



A G E N D A
REGULAR MEETING OF THE
HIGHLAND VILLAGE CITY COUNCIL
HIGHLAND VILLAGE MUNICIPAL COMPLEX
1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS
TUESDAY, SEPTEMBER 12, 2023 at 5:00 P.M.

EARLY WORK SESSION
City Council Chambers – 5:00 P.M.

1. Receive an Update on an Amendment to the Interlocal Agreement with the City of Lewisville and Town of Flower Mound for the Joint Fire Training Facility
2. Clarification of Consent or Action Items listed on Today's City Council Meeting Agenda for September 12, 2023

MEET AND GREET
City Council Chambers – 5:30 P.M.

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

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

4. Call Meeting to Order
5. Prayer led by Councilmember Shawn Nelson
6. Pledge of Allegiance to the U.S. and Texas flags led by Councilmember Shawn Nelson:
"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
8. City Manager/Staff Reports
 - The Village Report
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.*)

CLOSED SESSION
City Manager's Conference Room

10. 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)

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 Meetings held on June 27, 2023 and August 8, 2023
12. Consider Resolution 2023-3080 authorizing the City Manager to Renew the Employee Health and Dental Insurance Plans with Blue Cross Blue Shield of Texas
13. Consider Resolution 2023-3081 in Support of the Application of MM Fronterra 35, LLC and MM Lewisville 7, LLC to the Texas Commission on Environmental Quality for a Municipal Setting Designation (MSD) for the property generally located at the Northwest Corner of FM 407 and Interstate 35E, Lewisville, Texas
14. Consider Resolution 2023-3082 authorizing an Interlocal Agreement with Denco Area 911 District regarding use of its Facilities for Backup Technology Storage and Backup Emergency Operations Center
15. Consider Resolution 2023-3083 authorizing the First Amendment to the Interlocal Agreement with the City of Lewisville and Town of Flower Mound regarding the Construction and Operation of a Joint Fire Training Facility
16. Consider Ordinance 2023-1306 approving Amendments to the Planned Development Regulations applicable to Lot 1, Block A, The Shops at Highland Village, said Property being located in the Marketplace Planned Development – Retail (MPDR) Zoning District by amending the Concept Plan, Illustrative Plan, Signage Criteria, and Other Regulations to accommodate the Construction of Additional Parking, Drive, Landscaping, and Signs (*2nd and final read*)
17. Receive Budget Reports for Period ending July 31, 2023

ACTION AGENDA

18. 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)
19. Consider Resolution 2023-3084 approving a Negotiated Settlement between the Atmos Cities Steering Committee and Atmos Energy Corp., a Mid-Tex Division, regarding the Company's 2023 Rate Review Mechanism Filing
20. Receive a Presentation of City Manager Recommended Budget and Conduct a Public Hearing on the Proposed Budget and Tax Rate for Fiscal Year 2023-2024
21. Consider Ordinance 2023-1307 approving and adopting the Fiscal Year 2023-2024 Annual Budget (*1st of two reads*)
22. Consider Ordinance 2023-1308 levying the Ad Valorem Taxes for the Year 2023 at a Rate of \$0.501394 per \$100 Assessed Valuation on all Taxable Property within the Corporate Limits of the City of Highland Village as of January 1, 2023 (*1st of two reads*)
23. Consider Resolution 2023-3085 authorizing the City Manager to execute a Task Order with Schaumburg & Polk, Inc. (SPI) to provide Professional Services for the Highland Shores Boulevard Reconstruction (Twin Coves to Briarhill Boulevard) Project

LATE WORK SESSION

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

24. 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.)
25. 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 8TH DAY OF SEPTEMBER 2023 NOT LATER THAN 6:00 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 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: 09/12/2023

SUBJECT: Receive an Update on an Amendment to the Interlocal Cooperation Agreement with the City of Lewisville and the Town of Flower Mound Regarding the Joint Use Fire Training Facility

PREPARED BY: Jason Collier, Fire Chief

COMMENTS

On October 21, 2021, following approval by the City Council, the City of Highland Village entered into an interlocal cooperation agreement (the "ILA") with the City of Lewisville and Town of Flower Mound regarding the joint funding for design, construction, and operation of a fire training facility (the "Facility") to be located in Lewisville on Lewisville's property near its service center. Under the ILA, Lewisville is responsible for bidding and contracting for construction of the Facility on behalf of all three cities. Lewisville will own and operate the Facility. Operational and use policies for the Facility are set by a Facility Executive Committee and Facility Operations Committee whose members consist of representatives of all three fire departments. The ILA presently provides that the parties share in the cost to design, construct, and equip the Facility for an amount not to exceed \$4,961,250, with Highland Village's share being 7.8% of that total, or \$386,591.00. The cities will also share in the annual operational costs at an agreed percentage, with Highland Village initially paying 7.8% of that annual cost. The percentage of each city's share of the annual operational costs will be adjusted annually based on the percentage of structural firefighters each city employs in relation to the total number employed by all of the cities. In accordance with the ILA, Highland Village has paid its initial share of the project costs to Lewisville to use to pay project costs.

Lewisville has advised Highland Village and Flower Mound that a number of factors related to the COVID pandemic, supply chain delays, and other inflationary factors have resulted in an increase in the initial estimated cost for design and construction of the Facility to \$6,874,160.00, an increase of \$1,912,910.00 (38.5%) over the original estimate. Based on the City's original 7.8% share of the costs set forth in the ILA, Lewisville has requested Highland Village increase its participation in the project from \$386,591.00 to \$535,797.98, or an increase of \$149,206.98. By way of comparison, Lewisville's share increases from \$2,561,165 to \$3,548,226.56, and Flower Mound's share increases from \$2,013,494.00 to \$2,790,135.46.

Pursuant to its request, Lewisville has prepared and presented a proposed amendment to the ILA providing for each City to pay for the increased cost to construct the Facility based on the original cost sharing percentages set forth in the ILA.

Currently, the Highland Village Fire Department does not have full access to a nearby fire training facility and must rent time at fire training facilities from the City of Denton, Collin College, DFW Airport and Tarrant College. Due to the lack of availability, the Highland Village

Fire Department has limited access to fire training facilities and limited ability to train in real to life scenarios.

By partnering with the Lewisville and Flower Mound in this project, Highland Village is able to have full access to and interest in a designated fire training facility. By sharing the Capital and Operational costs, each City will not only save taxpayer dollars, but they also facilitate joint training among cities that regularly work emergency scenes together. Having access to a training facility located in Lewisville also reduces travel and out-of-service times for HVFD personnel associated with having to travel to more distant training facilities.

The ILA provides that any party that terminates its participation in the ILA will forfeit the funds previously paid along with all future rights to use of the Facility. The ILA does not contain terms on how to address cost overruns such as those described herein. Failing to agree to the proposed amendment may result in a possible dispute with the other two cities as well as the possibility of being unable to participate at the same percentage of use as originally agreed. Agreement to the proposed amendment prevents possible loss of the City's original investment in the project and keeps the City's participation at the same percentage to which the parties originally agreed.

The City has received from the City of Lewisville and the Town of Flower Mound a draft amendment to the ILA that provides for Highland Village and the other cities to pay their share of the cost overruns for the Facility. City Administration has reviewed the amendment and determined the City will have funds available to pay this increased cost in the FY 23-24 budget, and the draft has been approved as to form by the City Attorney. A resolution authorizing the proposed agreement has also been prepared and is included on tonight's agenda should Council choose to take formal action.

Highland Village's share (7.8% or \$149,206.98) of the total cost increase will come from the 2023-2024 Fiscal Year Budget. Future Operational Funding will come from the Fire Department's Annual Management and Operating Budget.

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 7

MEETING DATE: 09/12/2023

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.

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 11

MEETING DATE: 09/12/2023

SUBJECT: Consider approval of Minutes of the Regular City Council Meeting held on June 27, 2023 and August 8, 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 contact the City Secretary's Office prior to the meeting with suggested changes. Upon doing so, staff can 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 June 27, 2023 and August 8, 2023.



**MEETING MINUTES OF THE REGULAR MEETING
HIGHLAND VILLAGE CITY COUNCIL
HIGHLAND VILLAGE MUNICIPAL COMPLEX
1000 HIGHLAND VILLAGE ROAD
TUESDAY, JUNE 27, 2023**

EARLY WORK SESSION

Mayor Jaworski called the meeting to order at 6:30 p.m.

Roll Call

Present: Daniel Jaworski Mayor
Jon Kixmiller Mayor Pro Tem
Kevin Cox Councilmember
Shawn Nelson Councilmember
Robert Fiester Councilmember
Brian A. Fiorenza Deputy Mayor Pro Tem

Absent: Rhonda Hurst Councilmember

Staff Members: Paul Stevens City Manager
Ken Heerman Assistant City Manager
Kevin Laughlin City Attorney
Angela Miller City Secretary
Scott Kriston Public Works Director
Phil Lozano Parks and Recreation Director
Sunny Lindsey Information Services Director
Carmen Oprea GIS Administrator
Mike McWhorter Budget & Accounting Administrator
Laurie Mullens Marketing & Communications Director

1. Review the Capital Improvement Program (CIP) Budget for Fiscal Year 2023-2024

Assistant City Manager Ken Heerman explained the capital improvement program identifies large capital, “big ticket” equipment items typically funded by outside funding sources such as debt issuance, grants, or lease/purchase arrangements, and that potential debt opportunities are timed to coincide with reduction in scheduled debt service. He presented an update on existing project funded from previous bond programs in 2018 and 2021.

In looking ahead, he reported that tax notes have been utilized to finance capital equipment every seven (7) years, and identified roughly \$2.7M identified for Fiscal Year 2024-2025. With that, Mr. Heerman reported the Parks and Recreation Advisory Board

prioritized items that were identified in the Copperas Branch Park Master Plan, resulting in the following items targeted as a bond issuance for Fiscal Year 2027:

Associated Engineering Services (partial)

Boat Launch Relocation

Park Road, Trails and Electrical Infrastructure

The Point

Skate Park

Civic Extension Trail markers throughout City Trail

Mr. Heerman added there is potential for some grant opportunities with these projects; the projects will be reviewed again prior to any future issuance being decided.

Budget discussions will continue at each meeting through July and August, with public hearing and approvals in September.

GIS Administrator Carmen Oprea presented the City's Capital Improvement Project (CIP) Map. The interactive map is available on the City's website and provides residents the opportunity to view the projects, see anticipated start and completion dates, costs, and photos showing progress to date as available. Using the CIP Map City staff provided an update on the projects for their respective departments.

2. Clarification of Consent or Action Items listed on Today's City Council Meeting Agenda for June 27, 2023

No items were discussed.

Mayor Jaworski adjourned Early Work Session at 7:03 p.m.

CLOSED SESSION

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)

Council did not meet in Closed Session.

OPEN SESSION

4. Call Meeting to Order

Mayor Jaworski called the meeting to order at 7:07 p.m.

Roll Call

Present:	Daniel Jaworski	Mayor
	Jon Kixmiller	Mayor Pro Tem
	Kevin Cox	Councilmember
	Shawn Nelson	Councilmember
	Robert Fiester	Councilmember
	Brian A. Fiorenza	Deputy Mayor Pro Tem

Absent:	Rhonda Hurst	Councilmember
Staff Members:	Paul Stevens	City Manager
	Ken Heerman	Assistant City Manager
	Kevin Laughlin	City Attorney
	Angela Miller	City Secretary
	Scott Kriston	Public Works Director
	Phil Lozano	Parks and Recreation Director
	Laurie Mullens	Marketing & Communications Director

5. Prayer led by Councilmember Robert Fiester

Councilmember Fiester gave the invocation.

6. Pledge of Allegiance to the U.S. and Texas flags led by Councilmember Robert Fiester

Councilmember Fiester led the Pledge of Allegiance to the U.S. and Texas flags.

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

No items were reported.

8. Visitor Comments

No one wished to speak.

9. City Manager/Staff Reports

City Manager Paul Stevens provided an update on the scooter working group, and the City's Capital Improvement Project (CIP) Map, which is available on the City's website. He also reminded residents interested in serving on a board/commission to submit an application. Lastly, he reported that although City facilities are closed on July 4, trash pickup will continue as usual.

CONSENT AGENDA

10. Consider approval of Minutes of the Regular City Council Meeting held on June 13, 2023

11. Receive the Capital Improvement Program (CIP) for Fiscal Year 2023-2024

12. Consider Resolution 2023-3074 approving Change Order No. 11 to Contract with Weil Construction, Inc. for Construction of the City of Highland Village Facilities Upgrades Project and Ratifying Prior Change Orders

Motion by Councilmember Fiester, seconded by Deputy Mayor Pro Tem Fiorenza, to approve Consent Agenda Items #10 through #12. Motion carried 6-0.

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)

NO ACTION TAKEN

No action was taken on this item.

14. Conduct a Public Hearing and Consider Resolution 2023-3075 authorizing Submission of an Application to the Texas Parks and Wildlife Department Local Park Grant Program for the Pilot Knoll Park Redevelopment Project – Phase I

APPROVED (6 – 0)

Jake McAdams from Public Management provided assistance to the City with the grant application and reported a public hearing is a requirement of the Texas Parks and Wildlife Department (TPWD) as part of the grant application process.

Mayor Jaworski opened the public hearing; with no one wishing to speak, Mayor Jaworski closed the public hearing.

Mr. McAdams reported the City submitted an application last year, and this is a resubmission. The application is for improvements at Pilot Knoll Park to help with funding of the cabin project, including trail improvements, site amenities and improvements to the day use area. He added that the main focus is the cabin project. He reported the official project budget is \$1.5 million. The grant program provides 50% matching grants on a reimbursement base to eligible applicants, therefore the matching amount is \$750,000.

With a larger project scope at Pilot Knoll, Mr. McAdams added there is also some additional priority scoring, and likelihood of award if the City commits an additional dollar amount above that, which is still being fine-tuned. Mr. Adams clarified that should Council approve proposed Resolution 2023-3075, Council would still have the right to reject the award should it be successful. He further reported that some of the requirements are still somewhat unknown as this program is comprised of both state and federal funds. While there are additional requirements relating to the receipt of the federal funds, he does not expect anything additional to what may already be bound to the land since it is US Army Corps of Engineer property. He added the main requirements would be environmental review, possibly federal procurement requirements, and labor standards. Mr. McAdams reported this is a true reimbursement program, meaning the City incurs the costs, expends/pays those costs, and then the TPWD reimburses for half of the costs; this is typically done periodically throughout the project. Providing the grant is successful, he also provided a brief clarification of typical grant requirements and how that would work.

Mr. Lozano added that upon review of the scoring results received from TPWD after the last grant submission, staff noticed some opportunities with the application that he believes should have been caught by the former grant writer. He further reported there were additional challenges last year due to the delay in an executed contract with the U.S. Corps of Engineers and with approval of the park master plan. With that, Public Management was recommended to City staff. He added the company has a vast list of references and found they do a lot of work with cities located in Texas. Mr. Lozano stated

he is very happy with the thoroughness of services that have been provided by Public Management and Mr. McAdams.

Motion by Mayor Pro Tem Kixmiller, seconded by Councilmember Fiester, to approve Resolution 2023-3075 authorizing submission of an application to the Texas Parks and Wildlife Department Local Park Grant Program for Pilot Knoll Park Redevelopment Project. Motion carried 6-0.

LATE WORK SESSION

15. **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.)**

Mayor Pro Tem Kixmiller reported the scooter working group has met and are working on a survey to residents regarding helmets.

16. **Adjournment**

Mayor Jaworski adjourned the meeting at 7:36 p.m.

Daniel Jaworski, Mayor

ATTEST:

Angela Miller, City Secretary



**MEETING MINUTES OF THE REGULAR MEETING
HIGHLAND VILLAGE CITY COUNCIL
HIGHLAND VILLAGE MUNICIPAL COMPLEX
1000 HIGHLAND VILLAGE ROAD
TUESDAY, AUGUST 8, 2023**

EARLY WORK SESSION

Mayor Jaworski called the meeting to order at 6:00 p.m.

Roll Call

Present:	Daniel Jaworski	Mayor
	Jon Kixmiller	Mayor Pro Tem
	Kevin Cox	Councilmember
	Shawn Nelson	Councilmember
	Rhonda Hurst	Councilmember
	Robert Fiester	Councilmember
	Brian A. Fiorenza	Deputy Mayor Pro Tem

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
	Phil Lozano	Parks and Recreation Director
	Kim Lopez	Human Resources Director
	Heather Miller	Assistant Finance Director
	Mike McWhorter	Budget and Accounting Administrator
	Laurie Mullens	Marketing & Communications Director

1. Discuss the Utility Fund Budget and Follow Up Discussion on Special Revenue Funds and General Funds Budget for Fiscal Year 2023-2024

Utility Fund Budget

Assistant City Manager Ken Heerman reported the Utility Fund Budget is designed to be self-supporting and provided a five-year outlook of estimated revenues and expenditures for the next fiscal year. He explained the rate structure includes two (2) components – the wholesale cost and City cost. Wholesale costs are related to what the City pays to the Upper Trinity Regional Water District (UTRWD) for water and sewer costs. While there is no change proposed to the City portion, Mr. Heerman reported an increase is expected this winter as a result of increased rates from the Upper Trinity Regional Water District.

General Fund

Mr. Heerman reported Agenda Item #16 is for Council to consider a proposed tax rate for 2023, and to set a public hearing on the proposed Fiscal Year 2023-2024 Budget. He explained that the vote does not commit Council to a tax rate; however, the Council cannot adopt a tax rate that exceeds the rate that is proposed in the motion approved by Council.

While the proposed tax rate, limited by the Voter Approved Rate threshold, will be reduced from last year's rate, it will still exceed the No New Revenue rate of \$.485019. In applying Truth in Taxation, the proposed rate reflects the calculated Voter Approved Rate and is a decrease from the current tax rate of \$0.546825 to \$0.501394.

Supplemental Requests FY 2024

Mr. Heerman provided a proposed list of Supplemental Requests that had been previously shown to Council during the General Fund Budget presentations. With that, he reported that converting the four (4) tennis courts at Unity Park to twelve (12) pickleball courts has since been added for consideration. Parks and Recreation Director Phil Lozano reported there has been an increased demand for pickleball courts in recent years. The City has overlaid pickleball lines on tennis courts at Unity and Sellmeyer and has provided temporary nets.

At a Parks and Recreation Advisory Board meeting last year, City staff received a request for more pickleball courts at Copperas Branch Park. With no scheduled date set for improvements at Copperas, other venue options were discussed and staff proposed converting the courts at Unity Park. All courts at Unity Park would be converted to pickleball, with Sellmeyer tennis courts being converted back to dedicated tennis only courts. Estimated project cost to convert the courts at Unity Park to twelve (12) pickleball courts is \$48,960. Mr. Lozano reported a community survey will start tomorrow to receive community input, with results being presented to the Parks and Recreation Advisory Board at their August 21 meeting. Residents will be notified of the survey via the City newsletter, website, social media and Next Door.

Mayor Jaworski and Councilmember Hurst stated they like the separation of the tennis and pickleball courts. Councilmember Hurst also stated she has received feedback from residents that the tennis vendor dominates use of the tennis courts and that residents do not have access; she voiced concern of the same issue with pickleball. She added there should always be a court available for resident use. With Unity Park and Sellmeyer tennis courts available, as well as open tennis at the Highland Village tennis center, Mr. Lozano stated he was not aware of the conflict; Councilmember Hurst will have the residents reach out to Mr. Lozano to voice their concerns. Deputy Mayor Pro Tem Fiorenza also voiced concern that in the overall conversion, there will be three (3) less tennis courts.

Mr. Heerman also presented Supplemental Requests for Streets. He asked for confirmation from Council regarding the signal/intersection improvements study for FM 2499 and Live Oak. With possible TxDOT improvements in that area in the future, consensus of Council is to remove this item from the Supplemental Requests.

Budget presentations will continue in August and September with the recommended budget posted to the City's website on September 8.

2. Clarification of Consent or Action Items listed on Today's City Council Meeting Agenda for August 8, 2023

Regarding Agenda Item #10, City Secretary Angela Miller reported there was a correction to the July 25, 2023 meeting minutes regarding the vote for item #17 – the correct vote was 1-6, not 1-7.

Mayor Jaworski adjourned Early Work Session at 7:06 p.m.

CLOSED SESSION

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)**

Council did not meet in Closed Session.

OPEN SESSION

4. **Call Meeting to Order**

Mayor Jaworski called the meeting to order at 7:15 p.m.

Roll Call

Present:	Daniel Jaworski	Mayor
	Jon Kixmiller	Mayor Pro Tem
	Kevin Cox	Councilmember
	Shawn Nelson	Councilmember
	Rhonda Hurst	Councilmember
	Robert Fiester	Councilmember
	Brian A. Fiorenza	Deputy Mayor Pro Tem

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
	Kim Lopez	Human Resources Director
	Mike McWhorter	Budget and Accounting Administrator
	Laurie Mullens	Marketing & Communications Director

5. **Prayer led by Mayor Pro Tem Jon Kixmiller**

Mayor Pro Tem Kixmiller gave the invocation.

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

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

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

Councilmember Hurst announced the following meetings and encouraged everyone to attend, and to provide comments to City staff or City Council if they are unable to attend:

- Planning and Zoning Commission meeting – public hearing scheduled for August 15 at 7:00 p.m. at City Hall to consider a zoning change for The Shops at Highland Village
- Parks and Recreation Advisory Board Meeting – scheduled for August 21 at City Hall

She also reported a Denton County Transportation Authority (DCTA) design charrette meeting and workshop for a proposed Highland Village train station. The meeting is scheduled for August 10 from 3:00 p.m. to 5:00 p.m. at the DCTA downtown Denton transit center regarding the sites that have been identified for train stations, to demonstrate transit orient planning and urban design principles and techniques. She added that according to the information Highland Village train station will bring greater access to mass transit to not only Highland Village but nonmember paying cities. She encouraged those interested to attend the meeting and to voice their comments on putting a train station with transit oriented development in Highland Village.

Mayor Jaworski reminded everyone that schools will be back in session tomorrow and to use caution. He also announced a pizza making contest between the area mayors that will be held on August 23 at Motor City Pizza in Lewisville; the contest will help to raise funds for a charity and the Mayor has chosen Children's Advocacy Center.

8. Visitor Comments

The following person spoke:

Robert Sanderson (129 Addison Drive) – Mr. Sanderson stated he lives near the location of a recent residential fire in April in Highland Village. He voiced concern that a house located one block from the Highland Village Fire Station burned to the ground. He asked Council consider expanding the Fire Department, and to also seek grants to help offset the cost.

Regarding micromobility, he suggested that micromobility devices be denied access on any street that is controlled by traffic lights; all other areas they could be allowed with the use of protective equipment.

9. City Manager/Staff Reports

City Manager Stevens provided an update on the following:

- Facility Security Upgrades at City Hall – work is continuing and being done with minimal disruption; updates include new, more secure, counters and windows in the Finance/Municipal Court and Permit/Inspections areas
- Water Line Replacement Project – crews are working to replace water lines in the Village Estates Areas
- Sanitary Sewer Line Replacement Project – in the survey stage for sanitary sewer line replacement at Highland Village Road and Edgewood
- Republic Services – at the beginning of October, they will provide garbage and recycling services; there will be a public education plan that will include an informational brochure being mailed to all residents the last week of August, with an education campaign around that same time; the new contract moves to automated pick up that uses vendor provided trash and recycling carts

CONSENT AGENDA

10. Consider approval of Minutes of the Regular City Council Meeting held on July 25, 2023
11. Receive Budget Reports for Period ending June 30, 2023
12. Receive Investment Report for Quarter ending June 30, 2023

Motion by Mayor Pro Tem Kixmiller, seconded by Councilmember Cox, to approve Consent Agenda Items #10 through #12, with a correction to the vote reflected in the July 25, 2023 minutes for item #17. Motion carried 7-0.

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)

NO ACTION TAKEN

No action was taken on this item.

14. Consider Ordinance 2023-1304 amending the Highland Village Code of Ordinances, Chapter 12 “Offenses and Nuisances” by repealing Article 12.02 “Minors” relating to the City’s Juvenile Curfew Regulations (1st of two reads)

APPROVED 1ST READ (6 - 1)

Chief Reim reported the Texas Legislature recently approved a bill prohibiting political subdivisions from adopting or enforcing an order, ordinance or other measure that imposes a curfew to regulate the movements or actions of persons younger than eighteen (18) years of age. He voiced concern with the recent change and asked Council to discuss its repeal with legislators as it has been a tool used by the Police Department that provided an opportunity to address safety matters with minors. Several members of Council discussed voting against or tabling the ordinance. City Attorney Laughlin reported the current ordinance would remain in the Code of Ordinances, however would not be enforceable.

Motion by Deputy Mayor Pro Tem Fiorenza, seconded by Councilmember Nelson, to approved the first read of Ordinance 2023-1304 amending the Highland Village Code of Ordinances, Chapter 12 “Offenses and Nuisances” by repealing Article 12.02 “Minors” relating to the City’s juvenile curfew regulations. Motion carried 6-1 with the following vote:

Ayes – Nelson, Cox, Kixmiller, Fiester, Fiorenza and Hurst

Nays – Jaworski

15. Consider Ordinance 2023-1305 adopting Amendments to the Fiscal Year 2022-2023 Budget (1st of two reads)

APPROVED 1ST READ (7 – 0)

Budget and Accounting Administrator Mike McWhorter reported this amendment mirrors the year-end projections detailed in earlier budget discussions. Some of the proposed adjustments reflect encumbrances from Fiscal Year (FY) 2021-2022 that will actually be paid in FY 2022-2023. He provided an overview of the amendments, which are also detailed in the exhibit to proposed Ordinance 2023-1305.

Motion by Mayor Pro Tem Kixmiller, seconded by Deputy Mayor Pro Tem Fiorenza, to approve the first read of Ordinance 2023-1305 adopting amendments to the Fiscal Year 2022-2023 Budget. Motion carried 7-0.

16. Consider the Ad Valorem Tax Rate for Year 2023 and Set a Public Hearing Date on the Proposed Fiscal Year 2023-2024 Budget and Proposed Tax Rate

APPROVED (7 – 0)

Assistant City Manager Ken Heerman reported Truth in Taxation requires a public hearing, preceded by certain required public notice of the public hearing and the proposed real property tax rate before implementing a property tax rate, if a rate is considered which will exceed the lower of the Voter Approved Tax Rate or the No New Revenue Tax Rate. Because the proposed tax rate, limited by the Voter Approved Rate threshold, will be reduced from last year's rate, it will still exceed the No New Revenue rate of \$.485019.

In applying Truth in Taxation, the proposed tax rate reflects the calculated Voter Approved Rate and is a decrease from the current tax rate of \$0.546825 to \$0.501394. Mr. Heerman clarified the vote tonight does not commit Council to a tax rate, however Council cannot adopt a tax rate that exceeds the rate being proposed in their motion.

Motion by Councilmember Fiester, seconded by Councilmember Hurst, that \$0.501394 per \$100 valuation be proposed for adoption as the City's Ad Valorem tax rate for the 2023 tax year and set September 12, 2023 as the date for holding the public hearing to receive public comment on said tax rate and the 2023-2024 Fiscal Year budget. Motion carried 7-0.

17. Consider Resolution 2023-3079 suspending the September 1, 2023 effective date of CoServ Gas, LTD's requested Rate Change; approving Cooperation with Other Cities in the CoServ Service Area Regarding the Hiring of Legal and Consulting Services to Negotiate with CoServ and Direct any Necessary Litigation and Appeals

APPROVED (7 – 0)

Mr. Heerman reported CoServ Gas is seeking a rate increase and it is the City's intent to participate in a coalition of cities served by CoServ to more efficiently represent the interests of the affected residents in similar manner that is used to address Atmos rate filings. Approval of proposed Resolution 2023-3079 permits the City to suspend the rate change for ninety (90) days after the date the rate change would otherwise be effective in order to allow for evaluation of the filing to determine what further strategy, including any settlement, to pursue. He further reported a negotiated rate will be brought forth in the future for Council consideration.

Motion by Councilmember Fiester, seconded by Councilmember Nelson, to approve Resolution 2023-3079 suspending the September 1, 2023 effective date of CoServ Gas, LTD's requested rate change. Motion carried 7-0.

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.)**

Councilmember Hurst requested the following as future agenda items:

A presentation on employing HB 157, from 2015, allowing the reallocation of dedicated sales tax, including how one quarter to one half dedicated sales tax can support Highland Village Police and Fire Departments and the process of allowing citizens to vote on reallocating up to one half cent sales tax to better service the residents of Highland Village. A presentation on the Denton County Transportation Authority (DCTA) proposed rail station in Highland Village that has been planned since the December 2019 federal grant application was signed by our City. Presentation to include information of the federal grant application, information of the federal grant application that obligates Highland Village to adopt the DCTA regulations that govern transit oriented development, information on what residential zoning ordinances would require to accommodate the high density housing portion of transit oriented development, the current statistics of A-train use – specifically by citizens of Highland Village, plans to survey transportation needs of Highland Village, and plans for workshops specifically concerning the development and location of the train station in Highland Village for the Highland Village citizens

- 19. Adjournment**

Mayor Jaworski adjourned the meeting at 7:47 p.m.

Daniel Jaworski, Mayor

ATTEST:

Angela Miller, City Secretary

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 12

MEETING DATE: 09/12/2023

SUBJECT: Consider Resolution 2023-3080 Authorizing Renewal of Employee Health and Dental Coverage with Blue Cross Blue Shield of Texas

PREPARED BY: Kimberly Lopez, Human Resources Director

BACKGROUND:

The City's benefits consultant, Higginbotham and Associates, reviews group health and dental coverage options to ensure the City is maintaining the best plan available within budget constraints. Throughout the summer, City Staff has worked with Higginbotham and Associates on reviewing options for the City's employee benefits plan for the 2023-2024 Fiscal Year.

The City's current health and dental insurance carrier, Blue Cross Blue Shield, offered a renewal increase of 4.5% for health insurance and no increase for dental insurance, no changes in plan design.

IDENTIFIED NEED/S:

Medical and dental insurance are integral components of the employee benefits package. In order to stay competitive in the municipal job market, the City must provide quality, high-value benefits for employees and their families, while also respecting budgetary constraints and legislation compliance.

OPTIONS & RESULTS:

Blue Cross Blue Shield offered the best option for both the City and employees, resulting in no change in plan design this year, and 4.5% in premium cost increase for the City. All employees continue to have the opportunity for a \$25/month premium discount if they participate in wellness activities throughout the year. The savings will be recovered in the City contribution towards family premiums with no impact to the employee's paycheck.

PROGRESS TO DATE: (if appropriate)

After careful consideration, City staff has determined the renewal offer from the current carrier for both dental and health insurance was the best option for both the City budget and City employees.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

Premium amounts are already factored into the Fiscal Year 2023/2024 budget, including the wellness discount option.

RECOMMENDATION:

To approve Resolution 2023-3080 authorizing the City Manager to renew the employee health and dental insurance plans with Blue Cross Blue Shield of Texas.

CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2023-3080

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO RENEW THE EMPLOYEE HEALTH AND DENTAL INSURANCE PLANS WITH BLUE CROSS BLUE SHIELD OF TEXAS, EFFECTIVE OCTOBER 1, 2023; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City Administration has worked with Higginbotham and Associates to negotiate a renewal for the City employee medical and dental insurance plans, resulting in a decrease in cost for health insurance by Blue Cross Blue Shield with no plan design changes; and

WHEREAS, City Administration recommends renewing the City's agreements with Blue Cross Blue Shield, subject to the negotiated premium amounts, for the City employee medical and dental insurance plans; and

WHEREAS, the City Council of the City of Highland Village concurs in the above recommendation and finds it to be in the public interest to renew the employee health and dental insurance plans with Blue Cross Blue Shield.

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 sign the necessary contract documents with Blue Cross Blue Shield to provide employee group medical and dental insurance coverage for the FY 2023-2024 plan year, and to take such additional actions reasonable and necessary to comply with the intent of this resolution.

SECTION 2. This Resolution shall take effect immediately upon final approval and upon passage of the City's 2022/2023 fiscal year budget.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS THIS THE 12TH DAY OF SEPTEMBER 2023.

APPROVED:

Daniel Jaworski, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(kbl:8/30/2023:4885-2162-5469 v1)

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 13

MEETING DATE: 09/12/2023

SUBJECT: Consider Resolution 2023-3081 in support of the application of MM Fronterra 35, LLC and MM Lewisville 7, to the Texas Commission on Environmental Quality for a Municipal Setting Designation for the property located at the Northwest corner of FM407 and Interstate 35E, Lewisville, Texas

PREPARED BY: Scott Kriston, Director of Public Works

BACKGROUND:

In 2003, the Texas Legislature passed a Municipal Setting Designation (MSD) statute which created a new alternative for persons addressing the groundwater contamination they were responsible for causing, as well as for persons who “volunteer” to address groundwater contamination.

An MSD is an official state designation given to property within a municipality or its extraterritorial jurisdiction which certifies that designated groundwater at the property is not used as potable water. “Potable water” is defined as water that is used for drinking, showering, bathing, cooking, or for irrigating crops intended for human consumption. Because that groundwater is contaminated in excess of the applicable potable-water protective concentration level, this law prohibits its future use as potable water. Through this locally-controlled program, the prohibition against using the designated groundwater must either be in the form of a city ordinance or as a restrictive covenant that is enforceable by the city and filed in the property records. This law also limits investigation and remediation requirements for contaminated groundwater on MSD properties. By offering this alternative to address the problem of contaminated groundwater that will not be used as potable water, persons may be more inclined to develop and redevelop properties in municipal areas that have contaminated groundwater.

The TCEQ has issued a few hundred MSD Certificates, with all but a few being in the DFW area. The City of Lewisville has several MSD Certificates within their corporate limits.

The City of Lewisville approved Ordinance 0572-23-ORD (attached) prohibiting the use of the groundwater under said property.

The proposed MSD Site is generally located at the Northwest corner of FM407 and Interstate 35E, Lewisville, Texas). Highland Village has been approached by Terracon, the applicant’s consultants, with a request to submit a resolution in support of the application by MM Fronterra 35, LLC and MM Lewisville 7 to the TCEQ to designate the property as an MSD site. Designating the property as an MSD will permit the undeveloped property to be developed in the future with any clean-up of the property being subject to less stringent requirements.

IDENTIFIED NEED/S:

As part of the application to TCEQ for a MSD, state law requires an applicant to notify each municipality that owns or operates a groundwater supply well located within five miles of a site proposed for a MSD of the application and to obtain a resolution of support from the governing body of each such municipality for the MSD application. The City's five (5) ground water wells fall within the 5 mile radius of the proposed MSD, (See Attachment 1). Therefore, the property owner is required to have support from Highland Village to apply for the MSD Certificate through the TCEQ. The City Council has previously granted its support to two of the existing MSD sites in Lewisville that fall within said 5-mile radius.

OPTIONS & RESULTS:

The City Council has the discretion to grant or withhold the City's support of this MSD application. Because granting the MSD has no environmental impact on the City's public water supply (see the comments below), providing the City's support for this MSD will serve to foster the positive relationship that presently exists between the Cities of Lewisville and Highland Village by allowing property within the City of Lewisville to be developed with no cost to or detrimental effect on the City of Highland Village.

PROGRESS TO DATE: (if appropriate)

City of Lewisville staff informed City of Highland Village staff that the contamination is made up of chlorinated solvents, more specifically tetrachloroethane (PCE), trichloroethane (TCE) and Cis-1,2-Dichloroethene originating from an off-site former dry cleaner and the contamination is moving away from Highland Village in an easterly direction. The Environmental consultant has concluded that the contaminated site is not hydro-geologically connected to the City's groundwater supply.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

None.

RECOMMENDATION:

To approve Resolution No. 2023-3081 in support of the application to the TCEQ for a Municipal Setting Designation for the property generally located at the Northwest corner of FM 407 and Interstate 35E in Lewisville.

ORDINANCE NO. 0572-23-ORD

AN ORDINANCE PROHIBITING THE USE OF AND CONTACT WITH DESIGNATED GROUNDWATER FROM BENEATH THE DESIGNATED PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF FM 407 AND INTERSTATE 35E, LEWISVILLE, TEXAS, (COMPRISING OF TWO REAL PROPERTIES GENERALLY DESCRIBED AS APPROXIMATELY 35.694 ACRES IN THE P.K. WAGNER SURVEY A-1342, CITY OF LEWISVILLE, DENTON COUNTY, TEXAS, AND TRACTS 1 & 2, BLAKE C. BOWEN ADDITION, APPROXIMATELY 7.193 ACRES IN THE PETER K. WAGNER SURVEY, ABSTRACT NO. 1342, CITY OF LEWISVILLE, DENTON COUNTY, TEXAS, AND LEGALLY DESCRIBED ON EXHIBIT "A", ATTACHED HERETO), TO FACILITATE CERTIFICATION OF A MUNICIPAL SETTING DESIGNATION ("MSD") OF SAID PROPERTY BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ("TCEQ"), PURSUANT TO THE TEXAS SOLID WASTE DISPOSAL ACT; PROVIDING FOR A REPEALER, SEVERABILITY, A PENALTY, AND AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, Chapter 361, Subchapter W, of the Texas Solid Waste Disposal Act authorizes the TCEQ to certify Municipal Setting Designations for properties upon receipt and approval of a proper application to the TCEQ; and

WHEREAS, the Texas legislature, in enacting Chapter 361, Subchapter W, of the Texas Solid Waste Disposal Act, found that an action by a municipality to restrict access to or the use of groundwater in support of or to facilitate an MSD advances a substantial and legitimate state interest where the quality of the groundwater subject to the designation is an actual or potential threat to human health; and

WHEREAS, as part of the application process for an MSD, an applicant is required to provide the TCEQ with a statement as to whether the municipality in which the MSD is being

sought supports the proposed designation, and an ordinance that prohibits the use of designated groundwater beneath that property as potable water and that appropriately restricts other uses of and contact with that groundwater; and

WHEREAS, due to limited quantity and low quality, there are areas of shallow groundwater within the City and its extraterritorial jurisdiction that are not valuable as potable water sources and therefore are not utilized for potable water; and

WHEREAS, some commercial and industrial properties within the City and its extraterritorial jurisdiction are underlain with unusable groundwater that has become contaminated by historical on-site or off-site sources; and

WHEREAS, the potable use of groundwater in designated areas should be prohibited to protect public health and welfare when the quality of the groundwater presents an actual or potential threat to public health; and

WHEREAS, the use of an MSD allows for a state-evaluated corrective action process for groundwater that is directed towards the protection of human health and the environment; and

WHEREAS, Terracon Consultants, Inc., on behalf of MM Fronterra 35, LLC, and MM Lewisville 7 (“Applicant”) intends to submit an application to the TCEQ for certification of an MSD for the property located generally at the Northwest Corner of FM 407 and Interstate 35E, as shown and described by metes and bounds in Exhibit “A”, which is attached hereto and made a part hereof (“MSD Property”), and said MSD Property is located within the city limits of the City of Lewisville; and

WHEREAS, the Applicant has certified that the type of known contaminants in the groundwater beneath the MSD Property, including contaminants of concern as defined in Lewisville City Code Section 16-395, are as set forth in Exhibit “B” attached hereto and made a part hereof, and that such contaminated groundwater (the “designated groundwater”) has a maximum depth of twenty-five (25) feet below ground surface; and

WHEREAS, the Applicant has certified to the City that:

1. The purpose of the application is to assist the Applicant in obtaining from the TCEQ closure documentation demonstrating the TCEQ’s determination, after completion of any remediation requirements and appropriate review by the TCEQ, that no further environmental cleanup or restoration is required by the TCEQ with respect to the MSD Property; and
2. As a part of the application, the Applicant has or will submit to the TCEQ a statement regarding the type of known contamination in the groundwater beneath the MSD Property and has identified that shallow groundwater contains chemicals of concern above Tier 1 groundwater ingestion protective concentration levels, as set forth in 30 Texas Administrative Code, Chapter 350, the Texas Risk Reduction Program; and

WHEREAS, the Applicant has continuing obligations to satisfy applicable statutory and regulatory provisions concerning groundwater contamination investigation and response actions at the MSD Property; and

WHEREAS, a public drinking water supply system exists that satisfies the requirements of Texas Health and Safety Code Chapter 341 that supplies or is capable of supplying drinking water to the MSD Property and property within one-half mile of the MSD Property; and

WHEREAS, a public meeting regarding the proposed MSD application was held on July 10, 2023, in accordance with Chapter 16, Article IX (Municipal Setting Designations) of the City’s Code of Ordinances, at which the Applicant or Applicant’s representative did appear and have the

opportunity to present, and at which members of the affected community were given the opportunity to ask the Applicant questions or make oral comments on the Application; and

WHEREAS, the City Council held a public hearing regarding the proposed MSD application, in accordance with Chapter 16, Article IX (Municipal Setting Designations) of the City's Code of Ordinances, at which the Applicant or Applicant's representative did appear and present the request for approval of the MSD application and at which persons wishing to speak either in favor of or against the application were provided the opportunity to speak; and

WHEREAS, the Office of Sustainability did, prior to the public hearing, provide the City Council with a written report summarizing the request for the MSD application approval, including any staff comments and comments of members of the public from the public meeting, in accordance with Chapter 16, Article IX (Municipal Setting Designations) of the City's Code of Ordinances; and

WHEREAS, the City Council supports the proposed MSD designation of the MSD Property; and

WHEREAS, the City Council believes it is in the best interest of the public and the City to facilitate the Applicant's efforts to secure an MSD and TCEQ closure documentation by passage of this ordinance.

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

SECTION 1. The City Council finds the declarations and findings set forth in the preamble of this Ordinance are true and correct and are incorporated herein.

SECTION 2. The City Council finds this ordinance is necessary because the contaminant concentrations of contaminants of concern, as defined in Lewisville City Code Section 16-395, a list of which is included in Exhibit “B”, exceed TCEQ potable water standards.

SECTION 3. The City Council finds it is in the best interest and welfare of the public to facilitate TCEQ’s certification of an MSD for the MSD Property as well as the TCEQ closure documentation.

SECTION 4. Upon and after the effective date of this ordinance, the drilling of wells and use of designated groundwater for any purpose is hereby prohibited on or from any portion of the MSD Property, including but not limited to drilling and use of designated groundwater for use as potable water, as defined in Section 361.801, Texas Health & Safety Code, and excepting only: (i) wells used as monitoring wells for the collection of groundwater samples for chemical or biological laboratory analysis; and (ii) wells used for the purpose of remediation of soil or groundwater contamination.

SECTION 5. Failure of the Applicant to diligently pursue and obtain from the TCEQ an MSD certificate for the MSD Property and TCEQ closure documentation for the MSD Property shall render this ordinance voidable by the City Council following 30 days’ written notice to the TCEQ and the Applicant.

SECTION 6. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION 7. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of

the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

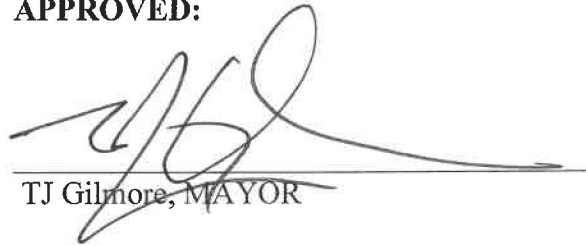
SECTION 8. PENALTY. Any person, firm or corporation who violates any provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in the Municipal Court, shall be subject to a fine of not more than \$2000.00 for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 9. EFFECTIVE DATE. This ordinance shall become effective immediately upon its passage and publication as required by law.

SECTION 10. EMERGENCY. It being for the public welfare that this ordinance be passed creates an emergency and public necessity, and the rule requiring this ordinance be read on three separate occasions be, and the same is hereby waived, and this ordinance shall be in full force and effect from and after its passage and approval and publication, as the law in such cases provides.

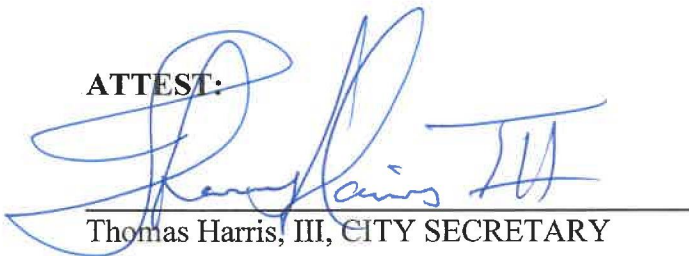
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF 6 TO 0, ON THIS THE 7TH DAY OF AUGUST, 2023.

APPROVED:



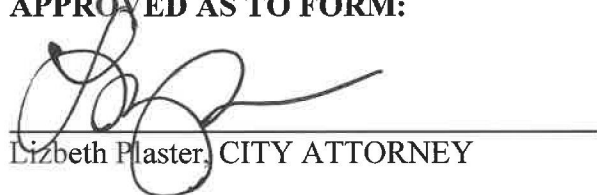
TJ Gilmore, MAYOR

ATTEST:



Thomas Harris, III, CITY SECRETARY

APPROVED AS TO FORM:



Lizbeth Plaster, CITY ATTORNEY

**EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY**

LEGAL DESCRIPTION

TRACT 1

BEING Lot 1R, Block A, Blake C. Bowen Addition, an addition to the City of Lewisville, according to the plat thereof, recorded in Cabinet X, Page 368, Plat Records, Denton County, Texas.

(More commonly known as 1951 Summit Avenue)

Tract 2

BEING all that certain lot, tract or parcel of land, situated in the Peter K. Wagner Survey, Abstract Number 1342, City of Lewisville, Denton County, Texas, and being a portion of Lot 3, Block A, Blake C. Bowen Addition, an addition to the City of Lewisville, according to the plat thereof, recorded in Cabinet Y, Page 368, Plat Records, Denton County, Texas, and being more particularly described as follows:

BEGINNING at a TxDOT right-of-way (ROW) monument found, at the southwest corner of said Lot 3, same being the most easterly southeast corner of Lot 1R, Block A, of said Blake C. Bowen Addition plat, and being in the north line of Lot 2, Block A, Blake C. Bowen Addition, a addition to the City of Lewisville, according to the plat thereof, recorded in Cabinet R, Page 384, Plat Records, Denton County, Texas from which a 1/2" rebar found in the easterly south line of said Lot 1R, and the north line of said Lot 2, bears S 58°42'45" W, 203.19 feet;

THENCE with the east line of said Lot 1R, and the west line of said Lot 3, the following three (3) calls:

N 32°49'39" W, a distance of 24.65 feet to a 1/2" capped rebar set, stamped "MCADAMS";

N 25°42'24" W, a distance of 100.54 feet to a 1/2" capped rebar set, stamped "MCADAMS";

N 32°41'24" W, a distance of 218.12 feet to a 1/2" capped rebar set, stamped "MCADAMS" at the northeast corner of said Lot 1R, same being the northwest corner of said Lot 3 and being in the most easterly south line of a certain tract of land, described by deed to MM Fronterra 35 LLC, recorded in Document Number 2020-210814, Deed Records, Denton County, Texas;

THENCE S 89°50'54" E, with the north line of said Lot 3, and the most easterly south line of said Fronterra tract a distance of 21.52 feet to a 1/2" capped rebar set, stamped "MCADAMS", at the northwest corner of a certain tract of land to the State of Texas, recorded in Document Number 2011-124444, Deed Records, Denton County, Texas, and being the southwest corner of a certain tract of land to the State of Texas, recorded in Document Number 2013-86038, Deed Records, Denton County, Texas, being the most easterly southeast corner of said Fronterra tract;

THENCE with the west line of said State of Texas tract (2011-124444) the following three (3) calls:

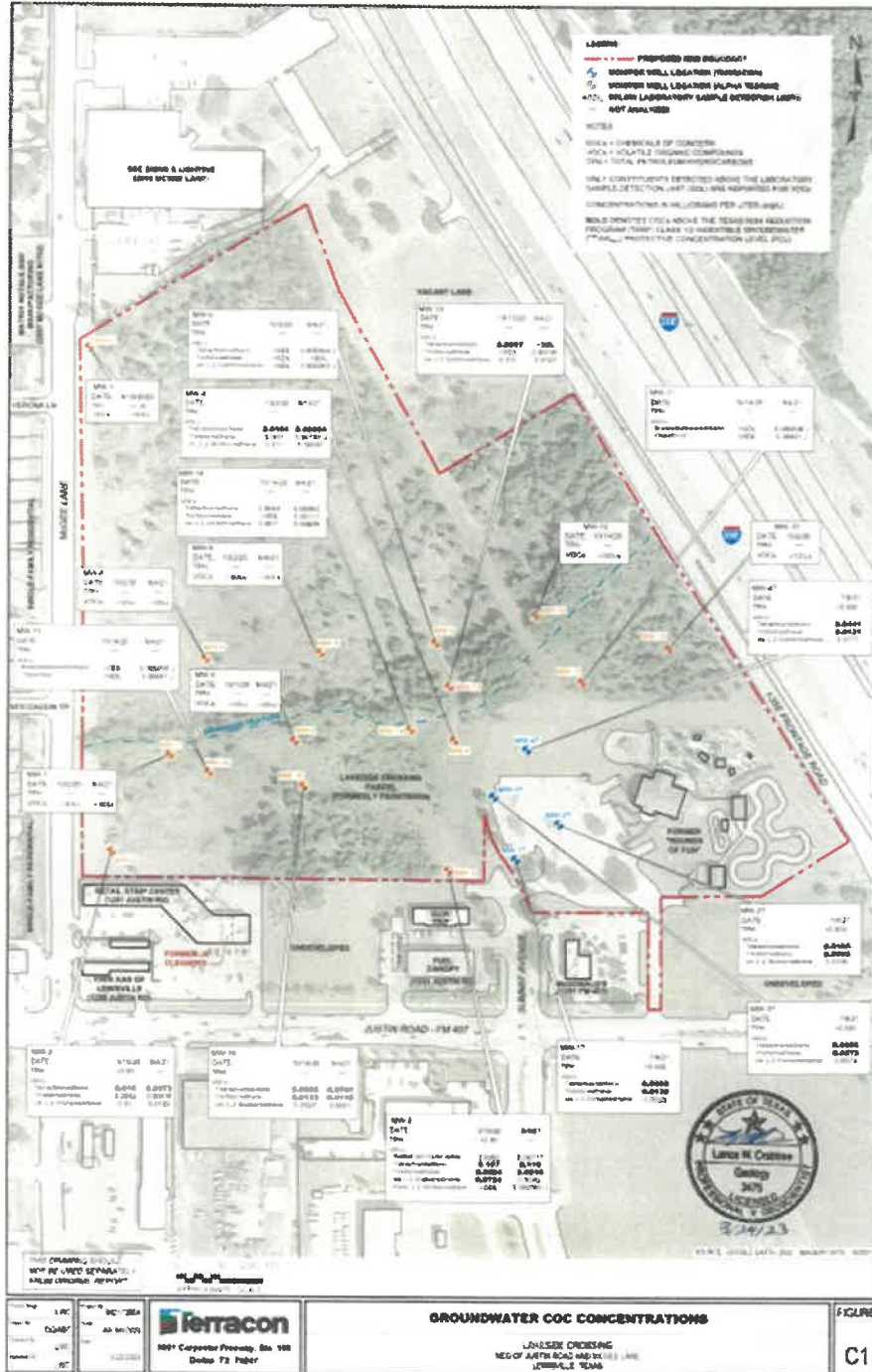
S 32°55'58" E, a distance of 208.67 feet to a 1/2" capped rebar set, stamped "MCADAMS";

S 26°39'20" E, a distance of 100.60 feet to a 1/2" capped rebar set, stamped "MCADAMS";

S 32°55'58" E, a distance of 22.68 feet to a TxDOT ROW monument found at the southwest corner of said State of Texas tract (2011-124444), same being the northwest corner of a certain tract of land to the State of Texas, recorded in Document Number 2011-24709, Deed Records, Denton County, Texas, being in the south line of said Lot 3, and being in the north line of said Lot 2;

THENCE S 58°42'45" W, with the south line of said Lot 3, and the north line of said Lot 2, a distance of 20.66 feet to the POINT OF BEGINNING and containing approximately 0.148 acres of land.

EXHIBIT B CONTAMINANTS



CONTAMINANTS OF CONCERN (COC)

Parameter	MW-1T	MW-2T	MW-3T	MW-4T	MW-2	MW-3	MW-4	MW-13	MW-16
Sampling Dates:	7/8/21	7/8/21	7/8/21	7/8/21	9/19/20, 8/4/21	9/19/20, 8/4/21	10/2/20, 8/13/21	10/13/20	10/14/20, 8/4/21
Tetrachloroethane (mg/L)	0.0669	0.0183	0.0855	0.0441	0.016, 0.0073	0.107, 0.118	0.0101, 0.00604	0.0057	0.0995, 0.0767
Trichloroethane (mg/L)	0.013	0.0063	0.0272	0.0121	0.0042	0.0224, 0.0216	0.003, 0.00193	<0.0025	0.0153, 0.0110
Cis- 1,2-Dichloroethene (mg/L)	0.0326	0.0063	0.0674	0.0177	0.01	0.0724, 0.582	0.011, 0.00587	0.015	0.0323, 0.0251

CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2023-3081

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS IN SUPPORT OF THE APPLICATION OF MM FRONTERRA 35, LLC AND MM LEWISVILLE 7, LLC TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR A MUNICIPAL SETTING DESIGNATION FOR THE PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF FM407 AND INTERSTATE 35E, LEWISVILLE, TEXAS, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 361, Subchapter W of the Texas Health and Safety Code authorizes the Texas Commission on Environmental Quality (TCEQ) to certify Municipal Setting Designations (MSD) for properties upon receipt and approval of a property submitted application to TCEQ; and

WHEREAS, as part of the application to TCEQ for a MSD, Texas Health and Safety Code §361.8065(a) requires the applicant to notify each municipality that owns or operates a groundwater supply well located within five miles of a site proposed for a MSD of the application for MSD for said site and to obtain a resolution of support from the governing body of each such municipality for the MSD application; and

WHEREAS, at the request of the MM Fronterra 35, LLC and MM Lewisville 7, LLC (“Applicants”), the City Council of the City of Lewisville (“Lewisville”) approved City of Lewisville Ordinance No. 0572-23-ORD (“the Lewisville Ordinance”) supporting an application for MSD for the property located at 1951 Summit Avenue in the City of Lewisville, consisting of 35.694± acres in the P.K. Wagner Survey Abst. No. 1342 City of Lewisville, Tracts 1 & 2, Blake C. Bowen Addition, and 7.193± acres in the Peter K. Wagner Survey, Abst. No. 1342, City of Lewisville, Denton County, Texas, the boundaries of which are more particularly depicted in Exhibit “A” attached hereto and incorporated herein by reference (“the Proposed MSD Site”); and

WHEREAS, the City of Highland Village owns and operates a groundwater supply well located not more than five miles from the Proposed MSD Site that provides potable water to customers of the City’s public water supply system; and

WHEREAS, as required by law, the Applicant has provided the notice to the City of Highland Village of the application for the MSD for the Proposed MSD Site and requested that the City Council of the City of Highland Village, Texas, provide a resolution supporting said application; and

WHEREAS, Applicant’s environmental consultant has provided information to City staff indicating that the designated groundwater supply beneath the Proposed MSD Site is down gradient from and not hydro-geologically connected with the groundwater source from which the City’s public water supply wells draw groundwater; and

WHEREAS, City staff has reviewed the materials received from the Applicant’s consultant and finds no reason to object to the MSD application for the Proposed MSD Site; and

WHEREAS, in the spirit of cooperation with and support of the City of Lewisville in its the efforts to provide for the redevelopment of property within its corporate limits, the City Council of the City of Highland Village, finds it to be in the public interest to support the proposed MSD application.

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, Texas, supports the Applicant's application to the TCEQ for certification of a Municipal Setting Designation for the Proposed MSD Site.

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

PASSED AND APPROVED THIS 12th DAY OF SEPTEMBER, 2023.

APPROVED:

Daniel Jaworski, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(kbl:8/30/2023:4864-0100-0317.v1)

Resolution No. 2023-3081 Exhibit "A" Map of Proposed MSD Site



CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 14

MEETING DATE: 09/12/2023

SUBJECT: Consider Resolution 2023-3082 authorizing an interlocal agreement with Denco Area 911 District Regarding Use of Facilities for Backup Technology Storage and Backup Emergency Operations Center

PREPARED BY: Sunny Lindsey, Director of Information Services

BACKGROUND:

Denco 911 owns property located at 1076 Princeton St, Lewisville. This building is known as the Denco Annex. This facility currently houses a backup Emergency Communications Center (“ECC”) and information technology support space. There is no additional cost or fees associated with the use of the ECC or the technology rack space. Staff has two main goals with this space. The first goal is to provide equipment and internet functionality so that dispatch services may continue at the Annex facility in the event of an emergency that disables the City’s primary dispatch center. The second goal is to use the technology rack space to house equipment to be the City’s primary data backup storage location. This site would become our official disaster recovery site in the unfortunate event that the main servers were damaged in any way.

IDENTIFIED NEED/S:

The Police and Fire Departments need a secure location with functioning equipment and software that will allow emergency communications and dispatch services to continue the City’s primary dispatch location is unavailable. In addition, Information Services wants to implement the best practice of having the City’s data storage located in a hardened facility, further away than its current location for City Hall that can be set up as a disaster recovery site for the City’s data.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

There are no additional cost to use the facility, and the hardware that is being installed is currently owned by the City. There may be an additional cost for the use of additional licenses of the Computer Aided Dispatch software, but that is currently being negotiated with the City’s vendor. The City’s cost to maintain the City’s fiber connection to the facility has already been included in the FY 23-24 budget.

RECOMMENDATION:

Council to approve Resolution 2023-3082 authorizing an Interlocal Agreement with Denco Area 911 District regarding use of its facilities for backup technology storage and backup Emergency Operations Center.

CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2023-3082

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AUTHORIZING AN INTERLOCAL AGREEMENT WITH DENCO AREA 9-1-1 DISTRICT REGARDING USE OF ITS FACILITIES FOR BACKUP TECHNOLOGY STORAGE AND BACKUP EMERGENCY OPERATIONS CENTER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Denco Are 911 District ("Denco") owns property located at 1076 Princeton Street, Lewisville, Texas 75067 known as the Denco Annex (the "Annex"); and

WHEREAS, the Annex is an ICC-500, EF-5 tornado-rated hardened facility containing a secure data center, backup Emergency Communications Center (ECC), and information technology support space; and

WHEREAS, at no additional cost to the City, Denco has offered to allow the City to locate mission critical aspects of its Information Technology operations at the Annex as well as to use the Annex as a backup facility for operations in the event of evacuation or overflow of City's primary emergency communications and operations center and as an alternate location for emergency coordination, command and control functions during a declared disaster or significant emergency; and

WHEREAS, City Administration recommends that an interlocal agreement between the City and Denco be negotiated and signed to allow the City to use the Annex for the purposes described above; and

WHEREAS, the City Council of the City of Highland Village finds it to be in the public interest to authorize the foregoing agreement;

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

SECTION 1. The City Manager is hereby authorized to negotiate and sign, on behalf of the City, an interlocal agreement with Denco for the purpose of allowing the City to use the Annex for to provide back-up emergency command center, emergency operations and data center space.

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

PASSED AND APPROVED this the 12th day of September 2023.

APPROVED:

Daniel Jaworski, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(kbl: 8/30/2023:4859-2902-5903 v1)

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 15

MEETING DATE: 09/12/2023

SUBJECT: Consider Resolution 2023-3083 Authorizing a First Amendment to Interlocal Cooperation Agreement with the City of Lewisville and the Town of Flower Mound Regarding the Joint Use Fire Training Facility

PREPARED BY: Jason Collier, Fire Chief

BACKGROUND:

On October 21, 2021, following approval by the City Council, the City of Highland Village entered into an interlocal cooperation agreement (the "ILA") with the City of Lewisville and Town of Flower Mound regarding the joint funding for design, construction, and operation of a fire training facility (the "Facility") to be located in Lewisville on Lewisville's property near its service center. Under the ILA, Lewisville is responsible for bidding and contracting for construction of the Facility on behalf of all three cities. Lewisville will own and operate the Facility. Operational and use policies for the Facility are set by a Facility Executive Committee and Facility Operations Committee whose members consist of representatives of all three fire departments. The ILA presently provides that the parties share in the cost to design, construct, and equip the Facility for an amount not to exceed \$4,961,250, with Highland Village's share being 7.8% of that total, or \$386,591.00. The cities will also share in the annual operational costs at an agreed percentage, with Highland Village initially paying 7.8% of that annual cost. The percentage of each city's share of the annual operational costs will be adjusted annually based on the percentage of structural firefighters each city employs in relation to the total number employed by all of the cities. In accordance with the ILA, Highland Village has paid its initial share of the project costs to Lewisville to use to pay project costs.

Lewisville has advised Highland Village and Flower Mound that a number of factors related to the COVID pandemic, supply chain delays, and other inflationary factors have resulted in an increase in the initial estimated cost for design and construction of the Facility to \$6,874,160.00, an increase of \$1,912,910.00 (38.5%) over the original estimate. Based on the City's original 7.8% share of the costs set forth in the ILA, Lewisville has requested Highland Village increase its participation in the project from \$386,591.00 to \$535,797.98, or an increase of \$149,206.98. By way of comparison, Lewisville's share increases from \$2,561,165 to \$3,548,226.56, and Flower Mound's share increases from \$2,013,494.00 to \$2,790,135.46.

Pursuant to its request, Lewisville has prepared and presented a proposed amendment to the ILA providing for each City to pay for the increased cost to construct the Facility based on the original cost sharing percentages set forth in the ILA.

IDENTIFIED NEED/S:

Currently, the Highland Village Fire Department does not have full access to a nearby fire training facility and must rent time at fire training facilities from the City of Denton, Collin College, DFW Airport and Tarrant College. Due to the lack of availability, the Highland Village Fire Department has limited access to fire training facilities and limited ability to train in real to life scenarios.

By partnering with the Lewisville and Flower Mound in this project, Highland Village is able to have full access to and interest in a designated fire training facility. By sharing the Capital and Operational costs, each City will not only save taxpayer dollars, but they also facilitate joint training among cities that regularly work emergency scenes together. Having access to a training facility located in Lewisville also reduces travel and out-of-service times for HVFD personnel associated with having to travel to more distant training facilities.

OPTIONS & RESULTS:

The ILA provides that any party that terminates its participation in the ILA will forfeit the funds previously paid along with all future rights to use of the Facility. The ILA does not contain terms on how to address cost overruns such as those described herein. Failing to agree to the proposed amendment may result in a possible dispute with the other two cities as well as the possibility of being unable to participate at the same percentage of use as originally agreed. Agreement to the proposed amendment prevents possible loss of the City's original investment in the project and keeps the City's participation at the same percentage to which the parties originally agreed.

PROGRESS TO DATE: (if appropriate)

The City has received from the City of Lewisville and the Town of Flower Mound a draft amendment to the ILA that provides for Highland Village and the other cities to pay their share of the cost overruns for the Facility. City Administration has reviewed the amendment and determined the City will have funds available to pay this increased cost in the FY 23-24 budget, and the draft has been approved as to form by the City Attorney. A resolution authorizing the proposed agreement has also been prepared.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

Highland Village's share (7.8% or \$149,206.98) of the total cost increase will come from the 2023-2024 Fiscal Year Budget. Future Operational Funding will come from the Fire Department's Annual Management and Operating Budget.

RECOMMENDATION:

To approve Resolution No. 2023-3083 as presented; and authorize the City Manager to execute the amendment.

**FIRST AMENDMENT TO INTERLOCAL AGREEMENT
AMONG THE CITY OF LEWISVILLE, THE TOWN OF FLOWER MOUND AND
THE CITY OF HIGHLAND VILLAGE**

This First Amendment to Interlocal Agreement (the “**First Amendment**”) is entered into by and among the City of Lewisville (“**Lewisville**”), the Town of Flower Mound (“**Flower Mound**”), and the City of Highland Village (“**Highland Village**”), all entities being located in Denton County, Texas and hereinafter referred to collectively as “**Cities**” or individually as a “**City**”. The Cities execute this First Amendment in accordance with the Texas Government Code, Chapter 791, known as the Interlocal Cooperation Act:

RECITALS

WHEREAS, the Cities previously entered into a certain Interlocal Agreement (the “**Agreement**”), effective October 21, 2021, establishing the terms by which the Cities will jointly design, construct, maintain, operate, manage, and use a fire training facility on property owned by Lewisville; and

WHEREAS, the Cities acknowledge they have each paid their respective shares of the Shared Capital Costs in accordance with Section 3.2 of the Agreement; and

WHEREAS, the Facility Operations Committee determined that the original estimate of Shared Capital Cost for the initial design, construction, and equipping of the Facility is insufficient, resulting in cost overruns; and

WHEREAS, the Cities desire to amend the terms of the Agreement to account for said cost overruns, as more specifically provided herein.

NOW, THEREFORE, for and in consideration of the mutual benefits and obligations set forth in this Agreement, the Cities agree as follows:

SECTION 1. Recitals. The recitals are incorporated into this First Amendment and are true and correct for all purposes.

SECTION 2. Definitions. Capitalized terms used in this First Amendment and not otherwise defined herein shall have the respective meanings assigned to such terms in the Agreement.

SECTION 3. Amendments to Agreement.

(a) Article I, Definitions, is hereby amended as by adding the following definitions:

“**Cost Overruns**” means the actual Shared Capital Costs for the initial design, construction, and equipping of the Facility that exceeds the Original Estimate.

“**Original Estimate**” shall have the meaning given that phrase as set forth in Section 3.2.A.

(b) Article III, Design and Construction of Facility, Section 3.2., Advance Payment to Paying City, subsections A and B are hereby amended to read in their entirety, as follows:

A. The original estimate of the Shared Capital Costs for the initial design, construction, and equipping of the Facility is FOUR MILLION NINE HUNDRED SIXTY-ONE THOUSAND TWO HUNDRED FIFTY AND 00/100 DOLLARS (\$4,961,250.00) (the “Original Estimate”).

B. The amount of the Cost Overruns is ONE MILLION NINE HUNDRED TWELVE THOUSAND NINE HUNDRED TEN AND 00/100 DOLLARS (\$1,912,910.00).

(c) Article V, Division of Costs, is hereby amended to add a new Section 5.5 “Allocation and Payment of Cost Overruns,” to read as follows:

5.5 Allocation and Payment of Cost Overruns.

A. The Cities agree that the proportionate share of Cost Overruns shall be allocated as follows:

(1) Lewisville shall pay a 51.6% undivided interest, not to exceed NINE HUNDRED EIGHTY-SEVEN THOUSAND SIXTY-ONE AND 56/100 DOLLARS (\$987,061.56).

(2) Flower Mound shall pay a 40.6% undivided interest, not to exceed SEVEN HUNDRED SEVENTY-SIX THOUSAND SIX HUNDRED FORTY-ONE AND 46/100 DOLLARS (\$776,641.46).

(3) Highland Village shall pay a 7.8% undivided interest, not to exceed ONE HUNDRED FORTY-NINE THOUSAND TWO HUNDRED SIX AND 98/100 DOLLARS (\$149,206.98).

B. Each City shall pay its share of the Cost Overruns to Lewisville no later than January 15, 2024. Funds paid by each City for Cost Overruns are in addition to the Shared Capital Costs as set forth in Section 3.2. Lewisville, as the Paying City, will place the funds paid by the Cities for Cost Overruns into a restricted project account and spend such funds only to pay the Cost

Overruns.

SECTION 4. Effect on Agreement; Integration. Except as specifically amended by this First Amendment, all other terms and provisions of the Agreement shall remain in full force and effect, and as applicable, shall apply to this First Amendment. In the event of any conflict or inconsistency between this First Amendment and the Agreement, the terms and provisions of this First Amendment shall govern and prevail to the extent necessary to resolve such conflict or inconsistency.

SECTION 5. Amendments. This First Amendment may be amended or modified only by the mutual agreement of the Cities. Such amendment or modification must be in writing and executed by an authorized representative of each City.

SECTION 6. Severability. In case any one or more of the provisions contained in this First Amendment shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof or any other provision of the Agreement, and this First Amendment shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

SECTION 7. Counterparts. This First Amendment may be executed in multiple counterparts and shall be binding on and inure to the benefit of each City, and each counterpart shall be deemed an original for all purposes when duly authorized by the governing body of each City and signed by such City's duly authorized representative.

SECTION 8. Binding Nature. This First Amendment shall be binding on and inure to the benefit of the Cities and their respective heirs, executors, administrators, legal representatives, successors, and assigns as permitted by this First Amendment and the Agreement.

IN WITNESS WHEREOF, the Cities hereto have executed this First Amendment to be effective upon execution and dating by each City. The First Amendment shall be effective from the last date signed and marked on this First Amendment by a participating City.

Signatures on Following Pages

APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS

BY:

Claire Powell, CITY MANAGER

DATE: _____

ATTEST:

Thomas Harris III, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

**APPROVED BY THE CITY COUNCIL OF THE CITY OF THE HIGHLAND VILLAGE,
TEXAS**

BY:

Paul Stevens, CITY MANAGER

DATE: _____

ATTEST:

Angela Miller, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, CITY ATTORNEY

**APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND,
TEXAS**

BY:

Derek France, TOWN MANAGER

DATE: _____

ATTEST:

Theresa Scot, TOWN SECRETARY

APPROVED AS TO FORM:

Bryn Meredith, TOWN ATTORNEY

CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2023-3083

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AUTHORIZING THE FIRST AMENDMENT TO INTERLOCAL AGREEMENT WITH THE CITY OF LEWISVILLE AND TOWN OF FLOWER MOUND REGARDING THE CONSTRUCTION AND OPERATION OF A JOINT FIRE TRAINING FACILITY; PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Lewisville, City of Highland Village, and Town of Flower Mound (collectively, “the Cities”) previously entered into that certain Interlocal Agreement (the “Agreement”), effective October 21, 2021, establishing the terms by which the Cities will jointly design, construct, maintain, operate, manage, and use a fire training facility (the “Facility”) on property owned by Lewisville; and

WHEREAS, the Facility Operations Committee established pursuant to the Agreement determined that the original estimate of Shared Capital Cost (as defined in the Agreement) for the initial design, construction, and equipping of the Facility is insufficient, resulting in cost overruns; and

WHEREAS, the City of Lewisville has prepared and presented a proposed amendment to the Agreement providing for the Cities to pay for the increased cost to construct the Facility (“Overrun Costs”) based on the original cost sharing percentages set forth in the Agreement; and

WHEREAS, the City Council of the City of Highland Village, finds it to be in the public interest to authorize the execution of the above described amendment to interlocal agreement and to pay the City’s share of such overrun.

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

SECTION 1. The City Manager is authorized to negotiated and sign on behalf of the City of Highland Village an amendment to the Agreement to provide for an increase in the City’s costs for design and construction of the Facility in an amount not to exceed \$149,206.98, increasing the City’s total share for the costs to design and construct the Facility to an amount not to exceed \$535,797.98.

SECTION 2. The City Manager is further authorized to take such actions as reasonable and necessary to carry out the City’s obligations pursuant to the Agreement as amended in accordance with Section 1, above, including, but not limited to, paying the City’s share for construction of the Facility, purchase of equipment, and costs of operation and maintenance of the Facility from available funds in the City’s approved budget.

SECTION 3. This Resolution shall become effective immediately upon approval.

PASSED AND APPROVED ON THIS 12TH DAY OF SEPTEMBER 2023.

APPROVED:

Daniel Jaworski, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(kbl:9/7/2023:4877-9409-2413.V1)

CITY OF HIGHLAND VILLAGE
CITY COUNCIL

AGENDA# 16

MEETING DATE: 09/12/2023

SUBJECT: Consider Ordinance No. 2023-1306 approving amendments to the Development Regulations of the Marketplace Planned Development District with Retail (MPD-R), as amended, applicable to Lot 1, Block A, The Shops at Highland Village (Second Read Ord. No. 2023-1306)

PREPARED BY: Autumn Aman, Community Development Coordinator

BACKGROUND:

An application was received requesting an amendment to the regulations relating to the development and use of The Shops at Highland Village. The applicant, MP Shops at Highland Village LLC, property owner, wants to remove the Southern Common Area of the property to allow for an additional (20) parking spaces within the area between Lambeaus' America and Chico's. They are also asking to be allowed to construct one (1) gateway arch sign, provide a stage area, benches, new seating, tables with umbrellas, string lighting, and revise the parking spaces on the north side of the common area, in front of the future Cheesecake Factory. Such changes require an amendment to the Concept Plan, sign regulations, and a number of other exhibits that are currently part of the development regulations of Marketplace Planned Development District with Retail (MPD-R) the regulate the development of the subject property.

History - Ordinance No. 05-984, approved November 2005, had been the ordinance primarily governing the development of The Shops, until that ordinance was amended in 2015, by Ordinance No. 2015-1174. Ordinance No. 2015-1174 amended the Concept Plan, Exhibit B, to allow for an amendment to The Southern Common Area, removing the then existing statue and adding a pergola, outdoor fireplace, seating area, bocce ball, etc.

The applicant is requesting the following revisions to the existing PD ordinances:

Amend the subsection titled "General Description" in the section titled "Area 'C' Greenspace and Common Areas" as set forth in Exhibit "B" to Ordinance No. 05-984 by changing the phrase "approximately 23% of the site" to read "approximately 22.5% of the site".

Replace and amended in its entirety the graphic titled "Concept Plan" in Exhibit "B" to Ordinance No. 05-984 for the purpose of revising the parking and pedestrian focal point.

Replace and amend in its entirety Exhibit "D" titled "Illustrative Plan" as set forth in Attachment 1 to Ordinance No. 2015-1174 for the purpose of revising the parking and pedestrian focal point.

Replace and amend in its entirety Exhibit “E” titled “Concept Plan” set forth in Attachment 2 to Ordinance No. 2015-1176 for the purpose of revising the parking and pedestrian focal point.

Amend Exhibit H, Section III titled “Center Identification Signs” to Ordinance No. 2015-1174 by adding a new paragraph 7 to read as follows:

7. One (1) Illuminated or Non Illuminated Gateway Arch Sign may be located north of the intersection of Waller Creek and Cherry Creek. This Gateway Arch Sign will not exceed 25’ in height.

Amend Exhibit H to Ordinance No. 2015-1174 by amending in its entirety Exhibit 1 “Location Plan” for the purpose of adding the above mentioned Gateway Arch Sign.

If approved and constructed, the changes in the property as proposed will result in the removal of (12) existing trees, while replanting nine (9) new trees.

Currently there are 25 parking spaces within the northern side of the existing common area, 17 of which will be temporarily removed during construction. When construction is complete, there will be 32 spaces on the northern side of the central aisle and 20 new parking spaces within the new central aisle being requested (former common area), bringing the total number of parking spaces to 52 for a net increase of 27 spaces.

IDENTIFIED NEED/S:

All hearing notices have been published and/or mailed and public hearings have been conducted as required by law. The Council needs to take action on second reading of the proposed ordinance as modified on first reading.

OPTIONS & RESULTS:

Options are to (1) approve as presented, (2) approved with modifications, or (3) deny the request. The Council may also postpone any action in order to receive any additional information which it requests be presented.

PROGRESS TO DATE: (if appropriate)

As of the date of preparation of this briefing, September 5, 2023, staff has received no additional emails or inquires on the nature of the request.

City Staff and the Fire Department have reviewed the request and have no further comments on the submittal.

At the August 15, 2023, Planning and Zoning Commission meeting, the Commission recommended the City Council approve the Ordinance as presented on a vote of 3 for and 2 against.

At the August 22, 2023, City Council meeting, the Council approved Ordinance No. 2023-1306 with a vote of 6 for and 1 against on the First Read with the following requested changes:

1. Add (2) ornamental trees on the east side of the new courtyard area parking.
2. Installation of removable bollards to prevent vehicles from entering into the south courtyard area during events.
3. Add landscape screening, minimum 24" bushes, in the area in front of Lambeau's American restaurant.

In response to the changes approved on first reading, Ordinance No 2023-1306 has been revised to:

1. Revise the third paragraph of the subsection titled "General Description" in the section titled "Area 'A' Village Lifestyle" as set forth in Exhibit "B" of Ordinance No. 05-984 to reflect the changes being made to the South Courtyard area through this amending ordinance, which incorporates a reference to a new Exhibit GC that contains the new concept plan for the South Courtyard area, adds specific language regarding the removable bollards and the additional ornamental tree plantings contained in the Council's motion, and also requires that landscape screening conform to Exhibit GC; and
2. Adds the new Exhibit GC showing the new concept design for the South Courtyard Area.

The combination of the revised text, which requires the South Courtyard Area to be designed and constructed to substantially conform to Exhibit GC, along with the addition of the new Exhibit GC, better ensures the amenities discussed with the Council and shown on the South Courtyard concept plan (e.g. outdoor stage, seating areas, wide walkways, parking screening, etc.), which was part of the application package but not part of the ordinance on first reading, will now be enforceable as part of the ordinance if approved on second reading.

A redline of Ordinance No. 2023-1306 showing the changes between first and second reading is included with this agenda briefing along with a clean version of the ordinance.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

There is no direct budgetary impact. To grant the applicant's requested modifications to the layout of the Property, an ordinance amending the development regulations for the Property must be approved.

RECOMMENDATION:

Staff recommends the City Council review and make a determination on approval of the second read of Ordinance No. 2023-1306.

ORDINANCE NO. 2023-1306

AN ORDINANCE OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING DISTRICT MAP OF THE CITY OF HIGHLAND VILLAGE AS PREVIOUSLY AMENDED, BY AMENDING THE REGULATIONS APPLICABLE TO THE DEVELOPMENT AND USE OF LOT 1, BLOCK A, THE SHOPS AT HIGHLAND VILLAGE, LOCATED IN THE MARKETPLACE PLANNED DEVELOPMENT DISTRICT WITH RETAIL (MPD-R); INCLUDING AMENDMENTS TO THE CONCEPT PLAN, SIGN REGULATIONS; AND CERTAIN NON-SUBSTANTIVE AMENDMENTS TO CONFORM TO THE FOREGOING; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Highland Village, Texas, in compliance with the laws of the State of Texas and the Ordinances of the City of Highland Village, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally and to all persons interested and situated in the affected area, and in the vicinity thereof, and in the exercise of its legislative discretion, the City Council has concluded that the Comprehensive Zoning Ordinance and Zoning District Map of the City of Highland Village, Texas, as previously amended, should be further amended as follows:

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

SECTION 1. The Comprehensive Zoning Ordinance and Zoning District Map of the City of Highland Village, Texas, as amended, by amending in accordance with Section Two of this Ordinance the regulations relating to the use and development of Lot 1, Block A, The Shops at Highland Village, an addition to the City of Highland Village, Texas, according to the plat thereof recorded in Cabinet Y, Slide 166, Plat Records, Denton County, Texas (“the Property”) which is located in and subject to the regulations of The Marketplace Planned Development District with Retail (MPD-R) established by Ordinance No. 04-943, and amended by Ordinance Nos. 04-962, 05-984, 07-1030, 08-1062, 2014-1160, 2014-1163, 2015-1174, and 2018-1247 (which, to the extent applicable to the Property, are hereafter collectively referred to herein as “The Shops PD Regulations”).

SECTION 2. The Shops PD Regulations, to the extent applicable to the Property, are hereby amended as follows:

A. The third paragraph of the subsection titled “General Description” in the section titled “Area ‘A’ Village Lifestyle” as set forth in Exhibit “B” of Ordinance No. 05-984 is amended to read as follows:

The Village Lifestyle area will be complete with park benches and gathering areas all in a cozy setting with the convenience of store front parking and easy access circulation to the remainder of the Shops at Highland Village. The South Courtyard Area, the area within the Village Lifestyle area generally depicted on Exhibit GC -South Courtyard Concept Plan, attached hereto and incorporated herein by reference, shall be developed substantially as shown on Exhibit GC, with benches, an outdoor stage, and other amenities shown on Exhibit GC. The drives at the south and north ends of the South Courtyard Area, at their intersections with Waller Creek and Deer Creek, respectively, shall be constructed with sleeves to allow the installation of removable bollards to prevent vehicles from entering into the South Courtyard Area during special events held within the South Courtyard Area, which bollards shall be inserted during such events. The approved landscaping plan for the South Courtyard Area shall substantially conform to the landscaping and screening shown on the Exhibit GC, inclusive of the placement of a landscape parking screen and ornamental trees as shown on Exhibit GC. Provided their location is generally consistent with Exhibit GC, the exact location of all amenities and landscape materials shown on Exhibit GC shall be determined at the time of approval of the final construction plans for the South Courtyard Area after taking into consideration the location of existing utilities, visibility triangles, and location of other improvements to be constructed within the South Courtyard Area.

- A. The first paragraph titled “General Description” in the section titled “Area ‘C’ Greenspace and Common Areas” as set forth in Exhibit “B” of Ordinance No. 05-984 is amended to read as follows:

General Description - The Greenspace and Common Areas configuration shall include: (1) project perimeter landscape buffering, (2) a community gateway entry monument announcing the entrance to Highland Village, (3) intimate park areas featuring unique landscape and water features, (4) landscape planters in the walking areas throughout the project, and (5) a series of variable width pathways that will provide jogging, walking and access trails on the perimeter of the project to connect the park and retention area with the City's Inland Trail System Master Plan, as set forth in the Marketplace Overlay District Ordinance No. 03-906. Not less than 22.5% of the Property shall consist of areas dedicated to green space, landscape buffers, water features, retention pond, pedestrian trails and park areas.

- B. The graphic titled “Concept Plan” as set forth in Exhibit “B” to Ordinance No. 05-984 is amended to read in its entirety as set forth in Attachment 1, attached hereto and incorporated herein by reference.
- C. Exhibit “D” titled “Illustrative Plan” as set forth in Attachment 1 to Ordinance No. 2015-1174 is amended to read in its entirety as set forth in Attachment 2, attached hereto and incorporated herein by reference.
- D. Exhibit “E” titled “Concept Plan” as set forth in Attachment 2 to Ordinance No. 2015-1174 is amended to read in its entirety as set forth in Attachment 3, attached hereto and

incorporated herein by reference.

- E. Revised Exhibit GB as set forth in Attachment 3 to Ordinance No. 2015-1174 are amended to read as set forth in Attachment 4, respectively, attached hereto, and incorporated herein by reference.
- F. Exhibit “H” titled “Signage Criteria” as set forth in Attachment 4 to Ordinance No. 2015-1174 is amended as follows:
 - (1) Add a new Paragraph 7 to Section III “Center Identification Signs” to read as follows:
 - 7. One (1) Illuminated or Non Illuminated Gateway Arch Sign with a height not exceeding twenty-five feet (25’) may be located north of the intersection of Waller Creek and Cherry Creek.
 - (2) Amend Exhibit 1 to read in its entirety as set forth in Attachment 5, attached hereto and incorporated herein by reference.
 - (3) Add Exhibit 12 titled “Gateway Arch Details” to read as set forth in Attachment 6, attached hereto and incorporated herein by reference.
- G. The Shops PD Regulations are amended by adding Exhibit GC “South Courtyard Concept Plan” as set forth in Attachment 7, attached hereto and incorporated herein by reference.

SECTION 3. All ordinances of the City of Highland Village related to the use and development of the Property heretofore adopted and in effect upon the effective date of this Ordinance are and shall remain in full force and effect except to the extent amended by this Ordinance or to the extent there is an irreconcilable conflict between the provisions of said other ordinance and the provisions of this Ordinance, in which case the provisions of this Ordinance shall be controlling.

SECTION 4. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance, or of the Comprehensive Zoning Ordinance, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance or the Comprehensive Zoning Ordinance, as amended hereby, which shall remain in full force and effect.

SECTION 5. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 6. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in Comprehensive Zoning Ordinance as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense.

SECTION 7. No person or entity shall acquire any vested interest in this Ordinance or any specific regulations contained herein. This Ordinance and any regulations may be amended or repealed by the City Council of the City of Highland Village, Texas, in the manner provided by law.

SECTION 8. This ordinance shall take effect immediately from and after its passage on Second Reading and publication of the caption in accordance with the provisions of the Charter of the City of Highland Village, and it is accordingly so ordained.

FIRST READ ON THE 22ND DAY OF AUGUST 2023, BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON SECOND READING ON THIS THE 12TH DAY OF SEPTEMBER 2023.

APPROVED:

Daniel Jaworski, Mayor

ATTEST:

Angela Miller, City Secretary

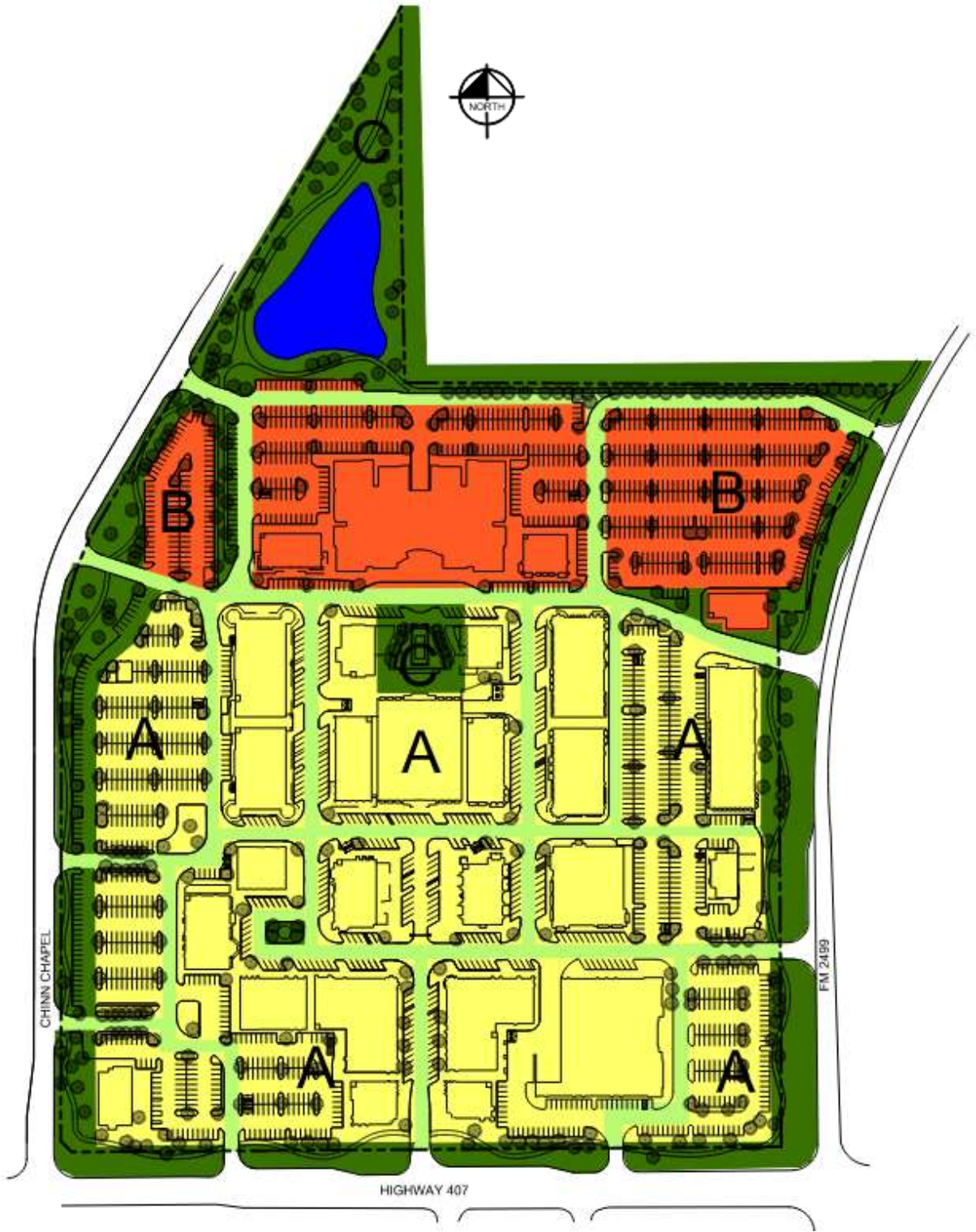
APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(KBL:8/31/2023:4861-0045-9382 V1)

Ordinance No. 2023-1306
Attachment 1

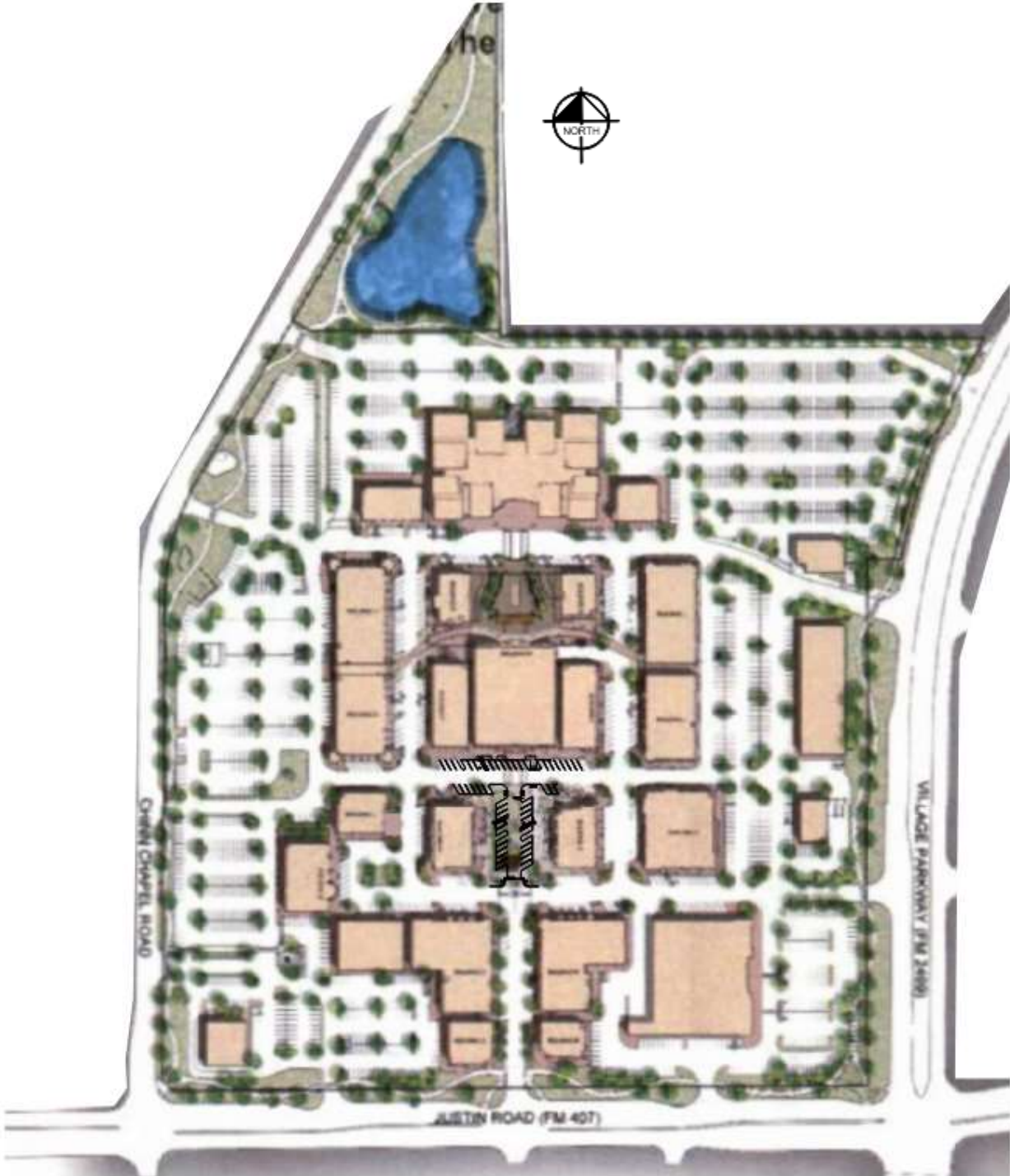
Exhibit "B": Concept Plan (revised September 12, 2023)



NOT TO SCALE

Ordinance No. 2023-1306
Attachment 2

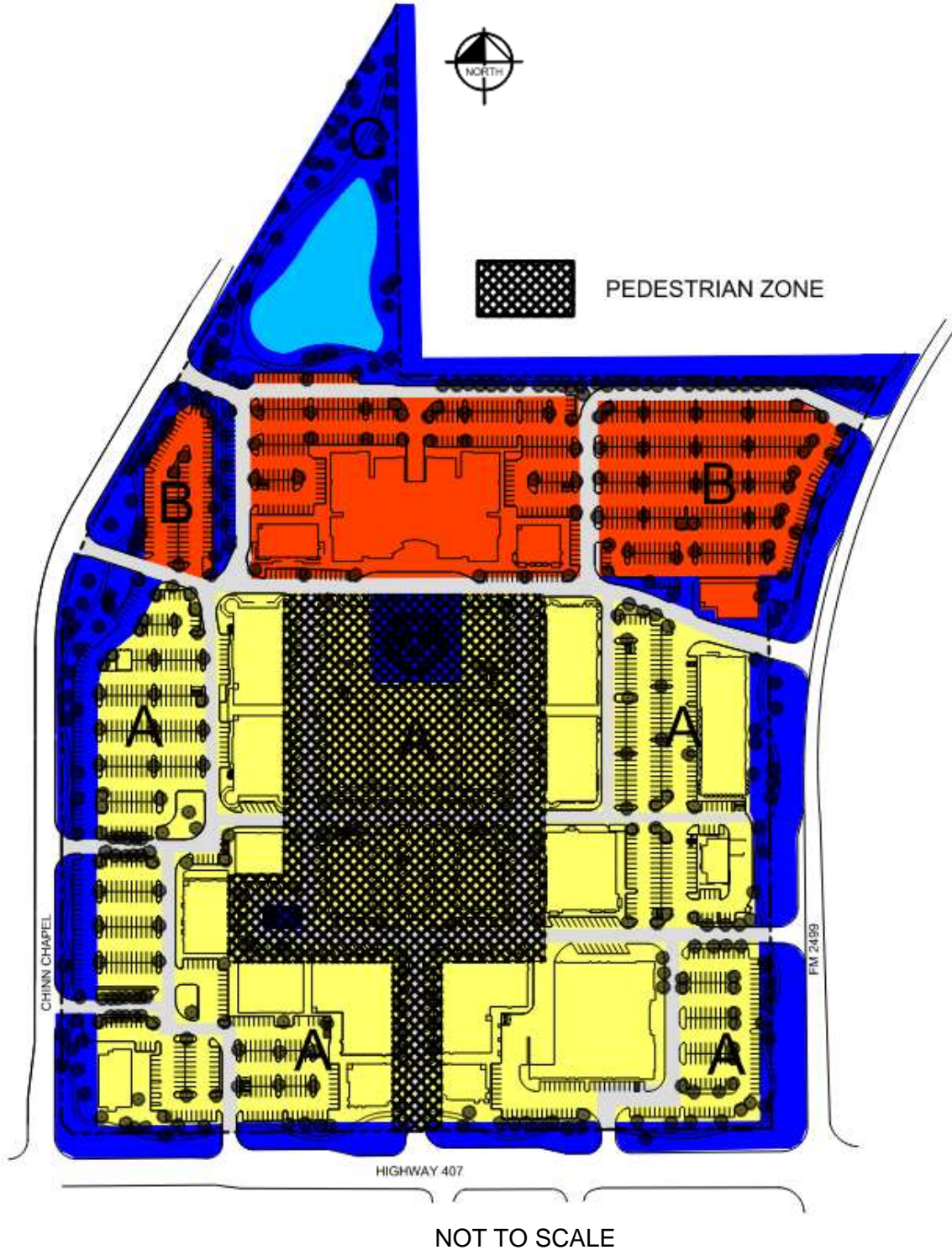
Exhibit "D": Illustrative Plan (revised September 12, 2023)



NOT TO SCALE

Ordinance No. 2023-1306
Attachment 3

Exhibit "E": Concept Plan with Pedestrian Zone (revised September 12, 2023)



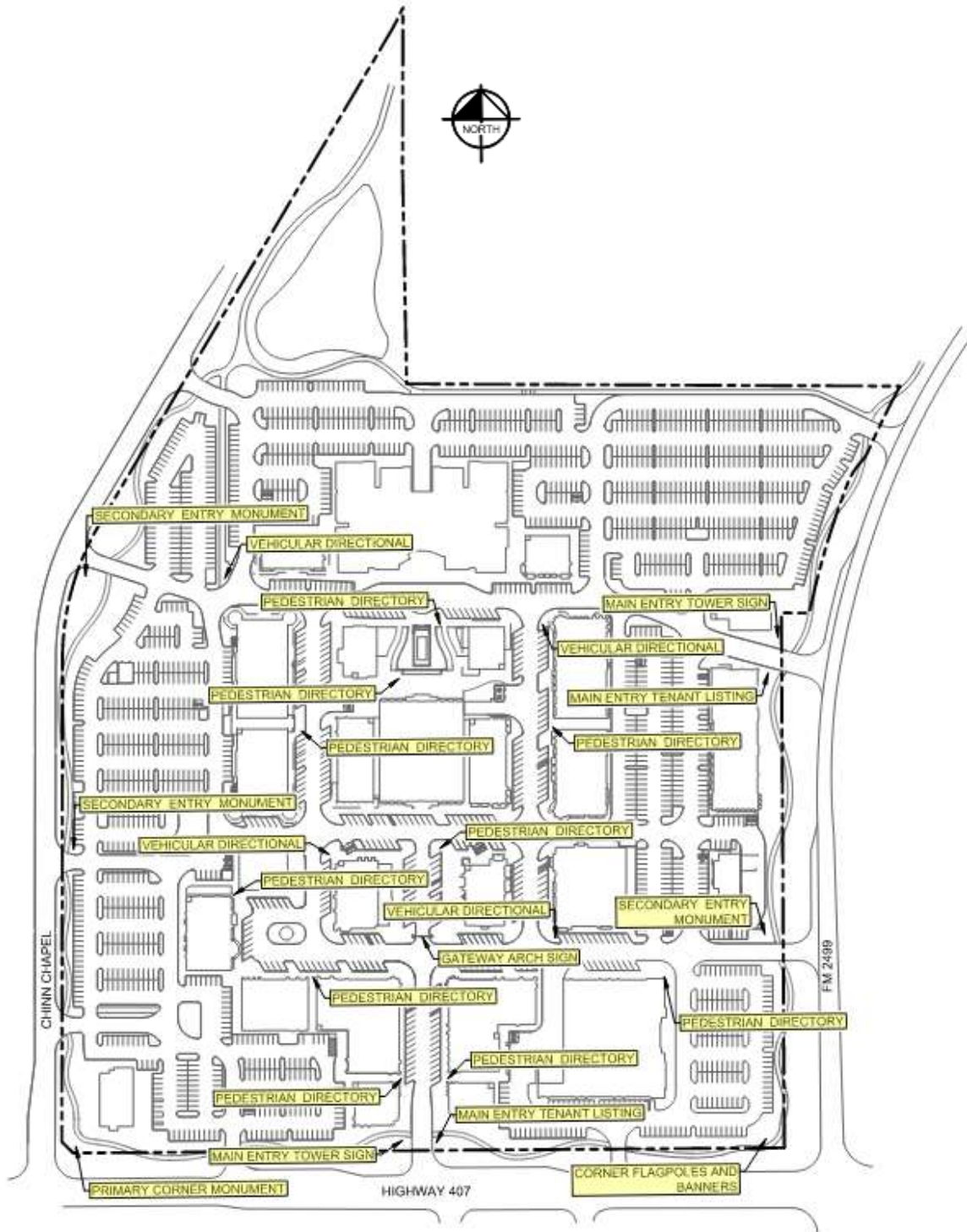
Ordinance No. 2023-1306
Attachment 4

Exhibit "GB": Location Plan (revised September 12, 2023)



Ordinance No. 2023-1306
Attachment 5

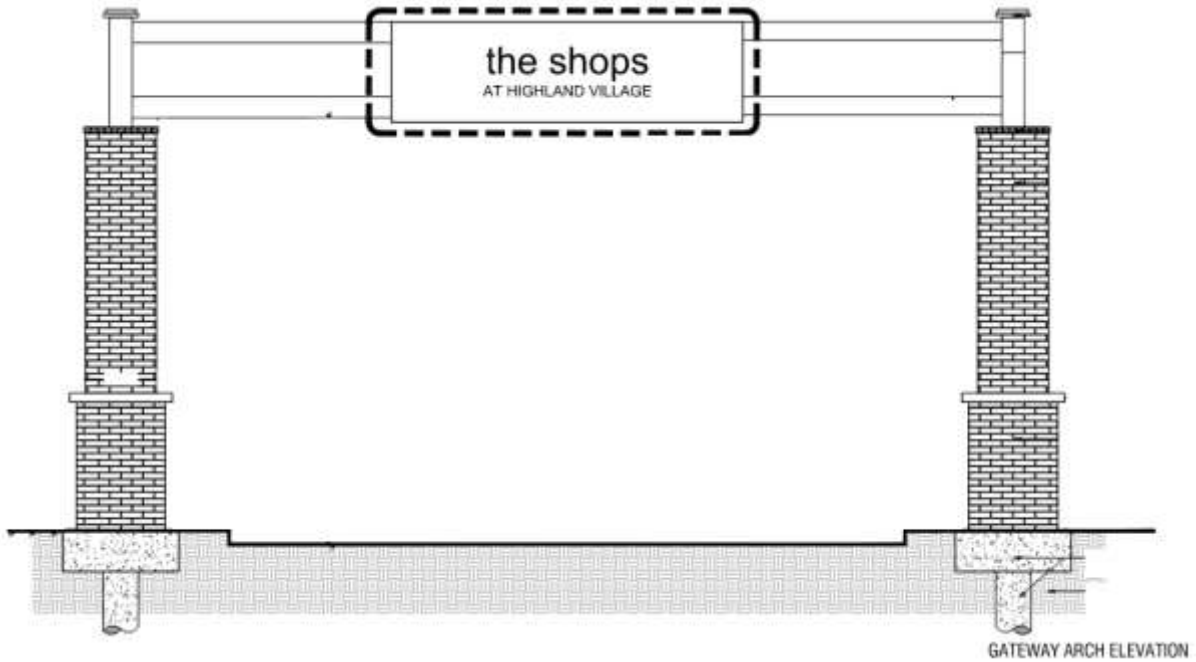
EXHIBIT 1 to Exhibit H: Location Plan (revised September 12, 2023)



NOT TO SCALE

Ordinance No. 2023-1306
Attachment 6

Exhibit "12" to Exhibit "H": Location Plan (added September 12, 2023)



NOT TO SCALE

Ordinance No. 2023-1306
Attachment 6

Exhibit GC – South Courtyard Concept Plan

CITY OF HIGHLAND VILLAGE, TEXAS

ORDINANCE NO. 2023-1306

AN ORDINANCE OF THE CITY OF HIGHLAND VILLAGE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING DISTRICT MAP OF THE CITY OF HIGHLAND VILLAGE AS PREVIOUSLY AMENDED, BY AMENDING THE REGULATIONS APPLICABLE TO THE DEVELOPMENT AND USE OF LOT 1, BLOCK A, THE SHOPS AT HIGHLAND VILLAGE, LOCATED IN THE MARKETPLACE PLANNED DEVELOPMENT DISTRICT WITH RETAIL (MPD-R); INCLUDING AMENDMENTS TO THE CONCEPT PLAN, SIGN REGULATIONS; AND CERTAIN NON-SUBSTANTIVE AMENDMENTS TO CONFORM TO THE FOREGOING; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Highland Village, Texas, in compliance with the laws of the State of Texas and the Ordinances of the City of Highland Village, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally and to all persons interested and situated in the affected area, and in the vicinity thereof, and in the exercise of its legislative discretion, the City Council has concluded that the Comprehensive Zoning Ordinance and Zoning District Map of the City of Highland Village, Texas, as previously amended, should be further amended as follows:

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

SECTION 1. The Comprehensive Zoning Ordinance and Zoning District Map of the City of Highland Village, Texas, as amended, by amending in accordance with Section Two of this Ordinance the regulations relating to the use and development of Lot 1, Block A, The Shops at Highland Village, an addition to the City of Highland Village, Texas, according to the plat thereof recorded in Cabinet Y, Slide 166, Plat Records, Denton County, Texas (“the Property”) which is located in and subject to the regulations of The Marketplace Planned Development District with Retail (MPD-R) established by Ordinance No. 04-943, and amended by Ordinance Nos. 04-962, 05-984, 07-1030, 08-1062, 2014-1160, 2014-1163, 2015-1174, and 2018-1247 (which, to the extent applicable to the Property, are hereafter collectively referred to herein as “The Shops PD Regulations”).

SECTION 2. The Shops PD Regulations, to the extent applicable to the Property, are hereby amended as follows:

- A. The third paragraph of the subsection titled “General Description” in the section titled “Area ‘A’ Village Lifestyle” as set forth in Exhibit “B” of Ordinance No. 05-984 is amended

to read as follows:

The Village Lifestyle area will be complete with park benches and gathering areas all in a cozy setting with the convenience of store front parking and easy access circulation to the remainder of the Shops at Highland Village. The South Courtyard Area, the area within the Village Lifestyle area generally depicted on Exhibit GC -South Courtyard Concept Plan, attached hereto and incorporated herein by reference, shall be developed substantially as shown on Exhibit GC, with benches, an outdoor stage, and other amenities shown on Exhibit GC. The drives at the south and north ends of the South Courtyard Area, at their intersections with Waller Creek and Deer Creek, respectively, shall be constructed with sleeves to allow the installation of removable bollards to prevent vehicles from entering into the South Courtyard Area during special events held within the South Courtyard Area, which bollards shall be inserted during such events. The approved landscaping plan for the South Courtyard Area shall substantially conform to the landscaping and screening shown on the Exhibit GC, inclusive of the placement of a landscape parking screen and ornamental trees as shown on Exhibit GC. Provided their location is generally consistent with Exhibit GC, the exact location of all amenities and landscape materials shown on Exhibit GC shall be determined at the time of approval of the final construction plans for the South Courtyard Area after taking into consideration the location of existing utilities, visibility triangles, and location of other improvements to be constructed within the South Courtyard Area.

- A. The first paragraph titled "General Description" in the section titled "Area 'C' Greenspace and Common Areas" as set forth in Exhibit "B" of Ordinance No. 05-984 is amended to read as follows:

General Description - The Greenspace and Common Areas configuration shall include: (1) project perimeter landscape buffering, (2) a community gateway entry monument announcing the entrance to Highland Village, (3) intimate park areas featuring unique landscape and water features, (4) landscape planters in the walking areas throughout the project, and (5) a series of variable width pathways that will provide jogging, walking and access trails on the perimeter of the project to connect the park and retention area with the City's Inland Trail System Master Plan, as set forth in the Marketplace Overlay District Ordinance No. 03-906. Not less than 22.5% of the Property shall consist of areas dedicated to green space, landscape buffers, water features, retention pond, pedestrian trails and park areas.

- B. The graphic titled "Concept Plan" as set forth in Exhibit "B" to Ordinance No. 05-984 is amended to read in its entirety as set forth in Attachment 1, attached hereto and incorporated herein by reference.
- C. Exhibit "D" titled "Illustrative Plan" as set forth in Attachment 1 to Ordinance No. 2015-1174 is amended to read in its entirety as set forth in Attachment 2, attached hereto and incorporated herein by reference.

- D. Exhibit "E" titled "Concept Plan" as set forth in Attachment 2 to Ordinance No. 2015-1174 is amended to read in its entirety as set forth in Attachment 3, attached hereto and incorporated herein by reference.
- E. Revised Exhibit GB as set forth in Attachment 3 to Ordinance No. 2015-1174 are amended to read as set forth in Attachment 4, respectively, attached hereto, and incorporated herein by reference.
- F. Exhibit "H" titled "Signage Criteria" as set forth in Attachment 4 to Ordinance No. 2015-1174 is amended as follows:
 - (1) Add a new Paragraph 7 to Section III "Center Identification Signs" to read as follows:
 - 7. One (1) Illuminated or Non Illuminated Gateway Arch Sign with a height not exceeding twenty-five feet (25') may be located north of the intersection of Waller Creek and Cherry Creek.
 - (2) Amend Exhibit 1 to read in its entirety as set forth in Attachment 5, attached hereto and incorporated herein by reference.
 - (3) Add Exhibit 12 titled "Gateway Arch Details" to read as set forth in Attachment 6, attached hereto and incorporated herein by reference.
- G. The Shops PD Regulations are amended by adding Exhibit GC "South Courtyard Concept Plan" as set forth in Attachment 7, attached hereto and incorporated herein by reference.

SECTION 3. All ordinances of the City of Highland Village related to the use and development of the Property heretofore adopted and in effect upon the effective date of this Ordinance are and shall remain in full force and effect except to the extent amended by this Ordinance or to the extent there is an irreconcilable conflict between the provisions of said other ordinance and the provisions of this Ordinance, in which case the provisions of this Ordinance shall be controlling.

SECTION 4. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance, or of the Comprehensive Zoning Ordinance, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance or the Comprehensive Zoning Ordinance, as amended hereby, which shall remain in full force and effect.

SECTION 5. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 6. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in Comprehensive Zoning Ordinance as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense.

SECTION 7. No person or entity shall acquire any vested interest in this Ordinance or any specific regulations contained herein. This Ordinance and any regulations may be amended or

repealed by the City Council of the City of Highland Village, Texas, in the manner provided by law.

SECTION 8. This ordinance shall take effect immediately from and after its passage on Second Reading and publication of the caption in accordance with the provisions of the Charter of the City of Highland Village, and it is accordingly so ordained.

FIRST READ ON THE 22ND DAY OF AUGUST 2023, BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON SECOND READING ON THIS THE 12TH DAY OF SEPTEMBER 2023.

APPROVED:

Daniel Jaworski, Mayor

ATTEST:

Angela Miller, City Secretary

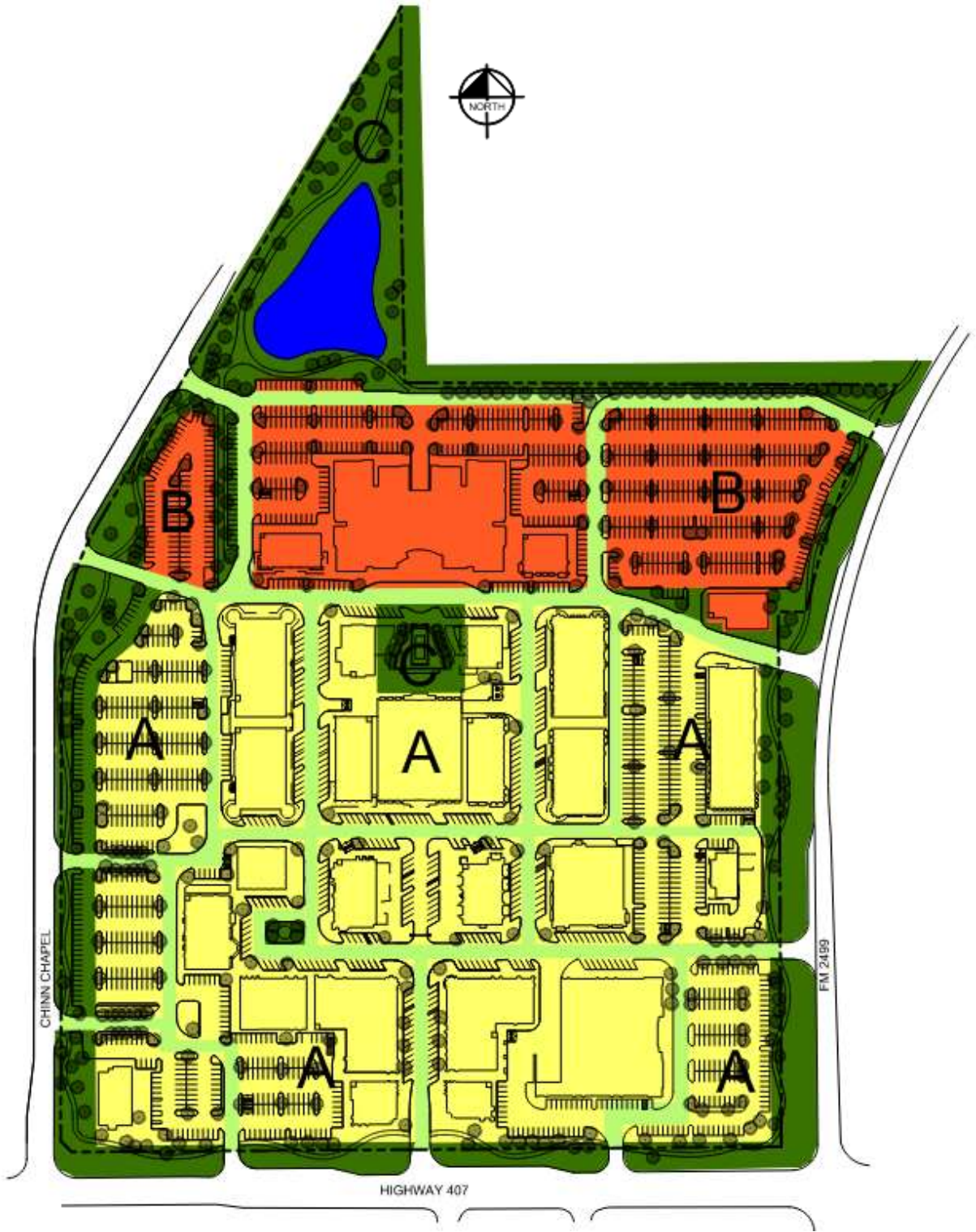
APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(KBL:9/7/2023:4861-0045-9382 V1)

Ordinance No. 2023-1306
Attachment 1

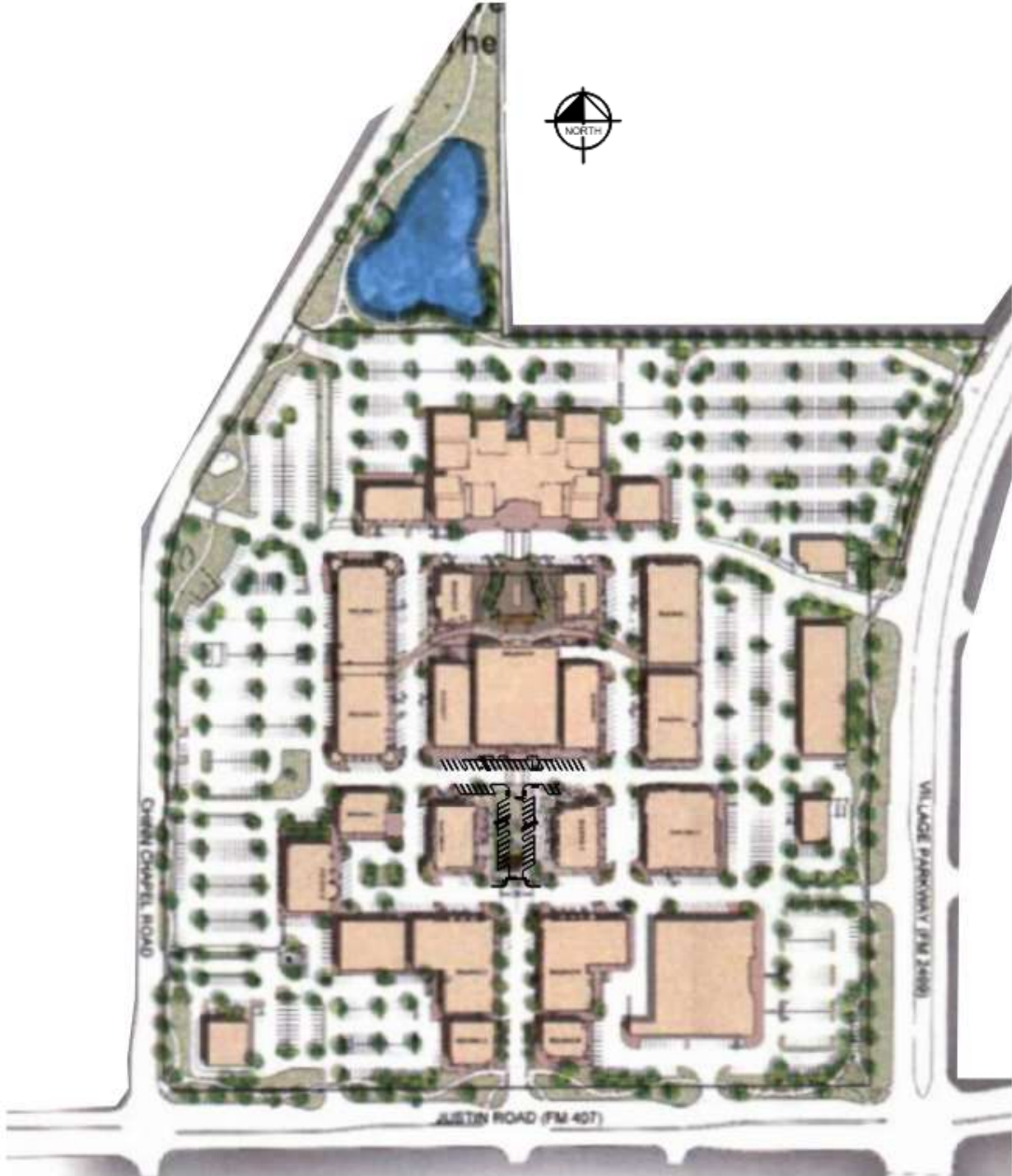
Exhibit "B": Concept Plan (revised September 12, 2023)



NOT TO SCALE

Ordinance No. 2023-1306
Attachment 2

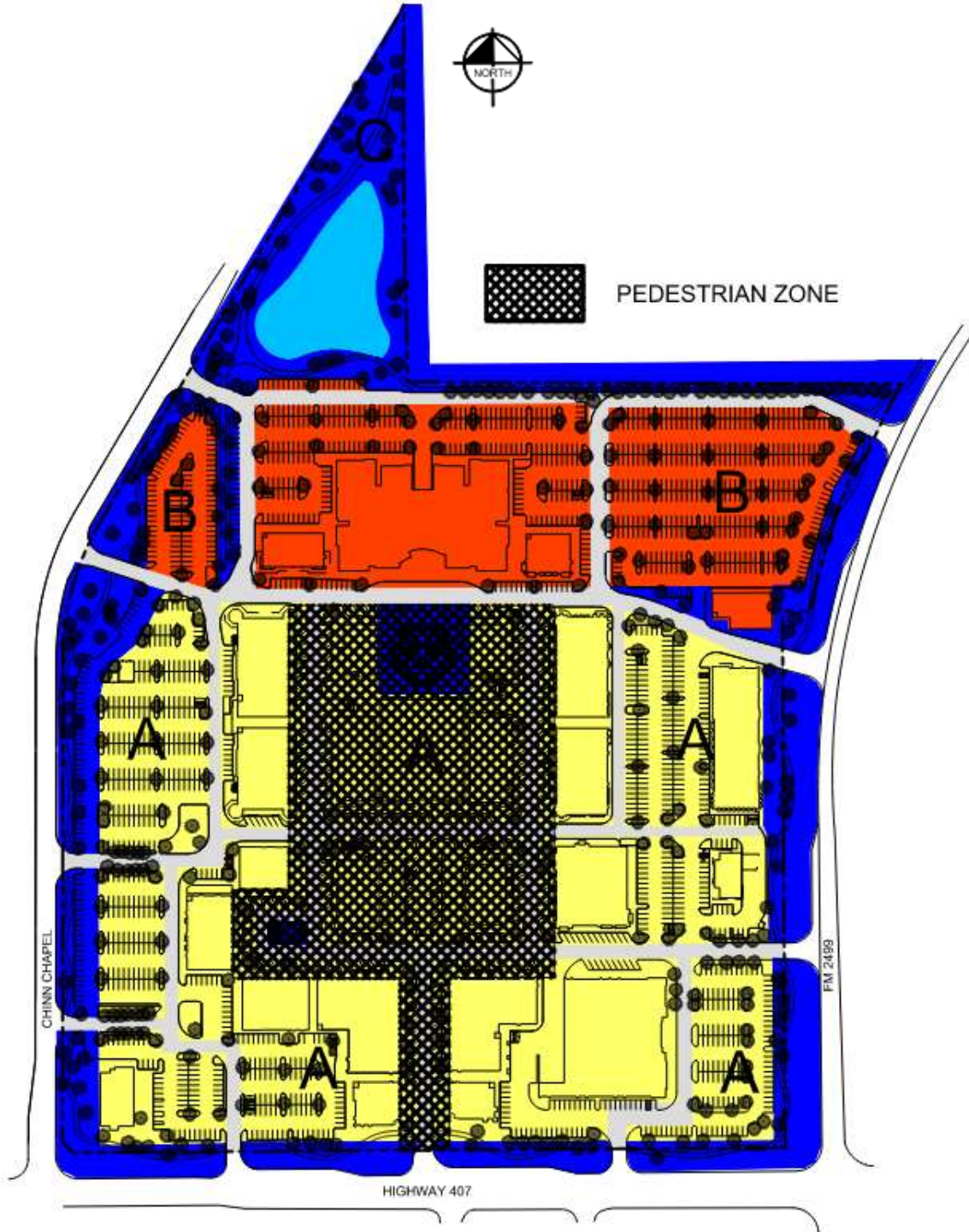
Exhibit "D": Illustrative Plan (revised September 12, 2023)



NOT TO SCALE

Ordinance No. 2023-1306
Attachment 3

Exhibit "E": Concept Plan with Pedestrian Zone (revised September 12, 2023)



NOT TO SCALE

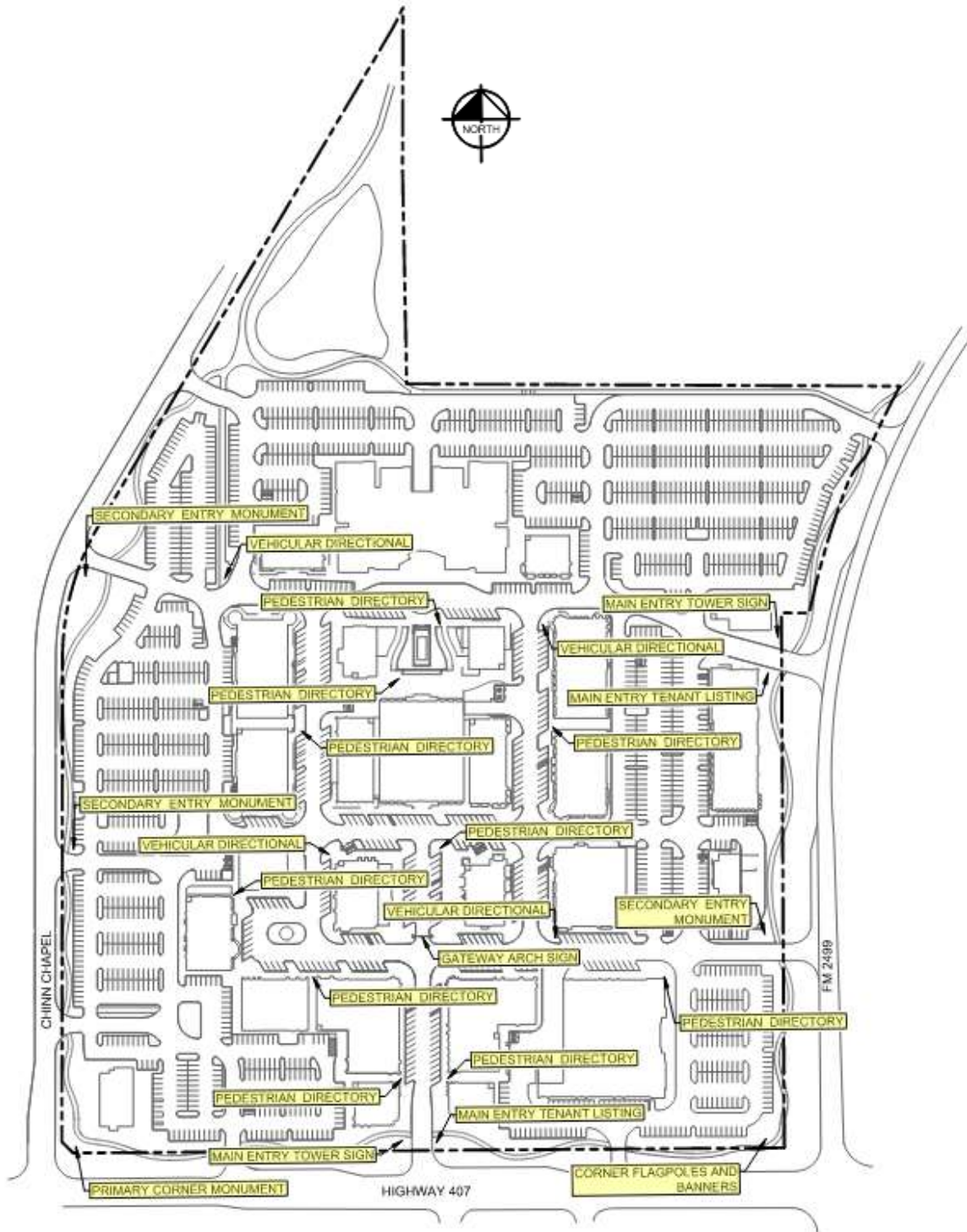
Ordinance No. 2023-1306
Attachment 4

Exhibit "GB": Location Plan (revised September 12, 2023)



Ordinance No. 2023-1306
Attachment 5

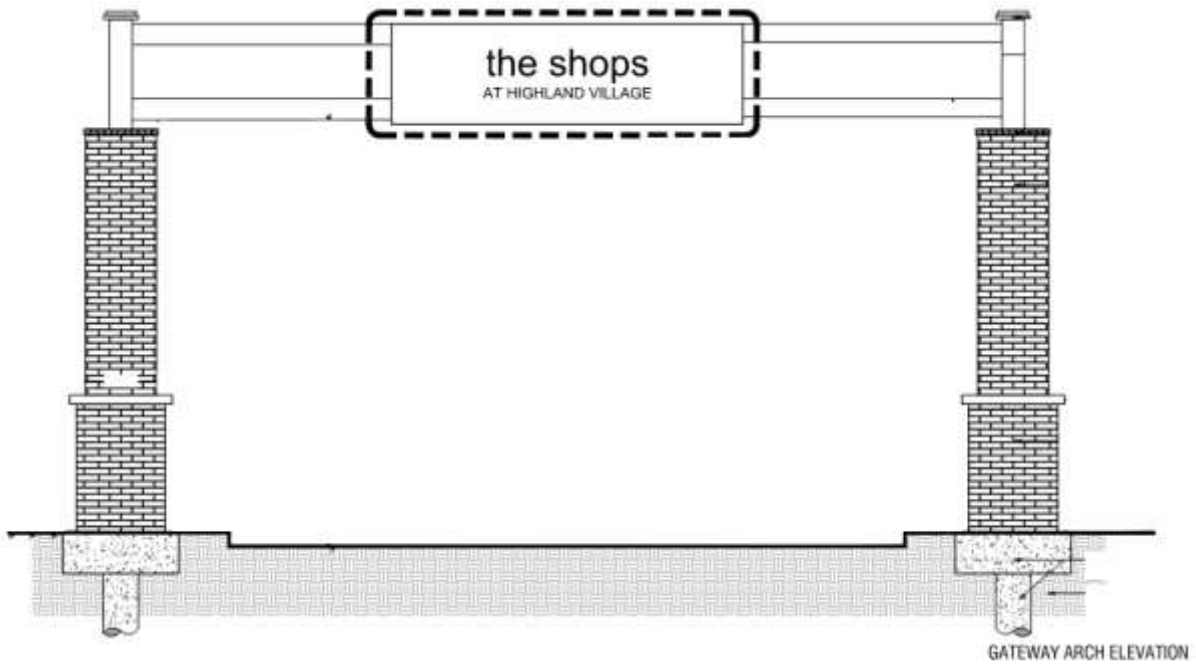
EXHIBIT 1 to Exhibit H: Location Plan (revised September 12, 2023)



NOT TO SCALE

Ordinance No. 2023-1306
Attachment 6

Exhibit "12" to Exhibit "H": Location Plan (added September 12, 2023)



NOT TO SCALE

Ordinance No. 2023-1306
Attachment 7

Exhibit GC – South Courtyard Concept Plan (added September 12, 2023)

SOUTH COURTYARD CONCEPT PLAN
The Shops at Midland Village



CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 17

MEETING DATE: 09/12/2023

SUBJECT: Receive Budget Reports for Period Ending July 31, 2023

PREPARED BY: Mike McWhorter, Budget & Accounting Administrator

BACKGROUND:

In accordance with the City Charter, Section 6.12, paragraph D, a budget report is submitted monthly for Council Review.

The budget report submitted for July represents the tenth report in the Fiscal Year.

IDENTIFIED NEED/S:

N/A

OPTIONS & RESULTS:

N/A

PROGRESS TO DATE: (if appropriate)

N/A

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

N/A

RECOMMENDATION:

Council to receive the budget reports for the period ending July 31, 2023.

General Fund Summary

FY 2022/2023 Budget

YEAR TO DATE JULY

<i>Percent of Budget Year Transpired</i>	83.3%
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Revenues	Original Budget	Revised Budget (Includes Budget Amendments)	Year to Date	Variance	% Received
Property Tax	\$ 13,218,726	\$ 13,218,726	\$ 13,239,860	\$ 21,134	100%
Sales Tax	3,643,905	3,643,905	2,507,634	(1,136,271)	69%
Franchise Fees	1,543,490	1,543,490	1,032,301	(511,189)	67%
Licensing & Permits	343,945	343,945	256,058	(87,887)	74%
Park/Recreation Fees	173,800	173,800	156,867	(16,933)	90%
Public Safety Fees	685,913	685,913	658,474	(27,439)	96%
Rents	179,919	179,919	143,419	(36,500)	80%
Municipal Court	91,800	91,800	96,233	4,433	105%
Interest Income	146,160	146,160	377,711	231,551	258%
Miscellaneous	249,500	249,500	231,867	(17,633)	93%
Total Revenues	\$ 20,277,158	\$ 20,277,158	\$ 18,700,424	\$ (1,576,734)	92%

Other Sources					
Transfers In	\$ 534,000	\$ 534,000		\$ (534,000)	0%
Sale of Assets	\$ -		\$ 33,990	\$ 33,990	0%
Total Available Resources	\$ 20,811,158	\$ 20,811,158	\$ 18,734,414	\$ (2,110,734)	

Expenditures	Original Budget	Revised Budget	Year to Date	Variance	% Used
City Manager Office	\$ 612,372	\$ 612,372	\$ 582,792	\$ 29,579	95%
Finance (includes Mun. Court)	1,431,563	1,431,563	1,194,505	237,058	83%
Human Resources	608,654	608,654	429,905	178,749	71%
City Secretary Office	456,383	456,383	362,503	93,879	79%
Information Services	1,254,727	1,254,727	983,783	270,944	78%
Marketing and Communications	454,086	454,086	379,965	74,122	84%
Police	5,811,852	5,811,852	4,247,902	1,563,951	73%
Fire	3,381,562	3,381,562	2,558,525	823,037	76%
Community Services	385,049	385,049	341,923	43,126	89%
Streets/Drainage	1,640,845	1,640,845	1,068,011	572,835	65%
Maintenance	2,175,296	2,175,296	1,590,677	584,619	73%
Parks	2,529,285	2,529,285	1,873,205	656,079	74%
Recreation	601,065	601,065	414,969	186,096	69%
Total Expenditures	\$ 21,342,739	\$ 21,342,739	\$ 16,028,665	\$ 5,314,074	75%

Capital Summary	(Included in totals above - summary information only)				
Equipment Replacement	\$ 390,900	\$ 390,900	\$ 96,669	\$ 294,231	25%

Other Uses					
Transfers Out	\$ 16,000	\$ 16,000		16,000	0%
Total Expenditures	\$ 21,358,739	\$ 21,358,739	\$ 16,028,665	\$ 5,330,074	

Fund Balance	Original Budget	Revised Budget	Year to Date
Beginning Fund Balance	7,077,867	8,228,716	8,228,716
+ Net Increase (Decrease)	(547,581)	(547,581)	2,705,749
Ending Fund Balance	\$ 6,530,286	\$ 6,530,286	\$ 10,934,465

General Fund Expenditure Summary

FY 2022/2023 Budget

YEAR TO DATE JULY

Percent of Budget Year Transpired

83.3%

- - - Summary - - -					
	Original Budget	Revised Budget	Year to Date	Variance	% Used
Personnel	\$ 14,632,172	\$ 14,632,172	\$ 11,234,918	\$ 3,397,254	77%
Services / Supplies	6,319,667	6,319,667	4,697,079	1,622,588	74%
Capital	390,900	390,900	96,669	294,231	25%
	\$ 21,342,739	\$ 21,342,739	\$ 16,028,665	\$ 5,314,074	75%

- - - Detail - - -					
Category	Original Budget	Revised Budget	Year to Date	Variance	% Used
Personnel					
<i>Salaries / Wages</i>	\$ 10,354,377	\$ 10,354,377	\$ 7,997,295	\$ 2,357,081	77%
<i>Employee Benefits</i>	4,277,796	4,277,796	3,237,622	1,040,173	76%
<i>Total Personnel</i>	\$ 14,632,172	\$ 14,632,172	\$ 11,234,918	\$ 3,397,254	77%

Services / Supplies					
<i>Professional Services</i>	\$ 2,009,115	\$ 2,009,115	\$ 1,719,303	\$ 289,812	86%
<i>Employee Development</i>	385,511	385,511	254,212	131,299	66%
<i>Office Supplies / Equipment</i>	1,969,182	1,969,182	1,498,516	470,666	76%
<i>Utilities</i>	406,410	406,410	285,377	121,033	70%
<i>Other</i>	1,549,449	1,549,449	939,670	609,779	61%
<i>Total Services / Supplies</i>	\$ 6,319,667	\$ 6,319,667	\$ 4,697,079	\$ 1,622,588	74%

Capital					
<i>Equipment / Vehicles</i>	\$ 390,900	\$ 390,900	\$ 96,669	\$ 294,231	25%
<i>Total Capital</i>	\$ 390,900	\$ 390,900	\$ 96,669	\$ 294,231	25%

Total General Fund Expenditure Summary	\$ 21,342,739	\$ 21,342,739	\$ 16,028,665	\$ 5,314,074	75%
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General Fund Revenue

FY 2022/2023 Budget

YEAR TO DATE JULY

<i>Percent of Budget Year Transpired</i>	83.3%
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Revenues	Original Budget	Revised Budget	Year to Date	Variance	% Received
Property Tax	\$ 13,218,726	\$ 13,218,726	\$ 13,239,860	\$ 21,134	100%
Sales Tax	3,643,905	3,643,905	2,507,634	(1,136,271)	69%
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Licensing & Permits	343,945	343,945	256,058	(87,887)	74%
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Total Revenues	\$ 20,277,158	\$ 20,277,158	\$ 18,700,424	\$ (1,576,734)	92%

City Manager Office FY 2022/2023 Budget

YEAR TO DATE JULY

Percent of Budget Year Transpired

83.3%

- - - Summary - - -

	Original Budget	Revised Budget	Year to Date	Variance	% Used
Personnel	\$ 392,754	\$ 392,754	\$ 353,564	\$ 39,190	90%
Services / Supplies	219,618	219,618	229,228	(9,610)	104%
Capital	-	-	-	-	0%
	\$ 612,372	\$ 612,372	\$ 582,792	\$ 29,579	95%

- - - Detail - - -

Category	Original Budget	Revised Budget	Year to Date	Variance	% Used
Personnel					
<i>Salaries / Wages</i>	\$ 315,900	\$ 315,900	\$ 277,680	\$ 38,220	88%
<i>Employee Benefits</i>	76,853	76,853	75,884	970	99%
Total Personnel	\$ 392,754	\$ 392,754	\$ 353,564	\$ 39,190	90%
Services / Supplies					
<i>Professional Services (City-wide legal - \$98,500)</i>	\$ 148,500	148,500	\$ 211,831	\$ (63,331)	143%
<i>Employee Development</i>	15,100	15,100	8,115	6,985	54%
<i>Supplies / Equipment</i>	5,730	5,730	5,022	708	88%
<i>Utilities</i>	-	-	-	-	0%
<i>Other (Contingency + Data Processing)</i>	50,288	50,288	4,260	46,028	8%
Total Services / Supplies	\$ 219,618	\$ 219,618	\$ 229,228	\$ (9,610)	104%
Capital					
<i>Equipment / Vehicles</i>	-	-	-	-	0%
Total Capital	\$ -	\$ -	\$ -	\$ -	0%
Total City Manager	\$ 612,372	\$ 612,372	\$ 582,792	\$ 29,579	95%

Finance Department FY 2022/2023 Budget

YEAR TO DATE JULY

Percent of Budget Year Transpired	83.3%
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- - - Summary - - -					
	Original Budget	Revised Budget	Year to Date	Variance	% Used
Personnel	\$ 923,680	\$ 923,680	\$ 764,412	\$ 159,268	83%
Services / Supplies	507,883	507,883	430,093	77,790	85%
Capital	-	-	-	-	0%
	\$ 1,431,563	\$ 1,431,563	\$ 1,194,505	\$ 237,058	83%

- - - Detail - - -					
Category	Original Budget	Revised Budget	Year to Date	Variance	% Used
Personnel					
<i>Salaries / Wages</i>	\$ 677,246	\$ 677,246	\$ 554,941	\$ 122,305	82%
<i>Employee Benefits</i>	246,434	246,434	209,471	36,964	85%
Total Personnel	\$ 923,680	\$ 923,680	\$ 764,412	\$ 159,268	83%

Services / Supplies					
<i>Professional Services</i> <i>(City-wide liability insurance - \$184,223 / DCAD - \$97,000)</i>	\$ 465,083	465,083	\$ 410,911	\$ 54,172	88%
<i>Employee Development</i>	13,794	13,794	10,440	3,354	76%
<i>Supplies / Equipment</i>	7,757	7,757	4,605	3,152	59%
<i>Utilities</i>	-	-	-	-	0%
<i>Other (Data Processing Equipment + Supplies)</i>	21,249	21,249	4,138	17,111	0%
Total Services / Supplies	\$ 507,883	\$ 507,883	\$ 430,093	\$ 77,790	85%

Capital					
<i>Equipment / Vehicles</i>	-	-	-	-	0%
Total Capital	\$ -	\$ -	\$ -	\$ -	0%

Total Finance Department	\$ 1,431,563	\$ 1,431,563	\$ 1,194,505	\$ 237,058	83%
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Human Resources FY 2022/2023 Budget

YEAR TO DATE JULY

<i>Percent of Budget Year Transpired</i>	83.3%
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- - - Summary - - -					
	Original Budget	Revised Budget	Year to Date	Variance	% Used
Personnel	\$ 444,243	\$ 444,243	\$ 331,511	\$ 112,733	75%
Services / Supplies	164,411	164,411	98,395	66,016	60%
Capital	-	-	-	-	0%
	\$ 608,654	\$ 608,654	\$ 429,905	\$ 178,749	71%

- - - Detail - - -					
Category	Original Budget	Revised Budget	Year to Date	Variance	% Used

Personnel					
<i>Salaries / Wages</i>	\$ 336,772	\$ 336,772	\$ 249,934	\$ 86,838	74%
<i>Employee Benefits</i>	107,471	107,471	81,577	25,895	76%
Total Personnel	\$ 444,243	\$ 444,243	\$ 331,511	\$ 112,733	75%

Services / Supplies					
<i>Professional Services</i>	\$ 77,610	\$ 77,610	\$ 51,491	\$ 26,119	66%
<i>Employee Development</i>	72,901	72,901	45,226	27,675	62%
<i>Supplies / Equipment</i>	1,475	1,475	733	742	50%
<i>Utilities</i>	-	-	-	-	0%
<i>Other (Safety Programs)</i>	12,425	12,425	944	11,481	8%
Total Services / Supplies	\$ 164,411	\$ 164,411	\$ 98,395	\$ 66,016	60%

Capital					
<i>Equipment / Vehicles</i>	-	-	-	-	0%
Total Capital	\$ -	\$ -	\$ -	\$ -	0%

Total Human Resources	\$ 608,654	\$ 608,654	\$ 429,905	\$ 178,749	71%
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City Secretary Office FY 2022/2023 Budget

YEAR TO DATE JULY

<i>Percent of Budget Year Transpired</i>	83.3%
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- - - Summary - - -					
	Original Budget	Revised Budget	Year to Date	Variance	% Used
Personnel	\$ 274,043	\$ 274,043	\$ 229,482	\$ 44,561	84%
Services / Supplies	182,340	182,340	133,021	49,319	73%
Capital	-	-	-	-	-
	\$ 456,383	\$ 456,383	\$ 362,503	\$ 93,879	79%

- - - Detail - - -					
Category	Original Budget	Revised Budget	Year to Date	Variance	% Used

Personnel					
<i>Salaries / Wages</i>	\$ 188,563	\$ 188,563	\$ 158,173	\$ 30,390	84%
<i>Employee Benefits</i>	85,480	85,480	71,309	14,171	83%
Total Personnel	\$ 274,043	\$ 274,043	\$ 229,482	\$ 44,561	84%

Services / Supplies					
<i>Professional Services</i>	\$ 53,900	\$ 53,900	\$ 33,079	\$ 20,821	61%
<i>Employee Development</i> <small>(City Council related \$42,704)</small>	59,639	59,639	39,806	19,833	67%
<i>Supplies / Equipment</i>	16,301	16,301	7,636	8,665	47%
<i>Utilities</i>	-	-	-	-	0%
<i>Other (Outside Services)</i>	52,500	52,500	52,500	-	100%
Total Services / Supplies	\$ 182,340	\$ 182,340	\$ 133,021	\$ 49,319	73%

Capital					
<i>Equipment / Vehicles</i>	-	-	-	-	0%
Total Capital	\$ -	\$ -	\$ -	\$ -	0%

Total City Secretary Office	\$ 456,383	\$ 456,383	\$ 362,503	\$ 93,879	79%
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Information Services FY 2022/2023 Budget

YEAR TO DATE JULY

<i>Percent of Budget Year Transpired</i>	83.3%
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- - - Summary - - -					
	Original Budget	Revised Budget	Year to Date	Variance	% Used
Personnel	\$ 794,436	\$ 794,436	\$ 651,480	\$ 142,956	82%
Services / Supplies	460,291	460,291	332,303	127,988	72%
Capital	-	-	-	-	0%
	\$ 1,254,727	\$ 1,254,727	\$ 983,783	\$ 270,944	78%

- - - Detail - - -					
Category	Original Budget	Revised Budget	Year to Date	Variance	% Used
Personnel					
<i>Salaries / Wages</i>	\$ 596,234	\$ 596,234	\$ 486,464	\$ 109,770	82%
<i>Employee Benefits</i>	198,202	\$ 198,202	165,017	33,186	83%
Total Personnel	\$ 794,436	\$ 794,436	\$ 651,480	\$ 142,956	82%

Services / Supplies					
	Original Budget	Revised Budget	Year to Date	Variance	% Used
<i>Professional Services</i>	\$ 197,464	197,464	\$ 174,329	\$ 23,135	88%
<i>Employee Development</i>	27,270	27,270	13,588	13,682	50%
<i>Supplies / Equipment</i>	3,760	3,760	668	3,092	18%
<i>Utilities</i>	115,260	115,260	24,685	90,575	21%
<i>Other (Data Processing)</i>	116,537	116,537	119,034	(2,497)	102%
Total Services / Supplies	\$ 460,291	\$ 460,291	\$ 332,303	\$ 127,988	72%

Capital					
	Original Budget	Revised Budget	Year to Date	Variance	% Used
<i>Equipment / Vehicles</i>	-	-	-	-	0%
Total Capital	\$ -	\$ -	\$ -	\$ -	0%

Total City Information Services	\$ 1,254,727	\$ 1,254,727	\$ 983,783	\$ 270,944	78%
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Marketing and Communications FY 2022/2023 Budget

YEAR TO DATE JULY

<i>Percent of Budget Year Transpired</i>	83.3%
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- - - Summary - - -					
	Original Budget	Revised Budget	Year to Date	Variance	% Used
Personnel	\$ 337,083	\$ 337,083	\$ 284,558	\$ 52,525	84%
Services / Supplies	117,003	117,003	95,407	21,596	82%
Capital	-	-	-	-	0%
	\$ 454,086	\$ 454,086	\$ 379,965	\$ 74,122	84%

- - - Detail - - -					
Category	Original Budget	Revised Budget	Year to Date	Variance	% Used

Personnel					
<i>Salaries / Wages</i>	\$ 240,215	\$ 240,215	\$ 203,967	\$ 36,248	85%
<i>Employee Benefits</i>	96,869	\$ 96,869	80,592	16,277	83%
Total Personnel	\$ 337,083	\$ 337,083	\$ 284,558	\$ 52,525	84%

<i>Professional Services</i>	\$ 83,808	\$ 83,808	\$ 70,070	\$ 13,738	84%
<i>Employee Development</i>	6,845	6,845	3,809	3,036	56%
<i>Supplies / Equipment</i>	-	-	-	-	0%
<i>Utilities</i>	-	-	-	-	0%
<i>Other (Special Events)</i>	26,350	26,350	21,528	4,822	82%
Total Services / Supplies	\$ 117,003	\$ 117,003	\$ 95,407	\$ 21,596	82%

Capital					
<i>Equipment / Vehicles</i>	-	-	-	-	0%
Total Capital	\$ -	\$ -	\$ -	\$ -	0%

Total Marketing and Communications	\$ 454,086	\$ 454,086	\$ 379,965	\$ 74,122	84%
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Police Department FY 2022/2023 Budget

YEAR TO DATE JULY

<i>Percent of Budget Year Transpired</i>	83.3%
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- - - Summary - - -					
	Original Budget	Revised Budget	Year to Date	Variance	% Used
Personnel	\$ 5,229,121	\$ 5,229,121	\$ 3,763,480	\$ 1,465,642	72%
Services / Supplies	572,731	572,731	484,422	88,309	85%
Capital	10,000	10,000	-	10,000	0%
	<u>\$ 5,811,852</u>	<u>\$ 5,811,852</u>	<u>\$ 4,247,902</u>	<u>\$ 1,563,951</u>	73%

- - - Detail - - -					
Category	Original Budget	Revised Budget	Year to Date	Variance	% Used

Personnel					
<i>Salaries / Wages</i>	\$ 3,753,300	<u>3,753,300</u>	\$ 2,750,939	\$ 1,002,361	73%
<i>Employee Benefits</i>	1,475,821	<u>1,475,821</u>	<u>1,012,540</u>	463,281	69%
Total Personnel	<u>\$ 5,229,121</u>	<u>\$ 5,229,121</u>	<u>\$ 3,763,480</u>	<u>\$ 1,465,642</u>	72%

Services / Supplies					
<i>Professional Services</i>	\$ 289,454	\$ 289,454	\$ 261,850	\$ 27,604	90%
<i>Employee Development</i>	45,339	45,339	47,423	(2,084)	105%
<i>Supplies / Equipment</i>	130,091	130,091	85,170	44,921	65%
<i>Utilities</i>	-	-	-	-	0%
<i>Other (Animal Care - \$91,542)</i>	107,847	107,847	<u>89,979</u>	\$ 17,868	<u>83%</u>
Total Services / Supplies	<u>\$ 572,731</u>	<u>\$ 572,731</u>	<u>\$ 484,422</u>	<u>\$ 88,309</u>	85%

Capital					
<i>Equipment / Vehicles</i>	10,000	10,000		10,000	0%
Total Capital	<u>\$ 10,000</u>	<u>\$ 10,000</u>	<u>\$ -</u>	<u>\$ 10,000</u>	0%

Total Police Department	<u>\$ 5,811,852</u>	<u>\$ 5,811,852</u>	<u>\$ 4,247,902</u>	<u>\$ 1,563,951</u>	73%
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Fire Department FY 2022/2023 Budget

YEAR TO DATE JULY

<i>Percent of Budget Year Transpired</i>	83.3%
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- - - Summary - - -					
	Original Budget	Revised Budget	Year to Date	Variance	% Used
Personnel	\$ 2,966,826	\$ 2,966,826	\$ 2,278,763	\$ 688,063	77%
Services / Supplies	414,736	414,736	279,761	134,975	67%
Capital	-	-	-	-	0%
	\$ 3,381,562	\$ 3,381,562	\$ 2,558,525	\$ 823,037	76%

- - - Detail - - -					
Category	Original Budget	Revised Budget	Year to Date	Variance	% Used

Personnel					
<i>Salaries / Wages</i>	\$ 2,029,874	<u>2,029,874</u>	\$ 1,578,848	\$ 451,027	78%
<i>Employee Benefits</i>	936,952	<u>936,952</u>	<u>699,916</u>	237,036	75%
<i>Total Personnel</i>	\$ 2,966,826	\$ 2,966,826	\$ 2,278,763	\$ 688,063	77%

Services / Supplies					
<i>Professional Services</i>	\$ 130,011	\$ 130,011	\$ 109,502	\$ 20,509	84%
<i>Employee Development</i> <i>(Training - \$52,950)</i>	68,490	68,490	45,458	23,032	66%
<i>Supplies / Equipment</i>	172,585	172,585	91,988	80,597	53%
<i>Utilities</i>	1,850	1,850	1,437	413	78%
<i>Other</i> <i>(Safety Programs)</i>	41,800	41,800	31,377	10,423	75%
<i>Total Services / Supplies</i>	\$ 414,736	\$ 414,736	\$ 279,761	\$ 134,975	67%

Capital					
<i>Equipment / Vehicles</i>		-		-	0%
<i>Total Capital</i>	\$ -	\$ -	\$ -	\$ -	0%

Total Fire Department	\$ 3,381,562	\$ 3,381,562	\$ 2,558,525	\$ 823,037	76%
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Community Services FY 2022/2023 Budget

YEAR TO DATE JULY

<i>Percent of Budget Year Transpired</i>	83.3%
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- - - Summary - - -					
	Original Budget	Revised Budget	Year to Date	Variance	% Used
Personnel	\$ 351,104	\$ 351,104	\$ 294,501	\$ 56,603	84%
Services / Supplies	33,945	33,945	47,422	(13,477)	140%
Capital	-	-	-	-	0%
	\$ 385,049	\$ 385,049	\$ 341,923	\$ 43,126	89%

- - - Detail - - -					
Category	Original Budget	Revised Budget	Year to Date	Variance	% Used

Personnel					
<i>Salaries / Wages</i>	\$ 250,628	<u>250,628</u>	\$ 204,871	\$ 45,757	82%
<i>Employee Benefits</i>	100,476	<u>100,476</u>	<u>89,630</u>	10,846	89%
<i>Total Personnel</i>	\$ 351,104	\$ 351,104	\$ 294,501	\$ 56,603	84%

Services / Supplies					
<i>Professional Services</i>	\$ 8,000	8,000	\$ 31,803	(23,803)	398%
<i>Employee Development</i>	16,852	16,852	10,822	6,030	64%
<i>Supplies / Equipment</i>	9,093	9,093	4,797	4,296	53%
<i>Utilities</i>	-	-	-	-	0%
<i>Other</i>	-	-	-	-	0%
<i>Total Services / Supplies</i>	\$ 33,945	\$ 33,945	\$ 47,422	\$ (13,477)	140%

Capital					
<i>Equipment / Vehicles</i>	-	-	-	-	0%
<i>Total Capital</i>	\$ -	\$ -	\$ -	\$ -	0%

<i>Total Building Operations</i>	\$ 385,049	\$ 385,049	\$ 341,923	\$ 43,126	89%
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Streets Division FY 2022/2023 Budget

YEAR TO DATE JULY

<i>Percent of Budget Year Transpired</i>	83.3%
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- - - Summary - - -					
	Original Budget	Revised Budget	Year to Date	Variance	% Used
Personnel	\$ 861,548	\$ 861,548	\$ 672,972	\$ 188,576	78%
Services / Supplies	779,297	779,297	395,038	384,259	51%
Capital	-	-	-	-	0%
	\$ 1,640,845	\$ 1,640,845	\$ 1,068,011	\$ 572,835	65%

- - - Detail - - -					
Category	Original Budget	Revised Budget	Year to Date	Variance	% Used

Personnel					
<i>Salaries / Wages</i>	\$ 593,300	\$ 593,300	\$ 457,263	\$ 136,036	77%
<i>Employee Benefits</i>	268,249	268,249	215,709	52,539	80%
<i>Total Personnel</i>	\$ 861,548	\$ 861,548	\$ 672,972	\$ 188,576	78%

Services / Supplies					
<i>Professional Services</i>	\$ 77,816	77,816	\$ 19,208	\$ 58,608	25%
<i>Employee Development</i>	12,981	12,981	6,432	6,549	50%
<i>Supplies / Equipment</i>	60,850	60,850	20,954	39,896	34%
<i>Utilities (Streetlights)</i>	86,000	86,000	82,973	3,027	96%
<i>Other (Street Maintenance)</i>	541,650	541,650	265,471	276,179	49%
<i>Total Services / Supplies</i>	\$ 779,297	\$ 779,297	\$ 395,038	\$ 384,259	51%

Capital					
<i>Equipment / Vehicles</i>	-	-	-	-	0%
<i>Total Capital</i>	\$ -	\$ -	\$ -	\$ -	0%

Total Streets	\$ 1,640,845	\$ 1,640,845	\$ 1,068,011	\$ 572,835	65%
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Maintenance Division FY 2022/2023 Budget

YEAR TO DATE JULY

<i>Percent of Budget Year Transpired</i>	83.3%
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- - - Summary - - -					
	Original Budget	Revised Budget	Year to Date	Variance	% Used
Personnel	\$ 402,114	\$ 402,114	\$ 327,007	\$ 75,106	81%
Services / Supplies	1,576,282	1,576,282	1,263,669	312,613	80%
Capital	196,900	196,900	-	196,900	0%
	<u>\$ 2,175,296</u>	<u>\$ 2,175,296</u>	<u>\$ 1,590,677</u>	<u>\$ 584,619</u>	73%

- - - Detail - - -					
Category	Original Budget	Revised Budget	Year to Date	Variance	% Used
Personnel					
<i>Salaries / Wages</i>	\$ 273,056	<u>273,056</u>	\$ 221,581	\$ 51,475	81%
<i>Employee Benefits</i>	129,057	<u>129,057</u>	<u>105,426</u>	23,631	82%
<i>Total Personnel</i>	\$ 402,114	\$ 402,114	\$ 327,007	\$ 75,106	81%

Services / Supplies					
	Original Budget	Revised Budget	Year to Date	Variance	% Used
<i>Professional Services</i>	\$ 80,260	\$ 80,260	\$ 62,271	\$ 17,989	78%
<i>Employee Development</i>	3,340	3,340	1,527	1,813	46%
<i>Supplies / Equipment</i>	1,200,204	1,200,204	1,032,409	167,795	86%
<i>Utilities</i>	70,000	70,000	73,677	(3,677)	105%
<i>Other (Capital Lease Payments)</i>	222,478	222,478	93,785	\$ 128,693	0%
<i>Total Services / Supplies</i>	\$ 1,576,282	\$ 1,576,282	\$ 1,263,669	\$ 312,613	80%

Capital					
	Original Budget	Revised Budget	Year to Date	Variance	% Used
<i>Equipment / Vehicles</i>	196,900	196,900	-	196,900	0%
<i>Total Capital</i>	\$ 196,900	\$ 196,900	\$ -	\$ 196,900	0%

Total Maintenance	\$ 2,175,296	\$ 2,175,296	\$ 1,590,677	\$ 584,619	73%
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Parks Division FY 2022/2023 Budget

YEAR TO DATE JULY

<i>Percent of Budget Year Transpired</i>	83.3%
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- - - Summary - - -					
	Original Budget	Revised Budget	Year to Date	Variance	% Used
Personnel	\$ 1,448,044	\$ 1,448,044	\$ 1,129,051	\$ 318,993	78%
Services / Supplies	917,241	917,241	647,486	269,755	71%
Capital	<u>164,000</u>	<u>164,000</u>	<u>96,669</u>	<u>67,331</u>	<u>59%</u>
	\$ 2,529,285	\$ 2,529,285	\$ 1,873,205	\$ 656,079	74%

- - - Detail - - -					
Category	Original Budget	Revised Budget	Year to Date	Variance	% Used
Personnel					
<i>Salaries / Wages</i>	\$ 937,220	<u>937,220</u>	\$ 737,191	\$ 200,029	79%
<i>Employee Benefits</i>	<u>510,823</u>	<u>510,823</u>	<u>391,860</u>	<u>118,964</u>	77%
Total Personnel	\$ 1,448,044	\$ 1,448,044	\$ 1,129,051	\$ 318,993	78%

Services / Supplies					
<i>Professional Services</i>	\$ 397,209	\$ 397,209	\$ 283,085	\$ 114,124	71%
<i>Employee Development</i>	28,465	28,465	16,556	11,909	58%
<i>Supplies / Equipment</i>	356,686	356,686	243,976	112,710	68%
<i>Utilities</i>	133,300	133,300	102,606	30,694	77%
<i>Other</i>	<u>1,581</u>	<u>1,581</u>	<u>1,262</u>	<u>319</u>	<u>80%</u>
Total Services / Supplies	\$ 917,241	\$ 917,241	\$ 647,486	\$ 269,755	71%

Capital					
<i>Equipment / Vehicles</i>	164,000	164,000	96,669	67,331	59%
Total Capital	164,000	164,000	96,669	67,331	59%

Total Parks	\$ 2,529,285	\$ 2,529,285	\$ 1,873,205	\$ 656,079	74%
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Recreation Division FY 2022/2023 Budget

YEAR TO DATE JULY

<i>Percent of Budget Year Transpired</i>	83.3%
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- - - Summary - - -					
	Original Budget	Revised Budget	Year to Date	Variance	% Used
Personnel	\$ 207,176	\$ 207,176	\$ 154,136	\$ 53,039	74%
Services / Supplies	373,889	373,889	260,833	113,056	70%
Capital	<u>20,000</u>	<u>20,000</u>	<u>-</u>	<u>20,000</u>	<u>0%</u>
	\$ 601,065	\$ 601,065	\$ 414,969	\$ 186,096	69%

- - - Detail - - -					
Category	Original Budget	Revised Budget	Year to Date	Variance	% Used

Personnel					
<i>Salaries / Wages</i>	\$ 162,068	\$ 162,068	\$ 115,442	\$ 46,625	71%
<i>Employee Benefits</i>	<u>45,108</u>	<u>45,108</u>	<u>38,694</u>	<u>6,414</u>	<u>86%</u>
Total Personnel	\$ 207,176	\$ 207,176	\$ 154,136	\$ 53,039	74%

Services / Supplies					
<i>Professional Services</i>	\$ -	\$ -	\$ (127)	\$ 127	0%
<i>Employee Development</i>	14,495	14,495	5,009	9,486	35%
<i>Supplies / Equipment</i>	4,650	4,650	559	4,091	12%
<i>Utilities</i>	-	-	-	-	0%
<i>Other (Recreation Programs)</i>	<u>354,744</u>	<u>354,744</u>	<u>255,392</u>	<u>99,352</u>	<u>72%</u>
Total Services / Supplies	\$ 373,889	\$ 373,889	\$ 260,833	\$ 113,056	70%

Capital					
<i>Equipment / Vehicles</i>	20,000	20,000	-	20,000	0%
Total Capital	\$ 20,000	\$ 20,000	\$ -	\$ 20,000	0%

Total Recreation	\$ 601,065	\$ 601,065	\$ 414,969	\$ 186,096	69%
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Equipment Replacement / Capital Schedule FY 2022/2023 Budget

YEAR TO DATE JULY

<i>Percent of Budget Year Transpired</i>	83.3%
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Expenditures	Original Budget	Revised Budget	Year to Date	Variance	% Used
City Manager Office Capital Outlay	-	-	-	-	0%
Finance Capital Outlay	-	-	-	-	0%
Human Resources Capital Outlay	-	-	-	-	0%
City Secretary Capital Outlay	-	-	-	-	0%
Information Services Capital Outlay	-	-	-	-	0%
Marketing Capital Outlay	-	-	-	-	0%
Police Dept Capital Outlay	10,000	10,000	-	10,000	0%
Fire Dept Capital Outlay	-	-	-	-	0%
Community Services Capital Outlay	-	-	-	-	0%
Streets Dept Capital Outlay	-	-	-	-	0%
Maintenance Capital Outlay	196,900	196,900	-	196,900	0%
City Parks Capital Outlay	164,000	164,000	96,669	67,331	59%
City Recreation Capital Outlay	20,000	20,000	-	20,000	0%
Total Expenditures	\$ 390,900	\$ 390,900	\$ 96,669	\$ 294,231	25%

Utility Fund Revenues

FY 2022/2023 Budget

YEAR TO DATE JULY

Percent of Budget Year Transpired	83.3%
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Fees	Original Budget	Revised Budget	Year to Date	Variance	% Received
<i>Electronic Payment</i>	\$ (189,000)	\$ (189,000)	\$ (150,750)	\$ (38,250)	80%
<i>Charges / Penalties</i>	88,250	88,250	63,894	24,356	72%
Total Fees	\$ (100,750)	\$ (100,750)	\$ (86,856)	\$ (13,894)	86%

Licenses & Permits

<i>Construction Inspection</i>	\$ -	\$ -		\$ -	0%
Total Licenses & Permits	\$ -	\$ -	\$ -	\$ -	0%

Charges for Services

<i>Water Sales</i>	\$ 5,483,922	\$ 5,483,922	\$ 4,074,583	\$ 1,409,339	74%
<i>Sewer Sales</i>	4,626,689	4,626,689	3,568,805	1,057,884	77%
<i>Inspection Fees</i>	4,000	4,000	1,340	2,660	34%
Total Charges for Service	\$ 10,114,611	\$ 10,114,611	\$ 7,644,728	\$ 2,469,883	76%

Interest

<i>Interest (Operations)</i>	\$ 68,000	\$ 68,000	\$ 246,813	\$ (178,813)	363%
<i>Interest (Capital Projects)</i>	6,000	6,000	37,967	(31,967)	633%
Total Interest	\$ 74,000	\$ 74,000	\$ 284,780	\$ (210,780)	385%

Impact Fees

<i>Impact Fees</i>	\$ 50,000	\$ 50,000	\$ 41,700	\$ 8,300	83%
Total Impact Fees	\$ 50,000	\$ 50,000	\$ 41,700	\$ 8,300	83%

Miscellaneous Income

<i>Miscellaneous Income</i>	\$ 5,000	\$ 5,000	\$ 867,797	\$ (862,797)	17356%
Total Miscellaneous Income	\$ 5,000	\$ 5,000	\$ 867,797	\$ (862,797)	17356%

Total Utility Fund Revenues	\$ 10,142,861	\$ 10,142,861	\$ 8,752,150	\$ 1,390,711	86%
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Utility Division FY 2022/2023 Budget

YEAR TO DATE JULY

Percent of Budget Year Transpired	83.3%
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--- Summary - Operations ---					
	Original Budget	Revised Budget	Year to Date	Variance	% Used
Personnel	\$ 1,818,060	\$ 1,818,060	\$ 1,501,592	\$ 316,468	83%
Services / Supplies	6,837,971	6,837,971	5,244,564	1,593,408	77%
Capital	20,000	20,000	110,749	(90,749)	554%
Total Utility Division	\$ 8,676,032	\$ 8,676,032	\$ 6,856,905	\$ 1,819,127	79%

--- Detail - Operations ---					
Category	Original Budget	Revised Budget	Year to Date	Variance	% Used

Personnel					
<i>Salaries / Wages</i>	\$ 1,238,673	\$ 1,238,673	\$ 1,030,527	\$ 208,146	83%
<i>Employee Benefits</i>	579,387	579,387	471,065	108,322	81%
Total Personnel	\$ 1,818,060	\$ 1,818,060	\$ 1,501,592	\$ 316,468	83%

Services / Supplies					
<i>Professional Services</i>	\$ 286,743	\$ 286,743	\$ 182,330	\$ 104,413	64%
<i>Employee Development</i>	67,255	67,255	82,951	(15,696)	123%
<i>Supplies / Equipment</i>	78,762	78,762	54,070	24,692	69%
<i>Utilities</i>	375,136	375,136	346,493	28,643	92%
<i>Other (Well Lot Maintenance)</i>	1,197,954	1,197,954	632,087	565,867	53%
Sub-Total - Operations Services / Supplies	\$ 2,005,850	\$ 2,005,850	\$ 1,297,931	\$ 707,919	65%

Wholesale Water / Wastewater					
Note: UTRWD billing reflects a one month delay					
<i>UTRWD - Administration Fees</i>	\$ 5,270	\$ 5,270	\$ 5,269	\$ 1	100%
<i>UTRWD - Water Volume Cost</i>	1,119,972	1,119,972	921,459	198,513	82%
<i>UTRWD - Water Demand Charges</i>	1,463,010	1,463,010	1,180,488	282,523	81%
<i>UTRWD - Sewer Effluent Volume Rate</i>	622,955	622,955	459,046	163,909	74%
<i>UTRWD - Capital Charge Joint Facilities</i>	1,389,179	1,389,179	1,157,649	231,530	83%
<i>UTRWD - HV Sewer Line to UTRWD</i>	231,735	231,735	222,722	9,013	96%
<i>UTRWD - Wtr Transmission - Opus Develop</i>	-	-	-	-	0%
Sub-Total - Wholesale Water / Wastewater	\$ 4,832,121	\$ 4,832,121	\$ 3,946,632	\$ 885,489	82%

Total Services / Supplies	\$ 6,837,971	\$ 6,837,971	\$ 5,244,564	\$ 1,593,408	77%
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Capital					
<i>Equipment / Vehicles</i>	20,000	20,000	110,749	(90,749)	554%
Total Capital	\$ 20,000	\$ 20,000	\$ 110,749	\$ (90,749)	554%

Total Utility Division - Operations	\$ 8,676,032	\$ 8,676,032	\$ 6,856,905	\$ 1,819,127	79%
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Utility Fund Working Capital FY 2022/2023 Budget

YEAR TO DATE JULY

Percent of Budget Year Transpired	83.3%
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Revenues	Original Budget	Revised Budget	Year to Date	Variance	% Received
Water Sales	\$ 5,483,922	\$ 5,483,922	\$ 4,074,583	\$ 1,409,339	74%
Sewer Sales	4,626,689	4,626,689	3,568,805	1,057,884	77%
Other Fees / Charges	97,250	97,250	933,032	(835,782)	959%
Electronic Payment Credit	(189,000)	(189,000)	(150,750)	(38,250)	80%
Interest	68,000	68,000	246,813	(178,813)	363%
Total Revenues	\$ 10,086,861	\$ 10,086,861	\$ 8,672,482	\$ 1,414,379	86%

Expenditures	Original Budget	Revised Budget	Year to Date	Variance	% Used
Administration	\$ 456,661	\$ 456,661	\$ 381,682	\$ 74,979	84%
Operations	3,367,250	3,367,250	2,417,842	949,408	72%
UTRWD	4,832,121	4,832,121	3,946,632	885,489	82%
Debt Service	1,011,709	1,011,709	880,036	880,036	87%
Capital Projects	-	-	-	-	0%
Equipment Replace / Capital	20,000	20,000	110,749	(90,749)	554%
Total Expenditures	\$ 9,687,741	\$ 9,687,741	\$ 7,736,941	\$ 1,950,800	80%

Other Sources/Uses	Original Budget	Revised Budget	Year to Date	Variance	% Used
Transfers In (Applied Impact Fees)				\$ -	0%
Operating Transfers In / Utility Capital Projects				-	0%
Operating Transfers Out / Utility Capital Projects	-	-	-	-	0%
Operating Transfers Out / General Fund	(470,000)	(470,000)	-	(470,000)	0%
Total Other Sources (Uses)	\$ (470,000)	\$ (470,000)	\$ -	\$ (470,000)	0%

Fund Balance	Original Budget	Revised Budget	Year to Date
Net Increase/Decrease	(70,880)	(70,880)	935,542
Beginning Working Capital			
Operations	3,117,785	3,117,785	3,117,785
Available Impact Fees	1,282,718	1,282,718	1,282,718
Total Available Working Capital	\$ 4,400,503	\$ 4,400,503	\$ 4,400,503
Ending Working Capital			
Operations	3,046,906	3,046,906	4,053,327
Designated Capital Project	-	-	-
Available Impact Fees	1,182,718	1,182,718	1,282,718
Total Available Working Capital	\$ 4,229,624	\$ 4,229,624	\$ 5,336,045

Impact Fees			
Beginning Balance	1,282,718	1,282,718	1,282,718
+ Collections	50,000	50,000	-
- Applied to offset Debt Service	(150,000)	(150,000)	-
Ending Balance	1,182,718	1,182,718	1,282,718

*The working Capital Analysis is prepared to provide a picture of the "cash position" of this enterprise fund. Income restricted for specific use and non-operating expenses are excluded. Impact fees are excluded from revenues, however included for working capital balances - as they are available to address contingency expenditures.

Corps Leased Parks Fund FY 2022/2023 Budget

YEAR TO DATE JULY

<i>Percent of Budget Year Transpired</i>	83.3%
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Revenues	Original Budget	Revised Budget	Year to Date	Variance	% Received
<i>Park Entry Fees</i>	\$ 601,550	\$ 601,550	\$ 505,427	\$ 96,123	84%
<i>Annual Park Passes</i>	64,000	64,000	60,165	3,835	94%
<i>Concession Sales</i>	-	-	-	-	0%
<i>Interest</i>	30	30	10,078	(10,048)	33593%
Total Revenues	\$ 665,580	\$ 665,580	\$ 575,670	\$ 89,910	86%

Expenditures	Original Budget	Revised Budget	Year to Date	Variance	% Used
<i>Personnel</i>	\$ 222,990	222,990	\$ 149,532	\$ 73,458	67%
<i>Services / Supplies</i>	458,841	458,841	146,673	312,168	32%
<i>Capital</i>	55,000	55,000	-	55,000	0%
Total Expenditures	\$ 736,831	\$ 736,831	\$ 296,205	\$ 440,626	40%

Other Sources/Uses	Original Budget	Revised Budget	Year to Date	Variance	% Used
<i>Operating Transfers In / General Fund</i>	-	-	-	-	0%
Total Other Sources (Uses)	\$ -	\$ -	\$ -	\$ -	0%

Fund Balance	Original Budget	Revised Budget	Year to Date
<i>Beginning Fund Balance</i>	\$ 739,992	\$ 770,032	\$ 770,032
<i>+ Net Increase (Decrease)</i>	(71,251)	(71,251)	279,465
Ending Fund Balance	\$ 668,741	\$ 698,781	\$ 1,049,497

Debt Service Fund

FY 2022/2023 Budget

YEAR TO DATE JULY

Percent of Budget Year Transpired	83.3%
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Revenues	Original Budget	Revised Budget	Year to Date	Variance	% Received
<i>Property Tax Revenues</i>	\$2,106,550	\$ 2,106,550	\$ 2,105,693	\$ 857	100%
<i>Interest Income</i>	15,000	15,000	19,669	(4,669)	131%
Total Revenues	\$ 2,121,550	\$ 2,121,550	\$ 2,125,362	\$ (3,812)	100%

Expenditures	Original Budget	Revised Budget	Year to Date	Variance	% Used
<i>Principal Payments</i>	\$ 1,600,000	\$ 1,600,000	\$ 1,600,000	\$ -	100%
<i>Interest Payments</i>	1,028,131	1,028,131	530,991	497,140	52%
<i>Paying Agent Fees</i>	3,000	3,000	1,326	1,674	44%
Total Expenditures	\$ 2,631,131	\$ 2,631,131	\$ 2,132,318	\$ 498,813	81%

Other Sources (Uses)	Original Budget	Revised Budget	Year to Date	Variance	% Received
<i>Transfers In (Out) [To 4B]</i>	537,581	537,581	438,366	\$ 99,215	82%
<i>Proceeds from Refunding Debt</i>	-	-		-	0%
<i>Debt Issuance Cost</i>	-	-		-	0%
<i>Payment to Escrow Agent</i>	-	-		-	0%
Total Financing Sources	\$ 537,581	\$ 537,581	\$ 438,366	\$ 99,215	82%

Beginning & Ending Balance	Original Budget	Revised Budget	Year to Date
<i>Beginning Fund Balance</i>	\$ 87,355	\$ 93,470	\$ 93,470
<i>+ Net Increase (Decrease)</i>	28,000	28,000	431,411
Ending Fund Balance	\$ 115,355	\$ 121,470	\$ 524,881

Capital Projects Fund

FY 2022/2023 Budget

YEAR TO DATE JULY

Percent of Budget Year Transpired	83.3%
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Revenues	Original Budget	Revised Budget	Year to Date	Variance	% Received
Grants	\$ -	\$ -	\$ -	\$ -	0%
Contributions	-	-	2,100	(2,100)	0%
Interest Income	190,000	190,000	326,901	(136,901)	172%
Total Revenues	\$ 190,000	\$ 190,000	\$ 329,001	\$ (139,001)	100%

Expenditures	Original Budget	Revised Budget	Year to Date	Variance	% Used
2018 GO Bond (Parks)	1,033,531	1,033,531	956,720	76,811	93%
2021 Bond Issue (Parks)	1,564,035	1,564,035	318,920	1,245,115	20%
2021 Bond Issue (Streets)	5,730,000	5,730,000	217,217	5,512,783	4%
Total Expenditures	\$ 8,327,566	\$ 8,327,566	\$ 1,492,857	\$ 6,834,709	18%

Other Financing Sources (Uses)	Original Budget	Revised Budget	Year to Date	Variance	% Received
Bond Issue Proceeds		\$ -		\$ -	0%
Bond Discount / Premium	-	-		-	0%
Debt Issuance		-		-	0%
Transfers In	-	-	-	-	0%
Transfer Out	-	-	-	-	0%
Total Financing Sources	\$ -	\$ -	\$ -	\$ -	0%

Beginning & Ending Balance	Original Budget	Revised Budget	Year to Date
Beginning fund balance	\$ 15,796,600	\$ 15,888,870	\$ 15,888,870
+Net Increase (Decrease)	(8,137,566)	(8,137,566)	(1,163,856)
Ending Fund Balance	\$ 7,659,034	\$ 7,751,304	\$ 14,725,014

Drainage Utilities

FY 2022/2023 Budget

YEAR TO DATE JULY

<i>Percent of Budget Year Transpired</i>	83.3%
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Revenues	Original Budget	Revised Budget	Year to Date	Variance	% Received
<i>Drainage Conversion Fee</i>	\$ 10,000	10,000	\$ -	\$ 10,000	0%
<i>Drainage Fee Receipts</i>	510,000	510,000	402,337	107,663	79%
<i>Miscellaneous</i>	-	-	-	-	0%
<i>Interest</i>	1,500	1,500	7,889	(6,389)	526%
Total Revenues	\$ 521,500	\$ 521,500	\$ 410,226	\$ 111,274	79%

Expenditures	Original Budget	Revised Budget	Year to Date	Variance	% Used
<i>Personnel</i>	\$ 367,162	\$ 367,162	\$ 295,511	\$ 71,651	80%
<i>Services / Supplies</i>	253,635	253,635	156,740	96,895	62%
<i>Capital</i>	70,000	70,000	-	70,000	0%
Total Expenditures	\$ 690,797	\$ 690,797	\$ 452,251	\$ 238,546	65%

Other Sources/Uses	Original Budget	Revised Budget	Year to Date	Variance	% Used
<i>Transfers In - City Impervious / General Fund</i>	\$ 16,000	\$ 16,000	\$ -	16,000	0%
<i>Operating Transfers Out / General Fund</i>	(16,000)	(16,000)	-	(16,000)	0%
Total Other Sources (Uses)	\$ -	\$ -	\$ -	\$ -	0%

Fund Balance	Original Budget	Revised Budget	Year to Date
<i>Beginning Fund Balance</i>	\$ 331,511	\$ 333,079	\$ 333,079
<i>+ Net Increase (Decrease)</i>	(169,297)	(169,297)	(42,025)
Ending Fund Balance	\$ 162,214	\$ 163,782	\$ 291,054

Park Development Fee Fund FY 2022/2023 Budget

YEAR TO DATE JULY

Percent of Budget Year Transpired	83.3%
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Revenues	Original Budget	Revised Budget	Year to Date	Variance	% Received
<i>Interest</i>	\$ 300	\$ 300	\$ 3,058	(2,758)	0%
<i>Community Park Fees</i>	-	-		-	0%
<i>Linear Park Fees</i>	-	-	-	-	0%
<i>Neighborhood Park Fees</i>	-	-	-	-	0%
<i>Service Area II</i>	-	-	-	-	0%
<i>Service Area IV</i>	-	-	-	-	0%
Total Revenues	\$ 300	\$ 300	\$ 3,058	\$ (2,758)	0%

Expenditures	Original Budget	Revised Budget	Year to Date	Variance	% Used
<i>Unity Park</i>	\$ -	\$ -	\$ -	\$ -	0%
<i>Capital Outlay (Unity Park)</i>	-	-	-	-	0%
<i>Capital Outlay (Village Park)</i>	-	-	-	-	0%
<i>Capital Outlay - (St James development, Area I)</i>	-	-	-	-	0%
Total Expenditures	\$ -	\$ -	\$ -	\$ -	0%

Other Sources/Uses	Original Budget	Revised Budget	Year to Date	Variance	% Used
<i>Operating Transfers In</i>	\$ -	\$ -	\$ -	\$ -	0%
<i>Operating Transfers Out (Funding for projects at Unity Park with FY2012 bond)</i>	-	-	-	-	0%
Total Other Sources (Uses)	\$ -	\$ -	\$ -	\$ -	0%

Fund Balance	Original Budget	Revised Budget	Year to Date
<i>Beginning Fund Balance</i>	\$ 82,124	\$ 82,401	\$ 82,401
<i>+ Net Increase (Decrease)</i>	300	300	3,058
Ending Fund Balance	\$ 82,424	\$ 82,701	\$ 85,459

Ending Fund Balance Detail	Original Budget	Year to Date
<i>Community Park Fees</i>	\$ -	-
<i>Linear Park Fees</i>	-	-
<i>Neighborhood Park Fees (Area I)</i>	-	-
<i>Neighborhood Park Fees (Area II)</i>	82,424	85,759
<i>Neighborhood Park Fees (Area IV)</i>	-	-
Total	\$ 82,424	\$ 85,759

Public Safety Special Revenue Fund

FY 2022/2023 Budget

YEAR TO DATE JULY

Percent of Budget Year Transpired	83.3%
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Revenues	Original Budget	Revised Budget	Year to Date	Variance	% Received
Revenues	\$ 37,600	37,600	\$ 26,313	\$ 11,287	70%

Expenditures	Original Budget	Revised Budget	Year to Date	Variance	% Used
Personnel	\$ -	\$ -	\$ -	\$ -	0%
Services / Supplies	13,600	13,600	51,395	(37,795)	378%
Capital	-	-		(51,395)	0%
Total Expenditures	\$ 13,600	\$ 13,600	\$ 51,395	\$ (37,795)	378%

Other Sources/Uses	Original Budget	Revised Budget	Year to Date	Variance	% Used
Operating Transfers In	\$ -	\$ -	\$ -	\$ -	0%
Operating Transfers Out	(22,000)	(22,000)	-	(22,000)	0%
Total Other Sources (Uses)	\$ (22,000)	\$ (22,000)	\$ -	\$ (22,000)	0%

Beginning & Ending Balance	Original Budget	Revised Budget	Year to Date
Beginning Fund Balance	\$ 49,172	\$ 76,966	\$ 76,966
+ Net Increase (Decrease)	2,000	2,000	(25,083)
Ending Fund Balance	\$ 51,172	\$ 78,966	\$ 51,883

Municipal Court Technology Fee Fund FY 2022/2023 Budget

YEAR TO DATE JULY

Percent of Budget Year Transpired	83.3%
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Revenues	Original Budget	Revised Budget	Year to Date	Variance	% Received
Revenues	\$ 2,800	\$ 2,800	\$ 2,246	554	80%

Expenditures	Original Budget	Revised Budget	Year to Date	Variance	% Used
Services / Supplies	\$ 4,400	\$ 4,400	\$ 3,600	\$ 800	82%
Total Expenditures	\$ 4,400	\$ 4,400	\$ 3,600	\$ 800	0%

Other Sources/Uses	Original Budget	Revised Budget	Year to Date	Variance	% Used
Operating Transfers In	\$ -	\$ -	\$ -	\$ -	0%
Operating Transfers Out	-	-	-	-	0%
Total Other Sources (Uses)	\$ -	\$ -	\$ -	\$ -	0%

Beginning & Ending Balance	Original Budget	Revised Budget	Year to Date
Beginning Fund Balance	\$ 15,544	\$ 15,542	\$ 15,542
+ Net Increase (Decrease)	(1,600)	(1,600)	(1,354)
Ending Fund Balance	\$ 13,944	\$ 13,942	\$ 14,188

Municipal Court Building Security Fund FY 2022/2023 Budget

YEAR TO DATE JULY

<i>Percent of Budget Year Transpired</i>	83.3%
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Revenues	Original Budget	Revised Budget	Year to Date	Variance	% Received
Revenues (Court Fines)	\$ 3,000	\$ 3,000	\$ 2,743	\$ 257	91%

Expenditures	Original Budget	Revised Budget	Year to Date	Variance	% Used
Personnel (Bailiff)	\$ -	\$ -	\$ -	\$ -	0%
Services / Supplies	-	-	-	-	0%
Total Expenditures	\$ -	\$ -	\$ -	\$ -	0%

Beginning & Ending Balance	Original Budget	Revised Budget	Year to Date
Beginning Fund Balance	\$ 43,992	\$ 44,110	\$ 44,110
+ Net Increase (Decrease)	3,000	3,000	2,743
Ending Fund Balance	\$ 46,992	\$ 47,110	\$ 46,853

Highland Village Community Development Corporation
Working Capital Analysis (FY 2022)

	<i>Actual 2020-2021</i>	<i>Actual 2021-2022</i>	<i>Budget 2022-2023</i>	<i>YTD 2022-2023</i>
Beginning Fund Balance	\$ 109,678	\$ 356,702	\$ 650,602	\$ 650,602
Revenues				
4B Sales Tax	1,532,222	1,730,003	1,739,289	1,182,306
Park Fees (Rental)	42,080	42,482	85,000	63,309
Linear Park Fees	-	-	-	-
Miscellaneous Income	1,000	2,593	-	-
Interest Income	60	1,475	500	27,886
Total	\$ 1,575,362	\$ 1,776,553	\$ 1,824,789	\$ 1,273,501
Expenditures				
<i>Personnel</i>	302,812	308,473	331,609	244,049
Services / Supplies	193,044	335,823	407,678	195,871
Reimburse GF (Support Functions)	28,000	-	-	-
Reimburse GF (Debt Service)	804,482	838,357	565,581	438,366
Total Non-Capital Expenditures	\$ 1,328,338	\$ 1,482,653	\$ 1,304,868	\$ 878,287
Capital				
Equipment	-	-	287,000	71,226
Net Increase / (Decrease)	247,024	293,900	232,921	323,989
Working Capital Balance	\$ 356,702	\$ 650,602	\$ 883,523	\$ 974,591

PEG Fee Fund

FY 2022/2023 Budget

YEAR TO DATE JULY

<i>Percent of Budget Year Transpired</i>	83.3%
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Revenues	Original Budget	Revised Budget	Year to Date	Variance	% Received
<i>PEG Fee Receipts</i>	\$ 24,000	\$ 24,000	\$ 15,523	\$ 8,477	65%
Total Revenues	\$ 24,000	\$ 24,000	\$ 15,523	\$ 8,477	65%

Expenditures	Original Budget	Revised Budget	Year to Date	Variance	% Used
<i>Personnel</i>	\$ -	\$ -	\$ -	\$ -	0%
<i>Services / Supplies</i>	7,000	7,000	5,679	1,321	81%
<i>Capital</i>		-		-	0%
Total Expenditures	\$ 7,000	\$ 7,000	\$ 5,679	\$ 1,321	81%

Other Sources/Uses	Original Budget	Revised Budget	Year to Date	Variance	% Used
<i>Operating Transfers In</i>	\$ -	\$ -	\$ -	\$ -	0%
<i>Operating Transfers Out</i>	-	-	-	-	0%
Total Other Sources (Uses)	\$ -	\$ -	\$ -	\$ -	0%

Fund Balance	Original Budget	Revised Budget	Year to Date
<i>Beginning fund balance</i>	\$ 133,578	\$ 143,589	\$ 143,589
<i>+Net Increase (Decrease)</i>	17,000	17,000	9,843
Ending Fund Balance	\$ 150,578	\$ 160,589	\$ 153,432

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 19

MEETING DATE: 09/12/2023

SUBJECT: Consider Resolution 2023-3084 Approving and Adopting Rate Schedule Rate Review Mechanism for Atmos Energy Corporation

PREPARED BY: Ken Heerman, Assistant City Manager

BACKGROUND:

Highland Village, along with 181 other Mid-Texas Cities Served by Atmos Energy Corporation, Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Steering Committee of Cities Served by Atmos (“ACSC”). In 2007, the ACSC and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism (“RRM”), as a substitute for future filings under the GRIP statute.

Since 2007, there have been several modifications to the original RRM Tariff. The most recent iteration of an RRM Tariff was reflected in an ordinance adopted by ACSC members in 2018.

IDENTIFIED NEED/S:

On or about March 31, 2023, the Company filed a rate request pursuant to the RRM Tariff adopted by ACSC members. The Company claimed that its cost-of-service in a test year ending December 31, 2022, entitled it to additional system-wide revenues of \$165.9 million.

Application of the standards set forth in ACSC’s RRM Tariff reduces the Company’s request to \$156.1 million, \$113.8 million of which would be applicable to ACSC members. ACSC’s consultants concluded that the system-wide deficiency under the RRM regime should be \$130.9 million instead of the claimed \$156.1 million.

OPTIONS & RESULTS:

The ACSC Executive Committee recommends a settlement at \$142 million. This is a reduction of \$23.9 million to the Company’s initial request. This includes payment of ACSC’s expenses. The settlement also includes an additional \$19.5 million for the securitization regulatory asset expenses related to Winter Storm Uri. This was previously approved by the Texas Legislature and Railroad Commission. The effective date for new rates is October 1, 2023. ACSC members should take action approving the Resolution/Ordinance before September 30, 2023.

Atmos generated rate tariffs attached to the proposed Resolution will generate \$142 million in additional revenues. Atmos also prepared a Proof of Revenues supporting the settlement figures. ACSC consultants have agreed that Atmos’ Proof of Revenues is accurate.

BILL IMPACT

The impact of the settlement on average residential rates is an increase of \$6.47 on a monthly basis, or 7.31 percent. The increase for average commercial usage will be \$24.72 or 5.19 percent.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

N/A

RECOMMENDATION:

Council to approve Resolution No. 2023-3084 approving a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corporation regarding the 2023 rate review mechanism filing.

CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2023-3084

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2023 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.

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

WHEREAS, the City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of similarly-situated cities served by Atmos Mid-Tex (“ACSC Cities”) that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, ACSC and the Company worked collaboratively to develop a new Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program (“GRIP”) process instituted by the Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

WHEREAS, the RRM tariff was adopted by the City in a rate ordinance in 2018; and

WHEREAS, on about March 1, 2023, Atmos Mid-Tex filed its 2023 RRM rate request with ACSC Cities based on a test year ending December 31, 2022; and

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2023 RRM filing through its Executive Committee, assisted by ACSC’s attorneys and consultants, to resolve issues identified in the Company’s RRM filing; and

WHEREAS, the Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$142 million on a system-wide basis with an Effective Date of October 1, 2023; and

WHEREAS, ACSC agrees that Atmos plant-in-service is reasonable; and

WHEREAS, with the exception of approved plant-in-service, ACSC is not foreclosed from future reasonableness evaluation of costs associated with incidents related to gas leaks; and

WHEREAS, the attached tariffs (Attachment 1) implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

WHEREAS, the settlement agreement sets a new benchmark for pensions and retiree medical benefits (Attachment 2); and

WHEREAS, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications;

WHEREAS, the RRM Tariff includes Securitization Interest Regulatory Asset amount of \$19.5 million.

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

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

Section 2. Without prejudice to future litigation of any issue identified by ACSC, the City Council finds that the settled amount of an increase in revenues of \$142 million for ACSC Cities represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2023 RRM filing, is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

Section 3. Despite finding Atmos Mid-Tex's plant-in-service to be reasonable, ACSC is not foreclosed in future cases from evaluating the reasonableness of costs associated with incidents involving leaks of natural gas.

Section 4. The existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Attachment 1 are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$142 million on a system-wide basis, over the amount allowed under currently approved rates. Such tariffs are hereby adopted.

Section 5. The ratemaking treatment for pensions and retiree medical benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on Exhibit B, attached hereto and incorporated herein.

Section 6. Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company's 2023 RRM filing.

Section 7. To the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Resolution, it is hereby repealed.

Section 8. The meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 9. If any one or more sections or clauses of this Resolution is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

Section 10. Consistent with the City Ordinance that established the RRM process, this Resolution shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after October 1, 2023.

Section 12. A copy of this Resolution shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Thomas Brocato, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED BY THE CITY COUNCIL OF HIGHLAND VILLAGE, TEXAS this 12th DAY OF SEPTEMBER 2023.

APPROVED:

Daniel Jaworski, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(kbl:8/30/2023:4873-1477-0301 v1)

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	R – RESIDENTIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2023	

Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 22.25 per month
Rider CEE Surcharge	\$ 0.05 per month ¹
Total Customer Charge	\$ 22.30 per month
Commodity Charge – All Ccf	\$0.48567 per Ccf ²

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2023.

²The commodity charge includes the base rate amount of \$0.46724 per Ccf and Securitization Regulatory Asset amounts related to financing costs in the amount of \$0.01843 per Ccf until recovered.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	C – COMMERCIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2023	

Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 72.00 per month
Rider CEE Surcharge	(\$ 0.02) per month ¹
Total Customer Charge	\$ 71.98 per month
Commodity Charge – All Ccf	\$ 0.18280 per Ccf ²

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Presumption of Plant Protection Level

For service under this Rate Schedule, plant protection volumes are presumed to be 10% of normal, regular, historical usage as reasonably calculated by the Company in its sole discretion. If a customer believes it needs to be modeled at an alternative plant protection volume, it should contact the company at mdtx.plantprotection@atmosenergy.com.

¹ Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2023.

²The commodity charge includes the base rate amount of \$0.16437 per Ccf and Securitization Regulatory Asset amounts related to financing costs in the amount of \$0.01843 per Ccf until recovered.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2023	

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 200 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 200 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 1,382.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.7484 per MMBtu ¹
Next 3,500 MMBtu	\$ 0.5963 per MMBtu ¹
All MMBtu over 5,000 MMBtu	\$ 0.2693 per MMBtu ¹

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailement Overpull Fee

Upon notification by Company of an event of curtailement or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailement or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees

¹ The tiered commodity charges include the base rate amounts of \$0.5684, \$0.4163, and \$0.0893 per MMBtu, respectively, plus Securitization Regulatory Asset amounts related to financing costs in the amount of \$0.1800 per MMBtu until recovered.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2023	

utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

Presumption of Plant Protection Level

For service under this Rate Schedule, plant protection volumes are presumed to be 10% of normal, regular, historical usage as reasonably calculated by the Company in its sole discretion. If a customer believes it needs to be modeled at an alternative plant protection volume, it should contact the company at mdtx.plantprotection@atmosenergy.com.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2023	

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 1,382.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.5684 per MMBtu
Next 3,500 MMBtu	\$ 0.4163 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0893 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2023	

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2023	

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

- i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification
- $WNAF_i$ = Weather Normalization Adjustment Factor for the i^{th} rate schedule or classification expressed in cents per Ccf
- R_i = Commodity Charge rate of temperature sensitive sales for the i^{th} schedule or classification.
- HSF_i = heat sensitive factor for the i^{th} schedule or classification divided by the average bill count in that class
- NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.
- ADD = billing cycle actual heating degree days.
- BL_i = base load sales for the i^{th} schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the j th customer in i th rate schedule is computed as:

$$WNA_j = WNAF_i \times q_{ij}$$

Where q_{ij} is the relevant sales quantity for the j th customer in i th rate schedule.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2023	

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>
Abilene	9.51	0.1415	88.91	0.7010
Austin	8.87	0.1213	213.30	0.7986
Dallas	12.54	0.2007	185.00	0.9984
Waco	8.81	0.1325	125.26	0.7313
Wichita Falls	10.36	0.1379	122.10	0.6083

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at atmosenergy.com/mtx-wna, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNA factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and an Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

Attachment 2

**ATMOS ENERGY CORP., MID-TEX DIVISION
MID-TEX RATE REVIEW MECHANISM
PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL
TEST YEAR ENDING DECEMBER 31, 2022**

Line No.	Description (a)	Shared Services		Mid-Tex Direct			Adjustment Total (g)
		Pension Account Plan (b)	Post-Employment Benefit Plan (c)	Pension Account Plan (d)	Post-Employment Benefit Plan (e)	Supplemental Executive Benefit Plan (f)	
1	Proposed Benefits Benchmark -						
	Fiscal Year 2022 Willis Towers Watson Report as adjusted (1) (2) (3)	\$ 1,434,330	\$ (518,336)	\$ 2,336,419	\$ (2,676,618)	\$ 267,917	
2	Allocation Factor	44.92%	44.92%	78.74%	78.74%	100.00%	
3	Proposed Benefits Benchmark Costs Allocated to Mid-Tex (Ln 1 x Ln 2)	\$ 644,336	\$ (232,848)	\$ 1,839,667	\$ (2,109,267)	\$ 267,917	
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%	
5	Proposed Benefits Benchmark Costs to Approve (Ln 3 x Ln 4)	\$ 644,336	\$ (232,848)	\$ 1,839,667	\$ (2,109,267)	\$ 267,917	\$ 406,804
6							
7	O&M Expense Factor (WP_F-2.3, Ln 2)	78.60%	78.60%	39.83%	39.83%	11.00%	
8							
9	Summary of Costs to Approve (1):						
10	Total Pension Account Plan	\$ 506,464		\$ 729,006			\$ 1,235,469
11	Total Post-Employment Benefit Plan		\$ (183,024)		\$ (835,840)		(1,018,864)
12	Total Supplemental Executive Benefit Plan					\$ 29,471	29,471
13	Total (Ln 10 + Ln 11 + Ln 12):	\$ 506,464	\$ (183,024)	\$ 729,006	\$ (835,840)	\$ 29,471	\$ 246,078

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 20

MEETING DATE: 09/12/2023

SUBJECT: Receive Presentation of City Manager Recommended Budget and Conduct Public Hearing on the Proposed Budget and Tax Rate for Fiscal Year 2023-2024

PREPARED BY: Ken Heerman, Assistant City Manager

BACKGROUND:

Texas Tax Code Section 26.05, part of the state’s “Truth in Taxation” laws, requires a public hearing be held before implementing the annual property tax rate if the rate to be **considered** will exceed the lower of the voter-approved rate or no-new-revenue tax rate. The no-new-revenue tax rate is generally equal to the prior year’s taxes divided by the current taxable value of properties that were also on the tax roll in the prior year. At the August 8th Meeting, Council voted to consider a rate of \$.501394 per \$100 valuation. While this rate is equal to, but not exceeding, the voter-approved tax rate, it does exceed the no-new-revenue tax rate of \$.485019 per \$100 valuation. Therefore, a public hearing is required before the tax rate may be adopted. The public hearing will also invite comment on the proposed budget, which hearing is also required by law.

IDENTIFIED NEED/S:

The proposed budget can be viewed on the City website, or by using the following link:
[City Manager’s Recommended Budget](#)

OPTIONS & RESULTS:

State law requires public hearings be conducted on both the proposed tax rate and the annual budget before either may be adopted.

PROGRESS TO DATE: (if appropriate)

Budget calendar:

- September 8th
 - City Manager Recommended Budget posted on City Website
- September 12th (Regular Council Meeting)
 - Public Hearing on tax rate and budget
 - 1st read on tax rate and budget
- September 18th (Special Council Meeting)
 - 2nd read on tax rate and budget

RECOMMENDATION:

Council to conduct a public hearing on the proposed tax rate and budget for FY 2023-2024.

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 21

MEETING DATE: 09/12/2023

SUBJECT: Consider Ordinance 2023-1307 (First Reading) Adopting the FY 2023-2024 Annual Budget

PREPARED BY: Ken Heerman, Assistant City Manager

BACKGROUND:

City Staff initiated the FY 2024 Budget process in May of this year with departments reviewing programs and related costs in their respective areas. The budget was developed with Council in a series of workshops: the Capital Improvement Program was presented, followed by the General Fund Budget, Special Revenue Funds, and the Utility Fund. The proposed budget has been available on the City Web Site for review by residents. The final document presented is a joint product of Staff and Council to reflect priorities established by Council in the initial stages of this budget process. The required public hearing will be conducted at this meeting.

IDENTIFIED NEED/S:

The FY 2023/2024 Budget is presented for Council approval. The presented budget mirrors the expressed consensus of Council from the budget work sessions.

Truth in Taxation, specifically Local Government Code Section 102.007, requires specific action in adoption of the budget. A vote to adopt the budget must be a record vote, and the adopted budget must contain a cover page that includes a number of specifically worded statements regarding revenue, delineation of the record vote to adopt the budget, tax rates, and debt obligation amounts. All the pertinent information is likewise included in the City Manager Recommended Budget posted on-line, save the record vote of council – which will be updated subsequent to the actual council vote.

Additionally, adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of council to ratify the property tax increase reflected in the budget. As this budget does indeed raise more revenue, this is to be presented as a separate companion agenda item with the second reading of the budget ordinance.

OPTIONS & RESULTS:

The complete budget is available for viewing on the City website via the following link, and is on file in the City Secretary's Office:

[City Manager Recommended Budget](#)

PROGRESS TO DATE: (if appropriate)

All notices have been published and public hearings conducted as required by law. An ordinance has been presented at this meeting that adopts the proposed budget for the City's fiscal year beginning October 1, 2023.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

A budget ordinance follows. Fund expenditure totals are enumerated in the ordinance along with parameters regarding amendments to the approved budget.

RECOMMENDATION:

To approve Ordinance 2023-1307 approving and adopting the Fiscal Year 2023 / 2024 Annual Budget on first reading.

CITY OF HIGHLAND VILLAGE, TEXAS

ORDINANCE NO. 2023-1307

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, APPROVING AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024, AND CATEGORY APPROPRIATIONS FOR EACH FUND AND DEPARTMENT, PROJECT AND ACCOUNT; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR INTER-FUND TRANSFERS; PROVIDING FOR INVESTMENT OF CERTAIN FUNDS; PROVIDING FOR FISCAL AND BUDGETARY POLICY GUIDELINES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, as required by Article VI of the City Charter, the City Manager has prepared and submitted to the City Council a Budget Estimate of expenditures and revenues of all city departments, activities and offices for the fiscal year beginning October 1, 2023, and ending September 30, 2024 (“the FY 2023-2024 Budget”); and

WHEREAS, the proposed FY 2023-2024 Budget has been filed with the City Secretary of the City of Highland Village as required by law; and

WHEREAS, notice of public hearing upon the proposed FY 2023-2024 Budget has been duly and legally posted or published as required by law; and

WHEREAS, said public hearing was held on September 12, 2023, and whereon full and final consideration was given the proposed FY 2023-2024 Budget; and

WHEREAS, the City Council of the City of Highland Village, Texas, has determined that the proposed FY 2023-2024 Budget will be sufficient to provide the needed services to Highland Village residents.

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

SECTION 1. For the purpose of providing the funds necessary and proposed to be expended in the Budget of the City of Highland Village for the fiscal year beginning October 1, 2023 and ending September 30, 2024, the FY 2023-2024 Budget heretofore prepared by the City Manager and submitted to the City Council for its consideration and approval, said Budget for the different funds of the City of Highland Village are hereby fixed as follows:

General Fund	22,895,143
Debt Service Fund	2,716,690
Corps Leased Parks Fund	710,521
HV Drainage Utility Fund	764,654
Capital Projects Fund	5,912,537
Public Safety Special Revenue Fund	16,100
Park Development Fee Fund	-0-
PEG Fee Fund	7,000
Municipal Court Technology Fee Fund	3,600
Municipal Court Building Security Fund	-0-

Utility Fund	15,529,127
HV Community Development Fund	990,809
Total Funds	49,546,182

The above said budget is hereby approved for a total of \$49,546,182, and the available resources and revenues of the City of Highland Village for said fiscal year be and the same are hereby appropriated and set aside for the maintenance and operation of the various departments of the Government of the City of Highland Village, together with the various activities and improvements as set forth in said FY 2023-2024 Budget, and expenditures under these appropriations shall not exceed the enumerated line items unless and until the line item(s) shall be amended by a Council-approved budget amendment, and further the expenditures shall be in accordance with the uses and purposes of the respective departments, as such are more specifically identified by the line items, and activities as provided for in said FY 2023-2024 Budget. Amendments to the FY 2023-2024 Budget, including appropriations and expenditures which deviate from this FY 2023-2024 Budget shall be approved by the City Council by presentation of the item on a form in substantial conformity to that attached hereto as Exhibit A. Notwithstanding the foregoing, the City Manager is hereby authorized to make expenditures under this FY 2023-2024 Budget, without budget amendment, which exceed specific line items within expenditure categories, these categories being Personnel, Services/Supplies, and Capital. In no event shall expenditures for any department, expended under the City Manager's authority, exceed the departmental appropriation for said department.

SECTION 2. The Budget for the fiscal year beginning October 1, 2023, and ending September 30, 2024, approved herein, is on file in the City Secretary Office.

SECTION 3. The expenditures during the fiscal year beginning October 1, 2023, and ending September 30, 2024, shall be made in accordance with the FY 2023-2024 Budget approved by this ordinance unless otherwise authorized by duly enacted ordinance of the City of Highland Village.

SECTION 4. The City Manager be and is hereby authorized in accordance with the provisions of Section 6.17 of the City Charter to approve expenditures up to the amount set forth in the financial policies adopted by the City Council, with any expenditure over such amount requiring the approval of the City Council.

SECTION 5. The City Manager be and is hereby authorized to make interfund transfers in accordance with budgeted appropriations during the fiscal year.

SECTION 6. The City Manager and/or the designated Investment Officer is authorized to invest idle funds, whether operating funds or bond funds in accordance with the City's Investment Policy as prescribed by the Public Funds Investment Act.

SECTION 7. The administration and execution of said budget for fiscal year beginning October 1, 2023 and ending September 30, 2024 shall be subject to certain fiscal and budgetary policies as adopted by the City Council.

SECTION 8. This Ordinance shall take effect immediately from and after its passage on second reading.

UPON CALLING FOR A VOTE FOR APPROVAL OF THIS ORDINANCE ON FIRST READING, THE MEMBERS OF THE CITY COUNCIL VOTED AS FOLLOWS:

	Aye	Nay
Daniel Jaworski, Mayor – Place 1		
Jon Kixmiller, Councilmember – Place 2		
Kevin Cox, Councilmember – Place 3		
Shawn Nelson, Councilmember – Place 4		
Rhonda Hurst, Councilmember – Place 5		
Robert Fiester, Councilmember – Place 6		
Brian Fiorenza, Councilmember – Place 7		

WITH ___ VOTING “AYE” AND ___ VOTING “NAY,” THIS ORDINANCE NO. 2023-1307 WAS PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON FIRST READING ON THE 12th DAY OF SEPTEMBER 2023.

UPON CALLING FOR A VOTE FOR APPROVAL OF THIS ORDINANCE ON SECOND AND FINAL READING, THE MEMBERS OF THE CITY COUNCIL VOTED AS FOLLOWS:

	Aye	Nay
Daniel Jaworski, Mayor – Place 1		
Jon Kixmiller, Councilmember – Place 2		
Kevin Cox, Councilmember – Place 3		
Shawn Nelson, Councilmember – Place 4		
Rhonda Hurst, Councilmember – Place 5		
Robert Fiester, Councilmember – Place 6		
Brian Fiorenza, Councilmember – Place 7		

WITH ___ VOTING “AYE” AND ___ VOTING “NAY,” THIS ORDINANCE NO. 2023-1307 WAS PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON SECOND READING ON THIS THE 18th DAY OF SEPTEMBER 2023.

APPROVED:

Daniel Jaworski, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(kbl:9/7/2023:4882-1761-9326v1)

**ORDINANCE NO. 2023-1307
EXHIBIT A**

**Budget Amendment Request Worksheet
Expenditure Line Item for Proposed Change:**

<u>Department</u>	<u>Category</u>	<u>Current Budget (Annual)</u>	<u>Proposed Budget (Annual)</u>	<u>Increase / Decrease</u>
<u>Expenditures</u>				
<u>Total</u>				-

Reason for Request

FUND BALANCE

GENERAL FUND BALANCE

Details: **Net Change \$ -**

UTILITY FUND WORKING CAPITAL BALANCE

Details: **Net Change \$**

**COUNCIL APPROVAL
REQUIRED**

**Inter-Departmental, offset by equal decrease
or offset by increase in revenue item.**

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 22

MEETING DATE: 09/12/2023

SUBJECT: Consider Ordinance 2023-1308 Levying the Ad Valorem Taxes for the Year 2023 at a Rate of \$.501394 Per \$100 Assessed Valuation on all Property Within the Corporate Limits of the City of Highland Village as of January 1, 2023

PREPARED BY: Ken Heerman, Assistant City Manager

BACKGROUND:

Texas Tax Code §26.05 requires a tax rate be adopted by official action following passage of a budget. The tax rate must be adopted in two separate components – Maintenance and Operations (M&O), and Interest and Sinking (I&S). The total tax rate of \$.501394/\$100 is reduced from last year’s rate of \$.546825. The “no-new-revenue” tax rate is the rate that will provide the same amount of funds for FY 2023-24 that were raised from property taxes for the FY 2022-23. The “voter-approved” tax rate is the maximum tax rate that City Council may approve without requiring an election be conducted to allow voters to approve the tax rate. State law requires a public hearing if the proposed tax rate exceeds the lower of the voter-approved tax rate or the no-new-revenue tax rate. The proposed tax rate of \$.501394/\$100 is equal to the voter-approved tax rate (calculated at \$.501394/\$100) but exceeds the no-new-revenue tax rate (calculated at \$.485019/\$100). Thus, state law requires one public hearing be held regarding the proposed tax rate, as well as placement of associated notices in the City’s official newspaper, posting to the City Website, and notices broadcast on HVTV. State law also requires a public hearing be held prior to adoption of the City’s annual budget. Accordingly, notice was published, and the public hearing is being conducted at this 9/12/2023 Council Meeting.

IDENTIFIED NEED/S:

Ordinance No. 2023-1307 provides for the adoption of the City’s official budget for Fiscal Year 2023-24. Pursuant to the direction of the City Council, the City Manager has prepared the FY 2023-24 budget based on anticipated revenues to the City from various sources, including the assessment of taxes on real and business personal property located within the City. In order to provide for sufficient revenues to pay the City’s operation and maintenance obligations as well as the City’s outstanding debt obligations, the FY 2023-24 budget requires the City receive property tax revenues that would be generated through the adoption of the proposed tax rate. Staff has prepared for consideration, Ordinance No. 2023-1308 which provides for the adoption of a total tax rate of \$.501394 per \$100 valuation (composed of a Maintenance and Operation rate of \$.433681 per \$100 valuation and a debt service rate of \$.067713 per \$100 valuation) to fund the FY 2023-2024 budget.

- Because the proposed M&O tax rate will exceed the no-new-revenue M&O tax rate of \$.419016 per \$100 valuation, state law requires certain language in larger font be

included in the ordinance adopting the tax rate for the next fiscal year (see Section 2 of Ordinance No. 2023-1308).

- In addition, as the proposed tax rate exceeds the no-new-revenue tax rate, at least 60 percent of the governing body must vote in favor of the ordinance by a record vote. State law also requires that the motion approving an ordinance adopting a tax rate that is greater than the no-new-revenue tax rate include specific language (see **Recommendation** section below).

PROGRESS TO DATE: (if appropriate)

All notices have been published and public hearings conducted as required by law. Required ordinances have been prepared and presented for consideration at this meeting.

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

The ordinance adopting the tax rate follows this briefing.

RECOMMENDATION:

Staff recommends approval of Ordinance No. 2023-1308 on first reading. State law requires the motion to approve Ordinance No. 2023-1308 on first reading be made in the following form:

“I move that the property tax rate be increased by the adoption of a tax rate of \$.501394, which is effectively a 3.4 percent increase in the tax rate and, therefore, I further move that Ordinance No. 2023-1308 be approved on first reading.”

CITY OF HIGHLAND VILLAGE, TEXAS

ORDINANCE NO. 2023-1308

AN ORDINANCE OF THE CITY OF HIGHLAND VILLAGE, TEXAS, LEVYING THE AD VALOREM TAXES FOR THE YEAR 2023 AT A RATE OF \$0.501394 PER \$100 ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF HIGHLAND VILLAGE AS OF JANUARY 1, 2023; TO PROVIDE REVENUE FOR THE PAYMENT OF CURRENT EXPENSES; PROVIDING AN INTEREST AND SINKING FUND FOR ALL OUTSTANDING DEBT OF THE CITY OF HIGHLAND VILLAGE; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; APPROVING THE 2023 TAX ROLL CERTIFIED BY THE CHIEF APPRAISER OF THE DENTON CENTRAL APPRAISAL DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, assessments and renditions of all taxable property in the City of Highland Village have been made for the year 2023 by the Denton Central Appraisal District; and

WHEREAS, the City Council has approved Ordinance No. 2023-1307 adopting the City's annual budget for fiscal year 2023-2024; and

WHEREAS, the City Council of the City of Highland Village, Texas, has determined that a total tax rate of \$0.501394 per \$100 assessed valuation should be adopted in order to provide funds necessary for the operations and maintenance obligations of the City and to fund required debt payments; and

WHEREAS, the City Council of the City of Highland Village, Texas, upon full consideration of the matter, is of the opinion the tax rate hereinafter set forth is proper and should be approved and adopted.

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

SECTION 1. There should be and is hereby levied for the year 2023 on all taxable property, real, personal and mixed, situated within the corporate limits of the City of Highland Village, Texas, and not exempt by the Constitution of the State and valid State laws, a tax of \$0.501394 on each \$100 assessed value of taxable property, which tax shall be apportioned and distributed as follows:

- (a) For the purpose of defraying the current operational and maintenance expenses of the municipal government of the City, a tax of \$0.433681 on each one hundred dollars (\$100.00) assessed value of all taxable property within the City of Highland Village.
- (b) For the purpose of creating a sinking fund to pay the interest and principal maturities of all outstanding debt of the City of Highland Village, not otherwise provided for, a tax of \$0.067713 on each one hundred dollars (\$100.00) of assessed value of taxable property within the City of Highland Village and shall be applied to the payment of interest and maturities of all such outstanding debt, including paying agent fees.

SECTION 2. THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 3.50 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$14.67.

SECTION 3. All ad valorem taxes shall become due and payable on October 1, 2023, and all ad valorem taxes for the year shall become delinquent if not paid prior to February 1, 2024. There shall be no discount for payment of taxes prior to February 1, 2024. A delinquent tax shall incur all penalty and interest authorized by law, to wit:

- (a) A penalty of six percent on the amount of the tax for the first calendar month it is delinquent, plus one percent for each additional month or portion of a month the tax remains unpaid prior to July 1 of the year in which it becomes delinquent.
- (b) Provided, however, a tax delinquent on July 1, 2024, incurs a total penalty of twelve percent of the amount of delinquent tax without regard to the number of months the tax has been delinquent. A delinquent tax shall also accrue interest at the rate of one percent for each month or portion of a month the tax remains unpaid. Taxes for the year 2015 and taxes for all future years that become delinquent on or after February 1 but not later than May 1, that remain delinquent on July 1 of the year in which they become delinquent, incur an additional penalty in the amount of twenty percent (20%) of taxes, penalty and interest due, pursuant to Texas Property Tax Code Section 6.30 and 33.07, as amended. Taxes assessed against tangible personal property for the year 2014 and for all future years that become delinquent on or after February 1 of a year incur an additional penalty on the later of the date the personal property taxes become subject to the delinquent tax attorney's contract, or 60 days after the date the taxes become delinquent, such penalty to be in the amount of twenty percent (20%) of taxes, penalty and interest due, pursuant to Texas Property Tax Code Section 33.11. Taxes for the year 2015 and taxes for all future years that remain delinquent on or after June 1 under Texas Property Tax Code Sections 26.07(f), 26.15(e), 31.03, 31.031, 31.032 or 31.04 incur an additional penalty in the amount of twenty percent (20%) of taxes, penalty and interest due, pursuant to Texas Property Tax Code Section 6.30 and Section 33.08, as amended.

SECTION 4. The City shall have available all the rights and remedies provided by law for the enforcement of the collection of taxes levied under this Ordinance.

SECTION 5. The assessments and renditions for the year 2023 on all taxable property and the Tax Roll certified by the Chief Appraiser of the Denton Central Appraisal District as presented to the City Council are hereby approved.

SECTION 6. The fact that it is necessary that this Ordinance be enacted in order to authorize the collection of ad valorem taxes for the fiscal year 2023-2024 requires that this Ordinance shall take effect immediately from and after its passage on second reading, as the law in such cases provides.

UPON CALLING FOR A VOTE FOR APPROVAL OF THIS ORDINANCE ON FIRST READING, THE MEMBERS OF THE CITY COUNCIL VOTED AS FOLLOWS:

	Aye	Nay
Daniel Jaworski, Mayor- Place 1		
Jon Kixmiller, Councilmember-Place 2		
Kevin Cox, Councilmember – Place 3		
Shawn Nelson, Councilmember – Place 4		
Rhonda Hurst, Councilmember – Place 5		
Robert Fiester, Councilmember – Place 6		
Brian Fiorenza, Councilmember – Place 7		

WITH ___ VOTING “AYE” AND ___ VOTING “NAY,” THIS ORDINANCE NO. 2023-1308 WAS PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON FIRST READING ON THE 12th DAY OF SEPTEMBER 2023.

UPON CALLING FOR A VOTE FOR APPROVAL OF THIS ORDINANCE ON SECOND AND FINAL READING, THE MEMBERS OF THE CITY COUNCIL VOTED AS FOLLOWS:

	Aye	Nay
Daniel Jaworski, Mayor- Place 1		
Jon Kixmiller, Councilmember-Place 2		
Kevin Cox, Councilmember – Place 3		
Shawn Nelson, Councilmember – Place 4		
Rhonda Hurst, Councilmember – Place 5		
Robert Fiester, Councilmember – Place 6		
Brian Fiorenza, Councilmember – Place 7		

WITH ___ VOTING “AYE” AND ___ VOTING “NAY,” THIS ORDINANCE NO. 2023-1308 WAS PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, ON SECOND READING ON THIS THE 18th DAY OF SEPTEMBER 2023.

APPROVED:

Daniel Jaworski, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(kbl:9/7/2023:4885-7872-2430 v1)

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 23

MEETING DATE: 09/12/2023

SUBJECT: Consider Resolution 2023-3085 authorizing the City Manager to execute a Task Order with Schaumburg & Polk, Inc. (SPI) for provision of the Engineering and Surveying Services for the Highland Shores Boulevard Reconstruction (Twin Coves Drive to Briarhill Boulevard) Project

PREPARED BY: Scott Kriston, Director of Public Works

BACKGROUND:

Highland Shores Boulevard was constructed during the 1980's and 1990's from east to west as the various sections of Highland Shores developed. Highland Shores Boulevard is a vital part of the City's road system, serving the City very well over the years. However, the road has been showing significant signs of deterioration due to age and use, particularly in the section of the road between Twin Coves Drive and Briarhill Boulevard. This section of the road has reached the point where improvements need to be made in order to improve the road's condition, address safety issues, reduce ongoing maintenance needs, improve accessibility, improve the ride quality on the road, and extend the useful life of the road. The City has been proactive in planning for these improvements, having recently engaging Schaumburg & Polk, Inc. (SPI) to perform the work to prepare the Highland Shores Boulevard Mobility Study, a comprehensive study which identifies the improvements that need to be made to the road. These improvements include the needed improvements to the part of the road between Twin Coves Drive and Briarhill Boulevard. With input and direction from the City Council, the City staff and SPI have been working on additional planning for these improvements, and the City staff is now prepared to move forward with the preparation of construction plans for the improvements to the section of the road between Twin Coves Drive and Briarhill Boulevard. The design for this project is included in the City's current CIP for street improvements, with the design to be initiated in fiscal year 2023 and completed in 2024. The City included estimated construction costs for this project as part of the latest Denton County bond issue that was recently passed. The City is to fund 100% of the design and Denton County will fund up to 50% of the construction costs.

IDENTIFIED NEED/S:

The City needs to reconstruct Highland Shores Boulevard from Twin Coves Drive to Briarhill Boulevard to improve the road's condition, address safety issues, reduce ongoing maintenance needs, improve accessibility, improve the ride quality on the road, and extend the useful life of the road.

OPTIONS & RESULTS:

Reconstructing this part of Highland Shores Boulevard will improve the road's condition, address safety issues, reduce ongoing maintenance needs, improve accessibility, improve the ride quality on the road, and extend the useful life of the road.

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 under this Task Order is a not to exceed amount of \$695,000.00.

RECOMMENDATION:

To approve Resolution No. 2023-3085 authorizing the City Manager to execute a Task Order with SPI to provide professional services for the Highland Shores Boulevard Reconstruction project.

CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2023-3085

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A TASK ORDER WITH SCHAUMBURG & POLK, INC. (SPI) TO PROVIDE PROFESSIONAL ENGINEERING AND SURVEY SERVICES RELATING TO THE HIGHLAND SHORES BOULEVARD RECONSTRUCTION (TWIN COVES DRIVE TO BRIARHILL BOULEVARD) PROJECT, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City administration, has negotiated a Task Order with Schaumburg & Polk, Inc. ("SPI"), to provide professional engineering and surveying services in relation to the design of the Highland Shores Boulevard Reconstruction (Twin Coves Drive to Briarhill Boulevard) Project (the "Project"); and

WHEREAS, City administration is of the opinion the fees proposed to be paid for the services described in said task order are fair and reasonable and recommends the task order be approved as negotiated; and

WHEREAS, the City Council of the City of Highland Village, Texas, finds it to be in the public interest to accept 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 execute a Task Order with Schaumburg & Polk, Inc. (SPI) to provide professional engineering and surveying services relating to the Project for a fee not to exceed \$695,000.00.

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

PASSED AND APPROVED THIS 12TH DAY OF SEPTEMBER, 2023.

APPROVED:

Daniel Jaworski, Mayor

ATTEST:

Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Kevin B. Laughlin, City Attorney

(kbl:9/6/23:4883-5706-4062 v1)

CITY OF HIGHLAND VILLAGE
COUNCIL BRIEFING

AGENDA# 24

MEETING DATE: 09/12/2023

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

PREPARED BY: Paul Stevens, City Manager

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.

Additionally, a list of previously requested agenda items is included with this briefing. City staff is seeking direction from Council in prioritizing the list of future agenda items so they can be addressed in a timely manner.

CC Mtg Date	Item Type	Agenda Item
09/26/23	Early Work Session	Discuss board/commission appointments
09/26/23	Early Work Session	Discuss Option for Nomination(s) to the Denton Central Appraisal District Board of Directors
09/26/23	Early or Late Work Session	Kickball Feasibility Study - presented by Halff and Associates
09/26/23	Items of Community Interest	Proclamation - Say No to Bullying Week
09/26/23	Consent / Action	Consider awarding Construction of Highland Village Road/Brazos Signal Project
09/26/23	Consent / Action	Consider Annual Renewal with Tyler Technologies of Financial Maintenance Agreement
09/26/23	Consent / Action	Consider Prof Services Agreement with Halff, Inc for Several Projects – Unity Park, Brazos Park and HV Tennis Center
09/26/23	Action Agenda	Board/commission Appointments
09/26/23	Action Agenda	Micromobility Ordinance presented for consideration
10/10/23	Items of Community Interest	Proclamation – Fire Prevention Month
10/10/23	Consent	Consider Nomination(s) to the Denton Central Appraisal District Board of Directors
10/10/23	Action Agenda	Consider Task Order with SPI for Pilot Knoll Water and Sewer Lines Design Project
10/10/23	Action Agenda	Consider Purchase of a Medic through BuyBoard
10/24/23	Early Work Session	Receive Presentations from Nonprofit Organizations
10/24/23	Consent / Action	Consider awarding Unity Park Gabion Construction Project
10/24/23	Consent / Action	Consider awarding Pond Dredging Construction Project
10/24/23	Action Agenda	Consider Task Order with SPI for Highland Shores Blvd Section 2 Concrete Paving Reconstruction Project
11/14/23	Early Work Session	Discuss Grant Allocations for Nonprofit Organizations

11/14/23	Consent	Consider awarding Lift Station #2 and 7 Force Main Replacement Construction Project
11/14/23	Action Agenda	Award Grant Allocations for Nonprofit Organizations
11/14/23	Consent / Action	Consider Interlocal Agreements with Denton County for Ambulance and Fire Services
Fall		DCTA Update and Grant to study KCS Rail Line for passenger service
	Consent / Action	Consider awarding 2024 Asphalt Overlay Project
	Consent / Action	Consider authorizing Engineering Services re Lift Station #1 Replacement Project
	Consent / Action	Consider authorizing Engineering Services re Lift Station Generator Upgrades Project
2024	Consent / Action	Consider awarding Lake Vista Well Construction Project
2024	Consent / Action	Consider authorizing Engineering Services re Wastewater System Restoration 27" Line inspection
	Consent / Action	Consider authorizing Engineering Services re Lake Vista and Oak St. GSR painting project
	Consent / Action	Consider Agreement with Dobbs for Unity Pickleball Surface Project
	Consent / Action	Consider Construction Agreement for the New Gatehouse at Pilot Knoll
	Consent / Action	Consider Construction Agreement for Village Park Fishing Pier
	Early Work Session	Present Pilot Knoll Cabin options
	Work Session	Information on creating a Program Similar to the city of Denton Vision Zero (https://www.cityofdenton.com/992/Vision-Zero-Denton) Program that would engage the community. This approach can be scaled and modified for our city's transportation challenges. This can utilize City staff and Highland Village Residents (creation of a transportation committee) to address

		Transportation Issues (cars, scooters, bikes, etc.) in a proactive, wholistic and data driven manner.
	Work Session	Legislative Update that includes an in depth explanation of the effects of HB 2127 (Death Star Bill)
	Work Session	Holistic view within the community regarding stop signs, traffic calming and other options to solving some of the larger problems rather than a piecemeal approach
	Work Session	<p>Presentation of the DCTA proposed rail station in HV that has been planned since Dec 2019 when the HV Mayor signed the application for a federal grant. The presentation should include:</p> <ul style="list-style-type: none"> • Information of the federal grant application that obligates the City of Highland Village to adopt the DCTA regulations that govern transit-oriented development. • Information on what residential zoning ordinance changes will be required to accommodate high-density housing. • Current statistics of A-train used specifically by citizens of Highland Village • Plans to survey the transportation needs of the Citizens of Highland Village • Plans for a workshop specifically concerning the development and location of the train station in Highland Village for the Citizens
	Work Session	Review Legislative Session from 2015 and HB 157 in relation to Restructuring/Reallocating our Dedicated Sales Tax
	Work Session	<p>Presentation of employing HB 157 (a bill allowing reallocation of dedicated 2% sales tax) from the 2015 legislative session that allows the reallocation of dedicated sales tax. The information provided should include the following:</p> <ul style="list-style-type: none"> • How one quarter to one half cent dedicated sales tax can support the Highland Village Police and Fire since we are close to build out and every penny matters • The process to allowing the citizens to vote on reallocating up to one half cent of sales tax to better serve the residents of Highland Village



UPCOMING MEETINGS

September 12, 2023	Regular City Council Meeting - 7:30 pm
September 18, 2023	Special City Council Meeting – 8:30 am
September 18, 2023	Parks & Recreation Advisory Board Meeting – 6:00 pm
September 19, 2023	Planning & Zoning Commission Meeting – 7:00 pm
September 26, 2023	Regular City Council Meeting - 7:00 pm
October 5, 2023	Zoning Board of Adjust Meeting – 7:00 pm
October 10, 2023	Regular City Council Meeting - 7:00 pm
October 16, 2023	Parks & Recreation Advisory Board Meeting – 6:00 pm
October 17, 2023	Planning & Zoning Commission Meeting – 7:00 pm
October 24, 2023	Regular City Council Meeting - 7:00 pm
November 2, 2023	Zoning Board of Adjust Meeting – 7:00 pm
November 14, 2023	Regular City Council Meeting - 7:00 pm
November 20, 2023	Parks & Recreation Advisory Board Meeting – 6:00 pm
November 21, 2023	Planning & Zoning Commission Meeting – 7:00 pm
November 23-24, 2023	City Offices Closed for the Thanksgiving Holiday
November 28, 2023	Regular City Council Meeting - 7:00 pm
December 7, 2023	Zoning Board of Adjust Meeting – 7:00 pm
December 12, 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.