



David A. Rettig, Mayor
Rena Hardeman, Council Place 1
Jimmy Lambert, Council Place 2

Brian Montini, Mayor Pro Tem, Council Place 3
Roger Sessions, Council Place 4
Danny Simpson, Council Place 5

**Town Council
Regular Meeting Minutes
Thursday, September 12, 2019
Chamber Room - 1500 Commons Circle, Suite 300 – Northlake, Texas**

1. Mayor David Rettig called the regular work session to order at 6:30 pm, quorum present

Council Members present: David Rettig, Rena Hardeman, Jimmy Lambert, Roger Sessions, Danny Simpson, and Brian Montini participated in the meeting via videoconference call pursuant to Texas Government Code Section 551.127

Staff present: Drew Corn, Town Administrator; Nathan Reddin, Development Director; Robert Crawford, Chief of Police; Eric Tamayo, Public Works Director; John Zagurski, Finance Director; Parwaiz Broker, Accountant; Kyle Garcia, Planner; Christopher Byrd, Intern and Shirley Rogers, Town Secretary

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

Invocation given by Pastor Justin Paulk, Fellowship of the Parks, Northlake-Justin Campus
Mayor Rettig led the audience in the Pledge of Allegiance to the American Flag

2. Mayor Rettig presented Proclamation No. 19-5 United Way of Denton County Live United Way Month to Alicia McElroy, Staff Member, United Way of Denton County

3. Briefing Items

- A. Finance Director Zagurski presented the FY 2019 3rd Quarter Investment Report
- B. Finance Director Zagurski presented the FY 2019 Budget Report as of July 31, 2019
- C. Portable Toilet Regulations – Council directed Town Administrator Corn to draft an ordinance and bring back to next council meeting for discussion

4. Mayor Rettig called the regular meeting to order at 6:49 pm, quorum present

5. Public Input

Northlake Resident Joel McGregor asked council to make Northlake a leader in the area by lowering property taxes and being proactive in making the town as debt free as possible

6. Consent Items

Mayor Rettig pulled Items G-H-J at the request of Council Member Hardeman for additional discussion

Council Member Hardeman made the motion to approve Items D-E-F-I-K. 2nd by Council Member Simpson
Vote: motion passed unanimous
For: Hardeman, Simpson, Sessions, Lambert, Montini
Against: none

- D. Town Council meeting minutes of August 22, 2019
- E. Town Council meeting minutes of August 29, 2019
- F. Standard Professional Services Agreement for Food Service and Temporary Event Inspections between Bureau Veritas North America, Inc. and the Town of Northlake, Texas
- I. Resolution No. 19-18 designating the Denton Record Chronicle as the official newspaper for official publication for notices
- K. Ordinance No. 19-0912 of the Town Council of the Town of Northlake, Texas approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2019 Rate Review Mechanism filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the attached settlement tariffs to be just and reasonable and in the public interest; approving an attached exhibit establishing a benchmark for pensions and retiree medical benefits; approving an attached exhibit regarding amortization of regulatory liability; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas Open Meetings Act; adopting a saving clause and effective date and requiring delivery of this ordinance to the Company and ACSC's legal counsel
- G. Council Member Hardeman made the motion to approve the Interlocal Cooperation Agreement for Police and Municipal Court Services between the Town of Northlake, Texas and City of Draper, Texas. 2nd by Council Member Lambert
Vote: motion passed unanimous
For: Hardeman, Lambert, Sessions, Montini, Simpson
Against: none
- H. Council Member Simpson made the motion to approve the Agreement for Continuing Disclosure Services by and between Town of Northlake, Texas and HTS Continuing Disclosure Services a division of Hilltop Securities Inc. 2nd by Council Member Lambert
Vote: motion passed unanimous
For: Simpson, Lambert, Sessions, Montini, Hardeman
Against: none
- J. Council Member Simpson made the motion to approve Resolution No. 19-19 of the Town Council of the Town of Northlake, Texas related to the issuance of bonds by Northlake Municipal Management District No. 1 a conservation and reclamation District located within the corporate boundaries of the Town. 2nd by Mayor Pro Tem Montini
Vote: motion passed
For: Simpson, Montini, Sessions
Against: Lambert
Abstained: Hardeman

7. Regular Items

- L. Ordinance setting the levy of assessments for the cost of services provided in Northlake Public Improvement District No. 1 (Harvest) during the Fiscal Year 2019-20; setting the charges and liens against property in the District and against the owners thereof; providing for the collection of such assessments; reserving unto the Town Council the right to allow credits reducing the amount of the respective assessment to the extent of any credit granted
- i. Mayor Rettig opened the public hearing at 7:04 pm to hear comments for or against the proposed levy of assessments for Northlake PID No. 1
No one came forward for or against the proposed levy of assessments
Mayor Rettig closed the public hearing at 7:04 pm
 - ii. Council Member Simpson made the motion to approve Ordinance No. 19-0912A. 2nd by Mayor Pro Tem Montini
Vote: motion passed unanimous
For: Simpson, Montini, Sessions, Lambert, Hardeman
Against: none
- M. Ordinance approving the Fiscal Year 2019-20 Annual Service Plan Update to the Service and Assessment Plan and the Revised Assessment Roll for The Highlands Public Improvement District
- i. Mayor Rettig opened the public hearing at 7:06 pm to hear comments for or against the annual service plan update on The Highlands PID No. 2
No one came forward for or against the Service Assessment Plan
Mayor Rettig closed the public hearing at 7:06 pm
 - ii. Council member Simpson made the motion to approve Ordinance No. 19-0912B. 2nd by Council Member Sessions
Vote: motion passed unanimous
For: Simpson, Sessions, Lambert, Montini, Hardeman
Against: none
- N. Council Member Lambert made the motion to approve Ordinance No. 19-0912C adopting the Fiscal Year 2020 Annual Budget for Tax Increment Reinvestment Zone No. 1, Town of Northlake, Texas. 2nd by Council Member Sessions
Vote: motion passed unanimous
For: Lambert, Sessions, Simpson, Montini, Hardeman
Against: none
- O. Council Member Simpson moved to approve Ordinance No. 19-0912D adopting and approving the 2019-2020 Fiscal Year Budget as shown on Exhibit A of said Ordinance. 2nd by Council Member Sessions
Vote: motion passed unanimous
For: Simpson, Sessions, Lambert, Montini, Hardeman
Against: none
- Mayor Pro Tem Montini moved to ratify the property tax increase as reflected in the Budget for Fiscal Year 2019-2020. 2nd by Council Member Sessions
Vote: motion passed unanimous
For: Montini, Sessions, Simpson, Lambert, Hardeman
Against: none

- P. Council Member Sessions moved that the property tax rate be increased by the adoption of a tax rate of \$0.29500, which is effectually a 12.3 percent increase in the tax rate. 2nd by Council Member Lambert
Vote: motion passed unanimous
For: Sessions, Lambert, Simpson, Montini, Hardeman
Against: none

Record Vote taken:	Simpson	Yes
	Sessions	Yes
	Montini	Yes
	Lambert	Yes
	Hardeman	Yes
	Rettig	present but not voting

- Q. Council Member Simpson made the motion to approve Resolution No. 19-20 of the Town Council of the Town of Northlake, Texas, authorizing the Town Administrator to contract with Quality Excavation, Ltd. For a water line installation from future site of North Water Tower to Cleveland-Gibbs Road. 2nd by Council Member Hardeman

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

- R. Council Member Hardeman made the motion to approve Resolution No. 19-21 of the Town Council of the Town of Northlake, Texas, authorizing the Town Administrator to enter into an agreement for road base preparation as part of the Mulkey Road Improvements in The Highlands Phase II. 2nd by Council Member Lambert

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

- S. Council Member Simpson made the motion to approve Resolution No. 19-22 of the Town Council of the Town of Northlake, Texas, adopting the 2019 Northlake Purchasing Policy. 2nd by Council Member Sessions

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

- T. Council Member Sessions made the motion to approve a Pioneer Grant Program incentive and performance agreement for the development of Bella Italia, a full-service restaurant to be located in the Northlake Commons retail center at FM 407 with total grant not to exceed \$50,000 as recommended by the Northlake Economic and Community Development Corporation Boards. 2nd by Council Member Simpson

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

- U. Council Member Lambert made the motion to approve a Sales Tax Grant and Reimbursement agreement for the development of Texas Roadhouse, a full-service restaurant to be located at 18400 block of IH-35W with

grant not to exceed \$50,000 and reimbursements not to exceed 1% of taxable sales for four years and construction sales at project completion as recommended by the Northlake Economic and Community Development Corporation Boards. 2nd by Mayor Pro Tem Montini

Vote: motion passed unanimous

For: Lambert, Montini, Hardeman, Sessions, Simpson

Against: none

8. By general consent, council convened into Executive Session at 8:38 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: 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; or

(c) Case # FP 18-020 considered by the Town at the January 24, 2019 Town Council meeting;
or

(d) Potential litigation related to Eagleton and Applewood road failures; or

(e) Potential litigation related to Dale Earnhardt Way road failures; or

(f) Right-of-way acquisition related to Cleveland-Gibbs Road construction; or

(g) Interlocal agreement between Town and City of Fort Worth executed on August 6, 1997; or

(h) Performance evaluation criteria applicable to the Town Administrator

b. Section 551.072 deliberation regarding the purchase, exchange, lease, or value of real property to be acquired out of a certain 47.063-acre tract of land located in the B.B.B. & C.R.R. Co. Survey, Abstract No. 189 in Northlake, Denton County, Texas, for the construction and maintenance of a water tower and other public purposes permitted by law

c. Section 551.087 Economic Development negotiations for Hotel Conference Center Incentives

Council returned from closed session at 9:11 pm with Mayor Rettig asking council to consider a motion to extend the meeting time past the 9:30 pm deadline

Council Member Hardeman made a motion to extend the meeting time up to 10:00 pm. 2nd by Council Member Lambert. Motion passed unanimous

Mayor Rettig convened the council into Executive Session for a second time at 9:12 pm

9. By general consent, the council reconvened into Open Session at 9:45 pm, action taken below

V. Council Member Lambert authorized the purchase of approximately 1.15 acres of a certain 47.063 acre tract of land located in the B.B.B. & C.R.R. Co. Survey, Abstract No. 189 in Northlake, Denton County, Texas, as property necessary for the construction and maintenance of a water tower and for other public purposes permitted by law and authorizing the Town Administrator to negotiate and enter into an agreement for said purchase on behalf of the Town. 2nd by Council Member Sessions

Vote: motion passed unanimous

For: Lambert, Sessions, Simpson, Montini, Hardeman
Against: none

- W. Council Member Simpson made the motion to approve an agreement between the Town of Northlake and Lodging Host Hotel Corp. concerning development of a Hotel Conference Center in the Town limits of Northlake and authorize the Town Administrator to negotiate and enter into said agreement on behalf of the Town. 2nd by Council Member Sessions

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

- X. Mayor Pro Tem Montini made the motion to approve Resolution No. 19-23 of the Town Council of the Town of Northlake supporting the Denton County Commissioners' Court for the acquisition of right-of-way for the Cleveland-Gibbs Road construction project. 2nd by Council Member Sessions

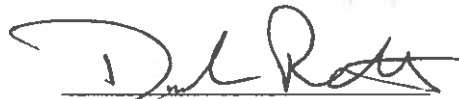
Vote: motion passed unanimous
For: Montini, Sessions, Simpson, Lambert, Hardeman
Against: none

10. By general consent, the meeting was adjourned at 9:50 pm

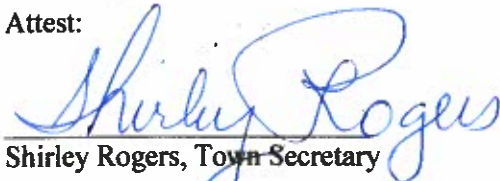
Passed and approved on this the 26th day of September 2019



Town of Northlake, Texas


David Rettig, Mayor

Attest:


Shirley Rogers, Town Secretary