



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, September 13, 2018
1400 FM 407 – Chamber Room - Northlake, Texas**

1. Mayor Peter Dewing called the workshop to order at 7:00 pm and stated a quorum was present

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

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

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

2. Special Recognition

A. Gary Henderson, President & CEO of United Way Denton County was on hand to receive Proclamation 18-4 recognizing United Way Live United Month of September 2018 from Mayor Dewing

B. Mayor Dewing recognize Sergeant Kevin Ertle, Northlake Police Department with a plaque commemorating his 10 Years of Service to Northlake. Sgt. Ertle started as a reserve office in 2008 and hired full time shortly afterward. Has 16 years plus of Police experience and holds a Master Peace Officer Certification, is a Police Instructor in Standardized Field Sobriety and Taser Applications and is a Field Training Officer. Also holds an Associate Degree in Criminal Justice and is proficient in conversational sign language

3. Briefing Items

C. Hillwood Communities representative Andrew Piper, presented a proposed amendment to Pecan Square Concept Plan. Would like to add 6-acre Mixed Use on the west side of the 'square' which allows for commercial, townhomes, and single-family and in exchange proposed to change 8-acre Mixed-Use at the SW corner of Mulkey Ln and Cleveland Gibbs Rd to convert to Commercial use only

D. Nathan Reddin briefed the council on an amendment to the UDC parking standards (update parking standard for warehouse/distribution centers)

4. Regular Meeting to Order

Mayor Dewing called the regular meeting to order at 7:26 pm, all council members present
Pledge of Allegiance and a Moment of Silence was observed

5. Public Input

- Resident Laura McGregor addressed the council by stating as a CDC board member, she did not approve the budget, wanted more details; has concerns with the water tower bonds- called City of Ft Worth, talked with someone about water pressure issues
- Resident Joel McGregor, wanted to thank the staff for a balanced budget, would like to see the funds designated for fireworks event put back into road maintenance; had concerns about water tower bonds

6. Consent Items

Mayor Pro Tem Montini made a motion to approve the consent items. 2nd by Councilmember Lambert

Vote: motion passed unanimous
For: Montini, Lambert, Hardeman, Sessions, Simpson
Against: none

- E. Town Council meeting minutes of August 9, 2018
- F. Resolution No. 18-25 designating the Denton Record Chronicle as the official newspaper for official publication for notices
- G. Resolution No. 18-26 of the Town Council of the Town of Northlake, Texas approving a negotiated settlement between the Atmos Cities Steering Committee (ACSC) and Atmos Energy Corp., Mid-Tex Division regarding the Company's 2018 Rate Review Mechanism filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; 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 saving clause, declaring an effective date and requiring delivery of this resolution to the Company and the ACSC's Legal Counsel

7. Regular Items

Mayor Dewing moved Item M before Item H per Bond Counsel request

- M. All matters incident and related to the issuance and sale of Town of Northlake, Texas Combination Tax and Limited Surplus Revenue Certificates of Obligation, Series 2018 including the adoption of an ordinance authorizing the issuance of such certificates of obligation and approving all other matters related hereto

Mayor Dewing opened the public hearing at 7:58 pm to hear comments on the proposed ordinance

- Resident Bruce McDonald spoke in favor the bond proposal. Concerned about water pressure and as a resident of Canyon Falls subdivision, has been without pressure and had to boil water

Mayor Dewing closed the public hearing at 8:00 pm

- i. Councilmember Sessions made a motion to adopt Ordinance No. 18-0913F authorizing the issuance and sale of Town of Northlake, Texas, Combination Tax and Limited Surplus Revenue Certificate of Obligations, Series 2018 and approve all other matters related thereto. 2nd by Councilmember Simpson

Vote: motion to approve unanimous
For: Sessions, Simpson, Montini, Lambert, Hardeman
Against: none
Present not voting: Dewing (Mayor)

- H. An ordinance setting the levy of assessments for the cost of services provided in Northlake Public Improvement District No. 1 (Harvest) during the Fiscal Year 2018-19; setting the charges and liens against property in the District and against the owners thereof; providing for the collection of such assessments; reserving unto the Town Council the right to allow credits reducing the amount of the respective assessment to the extent of any credit granted

- i. Mayor Dewing opened the public hearing at 8:05 pm to hear comments
- No one came forward for or against the proposed ordinance
- Mayor Dewing closed the public hearing at 8:06 pm

- ii. Councilmember Sessions made a motion to approve Ordinance No. 18-0913A. 2nd by Councilmember Simpson

Vote: motion to approve unanimous
For: Sessions, Simpson, Montini, Lambert, Hardeman
Against: none
Present not voting: Dewing (Mayor)

- I. An ordinance approving the Fiscal Year 2018-19 Annual Service Plan Update to the Service and Assessment Plan and the Revised Assessment Roll for The Highlands Public Improvement District

- i. Mayor Dewing opened the public hearing at 8:11 pm to hear comments on the proposed ordinance
- No one came forward for or against
- Mayor Dewing closed the public hearing at 8:12 pm

- ii. Councilmember Sessions made a motion to approve Ordinance No. 18-0913B. 2nd by Councilmember Simpson

Vote: motion to approve unanimous
For: Sessions, Simpson, Montini, Lambert, Hardeman
Against: none
Present not voting: Dewing (Mayor)

- J. Councilmember Simpson made a motion to approve Ordinance No. 18-0913C adopting a Fiscal year 2019 Annual Budget for Tax Increment Reinvestment Zone No. 1, Town of Northlake, Texas. 2nd by Councilmember Sessions

Vote: motion to approve unanimous
For: Sessions, Simpson, Montini, Lambert, Hardeman
Against: none
Present not voting: Dewing (Mayor)

- K. Ordinance No. 18-0913D of the Town Council of the Town of Northlake, Texas, approving and adopting a Proposed Budget for the Fiscal Year October 1, 2018 through September 30, 2019 for the Town of Northlake, Northlake Economic Development Corporation, Northlake Community Development Corporation, Northlake Public Improvement District No. 1 (Harvest), Northlake Public Improvement District No. 2 (The Highlands) providing that expenditures for said fiscal year shall be made in accordance with said Budget and declaring an effect date

- 1) Councilmember Sessions made a motion to approve Ordinance No. 18-0913D adopting the FY 2018-19 Budget. 2nd by Mayor Pro Tem Montini
- 2) Councilmember Sessions made a motion to amend the motion to approve Ordinance No. 18-0913D to move the \$25,000.00 proposed for a fireworks event to road maintenance in the FY 2018-19 Budget. Motion to amend was 2nd by Mayor Pro Tem Montini

Vote: motion to approve the amendment to Councilmember Sessions' motion to approve Ordinance No. 18-0913D was unanimous
For: Sessions, Simpson, Montini, Lambert, Hardeman
Against: none
Present not voting: Dewing (Mayor)

Vote: motion to approve the amended motion to approve Ordinance No. 18-0913D was unanimous
Record Vote: Sessions, Simpson, Montini, Lambert, Hardeman
Against: none
Present not voting: Dewing (Mayor)

- 3) Mayor Pro Tem Montini made a motion to ratify the property tax increase reflected in the FY 2018-19 Budget because the Budget will raise more total property taxes than last year's budget by \$373,371 or 31.9%, and of that amount \$222,296 is a revenue increase from new property added to tax roll this year. 2nd by Councilmember Simpson

Vote: motion to approve unanimous
For: Sessions, Simpson, Montini, Lambert, Hardeman
Against: none
Present not voting: Dewing (Mayor)

- L. Councilmember Hardeman made a motion to approve Ordinance No. 18-0913E of the Town Council of the Town of Northlake, Texas, fixing and levying municipal ad valorem taxes of the Town of Northlake, Texas, for the Fiscal year beginning October 1, 2018 and ending on September 30, 2019 at the rate of \$0.29500 per one hundred dollars (\$100.00) and for directing the assessment thereof; providing for a date on which such taxes become due and delinquent together with penalties and interest; hereon providing for repealing, savings, and severability clause providing for an effective date of this ordinance and providing for the publication of the caption thereof. 2nd by Councilmember Simpson

Vote: motion to approve unanimous
For: Sessions, Simpson, Montini, Lambert, Hardeman
Against: none
Present not voting: Dewing (Mayor)

- N. Ordinance amending Article 5, "Zoning Districts," of the Unified Development Code of the Town of Northlake by establishing an Agricultural "AG" Zoning District; by eliminating the Conservation Residential Overlay "CRO" Zoning District; and by adopting or amending certain regulations applicable to certain Zoning Districts within the Town

- i. Mayor Dewing opened the public hearing at 8:36 pm to hear comments on the proposed ordinance

- No one came forward for or against

Mayor Dewing closed the public hearing at 8:37 pm

- ii. Councilmember Sessions made a motion to approve Ordinance No. 18-0913G to allow proposed amendments related to Pawn Shops and Veterinarian clinics. 2nd by Councilmember Lambert

Vote: motion to approve unanimous
For: Sessions, Lambert, Hardeman, Montini, Simpson
Against: none
Present not voting: Dewing (Mayor)

- O. Mayor Pro Tem Montini made a motion to nominate Northlake resident Michael Savoie to serve on the Small Cities Board of Directors of the Denton County Transportation Authority (DCTA). 2nd by Councilmember Simpson

Vote: motion to approve unanimous
For: Sessions, Simpson, Montini, Lambert, Hardeman
Against: none
Present not voting: Dewing (Mayor)

8. By general consent, the council convened into Executive Session at 8:47 pm to discuss the items 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) Supreme Court of Texas - Town of Northlake vs City of Justin. No. 18-0651

- 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 maintenance of roadway and utility improvements and other public purposes permitted by law

By general consent, the council reconvened into Open Session at 9:04 pm

1. No action - 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
2. Councilmember Simpson made a motion to authorize the Mayor to hire a special prosecutor for a limited engagement related to a pending case in the municipal court.
2nd by Councilman Lambert

Vote:	motion to approve unanimous
For:	Sessions, Simpson, Montini, Lambert
Against:	none
Present not voting:	Dewing (Mayor), Hardeman (recused)

9. Mayor Dewing adjourn the meeting at 9:06 pm

Passed and approved on this the 11th day of October 2018



Attest:

Shirley Rogers
Shirley Rogers, Town Secretary

Town of Northlake, Texas

P. Dewing
Peter Dewing, Mayor