



**A G E N D A**  
**REGULAR MEETING OF THE**  
**HIGHLAND VILLAGE CITY COUNCIL**  
**HIGHLAND VILLAGE MUNICIPAL COMPLEX**  
**1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS**  
**TUESDAY, OCTOBER 25, 2022 at 6:00 P.M.**

**EARLY WORK SESSION**  
**City Council Chambers – 6:00 P.M.**

**Convene Meeting in Open Session**

1. Clarification of Consent or Action Items listed on Today's City Council Meeting Agenda for October 25, 2022
2. Receive Presentations from Nonprofit Organizations requesting Funding for Providing Services, Programs and/or Benefits Serving a Public Purpose to City Residents

(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**

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)

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

4. Call Meeting to Order
5. Prayer led by Councilmember Tom Heslep
6. Pledge of Allegiance to the U.S. and Texas flags led by Councilmember Tom Heslep:  
*"Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."*
7. 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

- Receive an Update from the City's Regional Transportation Council Representative
- Check Presentation to Texas Police Chiefs Association (TPCA) for Proceeds from the Highland Village TXFallenPD Tribute Event
- Presentation of a Proclamation designating October 24-28, 2022 as Red Ribbon Week in Highland Village

**8. City Manager/Staff Reports**

- 9. Visitor Comments** *(Anyone wishing to address the City Council must complete a Speakers' Request Form and return it to the City Secretary. In accordance with the Texas Open Meetings Act, the City Council is restricted in discussing or taking action on items not posted on the agenda. Action on your statement can only be taken at a future meeting. In order to expedite the flow of business and to provide all visitors the opportunity to speak, the Mayor may impose a three (3) minute limitation on any person addressing the City Council. A thirty (30) minute time allotment is set for this section, and the remaining speakers will be heard at the end of the Action Agenda.)*

*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 Regular City Council Meetings held on September 27, 2022 and October 11, 2022**
- 11. Consider Resolution 2022-3025 awarding and authorizing a Contract with Reynolds Asphalt and Construction for the 2022 Asphalt Overlay Project**
- 12. Consider Resolution 2022-3026 authorizing a Task Order with Schaumburg & Polk, Inc. (SPI) to provide Professional Engineering and Surveying Services for the Highland Village Road Reconstruction Project**
- 13. Consider Resolution 2022-3027 authorizing a Professional Services Agreement with RPS Infrastructure, Inc. for Design, Bidding and Construction Services for the Dredging of Quail Cove and Walmart Detention/Retention Facilities Project**
- 14. Consider Resolution 2022-3028 authorizing an Agreement with SAZ Infrastructure for Concrete Pavement Repairs through the City's Cooperative Purchasing Agreement with the City of Lewisville**

15. Consider Resolution 2022-3029 authorizing a Partial Release and Quitclaim of Water Line, Drainage, and Sanitary Sewer Easements affecting Lot 1R, Block B and Lot 3R, Block K, in The District of Highland Village

**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)
17. Consider Resolution 2022-3030 ratifying the Emergency Declaration by the City Manager authorizing Work to be Performed by Four Star Excavating Company and Sunbelt Rentals, Inc. relating to the Repair of Sanitary Sewer Infrastructure
18. Consider Resolution 2022-3031 supporting Denton County's Transportation Road Improvement Program – 2022 (TRIP-22)

**LATE WORK SESSION**

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

19. 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.)
20. Adjournment

I HEREBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE PUBLIC BULLETIN BOARD AT THE MUNICIPAL COMPLEX, 1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS IN ACCORDANCE WITH THE *TEXAS GOVERNMENT CODE, CHAPTER 551*, ON THE 21<sup>ST</sup> DAY OF OCTOBER 2022 NOT LATER THAN 5:00 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 \_\_\_\_\_, 2022 at \_\_\_\_\_

am / pm by \_\_\_\_\_.

## **CITY OF HIGHLAND VILLAGE**

### **COUNCIL BRIEFING**

<b>AGENDA#</b>	<b>2</b>	<b>MEETING DATE:</b>	<b>10/25/2022</b>
 <b>SUBJECT:</b> <b>Receive Presentations from Nonprofit Organizations requesting Funding from the City of Highland Village for providing Services, Programs and/or Benefits serving a Public Purpose</b>			
 <b>PREPARED BY:</b> <b>Angela Miller, City Secretary</b>			

### **COMMENTS**

Per Resolution 2018-2729, City Council will consider written requests for funding of the community services that are provided by community organizations to residents of Highland Village. Requests must satisfy the following criteria:

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

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

- Preservation, promotion or development of historically sensitive areas of the city
- Promotion of the performing arts
- Activities promoting and improving the health, safety and welfare of the youth, adults or senior citizens residing in the city
- Educational programs promoting student and citizen participation in the electoral process and local government
- Crime awareness and prevention

Council has historically allocated 0.25% of the City's Maintenance & Operations budget (excluding capital project or purchasing funds) for funding services provided by eligible nonprofit organizations. There is \$52,500 included in the Fiscal Year 2022-2023 budget for funding community services and activities provided by nonprofit organizations.

Each nonprofit requesting funding this fiscal year has submitted an application, which have been provided to Council. A total of nineteen (19) applications have been submitted this year, totaling \$74,144 in funding requests. The nonprofit organizations have been invited to send a representative to provide a brief presentation to Council during Early Work Session. Council will discuss and determine funding allocations at a separate City Council meeting.

The following list includes each of the nonprofit organizations that submitted an application this year, including the amount of their funding request.

<b>Organization</b>	<b>Amount Requested FY 2022-2023</b>
Court Appointed Special Advocates (CASA) of Denton County	\$3,000
Chisholm Trail RSVP	\$2,500
Christian Community Action (CCA)	\$2,500
Communities in Schools of North Texas	\$3,500
Denton County Friends of the Family	\$5,000
Denton County MHMR Center	\$5,000
Friends of the Flower Mound Public Library	\$1,500
Highland Village Lions Foundation	\$3,000
Journey to Dream	\$5,500
Lewisville ISD Education Foundation (LEF)	\$10,000
Lewisville Lake Symphony Association	\$4,000
Love Thy Neighbor	\$1,000
MLK of North Texas	\$1,000
PediPlace	\$5,000
Salvation Army - Lewisville	\$4,000
Span, Inc/Meals on Wheels of Denton County	\$3,144
Special Abilities of North Texas	\$7,000
Studio B Performing Arts	\$5,000
Winning The Fight (WTF)	\$2,500
<b>TOTAL</b>	<b>\$74,144</b>

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

**AGENDA# 7**

**MEETING DATE: 10/25/2022**

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

**PREPARED BY: Karen McCoy, Executive Assistant**

**COMMENTS**

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

- Receive an Update from the City's Regional Transportation Council Representative
- Check Presentation to Texas Police Chiefs Association (TPCA) for Proceeds from the Highland Village TxFallenPD Tribute Event
- Presentation of a Proclamation designating October 24-28, 2022 as Red Ribbon Week in Highland Village

# Proclamation

## The City of Highland Village

**Whereas**, the City of Highland Village values the health and safety of all our citizens; and

**Whereas**, substance abuse is particularly damaging to one of our most valuable resources, our children; and

**Whereas**, it is the goal of Red Ribbon Week to involve families, schools, businesses, churches, law enforcement agencies and service organizations in all aspects of this campaign and to establish an atmosphere that supports awareness and education of the effects of living a healthy life; and

**Whereas**, the Red Ribbon Week Campaign theme “*Celebrate Life. Live Drug Free.*” promotes family and individual responsibilities for living healthy, drug-free lifestyles, without illegal drugs or the illegal use of legal drugs; and

**Whereas**, all LISD Schools in Highland Village are participating in Red Ribbon Week and educating students on the effects of drug use and an addictive lifestyle; and

**NOW THEREFORE**, I, Daniel Jaworski, Mayor of the City of Highland Village, do hereby proclaim October 24<sup>th</sup> - 28<sup>th</sup>, 2022 as:

### “Red Ribbon Week”

in the City of Highland Village and encourage everyone to participate in Red Ribbon activities and make healthy lifestyle choices throughout the week.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Highland Village to be affixed on this the 25<sup>th</sup> day of October, 2022.

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Dan Jaworski, Mayor

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

**AGENDA# 10**

**MEETING DATE: 10/25/2022**

**SUBJECT: Consider approval of Minutes of the Regular City Council Meetings held on September 27, 2022 and October 11, 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 Regular City Council Meetings held on September 27, 2022 and October 11, 2022



**MEETING MINUTES OF THE REGULAR MEETING  
HIGHLAND VILLAGE CITY COUNCIL  
HIGHLAND VILLAGE MUNICIPAL COMPLEX  
1000 HIGHLAND VILLAGE ROAD  
TUESDAY, SEPTEMBER 27, 2022**

**EARLY WORK SESSION**

Mayor Daniel Jaworski called the meeting to order at 6:45 p.m.

**Roll Call**

Present:	Daniel Jaworski	Mayor
	Michael Lombardo	Mayor Pro Tem
	Jon Kixmiller	Deputy Mayor Pro Tem
	Shawn Nelson	Councilmember
	Tom Heslep	Councilmember
	Robert Fiester	Councilmember
	Brian A. Fiorenza	Councilmember
Staff Members:	Paul Stevens	City Manager
	Ken Heerman	Assistant City Manager
	Kevin Laughlin	City Attorney
	Angela Miller	City Secretary
	Ingrid Rex	Deputy City Secretary/Records Coordinator
	Scott Kriston	Public Works Director
	Autumn Aman	Community Development Coordinator
	Phil Lozano	Parks and Recreation Director
	Jana Onstead	Human Resources Director
	Laurie Mullens	Marketing & Communications Director
	Andrew Boyd	Media Specialist

Mayor Jaworski announced the order of Agenda Items would be changed to allow for Closed Session at the end of Early Work Session.

**2. Clarification of Consent or Action Items listed on Today's City Council Meeting Agenda for September 27, 2022**

Relating to Agenda Item #13, Mayor Pro Tem Lombardo clarified the item is budgeted, and approval is needed because the total amount exceeds the City Manager's approval authority, and asked what the limit amount was. City Manager Paul Stevens reported anything above \$50,000 is presented to Council for authorization.

**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**

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

Mayor Jaworski announced Council would meet in Closed Session and read Agenda Item #3(b).

### **CLOSED SESSION**

Council convened into Closed Session at 7:02 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 551.074 – Deliberate the Appointment, Removal, Evaluation and Duties of Public Officers, specifically Members of the Planning and Zoning Commission, Zoning Board of Adjustment, and Board of Directors of the Highland Village Community Development Corporation**

Council concluded Closed Session at 7:39 p.m. and returned to Early Work Session, which was immediately adjourned.

### **OPEN SESSION**

4. **Call Meeting to Order**

Mayor Daniel Jaworski called the meeting to order at 7:47 p.m.

#### **Roll Call**

Present:	Daniel Jaworski	Mayor
	Michael Lombardo	Mayor Pro Tem
	Jon Kixmiller	Deputy Mayor Pro Tem
	Shawn Nelson	Councilmember
	Tom Heslep	Councilmember
	Robert Fiester	Councilmember
	Brian A. Fiorenza	Councilmember

Staff Members:	Paul Stevens	City Manager
	Ken Heerman	Assistant City Manager
	Kevin Laughlin	City Attorney
	Angela Miller	City Secretary
	Doug Reim	Chief of Police
	Scott Kriston	Public Works Director
	Laurie Mullens	Marketing & Communications Director
	Andrew Boyd	Media Specialist

5. **Prayer led by Mayor Pro Tem Mike Lombardo**

Mayor Pro Tem Lombardo gave the invocation.

**6. Pledge of Allegiance to the U.S. and Texas flags led by Mayor Pro Tem Mike Lombardo**

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

**7. Visitor Comments**

No one wished to speak.

**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**

Mayor Jaworski congratulated the Marcus Marauders football team for their victory over the Hebron Hawks. He also sent wishes for a speedy recovery to former Mayor Dianne Costa as she recovers from surgery.

Deputy Mayor Pro Tem Kixmiller recognized Chief Reim for the recent Steak & Stetson event, with proceeds benefitting the Special Olympics. Chief Reim thanked everyone for their support and for attending the event.

**9. City Manager/Staff Reports**

Public Works Director Scott Kriston reported the project extending Highland Village Road under I-35 to a northbound on-ramp allows 71-days for completion. He did not know when crews would be onsite.

- **The Village Report**

The Village Report featured the upcoming Concerts in the Park series and the TXFallenPD Tribute Event.

**CONSENT AGENDA**

**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**

***Motion by Mayor Pro Tem Lombardo, seconded by Councilmember Heslep, to approve Consent Agenda Items #10 through #13. Motion carried 7-0.***

## **ACTION AGENDA**

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

(a) Section 551.071 – Consultation with City Attorney Concerning Pending or Contemplated Litigation and on any Regular Session or Work Session Agenda Item Requiring Confidential, Attorney/Client Advice Necessitated by the Deliberation or Discussion of Said Item (as needed)

No action was taken on this item.

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

Action regarding Agenda Item #14(b) was taken with Agenda Item #16.

15. 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

### **NO ACTION TAKEN**

No action was taken on this item.

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

### **APPOINTMENTS MADE and RESOLUTION APPROVED (7 – 0)**

Mayor Jaworski reported Council had reviewed & discussed appointments during tonight's Early Work Session.

*Motion by Councilmember Fiester, seconded by Deputy Mayor Pro Tem Kixmiller, to approve Resolution 2022-3020 making the following appointments:*

#### **BOARD OF ETHICS:**

Jordan Wootten

Megan Pigott

#### **HIGHLAND VILLAGE COMMUNITY DEVELOPMENT CORPORATION:**

Patrick Finch – Citizen Representative

Rick Reekie – Citizen Representative

Dan Jaworski – Council Representative

#### **PARKS AND RECREATION ADVISORY BOARD:**

William (Bill) Irwin – Place 1

Hogan Heathington – Place 2

Mitch O'Brey – Place 3

Tyler Gump - Alternate Place 2

**PLANNING AND ZONING COMMISSION:**

**Brent Myers – Place 2**

**Steve Winkle – Place 3**

**Greg Kohn – Alternate Place 1**

**Adam Ballard – Alternate Place 2**

**ZONING BOARD OF ADJUSTMENT:**

**Jerry Jones – Place 4**

**Russell Jackson – Place 5**

**Collin Roberts – Alternate Place 2**

**Lou Ann Surratt – Alternate Place 3**

**Motion passed 7-0.**

**LATE WORK SESSION**

- 17. Status Reports on Current Projects and Discussion on Future Agenda Items (A Councilmember may inquire about a subject of which notice has not been given. A statement of specific 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 for the next steps regarding the Comprehensive Plan. City Manager Paul Stevens asked for any comments to be sent to him and if it's best, to carry that over as a discussion item to the next City Council meeting. Mr. Stevens added there will be a formal public hearing before adoption that will need to be scheduled as well. A draft of the Comprehensive Plan will be available on the City's website this week for resident review. Upon review, if anyone has any questions, comments or concerns they can email Mr. Stevens, members of City Council, Planning & Zoning Commission or City staff.

Councilmember Heslep stated that last year the Council tasked the City Manager with updating the Comprehensive Plan and to include new, innovative ways to generate new revenue and bring new life into the city. He commended Mr. Stevens, City staff and everyone that worked on the update.

- 18. Adjournment**

Mayor Jaworski adjourned the meeting at 8:01 p.m.

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Daniel Jaworski, Mayor

**ATTEST:**

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Angela Miller, City Secretary



**MEETING MINUTES OF THE REGULAR MEETING  
HIGHLAND VILLAGE CITY COUNCIL  
HIGHLAND VILLAGE MUNICIPAL COMPLEX  
1000 HIGHLAND VILLAGE ROAD  
TUESDAY, OCTOBER 11, 2022**

**EARLY WORK SESSION**

Mayor Daniel Jaworski called the meeting to order at 6:05 p.m.

**Roll Call**

Present:	Daniel Jaworski	Mayor
	Michael Lombardo	Mayor Pro Tem
	Jon Kixmiller	Deputy Mayor Pro Tem
	Shawn Nelson	Councilmember
	Tom Heslep	Councilmember
	Robert A. Fiester	Councilmember
	Brian A. Fiorenza	Councilmember

Staff Members:	Paul Stevens	City Manager
	Ken Heerman	Assistant City Manager
	Kevin Laughlin	City Attorney
	Angela Miller	City Secretary
	Doug Reim	Chief of Police
	Jason Collier	Fire Chief
	Scott Kriston	Public Works Director
	Laurie Mullens	Marketing & Communications Director
	Andrew Boyd	Media Specialist

Mayor Jaworski announced that Agenda Items #2 and #3 would be addressed first.

**3. Clarification of Consent or Action Items listed on Today's City Council Meeting Agenda for October 11, 2022**

With no requests for clarification, no items were discussed.

**2. Receive an Update and Discuss Parks Security Cameras**

Mayor Jaworski announced Agenda Item #2 would be discussed in Closed Session and read Agenda Item #4(b).

**CLOSED SESSION**

Council convened into Closed Session at 6:06 p.m.

**4. Hold a Closed Meeting in accordance with the following Sections of the Texas Government Code:**

**(a) Section 551.071 – Consultation with City Attorney Concerning Pending or Contemplated Litigation and on any Regular Session or Work Session Agenda Item Requiring Confidential, Attorney/Client Advice Necessitated by the Deliberation or Discussion of Said Item (as needed)**

**(b) Section 551.089 – Deliberation regarding Security Devices or Security Audits**

Council concluded Closed Session at 6:37 p.m.

To better accommodate the number of attendees for Agenda Item #1, this portion of the meeting was moved to the Council Chambers. The meeting reconvened into Early Work Session at 6:44 p.m.

**1. Follow up Discussion relating to the Comprehensive Plan Updates Draft**

City Manager Paul Stevens reported the presentation would be an update of the Comprehensive Plan with discussion points based on some of the comments received. Staff from McAdams Engineering and Catalyst were present for the meeting.

Planning Director Randi Rivera reported the update is based on input received throughout the course of the project, with tonight's presentation specifically highlighting modifications to Opportunity Areas #1 and #5. Ms. Rivera reported the presentation is a proposal, and that input, thoughts and guidance from Council is valued and welcomed as the McAdams staff works to refine the Comprehensive Plan.

**Area #1**

This area was broken into Area A (west side of FM 2499) and Area B (east side of FM 2499), and updated to incorporate site conditions and elements such as open space, tree preservation, access points/trail connectivity, buffers and screening. Ms. Rivera clarified there would still be a process for anyone applying for a zoning change, which provides an opportunity for public input and would require discretionary approval by Council through the legislative process to approve or deny based on the merits of that application and case.

The recommended uses for Area A included office, retail, restaurant, medium density residential or a combination thereof. The recommended uses for Area B included medium density residential, office, retail, restaurant, hospitality, entertainment, or combination thereof. Ms. Rivera included that high density residential uses may be allowed provided they meet specific criteria such as minimum setbacks, context sensitive design, appropriate scale, design with a unified theme, additional open space, and any other criteria City Council wished to add or change.

Council discussed high density, medium density, residential use, mixed use, entertainment and restaurant uses, current uses of areas throughout Highland Village (i.e. SF-8, SF-6), definitions of different types of uses, height restrictions, and having a heavier reliance on retail thereby lessening the burden of property taxes on residents. Consensus of Council was to remove high density residential; allow some medium density with conditions on its design and how its integrated; and include mixed use, with mixed use defined as two (2) distinct uses - not necessarily residential and non-residential.

Additional direction from Council was to include definitions for each type of use being proposed throughout the Comprehensive Plan.

## **Area #5**

This area was broken into Area A (north side of Highland Village Road) and Area B (south side of Highland Village Road). Ms. Rivera presented proposed design standards and elements, which included landscape buffers, a screening fence, compatibility setback, sidewalk and trail connections, tree preservation, and open space. The recommended uses for Area A included medium density residential, office, entertainment, hospitality, retail, restaurant, or a combination thereof. The recommended uses for Area B included medium density residential, office, entertainment, hospitality, retail, restaurant, or combination thereof.

Council discussed the 537' flowage easement in that area and the limitations in developing this property. They also discussed medium density residential in Area A, hospitality and entertainment uses, and a lakeside trail. Consensus of Council for Area A was to remove entertainment, hospitality and restaurant uses; consensus of Council for Area B was to remove entertainment and hospitality uses.

## **Fiscal Stewardship**

Mr. Chris Brahmin from Catalyst Urban Development presented a fiscal stewardship and financial resiliency comparison for commercial and residential uses as they relate to cost of City services. He explained that having a ratio of 80% residential with 20% commercial development would be beneficial as the additional revenue from commercial development(s) would help to offset the overall reliance on residential property taxes. Mr. Brahmin reported the current ratio is approximately 86% residential with 14% commercial. Mr. Stevens added that with moving toward build out, the possibility of changing the current ratio lessens. When the process of updating the Comprehensive Plan started, Mr. Stevens stated the ability to maximize tax dollars to continue providing City services while spreading out the tax burden to residents was a goal. He explained the parks and trails master plans include quality of life features the City wants to ensure are met while ensuring Highland Village remains an attractive and sustainable community, adding that all of the plans work together in unison to accommodate that goal.

## **Existing Comprehensive Plan**

Ms. Rivera presented a comparison of goals in the existing Comprehensive Plan and how those are being met in the proposed update. Regarding land use, the existing plan includes that CIPs are based on future residential density growth of 2.7 units per acre, and recommended that the average density of the remaining vacant land be developed at an average of 2.7 units per acre. Ms. Rivera added that that goal was based on the vacant land available in 2003. She reported the city currently has 5,513 units which is 1.57 units per acre. She added that proposed plans should be consistent with stated goal that originated in 2003.

In closing, Ms. Rivera stated the draft would be revised to reflect direction provided by Council at tonight's meetings, with an updated draft provided to City Council for further review. She asked that any additional input from City Council or the public could be emailed to her.

Mayor Pro Tem Lombardo voiced that even though Council could approve or deny a future proposal for development, regardless of the Comprehensive Plan, he favors retail and is concerned multi-family will cause problems in regards to public safety. He stated he likes what is proposed in the other sections of the Comprehensive Plan draft, but he and the residents want multi-family, apartments, condominiums, building heights over 3-stories, and high & medium density in Areas #1 and #5 removed. Mayor Jaworski asked if the average cost of services for high/medium density or multi-family use would drive up the

cost for City services. Mr. Brahmin stated infrastructure costs make up a huge portion of service costs, and that it would be more efficient for the high/medium density or multi-family use because services are provided to a denser space, thereby the infrastructure cost is lower. Mayor Pro Tem stated that infrastructure costs does not include the cost for fire services. Deputy Mayor Pro Tem Kixmiller clarified that high density and high rise structures had been discussed and were being removed from Areas #1 and #5. Councilman Nelson asked if a financial analysis or city services impact relating to the opportunity areas would be conducted. Mr. Brahmin reported a fiscal impact analysis was done on each one and included in the draft, further adding that a tax analysis for each opportunity area was also done based on the previously proposed uses. Based on the input from tonight's meeting and the changes being made, Ms. Rivera clarified that an updated analysis and tax implication report would be done.

Mayor Jaworski adjourned Early Work Session at 7:45 p.m. and Council took a short break.

### **OPEN SESSION**

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

Mayor Daniel Jaworski called the meeting to order at 7:54 p.m.

#### **Roll Call**

Present:	Daniel Jaworski	Mayor
	Michael Lombardo	Mayor Pro Tem
	Jon Kixmiller	Deputy Mayor Pro Tem
	Shawn Nelson	Councilmember
	Tom Heslep	Councilmember
	Robert A. Fiester	Councilmember
	Brian A. Fiorenza	Councilmember
Staff Members:	Paul Stevens	City Manager
	Ken Heerman	Assistant City Manager
	Kevin Laughlin	City Attorney
	Angela Miller	City Secretary
	Doug Reim	Chief of Police
	Jason Collier	Fire Chief
	Scott Kriston	Public Works Director
	Karen McCoy	Executive Assistant
	Laurie Mullens	Marketing & Communications Director
	Andrew Boyd	Media Specialist

#### **6. Prayer led by Councilman Shawn Nelson**

Councilman Nelson gave the invocation.

#### **7. Pledge of Allegiance to the U.S. and Texas flags led by Councilman Shawn Nelson**

Councilman Nelson led the Pledge of Allegiance to the U.S. and Texas flags.

#### **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**

Chief Reim provided highlights of the TXFallenPD Tribute event being held on October 15 at Doubletree Ranch Park.

- **Presentation of a Proclamation designating October as Fire Prevention Month**

Mayor Jaworski presented a proclamation to Chief Collier and members of the Highland Village Fire Department designating October as Fire Prevention Month in Highland Village.

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

- **The Village Report**

The report provided an update on park projects, the TXFallenPD Tribute online auction and the request for sponsors for the Salute Our Veterans luncheon.

## **10. Visitor Comments**

Mayor Jaworski announced Ms. Rivera was taking notes of the comments being shared during Visitor Comments. He added that there is a required public hearing that will be held during a future City Council meeting, which would provide another opportunity for input. He also reported SpeakUpHV is an application the City uses that can be accessed via the City's website to provide information and solicit feedback, and encouraged everyone to sign up to use this resource.

The following people signed up to speak in opposition of the Comprehensive Plan Update:

Richard Venable (4001 Brooke Court)  
Walter P. Plumley (158 Villa Park Drive)  
L. Ted Giovi (4009 Brooks Court)  
Gayle Nurre (4003 Brooks Court)  
Scott Caldwell (4015 Brooks Court)  
Jimmy Bassinger (210 Edgewood)  
Jean Bassinger (210 Edgewood)  
Dominic Passaniti (824 Silverthorne Trail)

The following people signed up in opposition of the Comprehensive Plan Update but did not wish to speak:

Michael Brod (482 Spruce Drive)  
Bill Burris (148 Lakeland Drive)  
John Yoby (150 Villa Park Drive)  
LeAnn Higgs (100 Lakeland Drive)  
Valorie Hey (4008 Brooks Court)  
Sally J. Veazey (103 Edgewood Drive)  
Melva Jones (100 Cedar Drive)  
Diane Almand (334 Doubletree Drive)  
Rory Kendrick (156 Lakeland Drive)  
Eric William Burgett (124 Cedar Drive)  
Timothy Scott Hogan (124 Cedar)  
Kathy Chacon (140 Lakeland Drive)

Larry Gillem (105 Oak Tree Drive)  
Deborah Anderson (213 Village Tree)  
Ron Sinclair (145 Villa Park Drive)  
Joy Bauman (196 Lakeland Drive)

The following people signed up in opposition but did not wish to speak:

Olivia Aguirre (164 Lakeland Drive) – opposes hotels  
Raul Aguirre (164 Lakeland Drive) – opposes hotels  
Melissa Szekely (132 Lakeland Drive) – opposes any commercial building  
Aldona Gillem (105 Oaktree Drive) – opposes all growth of people and traffic  
Ryan Baird (2120 Strathmore Drive) – opposes development  
Leesa Hitt (250 Meadowbrook) – opposes Area #5  
Nancy Peek (133 Redwood Drive) – opposes hotel and townhomes  
Carlton Smith (133 Redwood Drive) – opposes hotel and townhomes  
Deborah Malone (213 Edgewood) – opposes townhomes behind Edgewood  
Scott Maloney (213 Edgewood) – opposes townhomes behind Edgewood and apartments at The Shops  
Phillip Osborne (4019 Brooks Court) – opposes zoning  
Suzie Coghlan (342 Duvall Blvd) – opposes the Comprehensive Plan, specifically the I-35 area, no hotel  
Sarah Cobb (27 Horseshoe Drive) – opposes the Comprehensive Plan and apartments at The Shops  
Diane Smith and Gary Meekins (200 Lakeland Drive) – opposes hotel and townhomes on Highland Village Road  
Tamara Thigpen (482 Sellmeyer Lane) – opposes revised Comprehensive Plan and apartments at The Shops

The following people signed up in opposition and did not wish to speak – no details regarding their opposition was provided:

Mary Loskorn (205 Oak Street)  
Amy L. Banks and Craig N. Banks (124 Redwood Drive)  
Mary Morris (180 Lakeland)  
Alex Hutton (942 Silverthorne Trail)  
Curtis Brinkerhuft (2170 Tartan Trail)  
Cynthia Seymore (437 Longfellow)  
Ray Seymore (437 Seymore)  
Alec Bauman (196 Lakeland Drive)

Mayor Jaworski thanked everyone for taking time to attend the meeting and for providing their input.

### **CONSENT AGENDA**

11. **Consider approval of Minutes of the Special City Council Meeting held on September 20, 2022 and of the Special Joint Workshop held on September 27, 2022**
12. **Consider Resolution 2022-3024 awarding and authorizing a Contract with Garrett Shields Infrastructure, LLC for the Chapel Hill Sidewalk Improvements**
13. **Receive Budget Reports for Period ending August 31, 2022**

***Motion by Councilmember Heslep, seconded by Councilmember Fiester, to approve Consent Agenda Items #11 through #13. Motion carried 7-0.***

## **ACTION AGENDA**

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

- (a) Section 551.071 – Consultation with City Attorney Concerning Pending or Contemplated Litigation and on any Regular Session or Work Session Agenda Item Requiring Confidential, Attorney/Client Advice Necessitated by the Deliberation or Discussion of Said Item (as needed)
- (b) Section 551.089 – Deliberation regarding Security Devices or Security Audits

No action was taken on Agenda Items #14(a) or #14(b).

15. **Conduct Annual Review of the City's Investment Policy and Consider Resolution 2022-3023 re-adopting the City's Investment Policy with any Amendments Thereto**  
**APPROVED (7 – 0)**

Assistant City Manager Ken Heerman reported a requirement of the Public Funds Investment Act (PFIA) and the City's Investment Policy is an annual review of the investment policy, and that any changes must be approved by the Investment Officer and submitted to the Council for consideration. Valley View Consulting, LLC has compared the PFIA written policy requirements with the City's Investment Policy and find that the policy is in compliance with the PFIA.

***Motion by Mayor Pro Tem Lombardo, seconded by Councilmember Fiester, to approve Resolution 2022-3023 conducting an annual review and re-adopting the City's Investment Policy. Motion carried 7-0.***

## **LATE WORK SESSION**

16. **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.)**

No items were discussed.

17. **Adjournment**

Mayor Jaworski adjourned the meeting at 8:43 p.m.

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Daniel Jaworski, Mayor

**ATTEST:**

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Angela Miller, City Secretary

## **CITY OF HIGHLAND VILLAGE**

### **COUNCIL BRIEFING**

**AGENDA# 11**

**MEETING DATE: 10/25/2022**

**SUBJECT: Consider Resolution 2022-3025 awarding and authorizing a contract with Reynolds Asphalt and Construction for the 2022 Asphalt Overlay Project**

**PREPARED BY: Scott Kriston, Director of Public Works**

### **BACKGROUND:**

The City of Highland Village typically overlays certain asphalt roadways each year as part of the City's Pavement Condition Index Program (PCI) to assist in maintaining these roadways and increasing their longevity. City staff targets existing roadways that have shown pavement deterioration and/or pavement failures. City staff identified Highland Village Road from N. Clearwater Drive to Highland Lake Drive and Highland Lake Drive from Highland Village Road to Tharp Drive meeting the criteria for recommended overlay improvements as part of the City's PCI Program. The roadways will have new asphalt pavement placed on them. Also, wedge milling of the edges of the pavement will be done in order to facilitate connection to existing driveways. The project also includes an add alternate to overlay the Copperas Branch Park Parking Lot in order to increasing their longevity of the existing parking lot and to provided provisions for handicapped parking.

The City issued the project for bid for the asphalt overlay improvements for Highland Village Rd, Highland Lake Drive and Copperas Branch Park Parking Lot. Bids were received on Thursday, October 13, 2022 for the project from five general contractors. The bid total for each contractor is provided below:

	Reynolds Asphalt and Construction	Peachtree Construction	Texas Bit	Sunmount Paving	Quality Excavation
Base Bid	\$113,376.90	\$131,383.30	\$154,390.10	\$189,302.00	\$247,894.00
Add Alt.	\$23,995.00	\$41,216.85	\$37,420.90	\$38,883.00	\$31,842.00
Total Bid	\$137,371.90	\$172,600.15	\$191,811.00	\$228,185.00	\$279,736.00

The lowest responsive bidder is Reynolds Asphalt and Construction with a total bid in the amount of \$ 137,371.90. The bid has been reviewed and evaluated and is considered the lowest responsive bid. Reynolds Asphalt and Construction has completed previous projects in the City, and they have sufficient resources to construct this project.

### **IDENTIFIED NEED/S:**

The City of Highland Village needs to asphalt overlay Highland Village Road and Highland

Lake Drive. Highland Village needs to asphalt overlay Copperas Branch Park as well as make parking lot improvements to add ADA parking spaces.

### **OPTIONS & RESULTS:**

The asphalt overlay of Highland Village Road and Highland Lake Drive will provide additional longevity and ride quality to the pavement structures. The parking lot improvements to Copperas Branch will increase the longevity of the existing parking lot and will create much needed ADA parking spaces.

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

Contractors' bids for construction on the project have been received and evaluated.

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

The street overlays (Highland Village Road and Highland Drive) are funding through Funding through the General Fund. Copperas Branch is funding through the Parks Bond Funds.

### **RECOMMENDATION:**

To approve Resolution 2022-3025 awarding and authorizing a Contract with Reynolds Asphalt and Construction for the 2022 Asphalt Overlay Project.

**CITY OF HIGHLAND VILLAGE, TEXAS**

**RESOLUTION NO. 2022-3025**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS AWARDED AND AUTHORIZING A CONTRACT WITH REYNOLDS ASPHALT AND CONSTRUCTION FOR THE 2022 ASPHALT OVERLAY PROJECT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, City administration, having solicited, received, and reviewed the bids for the 2022 ASPHALT OVERLAY PROJECT (the "Project"), has determined that Reynolds Asphalt and Construction has submitted the lowest, most responsible bid in an amount of \$137,371.90, and recommends award of a contract for the Project to said bidder; and

**WHEREAS**, the City Council of the City of Highland Village, Texas, finds it to be in the public interest to accept the recommendation of the City administration.

**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 execute a contract with Reynolds Asphalt and Construction in the amount of \$137,371.90 for the Project and, subject to applicable state laws, city policies, and, in the event change order(s) result in an increase in the contract amount, the availability of funds for such purpose, to negotiate and sign such change order(s) to said contract as the City Manager determines to be in the best interest of the City.

**SECTION 2.** This Resolution shall become effective immediately upon passage.

**PASSED AND APPROVED THIS 25th DAY OF OCTOBER 2022.**

**APPROVED:**

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**Daniel Jaworski, Mayor**

**ATTEST:**

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**Angela Miller, City Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

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**Kevin B. Laughlin, City Attorney**

(kbl:10/19/2022:132010)

## **CITY OF HIGHLAND VILLAGE**

### **COUNCIL BRIEFING**

**AGENDA# 12**

**MEETING DATE: 10/25/2022**

**SUBJECT: Consider Resolution 2022-3026 authorizing a Task Order with Schaumburg & Polk, Inc. (SPI) for Engineering and Surveying Services for the Highland Village Road Reconstruction (Brazos Boulevard to KCS Railroad) Project**

**PREPARED BY: Scott Kriston, Director of Public Works**

### **BACKGROUND:**

As a part of the City's Pavement Evaluation Program, the City staff identifies streets that require pavement improvements. One of the streets that has been identified as needing pavement improvements is Highland Village Road from the Brazos Boulevard/Highland Shores Boulevard intersection to the KCS Railroad crossing. This part of Highland Village Road has reached the point where it needs to be reconstructed. City staff has been able to maintain this part Highland Village Road over the years, but this part of the road now needs to be reconstructed in the same manner that the part of the road that is north of the Brazos Boulevard/Highland Shores Boulevard intersection was reconstructed approximately twenty years ago.

Reconstruction will consist of removing the existing pavement and replacing it with a new subbase and new asphalt pavement with a width similar to that part of the road north of the Brazos Boulevard/Highland Shores Boulevard intersection. Alternatives will be considered for the alignment of the new road that will help soften the curves and hills in the road while staying within the existing right-of-way. Also, as part of the improvements, new drainage improvements that are needed along the road will be installed, sidewalk connectivity will be completed along the east side of the road (with sidewalk additions to close gaps), and a left turn lane at Canyon Creek Drive will be added.

### **IDENTIFIED NEED/S:**

The City needs to reconstruct Highland Village Road from the Brazos Boulevard/Highland Shores Boulevard intersection to the KCS Railroad crossing, which will improve ride quality and extend the useful life of this road. Also, drainage improvements and sidewalk improvements need to be made and a left turn lane at Canyon Creek Drive needs to be added.

### **OPTIONS & RESULTS:**

Reconstructing this part of Highland Village Road will provide extended life and improved ride quality for this part of the road and making drainage improvements will improve drainage in this area and making sidewalk improvements will improve pedestrian mobility

in this area.

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

A Task Order has been received from Schaumburg & Polk, Inc. (SPI) for the provision of professional engineering and surveying services required for this project.

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

The cost for these professional engineering and surveying services is identified and funded through the General Fund Streets budget.

**RECOMMENDATION:**

To approve Resolution No. 2022-3026 authorizing a Task Order with SPI to provide professional engineering and surveying services for the Highland Village Road Reconstruction Project.

**CITY OF HIGHLAND VILLAGE, TEXAS**

**RESOLUTION NO. 2022-3026**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AUTHORIZING A TASK ORDER WITH SCHAUMBURG & POLK, INC. (SPI) TO PROVIDE PROFESSIONAL ENGINEERING AND SURVEYING SERVICES FOR THE HIGHLAND VILLAGE ROAD RECONSTRUCTION (BRAZOS BOULEVARD TO KCS RAILROAD) PROJECT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the condition of the segment of Highland Village Road from Brazos Boulevard/Highland Shores Boulevard to the KCS Railroad crossing has reached a state that regular maintenance of the roadway is inadequate to keep the roadway to City standards and, therefore, needs to be reconstructed (the "Project"); and

**WHEREAS**, City Administration, having determined that the firm of Schaumburg & Polk, Inc. ("SPI") is qualified to perform the professional engineering and surveying services necessary for the preparation of plans and specifications and other professional services relating to the bidding and construction of the Project, has negotiated and recommends execution of a task order with SPI pursuant to the City's existing agreement with SPI, to provide such professional engineering and surveying services for a fee in the amount of \$227,500.00, which fee is believed to be fair and reasonable; and

**WHEREAS**, the City Council of the City of Highland Village, Texas, finds it to be in the public interest to accept the above recommendation of the City administration.

**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 execute a Task Order with Schaumburg & Polk, Inc. (SPI) to provide professional engineering and surveying services relating to the design, bidding, and construction of the Project for a fee for in the amount of \$227,500.00, and is further authorized to negotiate and execute amendments to such agreement relating to additional services the City Manager determines to be reasonable and necessary to complete the Project subject to applicable City policies and the availability of current funds to pay for such additional services..

**SECTION 2.** This Resolution shall become effective immediately upon passage.

**PASSED AND APPROVED THIS 25<sup>th</sup> DAY OF OCTOBER 2022.**

**APPROVED:**

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**Daniel Jaworski, Mayor**

**ATTEST:**

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**Angela Miller, City Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

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**Kevin B. Laughlin, City Attorney**

(kbl:10/20/2022:132016)

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

**AGENDA# 13**

**MEETING DATE: 10/25/2022**

**SUBJECT: Consider Resolution 2022-3027 authorizing a Professional Services Agreement with RPS Infrastructure, Inc. for design, bidding, and construction services for the Dredging of Quail Cove and Walmart Detention/Retention Facilities Project**

**PREPARED BY: Scott Kriston, Director of Public Works**

**BACKGROUND:**

This project generally consists of the design of pond dredging activities. The Quail Cove retention/detention facility was constructed in 1999 and the outfall structure modified in 2010. The Marketplace (Walmart) retention/detention facility was constructed in 2006. The purpose of the facilities are to mitigate the increased stormwater runoff to downstream properties as a result of the impervious cover installed within the subdivision/commercial development. Despite the best efforts of the City and the developers, these facilities have accumulated a large amount of debris and silt. As a result, the retention portion of these facilities have become much shallower promoting undesired vegetation, less retention volume and deterring a sustainable environment.

**IDENTIFIED NEED/S:**

The two retention/detention facilities identified as the Quail Cove and Walmart ponds need to be dredged to restore them to nearer their intended and more functional states.

**OPTIONS & RESULTS:**

This project will restore the continued functionality of the existing retention/detention facilities back to near their original design.

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

A scope of services was received through RPS Infrastructure, Inc. for engineering design services. The City Attorney has drafted the Agreement.

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

This project is identified in and funded through the 2022 bond package.

**RECOMMENDATION:**

To approve Resolution 2022-3027 authorizing a professional services agreement with RPS Infrastructure, Inc. for design, bidding and construction services for the dredging of Quail Cove and Walmart detention/retention facilities project.

**CITY OF HIGHLAND VILLAGE, TEXAS**

**RESOLUTION NO. 2022-3027**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH RPS INFRASTRUCTURE, INC. FOR DESIGN, BIDDING AND CONSTRUCTION SERVICES FOR THE DREDGING OF QUAIL COVE AND WALMART DETENTION/RETENTION FACILITIES PROJECT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, dredging of the Quail Cove retention detention facility, constructed in 1999, and the Wal-Mart detention/retention facility, constructed in 2006, has been determined to be necessary in order to mitigate the increased stormwater runoff to downstream properties as a result of the impervious cover installed within adjacent developments (the "Project"); and

**WHEREAS**, City Administration, having determined that the firm of RPS Infrastructure, Inc. is qualified to perform the professional engineering services necessary for the preparation of plans and specifications and other professional services relating to the bidding and construction of the Project, recommends negotiation of an agreement with RPS Infrastructure, Inc. to provide such professional engineering services pursuant to costs for such services that are fair and reasonable; and

**WHEREAS**, the City Council of the City of Highland Village, Texas, 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 negotiate and execute a professional services agreement with RPS Infrastructure, Inc. to provide professional engineering services for the Project for a contract amount of \$58,800.00; and is further authorized to execute amendments to such agreement relating to additional services the City Manager determines to be reasonable and necessary to complete the Project subject to applicable City policies and the availability of current funds to pay for such additional services.

**SECTION 2.** This Resolution shall become effective immediately upon passage.

**PASSED AND APPROVED THIS 25<sup>TH</sup> DAY OF OCTOBER 2022.**

**APPROVED:**

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**Daniel Jaworski, Mayor**

**ATTEST:**

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**Angela Miller, City Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

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**Kevin B. Laughlin, City Attorney**

(kbl:10/17/2022:131970)

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

**AGENDA# 14**

**MEETING DATE: 10/25/2022**

**SUBJECT: Consider Resolution 2022-3028 authorizing an agreement with SAZ Infrastructure for concrete pavement repairs through the City's cooperative purchasing agreement with the City of Lewisville and authorizing the execution of task orders pursuant to said agreement**

**PREPARED BY: Scott Kriston, Director of Public Works**

**BACKGROUND:**

The City of Highland Village has a pavement management program and typically overlays identified asphalt roadways on an annual basis to maintain asphalt roadway infrastructure and increase their longevity. City staff also targets for repair existing concrete roadways that have shown pavement deterioration and/or pavement failures. Pursuant to previous council action in 2020, the City Council authorized the City Manager to sign an Agreement with SAZ Infrastructure through the City's cooperative purchasing agreement with the City of Lewisville. Council previously authorized the extension of said agreement, the term of which ended on September 15, 2022.

The City of Lewisville has entered into a new annual concrete repair agreement with SAZ Infrastructure effective on August 15, 2022 following a competitive bid process in accordance with state law. The new contract, as with the prior contract, is a unit price contract that allows Lewisville to request concrete panel repairs on a task order basis that identifies the street panels to be repaired or replaced as well as sidewalk replacement / construction. As in 2020, City Administration has reviewed the new agreement between Lewisville and SAZ Infrastructure and find the unit prices to be favorable and competitive.

**IDENTIFIED NEED/S:**

The City of Highland Village desires to make several concrete panel street repairs within various subdivisions. If the City desires to use the unit pricing set forth in the new Lewisville agreement with SAZ Infrastructure, a new agreement will need to be negotiated and a task order signed.

**OPTIONS & RESULTS:**

The concrete panel replacement will provide additional longevity and ride quality to the concrete pavement structures.

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

In 2020, the City entered into a unit price contract with SAZ Infrastructure for concrete panel replacements through the City's cooperative purchasing agreement with the City of Lewisville, which contract ended on September 15, 2022. The concrete panel replacements performed by SAZ for the City under the prior contract were satisfactory. City staff has identified additional concrete panels that require repair or replacement and recommends a new contract be entered into with SAZ to proceed with such repairs as needed.

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

Funding through the General fund.

### **RECOMMENDATION:**

To approve Resolution 2022-3028 authorizing an agreement with SAZ Infrastructure for Concrete Street Panel Repairs through the City's Cooperative Purchasing Agreement with the City of Lewisville.

**CITY OF HIGHLAND VILLAGE, TEXAS**

**RESOLUTION NO. 2022-3028**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS AUTHORIZING AN AGREEMENT WITH SAZ INFRASTRUCTURE FOR CONCRETE PAVEMENT REPAIRS THROUGH THE CITY'S COOPERATIVE PURCHASING AGREEMENT WITH THE CITY OF LEWISVILLE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the Director of Public Works has identified various concrete street sections that need repair during FY 2022-2023; and

**WHEREAS**, having considered various options for quickly and efficiently engaging a contractor to perform such repairs for a reasonable cost, City Administration is recommending that the City enter a contract with SAZ Infrastructure to perform such repairs through the City's cooperative purchasing agreement with the City of Lewisville; and

**WHEREAS**, the City Council 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 sign an agreement on behalf of the City with SAZ Infrastructure to perform concrete pavement repairs through the City's cooperative purchasing agreement with the City of Lewisville and to enter such task orders with SAZ Infrastructure in amounts not exceeding the funds available and appropriated in the FY 2022-2023 budget to perform such concrete pavement repairs.

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

**PASSED AND APPROVED** this the 25<sup>th</sup> day of October 2022.

**APPROVED:**

\_\_\_\_\_  
**Daniel Jaworski, Mayor**

**ATTEST:**

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

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
**Kevin B. Laughlin, City Attorney**  
(kbl:10/5/2022:131807)

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

**AGENDA# 15**

**MEETING DATE: 10/25/2022**

**SUBJECT: Consider Resolution 2022-3029 authorizing partial release of various water line, drainage, and sanitary easements located in The District at Highland Village Subdivision**

**PREPARED BY: Scott Kriston, Director of Public Works**

**BACKGROUND**

In conducting a survey in relation to the sale of property located within The District of Highland Village subdivision, the owner of the property discovered that some of the buildings were constructed encroaching into public easements dedicated by the plat of the Property. In order to facilitate the sale of the development and resolve the buyer's title objections relating to such encroachments, the owner of the property has requested a portion of a water line, drainage, and sanitary sewer easement affecting Lot 1R, Block B and a portion of a water, drainage, and sanitary sewer easement affecting Lot 3R, Block K be released and abandoned by the City. City staff has verified there is no effect on the existing buried public infrastructure located within the portions of the easements to be abandoned. As a result, staff is of the opinion the identified portions of the easements are not needed for public use and can be abandoned and vacated without any detriment to the public.

**IDENTIFIED NEED/S:**

In order to resolve title objections raised by the buyer in relation to the purchase of the development, the identified portions of easements where the encroachments exist need to be abandoned.

**OPTIONS & RESULTS:**

Failing to approve the requested abandonment will result in portions of permanent structures remaining inside the City's easements, resulting in a need to address this issue with every future sale of the property. The alternative would be to sign an encroachment agreement granting authority for the encroachment of the buildings to remain in the affected easements. However, such agreements would require administrative oversight for an unknown time into the future, largely to keep up with the requirement of the owner to provide insurance coverage in favor of the City.

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

The property owner has submitted surveys of the portions of the easements for which abandonment is being requested. The City Attorney has prepared the necessary resolution and release documents to be signed by the City Manager if authorized by the City Council.

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

No budgetary impact.

**RECOMMENDATION:**

To approve Resolution 2022-3029 authorizing a Partial Release and Quitclaim of water line, drainage, and sanitary sewer easements affecting Lot 1R, Block B and Lot 3R, Block K, in The District of Highland Village.

**CITY OF HIGHLAND VILLAGE, TEXAS**

**RESOLUTION NO. 2022-3029**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AUTHORIZING A PARTIAL RELEASE AND QUITCLAIM OF WATER LINE, DRAINAGE, AND SANITARY SEWER EASEMENTS AFFECTING LOT 1R, BLOCK B AND LOT 3R, BLOCK K, IN THE DISTRICT OF HIGHLAND VILLAGE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Highland Village, Texas, acting pursuant to law and upon the request of the owner of the underlying fee title of the property known as The District of Highland Village addition, is of the opinion and finds that said tracts are not needed for public use and should be abandoned and vacated and deems it advisable and in the public interest to abandon and quitclaim the hereinafter described interests in real property subject to the reservations and conditions of this document;

**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, on behalf of the City of Highland Village, to execute such documents as may be approved as to form by the City Attorney to release, abandon, and quitclaim all right, title, and interest in the portions of various water line, drainage, and sanitary sewer easements and any improvements lying within said released portions to the extent affecting the properties described in Exhibit "A", attached hereto and incorporated herein by reference.

**SECTION 2.** This Resolution shall be effective immediately upon approval.

**PASSED AND APPROVED THIS THE 25<sup>TH</sup> DAY OF OCTOBER 2022.**

**APPROVED:**

\_\_\_\_\_  
Daniel Jaworski, Mayor

**ATTEST:**

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

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
Kevin B. Laughlin, City Attorney  
(kbl 10/19/2022:132000)

**Resolution No. 2022-3029**  
**Exhibit "A" Description of Easements to be Partially Released**

**Tract 1:**

BEING a 0.002 acre tract of land situated in the F. Hyatt Survey, Abstract Number 559, City of Highland Village, Denton County, Texas, being part of Lot 1R, in Block B, of the District at Highland Village, an addition to the City of Highland Village, Denton County, Texas, according to the plat thereof, as recorded in Document Number 2013-205, of the Plat Records of Denton County, Texas (P.R.D.C.T.), and being part of a Water Line, Drainage, and Sanitary Sewer Easement recorded in Document Number 2013-205, Plat Records of said county, said 0.014 acres being more particularly described as follows:

BEGINNING at a point in an east line of said Water Line, Drainage, and Sanitary Sewer Easement which bears North 89° 27' 15" East, a distance of 96.45 feet from a 1/2 inch iron rebar with cap stamped "RPLS 6484" set, for an interior western corner of said Lot 1R, which bears North 89° 27' 18" East, a distance of 12.60 feet from a 1/2 inch iron rod with cap stamped "G & A Consulting" found for a western corner of said Lot 1R, for the southeast corner of the tract of land described herein;

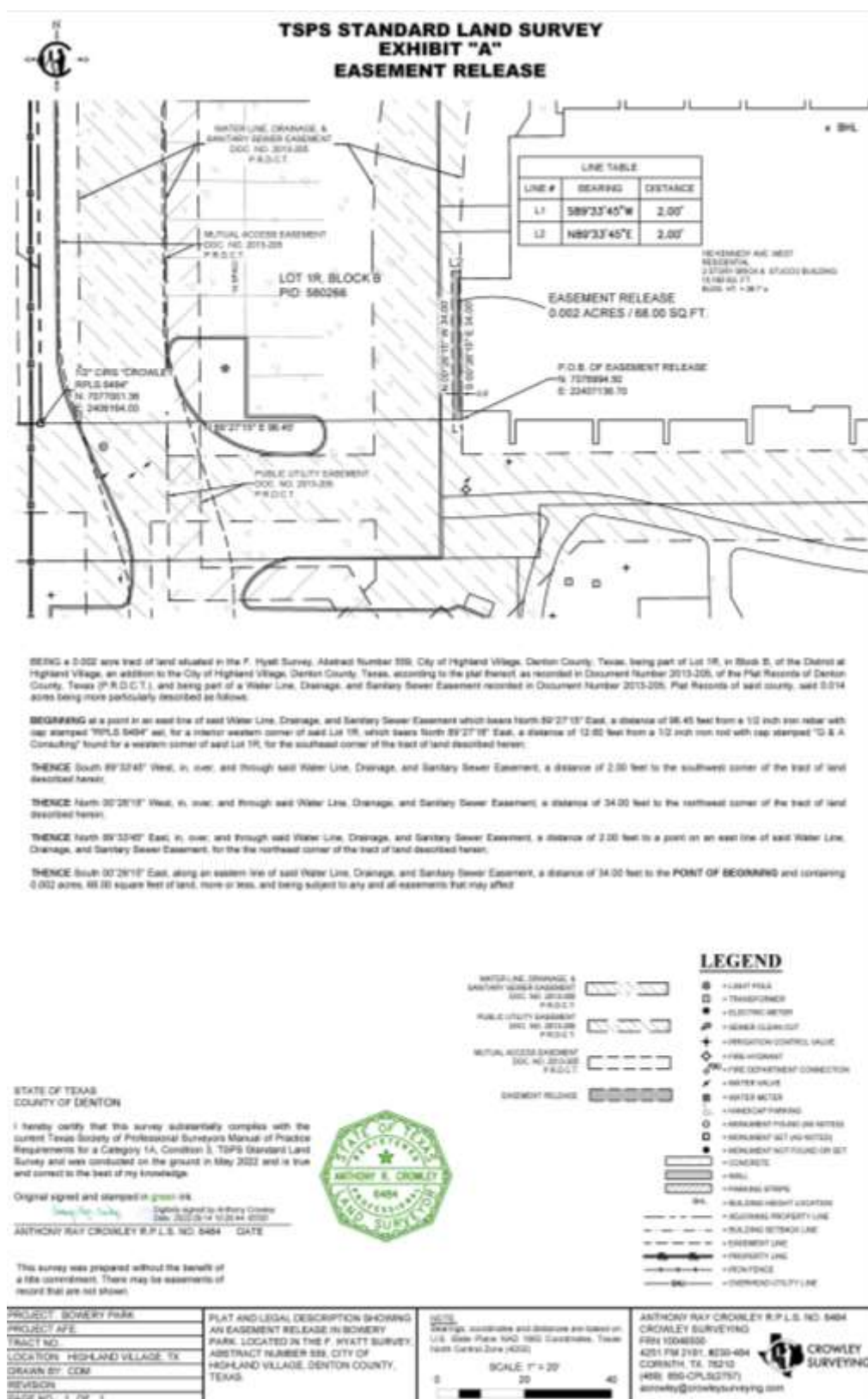
THENCE South 89° 33' 45" West, in, over, and through said Water Line, Drainage, and Sanitary Sewer Easement, a distance of 2.00 feet to the southwest corner of the tract of land described herein;

THENCE North 00° 26' 15" West, in, over, and through said Water Line, Drainage, and Sanitary Sewer Easement, a distance of 34.00 feet to the northwest corner of the tract of land described herein;

THENCE North 89° 33' 45" East, in, over, and through said Water Line, Drainage, and Sanitary Sewer Easement, a distance of 2.00 feet to a point on an east line of said Water Line, Drainage, and Sanitary Sewer Easement, for the northeast corner of the tract of land described herein;

THENCE South 00° 26' 15" East, along an eastern line of said Water Line, Drainage, and Sanitary Sewer Easement, a distance of 34.00 feet to the POINT OF BEGINNING and containing 0.002 acres, 68.00 square feet of land, more or less, and being subject to any and all easements that may affect

## Exhibit "A" Description of Easements to be Partially Released



**Resolution No. 2022-3029**  
**Exhibit "A" Description of Easements to be Partially Released**

**Tract 2:**

BEING a 0.014 acre tract of land situated in the F. Hyatt Survey, Abstract Number 559, City of Highland Village, Denton County, Texas, being part of Lot 3R, in Block K, of the District at Highland Village, an addition to the City of Highland Village, Denton County, Texas, according to the plat thereof, as recorded in Document Number 2013-205, of the Plat Records of Denton County, Texas (P.R.D.C.T.), and being part of a Water Line, Drainage, and Sanitary Sewer Easement recorded in Document Number 2013-205, Plat Records of said county, said 0.014 acres being more particularly described as follows:

BEGINNING at a point in a north line of said Water Line, Drainage, and Sanitary Sewer Easement which bears South 28° 59' 51" West, a distance of 234.40 feet from a "X" cut in concrete set, for the northeast corner of said Lot 3R, being in the west right-of-way line of Briarhill Boulevard, a variable width public right-of-way, for the northeast corner of the tract of land described herein;

THENCE South 89° 32' 19" West, in, over, and through said Water Line, Drainage, and Sanitary Sewer Easement, a distance of 122.00 feet to the southwest corner of the tract of land described herein;

THENCE North 00° 24' 38" West, in, over, and through said Water Line, Drainage, and Sanitary Sewer Easement, a distance of 5.06 feet to a point on the north line of said Water Line, Drainage, and Sanitary Sewer Easement, for the northwest corner of the tract of land described herein;

THENCE North 89° 35' 22" East, along the north line of said Water Line, Drainage, and Sanitary Sewer Easement, a distance of 116.95 feet to the northeast corner of the tract of land described herein;

THENCE South 45° 57' 17" East, along a eastern line of said Water Line, Drainage, and Sanitary Sewer Easement, a distance of 7.07 feet to the POINT OF BEGINNING and containing 0.014 acres, 598.36 square feet of land, more or less, and being subject to any and all easements that may affect.

**TSPS STANDARD LAND SURVEY  
EXHIBIT "A"  
EASEMENT RELEASE**

"X" CUT SET IN CONCRETE  
N. 7077198.52  
E. 2407250.34

10 HIGHWAY AVENUE WEST  
RESIDENTIAL  
1 EDITION BLOCK & STUDIED BUILDING  
11 621 SQ. FT.  
BAGG HT. = 33.7' ±

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N00°24'38"W	5.06'
L2	S45°57'17"E	7.07'

**EASEMENT RELEASE**  
0.014 ACRES / 598.36 SQ. FT.

WATER LINE, DRAINAGE, & SANITARY SEWER EASEMENT  
DOC. NO. 2013-205  
P.R.D.C.T.

P.O.B. OF EASEMENT RELEASE  
N. 7079344.50  
E. 22407136.70  
± 394.

N 89°32'19" E 116.93'  
S 89°32'19" W 122.00'

LOT 3K BLOCK A  
P.O. 140261

LOT 5 BLOCK A  
P.O. 140264  
LOT 6 BLOCK A  
P.O. 140265  
LOT 7 BLOCK A  
P.O. 140266

PUBLIC UTILITY EASEMENT  
DOC. NO. 3013-206  
P.R.D.C.T.

BEING a 0.014 acre tract of land situated in the P. Hyatt Survey, Abstract Number 599, City of Highland Village, Denton County, Texas, being part of Lot 3K, in Block K, of the District of Highland Village, an addition to the City of Highland Village, Denton County, Texas, according to the plat thereof, as recorded in Document Number 2013-205, of the Plat Records of Denton County, Texas (P.R.D.C.T.), and being part of a Water Line, Drainage, and Sanitary Sewer Easement recorded in Document Number 2013-205, Plat Records of said county, said 0.014 acres being more particularly described as follows:

**BEGINNING** at a point in a north line of said Water Line, Drainage, and Sanitary Sewer Easement which bears South 28°59'51" West, a distance of 234.40 feet from a "X" cut in concrete set, for the northeast corner of said Lot 3K, being in the west right-of-way line of Brandt Boulevard, a variable-width public right-of-way, for the northeast corner of the tract of land described herein;

**THENCE** South 89°32'19" West, its over, and through said Water Line, Drainage, and Sanitary Sewer Easement, a distance of 122.00 feet to the southwest corner of the tract of land described herein;

**THENCE** North 00°24'38" West, its over, and through said Water Line, Drainage, and Sanitary Sewer Easement, a distance of 5.06 feet to a point on the north line of said Water Line, Drainage, and Sanitary Sewer Easement, for the northeast corner of the tract of land described herein;

**THENCE** North 89°32'19" East, along the north line of said Water Line, Drainage, and Sanitary Sewer Easement, a distance of 116.93 feet to the northeast corner of the tract of land described herein;

**THENCE** South 45°57'17" East, along a eastern line of said Water Line, Drainage, and Sanitary Sewer Easement, a distance of 7.07 feet to the **POINT OF BEGINNING** and containing 0.014 acres, 598.36 square feet of land, more or less, and being subject to any and all easements that may affect.

**STATE OF TEXAS  
COUNTY OF DENTON**

I hereby certify that this survey substantially complies with the current Texas Society of Professional Surveyors Manual of Practice Requirements for a Category 1A, Correlation 3, TSPS Standard Land Survey and was conducted in the ground in May 2022 and is true and correct to the best of my knowledge.

Original signed and stamped in green ink.

*Anthony Ray Crowley* Digitally signed by Anthony Crowley  
Date: 2022.05.14 10:58:54 -0500

ANTHONY RAY CROWLEY R.P.L.S. NO. 6484 DATE

This survey was prepared without the benefit of a title commitment. There may be easements of record that are not shown.

**LEGEND**

- WATER LINE, DRAINAGE, & SANITARY SEWER EASEMENT  
DOC. NO. 2013-205  
P.R.D.C.T.
- PUBLIC UTILITY EASEMENT  
DOC. NO. 3013-206  
P.R.D.C.T.
- EASEMENT RELEASE
- LOT 3K BLOCK A  
P.O. 140261
- LOT 5 BLOCK A  
P.O. 140264
- LOT 6 BLOCK A  
P.O. 140265
- LOT 7 BLOCK A  
P.O. 140266

STATE OF TEXAS  
COUNTY OF DENTON

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DOC. NO. 2013-205  
P.R.D.C.T.
- PUBLIC UTILITY EASEMENT  
DOC. NO. 3013-206  
P.R.D.C.T.
- EASEMENT RELEASE
- LOT 3K BLOCK A  
P.O. 140261
- LOT 5 BLOCK A  
P.O. 140264
- LOT 6 BLOCK A  
P.O. 140265
- LOT 7 BLOCK A  
P.O. 140266

STATE OF TEXAS  
COUNTY OF DENTON

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P.R.D.C.T.
- PUBLIC UTILITY EASEMENT  
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P.R.D.C.T.
- EASEMENT RELEASE
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P.O. 140261
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COUNTY OF DENTON

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- EASEMENT RELEASE
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STATE OF TEXAS  
COUNTY OF DENTON

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DOC. NO. 2013-205  
P.R.D.C.T.
- PUBLIC UTILITY EASEMENT  
DOC. NO. 3013-206  
P.R.D.C.T.
- EASEMENT RELEASE
- LOT 3K BLOCK A  
P.O. 140261
- LOT 5 BLOCK A  
P.O. 140264
- LOT 6 BLOCK A  
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- LOT 7 BLOCK A  
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STATE OF TEXAS  
COUNTY OF DENTON

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Date: 2022.05.14 10:58:54 -0500

ANTHONY RAY CROWLEY R.P.L.S. NO. 6484 DATE

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**LEGEND**

- WATER LINE, DRAINAGE, & SANITARY SEWER EASEMENT  
DOC. NO. 2013-205  
P.R.D.C.T.
- PUBLIC UTILITY EASEMENT  
DOC. NO. 3013-206  
P.R.D.C.T.
- EASEMENT RELEASE
- LOT 3K BLOCK A  
P.O. 140261
- LOT 5 BLOCK A  
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- LOT 6 BLOCK A  
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STATE OF TEXAS  
COUNTY OF DENTON

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Date: 2022.05.14 10:58:54 -0500

ANTHONY RAY CROWLEY R.P.L.S. NO. 6484 DATE

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**LEGEND**

- WATER LINE, DRAINAGE, & SANITARY SEWER EASEMENT  
DOC. NO. 2013-205  
P

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

**AGENDA# 17**

**MEETING DATE: 10/25/2022**

**SUBJECT: Consider Resolution 2022-3030 Ratifying the Emergency Declaration by the City Manager authorizing work to be performed by Four Star Excavating Co. and Sunbelt Rentals, Inc. for the Highland Shores 12-L Subdivision Sanitary Sewer Main Repairs; Authorizing Additional Agreements and Change Orders**

**PREPARED BY: Scott Kriston, Public Works Director**

**BACKGROUND:**

On September 20, 2022 the City's Public Works Utilities Division responded to a call for service regarding a sewer back-up in the Highland Shores 12-L subdivision. After investigating the issue, the utility technicians found that a sanitary sewer main located along the lake front had been compromised by contractor error drilling retaining wall piers causing a penetration in the sanitary sewer main and causing the main to be filled with mud and debris blocking the sewerage flows. Upon further investigation, it was discovered that approx. forty (40) residential properties were affected by the sewer line blockage. To stay in compliance with TCEQ mandates and avoid raw sewerage overflowing from the upstream manholes in the area, staff contacted Sunbelt Rentals, Inc. and had an emergency by-pass system delivered and set up on September 21, 2022. Staff felt the need to get assistance with the excavation of the sanitary sewer main due to the location and depth of the needed repairs, therefore staff made contact with several contractors that had performed similar utility work for the City in the past that we knew had the capabilities and experience to make the needed repairs.

The public health hazard posed to the citizens of the City of Highland Village by the unexpected failure of the sanitary sewer main and wastewater collections system is significant and constitutes an emergency. Therefore, pursuant to Section 6.17.B. of the City Charter of the City of Highland Village, upon staff recommendation, the City Manager declared that an emergency existed, that the immediate procurement of goods and services related to returning the wastewater collections line and manhole into proper working condition was necessary for (i) the preservation of the public health and safety of the City's residents and (ii) the repair of unforeseen damage to public machinery, equipment, or other property, and that, pursuant to Texas Local Government Code §§252.022(a)(2) and (3), such procurement shall be exempt from the bidding requirements set forth in Chapter 252 of the Texas Local Government Code.

**IDENTIFIED NEED/S:**

Ratify the City Manager's emergency declaration and authorization of the emergency repairs to the Highland Shores 12-L sanitary sewer collections system and sanitary sewer main

repairs conducted to date and authorize additional agreements and change orders relating to completion of the well repairs subject to availability of current funds.

### **OPTIONS & RESULTS:**

If the City did not repair the sanitary sewer main and restore flow in the sewer collections system, a public health hazard would be imposed as well as the City would be in violation of Chapter 217 TCEQ mandates and would be subject to possible fines.

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

Staff contacted both Sunbelt Rentals, Inc. (who has performed sewer bypass operations in the City previously), and Four Star Excavating, Co. to obtain needed excavation experience and larger heavy equipment that could reach the depth of the repair point. Four Star Excavating, Co. is able to mobilize on October 17, 2022 to begin the excavation of the sewer main and make needed repairs, allowing City forces to restore the sewerage flows in the area.

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

Funded through the Utility Fund. Since this damage is caused by contractor error while installing retaining wall piers, the City will be filing an insurance claim against the permit holder.

### **RECOMMENDATION:**

To approve Resolution 2022-3030 ratifying the emergency declaration by the City Manager authorizing work to be performed by Four Star Excavating Company and Sunbelt Rentals, Inc. relating to the repair of sanitary sewer infrastructure.

**CITY OF HIGHLAND VILLAGE, TEXAS**

**RESOLUTION NO. 2022-3030**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, RATIFYING THE EMERGENCY DECLARATION BY THE CITY MANAGER AUTHORIZING WORK TO BE PERFORMED BY FOUR STAR EXCAVATING COMPANY AND SUNBELT RENTALS, INC. RELATING TO THE REPAIR OF SANITARY SEWER INFRASTRUCTURE; AUTHORIZING ADDITIONAL AGREEMENTS AND CHANGE ORDERS RELATING TO THE REPAIR OF SAID INFRASTRUCTURE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, a sanitary sewer main in the Highland Shores Phase 12-L subdivision ("the Manhole") failed due to error of a private contractor on September 20, 2022; and

**WHEREAS**, the public health hazard posed to the citizens of the City of Highland Village by the unexpected failure of the Manhole is significant and constitutes an emergency; and

**WHEREAS**, pursuant to Section 6.17.B. of the City Charter of the City of Highland Village, the City Manager declared that an emergency existed, that the immediate procurement of goods and services related to returning the Manhole to proper working condition was necessary for (i) the preservation of the public health and safety of the City's residents and (ii) the repair of unforeseen damage to public machinery, equipment, or other property, and, that, pursuant to Texas Local Government Code §§252.022(a)(2) and (3), such procurement shall be exempt from the bidding requirements set forth in Chapter 252 of the Texas Local Government Code; and

**WHEREAS**, pursuant to the foregoing declaration, the City Manager entered into agreements on behalf of the City with (i) Four Star Excavating Co. to excavate and repair the Sewer Main and (ii) Sunbelt Rentals, Inc. to supply a sanitary sewer bypass system pending completion of repairs; and

**WHEREAS**, the City Council of the City of Highland Village, Texas, finds it to be in the public interest to approve, ratify and authorize the actions of the City Manager described above and additional procurement necessary to complete the work if necessary.

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

**SECTION 1.** The emergency declaration of the City Manager and the City Manager's acts in entering into agreements on behalf of the City with Four Star Excavating Company and Sunbelt Rentals, Inc. to provide the above described services relating to repair of the Sewer Main are hereby ratified, approved and authorized as if originally approved by the City Council prior to such actions being taken.

**SECTION 2.** The City Manager is authorized to pay for the foregoing services from current funds available for such purposes and, subject to applicable state laws, city policies, and the availability of current funds for such purpose, is further authorized to negotiate and sign such other agreements and change orders as the City Manager determines to be in the best interest of the City and necessary for completion of the repairs to the Sewer Main.

**SECTION 3.** This Resolution shall be effective immediately upon passage.

**PASSED AND APPROVED THIS THE 25<sup>TH</sup> DAY OF OCTOBER 2022.**

**APPROVED:**

\_\_\_\_\_  
**Daniel Jaworski, Mayor**

**ATTEST:**

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

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
**Kevin B. Laughlin, City Attorney**  
(kbl:10/1/2022:131998)

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

**AGENDA# 18**

**MEETING DATE: 10/25/2022**

**SUBJECT: Consider Resolution 2022-3031 Supporting Denton County's Transportation Road Improvement Program – 2022 (TRIP-22), Proposition "A" on the November 8, 2022, Election Ballot**

**PREPARED BY: Paul Stevens, City Manager**

**BACKGROUND:**

Denton County has put together a bond program called TRIP-22, which is on the ballot for approval on November 8. The bond proposal amount is \$570,798,000. In most instances, Denton County will provide 50% of the construction costs with the cities paying the other half. Included in the bond proposal are funds for the reconstruction of Highland Village Road from Brazos to the KCS Railroad at \$1.8 million and Highland Shores Boulevard from Briarhill to Twin Coves at \$4.6 million.

Denton County maintains an AAA Bond rating, and it is proposed that no change in the tax rate will be necessary to fund the bond program. The bond program will not only allow the County to partner with Denton County cities in financing road projects, but will also leverage these dollars with the Texas Department of Transportation and the North Central Texas Council of Governments to complete needed infrastructure and capacity projects in one of the 10 fastest growing counties in the U.S.

**IDENTIFIED NEEDS:**

The City has long identified the reconstruction of sections of Highland Village Road and Highland Shores Boulevard as a high priority. Approval of this bond will provide 50% of the construction costs for these projects.

**OPTIONS AND RESULTS:**

Approval of the Resolution will provide support for the passage of the Denton County Bond Proposition.

**PROGRESS TO DATE:**

The City has already begun engineering work for these sections of roadways so we will be ready to move forward. A planned, future bond issuance of the City will provide the 50% match.

### **BUDGETARY IMPACT/ORDINANCE CHANGE:**

The City of Highland Village will be responsible for 50% of the construction costs of these roadway projects.

### **RECOMMENDATION:**

To approve Resolution 2022-3031 supporting Denton County's Transportation Road Improvement Program – 2022.

**CITY OF HIGHLAND VILLAGE, TEXAS**

**RESOLUTION NO. 2022-3031**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, SUPPORTING DENTON COUNTY'S TRANSPORTATION ROAD IMPROVEMENT PROGRAM – 2022 (TRIP-22), PROPOSITION A ON THE NOVEMBER 8, 2022, ELECTION BALLOT; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Denton County is one of the 10 fastest growing counties in the Nation; and

**WHEREAS**, an estimated 82 people move to Denton County every day; and

**WHEREAS**, federal and state funding agencies look for partnerships for leveraging opportunities for new roads; and

**WHEREAS**, the state and federal gas tax rates have not been increased in 23 years; and

**WHEREAS**, fuel efficiency is reducing available transportation funding; and

**WHEREAS**, regional funding requires local government financial participation; and

**WHEREAS**, investing in roadway transportation is a family value that improves the quality of life of our residents, decreases congestion on city, county and state roads, provides through traffic on city roads, improves air quality, reduces standing traffic emissions, enhances economic development, keeps tax base strong and increases safety by providing better ambulance service accessibility, reduces dangerously high roadbeds and improves bus routes; and

**WHEREAS**, Denton County Commissioners, working with partners, have utilized the voter-approved proceeds of \$187 million from the 2004 and \$310 million from the 2008 road bond programs to fund and construct more than \$8.4 billion in roadway projects throughout the county that improve the quality of life of every resident; and

**WHEREAS**, Denton County has effectively managed its road bond debt to maintain its AAA bond rating; and

**WHEREAS**, Denton County's tax rate has dropped from \$0.2498/\$100 valuation in 2009 to \$0.233/\$100 valuation in 2021; and

**WHEREAS**, TRIP-22 identifies comprehensive county-wide transportation priorities that will further increase access and mobility within Denton County; and

**WHEREAS**, the 113 roadway projects in TRIP-22 represents active partnerships between Denton County, State, Region and local entities; and

**WHEREAS**, TRIP-22 was developed in close cooperation with the Texas Department of Transportation and the North Central Texas Council of Governments; and

**WHEREAS**, TRIP-22 is estimated to generate billions in leveraged roadway improvements.

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

**SECTION 1.** The City Council of the City of Highland Village hereby strongly endorses the 2022 Denton County Bond Election hereby known as the "Transportation Road Improvement Program, 2022 - TRIP-22" as approved by the Denton County Commissioners Court on August 16, 2022, and encourages the residents of Denton County to vote for its passage on November 8, 2022.

**SECTION 2.** This resolution shall become effective immediately upon passage.

**PASSED AND APPROVED THIS 25<sup>TH</sup> DAY OF OCTOBER 2022.**

**APPROVED:**

---

**Daniel Jaworski, Mayor**

**ATTEST:**

---

**Angela Miller, City Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

---

**Kevin B. Laughlin, City Attorney**

(kbl:10/20/2022:132019)

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

**AGENDA# 19**

**MEETING DATE: 10/25/2022**

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

**PREPARED BY: Karen McCoy, Executive Assistant**

**COMMENTS**

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

<b>October 25, 2022</b>	<b>Regular City Council Meeting - 7:00 pm</b>
<b>November 3, 2022</b>	<b>Zoning Board of Adjustment Meeting – 6:00 pm</b>
<b>November 8, 2022</b>	<b>Regular City Council Meeting - 7:00 pm</b>
<b>November 15, 2022</b>	<b>Planning &amp; Zoning Commission Meeting – 7:00 pm</b>
<b>November 21, 2022</b>	<b>Parks &amp; Recreation Advisory Board Meeting – 6:00 pm</b>
<b>November 22, 2022</b>	<b>Regular City Council Meeting - 7:00 pm</b>
<b>November 24-25, 2022</b>	<b>City Offices Closed for the Thanksgiving Holiday</b>
<b>December 1, 2022</b>	<b>Zoning Board of Adjustment Meeting – 6:00 pm</b>
<b>December 13, 2022</b>	<b>Regular City Council Meeting - 7:00 pm</b>
<b>December 19, 2022</b>	<b>Parks &amp; Recreation Advisory Board Meeting – 6:00 pm</b>
<b>December 20, 2022</b>	<b>Planning &amp; Zoning Commission Meeting – 7:00 pm</b>
<b>December 23, 2022</b>	<b>City Offices Closed for the Christmas Holiday</b>
<b>December 26, 2022</b>	<b>City Offices Closed for the Christmas Holiday</b>
<b>December 27, 2022</b>	<b>Regular City Council Meeting - 7:00 pm</b>

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