



DAVID A. RETTIG, MAYOR

RENA HARDEMAN, COUNCIL PLACE 1
MICHAEL C. GANZ, COUNCIL PLACE 2
BRIAN MONTINI, COUNCIL PLACE 3

ROGER SESSIONS, COUNCIL PLACE 4
BILL MOORE, COUNCIL PLACE 5
WES BOYER, COUNCIL PLACE 6

**NORTHLAKE TOWN COUNCIL
REGULAR MEETING MINUTES
OCTOBER 14, 2021, AT 5:30 PM
1500 COMMONS CIRCLE SUITE 300, NORTHLAKE, TEXAS 76226**

1. Mayor David Rettig called the meeting to order at 5:30 pm, quorum present.

Roll Call:

David Rettig, Mayor

Rena Hardeman, Place 1

Michael Ganz, Place 2

Brian Montini, Mayor Pro Tem

Roger Sessions, Place 4

Bill Moore, Place 5

Wes Boyer, Place 6 - absent

Invocation was given by Brandon McClure, Associate Pastor, Tribes Church.

The Pledge of Allegiance to the United States and Texas flags was recited.

2. Announcements, Proclamations and Presentations

- A. Presentation from Realty Capital to contribute funds to Town road projects in lieu of construction of a portion of future Florance Road

Tim Coltat, Realty Capital, provided an overview of their request.

Mayor Reddig opened Public Input on this item:

Bryan Davenport, Mark Peel, and Dan Hunke addressed the Council with their concerns related to Florance Road as currently proposed and asked that the council consider taking the funds offered and consider a different plan for the proposed road based on current conditions.

- B. Briefing on Master Thoroughfare Plan Amendment and development agreement with Kenneth and Cathy Frisby

Town Manager, Drew Corn provided an overview of the proposed Master Thoroughfare Plan (MTP) amendment and the proposed Development Agreement with Kenneth and Cathy Frisby.

MTP amendment to Florance and Strader intersection – offset intersection or two T-intersections

Development Agreement – consider rezone of property from RR to RE-PD for three two-acre lots; dedication of ROW to Town for ultimate four lanes of Florance and Strader; and Frisby constructs sidewalk along south and west perimeter of entire property.

These items will be heard by Planning and Zoning at their October 26, 2021, meeting and by Council at their October 28, 2021, meeting.

3. Public Input

This item is available for citizens to address the Town Council on any matter. The presiding officer may ask the citizen to hold his or her comment on an agenda item until that agenda item is reached. By law, no deliberation or action may be taken on the topic if the topic is not posted on the agenda. The presiding officer reserves the right to impose a time limit on this portion of the agenda.

There were no speakers.

4. Consent Items

Any Council member may request an item on the Consent Agenda to be taken up for individual consideration

Council Member Hardeman asked that Item 4D be removed from Consent for individual consideration.

Motion was made by Mayor Pro Tem Montini and second by Council Member Ganz to approve Consent Agenda Item C. Motion passed 6-0 (Boyer absent)

C. Town Council Meeting Minutes 9-9-21

D. Authorize Town Manager to purchase three crew cabs (BuyBoard #601-19, Grapevine Dodge Chrysler Jeep) and a backhoe (Sourcewell Purchasing Cooperative, HOLT CAT) in a total amount not to exceed \$315,000.

Resolution 21-34

Motion was made by Mayor Pro Tem Montini and second by Council Member Sessions to authorize the Town Manager to purchase three crew cabs (BuyBoard #601-19, Grapevine Dodge Chrysler Jeep) and a backhoe (Sourcewell Purchasing Cooperative, HOLT CAT) in a total amount not to exceed \$315,000 and to approve Resolution 21-34. Motion passed 5-1. (Hardeman opposed and Boyer absent)

5. Action Items

E. Discussion and action adopting Resolution 21-35, directing publication of Notice of Intention to issue Certificates of Obligation; and resolving other matters relating to the subject.

At the request of the Mayor this item will be handled at the end of the Action Items.

F. Authorize Town Manager to approve supplemental agreement with Newland Communities to participate in water line oversizing in an amount not to exceed \$360,000

Motion was made by Mayor Pro Tem Montini and second by Council Member Sessions to authorize the Town Manager to approve supplemental agreement with Newland Communities to

participate in water line oversizing in an amount not to exceed \$360,000. Motion passed 6-0 (Boyer absent)

Items G and H were considered together.

- G. Discussion and action calling a special meeting for November 19 and November 20, 2021.
- H. Discussion and action regarding cancellation of the November 11, November 25, and December 23, 2021, Council Meetings.

Motion was made by Council Member Sessions and second by Council Member Hardeman to call a special meeting for November 19 and November 20, 2021 and to cancel the November 11, November 25 and December 23, 2021 Council meetings. Motion passed 6-0 (Boyer absent)

- I. Approval of modifying, continuing and/or suspending the First Amended Declaration of Local and Public Health Emergency as modified by the Town Council on April 23, 2020.

There was no action taken on this item.

At 7:33pm Mayor Rettig turned the meeting over to Mayor Pro Tem Montini and left the Chambers.

- E. Discussion and action adopting Resolution 21-35, directing publication of Notice of Intention to issue Certificates of Obligation in the amount of \$7.5 million; and resolving other matters relating to the subject.

Motion was made by Council Member Sessions and second by Council Member Ganz to approve Resolution 21-35 directing publication of Notice of Intention to issue Certificated of Obligation; and resolving other matters relating to the subject. Motion passed 5-0 (Rettig abstained and Boyer absent)

- 6. By general consent, Mayor Pro Tem Montini convened the council into Executive Session at 7:44 pm to discuss the following pursuant to Texas Government Code, annotated, Chapter 551 Subchapter D:

- a. Section 551.071 authorizes a governmental body to consult with its attorney in an executive session to seek his or her advice on a legal matter. It provides as follows: A governmental body may not conduct a private consultation with its attorney except: (1) When the governmental body seeks the advice of its attorney about: (a) pending or contemplated litigation; or (b) a settlement offer; or (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. The Town Council may adjourn into executive session for consultation with the Town Attorney regarding:
 - i. Development of the IMA and AMI Development Groups tracts on approximately 6.4 acres of land north of FM 407.
 - ii. Development and annexation of the Oneta Lee Cope Trust tract on approximately 69.0 acres of land located west of FM 156.
 - iii. Development of the Petrus Investments LP tracts on approximately 559.7 acres of land located east of FM 156.

- iv. Development and annexation of the CKD Holdings Inc Tracts 24.8-acre, 11.9-acre, and 1.8-acre tracts of land general located north of Oliver Creek and west of FM 156 in the extraterritorial jurisdiction of the Town.
 - v. Development and annexation of the Hatfield, Brasher, Green Tract on approximately 97.9 acre tract of land generally located south of Evelyn Lane, west of Faught Road and north of Faith Lane in the extraterritorial jurisdiction of the Town; and the development of the Charles Faught tracts totaling approximately 152.3 acres of land generally located north of Evelyn Lane, west of Faught Road, and south of Robson Ranch Road.
 - vi. Development and annexation of the Withee tract on approximately 74.3 acres of land located north of FM 407.
 - vii. Town of Northlake vs. City of Justin, Denton County District Court Cause No. 15-08170-367.
 - viii. City of Justin v. Toby Baker, Cause No. D-1-GN-20-002084.
 - ix. Town of Northlake vs. RKM Utility Services Inc. & Philadelphia Indemnity Insurance Company Denton County District Court Cause No. 20-0649-367
 - x. Potential litigation related to Dale Earnhardt Way road failures.
- b. Section 551.087 Economic Development Negotiations
- i. Potential amendment to Development Agreement approved October 10, 2020, between Town, NEDC, NCDC, and Foster, Lewis, Gierisch, and Weis.
 - ii. Potential development agreement with Henry Northlake Development LLC on five tracts totaling approximately 122 acres generally located east of I-35W and north of Denton Creek
 - iii. Development agreement with Lodging Host Hotel Corp. for the development of a hotel conference center.

7. Mayor Rettig reconvened the council into Open Session at 8:32 pm

8. Mayor Rettig adjourned the meeting at 8:32 pm.

Passed and approved on this the 28th day of October, 2021.

Town of Northlake, Texas


David Rettig, Mayor

Attest:


Mary J. Kayser, Town Secretary