

A G E N D A REGULAR MEETING OF THE HIGHLAND VILLAGE CITY COUNCIL HIGHLAND VILLAGE MUNICIPAL COMPLEX 1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS TUESDAY, SEPTEMBER 27, 2022 at 6:30 P.M.

EARLY WORK SESSION Training Room – 6:30 P.M.

Convene Meeting in Open Session

- 1. Discuss Appointment of Board and Commission Members; Review and Discuss Attendance Record and Performance of Board and Commission Members and Removal of Board and Commission Members prior to Completion of their Current Term pursuant to Code of Ordinances Section 2.04.037
- 2. Clarification of Consent or Action Items listed on Today's City Council Meeting Agenda for September 27, 2022

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

CLOSED SESSION Training Room

- 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 551.074 Deliberate the Appointment, Removal, Evaluation and Duties of Public Officers, specifically Members of the Planning and Zoning Commission, Zoning Board of Adjustment, and Board of Directors of the Highland Village Community Development Corporation

<u>OPEN SESSION</u> City Council Chambers – 7:30 P.M.

- 4. Call Meeting to Order
- 5. Prayer led by Mayor Pro Tem Mike Lombardo
- 6. Pledge of Allegiance to the U.S. and Texas flags led by Mayor Pro Tem Mike Lombardo: "Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."

- 7. 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.)
- 8. 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
- 9. City Manager/Staff Reports
 - The Village Report

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

CONSENT AGENDA

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

- 10. Consider approval of Minutes of the Special Joint Workshop held on August 30, 2022 and of the Regular City Council Meeting held on September 13, 2022
- 11. Consider Resolution 2022-3019 authorizing a School Resource Officer Interlocal Agreement with the Lewisville Independent School District (LISD)
- 12. Consider Resolution 2022-3021 authorizing Renewal of the Interlocal Agreement with TML Intergovernmental Risk Pool for Insurance Coverage
- 13. Consider Resolution 2022-3022 authorizing the Annual Renewal of the Financial Software Maintenance Agreement with Tyler Technologies

ACTION AGENDA

14. Take action, if any, on Matters discussed in Closed Session in accordance with the following Sections of the Texas Government Code:

- (a) Section 551.071 Consultation with City Attorney Concerning Pending or Contemplated Litigation and on any Regular Session or Work Session Agenda Item Requiring Confidential, Attorney/Client Advice Necessitated by the Deliberation or Discussion of Said Item (as needed)
- (b) Section 551.074 Deliberate the Appointment, Removal, Evaluation and Duties of Public Officers, specifically Members of the Planning and Zoning Commission, Zoning Board of Adjustment, and Board of Directors of the Highland Village Community Development Corporation
- Review and Discuss the Attendance Record and Performance of City Board and 15. Commission Members and Consider Removal of Board and Commission Members prior to Completion of their Current Term pursuant to Code of Ordinances Section 2.04.037
- 16. Consider Resolution 2022-3020 appointing Members to Various Positions on the Board of Ethics, Parks and Recreation Advisory Board, Planning and Zoning Commission, Zoning Board of Adjustment, and Highland Village Community **Development Corporation**

LATE WORK SESSION

(Items may be discussed during Early Work Session, time permitting)

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

I HEREBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE PUBLIC BULLETIN BOARD AT THE MUNICIPAL COMPLEX, 1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE, CHAPTER 551, ON THE 23RD DAY OF SEPTEMBER 2022 NOT LATER THAN 5:00 P.M.

Angela Miller

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 ______, 2022 at ____,

am / pm by _____

AGENDA# 1	MEETING DATE: 09/27/2022
SUBJECT:	Discuss Appointment of Board and Commission Members; Review and Discuss the Attendance Record and Performance of Board and Commission Members and Removal of Members prior to Completion of their Current Term pursuant to Code of Ordinances Section 2.04.037
PREPARED BY:	Angela Miller, City Secretary

COMMENTS

City ordinance states that Council shall make annual appointments to the City's boards and commissions. All appointments are for terms of two years, unless an individual is appointed to fill an unexpired term that exists due to a vacancy. A "term year" shall be from October 1 until the following September 30, with terms expiring on the second year.

In anticipation of annual board and commission member appointments, a call for volunteers to serve on a City board or commission was advertised over the summer months. To be eligible to serve, all applicants must be qualified voters of the city and shall remain eligible to vote in city elections during their tenure. To date, the City Secretary's Office has received a total of sixteen (16) new applications from residents interested in serving.

Currently serving board/commission members with terms expiring this year were also contacted by City staff and given the opportunity to notify staff if they were interested in being considered for reappointment to the same board, appointment to a different board, or if they no longer wished to serve on a board. Fifteen (15) currently serving members have indicated they would like to be considered for reappointment or appointment to a different board/commission.

There are sixteen (16) positions with terms that will expire on September 30, 2022, including one vacancy on the Zoning Board of Adjustment. The vacating member has moved and is no longer a Highland Village resident.

For reference, the following information is provided with this briefing:

- List of each City board/commission with all currently serving members the highlighted positions have terms that will expire this year
- List of currently serving members whose terms expire this year with their board/commission preferences
- List of new applicants with their board/commission preferences

In addition to making appointments, Council may wish to also review and discuss the attendance records and performance during a single term year of current members of the various City boards and commissions whose terms do not expire in 2022. If considering whether to remove one or more members and declare such seat(s) vacated, consideration must be based on the attendance policy enacted by Council requiring that a member of a board or commission may not miss three (3) consecutive regularly scheduled meetings without a valid excuse, or miss more than 25% of the regular meetings during a term year. Please note, according to state law, members of the Zoning Board of Adjustment may be removed prior to the end of their term only for cause found by the City Council and only after presentation of written charges and a public hearing.

City Council has been provided with copies of all board and commission volunteer applications and currently serving board member profile updates that have been submitted for consideration. Council hosted a "Meet and Greet" event on September 13, 2022 to allow an opportunity for Council to meet face to face with the new applicants. This agenda item provides an opportunity for Council to discuss appointments and removal, if needed, during their Early Work Session and to take formal action during the regular City Council meeting on September 27, 2022.

CURRENT BOARD/COMMISSION MEMBER LISTING

Board Member	Place	Original Appoint. Date	Term Expires			
BOARD OF ETHICS						
Joseph Kaye, Jr.	N/A	10-2020	09-2022			
Jordan Wootten	N/A	10-2020	09-2022			
Kevin McMahan	N/A	09-2017	09-2023			
Peter Casey	N/A	03-2022	09-2023			
Benjamin Somero	N/A	09-2017	09-2023			
HV COMMU	NITY DEVELOPMENT	CORPORATION (4	4B)			
Dan Jaworski	Council Rep	10-2020	09-2022			
Jared Christianson	Citizen Rep	10-2020	09-2022			
Elisabeth Mechem	Citizen Rep	09-2018	09-2022			
Karla Limon	Citizen Rep	09-2021	09-2023			
Jon Kixmiller	Council Rep	07-2022	09-2023			
Mike Lombardo	Council Rep	06-2018	09-2023			
Tom Heslep	Council Rep	05-2019	09-2023			
PARKS	AND RECREATION AD	VISORY BOARD				
William Irwin	Place 1	10-2016	09-2022			
Janet Gershenfeld	Place 2	02-2018	09-2022			
Mitch O'Brey	Place 3	10-2020	09-2022			
Kevan Fenderson	Place 4	09-2018	09-2023			
Kenneth Koonsman	Place 5	09-2017	09-2023			
Kathy Wells	Alternate Place 1	10-2021	09-2023			
Hogan Heathington	Alternate Place 2	03-2022	09-2022			
PLA	NNING AND ZONING (COMMISSION				
Jared Christianson	Place 1	10-2020	09-2023			
Dale Butler	Place 2	12-2019	09-2022			
Guy Skinner	Place 3	10-2019	09-2022			
Denver Kemery	Place 4	09-2018	09-2023			
Michael George	Place 5	10-2020	09-2023			
Brent Myers	Alternate Place 1	10-2021	09-2023			
Cindy Richter	Alternate Place 2	10-2021	09-2022			
Z	ZONING BOARD OF ADJUSTMENT					
Kelli Green	Place 1	12-2021	09-2023			
Jeremy Booker	Place 2	10-2019	09-2023			
David Smith	Place 3	10-2016	09-2023			
Jerry Jones	Place 4	10-2019	09-2022			
VACANT	Place 5		09-2022			
Kevin Pearson	Alternate Place 1	10-2021	09-2023			
Russell Jackson	Alternate Place 2	10-2021	09-2022			
Lou Ann Surratt	Alternate Place 3	12-2021	09-2022			

CUR	CURRENT BOARD/COMMISSION MEMBER PREFERENCES						
Member Name	Current Service	Interest in Appointment	Ethics Board	HVCDC	Parks Board	P & Z	ZBA
ETHICS B	OARD						
Joseph Kaye, Jr.	Ethics Board	Different Board	5	4	3	1	2
Jordan Wootten	Ethics Board	Same Board	1				
HVCDC (4	В)						
Dan Jaworski	Council Representative	Same Board		1			
Jared Christianson	Citizen Representative	Same Board		1			
Elisabeth Mechem	Citizen Representative	Different Board	4		3	1	2
PARKS &	RECREATION	ADVISORY BOA	ARD				
William Irwin	Place 1	Same Board			1		
Janet Gershenfeld	Place 2	Same Board *			1	2	
Mitch O'Brey	Place 3	Same Board			1		
Hogan Heathington	Alternate Place 2	Same Board *	4	5	1	2	3
PLANNING & ZONING COMMISSION		OMMISSION					
Dale Butler	Place 2	Same Board				1	
Guy Skinner	Place 3	Same Board				1	
Cindy Richter	Alternate Place 2	Same Board *	4	3	2	1	5
ZONING B	OARD of ADJU	ISTMENT					
Jerry Jones	Place 4	Different Board	4	5	3	1	2
VACANT	Place 5						
Russell Jackson	Alternate Place 2	Same Board *				2	1
Lou Ann Surratt	Alternate Place 3	Same Board					1

* Member would like to be considered for reappointment to their respective board, but willing to serve on a different board if needed

NEW APPLICANT PREFERENCES					
Applicant Name	Ethics Board	Community Dev. Corp (4B)	Parks Board	Planning & Zoning Commission	Zoning Board of Adjustment
BALLARD, Adam		1		2	3
BUSCH, Fred	5	4	2	1	3
CRENSHAW, Gregory		3	1	2	
FERRARO, Dominick	3		2	1	
FINCH, Patrick	4	1	2	3	5
GREEN, Kenneth		1	3	2	
GUMP, Tyler		2	1	3	
HURST, Rhonda	3			1	2
KOHN, Greg		2	3	1	
McCLAIN, Robert				1	
PIGOTT, Megan	1	2	3	4	5
RAZAVI, Babak		3		1	2
REEKIE, Rick	5	1	4	2	3
ROBERTS, Collin			2	3	1
SOLOW, Mark		2	1		
WINKLE, Steve		3		1	2

AGENDA# 8 MEETING DATE: 09/27/2022

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.

AGENDA# 10	MEETING DATE: 09/27/2022
SUBJECT:	Consider Approval of Minutes of the Special Joint Workshop held on August 30, 2022 and of the Regular City Council Meeting held on September 13, 2022
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 Special Joint Workshop held on August 30, 2022 and Regular City Council Meeting held on September 13, 2022.



MEETING MINUTES OF THE SPECIAL JOINT WORKSHOP OF THE HIGHLAND VILLAGE CITY COUNCIL AND PLANNING AND ZONING COMMISSION HIGHLAND VILLAGE MUNICIPAL COMPLEX 1000 HIGHLAND VILLAGE ROAD TUESDAY, AUGUST 30, 2022

Convene Meeting in Open Session

The Highland Village City Council and the Planning and Zoning Commission met in a special joint workshop on the 30th day of August, 2022.

Roll Call

1. Call Meeting to Order – City Council

Mayor Daniel Jaworski called the meeting to order at 6:01 p.m.

Present:	Daniel Jaworski Michael Lombardo Jon Kixmiller Shawn Nelson Tom Heslep Robert A. Fiester Brian Fiorenza	Mayor Mayor Pro Tem Deputy Mayor Pro Tem Councilmember Councilmember Councilmember Councilmember
Staff Members:	Paul Stevens Ken Heerman Angela Miller Ingrid Rex Doug Reim Phil Lozano Sunny Lindsey Laurie Mullens Andrew Boyd	City Manager Assistant City Manager City Secretary Deputy City Secretary/Records Coordinator Chief of Police Parks and Recreation Director Information Services Director Marketing & Communications Director Media Specialist

2. Call Meeting to Order – Planning and Zoning Commission

Chair Guy Skinner called the meeting to order at 6:01 p.m.

Roll Call

Present:

Guy Skinner Jared Christianson Denver Kemery Michael George Chairman Commissioner Vice Chairman Commissioner

	Brent Myers Cindy Richter	Alternate Commissioner Alternate Commissioner
Absent:	Dale Butler	Commissioner
Staff Members:	Scott Kriston Autumn Aman Kim Huntley	Public Works Director Community Development Coordinator Community Service Assistant

3. Receive a Presentation and Discuss the Comprehensive Plan Updates Project

City Manager Paul Stevens reported this project has been ongoing for quite some time and is now nearing completion. He further reported a lot of information would be presented as the plan covers many aspects, including the Parks, Recreation and Open Space Master Plan, Trail System Master Plan and opportunity areas which are vacant properties in the city, as well as the FM 407 Corridor Study. Depending on the number of changes, Mr. Stevens stated a draft is scheduled to be presented to City Council and the Planning and Zoning Commission on September 27. This is to allow time for members of the City Council and Planning & Zoning Commission to review the draft before any formal adoption.

Mr. Ron Stewart from McAdams Engineering introduced the following McAdams staff members:

Ashton Miller – will present information regarding the opportunity areas

Eric Wilhite – will present information regarding the Thoroughfare Master Plan Update Katherine Zeingue – will present information regarding the Trail System Master Plan Update

Rachel Cotter – will present information regarding the Parks, Recreation and Open Space Master Plan Update

An overview for each of the plan updates was presented, which included:

- Parks, Recreation and Open Space Master Plan Update
- Trail System Master Plan Update
- Village Connection FM 407 Trail Corridor and Amenity Plan Update
- Opportunity Area Plans
- Thoroughfare Master Plan Update

Mr. Stewart stated Mr. Ashton Miller would later present options regarding the Opportunity Area Plans and would be seeking input from City Council and the Planning & Zoning Commission on which land use option to incorporate into the Comprehensive Plan. Mr. Stewart reported the project also includes a review of current City ordinances to determine if any changes would be warranted as they relate to the updated Comprehensive Plan. This would only be recommendations for future consideration by Council.

Ms. Rachel Cotter presented findings of the Needs Assessment which includes the results of the views and opinions of parks and recreation in Highland Village based on a scientific survey that included a statistical sample of Highland Village residents. The presentation included the following components:

- Parks Assessments included park infrastructure, user experience, general condition and maintenance, park character and diversity of amenities
- Programs included athletics, camps, community events, enrichment and health & wellness as well as pricing strategies
- Maintenance included urban forestry, general parks & grounds, trades, athletic fields, trails and response team

Ms. Katherine Zeingue presented information relating to the City's trail system:

- City Trail Network Opportunities & Constraints Analysis
- Trail Network Recommendations,
- On-Street Bicycle Network
- Recommended Opportunities for Improvements

With Tartan Trail, Doubletree Drive and Medina Drive streets being so narrow, Mayor Pro Tem Lombardo asked how shared lane bicycle boulevards would work on those streets. Katherine explained that shared lane bicycle boulevards are designed for narrow neighborhood streets and have shared lane markings to notify motorists that they are traveling on a shared corridor with bicyclists. In-street parking restrictions were discussed briefly. Deputy Mayor Pro Tem Kixmiller added that part of the city does have HOA restrictions regarding permanent on-street parking, however it is not administered and might need to be reviewed from a public safety perspective. Ms. Zeingue also recommended lowering residential speed limits to a maximum speed of 25 mph to ensure safe travel for pedestrians and bicycles.

Mr. Ashton Miller presented the project overview for the Opportunity Area Plans. Six (6) opportunity areas were identified for inclusion in the Comprehensive Plan Update. Mr. Miller reported meetings were held with property owners, residents and City staff to determine best use of the areas. For each area, Mr. Miller reported the following information was also used in preparation of a recommendation for each of the opportunity areas:

- Sustainability/SWOT Analysis
- Community Engagement Results
- Concept Scenarios for each Opportunity Area
- Fiscal Impact based on each Opportunity Area

Area #1 – Northern Gateway (35.4 acres) Bishop Property

Current zoning for this property is Single Family (SF-40) which requires a minimum of 40,000 square foot lots. Two options were presented and Mr. Miller requested feedback on a preferred option. Mr. Miller stated the lake view makes this area unique. One constraint with development of this property is the high cost for infrastructure to this area. <u>Option 1</u> - included a combination of condominiums, townhomes, retail, restaurant, and entertainment use

Option 2 - included retail, restaurant and single family use

Members of the Planning & Zoning Commission, City Council and City staff also discussed establishing a Tax Increment Financing (TIF) or Tax Increment Reinvestment Zone (TIRZ) to help offset the cost for infrastructure, the cost to provide City services to the area, additional traffic, future lane expansion on FM 2499 and the impact/benefit to other nearby retail areas.

Mr. Miller added that regardless of which option is chosen, there is still no guarantee the property will develop in that way. Applicants would still be required to work through the development process, which will include action by the Planning and Zoning Commission and City Council. There was no consensus on either option that was presented.

Area #2 – Marketplace (2.5 acres)

Two properties were shown – a vacant field located just north of Torchy's Tacos in The Shops of Highland Village and an area located behind Walmart. Mr. Miller presented a restaurant and retail use for this area.

Area #3 – South Corridor (7.5 acres)

Mr. Miller presented office space use for this area. Mr. Stevens reported current zoning for this property is Multi Use so no zoning change would be required, just approval of a site plan.

Area #4 – South Gateway (22.6 acres)

Mr. Miller reported this includes a triangular shaped area located near a railroad made up of three (3) different tracts, each with different owners. Single Family is currently allowed on this property. Two options were presented.

Option #1 - included single family use

Option #2 – included patio homes use

Without all three (3) tracts available, Councilmember Heslep suggested Option 1 with Single Family (SF-60) and deeper lots using two (2) of the tracts. McAdams staff will rework Option 1 using Councilmember Heslep's suggestion.

Area #5 – Highway Corridor (17.5 acres)

Mr. Miller reported this is the only tract in Highland Village that has adjacency and visibility to IH-35. A hotel and townhome use for this area was presented.

Members of Council discussed the need for a quality hotel, the proximity to nearby entertainment venue(s), the existing Transit Oriented Development (TOD), and highway noise. Councilmember Fiorenza suggested further discussion regarding Area #1 and Area #5 by creating the high rise as a combination hotel and residence in Area #1, with townhomes or smaller single family to buffer the residential homes to the west of Copperas Branch Court in Area #5.

In considering an entertainment use and the constraints of the property, Mr. Miller reported the building(s) and parking lots are very close to the currently existing homes. Single family use was considered as it would be a quieter use and still feasible for that location.

Area #6 – South Gateway (17.9 acres)

Mr. Miller reported this is the first area you see as you enter Highland Village on FM 407. He presented a full service restaurant use for this area on the east side of Sellmeyer, along with enhancements such as landscaping and building façade improvements since it is an entry into the city.

A recess was called at 8:30 p.m. and the meeting continued at 8:43 p.m.

Mr. Eric Wilhite presented information about the Thoroughfare Master Plan Update and the overall picture of data being used to prepare the update, including population demographic analysis, crash analysis to identify potential hazardous roadway links in terms of traffic safety, traffic volume percentages in major entry points of the city and a link analysis to determine the current level of service of major thoroughfare roadways.

Mr. Stewart presented a Five-Year Concept Design for the Village Connection/FM 407 Corridor. The concept plan started the connection at Chinn Chapel Road and continued just east of Sellmeyer Lane. Councilman Fiorenza voiced safety concern with the limited buffer between the proposed sidewalk and FM 407 in certain areas.

With a study currently being conducted to determine if the Kansas City Southern (KCS) freight rail line can provide commuter rail service in Highland Village, a Twenty-Year Multi-Modal Trail plan was also presented. The plan proposes a twelve (12) foot wide trail system that would tie in to the City's existing trails system.

Lastly, Mr. Miller presented information regarding the ordinance review. The review will include the following development related documents:

- Future Land Use Plan that is included in the current Comprehensive Plan
- Zoning Ordinance which has a Market Place Overlay, Non-residential Overlay and TOD Overlay
- Subdivision Ordinance

Recommendations will be made as they relate to the Comprehensive Plan Update Project, such as items that need to be reviewed in order to facilitate opportunity area recommendations or the Village Connection/FM 407 Corridor Plan. Anticipated recommendations include:

- Make all documents that regulate development readily available
- Update the Future Land Use Plan to align with Opportunity Area recommendations
- Remove the Trails Plan from the Market Place Overlay and follow the Trails Master Plan being adopted with the Comprehensive Plan Update
- Update online Zoning Map to show overlay districts
- Allow expedited path for review of any development within an Opportunity Area if following the approved recommendation for development

Deputy Mayor Pro Tem Kixmiller added that the Comprehensive Plan Update provides direction and that proposed projects would still have to follow the development process and be presented to the Planning & Zoning Commission and City Council, where there would also be an opportunity for citizen input.

Mr. Stevens reported a draft would be presented to City Council at their September 27th meeting, with adoption later in October. He asked that any questions or comments by members of the Planning & Zoning Commission or City Council be sent to him so they can be addressed.

4. Adjournment – City Council

Mayor Jaworski adjourned the meeting at 9:34 p.m.

Daniel Jaworski, Mayor

ATTEST:

Angela Miller, City Secretary

5. Adjournment – Planning and Zoning Commission

Chairman Skinner adjourned the meeting at 9:34 p.m.

ATTEST:

Guy Skinner, Chair

Autumn Aman, Community Development Coordinator



MEETING MINUTES OF THE REGULAR MEETING HIGHLAND VILLAGE CITY COUNCIL HIGHLAND VILLAGE MUNICIPAL COMPLEX 1000 HIGHLAND VILLAGE ROAD TUESDAY, SEPTEMBER 13, 2022

MEET AND GREET

1. Conduct a Meet and Greet with Board and Commission Volunteer Applicants

The Mayor and City Council welcomed the applicants and thanked them for their interest in serving on a board/commission. The Meet and Greet was conducted in shifts with small groups so Council and City staff could visit with the new applicants.

OPEN SESSION

2. Call Meeting to Order

Mayor Daniel Jaworski called the meeting to order at 7:31 p.m.

Roll Call

Present:	Daniel Jaworski Michael Lombardo Jon Kixmiller Shawn Nelson Tom Heslep Robert A. Fiester Brian A. Fiorenza	Mayor Mayor Pro Tem Deputy Mayor Pro Tem Councilmember Councilmember Councilmember Councilmember
Staff Members:	Paul Stevens Ken Heerman Kevin Laughlin Angela Miller Doug Reim Jason Collier Scott Kriston Phil Lozano Jana Onstead Laurie Mullens	City Manager Assistant City Manager City Attorney City Secretary Chief of Police Fire Chief Public Works Director Parks & Recreation Director Human Resource Director Marketing & Communications Director

3. Prayer led by Deputy Mayor Pro Tem Jon Kixmiller

Deputy Mayor Pro Tem Kixmiller gave the invocation.

4. Pledge of Allegiance to the U.S. and Texas flags led by Deputy Mayor Pro Tem Jon Kixmiller

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

5. Visitor Comments

No one wished to speak.

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

Councilmember Heslep congratulated Mayor Jaworski on being inducted into the Marcus High School Hall of Fame.

• Live United Month Proclamation

Mayor Jaworski presented a proclamation celebrating September as Live United Month in recognition of the efforts of the United Way of Denton County.

National Suicide Prevention Month Proclamation

Mayor Jaworski presented a proclamation to promote awareness of suicide prevention resources.

7. City Manager/Staff Reports

City Manager Paul Stevens reported work on the northbound entrance ramp for Highland Village Road to northbound IH-35E started today. Completion is projected by the end of 2022.

Mayor Jaworski reported Highland Village City Council approved a resolution several weeks ago, along with other local entities, to disapprove the Denton Central Appraisal District (DCAD) budget and raised concerns regarding the leadership of the Chief Appraiser. Mayor Jaworski reported the Chief Appraiser has announced her resignation.

CLOSED SESSION

Mayor Jaworski suggested moving Closed Session to the end of the Council meeting. With Council in agreement, Agenda Items #8(a) and #8(b) were moved to Late Work Session.

- 8. Hold a Closed Meeting in accordance with the following Section(s) 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, Evaluation and Duties of the City Manager and City Secretary

CONSENT AGENDA

Mayor Pro Tem Lombardo requested clarification regarding Agenda Item #11. At the suggestion of the City Attorney, the item was removed from the Consent Agenda.

- 9. Consider approval of Minutes of the Regular City Council Meeting held on August 23, 2022
- 10. Consider Resolution 2022-3013 authorizing the City Manager to Renew the Employee Health and Dental Insurance Plans with Blue Cross Blue Shield of Texas
- 12. Consider Resolution 2022-3015 authorizing an Interlocal Agreement with Texas Political Subdivisions Joint Self-Insurance Fund for providing Workers' Compensation Insurance for Fiscal Year 2022-2023
- 13. Receive Budget Reports for Period ending July 31, 2022

Motion by Mayor Pro Tem Lombardo, seconded by Councilmember Fiorenza, to approve Consent Agenda Items #9, #10, #12 and #13. Motion carried 7 – 0.

ACTION AGENDA

11. Consider Resolution 2022-3014 authorizing the City Manager to Negotiate and Execute a Contract with ForeverLawn Texas for Installation of K9 Synthetic Grass at the Unity Dog Park

APPROVED (7 – 0)

Mayor Pro Tem Lombardo asked how the K9 synthetic grass was different from regular AstroTurf or other synthetic grass. Parks and Recreation Director Phil Lozano reported the K9 synthetic grass is specifically designed for dog usage. There will also be an irrigation/drainage system under the grass that will aid in "flushing" like natural grass does. Additionally, the natural grass is also deodorized periodically to make the park more enjoyable for patrons. Councilmember Fiorenza asked if there were any concerns with deterioration of the K9 synthetic grass due to use of any chemicals. Mr. Lozano stated the product is warranted/guaranteed for approximately fifteen (15) years and that it is designed specifically for dog usage.

Motion by Mayor Pro Tem Lombardo, seconded by Councilmember Heslep, to approve Resolution 2022-3014. Motion carried 7 - 0.

- 14. Take action, if any, on Matters discussed in Closed Session in accordance with the following Sections of the Texas Government Code:
 - (a) Section 551.071 Consultation with City Attorney Concerning Pending or Contemplated Litigation and on any Regular Session or Work Session Agenda Item Requiring Confidential, Attorney/Client Advice Necessitated by the Deliberation or Discussion of Said Item (as needed)
 - (b) Section 551.074 Personnel Deliberate the Employment, Evaluation and Duties of the City Manager and City Secretary

With Closed Session Agenda Items #8(a) and #8(b) moved to Late Work Session, Mayor Jaworski announced Agenda Items #14(a) and #14(b) would also be moved to Late Work Session.

15. Receive Presentation of City Manager Recommended Budget and Conduct a Public Hearing on the Proposed Budget and Tax Rate for Fiscal Year 2022-2023 BUDGET PRESENTED AND PUBLIC HEARING CONDUCTED

City Manager Paul Stevens reported budget meetings and presentations were conducted over the summer. He presented a budget video that provided a summary of the budget and the projects/initiatives planned for in the recommended FY 2022-2023 Budget. The assessed valuation came in at a 7% increase in property tax revenue, which provides an additional \$1,023,465 with most of that available for maintenance and operations. The tax rate will be decreased from \$0.56302 to \$.0546825. Sales tax revenues are projected to increase by 2.8% over last year's budgeted amount. The 2023 base budget is \$20,952,086, which is a 1.7% increase over last year's budget. A \$390,653 supplemental budget is also included. Key initiatives and projects this year include continuation of the School Resource Officer program with LISD providing additional funding for the second officer, Doubletree Ranch Park splash pad resurfacing and installation of fencing, a drainage improvement plan, reconstruction of streets, completion of the Chapel Hill trail connection, and an increase in overtime to move police officers to a bi-weekly 84-hour schedule. The recommended budget is available on the City's website.

Mayor Jaworski opened the public hearing. With no one wishing to speak, he closed the public hearing.

16. Consider Ordinance 2022-1296 approving and adopting the Fiscal Year 2022-2023 Annual Budget (1st of two reads) APPROVED 1ST READ (7 – 0)

After many budget meetings and discussions, Assistant City Manager Ken Heerman reported the proposed budget has been prepared and presented. He stated the proposed budget puts the City in a good position moving forward, as there will be some challenges looking ahead.

Motion by Deputy Mayor Pro Tem Kixmiller, seconded by Councilmember Fiester, to approve the first read of Ordinance 2022-1296 adopting the Fiscal Year 2022-2023 Annual Budget. City Secretary Angela Miller took a roll call vote on the motion:

Mayor Jaworski – Aye Mayor Pro Tem Lombardo – Aye Deputy Mayor Pro Tem Kixmiller – Aye Councilmember Nelson – Aye Councilmember Fiester – Aye Councilmember Heslep – Aye Councilmember Fiorenza – Aye Motion carried 7 - 0.

17. Consider Ordinance 2022-1297 levying the Ad Valorem Taxes for the Year 2022 at a Rate of \$0.546825 per \$100 Assessed Valuation on all Taxable Property within the Corporate Limits of the City of Highland Village as of January 1, 2022 (1st of two reads)

APPROVED 1ST READ (7 – 0)

Assistant City Manager Ken Heerman stated that following the passage of the budget, a tax rate must then be adopted and reported the tax rate is reduced from last year's rate. Mr. Heerman reported state law mandates notice, posting and ordinance requirements and conduct of a public hearing, which have all been met. Councilmember Fiorenza asked for clarification on the tax rate reduction as the language required in the motion indicates an increase. Mr. Heerman reported although the tax rate is reduced, there was an increase in revenue that was raised as a result of increased property valuation. City Manager Stevens added that Truth in Taxation requires specific wording of the motion.

Motion by Councilmember Fiorenza, seconded by Mayor Pro Tem Lombardo, that the property tax rate be increased by the adoption of a tax rate of \$.546825, which is effectively a 6.9 percent increase in the tax rate and, therefore, further moves that Ordinance 2022-1297 be approved on first read. City Secretary Angela Miller took a roll call vote on the motion:

Mayor Jaworski – Aye Mayor Pro Tem Lombardo –Aye Deputy Mayor Pro Tem Kixmiller – Aye Councilmember Nelson – Aye Councilmember Fiester – Aye Councilmember Heslep – Aye Councilmember Fiorenza – Aye Motion carried 7 - 0.

18. Receive an Update, Discuss and Consider Resolution 2022-3016 approving the Annual Rate Adjustment pursuant to the Solid Waste and Recycling Service Contract with Community Waste Disposal, L.P. <u>APPROVED (7 - 0)</u>

Community Waste Disposal (CWD) President Greg Roemer presented their 2021 Annual Review, which covered residential services, commercial services, recycling, customer service inquiries, driver incidents, electronics collection services, and their community partnership program. Mr. Roemer also reminded everyone of their CWD mobile app where customers can pay their bill, schedule service, report a missed pickup, and receive service alerts. Regarding the data presented for grievance/customer service inquiries, Councilmember Fiorenza voiced concern that some complaints may not be received by CWD as he and other members of Council are receiving complaints about overturned carts being left and causing debris on the streets, damage to carts due to being thrown after pick up, and asked what CWD was doing to mitigate those concerns. Mr. Roemer reported that grievances/complaints received by City staff are forwarded to CWD and are included in their data presented. A monthly report is also provided to City staff of every complaint received by CWD. Mr. Roemer stated coaching and safety meetings are held on a regular basis with his staff, grievances are looked into and narrowed to the best of their ability to the employee(s), and the company also tries to keep turnover low. If a cart is broken by a CWD employee, Mr. Roemer stated it would be replaced by CWD. Mr. Roemer confirmed complaints/grievances can be submitted online using the CWD website or by using their app. Residents can also use the City's website and Eye on Highland Village app to report a grievance or issue.

Mr. Heerman reported the existing agreement with CWD was initiated in 2018 with a fiveyear term. The contract contains a provision to update rates in October of each year. Mr. Heerman stated CWD has provided the pertinent DFW Consumer Price Index (CPI), natural gas index and disposal site cost information for determination of the adjustment as required by the contract, and the information has been substantiated by City staff. This would result in a residential increase of approximately \$1.92 per month.

Motion by Councilmember Fiester, seconded by Councilmember Heslep, to approve Resolution 2022-3016. Motion carried 7 - 0.

19. Consider Resolution 2022-3017 authorizing Negotiation and Execution of a Contract with Sunbelt Pools for Removal, Disposal and Replacement of the Rubber Splash Pad Surface at Doubletree Ranch Park

<u>APPROVED (7 – 0)</u>

Parks and Recreation Director Phil Lozano reported the rubber surfacing used on the Doubletree Ranch Park splash pad was in need of replacement and funding was included in the FY 2021-22 budget for DuraPlay surfacing. He added that the company cannot guarantee availability of the needed binder due to manufacturing delays, therefore City staff researched a variety of other products and proposes the use of Kool Deck that is provided by Sunbelt Pools. Councilmember Fiester asked if there was any testing by other cities of another product called Life Floor. Mr. Lozano stated other cities are testing Life Floor and reported that in site visits, it appeared to be failing. He added that Kool Deck has also been used in other cities and can sustain the Texas heat. Councilmember Fiester asked about life expectancy of Kool Deck as it was reported to be a range of 2-10 years and what could be done to extend that life expectancy. Mr. Lozano stated having the area fenced to deter unauthorized use of bicycles or skateboards on the splash pad would extend the life of the surfacing.

Motion by Councilmember Fiorenza, seconded by Deputy Mayor Pro Tem Kixmiller, to approve Resolution 2022-3017. Motion carried 7 - 0.

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 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.)

Councilmember Fiester asked when the Comprehensive Plan Update Project would be presented. Mr. Stevens reported there would be an agenda item to go over the opportunity areas again and present a draft at the September 27th City Council meeting, with adoption in October.

Mayor Jaworski announced Council would now meet in Closed Session and read Agenda Item #8(b).

CLOSED SESSION

Council convened into Closed Session at 8:35 p.m.

- 8. Hold a Closed Meeting in accordance with the following Section(s) 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)

This item was not discussed.

(b) Section 551.074 – Personnel – Deliberate the Employment, Evaluation and Duties of the City Manager and City Secretary

Council concluded Closed Session at 8:45 p.m.

Council reconvened into Open Session at 8:46 p.m. Mayor Jaworski announced Council had met in Closed Session and would take action regarding Agenda Item #14(b).

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

No action was taken on this item.

(b) Section 551.074 – Personnel – Deliberate the Employment, Evaluation and Duties of the City Manager and City Secretary

Motion by Councilmember Fiester, seconded by Councilmember Heslep, to increase the City Manager's and City Secretary's annual salaries by 5% effective October 3, 2022. Motion carried 7 - 0.

21. Adjournment

Mayor Jaworski adjourned the meeting at 8:48 p.m.

Daniel Jaworski, Mayor

ATTEST:

Angela Miller, City Secretary

AGENDA# 11	MEETING DATE: 09/27/2022
SUBJECT:	Consider Resolution 2022-3019 authorizing a School Resource Officer Interlocal Agreement with the Lewisville Independent School District
PREPARED BY:	Doug Reim, Chief of Police

BACKGROUND:

The Highland Village Police Department (HVPD) provides two (2) sworn School Resource Officers (SRO's) to four (4) local schools including Briarhill Middle, Highland Village, McAuliffe and Heritage Elementary through an interlocal agreement with the Lewisville Independent School District (LISD). Under the current agreement, in effect since 2007, LISD funds half (50%) of one SRO assigned to Briarhill Middle School.

IDENTIFIED NEED/S:

LISD has proposed a new Interlocal Agreement to expand its SRO funding to the city. In addition to the 50% funding for one SRO at Briarhill Middle School, the new agreement would also fund 75% our existing second SRO serving the three elementary schools. The proposed funding includes salary and benefits.

OPTIONS & RESULTS:

Acceptance of the new Interlocal Agreement with LISD will provide additional funding for the second SRO position already provided by HVPD.

PROGRESS TO DATE: (if appropriate)

N/A

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

The additional 75% revenue for the second SRO position under this agreement is estimated at \$69,117 for the upcoming year.

RECOMMENDATION:

To approve Resolution 2022-3019 authorizing a School Resource Officer Interlocal Agreement with the Lewisville Independent School District.

SCHOOL RESOURCE OFFICER INTERLOCAL AGREEMENT

THIS SCHOOL RESOURCE OFFICER INTERLOCAL AGREEMENT ("Agreement") is made and entered into on the Effective Date, by and between the LEWISVILLE INDEPENDENT SCHOOL DISTRICT, a Texas political subdivision and independent school district established pursuant to Chapter 11 of the Texas Education Code located in Denton County, Texas (referred herein to as "District" or "School District"), acting by and through its Board of Trustees, and the City of Highland Village, a Texas home rule municipality (referred herein to as "City"), acting by and through its City Council. District and City are hereafter referred to herein collectively as "the Parties" and individually as "Party."

WITNESSETH:

WHEREAS, the Texas State Legislature has authorized the use of Interlocal cooperation agreements between and among governmental entities; and

WHEREAS, this Agreement) is made under the authority granted by and pursuant to the Interlocal Cooperation Act, Texas Government Code, Chapter 791, as amended and as otherwise provided herein, relative to the joint authorization by the School District and the City to provide a governmental service or function for which each Party is authorized to perform individually; and

WHEREAS, the governing bodies of the Parties find that the performance of this Agreement is in the common public interest of both Parties, and the School District and the City will mutually benefit from the establishment of a School Resource Officer program (the "SRO Program") to combat juvenile delinquency, to personally assist students with various problems involving potential involvement with law enforcement, to develop and maintain positive relations between students and City police officers and to assist the School District in maintaining a safe, orderly, and secure environment to learning; and

WHEREAS, the Parties, in paying for the performance of governmental functions or in performing such governmental functions, shall make payments therefor only from current revenues legally available to each Party; and

WHEREAS, the School District and the City intend to provide law enforcement education and related services to the public schools of the School District in the City as hereafter described;

NOW, **THEREFORE**, for and in consideration of the mutual agreements contained herein, the Parties do hereby agree as follows:

ARTICLE I

TERM OF AGREEMENT

The initial term of this Agreement shall begin on the Effective Date, and shall continue through September 30, 2023. This Agreement shall automatically renew for one (1) year terms, beginning on October 1, 2023, unless terminated by either Party in accordance with the terms contained herein unless terminated by either Party by providing written notice to the other not later than April 1 prior to the commencement of the next renewal term.

ARTICLE II

OBLIGATIONS OF THE CITY

The obligations of City shall be fulfilled by the Highland Village Police Department under the direction of the Chief of Police ("Chief") or his designee and are as follows:

A. Provision of School Resource Officers.

Unless otherwise indicated below, the Chief shall assign two (2) regularly employed police officer(s) as SRO. One SRO will be assigned to Briarhill Middle School. The other SRO will be assigned to rotate at LISD's three elementary schools located within City's corporate limits. Although the SROs will be assigned to the campuses listed above, the SRO can serve as a resource to all campuses within Highland Village in cooperation with LISD.

B. Selection of School Resource Officers.

The Chief or his designee shall select the SROs considering the evaluation criteria in this Section II.B. The Chief or his designee may change or replace an SRO with another officer who also satisfies the criteria below. Campus Principals will be allowed to meet the candidates for any new SRO assignments and provide their feedback, if any, to the Chief before making the selection of the SRO, including the change or replacement of an SRO:

- 1. The SROs must have the ability to deal effectively with students;
- 2. The SROs must present a positive image and be an appropriate symbol of the entire police department. A goal of the SRO program is to foster a positive image of police officers among young people. Therefore, the personality, grooming, and communication skills of the SROs should be of such a nature that a positive image of the police department is reflected;
- 3. The SROs must have the ability to provide good quality information and educational services in the area of law enforcement;

- 4. The SROs must have the desire and ability to work cooperatively with the School District staff, Campus Principals, administrative staff, and other school officials;
- 5. The SROs must be a Law Enforcement Officer licensed through the Texas Commission on Law Enforcement;
- 6. The SROs must have or receive a Texas Commission on Law Enforcement recognized basic SRO training prior to completing their first school year of assignment as an SRO, preferably in the summer prior to that first year. Any extenuating circumstances must be first approved by the Chief of Police and Superintendent or Designee;
- 7. The SROs must complete an education and training program as required by Texas Occupations Code § 1701.263 and 37 Texas Administrative Code § 221.43 within 120 days of placement in the District or a campus of the District; and
- 8. The SROs must meet any other criteria the Chief deems appropriate.

C. Normal duty hours of School Resource Officers.

- 1. The SROs shall perform their duties during regular school days and regular school hours, which does not include official school holidays, summer school, or days the SROs are required to attend training related to their police officer duties. Additional school related duties outside regular school days and hours may be assigned by the Chief.
- 2. SROs will notify the Campus Principal or the SRO's designee through email in advance of a planned leave if such leave or time off would conflict with school duties. City will provide a police officer who may or may not have school-based law enforcement training, at no additional charge, if an SRO cannot perform the SRO's duties for the School District for more than five (5) consecutive days. City will make all reasonable efforts to minimize discretionary leave by SROs during school days.

D. Duties of School Resource Officers.

While on duty, SROs shall perform the following duties:

- 1. Speak to classes of students on the laws enforced by police officers, including search and seizure, criminal law, motor vehicle laws, and other topics;
- 2. Act as a resource person in the area of law enforcement education;
- 3. Conduct or assist in criminal investigations of violations of law on school property;

- 4. Provide a law enforcement presence when necessary to maintain the peace on School District property;
- 5. Make arrests and referrals of criminal law violators using his/her discretion;
- 6. Provide information or assistance to students at the request of the school staff, at the request of a student or parent, or when the SRO feels it is in the best interest of the student. If the request relates to such things as depression, addiction, family counseling matters or other non-police related matters, the student should be referred to the Counselor at the school where the student is enrolled;
- 7. Make appropriate referrals to social services agencies;
- 8. Wear an official police uniform, which shall be provided at no expense to LISD; however, civilian attire may be worn on some occasions. Any deviations from regular duty uniform should have an approval from the Chief of Police or designee;
- 9. Perform other duties mutually agreed upon by the Superintendent and the Chief, provided the performance of such duties is legitimately and reasonably related to the SRO Program as described in this Agreement, and such duties are consistent with state and federal law and the policies and procedures of the School District and the City;
- 10. Any off-campus activity requiring the services of the SROs shall be contingent on the approval of the Chief or the Chief's designee;
- 11. Follow and conform to all applicable School District policies and procedures that do not conflict with the policies or procedures of the City of Highland Village Police Department. The Parties shall abide by all rules, regulations and procedures as authorized by state or federal laws;
- 12. Coordinate with school administrators, staff, other law enforcement agencies and courts to promote order on school campuses;
- 13. Make presentations to civic groups;
- 14. Serve on campus threat assessment teams;
- 15. Participate, upon request and with approval of the Chief or his designee, with school/student committees; and
- 16. Perform any other duties as directed by the Chief.

E. Support Services to be provided by the City.

City, acting through its Police Department, shall continue to provide police services to the School District with the positions of the SROs as an enhancement to such services.

ARTICLE III

OBLIGATIONS OF THE DISTRICT

School District shall provide the SROs, at each school to which an SRO is assigned, the following materials and facilities:

- 1. Access to a private office to be used for general business purposes which is air conditioned and properly lighted;
- 2. A locking file cabinet and location for files and records which can be properly locked and secured;
- 3. A desk with drawers, a chair, worktable, and office supplies (*i.e.*, paper, pencil, pens, etc.);
- 4. A computer that allows for network access to police records management and report writing portals;
- 5. A telephone;
- 6. A ballistic shield with specifications approved in writing by the Chief of Police; and
- 7. Secure a safe, provided by the Police Department, to the floor of the assigned office for the storage of a rifle, and other essential equipment.

ARTICLE IV

EMPLOYEE STATUS OF SRO

The SROs shall be employees of the City and not employees of the School District. The City shall be solely responsible for the hiring, training, discipline, and dismissal of the SROs. The City shall be deemed an independent contractor of School District, and not an agent or representative of the School District. However, when an assigned SRO or substitute is serving in the capacity of SRO, the substitute SRO is considered a "school official" pursuant to the Family Educational Rights and Privacy Act and its implementing regulations (34 Code of Federal Regulations Part 99). Any concerns or complaints should be submitted to the Chief of Police in writing. A performance evaluation of each SRO will be conducted by appropriate LISD employees, and the results will be provided to the Chief for review with any formal requests for

his or her consideration. Each SRO shall be available at all reasonable times to report to and confer with designated officials of the School District.

ARTICLE V

PAYMENT

In consideration of the services provided herein, the City shall invoice the School District, and the School District shall pay the City fifty percent (50%) of the costs for the one SROs' salary and benefits assigned at Briarwood Middle School and seventy five percent (75%) of the costs for the one SROs' salary and benefits assigned to the elementary campuses. The School District shall bear no other expenditures. Payment shall be in three (3) equal payments as compensation for the contracted services of the one (1) SRO made on December 1, March 1, and June 1 of each Fiscal Year. In the event the School District and the City determine there is a need for an additional assignment, the City shall provide an additional SRO, as staffing allows, under the same terms and conditions as described herein. The cost to School District for any additional SRO shall be prorated on a per month, per officer basis for the remainder of the City's Fiscal Year. The pro-rated amount shall apply to any partial budget year upon enactment of this Agreement as well.

ARTICLE VI

MUTUAL HOLD HARMLESS

- A. To the extent allowed by law, the District does hereby agree to waive all claims against, release, and hold harmless the City and all of its officials, officers, agents, employees, in both their public and private capacities, from any and all liability, claims, suits, demands, losses, damages, attorneys' fees, including all expenses of litigation or settlement, or causes of action which may arise by reason of injury to or death of any person or for loss of, damage to, or loss of use of any properly arising out of or in connection with this Agreement.
- B. To the extent allowed by law, the City does hereby agree to waive all claims against, release, and hold harmless the District and all of its officials, officers, agents, employees, in both their public and private capacities, from any and all liability, claims, suits, demands, losses, damages, attorneys' fees, including all expenses of litigation or settlement, or causes of action which may arise by reason of injury to or death of any person or for loss of, damage to, or loss of use of any property arising out of or in connection with this Agreement.
- C. It is the intention of both Parties that this mutual hold harmless clause shall be interpreted to mean each Party shall be responsible for the actions of each Party's own employees, officials, officers, and agents. The Parties hereby agree that they have not waived their sovereign immunity by entering into and performing its obligations under this Agreement.
- D. Nothing in this Agreement shall be construed as conferring any rights or benefits to any third party who is not a party to this Agreement.

PAGE 6 SCHOOL RESOURCE OFFICER INTERLOCAL AGREEMENT: LEWISVILLE INDEPENDENT SCHOOL DISTRICT AND THE CITY OF HIGHLAND VILLAGE

ARTICLE VII

AMENDMENTS TO AGREEMENT

Amendment to the terms of this Agreement may be accomplished only by formal amendment in writing approved by both the City and the School District.

ARTICLE VIII

TERMINATION OF AGREEMENT

In addition to termination of this Agreement pursuant to Article I, above, this Agreement may be terminated:

- A. By either Party by providing written notice to the other Party if the non-terminating Party fails to cure any default or non-compliance with the provisions of this Agreement not later than one hundred and eighty (180) days after receipt of written notice of default from the terminating Party; or
- B. By the City by providing written notice to the School District if the School District has failed to pay any invoice issued pursuant to Article V within 45 days after receipt of the invoice by the District.

If this Agreement is terminated, compensation shall be made to the City for all services performed to the date of termination.

ARTICLE IX

GENERAL PROVISIONS

- A. This Agreement contains the entire agreement of the Parties and supersedes any prior agreements and negotiations.
- B. No verbal or other written promises or representations not specifically reduced to writing and contained herein shall be effective or binding. No modification, amendment, waiver or change of any provision herein shall be effective unless reduced to writing and approved by the governing body of both parties hereto.
- C. This Agreement is performable in Denton County, Texas, and exclusive venue for any dispute between the Parties shall be a court of competent jurisdiction in Denton County. This Agreement is governed by and construed according to the laws of the State of Texas.
- D. The provisions of this Agreement are severable. If a court of competent jurisdiction determines that any portion of this Agreement is invalid or unenforceable, the court's ruling will not affect the validity and enforceability of the other provisions of this Agreement.

- E. This Agreement is not assignable by either Party, and shall be binding on the parties, their officers and employees, and any successors in interest.
- F. This Agreement is effective only when signed and approved by authorized representatives of both Parties (the "Effective Date").
- G. The Parties, in paying for the performance of governmental functions or in performing such governmental functions pursuant to this Agreement shall make payments therefor only from current revenues legally available to each Party.
- H. Any notice required or permitted to be delivered hereunder may be sent by first class mail, overnight courier or by confirmed telefax or facsimile to the address specified below, or to such other Party or address as either Party may designate in writing, and shall be deemed received three (3) days after delivery set forth herein:

If intended for City:	With a copy to:
City Manager City of Highland Village, Texas 1000 Highland Village Road Highland Village, Texas 75077	Chief of Police City of Highland Village 1000 Highland Village Road Highland Village, Texas 75077
	Kevin B. Laughlin Nichols, Jackson, Dillard, Hager & Smith, LLP

If intended for School District:

Superintendent of Schools Lewisville Independent School District 1565-A West Main Street Lewisville, Texas 75067

Signatures on Following Page

500 N. Akard Street, Suite 1800

Dallas, Texas 75201

By their signatures below, the undersigned officers and/or agents affirm that they are authorized to execute this Agreement on behalf of the School District or the City, as applicable, and that any necessary Board of Trustees or City Council action has been duly taken.

SIGNED AND AGREED this _____ day of ______, 2022.

CITY OF HIGHLAND VILLAGE, TEXAS

By: _____ Paul Stevens, City Manager

ATTEST:

Angela Miller, TRMC, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

SIGNED AND AGREED this ____ day of ______, 2022.

LEWISVILLE	INDEPENDENT	SCHOOL
DISTRICT	2	
1	X	
By: hay	1 SVIA	
PRESIDE	NT, Board of Trustees	

ATTEST:

CRETARY, Board of Trustees

(kbl:9/2/2022:131328)

CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2022-3019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AUTHORIZING A SCHOOL RESOURCE OFFICER INTERLOCAL AGREEMENT WITH THE LEWISVILLE INDEPENDENT SCHOOL DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code (the "Act"), authorizes political subdivisions to contract with each other to facilitate the governmental functions and services of said political subdivisions; and

WHEREAS, the City of Highland Village ("City") and Lewisville Independent School District ("LISD") are local governments with the authority to enter into interlocal agreements pursuant to the Act; and

WHEREAS, since at least 2007, the City has provided have School Resource Officers ("SROs") to schools within the City pursuant to an interlocal agreement that establishes the duties, responsibilities, and obligations of the City and LISD with respect to the operation of a program (the "SRO Program"); and

WHEREAS, City Administration has negotiated a new interlocal agreement with LISD regarding the SRO program that provides for an expansion of the SRO Program and additional funding provided by LISD; and

WHEREAS, the City Council of the City of Highland Village, Texas, finds it to be in the public interest to authorize the City Manager to execute such interlocal agreement.

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

SECTION 1. The City Manager is hereby authorized to sign on behalf of the City the Interlocal Agreement with the Lewisville Independent School District relating to the SRO Program, the terms of which shall be substantially as set forth in the agreement presented at the meeting at which this resolution is approved.

SECTION 2. This resolution shall be effective immediately upon its approval.

PASSED AND APPROVED this the 27th day of September 2022.

APPROVED:

Daniel Jaworski, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney (kbi:9/21/2022:131607)

AGENDA# 12	MEETING DATE: 09/27/2022
SUBJECT:	Consider Resolution 2022-3021 Authorizing Renewal of the Interlocal Agreement with TML Intergovernmental Risk Pool for Insurance Coverage
PREPARED BY:	Ken Heerman, Assistant City Manager

BACKGROUND:

The City currently obtains property and liability insurance coverage from the TML Intergovernmental Risk Pool (TMLIRP) through an interlocal agreement.

IDENTIFIED NEED/S:

Presented for approval is the renewal amount for FY 2023 to continue coverage for general liability, automobile, mobile equipment, law enforcement, public officials (errors and omissions) employee dishonestly, sewer backup, and cyber liability.

OPTIONS & RESULTS:

The renewal premium for FY 2023 from TMLIRP totals \$186,232 (inclusive of 2% pre-pay discount). This premium is virtually unchanged from last year.

TML Liability Insurance Premium			
	Coverage	2022 Premium	2023 Premium
	General Liability	\$13,545	\$12,693
ity	Law Enforcement Liability	18,038	16,197
Liability	Errors & Omissions Liability	24,657	23,374
	Automobile Liability Supplemental Sewage Backup	29,021 4,878	25,730 4,878
	Total Liability Ins Premium	90,138	82,872
	Automobile Physical Damage	32,302	31,418
irty	Real & Personal Property	51,904	59,787
Property	Mobile Equipment	10,784	10,873
<u>д</u>	Public Employee Dishonesty	1,229	1,229
	Subtotal - Property	96,218	103,307
	Cyber Liability	33	53
	Total Premium	186,390	\$186,232

Overall, the TMLIRP insurance premium for FY 2023 is unchanged from FY 2022. The total liability premium reflected an 8% decrease over FY 2022, mostly offset by a 7.4% increase in property coverage.

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

- General liability No rate change.
- Law Enforcement and Errors & Omissions liability No rate change
- Real / Personal Property No Rate Change / 15% Inflation Factor
- Mobile Equipment 5% Rate Increase
- Automobile Physical Damage 5% Rate Increase

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

This was a budgeted item in the FY 2023 Budget.

RECOMMENDATION:

Council to approve Resolution No. 2022-3021 authorizing renewal of the Interlocal Agreement with TML Intergovernmental Risk Pool for Insurance Coverage.

CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2022-3021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AUTHORIZING RENEWAL OF THE INTERLOCAL AGREEMENT WITH TML INTERGOVERNMENTAL RISK POOL FOR INSURANCE COVERAGE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has had an interlocal agreement with the TML Intergovernmental Risk Pool for property and liability insurance coverage since 2003, from which the City has realized a high level of service as well as substantial savings in insurance premiums; and

WHEREAS, City Administration recommends a continuation of said interlocal agreement for Fiscal Year 2022-2023; and

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

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

Section 1. The City Manager is hereby authorized to execute the necessary contract documents establishing an interlocal agreement with TML Intergovernmental Risk Pool to provide general liability, automobile, mobile equipment, law enforcement, public officials (errors and omissions) employee dishonestly, sewer backup, and cyber liability insurance for the City in the amount of \$186,232 and to take such additional action as may be reasonable and necessary to comply with the intent of this Resolution.

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON THIS 27th DAY OF SEPTEMBER 2022.

APPROVED:

ATTEST:

Daniel Jaworski, Mayor

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

AGENDA# 13	MEETING DATE: 09/27/2022
SUBJECT:	Consider Resolution 2022-3022 Authorizing the Annual Renewal of the Financial Software Maintenance Agreement with Tyler Technologies
PREPARED BY:	Ken Heerman, Assistant City Manager

BACKGROUND:

The City utilizes Incode financial software provided by Tyler Technologies. Associated annual maintenance provides technical support as well as software updates.

IDENTIFIED NEED/S:

Presented for approval is the renewal amount for FY 2023. This is a budgeted operational item. However, as the total amount exceeds the City Manager approval authority within our financial policies, it is presented to Council for authorization. There is no competitive bid requirement as it is a sole source - only this vendor can provide the support associated with the utilized financial software.

OPTIONS & RESULTS:

This was a budgeted item in the FY 2023 Budget.

RECOMMENDATION:

Council to approve Resolution 2022-3022 authorizing the annual renewal of the financial software maintenance agreement with Tyler Technologies.

CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2022-3022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AUTHORIZING THE ANNUAL RENEWAL OF THE FINANCIAL SOFTWARE MAINTENANCE AGREEMENT WITH TYLER TECHNOLOGIES; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City has an agreement with Tyler Technologies to maintain the City's financial software application that is annually renewable; and

WHEREAS, because Tyler Technologies is the only entity capable of performing such software maintenance, City Administration recommends renewing the maintenance agreement; and

WHEREAS, the City Council finds it to be in the public interest to concur in the above 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 renew the term of the City's financial software maintenance agreement with Tyler Technologies for a fee in the amount of \$54,493.50.

SECTION 2. This resolution shall become effective immediately from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, THIS THE 27th DAY OF SEPTEMBER 2022.

APPROVED:

Daniel Jaworski, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney (kbl:9/21/2022:131590)

AGENDA# 15 MEETING DATE: 09/27/2022

SUBJECT: Review and Discuss the Attendance Record and Performance of City Board and Commission Members and Consider Removal of Board and Commission Members Prior to Completion of their Current Term pursuant to Code of Ordinances Section 2.04.037

PREPARED BY: Angela Miller, City Secretary

BACKGROUND:

City ordinance states that Council shall make annual appointments to the City's boards and commissions. All appointments are for terms of two years, unless an individual is appointed to fill an unexpired term that exists due to a vacancy. A "term year" shall be from October 1 until the following September 30, with terms expiring on the second year.

Per the Code of Ordinances Section 2.04.037, a vacancy exists: (i) if a member resigns, or (ii) if the Council deems a vacancy to exist if a member misses three consecutive regularly scheduled meetings without a valid excuse or misses more than 25% of the regular meetings during a term year.

Please note - according to state law, members of the Zoning Board of Adjustment may be removed prior to the end of their term only for cause found by the City Council and only after presentation of written charges and a public hearing. According to the City Attorney, failure to comply with minimum attendance requirements as established by ordinance can be a basis for removal for cause.

IDENTIFIED NEEDS:

If Council chooses, they may remove a City board or commission member and declare the seat vacant based on the attendance and performance of the current members of the various City boards and commissions whose terms do not expire in 2022, in accordance with Code of Ordinances Section 2.04.037.

RECOMMENDATION:

Discuss the attendance and performance of members of the various City boards and commissions during the last year whose terms do not expire in 2022 and consider whether to remove one or more members and declare such seat(s) vacated in accordance with Code of Ordinances Section 2.04.037.

AGENDA# 16 MEETING DATE: 09/27/2022

SUBJECT: Consider Resolution 2022-3020 appointing Members to Various Positions on the Board of Ethics, Parks and Recreation Advisory Board, Planning and Zoning Commission, Zoning Board of Adjustment, and Highland Village Community Development Corporation

PREPARED BY: Angela Miller, City Secretary

BACKGROUND:

City ordinance states that Council shall make annual appointments to the City's boards and commissions. All appointments are for terms of two years, unless an individual is appointed to fill an unexpired term that exists due to a vacancy. A "term year" shall be from October 1 until the following September 30, with terms expiring on the second year.

In anticipation of annual board and commission member appointments, a call for volunteers to serve on a City board or commission was advertised over the summer months. To be eligible to serve, all applicants must be qualified voters of the city and shall remain eligible to vote in city elections during their tenure. To date, the City Secretary's Office has received a total of sixteen (16) new applications from residents interested in serving.

Currently serving board/commission members with terms expiring this year were also contacted by City staff and given the opportunity to notify the City Secretary's Office if they were interested in being considered for reappointment to the same board, appointment to a different board, or if they no longer wished to serve on a board. Fifteen (15) currently serving members have indicated they would like to be considered for reappointment.

IDENTIFIED NEED/S:

There are sixteen (16) positions with terms that will expire on September 30, 2022, including one vacancy on the Zoning Board of Adjustment. The vacating member has moved and is no longer a Highland Village resident.

Council will have an opportunity to discuss appointments during Early Work Session and this agenda item provides for formal action during the regular City Council meeting.

PROGRESS TO DATE: (if appropriate)

City Council has received copies of all board and commission volunteer applications, along with currently serving board member profile updates, that have been submitted for consideration. Council hosted a "Meet and Greet" event on September 13, 2022 to allow an opportunity for Council to meet face to face with the new applicants.

RECOMMENDATION:

Council to appoint members to various positions on City boards and commissions and approve Resolution 2022-3020.

CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2022-3020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS APPOINTING MEMBERS TO VARIOUS POSITIONS ON THE BOARD OF ETHICS, HIGHLAND VILLAGE COMMUNITY DEVELOPMENT CORPORATION, PARKS AND RECREATION ADVISORY BOARD, PLANNING AND ZONING COMMISSION, AND ZONING BOARD OF ADJUSTMENT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Highland Village desires to appoint citizens to serve for terms beginning October 1, 2022, for positions on various board and commissions;

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 positions on the Board of Ethics with a term commencing on October 1, 2022, and ending as indicated below:

Name	Place	Expiration
	N/A	September 30, 2024
	N/A	September 30, 2024

SECTION 2. The following people are hereby appointed to the indicated positions on the Highland Village Community Development Corporation with a term commencing on October 1, 2022 and ending as indicated below:

Name	Place	Expiration
	Citizen Representative	September 30, 2024
	Citizen Representative	September 30, 2024
	Council Representative	September 30, 2024

SECTION 3. The following people are hereby appointed to the indicated positions on the Parks and Recreation Advisory Board with a term commencing on October 1, 2022, and ending as indicated below:

Name	Place	Expiration
	Place 1	September 30, 2024
	Place 2	September 30, 2024

Resolution 2021-2965 Page **1** of **3**

 Place 3	September 30, 2024
 Alternate 2	September 30, 2024
 Alternate 1	September 30, 2023 (if needed)

SECTION 4. The following people are hereby appointed to the indicated positions on the Planning and Zoning Commission with a term commencing on October 1, 2022, and ending as indicated below:

Name	Place	Expiration
	Place 2	September 30, 2024
	Place 3	September 30, 2024
	Alternate 2	September 30, 2024
	Alternate 1	September 30, 2023 (if needed)

SECTION 5. The following people are hereby appointed to the indicated positions on the Zoning Board of Adjustment with a term commencing on October 1, 2022, and ending as indicated below:

Name	Place	Expiration
	Place 4	September 30, 2024
	Place 5	September 30, 2024
	Alternate 2	September 30, 2024
	Alternate 3	September 30, 2024
	Alternate 1	September 30, 2023 (if needed)

SECTION 6. This Resolution shall take effect immediately upon passage.

PASSED AND APPROVED THIS THE 27TH DAY OF SEPTEMBER 2022.

APPROVED:

Daniel Jaworski, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney (kbl:9/21/2022:131606)

AGENDA# 17MEETING DATE: 09/27/2022SUBJECT:Status Reports on Current Projects and Discussion on Future
Agenda ItemsPREPARED BY:Karen McCoy, Executive Assistant

COMMENTS

This item is on the agenda to allow a Councilmember to inquire about a subject of which notice has not been given. A statement of specific 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 MEETINGS

September 27, 2022	Special Joint Workshop of City Council and Planning
	& Zoning Commission – 5:00 pm
September 27, 2022	Regular City Council Meeting - 7:30 pm
October 6, 2022	Zoning Board of Adjustment Meeting – 6:00 pm
October 11, 2022	Regular City Council Meeting - 7:00 pm
October 17, 2022	Parks & Recreation Advisory Board Meeting – 6:00 pm
October 18, 2022	Planning & Zoning Commission Meeting – 7:00 pm
October 25, 2022	Regular City Council Meeting - 7:00 pm
November 3, 2022	Zoning Board of Adjustment Meeting – 6:00 pm
November 8, 2022	Regular City Council Meeting - 7:00 pm
November 15, 2022	Planning & Zoning Commission Meeting – 7:00 pm
November 21, 2022	Parks & Recreation Advisory Board Meeting – 6:00 pm
November 22, 2022	Regular City Council Meeting - 7:00 pm

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