

1. Agenda

Documents:

[3-28-2019 AGENDA.PDF](#)

2. Meeting Materials

Documents:

[COUNCIL PACKET 3-28-19.PDF](#)



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

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

**Town Council Agenda
Thursday, March 28, 2019 at 7:00 pm
1500 Commons Circle Suite 300 – Chamber Room
Northlake, Texas 76226**

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 28, 2019 at 7:00 pm at the Northlake Town Hall in the Chamber Room, 1500 Commons Circle, Suite 300, 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
 - A. Hotel Conference Center
 - B. Update from Hillwood Communities on Harvest and Pecan Square
 - C. Request for a zoning change from Rural Residential (RR) to Commercial Planned Development (CPD) for an approximately 50.334-acre tract of land located on the east side of IH 35W approximately 3,400 feet north of FM 1171. AIL Investment, LP is the owner/applicant/developer. Peloton Land Solutions is the engineer/surveyor. Case # PD-19-002
3. 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
 - D. Consider for approval the Town Council meeting minutes of 2-28-19
 - E. Consider for approval a resolution authorizing continued participation with the Atmos Cities Steering Committee; and authorizing the payment of five cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation (Resolution No. 19-5)

- F. Consider for approval a resolution authorizing continuing participation with the steering committee of cities served by Oncor; and authorizing the payment of eight cents per capita to the steering committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company LLC (Resolution No. 19-6)
 - G. Consider for approval a resolution authorizing the Town Administrator to contract with Halff Associates Inc. for The Highlands Phase 2 Inspection Services (Resolution 19-7)
 - H. Consider for approval the First Amendment to Lease Agreement between the Town of Northlake and Covenant H Properties LLC
 - I. Consideration and approval of consent to allow Taylor, Olson, Adkins, Sralla & Elam LLP to act as an intermediary between the Town of Northlake and the Town of Flower Mound to draft an interlocal agreement for the Town of Flower Mound to conduct limited animal services for the Town of Northlake and authorize the Town Administrator to negotiate and enter into an interlocal agreement between the Town of Northlake and Town of Flower Mound for the Town of Flower Mound to provide certain animal services to the Town of Northlake.
6. Regular Items
- J. Consider for approval proposed amendments to Article 1 General Provisions of the Unified Development Code (UDC) for rough proportionality determinations for all plat and development applications and providing for procedures and for appeals to the Town Council and court for those determinations
Case# UDC-19-001
 - i. Public Hearing
 - ii. Ordinance 19-0328A
 - K. Consider for approval zoning change request to amend the Mixed-Used Planned Development (MPD) zoning district adopted by Ordinance No. 14-0410, to add RV Storage and RV Park as permitted uses on Tract B, approximately 34.6 acre tract of land located on the west side of Cleveland-Gibbs Road approx. 1,300 feet north of Edna Lane. Owner-Henry Investment Group. Applicant - G&A|McAdams Case# PD 19-001
 - i. Public Hearing
 - ii. Ordinance 19-0328B
 - L. Consider for approval a Final Plat of Harvest Phase 4C, a subdivision consisting of 39 single-family residential lots and 3 non-residential/open space lots within the extraterritorial jurisdiction of the Town of Northlake on a 18.724-acre tract of land in the Patrick Rock Survey, Abstract No. 1063, located on the north side of Old Justin Road approximately 1,200 feet west of Harvest Way. Belmont 407, LLC is the owner/applicant/developer. Jones & Carter, Inc. is the engineer/surveyor. Case # FP-19-001
 - M. Consider for approval a resolution nominating one candidate to a slate of nominees for the Board of Managers of the Denco Area 911 District (Resolution No. 19-8)

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) Supreme Court of Texas - Town of Northlake vs City of Justin. No. 18-0651
 - (c) Case # FP 18-020 considered by the Town at the January 24, 2019 Town Council meeting; or
 - (d) 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
- b. 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
- c. Section 551.087 Economic Development negotiations for Hotel Conference Center Incentives

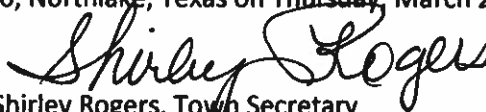
8. Open Session

- N. Consider 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 .2707 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
 - i. Resolution No. 19-

9. Adjournment

CERTIFICATION

I hereby certify that the above agenda was posted on the bulletin board at Town Hall
1500 Commons Circle, Suite 300, Northlake, Texas on Thursday, March 21, 2019 by 7:00 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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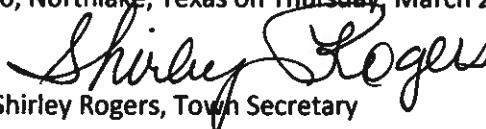
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Regular Work Session

Agenda Item 1



Briefing Items

Agenda Item 2

Memo

To: Honorable Mayor and Town Council
From: Drew Corn, Town Administrator
CC: Nathan Reddin, Development Director
Shirley Rogers, Town Secretary
Date: March 28, 2019
Re: Introduction of Developer Groups for Hotel Conference Center Project

Northlake Town Council will hear from two developer groups on a potential partnership with the Town for a hotel and conference center. Based on direction from council, staff will negotiate with the preferred developer group for a hotel and conference center project. Until the Town begins exclusive negotiations, the Town Attorney has determined that discussions must be in public. Presentations will consist of the developer group makeup, their experience in similar public private partnerships, their experience in hospitality and conferences, and potential hotel brands appropriate for this project. Specific agreement deal points and incentives will not be discussed at this meeting but will be brought back to Council in future executive sessions. Out of professional courtesy, we have asked each group not to attend the presentation of the other group.

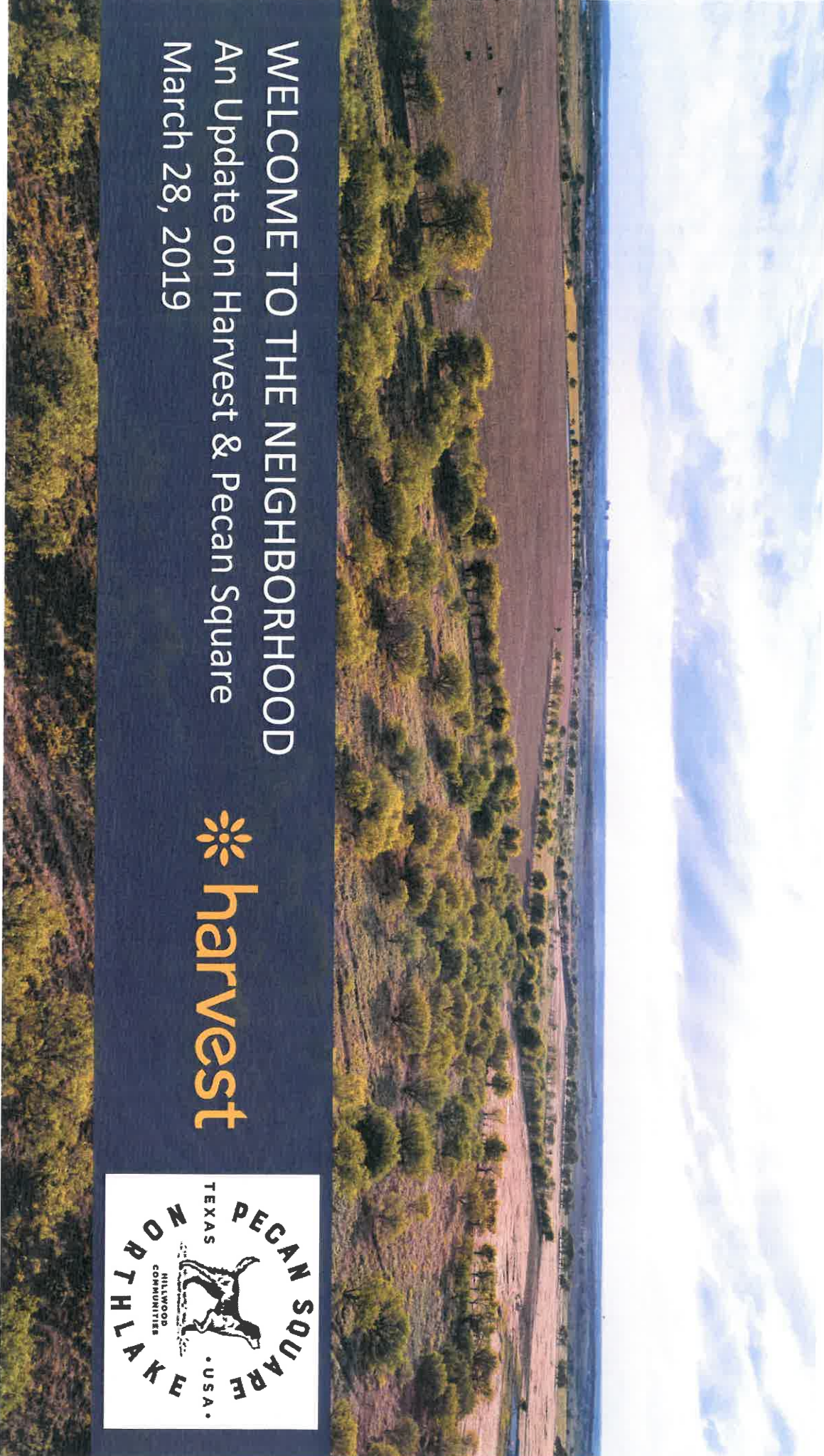
Please contact me at 940.242.5701 if you have any questions or comments.

Memo

To: Honorable Mayor and Town Council
From: Drew Corn, Town Administrator
CC: Nathan Reddin, Development Director
Shirley Rogers, Town Secretary
Date: March 28, 2019
Re: Update from Hillwood Communities on Harvest and Pecan Square

Based on suggestions from Mayor Dewing and Mayor-elect Rettig, Hillwood Communities has agreed to give more frequent updates to Town Council on the master-planned communities of Harvest and Pecan Square. Each project has gone through multiple series of presentations throughout the development processes including concept plan, zoning, district creation, and developer agreement. However, more recent council members have not had an opportunity to directly interface with Hillwood with their comments and suggestions in a public forum.

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



WELCOME TO THE NEIGHBORHOOD

An Update on Harvest & Pecan Square

March 28, 2019

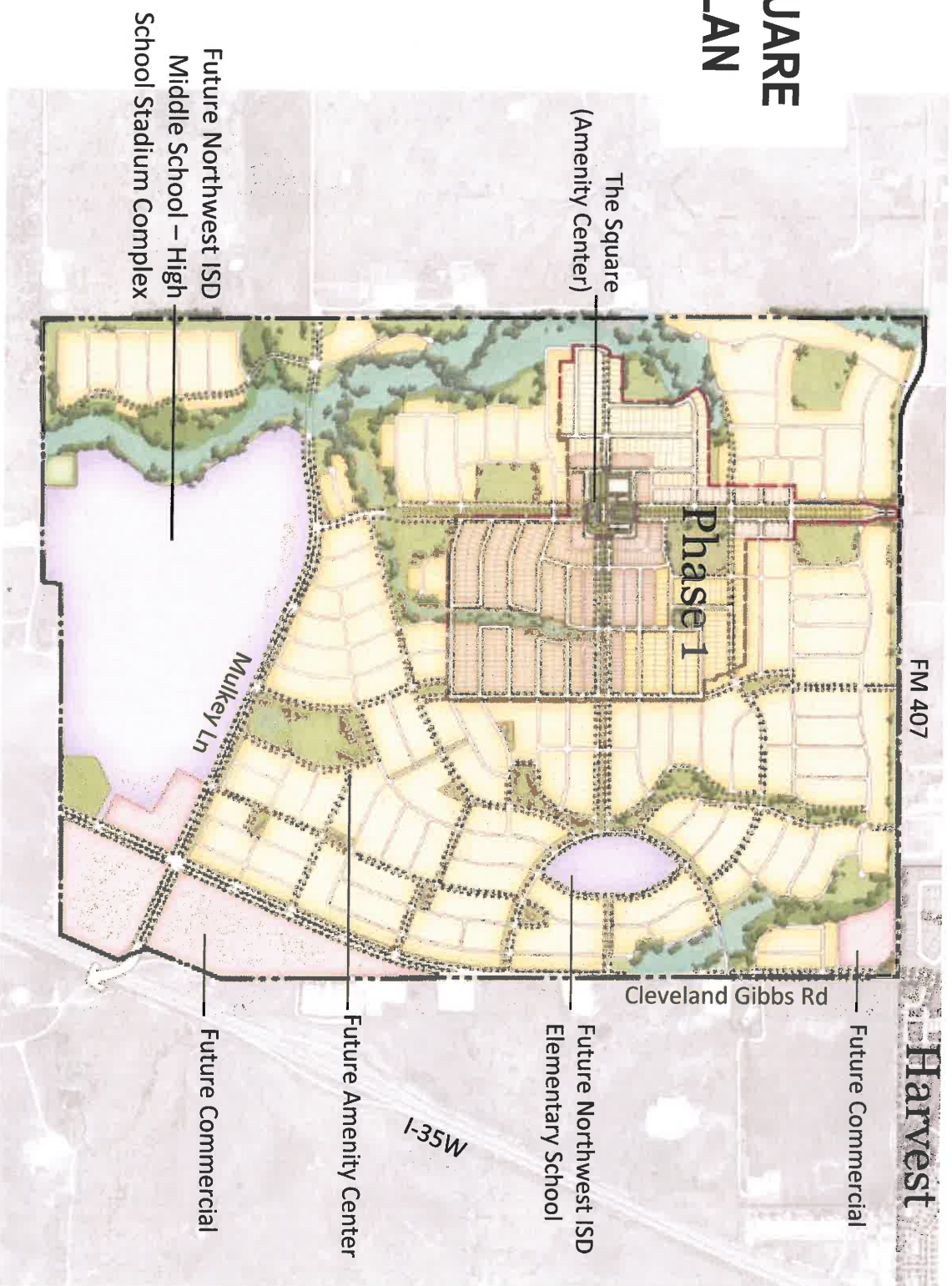




PECAN SQUARE™

BY HILLWOOD  COMMUNITIES

PECAN SQUARE MASTER PLAN





PECAN SQUARE AT A GLANCE

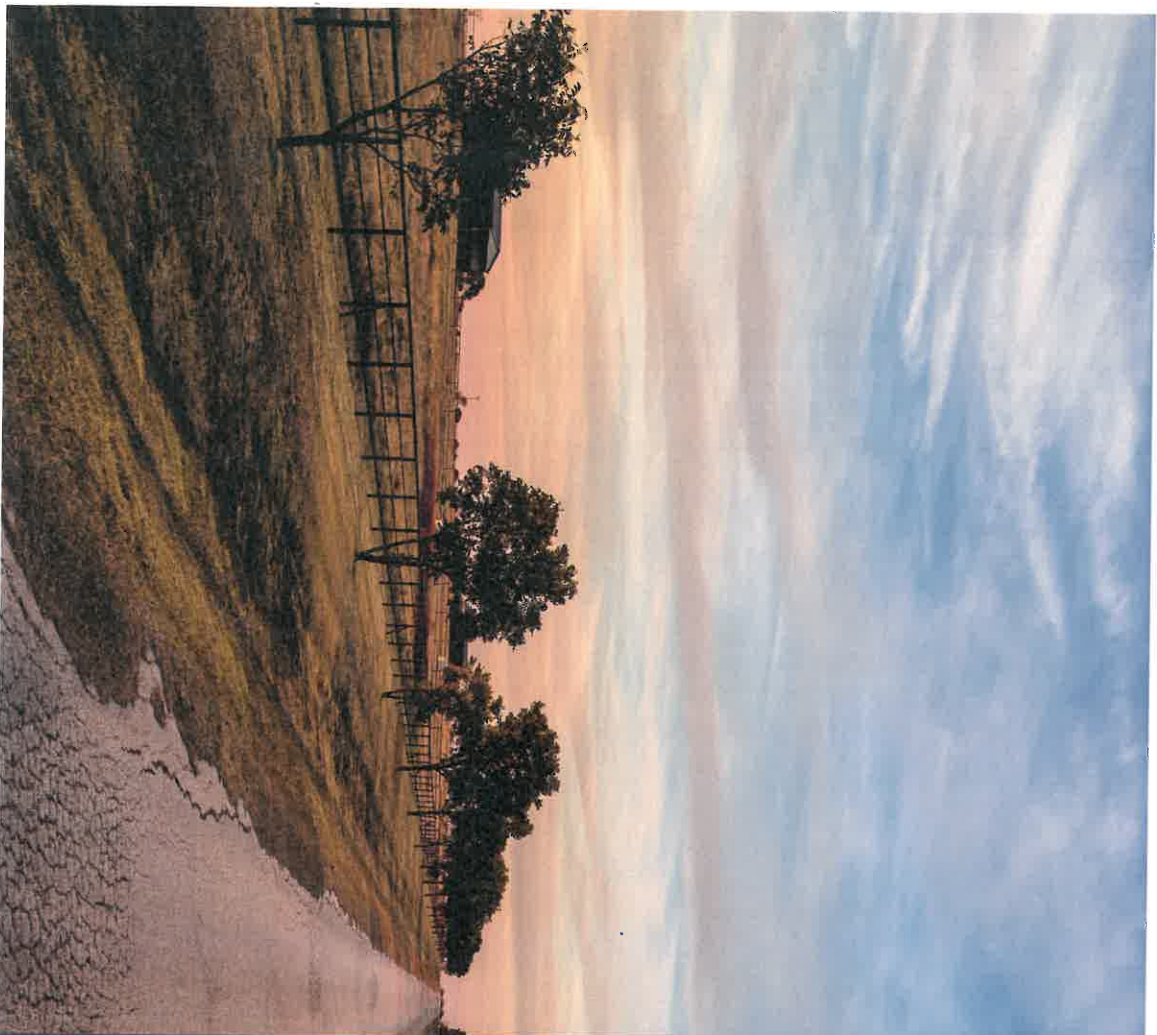
- 3,096 Homes at Build Out (3 Units/Ac)
- 675 Lots in Phase 1
- Model Homes Summer 2019
- MMD Rate is \$0.705; MMD to be disclosed at point of sale, closing, on-site signage and website.
- Total Tax Rate is \$2.81
- 11 acre church sale to Countryside Bible Church (closed March 2019)





PECAN SQUARE AT A GLANCE

- Stormwater Reuse Irrigation
- 200+ Pecan Trees preserved
- Amazon Partnership
- Upgraded Internet Speeds (.5 GIG standard)
- Rural buffer Along 407 Frontage
- Community Charity give back

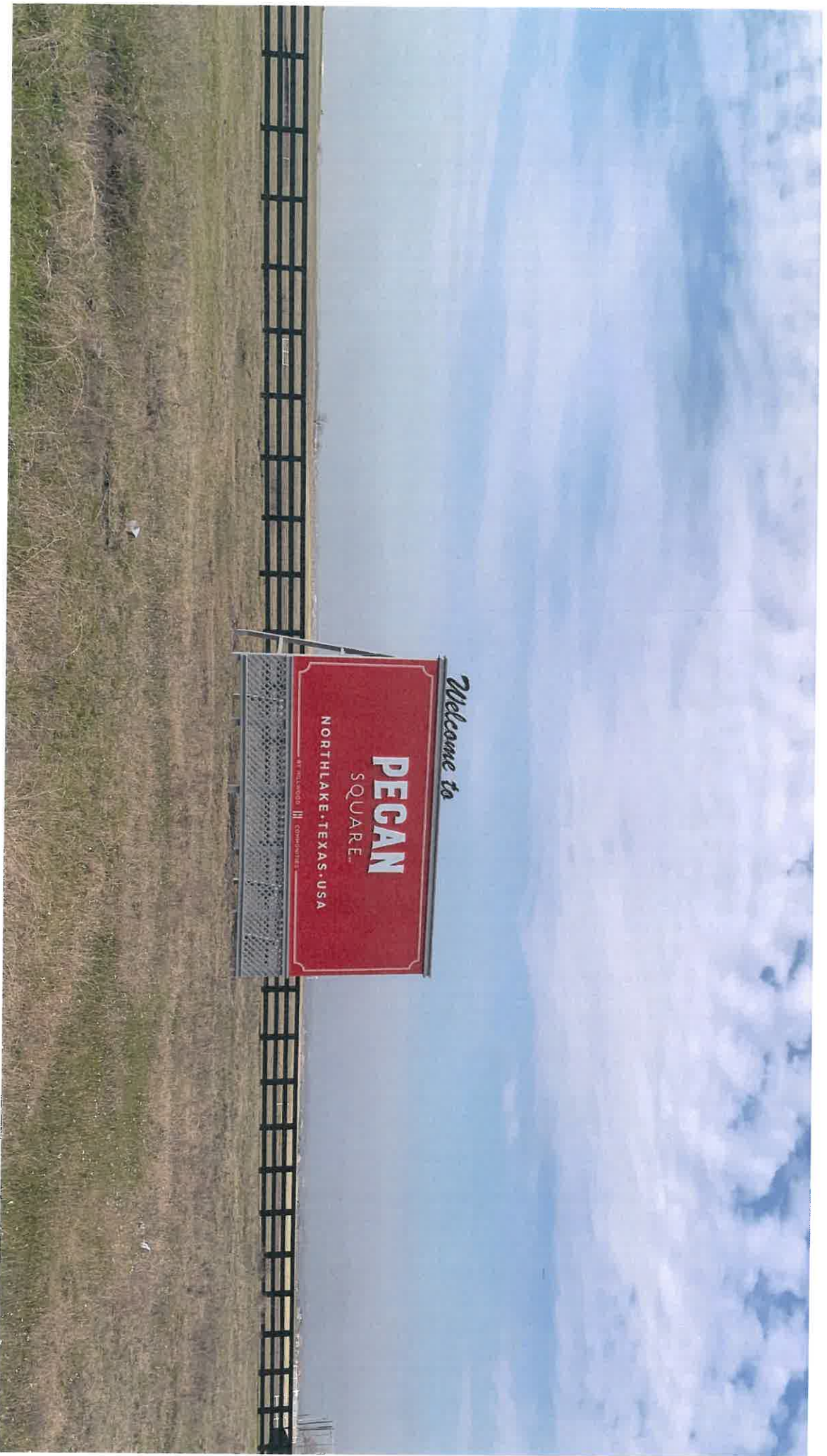


PECAN SQUARE AT A GLANCE

- 6 Acre “Square” to include
 - 2 Resort Pools
 - Co-working Space
 - Community Hall
 - 20K+ sf “arena” with sports courts and dance hall
 - Dog Park
 - Event Space
 - Fitness
 - Package and parcel
 - Play fields, parks, trails
 - Drought Tolerant Landscape
 - Meeting/party rooms, catering kitchen

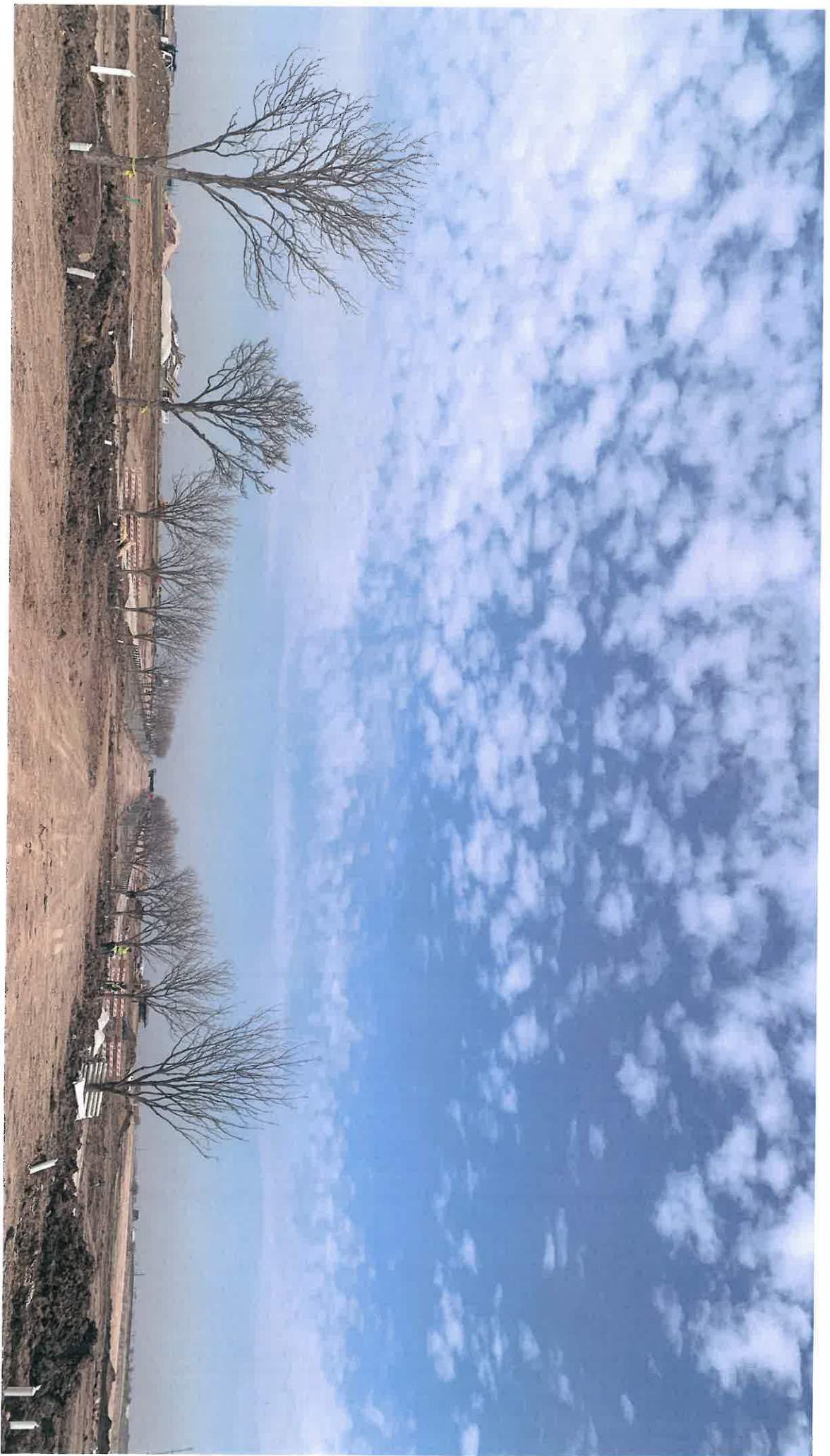
THE WELCOME











EVOLUTION OF THE BARN/HALL



Original Barn

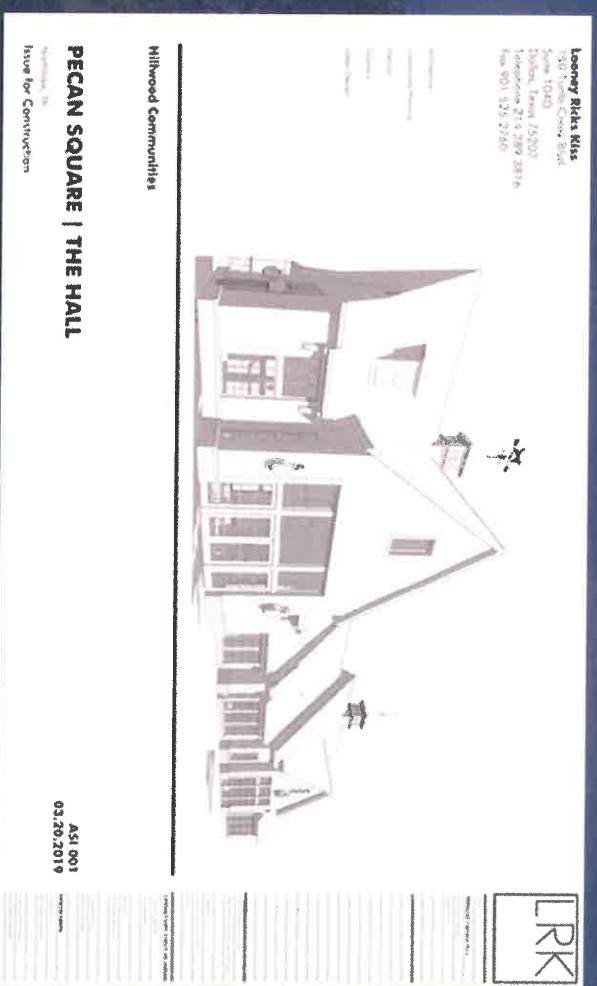


Rendering of Proposed Barn from Design Workshop
(February 2017)

EVOLUTION OF THE BARN/HALL



Rendering of Proposed
after Design Development
(May 2018)



Construction Drawing Permit Issued
(December 2018)

EVOLUTION OF THE BARN/HALL



Building Framing Progress
(February 2019)



Building Roof Framing Starting Progress
(March 19, 2019)



UPCOMING EVENT



TOPPING OUT CELEBRATION – May 21, 2019

Main Objectives:

A small event with a PR/media focus, serves as a soft-launch of Pecan Square. Also serves as a celebration moment at a key development stage. The launch in media begins to put the community on the mental map of buyers and realtors during the key selling season.

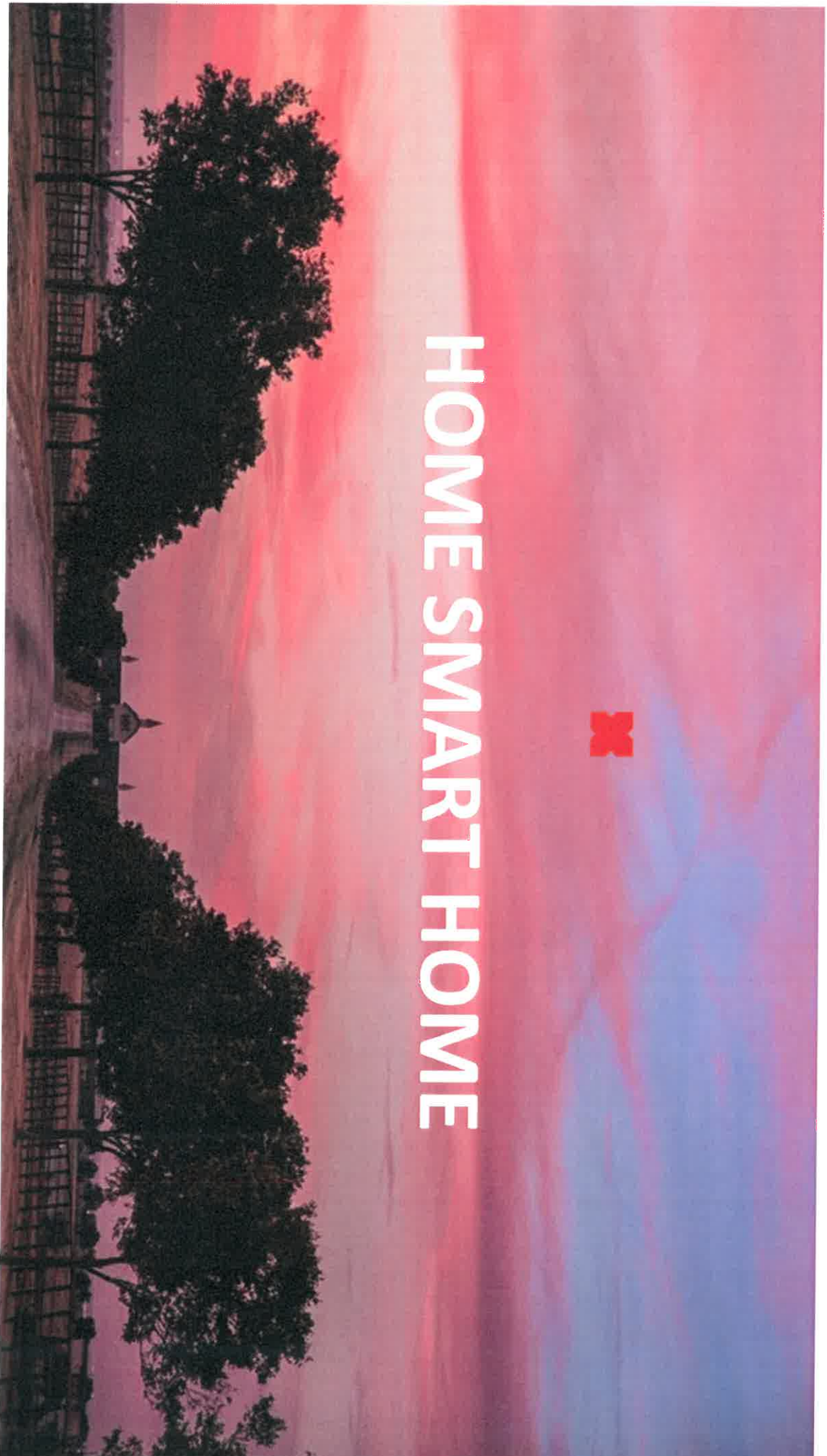
Audience:

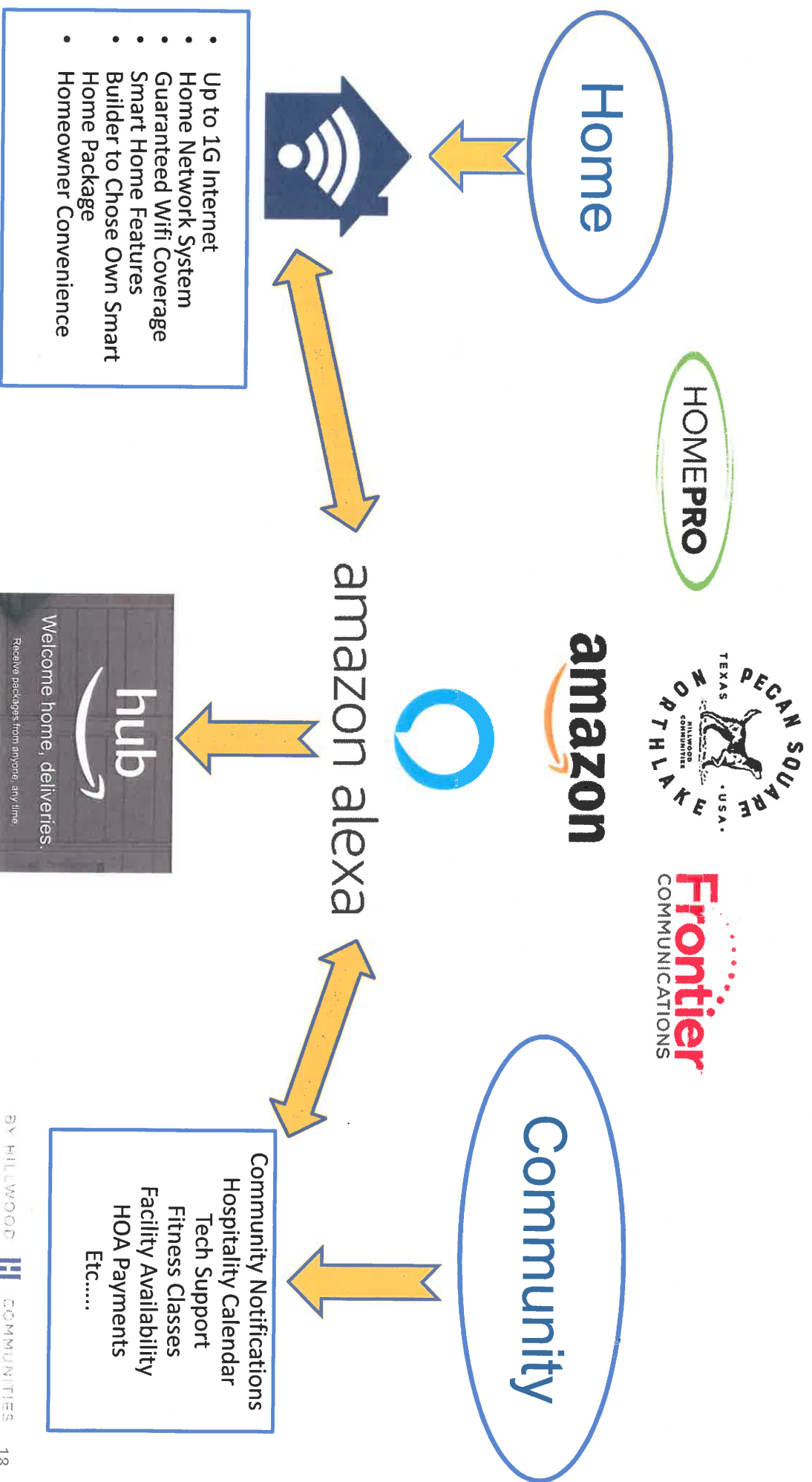
Hillwood, Northlake town officials, Builders, Media/Press





HOME SMART HOME





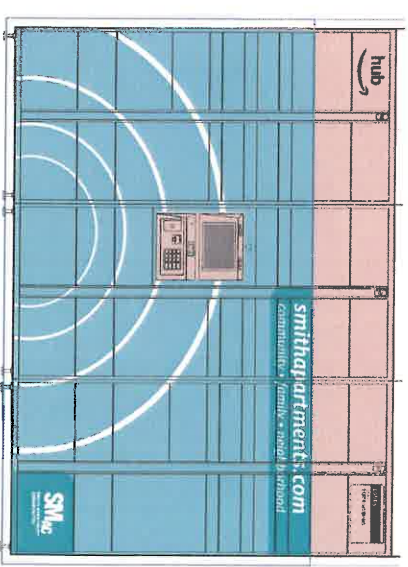
AMAZON AGREEMENT



amazon alexa

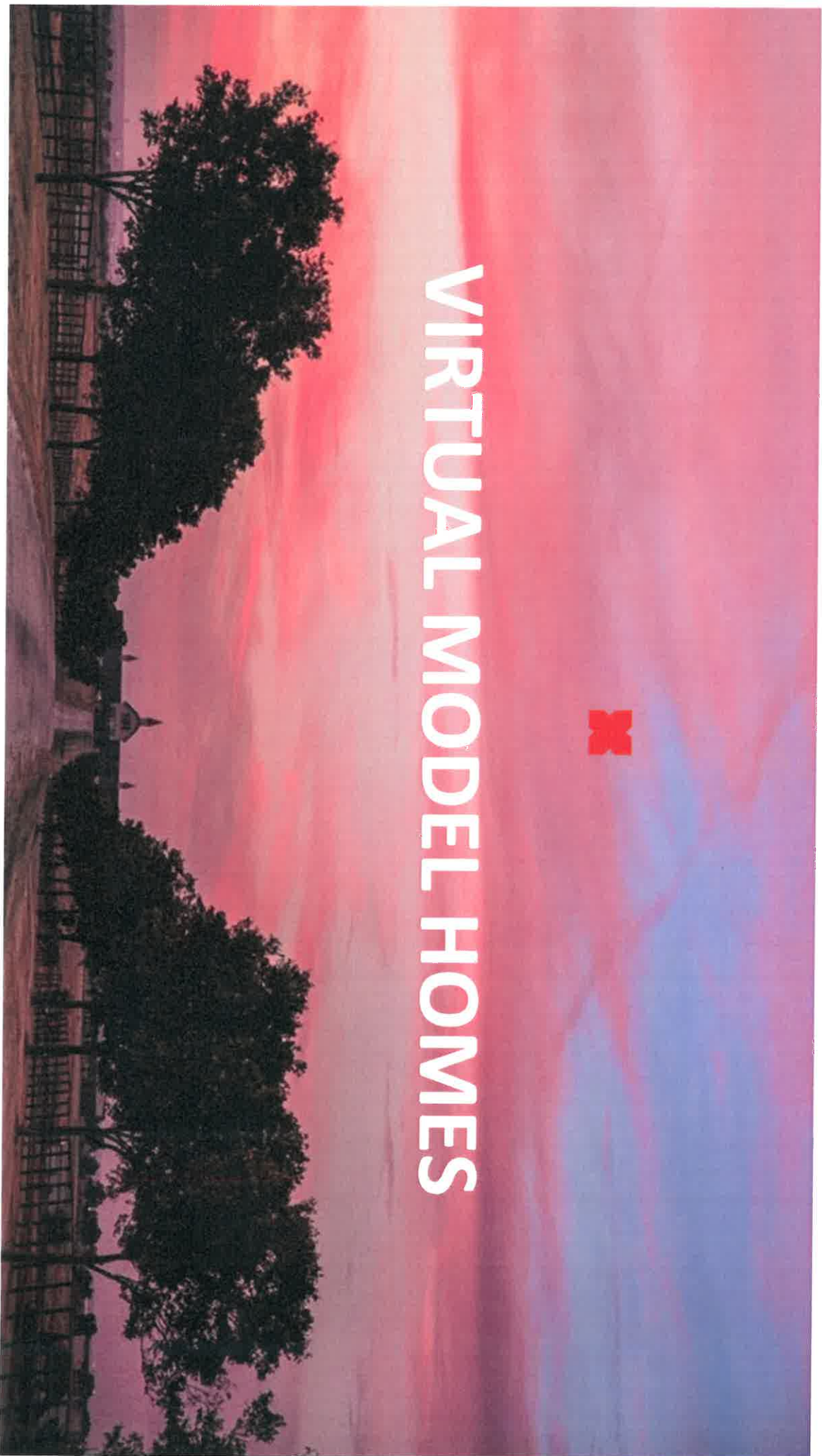


amazon
echoSHOW

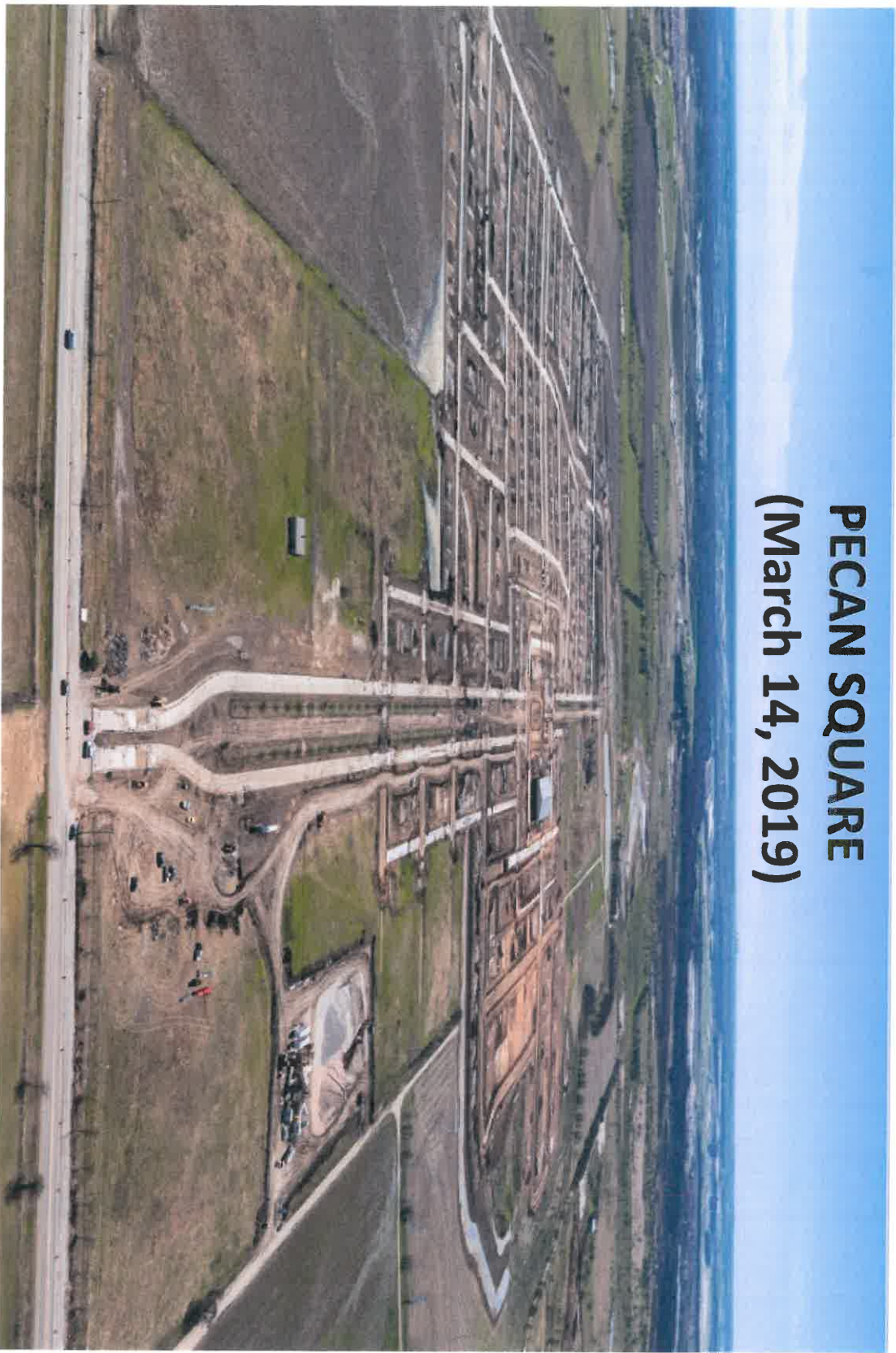


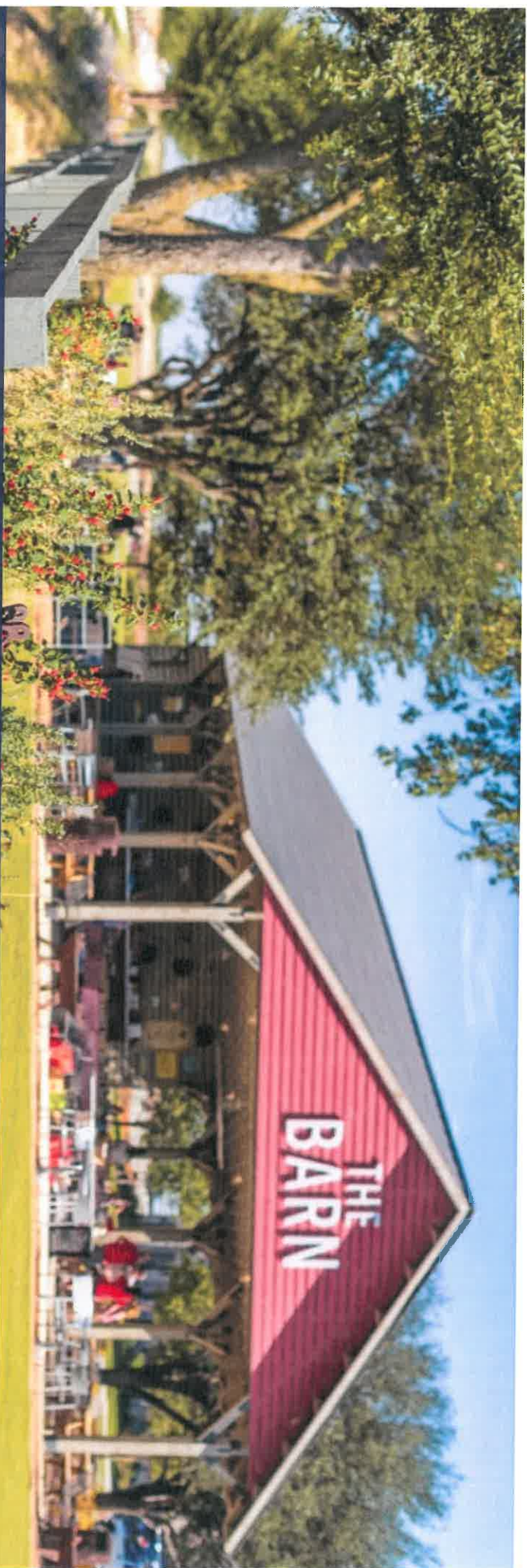


VIRTUAL MODEL HOMES



PECAN SQUARE (March 14, 2019)





Harvest Update

* harvest



HARVEST LAND PLAN



HARVEST AT-A-GLANCE

Development stats

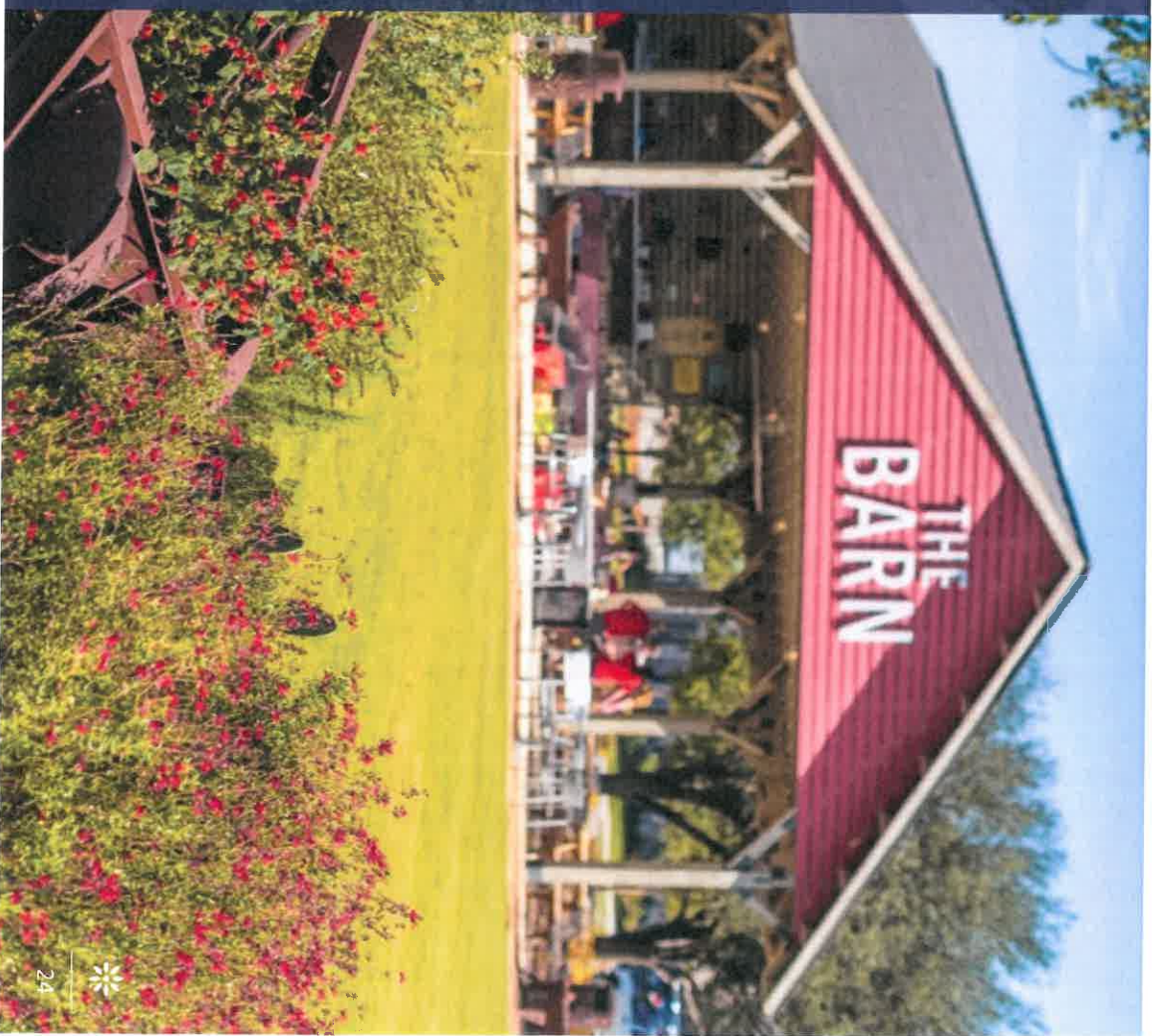
- Grand opened October 2013
- ITD Home sales: 1425 (3200 at build out)
- 405 Homes sold in 2018
- #1 Selling Community in DFW
- #30 Selling Community in the nation

Average home price: \$3350K

Added empty nester product at Harvest Townside in 2018

Added 20K square feet of retail in 2018

- Northlake Town Hall
- Medical offices
- Salon
- Daycare (under construction)
- 7-Eleven (opened February 2018)



AMENITIES ADDED IN 2018

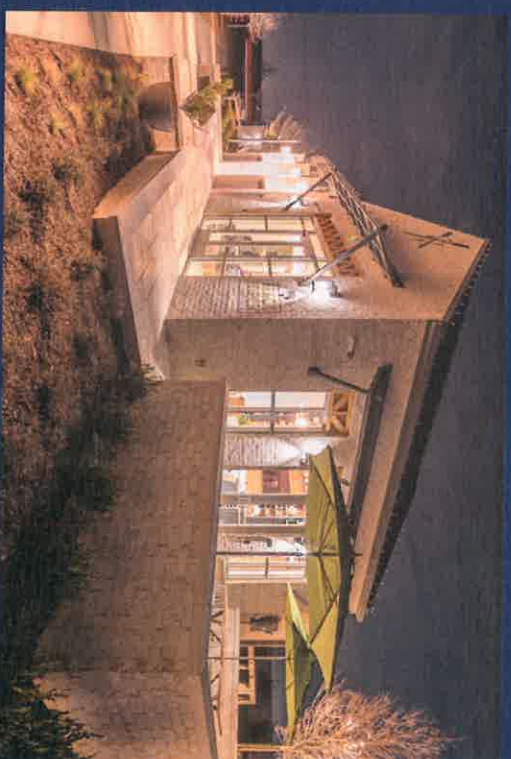
The Back Porch

- Grand opened November 2018
- Includes pizza Oven, gas grill, green egg, fire pit, bocce ball, swings, party

The Meadows Pool

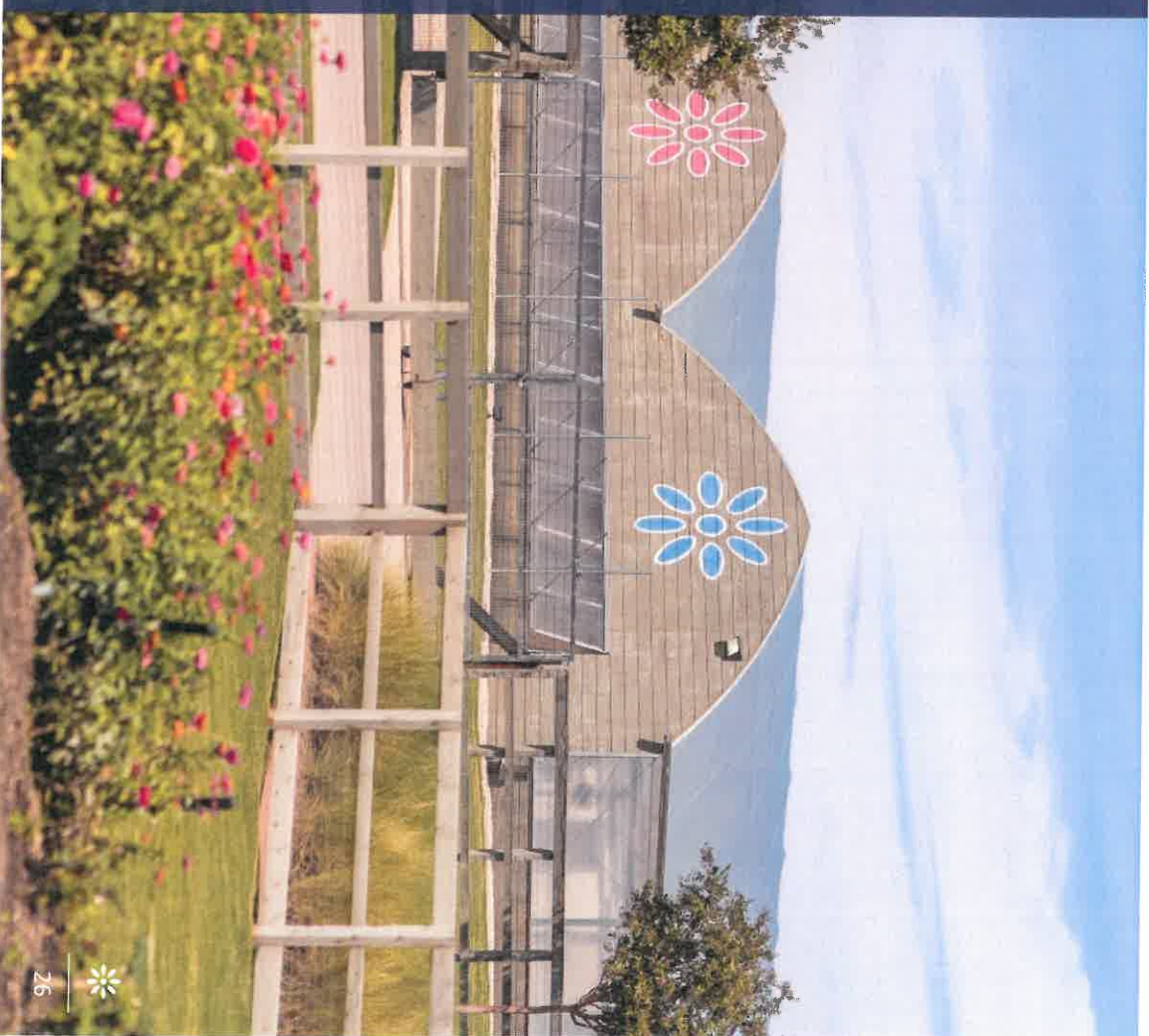
Additional ball fields

Coming in 2019: Dog Park!



HARVEST FARMS

- The greenhouse is a five bay unit utilized by our professional farmer.
- Thousands of pounds of produce have been grown in the greenhouse including tomatoes, lettuce, bell peppers, carrots, beets, turnips, squash, radishes, eggplant, etc.
- Produce from the greenhouse is sold primarily at farmers markets in Denton and Keller, as well as high end restaurants in Denton and Dallas
- 1,500 meals donated to the North Texas Food Bank from the greenhouse in 2018 or 500 lbs of fresh produce.





FARM EVENTS

- 5 Fruit picking days
- 3 Planting days
- 4 farm to table dinners with residents (\$25/cost)
- 4 Junior gardeners classes
- 2 Harvest Sprouts programs
- Adult classes with Ross in the garden
- 20 hours a week, Ross is available for consultation
- 2 Spring planting workshops
- Demonstration garden, with cooking classes
- Recipes
- 2019 will be adding Scout BSA badge opportunities



GARDEN PLOTS

- 118 Total Garden Plots
- 5 Plots used to grow produce for the North Texas Food Bank
- Cost is \$60 to \$100 per year for rental



HARVEST CSA PROGRAM

The community supported agriculture program is a monthly subscription where residents sign up to receive a weekly bag of organic produce delivered to their door. Farmer Ross partners with other small local farms to provide an array of fresh food for the residents. Farmer Ross supplies recipes and the residents share their recipes on the Farm Facebook page. The cost is equivalent to organic produce at grocery stores.

Cost is \$25/week
120+ participating
families





HARVEST COFFEE HOUSE & TREASURES

- Celebrated 1 year anniversary on Saturday, September 22nd
- Pumpkin Patch and Christmas Tree Lot
- Now has two Locations...Harvest & Cross Timbers Church
- 7 Employees
- Now serving donuts!

WINNER! Best of Denton County 2018
(best cup of coffee)

HARVEST GROUPS

- Harvest Care Team
- Harvest Teen Council
- Harvest Veterans Group
- Harvest Masters (50+ years old min)
- Harvest Trading Post
- Harvest Homeschoolers
- Harvest Ladies Bunco
- Harvest Pets
- Harvest Running Club
- Harvest Walking Club
- Special Kids of Harvest
- Harvest Prays
- Camp Gladiator: Harvest
- Harvest Recipe Exchange
- UnSpun – Listening Collective
- Harvest Hunting Club
- Harvest Cancer Support Group
- Harvest Mom's Group
- Harvest Gardening Club



GIVE BACK TO OUR COMMUNITY

- Facilitated placement of Lance Thompson (NISD) on-site elementary school opening Fall 2019
- Land donation of Argyle West (AISD) on-site elementary school opening Fall 2019
- Land Donation to ESD #1 for Fire Station on-site, opened 2018
- Community Benefit Fee providing ongoing support to Northwest and Argyle ISD



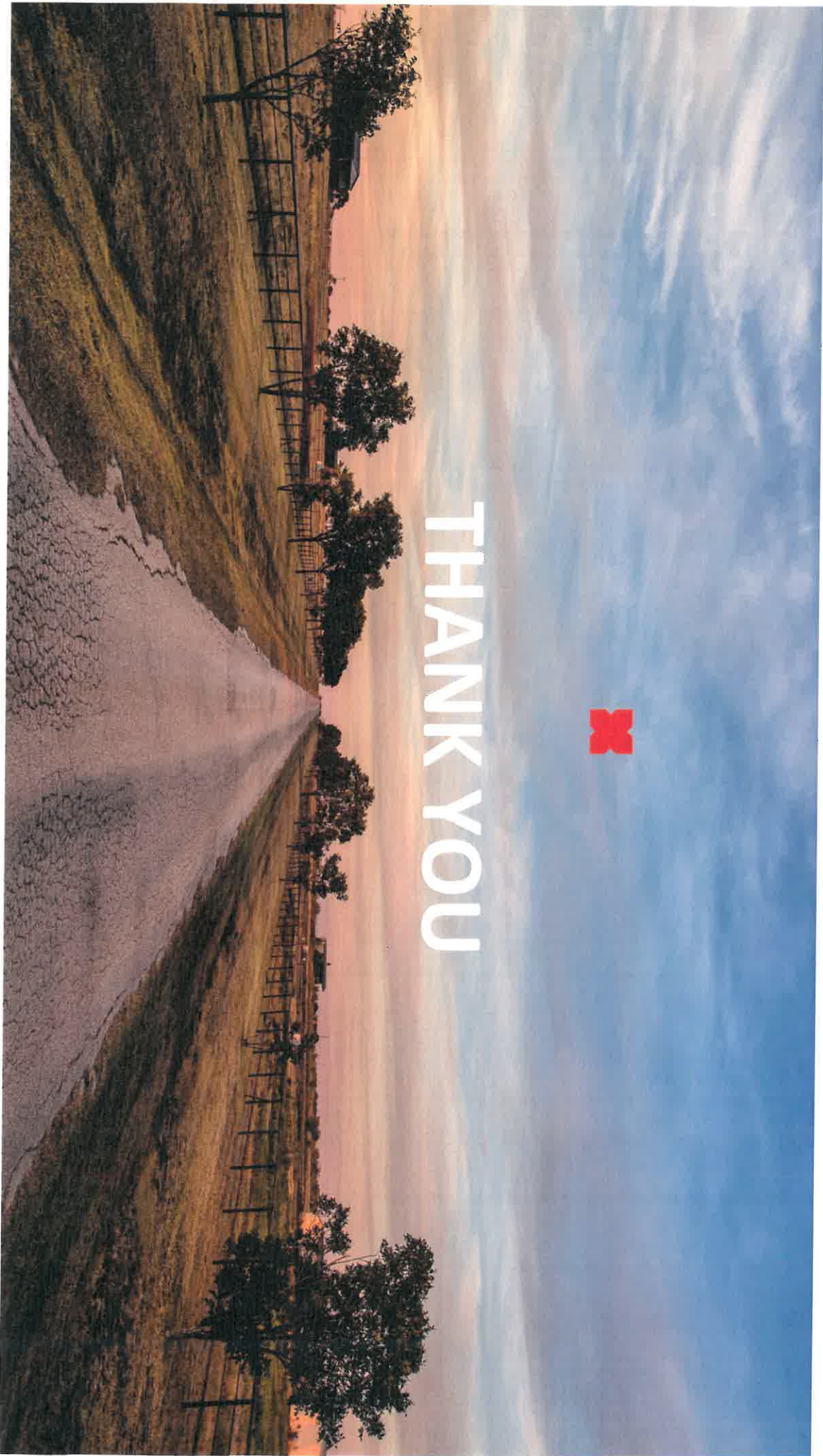
GIVE BACK TO OUR COMMUNITY

- Donation of nearly 60,000+ meals to North Texas Food Bank ITD
- Donation of two mortgage-free homes to wounded military veterans
- Annual Back the Blue event honoring Northlake Police Department
- Preserved and renovated 160 year old Faught Farmhouse
- Land Donation in 2019 for Northlake elevated water storage tank





THANK YOU

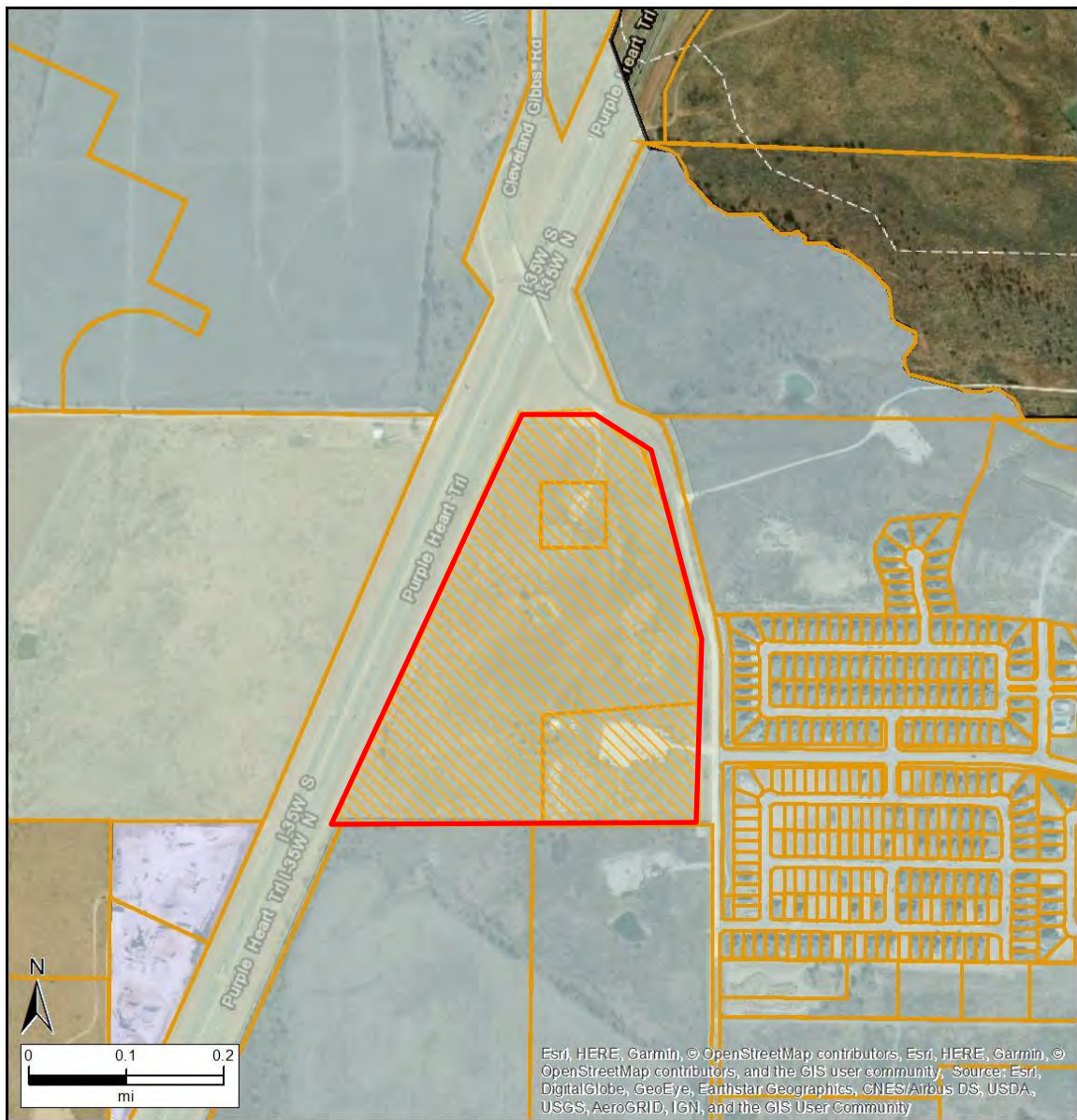


Memo

To: Honorable Mayor and Town Council
From: Nathan Reddin, Development Director
CC: Drew Corn, Town Administrator
Shirley Rogers, Town Secretary
Date: March 28, 2019
Re: Request for zoning change from RR to CPD

The purpose of this briefing is to present a proposed zoning change by AIL Investment, LP, the owner of an approximately 50.334-acre tract of land located on the east side of IH 35W approximately 3,400 feet north of FM 1171. The applicant proposes to rezone the property from Rural Residential (RR) to Commercial Planned Development (CPD) to allow for commercial uses as well as Mini-Warehouse/Public Storage and Outdoor Storage in a limited capacity on the site. The site has frontage on IH 35W and is surrounded by Mixed-Use Planned Development (MPD) zoning on all other sides, including Canyon Falls to the north and east and the MPD for the development originally proposed as the Speedway Town Center to the south. The Future Land Use Map of the Comprehensive Plan shows the site within the Mixed Use (MU) Character Area and the Highway Corridors (HC) Special Area which both allow for commercial uses. Details of the request are still under review and will be presented at the meeting. The zoning change request will be scheduled for action along with a public hearing at a subsequent Town Council meeting.

Please contact me at 940.242.5703 if you have any questions about this request.



Site of proposed zoning change from RR to CPD



Regular Session

Agenda Item 3



Public Input

Agenda Item 4



Consent Items

Agenda Item 5



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**Town Council Meeting Minutes
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1. Mayor Peter Dewing called the workshop to order at 7:00 pm, quorum present

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

Staff present: Drew Corn, Town Administrator; Nathan Reddin, Development Director; Robert Crawford, Chief of Police; Eric Tamayo, Public Works Director; Karen Bolyard, Finance Director; Leann Oliver, Court Administrator; Mark Toler, PW Inspector; Detective Doug Williams; Brandon Doughty, PW Crew Leader; Sergeant Alex Arnold; Officer Matt Koeper; and Shirley Rogers, Town Secretary

Consultants present: Ashley Dierker, Town Attorney; Ben McGahey, PE, Town Engineer; Mike Vail, CPA, Town Auditor

2. Special Recognition

Mayor Dewing recognized Mark Toler for his 5 Years of Service in the Public Works Department, presented him with a plaque

Chief Crawford recognized Douglas Williams for his 5 Years of Service as a Northlake Police Officer, presented him with a plaque

Chief Crawford announced Douglas Williams as Northlake's Police 2018 Officer of the Year, presented him with a plaque and Officer of the Year badge

3. Briefing Items

- A. Mike Vail of M. Vail & Associates presented the 2018 Financial Statement ending September 30 2018

Mayor Pro Tem Montini expressed his desire to have a financial consultation on the town's risk and debt trajectory to include a process and procedure audit as well as a culture or climate survey to make sure Northlake has the pieces in place today to be responsible and successful in the future, to be prepared for any situation. Asked staff to solicit bids from appropriate firms that can do the job and would like to form

a committee that would interface with the firm. Has volunteered to chair the committee and asked Councilmembers Hardeman and Sessions to join the committee if they want

- B. Nathan Reddin presented a request to amend Mixed-Use Planned Development (MPD) zoning Ordinance No. 14-0410 to add RV Storage and RV Park as permitted uses on Tract B, an approximately 34.6-acre tract of land located on the west side of Cleveland-Gibbs Road approximately 1,300 feet north of Edna Lane. Case # PD-19-001
- C. Nathan Reddin briefed the council on the new website redesign, roll out the week of March 11th

4. Regular Meeting to Order

Mayor Dewing called the regular meeting to order at 7:42 pm, all members present
Pledge of Allegiance and a Moment of Silence was observed

5. Public Input

- Northlake resident Bruce McDonald offered an apology to Councilmember Lambert for his actions made last week, inappropriate; highly disappointed with council for failure to pass plat that was a simply administrative action at last council meeting
- Northlake resident David Rettig, Mayor-Elect, commented he was grateful for spending the next couple of months preparing to step in as Mayor. Lives in Canyon Falls, loves the community, not coming in with own agenda. Likes what has been done on the west side of town. Excited about the opportunity to serve the community and engage with the residents. Thanked Pete Dewing for his work as Mayor. Thanked Drew Corn for meeting with him and explaining how the town operates. Looks forward to serving the residents of Northlake

6. Consent Items

Mayor Dewing pulled Item E on behalf of Mayor Pro Tem Montini
Mayor Dewing pulled Item G on behalf of Council Member Hardeman

Councilmember Simpson made the motion to approve consent items D and F. 2nd by Mayor Pro Tem Montini

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

- D. Town Council meeting minutes of 1-24-19
- F. Northlake Management and Improvement Services Agreement Northlake Public Improvement District No. 1 (Harvest Residential) between the Town of Northlake and FirstService Residential
- E. Mayor pro Tem Montini made the motion to approve Resolution No. 19-4 designating the months of March and September as Beautification Months. 2nd by Councilmember Simpson

Vote: motion passed unanimous
For: Montini, Simpson, Sessions, Lambert, Hardeman

Against: none

- G. Councilmember Hardeman made the motion to approve Interlocal Agreement between the Town of Northlake and Town of Argyle to amend each Town's respective retail sewer service areas to be consistent with the town limits and extraterritorial jurisdiction for each Town. 2nd by Mayor Pro Tem Montini

Vote: motion passed unanimous

For: Hardeman, Montini, Lambert, Sessions, Simpson

Against: none

7. Regular Items

- H. Councilmember Lambert made the motion to approve the Interlocal Cooperation Agreement between the Town of Northlake and Belmont Fresh Water Supply District No. 1 of Denton County for the use of pavers on Old Justin Road and show the effective date as 2/28/19 on page 2. 2nd by Mayor Pro Tem Montini

Vote: motion passed unanimous

For: Lambert, Montini, Hardeman, Sessions, Simpson

Against: none

Mayor Dewing stated he had received an email from resident who lived in Brian's Place subdivision who was in favor of the proposed design of Old Justin Road and using the pavers

- I. Mayor Pro Tem Montini made the motion to accept the FY 2018 Financial Audit ending September 30, 2018. 2nd by Councilmember Sessions

Vote: motion to approve unanimous

For: Montini, Sessions, Simpson, Lambert, Hardeman

Against: none

- J. Councilmember Hardeman made the motion to approve the Order of Cancellation for the May 4, 2019 General Election. 2nd by Mayor Pro Tem Montini

Vote: motion to approve unanimous

For: Hardeman, Montini, Lambert, Sessions, Simpson

Against: none

8. Mayor Dewing convened the council into Executive Session at 8:01 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) Supreme Court of Texas - Town of Northlake vs City of Justin. No. 18-0651
 - (c) Case # FP 18-020 considered by the Town at the January 24, 2019 Town Council meeting; or

- (d) 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
- 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 551.087 Economic Development negotiations for Hotel Conference Center Incentives

No action taken while in closed session

Councilmember Sessions moved to reconvene into open session at 8:43 pm. 2nd by Mayor Pro Tem Montini

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

9. Mayor Dewing adjourned the meeting at 8:44 pm

Passed and approved on this the 28th day of March 2019

Town of Northlake, Texas

Peter Dewing, Mayor

Attest:

Shirley Rogers, Town Secretary

**TOWN OF NORTHLAKE, TEXAS
RESOLUTION NO. 19-5**

A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING THE PAYMENT OF FIVE CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION

- WHEREAS,** the Town of Northlake is a regulatory authority under the Gas Utility Regulatory Act (GURA) and has exclusive original jurisdiction over the rates and services of Atmos Energy Corporation, Mid-Tex Division (Atmos) within the municipal boundaries of the city; and
- WHEREAS,** the Atmos Cities Steering Committee (ACSC) has historically intervened in Atmos rate proceedings and gas utility related rulemakings to protect the interests of municipalities and gas customers residing within municipal boundaries; and
- WHEREAS,** ACSC is participating in Railroad Commission dockets and projects, as well as court proceedings and legislative activities, affecting gas utility rates; and
- WHEREAS,** the Town is a member of ACSC; and
- WHEREAS,** in order for ACSC to continue its participation in these activities which affects the provision of gas utility service and the rates to be charged, it must assess its members for such costs;

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

I.

That the Town is authorized to continue its membership with the Atmos Cities Steering Committee to protect the interests of the Town of Northlake and protect the interests of the customers of Atmos Energy Corporation, Mid-Tex Division residing and conducting business within the Town limits.

II.

The Town is further authorized to pay its 2019 assessment to the ACSC in the amount of five cents (\$0.05) per capita.

III.

A copy of this Resolution and approved assessment fee payable to "*Atmos Cities Steering Committee*" shall be sent to:

Brandi Stigler
Atmos Cities Steering Committee
c/o Arlington City Attorney's Office, Mail Stop 63-0300
101 S. Mesquite St., Suite 300
Arlington, Texas 76010

PRESENTED AND PASSED on this the _____ day of _____, 2019, by a vote of _____ ayes and _____ nays at a regular meeting of the **Town Council** of the **Town of Northlake, Texas**.

Peter Dewing, Mayor

ATTEST:

Shirley Rogers, Town Secretary

APPROVED AS TO FORM:

Ashley Dierker, Town Attorney

STAFF REPORT ON ASSESSMENT RESOLUTION FOR ATMOS CITIES STEERING COMMITTEE

Purpose of the Resolution:

Most municipalities have retained original jurisdiction over gas utility rates and services within municipal limits. The Atmos Cities Steering Committee (“ACSC”) is composed of 178 municipalities in the service area of Atmos Energy Corporation, Mid-Tex Division that have retained original jurisdiction. Atmos is a monopoly provider of natural gas. Because Atmos has no competitors, regulation of the rates that it charges its customers is the only way that cities can ensure that natural gas rates are fair. Working as a coalition to review the rates charged by Atmos allows cities to accomplish more collectively than each city could do acting alone. Cities have more than 100 years experience in regulating natural gas rates in Texas.

ACSC is the largest coalition of cities served by Atmos Mid-Tex. There are 178 ACSC member cities, which represent more than 60 percent of the total load served by Atmos-Mid Tex. ACSC protects the authority of municipalities over the monopoly natural gas provider and defends the interests of residential and small commercial customers within the cities. Although many of the activities undertaken by ACSC are connected to rate cases (and therefore expenses are reimbursed by the utility), ACSC also undertakes additional activities on behalf of municipalities for which it needs funding support from its members.

The ACSC Membership Assessment Supports Important Activities:

ACSC is actively involved in rate cases, appeals, rulemakings, and legislative efforts impacting the rates charged by Atmos within the Town. These activities will continue throughout the calendar year. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that ACSC be able to fund its participation on behalf of its member cities. A per capita assessment has historically been used and is a fair method for the members to bear the burdens associated with the benefits received from that membership.

Explanation of Resolution Paragraphs:

- I. This paragraph authorizes the continuation of the Town’s membership in ACSC.
- II. This paragraph authorizes payment of the Town’s assessment to the ACSC in the amount of five cents (\$0.05) per capita.
- III. This paragraph requires notification that the Town has adopted the Resolution.

Payment of Assessment

The assessment payment check should be made out to “*Atmos Cities Steering Committee*” and mailed to Brandi Stigler, Atmos Cities Steering Committee, c/o Arlington City Attorney’s Office, Mail Stop 63-0300, 101 S. Mesquite St., Suite 300, Arlington, Texas 76010.

ACSC Cities (178 Members)

Abilene	Fairview	Northlake
Addison	Farmers Branch	Oak Leaf
Albany	Farmersville	Ovilla
Allen	Fate	Palestine
Alvarado	Flower Mound	Pantego
Angus	Forest Hill	Paris
Anna	Forney	Parker
Argyle	Fort Worth	Pecan Hill
Arlington	Frisco	Petrolia
Aubrey	Frost	Plano
Azle	Gainesville	Ponder
Bedford	Garland	Pottsboro
Bellmead	Garrett	Prosper
Benbrook	Georgetown	Quitman
Beverly Hills	Glenn Heights	Red Oak
Blossom	Grand Prairie	Reno (Parker County)
Blue Ridge	Grapevine	Rhome
Bowie	Groesbeck	Richardson
Boyd	Gunter	Richland
Bridgeport	Haltom City	Richland Hills
Brownwood	Harker Heights	River Oaks
Buffalo	Haskell	Roanoke
Burkburnett	Haslet	Robinson
Burleson	Hewitt	Rockwall
Bryan	Highland Park	Roscoe
Caddo Mills	Highland Village	Rowlett
Canton	Honey Grove	Royse City
Carrollton	Hurst	Sachse
Cedar Hill	Hutto	Saginaw
Celeste	Iowa Park	Sansom Park
Celina	Irving	Seagoville
Centerville	Justin	Sherman
Cisco	Kaufman	Snyder
Clarksville	Keene	Southlake
Cleburne	Keller	Springtown
Clyde	Kemp	Stamford
College Station	Kennedale	Stephenville
Colleyville	Kerens	Sulphur Springs
Colorado City	Kerrville	Sweetwater
Comanche	Killeen	Temple
Commerce	Krum	Terrell
Coolidge	Lakeside	The Colony
Coppell	Lake Dallas	Trophy Club
Copperas Cove	Lake Worth	Tyler
Corinth	Lancaster	University Park
Crandall	Lavon	Venus
Crowley	Lewisville	Vernon
Dalworthington Gardens	Little Elm	Waco
Denison	Lorena	Watauga
Denton	Madisonville	Waxahachie
DeSoto	Malakoff	Westlake
Draper	Mansfield	Westover Hills
Duncanville	McKinney	Westworth Village
Early	Melissa	Whitesboro
Eastland	Mesquite	White Settlement
Edgecliff Village	Midlothian	Wichita Falls
Emory	Murphy	Woodway
Ennis	Newark	Wylie
Eules	Nocona	
Everman	North Richland Hills	

City of Arlington, c/o Atmos Cities Steering Committee
 Attn: Brandi Stigler
 101 S. Mesquite St., Ste 300
 MS #63-0300
 Arlington, TX 76010

Invoice

Date	Invoice #
2/21/2019	19-173

Bill To
Town of Northlake

Item	Population	Per Capita	Amount
2019 Membership Assessment	3,630	0.05	181.50
Please make check payable to: Atmos Cities Steering Committee and mail to Atmos Cities Steering Committee, Attn: Brandi Stigler, Arlington City Attorney's Office, 101 S. Mesquite St., Ste 300, MS #63-0300, Arlington, Texas 76010		Total	\$181.50

**TOWN OF NORTHLAKE, TEXAS
RESOLUTION NO. 19-06**

A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF EIGHT CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND LEGAL PROCEEDINGS AND ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC.

- WHEREAS, the Town of Northlake is a regulatory authority under the Public Utility Regulatory Act (PURA) and has exclusive original jurisdiction over the rates and services of Oncor Electric Delivery Company, LLC (Oncor) within the municipal boundaries of the town; and
- WHEREAS, the Steering Committee has historically intervened in Oncor rate proceedings and electric utility related rulemakings to protect the interests of municipalities and electric customers residing within municipal boundaries; and
- WHEREAS, the Steering Committee is participating in Public Utility Commission dockets and projects, as well as court proceedings, and legislative activity, affecting transmission and distribution utility rates; and
- WHEREAS, the Town is a member of the Steering Committee of Cities/Towns Served by Oncor; and
- WHEREAS, the Steering Committee functions under the direction of an Executive Committee which sets an annual budget and directs interventions before state and federal agencies, courts and legislatures, subject to the right of any member to request and cause its party status to be withdrawn from such activities; and
- WHEREAS, the Executive Committee in its December 2018 meeting set a budget for 2019 that compels an assessment of eight cents (\$0.08) per capita; and
- WHEREAS, in order for the Steering Committee to continue its participation in these activities which affects the provision of electric utility service and the rates to be charged, it must assess its members for such costs.

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

I.

That the Town is authorized to continue its membership with the Steering Committee of Cities/Towns Served by Oncor to protect the interests of the Town of Northlake and protect the interests of the customers of Oncor Electric Delivery Company, LLC residing and conducting business within the Town limits.

II.

The Town is further authorized to pay its assessment to the Steering Committee of eight cents (\$0.08) per capita based on the population figures for the Town shown in the latest TML Directory of City Officials.

III.

A copy of this Resolution and the assessment payment check made payable to "*Steering Committee of Cities Served by Oncor*" shall be sent to Brandi Stigler, Steering Committee of Cities Served by Oncor, c/o City Attorney's Office, Mail Stop 63-0300, 101 S. Mesquite St., Suite 300, Arlington, Texas 76010.

PRESENTED AND PASSED on this the _____ day of _____, 2019, by a vote of _____ ayes and _____ nays at a regular meeting of the Town Council of the Town of Northlake, Texas.

Peter Dewing, Mayor

ATTEST:

Shirley Rogers, town Secretary

APPROVED AS TO FORM:

Ashley Dierker, Town Attorney

STAFF REPORT ON ASSESSMENT RESOLUTION FOR STEERING COMMITTEE OF CITIES/TOWNS SERVED BY ONCOR

Purpose of the Resolution

The Town of Northlake is a member of a 162-member cities/towns coalition known as the Steering Committee of Cities Served by Oncor. The resolution approves the assessment of an eight cent (\$0.08) per capita fee to fund the activities of the Steering Committee.

Why this Resolution is Necessary

The Steering Committee undertakes activities on behalf of municipalities for which it needs funding support from its members. Municipalities have original jurisdiction over the electric distribution rates and services within the city. The Steering Committee has been in existence since the late 1980s. It took on a formal structure in the early 1990s. Empowered by city resolutions and funded by per capita assessments, the Steering Committee has been the primary public interest advocate before the Public Utility Commission, ERCOT, the courts, and the Legislature on electric utility regulation matters for over two decades.

The Steering Committee is actively involved in rate cases, appeals, rulemakings, and legislative efforts impacting the rates charged by Oncor Electric Delivery Company, LLC within the Town. Steering Committee representation is also strong at ERCOT. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that the Steering Committee be able to fund its participation on behalf of its member cities. A per capita assessment has historically been used, and is a fair method for the members to bear the burdens associated with the benefits received from that membership.

Explanation of “Be It Resolved” Paragraphs

I. The Town is currently a member of the Steering Committee; this paragraph authorizes the continuation of the Town’s membership.

II. This paragraph authorizes payment of the Town’s assessment to the Steering Committee in the amount of eight cents (\$0.08) per capita, based on the population figure for the Town as shown in the latest TML Directory of City Officials.

III. This paragraph requires notification to the Chair of the Steering Committee, Paige Mims, that the Town has adopted the Resolution.

Payment of Assessment

A copy of the resolution should be mailed with payment of the fee to Brandi Stigler, Steering Committee of Cities Served by Oncor, c/o City Attorney’s Office, Mail Stop 63-0300, 101 S. Mesquite St., Suite 300, Arlington, Texas 76010. Checks should be made payable to: *Steering Committee of Cities Served by Oncor.*



OCSC Membership in Texas (162 Members)

Addison	Fate	North Richland Hills
Allen	Flower Mound	Northlake
Alvarado	Forest Hill	Oak Leaf
Andrews	Forney	Oak Point
Anna	Fort Worth	Odessa
Archer City	Frisco	O'Donnell
Argyle	Frost	Ovilla
Arlington	Gainesville	Palestine
Azle	Garland	Pantego
Bedford	Glenn Heights	Paris
Bellmead	Grand Prairie	Plano
Belton	Granger	Pottsboro
Benbrook	Grapevine	Prosper
Beverly Hills	Haltom City	Ranger
Big Spring	Harker Heights	Red Oak
Breckenridge	Haslet	Rhome
Bridgeport	Heath	Richardson
Brownwood	Henrietta	Richland
Buffalo	Hewitt	Richland Hills
Burkburnett	Highland Park	River Oaks
Burleson	Honey Grove	Roanoke
Caddo Mills	Howe	Robinson
Cameron	Hudson Oaks	Rockwall
Canton	Hurst	Rosser
Carrollton	Hutto	Rowlett
Cedar Hill	Iowa Park	Sachse
Celina	Irving	Saginaw
Centerville	Jolly	Sansom Park
Cleburne	Josephine	Seagoville
Coahoma	Justin	Sherman
Colleyville	Kaufman	Snyder
Collinsville	Keene	Southlake
Colorado City	Keller	Springtown
Comanche	Kennedale	Stephenville
Commerce	Kerens	Sulphur Springs
Coppell	Killeen	Sunnyvale
Copperas Cove	Krum	Sweetwater
Corinth	Lake Worth	Temple
Cross Roads	Lakeside	Terrell
Crowley	Lamesa	The Colony
Dallas	Lancaster	Trophy Club
Dalworthington Gardens	Lewisville	Tyler
DeLeon	Lindale	University Park
De Soto	Little Elm	Venus
Denison	Little River Academy	Waco
Duncanville	Malakoff	Watauga
Early	Mansfield	Waxahachie
Eastland	McKinney	Westover Hills
Edgecliff Village	Mesquite	Westworth Village
Ennis	Midland	White Settlement
Eules	Midlothian	Wichita Falls
Everman	Murchison	Willow Park
Fairview	Murphy	Woodway
Farmers Branch	New Chapel Hill	Wylie

City of Arlington, c/o Oncor Cities
Steering Committee
Attn: Brandi Stigler
101 S. Mesquite St., Ste. 300
MS # 63-0300
Arlington, TX 76010

Invoice

Date	Invoice #
3/15/2019	19-163

Bill To
Town of Northlake

Item	Population	Per Capita	Amount
2019 Membership Assessment	3,630	0.08	290.40
Please make check payable to: Oncor Cities Steering Committee and mail to Oncor Cities Steering Committee, Attn: Brandi Stigler, Arlington City Attorney's Office, 101 S. Mesquite St., Ste. 300, MS #63-0300, Arlington, Texas 76010		Total	\$290.40

Memo

To: Honorable Mayor and Town Council
From: Drew Corn, Town Administrator
CC: Eric Tamayo, Public Works Director
Shirley Rogers, Town Secretary
Date: March 28, 2019
Re: Contract Amendment with Halff Associates for Infrastructure Inspection Services

As part of the fiscal year 2017-2018 budget, Town Council created an Infrastructure Inspector position to inspect developer-built public infrastructure to ensure Town standards were met. Previously, inspections were performed by the Public Works Director or a Crew Leader as needed. With the amount of increasing development activity, a full-time dedicated position was warranted. In fact, an existing public works staff member was performing this function before moving into the permanent position.

With the approach of Pecan Square Phase I, The Ridge Phase I, and The Highlands Phase II, public works will need additional assistance in inspecting infrastructure. In addition, public works is attempting to fill three vacant positions. Staff proposes using Halff and Associates to inspect the infrastructure construction in The Highlands Phase II. The Highlands is an existing development and a second phase. Due to the scale of Pecan Square and The Ridge, and the fact that both are in their initial development phase Town staff will continue to inspect these developments directly.

The proposed not to exceed cost from Halff is \$57,300. The fees to be collected by the Town from The Highlands for Phase II infrastructure inspection is \$79,360. The town has already met inspection fee revenue for the fiscal year and anticipates having additional fees to cover the outsourced inspection services.

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

TOWN OF NORTHLAKE, TEXAS

RESOLUTION NO. 19-7

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS, AUTHORIZING THE TOWN ADMINISTRATOR TO CONTRACT WITH HALFF AND ASSOCIATES FOR INFRASTRUCTURE INSPECTION SERVICES

WHEREAS, the Town of Northlake has adopted the Engineering Design Manual with standards for all public infrastructure built in Northlake; and

WHEREAS, Town staff inspects all developer constructed public infrastructure; and

WHEREAS, the amount of public infrastructure being built or soon to be built exceeds the capacity of existing public works staff; and

WHEREAS, the Town received a proposal from Halff Associates to perform inspections under Town supervision for a specific project.

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

SECTION 1. The Town Administrator is hereby authorized to finalize and enter into a contract amendment with Halff and Associated whereby the Town will contract for infrastructure inspection services in an amount not to exceed \$57,300.

PASSED AND APPROVED THIS THE 28TH DAY OF MARCH 2019

TOWN OF NORTHLAKE, TEXAS

Peter Dewing, Mayor

ATTEST:

Shirley Rogers, Town Secretary



March 18, 2019
031647.000

Mr. Eric J. Tamayo
Public Works Director
Town of Northlake
1500 Commons Circle, Suite 300
Northlake, Texas 76226

RE: Town of Northlake – The Highlands Phase II Inspection Services

Dear Mr. Tamayo,

Thank you for the opportunity to provide construction inspection services for the Town of Northlake for the above-referenced project. A scope of services (Exhibit A) and proposed fee schedule (Exhibit B) have been included with this submittal. The project fee of \$57,300.00 is a Cost-Plus fee and will not be exceeded without prior approval of the Town of Northlake. Invoices will be submitted monthly based on number of hours worked.

Please feel free to contact me if you have comments or questions. We look forward to working with you on this project.

Sincerely,
HALFF ASSOCIATES, INC.

A handwritten signature in blue ink, appearing to read "B. L. McGahey", is written over a light blue horizontal line.

Benjamin L. McGahey, P.E.
Director of Public Work, Fort Worth Office

Halff Associates, Inc.

Exhibit A – Scope of Services

Town of Northlake – The Highlands Phase II Inspection Services

This scope of services covers construction inspection services for the referenced project in the Town of Northlake. These construction inspection services will last for the duration of the job. Halff Associates, Inc. (HAI) responsibilities will include:

- I. **Construction Inspection** – HAI will conduct periodic inspections to observe the construction work for progress and quality, and to assist with assurance that the work is proceeding in accordance with the approved plans and specifications. Specifically, HAI's scope includes: (1) On-site visits to the construction site for the duration of construction, about 2 to 4 times per week. (2) Communication with the contractor as to the work schedule. (3) Preparation of site observation reports no less than monthly, including a summary of the contractor's activities with photos. (4) Email site observations and project status updates to Public Works Director as needed. (5) Attend meetings with franchise utility companies, or with others as requested by the Public Works Director, when necessary to discuss issues regarding the construction project. (6) Review of construction materials testing reports (7) Upon substantial completion of construction, conduct investigation of the project and assist the Town in preparing the punch lists of work to be done to achieve final completion.

HAI's scope does not include: (1) Full-time on-site inspection. (2) Construction materials testing for quality assurance. (3) Coordination of the construction materials testing and/or schedule.

- II. **Miscellaneous** – Miscellaneous service not provided for herein and not generally associated with a project of this type will be paid for under an amendment to this Agreement and for an additional fee.
- III. **Schedule** – A Part-Time Construction Inspector, an estimated two (2) to four (4) trips per week, up to an estimated twenty 20 hours per week will be provided for this project. An eight (8) week duration was assumed (five (5) day work week). Overtime including weekends are not included in this proposal. Additional non-working days include rain days, days too wet, and other conditions that would cause a non-working day.

CONSULTANT SHALL NOT AT ANY TIME DIRECT, CONTROL, OR HAVE ANY AUTHORITY OVER ANY CONTRACTOR'S WORK, NOR SHALL CONSULTANT HAVE AUTHORITY OVER OR BE RESPONSIBLE FOR THE MEANS, METHODS, TECHNIQUES, SEQUENCES, OR PROCEDURES OF CONSTRUCTION SELECTED OR USED BY ANY CONTRACTOR, OR THE SAFETY PRECAUTIONS AND PROGRAMS INCIDENT THERETO, FOR SECURITY OR SAFETY AT THE PROJECT SITE, NOR FOR ANY FAILURE OF A CONTRACTOR TO COMPLY WITH LAWS AND REGULATIONS APPLICABLE TO SUCH CONTRACTOR'S FURNISHING AND PERFORMING OF ITS WORK.

Halff Associates, Inc.

Exhibit B – Fee Summary

Proposed Cost-Plus Fee for:

Town of Northlake – The Highlands Phase II Inspection Services

Construction Inspection (Hourly plus direct costs)	\$57,300.00
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TOTAL:	\$57,300.00
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- Additional Services, not included in the Scope of Services (Exhibit A), will be negotiated with the Client as needed. Compensation will be based upon a mutually agreed hourly rate to be determined prior to beginning such additional service.
- Fees for services will be billed on a monthly basis, based on number of hours worked. The fees shown above will not be exceeded without authorization from the Client.

Memo

To: Honorable Mayor and Town Council
From: Drew Corn, Town Administrator
CC: Shirley Rogers, Town Secretary
Date: March 28, 2019
Re: Town Hall Lease Amendment

On March 10, 2016, Northlake Town Council authorized Mayor Dewing to negotiate a lease agreement with Hahei Management Corporation for space. The original lease was for 5,000 square feet of office space to be used by Town administrative, court, development and finance staff and to house council/court chambers and executive session/jury room. During the design of the interior, the space expanded to 5,983 with most of this additional space taken up by chambers, public foyer and public restrooms. In addition, the building and surrounding area of the center, of which the Town is one of three tenants, expanded from 32,000 sf to 40,561 sf.

The increase in size of the Town's lease space increased the monthly rent proportionally but the square foot rate negotiated by the Mayor remained the same. Due to the delay in construction the landlord waived the first three months of rent. The tenant finish-out paid by the landlord also increased from \$275,000 to \$329,065. The increase in monthly rent is offset by the waiver of rent so that the anticipated rent for FY 2019 is within budget. The Town Attorney has reviewed the amendment which represents all the changes from the original lease agreement.

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

FIRST AMENDMENT TO LEASE AGREEMENT

THIS FIRST AMENDMENT TO LEASE AGREEMENT (hereinafter called the "FIRST Amendment") is made and entered into effective the 1st day of February, 2019 by and between **Covenant H Properties, LLC**, a Texas limited liability company (as "Landlord"), **Town of Northlake or assigns** as ("Tenant").

WITNESSETH:

WHEREAS, Landlord (as successor in interest to 1256 FMR 407, Ltd.) and Tenant entered into that certain Lease Agreement (the "Lease") dated August 26, 2016, at the premises of 1256 Farm to Road 407 Lot#1, Suite# TBD, Northlake, Texas

WHEREAS, Landlord and Tenant desire to modify the terms and provisions of the Lease as set forth herein.

I. Amendments

1. "E. Area of the Center": 32,000 Sq. Ft is deleted and replaced with:
40,561 Square Feet
Note: the area of the center may be adjusted as buildings sell, final building plans
2. "H. Commencement Date": Sentence is deleted and replaced with:
November 30, 2018
3. "L. Initial Common Area Maintenance Charge": **\$1,250.00** month is deleted and replaced with:
\$1,495.75 month.
4. "M. Initial Insurance Payment": **\$208.33** month is deleted and replaced with:
\$249.29 month.
5. "Q. Minimum Guaranteed Rental / Base Rent":
Months 1 - 3 \$0.00 / SF \$0.00 / month plus NNN Adjusted Yearly.
Months 3 - 60 \$23.00 / SF \$9,791.67 / month plus NNN Adjusted Yearly.

Total Initial Monthly Rent For Lease: \$12,500.00 is deleted and replaced with:

Months 1 - 3	\$0.00 / SF	\$0.00 / month including NNN.
Months 3 - 60	\$23.00 / SF	\$11,467.42 / month plus NNN Adjusted

Total Initial Monthly Rent For Lease: \$14,708.21

7 "T. Premises": 5,000 square feet is deleted and replaced with:

5,983 Square Feet

8 "X. Tenant's Pro Rata Share": 0.1562 is deleted and replaced with:

0.1475 pro-rata share of area of center

9 "Special Provisions "A": \$55.00 x 5,000 SF = \$275,000.00 is deleted and replaced with:

Tenant will receive \$329,065.00 as the tenant finish out allowance. The total finish out allowance provided by the Landlord will be \$55.00 x 5,983 SF = \$329,065.00.

II. Miscellaneous

1. Amendment to Lease. Except as expressly amended hereby, all other items and provisions of the Lease remain unchanged and continue to be in full force and effect, and the same are hereby ratified, confirmed and approved.
2. Entire Agreement. This FIRST Amendment constitutes the entire agreement of the parties with respect to the subject matter hereof, and all prior correspondence, memoranda, agreements or understandings (written or oral) with respect thereto are merged into and superseded by this FIRST Amendment.
3. Authority. Each of the individuals signing below represent that they have been duly authorized to execute and deliver this Amendment and that same shall be binding upon Landlord or Tenant, respectively on whose behalf they are signing.
4. Defined Terms. All terms used herein, which are defined in the Lease and not otherwise defined herein, shall have the meanings assigned to them in the Lease.
5. Conflicts. The terms of this FIRST Amendment shall control over any conflicts between the terms of the Lease and the terms of this FIRST Amendment.

6. Successors and Assigns. This Amendment shall be binding upon and inure to the benefit of the parties hereto and their respective successors and permitted assigns.

IN WITNESS WHEREOF, this Amendment may be executed by the parties hereto on separate multiple counterparts, each of which shall be deemed to be an original, and the pages of which may be aggregated to form one single document.

Executed on the respective dates set forth below.

Tenant:

Town of Northlake or assigns

By: _____
Name: _____
Its: _____
Date of Execution: _____, 2019

Landlord:

Covenant H Properties, LLC

By: _____
Name: _____
Its: _____
Date of Execution: _____, 2019

Memo

To: Honorable Mayor and Town Council
From: Drew Corn, Town Administrator
CC: Robert Crawford, Police Chief
Shirley Rogers, Town Secretary
Date: March 28, 2019
Re: Flower Mound Animal Services Interlocal Agreement

On February 1, 2019, I notified Council via email that Brian The Animal Guy could no longer operate his facility in Roanoke due to code violations caused by failing state inspections. Based on direction from Mayor Dewing, Town staff began inquiring with other animal service providers both private and public to replace our current contractor.

Based on costs and availability, staff is recommending contracting with Flower Mound Animal Services. Their initial proposal is to charge \$50 per animal intake, \$25 for deceased animal pickup, and \$25 per day for housing (to be paid by owner). We would also agree to follow their protocols and procedures, and hours of operations. All animal service calls will be routed through Northlake Police Department who will manage the contract.

In order to have our Town Attorney draft and review the agreement, Town Council must first consent as Flower Mound is also represented by Taylor, Olson, Adkins, Sralla and Elam, LLP. The Texas Disciplinary Rules of Professional Conduct allow a law firm to act as an intermediary between two existing clients but only if each client gives informed consent concerning the common representation. Flower Mound provided consent for Taylor, Olson, Adkins, Sralla and Elam, LLP to draft an agreement between Northlake and Flower Mound on March 18, 2019.

The agreement should be relatively simple and will follow the points laid out above. In order to expedite the agreement and begin using Flower Mound Animal Services, the staff also requests authorizing the Town Administrator to negotiate on behalf of Northlake and enter into the agreement with Flower Mound.

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

6000 WESTERN PLACE, SUITE 200
1-30 AT BRYANT IRVIN ROAD
FORT WORTH, TEXAS 76107
EMAIL: TOASE@TOASE.COM



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WEBSITE: WWW.TOASE.COM

Ashley D. Dierker
adierker@toase.com

**SUBJECT TO ATTORNEY-CLIENT PRIVILEGE
CONFIDENTIAL COMMUNICATION**

March 6, 2019

Via Email

Drew Corn
Town Administrator
Town of Northlake
1500 Commons Circle
Suite 300
Northlake, TX 76226-1598
dcorn@town.northlake.tx.us

Re: Interlocal Cooperation Agreement Between Northlake and Flower Mound;
Waiver of Potential Conflicts of Interest

Dear Mayor and Town Council Members:

We have been advised that the towns of Northlake and Flower Mound are contemplating entering into an interlocal agreement to establish a partnership for the provision of animal services by Flower Mound for Northlake.

As you know, our firm is retained as town attorney for both towns and has been asked to draft an agreement and related documents pertaining to this partnership and the provision of animal services, provide advice concerning the agreement, and perhaps even help negotiate the agreement. Before doing so, however, we are seeking written and signed consent from both towns for the common representation on this particular matter. This letter is intended to bring potential issues to your attention in order for you to fully evaluate whether to utilize TOASE for this project.

Although there are rules that prohibit lawyers from representing adverse parties in litigation,¹ giving mutual advice to both clients about the contemplated agreement will not violate these rules. Litigation is neither threatened nor imminent. As between Northlake and Flower Mound, we are aware of no present legal dispute. The proposed agreement is contemplated to allocate resources in a practical manner.

¹ TEX. DISCIPLINARY R. PROF'L CONDUCT 1.06(a), *reprinted in* TEX. GOV'T CODE ANN., tit. 2, subtit. G app. A (Vernon Supp. 2006) (TEX. STATE BAR R. art. X, § 9).

March 6, 2019

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Although in any agreement, each entity's interests are potentially adverse to the other (for example, in the event one party fails to carry out its obligations, the other party would possibly be harmed; or in the event an accident occurs during the performance of the animal services, there could be questions of liability), I do not believe this firm's representation of Northlake will be materially affected.¹ Nor do I believe that any of the matters to be negotiated in the agreement will be realistically subject to challenge.

Also, the rules of professional conduct specifically allow a lawyer to act as an intermediary between clients if:

- (1) the lawyer obtains written consent from each of the clients after consultation about the implications, risks, advantages and waivers of attorney-client privilege;
- (2) the lawyer reasonably believes that the matter can be resolved without contested litigation; and
- (3) the lawyer reasonably believes the common representation can be undertaken impartially and without improper effect on responsibilities to the other clients.²

First, I believe assisting both towns will pose little risk for Northlake and this representation can be undertaken impartially with respect to Northlake. With respect to client confidences, we would still be obligated to maintain any confidences given to us by Northlake. However, attorney-client privilege does not extend to commonly-represented clients. In the event of future litigation, any communications with our firm concerning this matter would not be privileged as to Flower Mound. Concerning the benefits of common representation, they are obvious—the towns will share legal expenses and will be able to utilize attorneys you are familiar and comfortable with. Moreover, I do not view the towns' relationship or discussion thus far over this matter as antagonistic or unfriendly, nor do I foresee the negotiations becoming contentious. It is anticipated that this agreement can likely be negotiated without resorting to litigation.

Please understand that acting as an intermediary prohibits our firm from being partial to either town. While a lawyer normally acts as a partisan and advocate for a single client in a

¹ *Id.* 1.06(b)(1), (c)(1).

² *Id.* 1.07(a)(1)-(3).

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I-30 AT BRYANT IRVIN ROAD
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LLP
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March 6, 2019

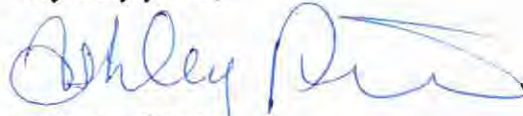
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matter, acting as an intermediary requires a lawyer to not favor one client over the other. I believe that the danger of any such partiality here is greatly reduced in this matter given that our firm is retained as general counsel for each town and, as a result, does comparable amount of legal work for both towns. In other words, there is not one client for which we handle infrequent matters and one client for whom we handle a large amount of legal work every month.

Also understand that the rules mandate that a lawyer must withdraw from being an intermediary between clients if the lawyer believes any of the conditions stated above are no longer satisfied **or if any of the clients request withdrawal**. As a result, if at any time during these negotiations either town requests that this firm withdraw, TOASE will have to stop representing both clients concerning the agreement and each town will have to hire its own legal counsel for the purpose of negotiating and drafting the agreement.

Please do not hesitate to call me if you have any questions or concerns about this matter. If the Town of Northlake consents to the common representation of Northlake and Flower Mound for negotiating and drafting the agreement and any related documents, please sign below and return this letter to our offices. If signed, please forward a copy to me.

Very truly yours,


Ashley D. Dierker

Cc: Robert Crawford, Chief of Police – via email

ADD/yr

CONSENT TO COMMON REPRESENTATION GRANTED:

Drew Corn, Town Administrator
Town of Northlake, Texas

Approved by Northlake Town Council on the _____ day of _____, 2019.



RESOLUTION NO. 19-

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS, AUTHORIZING THE TOWN ADMINISTRATOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE TOWN OF FLOWER MOUND TO CONTRACT FOR ANIMAL CONTROL SERVICES

WHEREAS, the Town Council of the Town of Northlake, Texas, has determined that in the best interest of the Town to terminate animal control service with Brian The Animal Guy; and

WHEREAS, the Town has contacted both public and private providers of animal control services; 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 an interlocal agreement with the Town of Flower Mound to contract for animal control services in an amount deemed reasonable and appropriate; and

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 authorizes the Town Administrator to enter into an interlocal agreement with Town of Flower Mound animal control services with consultation from the Town Attorney.

PASSED AND APPROVED THIS THE 28TH DAY OF MARCH 2019

TOWN OF NORTHLAKE, TEXAS

Peter Dewing, Mayor

ATTEST:

Shirley Rogers, Town Secretary



Regular Items

Agenda Item 6

Memo

To: Honorable Mayor and Town Council
From: Nathan Reddin, Development Director
CC: Drew Corn, Town Administrator
Shirley Rogers, Town Secretary
Date: March 28, 2019
Re: Text amendments to Section 1.7 of the Unified Development Code (UDC)

The Town Attorney has recommended the amendment of Section 1.7, "Apportionment of Municipal Infrastructure Costs," of the UDC to provide more guidance and details on the process for rough proportionality determinations and appeals. A draft ordinance to amend this section of the UDC is attached along with a copy of the current Section 1.7.

A public hearing will be held prior to taking action on the ordinance. Notice of the public hearing was published in the Denton Record Chronicle 15 days prior to the hearing, and notice has also been posted on the Town's website.

Please contact me at 940.242.5703 if you have any questions or comments.

**TOWN OF NORTHLAKE, TEXAS
ORDINANCE NO. 19-0328A**

AN ORDINANCE OF THE TOWN OF NORTHLAKE, TEXAS AMENDING THE CODE OF ORDINANCES, TOWN OF NORTHLAKE BY AMENDING SECTION 1.7, "APPORTIONMENT OF MUNICIPAL INFRASTRUCTURE COSTS," OF THE UNIFIED DEVELOPMENT CODE IN CHAPTER 9, "PLANNING AND MISCELLANEOUS DEVELOPMENT REGULATIONS;" PROVIDING FOR ROUGH PROPORTIONALITY DETERMINATIONS FOR ALL PLAT AND DEVELOPMENT APPLICATIONS; PROVIDING PROCEDURES AND FOR APPEALS TO THE TOWN COUNCIL AND COURT FOR THOSE DETERMINATIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; 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 has adopted regulations for the development and subdivision of land within the Town and its extraterritorial jurisdiction; and

WHEREAS, the Town desires to assure both that development impacts are mitigated through contributions of rights-of-way, easements, and construction of capital improvements, and that a subdivision contribute not more than its proportionate share of such costs; and

WHEREAS, the Town Council has held a public hearing on March 28, 2019 after proper notification thereof with respect to the amendment of the Unified Development Code in accordance with the Unified Development Code and the Texas Local Government Code; and

WHEREAS, the Town Council finds that this ordinance is in the best interest of the Town and furthers the public health, safety, and welfare of the citizens of the Town.

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

SECTION 1. Section 1.7, "Apportionment of Municipal Infrastructure Costs," of the Unified Development Code, Exhibit A to Chapter 9, "Planning and Miscellaneous Development Regulations" of the Code of Ordinances, Town of Northlake is hereby amended to read as follows:

"Section 1.7 Apportionment of Municipal Infrastructure Costs

(A) *Proportionality Determination.* Before a decision by the Town Council on an application or for approval of a plat or plan for development or prior to a decision on any other application on which an exaction requirement is placed as a condition of approval, the Town Engineer shall affirm that the requirements of this Chapter, or other ordinance requiring the permit, as applied to the proposed subdivision or development, do not impose costs on the applicant for public infrastructure improvements that exceed those

roughly proportionate to the impact of the proposed subdivision or development. In making this determination, the Town Engineer may consider any information relating to the impacts created by the proposed subdivision or development on the Town's public facilities systems, including:

- (1) the proposed and potential use of the land;
- (2) the timing and sequence of development in relation to availability of adequate levels of public facilities systems;
- (3) impact fee studies; traffic impact studies; drainage studies; or any other studies or standards that measure the demand for services created by developments and the impact on the Town's public facilities systems;
- (4) the level of service and functionality of both on-site and off-site public infrastructure improvements in serving the proposed subdivision or development;
- (5) the degree to which acceptable private infrastructure improvements to be constructed and maintained by the applicant will offset the need for public infrastructure improvements; and
- (6) any reimbursements for the costs of public infrastructure improvements for which the proposed subdivision is eligible.

The Town Engineer may require an applicant, at their expense, submit reasonable information or studies that may assist in making the proportionality determination.

(B) *Appeal to Town Council.* A subdivider or other applicant for approval of a plat or plan for development or other permit which imposes an exaction requirement as a condition of approval may appeal the Town Engineer's determination under subsection (A) to the Town Council under Section 212.904 of the Texas Local Government Code. To pursue an appeal, the subdivider or applicant must file a written notice of appeal with the Town Secretary within ten (10) days of the date the Town Council or the Town official responsible for issuing the permit takes an action applying the exaction requirement, which may include denial of the permit or plat. The notice of appeal shall:

- (1) specifically state each exaction requirement for which relief is sought;
- (2) for each requirement, state the reasons application of the requirement is not roughly proportional to the nature and extent of the impact created by the proposed subdivision or development; and
- (3) where appropriate, propose an alternative requirement the subdivider or applicant contends is roughly proportional to the nature and extent of the impact created by the proposed subdivision or development.

The Town Secretary shall forward the appeal to the Town Council for consideration.

(C) *Standards for Town Council evaluation of the contested infrastructure cost apportionment.* The subdivider or applicant shall bear the burden of proof to demonstrate that the Town's municipal infrastructure cost apportionment determination is not roughly proportionate. The Town Council shall evaluate the contested infrastructure cost apportionment determination under the following standards:

- (1) Does the infrastructure cost apportionment determination relate to the needs created by the property development project?
- (2) Is the infrastructure cost apportionment determination roughly proportionate to the impact of the property development project?

(D) *Procedural Rules.* The following procedures shall apply to hearings conducted pursuant to an appeal filed in accordance with subsection (B):

- (1) The presiding officer of the Town Council shall call the agenda item and open the hearing;
- (2) The subdivider or applicant shall present evidence and testimony regarding the disputed determination of municipal infrastructure cost apportionment;
- (3) The Town Council may ask questions of the subdivider or applicant or the subdivider's or applicant's witnesses;
- (4) The Town staff or representatives may offer evidence regarding the disputed determination of municipal infrastructure cost apportionment;
- (5) The Town Council may ask questions of the Town staff or representatives;
- (6) The Town Council may ask questions of any previously called witness or seek any further explanation on any issue raised in the hearing;
- (7) Upon conclusion of the subdivider or applicant's case, the presiding officer shall inquire whether the subdivider or applicant has submitted all the evidence and testimony he or she wishes the Town Council to consider. If the subdivider or applicant indicates all evidence and testimony has been submitted, the Town Council shall issue a determination within 30 days of the conclusion of the hearing.

(E) *Appeal to Court.* An applicant may appeal the decision of the Town Council to the county or district court of the county in which the development is located within 30 days of the date that the Town Council issues its final decision."

SECTION 2. This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance, Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby

repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 3. If any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

SECTION 4. All provisions of the Code of Ordinances of the Town of Northlake, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense.

SECTION 6. 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 7. This Ordinance shall become effective after the date of its passage and upon its publication as required by law.

PASSED AND APPROVED on this the 28th day of March 2019

Peter Dewing, Mayor

ATTEST:

Shirley Rogers, Town Secretary

by Chapters 211, 212, and 216 of Texas Local Government Code as amended (LGC). Pursuant to such authority, all sections of the UDC shall apply to all areas within the Town limits of Northlake. All structures, land uses, businesses, subdivisions, or property development constructed or commenced after the effective date of this UDC and all enlargements of, additions to, changes in, reductions to or relocations of existing structures, land uses, businesses, subdivisions, or property developments occurring after the effective date of this UDC are therefore subject thereto.

B. Jurisdiction within Extraterritorial Jurisdiction

The Town extends to its extraterritorial jurisdiction (ETJ) the regulation of subdivisions and property development adopted under LGC Chapter 212. The Town also extends to its ETJ the authority to regulate signage as adopted under LGC Chapters 216, 245, and 43. It is the intent of this article to make any and all ordinances, codes, regulations, allowable by law under the local government code or any other applicable state statute enforceable in the extraterritorial jurisdiction of the Town of Northlake, whether or not so stated.

Sec. 1.5 *Consistency with Comprehensive Plan*

This UDC is intended to address the issues and implement the policies contained in the Comprehensive Plan for the Town and to affect the Town's plan for provision of public facilities and service within the Town limits and within the Town's ETJ. Any application for development should be consistent with the Town's Comprehensive Plan as amended from time to time.

Sec. 1.6 *Vested Rights "Issuance of Local Permits"*

Property owners who have filed a completed application or have obtained approval of any project or permit prior to adoption of this UDC shall be considered in compliance with LGC Chapter 245.

Sec. 1.7 *Apportionment of Municipal Infrastructure Costs*

- A. If the Town requires as a condition of approval for a property development project that the developer bear a portion of the costs of municipal infrastructure improvements by the making of dedications, the payment of fees, or the payment of construction costs, the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development as approved by a professional engineer who holds a license issued under Chapter 1001, Texas Occupations Code, and is retained by the municipality.
- B. A developer who disputes the determination made under section 1.7.A may appeal to the governing body of the municipality. At the appeal, the developer may present evidence and testimony under procedures adopted by the Town Council. After hearing any testimony and reviewing the evidence, the Town Council shall make the applicable determination within thirty (30) days following the final submission of any testimony or evidence by the developer.
- C. A developer may appeal the determination of the Town Council to a county or district court of the county in which the development project is located within thirty (30) days of the final determination by the Town Council.
- D. The Town may not require a developer to waive the right of appeal authorized by this section as a condition of approval for a development project.

Memo

To: Honorable Mayor and Town Council

From: Nathan Reddin, Development Director

CC: Drew Corn, Town Administrator
Shirley Rogers, Town Secretary

Date: March 28, 2019

Re: Mixed-Use Planned Development (MPD) amendment to add RV Park & RV Storage as permitted uses

Purpose: To hold a public hearing and consider a zoning change request to amend the Mixed-Use Planned Development (MPD) zoning district adopted by Ordinance No. 14-0410, to add RV Storage and RV Park as permitted uses on Tract B, an approximately 34.6-acre tract of land located on the west side of Cleveland-Gibbs Road approximately 1,300 feet north of Edna Lane.

Public Hearing Information: Northlake's Unified Development Code (UDC) in accordance with state law requires that a zoning change must be approved by ordinance following public notice and a public hearing. The public hearing is scheduled to be held at this meeting. Notice of the public hearing was published in the Denton Record Chronicle on March 11, 2019 (minimum 15 days prior to the public hearing), and a notice was mailed on February 25, 2019 (minimum 30 days prior to the public hearing) to all Northlake property owners subject to the MPD and within 200 feet of the MPD district. Staff has received one response from the notifications as of the writing of this memo. The response is from the owner of the subject property and is in favor of the request. Any additional written responses received prior to the public hearing will be presented at the Town Council meeting.

Owner: Henry Investment Group

Applicant: G&A|McAdams

Background The MPD zoning for the property was adopted with the approval of Ordinance No. 14-0410 on April 10, 2014. It allows for a mix of uses in compliance with the future land uses identified in the Comprehensive Plan as well as the Industrial Sector Plan. The MPD divides the property into two tracts referred to as Tract A and Tract B. The two tracts are divided by the floodplain that naturally divides the property. Both tracts provide for the same mix of industrial and mixed uses as specified in the ordinance. Agricultural uses are permitted by right without site plan approval, but all other permitted uses require site plan approval. A site plan will set the detailed standards for these uses. The primary difference between Tract A and Tract B is the development standards allowed. Tract B allows pre-engineered metal buildings systems with architectural enhancements including a combination of windows, architectural features, and articulated fronts and roofs. Front facades of buildings facing an arterial or collector may not be metal and must be masonry. Tract B's more

relaxed development standards were justified due to its proximity to unregulated development in the surrounding ETJ. No metal facades are allowed on Tract A.

Adjacent Zoning/Existing Land Uses:

North: No zoning (ETJ)/Vacant

South: Rural Residential (RR) and no zoning (ETJ)/Denton Creek floodplain owned by U.S. Army Corps of Engineers in Town limits and a mix of residential, commercial and light industrial uses in the ETJ

East: Rural Residential (RR)/IH 35W right-of-way

West: No zoning (ETJ)/Mix of residential, commercial and light industrial uses around the Northwest Regional Airport

Comprehensive Plan Designation: The Future Land Use Map of the Comprehensive Plan shows Tract A within the Mixed Use (MU) Character Area and the Highway Corridors (HC) Special Area. Tract B, the subject of this amendment, is within the Business Park (BP) Character Area. The BP Character Area is described as an employment center with a mixture of uses including hotels, distribution centers, corporate office campuses, educational facilities, technology centers, and research facilities as well as complementary uses and activities such as retail and restaurants. The Industrial Sector Plan provided more detailed planning of this area referred to as the northern industrial sector. It designates the PD site for retail use along the IH 35W frontage along with a large area of mixed use and auxiliary industrial uses on Trace B of the PD on the east side of the floodplain that divides the property. The auxiliary industrial land use was designed to cover the Northwest Regional Airport and surrounding areas. It is described within the plan as region-traditional industrial and commercial uses and supporting storage functions maintained with screening and use controls.

Summary of Proposed MPD Amendment: This request is to only amend the permitted uses of Tract B by adding RV Park and RV Storage as permitted uses. No other changes are requested.

Staff Analysis: Staff has reviewed this application in accordance with the Unified Development Code and found the submittal to meet the minimum requirements to be considered by the Town Council. The proposed zoning was also evaluated for compatibility with the Comprehensive Plan and complimentary plans such as the Industrial Sector Plan. The proposed RV Park and RV Storage uses, although not specifically referenced in the plans, could be viewed as similar and compatible with the uses and development character described in the Comprehensive Plan and the Industrial Sector Plan as well as being compatible with adjacent planned and existing land uses.

Staff find the proposed MPD amendment acceptable for consideration.

Attachments:

- Ordinance No. 19-0328B - Proposed MPD Amendment with only changes to existing standards highlighted
- Public Hearing Information – Notice, Buffer Map & Contact List
- Applicant's presentation from February 28th Town Council meeting

ORDINANCE NO. 19-0328B

AN ORDINANCE AMENDING ORDINANCE NO. 14-0410, WHICH ESTABLISHED THE MIXED-USE PLANNED DEVELOPMENT DISTRICT ON CERTAIN PROPERTY WITHIN THE TOWN OF NORTHLAKE AS DESCRIBED IN EXHIBIT ‘A’ AND BEING MORE PARTICULARLY DESCRIBED AS A 150.8949 ACRE TRACT OF LAND IN THE TOWN OF NORTHLAKE, DENTON COUNTY, TEXAS, BY AMENDING THE DEVELOPMENT STANDARDS TO ADD RV STORAGE AND RV PARK AS PERMITTED USES ON TRACT B; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Northlake, as an incorporated municipality in the State of Texas, has been given the authority by Chapter 211 of the Local Government Code to establish zoning and amend zoning in accordance with Chapter 211; and

WHEREAS, the Town Council of the Town of Northlake heretofore adopted Ordinance No. 14-0410 establishing the zoning of Mixed-Use Planned Development “MPD” for a 150.8949-acre tract of land located in the Abraham M. Gawltney Survey, Abstract 501; W. M. Murray Survey, Abstract 890; R. W. Terrell Survey, Abstract 1651; John White Survey, Abstract 1397; F. M. Woodward Survey, Abstract 1420, in the Town of Northlake, Denton County, Texas; and

WHEREAS, the Town of Northlake has received a request to amend the development standards included in Ordinance No. 14-0410, the same being the established “MPD” Mixed-Use Planned Development District; and

WHEREAS, all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for zoning of property have been complied with; and

WHEREAS, a public hearing was held by the Town Council of the Town of Northlake on March 28, 2019 with respect to the zoning change described herein; and

WHEREAS, the Town Council of the Town of Northlake does hereby deem it advisable and in the public interest to amend Ordinance No. 14-0410 being a “MPD” Mixed-Use Planned Development District.

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

SECTION 1

The Unified Development Code of the Town of Northlake, Texas, as amended, is hereby amended on the hereinafter described property and area as shown below:

150.8949 acres of land situated in the in the William Murray Survey, Abstract No. 890, the Abraham M. Gawltney Survey, Abstract No. 501, the John White Survey, Abstract No. 1397, the R. W. Terrell Survey, Abstract No. 1651 and the F. M. Woodward Survey, Abstract No. 1420, and Town of Northlake, Denton County, Texas, and more fully described in Exhibit “A” hereto.

Exhibit “B” to Ordinance No. 14-0410, entitled “Development Standards,” is hereby amended so that the Development Standards are amended and replaced in its entirety with Exhibit “B” attached hereto which adds RV Storage and RV Park as permitted uses on Tract B – Mixed Use and Industrial.

Exhibit “C” to Ordinance No. 14-0410, entitled “Concept Plan,” is unchanged and attached hereto as Exhibit “C”.

SECTION 2

The use of the property described in Exhibit “A” attached hereto shall be subject to all applicable regulations contained herein, as well as the applicable regulations in the Unified Development Code, and all other applicable and pertinent ordinances of the Town of Northlake.

SECTION 3

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the Town of Northlake, and this ordinance shall not operate to repeal or affect the Code of Ordinances of the Town of Northlake or any other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such Code of Ordinances or any other ordinances are hereby repealed.

SECTION 4

It is hereby declared to be the intention of the Northlake Town Council that the phrases, clauses, sentences, paragraphs, and sections 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 or 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 5

Any person, firm, association of persons, corporation or other organization violating the provisions of this ordinance shall be deemed to be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2,000.00. Each day that a violation continues shall be deemed a separate offense.

SECTION 6

All rights and remedies of the Town of Northlake are expressly saved as to any and all violations of the provisions of the Unified Development Code or any ordinances governing zoning that 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 this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7

The Town Secretary of the Town of Northlake is hereby directed to publish the caption and penalty clauses as required by law.

SECTION 8

This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the laws of the State of Texas.

PASSED AND APPROVED on this the 28th day of March 2019.

Peter Dewing, Mayor

ATTEST:

Shirley Rogers, Town Secretary

EXHIBIT A
PROPERTY DESCRIPTION

Being a 6,572,980 square feet or a 150.8949 acre tract of land situated in the William Murray Survey, Abstract No. 890, the Abraham M. Gawltney Survey, Abstract No. 501, the John White Survey, Abstract No. 1397, the R. W. Terrell Survey, Abstract No. 1651 and the F. M. Woodward Survey, Abstract No. 1420, Denton County, Texas, said tract being conveyed to PBBM Northlake, Ltd. by deed recorded in Inst. No. 2003-152352, Deed Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a found 60d nail for a corner at the intersection of the east line of the said Gawltney Survey and the west line of the G. Ramsdale Survey, Abstract No. 1128 and the south line of the said Woodward Survey, said point being the most easterly northeast corner of the said 150.8949 acre tract;

THENCE, S 00°02'17" E, with the common line of the said Gawltney and Ramsdale Surveys and with the east line of the said 150.8949 acre tract and the approximate center line of Cleveland-Gibbs Road (an undedicated right of way), a distance of 862.88 feet to a found PK nail for a corner, said point being the southeast corner of the said 150.8949 acre tract and the northeast corner of a called 5.118 acre tract of land conveyed to Robert P. Haddock by deed recorded in Volume 1630, Page 552, Deed Records of Denton County, Texas;

THENCE, S 66°52'57" W, departing the center line of Cleveland-Gibbs Road and with the southeast line of the said 150.8949 tract and the northwest line of the said 5.118 acre tract, passing at a called distance of 338.28 feet the northwest corner of the said 5.118 acre tract and the northeast corner of a called 2.496 acre tract of land conveyed to Robert P. Haddock by deed recorded in Volume 1689, Page 31, Deed Records of Denton County, Texas, passing at a called distance of 438.28 feet the northeast corner of a tract of land conveyed to the United States of America by deed recorded in the Deed Records of Denton County, Texas, continuing in all a distance of 2071.39 feet to a found Corps of Engineers monument for a corner;

THENCE, the following courses and distances with the northerly line of the said United States of America tract:

- N 73°47'00" W, a distance of 2117.60 feet to a found ½ inch iron rod for a corner;
- S 70°50'00" W, a distance of 406.00 feet to a set 5/8 inch iron rod for a corner;
- N 73°01'00" W, a distance of 311.60 feet to a found Corps of Engineers monument for a corner;
- N 11°00'00" E, a distance of 288.38 feet to a found TXDOT concrete monument for a corner in the southeast line of Interstate Highway 35W (a 360 foot right of way);

THENCE, the following courses and distances with the southeast line of Interstate Highway 35W:

- N 34°32'13" E, a distance of 1728.22 feet to a found TXDOT concrete monument for a corner;
- N 23°53'30" E, a distance of 193.27 feet to a found ½ inch iron rod for a corner, said point being in the north line of the said 150.8949 acre tract;

THENCE, S 89°45'47" E, departing the southeast line of Interstate Highway 35W and with the north line of the said 150.8949 acre tract, a distance of 892.12 feet to a found ½ inch iron rod for a corner;

THENCE, S 00°04'04" E, with the east line of the said 150.8949 acre tract, a distance of 741.42 feet to a found 60d nail in a fence post for a corner, said point being in the common line of the said Gawltney and Woodward Surveys;

THENCE, S 89°45'10" E, with the common line of the said Gawltney and Woodward Surveys and the north line of the said 150.8949 acre tract, a distance of 2613.28 feet to the Point of Beginning.

EXHIBIT B
DEVELOPMENT STANDARDS
+/- 150.8949ACRES
Mixed-use Planned Development District (MPD)

1.0 Tract A – Mixed Use and Industrial (Approximately 116.32 Acres)

1.01 General Description: Tract A provides flexibility to allow for commercial, retail, office, multi-family, and light industrial uses in a planned environment.

1.02 Permitted uses by right:

AGRICULTURAL USES

Farm, ranch, or orchard
Recreational ranch or farm (Dude Ranch)
Stables, Commercial
Stables, Private

1.03 Permitted uses with site plan approval:

RESIDENTIAL USES

Assisted Care or Living Facility
Multi-family dwelling (Maximum dwelling units established on final site plan)
Live / work units*

EDUCATIONAL AND INSTITUTIONAL USES

Church / Place of Worship
Community Service
Hospital, Sanitarium, nursing or convalescent home
Museum
Parks and Playgrounds
School, College or Trade (Private)
School, College or Trade (Public)
School, primary and secondary (Private)
School, primary and secondary (Public)
Semi-public Halls, Clubs and Lodges
Transit Facility

COMMERCIAL, OFFICE AND SERVICE USES

Amusement / Gaming Devices (Arcade)
Amusement / Recreation (Indoor)
Amusement / Recreation (Outdoor)
Auto Repair and Service
Auto Sales
Bank
Bed and Breakfast
Car wash
Day Care
Gasoline Station / Fuel Pumps

Greenhouse or nursery
Heavy Equipment Sales, Service or Rental
Hotel or motel
Laundry/dry cleaning; pick-up and/or self service
Office / Professional Service
Personal Services
Restaurant
Retail / Commercial
Veterinarian Clinic and/or Kennel

MANUFACTURING AND INDUSTRIAL USES

Asphalt/concrete batching plant
Asphalt/concrete batching (temporary)
Aviation Facility
Gas Drilling/Production
Laundry or Dyeing Plant
Light Manufacturing or Assembly (inside)
Outdoor Storage (screened from view)
Research Facility
Warehousing / Distribution Center
Self-Storage / Mini warehouses

UTILITY, ACCESSORY & INCIDENTAL USES

Accessory Building
Basic Utilities
Home Occupation
Outdoor Recreation Area
Outdoor Recreation Area (lighted)
Satellite Transmit Station
Telecommunications Antennas (See Section 8.6 of the UDC)
Wind Energy Conversion Systems

- A live/work unit is defined as a single unit consisting of both a commercial/office and a residential component that is occupied by the same resident.

1.04 Location of Uses: The location of permitted uses shall be provided in a detailed site plan and may require additional site development standards, based on adjacency and site location.

1.05 Density: The overall allowed density for Tract A shall be determined through review and approval of a site plan.

1.06 Dimensional Standards: All dimensional standards including lot size, building separation, floor area, floor area ratio, lot coverage and height shall be determined through review and approval of a site plan.

1.07 Design Standards: Development will conform to the minimum design standards in Article 9, Design Standards of the UDC, unless otherwise approved in revised development standards for this MPD.

- 1.08 Development Standards:** Development will conform to the minimum standards in the UDC unless specified otherwise in Exhibit B of this MPD or unless revised.
- 1.09 Landscape Standards:** Development will conform to the minimum standards in the UDC. In addition, a minimum 20' landscaped buffer and coordinated entryway plantings and signage along I-35 West shall be provided to present a high-quality front-door to the development. A minimum 15' landscape buffer and coordinated entryway plantings shall be provided along all collector and arterial streets. Thirteen and one-half percent of the site area shall be maintained in open space.
- 1.10 Site Plan Approval:** Shall be based on UDC standards at the time of development. Site Plan applications shall be processed as a zoning application and meet all notice and public hearing requirements of the UDC, and upon approval the Site Plan shall be considered an exhibit of this Ordinance.

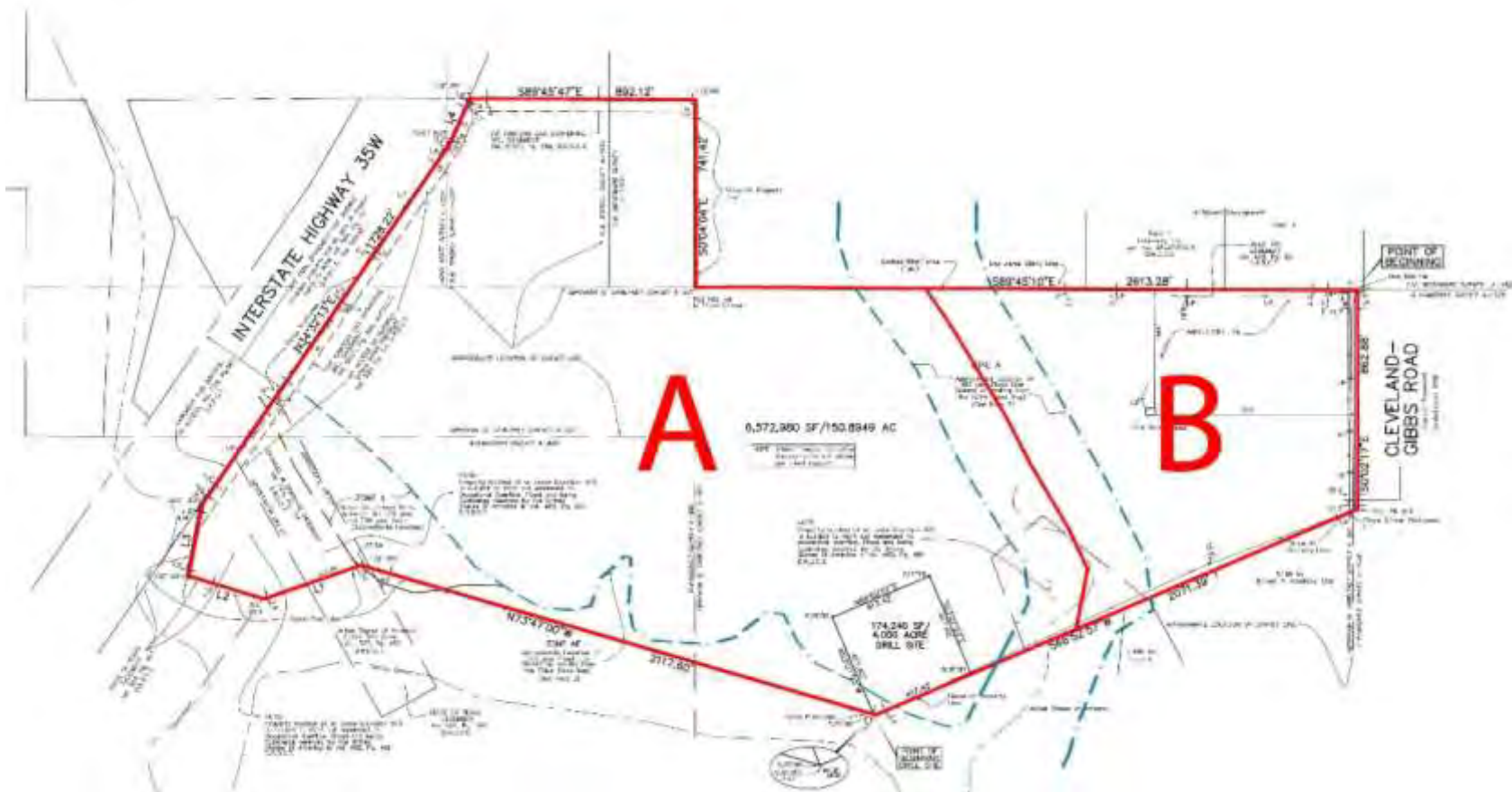
2.00 Tract B – Mixed Use and Industrial (Approximately 34.58 Acres)

- 2.01 General Description:** Tract B permits the use of additional building materials. Development standards are the same as those in Tract A.
- 2.02 Permitted Uses:** Land uses permitted within Tract B are the same as permitted in Tract A. In addition, Recreational Vehicle (RV) Park and RV Storage uses are permitted.
- 2.03 Development Standards:** Development standards for Tract B are the same as those for Tract A, with the following additional provisions:

In addition to the materials permitted in Tract A, Tract B development may be comprised of pre-engineered metal building systems, steel or aluminum, if they meet one of the following conditions:

- a. Have masonry front facades when facing an arterial or collector (in compliance with building material requirements).
- b. If not facing an arterial or collector, are architecturally enhanced with a combination of windows, architectural features, or articulated fronts and roofs.

EXHIBIT C CONCEPT PLAN



- TRACT A Mixed-Use Planned Development, primarily mixed uses. Permits agricultural uses by right and non-residential uses (including industrial) and multi-family uses by site plan approval. (See Exhibit for list of uses) Does not permit metal buildings. Standards applied at time of site plan approval will be consistent with UDC requirements.
- TRACT B Mixed-Use Planned Development, primarily mixed uses. Permits agricultural uses by right and non-residential uses (including industrial) and multi-family uses by site plan approval. (See Exhibit B for list of uses) Tract B permits the use of additional building materials, as provided in Exhibit B. Standards applied at time of site plan approval will be consistent with UDC requirements.



NOTICE OF PUBLIC HEARING

Notice is hereby given that the Northlake Town Council will hold a public hearing on Thursday, March 28, 2019, at a meeting to begin at 7:00 pm at Northlake Town Hall, 1500 Commons Circle Suite 300, Northlake, Texas 76226. The purpose of this hearing is to hear comments for or against a zoning change request to amend the Mixed-Use Planned Development (MPD) zoning district adopted by Ordinance No. 14-0410, to add RV Storage and RV Park as permitted uses on Tract B, an approximately 34.6-acre tract of land located on the west side of Cleveland-Gibbs Road approximately 1,300 feet north of Edna Lane. Henry Investment Group is the owner. G&A|McAdams is the applicant. Case # PD-19-001.

ABOUT THIS REQUEST

A summary of the proposed zoning change is provided on the following page. If you would like more information or have any questions about this request, please contact Nathan Reddin, Development Director, at 940-242-5703 or nreddin@town.northlake.tx.us. You may also visit Northlake Town Hall between the hours of 8:00 am to 5:00 pm, Monday – Friday.

PUBLIC HEARING PROCESS

The public hearing process is designed to provide opportunities for citizen involvement and comment. The public hearing is held before the Town Council. During the public hearing, interested persons are asked to sign in and speak before the Town Council to provide comments for or against the request before the Town Council. Prior to the public hearing, Northlake landowners within two hundred (200) feet of the subject property are notified of the request by mailing of this notice thirty (30) days prior to the date of the public hearing. Notifications are also published in the Denton Record-Chronicle fifteen (15) days prior to the date of the public hearing.

WRITTEN RESPONSE PROCESS

You may also make your opinion known on this request by returning the enclosed Notification Response Form. Please return this form with your comments prior to the date of the public hearing. *This in no way prohibits you from attending and participating in the public hearing.* The Council is informed of the percentage of responses in support and in opposition of the request. If the owners of more than twenty (20) percent of the Northlake land area within two hundred (200) feet of the site submit written opposition, then four (4) out of five (5) votes of the Town Council are required to approve the request. ***These forms are used to calculate the percentage of landowner opposition.***

SUMMARY OF REQUEST

G&A|McAdams has submitted a request on behalf of Henry Investment Group, the owner of an approximately 150-acre tract of land zoned Mixed-Use Planned Development, to amend the MPD by adding RV Storage and RV Park as permitted uses on a 34.6-acre portion of the site referred to as Tract B.

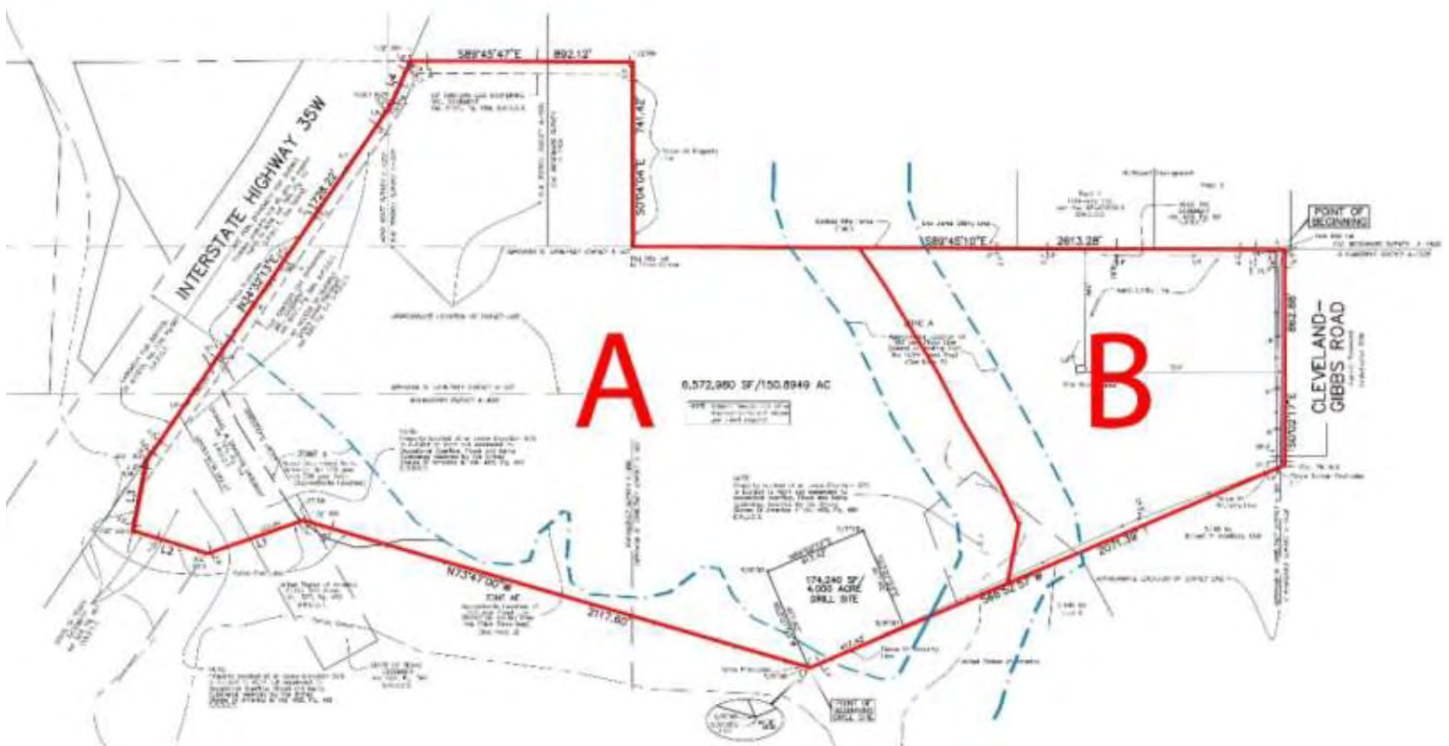
OFFICIAL NOTIFICATION

Page 2 of 2

The MPD zoning for the property was adopted with the approval of Ordinance No. 14-0410 on April 10, 2014. It allows for a mix of uses in compliance with the future land uses identified in the Comprehensive Plan as well as the Industrial Sector Plan. The MPD divides the property into two tracts referred to as Tract A and Tract B. The two tracts are divided by the floodplain that naturally divides the property. Both tracts provide for the same mix of industrial and mixed uses as specified in the ordinance. Agricultural uses are permitted by right without site plan approval, but all other permitted uses require site plan approval. A site plan will set the detailed standards for these uses. The primary difference between Tract A and Tract B is the development standards allowed. Tract B allows pre-engineered metal buildings systems with architectural enhancements including a combination of windows, architectural features, and articulated fronts and roofs. Front facades of buildings facing an arterial or collector may not be metal and must be masonry. Tract B's more relaxed development standards were justified due to its proximity to unregulated development in the surrounding ETJ. No metal facades are allowed on Tract A.

This request is to only amend the permitted uses of Tract B. No other changes are requested.

MAP



200 Foot Notification List for Public Hearing

Case Name: MPD Amendment to add RV storage & park use
Case Type: Planned Development (PD) Amendment
Case Number: PD-19-001
Public Hearing Date: March 28, 2019

PROPERTY ID	OWNER NAME	OWNER ADDRESS	CITY	STATE	ZIP	LEGAL DESCRIPTION
OWNER	HENRY NORTHLAKE DEVELOPMENT LLC	900 PARKER SQ STE 250	FLOWER MOUND	TX	75028	N/A
APPLICANT	G&A MCADAMS ATTN: RANDY RIVERA	111 HILLSIDE	LEWISVILLE	TX	75057	N/A
	US ARMY CORPS of ENGINEERS FORT WORTH DISTRICT	819 TAYLOR ST	FORT WORTH	TX	76102	N/A

All other properties within 200 feet of subject property are located outside of the Northlake town limits within Northlake ETJ.



NOTIFICATION RESPONSE FORM

Form revised 9/14/2011

CASE INFORMATION

Public Hearing Date: March 28, 2019, 7:00 pm
Case Type: Planned Development (PD) amendment
Case Name: MPD amendment to add RV storage & park use
Case #: PD-19-001

WRITTEN RESPONSE

Please check one: ☒ In favor of request ☐ Neutral/Undecided on request ☐ Opposed to request

Comments (optional):

Signature: [Signature] Date: 2/28/19
Printed Name: David Henry
Address: 900 Parker Square #250 City/State/ZIP: Flower Mound TX 75028
Phone number: (940) 972.885.6960

RETURN COMPLETED FORM VIA EMAIL, FAX OR HAND DELIVERY BEFORE THE START OF THE SCHEDULED PUBLIC HEARING.

RETURN RESPONSES AND/OR DIRECT QUESTIONS TO:

Town of Northlake
Development Director
Email: nreddin@town.northlake.tx.us
Phone: 940-242-5703
Fax: 940-648-0363

Address:
1500 Commons Circle, Suite 300
Northlake, Texas 76226

FOR OFFICE USE ONLY

Stamp Received

Property within notification area: ☐ Yes ☐ No
Property ID: _____
Property Size: _____



Zoning Amendment

Northlake



MCADAMS



MCADAMS

SITE > NORTHLAKE RV PARK

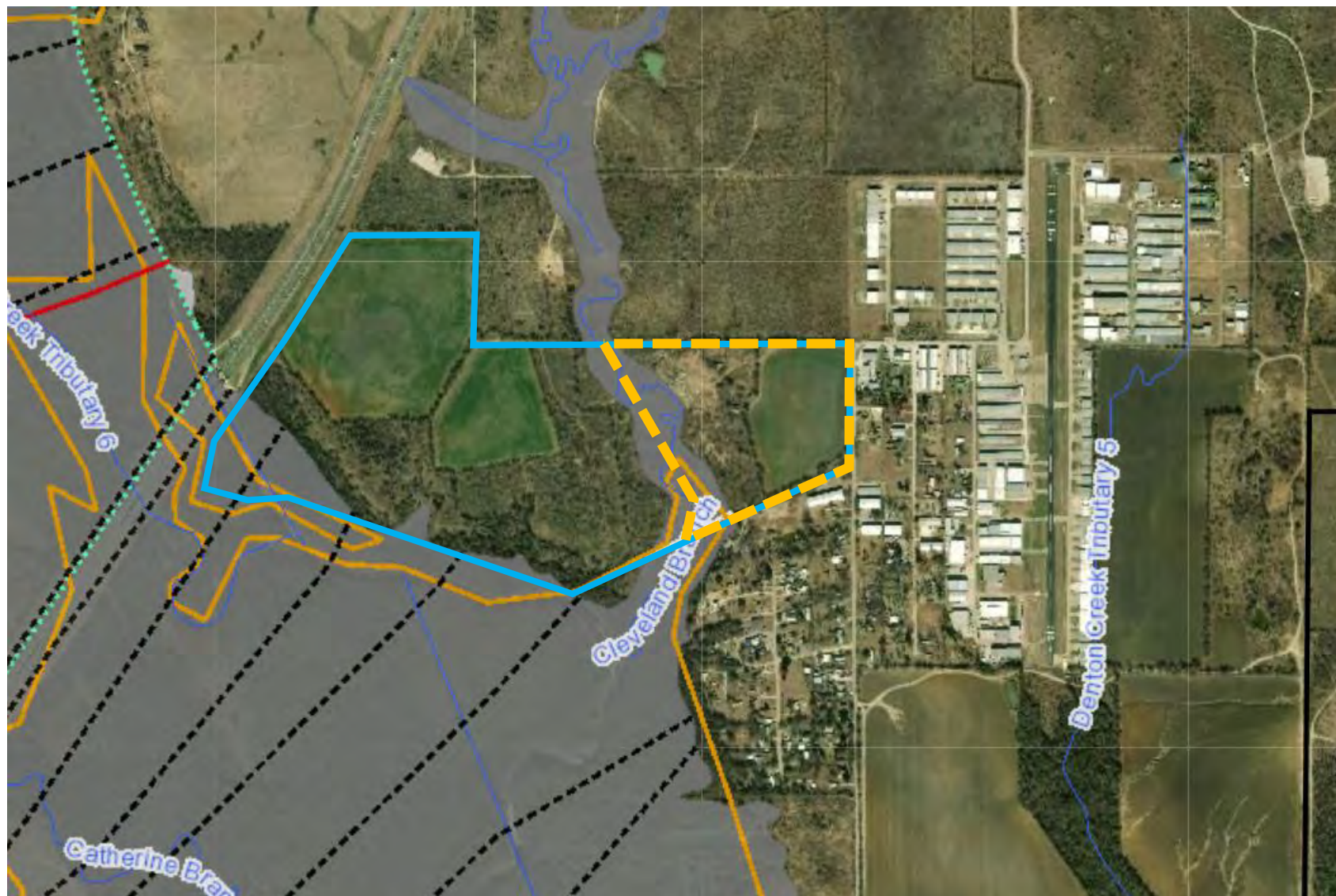


- > **34.58 acres fronting Cleveland Gibbs Road**
- > **Cleveland Branch of Denton Creek the western boundary**
- > **Adjacent to Aero Valley Airport**
- > **MPD zoning**



McADAMS

SITE > NORTHLAKE RV PARK





McADAMS

PICTURES > NORTHLAKE RV PARK





McADAMS

PICTURES > NORTHLAKE RV PARK





McADAMS





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PICTURES > NORTHLAKE RV PARK





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PICTURES > NORTHLAKE RV PARK





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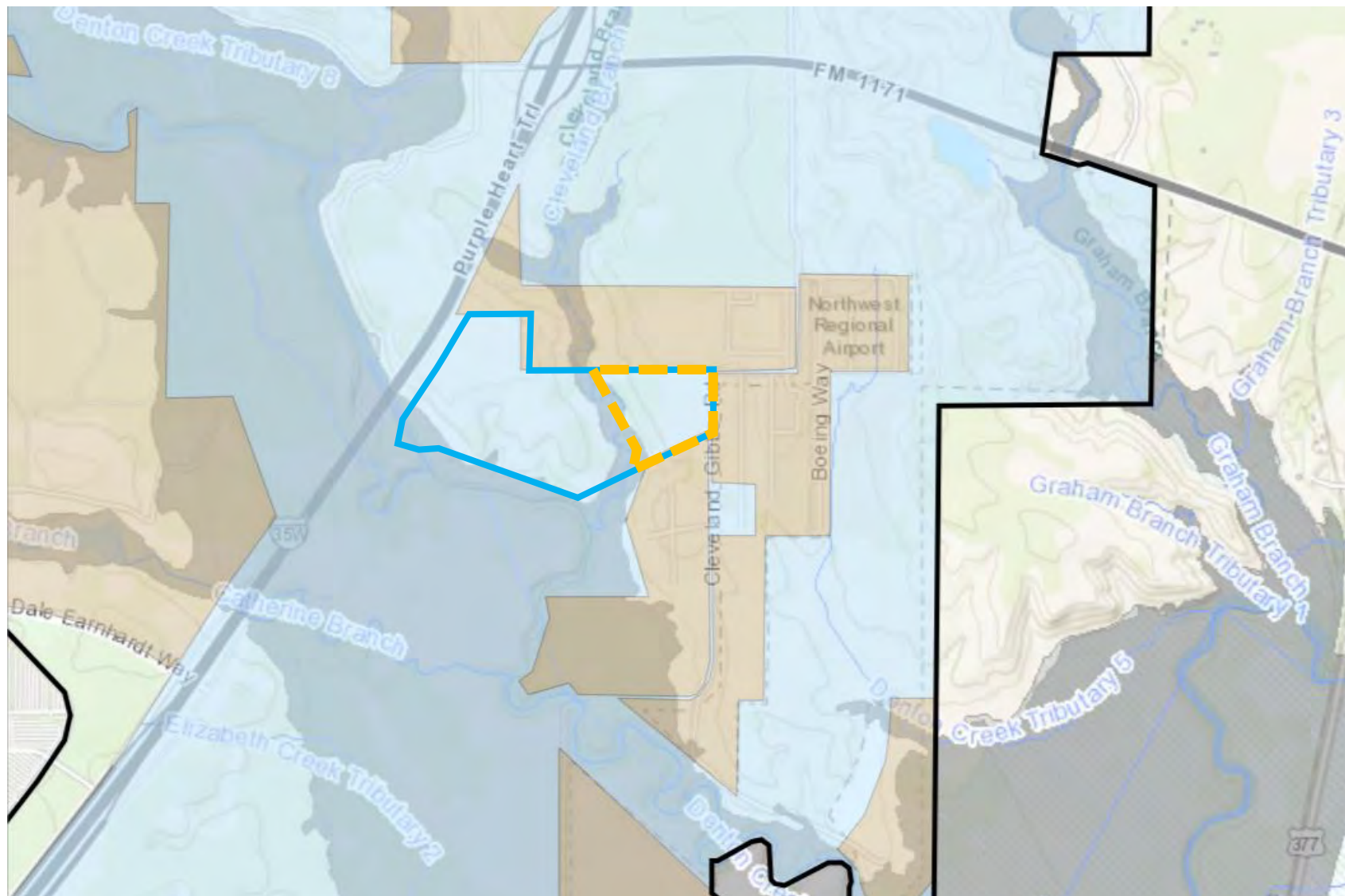
PICTURES > NORTHLAKE RV PARK





McADAMS

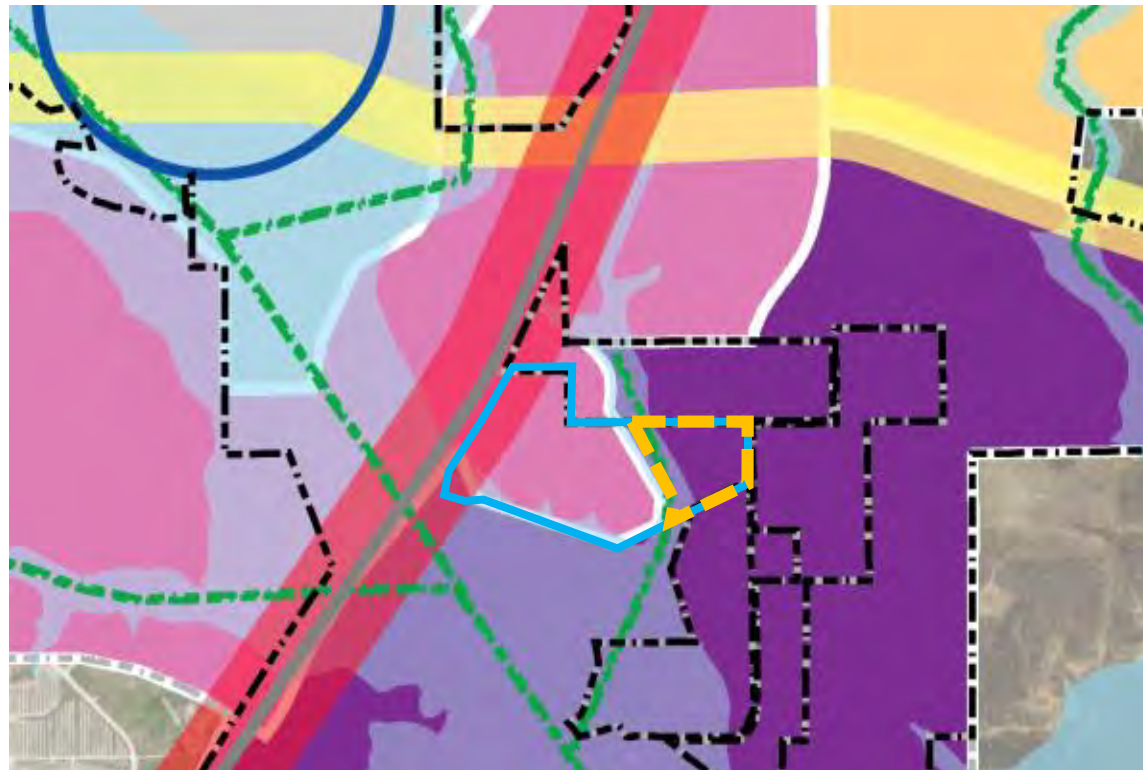
TOWN LIMITS > NORTHLAKE RV PARK





McADAMS

TOWN COMPREHENSIVE PLAN > NORTHLAKE RV PARK



SPECIAL AREAS

- TRAIL CORRIDORS
- FLOOD PLAIN
- TOWN CENTER
- HWY CORRIDORS
- ARTERIAL CORRIDORS

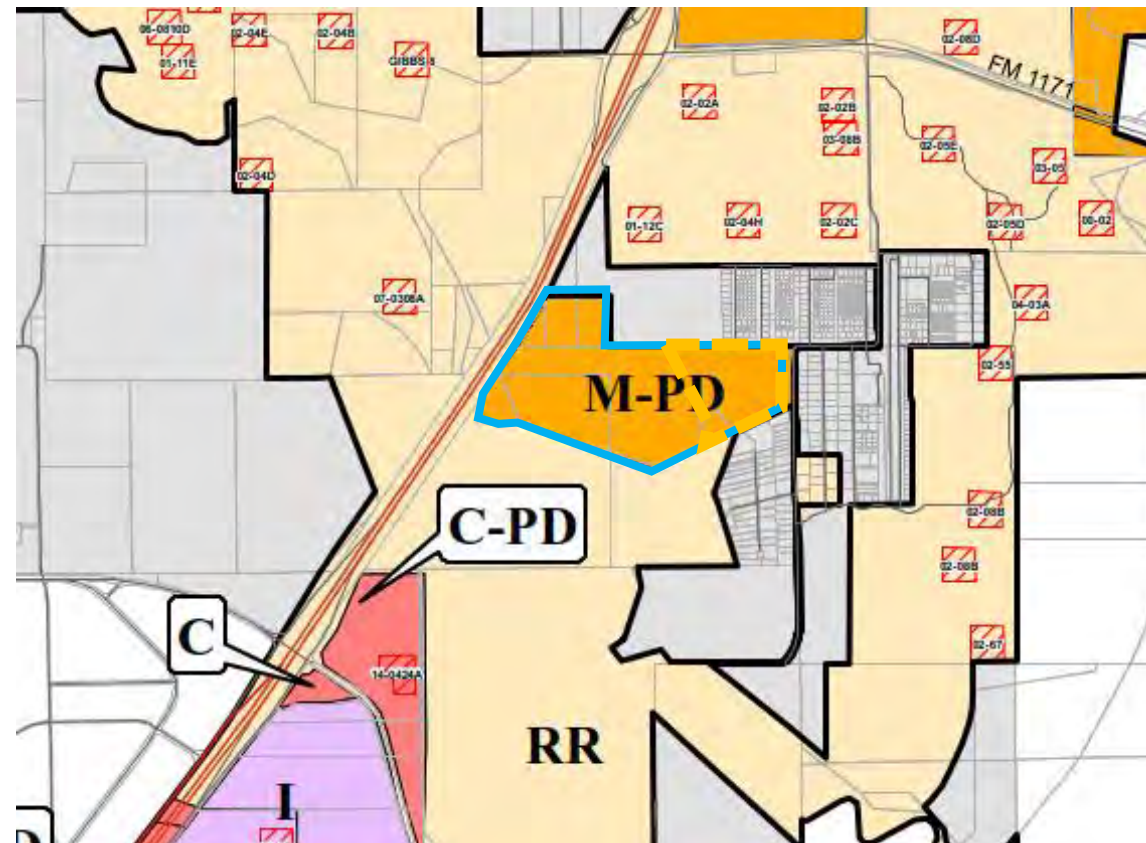
CHARACTER AREAS

- RANCH PRESERVATION
- NEIGHBORHOOD RESIDENTIAL
- WORKFORCE RESIDENTIAL
- TRANSITIONAL MARKET DEPENDENT
- TRANSITIONAL MIXED USE
- MIXED USE
- BUSINESS PARK



MCADAMS

TOWN ZONING MAP > NORTHLAKE RV PARK

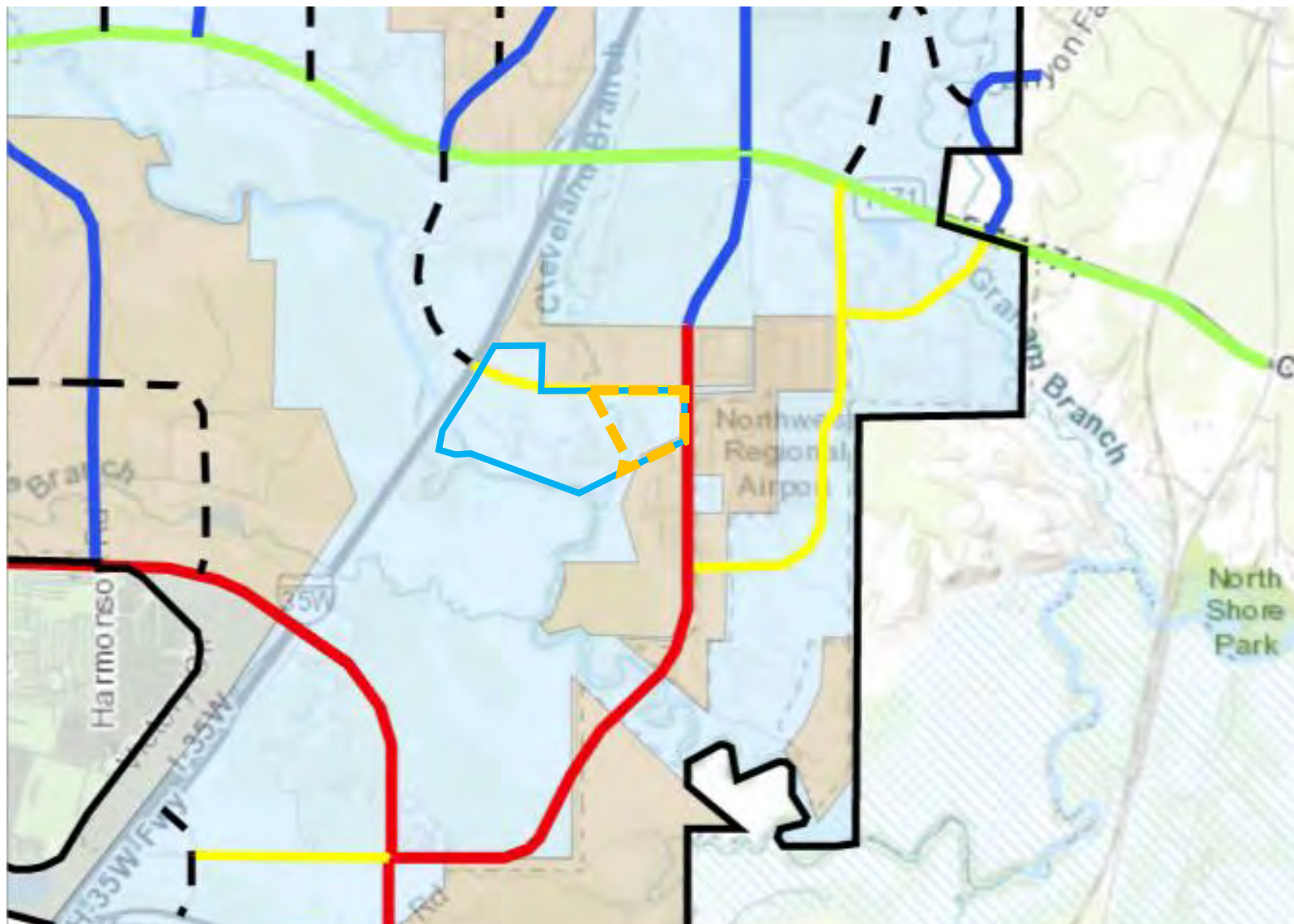


Legend	
	CRO - Conservation Residential Overlay
	SUP - Special Use Permit
	C - Commercial
	C-PD - Commercial Planned Development
	I - Industrial
	I-PD - Industrial/Planned Development
	M-PD - Mixed-Use/Planned Development
	MH - HUD Code Manufactured Housing
	RR - Rural Residential (Min. 5 ac)
	RE - Rural Estate (Min. 1 ac)
	RE-PD - Rural Estate/Planned Development (Min. 1 ac)
	Limited Purposes Annexation Area



MCADAMS

THOROUGHFARE PLAN > NORTHLAKE RV PARK





MCADAMS

ZONING > RV PARK

Ord 14-0410

> Site:

- 150.89 acres
- IH 35W to Cleveland Gibbs Road

> Uses

- Residential
- Educational & Institutional
- Commercial, Office & Service Uses
- Manufacturing & Industrial

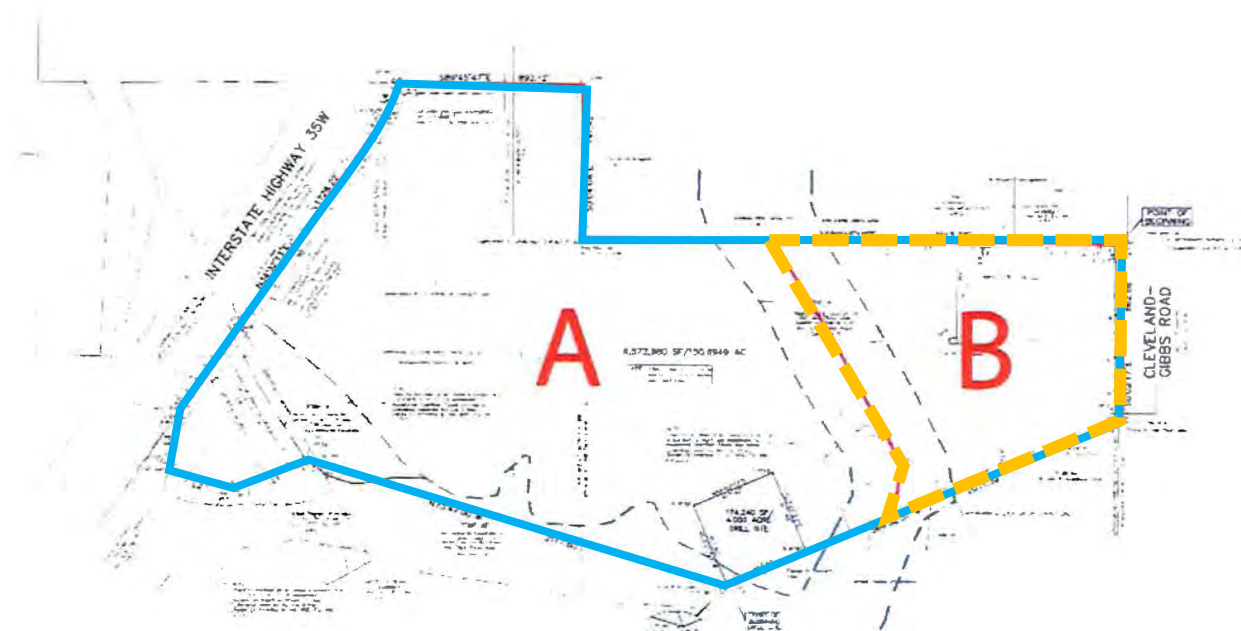
> Tract A

- 116.32 acres

> Tract B

- 34.58 acres

EXHIBIT C
CONCEPT PLAN



TRACT A Mixed-Use Planned Development, primarily mixed uses. Permits agricultural uses by right and non-residential uses (including industrial) and multi-family uses by site plan approval. (See Exhibit for list of uses) Does not permit metal buildings. Standards applied at time of site plan approval will be consistent with UDC requirements.

TRACT B Mixed-Use Planned Development, primarily mixed uses. Permits agricultural uses by right and non-residential uses (including industrial) and multi-family uses by site plan approval. (See Exhibit B for list of uses) Tract B permits the use of additional building materials, as provided in Exhibit B. Standards applied at time of site plan approval will be consistent with UDC requirements.



MCADAMS

EXAMPLE > RV PARK





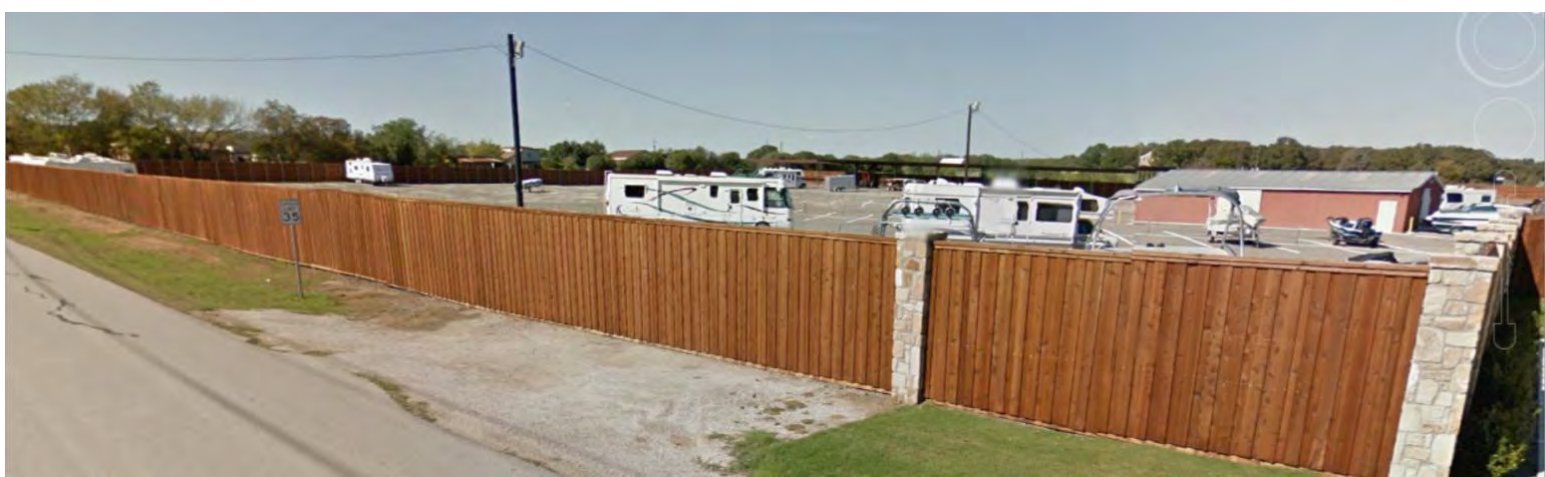
McADAMS

EXAMPLE > RV PARK





EXAMPLES > RV PARK





McADAMS

CONCEPT PLAN > RV PARK





Zoning Amendment

Northlake



MCADAMS

Memo

To: Honorable Mayor and Town Council
From: Nathan Reddin, Development Director
CC: Drew Corn, Town Administrator
Shirley Rogers, Town Secretary
Date: March 28, 2019
Re: Final Plat for Harvest Phase 4C (FP-19-001)

Purpose: To consider approval of a Final Plat of Harvest Phase 4C, a subdivision consisting of 39 single-family residential lots and 3 non-residential/open space lots within the extraterritorial jurisdiction of the Town of Northlake on a 18.724-acre tract of land in the Patrick Rock Survey, Abstract No. 1063, located on the north side of Old Justin approximately 1,200 feet west of Harvest Way.

Owner/Applicant/Developer: Belmont 407, LLC

Engineer/Surveyor: Jones & Carter, Inc.

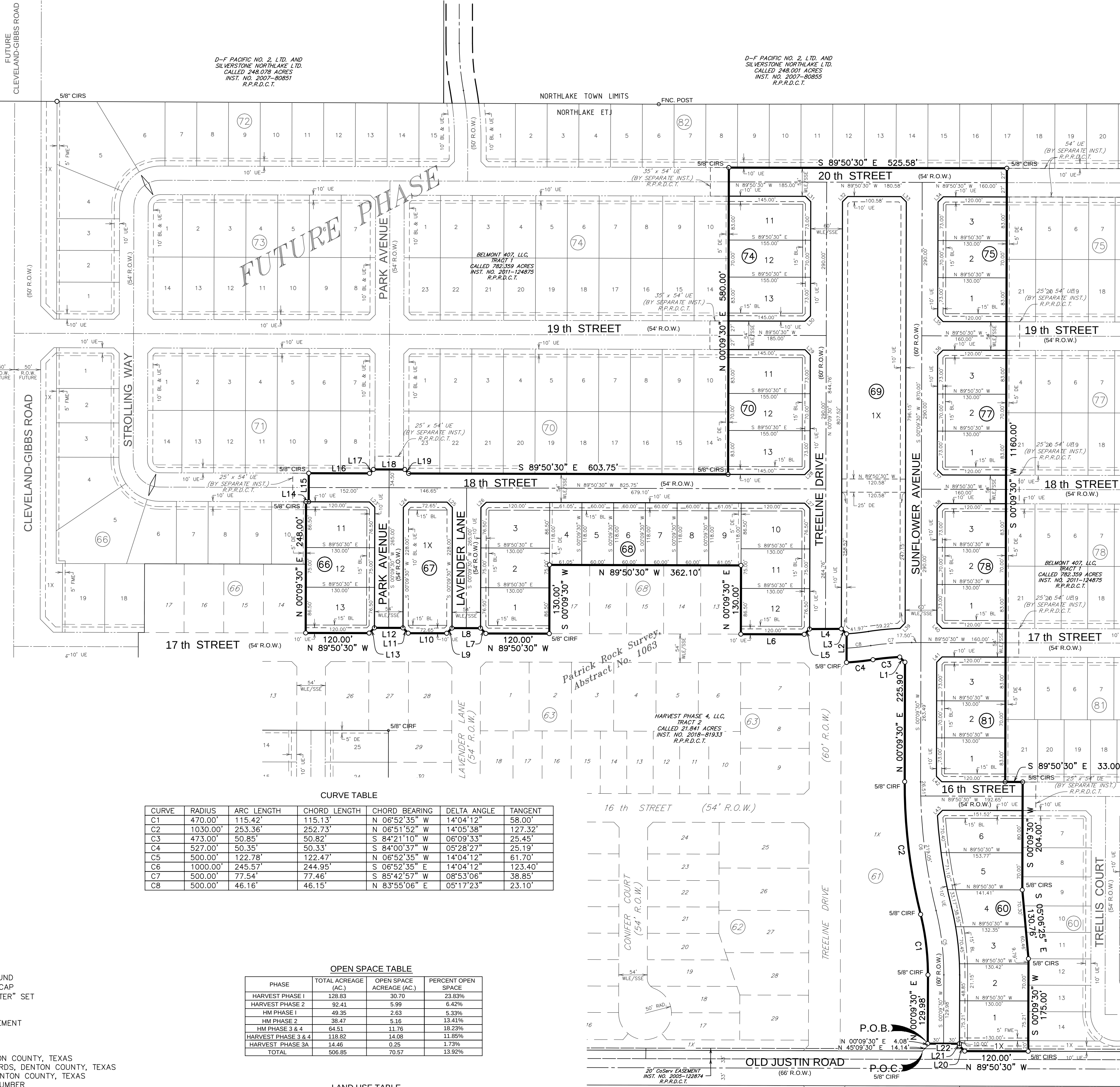
Background: This plat is for the latest phase of the Harvest development. It was originally planned as part of Phase 5 as approved with the preliminary plat for Harvest Phases 4B, 5 & 8 on May 10, 2018. The development of this phase is subject to the Harvest Development Code approved with the Development Agreement as restated and approved by Town Council on September 27, 2012.

Staff Analysis: The applicant has provided a final plat application in accordance with requirements of the Harvest Development Agreement and the Subdivision Ordinance in place at the time of the agreement. The final plat contains a total of 42 lots including 39 single-family residential lots and 3 lots designated for nonresidential/open space use. The “nonresidential/open space lots” are dedicated for open spaces and amenities to be owned and maintained by the homeowners association, Fresh Water Supply District, and/or public improvement district as applicable.

Other than the revised phasing, the final plat is consistent with the approved preliminary plat. The entire area of this final plat is within Zone 3 as identified in the Harvest Development Code, and this plat meets or exceeds the development standards outlined in the code with regard to density and lot dimensions. Construction plans for water, sewer, streets and storm drainage were submitted with the final plat and have been reviewed and approved by staff.

Staff Findings: Staff finds the final plat meets all applicable requirements.

LINE	BEARING	DISTANCE
L1	N 45°54'06" W	13.88'
L2	N 00°09'19" E	54.11'
L3	N 46°26'21" W	13.74'
L4	S 89°41'50" W	60.00'
L5	S 45°09'30" W	14.14'
L6	N 89°50'30" W	120.00'
L7	N 44°50'30" W	14.14'
L8	N 89°50'30" W	54.00'
L9	S 45°09'30" W	14.14'
L10	N 89°50'30" W	72.65'
L11	N 44°50'30" W	14.14'
L12	N 89°50'30" W	54.00'
L13	S 45°09'30" W	14.14'
L14	S 89°50'30" E	5.00'
L15	N 00°09'30" E	54.00'
L16	S 89°50'30" E	115.00'
L17	N 45°09'30" E	10.61'
L18	S 89°50'30" E	59.00'
L19	S 44°50'30" E	10.61'
L20	N 44°50'30" W	14.14'
L21	N 00°09'30" E	4.08'
L22	N 89°50'30" W	60.00'
L23	S 44°50'30" E	14.14'
L24	N 45°09'30" E	14.14'
L25	S 44°50'30" E	14.14'
L26	N 45°09'30" E	14.14'
L27	S 44°50'30" E	14.14'
L28	S 45°09'30" W	14.14'
L29	S 44°50'30" E	14.14'
L30	S 45°09'30" W	14.14'
L31	S 44°50'30" E	14.14'
L32	N 45°09'30" E	14.14'
L33	S 44°50'30" E	14.14'
L34	N 45°09'30" E	14.14'
L35	N 44°50'30" W	14.14'
L36	N 45°09'30" E	14.14'
L37	N 44°50'30" W	14.14'
L38	N 45°09'30" E	14.14'
L39	S 44°12'25" W	14.38'
L40	N 44°50'30" W	14.14'
L41	N 45°09'30" E	14.14'
L42	N 44°50'30" W	14.14'
L43	N 43°25'47" E	13.71'



OWNER'S CERTIFICATION

STATE OF TEXAS :
COUNTY OF DENTON :

WHEREAS, Belmont 407, LLC., is the owner of a 18.724 acre tract of land situated in the Patrick Rock Survey, Abstract No. 1063, Denton County Texas, and being a part of a called 782.359 acre tract of land described in deed to Belmont 407, LLC, recorded in Instrument No. 2011-124875 of the Real Property Records of Denton County, Texas (R.P.R.D.C.T.), and being more particularly described as follows:

COMMENCING at a 5/8" iron rod with cap stamped "Jones Carter" found at the southeast corner of Tract 2, a called 21.841 acre tract of land described in deed to Harvest Phase 4, LLC, (Tract 2) recorded in Instrument No. 2018-81933 R.P.R.D.C.T. and the north line of Old Justin Road;

THENCE North 45 Degrees 09 Minutes 30 Seconds East, along the easterly line of said 21.841 acre tract, a distance of 14.14 feet to a 5/8" iron rod with cap stamped "Jones Carter" found for corner;

THENCE North 00 Degrees 09 Minutes 30 Seconds East, along the easterly line of said 21.841 acre tract, a distance of 4.08 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for the POINT OF BEGINNING of the herein described tract;

THENCE along the easterly line of said 21.841 acre tract, the following courses:

North 00 Degrees 09 Minutes 30 Seconds East, a distance of 129.98 feet to a 5/8" iron rod with cap stamped "Jones Carter" found at the beginning of a tangent curve to the left;

Northwesterly, along said tangent curve to the left having a central angle of 14 Degrees 04 Minutes 12 Seconds, a radius of 470.00 feet, an arc distance of 115.42 feet and a chord bearing and distance of North 06 Degrees 52 Minutes 35 Seconds West, 115.13 feet to a 5/8" iron rod with cap stamped "Jones Carter" found at the beginning of a reverse curve to the right;

Northwesterly, along said reverse curve to the right having a central angle of 14 Degrees 05 Minutes 38 Seconds, a radius of 1030.00 feet, an arc distance of 253.36 feet and a chord bearing and distance of North 06 Degrees 51 Minutes 52 Seconds West, 252.73 feet to a 5/8" iron rod with cap stamped "Jones Carter" found for corner;

North 00 Degrees 09 Minutes 30 Seconds East, a distance of 225.90 feet to a 5/8" iron rod with cap stamped "Jones Carter" found for corner;

North 45 Degrees 54 Minutes 06 Seconds West, a distance of 13.88 feet to a 5/8" iron rod with cap stamped "Jones Carter" found at the beginning of a non-tangent curve to the left;

Southwesterly, along said non-tangent curve to the left having a central angle of 06 Degrees 09 Minutes 33 Seconds, a radius of 473.00 feet, an arc distance of 50.85 feet and a chord bearing and distance of South 84 Degrees 21 Minutes 10 Seconds West, 50.82 feet to a 5/8" iron rod with cap stamped "Jones Carter" found at the beginning of a reverse curve to the right;

Southwesterly, along said reverse curve to the right having a central angle of 05 Degrees 28 Minutes 27 Seconds, a radius of 527.00 feet, an arc distance of 50.35 feet and a chord bearing and distance of South 84 Degrees 00 Minutes 37 Seconds West, 50.33 feet to a 5/8" iron rod with cap stamped "Jones Carter" found for corner;

North 00 Degrees 09 Minutes 19 Seconds East, a distance of 54.11 feet to a 5/8" iron rod with cap stamped "Jones Carter" found for corner;

North 46 Degrees 26 Minutes 21 Seconds West, a distance of 13.74 feet to a 5/8" iron rod with cap stamped "Jones Carter" found for corner;

South 89 Degrees 41 Minutes 50 Seconds West, a distance of 60.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" found for corner;

South 45 Degrees 09 Minutes 30 Seconds West, a distance of 14.14 feet to a 5/8" iron rod with cap stamped "Jones Carter" found for corner;

North 89 Degrees 50 Minutes 30 Seconds West, a distance of 120.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" found for corner;

North 00 Degrees 09 Minutes 30 Seconds East, a distance of 130.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" found for corner;

North 89 Degrees 50 Minutes 30 Seconds West, a distance of 362.10 feet to a 5/8" iron rod with cap stamped "Jones Carter" found for corner;

South 00 Degrees 09 Minutes 30 Seconds West, a distance of 130.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" found for corner;

North 89 Degrees 50 Minutes 30 Seconds West, a distance of 120.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" found for corner;

North 44 Degrees 50 Minutes 30 Seconds West, a distance of 14.14 feet to a 5/8" iron rod with cap stamped "Jones Carter" found for corner;

North 89 Degrees 50 Minutes 30 Seconds West, a distance of 54.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" found for corner;

South 45 Degrees 09 Minutes 30 Seconds West, a distance of 14.14 feet to a 5/8" iron rod with cap stamped "Jones Carter" found for corner;

North 89 Degrees 50 Minutes 30 Seconds West, a distance of 72.65 feet to a 5/8" iron rod with cap stamped "Jones Carter" found for corner;

North 44 Degrees 50 Minutes 30 Seconds West, a distance of 14.14 feet to a 5/8" iron rod with cap stamped "Jones Carter" found for corner;

North 89 Degrees 50 Minutes 30 Seconds West, a distance of 54.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" found for corner;

South 45 Degrees 09 Minutes 30 Seconds West, a distance of 14.14 feet to a 5/8" iron rod with cap stamped "Jones Carter" found for corner;

North 89 Degrees 50 Minutes 30 Seconds West, a distance of 120.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" found for corner;

North 00 Degrees 09 Minutes 30 Seconds East, a distance of 248.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

THENCE over and across said 782.359 acre tract, the following courses:

South 89 Degrees 50 Minutes 30 Seconds East, a distance of 5.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 00 Degrees 09 Minutes 30 Seconds East, a distance of 54.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 89 Degrees 50 Minutes 30 Seconds East, a distance of 115.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 45 Degrees 09 Minutes 30 Seconds East, a distance of 10.61 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 89 Degrees 50 Minutes 30 Seconds East, a distance of 59.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 44 Degrees 50 Minutes 30 Seconds East, a distance of 10.61 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 89 Degrees 50 Minutes 30 Seconds East, a distance of 603.75 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 00 Degrees 09 Minutes 30 Seconds East, a distance of 580.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 89 Degrees 50 Minutes 30 Seconds East, a distance of 525.28 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 00 Degrees 09 Minutes 30 Seconds West, a distance of 1160.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 89 Degrees 50 Minutes 30 Seconds East, a distance of 33.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 00 Degrees 09 Minutes 30 Seconds West, a distance of 204.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 05 Degrees 06 Minutes 25 Seconds East, a distance of 130.76 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

South 00 Degrees 09 Minutes 30 Seconds West, a distance of 175.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" set in the north line of Old Justin Road;

THENCE North 89 Degrees 50 Minutes 30 Seconds West, along the north line of Old Justin Road, a distance of 120.00 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

THENCE departing the north line of said Old Justin Road, over and across said 782.359 acre tract, the following courses:

North 44 Degrees 50 Minutes 30 Seconds West, a distance of 14.14 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 00 Degrees 09 Minutes 30 Seconds East, a distance of 4.08 feet to a 5/8" iron rod with cap stamped "Jones Carter" set for corner;

North 89 Degrees 50 Minutes 30 Seconds West, a distance of 60.00 feet to the POINT OF BEGINNING and containing 815,618 square feet or 18.724 acres of land more or less.

STATE OF TEXAS :
COUNTY OF DENTON :

Now Therefore, know all men by these presents:

That Harvest Phase 4, LLC., acting herein by and through his (its) duly authorized officer(s), does hereby adopt this plat designating the herein above described property as **Harvest Phase 4C**, an addition within the extra-territorial jurisdiction of the Town of Northlake, Texas ("Town"), and does hereby dedicate, in fee simple, to Belmont Fresh Water Supply District No. 1 of Denton County ("District") forever, the easements, streets, rights-of-way and public improvements contained therein. District does hereby dedicate for the public use forever, the easements, the streets, rights-of-way and public improvements contained therein. The streets and alleys, if any, are dedicated for street purposes. The easements, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. Notwithstanding the foregoing, the District does hereby dedicate to the Town of Northlake, Texas, all water and sanitary sewer improvements contained in the right-of-way and easements as shown on this plat in consideration for the Town's agreement to utilize such improvements to serve property within the District. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the District. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easements limits the use to particular utilities, said use by public utilities being subordinate to the public's and Town's use thereof.

Belmont 407, LLC,
a Texas limited liability company

By: _____

Name: _____

Title: _____

STATE OF TEXAS
COUNTY OF DALLAS

This instrument was acknowledged before me on _____, 20____. By _____ of Belmont 407, LLC, a Texas limited liability company, on behalf of said limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledgement to me that he executed the same for the purpose of and consideration therein expressed, and in the capacity therein stated.

Given my hand and seal of office, this the _____ day of _____, 20____.

Notary Public, State of Texas

My Commission expires : _____

STATE OF TEXAS
COUNTY OF DALLAS

KNOW ALL MEN BY THESE PRESENTS:

That I, Eduardo Martinez, a Registered Professional Land Surveyor of the State of Texas, do hereby certify that this Plat is true and correct and was prepared from an actual survey made under my supervision on the ground.

PRELIMINARY
FOR REVIEW ONLY.
THIS DOCUMENT SHALL NOT BE
RECORDED FOR ANY PURPOSE.

Date: _____

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for The State of Texas, on this day personally appeared Eduardo Martinez, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____th day of _____, 20____.

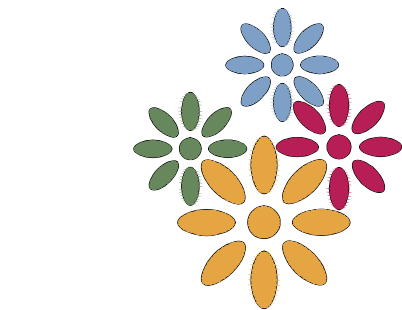
Notary Public in and for the State of Texas

FINAL PLAT
OF
HARVEST PHASE 4C

LOTS 1X & 1-6, BLOCK 60; LOTS 11-13, BLOCK 66;
LOT 1X, BLOCK 67; LOTS 1-12, BLOCK 68;
LOT 1X , BLOCK 69; LOTS 11-13, BLOCK 70;
LOTS 11-13, BLOCK 74; LOTS 1-3, BLOCK 75;
LOTS 1-3, BLOCK 77; LOTS 1-3, BLOCK 78 AND
LOTS 1-3, BLOCK 81

BEING 18.724 ACRES
SITUATED IN THE
PATRICK ROCK SURVEY, ABSTRACT NO. 1063
IN THE
ETJ OF TOWN OF NORTHLAKE, DENTON COUNTY, TEXAS
42 LOTS BY USE
(39 RESIDENTIAL AND 3 NON-RESIDENTIAL
/OPEN SPACE LOTS)

FEBRUARY 2019



harvest
Gathering. Growing. Living.

DEVELOPER / OWNER:
BELMONT 407, LLC
3000 TURTLE CREEK BLVD.
DALLAS, TEXAS 75219
PHONE: (972) 201-2800

ENGINEER / SURVEYOR:
JONES CARTER
Texas Board of Professional Engineers Registration No. F-439
6509 Windcrest Drive, Suite 600 • Plano, Texas 75024
972-488-3680
Texas Board of Professional Land Surveying Registration No. 100461-03
Contact: Eddie Martinez, E-mail: emartinez@jonescarter.com



**TOWN OF NORTHLAKE, TEXAS
RESOLUTION 19-8**

**A RESOLUTION NOMINATING ONE CANDIDATE TO A SLATE OF NOMINEES FOR THE
BOARD OF MANAGERS OF THE Denco AREA 9-1-1 DISTRICT**

WHEREAS, Section 772, Health and Safety Code, provides that two voting members of the Board of Managers of an Emergency Communications District shall be appointed jointly by all cities and towns lying wholly or partly within the District.

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

Section 1

The Town of Northlake hereby **NOMINATES** _____ as a candidate for appointment to the Board of Managers for the Denco Area 9-1-1 District.

Section 2

That this resolution shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the 28th day of March 2019

TOWN OF NORTHLAKE, TEXAS

Peter Dewing, Mayor

ATTEST:

Shirley Rogers, Town Secretary



Denco Area 9-1-1 District

1075 Princeton Street • Lewisville, TX 75067 • Mailing: PO BOX 293058 • Lewisville, TX 75029-3058
Phone: 972-221-0911 • Fax: 972-420-0709

TO: Denco Area 9-1-1 District Participating Municipal Jurisdictions
FROM: Mark Payne, Executive Director 
DATE: March 15, 2019
RE: Nomination for the Denco Area 9-1-1 District Board of Managers

RECEIVED
MAR 18 2019
BY: 

Chapter 772, Texas Health and Safety Code, provides for the Denco Area 9-1-1 District Board of Managers to have "two members appointed jointly by all the participating municipalities located in whole or part of the district." The enclosed resolution, approved by the district's board of managers on March 10, 2016, describes the appointment process of a municipal representative to the Denco Board of Managers.

Each year on September 30th, the term of one of the two members appointed by participating municipalities expires. This year it is the term of Mayor Sue Tejml. Members are eligible for consecutive terms and Mayor Tejml has expressed her desire to serve another term.

In order to coordinate the appointment among 33 participating municipalities, Denco requests the following actions by the governing bodies of each city/town:

1. **Immediate Action (Nominate):** If your city/town would like to nominate a candidate to represent the municipalities on the Denco Board of Managers, please send a letter of nomination, by way of council action, and résumé of the candidate to the Denco Area 9-1-1 District office. **For a nomination to be considered, written notification of council action must reach the Denco Area 9-1-1 District by 5:00 p.m. June 15, 2019.** No nominations shall be considered after that time.
2. **Future Action (Vote):** On June 16, 2019, Denco staff will send the slate of nominees to each city/town for consideration, requesting the city/town council vote by resolution for one of the nominees. Written notice of the council's selection must reach the Denco Area 9-1-1 District by 5:00 p.m. on September 15, 2019. No votes will be accepted after that time.
3. **Process Closure (Results):** The Denco Board of Managers and all municipal jurisdictions will be informed of the votes from responding cities/towns. The candidate with the most votes will be the municipalities' representative to the Denco Area 9-1-1 District Board of Managers for the two-year term beginning October 1, 2019.

Please send a copy of your council's official action and candidate résumé to the Denco Area 9-1-1 District, **1075 Princeton Street, Lewisville, TX 75067** or to Andrea Zepeda at andrea.zepeda@denco.org. Denco staff will acknowledge receipt and sufficiency of the submitted documents. If that acknowledgement is not received within one (1) business day, or you have any other questions, please contact Ms. Zepeda at 972-221-0911. As a courtesy, Denco will provide notification of your council's action to the nominee.

A sample nomination resolution has been enclosed for your convenience. Thank you for your support of the Denco Area 9-1-1 District.

c: Denco Area 9-1-1 District Board of Managers

Enclosures

BOARD OF MANAGERS
FY 2019

Chairman

Jack Miller

Denton County Commissioners Court Appointee
Term Expires: 9/30/2020

Vice-Chairman

Mayor Sue Tejml
Town of Copper Canyon

Denton County Cities Appointee
Term Expires: 9/30/2019

Secretary

Chief Terry McGrath

Denton Fire Chief's Assoc. Appointee
Term Expires: 9/30/2019

Jim Carter
Halff and Associates

Denton County Cities Appointee
Term Expires: 9/30/2020

Rob McGee
Verizon

Largest Telephone Service Provider Rep.
Non-Voting Member

Bill Lawrence

Denton County Commissioners Court Appointee
Term Expires: 9/30/2019



Executive Session

Agenda Item 7