumors. Taxable municipal bonds or CDs offer the best interest earnings opportunity, if available.









Investment Holdings

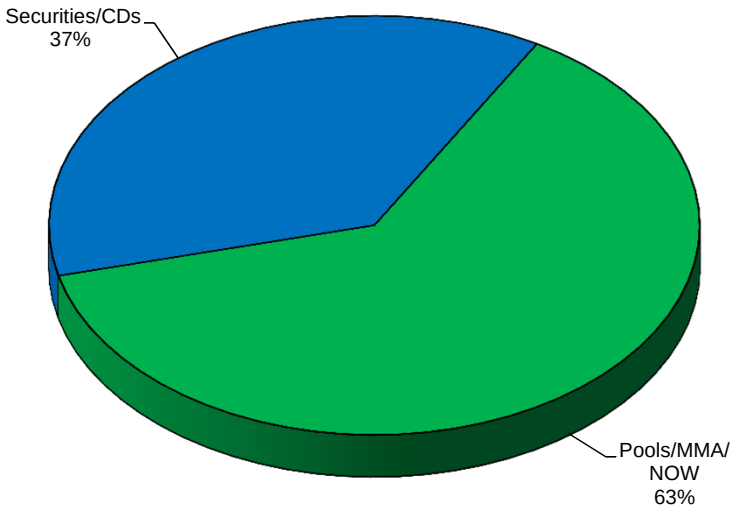
September 30, 2016

Description	Rating	Coupon/ Discount	Maturity Date	Settlement Date	Original Face/ Par Value	Book Value	Market Price	Market Value	Life (days)	Yield
TexPool	AAAm	0.38%	10/01/16	09/30/16	$ 2,135,644	$ 2,135,644	1.00	$ 2,135,644	1	0.38%
TexSTAR	AAAm	0.41%	10/01/16	09/30/16	1,612,002	1,612,002	1.00	1,612,002	1	0.41%
Independent DDA		0.35%	10/01/16	09/30/16	221,524	221,524	1.00	221,524	1	0.35%
Independent NOW		0.30%	10/01/16	09/30/16	2,418,533	2,418,533	1.00	2,418,533	1	0.30%
Southside MMA		0.53%	10/01/16	09/30/16	807,523	807,523	1.00	807,523	1	0.53%
Wallis State Bank CD		0.75%	01/26/17	01/26/16	1,003,743	1,003,743	100.00	1,003,743	118	0.75%
LegacyTexas Bank CD		0.75%	01/29/17	07/29/16	600,765	600,765	100.00	600,765	121	0.75%
Wallis State Bank CD		0.85%	07/26/17	01/26/16	2,008,486	2,008,486	100.00	2,008,486	299	0.85%
LegacyTexas Bank CD		0.85%	07/29/17	07/29/16	650,939	650,939	100.00	650,939	302	0.85%
					$ 11,459,159	**$ 11,459,159**		**$ 11,459,159**	**87**	**0.54%**
									(1)	**(2)**

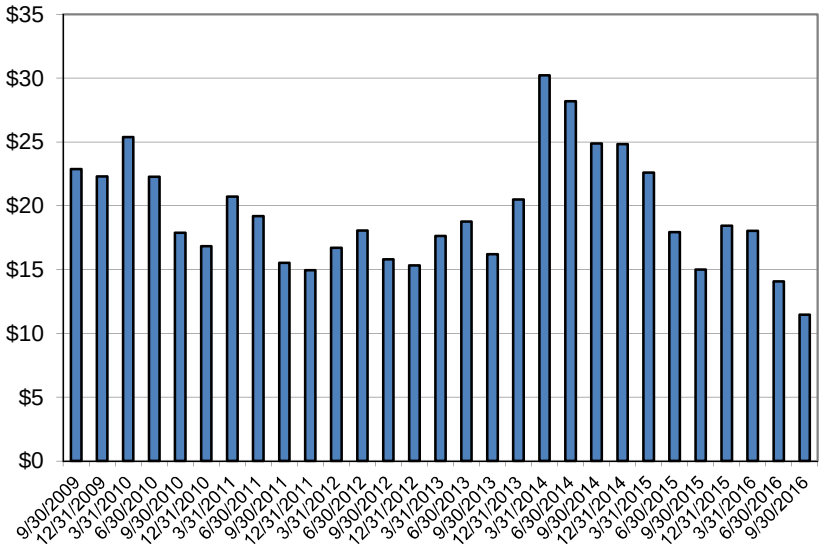
(1) Weighted average life - For purposes of calculating weighted average life, pool and bank account investments are assumed to have a one day maturity.

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

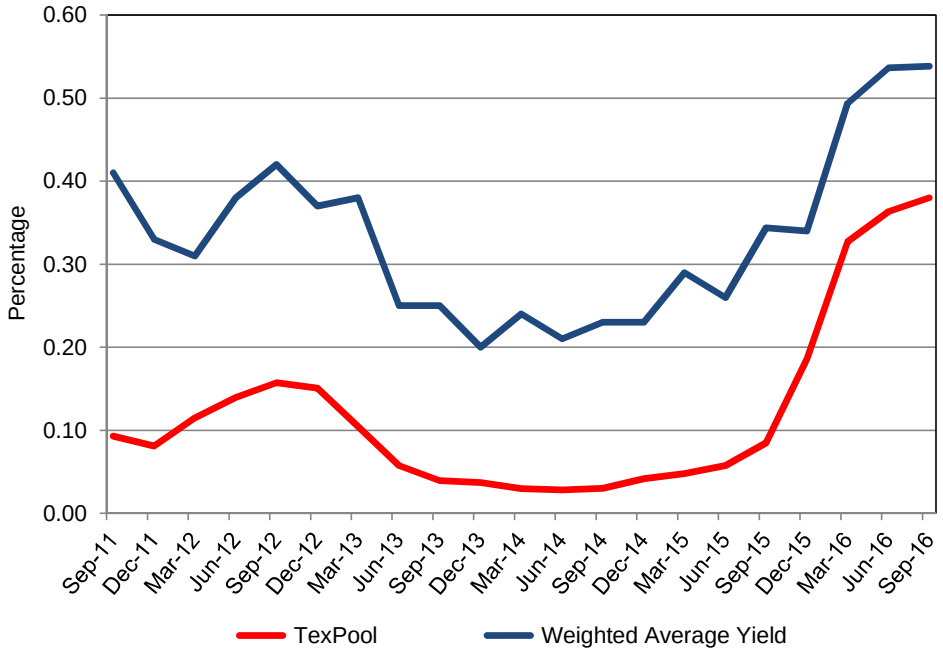
Portfolio Composition



Total Portfolio (Millions)



Total Portfolio Performance



Book Value Comparison

Description	Coupon/ Discount	Maturity Date	June 30, 2016 Original Face/ Par Value	June 30, 2016 Book Value	Purchases/ Accretions	Amortizations/ Sales/Maturities	September 30, 2016 Original Face/ Par Value	September 30, 2016 Book Value
TexPool	0.38%	10/01/16	$ 1,880,115	$ 1,880,115	$ 255,529	$ –	$ 2,135,644	$ 2,135,644
TexSTAR	0.41%	10/01/16	1,785,518	1,785,518		(173,516)	1,612,002	1,612,002
Independent DDA	0.35%	10/01/16	278,053	278,053		(56,529)	221,524	221,524
Independent NOW	0.30%	10/01/16	2,358,643	2,358,643	59,890		2,418,533	2,418,533
Southside MMA	0.53%	10/01/16	1,305,940	1,305,940		(498,417)	807,523	807,523
Wallis State Bank CD	0.55%	07/26/16	1,451,988	1,451,988		(1,451,988)	–	–
Independent CD	0.60%	09/12/16	2,012,054	2,012,054		(2,012,054)	–	–
Wallis State Bank CD	0.75%	01/26/17	1,001,870	1,001,870	1,873		1,003,743	1,003,743
LegacyTexas Bank CD	0.75%	01/29/17	–	–	600,765		600,765	600,765
Wallis State Bank CD	0.85%	07/26/17	2,004,238	2,004,238	4,247		2,008,486	2,008,486
LegacyTexas Bank CD	0.85%	07/29/17	–	–	650,939		650,939	650,939
TOTAL			**$ 14,078,420**	**$ 14,078,420**	**$ 1,573,244**	**$ (4,192,505)**	**$ 11,459,159**	**$ 11,459,159**

Market Value Comparison

Description	Coupon/ Discount	June 30, 2016 Original Face/ Par Value	June 30, 2016 Market Price	June 30, 2016 Market Value	Qtr-to-Qtr Change	September 30, 2016 Original Face/ Par Value	September 30, 2016 Market Price	September 30, 2016 Market Value
TexPool	0.38%	$ 1,880,115	1.00	$ 1,880,115	$ 255,529	$ 2,135,644	1.00	$ 2,135,644
TexSTAR	0.41%	1,785,518	1.00	1,785,518	(173,516)	1,612,002	1.00	1,612,002
Independent DDA	0.35%	278,053	1.00	278,053	(56,529)	221,524	1.00	221,524
Independent NOW	0.30%	2,358,643	1.00	2,358,643	59,890	2,418,533	1.00	2,418,533
Southside MMA	0.53%	1,305,940	1.00	1,305,940	(498,417)	807,523	1.00	807,523
Wallis State Bank CD	0.55%	1,451,988	100.00	1,451,988	(1,451,988)	–		–
Independent CD	0.60%	2,012,054	100.00	2,012,054	(2,012,054)	–		–
Wallis State Bank CD	0.75%	1,001,870	100.00	1,001,870	1,873	1,003,743	100.00	1,003,743
LegacyTexas Bank CD	0.75%	–		–	600,765	600,765	100.00	600,765
Wallis State Bank CD	0.85%	2,004,238	100.00	2,004,238	4,247	2,008,486	100.00	2,008,486
LegacyTexas Bank CD	0.85%	–		–	650,939	650,939	100.00	650,939
TOTAL		**$ 14,078,420**		**$ 14,078,420**	**$ (2,619,261)**	**$ 11,459,159**		**$ 11,459,159**

Allocation by Fund
September 30, 2016
Book and Market Value

Utility Funds	TexPool	TexSTAR	Independent DDA	Independent NOW	Southside MMA	Certificates of Deposit 1/26/2017	Certificates of Deposit 1/29/2017	Certificates of Deposit 7/26/2017	Certificates of Deposit 7/29/2017	Total	Interest This Quarter
Interest & Sinking	$ 559,848	$ –	$ –	$ –	$ –	$ –	$ –	$ –	$ –	$ 559,848	$ 399
Replacement Reserve	448,525									448,525	423
Operations	44,106				263,492		600,765			908,362	2,200
Impact Fees	190,412				42,048				650,939	883,398	2,081
2013 CO Utility Capital Projects		395,073			501,984					897,057	1,293
Sub Total	**$ 1,242,891**	**$ 395,073**	**$ –**	**$ –**	**$ 807,523**	**$ –**	**$ 600,765**	**$ –**	**$ 650,939**	**$ 3,697,191**	**$ 6,395**
General Funds											
Operations	$ 314,296	$ 570,197	$ –	$ 2,093,996	$ –	$ 1,003,743	$ –	$ 2,008,486	$ –	$ 5,990,717	$ 14,221
Pooled Cash			221,524							221,524	507
Interest & Sinking	79,314	62,430								141,744	311
Drainage Utility	191,348									191,348	153
Sub Total	**$ 584,958**	**$ 632,627**	**$ 221,524**	**$ 2,093,996**	**$ –**	**$ 1,003,743**	**$ –**	**$ 2,008,486**	**$ –**	**$ 6,545,334**	**$ 15,192**
General Capital Project Funds											
Park Development	$ 170,810	$ –	$ –	$ –	$ –	$ –	$ –	$ –	$ –	$ 170,810	$ 60
2015 Tax Note Capital Projects		474,233								474,233	686
Sub Total	**$ 170,810**	**$ 474,233**	**$ –**	**$ –**	**$ –**	**$ –**	**$ –**	**$ –**	**$ –**	**$ 645,042**	**$ 745**
Corp Leased Park Funds											
Corp LeasedTXDot Mitigation	$ –	$ 3	$ –	$ 324,538	$ –	$ –	$ –	$ –	$ –	$ 324,541	$ 272
Sub Total	**$ –**	**$ 3**	**$ –**	**$ 324,538**	**$ –**	**$ –**	**$ –**	**$ –**	**$ –**	**$ 324,541**	**$ 272**
HV Community Development Funds											
Operations	$ 136,986	$ –	$ –	$ –	$ –	$ –	$ –	$ –	$ –	$ 136,986	$ 108
HVCDC TXDot Mitigation		5,751								5,751	6
2014 CO HVCDC Capital Projects		104,314								104,314	197
Sub Total	**$ 136,986**	**$ 110,065**	**$ –**	**$ –**	**$ –**	**$ –**	**$ –**	**$ –**	**$ –**	**$ 247,051**	**$ 311**
Totals	**$ 2,135,644**	**$ 1,612,002**	**$ 221,524**	**$ 2,418,533**	**$ 807,523**	**$ 1,003,743**	**$ 600,765**	**$ 2,008,486**	**$ 650,939**	**$ 11,459,159**	**$ 22,916**

Allocation by Fund
June 30, 2016
Book and Market Value

Utility Funds	TexPool	TexSTAR	Independent DDA	Independent NOW	Southside MMA	Certificates of Deposit 7/26/2016	Certificates of Deposit 9/12/2016	Certificates of Deposit 1/26/2017	Certificates of Deposit 7/26/2017	Total	Interest This Quarter
Interest & Sinking	$ 433,010	$ –	$ –	$ –	$ –	$ –	$ –	$ –	$ –	$ 433,010	$ 188
Replacement Reserve	448,102									448,102	387
Operations	5,077				263,139	751,028				1,019,244	1,352
Impact Fees	62,613				41,991	700,960				805,564	1,039
2013 CO Utility Capital Projects		63,176			1,000,810					1,063,986	2,986
Sub Total	**$ 948,802**	**$ 63,176**	**$ –**	**$ –**	**$ 1,305,940**	**$ 1,451,988**	**$ –**	**$ –**	**$ –**	**$ 3,769,906**	**$ 5,952**
General Funds											
Operations	$ 113,449	$ 885,327	$ –	$ 2,034,378	$ –	$ –	$ 2,012,054	$ 1,001,870	$ 2,004,238	$ 8,051,316	$ 13,055
Pooled Cash			278,053							278,053	616
Interest & Sinking	461,977	62,367								524,344	445
Drainage Utility	156,211									156,211	158
Sub Total	**$ 731,637**	**$ 947,694**	**$ 278,053**	**$ 2,034,378**	**$ –**	**$ –**	**$ 2,012,054**	**$ 1,001,870**	**$ 2,004,238**	**$ 9,009,924**	**$ 14,274**
General Capital Project Funds											
Park Development	$ 63,272	$ –	$ –	$ –	$ –	$ –	$ –	$ –	$ –	$ 63,272	$ 55
2015 Tax Note Capital Projects		768,900								768,900	1,136
Sub Total	**$ 63,272**	**$ 768,900**	**$ –**	**$ –**	**$ –**	**$ –**	**$ –**	**$ –**	**$ –**	**$ 832,172**	**$ 1,191**
Corp Leased Park Funds											
Corp LeasedTXDot Mitigation	$ –	$ 3	$ –	$ 324,266	$ –	$ –	$ –	$ –	$ –	$ 324,269	$ 322
Sub Total	**$ –**	**$ 3**	**$ –**	**$ 324,266**	**$ –**	**$ –**	**$ –**	**$ –**	**$ –**	**$ 324,269**	**$ 322**
HV Community Development Funds											
Operations	$ 136,403	$ –	$ –	$ –	$ –	$ –	$ –	$ –	$ –	$ 136,403	$ 33
HVCDC TXDot Mitigation		5,745								5,745	5
2014 CO HVCDC Capital Projects										–	399
Sub Total	**$ 136,403**	**$ 5,745**	**$ –**	**$ –**	**$ –**	**$ –**	**$ –**	**$ –**	**$ –**	**$ 142,149**	**$ 437**
Totals	**$ 1,880,115**	**$ 1,785,518**	**$ 278,053**	**$ 2,358,643**	**$ 1,305,940**	**$ 1,451,988**	**$ 2,012,054**	**$ 1,001,870**	**$ 2,004,238**	**$ 14,078,420**	**$ 22,178**

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 16 MEETING DATE: 11/10/2016

SUBJECT: Consider Resolution 2016-2667 Awarding Grant Funds to Non-Profit Organizations for Fiscal Year 2016-2017

PREPARED BY: Angela Miller, City Secretary

BACKGROUND:

City Ordinance No. 03-919 sets out the following guidelines that non-profit applicants must meet in order to request funding for community services provided to the residents of the City of Highland Village by their organization:

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

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

- Preservation, promotion or development of historically sensitive areas of the City
- Promotion of the performing arts
- Activities promoting and improving the health, safety and welfare of the youth, adults or senior citizens of 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) for non-profit organizations. The funding allocated for Fiscal Year 2016-2017 is $39,077.

OPTIONS & RESULTS:

To identify non-profit organizations to receive allocated funds for Fiscal Year 2016-2017.

PROGRESS TO DATE: (if appropriate)

A copy of all applications has been provided to Council for consideration, and Council received presentations from representatives of the following non-profit organizations at their regular meeting held October 25, 2016: Associates of the Lewisville Senior Activity Center, CASA of Denton County, Christian Community Action (CCA), Communities in Schools of North Texas, Denton County Friends of the Family, Friends of the Flower Mound Library, Highland Village Lions Club, Journey to Dream, Lewisville ISD Education Foundation (LEF), Lewisville Lake Symphony, PediPlace, The Salvation Army – Lewisville, Special Abilities of North Texas, Studio B Performing Arts, Winning the Fight (WTF), and Youth and Family Counseling. Chisholm Trail RSVP and Marine Corps League #1300 did not attend the meeting. A representative from Chisholm Trail RSVP contacted staff after the October 25th Council meeting to apologize for the oversight regarding their presentation.

Below is a listing of the non-profit organizations that filed an application with the City Secretary for Fiscal Year 2016-2017 funding:

FY 2016-2017 Applications Received	
Organization	**Funding Requested**
Associates of the Lewisville Senior Activity Center	$ 1,000
CASA of Denton County	$ 1,000
Chisholm Trail RSVP	$ 2,500
Christian Community Action - CCA	$ 5,000
Communities in Schools of North Texas	$ 2,000
Denton County Friends of the Family	$ 5,000
Friends of the Flower Mound Library	$ 500
Highland Village Lions Club	$ 5,000
Journey to Dream (NEW)	$10,000
Lewisville ISD Education Foundation - LEF	$ 5,000
Lewisville Lake Symphony	$ 5,000
Marine Corps League #1300	Any Amount
PediPlace	$ 5,000
The Salvation Army - Lewisville	$ 5,000
Special Abilities of North Texas	$ 7,000
Studio B Performing Arts	$ 5,000
Winning the Fight - WTF	$ 4,200
Youth and Family Counseling	$ 6,500
TOTAL	**$74,700**

Below is a listing of funding awarded for the previous three (3) fiscal years:

NON-PROFIT FUNDING HISTORY			
Organization	**FY 2015-2016**	**FY 2014-2015**	**FY 2013-2014**
Associates of the Lewisville Sr Activity Center	$ 500	n/a	n/a
CASA of Denton County	$ 1,000	$ 1,000	$ 1,000
Chisholm Trail Retired Sr Volunteer Program	$ 500	n/a	n/a
Christian Community Action - CCA	$ 2,500	$ 2,000	$ 2,000
Communities in Schools of North Texas	$ 1,500	$ 1,000	$ 1,000
Denton County Friends of the Family	$ 3,000	$ 2,500	$ 2,000
Friends of the Flower Mound Library	$ 500	$ 500	$ 500

Highland Village Lions Club	$ 4,700	$ 4,000	$ 4,000
Lewisville ISD Education Foundation	$ 3,000	$ 2,500	$ 2,500
Lewisville Lake Symphony	$ 2,500	$ 2,000	$ 2,000
Marine Corps League #1300	**$ 500	n/a	n/a
PediPlace	$ 3,500	$ 3,000	$ 3,000
Special Abilities of North Texas	$ 3,000	$ 2,500	$ 2,500
Studio B Performing Arts Center	$ 3,000	$ 2,500	$ 5,000
The Salvation Army - Lewisville	n/a	$ 3,000	$ 3,000
Winning the Fight - WTF	$ 3,500	$ 3,000	n/a
Youth and Family Counseling	$ 5,500	$ 5,000	$ 5,500
TOTAL	**$38,700**	**$34,500**	**$34,000**

**Note – This amount was awarded to the Marine Corps League #1300, however staff was unable to acquire a signed contract or invoice for last fiscal year, therefore no funds were paid.

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

ADDITIONAL SPONSORSHIPS / PURCHASES			
EVENT	**FY 2015-2016**	**FY 2014-2015**	**FY 2013-2014**
FM Chamber Fiesta Flower Mound	1 Table = $1,500	1 Table = $1,200	1 Table = $1,200
Lewisville Chamber Awards Celebration	n/a	1 Ticket = $50	1 Ticket = $ 50
State of the Cities Luncheon	1 Table = $300	1 Table = $300	1 Table = $ 300
Unity in the Community Luncheon	1 Table = $300	9 Tickets = $270	1 Table = $ 300
Mayor's Prayer Breakfast	1 Table = $250	1 Table = $250	1 Table = $ 250
Communities in Schools of North Texas Star Gala	n/a	n/a	2 Tickets = $ 140
Children's Advocacy Center of Denton County Annual Gala	n/a	4 Tickets = $500	n/a
Heroes of Denton County Annual Banquet	n/a	n/a	n/a
Special Olympics Steaks and Stetsons	1 Table = $1,200	1 Table = $1,200	n/a
TOTAL	**$ 3,550**	**$ 3,770**	**$ 2,240**

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

$39,077 has been included in the Fiscal Year 2016-2017 budget for distribution to non-profit organizations.

RECOMMENDATION:

To approve Resolution 2016-2667 making non-profit funding allocations for Fiscal Year 2016-2017.

CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2016-2667

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AWARDING GRANT FUNDS TO NON-PROFIT ORGANIZATIONS FOR FISCAL YEAR 2016-2017; AUTHORIZING CONTRACTS WITH SUCH ORGANIZATIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City Ordinance 03-919 establishes a uniform policy to grant financial assistance to non-profit organizations and community service providers; and

WHEREAS, the Council identified a funding methodology – 0.15% of the Maintenance & Operations (excluding capital) tax rate – for non-profit organizations; and

WHEREAS, the Council has allocated $39,077 for Fiscal Year 2016-2017; and

WHEREAS, the Council finds it to be in the public interest to authorize the City Manager to execute agreements with non-profit organizations who are to receive funding from the City, in accordance with Ordinance 03-919 based on the funding allocation set forth in this Resolution;

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

SECTION 1. The City Manager is authorized to negotiate and sign service agreements on behalf of the City of Highland Village with the following Family Service Organizations for Fiscal Year 2016-2017 in the following designated amounts:

Organization	**Funding**
Christian Community Action (CCA)	$ _____
Denton County Friends of the Family, Inc.	$ _____
Salvation Army – Lewisville	$ _____
Special Abilities of North Texas	$ _____
Winning the Fight (WTF)	$ _____
Youth and Family Counseling	$ _____

SECTION 2. The City Manager is authorized to negotiate and sign service agreements on behalf of the City of Highland Village with the following Children's Service Organizations for Fiscal Year 2016-2017 in the following designated amounts:

Organization	**Funding**
CASA of Denton County, Inc.	$ _____
Communities in Schools of North Texas	$ _____

Journey to Dream	$
PediPlace	$
Lewisville ISD Education Foundation	$

SECTION 3. The City Manager is authorized to negotiate and sign service agreements on behalf of the City of Highland Village with the following Community Service Organizations for Fiscal Year 2016-2017 in the following designated amounts:

Organization	**Funding**
Highland Village Lions Club	$
Friends of the Flower Mound Library	$
Lewisville Lake Symphony	$
Studio B Performing Arts Center	$
Marine Corps League #1300	$
Associates of the Lewisville Senior Activity Center	$
Chisholm Trail Retired Senior Volunteer Program (RSVP)	$

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

PASSED AND APPROVED this the 10th day of November, 2016.

APPROVED:

_____
Charlotte J. Wilcox, Mayor

ATTEST:

_____
Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

_____
Kevin B. Laughlin, City Attorney
(kbl:11/3/15:81143)

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 17 **MEETING DATE: 11/10/16**

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

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

COMMENTS

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

- 35Express Update

UPCOMING EVENTS

Expected Absences: None

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**
January 2, 2017	**City Offices Closed for the New Year Holiday**
January 5, 2017	**Zoning Board of Adjustment Mtg. 7:00 pm (if needed)**
January 10, 2017	**Regular City Council Mtg. 7:30 pm**
January 16, 2017	**Park Board Mtg. 6:00 pm (if needed)**
January 17, 2017	**Planning & Zoning Commission Mtg. 7:00 pm (if needed)**
January 19, 2017	**Public Art Advisory Board Mtg. 7:00 pm (if needed)**
January 24, 2017	**Regular City Council Mtg. 7:30 pm**

*****Please visit www.highlandvillage.org or the City Hall bulletin board for latest additions, updates and changes*****

By: Karen Bradley, Administrative Assistant - City Secretary Office