



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, JANUARY 24, 2023 at 6:00 P.M.

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

Convene Meeting in Open Session

1. **Receive a Presentation and Discuss the City’s Legislative Program for the 88th Texas Legislative Session**
2. **Continue Discussion of the Comprehensive Plan Updates Draft**
3. **Clarification of Consent or Action Items listed on Today’s City Council Meeting Agenda for January 24, 2023**

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

CLOSED SESSION
City Manager’s Conference Room

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

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

5. **Call Meeting to Order**
6. **Prayer led by Deputy Mayor Pro Tem Jon Kixmiller**
7. **Pledge of Allegiance to the U.S. and Texas flags led by Deputy Mayor Pro Tem Jon Kixmiller: *“Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.”***

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

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.

11. Consider approval of Minutes of the Regular City Council Meeting held on January 10, 2023
12. Consider Resolution 2023-3044 approving the City’s Legislative Program for the 88th Texas Legislative Session

ACTION AGENDA

13. 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)

LATE WORK SESSION

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

14. 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.)
15. 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 20TH DAY OF JANUARY 2023 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 _____, 2023 at _____

am / pm by _____.

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 1

MEETING DATE: 01/24/2023

SUBJECT: Discuss the 2023 State Legislative Program

PREPARED BY: Paul Stevens, City Manager
Laurie Mullens, Director of Marketing and Communication

COMMENTS:

The 88th Texas Legislature began on January 10 and is expected to consider legislation on a wide range of issues with a direct impact on municipal government in general and on Highland Village. The legislature has a large budget surplus and there is discussion about property tax relief measures, particularly with regard to school taxes. There are also several bills dealing with appraisal caps that could affect city budgets. City Staff has prepared the City's legislative program, setting the city's priorities and key issues for the 88th Texas legislative session. Generally, Staff and Council present the City's legislative program to our legislators at Denton County Days, which will take place in March. The Legislative Program is included in this packet for Council review and approval. Once adopted, we will share the City's legislative program with our legislators.

As with past legislative programs, the common theme to all six categories is Highland Village's belief that cities are the level of government most connected to, and thus most accountable to, the people they serve; as a result, the state should recognize and preserve local authority and support cities in their mission of providing quality local services to all Texans. It will be another session where cities will play more defense by tracking bills that could be detrimental to our decision-making ability and revenue sources.

Within each broad Legislative Agenda topic, there is a list giving the city's position on multiple sub-topics, some of them very specific to legislation filed for this session or in previous sessions. Because the legislative priorities are represented by six main topics, there is flexibility to allow emerging legislative issues to be addressed through one or more of those topics.

The legislative priorities are divided into six main categories and changes are noted:

1. Local Authority – Public Right of Ways

One statement has been added from the previous Legislative Program. It is as follows:

The City of Highland Village fully supports any legislation that enhances local decision-making authority to govern properly and fully fund services, and adopt and enforce charters, ordinances, and building codes necessary to plan and provide for growth challenges.

HB 2439, which was adopted in 2019, deals with the cities' ability, or lack thereof, to regulate building products, materials, or building methods used in the construction of residential and commercial structures. This statement has been modified to support the repeal or changes to

HB 2349. It isn't likely this would be repealed but there is discussion to make modifications to give cities more ability in regulating stipulations under this bill.

2. Local Revenue Caps, Revenue Reduction and Online Sales Tax

A statement has been added with regard to opposing legislation that would shift non-voter approved debt to be paid through the maintenance and operations portion of the city's tax rate. Under this scenario, the city's recent bond issue for street and park improvements would have to be included in the M&O tax rate. This would clearly take away the cities' ability to issue bonds for necessary improvements.

3. Public Safety

The City will support State funding to improve public safety wellness, with an emphasis on suicide prevention.

4. Transportation and DCTA

No changes.

5. Water

No changes.

6. Parks Funding

No changes.

Our legislative priorities are divided into six main categories: 1. Local Authority – Public Right of Ways, 2. Local Revenue Caps, Revenue Reduction and Online Sales Tax, 3. Public Safety, 4. Transportation & DCTA, 5. Water, and 6. Parks Funding. The common theme to all six categories is Highland Village’s belief that cities are the level of government most connected to, and thus most accountable to, the people they serve; as a result, the state should recognize and preserve local authority and support cities in their mission of providing quality local services to all Texans.

Within each broad Legislative Agenda topic, there is a list giving the city’s position on multiple sub-topics, some of them very specific to legislation filed for this session or in previous sessions. Because the legislative priorities are represented by six main topics, there is flexibility to allow emerging legislative issues to be addressed through one or more of those topics.

Local Authority – Public Right of Ways

Cities are the level of government that is closest to the people it serves, and therefore are the level of government best able to identify the needs of a community and appropriate means to address those needs. While state government should be a resource for cities, decision-making authority should be placed at the municipal level whenever reasonable. **The City of Highland Village fully supports any legislation that enhances local decision-making authority to govern properly and fully fund services, and adopt and enforce charters, ordinances, and building codes necessary to plan and provide for growth challenges.**

- Opposing any legislation that would erode local authority over land uses
- Opposing any legislation that would erode or invalidate a city’s ability to establish and enforce reasonable business regulations
- Supporting continuation of existing eminent domain authority and related tools used for planning and development of projects serving a valid public purpose
- Opposing any legislation that would change the current two dates per year on which local elections can be held, unless it is to give cities additional flexibility
- Preserving municipal authority to manage and maintain public rights-of-way, including the right to seek adequate compensation for their use
- Maintaining the ability of municipal government to participate in utility rate cases on behalf of their residents
- Opposing any legislation that would further erode local control related to retirement issues for municipal employees

- Support legislation protecting the ability of local government officials to use public funds to communicate with legislators and state agencies on matters of public interest, as well as pay membership dues to organizations that hire lobbyists
- Support the repeal or changes to HB-2439, enacted during the 2019 Legislature, which excessively and arbitrarily prohibited cities from regulating building products, materials, or methods used in the construction of residential and commercial structures

Local Revenue Caps, Revenue Reduction & Online Sales Tax

Highland Village has operated in a fiscally conservative manner for years. In 2017 a Community Service Survey was conducted. We found overall the residents in the City of Highland Village have a very good appreciation and satisfaction towards the many aspects the City has to offer. Respondents expressed high levels of satisfaction with the service provided by different departments especially from the Police Department, Parks and Recreation, and the Fire Department. And more than half of the respondents (65%) are satisfied with the level of City services received in return for what residents are paying in property taxes. Applying an arbitrary statewide solution to a perceived problem that is not typical of the majority of Texas cities would go against the stated desires of Highland Village residents.

Cities provide the majority of government services that impact millions of Texans every day; yet, unlike other parts of the country, Texas cities receive minimal funding from the federal and state government. As such, cities should not be expected to provide a wide range of important services and also to serve as a fund-raising arm for the state. To the extent possible, local revenue should primarily benefit local taxpayers. Highland Village opposes any measure that would re-direct existing local revenue to the state, or would impose unfunded mandates that create additional work for cities without new funding. This includes opposing any new or expanded fees that would be collected by local municipal courts on behalf of the state.

Certificates of Obligations, CO's provide cities and counties the flexibility to issue debt on a shorter timeline. This enables them to take advantage of favorable interest rates or an opportunity to acquire a property, to make emergency repairs after a disaster, or to address a critical public need without having to wait for the next uniform election date on the calendar. There is sufficient accountability, as voters have the option to petition for an election on whether the certificates should be issued. And the bar was set relatively low for the petition requirements to call an election. The process for issuing debt, by law, has extraordinary levels of transparency and accountability. Texas cities need to maintain flexibility in financing public improvements because every city has different needs and resources.

Assessing sales tax on both physical and online retailers creates a level playing field for the businesses; exempting certain types of businesses from those levies would give them an unfair competitive advantage with long-term negative impacts on commercial properties across Texas. The original reasons for exempting online purchases from sales tax are no longer valid because online retail sales have become a well-established and thriving marketplace that no longer needs a public subsidy. For these and other reasons, the 2018 U.S. Supreme Court ruling that sanctioned online sales tax collection should be honored and no effort should be made to permanently eliminate sales tax for online transactions. We

call on the State Comptroller to work with cities on a fair and equitable way to distribute the local share of online sales taxes collected. We also ask the Comptroller to review the excessive fees currently being charged to cities for processing of sales tax collections and seek to adopt a fee structure that better reflects the cost of the service being provided.

- Opposing any measure that would re-direct existing local revenue to the state
- Opposing any legislation that would increase or expand appraisal caps
- Opposing any legislation that would erode local taxing authority, including measures that would create new obstacles to funding sources or that would restrict the use of existing revenue streams
- Opposing any legislation that would erode the concept of “true market” appraisals
- Supporting legislation that would close the “dark box” loophole being used by some large retailers to artificially devalue commercial properties for tax purposes
- Opposing any increased state fees, or reallocation of existing fees, on municipal court fines and proceedings, or any legislation that would have the effect of requiring municipal courts to collect revenue for the state
- Opposing any legislation that would permanently eliminate sales tax for online transactions
- Opposing any legislation that would create new sales tax exemptions, expand current exemptions, or expand the annual “sales tax holiday”
- Supporting measures that would expand allowable uses of PEG fee revenue
- Maintain Certificates of Obligations (CO's) as a viable financing mechanism
- *New – Oppose any legislation that would shift non-voter approved debt to be paid through the maintenance and operations portion of the city's tax rate*

Public Safety

Police, Fire, and Emergency Medical Services are among the most important services a city provides its residents. Those services often represent the majority of a municipality's budget. State agencies and resources can be valuable, but should not be applied in such a way as to interfere with local efforts.

- Providing adequate funding of state law enforcement agencies on public lakes
- Discontinuing the redirection of dedicated telephone taxes to purposes other than 911 services
- Opposing efforts to legalize recreational use of marijuana in Texas

- Making it an offense for a person to post on a publicly accessible website the residence address or telephone number of an individual the actor knows is a public servant or a member of a public servant's family or household
- Seeking assistance from the state in the form of opt-in programs to help local governments protect electronic data bases from criminal breach, including state funding mechanisms to assist with cybersecurity priorities
- Opposing proposed state and federal regulations that would increase the maximum size of long-haul trucks on public highways
- Opposing legislation that would permit first responders other than certified peace officers to carry a firearm while on the job
- Support new direct or grant funding from the state for crisis intervention, de-escalation, and implicit bias training for certified peace officers
- Support new direct or grant funding from the state for multi-disciplinary crisis response teams
- Support legislation that would standardize "Use of Force" policies in Texas using the Texas Best Practices Recognition program as a model
- Support any legislation that provides new direct or grant funding from the state to further fund local police agencies and any other efforts that enhance local police agencies
- *New – Support State funding to improve public safety wellness, with an emphasis on suicide prevention*

Transportation & DCTA

Transportation is a key factor in the future viability of our community. Roads provide a vital network that connects Highland Village to the region and the state. Effective public transit options represent a responsible and reliable way to provide workers with access to employment centers.

Interstate 35E through Dallas and Denton counties is one of the most congested highways in Texas, causing delays that negatively impact tens of thousands of Texas commuters and have a dampening impact on current and prospective business development. A comprehensive reconstruction of I-35E is planned, but only the smaller first phase has been funded. That work was completed in early 2017. The larger second phase has not been scheduled nor funded at this time. The economic vitality of communities along I-35E, including Highland Village, relies on an interstate with sufficient capacity and safety measures. Full funding for the second phase of I-35E construction should be considered a top priority.

- Identifying and securing full and timely funding for the second phase of Interstate 35E reconstruction

- Providing increased and consistent state funding to build and maintain a high-quality, efficient highway system
- Ending the diversion of transportation revenues to non-transportation purposes
- Increasing state investment in public transit, including regional rail service
- Providing greater flexibility for cities to fund local transportation projects, including potential new state funding sources for important local and regional roads
- Preserving municipal authority to manage and maintain public rights-of-way, including the right to seek adequate compensation for their use
- Opposing legislation that impedes local authorities from adopting, implementing, or considering ordinances that regulate traffic controls and safety in their communities

Water

Future viability requires the ability to provide for the long-term water supply needs of residents and businesses in Highland Village, North Texas and statewide. This must include both maintaining current water supplies and developing new water sources.

- Opposing any legislation that would undermine city original jurisdiction, and oppose any efforts to make local water rates subject to approval by any state agency
- Establishing and enforcing water conservation standards at the local level, not at the state or federal level unless adequate ongoing funding is provided
- Opposing state “tap fees” or other state fees on municipal water systems
- Fully funding the State Water Plan, and creating future state funding sources
- Opposing any legislation that might restrict Highland Village’s ability to continue providing a safe and reliable local water supply
- Working with the state, regional partners and other cities to identify and secure options for new water sources

Park Funding

Public parks are popular recreation options for Texans, but multiple studies also have shown that a well-maintained park system has positive economic impact on a community and on a state. Reduced state funding of parks not only threatens the viability of state parks, it has a direct negative impact on local parks that Texans value and love.

- Encouraging the state to adequately fund maintenance and operation of state parks, recreation areas, natural areas and monuments; and ensuring those facilities are widely and readily available to the public
- Expanding state and federal funding to assist with creating, maintaining and operating local parks. Dedicating sporting goods sales tax revenues for use in state and local parks that would directly benefit parks, recreation, open space, trails and tourism
- Ensuring that parks and recreation agencies are included as eligible partners and beneficiaries in any strategy or guideline aimed at benefiting healthy lifestyles, increasing physical activity, conservation, or preservation
- Restoring full funding to the Local Park Grant Program
- Expanding options for parks, recreation, open space and trails on utility corridors, to include waiving all liability for those purposes to the utilities

DRAFT

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 2

MEETING DATE: 01/24/2023

SUBJECT: Discuss the Comprehensive Plan Updates Draft

PREPARED BY: Paul Stevens, City Manager

COMMENTS

After over a year long process, we are nearing the point to adopt the changes to the Comprehensive Plan, Parks, Recreation and Open Space Master Plan, Hike and Bike Trail Master Plan, FM 407 Corridor Study and Thoroughfare Plan.

In accordance with the City Charter, a public hearing is required before adoption of the Comprehensive Plan. This work session is to address any remaining questions or proposed changes before the public hearing is scheduled, hopefully at the February 14 meeting.

[Highland Village Comprehensive Plan Final Draft](#)

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 8

MEETING DATE: 01/24/2023

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.

- Recognition by The Salvation Army for Participation in their Red Kettle “Ring The Bell” Challenge

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 11

MEETING DATE: 01/24/2023

SUBJECT: Consider approval of Minutes of the Regular City Council Meeting held on January 10, 2023

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 Meeting held on January 10, 2023.



**MEETING MINUTES OF THE REGULAR MEETING
HIGHLAND VILLAGE CITY COUNCIL
HIGHLAND VILLAGE MUNICIPAL COMPLEX
1000 HIGHLAND VILLAGE ROAD
TUESDAY, JANUARY 10, 2023**

EARLY WORK SESSION

The meeting was called to order by Mayor Daniel Jaworski at 6:00 p.m.

Roll Call

Present:	Daniel Jaworski	Mayor
	Michael Lombardo	Mayor Pro Tem
	Shawn Nelson	Councilmember
	Robert Fiester	Councilmember
	Brian A. Fiorenza	Councilmember
Absent:	Jon Kixmiller	Deputy Mayor Pro Tem
	Tom Heslep	Councilmember
Staff Members:	Paul Stevens	City Manager
	Ken Heerman	Assistant City Manager
	Kevin Laughlin	City Attorney
	Angela Miller	City Secretary
	Doug Reim	Police Chief
	Scott Kriston	Public Works Director
	Phil Lozano	Parks and Recreation Director
	Jana Ostead	Human Resources Director
	Sunny Lindsey	Information Services Director
	Laurie Mullens	Marketing & Communications Director
	Andrew Boyd	Media Specialist

1. Continue Discussion of the Comprehensive Plan Updates Draft

Paul Stevens reported nearing the end of the year long process of updating the Comprehensive Plan, Parks, Recreation and Open Space Master Plan, Hike and Bike Trail Master Plan, FM 407 Corridor Study and Thoroughfare Plan. Based on previous input, he added that much of the discussion tonight would focus on Opportunity Areas #1 and #5, with an effort to reach a consensus. He stated the adoption process could begin at the late January or early February City Council meeting.

Mr. Ron Stewart from McAdams provided background information regarding the project. Based on information provided by Council at their October 11, 2022 meeting, Planning Director Randi Rivera reported defined development terms and graphics have been provided for the opportunity areas. She added that these were available for review at the Open House held on November 15, 2022. Mayor Jaworski asked for clarification for medium density residential as it relates to the 4-12 units per acre. He stated he thought

the current Comprehensive Plan calls for an average density of 4.62 per acre throughout the city. Ms. Rivera stated she did not have the data with her at this meeting but reported McAdams staff had reviewed that information and that the Comprehensive Plan draft was within what the current Comprehensive Plan calls for in regards to city-wide density.

Opportunity Area #1

Ms. Rivera presented a description of the area, current color rendering of the property, use summary, design standards and projected tax revenues (5-year total) based on the uses listed in the proposed use summary. Jumping ahead, Ms. Rivera reported the implementation section of the Comprehensive Plan draft includes the recommendation to require a fiscal impact analysis be provided with any application received for development in the opportunity areas and to conduct a neighborhood meeting to receive input from the community before an application is made.

With the high cost to provide infrastructure in this area, Councilmember Fiorenza asked if medium density would be a deterrent for future development. Ms. Rivera reported it would be challenging if a developer only wanted to build medium density rather than a variety of uses. With this area being the last remaining large tract in Highland Village, Councilmember Fiorenza voiced concern that the door would be closed on some opportunities. Without limiting the use of the property, he stated it would still allow future Councils to decide based on the dynamics of the community at that time. Before a decision is made regarding the opportunity areas, Councilmember Fiorenza asked to see a potential income comparison of the proposed uses and of maximum potential income uses.

Councilmember Fiester and Nelson stated they did not think the uses in the proposed Comprehensive Plan would limit or deter development as developers would still have the option to apply for a zoning change in the future. Mayor Jaworski suggested leaving the definitions in the proposed Comprehensive Plan but remove the use summaries. Councilman Fiorenza stated he would consider that and asked City Manager Paul Stevens if it would be appropriate to remove Opportunity Areas #1 and #5 from the Comprehensive Plan. Mr. Stevens stated development of Opportunity Areas #1 and #5 would probably require a change from the current zoning and that a more blanket interpretation of design standards would be a fine approach.

Ms. Rivera stated they would look into the information requested by Councilmember Fiorenza and would get with staff about removing the use summary prior to a final draft being presented.

Opportunity Area #5

Ms. Rivera presented a description of the area, current color rendering of the property, use summary, design standards and projected tax revenues (5-year total) based on the uses listed in the proposed use summary.

Councilmember Fiester asked Ms. Rivera to explain the process to alter the flowage easement line on this property, as it is a limiting factor in its development. Ms. Rivera explained it is a difficult process which requires working with the Corps of Engineers. As this is not her area of expertise, another team from McAdams handles those projects, but added that it is a very challenging and lengthy process. Councilmember Fiorenza voiced concern on the impact to the residents on the west side of Area A due to some of the proposed uses. Councilmember Nelson asked how many acres remain outside of the flowage easement; Ms. Rivera reported approximately 4 acres.

Ms. Rivera reviewed uses for the remaining opportunity areas; there was no further discussion on these areas. She reviewed implementation and post adoption suggestions.

Mr. Stevens asked Council to contact him with any addition input.

2. Receive a Presentation and Discuss Existing Solid Waste and Recycling Services and Development of a Request for Proposals (RFP) for Said Services

Public Works Director Scott Kriston reported the City's contract with Community Waste Disposal (CWD) for solid waste and recycling services expires on September 30, 2023. There is an option for renewal which requires notice by March 31, 2023. Mr. Kriston reviewed the services included in the current contract and provided examples of modified services. A proposal process/RFP schedule was also presented.

Council discussed negotiating a renewal with CWD, fully automated cart service, a color tag system for placement of extra bags outside of the cart, and concern with increased costs for service. Mr. Kriston reported there are more service providers now than when the current contract was bid, which could result in receiving more competitive bids. Consensus of Council was to move forward with preparing a RFP but to try to negotiate a renewal with CWD.

3. Clarification of Consent or Action Items listed on Today's City Council Meeting Agenda for January 10, 2023

No items were discussed.

CLOSED SESSION

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)

Council did not meet in Closed Session.

With no further business, Mayor Jaworski adjourned the meeting at 7:39 p.m.

OPEN SESSION

5. Call Meeting to Order

The meeting was called to order by Mayor Daniel Jaworski at 7:54 p.m.

Roll Call

Present:	Daniel Jaworski	Mayor
	Michael Lombardo	Mayor Pro Tem
	Shawn Nelson	Councilmember
	Robert Fiester	Councilmember
	Brian A. Fiorenza	Councilmember

Absent: Jon Kixmiller Deputy Mayor Pro Tem
Tom Heslep Councilmember

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

6. Prayer led by Councilmember Brian Fiorenza

Councilmember Fiorenza gave the invocation.

7. Pledge of Allegiance to the U.S. and Texas flags led by Councilmember Brian Fiorenza

Councilmember Fiorenza 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

Mayor Jaworski sent condolences to the family and friends of Lewisville Assistant Police Chief Jay Powell for their recent loss.

- **Recognition of the Parks and Recreation Department for receiving an Award from the Texas Turfgrass Association for the Grand Lawn at Doubletree Ranch Park**

Parks and Recreation Director Phil Lozano reported the City's Parks Maintenance staff received an award in December 2022 from the Texas Turfgrass Association in the category of Turf Landscape Maintenance for their work on the Grand Lawn at Doubletree Ranch Park.

9. City Manager/Staff Reports

With the discussion during Early Work Session on the Comprehensive Plan Updates Draft, City Manager Paul Stevens reminded Council to send him any additional comments they may have.

10. Visitor Comments

The following people spoke:

L. Ted Giovi (4009 Brooks Court) – Relating to Opportunity Area #1 located on the east and west sides of FM 2499 in the Comprehensive/Master Plan draft, Mr. Giovi stated any development other than the current Single Family Residential zoning would not be well for

us. As a licensed professional engineer, he also spoke about the cost to potential developers and difficulty in establishing infrastructure to that area without requesting assistance from the City. While the current City Council has expressed they will not provide assistance, he is concerned that may not be the case with a future City Council.

Jean Bassinger (210 Edgewood) – Mrs. Bassinger reported she lives next to Opportunity Area #5 located on the north and south sides of Highland Village Road. With discussion during Early Work Session that development opportunities will be limited if there is not a broad cover of uses allowed in the Comprehensive Plan, she shared her experience in living behind Area #5 that is currently zoned Single Family Residential. She reported a developer did propose a development that included a hotel, apartments, retail and restaurants. Mrs. Bassinger added that even with having the Single Family Residential zoning in place, developers were not hampered with imagining how they might develop that property.

Additionally, Mrs. Bassinger spoke regarding the projected tax revenue provided in the Comprehensive Plan draft presentations, and voiced concern that incurred costs associated with a proposed development and the ongoing costs are not being provided.

Gayle Nurre (4003 Brooks Court) – Ms. Nurre asked if development of the remaining 3% of land available to develop in the city would provide enough revenue to really make a difference. She stated residents chose Highland Village for its serenity, trails and nature, not for condos and multi-density housing. She added that McAdams reported speaking to the property owners [of the opportunity areas] but did not speak to the adjacent property owners, specifically no one was contacted on Brooks Court. Ms. Nurre reported McAdams says that since the Open Houses they have received positive feedback. She stated she is not hearing that anyone in the community wants this, only that real estate and construction companies, banks and developers are in favor.

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

- Debbie Malany (213 Edgewood Drive) – Opposed to the apartment proposed at The Shops of Highland Village
- Larry Chambers (221 Oak Street) – Opposed to medium and high density housing additions
- Kay Chambers (221 Oak Street) – Opposed to medium and high density housing additions
- Valorie Hey (4008 Brook Court) – Opposed to Plan Development Area 1
- Sherry Spalding (680 Chaparral Court) – Opposed to rezoning of AMC Shops
- Charles Spalding (680 Chaparral Court) – Opposed to the rezoning of the AMC
- Jeanne Hansen (2709 Queens Court) – Opposed to apartment proposal at The Shops; wants to keep AMC as a family entertainment location; keep our infrastructure manageable; not add additional traffic to an already congested intersection; not having to hire additional fire/police; change so many codes already in place to keep our community a village feel
- Scott Caldwell (4015 Brooks Court) – Opposed to Agenda Items #1 and #2

CONSENT AGENDA

- 11. Consider approval of Minutes of the Regular City Council Meeting held on December 13, 2022**

12. Consider Ordinance 2022-1299 amending the Highland Village Comprehensive Zoning Ordinance by amending Section 39 “Definitions” relating to the Definition of “Coverage” to exclude the Surface Area of Pools (2nd and final read)
13. Consider Resolution 2023-3042 calling a General Election to be held on May 6, 2023 for the Purpose of Electing Council Members to Places 3, 5 and 7; authorizing a Joint Election with other Denton County Political Subdivisions; and authorizing a Contract for Election Services with Denton County
14. Consider Resolution 2023-3043 authorizing Renewal of the License Agreement with Azteca Systems, LLC for the City’s Digital Work Order Application Software
15. Receive Budget Reports for Period ending October 31, 2022
16. Receive Budget Reports for Period ending November 30, 2022

Motion by Councilmember Fiester, seconded by Councilmember Fiorenza, to approve Consent Agenda Items #11 through #16. Motion carried 5-0.

ACTION AGENDA

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

NO ACTION TAKEN

No action was taken on this item.

LATE WORK SESSION

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

As the new police cruisers are received and placed into service, Councilmember Nelson asked if there was any plan to replace the current auxiliary vehicle with the best outgoing police vehicle. Mayor Jaworski also reported the auxiliary vehicle has a transmission issue. Public Works Director Scott Kriston reported all City vehicles are part of the Enterprise Fleet Management System. If the repair(s) are too costly, it will be put on the rotation to replace. As part of the Enterprise Fleet Management System, the vehicles that are taken out of service for replacement are sold.

Mayor Jaworski asked the status of the northbound entrance ramp for Highland Village Road to northbound IH-35E. Mr. Kriston reported the TxDOT contract was a 71-business day contract, excluding holidays, which would indicate completion the end of January 2023. Mr. Kriston clarified that he originally did not calculate for weather delays so it could even be sometime in February before the project is completed. Mayor Jaworski stated he

thought the original completion was around December 21. City Manager Paul Stevens reported the contractor estimated having the project completed by the end of December.

19. Adjournment

Mayor Jaworski adjourned the meeting at 8:21p.m.

Daniel Jaworski, Mayor

ATTEST:

Angela Miller, City Secretary

DRAFT

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 12

MEETING DATE: 01/24/2023

SUBJECT: Consider Resolution 2023-3044 approving the City's Legislative Program for the 88th Texas Legislative Session

**PREPARED BY: Paul Stevens, City Manager
Laurie Mullens, Director of Marketing & Communication**

BACKGROUND:

The 88th Texas Legislature began on January 10 and is expected to consider legislation on a wide range of issues with a direct impact on municipal government in general and on Highland Village. City Staff has prepared the City's legislative program, setting the city's priorities and key issues for the 88th Texas legislative session. Once adopted, we will share the City's legislative program with our legislators.

IDENTIFIED NEED/S:

The other legislative priorities are divided into six main categories:

1. Local Authority – Public Right of Ways
2. Local Revenue Caps, Revenue Reduction and Online Sales Tax
3. Public Safety
4. Transportation and DCTA
5. Water
6. Parks Funding

The common theme to all six categories is Highland Village's belief that cities are the level of government most connected to, and thus most accountable to, the people they serve; as a result, the state should recognize and preserve local authority and support cities in their mission of providing quality local services to all Texans.

OPTIONS & RESULTS:

Within each broad Legislative Agenda topic, there is a list giving the city's position on multiple sub-topics, some of them very specific to legislation filed for this session or in previous sessions. Because the legislative priorities are represented by six main topics, there is flexibility to allow emerging legislative issues to be addressed through one or more of those topics.

RECOMMENDATION:

To approve Resolution 2023-3044 approving the City's Legislative Program for the 88th Texas Legislative Session.

CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2023-3044

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS APPROVING THE CITY'S LEGISLATIVE PROGRAM FOR THE 88TH TEXAS LEGISLATURE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the 88th Regular Session of the Texas Legislature convened on January 10, 2023; and

WHEREAS, it is anticipated that many legislative issues affecting local government, including the City of Highland Village, will be considered by the legislature; and

WHEREAS, City staff has prepared a proposed 2023 Legislative Agenda review and consideration by the City Council; and

WHEREAS, the City Council is of the opinion that such 2023 Legislative Agenda is in the best interest of the City and the Highland Village community, is consistent with the mission and vision of the City, and should be adopted and forwarded for consideration by the Legislature.

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

SECTION 1. The City of Highland Village's 2023 Legislative Program for the 88th Texas Legislature, attached hereto as Exhibit "A" and incorporated herein by reference, is adopted and approved.

SECTION 2. The Mayor, City Councilmembers, City Manager, and their designees are authorized to communicate the items included in the City's Legislative Program to the members of the Texas Legislature.

SECTION 3. The Mayor and City Manager are authorized to sign any and all letters, petitions, and/or other documents on behalf of the City in order to promote the City's Legislative Program.

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

PASSED AND APPROVED this the 24th day of January, 2023.

APPROVED:

Daniel Jaworski, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

Our legislative priorities are divided into six main categories: 1. Local Authority – Public Right of Ways, 2. Local Revenue Caps, Revenue Reduction and Online Sales Tax, 3. Public Safety, 4. Transportation & DCTA, 5. Water, and 6. Parks Funding. The common theme to all six categories is Highland Village’s belief that cities are the level of government most connected to, and thus most accountable to, the people they serve; as a result, the state should recognize and preserve local authority and support cities in their mission of providing quality local services to all Texans.

Within each broad Legislative Agenda topic, there is a list giving the city’s position on multiple sub-topics, some of them very specific to legislation filed for this session or in previous sessions. Because the legislative priorities are represented by six main topics, there is flexibility to allow emerging legislative issues to be addressed through one or more of those topics.

Local Authority – Public Right of Ways

Cities are the level of government that is closest to the people it serves, and therefore are the level of government best able to identify the needs of a community and appropriate means to address those needs. While state government should be a resource for cities, decision-making authority should be placed at the municipal level whenever reasonable. The City of Highland Village fully supports any legislation that enhances local decision-making authority to govern properly and fully fund services, and adopt and enforce charters, ordinances, and building codes necessary to plan and provide for growth challenges.

- Opposing any legislation that would erode local authority over land uses
- Opposing any legislation that would erode or invalidate a city’s ability to establish and enforce reasonable business regulations
- Supporting continuation of existing eminent domain authority and related tools used for planning and development of projects serving a valid public purpose
- Opposing any legislation that would change the current two dates per year on which local elections can be held, unless it is to give cities additional flexibility
- Preserving municipal authority to manage and maintain public rights-of-way, including the right to seek adequate compensation for their use
- Maintaining the ability of municipal government to participate in utility rate cases on behalf of their residents
- Opposing any legislation that would further erode local control related to retirement issues for municipal employees

- Support legislation protecting the ability of local government officials to use public funds to communicate with legislators and state agencies on matters of public interest, as well as pay membership dues to organizations that hire lobbyists
- Support the repeal or changes to HB-2439, enacted during the 2019 Legislature, which excessively and arbitrarily prohibited cities from regulating building products, materials, or methods used in the construction of residential and commercial structures

Local Revenue Caps, Revenue Reduction & Online Sales Tax

Highland Village has operated in a fiscally conservative manner for years. In 2017 a Community Service Survey was conducted. We found overall the residents in the City of Highland Village have a very good appreciation and satisfaction towards the many aspects the City has to offer. Respondents expressed high levels of satisfaction with the service provided by different departments especially from the Police Department, Parks and Recreation, and the Fire Department. And more than half of the respondents (65%) are satisfied with the level of City services received in return for what residents are paying in property taxes. Applying an arbitrary statewide solution to a perceived problem that is not typical of the majority of Texas cities would go against the stated desires of Highland Village residents.

Cities provide the majority of government services that impact millions of Texans every day; yet, unlike other parts of the country, Texas cities receive minimal funding from the federal and state government. As such, cities should not be expected to provide a wide range of important services and also to serve as a fund-raising arm for the state. To the extent possible, local revenue should primarily benefit local taxpayers. Highland Village opposes any measure that would re-direct existing local revenue to the state, or would impose unfunded mandates that create additional work for cities without new funding. This includes opposing any new or expanded fees that would be collected by local municipal courts on behalf of the state.

Certificates of Obligations, CO's provide cities and counties the flexibility to issue debt on a shorter timeline. This enables them to take advantage of favorable interest rates or an opportunity to acquire a property, to make emergency repairs after a disaster, or to address a critical public need without having to wait for the next uniform election date on the calendar. There is sufficient accountability, as voters have the option to petition for an election on whether the certificates should be issued. And the bar was set relatively low for the petition requirements to call an election. The process for issuing debt, by law, has extraordinary levels of transparency and accountability. Texas cities need to maintain flexibility in financing public improvements because every city has different needs and resources.

Assessing sales tax on both physical and online retailers creates a level playing field for the businesses; exempting certain types of businesses from those levies would give them an unfair competitive advantage with long-term negative impacts on commercial properties across Texas. The original reasons for exempting online purchases from sales tax are no longer valid because online retail sales have become a well-established and thriving marketplace that no longer needs a public subsidy. For these and other reasons, the 2018 U.S. Supreme Court ruling that sanctioned online sales tax collection should be honored and no effort should be made to permanently eliminate sales tax for online transactions. We

call on the State Comptroller to work with cities on a fair and equitable way to distribute the local share of online sales taxes collected. We also ask the Comptroller to review the excessive fees currently being charged to cities for processing of sales tax collections and seek to adopt a fee structure that better reflects the cost of the service being provided.

- Opposing any measure that would re-direct existing local revenue to the state
- Opposing any legislation that would increase or expand appraisal caps
- Opposing any legislation that would erode local taxing authority, including measures that would create new obstacles to funding sources or that would restrict the use of existing revenue streams
- Opposing any legislation that would erode the concept of “true market” appraisals
- Supporting legislation that would close the “dark box” loophole being used by some large retailers to artificially devalue commercial properties for tax purposes
- Opposing any increased state fees, or reallocation of existing fees, on municipal court fines and proceedings, or any legislation that would have the effect of requiring municipal courts to collect revenue for the state
- Opposing any legislation that would permanently eliminate sales tax for online transactions
- Opposing any legislation that would create new sales tax exemptions, expand current exemptions, or expand the annual “sales tax holiday”
- Supporting measures that would expand allowable uses of PEG fee revenue
- Maintain Certificates of Obligations (CO's) as a viable financing mechanism
- Oppose any legislation that would shift non-voter approved debt to be paid through the maintenance and operations portion of the city’s tax rate

Public Safety

Police, Fire, and Emergency Medical Services are among the most important services a city provides its residents. Those services often represent the majority of a municipality’s budget. State agencies and resources can be valuable, but should not be applied in such a way as to interfere with local efforts.

- Providing adequate funding of state law enforcement agencies on public lakes
- Discontinuing the redirection of dedicated telephone taxes to purposes other than 911 services
- Opposing efforts to legalize recreational use of marijuana in Texas

- Making it an offense for a person to post on a publicly accessible website the residence address or telephone number of an individual the actor knows is a public servant or a member of a public servant's family or household
- Seeking assistance from the state in the form of opt-in programs to help local governments protect electronic data bases from criminal breach, including state funding mechanisms to assist with cybersecurity priorities
- Opposing proposed state and federal regulations that would increase the maximum size of long-haul trucks on public highways
- Opposing legislation that would permit first responders other than certified peace officers to carry a firearm while on the job
- Support new direct or grant funding from the state for crisis intervention, de-escalation, and implicit bias training for certified peace officers
- Support new direct or grant funding from the state for multi-disciplinary crisis response teams
- Support legislation that would standardize "Use of Force" policies in Texas using the Texas Best Practices Recognition program as a model
- Support any legislation that provides new direct or grant funding from the state to further fund local police agencies and any other efforts that enhance local police agencies
- Support State funding to improve public safety wellness, with an emphasis on suicide prevention

Transportation & DCTA

Transportation is a key factor in the future viability of our community. Roads provide a vital network that connects Highland Village to the region and the state. Effective public transit options represent a responsible and reliable way to provide workers with access to employment centers.

Interstate 35E through Dallas and Denton counties is one of the most congested highways in Texas, causing delays that negatively impact tens of thousands of Texas commuters and have a dampening impact on current and prospective business development. A comprehensive reconstruction of I-35E is planned, but only the smaller first phase has been funded. That work was completed in early 2017. The larger second phase has not been schedule nor funded at this time. The economic vitality of communities along I-35E, including Highland Village, relies on an interstate with sufficient capacity and safety measures. Full funding for the second phase of I-35E construction should be considered a top priority.

- Identifying and securing full and timely funding for the second phase of Interstate 35E reconstruction

- Providing increased and consistent state funding to build and maintain a high-quality, efficient highway system
- Ending the diversion of transportation revenues to non-transportation purposes
- Increasing state investment in public transit, including regional rail service
- Providing greater flexibility for cities to fund local transportation projects, including potential new state funding sources for important local and regional roads
- Preserving municipal authority to manage and maintain public rights-of-way, including the right to seek adequate compensation for their use
- Opposing legislation that impedes local authorities from adopting, implementing, or considering ordinances that regulate traffic controls and safety in their communities

Water

Future viability requires the ability to provide for the long-term water supply needs of residents and businesses in Highland Village, North Texas and statewide. This must include both maintaining current water supplies and developing new water sources.

- Opposing any legislation that would undermine city original jurisdiction, and oppose any efforts to make local water rates subject to approval by any state agency
- Establishing and enforcing water conservation standards at the local level, not at the state or federal level unless adequate ongoing funding is provided
- Opposing state “tap fees” or other state fees on municipal water systems
- Fully funding the State Water Plan, and creating future state funding sources
- Opposing any legislation that might restrict Highland Village’s ability to continue providing a safe and reliable local water supply
- Working with the state, regional partners and other cities to identify and secure options for new water sources

Park Funding

Public parks are popular recreation options for Texans, but multiple studies also have shown that a well-maintained park system has positive economic impact on a community and on a state. Reduced state funding of parks not only threatens the viability of state parks, it has a direct negative impact on local parks that Texans value and love.

- Encouraging the state to adequately fund maintenance and operation of state parks, recreation areas, natural areas and monuments; and ensuring those facilities are widely and readily available to the public
- Expanding state and federal funding to assist with creating, maintaining and operating local parks. Dedicating sporting goods sales tax revenues for use in state and local parks that would directly benefit parks, recreation, open space, trails and tourism
- Ensuring that parks and recreation agencies are included as eligible partners and beneficiaries in any strategy or guideline aimed at benefiting healthy lifestyles, increasing physical activity, conservation, or preservation
- Restoring full funding to the Local Park Grant Program
- Expanding options for parks, recreation, open space and trails on utility corridors, to include waiving all liability for those purposes to the utilities

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 14

MEETING DATE: 01/24/2023

**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

January 24, 2023	Regular City Council Meeting - 7:30 pm
February 2, 2023	Zoning Board of Adjust Meeting – 7:00 pm
February 14, 2023	Regular City Council Meeting - 7:00 pm
February 20, 2023	Parks & Recreation Advisory Board Meeting – 6:00 pm
February 21, 2023	Planning & Zoning Commission Meeting – 7:00 pm
February 28, 2023	Regular City Council Meeting - 7:00 pm
March 2, 2023	Zoning Board of Adjust Meeting – 7:00 pm
March 14, 2023	Regular City Council Meeting - 7:00 pm
March 20, 2023	Parks & Recreation Advisory Board Meeting – 6:00 pm
March 21, 2023	Planning & Zoning Commission Meeting – 7:00 pm
March 28, 2023	Regular City Council Meeting - 7:00 pm
April 6, 2023	Zoning Board of Adjust Meeting – 7:00 pm
April 7, 2023	City Offices Closed for the Good Friday Holiday
April 11, 2023	Regular City Council Meeting - 7:00 pm
April 17, 2023	Parks & Recreation Advisory Board Meeting – 6:00 pm
April 18, 2023	Planning & Zoning Commission Meeting – 7:00 pm
April 25, 2023	Regular City Council Meeting - 7:00 pm

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