

1. Agenda

Documents:

[03-09-2017 AGENDA.PDF](#)

2. Meeting Materials

Documents:

[03-09-2017 COUNCIL PACKET.PDF](#)



**Town of Northlake
Council Meeting Agenda
Thursday, March 9, 2017 at 5:30 pm
1400 FM 407 - Chamber Room
Northlake, Texas**

Notice is hereby given as required by Title 5, Chapter 551.041 of the Government Code that the Northlake Town Council will meet in a work session and regular meeting on Thursday, March 9th, 2017 at 5:30 pm at the Northlake Town Hall in the Chamber Room, 1400 FM 407, Northlake Texas. The items listed below are placed on the agenda for discussion and/or action.

1. Call Regular Work Session to Order

2. Briefing Items

Denton County Commissioner Andy Eads, Pct. 4 Update on Transportation and County
Dr. Ryder Warren Presentation on Northwest ISD Proposed Bond
Hillwood Communities Presentation on Gibbs-Young-Thompson Tracts

3. Call Regular Meeting to Order

Pledge of Allegiance-Moment of Silence

4. Public Input

This item is available for citizens to address the Town Council on any issues that are not the subject of a public hearing. No action by law may be taken on the topic. The presiding officer reserves the right to impose a time limit on this portion of the agenda

5. Consent Items

All items listed below are considered routine by Town Council and will be enacted with one motion. There will be no separate discussion of items unless a Councilmember so requests, in which event the item will be removed and considered separately

A. Consider for approval the meeting minutes dated February 9, 2017

B. Consider for approval a Resolution declaring certain personal property owned by the Town to be surplus property and authorizing the Town Administrator to dispose of such property (Res. No. 17-4)

C. Consider for approval a Resolution designating the months of April and September 2017 as Beautification Months in Northlake (Res. No. 17-5)

6. Regular Items

D. Consider for approval an Ordinance amending Article 8.03 "Junked Vehicles" of the Code of Ordinances of the Town by amending the definition of Junked Vehicles; designating a person to administer this article; updating the Article to be consistent with State Law (Ordinance No. 17-0309)

- E. Consider for approval a Resolution of the Town of Northlake, Texas, pursuant to Texas Local Government Code, Section 43.028(d) granting the petition to annex approximately 6.65 acres of land located in the Patrick Rock Survey, Abstract No. 1063 situated in the extra-territorial jurisdiction of the Town of Northlake, Denton County, Texas
 - i. Public Hearing
 - ii. Resolution No. 17-6
- F. Consider for approval on an Resolution authorizing the Town Administrator the Engineering Services Agreement-Scope of Work Northlake Water and Wastewater Impact Fee Study with Halff Associates (Res. No. 17-7)

7. Convene into Executive Session

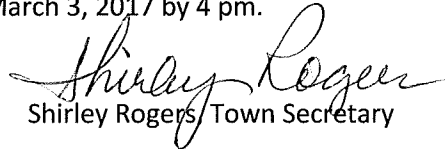
Pursuant to Texas Government Code, annotated, Chapter 551 Subchapter D:

- a. Section 551.071 authorizes a governmental body to consult with its attorney in an executive session to seek his or her advice on a legal matter. It provides as follows: A governmental body may not conduct a private consultation with its attorney except:
 - 1) When the governmental body seeks the advice of its attorney about:
 - (a) Pending or contemplated litigation; or
 - (b) A settlement offer; or
 - 2) On a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with chapter 551 of the Government Code.
- b. Section 551.087 authorizes a governmental body to convene into executive session to deliberate regarding economic development negotiations
 - 1) Pioneer Grant Performance Agreement with ACG Texas LP
 - 2) Property located in the Town or the Town's ETJ located at the northwest corner of Sam Reynolds Road and Boss Range Road

8. Adjournment

CERTIFICATION

I hereby certify that the above agenda was posted on the front glass doors and bulletin board at Town Hall 1400 FM 407, Northlake, Texas on Friday, March 3, 2017 by 4 pm.


Shirley Rogers, Town Secretary

NOTE: The Town Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above as authorized by Texas Government Code Section 551.071 (Consultation with Attorney); Section 551.072 (Deliberations about Real Property); 551.073 (Deliberations about Gifts and Donations); 551.074 (Personnel Matters); 55.076 (Deliberations about Security Devices); 551.087 (Economic Development Negotiations)



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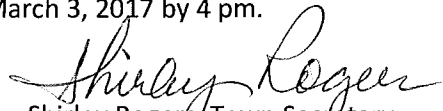
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Regular Work Session

Agenda Item 1



Briefing Items

Agenda Item 2

Denton County Commissioner Andy Eads, Precinct 4

Update on the County and Transportation

Northwest ISD Superintendent Dr. Ryder Warren

Proposed Bond Presentation

Hillwood Communities Presentation on

Gibbs-Young-Thompson Tracts



Regular Session

Agenda Item 3



Public Input

Agenda Item 4



Consent Items

Agenda Item 5

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**Town of Northlake
Council Meeting Minutes
Thursday, February 9, 2017
1400 FM 407 - Chamber Room
Northlake, Texas**

1. Mayor Peter Dewing called the Regular Work Session to order at 5:30 pm, quorum present

Councilmembers present: Peter Dewing, Jean Young, Mike McBride, Michael Ganz, Roger Sessions and Danny Simpson

Staff present: Drew Corn, Town Administrator; Nathan Reddin, Development Director; Robert Crawford, Chief of Police; Karen Bolyard, Finance Director; Leann Oliver, Court Administrator; Micheale Lane, Court Clerk; Judge Tom Hobbs; Patrol Officers: Kevin Ertle, Cody Long, Jason Schmidt, Doug Williams, and Shirley Rogers, Town Secretary

Consultants present: Ashley Dierker, Legal Counsel; Ben McGahey, PE Town Engineer

2. Special Recognition

- Chief of Police Robert Crawford wanted to publicly recognize the Police Officers from Northlake that responded to Byron Nelson High School on January 30 2017 to assist in the bomb threat: Sgt. Alex Arnold, Sgt. Dwight Thornton and Officer Doug Williams were notified by emergency and responded to the scene quickly to offer support. Officer Jason Schmidt was off duty but wasted no time contacting his supervisor and stated he would be en-route. Once there he relieved Officer Williams who responded back to Northlake to take any calls. These officers were on the scene over 4 hours until students were released and reunited with their families
- Chief of Police Robert Crawford announced the 2016 Police Officer of the Year to Patrol Officer Kevin Ertle and presented him with a plaque

Officer Ertle was chosen for his excellence in policing by his peers, always having a positive attitude, eager to lend a hand, productive and takes pride in his job. He is the longest serving member of the department with 9 years of active service

- Mayor Dewing recognized LeAnn Oliver as a Level 3 Court Clerk. This is a rigorous course of study, a huge accomplishment and confirms the dedication to providing a fair and impartial judicial system in which the Town of Northlake can take much pride in

She is currently 69th court clerk in the state out of 3,000 municipal clerks that holds this level. Early in the day she was presented a plaque by Lisa Howard, President and Chair Person of the Education and Certification Committee on her achievement. Showing support on her behalf was Judge Thomas Hobbs and Micheale Lane, Court Clerk

3. Informational Items

Nathan Reddin spoke on the amendments to the Site Plan for Farmer Brothers-

A few minor changes have been made since the original site plan was approved back in June 2015, the changes have been incorporated in the as-built site plan and landscape plans: minor modification of the number of parking spaces and parking layout relocation of a driveway stub-out connection and addition of a pedestrian sidewalk to connect w/ future commercial pad sites to the west and the relocation of several trees due to conflicts with utilities. No action required on the part of council

4. Briefing Items

FY 16 Annual Financial Audit was presented by Mike Vail & Associates PC. The auditor's opinion is an unqualified or "clean" opinion

5. Mayor Dewing called the Regular Meeting to order at 5:47 pm (all members present)
Pledge of Allegiance and a Moment of Silence was observed

6. Public Input

- Mayor Dewing received two email communications from Northlake residents Brian Montini and Joel McGregor stating their concerns and opinions on Item E. relating to amendments to the Junked Vehicles Ordinance
- Joel McGregor, resident of Northlake, stated his concern about the total disregard for the Constitution of the United States in the proposed changes to the Junked Vehicles ordinance and spoke on several different points of the proposed amendments
- Laura McGregor, resident of Northlake, commented about the proposed changes to the Junked Vehicles ordinance and a government's 'rights'
- Rena Hardeman, resident of Northlake stated her concerns with the proposed changes to the Junked Vehicle ordinance; believed a search on a person's personal property was unconstitutional

7. Consent Items

Mayor Dewing removed items B & C from consent items for further discussions as requested by Councilman McBride

- A. Mayor Pro Tem Simpson moved to approve the meeting minutes dated January 30, 2017. 2nd by Councilmember Sessions

Vote:	Motion passed
For:	Simpson, Sessions, Ganz, McBride
Abstained:	Young

Councilmember McBride moved to approve Items B & C. 2nd by Councilmember Ganz

Vote: motion passed unanimous

- B. Resolution No. 17-2 authorizing the Town Administrator to enter into a purchase contract with Watch Guard for the purchase a body and vehicle cameras and video storage system not to exceed \$25,020 (Resolution No. 17-2)

- C. Resolution No. 17-3 authorizing the Town Administrator to enter into a purchase contract with The Fulcrum Group for the purchase a virtual server system not to exceed \$48,000

8. Regular Items

- D. Councilmember Sessions moved to accept the Annual Financial Report ending September 30, 2016. 2nd by Councilmember McBride

Vote: Motion passed unanimous

- E. No council action taken on approving Ordinance No. 17-0209 amending Article 8.03 “Junked Vehicles” of the Code of Ordinances of the Town by amending the definition of Junked Vehicles; designating a person to administer this article; updating the Article to be consistent with the State

Ashley Dierker, Town Attorney, stated the ordinance and amendments were in compliance with the Texas Transportation Code Subchapter E, Chapter 683

- F. Councilmember Sessions moved to approve a Final Plat of Creek Meadows Addition Phase 2, a proposed residential development consisting of 20 single-family residential lots within the extraterritorial jurisdiction of the Town of Northlake on a 24.74-acre tract of land out of the Patrick Rock Survey, Abstract No. 1063, generally located on the east side of Faught Road approximately 2,700 feet north of FM 407 on the condition of final approval by town staff on the drainage study and public infrastructure improvement prior to recording the final plat with the Denton County Clerk. Case # FP-17-001. 2nd by Councilmember Ganz

Vote: Motion passed unanimous

- G. Councilmember Sessions moved to approve a Final Plat of Lots 1 and 9X-12X, Town Commons, a 9.146-acre tract of land out of the Patrick Rock Survey, Abstract No. 1063, generally located on the north side of FM 407 approximately 900 feet west of Harvest Way, with a portion in the extraterritorial jurisdiction (ETJ) of Northlake and part in the Town limits zoned Mixed-Use Planned Development (MPD) conditioned on Town approval of the construction plans prior to recording of the final plat with the Denton County Clerk. Case #FP-16-018. 2nd by Councilmember McBride

Vote: Motion passed unanimous

- H. Councilmember Sessions moved to approve a Site Plan of Town Commons Phase 1, a proposed 40,000 square-foot commercial development on 4.958 acres situated in the Patrick Rock Survey, Abstract No. 1063, to be platted as Lot 1, Town Commons, generally located on the north side of FM 407 approximately 900 feet west of Harvest Way, with a portion in the extraterritorial jurisdiction (ETJ) of Northlake and part in the Town limits zoned Mixed-Use Planned Development (MPD). Case #SP-16-009. 2nd by Councilmember McBride

Vote: Motion passed unanimous

9. By general consent, the council convened into Executive Session at 6:22 pm to discuss the items listed below:

Pursuant to Texas Government Code, annotated, Chapter 551 Subchapter D:

a. Section 551.071 authorizes a governmental body to consult with its attorney in an executive session to seek his or her advice on a legal matter. It provides as follows: A governmental body may not conduct a private consultation with its attorney except:

1) When the governmental body seeks the advice of its attorney about:

(a) Pending or contemplated litigation; or

(b) A settlement offer; or

'Town of Northlake vs. City of Justin (Cause No. 15-08170-367)

b. Section 551.072 authorizes a governmental body to deliberate in executive session on certain matters concerning real property:

(a) Acquisition of easement and right-of-way for Florance Road Water Line Project to Stardust Ranch Development

Reconvened into open session at 6:29 pm

Mayor Dewing stated no action was taken as a result of the closed session

10. Mayor Dewing adjourned the meeting at 6:30 pm

Passed and approved on this the 9th day of March, 2017

Town of Northlake, Texas

Peter Dewing, Mayor

Attest:

Shirley Rogers, Town Secretary

TOWN OF NORTHLAKE, TEXAS

RESOLUTION NO. 17-4

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS, DECLARING CERTAIN PERSONAL PROPERTY OWNED BY THE TOWN TO BE SURPLUS PROPERTY AND AUTHORIZING THE TOWN ADMINISTRATOR TO DISPOSE OF SUCH PROPERTY

WHEREAS, The Town Council of the Town of Northlake, Texas, has determined that certain personal property owned by the Town in the form of certain equipment is no longer needed; has been replaced by other equipment; and is no longer necessary for the Town's current or foreseeable needs; and

WHEREAS, such surplus property, while no longer being of value or benefit to the Town, may be of benefit or value to some other person or entity; and

WHEREAS, the Texas Government Code authorizes the Town to dispose of surplus proper.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS:

SECTION 1. The Town Council hereby finds and determines that the property identified on the attached Exhibit "A", which is hereby incorporated and made part of this Resolution as if set forth fully at length is no longer necessary for the operations of the Town of Northlake and is hereby declared to be surplus property in accordance with the Texas Government Code.

SECTION 2. The Town Administrator is hereby directed to take all reasonable steps to dispose of such items of surplus property and the proceeds there from shall be deposited to the General Fund or appropriate fund.

PASSED AND APPROVED THIS THE 9th DAY OF MARCH, 2017

TOWN OF NORTHLAKE, TEXAS

Peter Dewing, Mayor

ATTEST:

Shirley Rogers, Town Secretary

Exhibit 'A'
Town of Northlake
Surplus Inventory

Year	Make	Serial No.
2006	Chevrolet Tahoe	1GNEC13Z56R154275

TOWN OF NORTHLAKE, TEXAS

RESOLUTION NO. 17-5

A RESOLUTION AUTHORIZING THE MAYOR TO PROCLAIM THAT THE TOWN OF NORTHLAKE, TEXAS, IS DESIGNATING THE MONTHS OF APRIL AND SEPTEMBER 2017 FOR BEAUTIFICATION PURPOSES

WHEREAS, the Town Council of the Town of Northlake, Texas wishes to proclaim the months of **April and September 2017** for beautification purposes; and

NOW, THEREFORE THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS, HEREBY RESOLVES:

SECTION 1. To designate the months of April and September for all residents and property owners to clean-up, remove trash and debris from around their properties and along the highways and roads throughout the corporate limits of Town; and

SECTION 2. To designate **Saturday, April 22nd and Saturday September 23rd** for the collection date and to provide roll-off containers for larger items to be placed at the following location:

Northlake Town Hall

1400 FM 407

Parking Lot

PASSED AND APPROVED ON THIS THE 9th MARCH, 2017

Town of Northlake, Texas

Peter Dewing, Mayor

ATTEST:

Shirley Rogers, Town Secretary



Regular Items

Agenda Item 6

- D. Consider for approval an Ordinance amending Article 8.03 “Junked Vehicles” of the Code of Ordinances of the Town by amending the definition of Junked Vehicles; designating a person to administer this article; updating the Article to be consistent with State Law (Ordinance No. 17-0309)
- E. Consider for approval a Resolution of the Town of Northlake, Texas, pursuant to Texas Local Government Code, Section 43,028(d) granting the petition to annex approximately 6.65 acres of land located in the Patrick Rock Survey, Abstract No. 1063 situated in the extra-territorial jurisdiction of the Tow of Northlake, Denton County, Texas
 - i. Public Hearing
 - ii. Resolution No. 17-6
- F. Consider for approval on an Resolution authorizing the Town Administrator the Engineering Services Agreement-Scope of Work Northlake Water and Wastewater Impact Fee Study with Halff Associates (Resolution No. 17-7)

ORDINANCE NO. 17-0309

AN ORDINANCE AMENDING ARTICLE 8.03, “JUNKED VEHICLES,” OF THE CODE OF ORDINANCES OF THE TOWN OF NORTHLAKE BY AMENDING THE DEFINITION OF JUNKED VEHICLES; DESIGNATING A PERSON TO ADMINISTER THIS ARTICLE; UPDATING THE ARTICLE TO BE CONSISTENT WITH STATE LAW; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE:

WHEREAS, the Town of Northlake, Texas is a Type A general law municipality located in Denton County, Texas created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town previously adopted Article 8.03 identifying junked vehicles as a public nuisance and providing regulations for junked vehicles; and

WHEREAS, the Northlake Town Council has determined to amend Article 8.03 to make it consistent with the state law regarding junked vehicles and to better protect the city from public nuisances; and

WHEREAS, the Town Council has determined that the amendments as outlined herein are in the best interest of the health, safety, and general welfare of the citizens of the Town of Northlake and the public.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS:

SECTION 1. The findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

SECTION 2. That Section 8.03.002, Definitions, of Article 8.03, Junked Vehicles, of the Northlake Code of Ordinances is hereby amended in its entirety to read as follows:

“The following terms, whenever used or referred to in this article, shall have the same respective meaning unless a different meaning clearly appears from the context:

Antique vehicle. A passenger car or truck that is at least 25 years old.

Inoperable. Incapable of being propelled on its own power.

Junked vehicle.

(a) A vehicle that is:

(1) self-propelled; and

(2) is:

(A) wrecked, dismantled or partially dismantled, or discarded; or

(B) inoperable and has remained inoperable for more than:

(i) seventy-two (72) consecutive hours, if the vehicle is on public property; or

(ii) thirty (30) consecutive days, if the vehicle is on private property.

(b) For purposes of this article, “junked vehicle” includes a motor vehicle, aircraft, or watercraft. This subchapter applies only to:

(1) a motor vehicle that displays an expired license plate or does not display a license plate;

(2) an aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; or

(3) a watercraft that does not have lawfully on board an unexpired certificate of number and is not a watercraft described by Section 31.055, Texas Parks and Wildlife Code.

Motor vehicle collector. A person who owns one or more antique or special interest vehicles and acquires, collects, or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve an antique or special interest vehicle for historic interest.

Special interest vehicle. A motor vehicle of any age that has not been changed from original manufacturer’s specifications and, because of its historic interest, is being preserved by a hobbyist.”

SECTION 3. That Section 8.03.005, Hearing, of Article 8.03, Junked Vehicles, of the Northlake Code of Ordinances is hereby amended in its entirety to read as follows:

“(a) The owner of a vehicle or the owner or occupant of the premises where the vehicle is located or the premises adjacent to the public right-of-way where the

vehicle is located may, within the 10-day period after the notice required by section 8.03.004(b) is mailed, file a written request with the town secretary to set a date and time to appear before the town council for a public hearing to determine whether the vehicle, or part of a vehicle, is a junked vehicle. If a hearing is requested within the 10-day period after the notice required by section 8.03.004(b) is mailed, the junked vehicle shall not be abated by the town until ordered to do so by the town council. If timely requested, the hearing shall be held not earlier than the 11th day after the date the notice required by section 8.03.004(b) is mailed.

(b) At the public hearing, the town council shall hear and consider all relevant evidence, objections or protests and shall receive testimony from owners, witnesses, town employees and interested person relative to such alleged public nuisance. The hearing may be continued from time to time.

(c) At a hearing under this section concerning a motor vehicle, the motor vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.

(d) At the conclusion of a hearing under this section, the town council shall consider all evidence and determine whether the vehicle, or part of a vehicle, constitutes a junked vehicle and a public nuisance as alleged. If the town council finds that the vehicle, or part of a vehicle, is a junked vehicle and a public nuisance, that there is sufficient cause to abate the public nuisance, and that the notice requirements provided in this article have been met, the town council shall make a written order setting forth his findings and ordering that the junked vehicle and public nuisance be abated.

(e) If the information is available at the location of the junked vehicle and nuisance, the order requiring removal of the nuisance must include:

(1) for a motor vehicle, the vehicle's:

- (A) description;
- (B) vehicle identification number; and
- (C) license plate number;

(2) for an aircraft, the aircraft's:

- (A) description; and
- (B) federal aircraft identification number as described by Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; and

(3) for a watercraft, the watercraft's:

- (A) description; and
- (B) identification number as set forth in the watercraft's certificate of number."

SECTION 4. That Section 8.03.006, Abatement by town, of Article 8.03, Junked Vehicles, of the Northlake Code of Ordinances is hereby amended in its entirety to read as follows:

"If no hearing is requested prior to the expiration of 10-day window after the notice required by section 8.03.004(b) is mailed, or in the event the town council orders abatement of the nuisance, the town administrator, or his designee, or any duly authorized person may abate such public nuisance by removal and disposal of the junked vehicle in accordance with this article and Subchapter E, Chapter 683, of the Texas Transportation Code."

SECTION 5. That Section 8.03.010, Disposal of vehicle, of Article 8.03, Junked Vehicles, of the Northlake Code of Ordinances is hereby amended in its entirety to read as follows:

"Any junked vehicle removed by the town or any duly authorized person pursuant to the authority of this article may be disposed of by removal and sale to a scrap yard, a motor vehicle demolisher, or a suitable site operated by a municipality or county. The removal of a junked vehicle or parts thereof from property may be by any duly authorized person."

SECTION 6. That Subsection (c) of Section 8.03.012, Violations; penalty, of Article 8.03, Junked Vehicles, of the Northlake Code of Ordinances is hereby amended in its entirety to read as follows:

"(c) The municipal court shall order abatement and removal of the nuisance on conviction for an offense under this section."

SECTION 7. That Section 8.03.013, Removal with permission of owner or occupant, of Article 8.03, Junked Vehicles, of the Northlake Code of Ordinances is hereby amended in its entirety to read as follows:

"If, within the 10-day period after the notice is mailed in accordance with section 8.03.004, the owner of the junked vehicle or occupant of the premises on which the junked vehicle is located or the property adjacent to the right-of-way where the junked vehicle is located shall give his written permission to the town for removal of the junked vehicle from the premises, the giving of such permission shall be considered compliance with the provisions of this article."

SECTION 8. That Article 8.03, Junked Vehicles, of the Northlake Code of Ordinances is hereby amended by adding Section 8.03.015, Authority to enforce article, to read as follows:

“Sec. 8.03.015 Authority to enforce article

(a) The town administrator, or his designee, is authorized to administer the procedures for the abatement and removal of a public nuisance under this article.

(b) The procedures for the abatement and removal of a public nuisance under this article must be administered by regular salaried, full-time employees of the town, except that any authorized person may remove the nuisance.

(c) A person authorized to administer the procedures under this article may enter private property to examine a public nuisance, to obtain information to identify the nuisance, and to remove or direct the removal of the nuisance.”

SECTION 9. Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined a sum not to exceed \$2,000.00 for each offense, and each and every violation or day such violation shall continue to exist, shall be deemed a separate offense.

SECTION 10. With the exception of those Ordinances expressly repealed herein, this Ordinance shall be cumulative of all provisions of Ordinances of the Town of Northlake, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the more stringent provision shall apply and the less stringent provision, whether contained within this Ordinance or in any prior Ordinance of the Town, whether codified or un-codified, is hereby repealed to the extent of the conflict, but all other provisions of the Ordinances of the Town, whether codified or un-codified, which are not in conflict with the provisions of the Ordinance, shall remain in full force and effect.

SECTION 11. It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraph section of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court or competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since same would have been enacted by the Town Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 12. All rights and remedies of the Town are expressly saved as to any and all violations of the provisions of this Ordinance, or any other Ordinances affecting the matters addressed herein, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by the Ordinance but may be prosecuted until final disposition by the courts.

SECTION 13. The Town Secretary of the Town of Northlake is hereby directed to publish the caption, penalty clause, publication clause, and effective date clause of this Ordinance.

SECTION 14. This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS, ON THIS THE 9th DAY OF MARCH, 2017.

Town of Northlake, Texas

Peter Dewing, Mayor

ATTEST:

Shirley Rogers, Town Secretary

EXHIBIT “A”

Article 11 Signs

Section 11.18 Definitions and Requirements

of the

Unified Development Code (UDC)

Town of Northlake Junked Vehicle Ordinance

Section	Section Heading	Current Ordinance	Proposed Ordinance	Texas Transportation Code Reference
8.03.001	Title	This article may be cited as the junked vehicle ordinance.	<i>No change</i>	
8.03.002	Definitions	The following terms, whenever used or referred to in thgis article, shall have the same respective meaning unless a different meaning clearly appears from the context:	<i>No change</i>	
	Administrator	The town employee or official designated by the town council as the individual tasked with enforcement of this article.	<i>Deleted</i>	
	Antique vehicle	A passenger car or truck that is a least 25 years old.	<i>No change</i>	Section 683.077 (b) (1)
	Demolisher	Any person whose business is to convert the motor vehicle into processed scrap or scrap metal or otherwise to wreck or dismantle motor vehicles	<i>Deleted</i>	
	Inoperable	Incapable of being propelled on its own power due to dismantling, disrepair, or some other cause.	Incapable of being propelled on its own power.	

Town of Northlake Junked Vehicle Ordinance

Section	Section Heading	Current Ordinance	Proposed Ordinance	Texas Transportation Code Reference
8.03.002	Junked motor vehicle	A vehicle that is self-propelled and:	<i>No change</i>	
		Displays an expired license plate or invalid motor vehicle inspection certificate or does not display a license plate or motor vehicle inspection certificate; and	<i>Deleted</i>	Section 683.071 (b) (1)
		Is wrecked, dismantled or partially dismantled, or discarded; or inoperable and has remained inoperable for more than:	<i>No change</i>	Section 683.071 (a) (2) (A) and (B)
		Seventy-two (72) consecutive hours, if the vehicle is on public property; or	<i>No change</i>	Section 683.071 (a) (2) (B) (i)
		Thirty (30) consecutive days, if the vehicle is on private property.	<i>No change</i>	Section 683.071 (a) (2) (B) (ii)
			For purposes of this article, "junked vehicle" includes a motor vehicle, aircraft, or watercraft. This subchapter applies only to:	Section 683.071 (b)

Town of Northlake Junked Vehicle Ordinance

Section	Section Heading	Current Ordinance	Proposed Ordinance	Texas Transportation Code Reference
8.03.002			(1) a motor vehicle that displays an expired licence plate or does not display a license plate;	Section 683.071 (b) (1)
			(2) an aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; or	Section 683.071 (b) (2)
			(3) a watercraft that does not have lawfully on board an unexpired certificate of number and is not a watercraft described by Section 31.055, Texas Parks and Wildlife Code.	Section 683.071 (b) (3) (A) and (B)
	Motor vehicle collector	A person who owns one or more antique or special vehicles and	Motor vehicle collector. A person who owns one or more antique or special interest vehicles and	Section 683.077 (b) (2) (A)
		acquires, collects, or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve an antique or special interest vehicle for historic interest.	<i>No change</i>	Section 683.077 (b) (2) (B)

Town of Northlake Junked Vehicle Ordinance

Section	Section Heading	Current Ordinance	Proposed Ordinance	Texas Transportation Code Reference
8.03.003	Special interest vehicle	A motor vehicle of any age that has not been changed from original manufacturer's specifications and, because of its historic interest, is being preserved by a hobbyist.	<i>No change</i>	Section 683.077 (b) (3)
	Declaration of nuisance	A junked vehicle, including a part of a junked vehicle, that is visible at any time of the year from a public place or public right-of-way:	<i>No change</i>	Section 683.072
		(1) Is detrimental to the safety and welfare of the general public;	<i>No change</i>	Section 683.072 (1)
		(2) Tends to reduce the value of private property;	<i>No change</i>	Section 638.072 (2)
		(3) Invites vandalism;	<i>No change</i>	Section 683.072 (3)
		(4) Creates fire hazards;	<i>No change</i>	Section 683.072 (4)
		(5) Constitutes an attractive nuisance creating a hazard to the health and safety of minors;	<i>No change</i>	Section 683.072 (5)
		(6) Produces urban blight adverse to the maintenance and continuing development of municipalities; and	<i>No change</i>	Section 683.072 (6)
		(7) Is a public nuisance.	<i>No change</i>	Section 683.072 (7)

Town of Northlake Junked Vehicle Ordinance

Section	Section Heading	Current Ordinance	Proposed Ordinance	Texas Transportation Code Reference
8.03.004	Notice	(a) Prior to any official action being taken to abate and remove a junked vehicle constituting a public nuisance, from private property, public property or a public right-of-way, not less than 10 days' notice shall be given, except as hereinafter provided, to the following parties:	<i>No change</i>	Section 683.075
		(1) The last known registered owner of the junked vehicle as shown on the certificate of title;	<i>No change</i>	Section 683.075 (1)
		(2) Any lienholder of record; and	<i>No change</i>	Section 683.075 (2)
8.03.004		(3) The owner or occupant of the property upon which the junked vehicle is located or the owner or occupant of the premises adjacent to the public right-of-way on which the junked vehicle is located.	<i>No change</i>	Section 683.075 (3) (A) or (B)
		(b) The notice shall be mailed, by certified mail with a 5-day return requested, and, if the vehicle is reasonably accessible, also by posting a copy of such notice to the front windshield of the vehicle, and shall state the following:	<i>No change</i>	Section 683.075 (a)
		(1) The nature of the public nuisance.	<i>No change</i>	

Town of Northlake Junked Vehicle Ordinance

Section	Section Heading	Current Ordinance	Proposed Ordinance	Texas Transportation Code Reference
8.03.004		(2) That it must be removed and abated not later than the 10th day after the date on which the notice was mailed.	<i>No change</i>	Section 683.075 (b) (1)
		(3) That any request for a hearing must be made in writing before the 10-day period expires.	<i>No change</i>	Section 683.075 (b) (2)
		(4) That failure to abate the nuisance, request a hearing or attend the hearing, if requested, constitutes a waiver by the owner and lienholders of all right, title and interest in the vehicle and their consent to disposal of the junked vehicle under the terms of the Texas Transportation Code concerning the disposal of junked vehicles.	<i>No change</i>	
		(c) If the post office address of the last known registered owner of the junked vehicle is unknown, notice may be placed on the junked vehicle or, if the owner is located, hand delivered.	<i>No change</i>	Section 683.075 (c)

Town of Northlake Junked Vehicle Ordinance

Section	Section Heading	Current Ordinance	Proposed Ordinance	Texas Transportation Code Reference
8.03.004		(d) If any notice is returned undelivered by the United States Postal Service, the validity of the notice is not affected, and the notice is considered as delivered; however, official action to abate the nuisance shall be continued to a date not earlier than 11 days after the date of the return of the notice.	<i>No change</i>	Section 683.075 (d)

Town of Northlake Junked Vehicle Ordinance

Section	Section Heading	Current Ordinance	Proposed Ordinance	Texas Transportation Code Reference
8.03.005	Hearing	(a) The owner of the vehicle or occupant of the premises may, within the 10-day period after the service of notice required by section 8.03.004(b) to abate the nuisance, request the town secretary, either in person or in writing, to set a date and time to appear before the administrator for a public hearing to determine whether the person is in violation of this article. If a hearing is requested within 10 days after service of notice to abate the nuisance, the junked vehicle shall not be abated by the town until ordered to do so by the asministrator.	(a) The owner of the vehicle or occupant of the premises where the vehicle is located or the premises adjacent to the public right-of-way where the vehicle is located may, within the 10-day period after the notice required by section 8.03.004(b) is mailed, file a written request the town secretary to set a date and time to appear before the town council for a public hearing to determine whether the vehicle, or part of a vehicle, is a junked vehicle. If a hearing is requested within the 10 day period after the notice required by Section 8.03.004(b) is mailed, service of notice to abate the nuisance, the junked vehicle shall not be abated by the town until ordered to do so by the town council. If timely requested, the hearing shal be held not earlier than the 11th day after the date the notice is required by section 8.03.004(b) is mailed.	Section 683.076 (a) provides that the governing body shall conduct hearings under the procedures adopted under subchapter E of chapter 683. Governing body can delegate that to another official in the future. See also Section 683.0765 & Government Code Section 54.044 for Alternative Procedure for Adminstrative Hearing

Town of Northlake Junked Vehicle Ordinance

Section	Section Heading	Current Ordinance	Proposed Ordinance	Texas Transportation Code Reference
8.03.005		(b) At the public hearing, the administrator shall hear and consider all relevant evidence, objections or protests and shall receive testimony from owners, witnesses, town employees and interested persons relative to such alleged public nuisance. The hearing may be continued from time to time. (c) At the hearing, the motor junked vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.	(b) At the public hearing, the town council shall hear and consider all relevant evidence, objections or protests and shall receive testimony from owners, witnesses, town employees and interested persons relative to such alleged public nuisance. The hearing may be continued from time to time. (c) At the hearing under this section concerning a motor vehicle, the motor vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.	Section 683.076 (a) provides that the governing body shall conduct hearings under the procedures adopted under subchapter E of chapter 683. Governing body can delegate that to another official in the future. See also Section 683.0765 See also Government Code Section 54.044 for Alternative Procedure for Administrative Hearing Section 683.076 (c)

Town of Northlake Junked Vehicle Ordinance

Section	Section Heading	Current Ordinance	Proposed Ordinance	Texas Transportation Code Reference
8.03.005		(d) At the conclusion of the public hearing, the administrator shall consider all evidence and determine whether the vehicle, or any part thereof , constitutes a public nuisance as alleged. If the administrator finds that a public nuisance does exist and that there is sufficient cause to abate the nuisance, and that notice requirements provided in this article have been met, the administrator shall make a written order setting forth his findings and ordering that the nuisance be abated.	(d) At the conclusion of the public hearing, the town council shall consider all evidence and determine whether the vehicle, or part of a vehicle , constitutes a junked vehicle and a public nuisance as alleged. If the town council finds that the vehicle, or part of a vehicle, is a junked vehicle and a public nuisance that there is sufficient cause to abate the public nuisance, and that notice requirements provided in this article have been met, the town council shall make a written order setting forth his findings and ordering that the nuisance be abated.	Section 683.074; Section 683.076; Section 683.0765; See also Government Code Section 54.044 for Alternative Procedure for Adminstrative Hearing
		(e) If the information is available at the location of the nuisance, the order requiring removal of the nuisance must include:	(e) If the information is available at the location of the junked vehicle and nuisance, the order requiring removal of the nuisance must include:	Section 683.076 (d)
		(1) the vehicle's	(1) for a motor vehicle, the vehicle's	Section 683.076 (d) (1)
		description;	(a) description;	Section 683.076 (d) (1)
		(2) vehicle identification number;	(b) vehicle identification number;	Section 683.076 (d) (1) (B)
		(3) license plate number; and	(c) license plate number; and	Section 683.076 (d) (1) (C)
			(2) for an aircraft, the aircraft's:	Section 683.076 (d) (2)

Town of Northlake Junked Vehicle Ordinance

Section	Section Heading	Current Ordinance	Proposed Ordinance	Texas Transportation Code Reference
8.03.005			(a) description; and	Section 683.076 (d) (2)
			(b) federal aircraft identification number as described by Federal Aviation Administration aircraft registration regulations in 14 C.F.R Part 47; and	Section 683.076 (d) (2) (B)
			(3) for a watercraft, waercraft's:	Section 683.076 (d) (3)
			(a) description; and	Section 683.076 (d) (3)
			(b) identification number as set forth in the watercraft's certificate of number.	Section 683.076 (d) (3) (B)
		(4) A statement that the vehicle will be disposed of in accordance with the Texas Transportation Code.	<i>Deleted</i>	

Town of Northlake Junked Vehicle Ordinance

Section	Section Heading	Current Ordinance	Proposed Ordinance	Texas Transportation Code Reference
8.03.006	Abatement by town	If no hearing is requested prior to the expiration of 10 days after the notice required by section 8.03.004(b) was served, or in the event the administrator orders abatement of the nuisance, the town's code enforcement officer or any duly authorized person may abate such public nuisance by removal and disposal of the junked vehicle.	If no hearing is requested prior to the expiration of the 10 day window after the notice required by section 8.03.004(b) is mailed, or in the event the town council orders abatement of the nuisance, the town administrator or his designee, or any duly authorized person, may abate such public nuisance by removal and disposal of the junked vehicle in accordance with this article and subchapter E, chapter 683, of the texas transportation code.	Section 683.074
8.03.007	Vehicles not to be made operable after removal	After any junked vehicle has been removed under the authority of this article, it shall not be reconstructed or made operable again.	<i>No change</i>	Section 683.074 (b) (1)
8.03.008	Notice to state department of transportation	No later than the 5th day after the date of removal of a junked vehicle pursuant to this article, notice must be given to the state department of transportation. Such notice must identify the vehicle.	<i>No change</i>	Section 683.074 (b) (3)

Town of Northlake Junked Vehicle Ordinance

Section	Section Heading	Current Ordinance	Proposed Ordinance	Texas Transportation Code Reference
8.03.009	Relocation of vehicle	After the town has sent notice in accordance with section 8.03.004, the relocation of a junked vehicle that is a public nuisance to another location in the town has no effect on the proceeding if the junked vehicle constitutes a public nuisance at the new location.	<i>No change</i>	Section 683.074 (g)
8.03.010	Disposal of vehicle	Any junked vehicle taken into custody by the town or any duly authorized person pursuant to a provision of this article may be disposed of by removal and sale to a scrap yard, a motor vehicle demolisher, or a suitable site operated by a municipality or county. The removal of a junked vehicle or parts thereof from property may be by any duly authorized person.	Any junked vehicle removed by the town or any duly authorized person pursuant to a provision of this article may be disposed of by removal and sale to a scrap yard, a motor vehicle demolisher, or a suitable site operated by a municipality or county. The removal of a junked vehicle or parts thereof from property may be by any duly authorized person.	Section 683.078
8.03.011	Exceptions	The provisions of this article shall not apply to a vehicle or vehicle part that is:	<i>No change</i>	Section 683.0711
		(1) Completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or	<i>No change</i>	Section 683.0711

Town of Northlake Junked Vehicle Ordinance

Section	Section Heading	Current Ordinance	Proposed Ordinance	Texas Transportation Code Reference
8.03.011		(2) Stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an antique or special interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle or part and the outdoor storage area, if any, are:	<i>No change</i>	Section 683.0711
		(A) Maintained in an orderly manner;	<i>No change</i>	Section 683.0711
		(B) Not a health hazard; and	<i>No change</i>	Section 683.0711
		(C) Screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.	<i>No change</i>	Section 683.0711
8.03.012	Violations; penalty	(a) In lieu of or in addition to the abatement proceedings set forth in this article, the town may pursue the filing of a criminal complaint against the owner or occupant of the property in the municipal court for violation of this article or chapter 683, subchapter E, Texas Transportation Code.	<i>No change</i>	

Town of Northlake Junked Vehicle Ordinance

Section	Section Heading	Current Ordinance	Proposed Ordinance	Texas Transportation Code Reference
8.03.012		(b) A person commits an offense if the person maintains a public nuisance described by section 8.03.003. An offense under this section is a misdemeanor punishable by a fine in accordance with the general penalty provision found in section 1.01.009 of this code. Each day an offense occurs shall be a separate offense.	<i>No change</i>	
		(c) The municipal court shall order abatement and removal of the nuisance on conviction.	(c) The municipal court shall order abatement and removal of the nuisance on conviction for an offense under this section.	
8.03.013	Removal with permission of owner or occupant	If, within 10 days after receipt of notice from the town in accordance with section 8.03.004 to abate the nuisance, the owner or occupant of the premises shall give his written permission to the town for removal of the junked motor vehicle from the premises, the giving of such permission shall be considered compliance with the provisions of this article.	If, within the 10 day period after the notice is mailed in accordance with section 8.03.004, the owner of the junked vehicle or occupant of the premises on which the junked vehicle is located or the property adjacent to the right-of-way where the junked vehicle is located shall give his written permission to the town for removal of the junked vehicle from the premises, the giving of such permission shall be considered compliance with the provisions of this article.	

Town of Northlake Junked Vehicle Ordinance

Section	Section Heading	Current Ordinance	Proposed Ordinance	Texas Transportation Code Reference
8.03.014	Immediate removal of vehicles on public property	Nothing in this article shall affect ordinances or other laws that permit immediate removal of a vehicle left on public property which is abandoned or which constitutes an obstruction to traffic.	<i>No change</i>	
8.03.015	Authority to enforce article	<i>Did not previously exist</i>	(a) The town administrator, or his designee, is authorized to administer the procedures for the abatement and removal of a public nuisance under this article.	Section 683.074 (a)
		<i>Did not previously exist</i>	(b) The procedures for the abatement and removal of a public nuisance under this article must be administered by regular salaried, full-time employees of the town, except that any authorized person may remove the nuisance.	Section 683.074 (d)
		<i>Did not previously exist</i>	(c) A person authorized to administer the procedures under this article may enter private property to examine a public nuisance, to obtain information to identify the nuisance, and to remove or direct the removal of the nuisance.	Section 683.074 (e)

Memo

To: Honorable Mayor and Town Council
From: Nathan Reddin, Development Director
CC: Drew Corn, Town Administrator
Shirley Rogers, Town Secretary
Date: March 9, 2017
Re: Petition to annex Creek Meadows Phase 1

The development agreement for Creek Meadows calls for the annexation of the property in phases prior to the sale of lots within a phase. Work on Phase 1 is nearing completion, so pursuant to the agreement, the property owner submitted the attached annexation petition for Phase 1 on February 9th. After holding a public hearing, the Council may consider the attached Resolution to grant the petition for voluntary annexation, and if granted, an ordinance to annex the property will be scheduled for Town Council consideration at the March 23rd meeting.



**TOWN OF NORTHLAKE, TEXAS
RESOLUTION NO. 17-6**

A RESOLUTION OF THE TOWN OF NORTHLAKE, TEXAS PURSUANT TO TEXAS LOCAL GOVERNMENT CODE, SECTION 43.028(d) GRANTING THE PETITION TO ANNEX APPROXIMATELY 6.65 ACRES OF LAND LOCATED IN THE PATRICK ROCK SURVEY, ABSTRACT NUMBER 1063 SITUATED IN THE EXTRA-TERRITORIAL JURISDICTION OF THE TOWN OF NORTHLAKE, DENTON COUNTY, TEXAS.

WHEREAS, pursuant to § 43.028 of the Texas Local Government Code, Eric Broadaway and Scott Broadaway owners of an area that is vacant and without residents or on which fewer than three qualified voters reside, less than 1/2 mile wide, and adjacent to the Town of Northlake – have filed a petition with the Town of Northlake to voluntarily annex the property more particularly described on Exhibit “A” attached hereto; and

WHEREAS, pursuant to § 43.028(d) of the Texas Local Government Code, the Town Council held a public hearing on March 9, 2017 to hear arguments for and against the annexation; and

WHEREAS, the Town Council deems it to be in the best interest of the Town to grant the petition for voluntary annexation filed by the property owners.

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Northlake, Texas that:

Section 1. That all the findings in the preamble are found to be true and correct and the Town Council does hereby incorporate said findings into the body of this resolution as if copied in their entirety.

Section 2. The petition to voluntarily annex the property described on Exhibit “A” hereto is hereby granted.

Section 2. Pursuant to § 43.028(e) of the Texas Local Government Code and § 212.172(b)(7) of the Texas Local Government Code, the Town council will consider an ordinance to annex the property described on Exhibit “A” hereto at the Town Council meeting to be held on March 23, 2017.

Section 3. That this resolution is in effect upon passage by the Town Council.

Passed and approved on this the 9th day of March, 2017

Town of Northlake, Texas

Peter Dewing, Mayor

Attest:

Shirley Rogers, Town Secretary

STATE OF TEXAS §
 §
COUNTY OF DENTON §

LANDOWNER ANNEXATION PETITION

**TO THE MAYOR AND TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS,
A GENERAL LAW MUNICIPALITY:**

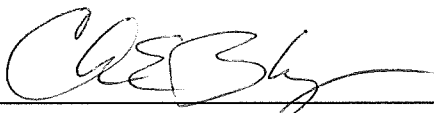
Faith 407 Holdings LLC (the "Owner"), the owner of approximately 6.65 acres of land described by metes and bounds in **Exhibit A** attached and incorporated herein (the "Property"), hereby petition the Town Council to annex the Property into the corporate limits of the Town of Northlake, Texas (the "Town") pursuant to Texas Local Government Code, Section 43.028.

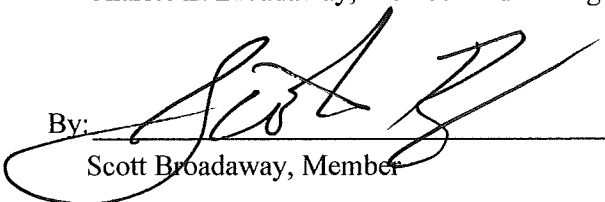
Owner certifies that this petition is signed and acknowledged by all persons having an interest in the Property and further certifies that the Property is within the Town's extraterritorial jurisdiction, one-half (½) mile or less in width, contiguous to the Town, and vacant and without residents or on which fewer than three qualified voters reside.

Owner requests that the Town Council hear this petition and the arguments for and against annexation, grant the petition, and annex the Property.

OWNER

FAITH 407 HOLDINGS LLC

By: 
Charles E. Broadaway, Member and Manager

By: 
Scott Broadaway, Member

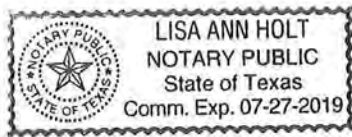
STATE OF TEXAS

COUNTY OF

Tarrant

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§
§

This instrument was acknowledged before me on the 8th day of February, 2017, by Charles E. Broadaway, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.



Lisa Ann Holt
Notary Public, State of Texas

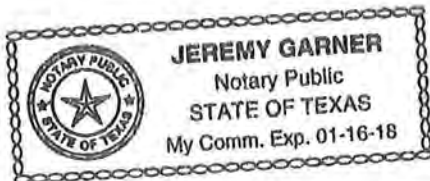
STATE OF TEXAS

COUNTY OF

Tarrant

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This instrument was acknowledged before me on the 8th day of Feb, 2017, by Scott Broadaway, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed.



[Signature]
Notary Public, State of Texas

EXHIBIT A - Metes and Bounds Description of the Property

WHEREAS; FAITH 407 HOLDINGS LLC is the owner of all that certain lot, tract or parcel of land lying and being situated in Denton County, Texas and being a part of the Patrick Rock Survey, Abstract number 1063 and also being part of that called 25.901 acre tract of land as described in deed to Eric Broadaway and Scott Broadaway by deed recorded in Clerks File number 1995-69267, Real Property Records, Denton County, Texas and also being part of that called 5.105 acre tract of land as described in deed to Eric Broadaway and Scott Broadaway by deed recorded in Clerks File number 1995-69265, Real Property Records, Denton County, Texas and being more fully described by metes and bounds as follows;

COMMENCING at a ½ inch iron rod found at the Southwest corner of said 5.105 acre tract, same being in the approximate center of Faught Road;

THENCE along said center, North 00 degrees 35 minutes 49 seconds East, 76.86 feet to the POINT OF BEGINNING of the herein described tract;

THENCE continuing along said center, North 00 degrees 35 minutes 49 seconds East, passing the Northwest corner of said 5.105 acre tract and the most Westerly Southwest corner of said 25.901 acre tract at 133.14 feet, continuing in all a total distance to 917.98 feet to the Northwest corner of said 25.901 acre tract;

THENCE North 89 degrees 43 minutes 46 seconds East, 316.39 feet to a capped iron rod set stamped "KAZ";

THENCE South 00 degrees 16 minutes 14 seconds East, 924.82 feet to a capped iron rod set stamped "KAZ";

THENCE South 89 degrees 43 minutes 46 seconds West, 159.00 feet to a capped iron rod set stamped "KAZ" at the P.C. of a curve to the right, whose long chord bears, North 87 degrees 56 minutes 02 seconds West, 40.37 feet;

THENCE along said curve whose radius is 495.00 feet and an arc length of 40.38 feet to a capped iron rod set stamped "KAZ";

THENCE North 85 degrees 35 minutes 49 seconds West, 67.11 feet to a capped iron rod set stamped "KAZ";

THENCE North 89 degrees 24 minutes 11 seconds West, 44.94 feet to the POINT OF BEGINNING and containing 6.65 acres of land more or less;

Memo

To: Honorable Mayor and Town Council
From: Drew Corn, Town Administrator
CC: Shirley Rogers, Town Secretary
Date: March 9, 2017
Re: Water and Wastewater Impact Fee Update

On December 8, 2016, Council adopted the Northlake Comprehensive Plan – Pathway to 2040. The plan was an update to the 2009 Comprehensive Plan. The first action step from the 2016 plan is:

Amend all infrastructure plans – thoroughfare, water and wastewater plans - to require all current and future infrastructure design to meet rural standards in the part of the Town that is proposed for rural development.

A major concept that came from the comp plan process is the need to “right-size” the infrastructure specifically in the Ranch Preservation character area. If the Town truly wants a rural feel to an area then the infrastructure should match. Smaller water distribution lines, no wastewater collection system (only septic), and asphalt roads with bar ditches are appropriate for these areas.

The water and wastewater master plans which were adopted in 2012, do not reflect the rural character. These plans assumed that eventually the rural areas would one day desire water and wastewater services. To ensure these areas remain rural, the water and wastewater plans should be reduced in the former and eliminated in the latter.

In addition, to continue to assess an impact fee State law requires an update be conducted every five years. Per the Texas Local Government Code, Chapter 395, Section 52, “A political subdivision imposing an impact fee shall update the land use assumptions and capital improvements plan at least every five years.”

Halff and Associates has prepared a proposal to update the impact fees. The original impact fee study was \$100,000; the update is \$76,200. The original was a blank slate as there was minimal isolated infrastructure. The update will consider all the additional infrastructure that has been built over the last five years. Five years ago the only water customers were in North Ridge Estates one-acre lots or in apartments. Now, the Town has a variety of customer types. Although the study is an update, the system is much more complex and the land use assumptions have drastically changed.

Please contact me at 940.242.5701 if you have any questions or comments.

TOWN OF NORTHLAKE, TEXAS

RESOLUTION NO. 17-7

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS, AUTHORIZING THE TOWN ADMINISTRATOR TO AMEND CONTRACT WITH HALFF ASSOCIATES, INC. TO PROVIDE ADDITIONAL, SPECIFIC ENGINEERING SERVICES TO THE TOWN NOT TO EXCEED \$76,200.

WHEREAS, the Town Council of the Town of Northlake, Texas, has determined that a public need and necessity exists for the Town to seek the provision of professional engineering services to the Town by contractors who possess the necessary skill and acumen to provide such services to the Town; and

WHEREAS, the Town Council has determined that it is advisable and in the best interests of the Town to authorize the Town Administrator to enter into a specific contract with a professional engineering firm in order to provide for the provision of professional services outside the scope of services of the retained consultant engineer;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS:

SECTION 1. All of the above premises are true and correct legislative and factual findings of the Town Council, and they are hereby approved, ratified and incorporated into the body of this resolution as if copied in their entirety.

SECTION 2. That the Town Council hereby finds and determines that a public purpose and necessity exists for the Town to enter into professional services contract for the provision of engineering services for the Northlake Water and Wastewater Impact Fee Study Update with consultation from Town staff and other Town consultants.

SECTION 3. That the Town Administrator is hereby authorized, on behalf of the Town to execute a contract, not to exceed \$76,200, with Halff Associates, Inc. for engineering services with legal advice from the Town Attorney.

PASSED AND APPROVED THIS THE 9TH DAY OF MARCH, 2017.

TOWN OF NORTHLAKE, TEXAS

PETER DEWING, Mayor

ATTEST:

SHIRLEY ROGERS, Town Secretary

Exhibit A
Engineering Services Agreement – Scope of Work
Northlake Water and Wastewater Impact Fee Study

February 9, 2017

Mr. Drew Corn, Town Administrator
Town of Northlake
1400 FM 407
Northlake, TX 76247

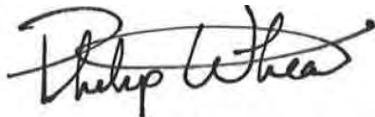
RE: Engineering Services Fee Proposal – Water and Wastewater Impact Fee Report Update

Dear Mr. Corn:

Per the Texas Local Government Code Chapter 395, Section 052, "A political subdivision imposing an impact fee shall update the land use assumptions and capital improvements plan at least every five years." Northlake's impact fee report was last updated in 2012. Halff Associates is pleased to provide this fee proposal and scope of services for the update to Northlake's Water and Wastewater Impact Fee report according to the provisions set forth in Chapter 395 of the Local Government Code. This effort will include updates pursuant to the Town's new Comprehensive Plan, revisions to the Capital Improvements Plan to remove sewer collection in the rural residential, and updates to the hydraulic model. Halff will conduct meetings with the Town's advisory committee as necessary during the duration of the project. After completing our analysis, we will provide draft report to the Town of Northlake that documents our methods, assumptions, results and recommendations.

Attached to this letter are the proposed Scope of Service (includes: proposed fee, summary of deliverables, description of the project schedule, exclusions and assumptions) in Exhibit A and Standard Form of Agreement for Professional Services in Exhibit B. If this proposal meets your approval, please sign and date Exhibit B to execute. Please return a copy of the executed proposal to Halff by email and a signed original by mail. A second copy of the signed contract has been included for your records. A returned copy of the executed proposal will serve as Notice to Proceed unless otherwise directed. The scope and proposed fee presented herein are valid for sixty (60) days from the date of this letter.

Sincerely,



HALFF ASSOCIATES, INC.
Philip Wheat
Project Manager

Exhibit A
Engineering Services Agreement – Scope of Work
Northlake Water and Wastewater Impact Fee Study

Scope of Services:

Task 1 – Land Use Assumptions and Demands Projection Update

- Collect and review data provided by the Town relating to population, connection counts, water demands, wastewater flowrates, and land uses.
- Collect and review pertinent Northlake data from previously prepared reports and studies including the Northlake Comprehensive Plan and other readily available sources such as NCTCOG, TRA, City of Fort Worth, Chamber of Commerce, Denton County Appraisal District, US Census Bureau, and Texas Water Development Board.
- Revise the future land use assumptions to reflect the planned uses provided in the Comprehensive Plan.
- Develop projected water demand rates, wastewater flowrates, population, and connection counts within the service area over the 10-year planning period.
- Status meeting with Town Staff to review land use assumptions and service unit projections.

Task 2 – Water System Model Update

- Update the uncalibrated water distribution system hydraulic model to include water infrastructure constructed since the previous update, including storage tanks, pump stations, and distribution mains.
- The model will update the future scenarios to estimate needed infrastructure at ultimate build-out based on revisions to the Comprehensive Plan (100 percent development within Town's current service area).
- Update the uncalibrated wastewater collection hydraulic model to include wastewater infrastructure constructed since the previous update. The future scenarios will estimate needed infrastructure at ultimate build-out based on revisions to the Comprehensive Plan (100 percent development within Town's current service area). This update will include a service area reduction as recommended in the Town's Comprehensive Plan.

Task 3 – Water Model Calibration

- Identify approximately 8 locations throughout the town for hydrant flow tests and headloss tests. Halff will assist the public works department in performing the tests (two days). Note the time, pump status, storage tank levels, and master meter flowrates during each hydrant test, as well as the results from each test.
- Calibrate the model to correlate to the collected data. The goal of calibration will be to achieve modeled results within 10 percent of measured results for at least 90 percent of the collected field data. If the calibration goal cannot be achieved, then Halff will document the actual level of calibration and estimate the expected model error in the final report.

Task 4 – Water System Analysis, Capital Improvements Plan Update, and Impact Fee Update

- Revise the water distribution system 10-year capital improvements plan based on revised land use assumptions, existing and planned developments and primary areas of anticipated growth.
- Revise the wastewater collection system 10-year capital improvements plan based on revised land use assumptions, existing and planned developments and primary areas of anticipated growth.

Exhibit A
Engineering Services Agreement – Scope of Work
Northlake Water and Wastewater Impact Fee Study

- Halff will develop opinions of probable construction cost for both water and wastewater capital improvement plans.
- Determine utilization rates for the 10-year planning period, calculate the maximum impact fee, and revise the draft impact fee report for staff review. The impact fee report will update the following:
 - o Exhibits showing the water and wastewater service areas
 - o Descriptions of land use and service unit projections, including the data used and assumptions made to develop the projections.
 - o Exhibits and descriptions of the water and wastewater capital improvement plans, including the data used and assumptions made to develop the plans.
 - o Engineer's opinion of cost for the capital improvement plans (as necessary).
 - o Estimations of the amount of infrastructure capacity used in the 10-year planning period.
 - o The Maximum Impact Fee for water and wastewater service areas.
- Provide pre-final impact fee report to town staff and review information to be presented to the advisory committee prior to the advisory committee meeting.
- Upon completion of the impact fee report, Halff will meet with the Town-appointed advisory committee and present the impact fee report.
- Submit final report to the Town including comments from Town staff and advisory committee.
- Present the final report to the Town council. (1 meeting)
 - o Attend public hearings at a separate Town council for land uses and CIP and impact fees. Two hearings assumed to occur in the same meeting.

Proposed Fee

The proposed scope of services will be performed for a lump sum fee of **\$76,200**, which includes professional services and direct costs (printing, plotting and reproduction, postage, messenger service, long distance telephone calls and travel). Halff's services will be invoiced monthly based on a percent of completion of the total of lump sum fees.

Schedule

It is Halff Associates' intention to commence professional services promptly following receipt of notice-to-proceed (NTP). Halff will perform its services in a timely manner with the understanding that the completion of many of the project tasks and milestones is contingent upon availability of information, meetings, Northlake reviews or tasks provided by others beyond Halff Associates' reasonable control. We propose to submit our draft report within 4 months of receiving NTP. The Basic Scope of Services for this contract will terminate upon submittal of the final Report and presentation of findings.

Data Necessary from Northlake

Halff will require the following information and data from the Town (unless already available to Halff):

- List of all existing and proposed metered and unmetered water service connections by size.
- List of all existing and proposed sewer connections by type.
- The Town's current Land Use and/or Zoning Map and Comprehensive Plan.
- Copies of preliminary and final plats approved in the last two years.
- Copy of the current water purchase agreement with the City of Fort Worth and UTRWD.
- Copy of the current wastewater agreements with Trinity River Authority.
- Town-wide monthly water and wastewater usage rates for the last three years.
- Monthly water usage rates from the last three years for individual accounts.
- Monthly wastewater rates for the Town from the last three years.

Exhibit A
Engineering Services Agreement – Scope of Work
Northlake Water and Wastewater Impact Fee Study

- Actual cost information relating to water and wastewater infrastructure installed in the last 10 years and cost estimates for water and wastewater infrastructure currently planned or soon to be let.

Halff may request additional information from the Town to complete the proposed work. Where possible, data is preferred in electronic format.

Services Not Included in this Scope of Services

Additional services not included in this scope include:

- Capital improvement plans and impact fee analyses for infrastructure systems other than water and wastewater
- Design services or preparation of construction documents
- Property appraisal services
- Survey services
- Meetings with regulatory agencies or other political subdivisions
- Meetings with Planning & Zoning, Town Council or other Public meetings beyond those quantified in this scope of work
- Legal services of any kind
- Accounting/fiscal analysis services of any kind

Assumptions

This scope of services is based on the following assumptions.

- The Town will provide Halff with the data necessary to complete the analysis, listed in Task A.
- The planning period for the capital improvements plans and impact fee analysis will be 10 years from the time that work commences, which is the maximum allowable [Ch 395.014(a)(6)].

End Exhibit A



Executive Session

Agenda Item 7

Pursuant to Texas Government Code, annotated, Chapter 551 Subchapter D:

- a. Section 551.071 authorizes a governmental body to consult with its attorney in an executive session to seek his or her advice on a legal matter. It provides as follows: A governmental body may not conduct a private consultation with its attorney except:
 - 1) When the governmental body seeks the advice of its attorney about:
 - (a) Pending or contemplated litigation; or
 - (b) A settlement offer; or

‘Town of Northlake vs. City of Justin (Cause No. 15-08170-367)
- b. Section 551.087 authorizes a governmental body to convene into executive session to deliberate regarding economic development negotiations
 - 1) Pioneer Grant Performance Agreement with ACG Texas LP
 - 2) Property located in the Town or the Town’s ETJ located at the northwest corner of Sam Reynolds Road and Boss Range Road