



A G E N D A

**REGULAR MEETING
OF THE HIGHLAND VILLAGE CITY COUNCIL
TUESDAY, FEBRUARY 27, 2018, at 6:00 P.M.
HIGHLAND VILLAGE CITY COUNCIL CHAMBERS
1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS**

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

**EARLY WORK SESSION
City Council Chambers**

1. Discuss Appointment to Fill a Vacancy on the Parks and Recreation Advisory Board
2. Receive a Recap of the Operational Success of the Public Safety Radio/Communications System used at a recent Briarhill Middle School Event
3. Clarification of Consent or Action Items listed on today's City Council Regular Meeting Agenda of February 27, 2018

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

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

4. Hold a closed meeting in accordance with the following sections of the Texas Government Code:
 - (a) Section 551.071 – Consultation with City Attorney Concerning Pending or Contemplated Litigation and on any Regular Session or Work Session Agenda Item Requiring Confidential, Attorney/Client Advice Necessitated by the Deliberation or Discussion of Said Item (as needed)
 - (b) Section 551.074 – Personnel – Deliberate the Employment and Evaluation of the City Manager and City Secretary

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

5. Call to Order
6. Prayer to be led by Councilmember Fred Busche

7. **Pledge of Allegiance to the U.S. and Texas flags to be led by Councilmember Fred Busche:** *“Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.”*
8. **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.)*
9. **City Manager/Staff Reports**
 - **Presentation of the State of the City Address**
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
 - **Presentation of a Certificate of Appreciation recognizing Thomas Taylor for his years of service with Upper Trinity Regional Water District (UTRWD)**

CONSENT AGENDA

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

11. **Consider Approval of Minutes of the Regular City Council Meeting held on February 13, 2018**
12. **Consider Resolution 2018-2737 Canceling the March 13, 2018 City Council Meeting**
13. **Consider Resolution 2018-2738 Authorizing the Purchase of Microsoft Office Suite 2016 Licenses from CDW-G through the City's Cooperative Purchasing Agreement with Government Services Administration Federal Cooperative (GSA)**
14. **Consider Resolution 2018-2739 Authorizing the City Manager to Negotiate and Execute an Agreement for Professional Services with Halff and Associates relating to the Unity Park Improvements Project**
15. **Consider Ordinance 2018-1242 Amending the Code of Ordinances Article 6.03 “Peddlers and Solicitors” by Amending Section 6.03.005 relating to the Time of Day during which a Person may Operate as a Peddler or Solicitor in the City; Section 6.03.046 relating to the Time for which a Peddler and Solicitors Permit is Valid; and Repealing Section 6.03.054 “Bond” (2nd and final read)**

ACTION AGENDA

16. **Take action, if any, on matters discussed in closed session in accordance with the following sections of the Texas Government Code:**

- (a) Section 551.071 – Consultation with City Attorney Concerning Pending or Contemplated Litigation and on any Regular Session or Work Session Agenda Item Requiring Confidential, Attorney/Client Advice Necessitated by the Deliberation or Discussion of Said Item (as needed)
 - (b) Section 551.074 – Personnel – Deliberate the Employment and Evaluation of the City Manager and City Secretary
- 17. Consider Ordinance 2018-1244 Approving a Tariff Authorizing an Annual Rate Review Mechanism as Negotiated between Atmos Energy Corp., Mid-Tex Division and the Atmos Cities Steering Committee (ACSC) Effective for Bills Issued on or After April 1, 2018 (1st of two reads)
 - 18. Consider Ordinance 2018-1243 Amending the Code of Ordinances, Chapter 20 “Transportation and Traffic” by adding Article 20.09 “Golf Carts, Neighborhood Electric Vehicles, and Slow-Moving Vehicles” relating to the operation of Golf Carts, Neighborhood Electric Vehicles, and Slow-Moving Vehicles on public streets (2nd and final read)
 - 19. Consider Resolution 2018-2740 Appointing a Member to fill a Vacancy on the Parks and Recreation Advisory Board

LATE WORK SESSION

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

- 20. 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.)
- 21. Adjournment

I HEREBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE PUBLIC BULLETIN BOARD AT THE MUNICIPAL COMPLEX, 1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS IN ACCORDANCE WITH THE *TEXAS GOVERNMENT CODE, CHAPTER 551*, ON THE 23RD DAY OF FEBRUARY, 2018 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 _____, 2018 at _____ am / pm by _____.

CITY OF HIGHLAND VILLAGE

COUNCIL BRIEFING

AGENDA# 1 **MEETING DATE: 02/27/18**

SUBJECT: Discuss Appointment to Fill a Vacancy on the Parks and Recreation Advisory Board

PREPARED BY: Angela Miller, City Secretary

BACKGROUND:

City ordinances state that Council shall make annual appointments to the City's Boards and Commissions no later than the second regularly scheduled Council meeting in September. Citizens interested in volunteering their time to the City submit an application to the City Secretary's Office for consideration by Council.

The annual appointments are for terms of two years, unless an individual is appointed to fill a vacancy. A "term year" shall be from October 1st until September 30th of the following year. The terms shall expire on the 30th day of September of the second year. Citizens appointed by City Council are only allowed to serve four consecutive terms.

In the case of a vacancy, the Council shall appoint a replacement to fill an unexpired term. Council may consider appointing alternate members of said board to fulfill the vacancy prior to appointing new applicants.

IDENTIFIED NEED/S:

Parks and Recreation Advisory Board (Board) member Ron Stewart was appointed by Council to Place 2 in October of 2016, for a term expiring on September 30, 2018. Mr. Stewart recently resigned from the Board; therefore, a vacancy now exists on the Board for Place 2.

OPTIONS & RESULTS:

Council may consider appointing alternate members of said board to fulfill the vacancy. The following members currently serve as alternates on the Parks and Recreation Advisory Board:

- Kenneth Koonsman – Alternate Place 1 (appointed 09/26/2017)
- Christine Sherry – Alternate Place 2 (appointed 10/01/2016)

Council may also consider applications submitted by residents interested in serving on the Parks and Recreation Advisory Board. The following submitted applications during the 2017 appointment process but were not appointed at that time. Staff has confirmed they are still interested in serving.

- Janet Gershenfeld

- Vanessa Boyd
- Warren Miluk
- Diana Kalinowska

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

N/A

RECOMMENDATION:

No action required. This item is for informational purposes only.

There is an item on the Action Agenda tonight for Council to take formal action to fill the vacancy on the Parks and Recreation Advisory Board for Place 2.

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 2

MEETING DATE: 02/27/18

SUBJECT: Receive a Recap of the Operational Success of the Public Safety Radio/Communications System recently utilized at a Briarhill Middle School Event

**PREPARED BY: Douglas Reim, Chief of Police
Brad Goudie, Fire Chief**

COMMENTS

The Chiefs will provide a public safety recap of the radio/communications system that was recently utilized at a Briarhill Middle School event.

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 10

MEETING DATE: 02/27/18

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.

- Presentation of a Certificate of Appreciation recognizing Thomas Taylor for his years of service with Upper Trinity Regional Water District (UTRWD)

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 11

MEETING DATE: 02/27/18

SUBJECT: Consider Approval of Minutes of the Regular Meeting held on February 13, 2018

PREPARED BY: Angela Miller, City Secretary

BACKGROUND:

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

IDENTIFIED NEED/S:

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

OPTIONS & RESULTS:

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

PROGRESS TO DATE: (if appropriate)

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

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

N/A

RECOMMENDATION:

To approve the minutes of the February 13, 2018 meeting.

**MINUTES OF THE REGULAR MEETING OF THE
HIGHLAND VILLAGE CITY COUNCIL
HELD AT THE HIGHLAND VILLAGE MUNICIPAL COMPLEX
LOCATED AT 1000 HIGHLAND VILLAGE ROAD
TUESDAY, FEBRUARY 13, 2018**

Call to Order

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

Roll Call

Present:	Charlotte J. Wilcox Michael Lombardo Barbara Fleming John McGee Fred Busche Daniel Jaworski	Mayor Councilmember Deputy Mayor Pro Tem Councilmember Councilmember Councilmember
Absent:	Michelle Schwolert	Mayor Pro Tem
Staff Members:	Michael Leavitt Kevin Laughlin Ken Heerman Angela Miller Doug Reim Scott Kriston Jana Onstead Phil Lozano Andra Foreman Laurie Mullens Andrew Boyd Karen Bradley	City Manager City Attorney Assistant City Manager City Secretary Police Chief Public Works Director Human Resources Director Parks and Recreation Director Recreation Manager Director of Marketing & Communic Media Specialist Administrative Assistant

EARLY WORK SESSION

1. Receive an Update regarding Projects, Operations and Services from Upper Trinity Regional Water District (UTRWD)

UTRWD Board Director Richard Lubke reported long time Executive Director Thomas Taylor would be stepping down from his position.

Mr. Lubke also reported the UTRWD had been targeted in a phishing scam. He reported the FBI and City of Lewisville Police Department are investigating. He stated they have since had an independent audit conducted of their policies and procedures, and that additional training for staff has been completed. Councilmember Jaworski asked what affect the incident would have on customer rates. Mr. Lubke stated there will be no effect on customer rates.

2. Clarification of Consent or Action Items listed on today's City Council Regular Meeting Agenda of February 13, 2018

Relating to Agenda Item #18, City Attorney Kevin Laughlin reported the current ordinance has a bond requirement, which was going to be modified to change the requirement of providing a cash bond to a surety bond. In further discussion regarding this requirement, it was determined that there are sufficient federal and state laws that in place to protect consumers, so the ordinance being proposed at tonight's meeting repeals the bond requirement in its entirety. Councilmember McGee asked about the consumer 3-day right to cancel a purchase. Mr. Laughlin reported that could be added as a procedural item.

Relating to Agenda Item #19, Councilmember Jaworski inquired about conflicting language under Section 20.09.003 (e). Mr. Laughlin stated the motion could include direction to have the City Attorney clear up the language for that section, as discussed in Early Work Session.

Mayor Wilcox announced Council would go into Closed Session and read agenda Items #3(a), (b), and (c).

CLOSED SESSION

Council convened into Closed Session at 6:27 p.m.

3. **Hold a closed meeting in accordance with the following sections of the Texas Government Code:**
 - (a) **Section 551.071 – Consultation with City Attorney Concerning Pending or Contemplated Litigation and on any Regular Session or Work Session Agenda Item Requiring Confidential, Attorney/Client Advice Necessitated by the Deliberation or Discussion of Said Item (as needed)**
 - (b) **Section 551.071 – Discuss Pending Lawsuit with City's Attorneys, specifically, the case styled *Horner, et. al. v. City of Highland Village, et. al.*, Cause NO: 4:17-cv-774 in the United States District Court (E.D. Texas – Sherman Division)**
 - (c) **Section 551.074 – Personnel – Deliberate the Evaluation of the City Manager and City Secretary**

Council concluded Closed Session at 7:02 p.m.

OPEN SESSION

4. Call to Order

Mayor Charlotte J. Wilcox called the meeting to order at 7:30 p.m.

Roll Call

Present:	Charlotte J. Wilcox Michael Lombardo Barbara Fleming John McGee Fred Busche Daniel Jaworski	Mayor Councilmember Deputy Mayor Pro Tem Councilmember Councilmember Councilmember
Absent:	Michelle Schwolert	Mayor Pro Tem
Staff Members:	Michael Leavitt	City Manager

Kevin Laughlin
Ken Heerman
Angela Miller
Doug Reim
David Harney
Scott Kriston
Jana Onstead
Phil Lozano
Fince Espinoza
Laurie Mullens
Andrew Boyd

City Attorney
Assistant City Manager
City Secretary
Police Chief
Corporal/SRO
Public Works Director
Human Resources Director
Parks and Recreation Director
Parks Operations & Project Manager
Director of Marketing & Communic
Media Specialist

5. Prayer to be led by Councilmember Mike Lombardo

Councilmember Lombardo gave the invocation.

6. Pledge of Allegiance to the U.S. and Texas flags to be led by Councilmember Mike Lombardo: *"Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."*

Councilmember Lombardo led the Pledge of Allegiance to the U.S. and Texas Flags.

7. Visitor Comments

No one wished to speak.

8. City Manager/Staff Reports

• **HVTV Update**

The latest video report from HVTV News was shown:

Spring Tennis Classes – Session I of the spring tennis classes is underway but there is still time to sign up for Sessions II or III; visit the City's website for information, age breakdowns and start dates; you may register online or in person at the Robert & Lee DuVall Center

Homestead Exemption – the deadline to file for your homestead exemption is April 30; you may qualify for various exemptions; visit www.dentoncad.com/exemptions to file your exemption(s)

Become a Volunteer – with events held all throughout the year, there are many opportunities for someone to volunteer at our community events and senior activities; contact the Parks and Recreation Department for details

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

City Manager Michael Leavitt presented a Certificate of Appreciation to Scott Strasser. Mr. Strasser has worked for the City for 13 years and is a Park Technician II in the Parks and Recreation Department. While working on FM 2499, Mr. Strasser found a wallet

that belonged to a resident. The wallet contained a large amount of cash, credit cards and driver license. Mr. Strasser returned the wallet to its owner, who then contacted the City to recognize him for being an honest, upstanding employee and citizen.

- **Recognition of Briarhill Middle School for Selection by NASA to host a Downlink with the International Space Station**

Mayor Wilcox stated the City is proud to recognize Briarhill Middle School for its selection by NASA to host a downlink with the International Space Station. Briarhill is the only K through 12 school in Texas, and one of 25 schools in the United States, to be selected for this opportunity. Ms. Wilcox reported one of the students created a video to show what Briarhill has done in preparing for the event.

Library Media Specialist Trela Weesner, Principal Mattingley and student Micah Dooley were in attendance for the meeting. Ms. Weesner reported the event links students directly to astronauts aboard the space station and provides unique experiences designed to enhance student learning, performance and interest in science, technology, engineering and mathematics. After the video was shown, Ms. Weesner thanked Laurie Mullens, Andrew Boyd and Officer Harney for their participation and assistance with the event.

- **Presentation of a Proclamation recognizing Parent Teacher Association (PTA) Day in Highland Village**

Mayor Wilcox presented a proclamation to President of the Lewisville ISD Council of PTA Lauren Johnson and Chair of the Lewisville ISD Council of PTA Julie Kluthe.

CONSENT AGENDA

10. **Consider Approval of Minutes of the Regular City Council Meeting held on January 23, 2018**
11. **Consider Resolution 2018-2733 Repealing Resolution 2013-2445 and Dissolving the Public Art Advisory Board**
12. **Consider Resolution 2018-2734 Amending the Public Art Master Plan**
13. **Consider Resolution 2018-2736 Amending the Public Art Policy**
14. **Consider Resolution 2018-2735 Authorizing the Purchase of Radio Telemetry Units from Prime Controls for the Public Works Utility Division**
15. **Receive Investment Report for Quarter Ending December 31, 2017**
16. **Receive Budget Reports for Period Ending December 31, 2017**

Motion by Councilmember McGee, seconded by Deputy Mayor Pro Tem Fleming, to approve Consent Agenda Items #10 through #16. Motion carried 6-0.

ACTION AGENDA

17. **Take action, if any, on matters discussed in closed session in accordance with the following sections of the Texas Government Code:**

- (a) **Section 551.071 – Consultation with City Attorney Concerning Pending or Contemplated Litigation and on any Regular Session or Work Session Agenda Item Requiring Confidential, Attorney/Client Advice Necessitated by the Deliberation or Discussion of Said Item (as needed)**
- (b) **Section 551.071 – Discuss Pending Lawsuit with City’s Attorneys, specifically, the case styled *Horner, et. al. v. City of Highland Village, et. al.*, Cause NO: 4:17-cv-774 in the United States District Court (E.D. Texas – Sherman Division)**
- (c) **Section 551.074 – Personnel – Deliberate the Evaluation of the City Manager and City Secretary**

NO ACTION TAKEN

18. **Consider Ordinance 2018-1242 Amending the Code of Ordinances Article 6.03 “Peddlers and Solicitors” by Amending Section 6.03.005 relating to the Time of Day during which a Person may Operate as a Peddler or Solicitor in the City; Section 6.03.046 relating to the Time for which a Peddler and Solicitors Permit is Valid; and Repealing Section 6.03.054 “Bond” (1st of two reads)**

APPROVED 1ST READ (6 – 0)

City Secretary Angela Miller reported Council previously discussed provisions relating to peddlers and solicitors at their meetings in November and December, 2017 and at their January 23, 2018 meeting. Discussions related to amending the allowable hours of operation, extending the expiration of city-issued permits for solicitors and modifying the cash bond requirement. During the last Council meeting, consensus was to amend the hours of operation to the following:

- Standard Time – allowed at a private residence from 9:00 a.m. until 7:00 p.m.
- Daylight Savings Time – allowed at a private residence from 9:00 a.m. until 8:00 p.m.

Also, in an effort to be more cost/time effective, staff suggested extending the expiration of permits from 90-days to 180-days from the date of issuance. Regarding the cash bond requirement, City Attorney Kevin Laughlin reported the current ordinance has a bond requirement, which was going to be modified to change the requirement of providing a cash bond to require a surety bond. Instead, he stated in further discussions regarding the bond requirement it was determined that there are sufficient federal and state laws in place that protect consumers, so the ordinance being proposed at tonight’s meeting repeals the bond requirement in its entirety.

Motion by Deputy Mayor Pro Tem Fleming, seconded by Councilmember McGee, to approve the first read of Ordinance 2018-1242. Motion carried 6-0.

19. **Consider Ordinance 2018-1243 Amending the Code of Ordinances, Chapter 20 “Transportation and Traffic” by adding Article 20.09 “Golf Carts, Neighborhood Electric Vehicles, and Slow-Moving Vehicles” relating to the operation of Golf Carts, Neighborhood Electric Vehicles, and Slow-Moving Vehicles on public streets (1st of two reads)**

APPROVED 1ST READ w/ AMENDMENTS (4 – 2)

Motion by Councilmember Busche, seconded by Councilmember Lombardo, to table Ordinance 2018-1243 and redirect staff to prepare an ordinance for consideration associated with the operation of golf carts, NEVs and SMVs on public streets.

Councilmember Busche stated he lives in Highland Shores, which is one of 3 subdivisions that will be affected by this ordinance, and doesn't feel safety issues have not been adequately addressed. He stated he tabled the proposed ordinance to allow for further discussion. Councilmember Lombardo added that although the state allows City's to add extra regulations to certain types of vehicles that are already licensed and inspected by the state, that doesn't mean we should.

Based on the rules of order, City Attorney Kevin Laughlin stated a motion to table is usually non-debatable, however, because statements have already been made and unless anyone raises a point of order, the Mayor could allow further discussion, to which she allowed. Councilmember Jaworski stated there has been ample opportunity for all of Council to offer input for or against. He stated having addressed all the points that have been raised that tabling the item now is futile. Councilmember McGee called for a vote on the motion to table.

Motion to table failed with the following vote:

Ayes – Busche and Lombardo

Noes – McGee, Wilcox, Fleming and Jaworski

Councilmember Jaworski made a motion to approve the first read of Ordinance 2018-1243. Councilmember McGee suggested the Mayor offer an opportunity for discussion, which she provided. Councilmember Busche stated his issue is the subdivision most affected by the proposed ordinance is Highland Shores. He is concerned with the safety of individuals driving a golf cart along Highland Shores Boulevard. Councilmember McGee stated he is not in favor of golf carts traveling on streets, but the state already allows some vehicles in this category on our streets. He stated it will be hard to enforce unless the City can provide regulations that are better than what was provided by the State and this is a reasonable attempt to do so.

Councilmember Lombardo stated he believes this issue is only to address a handful of people and he voiced concern about regulating units that have a license plate and that are registered by the State. He does not want added restrictions on them and would like an ordinance that only addresses golf carts or units without a license plate.

Councilmember Jaworski reiterated his motion to approve the first read of Ordinance 2018-1243, motion seconded by Deputy Mayor Pro Tem Fleming. Councilmember Busche stated he does not have a concern with NEVs on the street. Mayor Wilcox stated she agrees with Councilmember Lombardo, that NEVs should not be included in the ordinance because they are licensed by the State.

City Attorney Laughlin clarified this is a policy matter. State law allows golf carts to be operated in master planned communities and does not require them to be operated just in a golf course community. A master planned community is defined as having been platted and is subject to restrictive covenants, provided it is zoned as a master planned community. If City Council does nothing, then golf carts can operate on public streets within Highland Shores at any time and with no regulations. The distinction between golf carts and NEVs is that, because of the definition of an NEV, they have all the equipment regulations that apply to them but does not have any regulations relating to their operation on public streets, with speed limits up to 35 mph. What has been presented to Council was a policy option – to do nothing, to totally prohibit, or to prohibit unless you comply with the regulations set forth in the ordinance. This last option is what was prepared based on the consensus of Council at their last meeting. Mr. Leavitt reported the proposed ordinance does include NEVs, but that they could be removed if Council wished to do so. Council discussed removing NEVs from the ordinance.

Deputy Mayor Pro Tem Fleming proposed an amendment to the motion that is currently on the floor to remove NEVs from the ordinance. Councilmember Jaworski asked if removing NEVs from the ordinance would cause any issue for the Police Department from an enforcement standpoint. Mr. Leavitt reported it could be an opportunity to further educate staff and residents. Chief Reim stated the potential does exist because they look the same from the side, but citizens will have a hard time distinguishing. Council discussed how removing NEVs from the ordinance may limit the ability to check licensing and insurance of their drivers. ***Deputy Mayor Pro Tem Fleming withdrew her motion to amend, and stated she supports the ordinance as written.***

City Attorney Laughlin reviewed the suggested changes to the ordinance, which included:

- **Section 20.09.001** – Definition of permit to read...“authorizing the operation of the golf cart and NEV or SMV for which the permit was issued.”
- **Section 20.09.002 (i)** – Second sentence to read...“another passenger of a golf cart, NEV or SMV while it is being operated on a public street.”
- **Section 20.09.003 (e)** – Sentence to read...“A driver operating a golf cart, NEV, SMV on a public street shall cross a multi-lane federal, county or state route only at an intersection controlled by an official traffic control device...”
- **Section 20.09.005 (b)(1)** – Sentence to read...“The name, address, telephone number and Texas driver’s license number, ~~if applicable~~, of the owner of the golf cart, NEV or SMV for which the permit is requested”

Motion by Councilmember Jaworski to amend his motion to approve the first read of Ordinance 2018-1243, including suggested changes referenced by the City Attorney; motion seconded by Deputy Mayor Pro Tem Fleming. Motion passed with the following vote:

Ayes – Jaworski, Fleming, Wilcox and McGee

Noes – Lombardo and Busche

LATE WORK SESSION

20. **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.)**

▪ **Discuss Cancelling the March 13, 2018 City Council Meeting**

City Manager Leavitt reported the City Council meeting scheduled for March 13th falls during spring break for Lewisville ISD and typically that meeting would be cancelled to allow Councilmembers and staff the opportunity to spend time with families. Consensus of Council was to move forward with cancelling the meeting.

21. **Adjournment**

Mayor Wilcox adjourned the meeting at 8:37 p.m.

ATTEST:

Angela Miller, City Secretary

DRAFT

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 12

MEETING DATE: 02/27/18

**SUBJECT: Consider Resolution 2018-2737 Cancelling the March 13,
2018 City Council Meeting**

PREPARED BY: Angela Miller, City

Secretary

BACKGROUND:

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

IDENTIFIED NEED/S:

The Regular City Council meeting scheduled for Tuesday, March 13, 2018 conflicts with the spring break holiday for Lewisville ISD students, which is March 12 – 16, 2018.

OPTIONS & RESULTS:

Cancelling the Regular City Council meeting scheduled for March 13 would allow Council and staff the opportunity to enjoy this time with their families.

PROGRESS TO DATE: (if appropriate)

City Administration has reviewed pending and anticipated business items which will require City Council approval and have determined that no project or other matter will be negatively impacted or delayed if the identified meetings are cancelled.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

None.

RECOMMENDATION:

To approve Resolution 2018-2737 cancelling the March 13, 2018 City Council meeting.

CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2018-2737

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS CANCELING THE MARCH 13, 2018, CITY COUNCIL MEETING, AND PROVIDING AN EFFECTIVE DATE

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

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

WHEREAS, the City Council finds that cancelling the regular meeting scheduled for March 13, 2018 will not adversely affect the operations of the City and will preserve City financial and human resources usually spent in preparation for such meetings;

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

SECTION 1. The Regular City Council meeting scheduled for March 13, 2018 is hereby canceled.

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

PASSED AND APPROVED this the 27th day of February, 2018.

APPROVED:

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 13

MEETING DATE: 02/27/18

SUBJECT: Consider Resolution 2018-2738 Authorizing Purchase of Microsoft Office Suite 2016 Licenses from CDW-G through the City's Cooperative Purchasing Agreement with Government Services Administration Federal Cooperative ("GSA")

PREPARED BY: Sunny Lindsey, Director of Information Services

BACKGROUND:

During the budget process, Council approved an IS initiative to upgrade the City's entire inventory of Office 2007 Licenses with Office 2016. In order to further reduce cost, the City is purchasing the licenses through downloadable media, rather than the more expensive hard copy option.

IDENTIFIED NEED/S:

City staff has identified the need for the replacement and upgrade of the City's entire Microsoft Office Suite.

PROGRESS TO DATE: (if appropriate)

Through the GSA contract, the City is able to procure the software at a total cost of \$52,000 through the vendor CDW-G.

Division	Quantity	Description	Cost
IS	200	MS Office 2016 Standard	\$ 260.00
Total Purchase Cost			\$52,000.00

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

Funds were approved for this project during the budget process.

RECOMMENDATION:

To approve Resolution 2018-2738.

CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2018-2738

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AUTHORIZING THE PURCHASE OF 200 DIGITAL LICENSES OF MICROSOFT OFFICE 2016 THROUGH FROM CDW-G THROUGH THE CITY'S COOPERATIVE PURCHASING AGREEMENT WITH THE GOVERNMENT SERVICES ADMINISTRATION FEDERAL COOPERATIVE ("GSA") IN AN AMOUNT NOT TO EXCEED \$52,000; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, during the budget process, City Administration recommended that the Microsoft Office suite installed on all City desktop and laptop computers be upgraded to the standard 2016 version.

WHEREAS, City Administration has determined that the purchase of the above-described software licenses that comply with City specifications can be procured in accordance with state law from CDW-G through the City's cooperative purchasing agreement with the Government Services Administration Federal Cooperative ("GSA")

WHEREAS, the City Council of the City of Highland Village finds it to be in the public interest to authorize the above-described purchases.

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

SECTION 1. The City Manager is hereby authorized to purchase on behalf of the City 200 digital licenses of Microsoft Office 2016 from CDW-G through the City's cooperative purchasing agreement with GSA in an amount not to exceed \$52,000.

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON THIS 27TH DAY OF FEBRUARY, 2018.

APPROVED:

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(kbl:2/21/18:96407)

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 14

MEETING DATE: 02/27/18

SUBJECT: Consider Resolution 2018-2739 Authorizing the City Manager to Negotiate and Execute an agreement for professional services with Halff and Associates relating to the Unity Park Improvements Project

PREPARED BY: Phil Lozano, Director of Parks and Recreation

BACKGROUND:

On November 7, 2017, the voters of Highland Village approved two propositions authorizing the sale of bonds in the amount of \$7,150,000.00 for Street and Park Improvements. Proposition 2 authorized the issuance of bonds for Park Improvements in the amount of \$4.29M consisting of five Park Improvement Projects: Sunset Point Park development, Unity Park - Kids Kastle replacement, pond improvements, softball field addition, Brazos Park Parking Lot addition, Victoria Park trail improvements, and Highland Village Road Sidewalk Construction.

IDENTIFIED NEED/S:

Design and Engineering services to construct a softball field and make pond improvements to accommodate a 50-year rain event at Unity Park.

OPTIONS & RESULTS:

The construction of Doubletree Ranch Park added a soccer complex as a part of the project. The soccer program was moved from Unity Park to Doubletree Ranch Park. This allowed for the existing soccer fields at Unity to be converted to a much-needed softball field. In addition, the ponds at Unity Park are silted significantly, thus reducing the water holding capacity. The ponds are in immediate need of improvements to accommodate a 50-year rain event.

PROGRESS TO DATE: (if appropriate)

Design proposals for the softball field construction and the pond improvements have been provided by Halff and Associates.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

The funds for this project will be provided from the Bond Proceeds from the November 7, 2017 Bond Election. The combined proposal costs for the design and engineering services is \$219,900.00.

RECOMMENDATION:

To approve Resolution 2018-2739.

CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2018-2739

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT FOR PROFESSIONAL SERVICES WITH HALFF ASSOCIATES RELATING TO THE UNITY PARK IMPROVEMENT PROJECT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, City voters have authorized the issuance of bonds to provide funds for various park improvements, including construction of softball fields and the renovation of the pond at Unity Park ("the Project"); and

WHEREAS, professional engineering, surveying, landscape architectural services are required with respect to the design of the Project; and

WHEREAS, Halff Associates has been determined to be the most qualified to perform the requested professional services and has offered to perform such services for a reasonable and equitable fee; and

WHEREAS, City Administration recommends contracting with Halff Associates to perform the desired professional services; and

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

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

SECTION 1. The City Manager is hereby authorized to negotiate and execute an agreement for professional engineering, survey, and landscape architectural services with Halff Associates relating to design and construction of the Project for a fee in the amount of \$219,900.00.

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

PASSED AND APPROVED this the 27th day of February, 2018.

APPROVED:

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(kbl:2/21/18:96396)

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 15

MEETING DATE: 02/27/18

SUBJECT: Consider Ordinance 2018-1242 Article 6.03 “Peddlers and Solicitors” by Amending Section 6.03.005 relating to the Time of Day during which a Person may Operate as a Peddler or Solicitor in the City; Section 6.03.046 relating to the Time for which a Peddler and Solicitors Permit is valid; and Repealing Section 6.03.054 “Bond” (2nd and final read)

**PREPARED BY: Douglas Reim, Chief of Police
Angela Miller, City Secretary**

BACKGROUND:

City Council previously discussed provisions relating to peddlers and solicitors at its November 14 and December 12, 2017 meetings and at its January 23, 2018 meeting. Discussions centered around amending the allowable hours of operation, extending the expiration of city-issued permits for solicitors and modifying the cash bond requirement.

The existing ordinance states no person shall peddle, solicit, hawk, sell or take orders for or offer to take orders for any item or service at a private residence in the City after sunset on any day until 9:00 a.m., Monday through Saturday. Solicitation is not allowed on Sunday. During the last Council meeting, consensus was to amend the hours of operation to the following:

- Standard Time – allowed at a private residence from 9:00 a.m. until 7:00 p.m.
- Daylight Savings Time – allowed at a private residence from 9:00 a.m. until 8:00 p.m.

In addition, the current ordinance states that permits issued by the Police Department expire within 90-days from the date of issuance. Each permit may be renewed once for an additional 90-day term at no additional cost, unless additional solicitors are added to the permit, which requires a fee of \$50 per additional solicitor. In an effort to be more cost/time effective, staff suggests extending the expiration of permits to 180-days from the date of issuance.

Regarding the cash bond requirement, the existing ordinance states that solicitation activities requiring cash deposits or taking orders on delivery purchases (COD) or that require a contract of agreement to finance the sale of any goods, services or merchandise for future delivery, or for services to be performed in the future, require furnishing to the city a cash bond in the amount of \$5,000, naming the applicant for the permit as principal. In researching this provision, City staff wishes to repeal the section in its entirety.

At their meeting held on February 13, 2018, Council approved the first read of Ordinance 2018-1242.

IDENTIFIED NEED/S:

Proposed Ordinance 2018-1242 amends the time of day a person may operate as a peddler or solicitor, extends permit expiration to 180-days, and repeals the section relating to a cash bond requirement. This ordinance is presented for a second and final read.

RECOMMENDATION:

To approve the second read of Ordinance 2018-1242, as presented.

CITY OF HIGHLAND VILLAGE, TEXAS

ORDINANCE NO. 2018-1242

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIGHLAND VILLAGE, CHAPTER 6 "BUSINESS REGULATIONS," ARTICLE 6.03 "PEDDLERS AND SOLICITORS," SECTION 6.03.005 "HOURS AND DAYS OF OPERATION" BY AMENDING THE TIME OF DAY DURING WHICH A PERSON MAY OPERATE AS A PEDDLER OR SOLICITOR IN THE CITY; SECTION 6.03.046 "ISSUANCE OR DENIAL; EXPIRATION" BY AMENDING THE TIME FOR WHICH A PERMIT IS VALID" BY AMENDING THE TIME FOR WHICH A RENEWAL PERMIT IS VALID; AND REPEALING SECTION 6.03.054 "BOND"; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED \$500.00 PER OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council finds it to be in the public interest to amend the Code of Ordinances §6.03.005 to establish fixed times of day during which a person, acting as a peddler or solicitor, may seek orders at a private residence, extend the time for which a solicitor's permit is effective, and repeal the requirement for obtaining a cash bond;

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

SECTION 1. The City of Highland Village Code of Ordinances Chapter 6 "Business Regulations," Article 6.03 "Peddlers and Solicitors," Section 6.03.005 "Hours and Days of Operation" is amended to read as follows:

Sec. 6.03.005 Hours and days of operation

No person shall peddle, solicit, hawk, sell or take orders for or offer to take orders for any item or service at a private residence earlier than 9:00 a.m. or later than 7:00 p.m., Central Time, when Standard Time is in effect, and no later than 8:00 p.m. Central Time, when Daylight Savings Time is in effect, on any Monday through Saturday, unless the transaction is the result of a request made to such person by the occupant of such private residence. There shall be no solicitations on January 1st, July 4th, the fourth Monday in May, the 1st Monday in September, the fourth Thursday of November, December 25th, or on any Sunday.

SECTION 2. The City of Highland Village Code of Ordinances Chapter 6 "Business Regulations," Article 6.03 "Peddlers and Solicitors," Section 6.03.046 "Issuance or Denial; Expiration" is amended to read as follows:

Sec. 6.03.046 Issuance or denial; expiration

It shall be the duty of the chief of police or his authorized designee to issue or refuse to issue such permit not earlier than five days nor later than two weeks from the time the application is received by him. All the permits shall expire within 180 days from the date of issuance. The chief of police or his authorized

designee may refuse to grant a permit if he discovers, during his investigation, that the applicant, or any solicitor, has committed fraud or misrepresentation, has been convicted of a felony or a misdemeanor involving moral turpitude, or has failed to furnish items required by this article in the permit application.

SECTION 3. The City of Highland Village Code of Ordinances Chapter 6 "Business Regulations," Article 6.03 "Peddlers and Solicitors," Section 6.03.054 "Bond" is repealed.

SECTION 4. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

SECTION 5. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6. This ordinance shall take effect upon its passage on Second Reading and publication of the caption in accordance with the provisions of the Charter of the City of Highland Village, and it is accordingly so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON FIRST READING ON THIS THE 13TH DAY OF FEBRUARY, 2018.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON SECOND READING ON THIS THE 27TH DAY OF FEBRUARY, 2018.

APPROVED:

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney
(kbl:2/8/18:93107)

CITY OF HIGHLAND VILLAGE

COUNCIL BRIEFING

AGENDA# 17

MEETING DATE: 02/27/18

SUBJECT: Consider Ordinance 2018-1244 Approving and Adopting Rate Schedule Rate Review Mechanism for Atmos Energy Corporation (1st of two reads)

PREPARED BY: Ken Heerman, Assistant City Manager

BACKGROUND:

Highland Village, along with 171 other Mid-Texas Cities Served by Atmos Energy Corporation, Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Steering Committee of Cities Served by Atmos ("Cities"). In 2007, the Cities and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism ("RRM"), as a substitute for future filings under the GRIP statute.

Since 2007, there have been several modifications to the original RRM Tariff. The Ordinance that resolved the Company's application under the RRM Tariff in 2017 also terminated the existing RRM Tariff and required a renegotiation of the terms of that tariff. Negotiations have taken place over the past several months, and have resulted in a revised RRM Tariff that has been agreed to by the Company. The Cities' Executive Committee has recommended acceptance of the revised RRM Tariff, which is attached to the Ordinance.

IDENTIFIED NEED/S:

Cities strongly opposed the GRIP process because it constitutes piecemeal ratemaking by ignoring declining expenses and increasing revenues and rewarding the Company for increasing capital investment. The GRIP process does not allow any review of the reasonableness of capital investment and does not allow cities to participate in the Railroad Commission's review of annual GRIP filings or recover their rate case expenses. The Railroad Commission undertakes a mere administrative review of GRIP filings (instead of a full hearing) and rate increases go into effect without any material adjustments. In the Steering Committee's view, the GRIP process unfairly raises customers' rates without any regulatory oversight. In contrast, the RRM process has allowed for a more comprehensive rate review and annual evaluation of expenses and revenues, as well as capital investment.

OPTIONS & RESULTS:

The RRM Tariff on which the 2017 rates were based allowed a rate of return on equity of 10.50%. The revised RRM Tariff reduces that to 9.8%. The revised RRM Tariff also captures

the reduction in federal income tax rates from 35% to 21%, and should result in a rate reduction effective by mid-March, 2018. Prior RRM tariffs allowed Cities only three months to review the Company's filing. The new revised Tariff expands that time period by two months. New applications by the Company should be made on or about April 1 of each year, with new rates effective October 1. A rate order from the Railroad Commission in an Atmos Texas Pipeline rate case adopted the position of Cities with regard to incentive compensation related to Atmos' Shared Services Unit that reduced allowed expenses, and that reduced level of expenses will be applicable under the new RRM Tariff.

Adoption of the ordinance with its attached tariff is a necessary action pursuant to the exercise of Cities' original jurisdiction because the RRM process only exists pursuant to City action. The RRM process is not defined by statute. Without the specific regulatory action by Cities, Atmos would make annual GRIP filings with the Railroad Commission, and the Commission would conduct an administrative review of a piecemeal rate application and deny any participation by Cities.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

N/A

RECOMMENDATION:

Council to approve Ordinance 2018-1244.

CITY OF HIGHLAND VILLAGE, TEXAS

ORDINANCE NO. 2018-1244

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, APPROVING A TARIFF AUTHORIZING AN ANNUAL RATE REVIEW MECHANISM (“RRM”) AS A SUBSTITUTION FOR THE ANNUAL INTERIM RATE ADJUSTMENT PROCESS DEFINED BY SECTION 104.301 OF THE TEXAS UTILITIES CODE, AND AS NEGOTIATED BETWEEN ATMOS ENERGY CORP., MID-TEX DIVISION (“ATMOS MID-TEX” OR “COMPANY”) AND THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS; REQUIRING THE COMPANY TO REIMBURSE CITIES’ REASONABLE RATEMAKING EXPENSES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE.

WHEREAS, the City of Highland Village, Texas (“the City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the City and similarly-situated Mid-Tex municipalities created the Steering Committee of Cities Served by Atmos to efficiently address all rate and service matters associated with delivery of natural gas; and

WHEREAS, the Steering Committee formed an Executive Committee to direct legal counsel and to recommend certain specific actions to all aligned Mid-Tex Cities through resolution or ordinance; and

WHEREAS, pursuant to the terms of a November 2007 agreement between the Steering Committee and Atmos Mid-Tex that settled the Company’s interim rate filing under Section 104.301 of the Texas Utilities Code (a “GRIP” rate case), the Steering Committee and the Company collaboratively developed a Rate Review Mechanism (“RRM”) Tariff, ultimately authorized by the City in 2008, that allows for an expedited rate review process as a substitute for the GRIP process; and

WHEREAS, the City has kept some form of a RRM Tariff in place until 2017 when it adopted an ordinance approving an RRM Tariff filing settlement and specifically calling for termination of the existing RRM Tariff and negotiation of a replacement RRM Tariff following the Railroad Commission’s decision in a then-pending Atmos Texas Pipeline case (GUD No. 10580); and

WHEREAS, the Steering Committee’s Executive Committee has recently approved a settlement with the Company on the attached RRM Tariff that contains certain notable improvements, from a consumer perspective, over the prior RRM Tariff, including a reduced rate of return on equity, acceptance of certain expense adjustments made by the Railroad Commission in the Order in GUD No. 10580, and the addition of two months to the time for processing a RRM Tariff application; and

WHEREAS, the RRM Tariff contemplates reimbursement of Cities' reasonable expenses associated with RRM Tariff applications; and

WHEREAS, the Steering Committee's Executive Committee recommends that all Steering Committee member cities adopt this ordinance and the attached RRM Tariff; and

WHEREAS, the attached RRM Tariff is just, reasonable and in the public interest,

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

Section 1. The findings set forth in this Ordinance are hereby in all things approved.

Section 2. The attached RRM Tariff re-establishing a form of Rate Review Mechanism is just and reasonable and in the public interest, and is hereby adopted.

Section 3. Atmos Mid-Tex shall reimburse the Cities' reasonable expenses associated with adoption of this Ordinance and the attached RRM Tariff and in processing future RRM Tariff applications filed pursuant to the attached tariff.

Section 4. To the extent any resolution or ordinance previously adopted by the City is inconsistent with this Ordinance, it is hereby repealed.

Section 5. The meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 6. If any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, and the remaining provisions of this Ordinance shall be interpreted as if the offending section or clause never existed.

Section 7. This Ordinance shall become effective from and after its passage on second and final reading.

Section 8. A copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs, Atmos Energy Corporation, Mid-Tex Division, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to Mid-Tex Cities, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

SECTION 5. This ordinance shall take effect upon its passage on Second Reading and publication of the caption in accordance with the provisions of the Charter of the City of Highland Village, and it is accordingly so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON FIRST READING ON THIS THE 27TH DAY OF FEBRUARY, 2018.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE,
TEXAS, ON SECOND READING ON THIS THE ____ DAY OF _____, 2018.**

APPROVED:

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(kbl:2/20/18:96381)

Ordinance 2018-1244
Exhibit A

**ATMOS ENERGY CORPORATION
MID-TEX DIVISION**

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL CITIES IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS CUSTOMERS	
EFFECTIVE DATE:	Bills Rendered on and after 04/01/2018	PAGE: 1

I. Applicability

Applicable to Residential, Commercial, Industrial, and Transportation tariff customers in the Mid-Tex Division of Atmos Energy Corporation (“Company”) except such customers within the City of Dallas. This Rate Review Mechanism (“RRM”) provides for an annual adjustment to the Company’s Rate Schedules R, C, I and T (“Applicable Rate Schedules”). Rate calculations and adjustments required by this tariff shall be determined on a System-Wide cost basis.

II. Definitions

“Test Period” is defined as the twelve months ending December 31 of each preceding calendar year.

The “Effective Date” is the date that adjustments required by this tariff are applied to customer bills. The annual Effective Date is October 1.

Unless otherwise provided in this tariff the term Final Order refers to the final order issued by the Railroad Commission of Texas in GUD No. 10170 and elements of GUD No. 10580 as specified in Section III below.

The term “System-Wide” means all incorporated and unincorporated areas served by the Company.

“Review Period” is defined as the period from the Filing Date until the Effective Date.

The “Filing Date” is as early as practicable, but no later than April 1 of each year.

III. Calculation

The RRM shall calculate an annual, System-Wide cost of service (“COS”) that will be used to adjust applicable rate schedules prospectively as of the Effective Date. The Company may request recovery of its total cost of service but will include schedules showing the computation of any adjustments. The annual cost of service will be calculated according to the following formula:

$$\text{COS} = \text{OM} + \text{DEP} + \text{RI} + \text{TAX} + \text{CD}$$

Where:

OM = all reasonable and necessary operation and maintenance expenses from the Test Period adjusted for known and measurable items and prepared

ATMOS ENERGY CORPORATION
MID-TEX DIVISION

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EFFECTIVE DATE:	Bills Rendered on and after 04/01/2018	PAGE: 2

consistent with the rate making treatments approved in the Final Order. Incentive compensation (Management Incentive Plan, Variable Pay Plan and Long Term Incentive Plan) related to Atmos' Shared Services Unit will be applied consistent with treatment approved in GUD 10580. Additionally, O&M adjustments will be incorporated and applied as modified by a final order, not subject to appeal, issued by the Railroad Commission of Texas in subsequent rate cases involving the Atmos Mid-Tex or West Texas divisions. Known and measurable adjustments shall be limited to those changes that have occurred prior to the Filing Date. OM may be adjusted for atypical and non-recurring items. Shared Services allocation factors shall be recalculated each year based on the latest component factors used during the Test Period, but the methodology used will be that approved in the Final Order in GUD 10580.

DEP = depreciation expense calculated at depreciation rates approved by the Final Order. Additionally, if depreciation rates are approved in a subsequent final order, not subject to appeal, issued by the Railroad Commission of Texas for the Mid-Tex division those rates would be applicable for subsequent RRM filings.

RI = return on prudently incurred investment calculated as the Company's pretax return multiplied by rate base at Test Period end. Rate base is prepared consistent with the rate making treatments approved in the Final Order, and as in GUD 10580 as specifically related to capitalized incentive compensation (Management Incentive Plan, Variable Pay Plan and Long Term Incentive Plan) for Atmos' Shared Services Unit. However, no post Test Period adjustments will be permitted. Additionally, adjustments will be incorporated and applied as modified by a final order, not subject to appeal, issued by the Railroad Commission of Texas in subsequent rate cases involving the Atmos Mid-Tex or West Texas divisions. Pretax return is the Company's weighted average cost of capital before income taxes. The Company's weighted average cost of capital is calculated using the methodology from the Final Order including the Company's actual capital structure and long term cost of debt as of the Test Period end (adjusted for any known and measurable changes that have occurred prior to the filing date) and the return on equity of 9.8%. However, in no event will the percentage of equity exceed 58%. Regulatory adjustments due to prior regulatory rate base adjustment disallowances will be maintained. Cash working capital will be calculated using the lead/lag days approved in the Final Order. With respect to pension and other postemployment benefits, the Company will record a regulatory asset or liability for these costs until the amounts are included in the next annual rate adjustment implemented under this tariff. Each year, the Company's filing under this Rider RRM will clearly state the level of pension

ATMOS ENERGY CORPORATION
MID-TEX DIVISION

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL CITIES IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS CUSTOMERS	
EFFECTIVE DATE:	Bills Rendered on and after 04/01/2018	PAGE: 3

and other postemployment benefits recovered in rates.

TAX = income tax and taxes other than income tax from the Test Period adjusted for known and measurable changes occurring after the Test Period and before the Filing Date, and prepared consistent with the rate making treatments approved in the Final Order. Atmos Energy shall comprehensively account for, including establishing a regulatory liability to account for, any statutory change in tax expense that is applicable to months during the Test Period in the calculation to ensure recovery of tax expense under new and old income tax rates.

CD = interest on customer deposits.

IV. Annual Rate Adjustment

The Company shall provide schedules and work papers supporting the Filing's revenue deficiency/sufficiency calculations using the methodology accepted in the Final Order. The result shall be reflected in the proposed new rates to be established for the effective period. The Revenue Requirement will be apportioned to customer classes in the same manner that Company's Revenue Requirement was apportioned in the Final Order. For the Residential Class, 50% of the increase may be recovered in the customer charge. However, the increase to the Residential customer charge shall not exceed \$0.60 per month in the initial filing and \$0.70 per month in any subsequent year. The remainder of the Residential Class increase not collected in the customer charge will be recovered in the usage charge. For all other classes, the change in rates will be apportioned between the customer charge and the usage charge, consistent with the Final Order. Test Period billing determinants shall be adjusted and normalized according to the methodology utilized in the Final Order.

V. Filing

The Company shall file schedules annually with the regulatory authority having original jurisdiction over the Company's rates on or before the Filing Date that support the proposed rate adjustments. The schedules shall be in the same general format as the cost of service model and relied-upon files upon which the Final Order was based. A proof of rates and a copy of current and proposed tariffs shall also be included with the filing. The filing shall be made in electronic form where practical. The Company's filing shall conform to Minimum Filing Requirements (to be agreed upon by the parties), which will contain a minimum amount of information that will assist the regulatory authority in its review and analysis of the filing. The Company and regulatory authority will endeavor to hold a technical conference regarding the filing within twenty (20) calendar days after the Filing Date.

ATMOS ENERGY CORPORATION
MID-TEX DIVISION

RATE SCHEDULE:	RRM – Rate Review Mechanism	
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EFFECTIVE DATE:	Bills Rendered on and after 04/01/2018	PAGE: 4

A sworn statement shall be filed by an Officer of the Company affirming that the filed schedules are in compliance with the provisions of this Rate Review Mechanism and are true and correct to the best of his/her knowledge, information, and belief. No testimony shall be filed, but a brief narrative explanation shall be provided of any changes to corporate structure, accounting methodologies, allocation of common costs, or atypical or non- recurring items included in the filing.

VI. Evaluation Procedures

The regulatory authority having original jurisdiction over the Company's rates shall review and render a decision on the Company's proposed rate adjustment prior to the Effective Date. The Company shall provide all supplemental information requested to ensure an opportunity for adequate review by the relevant regulatory authority. The Company shall not unilaterally impose any limits upon the provision of supplemental information and such information shall be provided within seven (7) working days of the original request. The regulatory authority may propose any adjustments it determines to be required to bring the proposed rate adjustment into compliance with the provisions of this tariff.

The regulatory authority may disallow any net plant investment that is not shown to be prudently incurred. Approval by the regulatory authority of net plant investment pursuant to the provisions of this tariff shall constitute a finding that such net plant investment was prudently incurred. Such finding of prudence shall not be subject to further review in a subsequent RRM or Statement of Intent filing.

During the Review Period, the Company and the regulatory authority will work collaboratively and seek agreement on the level of rate adjustments. If, at the end of the Review Period, the Company and the regulatory authority have not reached agreement, the regulatory authority shall take action to modify or deny the proposed rate adjustments. The Company shall have the right to appeal the regulatory authority's action to the Railroad Commission of Texas. Upon the filing of an appeal of the regulatory authority's order relating to an annual RRM filing with the Railroad Commission of Texas, the regulatory authority having original jurisdiction over the Company's rates shall not oppose the implementation of the Company's proposed rates subject to refund, nor will the regulatory authority advocate for the imposition of a third party surety bond by the Company. Any refund shall be limited to and determined based on the resolution of the disputed adjustment(s) in a final, non-appealable order issued in the appeal filed by the Company at the Railroad Commission of Texas.

ATMOS ENERGY CORPORATION
MID-TEX DIVISION

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL CITIES IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS CUSTOMERS	
EFFECTIVE DATE:	Bills Rendered on and after 04/01/2018	PAGE: 5

In the event that the regulatory authority and Company agree to a rate adjustment(s) that is different from the adjustment(s) requested in the Company's filing, the Company shall file compliance tariffs consistent with the agreement. No action on the part of the regulatory authority shall be required to allow the rate adjustment(s) to become effective on October 1. To the extent that the regulatory authority does not take action on the Company's RRM filing by September 30, the rates proposed in the Company's filing shall be deemed approved effective October 1. Notwithstanding the preceding sentence, a regulatory authority may choose to take affirmative action to approve a rate adjustment under this tariff. In those instances where such approval cannot reasonably occur by September 30, the rates finally approved by the regulatory authority shall be deemed effective as of October 1.

To defray the cost, if any, of regulatory authorities conducting a review of the Company's annual RRM filing, the Company shall reimburse the regulatory authorities on a monthly basis for their reasonable expenses incurred upon submission of invoices for such review. Any reimbursement contemplated hereunder shall be deemed a reasonable and necessary operating expense of the Company in the year in which the reimbursement is made. A regulatory authority seeking reimbursement under this provision shall submit its request for reimbursement to the Company no later than December 1 of the year in which the RRM filing is made and the Company shall reimburse regulatory authorities in accordance with this provision on or before December 31 of the year the RRM filing is made.

To the extent possible, the provisions of the Final Order shall be applied by the regulatory authority in determining whether to approve or disapprove of Company's proposed rate adjustment.

This Rider RRM does not limit the legal rights and duties of a regulatory authority. Nothing herein shall abrogate the jurisdiction of the regulatory authority to initiate a rate proceeding at any time to review whether rates charged are just and reasonable. Similarly, the Company retains its right to utilize the provisions of Texas Utilities Code, Chapter 104, Subchapter C to request a change in rates. The provisions of this Rider RRM are implemented in harmony with the Gas Utility Regulatory Act (Texas Utilities Code, Chapters 101-105).

The annual rate adjustment process set forth in this tariff shall remain in effect during the pendency of any Statement of Intent rate filing.

ATMOS ENERGY CORPORATION
MID-TEX DIVISION

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL CITIES IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS CUSTOMERS	
EFFECTIVE DATE:	Bills Rendered on and after 04/01/2018	PAGE: 6

VII. Reconsideration, Appeal and Unresolved Items

Orders issued pursuant to this mechanism are ratemaking orders and shall be subject to appeal under Sections 102.001(b) and 103.021, et seq., of the Texas Utilities Code (Vernon 2007).

VIII. Notice

Notice of each annual RRM filing shall be provided by including the notice, in conspicuous form, in the bill of each directly affected customer no later than forty-five (45) days after the Company makes its annual filing pursuant to this tariff. The notice to customers shall include the following information:

- a) a description of the proposed revision of rates and schedules;
- b) the effect the proposed revision of rates is expected to have on the rates applicable to each customer class and on an average bill for each affected customer;
- c) the service area or areas in which the proposed rates would apply;
- d) the date the annual RRM filing was made with the regulatory authority; and
- e) the Company's address, telephone number and website where information concerning the proposed rate adjustment can be obtained.

ATMOS ENERGY CORPORATION
MID-TEX DIVISION

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE	
EFFECTIVE DATE:	Bills Rendered on and after 04/01/2018	PAGE: 7

Exhibit A

ACSC Cities

Abilene	Cleburne	Frost	Lincoln Park
Addison	Clyde	Gainesville	Little Elm
Albany	College Station	Garland	Lorena
Allen	Colleyville	Garrett	Madisonville
Alvarado	Colorado City	Grand Prairie	Malakoff
Angus	Comanche	Grapevine	Mansfield
Anna	Commerce	Groesbeck	Mckinney
Argyle	Coolidge	Gunter	Melissa
Arlington	Coppell	Haltom City	Mesquite
Aubrey	Copperas Cove	Harker Heights	Midlothian
Azle	Corinth	Haskell	Murphy
Bedford	Crandall	Haslet	Newark
Bellmead	Crowley	Hewitt	Nocona
Benbrook	Dalworthington Gardens	Highland Park	North Richland Hills
Beverly Hills	Denison	Highland Village	Northlake
Blossom	Denton	Honey Grove	Oak Leaf
Blue Ridge	Desoto	Hurst	Ovilla
Bowie	Draper	Hutto	Palestine
Boyd	Duncanville	Iowa Park	Pantego
Bridgeport	Eastland	Irving	Paris
Brownwood	Edgecliff Village	Justin	Parker
Buffalo	Emory	Kaufman	Pecan Hill
Burkburnett	Ennis	Keene	Petrolia
Burleson	Eules	Keller	Plano
Caddo Mills	Everman	Kemp	Ponder
Canton	Fairview	Kennedale	Pottsboro
Carrollton	Farmers Branch	Kerens	Prosper
Cedar Hill	Farmersville	Kerrville	Quitman
Celeste	Fate	Killeen	Red Oak
Celina	Flower Mound	Krum	Reno (Parker County)
Centerville	Forest Hill	Lake Worth	Rhome
Cisco	Forney	Lakeside	Richardson
Clarksville	Fort Worth	Lancaster	Richland
	Frisco	Lewisville	Richland Hills

ATMOS ENERGY CORPORATION
MID-TEX DIVISION

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE	
EFFECTIVE DATE:	Bills Rendered on and after 04/01/2018	PAGE: 8

River Oaks	Temple
Roanoke	Terrell
Robinson	The Colony
Rockwall	Trophy Club
Roscoe	Tyler
Rowlett	University Park
Royse City	Venus
Sachse	Vernon
Saginaw	Waco
Sansom Park	Watauga
Seagoville	Waxahachie
Sherman	Westlake
Snyder	Westover Hills
Southlake	Westworth Village
Springtown	White Settlement
Stamford	Whitesboro
Stephenville	Wichita Falls
Sulphur Springs	Woodway
Sweetwater	Wylie

CITY OF HIGHLAND VILLAGE

COUNCIL BRIEFING

AGENDA# 18

MEETING DATE: 02/27/18

SUBJECT: Consider Ordinance 2018-1243 amending the Code of Ordinances, Chapter 20 “Transportation and Traffic” by adding Article 20.09 “Golf Carts, Neighborhood Electric Vehicles, and Slow-Moving Vehicles” relating to the operation of Golf Carts, Neighborhood Electric Vehicles, and Slow-Moving Vehicles on Public Streets (2nd and final read)

**PREPARED BY: Michael Leavitt, City Manager
Douglas Reim, Chief of Police**

BACKGROUND:

Currently State Law allows Golf Carts to be used in Master Plan Communities. The City Attorney has advised, based on the Attorney General opinion, which cites a footnote in a Texas Supreme Court case where the definition of “Master Planned Community” was discussed in a totally different context, Highland Shores and other “Planned Developments” in Highland Village would be considered a “Master Planned Community” since they have been zoned as a Planned Development. The City’s zoning requirements for PD’s requires a uniform set of restrictive covenants, the establishment of a HOA and the property has been platted in accordance with City regulations. All other Sub-Divisions in Highland Village that have been developed as straight zoning per our development standards, Golf Carts are prohibited; State Law does not apply.

IDENTIFIED NEED/S:

As a result, it will be necessary for the City Council to adopt an ordinance pursuant to Texas Transportation Code sec. 551.403(b) in order to “Prohibit or Allow” the use of golf carts generally within the City.

PROGRESS TO DATE: (if appropriate)

At the February 13th meeting, Council provided comments and suggestions on the draft ordinance, which included the following:

- **Section 20.09.001** – Definition of permit to read...“authorizing the operation of the golf cart and NEV or SMV for which the permit was issued.”
- **Section 20.09.002 (i)** – Second sentence to read...“another passenger of a golf cart, NEV or SMV while it is being operated on a public street.”
- **Section 20.09.003 (e)** – Sentence to read...“A driver operating a golf cart, NEV, SMV on a public street shall cross a multi-lane federal, county or state route only at an intersection controlled by an official traffic control device...”

- **Section 20.09.005 (b)(1)** – Sentence to read..."The name, address, telephone number and Texas driver's license number, ~~if applicable~~, of the owner of the golf cart, NEV or SMV for which the permit is requested"

At the same meeting, Council approved the first read of Ordinance 2018-1243 including the above changes.

RECOMMENDATION:

To approve the second read of Ordinance 2018-1243 amending the Code of Ordinances as it relates to the operation of golf carts, neighborhood electric vehicles and slow-moving vehicles.

CITY OF HIGHLAND VILLAGE, TEXAS

ORDINANCE NO. 2018-1243

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIGHLAND VILLAGE, CHAPTER 20 "TRANSPORTATION AND TRAFFIC," BY ADDING ARTICLE 20.09 "GOLF CARTS, NEIGHBORHOOD ELECTRIC VEHICLES AND SLOW-MOVING VEHICLES"; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED \$500.00 PER OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council finds it to be necessary for the protection of public safety to prohibit the operation of golf carts, neighborhood electric vehicles, and slow-moving vehicles on public streets within the City in the absence of regulations that promote the safe use and operation of such vehicles on public streets; and

WHEREAS, the City Council of the City of Highland Village, Texas, finds it to be in the public interest to amend the Code of Ordinances to provide for the regulation of golf carts, neighborhood electric vehicles, and slow-moving vehicles operating on public streets within the City;

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

SECTION 1. The City of Highland Village Code of Ordinances Chapter 20 "Transportation and Traffic" is amended by adding Article 20.09 titled Golf Carts, Neighborhood Electric Vehicles and Slow-Moving Vehicles" to read as follows:

**ARTICLE 20.09 GOLF CARTS, NEIGHBORHOOD ELECTRIC VEHICLES
AND SLOW-MOVING VEHICLES**

Sec. 20.09.001 Definitions

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

Driver means the person driving and having physical control over a golf cart, SMV and/or NEV.

Driver's License means an authorization issued by a State for the operation of a motor vehicle.

Golf Cart means a motor vehicle designed by the manufacturer primarily for use on a golf course.

Gross vehicle weight rating or *GVWR* means the value specified by the manufacturer as the loaded weight of a single vehicle.

Motor Carrier means an individual, association, corporation, or other legal entity that controls, operates, or directs the operation of one or more vehicles that transport persons or cargo over a road or highway in the State of Texas.

Neighborhood Electric Vehicle or *NEV* shall have the same meaning as set forth in Texas Transportation Code 551.301.

Owner means the person holding title to the golf cart, NEV or SMV.

Package Delivery Vehicle means a vehicle described in Texas Transportation Code sec. 551.452(a) to which is affixed a license plate issued by the Texas Department of Motor Vehicles that includes the words "Package Delivery."

Parking Area means those areas accessible to the public by motor vehicular traffic and which are designated for temporary parking of motor vehicles, usually in places referred to as parking lots.

Permit means a certificate/decal of authorization issued to the applicant/owner by the City's Police Department authorizing the operation of the golf cart, NEV or SMV for which the permit was issued. The decal will display the month and year of expiration.

Permit Holder means the person to whom a golf cart, NEV, or SMV permit has been issued.

Public Safety Personnel means any employee or officer of a governmental law enforcement agency or the Highland Village Fire Department, or people serving as volunteers with the Highland Village Police Department Auxiliary.

Public way or *public property* means real property owned, leased or controlled by a political subdivision of the state, a governmental entity or agency, or similar entity, or any property that is publicly owned or maintained or dedicated to public use, including but not limited to a path, trail, sidewalk, alley, street or highway, and a public park facility.

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

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

Slow-moving vehicle or *SMV* means a motor vehicle designed to operate at a maximum speed of 25 miles per hour or less, not including an electric personal assistive mobility device, as defined by Texas Transportation. Code Section 551.201.

Slow-Moving Vehicle Emblem means a triangular emblem that conforms to standards and specifications adopted by the Director of the Texas Department of Transportation under Section 547.104 of the Texas Transportation Code and is displayed in accordance with Section 547.703 of the Texas Transportation Code.

Texas Transportation Code means the code as it currently exists or may be amended.

Sec. 20.09.002 Golf Carts, NEV's, and SMV's Permitted and Restricted

No person, other than Public Safety Personnel, may operate a golf cart, NEV, or SMV on a public street and/or public parking area unless the person first obtains a permit in accordance with this Article and complies with the following:

- (a)** The maximum speed limit on the public street on which the golf cart, NEV, or SMV is operated is thirty (30) miles per hour or less;
- (b)** The person has been issued and possesses a valid driver's license;
- (c)** The person maintains current financial responsibility relating to operation of the golf cart, NEV, or SMV as required for the operation of passenger vehicles in accordance with Section 601.051 of the Texas Transportation Code or other liability insurance relating to operation of a golf cart, NEV, or SMV that provides substantially the same coverage and with limits not less than those required by Section 601.051 of the Texas Transportation Code;
- (d)** The person complies with all applicable federal, state and local laws and ordinances applicable to the operating and equipping a golf cart, NEV, and/or SMV;
- (e)** If operating a golf cart or an SMV that is not an NEV, the golf cart or SMV being operated by the person has the following equipment, which must continuously remain in good working and operational order:
 - (1)** Two (2) headlamps;
 - (2)** Two (2) tail lamps;
 - (3)** Except as provided in subsection (j) of this section, turn signals visible from both the front and the rear of the vehicle;
 - (4)** Side reflectors (two (2) front, amber in color and two (2) rear, red in color);
 - (5)** Parking brake;
 - (6)** Rearview mirror(s) capable of a clear, unobstructed view of at least two hundred feet (200') to the rear;
 - (7)** Slow-moving vehicle emblem located on the rear of the vehicle; and
 - (8)** Seat belts in numbers equal to the number of passengers for which the vehicle is rated by the vehicle's manufacturer; and

- (g) If an SMV, such other equipment as may be required under applicable provisions of Federal or State law;
- (f) If operating an NEV, the NEV is equipped as required by Texas Transportation Code 551.301;
- (g) The golf cart, NEV, or SMV being operated otherwise complies with all applicable State and Federal Motor Vehicle Safety Standards, as they exist or may be amended;
- (h) The golf cart, NEV, or SMV is being operated on a public street only between the hours of 6:00 a.m. and 9:00 p.m.; and
- (i) While the golf cart, NEV, or SMV is in motion, the driver and every passenger is seated, with a seatbelt dedicated and designed to hold passengers. No person may stand or ride in the lap of the driver and/or another passenger of a golf cart, NEV or SMV while it is being operated on a public street.
- (j) An SMV used solely by individuals or companies in association with the provision landscaping or irrigation services for street medians landscape beds, open spaces, private and/or public parks or common areas owned and/or maintained by a property owners' association, homeowners' association, or the City shall not be required to be equipped with turn signals; provided, however, the driver of an SMV that is exempt from being equipped with turn signals pursuant to this subsection (j) violates this section if the driver fails to use hand signals to indicate a turn or a stop when operating said SMV on a public street.

Sec. 20.09.003 Additional Operational Regulations for all Golf Carts and NEV's

- (a) Except for Public Safety Personnel or as provided by other ordinances, no person shall operate a golf cart, NEV, or SMV on or within any public park, public sidewalk, public pedestrian walkway, public jogging path, public park trail or any other location on publicly-owned or controlled property normally used for pedestrian traffic;
- (b) The driver shall move the golf cart, NEV, or SMV to the right of the public street and yield the right-of-way to faster-moving vehicles;
- (c) The driver shall not overtake and pass in the same lane occupied by the vehicle being overtaken;
- (d) No driver shall operate a golf cart, NEV, or SMV between lanes of traffic or between adjacent lines or rows of vehicles;
- (e) A driver operating a golf cart, NEV, or SMV on a public street shall cross a multi-lane federal, county or state route only at an intersection controlled by an official traffic control device which stops traffic from all directions.
- (f) No driver shall operate a golf cart, NEV, or SMV if the number of occupants in the golf cart, NEV, or SMV, including the driver, exceeds the number

of seatbelts installed and provided on the golf cart, NEV, or SMV.

(g) The driver and all passengers in a golf cart, NEV, or SMV must be wearing a seat belt while the golf cart, NEV, or SMV is in motion.

(h) Golf carts, NEV's, and SMV's may not be used for the purpose of towing another golf cart, trailer or vehicle of any kind including, without limitation, a person on roller skates, skateboard or bicycle.

Sec. 20.09.004 Liability

(a) Nothing in this Article shall be construed as an assumption of liability by the City for any injuries (including death) to persons, pets or property which may result from the operation of a golf cart, NEV, or SMV by an authorized driver.

(b) An owner is liable for the intentional or negligent actions of any person to whom the owner grants permission to operate the owner's golf cart, NEV, or SMV whether such operation occurs on private property and/or any authorized public street or public parking area , and includes, but is not limited to liability for personal injuries (including death) or property damage resulting from the acts of a person under the age of twenty-one (21) who operates the owner's golf cart, NEV, or SMV whether or not possessing a current and valid driver's license.

Sec. 20.09.005 Permit required

(a) No person shall operate, cause to be operated or allow the operation of a golf cart, NEV, SMV on any authorized public street or public parking area unless a valid permit has been issued for the golf cart, NEV, or SMV pursuant to this Section 20.09.005. It shall be a defense to a violation of this Section 20.09.005 that operation is otherwise allowed by federal or state law or other city ordinance exempting such operation from the regulations of this Article 20.09.

(b) Application for a permit authorizing the operation of a golf cart, NEV, or SMV shall be made by a person who owns, leases or otherwise uses the golf cart, NEV, or SMV for which the permit is sought. Such application shall be made in writing to the City's Police Department on a form designated for that purpose. An application for a permit required by this section shall contain at least the following:

(1) The name, address, telephone number and Texas driver's license number of the owner of the golf cart, NEV, or SMV for which the permit is requested;

(2) The street address where the golf cart, NEV, or SMV is kept, including the particular suite or apartment number, if applicable;

(3) The name of the residents residing at and/or business name used for the premises where the golf cart, NEV, or SMV is kept, if applicable;

(4) The year, make, model, color, vehicle identification number and/or serial number of the golf cart, NEV, of SMV;

(5) Whether the golf cart, NEV, or SMV is powered by an electric or gasoline engine;

(6) A copy of an insurance declaration showing liability insurance has been obtained with respect to the golf cart, NEV, or SMV as required by Sec. 20.09.002(c); and

(7) An affidavit whereby the applicant under oath swears and affirms that the golf cart or NEV for which the permit is sought is fully equipped as required by Sec. 20.09.002.

(c) The permit shall be permanently affixed on the left side of the golf cart in such a manner that it is clearly visible from fifty feet (50'). The permit must not be damaged, altered, obstructed or otherwise made illegible. The permit holder shall apply for a replacement permit and pay all applicable cost associated with the issuance and inspection of the golf cart.

(d) The permit shall only be placed upon the golf cart, NEV, or SMV for which it was issued.

(e) A permit issued to the owner of a golf cart, NEV, or SMV shall become invalid if the golf cart, NEV, or SMV is altered in a manner that fails to comply with any requirement of this article.

(f) Permits are valid for a period of (2) two years from the date issued.

(g) No permit shall be issued pursuant to this Section 20.09.005 until the applicant has paid the permit fee established by resolution of the City Council and made a part of the City's Fee Schedule. No fee shall be required to obtain a permit pursuant this Section 20.09.005 until the City Council has adopted a resolution adopting such fee.

(h) Not later than ten (10) days after:

(1) An owner transfers title to the golf cart, NEV, or SMV to another owner; or

(2) The address of the normal storage location for the golf cart, NEV, or SMV has changed.

The permit holder shall notify the City in writing of the changes in ownership or storage location submitted on a form designated by the City's Police Department.

(i) Lost or stolen permits are the responsibility of the owner. A police report must be filed in the event of a lost or stolen permit. If no record can be found of a previous application for a permit, or the receipt of a permit, the Chief of Police may direct the applicant to reapply, and also resubmit any and all fees necessary before a replacement permit is issued.

(j) Any person who operates a golf cart, NEV, or SMV and fails to receive and properly display a permit required by and issued in accordance with this section will be subject to all applicable state laws, in addition to being in violation of this Article.

(k) A permit may be revoked at any time by the Chief of Police, or his designee, if there is any evidence that the permit holder:

- (1) cannot safely operate, a permitted golf cart, NEV, or SMV, on any authorized public street or public parking area in compliance with this Article;
- (2) has failed to operate a permitted golf cart, NEV, or SMV, on any authorized public street or parking area in compliance with this Article; or
- (3) has authorized a person who has failed to operate a permitted golf cart, NEV, or SMV, on any authorized public street or parking area in compliance with this Article.

(l) A person commits an offense when making a false statement in the application for a permit under this section, including, but not limited to, any factual statement regarding the condition of the golf cart, NEV, or SMV for which a permit is sought and the manner in which such golf cart, NEV, or SMV is equipped.

Sec. 20.09.006 License to be Carried and Exhibited on Demand

(a) A driver shall:

- (1) have in the driver's possession while operating a golf cart, NEV, or SMV on a public street, the driver's license issued to the driver pursuant to Chapter 521 of the Texas Transportation Code; and
- (2) display the license on the demand of a magistrate, court officer, or peace officer.

(b) A peace officer may stop and detain a person while operating a golf cart, NEV, or SMV on a public street to determine if the person has a driver's license as required by this section.

(c) A person who violates this section commits an offense.

(d) It is a defense to prosecution under this section if the person charged produces in court a driver's license:

- (1) issued to that person; and
- (2) valid at the time of the offense.

(e) The court may assess a defendant an administrative fee not to exceed

\$10 if a charge under this section is dismissed because of the defense listed under Subsection (d) of this section.

Sec. 20.09.007 Evidence of Financial Responsibility

(a) As a condition of operating a golf cart, NEV, or SMV to which this article applies, the driver of the golf cart, NEV, or SMV on request shall provide to a peace officer, as defined by Article 2.12, Code of Criminal Procedure, or a person involved in an accident with the operator evidence of financial responsibility by exhibiting proof that the driver has obtained the insurance required by Section 20.09.002(c).

(b) Except as provided by Subsection (c), an operator who does not exhibit evidence of financial responsibility under Subsection (a) is presumed to have operated the vehicle in violation of Section 20.09.002.

(c) It is a defense to prosecution under this section if the person charged produces in court proof of the required insurance:

- (1) issued to that person; and
- (2) was in effect at the time of the offense.

(d) The court may assess a defendant an administrative fee not to exceed \$10 if a charge under this section is dismissed because of the defense listed under Subsection (c) of this section.

Sec. 20.09.008 Public Safety Personnel

Public Safety Personnel may operate a golf cart, NEV, or SMV on any public street or public parking area without restriction when the golf cart, NEV, or SMV is used in the performance of the person's official Public Safety Personnel duties.

Sec. 20.09.009 Exception: Parades

This Article shall not apply to a golf cart, NEV, or SMV that is operated on an approved parade route and participating in a parade conducted within the City pursuant to which a permit has been issued in accordance with Art. 14.04, Division 6 of this Code of Ordinances.

Sec. 20.09.010 Exception: Package Delivery Vehicles

(a) Except as provided in subsection (b), this Article shall not apply to the operation of Package Delivery Vehicles on public streets.

(b) A motor carrier may operate a Package Delivery Vehicle for the purpose of picking up or delivering mail, parcels, or packages on all or part of a public highway or public street that:

- (1) is in the corporate boundaries of the City; and

(2) has a speed limit of not more than 35 miles per hour.

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

SECTION 4. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 5. This ordinance shall take effect upon its passage on Second Reading and publication of the caption in accordance with the provisions of the Charter of the City of Highland Village, and it is accordingly so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON FIRST READING ON THIS THE 13TH DAY OF FEBRUARY, 2018.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON SECOND READING ON THIS THE 27TH DAY OF FEBRUARY, 2018.

APPROVED:

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney
(kbl:2/8/18:94632)

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 19

MEETING DATE 02/27/17

SUBJECT: Consider Resolution 2018-2740 Appointing a Member to fill a Vacancy on the Parks and Recreation Advisory Board

PREPARED BY: Angela Miller, City Secretary

BACKGROUND:

City ordinances state that the Council shall make annual appointments to the City's boards and commissions no later than the second regularly scheduled Council meeting in September. Citizens interested in volunteering their time submit an application to the City Secretary's Office for consideration by the City Council.

The annual appointments are for terms of two years, unless an individual is appointed to fill a vacancy. A "term year" shall be from October 1st until September 30th of the following year. The terms shall expire on the 30th day of September of the second year. Citizens appointed by City Council are only allowed to serve four consecutive terms.

In the case of a vacancy, the Council shall appoint a replacement to fill an unexpired term. Council may consider appointing alternate members of said board to fulfill the vacancy prior to appointing new applicants.

Parks and Recreation Advisory Board (Board) member Ron Stewart was appointed by Council to Place 2 in October of 2016, for a term expiring on September 30, 2018. Mr. Stewart recently resigned from the Board; therefore, a vacancy now exists for Place 2.

OPTIONS & RESULTS:

The Council may take this time to consider and make an appointment to the Parks and Recreation Advisory Board, Place 2, with a term expiring on September 30, 2018. If Council appoints one of the alternates to Place 2, the Council should also consider a person to fill the vacant alternate seat on the Board.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

N/A

RECOMMENDATION:

To approve Resolution 2018-2740 appointing one (1) member to Place 2 on the Parks and Recreation Advisory Board, for the term ending September 30, 2018.

CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2018-2740

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS APPOINTING A MEMBER TO THE PARKS AND RECREATION ADVISORY BOARD TO FILL A VACANCY FOR THE UNEXPIRED TERM FOR PLACE 2, AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Highland Village desires to make an appointment to the Parks and Recreation Advisory Board to fill a vacancy for the unexpired term for Place 2.

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

SECTION 1. The following people are hereby appointed to the indicated position(s) on the Parks and Recreation Advisory Board with terms ending as indicated below:

Name	Place	Expiration
_____	Place 2	September 30, 2018
_____	Alternate 1	September 30, 2019 (if needed)
_____	Alternate 2	September 30, 2018 (if needed)

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

PASSED AND APPROVED this the 27th day of February, 2018.

APPROVED:

Charlotte J. Wilcox, Mayor

ATTEST:

Angela Kelly, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney
(kbl:2/21/18:96408)

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 20	MEETING DATE: 02/27/18
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.



UPCOMING EVENTS

Expected Absences: None

<u>February 27, 2018</u>	<u>Regular City Council Mtg. 7:30 pm</u>
March 1, 2018	Zoning Board of Adjustment Mtg. 7:00 pm (if needed)
<u>March 13, 2018</u>	<u>Regular City Council Mtg. 7:30 pm</u>
March 19, 2018	Park Board Mtg. 6:00 pm (if needed)
March 20, 2018	Planning & Zoning Commission Mtg. 7:00 pm (if needed)
<u>March 27, 2018</u>	<u>Regular City Council Mtg. 7:30 pm</u>
April 5, 2018	Zoning Board of Adjustment Mtg. 7:00 pm (if needed)
<u>April 10, 2018</u>	<u>Regular City Council Mtg. 7:30 pm</u>
April 16, 2018	Park Board Mtg. 6:00 pm (if needed)
April 17, 2018	Planning & Zoning Commission Mtg. 7:00 pm (if needed)
May 3, 2018	Zoning Board of Adjustment Mtg. 7:00 pm (if needed)
<u>May 8, 2018</u>	<u>Regular City Council Mtg. 7:30 pm</u>
May 15, 2018	Planning & Zoning Commission Mtg. 7:00 pm (if needed)
May 21, 2018	Park Board Mtg. 6:00 pm (if needed)
<u>May 22, 2018</u>	<u>Regular City Council Mtg. 7:30 pm</u>
June 7, 2018	Zoning Board of Adjustment Mtg. 7:00 pm (if needed)
<u>June 12, 2018</u>	<u>Regular City Council Mtg. 7:30 pm</u>

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