



Peter Dewing, Mayor
Rena Hardeman, Council Place 1
Jimmy Lambert, Council Place 2

Brian Montini, Mayor Pro Tem
Roger Sessions, Council Place 4
Danny Simpson, Council Place 5

**Town Council Meeting Minutes
Thursday, June 14, 2018
1400 FM 407 –Northlake, Texas**

1. Mayor Peter Dewing called the regular work session to order at 5:30 pm and announced a quorum was present

Council present: Peter Dewing, Rena Hardeman, Jimmy Lambert, Brian Montini, Roger Sessions, Danny Simpson

Town Staff present: Drew Corn, Town Administrator; Nathan Reddin, Development Director; Eric Tamayo, Public Works Director; Robert Crawford, Chief of Police; Karen Bolyard, Finance Director; Shirley Rogers, Town Secretary

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

2. Presentation of Donation of a Flag Retirement Box by John Amarante, Boy Scout Troop 280

3. Briefing Items

- A. Fred Balda, President, Hillwood Communities gave an update on Pecan Square Development along with Tom Woliver, Vice President, Planning & Development
- B. Dr. Ryder Warren, Superintendent and Tim McClure, Asst. Superintendent Facilities, gave updates on Northwest ISD

Mayor Dewing called for short recess at 6:35 pm, returned at 6:44 pm

- C. Sally Aldridge, President & CEO gave an update on Northwest Metroport Chamber of Commerce
- D. Mayor Dewing and Drew Corn gave a presentation on the Preliminary Budget for Fiscal Year 2018-2019

Addendum Item- Discussions were held on the fireworks ordinance, pro and cons of allowing of fireworks in the Town. Representatives from Mike Lugo, Argyle FD and Gary Johnson, Roanoke FD as well as Chief Crawford were on hand to give their input and answer questions

4. Mayor Dewing called the regular meeting to order at 8:10 pm, all members present
Mayor Dewing led the audience Pledge of Allegiance and a Moment of Silence

5. Public Input

- Judy Melhorn, resident of Northlake, stated she was opposed to fireworks in Northlake, can cause issues with animals; would like to see a noise ordinance in place especially when construction is nearby residential areas; would like to have better notification/communication between the town and residents when street work is to be done

- Cliff Travis, resident of Northlake, stated his opposition to fireworks being allowed in the town limits for safety issues
- Joel McGregor, resident of Northlake, stated he has noise concerns for Dale Earnhardt Way, would like to see a noise barrier erected near the RV Park and his residence; stated there are risks with fireworks

6. Consent Items

Councilmember Simpson moved to approve the consent items. 2nd by Councilmember Sessions

Vote: motion passed unanimous

E. Town Council meeting minutes of May 10, 2018

F. Resolution No. 18-14 declaring the results of a General Election held on May 5, 2018 for the purpose of electing three residents to Places 1, 2, and 3 for a two-year term each

G. Resolution No. 18-15 declaring certain personal property owned by the Town to be surplus property and authorize the Town Administrator to dispose of such property

H. Resolution No. 18-16 approving the Town of Northlake Investment Policy

9. Mayor Dewing convened the council into Executive Session at 8:22 pm to discuss the following 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)
 - (c) Appellate Docket No. 06-17-00054-CV - City of Justin vs. Town of Northlake
- b. Section 551.071 consultation with the Town's attorney to seek advice on eminent domain actions to obtain right-of-way out of a certain 3.530 acre tract of land located in the Patrick Rock Survey, Abstract No. 1063 in Northlake, Denton County, Texas, for the construction and maintenance of roadway and utility improvements and other public purposes permitted by law
- c. Section 551.072 deliberation regarding the purchase, exchange, lease, or value of real property to be acquired as right-of-way out of a certain 3.530 acre tract of land located in the Patrick Rock Survey, Abstract No. 1063 in Northlake, Denton County, Texas, for the construction and maintenance of roadway and utility improvements and other public purposes permitted by law
- d. Section 551.071 with the Town's attorney to seek advice on eminent domain actions for drainage and temporary construction easements, out of that certain 56.40 acre tract of property owned by the Alma Doll Pratt Revocable Trust and the Shannon Lee Finucane Revocable Trust and located on the east side of Cleveland-Gibbs Road, south of FM 407 in Denton County, Texas, for the construction and maintenance of drainage improvements and other public purposes permitted by law
- e. Section 551.072 deliberation regarding the purchase, exchange, lease, or value of real property to be acquired as drainage and temporary construction easements, out of that certain 56.40 acre tract of property owned by the Alma Doll Pratt Revocable Trust and the Shannon Lee Finucane Revocable Trust and located on the east side of Cleveland-Gibbs Road, south of FM 407 in Denton County, Texas, for the construction and maintenance of drainage improvements and other public purposes permitted by law
- f. Section 551.071 consultation with the Town's attorney to seek advice concerning the Town's legal options related to deteriorating or distressed pavement resulting from or appearing in areas constructed pursuant to the Canyon Falls Villages W1 Utilities Project

Mayor Dewing reconvene the council into Open Session at 9:24 pm

Executive Session Item f: Councilmember Simpson moved to authorize the Town Administrator to seek expert opinion related to pavement failures located in Canyon Falls for the use in potential litigation against RKM, the contractor and the surety pursuant to maintenance bond obligations. 2nd by Councilmember Sessions

Vote: motion passed unanimous

Mayor Dewing asked the council if they wanted to extend the meeting time after 9:30 pm deadline

Councilmember Simpson moved to extend the meeting time past 9:30 pm deadline. 2nd by Councilmember Montini

Vote: Motion passed unanimous

7. Regular Items

- I. Councilmember Hardeman moved to approve the appointment of Brian Montini as Mayor Pro Tem for a one-year term. 2nd by Councilmember Simpson

Vote: Motion passed unanimous

- J. Ordinance amending Ordinance No. 14-0626A being a Mixed-Use Planned Development zoning district; amending the western boundary of the zoning district by rezoning certain property in the Town of Northlake as described in Exhibit A and revising the official zoning map in accordance therewith; being more particularly described as a 2.07 acre tract of land, to be rezoned from Rural Residential (RR) to Mixed-Use Planned Development (MPD); and a 2.40 acre tract of land, to be rezoned from MPD to RR, located in the Patrick Rock Survey, Abstract No. 1063, in the Town of Northlake, Denton County, Texas (Heritage Fields MPD Amendment for boundary adjustment)

- i. Mayor Dewing opened the public hearing at 9:27 pm to hear comments for or against the proposed zoning change

No one came forward for or against

Mayor Dewing closed the public hearing at 9:28 pm

- ii. Councilmember Sessions moved to approve Ordinance No. 18-0614A. 2nd by Mayor Pro Tem Montini

Vote: Motion passed unanimous

- K. Councilmember Sessions moved to approve the Final Plat of Lot 1, Block A, Alliance Northport Addition, a one-lot phase of the proposed Alliance Northport development, being a 56.345-acre tract of land out of the B.B.B. & C.R.R. Survey, Abstract No. 189, generally located on the north side of Sam Lee Lane approximately 1,900 feet east of Ashmore Lane and zoned Industrial (I). Alliance Northport No. 3, Ltd is the owner. AIL Investment LP is the applicant/developer. Peloton Land Solutions, Inc. is the engineer/surveyor. Case # FP-18-011. 2nd by Councilmember Simpson

Vote: Motion passed unanimous

- L. Councilmember Sessions moved to approve the Site Plan for Alliance Northport Building 3, a proposed 1,214,233 square-foot industrial building on 56.345 acres of land situated in the B.B.B. & C.R.R. Survey, Abstract No. 189, to be platted as Lot 1, Block A, Alliance Northport Addition, generally located on the north side of Sam Lee Lane approximately 1,900 feet east of Ashmore Lane at 8601 E. Sam Lee Lane and zoned Industrial (I). Alliance Northport No. 3, Ltd is the owner. AIL Investment LP is the applicant/developer. Peloton Land Solutions, Inc. is the engineer. RGA Architects is the architect. Case # SP-18-002. 2nd by Councilmember Simpson

Vote: Motion passed unanimous

- M. Councilmember Sessions moved to approve the Cost Sharing Agreement Relating to Use and Construction of Water Distribution Facilities between the Town of Northlake, Canyon Falls WCID No. 2 of Denton County and Canyon Falls MUD No. 1 of Denton County. 2nd by Councilmember Simpson

Vote: Motion passed unanimous

- N. Amendment to Article 8, 'Special Uses and General Regulations' and Article 9 'Design Standards' of the Unified Development Code of the Town of Northlake by adding or amending setback requirements for certain accessory structures in Section 8.2 'Accessory Uses and Structures'; and amending the maximum height requirement for certain fences in Section 9.11 'Screening and Fencing'
- i. Mayor Dewing opened the public hearing at 9:31 pm to hear comments for or against the amendments
No one came forward for or against
Mayor Dewing closed the public hearing at 9:32 pm.
 - ii. Mayor Pro Tem Montini moved to approve Ordinance No. 18-0614B. 2nd by Councilmember Lambert
Vote: Motion passed
For: Montini, Lambert, Sessions, Simpson
Against: Hardeman
- O. Councilmember Simpson moved to approve Resolution No. 18-17, awarding a road construction bid to Conatser for paving of Cleveland-Gibbs Road between FM 407 to FM 1171. 2nd by Councilmember Sessions
Vote: Motion passed unanimous
- P. Councilmember Simpson moved to approve Resolution No. 18-18 authorizing the Town Administrator to contract for driveway relocation just south of Sam Lee Lane and IH 35W frontage road not to exceed \$30,000 from the EDC and CDC funds. 2nd by Councilmember Sessions
Vote: Motion passed unanimous
- Q. Councilmember Simpson moved to approve Resolution No. 18-19 authorizing the Town Administrator to contract for drainage culvert extension for Dale Earnhardt Way project not to exceed \$300,000 from the EDC and CDC funds. 2nd by Councilmember Sessions
Vote: Motion passed
For: Simpson, Sessions, Lambert, Hardeman
Against: Montini
- R. Appointments to the Northlake Economic and Community Development Corporation Board of Directors – No Action, deferred to June 28th Meeting

Addendum Item

- Mayor Pro Tem Montini moved to approve Ordinance 18-0614C, amending Section 1.02.001 of the Code of Ordinance by amending Town Council Meetings start time of 7:00 pm. 2nd by Councilmember Hardeman
Vote: Motion passed
For: Montini, Hardeman, Lambert
Against: Sessions, Simpson
- S. No action taken on the use of eminent domain to condemn property and consider a resolution of the Town of Northlake, Texas authorizing the Town Attorney to bring a condemnation action for the purpose of obtaining approximately .4762 acres of a certain 3.530 acre tract of land located in the Patrick Rock Survey, Abstract No. 1063 in Northlake, Denton County, Texas, as right-of-way necessary for the construction and maintenance of roadway and utility improvements and for other public purposes permitted by law
- T. No action taken on the use of eminent domain to condemn property and consider a resolution of the Town of Northlake, Texas authorizing the Town Attorney to bring a condemnation action for the purpose of obtaining a 0.1981

acre permanent drainage easement and two temporary construction easements totaling 0.0896 acres out of that certain 56.40 acre tract of property owned by the Alma Doll Pratt Revocable Trust and the Shannon Lee Finucane Revocable Trust and located on the east side of Cleveland-Gibbs Road, south of FM 407 in Denton County, Texas, for the construction and maintenance of drainage improvements and for other public purposes permitted by law

8. Tax Increment Reinvestment Zone No. 1 Board of Directors Meeting – deferred to June 28th Meeting

10. Mayor Dewing adjourned the meeting at 9:57 pm

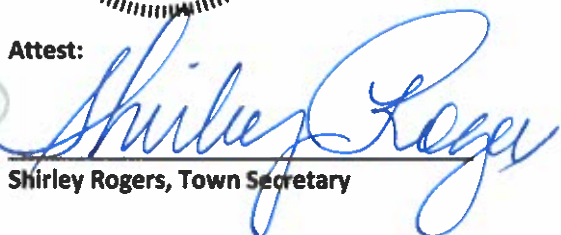
Passed and approved on this the 28th day of June, 2018



Town of Northlake, Texas


Peter Dewing, Mayor

Attest:


Shirley Rogers, Town Secretary