



**NORTHLAKE TOWN COUNCIL
REGULAR MEETING AGENDA
NOVEMBER 9, 2023, AT 5:30 PM
TOWN HALL - COUNCIL CHAMBER ROOM
1500 COMMONS CIRCLE, SUITE 300, NORTHLAKE, TEXAS 76226
AMENDED**

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 Regular Meeting on November 9, 2023, at 5:30 PM, at the Northlake Town Hall in the Chamber Room, 1500 Commons Circle, Suite 300, Northlake, Texas 76226. The items listed below are placed on the agenda for discussion and/or action. Town Councilmembers may appear virtually via video conference pursuant to Texas Government Code § 551.127. The following items will be considered:

1. CALL TO ORDER

- A. Roll Call, Invocation, Pledge of Allegiance

2. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

The following items are for announcement and presentation purposes:

- A. Announcement - Promotion of Sergeant Micah Hayman
- B. Proclamation - Veterans Day - November 11, 2023
- C. Proclamation - Municipal Courts Week - November 6-10, 2023
- D. Briefing - Fiscal Year 2023 Fourth Quarter Investment and Financial Reports (Jul - Sep 2023)
- E. Briefing - TextMyGov Service Update

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.

4. CONSENT ITEMS

Items listed under Consent will be enacted with one motion, one second, and one vote. Any Council member may request an item on the Consent Agenda to be taken up for Individual Consideration.

- A. Consider approval of the Town Council Meeting Minutes for October 12, 2023
- B. Consider an Ordinance of the Town of Northlake, Texas, providing for abandonment and release of

a public utility easement across Lot 2 and Lot 3, Valley View Acres as recorded in Cabinet H, Page 262, Plat Records of Denton County, Texas, to the land owner as their interest may appear, for the reason that such easement represents a surplus easement for which no public necessity presently exists and for which no public necessity is anticipated to exist in the future. Curtis Kidwill is the owner/applicant.

5. ACTION ITEMS

The following items will be considered:

- A. Consider a Resolution of the Town of Northlake, Texas, approving an appeal of the applicability and value of roadway impact fees to be assessed for a Church proposed at 7896 Evelyn Lane
- B. Consider a Resolution of the Town of Northlake, Texas, to cast Northlake's votes for a member or members of the Board of Directors of the Denton Central Appraisal District
- C. Consider a Resolution of the Town of Northlake, Texas authorizing the Town Manager to enter into an interlocal agreement with the Belmont Freshwater Supply District No. 1 for Police Services, to be effective commencing February 1, 2024 and ending October 2, 2027
- D. Consider an Ordinance of the Town of Northlake, Texas, amending Section 3.4, Board of Adjustment, of Article 3, Boards and Commissions, of the Unified Development Code (UDC) Case # UDC-23-002
 - i. Public Hearing
 - ii. Consider approval
- E. Consider an Ordinance of the Town of Northlake, Texas, amending Chapter 5 "Business Regulations" of the Code of Ordinances, Town of Northlake, Texas by creating a new Article 5.11 "Short-term Rentals," to define and govern the standards and requirements for short-term rentals
 - i. Public Hearing
 - ii. Consider approval
- F. Consider an Ordinance of the Town of Northlake, Texas, amending Chapter 4 "Building Regulations" of the Code of Ordinances, Town of Northlake, Texas by creating a new Article 4.07 "Single-family and Multi-family Rental Housing," to provide for the regulation, inspection, and permitting of rentals for single-family and multi-family dwellings
- G. Consider an Ordinance of the Town Council of the Town of Northlake, Texas, amending Chapter 5 "Business Regulations" of the Code of Ordinances, Town of Northlake, Texas by creating a new Article 5.12 "Hotels and Motels," to provide for the regulation, inspection, and permitting of hotels and motels
- H. Consider a Resolution of the Town of Northlake, Texas authorizing the Town Manager to enter into an interlocal cooperative purchasing agreement with the City of Grand Prairie, Texas in the purchasing of equipment, supplies, and services
- I. Consider a Resolution of the Town of Northlake, Texas, approving and authorizing the Town Manager to execute a contract with Stripe-A-Zone, for pavement marking on Canyon Falls Drive, in an amount not to exceed \$28,631.42
- J. Consider a Resolution of the Town of Northlake, Texas, approving and authorizing the Town

Manager to execute a contract with Stripe-A-Zone, for pavement marking on Robson Ranch Road, in an amount not to exceed \$21,896.16

6. EXECUTIVE SESSION

The Town Council will convene in an Executive Session, pursuant to Texas Government Code, annotated, Chapter 551 Subchapter D:

A. Section 551.071 - Consultation with Attorney

The Town Council may convene in an executive session to consult with its attorney to seek 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. Potential annexation and development agreement of a property consisting of a 38.1-acre tract, a 20.0-acre tract of land, and a 2.8-acre tract generally located at the southeast corner of Harmonson Road and McPherson Drive in the extraterritorial jurisdiction of the Town.
- ii. Potential development agreement and annexation of a property consisting of a 156.8-acre tract of land generally located east of FM 156 and northwest of Victory Circle in the extraterritorial jurisdiction of the Town.
- iii. Potential annexation and development agreement of a property consisting of a 24.8-acre tract, a 11.9-acre tract, and a 1.8-acre tract of land generally located at the northwest corner of FM 156 and Timberbrook Pkwy in the extraterritorial jurisdiction of the Town.
- iv. Potential annexation and development agreement for property consisting of a 3.7-acre tract, a 3.2-acre tract, and a 5.0-acre tract of land generally located at the northeast corner of SH 114 and Dale Earnhardt Way in the extraterritorial jurisdiction of the Town.
- v. Potential mediation between parties related to complaint filed with Public Utility Commission Docket No. 54243.
- vi. Potential amendment to April 29, 2021 settlement agreement with City of Justin.
- vii. Decertification of water and sewer Certificates of Convenience and Necessity in the Extraterritorial Jurisdiction and impacted service requests.
- viii. Consideration of opting out of polyfluoroalkyl substance (PFAS) settlement with DuPont, Chemours, Corteva, and 3M.
- ix. Lease agreement with DSE Hockey Centers, L.P.
- x. Developer agreement with Chadwick Farms, Ltd.
- xi. Discuss strategy and advice for enforcement of building code violations at 3400 Knights Ct.

B. Section 551.072 - Real Property

The Town Council may convene in an executive session to discuss or deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

- i. Regarding purchase, exchange, lease of value of real property to be acquired as right-of-way out of a parent tract of 3.1 acres at the north side of Old Justin Rd. at Harvest Way.
- ii. Regarding purchase, exchange, lease of value of real property to be acquired as sports venue

site out of a parent tract of 41.0 acres at the southwest corner of SH 114 and Chadwick Pkwy.

7. RECONVENE INTO OPEN SESSION

The Town Council will reconvene into Open Session for possible action resulting from any items posted and legally discussed or deliberated in Executive Session.

- A. Lease agreement with DSE Hockey Centers, L.P.
- B. Developer agreement with Chadwick Farms, Ltd.

8. ADJOURN

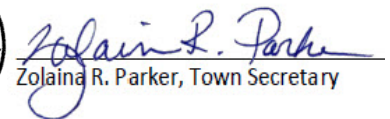
With no further items to consider, the meeting will be adjourned.

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); 551.076 (Deliberations about Security Devices); 551.087(Economic Development Negotiations).

CERTIFICATION

I, Zolaina R. Parker, Town Secretary for the Town of Northlake, Texas, hereby certify that the above agenda was posted on the official bulletin board located at Town Hall, 1500 Commons Circle, Suite 300, Northlake, Texas 76226, on November 3, 2023, by 5:00 p.m., in accordance with Chapter 551 of the Texas Government Code.




Zolaina R. Parker, Town Secretary

NOTICE: THE TOWN OF NORTHLAKE'S DESIGNATED PUBLIC MEETING FACILITIES ARE ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT(ADA). THE TOWN WILL PROVIDE ACCOMMODATIONS, SUCH AS SIGN LANGUAGE INTERPRETERS FOR THE HEARING IMPAIRED IF REQUESTED AT LEAST FORTY-EIGHT (48) HOURS IN ADVANCE OF THE SCHEDULED MEETING. PLEASE CALL THE TOWN SECRETARY'S OFFICE AT 940-242-5702 OR USE TELECOMMUNICATIONS DEVICES FOR THE DEAF (TDD), BY CALLING 1-800-RELAY-TX SO THAT REASONABLE ACCOMMODATIONS CAN BE ARRANGED.

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: November 9, 2023

Section: 1. CALL TO ORDER

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: November 9, 2023

Section: 2. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: November 9, 2023
REF. DOC.:
SUBJECT: Announcement - Promotion of Sergeant Micah Hayman
GOALS/ Define Future Amenities/Develop a highly-trained and expert Town staff
OBJECTIVES:

BACKGROUND INFORMATION:

Announcement - Promotion Sergeant Micah Hayman

COUNCIL ACTION/DIRECTION:

Provide feedback as Town Council deems necessary

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: November 9, 2023
REF. DOC.: Veterans Day Proclamation
SUBJECT: Proclamation - Veterans Day - November 11, 2023
**GOALS/
OBJECTIVES:** Define Future Amenities/Prioritize Town-provided services

BACKGROUND INFORMATION:

- Present Proclamation in honor of Veterans Day

COUNCIL ACTION/DIRECTION:

Present Proclamation

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: November 9, 2023
REF. DOC.: Municipal Courts Week Proclamation
SUBJECT: Proclamation - Municipal Courts Week - November 6-10, 2023
**GOALS/
OBJECTIVES:** Define Future Amenities/Develop a highly-trained and expert Town staff

BACKGROUND INFORMATION:

- Present proclamation in honor of Municipal Courts Week

COUNCIL ACTION/DIRECTION:

Present Proclamation

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: November 9, 2023
REF. DOC.: Northlake Investment Policy Update 2023; Fiscal Year 2022-2023 - Adopted Budget
SUBJECT: Briefing - Fiscal Year 2023 Fourth Quarter Investment and Financial Reports (Jul - Sep 2023)
GOALS/ Exercise Fiscal Responsibility/Accurately project and budget future resources and staffing
OBJECTIVES: needs

BACKGROUND INFORMATION:

- **Fiscal Year 2023 Fourth Quarter Investment Report**

- Fiscal Year (FY) 2023 fourth quarter total cash and investment book value: \$54,715,596
- Fourth quarter total interest earnings:\$424,043
- Down less than 1% (\$1,551) from last quarter; decrease due to a \$2 Million decrease in funds

- **Fiscal Year 2023 Fourth Quarter Financial Report**

- Quarterly Financials are displayed on the Town website: <https://northlaketx.opengov.com>
- Budget Highlights:
 - 100% of fiscal year transpired
 - 106% of revenues booked
 - 95% of property taxes received for year
 - 76% of total expenditures spent
 - 95% of budgeted operating expenditures spent

COUNCIL ACTION/DIRECTION:

Provide feedback as Town Council deems necessary



Town of Northlake
Quarterly Investment Report
For the Quarter Ended September 30, 2023

Wells Fargo Bank

Investment Description	Beginning Balance	Deposits	Withdrawals	Interest	Ending Balance
Wells Fargo - Investment Account	\$ 1,677,554.08		\$ (1,000,000.00)	\$ 2,165.25	\$ 679,719.33
Wells Fargo - General Account	\$ 3,279,034.16	\$ 13,652,778.39	\$ (13,122,027.06)		\$ 3,809,785.49
Wells Fargo - Payroll Account	\$ -	\$ 1,259,343.40	\$ (1,259,343.40)		\$ -
Wells Fargo - Grants	\$ 831,226.88				\$ 831,226.88
First Financial Totals	\$ 5,787,815.12	\$ 14,912,121.79	\$ (15,381,370.46)	\$ 2,165.25	\$ 5,320,731.70

Average 13 Weeks Treasury Bill Yield: 5.32%

APR: 1.09%

Avg WAM* in Days : N/A

LOGIC

Investment Description	Beginning Balance	Deposits	Withdrawals	Interest	Ending Balance
LOGIC - General Fund	\$ 6,589,448.36			\$ 90,560.82	\$ 6,680,009.18
LOGIC Totals	\$ 6,589,448.36	\$ -	\$ -	\$ 90,560.82	\$ 6,680,009.18

APR: 5.5168%

Avg WAM* in Days : 40

LAMAR

Investment Description	Beginning Balance	Deposits	Withdrawals	Interest	Ending Balance
Lamar - ICS Accounts	\$42,581,247.15		\$ (2,000,025.00)	\$ 311,908.02	\$ 40,893,130.17
Lamar Totals	\$ 42,581,247.15	\$ -	\$ (2,000,025.00)	\$ 311,908.02	\$ 40,893,130.17

APR: 3.0296%

Avg WAM* in Days : N/A

Great Plains Bank

Investment Description	Beginning Balance	Deposits	Withdrawals	Interest	Ending Balance
Great Plains - ICS Accounts	\$1,802,316.75			\$ 19,409.19	\$1,821,725.94
Great Plains Totals	\$ 1,802,316.75	\$ -	\$ -	\$ 19,409.19	\$ 1,821,725.94
Total Cash & Investments	\$ 56,760,827.38	\$ 14,912,121.79	\$ (17,381,395.46)	\$ 424,043.28	\$ 54,715,596.99

APR: 4.250%

Avg WAM* in Days : N/A

*WAM (Weighted Average Maturity) is the mean average of the periods of time remaining until the securities held are (1) scheduled to be repaid or (2) would be repaid upon demand or (3) are scheduled to have their interest rate readjusted to reflect current market rates.

The undersigned serves as the Investment Officer* for the Town of Northlake. I certify that all instruments held in the Town's investment portfolios for the period July 1, 2023 through September 30, 2023 (a) met the investment guidelines and complied with the investment strategies as authorized by the Town's Investment Policies, and (b) did not violate any applicable provisions of section 2256 of the Government Code of Texas.

SIGNED:

John Zagurski

INVESTMENT OFFICER

John Zagurski

DATE 10/24/2023

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: November 9, 2023
REF. DOC.: Town of Northlake Strategic Plan 2021-2022
SUBJECT: Briefing - TextMyGov Service Update
GOALS/ Define Future Amenities/Prioritize Town-provided services
OBJECTIVES:

BACKGROUND INFORMATION:

- TextMyGov: SMS-based cell phone service
 - Allows direct communication with residents
 - Alternative to web-based social media
 - Implemented in three phases

- Phase 1 - One-way communication: Town to Residents
 - Now – January 1
 - Encourage all residents to enroll in program

- Phase 2 - Two-way communication: Test Phase
 - December 1 – February 28
 - Continue to raise awareness and begin to address resident queries/requests

- Phase 3 - Two-way communication: Full Implementation
 - Begins March 1
 - Full implementation of program and quick responses to resident queries/requests

COUNCIL ACTION/DIRECTION:

Provide guidance to Town Staff as desired

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: November 9, 2023

Section: 3. PUBLIC INPUT

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: November 9, 2023

Section: 4. CONSENT ITEMS

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: November 9, 2023
REF. DOC.: Town of Northlake - Home Rule Charter
SUBJECT: Consider approval of the Town Council Meeting Minutes for October 12, 2023
**GOALS/
OBJECTIVES:** Define Future Amenities/Prioritize Town-provided services

BACKGROUND INFORMATION:

- Approval of minutes:
 - October 12, 2023

COUNCIL ACTION/DIRECTION:

Approve minutes draft as presented



**NORTHLAKE TOWN COUNCIL
REGULAR MEETING MINUTES
TOWN HALL COUNCIL CHAMBER ROOM
1500 COMMONS CIRCLE, SUITE 300
OCTOBER 12, 2023**

The Northlake Town Council convened in a Regular Meeting on October 12, 2023, at 5:30 p.m., in the Northlake Town Hall – Council Chamber Room, 1500 Commons Circle, Suite 300, Northlake, Texas.

1. CALL TO ORDER

A. Mayor Rettig called the meeting to order at 5:30 p.m., and a quorum was present as follows:

- Roll Call:

David Rettig, Mayor - Absent with Notice
Robert Keecker, Place 1
Michael Ganz, Place 2
Brian Montini, Mayor Pro Tem, Place 3

Roger Sessions, Place 4
Maryl Lorencz, Place 5
Aaron Fowler, Place 6

Also present were Drew Corn, Town Manager, and Ashley Dierker, Town Attorney.

- Invocation was given by Dr. Matthew Harding, Senior Pastor, The Well Church of Argyle.
- The Pledge of Allegiance to the United States and Texas Flags was recited.
- General Announcements:
 - Update on upcoming Important Meeting Dates
 - Update on Agenda Management System

2. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

A. Presentation - Employee Service Awards

- Collan Gamblin - 5 years of service

The service award was presented by Eric Tamayo, Public Works Director, to Collan Gamblin.

B. Briefing - Town Update on Odor Complaints

The item was presented by Drew Corn, Town Manager, and discussion followed.

Following discussion, there was no Town Council consensus as the item was for information purposes only.

C. Briefing - Proposed Hotel and Rental Inspection Program

The item was presented by Nathan Reddin, Development Services Director, and discussion followed.

Following discussion, Town Council consensus was for staff to process proposed changes and updates as required, and provide recommendation during a future meeting.

3. PUBLIC INPUT

The following individuals shared comments as allowed under the Public Input portion of the agenda. All comments may be viewed in their entirety on the Town's Website at <https://www.town.northlake.tx.us/337/Watch-Council-Meetings>.

- Srini Hanmandlu, address on file - addressed upcoming Diwali: Festival of Lights
- Sanjay Gupta, address on file - addressed Diwali: Festival of Lights
- Joel McGreggor, address on file - addressed inspections; speed limit 114; Northlake known as speed trap; people need to pay attention
- Ricky Vaugh, address on file - addressed ESD firefighters have been made whole and retirements are paid; budget is balanced; on ballot in November for ESD2

4. CONSENT ITEMS

The Consent Agenda consisted of Item 4.A. - 4.D., and no items were pulled for Individual Consideration.

Councilmember Sessions moved to approve the Consent Agenda consisting of Items 4.A. - 4.D. Motion seconded by Councilmember Lorencz. Motion carried.

AYES (6): Montini, Keeker, Ganz, Sessions, Lorencz, Fowler

NAYS (0): None

ABSENT (1): Rettig

- A. Consider approval of the Town Council Regular Meeting Minutes for September 28, 2023
APPROVED
- B. Consider a Resolution of the Town of Northlake, Texas, approving the Denton Record-Chronicle to serve as the official newspaper of record for all legal and required publications for the Town of Northlake
APPROVED RESOLUTION NO. 23-65
- C. Consider a Resolution of the Town of Northlake, Texas, declaring certain personal property owned by the Town of Northlake to be surplus property and authorizing the Town Manager to dispose of such property
APPROVED RESOLUTION NO. 23-66
- D. Consider a Resolution of the Town of Northlake, Texas, approving and authorizing the Town Manager to execute an Interlocal Agreement with Denton County for the use of the Denton County Radio Communications System
APPROVED RESOLUTION NO. 23-67

5. ACTION ITEMS

- A. Consider an Ordinance of the Town of Northlake, Texas, to amend the Pecan Square Mixed-Use Planned Development (MPD) Zoning, Ordinance No. 17-0413E, to revise the landscaping, setback, and fencing details along FM 407 and Cleveland-Gibbs Road for the approximately 160.374-acre tract of land situated in the A. McDonald Survey, Abstract No. 785, and generally located south of FM 407 at Faught Road. HP Gibbs, LP is the owner/applicant. Case # PD-23-003

a. Public Hearing -Continued from September 28, 2023

b. Consider approval

APPROVED ORDINANCE 23-1012A

The item was presented and discussion followed.

Mayor Pro Tem Montini opened the public hearing at 6:30 p.m. with the following speakers coming forward:

- Joel McGreggor, address on file - median to be maintained by TxDOT; dangerous to maintain
- Rena Hardeman, address on file -addressed 1993 plans; make a permanent fix not a band aid

Mayor Pro Tem Montini closed the public hearing at 6:34 p.m., with no further speakers coming forward.

Councilmember Lorencz moved to approve the item as presented. Motion seconded by Councilmember Keeker. Motion carried.

AYES (5): Montini, Keeker, Ganz, Lorencz, Fowler

NAYS (1): Sessions

ABSENT (1): Rettig

- B. Consider an Ordinance of the Town of Northlake, Texas, to amend the Pecan Square Mixed-Use Planned Development (MPD) Zoning, Ordinance No. 17-0413C, to revise the landscaping, setback, and fencing details along FM 407 and Cleveland-Gibbs Road for the approximately 635.5-acre tract of land situated in the F.W. Thornton Survey, Abstract No. 1244, and the A. McDonald Survey, Abstract No. 785, and generally located west of Cleveland-Gibbs Road between FM 407 and Mulkey Lane. HP Gibbs, LP is the owner/applicant. Case # PD-23-004

a. Public Hearing - Continued from September 28, 2023

b. Consider approval

APPROVED ORDINANCE 23-1012B

The item was presented and discussion followed.

Mayor Pro Tem Montini opened the public hearing at 6:38 p.m., and with no speakers coming forward the public hearing was closed at 6:38 p.m.

Councilmember Lorencz moved to approve the item as presented. Motion seconded by Councilmember Fowler. Motion carried.

AYES (5): Montini, Keeker, Ganz, Lorencz, Fowler

NAYS (1): Sessions

ABSENT (1): Rettig

- C. Consider an Ordinance of the Town of Northlake, Texas, to amend the Canyon Falls Mixed-Use Planned Development (MPD) Zoning, Ordinance No. 15-0326, to revise the boundaries of the zoning district, the development plan and certain development standards for that certain 58.094-acre tract of land located west of Cleveland-Gibbs Road and IH 35W and approximately 700 feet north of Westbridge Drive. NASH Canyon Falls LLC is the owner. Centurion American is the applicant/developer. McAdams is the planner. Case # PD-23-002
- a. Public Hearing - Continued/Tabled from September 28, 2023
 - b. Consider approval
- APPROVED ORDINANCE 23-1012C**

The item was presented and discussed followed.

Mayor Pro Tem Montini allowed for public comment as follows:

- Nicole Muir, address on file – asked for proposal to be accepted as presented

Councilmember Fowler moved to approve the item as presented. Motion seconded by Mayor Pro Tem Montini. Motion carried.

AYES (6): Montini, Keeker, Ganz, Sessions, Lorencz, Fowler

NAYS (0): None

ABSENT (1): Rettig

- D. Consider an Ordinance of the Town of Northlake, Texas, amending the Northlake code of ordinances, Chapter 9 “Planning and Miscellaneous Development Regulations” to include revisions to the Engineering Design Manual
- a. Public Hearing
 - b. Consider approval
- APPROVED ORDINANCE NO. 23-1012D**

The item was presented, and discussion followed.

Mayor Pro Tem Montini opened the public hearing at 7:01 p.m., with the following speakers coming forward:

- Rena Hardeman, address on file - addressed when will the changes take effect

Mayor Pro Tem Montini closed the public hearing at 7:02 p.m., with no further speakers coming forward.

Councilmember Sessions moved to approve the item as presented. Motion seconded by Mayor Pro Tem Montini. Motion carried.

AYES (6): Montini, Keeker, Ganz, Sessions, Lorencz, Fowler

NAYS (0): None

ABSENT (1): Rettig

- E. Consider Resolution authorizing the Town Manager to purchase Badger cellular water meter equipment and installation services in accordance with the FY 2023-2024 Adopted Budget from sole source provider Atlas Utility Supply Company in an amount not to exceed \$1,994,593.50

APPROVED RESOLUTION NO. 23-68

The item was presented, and discussion followed.

Councilmember Ganz moved to approve the item as presented. Motion seconded by Councilmember Keeker. Motion carried.

AYES (6): Montini, Keeker, Ganz, Sessions, Lorencz, Fowler

NAYS (0): None

ABSENT (1): Rettig

- F. Consider Ordinance amending the Code of Ordinances and Appendix "A" "Fee Schedule", providing water and sanitary sewer service fee updates to be effective October 27, 2023

APPROVED ORDINANCE NO. 23-1012E

The item was presented, and discussion followed.

Councilmember Sessions moved to approve the item as presented. Motion seconded by Councilmember Ganz. Motion carried.

AYES (6): Montini, Keeker, Ganz, Sessions, Lorencz, Fowler

NAYS (0): None

ABSENT (1): Rettig

- G. Consider an Ordinance of the Town of Northlake, Texas, to adjust the speed limit to 55 mph on SH 114 in the Town limits

NOT APPROVED

The item was presented, and discussion followed.

Councilmember Sessions moved to approve the item as presented. Motion seconded by Councilmember Lorencz. Motion failed.

AYES (3): Montini, Sessions, Lorencz

NAYS (3): Keeker, Ganz, Fowler

ABSENT (1): Rettig

- H. Consider a Resolution of the Town of Northlake, Texas, approving and authorizing the Town Manager to execute an agreement for additional services with Halff Associates, Inc. for an alternative Town Center concept

APPROVED RESOLUTION NO. 23-69

The item was presented, and discussion followed.

Mayor Pro Tem Montini moved to approve the item as presented (Option 1). Motion seconded by Councilmember Ganz. Motion carried.

AYES (6): Montini, Keeker, Ganz, Sessions, Lorencz, Fowler
NAYS (0): None
ABSENT (1): Rettig

6. EXECUTIVE SESSION

The Town Council convened into an Executive Session at 7:58 p.m., consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law to address the following:

A. Section 551.071 - Consultation with Attorney

- i. Potential mediation between parties related to complaint filed with Public Utility Commission Docket No. 54243.
- ii. Discuss submission of motion to intervene in application of Oncor Transmission Line Project, Public Utility Commission Docket No. 55067.
- iii. Recent legislative changes and impact to Town including decertification of Certificates of Convenience and Necessity in Extraterritorial Jurisdiction areas.
- iv. Potential utility service agreement with Aspire Development LLC, 1730 Old Justin Road.
- v. Potential water service agreement with Sisk Watson LLC, 5756 Florance Road.
- vi. Potential Development Agreement and annexation of the Florance Endeavors tract on approximately 5.0 acres of land generally located on the east side of 8000 block of Florance Road in the extraterritorial jurisdiction of the Town.
- vii. Potential Development Agreement and annexation of the Austin Two Tracts LP tract on approximately 11.923 acres of land generally located at the northeast corner of SH 114 and Dale Earnhardt Way in the extraterritorial jurisdiction of the Town.
- viii. Potential Development Agreement and annexation of the Revival Fire LLC tract on approximately 5.09 acres of land generally located on the east side of 8000 block of Florance Road in the extraterritorial jurisdiction.
- ix. Potential Development Agreement and lease agreement with tenant of proposed sports venue.
- x. Potential Development Agreement with Chadwick Farms, LLC.
- xi. Financial responsibility of offsite improvements related to Catherine Branch Wastewater Treatment Plant.

B. Section 551.072 – Real Property

- i. Regarding purchase, exchange, lease of value of real property to be acquired as right-of-way out of the following parent tract of 75.7 acres at northeast corner of FM 407 and Faught Road.

7. RECONVENE INTO OPEN SESSION

Mayor Rettig reconvened the Regular Meeting at 8:25 p.m., to address any Council action regarding the items deliberated during Executive Session. No votes or actions were taken on any of the items deliberated.

8. ADJOURN

With no further business, Mayor Pro Tem Montini adjourned the meeting at 8:27 p.m.

Brian Montini, Mayor Pro Tem

Attest:

Zolaina R. Parker, Town Secretary

MINUTES APPROVED ON: _____

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: November 9, 2023

REF. DOC.: Valley View Acres Final Plat

SUBJECT: Consider an Ordinance of the Town of Northlake, Texas, providing for abandonment and release of a public utility easement across Lot 2 and Lot 3, Valley View Acres as recorded in Cabinet H, Page 262, Plat Records of Denton County, Texas, to the land owner as their interest may appear, for the reason that such easement represents a surplus easement for which no public necessity presently exists and for which no public necessity is anticipated to exist in the future. Curtis Kidwill is the owner/applicant.

**GOALS/
OBJECTIVES:** Reinforce our Identity/Preserve estate development; open spaces; and parks

BACKGROUND INFORMATION:

- Utility easement dedicated by plat across Lots 2 & 3, Valley View Acres on Holder Road
 - Easement dedicated for existing CoServ overhead line which crossed property to serve adjacent lots
 - No other utilities known to be within the easement
 - Town has no water or sewer service in the vicinity and perimeter rights-of-way and easements are available to serve lots in future
- Applicant, Curtis Kidwell, put both lots under contract in 2020 and submitted request to abandon easement at that time
 - Abandonment requested in order to make highest and best use of lots
 - Applicant worked with CoServ to redirect electrical service to perimeter of property that will continue service to adjacent home and new home proposed by applicant
 - CoServ has since relocated electrical service and submitted attached letter with no objection to proposed easement abandonment

COUNCIL ACTION/DIRECTION:

Consider approval of ordinance to abandon public utility easement



**TOWN OF NORTHLAKE, TEXAS
OFFICIAL ORDINANCE**

NO.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS, PROVIDING FOR ABANDONMENT AND RELEASE OF A PUBLIC UTILITY EASEMENT ACROSS LOT 2 AND LOT 3, VALLEY VIEW ACRES AS RECORDED IN CABINET H, PAGE 262, PLAT RECORDS OF DENTON COUNTY, TEXAS, TO THE LAND OWNER AS THEIR INTEREST MAY APPEAR, FOR THE REASON THAT SUCH EASEMENT REPRESENTS A SURPLUS EASEMENT FOR WHICH NO PUBLIC NECESSITY PRESENTLY EXISTS AND FOR WHICH NO PUBLIC NECESSITY IS ANTICIPATED TO EXIST IN THE FUTURE, AND PROVIDING FOR RECORDING OF THIS ORDINANCE AND AN EFFECTIVE DATE

WHEREAS, a 15-foot wide public utility easement was dedicated in favor of the Town of Northlake across Lot 2 and Lot 3, Valley View Acres, as recorded in Cabinet H, Page 262, Plat Records of Denton County, Texas (the "Easement"); and

WHEREAS, Grantor, the owner of Lot 2 and Lot 3, Valley View Acres, submitted a request for the Easement to be abandoned as described in **Exhibit A** attached hereto and incorporated herein by reference; and

WHEREAS, the City has no utilities located in the Easement and no longer needs the Easement for any public purpose; and

WHEREAS, the Town Council of the Town of Northlake having found that the Town has no public necessity for the Easement and there is not anticipated to be any public necessity therefor in the future and that such Easement is surplus and may be abandoned and released by the Town without adversely impacting the ability of the Town to provide for its citizens;

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

**SECTION 1
INCORPORATION OF RECITALS**

The above and foregoing recitals are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2
ABANDONMENT OF EASEMENT**

The Town of Northlake does hereby release, abandon, relinquish, and vacate its interest in the Easement described and depicted on Exhibit B.

SECTION 3
EXTENT OF ABANDONMENT

The abandonment provided herein shall apply to the Town's public right, title, easement, and interest that the Town may lawfully abandon, vacate, and relinquish. The Town makes no warranty or representation as to title to the property as released.

SECTION 4
AUTHORIZATION FOR TOWN MANAGER TO SIGN

The Town Manager of the Town of Northlake, Texas is hereby authorized to sign all documents necessary to effectuate the release.

SECTION 5
CERTIFICATION; RECORDING

The Town Secretary is hereby directed to certify a copy of this Ordinance and cause it to be recorded in the Deed Records of Denton County, Texas.

SECTION 6
EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage and it is so ordained.

PASSED AND APPROVED by the Town Council of the Town of Northlake, Texas, on November 9, 2023.

Town of Northlake, Texas

David Rettig, Mayor

Attest:

Zolaina Parker, Town Secretary

ABANDONMENT OF A 15-FOOT-WIDE
ELECTRIC EASEMENT
0.182 OF AN ACRE
A.P.O. LOT 2 & 3, BLOCK A
OF VALLEY VIEW ACRES ADDITION
IN THE W. WILSON SURVEY, ABSTRACT NO. 1370 &
IN THE T. & P. RAIL ROAD CO. SURVEY, ABSTRACT NO. 1291
DENTON COUNTY, TEXAS

FIELD NOTES TO ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE W.
WILSON SURVEY, ABSTRACT NUMBER 1370 AND IN THE T. & P. RAIL ROAD CO., SURVEY,
ABSTRACT NUMBER 1291, DENTON COUNTY, TEXAS AND BEING A PART OF LOT 2 AND
3, BLOCK A OF VALLEY VIEW ACRES ADDITION AS RECORDED IN CABINET H, PAGE 262,
PLAT RECORDS OF DENTON COUNTY, TEXAS AND BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

COMMENCING AT A ½ INCH IRON ROD FOUND FOR CORNER AT THE SOUTHWEST
CORNER OF SAID LOT 3, BLOCK A;

THENCE NORTH 62 DEGREES 03 MINUTES 28 SECONDS WEST WITH A SOUTH LINE OF
SAID LOT 3 A DISTANCE OF 290.06 FEET TO THE POINT OF BEGINNING AT THE
SOUTHWEST CORNER OF A 15-FOOT-WIDE ELECTRIC EASEMENT BEING DESCRIBED
HEREON;

THENCE NORTH 41 DEGREES 23 MINUTES 44 SECONDS WEST PASSING EN ROUTE A
NORTH LINE OF LOT 3, BLOCK A OF SAID ADDITION AT A DISTANCE OF 241.80 FEET
CONTINUING ON SAID COURSE A TOTAL DISTANCE OF 531.45 FEET TO A POINT FOR
CORNER IN THE NORTH LINE OF SAID LOT 2 FROM WHICH A ½ INCH IRON ROD FOUND
FOR REFERENCE AT THE NORTHWEST CORNER OF SAID LOT 2, BEARS SOUTH 76
DEGREES 39 MINUTES 49 SECONDS WEST A DISTANCE OF 279.21 FEET;

THENCE NORTH 76 DEGREES 39 MINUTES 49 SECONDS EAST WITH A NORTH LINE OF
SAID LOT 2 A DISTANCE OF 17.00 FEET TO A POINT FOR CORNER;

THENCE SOUTH 41 DEGREES 23 MINUTES 44 SECONDS EAST PASSING EN ROUTE A
SOUTH LINE OF SAID LOT 2, BLOCK A AT A DISTANCE OF 283.62 FEET, CONTINUING ON
SAID COURSE A TOTAL DISTANCE OF 527.05 FEET TO A POINT FOR CORNER IN THE
SOUTH LINE OF SAID LOT 3, BLOCK A;

THENCE SOUTH 62 DEGREES 03 MINUTES 28 SECONDS WEST WITH A SOUTH LINE OF
SAID LOT 3 A DISTANCE OF 15.42 FEET TO THE POINT OF BEGINNING AND ENCLOSING
0.182 OF AN ACRE OF LAND OR LESS.

ABANDONMENT OF A
15-FOOT-WIDE ELECTRIC
EASEMENT

0.182 OF AN ACRE
A.P.O.

LOT 2 & 3 - BLOCK A
VALLEY VIEW ACRES ADDITION
CITY OF NORTHLAKE,
DENTON COUNTY, TEXAS

CERTIFICATION:

I HEREBY CERTIFY THAT THIS SURVEY HAS BEEN
PREPARED FROM AN ACCURATE ON-THE-GROUND
SURVEY OF THE PREMISES DEPICTED HEREON AND
DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED
HERETO, CONDUCTED UNDER MY DIRECTION AND
SUPERVISION ON 09/25/2020 AND THAT THE FINDINGS
AND RESULTS OF SAID SURVEY ARE TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE AND
BELIEF.

J E Thompson

J.E. THOMPSON II R.P.L.S. No 4857



111 N. DIXON ST.
GAINESVILLE, TX 76240
PH. 940-665-9105
TBPLS FIRM NO. 10048000

DRAWN BY: R.S.C.	DATE: 09/24/2020	JOB NO. 20263-2	SCALE: 1" = 60'	PAGE: 2 OF 2
---------------------	---------------------	--------------------	--------------------	-----------------



July 25, 2023

Curtis Kidwill
600 Elaine St.
Keller, Tx. 76248

Re: Abandonment of existing 15' utility easement in the middle of Valley View Acres Block A, Lot 2 and 3 in the City of NorthLake and it's E.T.J

Dear Mr. Kidwill,

Please let this letter serve as notification that CoServ Electric has no objection to the abandonment of the 15' utility easement as shown on the attached Survey Plat. This assurance in no way waiver or implairs the rights of any other utility that may have access rights to this easement.

This letter may serve as CoServ Electric's approval for such abandonment as required by the City of Northlake. If you have any questions or need additional information, please do not hesitate to contact me at cskidmore@coserv.com or (940) 321-7884.

Sincerely,

A handwritten signature in blue ink that reads "Chris Skidmore". The signature is written in a cursive, flowing style.

Chris Skidmore
Manager of Real Estate Services

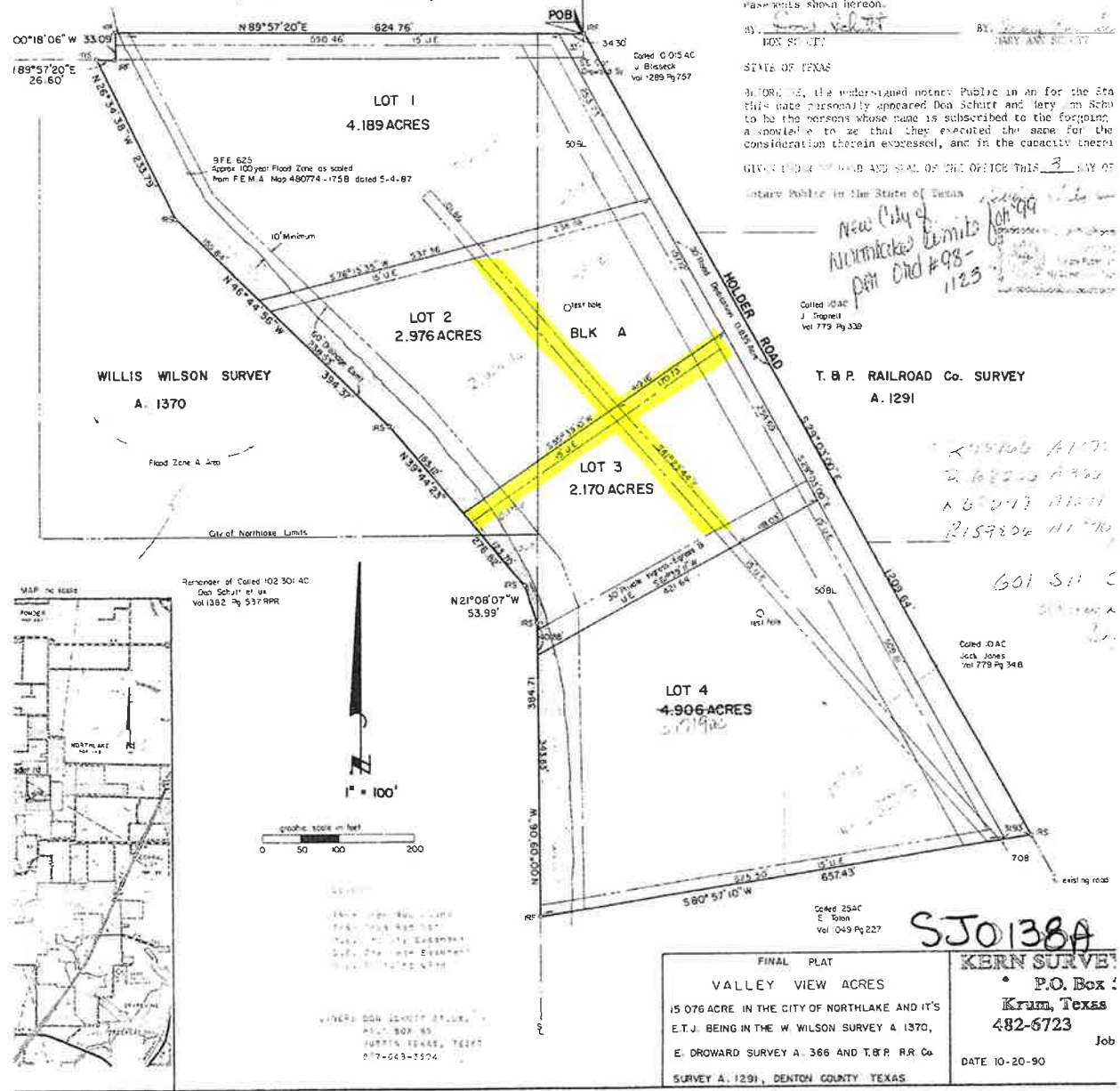
13-2
Carl L. Johnson

10. I, the undersigned, a Licensed Professional Land Surveyor, do hereby certify that this map was prepared free of actual and accurate survey of data and the monuments shown herein were found or placed under order and supervision in accordance with the ordinances of Benton County.

John Doe Gr 23, 199D
J. Doe & Co. No. 4180 Date

ELI DROWARD SURVEY
A. 366

Case: 348049AC
W. LESLEY
vs 805 Pg 443

[illegible]

OWNERS CERTIFICATE

Now, then, for all new by these presents:

EDNA, ANNE SCHULTZ AND LARRY ANNE SCHULTZ, do hereby add
testamentary; the herein described property as VALLEY VIEW
City of Northlake and it's E.P.D., Denton County, Texas
dedicate to the public use forever the street rights-of-
way as shown hereon.

b) Sonia Vichit
DOX SOUTHERN
BY: MARY ANN SOUTHERN

STATE OF TEXAS

BEFORE ME, the undersigned notary Public in and for the State of New York, personally appeared DON SCHULTZ and JERRY M. SCHULTZ, who are the persons whose name is subscribed to the foregoing, and acknowledged to me that they executed the same for the consideration therein expressed, and in the capacity therein expressed.

Notary Public in the State of Texas

near City of ... to Lot 99

New
NORTHMEKEE Limite
Per Ord #98-
1123

Called 10:30
J. Trapnell
Vol 779 Pg 339

T. B. R. RAILROAD CO. SURVEY

A. 1291

[Faint handwritten notes at bottom left]

100°F
52°F

AG 277 171571
17 0010 111571

2154254 H1 R1

SOBL 601 S11 C

test point

Collected by:
Jack Jones
Vol 779 Pg 348

RES

11/11/11

10.12

708

657.43
10" W
existing road

Coded 25AC
 E Tolon
 Vol 1049 Pg 227

S.J. 01384

FINAL PLAT	KERN SURVEY
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VALLEY VIEW ACRES
IN THE CITY OF NORTHLAKE AND IT'S

482-6723

RD SURVEY A-500 AND E.G.F. FOR C	DATE 10-20-90
1291, DENTON COUNTY TEXAS.	

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: November 9, 2023

Section: 5. ACTION ITEMS

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: November 9, 2023

REF. DOC.: Chapter 395 of Texas Local Government Code (TLGC); Article 9.03 of Northlake Code of Ordinances

SUBJECT: Consider a Resolution of the Town of Northlake, Texas, approving an appeal of the applicability and value of roadway impact fees to be assessed for a Church proposed at 7896 Evelyn Lane

GOALS/ OBJECTIVES: Invest in Infrastructure/Continue to invest in infrastructure expansions and improvements, Invest in Infrastructure/Provide an adequate/functional roadway system; including associated water; sewer and storm drainage facilities

BACKGROUND INFORMATION:

- The Grove Lutheran Church ("Applicant") is interested in purchasing approximately 11 acres at 7896 Evelyn Lane to build 11,156 square-foot church building
- Roadway impact fee estimate: \$589,534.13
 - Based on Commercial Use in Zone 1 (Northwest Quadrant); \$52,844.58 per 1,000 square feet
 - Impact fee schedule does not include a separate church or religious institution category
- August 23: Applicant appealed impact fee estimate to Town Manager per Section 9.03.078 of Code of Ordinances
 - September 21: Town Manager upheld estimate based on commercial use and informed Applicant of right to appeal to Council
 - October 16: Applicant submitted appeal
- Town Council must hear appeal within 35 days of submission
 - Request and evidence to support appeal attached as Exhibit A to Proposed Resolution
 - Applicant requests calculation specifically based on church use trip rates instead of commercial use
 - Request would reduce impact fee to \$7,616.81 per 1,000 square feet (\$84,973.13 total)

COUNCIL ACTION/DIRECTION:

Consider all evidence and determine whether the appeal should be granted (in whole or in part) or denied



**TOWN OF NORTHLAKE, TEXAS
OFFICIAL RESOLUTION**

NO.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS, APPROVING AN APPEAL OF THE APPLICABILITY AND VALUE OF ROADWAY IMPACT FEES TO BE ASSESSED FOR A CHURCH PROPOSED AT 7896 EVELYN LANE

WHEREAS, pursuant to Chapter 395 of the Texas Local Government Code, the Town Council of the Town of Northlake, Texas, adopted roadway impact fees to finance roadway capital improvements based on the demand created by new development; and

WHEREAS, the Grove Lutheran Church ("Applicant") proposes to construct a Church facility at 7896 Evelyn Lane; and

WHEREAS, the Applicant requested an estimate of roadway impact fees for development of a 11,156 square-foot facility; and

WHEREAS, a roadway impact fee estimate of \$589,534.13 was provided based on 11,156 square feet of commercial use space to be located in Zone 1 (Northwest quadrant) at \$52,844.58 per 1,000 square feet; and

WHEREAS, Section 9.03.078 of the Code of Ordinances provides for appeals based on the value and applicability of the impact fee to the development; and

WHEREAS, the Applicant initially filed an appeal with the Town Manager which was not approved; and

WHEREAS, the Applicant appealed the decision of the Town Manager to the Town Council; and

WHEREAS, the Town Council has determined that it is advisable and in the best interest of the Town to approve the appeal based on the evidence provided by Applicant and attached as "Exhibit A."

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

Section 1. All 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 approves a roadway impact fee of \$7,616.81 per 1,000 square feet for a Church facility at 7896 Evelyn Lane, based on evidence provided by Applicant attached hereto as "Exhibit A."

Section 3. This resolution shall be effective immediately upon approval by the Town Council.

PASSED AND APPROVED by the Town Council of the Town of Northlake, Texas, on November 9, 2023.

Town of Northlake, Texas

David Rettig, Mayor

Attest:

Zolaina Parker, Town Secretary



October 16, 2023

To: Zolaina R. Parker, Town Secretary
Town of Northlake
1500 Commons Circle, Suite 300
Northlake, TX 76226

Zolaina,

The Grove Lutheran Church is interested in purchasing property located at 7896 Evelyn Ln. in Northlake. We received a roadway impact fee estimation of \$589,534.13 from the town of Northlake based on our projected 11,156 sf church building, located in Zone 1. These fees were based on calculations of a "commercial" building since there was not a "church" category in the fee schedule.

According to Section 9.03.078 of the Northlake Code of Ordinances, we are respectfully appealing the decision made by the Town Manager to uphold those fees based on items (a)(1) The applicability of an impact fee to the development, and (a)(2) The value of the impact fee due.

Since the burden of proof is on us to demonstrate that the fee and value of the fee was not calculated according to the appropriate item on the fee schedule, we have hired Steve Stoner, P.E., PTOE of Westwood Professional Services to conduct a calculated assessment of the Roadway Impact Fees based on a church designation for the specified location mentioned above.

Attached to this letter is the Technical Memorandum provided by Steve Stoner of Westwood Professional Services. We kindly await an opportunity to present our case to the town council at your earliest convenience.

Please let me know if there are any further items needed to proceed with this request.

Sincerely,

Ben Scheck, Pastor
The Grove Lutheran Church
817.975.7511
Ben@GroveChurchNTX.org



Technical Memorandum

To: Drew Corn, City Manager
Town of Northlake

From: Steve E. Stoner, P.E., PTOE
Westwood Professional Services, Inc.

Date: October 16, 2023

CC: Ben Scheck, Pastor
The Grove Lutheran Church

Subject: Grove Church Roadway Impact Fee Appeal
Westwood Project R007075.00



The services of Westwood Professional Services were engaged by The Grove Lutheran Church to provide technical data regarding an appeal to the Town of Northlake for the calculated assessment of the Roadway Impact Fees for the proposed church use located at 7896 Evelyn Lane, Northlake, Texas. The proposed church use will contain 11,156 square feet of floor area. The subject site is located within Zone 1 of the Town's Roadway Impact Fee Service Area.

The Town of Northlake Roadway Impact Fee ordinance is contained in Division 3, Section 9.03 of the Town of Northlake Code of Ordinances. The ordinance states that the impact fee shall be calculated as follows:

- $\text{Impact Fee Due} = \text{Number of Service Units for Proposed Use} * \text{Unit Cost (per Service Unit) for Proposed Use}$

Generally:

- Number of Service Units = a typical quantity for the respective land use (e.g., square feet, number of dwelling units, etc.)
- Unit Cost per Service Unit =
 - PM Peak Hour Trip Rate per Service Unit *
 - Average trip Length (4.58 miles for Zone 1) *
 - Cost per Service Unit Rate (\$3,394 for Zone 1)

The ordinance fee schedule recognizes five land uses For Zone 1:

Land Use Type	Variable Unit	Fee per Variable Unit
Single-Family Housing	Dwelling Unit	\$14,628.14
Multifamily Housing	Dwelling Units	\$7,941.96
Commercial	Square Feet (in 1,000's)	\$52,844.58
Industrial/ Warehousing	Square Feet (in 1,000's)	\$5,294.64
Hotel	Guest Rooms	\$11,335.96

For the proposed Church, since church is not an established land use type, the original Impact Fee was calculated as a Commercial use:

$$\text{Impact Fee Due} = 11.156 \text{ SF of building floor area (in 1000's)} * \$52,844.58 \text{ per 1,000 SF} \\ = \$589,534.13$$

$$\text{where, } \$52,844.58 \text{ per 1,000 SF} = 3.40 \text{ trip ends per 1,000 SF} * 4.58 \text{ miles per trip end} \\ * \$3,394 \text{ per mile}$$

NOTE: Trip rate is based on the rate of site-generated trip ends during the PM Peak Hour of Adjacent Street as obtained from the Institute of Transportation Engineers (ITE) *Trip Generation* manual, 11th Edition. The value 3.40 is the rate per 1,000 square feet for a "Shopping Center" (ITE Land Use Code: 820).

The ITE trip generation rate for a church use (ITE Land Use Code: 560) is 0.49 trip ends per 1,000 square feet of gross floor area. Excerpts from the *Trip Generation* manual are attached. By substituting the ITE trip rate for Shopping Center (i.e., "Commercial") with the ITE trip rate for church, the Fee Rate would hypothetically be:

$$0.49 \text{ trip ends per 1,000 SF} * 4.58 \text{ miles per trip end} * \$3,394 \text{ per mile} = \$7,616.81 \text{ per} \\ 1,000 \text{ SF of church use}$$

...for a total impact fee of:

$$\text{Impact Fee Due} = 11.156 \text{ SF of building floor area (in 1000's)} * \$7,616.81 \text{ per 1,000 SF} \\ = \$84,973.13$$

Therefore, a more accurate calculation of the Roadway Impact Fees for the proposed church use could be made by factoring in the trip rate for a church use. Or, if the only ordinance is limited to selecting from the five pre-defined land uses, the Multifamily Housing fee rate very comparable.

END OF MEMO

APPENDIX

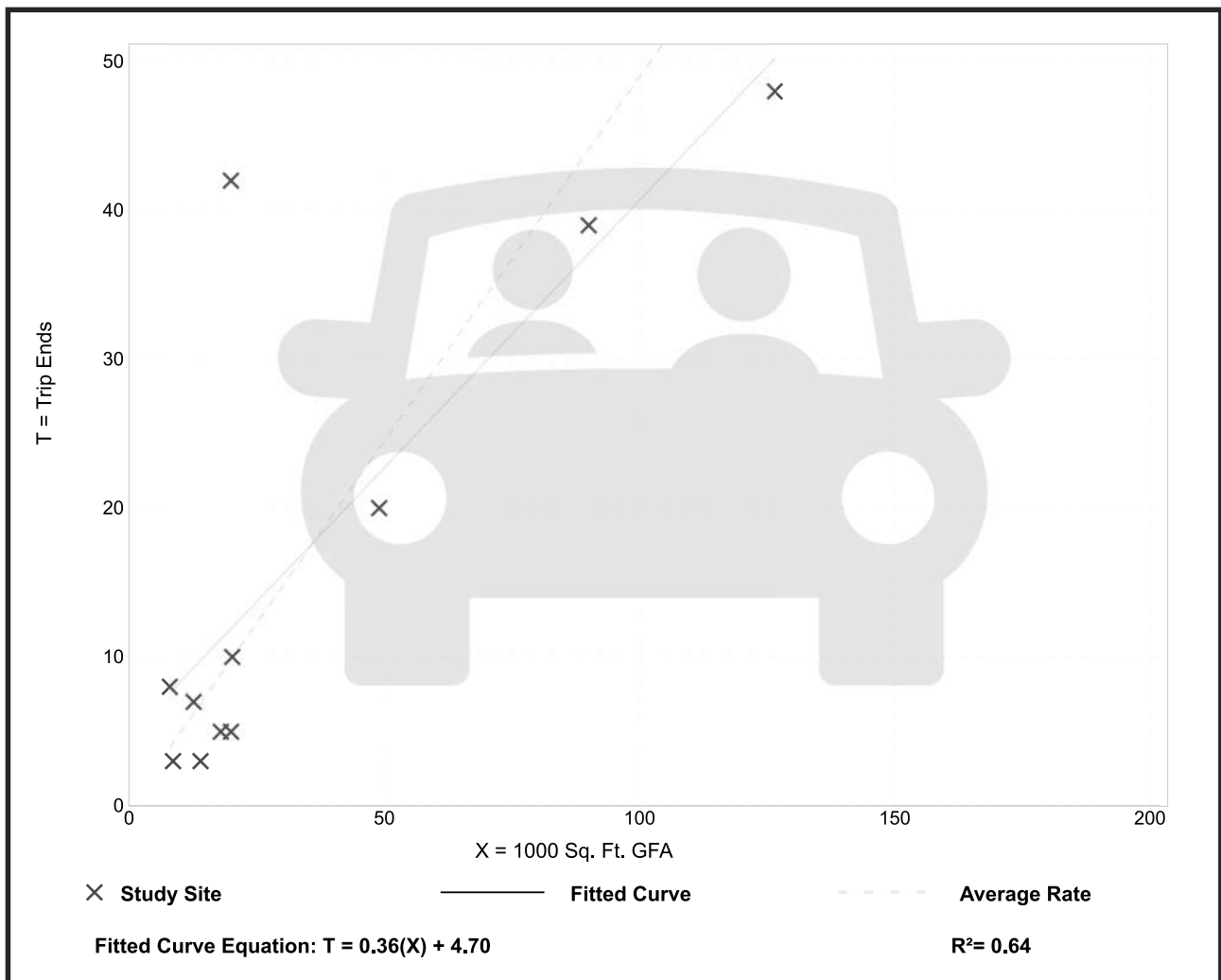
Church (560)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.
 Setting/Location: General Urban/Suburban
 Number of Studies: 11
 Avg. 1000 Sq. Ft. GFA: 35
 Directional Distribution: 44% entering, 56% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
0.49	0.21 - 2.10	0.41

Data Plot and Equation



§ A6.003. Roadway impact fee schedule.

(a) Zone 1 (NW Quadrant):

Land Use Type	Variable	Impact Fee Per Variable Unit
Single-family housing	Units	\$14,628.14
Multifamily housing	Units	\$7,941.96
Commercial	1,000 sf	\$52,844.58
Industrial/warehousing	1,000 sf	\$5,294.64
Hotel	Rooms	\$11,335.96

(b) Zone 2 (NE Quadrant):

Land Use Type	Variable	Impact Fee Per Variable Unit
Single-family housing	Units	\$4,276.80
Multifamily housing	Units	\$2,320.56
Commercial	1,000 sf	\$15,459.84
Industrial/warehousing	1,000 sf	\$1,544.40
Hotel	Rooms	\$3,326.40

(c) Zone 3 (SW Quadrant):

Land Use Type	Variable	Impact Fee Per Variable Unit
Single-family housing	Units	\$1,302.93
Multifamily housing	Units	\$705.87
Commercial	1,000 sf	\$4,715.10
Industrial/warehousing	1,000 sf	\$471.51
Hotel	Rooms	\$1,012.77

(d) Zone 4 (SE Quadrant):

Land Use Type	Variable	Impact Fee Per Variable Unit
Single-family housing	Units	\$2,318.12
Multifamily housing	Units	\$1,256.64
Commercial	1,000 sf	\$8,382.36
Industrial/warehousing	1,000 sf	\$837.76
Hotel	Rooms	\$1,799.28

(Ordinance 18-0412B adopted 4/12/18; Ordinance 23-0309B adopted 3/9/2023)



A GREAT PLACE TO LIVE, WORK, AND STAY

September 21, 2023

Pastor Ben Scheck
The Grove Lutheran Church
2650 FM 407 East, Suite 145/110
Bartonville, TX 76226

Re: *Roadway Impact Fees for Property at 7896 Evelyn Lane*

Ben,

I have received an appeal request for the assessment of roadway impact fees from your real estate agent, Deborah Walls, dated August 23, 2023. To recap, the fees for an 11,156 commercial building would be \$589,534.13 in Zone 1 (NW Quadrant). As acknowledged by Ms. Walls, the Town of Northlake's roadway impact fee schedule does not have a religious institution category. The nearest category to a church is Commercial although church traffic patterns differ greatly from commercial traffic patterns.

Based on your rationale for appealing the value of the impact fee due as stated by Ms. Walls in her August 23, 2023, correspondence, I uphold the fees as calculated. Per Section 9.03.078 of the Northlake Code of Ordinances, you may appeal my decision to the Town Council based on the applicability of the fee for the type of development or any other ground as provided in that Section. The burden of proof falls on the appellant and must be demonstrated by an engineering report prepared by a qualified professional engineer. The appeal must be filed within 30 days of my decision and addressed to the Town Secretary.

Please let me know if you have any questions or concerns or require additional information.

Sincerely,

Drew Corn
Town Manager

C: Nathan Reddin, Development Director, Northlake
Zolaina Parker, Town Secretary



NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: November 9, 2023
REF. DOC.: Texas Tax Code, Section 6.03 Appraisal District Board of Directors
SUBJECT: Consider a Resolution of the Town of Northlake, Texas, to cast Northlake's votes for a member or members of the Board of Directors of the Denton Central Appraisal District
GOALS/ OBJECTIVES: Advance Northlake's Interests/Have an outsize influence on local; regional; and state issues

BACKGROUND INFORMATION:

- Taxing jurisdictions nominate then vote on five DCAD board members
- DCAD Board Members Guidelines:
 - Term: two years beginning January 1, 2024
 - Must have resided in Denton County throughout previous two years
 - Elected officials of taxing unit may serve, Town employees may not
- Northlake did not nominate any candidates
- DCAD staff provided nominations on October 28th
- Northlake's number of votes 11 out of 5,000 distributed to any combination of candidates
- Northlake to cast its vote by written resolution before December 15th
- Candidates (listed with nominating jurisdiction(s)):
 - Roy Atwood - Lewisville ISD, City of Carrollton
 - Alex Buck - City of Denton, Lewisville ISD, City of Highland Village, Denton County, City of Lewisville
 - Vicki Byrd - City of Denton
 - Jared Eutsler - City of Corinth
 - David Johnson - Denton County
 - Alicia McKinley - Lake Dallas ISD
 - Ann Pomykal - City of Denton, Lewisville ISD, City of Lewisville, Denton County
 - Charles Stafford - Denton ISD
 - David Terre - City of Frisco, City of The Colony

COUNCIL ACTION/DIRECTION:

Vote for nominated candidate(s) to DCAD Board of Directors



**TOWN OF NORTHLAKE, TEXAS
OFFICIAL RESOLUTION**

NO.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS TO CAST NORTHLAKE'S VOTES FOR CANDIDATES TO THE DENTON CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS FOR THE TERM OF JANUARY 1, 2024 THROUGH DECEMBER 31, 2025; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Town of Northlake, Texas, has joined in the formation of a Denton Central Appraisal District; and

WHEREAS, the Denton County Chief Appraiser has notified each taxing entity that voting is in order for five seats on this board; and

WHEREAS, the Denton County Chief Appraiser has notified the Town of its voting entitlement of eleven (11) votes.

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

Section 1. All 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 of Northlake hereby casts its eleven (11) votes for the following candidate(s) to serve on the Board of the Denton Central Appraisal District Board of Directors:

Section 3. This resolution shall be effective immediately upon approval by the Town Council.

PASSED AND APPROVED by the Town Council of the Town of Northlake, Texas, on November 9, 2023.

Town of Northlake, Texas

David Rettig, Mayor

Attest:

Zolaina Parker, Town Secretary



Denton Central Appraisal District
3911 Morse Street
Denton, TX 76208

(940) 349-3800
 www.dentoncad.com

TO: All Taxing Jurisdictions
FROM: Don Spencer, Chief Appraiser
DATE: October 28, 2023
SUBJECT: Candidates to the Denton CAD Board of Directors

Candidates to the Denton Central Appraisal District Board of Directors are listed below. The list is in alphabetical order by last name.

Each voting unit must cast its vote by **written resolution** and submit it to the Chief Appraiser before December 15th. The unit may cast all its votes for one candidate or may distribute the votes among any number of candidates. When a voting unit casts its votes, it must cast the votes for a person that was nominated and is named on the ballot. There is no provision for write-in candidates. The Tax Code does not permit the Chief Appraiser to count votes cast for someone not listed on the official ballot. The five nominees receiving the most votes will become the Denton CAD Board of Directors.

The candidates nominated by the taxing jurisdictions are:

<u>Candidate</u>	<u>Nominating Jurisdiction</u>
1. Roy Atwood	Lewisville ISD, City of Carrollton
2. Alex Buck	City of Denton, Lewisville ISD, City of Highland Village, Denton County, City of Lewisville
3. Vicki Byrd	City of Denton
4. Jared Eutsler	City of Corinth
5. David Johnson	Denton County
6. Alicia McKinley	Lake Dallas ISD
7. Ann Pomykal	City of Denton, Lewisville ISD, City of Lewisville, Denton County
8. Charles Stafford	Denton ISD
9. David Terre	City of Frisco, City of The Colony

Accompanying this document, you will find Bio Sheets and additional information provided by the nominees. Please take the time to familiarize yourself with the nominees and their qualifications before casting your vote.

Since some of you may not be familiar with the process of selecting the Board, please do not hesitate to contact Misty Baptiste at (940) 349-3977 or misty.baptiste@dentoncad.com for clarification and/or information.

Nominee Information
Denton Central Appraisal District Board of Directors

Your name has been submitted by a Denton County Entity as a candidate for the 2024 Denton CAD Board of Directors. Please complete the following information and feel free to attach any additional information. **Please return this form by October 26, 2023.**

Alex Buck

Name

Highland Village. Texas. 75077

Address/City/Zip

214-908-5940

Cell Phone

alexmaryb@me.com

E-mail

1. Are you a resident of Denton County? **Yes/No**
 - a. If yes, have you resided in Denton County for at least two years immediately preceding the beginning of this term? **Yes/No**
2. Are you, or have you ever been, an employee of a taxing unit (County, City, School, Special District) in Denton County? **Yes/No**
 - a. If yes, which taxing unit? _____
 - b. When? _____
3. Are you, or have you ever been an employee of Denton CAD? **Yes/No**
 - a. If yes, what years were you employed? _____
4. Are you currently, or have you ever served as a voting member of the Denton CAD Board of Directors? **Yes/No**
 - a. If yes, what years have you served? 2021-2023
5. Do you directly or through a business entity have substantial interest in a contract with Denton CAD or a taxing unit that participates in the District? **Yes/No**
 - a. If yes, please list: _____
6. Have you engaged in the business of appraising property for compensation for use in proceedings under the Property Tax Code during the last three years? **Yes/No**
7. Have you ever been engaged in the business of representing property owners for compensation in the proceedings under the Property Tax Code in Denton County in the last three years? **Yes/No**

8. Are you directly related to any employee of the Denton CAD? **Yes/No**
a. If yes, please list the degree of relation. _____
9. Do you currently own property on which delinquent taxes have been owed to a taxing unit for more than 60 days or are part of a suit to collect the delinquent taxes that have been deferred or abated? **Yes/No**
10. Please give a brief statement on why you would be interested in serving on the Denton Central Appraisal District Board of Directors.
With the help of our member entities, last year a significant leadership change was undertaken. The new team has already accomplished much in a short period of time such as delivering a certified roll on time, adding staff and restructuring the organization chart. Going forward DCAD will continue to integrate, train and retain employees, plan for facilities and adjust to Board Members that are publicly elected. If selected, my role will be to monitor the current direction while providing stability in an uncertain environment.
11. Please list any additional information you believe would be beneficial for the Denton County Entities to know about you.
As a 45 year resident of Denton County dedicated to service I am humbled to even be considered for this post. My goal is to continue to be responsive to all of our member entities needs and concerns. I have observed many of your meetings both online and in person to familiarize myself with your varied interests and points of view. I plan to continue that practice if selected for a second term.
- (See attached resume)

Return to:
Misty Baptiste - Denton Central Appraisal District
3911 Morse St.
Denton, TX 76208
misty.baptiste@dentoncad.com

ALEXANDER LARKIN BUCK

PROFESSIONAL EXPERIENCE:

Quivira Enterprises, LLC. March 1993 to present.

Responsible for building, marketing and acquisition of 300,000 square feet of commercial space in Lewisville and Flower Mound, Texas targeting startup businesses. Owner & CEO.

EDUCATION

Southern Methodist University, 1983

Bachelor of Business Administration, Concentration in Finance

PERSONAL

DCAD Board of Directors, 2021-2023

Medical Center of Lewisville Board of Trustees, Chairman- 2011-2017

Rotary Club:1993 to present.

Board Member 16 years. President -2012

Lewisville Education Foundation: 1995 to present

Past President and Life time Board Member

Scholarship Reader and School Chairman 1999-present

Marcus High School Liaison, 1998-2015

Endowed Buck Family Scholarship

Endowed Eiler & Adlaine Buck Scholarship

Endowed Evelyn Buck Elementary Teacher of the Year Award

Endowed Rowena McReynolds Teacher Grant

Texas Parent Teacher Student Association (PTSA) Life Member

Lewisville Independent School District

Bond Election Treasurer 2005, 2008, 2017 and 2023

Bond Oversight Committee 2011 to 2013

School Finance Advisory Member 2018-2019

Golden Apple Award, 2008.

Champion for Kids Award, 2013

Donated and built 3 Playground shelters for elementary and middle schools

Marcus Volleyball Booster Club President

InCubator Ed Mentor 2018-2020

Marcus Mentorship Program 2006-2008

Lewisville Economic Development Foundation, 2004 to 2008 President -

2008Dallas Home Builders Board Member, 1997 to 2002

Denton Home Builders Board Member, 1994 to 2005

President- 1998.

Member of Highland Village Master Plan Committee, 1998

Boy Scouts of America Silver Eagle Award, 2009

Lewisville Chamber of Commerce Citizen of the Year-2011

Lewisville High School Hall of Fame, 2021

Father of the three most beautiful children in the world

Nominee Information

Denton Central Appraisal District Board of Directors

Your name has been submitted by a Denton County Entity as a candidate for the 2024 Denton CAD Board of Directors. Please complete the following information and feel free to attach any additional information. **Please return this form by October 26, 2023.**

Alicia M. McKinley
Name

Lake Dallas, TX 75065
Address/City/Zip

972-215-9028 aliciamckinleymed@gmail.com
Cell Phone E-mail

1. Are you a resident of Denton County? ☐ Yes ☐ No
 - a. If yes, have you resided in Denton County for at least two years immediately preceding the beginning of this term? ☐ Yes ☐ No
2. Are you, or have you ever been, an employee of a taxing unit (County, City, School, Special District) in Denton County? Yes ☐ No ☐
 - a. If yes, which taxing unit? _____
 - b. When? _____
3. Are you, or have you ever been an employee of Denton CAD? Yes ☐ No ☐
 - a. If yes, what years were you employed? _____
4. Are you currently, or have you ever served as a voting member of the Denton CAD Board of Directors? Yes ☐ No ☐
 - a. If yes, what years have you served? _____
5. Do you directly or through a business entity have substantial interest in a contract with Denton CAD or a taxing unit that participates in the District? Yes ☐ No ☐
 - a. If yes, please list: _____
6. Have you engaged in the business of appraising property for compensation for use in proceedings under the Property Tax Code during the last three years? Yes ☐ No ☐
7. Have you ever been engaged in the business of representing property owners for compensation in the proceedings under the Property Tax Code in Denton County in the last three years? Yes ☐ No ☐

8. Are you directly related to any employee of the Denton CAD? Yes/No ☐
a. If yes, please list the degree of relation. _____

9. Do you currently own property on which delinquent taxes have been owed to a taxing unit for more than 60 days or are part of a suit to collect the delinquent taxes that have been deferred or abated? Yes/No ☐

10. Please give a brief statement on why you would be interested in serving on the Denton Central Appraisal District Board of Directors.

The reason I want to serve on the CAD Board of Directors is to continue the work

of representing the public's best interest related to appearing before the board,

ensuring all groups of people are able to participate and have access to the board.

I want to ensure the general public is aware of the policies and how the board can

serve them.

11. Please list any additional information you believe would be beneficial for the Denton County Entities to know about you.

I am a member of the Lake Dallas ISD School Board. I am an active member of

community and have the time and commitment to ensure I am present at meetings

and represent the best interest of the public according to the policy.

Return to:
Misty Baptiste - Denton Central Appraisal District
3911 Morse St.
Denton, TX 76208
misty.baptiste@dentoncad.com

Nominee Information
Denton Central Appraisal District Board of Directors

Your name has been submitted by a Denton County Entity as a candidate for the 2024 Denton CAD Board of Directors. Please complete the following information and feel free to attach any additional information. Please return this form by October 26, 2023.

ANN POMYKAL
Name _____
Corinth, TX 76210

Address/City/Zip _____
Cell Phone 214-364-0039 E-mail annomykal@aapl.com

1. Are you a resident of Denton County? Yes/No ☒
 - a. If yes, have you resided in Denton County for at least two years immediately preceding the beginning of this term? Yes/No ☒
2. Are you, or have you ever been, an employee of a taxing unit (County, City, School, Special District) in Denton County? Yes/No ☒
 - a. If yes, which taxing unit? _____
 - b. When? _____
3. Are you, or have you ever been an employee of Denton CAD? Yes/No ☒
 - a. If yes, what years were you employed? _____
4. Are you currently, or have you ever served as a voting member of the Denton CAD Board of Directors? Yes/No ☒
 - a. If yes, what years have you served? _____
5. Do you directly or through a business entity have substantial interest in a contract with Denton CAD or a taxing unit that participates in the District? Yes/No ☒
 - a. If yes, please list: _____
6. Have you engaged in the business of appraising property for compensation for use in proceedings under the Property Tax Code during the last three years? Yes/No ☒
7. Have you ever been engaged in the business of representing property owners for compensation in the proceedings under the Property Tax Code in Denton County in the last three years? Yes/No ☒

8. Are you directly related to any employee of the Denton CAD? Yes/No
a. If yes, please list the degree of relation. _____

9. Do you currently own property on which delinquent taxes have been owed to a taxing unit for more than 60 days or are part of a suit to collect the delinquent taxes that have been deferred or abated? Yes/No

10. Please give a brief statement on why you would be interested in serving on the Denton Central Appraisal District Board of Directors.

I will bring to the Denton CAD Board of Directors the following:

- 1. Completed one term on Denton CAD Board.*
- 2. Strong Business Experience: 27 years at TX Instruments in key leadership roles, last 7 years as Executive Director TI Foundation*
- 3. Proven track record of board leadership across the metroplex. Serving now on the Executive Board of United Way of Denton County.*
- 4. Strong ties to Denton County - grew up in Denton, raised children in Lewisville & grandchildren in Highland Village.*
- 5. Strong commitment to learning.*

11. Please list any additional information you believe would be beneficial for the Denton County Entities to know about you.

I commit myself 100% to any project I take on.

My past commitments to education, health & human services & having served in public office including Mayor gave me a broad view of using data & other resources to make decisions.

Being Director of Corporate Citizenship at T.I. & the T.I. Foundation has given me a strong financial & business base for this opportunity.

My highest priority is my family & being outdoors.

Return to:

Misty Baptiste - Denton Central Appraisal District
3911 Morse St.

Denton, TX 76208

misty.baptiste@dentoncad.com

Nominee Information

Denton Central Appraisal District Board of Directors

Your name has been submitted by a Denton County Entity as a candidate for the 2024 Denton CAD Board of Directors. Please complete the following information and feel free to attach any additional information. **Please return this form by October 26, 2023.**

Charles Stafford _____
Name

Denton, TX 76209 _____
Address/City/Zip

940-595-7253 _____ charlesramseystafford@yahoo.com ____
Cell Phone E-mail

1. Are you a resident of Denton County? **Yes/No**
 - a. If yes, have you resided in Denton County for at least two years immediately preceding the beginning of this term? **Yes/No**
2. Are you, or have you ever been, an employee of a taxing unit (County, City, School, Special District) in Denton County? **Yes/No**
 - a. If yes, which taxing unit? _____
 - b. When? _____
3. Are you, or have you ever been an employee of Denton CAD? **Yes/No**
 - a. If yes, what years were you employed? _____
4. Are you currently, or have you ever served as a voting member of the Denton CAD Board of Directors? **Yes/No**
 - a. If yes, what years have you served? __since 2003 _____
5. Do you directly or through a business entity have substantial interest in a contract with Denton CAD or a taxing unit that participates in the District? **Yes/No**
 - a. If yes, please list: _____
6. Have you engaged in the business of appraising property for compensation for use in proceedings under the Property Tax Code during the last three years? **Yes/No**
7. Have you ever been engaged in the business of representing property owners for compensation in the proceedings under the Property Tax Code in Denton County in the last three years? **Yes/No**

8. Are you directly related to any employee of the Denton CAD? **Yes/No**
a. If yes, please list the degree of relation. _____
9. Do you currently own property on which delinquent taxes have been owed to a taxing unit for more than 60 days or are part of a suit to collect the delinquent taxes that have been deferred or abated? **Yes/No**
10. Please give a brief statement on why you would be interested in serving on the Denton Central Appraisal District Board of Directors.

___ Service on the Denton CAD Board of Directors is an exercise in public service. I believe in a government administered by citizen volunteers. The opportunity to serve is a founding principle of our democracy. I have the time, experience and skills to serve on this board and would deeply appreciate the opportunity to serve another term.

11. Please list any additional information you believe would be beneficial for the Denton County Entities to know about you.

___ The district is very high-performing compared to other, similar districts in North Texas. We are entering into a prolonged period of unprecedented growth. We have the people and the systems in place to manage that growth, and to give excellent service to our taxpayers.

Return to:
Misty Baptiste - Denton Central Appraisal District
3911 Morse St.
Denton, TX 76208
misty.baptiste@dentoncad.com

Bio for David A. Johnson

Mr. Johnson is originally from the Midwest and is a 28-year resident of Flower Mound. He has a 35-year career in finance and banking, is married, and has two adult children.

Mr. Johnson has been involved in Flower Mound and Denton County for more than 25 years in several capacities, including community and charity-based activities.



- Habitat for Humanity of Denton County – 5 years, Past Board President
- Flower Mound Planning & Zoning Commissioner – 10 years and past Chairman
- United Way of Denton County Project Blue Print Graduate – 2019
- Active Rotarian for 15+ years
- Wellington HOA Board of Directors – 6 years and several Officer Positions
- Cross Timbers YMCA Board – 10 years, Board Chairman for 3 years
- Flower Mound Summit Club Member – 10 years
- LISD Facilities Advisory Committee 2016-2017
- Flower Mound Chamber of Commerce Leadership Graduate
- Grapevine Chamber Young Entrepreneurs Mentor
- Active in several area Chambers of Commerce

Mr. Johnson – “I enjoy giving back to my community with my time, philanthropy, and ideas. I believe it is important to give back, change lives, and leave a legacy. My non-profit work helps me meet new people, learn about different facets of our society, and share my business acumen. My volunteer work in local government allows me to give back, have input, be informed and be part of the process.”

David Terre

Teal Cove
The Colony, Texas 75056
972-740-4526
terre.david@yahoo.com

OBJECTIVE

If elected to a sixth term, I will continue to work hard, be organized, use common sense, and always apply the golden rule. This approach has enabled me to make significant contributions during my previous five terms.

EDUCATION

Drake University/ Moberly Community College
BS-Business Administration and a Minor in economics

EMPLOYMENT HISTORY

Vice President of Sales | Wilson Sporting Goods
Retired



46 Year Career

Successfully retired after a wonderful 46 year career where I rose through the ranks to become Vice President of Sales responsible for all domestic sales.

- Directed European Sales Operations while living in Germany
- Experience in Marketing
- Achieved successful coordination of new product introductions
- Managed West Coast Distribution Operations

LEADERSHIP

The Colony City Council

2011-Present

- 2011 - Received the honor of being elected Mayor Pro Tem during my first term on City Council and most recently was again re-elected Mayor Pro-Tem in 2020
- 2012 - Appointed to the Local Development Corporation Board of Directors to oversee new Grandscape (Nebraska Furniture Mart) Development
- 2013 - First Council Member from The Colony, Texas to be elected and serve on the Denton County Tax Appraisal District Board of Directors
- 2021 - Re-elected to a fourth term on City Council receiving 86% of total votes

The Colony Planning & Zoning Commission

2008-2011

- Served as Vice Chair

HONORS

- 1982 – Drake University Basketball Hall of Fame
- 1994 – Moberly Community College Basketball Hall of Fame
- 1995-2003 – Three-time Senior Olympics Gold Medal Winner for USA Basketball Team
- 1999 – Wilson Wall of Fame Honor
- 2007- Moberly Community College Outstanding Alumni of the year
- 2013 –Washington High School Hall of Fame
- 2018 –Roaring Lambs Hall of Fame

DCAD ACCOMPLISHMENTS

I have worked with my fellow Board Members to achieve the following meaningful results:

- Ensure a Quorum is established by being present at each meeting.
 - Make informed decisions doing the necessary preparation prior to each meeting
 - Assisted in developing an Annual Operating Budget to ensure spending stays within budgeted funds while always looking for opportunities to reduce expenses
 - Participate in the development and evaluation of the Chief Appraisal Officer each year
 - Completed cross training of all individuals and teams
 - Initiated an Incentive Program for Innovated Efficiency
 - Committed to making DCAD a leading star in the industry
-

Nominee Information
Denton Central Appraisal District Board of Directors

Your name has been submitted by a Denton County Entity as a candidate for the 2024 Denton CAD Board of Directors. Please complete the following information and feel free to attach any additional information. **Please return this form by October 26, 2023.**

Jared Eutsler
Name

Corinth, Texas 76210 Address/City/
Zip

407-951-2448 jared.eutsler@unt.edu
Cell Phone E-mail

1. Are you a resident of Denton County? ☒ Yes ☐ No
 - a. If yes, have you resided in Denton County for at least two years immediately preceding the beginning of this term? ☒ Yes ☐ No
2. Are you, or have you ever been, an employee of a taxing unit (County, City, School, Special District) in Denton County? ☒ Yes ☐ No
 - a. If yes, which taxing unit? _____
 - b. When? _____
3. Are you, or have you ever been an employee of Denton CAD? ☒ Yes ☐ No
 - a. If yes, what years were you employed? _____
4. Are you currently, or have you ever served as a voting member of the Denton CAD Board of Directors? ☒ Yes ☐ No
 - a. If yes, what years have you served? _____
5. Do you directly or through a business entity have substantial interest in a contract with Denton CAD or a taxing unit that participates in the District? ☒ Yes ☐ No
 - a. If yes, please list: _____
6. Have you engaged in the business of appraising property for compensation for use in proceedings under the Property Tax Code during the last three years? ☒ Yes ☐ No
7. Have you ever been engaged in the business of representing property owners for compensation in the proceedings under the Property Tax Code in Denton County in the last three years? ☒ Yes ☐ No

8. Are you directly related to any employee of the Denton CAD? Yes ☒ No ☐
a. If yes, please list the degree of relation. _____

9. Do you currently own property on which delinquent taxes have been owed to a taxing unit for more than 60 days or are part of a suit to collect the delinquent taxes that have been deferred or abated? Yes ☒ No ☐

10. Please give a brief statement on why you would be interested in serving on the Denton Central Appraisal District Board of Directors.

Denton County has been an incredible home for my family for the last eight years and I would love to give back through my talents and expertise. I am a tenured Professor at UNT specializing in accounting (specifically, audit and fraud), which highlights my commitment to transparency and fairness. Through my active role in the city of Corinth's audit and finance committee and as a community ambassador, I've come to understand the crucial role of property tax revenue in our cities in serving communities. However, I'm equally aware that property taxes are a substantial household expense for property owners. With this perspective, I am driven to ensure equitable and transparent property appraisals that both support the needs of Denton County (including all its communities) and continues our county's reputation for being a great place to live.

11. Please list any additional information you believe would be beneficial for the Denton County Entities to know about you.

I am a CPA (AZ), CFE, CMA, and CFM, which demonstrates my dedication to mastering the complexities of finance and auditing. My experiences span from working on the external audits of Fortune 50 companies to working in a regulatory capacity at the PCAOB in Washington DC (the principal regulator of audits for publicly traded companies). Beyond my auditing expertise, I hold a Texas real estate license and have previously served as a real estate broker in Arizona. This background provides me with a nuanced understanding of property market dynamics, further enriching my perspective on property taxation. These varied experiences, coupled with my commitment to the community, make me a uniquely qualified candidate, dedicated to the continued growth and prosperity of Denton County.

Return to:
Misty Baptiste - Denton Central Appraisal District
3911 Morse St.
Denton, TX 76208
mistybaptiste@dentoncad.com

Nominee Information
Denton Central Appraisal District Board of Directors

Your name has been submitted by a Denton County Entity as a candidate for the 2024 Denton CAD Board of Directors. Please complete the following information and feel free to attach any additional information. **Please return this form by October 26, 2023.**

Roy T. Atwood
Name

Carrollton, Texas 75007
Address/City/Zip

214-616-0528 royatwood@atwoodgameros.com
Cell Phone E-mail

1. Are you a resident of Denton County? **Yes**
 - a. If yes, have you resided in Denton County for at least two years immediately preceding the beginning of this term? **Yes**
2. Are you, or have you ever been, an employee of a taxing unit (County, City, School, Special District) in Denton County? **No**
 - a. If yes, which taxing unit? _____
 - b. When? _____
3. Are you, or have you ever been an employee of Denton CAD? **No**
 - a. If yes, what years were you employed? _____
4. Are you currently, or have you ever served as a voting member of the Denton CAD Board of Directors? **Yes**
 - a. If yes, what years have you served? 2018 - present
5. Do you directly or through a business entity have substantial interest in a contract with Denton CAD or a taxing unit that participates in the District? **No**
 - a. If yes, please list: _____
6. Have you engaged in the business of appraising property for compensation for use in proceedings under the Property Tax Code during the last three years? **No**
7. Have you ever been engaged in the business of representing property owners for compensation in the proceedings under the Property Tax Code in Denton County in the last three years? **No**

8. Are you directly related to any employee of the Denton CAD? **No**
a. If yes, please list the degree of relation. _____
9. Do you currently own property on which delinquent taxes have been owed to a taxing unit for more than 60 days or are part of a suit to collect the delinquent taxes that have been deferred or abated? **No**
10. Please give a brief statement on why you would be interested in serving on the Denton Central Appraisal District Board of Directors.

I have resided in Carrollton since 1991 and served on various Boards and Commissions in Carrollton over a period of twenty years. For the last 6 years, I have been privileged to serve on the DCAD Board of Directors, including as Chair of the Board the last two years. I appreciate having to opportunity to serve the citizens of Denton Counry and do so, not with an agenda, but with a desire to see that the interests of the citizens and the taxing entities are well served by the Appraisal District. We have made significant progress in the last two years and I would appreciate the opportunity to continuing serving to keep the momentum going.

11. Please list any additional information you believe would be beneficial for the Denton County Entities to know about you.

I have been a licensed attorney in Texas since 1988. I have found my legal background is beneficial to the DCAD Board, primarily in evaluting risks and in knowing the questions to ask. I also serve on the Board of Directors of My Possibilities and MP Residential, both of which are focused on providing opportunities for those with disabilities to live inclusive and fulfilling lives. Community service is very important to me.

Return to:
Misty Baptiste - Denton Central Appraisal District
3911 Morse St.
Denton, TX 76208
misty.baptiste@dentoncad.com

Nominee Information
Denton Central Appraisal District Board of Directors

Your name has been submitted by a Denton County Entity as a candidate for the 2024 Denton CAD Board of Directors. Please complete the following information and feel free to attach any additional information. **Please return this form by October 26, 2023.**

Vicki Byrd
Name

2512 Timber Trail Denton TX 76209
Address/City/Zip

(940) 208-6346
Cell Phone

Vicki.Byrd@cityofdenton.com
E-mail

1. Are you a resident of Denton County? Yes/No
a. If yes, have you resided in Denton County for at least two years immediately preceding the beginning of this term? Yes/No
2. Are you, or have you ever been, an employee of a taxing unit (County, City, School, Special District) in Denton County? Yes/No
a. If yes, which taxing unit? Denton ISD
b. When? 2010 - 2018
3. Are you, or have you ever been an employee of Denton CAD? Yes/No
a. If yes, what years were you employed? _____
4. Are you currently, or have you ever served as a voting member of the Denton CAD Board of Directors? Yes/No
a. If yes, what years have you served? _____
5. Do you directly or through a business entity have substantial interest in a contract with Denton CAD or a taxing unit that participates in the District? Yes/No
a. If yes, please list: _____
6. Have you engaged in the business of appraising property for compensation for use in proceedings under the Property Tax Code during the last three years? Yes/No
7. Have you ever been engaged in the business of representing property owners for compensation in the proceedings under the Property Tax Code in Denton County in the last three years? Yes/No

8. Are you directly related to any employee of the Denton CAD? Yes/No
a. If yes, please list the degree of relation. _____
9. Do you currently own property on which delinquent taxes have been owed to a taxing unit for more than 60 days or are part of a suit to collect the delinquent taxes that have been deferred or abated? Yes/No
10. Please give a brief statement on why you would be interested in serving on the Denton Central Appraisal District Board of Directors.

I am interested in serving on the Denton Central Appraisal District Board of Directors because the functions of the Board, appeals to my sense of fairness. Fairness plays a central role in appraisal of property for ad valorem taxation of this evergrowing and diverse housing population. Fairness to the Chief Appraiser to budget setting & contracting is important to me.

11. Please list any additional information you believe would be beneficial for the Denton County Entities to know about you.

I am a forty year resident of Denton County. I live in a home that is considered my forever home. My background in Law Enforcement, Occupational Health, Environmental Safety and Education extends the opportunity for me to care for others at a high level of Public Service. These opportunities have lead me to several positions including the Denton City Council (2 term)

Return to:

Misty Baptiste - Denton Central Appraisal District
3911 Morse St.
Denton, TX 76208

misty.baptiste@dentoncad.com

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: November 9, 2023

REF. DOC.: Texas Government Code Chapter 791 & Second Amended and Restated Interlocal Cooperation Agreement for Law Enforcement Services

SUBJECT: Consider a Resolution of the Town of Northlake, Texas authorizing the Town Manager to enter into an interlocal agreement with the Belmont Freshwater Supply District No. 1 for Police Services, to be effective commencing February 1, 2024 and ending October 2, 2027

**GOALS/
OBJECTIVES:** Exercise Fiscal Responsibility/Create a sustainable service plan

BACKGROUND INFORMATION:

- Negotiations have occurred over the past several months regarding the cost of Police Services in Belmont Freshwater Supply District No.1 (District)
- Current contract was not covering all costs of service
- Staff, Council/Mayor, and District Board members met to discuss cost
- An agreement has been negotiated
 - Year 1 - \$22 per home per month
 - Year 2 - \$23 per home per month
 - Year 3 - \$24 per home per month
 - Year 4 - \$25 per home per month

COUNCIL ACTION/DIRECTION:

Approve proposed agreement or provide further direction



**TOWN OF NORTHLAKE, TEXAS
OFFICIAL RESOLUTION**

NO.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS AUTHORIZING THE TOWN MANAGER TO EXECUTE AN AGREEMENT WITH BELMONT FRESH WATER SUPPLY DISTRICT #1 FOR POLICE SERVICES, TO BE EFFECTIVE COMMENCING FEBRUARY 1, 2024 AND ENDING OCTOBER 2, 2027

WHEREAS, the Belmont Fresh Water Supply District #1 (District) and Northlake are parties to that "Amended and Restated Interlocal Cooperation Agreement for Law Enforcement Services," effective October 1, 2017 (the "Prior Agreement"), pursuant to which Northlake provides law enforcement protection and services for the District in accordance with the terms and conditions set forth therein; and

WHEREAS, the District desires to provide its residents and businesses with certain full-time law enforcement protection and services to the extent authorized by Section 49.216, Texas Water Code, and has requested Northlake to provide such law enforcement services; and

WHEREAS, the District lies within Northlake's Extraterritorial Jurisdiction; and

WHEREAS, the parties have concluded that the negotiated upon agreement, attached hereto, as Exhibit A, fairly compensates the performing party for the services being provided, hereunder, and is in the best interest of each party.

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

Section 1. All 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 Manager to execute an Interlocal Agreement with Belmont Fresh Water Supply District #1, for full-time law enforcement protection and services, attached hereto as Exhibit A.

Section 3. This resolution shall be effective immediately upon approval by the Town Council.

PASSED AND APPROVED by the Town Council of the Town of Northlake, Texas, on November 9, 2023.

Town of Northlake, Texas

David Rettig, Mayor

Attest:

Zolaina Parker, Town Secretary

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: November 9, 2023
REF. DOC.: Unified Development Code (UDC)
SUBJECT: Consider an Ordinance of the Town of Northlake, Texas, amending Section 3.4, Board of Adjustment, of Article 3, Boards and Commissions, of the Unified Development Code (UDC)
Case # UDC-23-002
i. Public Hearing
ii. Consider approval
**GOALS/
OBJECTIVES:** Advance Northlake's Interests/Effectively plan and manage ahead of state restrictions

BACKGROUND INFORMATION:

- UDC amendment proposed to:
 - Provide for alternate members of the Board of Adjustment (BOA) to be able to serve in the absence of regular members
 - Five regular members to remain
 - Town Council may appoint two alternate members
- Amendment proposed to ensure that a full five BOA members are available to act on items requiring 75% vote (4 of 5 members) of board:
 - Reverse order, requirement, decision or determination of administrative official
 - Decide any matter upon which board is required to act by UDC
 - Grant any variance authorized by the UDC

PLANNING & ZONING COMMISSION ACTION:

- October 17 meeting
 - Held a public hearing with no speakers for or against
 - Recommended approval of the UDC Amendment

COUNCIL ACTION/DIRECTION:

- Hold a public hearing
- Consider approval of Ordinance amending UDC



**TOWN OF NORTHLAKE, TEXAS
OFFICIAL ORDINANCE**

NO.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS, AMENDING SECTION 3.4, "BOARD OF ADJUSTMENT," OF ARTICLE 3, "BOARDS AND COMISSIONS," OF THE UNIFIED DEVELOPMENT CODE TO UPDATE ALTERNATE MEMBERS OF THE BOARD OF ADJUSTMENT; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Town of Northlake, Texas is a home rule municipality acting under its charter adopted by the electorate pursuant to article XI, section 5 of the Texas Constitution and chapter 9 of the Texas Local Government Code; and

WHEREAS, the Town previously adopted the Town's Unified Development Code ("UDC") on January 24, 2013; and

WHEREAS, the UDC provides for text amendments in certain situations; and

WHEREAS, the Town updated the UDC in 2021 to comply with provisions passed in the Town's newly adopted Charter which included provisions related to the creation and organization of the board of adjustment; and

WHEREAS, after further review, the Town finds it necessary to further amend the UDC to provide for alternate members of the board of adjustment to be available to serve in the absence of regular members of the board; and

WHEREAS, the Town Planning and Zoning Commission held a public hearing on October 17, 2023 and the Town Council held a public hearing on November 9, 2023 after proper notification with respect to the adoption of the proposed UDC text amendments herein in accordance with the UDC and the Texas Local Government Code; and

WHEREAS, the Town Council has determined that the amendment as outlined herein is in the best interest of the health, safety, and general welfare of the citizens of the Town of Northlake and the public.

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

Section 1. All 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 Ordinance as if copied in their entirety.

Section 2. Section 3.4, “Board of Adjustment,” in Article 3, “Boards and Commissions,” of the Unified Development Code (UDC) of the Town of Northlake is hereby amended by amending subsections 3.4 A, and 3.4 B. to read as follows:

“§ 3.4 Board of Adjustment

A. Organization.

1. The board of adjustment shall consist of five regular members appointed by a majority vote of the Town Council.
2. In addition to five regular members of the board, two alternate members of the board, who shall serve in the absence of one or more regular members, may be appointed by a majority vote of the Town Council. In determining which of the two alternate members shall serve in the absence of a regular member, the alternate member with the longest tenure shall so serve. If, for any reason, the alternate member with the longest tenure is unavailable to serve, the second alternate member shall so serve.
3. Members shall be designated as places one through five and alternate members (if applicable) shall be designated as alternate place number eight and alternate place number nine.
4. Each member or alternate member of the board of adjustment shall be a resident citizen and qualified voter of the town at the time of their appointment. A member or alternate member who ceases to reside in the town during their term of office shall immediately forfeit his or her office.
5. The term of office of members or alternate members of the board of adjustment shall be for two years. Members and alternate members of the board may be removed for cause by the Town Council before their terms of office expire.
 - a. Cause for removal may include any of the following:
 - i. Refusal or failure to attend board meetings;
 - ii. Violation of state law involving conflicts of interest;
 - iii. Violation of the Town’s code of ethics;
 - iv. Incompetency; or
 - v. Any other cause that impedes the ability of the member to perform their duties.
6. Members and alternate members shall serve without compensation.
7. Regular members and alternate members of the board of adjustment shall be appointed by the Town Council in accordance with established

procedures.

B. Officers and Procedures

1. At the first scheduled board meeting in June of each year, or as soon thereafter as practicable, the first item of business shall be the selection of the board's chairperson and vice-chairperson from among the membership of the board. Alternate members of the commission are not eligible to serve as board chairperson or vice-chairperson or to participate in the selection of said chairperson or vice-chairperson.
2. The chairperson shall preside over the meetings. If a question over procedures arises, Robert's Rules of Order shall apply.
3. The vice-chairperson shall assist the chairperson in directing the affairs of the board of adjustment. In the absence of the chairperson, the vice-chairperson shall assume the duties of the chairperson. The vice-chairperson, when acting as chairperson, shall retain the right to vote.
4. In the event of the absence of both the chairperson and the vice-chairperson, any member of the board may be selected as the acting chairperson for that particular meeting by majority vote of the members present. Any board member acting as chairperson shall retain the right to vote. No member shall be required to act as chairperson if the member so declines.
5. The recording of the minutes of the board of adjustment meetings shall be the responsibility of the town personnel assigned by the Town manager.
6. The board may adopt rules to govern its proceedings and conduct the business before the board; provided, however, that such rules are not inconsistent with the UDC or laws of the state.
7. The concurring vote of not less than seventy-five percent (75%) of board of adjustment shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or to decide in favor of the applicant on any matter upon which the board is required to act under this UDC, or to grant any variance authorized by this UDC.
8. The filing fee for every petition to be submitted to the board of adjustment shall be as provided for in the fee schedule in appendix A to the Town of Northlake Code of Ordinance.

***"

Section 3.

With the exception of those ordinances expressly repealed herein, this Ordinance shall be cumulative of all provisions of ordinances of the Town of Northlake, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the more stringent provision shall apply and the less stringent provision, whether contained within this Ordinance or in any prior ordinance

of the Town, whether codified or un-codified, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the Town, whether codified or un-codified, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 4. It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraph section 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, and 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. This Ordinance shall be in full force and effect from and after its passage.

PASSED AND APPROVED by the Town Council of the Town of Northlake, Texas, on November 9, 2023.

Town of Northlake, Texas

David Rettig, Mayor

Attest:

Zolaina Parker, Town Secretary

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: November 9, 2023

REF. DOC.: Northlake Code of Ordinances; Unified Development Code (UDC)

SUBJECT: Consider an Ordinance of the Town of Northlake, Texas, amending Chapter 5 “Business Regulations” of the Code of Ordinances, Town of Northlake, Texas by creating a new Article 5.11 “Short-term Rentals,” to define and govern the standards and requirements for short-term rentals

i. Public Hearing

ii. Consider approval

GOALS/ OBJECTIVES: Protect the Public/Maintain a safe community with the support of diligent and aware residents

BACKGROUND INFORMATION:

- New permitting/registration program proposed for short-term rentals
- Town Council briefed on new program at October 12th Town Council meeting
 - Provided guidance to staff to create administrative permitting process without additional specific use permit (SUP) approval for short-term rentals
 - Change requires amendment of the Unified Development Code (UDC)
- Short-term rental (STR) is:
 - Rental of residence for overnight lodging for less than 30 consecutive days
 - Residences include single-family, multi-family, and townhomes
 - Entire residence or a portion of it such as a room or rooms
- No known STRs operating in Northlake
 - A few have been advertised but do not appear to be currently operating
- Current UDC requirements for STRs:
 - Allowed by right for no more than 14 days in 365-day period
 - Beyond 14 days in a 365-day period requires approval of a Specific Use Permit (SUP)
 - SUP process provides for P&Z and Town Council review and approval of all permits
 - Requires public hearing and notice process for input
 - Can set conditions unique to each situation
 - More likely to be challenged legally
- Proposed Ordinance:
 - Adopts standards for STRs
 - Establishes annual permit process for STRs with no inspection requirement
 - Amends UDC:
 - Divides current "Vacation/short-term rental" into separate terms with definitions and requirements for each for clarity
 - Short-term rental - rental periods of less than 30 consecutive days for more than 14 days in any 365-day period
 - Vacation home - rentals limited to 14 days in 365-day period
 - Provides that both "Short-term rental" and "Vacation home" are permitted uses

- Sets minimum parking space standards for "Short-term rental" and "Vacation home" uses
- References administrative permit requirements for short-term rentals which will not be included in the UDC

PLANNING & ZONING COMMISSION ACTION:

- October 17 meeting
 - Held public hearing with no speakers for or against
 - Recommended approval of UDC amendment as presented after discussion of combining STR and Vacation Home terms to apply to all STRs regardless of number of days rented in 365-day period

COUNCIL ACTION/DIRECTION:

- Hold public hearing
- Consider approval of Ordinance to adopt regulations for short-term rentals



TOWN OF NORTHLAKE, TEXAS
OFFICIAL ORDINANCE

NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS, AMENDING CHAPTER 5 “BUSINESS REGULATIONS” OF THE CODE OF ORDINANCES, TOWN OF NORTHLAKE, TEXAS BY CREATING A NEW ARTICLE 5.11 “SHORT-TERM RENTALS,” TO DEFINE AND GOVERN THE STANDARDS AND REQUIREMENTS FOR SHORT-TERM RENTALS; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Northlake (the “Town”) is a home rule municipality acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the Town Council of the Town (“Town Council”) recognizes the Town’s proximity to tourist destinations in the Dallas-Fort Worth Metroplex; and

WHEREAS, throughout North Texas, the increase in the number of persons or entities desiring to rent their residential properties has led to the proliferation of transient and vacation rental uses within neighborhoods previously planned, approved and constructed for solely residential use; and

WHEREAS, the use of residential properties by individuals for short periods of time may negatively impact the original residential character of neighborhoods that was an inducement for owners to buy their homes in such neighborhood due, in part, to substituting permanent residents with transient visitors and thereby reducing or eliminating common goals, cohesiveness, communication and accountability between permanent residents; and

WHEREAS, the regulation of the use and operation of such “short-term rental” property is intended to prevent the further erosion of pre-existing and stable neighborhoods, further advance the Town Council’s commitment to preserving the residential character of its neighborhoods, and protect the availability of affordable housing for both homeowners and long-term renters; and

WHEREAS, the proliferation of unregulated short-term rentals presents fire and structural safety concerns that are not applicable to structures used for permanent occupancy but are deemed necessary to accommodate guests who, as visitors to the Town, will rely on Town emergency services in the event of a crisis; and

WHEREAS, the Town Council has reviewed data and information from other cities’ experiences with short-term rentals and used this data and information to develop a regulatory structure suitable for the circumstances within the Town; and

WHEREAS, a public hearing was held at a meeting of the Planning and Zoning Commission on October 17, 2023, and at a meeting of the Town Council on November 9, 2023, with respect to the proposed regulations described herein; and

WHEREAS, all requirements of law dealing with notice to other property owners, publication and all procedural requirements have been complied with in accordance with the Unified Development Code and chapter 211 of the Local Government Code; and

WHEREAS, the Town Council finds and determines that regulations related to short-term rental uses should be adopted to define short-term rentals, establish standards for operation and appropriate review processes applicable to short-term rentals, and establish commensurate permitting fees, and that regulating the short-term rental of residential property is necessary for promoting the health, safety, and welfare of the general public, ensuring consistency in land uses and development, and protecting the rights of property owners, residents, and visitors in the Town.

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

SECTION 1

Chapter 5, "Business Regulations," of the Code of Ordinances, Town of Northlake, Texas, is hereby amended to add a new Article 5.11, "Short-Term Rentals," to read as follows:

"ARTICLE 5.11 SHORT-TERM RENTALS

§ 5.11.001 Purpose.

The purpose of this article is to provide a procedure to allow the rental of private residences to visitors on a short term basis, while ensuring that such rental use does not create adverse impacts to residential neighborhoods due to excessive traffic, noise, density, and other adverse effects, and additionally to ensure that the number of occupants within such rental units do not exceed the design capacity of the structure causing health and safety concerns, and that minimum health and safety standards are maintained in such units to protect visitors from unsafe or unsanitary conditions.

§ 5.11.002 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

Bedroom shall mean a room used or intended to be used for sleeping purposes and not as a kitchen, bathroom, living room, closet, hallway, utility space, entry way, garage, patio or breezeway.

Block shall mean a tract of land bounded by streets, or a combination of streets, public parks, railroad rights-of-way, shorelines of waterways or corporate limits.

Code or town code shall mean the Code of Ordinances, Town of Northlake, Texas.

Department shall mean the town's department of development services.

Director shall mean the town's director of development services or their designated representative.

Fire marshal shall mean the fire marshal of the town or their designated representative.

Local authorized representative means an individual with a 24-hour contact number who shall serve as the designated local representative for the owner and/or operator, and who shall respond to complaints regarding violations of federal, state, or local laws, and to notification of emergency conditions including but not limited to fire, natural disaster, flood, burst pipes, collapse hazard, emergency repairs, and violent crime.

Occupant shall mean the person(s) who have lawfully obtained the exclusive use and possession of the short-term rental premises from the owner and/or operator, and the guest(s) of such person(s).

Operator shall mean the owner or local responsible party tasked with managing a property operating as a short-term rental on behalf of the owner.

Owner shall mean the individual or entity that owns a property operating as a short-term rental.

Permit shall mean the permit issued pursuant to the terms of this article authorizing the operation of a short-term rental.

Short-term rental shall mean the rental for compensation, for more than fourteen (14) calendar days out of 365 days, of any residence or residential structure or portion thereof, located within a zoning district where the residential use is lawful, for the purpose of overnight lodging for a period of less than thirty (30) consecutive days. A short-term rental shall not include a hotel or motel.

Vacation home means the rental for compensation of any rental that would otherwise constitute a short-term rental but is otherwise operated for the purpose of overnight lodging only for a period of not more than fourteen (14) days out of 365 days.

§ 5.11.003 Short-term rental permit application.

- (a) It shall be unlawful for any owner, operator, or other person to advertise, offer to rent or rent, lease, sublease, license or sublicense a residential property within the town as a short-term rental for which an application has not been properly made and filed with the department, and a permit issued. A permit application shall be made upon forms furnished by the town for such purposes, shall be accompanied by the application fee identified in the town fee schedule, and shall further contain the following details:
 - (1) The name, address, contact information, and signature of the owner of the premises (or signed owner authorization, on a form provided by the town);
 - (2) The name, address, and phone number of a local authorized representative;
 - (3) The name, contact information, and rules for the applicable homeowners' association (HOA), if any;
 - (4) A parking plan of the premises identifying the location and quantity of parking spaces to be used in conjunction with the short-term rental, in relation to the residence;

- (5) A dimensioned floor plan of the proposed short-term rental identifying the proposed maximum number of occupants, bedrooms, other living spaces, location of safety features, and emergency evacuation routes;
 - (6) Proof of liability insurance meeting the requirements identified in section 5.11.004(b); and
 - (7) A statement that the owner of the short-term rental complies with and will continue to comply with the standards and other requirements of this article, as well as all applicable standards and other requirements of the code.
- (b) The owner or operator of a vacation home shall not be required to obtain a permit in accordance with the regulations herein but shall comply with section 5.11.004(m) governing the payment of hotel occupancy tax.

5.11.004 Regulations.

Compliance with the following regulations shall be a requirement of any permit issued for a short-term rental.

- (a) Maximum stay; minimum stay. It shall be unlawful for an owner to rent or lease a short-term rental for a period of more than thirty (30) days or less than twenty-four (24) hours.
- (b) Liability insurance. An owner and/or operator must maintain liability insurance for the short-term rental. The town, its officials, employees, agents and officers shall be named as an “additional insured” on all policies; the policy should provide a minimum liability coverage of \$1,000,000 (one million dollars); and each policy shall be endorsed to provide the town with a minimum of a 30-day notice of cancellation, non-renewal, and/or material change in policy terms or coverage; provided, however, a minimum 10-days’ notice shall be required in the event of non-payment of premium.
- (c) Occupancy. The maximum number of persons permitted to stay in a short-term rental is limited to two (2) persons per bedroom, plus two (2) additional persons; however, no short-term rental shall permit the cumulative total number of occupants to exceed twelve (12) persons.
- (d) Parking restrictions. It shall be unlawful for an occupant to park a motor vehicle on an unimproved surface, or for an owner and/or operator to permit such parking. All motor vehicles are further subject to the parking requirements of chapter 11, article 11.04 of the code.
- (e) Life safety.
 - (1) The short-term rental must be equipped with:
 - (A) Working smoke alarms, meeting the requirements of Section 92.254 of the Texas Property Code, with a minimum of one on each floor level and one in each room used as a bedroom; and

- (B) A minimum of one working carbon monoxide detector on each floor or level; and
 - (C) A minimum of one 2A:10B:C type fire extinguisher (a standard five-pound extinguisher) properly mounted within seventy-five (75) feet of all portions of the structure on each floor.
 - (2) All gas appliances shall be properly ventilated outside the home.
 - (3) Emergency escape openings shall comply with the town's currently adopted International Residential Code (IRC), with at least one emergency escape opening for each bedroom opening directly to the outdoors.
 - (4) An evacuation plan shall be posted in each bedroom.
 - (5) Any room that does not comply with this subsection (e) shall not be used as a bedroom, and where equipped with a door, shall remain locked at all times when the dwelling is being used as a short-term rental. Any non-compliant bedroom shall not be included in the maximum occupancy calculation for the short-term rental, nor be advertised as a bedroom.
- (f) Conduct on premises. Each short-term rental owner, operator, and occupant shall comply with all requirements of the town code. Owners and/or operators shall be responsible for informing occupants of all relevant town codes and occupants' liability for violations of same. In addition, the following shall be unlawful:
- (1) Conduct involving loud, disturbing, and unnecessary noises, including amplified sound, yelling, shouting, and other noise-generating conduct, between the hours of 11:00 p.m. and 7:00 a.m. (pursuant to chapter 8, article 8.02 of the code);
 - (2) Sleeping outdoors;
 - (3) Placing, or allowing to be placed, waste or recycling receptacles at the designated pickup location prior to 12 hours before the scheduled collection day, or alternative day if the scheduled collection day falls on a holiday (pursuant to section 7.05.003 of the code), or otherwise violating the town's ordinances for waste disposal contained in chapter 7, article 7.05;
 - (4) Advertising, promoting, or operating a special event, or permitting the advertising, promotion, or operation of a special event (including, but not limited to, a banquet, wedding, reception, reunion, bachelor or bachelorette party, concert, or similar activity that would assemble large numbers of invitees) to be held on the premises; and
 - (5) Using or permitting the use of the short-term rental for the purpose of selling illegal drugs, selling alcohol or another activity that requires a permit or license under the Alcoholic Beverage Code, or operating as a sexually oriented business.

- (g) Signage. On-premise signage advertising or identifying the short-term rental shall not be permitted.
- (h) Advertising. The owner shall not advertise or promote, or allow another to advertise or promote, the short-term rental without including the occupancy limits, parking standards, and permit number for the listing.
- (i) Local contact. An owner must designate the name and contact information of an operator, who shall be a local responsible party who can be contacted regarding immediate concerns and complaints from the public. Said individual must be available in person or by phone at all times while occupants are on the premises of the short-term rental. If called, the operator must be able to, and shall be present at the premises, within one (1) hour of receiving a call from the director. An operator must be authorized to make decisions regarding the premises and its occupants.
- (j) Occupant notification packet. The owner and/or operator shall post in a conspicuous location of the short-term rental premises a packet containing, at a minimum, the following information:
 - (1) Maximum number of occupants;
 - (2) Location of off-street parking and prohibition of parking on landscaped areas or on the street;
 - (3) Quiet hours and noise restrictions;
 - (4) 24-hour local contact person and phone number;
 - (5) Property cleanliness requirements;
 - (6) Waste pick-up requirements, including location of waste and recycling receptacles;
 - (7) Flooding hazards and evacuation routes, as well as information on the emergency siren system and other safety features;
 - (8) Emergency and non-emergency numbers; and
 - (9) Notice that failure to conform to the occupancy and parking requirements constitutes a violation of the code and an occupant or visitor may be cited.
- (k) Rental agreement notification. The rental agreement between the owner and/or operator of the short-term rental and the occupant shall include, by attachment, all of the information provided in the occupant notification packet.

- (l) Changes in ownership. Since a short-term rental permit is non-transferable pursuant to section 5.11.005, the purchaser of a more than fifty percent (50%) ownership interest in a short-term rental must submit a new permit application in accordance with section 5.11.003 prior to operating as a short-term rental. It shall be an affirmative defense to prosecution that the occupant is a party to the sale of the premises and was occupying the premises pursuant to a written post-closing occupancy agreement.
- (m) Hotel occupancy taxes. The owner and/or operator of the short-term rental property shall register with the town finance department to pay hotel occupancy taxes prior to the date that the permit application is submitted, and the owner and/or operator must remit all applicable hotel occupancy taxes in a timely manner pursuant to applicable laws.
- (n) Request for occupancy history. Upon request of the director, the owner of a premises used as a short-term rental shall remit, within thirty (30) days, an accounting of all rental activity and the hotel occupancy taxes paid therefor.
- (o) Density limitations for short-term rental properties.
 - (1) Limitation. Short-term rentals may be limited to no more than one-eighth (12.5 percent) of the total number of residential units on the block or in a multi-unit building. Notwithstanding the foregoing, at least one short-term rental shall be permitted per block or multi-unit building, regardless of density.
 - (2) Special exception available. In order to obtain a permit for a short-term rental that would exceed the density limitation of this section, a property owner may apply to the board of adjustment for a special exception in accordance with exhibit 9A, the unified development code of the town. The board may consider factors such as the following:
 - (A) Whether operation as a short-term rental in excess of the density limitation will not adversely impact the residential quality of the neighborhood in which the property is located;
 - (B) Whether such operation is likely to disrupt adjacent owners' right to the quiet enjoyment of their property (for example, by considering whether lot sizes are small enough that noise is likely to affect neighboring property owners);
 - (C) Whether such operation will substantially impact nearby streets, including whether the property provides only limited off-street parking;
 - (D) Whether the applicant seeks to operate an entire residence as a short-term rental or whether the short-term rental use is limited to a portion of the residence;
 - (E) Whether the applicant occupies the premises as their primary residence or uses it as an investment property; and
 - (F) Whether other short-term rentals in excess of the density limitation are already operating on that block.

§ 5.11.005 Permit term and renewal; fees; non-transferability.

- (a) All permits issued under this article shall expire upon transfer of more than fifty percent (50%) of the ownership interest in a short-term rental property.
- (b) A nonrefundable fee for administration of the application shall be charged as established in the town fee schedule. Such fee shall be paid at the time the application is made and shall not be returned to the applicant, regardless of whether a permit is approved.
- (c) A permit holder shall apply for renewal prior to the expiration of the permit on a form provided by the director. The fee for the renewal of a permit to operate a short-term rental shall be charged as established in the town fee schedule. The permit holder shall either update the information required under section 5.11.003 or submit a statement affirming that the information previously submitted is still accurate. A complete application for renewal received after the expiration of a current permit shall be treated as an application for a new permit in accordance with section 5.11.003.

§ 5.11.006 Enforcement.

- (a) If the owner, operator, or any occupant of the short-term rental property fails or refuses to comply with the standards and requirements contained herein, the town may initiate enforcement action against the owner, operator, or any occupant, including, but not limited to, the immediate issuance of a citation.
- (b) Failure to timely remit applicable hotel occupancy tax is a violation under this article and shall result in permit revocation if all applicable tax is not paid within ninety (90) days of the issuance of a delinquency notice.
- (c) Any advertisement, whether it be online or in print, promoting the availability of a property within the town for rent for a period of thirty days (30) or less, shall constitute prima facie evidence of the property's use as a short-term rental.
- (d) Each violation of this article shall constitute a separate offense, punishable in accordance with section 1.01.009 of the code.

§ 5.11.007 Repeat offenses.

- (a) If the director finds that the owner, operator, or any occupant of a short-term rental failed to comply with any requirement of this article three (3) or more times within a 12-month period, the director may revoke an existing permit. No new permit may be sought for the subject property for a period of twelve (12) months following a denial or revocation pursuant to this section.
- (b) If a property is the subject of five (5) or more violations of federal law, state law, or the other provisions of the town code outside of this article within the previous 24-month period, the director may revoke an existing permit; may deny an application for an original permit; or may deny an application to renew a permit, based on: (1) the frequency of any repeated violations; (2) whether a violation was committed intentionally or knowingly; and (3) any other information that

demonstrates the degree to which the owner or occupant has endangered public health, safety, or welfare. No new permit may be sought for the subject property for a period of twelve (12) months following the denial or revocation pursuant to this section.

- (c) A permit applicant may appeal the director's decision to revoke an existing permit or deny an application, in accordance with the process set forth in section 5.11.008 of this article.

§ 5.11.008 Appeal.

- (a) The revocation of a permit or the director's denial of an application for a permit to operate a short-term rental may be appealed to the town manager in accordance with the provisions of this section.
- (b) An appeal filed under this section must be filed with the director for the town manager's review no later than the 20th day following the date on which the permit was revoked or denied. The appeal must be sworn and must identify each alleged point of error, facts and evidence supporting the appeal, and reasons why the action of the director should be modified or reversed.
- (c) The town manager or a designee shall, not later than the 10th day after the date the appeal is filed, hear the appeal, and may affirm, modify or reverse a permit revocation or application denial.
- (d) The town manager or designee shall give written notice of a decision on an appeal to the appellant.
- (e) An appellant who seeks judicial review of the town manager's review on appeal must file a petition with a court of competent jurisdiction not later than the 30th day after receipt of the notice of the decision."

SECTION 2

Table 5.2 of Section 9A-5.7 "Permitted use table" of Exhibit 9A "Unified Development Code" of the Code of Ordinances, Town of Northlake, Texas, is hereby amended by removing the use designation of "vacation/short-term rental"; adding the operation of a short-term rental as a permitted use ("P") in certain residential zoning districts, subject to the conditions contained in chapter 5, article 11 of the code; and adding the operation of a vacation home as a permitted use ("P") in certain residential zoning districts, in the section "Residential Accommodations."

USES	DISTRICTS								
	Agricultural	Rural Residential	Conservation Residential Overlay	Rural Estate	Manufactured Homes	Mixed Use	Neighborhood Commercial	Commercial	Industrial

RESIDENTIAL USES	AG	RR	CRO	RE	MH	MU	NC	C	I

Short-term rental, subject to conditions contained in chapter 5, article 11 of the code	P	P	P	P		P			

Vacation home	P	P	P	P		P			
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SECTION 3

Section 14.1 “Definitions” of Exhibit 9A “Unified Development Code” of the Code of Ordinances, Town of Northlake, Texas, is hereby amended to delete the definition for “Vacation/Short-Term Rental” and add separate definitions for short-term rentals and vacation homes, to be inserted alphabetically to read as follows:

“Short-Term Rental: Any residence or residential structure or portion thereof used for rentals for compensation, for more than any fourteen (14) calendar days out of 365 days, for the purpose of overnight lodging for a period of less than thirty (30) consecutive days. A short-term rental shall not include a hotel or motel. Short-term rentals are further subject to the regulations contained in article 5.11 of the town code.

Vacation Home: Any residence or residential structure or portion thereof used for rentals for compensation for the purpose of overnight lodging for a period of not more than any fourteen (14) days out of 365 days.”

SECTION 4

Section 10.4 “Schedule of Off-Street Parking Requirements” of Exhibit 9A “Unified Development Code” of the Code of Ordinances, Town of Northlake, Texas, is hereby amended to delete the use “Vacation/Short-Term Rental” and add separate provisions for short-term rentals and vacation homes, to be inserted in the subsection “Residential Uses.”

Table 10.1 Schedule of Off-Street Parking Requirements	
Use	Parking Requirement
* * *	
RESIDENTIAL USES	
* * *	
Short-Term Rental	2 parking spaces per dwelling unit
Vacation Home	2 parking spaces per dwelling unit

SECTION 5

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances, Town of Northlake, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 6

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections,

paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the Town Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 7

All rights and remedies of the Town of Northlake are expressly saved as to any and all violations of the provisions of the Code of Ordinances, Town of Northlake, Texas, as amended or revised herein, or any other ordinances affecting the matters regulated herein which 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 8

Any person, firm, or corporation who violates any provision of this Ordinance as adopted by the Town Council of the Town of Northlake shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 1.01.009 of the Code of Ordinances, Town of Northlake, Texas. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

SECTION 9

The Town Secretary of the Town of Northlake is hereby directed to publish the caption and penalty for violating the ordinance in the official newspaper of the Town of Northlake as required by Section 4.11(c) of the Charter of the Town of Northlake.

SECTION 10

This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law.

PASSED AND APPROVED by the Town Council of the Town of Northlake, Texas, on November 9, 2023.

Town of Northlake, Texas

David Rettig, Mayor

Attest:

Zolaina Parker, Town Secretary

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: November 9, 2023

REF. DOC.: Northlake Code of Ordinances

SUBJECT: Consider an Ordinance of the Town of Northlake, Texas, amending Chapter 4 “Building Regulations” of the Code of Ordinances, Town of Northlake, Texas by creating a new Article 4.07 “Single-family and Multi-family Rental Housing,” to provide for the regulation, inspection, and permitting of rentals for single-family and multi-family dwellings

GOALS/ OBJECTIVES: Protect the Public/Maintain a safe community with the support of diligent and aware residents

BACKGROUND INFORMATION:

- New program to address health and safety issues related to single-family and multi-family rentals of more than 30 days
- Program to require:
 - Minimum standards for all rental properties
 - Annual permitting of all single-family residential rentals
 - Annual permitting and periodic inspections of multi-family residential rentals
- Existing Code Compliance staff to administer program
- Program initially presented at June 8th Town Council meeting
- Ordinances drafted to implement program and briefed to Town Council on October 12th
- Based on feedback from Council, following change made to proposed ordinance:
 - No inspections required for single-family rentals except upon request of tenant

COUNCIL ACTION/DIRECTION:

Consider approval of Ordinance to establish a single-family and multi-family rental housing regulation, inspection, and permitting program



TOWN OF NORTHLAKE, TEXAS
OFFICIAL ORDINANCE

NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS, AMENDING CHAPTER 4 “BUILDING REGULATIONS” OF THE CODE OF ORDINANCES, TOWN OF NORTHLAKE, TEXAS BY CREATING A NEW ARTICLE 4.07 “SINGLE-FAMILY AND MULTI-FAMILY RENTAL HOUSING,” TO PROVIDE FOR THE REGULATION, INSPECTION, AND PERMITTING OF RENTALS FOR SINGLE-FAMILY AND MULTI-FAMILY DWELLINGS; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Northlake is a home rule municipality acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the Town Council finds that a permitting process and the proactive periodic inspection of certain rental properties ensures the safety and habitability of rental units, preserves the quality of rental stock, and maintains property values throughout the Town; and

WHEREAS, the Town Council of the Town of Northlake (“Town Council”) finds and determines that regulations related to single-family and multi-family rental unit properties should be adopted to regulate these properties in the interest of preserving the public health, safety, and welfare.

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

SECTION 1

Chapter 4, “Building Regulations,” of the Code of Ordinances, Town of Northlake, Texas, is hereby amended by adding new Article 4.07, “Single-Family and Multi-Family Rental Housing,” to read as follows:

“ARTICLE 4.07 SINGLE-FAMILY AND MULTI-FAMILY RENTAL HOUSING

Division 1 Generally

§ 4.07.001 Purpose.

The purpose of this article is to safeguard the life, health, safety, welfare, and property of the occupants of rental units and the general public by providing for the regulation and enforcement of minimum building standards and property maintenance codes for single-family and multi-family rental units.

§ 4.07.002 Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

Administrator shall mean the building official, officer, or other designated authority of the town, or their designee, charged with the administration and enforcement of this article.

Code shall mean the code of ordinances, Town of Northlake, Texas.

Critical violation shall mean a major violation of the town's minimum housing code as determined by the town code enforcement department.

Department shall mean the department of development services.

Landlord shall mean a rental unit owner or operator, including a property manager whether an entity or an individual, who has leased, rented, or permitted the exclusive use of the land, the building or a part of the land or building, to another person.

Lease shall mean a special kind of contract between a property owner and a person wanting temporary enjoyment and exclusive use of the property, in exchange for rent paid to the property owner.

Life safety violation shall mean a violation of the town's minimum housing code that poses an imminent threat to the life, limb, or health of any member of the general public.

Multi-family dwelling complex or complex shall mean any building or group of buildings which provide three or more rental units on a single platted lot, or, if the land on which the building or buildings is located is unplatted, on a contiguous tract of land under common ownership.

Multi-family rental unit shall mean any room or suite of rooms arranged, designed, or occupied as a residence by a single family, individual, or group of individuals and located in a multi-family dwelling complex.

Occupant shall include a tenant as well as any other person living, sleeping in, or having actual possession of a rental unit.

Owner shall mean any person, agent, firm, or corporation having a legal or equitable interest in a rental unit.

Property maintenance inspection-1 or PMI-1 means the inspection performed annually that establishes the tier rating and score from which the number of additional property maintenance inspections (PMI) are performed during the 12-month period of registration.

Property maintenance inspection-2 or PMI-2 means an instance of one inspection performed following the PMI-1 inspection during the 12-month period of registration to determine compliance with minimum housing code(s).

Property maintenance inspection-3 or PMI-3 means an instance of two inspections performed following the PMI-1 inspection during the 12-month period of registration to determine compliance with minimum housing code(s).

Rent means money or other consideration paid by a tenant to a landlord, usually pursuant to a lease, in exchange for the exclusive use and enjoyment of land, a building, or a part of a building.

Rental unit(s) shall mean property owned and/or operated by a landlord by whom a tenant has been granted temporary and exclusive use through a verbal or written agreement and shall collectively refer to multi-family rental units and single-family rental units, whether individual or plural.

Single-family dwelling shall mean any dwelling designed exclusively for residential occupancy by not more than one family, including a community-based residential home as defined by the Community Homes for Persons with Disabilities Act (Tex. Human Res. Code Ann., Ch. 123, as amended). For the purposes of this article, “single-family dwelling” shall include a duplex rental unit and a townhome rental unit.

Single-family rental unit shall mean any single-family dwelling which is rented, leased, or otherwise occupied by a person other than the owner. A single-family rental dwelling shall not include multifamily dwellings or dwellings operated as a short-term rental, as that phrase is defined in the Unified Development Code.

Tenant shall mean a person to whom a landlord grants temporary and exclusive use of land, a building, or a part of a building, usually in exchange for rent, for living or dwelling purposes.

§ 4.07.003 Applicability

The landlord of any rental unit shall comply with the provisions of this article, including division 2.

§ 4.07.004 Permit required.

- (a) No rental unit may be advertised, leased, or operated without a permit obtained pursuant to the provisions of this article. It shall be unlawful to submit a false or fraudulent application for a permit.
- (b) A permit issued under this article is not assignable or transferable. A permit is valid only for the premises for which it is issued. It shall be unlawful for any person to counterfeit, forge, change, deface, or alter a permit. A permit may be canceled upon written request of the owner(s) and surrender of the permit itself to the administrator. The surrender of a permit shall be effective immediately upon its filing in the office of the building official.
- (c) Each permit issued pursuant to this article shall be valid for one year from its date of issuance, unless suspended or revoked, and must be renewed within thirty (30) days of the date of expiration.
- (d) A late fee shall be assessed for permit applications filed more than thirty (30) days after the permit expiration date, the issuance of the property maintenance inspection report, or a change in ownership.
- (e) The landlord must be current on any and all fees, taxes, and assessments owed to the town prior to the issuance or renewal of a permit.

§ 4.07.005 Substandard rental units.

Any substandard condition in a rental unit or multi-family dwelling complex shall be subject to abatement, including all applicable notice provisions, in accordance with chapter 4, article 4.04 of this code.

§ 4.07.006 Appeal procedures applicable to all rental unit permits.

- (a) A landlord may appeal scores or findings contained in the property maintenance inspection report or a decision to suspend or revoke the permit and/or certificate of occupancy to operate the rental unit or complex as provided in this section.
- (b) An appeal pursuant to subsection (a) shall be filed with the board of adjustment no later than fifteen (15) days following the date the property maintenance inspection report, notice of suspension, or notice of revocation was issued to the landlord. Appeals filed after that date shall be considered untimely and the property maintenance inspection report, suspension, or revocation shall be considered a final determination.
- (c) The applicant shall have the burden of proving that the property conditions existing at the time the inspection was performed did not warrant the action taken by the town.
- (d) All appeals to the board of adjustment shall be held in accordance with the provisions of section 9A-3.4 of the code.

§ 4.07.007 Penalty.

Any person violating the terms and provisions of this article shall be deemed guilty of a misdemeanor and shall be punished as provided in section 1.01.009 of this code. Any such violation shall be deemed a violation of a provision governing fire safety or public health and sanitation under said section 1.01.009 of this code. Each day that such violation continues shall be a separate offense. This penalty shall be cumulative of all other remedies.

Division 2 Minimum Housing Code

§ 4.07.041 Responsibilities of landlord.

- (a) A landlord shall be exclusively responsible for the integrity and safety of a rental unit or complex's structure, parking facilities, water lines, and sewer lines, as well as all installed systems including plumbing, electrical, heating, and air conditioning systems; furthermore, a landlord shall comply with the following minimum standards:
 - (1) Each rental unit shall contain at least 150 square feet of habitable floor area for the first occupant and at least 100 square feet of additional habitable floor area for each additional occupant.
 - (2) In each rental unit of two or more rooms, each room occupied for sleeping purposes shall contain at least 70 square feet of floor space for one occupant and shall contain an additional 50 square feet of floor space for each additional occupant of said sleeping rooms.

- (3) The maximum occupancy for any rental unit shall be two individuals per bedroom, plus one.
- (4) At least one-half of the floor area of every habitable room of a rental unit shall have a ceiling height of at least seven feet; the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
- (5) Provide in all rental units a kitchen sink and a lavatory basin. Such kitchen sink and lavatory shall be connected to the municipal water and sewer systems.
- (6) Provide in all rental units a flush water toilet and a bathtub or shower connected to the municipal water and sewer systems.
- (7) Every kitchen sink, lavatory basin, and bathtub or shower in each rental unit required by the provisions of this article shall be connected and functioning with both hot and cold water lines. The owner shall provide and maintain connected and functioning water-heating equipment and facilities for every rental unit which shall be connected with water lines with a design capability of heating water to a temperature of 120 degrees Fahrenheit as to permit an adequate supply of hot water to be drawn at every required kitchen sink, lavatory basin, and bathtub or shower at a temperature of not less than 100 degrees Fahrenheit. Such water-heating facilities shall be capable of meeting the requirements of this section regardless of whether or not the heating facilities of the apartment or rental unit are in operation.
- (8) Air conditioning shall function to at least 20 degrees differential between the inside and outside temperature. If the owner pays the electrical bill, the owner shall provide the required electricity.
- (9) Every rental unit or apartment with heating facilities shall be provided with a design capability of safely and adequately heating all habitable rooms to a temperature of at least 68 degrees Fahrenheit at a distance of three feet above floor level, and the facilities shall be operable when necessary to maintain the temperature, but gas jets installed prior to 1978 may be provided in lieu of other heating facilities. Where the owner or landlord pays the fuel bills or utilities for the heating equipment, the owner or landlord shall be responsible to provide heat to each rental unit. Portable heating equipment, including but not limited to, kerosene heaters, portable propane heaters, or portable electric heaters may not be used to meet the requirements of this section other than for temporary emergency uses not to exceed fifteen (15) days when the devices are used in accordance with the manufacturer's instructions.
- (10) Ensure that every bedroom in a rental unit shall have at least one (1) window or opening facing directly to the outdoors capable of being opened to the maximum size allowed by the design of the window fixture.

- (11) Repair all cracked or broken out (partial or complete) windows.
- (12) All windows and doors must meet the requirements of the current building code, except those which conformed within all applicable laws at the time of their construction and which have been adequately maintained.
- (13) Every opening in any rental unit which is used for ventilation purposes from a rental unit directly to or from outdoor space shall be equipped with insect-proof screening, which shall be provided by the owner and shall be installed and maintained in a manner affording complete protection against entry into the rental unit of flies, mosquitoes and other insects.
- (14) Repair or replace all window screens on operable window(s).
- (15) Maintain, waterproof, and repair the structure and materials on the exterior to prevent deterioration due to the elements which shall include but not be limited to: paint, gutters, loose siding, siding with holes, excessive cracks or rotted boards which permit air or water to penetrate rooms or the void spaces in walls or other structural components, loose roof covering, holes or leaks in roof which cause damage to the structure or rooms, rotting, and sagging or deteriorating supports for steps, stairs and porches.
- (16) Exterminate insects, rodents or other pests in all occupied and unoccupied multi-family rental units a minimum of once a year by a state-licensed exterminator, and single-family rental units as needed by the owner or by a state licensed exterminator. If the occupant fails to maintain the rental unit free from rodents, insects, and vermin, such shall be the ultimate responsibility of owner.
- (17) Provide central garbage and refuse disposal where there are more than four rental units on the premises.
- (18) Provide and maintain railings for stairs, steps, balconies, porches, and elsewhere as specified in the building code in force at the time of construction. Replacement of any required railings shall be in compliance with the current edition of the building code. Buildings in existence at the time of adoption of this article may have their existing use continued if such use was legal at the time of the adoption of this article, provided such continued use is not dangerous to life.
- (19) Repair holes, cracks, loose surface materials, and other defects in balconies, stairs, porches, steps, floors, walls, ceilings, entry ways, breezeways and sidewalks.
- (20) Maintain floors, walls, ceilings, and all supporting structural members in a sound condition, capable of bearing imposed loads safely, in conformity with the current building code.
- (21) Repair or replace chimney flue and vent attachments that do not function properly.

- (22) Repair or replace dilapidated, failing or deteriorated retaining walls for health or safety hazards and erosion control.
- (23) Provide and maintain a moisture-resistant finish or material for the flooring or sub-flooring of each bathroom, shower room, and toilet room.
- (24) Provide screened cross-ventilation openings of not less than 1.5 square feet for each 25 lineal feet of wall in each basement, cellar, and crawl space.
- (25) Eliminate a hole, excavation, sharp protrusion, and other object or condition that exists on the land and is reasonably capable of causing injury to a person.
- (26) Securely cover or close a well, cesspool, or cistern.
- (27) Provide drainage to prevent standing and stagnant water on the premises.
- (28) Remove dead trees or portions of dead trees and tree limbs that are capable of causing injury to a person.
- (29) Connect plumbing fixtures and heating equipment that the owner supplies in accordance with the applicable codes.
- (30) Provide and maintain in operating condition supply lines for electrical service to each rental unit intended for human occupancy.
- (31) Provide and maintain approved use and operation condition of electrical fixtures, appliances, circuits, and outlets in compliance with the electrical code adopted by the town.
- (32) Electrical service disconnects on any complex shall have approved identification (e.g. apartment/unit numbers or letters) placed on the front cover and in a position that is plainly legible and visible. These numbers/letters shall contrast with their background. Identification shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of one inch in height with a minimum stroke width of one-eighth inch.
- (33) Connect to a chimney or flue each heating and cooking device that burns solid fuel or burns a fuel that must be vented to the outside.
- (34) Maintain the interior of a vacant structure or vacant portion of a structure free from rubbish or garbage. Secure all vacant or unoccupied rental units from unauthorized entry and vandalism.
- (35) Maintain the exterior of the property or structure under their control free from rubbish, garbage, and other conditions that would encourage infestation of insects, rodents, vermin, and unsanitary conditions.
- (36) Secure all vacant or unoccupied rental units from unauthorized entry.

- (37) Install and maintain multi-family complex parking lots, fire lanes, and required paved areas, including legible parking stripes and fire lanes, in accordance with the code.
- (38) To the extent required by state law, maintain all required fire detection and extinguishing appliances including but not limited to: smoke detectors, fire alarm systems, fire hydrants, and portable fire extinguishers. All rental units must be equipped with operable smoke detectors of an approved type. One hundred twenty-volt smoke detectors with battery backup shall be located in each sleeping area, and hallways adjacent to each sleeping area. For purposes of this section, the fire marshal and/or building official will have final determination on what items are required based upon the codes in effect at the time the building was built and subsequent applicable changes. Multi-family rental units and complexes built prior to September 1, 1987 shall not be required to have smoke detectors powered by alternating current.
- (39) Dryer exhaust ducts for clothes dryers shall terminate on the outside of the building and shall be kept free of lint and equipped with a backdraft damper. Screens or cages shall not be installed at the duct termination.
- (40) Maintain all swimming pool equipment in operating conditions.
- (41) Maintain all swimming pools in a sanitary condition at all times.
- (42) Provide and maintain all gas service lines to each rental unit that is heated by natural gas or has water heating devices or cook stove fueled by natural gas. If the owner pays the gas bill, the owner shall provide necessary gas service.
- (43) Remove or repair inoperable, junked, unregistered, and/or abandoned vehicle(s) from the property.
- (44) Single-family rental units shall have approved numerals of a minimum four inches high with a minimum one-half inch stroke width and a color contrasting with the background clearly visible and legible from the street fronting the property and rear alleyway where such alleyway exists.
- (45) For multi-family dwelling complexes, install and maintain premises identification numbers which shall be eight inches high with a stroke width of one inch minimum for all buildings and for all unit doors a minimum of two inches high with a stroke width of one-eighth inch minimum.
- (46) For multi-family dwelling complexes, provide reflective subsequent building addresses installed in conjunction with fire lane marking where a single street address number is used to designate the buildings official address. Subsequent building addresses shall be installed as follows:
 - (A) The marking shall be a minimum of 24 inches by 12 inches red rectangle painted on the pavement, in conjunction to the red fire lane markings.

- (B) The red rectangle shall have white reflective numbers that indicate the street address of the building.
 - (C) Numbers shall be in bold font, measuring a minimum of ten inches in height, easily readable from a moving vehicle.
 - (D) Subsequent building addresses shall only be installed on private property, near the center of the building. Where the front and end of the building, or any part of the front or end of the building border a fire lane, the numbers shall be required on each side. Maintenance of the subsequent numbers shall be the same as required for fire lanes.
- (47) Provide, in all rental units, safe and unobstructed means of egress leading to safe and open space at ground level. When an unsafe condition exists through lack of or improper location of exits, additional exits may be required to be installed. The use of burglar bars or other security devices that prevent an immediate exit from the interior of the rental unit is prohibited.
 - (48) Provide, in all multi-family dwelling complexes, safe and unobstructed means of egress required by the current building code in corridors and breezeways leading to safe and open space at ground level.
 - (49) Provide, in all multi-family dwelling complexes, stairways and under stairways free and clear of storage.
 - (50) Multi-family dwelling complexes shall install and maintain on each balcony, patio, landing or similar structure of each multi-family rental unit an approved sign readily visible to the occupants that prohibits the use of any grill, hibachi, smoker, electrical heating element, or similar apparatus within ten feet of any rental unit. Signs shall be at least 30 square inches with the word "PROHIBITED" in one-inch letters, and the remaining message in at least one-fourth inch letter, red letters on white background, and provide the following warning: "PROHIBITED - THE USE OF ANY GRILL, HIBACHI, OR SMOKER IN OR WITHIN TEN FEET OF ALL APARTMENT STRUCTURES, PATIOS AND CARPORTS. NORTHLAKE FIRE CODE - FINE UP TO \$2,000.00"
 - (51) Fences shall be adequately maintained by the owner(s) or person(s) in charge of the property and shall not become dilapidated or deteriorated.
 - (52) The owner, lessor or landlord of a rental unit or multi-family dwelling complex shall maintain the premises of the buildings, structures, and property to avoid the conditions described by chapter 4, article 4.04 of the code.
- (b) A landlord shall provide to each tenant an emergency telephone number or other means of communications which shall be answered 24 hours each day by an employee of the owner or landlord of the rental unit in order that the tenant may report needed repairs or emergencies or

seek information or answers relative to landlord-tenant matters which cannot wait until regular business hours.

§ 4.07.042 Responsibilities of tenant.

A tenant shall comply with the following minimum responsibilities:

- (1) Maintain the exterior and interior of the property or structure under their control, including all plumbing equipment and facilities, in a clean, sanitary condition at all times and free from rubbish, garbage, and other conditions that would encourage infestation of insects, rodents, vermin, and unsanitary conditions.
- (2) Connect plumbing fixtures and heating equipment supplied by the tenant in accordance with applicable town codes.
- (3) Maintain the rental unit and its facilities to avoid creating a non-conformity with section 4.07.041 of this article.
- (4) Adhere to all applicable waste disposal standards.
- (5) Tenants shall not tamper with any required fire protection apparatus or permit such apparatus to be tampered with.

Division 3 Single-Family Rental Units

§ 4.07.071 Permit requirements.

- (a) The landlord of a single-family rental unit shall apply for a permit in accordance with the application process outlined herein.
- (b) Each permit issued pursuant to this section shall be valid for one (1) year from its date of issuance, unless suspended or revoked.
- (c) Upon a change in ownership, if the new owner intends to continue operating the property as a single-family rental unit, the new landlord shall have thirty (30) days from the date of the change in ownership to file an application for a new permit with the department. A change in ownership occurs when more than 50 percent of the interest in the rental unit is transferred to a different owner. It shall be an affirmative defense to prosecution that the single-family dwelling was rented or leased for a period of less than sixty (60) days to a person who was the immediate past owner of the dwelling or who shall be the immediate next owner of the dwelling.
- (d) Every single-family rental unit shall comply at all times with town building, electrical, plumbing, heating, air conditioning, health, code compliance, zoning, and fire safety regulations, as well as applicable state and federal laws and other applicable ordinances not specifically identified in this article.

- (e) The permit application shall be on a form prescribed by the department, shall be accompanied by the appropriate fee identified in the town fee schedule, and shall at minimum contain the following information:
 - (1) Street address of the rental unit;
 - (2) The name, physical street address, telephone number, e-mail address, signature and driver's license or other government-issued identification number of the owner (or signed owner authorization);
 - (3) The name, physical street address, telephone number, e-mail address, and signature of any landlord of the property for which an application is being submitted;
 - (4) If the owner is other than an individual, the legal name, all trade names, and the registered agent, managing partner, or other person authorized to accept service of process on behalf of the owner, such that service of any notice under this code on the designated agent shall constitute service upon the owner unless the owner submits actual written notice that the designated agent is no longer so authorized;
 - (5) The name and telephone number of the tenant responsible for the single-family rental unit, if available, at the time of application;
 - (6) A certification that the rental unit for which the application is submitted is equipped with properly working smoke detectors and carbon monoxide detectors (if served by natural gas) in accordance with the provisions of the current adopted editions of the International Residential Code; and
 - (7) Acknowledgment of receipt of a copy of this ordinance and a certification that the property owner and/or manager agrees to abide by all applicable federal, state, and local regulations, including this ordinance, as a condition of receiving and retaining the permit.
- (f) The town may temporarily suspend a permit for a single-family rental unit if:
 - (1) After notice and a period of time allowed for correction, a critical violation or life safety violation remains on the premises.

§ 4.07.072 Inspection required.

- (a) Inspections shall be performed as follows:
 - (1) Upon the request of a tenant.
- (b) Nothing contained in this section shall be construed to prohibit an inspection at the request of a tenant.
- (c) The administrator shall enforce the provisions of this article upon presentation of proper identification to the landlord or, if occupied, to the tenant and, with the owner and/or tenant's

permission, inspection of the unit. The authority to conduct both exterior and interior inspections by the administrator is subject to all limitations provided in state and federal law. If the owner or tenant does not authorize the administrator's entry, the administrator is authorized to seek a warrant pursuant to article 18.05 of the Texas Code of Criminal Procedure, as amended. Any warrants issued will constitute authority for the administrator to enter upon and inspect the rental unit described therein.

§ 4.07.073 Property maintenance inspection report.

- (a) Following completion of the inspection described in section 4.07.072, the administrator will issue to the landlord a property maintenance inspection report for the inspected rental unit(s).
- (b) The report shall be in written form as prescribed by the administrator.
 - (1) The report shall include places for marking whether a single-family rental unit complies with the standards set by this article and shall include the number of persons intended to occupy the single-family rental unit.

§ 4.07.074 Enforcement; suspension; revocation.

- (a) A single-family rental unit permit may be temporarily suspended by the town:
 - (1) If a life safety violation exists on the premises of the permitted rental unit;
 - (2) If, after notice and a period of correction to be determined by the administrator, a critical violation remains on the premises of the permitted rental unit: or
 - (3) If, after a change in tenancy, the town has not received a request for inspection or certification of compliance within 60 days of application for temporary utilities.
- (b) Within sixty (60) days of suspension, a landlord may make written application for a reinspection for the purpose of reinstating the permit. Within ten (10) days following the receipt of a request, which shall include a statement signed by the applicant certifying that all of the violations that caused suspension of the permit have been corrected, the town shall make a reinspection. Upon reinspection, if all violations have been corrected, the permit shall be reinstated.
- (c) For three (3) or more critical violations and/or life safety violations within a twelve-month period, or for interference with the administrator's performance of duties related to administration and enforcement of this article, the permit may be revoked after an opportunity for a hearing. Prior to such action, the administrator shall notify the holder of the permit in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be revoked at the end of fifteen (15) days from the service of such notice unless the permit holder files a notice of appeal with the Board of Adjustment pursuant to section 4.07.006 within such fifteen-day period. A permit shall be suspended for cause pending its revocation or a hearing relative thereto. Upon permit revocation, the property owner may not apply for a new permit until the one (1) year anniversary of the date of revocation.

Division 4 Multi-Family Rental Units

§ 4.07.111 Permit requirements.

- (a) The landlord of a complex shall apply for a permit in accordance with the application process outlined herein and within thirty (30) days after the property maintenance inspection report is issued to the landlord.
- (b) Upon a change in ownership, the new landlord of the complex shall have thirty (30) days from the date of the change in ownership to file an application for a new permit with the department. A change in ownership occurs when more than 50 percent of the interest in the complex is transferred to a different owner.
- (c) Every complex shall comply at all times with town building, electrical, plumbing, heating, air conditioning, health, code compliance, zoning, and fire safety regulations, as well as applicable state and federal laws and other applicable ordinances not specifically identified in this article.
- (d) The permit application shall be on a form prescribed by the department, shall be accompanied by the appropriate fee identified in the town fee schedule, and shall at minimum contain the following information:
 - (1) The trade name, physical address, business mailing address, email address(es), related website(s), and telephone number(s) for the complex;
 - (2) The names and 24-hour contact phone number(s) of designated employee(s) or authorized representative(s) who shall be assigned to respond to emergency conditions, including but not limited to fire, natural disaster, flood, burst pipes, collapse hazard, and violent or property crime;
 - (3) Information identifying the business entity or entities owning and/or managing the complex, including the names, addresses, email addresses, related websites, and phone numbers of the property owner, landlord, resident manager, and registered agent;
 - (4) Information identifying the point of contact of a retail utility provider for the connection or disconnection of public utility service at the complex, including contact information and related websites;
 - (5) Information identifying any mortgage lienholders, including contact information and related websites;
 - (6) Information identifying the total number of multi-family rental units; the number of residential buildings; the number of multi-family rental units per building categorized by efficiency, one-bedroom, two-bedroom, and three-bedroom; and the number and category of other buildings existing on the premises, including but not limited to laundry, mail, and maintenance facilities; and

- (7) Acknowledgment of receipt of a copy of this ordinance and a certification that the property owner and/or manager agrees to abide by all applicable federal, state, and local regulations, including this ordinance, as a condition of receiving and retaining the permit.
- (e) It shall be unlawful for any person to own, operate, manage, or maintain a multi-family dwelling complex in the town without a current permit issued for each complex. Any person owning, operating, managing, or maintaining a complex at more than one location shall obtain a permit for each separate location.

§ 4.07.112 Inspection required.

- (a) The administrator is hereby authorized to make inspections as allowed by state or local law, to determine the condition of the premises located within the town in order that town officials may perform their duties of safeguarding the safety, health, and welfare of the occupants and of the general public. Inspection fees shall be charged in accordance with the town fee schedule.
- (b) The inspections that may be made include but are not limited to (1) property maintenance inspection-1 (PMI-1); (2) property maintenance inspection-2 (PMI-2), if applicable; (3) property maintenance inspection-3 (PMI-3), if applicable; (4) follow-up inspections; and (5) any necessary pro-active or complaint-based inspections as required. Inspections shall categorize a complex pursuant to a tier designation in which tier 1 indicates that the complex is in superior condition and requires no PMI-2 inspections during the subsequent 12-month period; tier 2 indicates that the complex has a moderate number of violations and requires one PMI-2 inspection during the subsequent 12-month period; and tier 3 indicates that the complex has a high number of violations and requires both a PMI-2 and PMI-3 inspection during the subsequent 12-month period. Pursuant to PMI-1, the administrator will calculate the tier score for the complex by deducting points from a starting total of 100 points for violations discovered during the inspection.
- (c) The landlord, as a condition to the issuance of the permit required by this article, shall consent to the following inspections when needed to ensure compliance with this article.
 - (1) The administrator has right and access to inspect as allowed by state or local law all portions of the premises and structures located on the premises.
 - (2) The administrator has right and access to inspect as allowed by state or local law, all unoccupied units upon giving reasonable notice to the owner, resident manager or landlord.
- (d) Nothing in this section or section 4.07.113 shall be construed to prohibit the administrator from conducting need-based or complaint-based inspections as needed.
- (e) The administrator may enforce the provisions of this article upon presentation of proper identification to the occupant in charge of any unit, and may enter, with the occupant's permission, any unit between the hours of 8:00 a.m. and 5:00 p.m., provided, however, that in cases of emergency where extreme hazards are known to exist which may involve imminent injury to persons, loss of life or severe property damage, the administrator may enter a rental unit at

any time, and the requirement for presentation of identification and the occupant's permission shall not apply.

- (f) The authority to conduct both exterior and interior inspections by the administrator is subject to all limitations provided in state and federal law. If the owner or tenant does not authorize the administrator's entry, the administrator is authorized to seek a warrant pursuant to article 18.05 of the Texas Code of Criminal Procedure, as amended. Any warrants issued will constitute authority for the building official to enter upon and inspect the rental unit described therein.

§ 4.07.113 Tier designation following inspection.

- (a) Pursuant to each inspection, the administrator will calculate the score for the complex from a starting total of 100 points. Points shall be deducted for violations of town standards discovered during the inspection. The score calculated for a property maintenance inspection will determine in which of three tiers the complex belongs. To ensure objectivity and fairness, the above-referenced point deductions will be based on standard operating procedures of the administrator.
- (b) Tier 1 designation.
 - (1) A Tier 1 designation indicates that the complex is in good condition with a score of 90 to 100.
 - (2) Any complex that is designated as Tier 1 after the PMI-1 is not subject to any additional property maintenance inspections during the 12-month period of registration.
- (c) Tier 2 designation.
 - (1) A Tier 2 designation indicates that the complex has a moderate number of violations with a score of 76 to 89.
 - (2) Except as provided by this subsection, any complex that is designated as Tier 2 after the PMI-1 is subject to a PMI-2 during the 12-month period of registration.
 - (3) Provided the complex qualifies under the rating conditions of this article, a Tier 2 designation established by the PMI-1 may be revised upon completion of a follow-up inspection.
 - (4) Follow-up inspections.
 - (A) A complex that is designated as Tier 2 after the PMI-1 may request a follow-up inspection in attempt to cure violations identified in the inspection report.
 - (B) Follow-up inspections will be focused on those deficiencies identified during the PMI-1.
 - (C) Notwithstanding the provisions of this subsection, violations involving a serious threat to life, health, and safety must be promptly addressed.

- (D) If requested, the follow-up inspection will take place after the 30th day after receiving the inspection report.
- (E) The score achieved at the follow-up inspection will replace the score calculated at the PMI-1.
- (F) A complex is eligible for a follow-up inspection under this subsection only if, on or before the fifth business day after receiving the inspection report, the complex submits a written request to the administrator requesting a follow-up inspection.

(d) Tier 3 designation.

- (1) A Tier 3 designation indicates that the complex has a high number of violations with a score equal to or less than 75.
- (2) Except as provided by this subsection, any complex that is designated as Tier 3 after the PMI-1 is subject to a PMI-2 and PMI-3 during the 12-month period of registration.
- (3) Provided the complex qualifies under the rating conditions of this article, a Tier 3 designation established by the PMI-1 may be revised upon completion of a follow-up inspection or the PMI-2.
- (4) Follow-up inspections.
 - (A) A complex that is designated as Tier 3 after the property maintenance inspection-1 may request a follow-up inspection in attempt to cure violations identified in the inspection report.
 - (B) Follow-up inspections will be focused on those deficiencies identified during the property maintenance inspection-1.
 - (C) Notwithstanding the provisions of this subsection, violations involving a serious threat to life, health, and safety must be promptly addressed.
 - (D) If requested, the follow-up inspection will take place after the 30 th day after receiving the inspection report.
 - (E) The score achieved at the follow-up inspection will replace the score calculated at the property maintenance inspection-1.
 - (F) A complex is eligible for a follow-up inspection under this subsection only if, on or before the fifth business day after receiving the inspection report, the complex submits a written request to the administrator requesting a follow-up inspection.
- (5) Notwithstanding the above, if a complex with a Tier 3 designation receives an inspection score greater than 75 at the PMI-2, the PMI-3 will not be required.

- (e) Property maintenance inspections and the follow-up inspection will establish a score for the tier designation as set forth by this section. A new tier designation may be established upon a property maintenance inspection or a follow-up inspection score results throughout the 12-month period of registration.
- (f) The town will provide at least five (5) business days advance notice of inspections. If due to weather or other ongoing issues, a complex wishes to re-schedule the inspection, the town will accommodate one re-set on the inspection date.
- (g) Penalty scores for non-corrected violations;
 - (1) Additional one-point penalty shall be assessed for first instance of each non-corrected violation(s) noted on previous inspection.
 - (2) Additional two-point penalty shall be assessed for second instance of each non-corrected violation(s) noted on previous inspection.
 - (3) Additional three-point penalty shall be assessed for third instance of each non-corrected violation(s) noted on previous inspection.

§ 4.07.114 Property maintenance inspection report.

- (a) Upon final determination of a score and tier designation established by the inspection process, the administrator will issue to the landlord a property maintenance inspection report for all applicable rental units within the complex.
- (b) The report shall be in written form as prescribed by the administrator.
 - (1) The report shall include places for marking whether a rental unit complies with the standards set by this article and shall include the number of persons occupying the rental unit excluding overnight guests.
 - (2) The property maintenance inspection reports shall be maintained by the landlord for all applicable property conditions, buildings and identified rental units within the multi-family dwelling complex for a minimum of three (3) years.

§ 4.07.115 Landlord's right of entry.

Every occupant of a rental unit shall give the landlord access to any part of such rental unit, or its premises, at all reasonable times for the purpose, of making repairs or alteration or for such other purposes as are necessary to effect compliance with the provisions of this article.

§ 4.07.116 Enforcement; suspension; revocation.

- (a) A landlord commits an offense and the permit to operate may be revoked if the landlord:
 - (1) Operates a multi-family dwelling complex which is not currently licensed with the town;

- (2) Fails to pay fees as required by this article;
 - (3) Maintains a property in violation of this article or other town ordinance; or
 - (4) Commits any other violation of this article or other town ordinance.
- (b) Upon failure to comply with the terms of this article after receipt of written notice from the administrator setting out the violation(s) and the time allowed to rectify the violation(s), the administrator may, at their discretion, take any or all of the following actions:
- (1) Prohibit the landlord from re-letting any rental unit in violation of this article that becomes vacant until the violation(s) have been rectified;
 - (2) Impose a penalty upon the owner as provided in of this article;
 - (3) Pursuant to the rules of this subsection, revoke the owner's certificate of occupancy and/or the license authorized by this article to operate the entire multi-family dwelling complex.
 - (A) If the administrator determines that violations of this article provide cause to revoke of a certificate of occupancy, the administrator will provide written notice of such determination to the landlord and owner detailing the reasons for revocation.
 - (B) The administrator's determination to revoke a certificate of occupancy under this subsection is automatically appealed in accordance with section 4.07.006. The fees for such appeal are waived under this subsection.
 - (C) If the appeal process upholds the administrator's determination to revoke the certificate of occupancy, the landlord will be required to issue a formal written notice to all tenants that all units must be vacated within sixty (60) days. This written notice shall also be posted prominently in the leasing office.
 - (4) The town may take any or all off the following actions on any property which is assigned a Tier 3 designation in two consecutive property maintenance inspections as contained in the property maintenance inspection reports:
 - (A) Prohibit the landlord from re-letting any unit in the multi-family dwelling complex that becomes vacant or renewing any leases for a term that would go beyond the date the license is subject for renewal. It shall be a violation of this article for the landlord to rent any rental unit after notice from the town that such action is prohibited.
 - (B) Direct the fire department, police department, or other appropriate department to conduct safety surveillance and inspections to prevent

imminent threats to the health and safety of residents, at the owner's expense, until the violations have been rectified.

SECTION 2

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances, Town of Northlake, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 3

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the Town Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 4

All rights and remedies of the Town of Northlake are expressly saved as to any and all violations of the provisions of the Code of Ordinances, Town of Northlake, Texas, as amended or revised herein, or any other ordinances affecting the matters regulated herein which 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 5

Any person, firm, or corporation who violates any provision of this Ordinance as adopted by the Town Council of the Town of Northlake shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 7.06.006 of the Code of Ordinances, Town of Northlake, Texas. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

SECTION 6

The Town Secretary of the Town of Northlake is hereby directed to publish the caption and penalty for violating the ordinance in the official newspaper of the Town of Northlake as required by Section 4.11(c) of the Charter of the Town of Northlake.

SECTION 7

This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law.

PASSED AND APPROVED by the Town Council of the Town of Northlake, Texas, on November 9, 2023.

Town of Northlake, Texas

David Rettig, Mayor

Attest:

Zolaina Parker, Town Secretary

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: November 9, 2023

REF. DOC.: Northlake Code of Ordinances

SUBJECT: Consider an Ordinance of the Town Council of the Town of Northlake, Texas, amending Chapter 5 “Business Regulations” of the Code of Ordinances, Town of Northlake, Texas by creating a new Article 5.12 “Hotels and Motels,” to provide for the regulation, inspection, and permitting of hotels and motels

**GOALS/
OBJECTIVES:** Protect the Public/Maintain a safe community with the support of diligent and aware residents

BACKGROUND INFORMATION:

- New program to address health and safety issues related to hotels
- Program to require registration and periodic inspection of hotels
- Existing Code Compliance staff to administer program
- Program initially presented at June 8th Town Council meeting
- Ordinances drafted to implement program and briefed to Town Council on October 12th
- Based on feedback from Council, no changes have been made to proposed ordinance

COUNCIL ACTION/DIRECTION:

Consider approval of Ordinance to establish a hotel inspection program



TOWN OF NORTHLAKE, TEXAS
OFFICIAL ORDINANCE

NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS, AMENDING CHAPTER 5 “BUSINESS REGULATIONS” OF THE CODE OF ORDINANCES, TOWN OF NORTHLAKE, TEXAS BY CREATING A NEW ARTICLE 5.12 “HOTELS AND MOTELS,” TO PROVIDE FOR THE REGULATION, INSPECTION, AND PERMITTING OF HOTELS AND MOTELS; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Northlake (the “Town”) is a home rule municipality acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the Town Council of the Town of Northlake (“Town Council”) finds and determines that regulations governing minimum standards, permitting, and inspection of hotel and motel properties should be adopted in the interest of preserving the public health, safety, and welfare; and

WHEREAS, the Town Council finds and determines that the adoption and enforcement of the regulations outlined herein are in the best interest of the health, safety, and general welfare of the citizens of the Town and the public.

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

SECTION 1

Chapter 5, “Business Regulations,” of the Code of Ordinances, Town of Northlake, Texas, is hereby amended to add a new Article 5.12, “Hotels and Motels,” to read as follows:

“ARTICLE 5.12 HOTELS AND MOTELS

§ 5.12.001 Purpose.

The purpose of this article is to promote the availability of transient lodging within the town, to enforce the maintenance of clean hotels, and to protect the public health, safety and welfare within the Town.

§ 5.12.002 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

Hotel shall mean an establishment in which transient lodging is offered and provided to the public for compensation, excluding a bed and breakfast, short-term rental, or other lodging facility that operates

pursuant to a certificate of occupancy authorizing an R-2 occupancy as defined by the town's building code as adopted in chapter 4, article 4.02 of the code. For the purposes of this article, the term "hotel" shall also include a motel establishment.

Hotel premises shall mean the real property on which a hotel is located as well as the structure and any related structures comprising the hotel.

Administrator shall mean the town's duly appointed building official, health official, or their designees.

Code shall mean the Code of Ordinances, Town of Northlake, Texas.

Manager shall mean any person or persons charged by an operator to serve as the operator's authorized representative(s) on a hotel's premises and oversee day-to-day operations of a hotel.

Operator shall mean any person or entity tasked by an owner with control of the day-to-day operations of a hotel, whether that person or entity is the owner, lessee, receiver, sub-lessee, franchisee, mortgagee in possession, hotel management company, or agent of any of the aforementioned.

Owner shall mean any person or entity having a legal or equitable interest in the real property where a hotel is located; or recorded in the official records of the state, county, or municipality as holding title to the property where a hotel is located; or otherwise having control of the property where a hotel is located, including the guardian of the estate of any such person and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Transient shall mean occupancy of a sleeping unit for not more than thirty (30) consecutive days.

§ 5.12.003 Permit required.

- (a) It shall be unlawful to operate a hotel in the town without a hotel permit pursuant to the provisions of this article. It shall be unlawful to submit a false or fraudulent application for a permit.
- (b) Each permit issued pursuant to this article shall be valid for one year from its date of issuance, unless suspended or revoked subject to the appeal procedures contained in section 5.12.010 herein, and must be renewed within thirty (30) days of the date of expiration.
- (c) A permit shall not be transferable or assignable from one owner or operator to another owner or operator. Upon a change in owner or operator, the new owner or operator shall have fourteen (14) business days from the date of the change to file an application for a new permit with the department. A change in ownership occurs when more than fifty percent (50%) of the interest in the hotel is transferred to a different owner. Notwithstanding the foregoing, a change in manager shall not require a new permit as long as the updated information is provided to the town within ten (10) business days of the change.
- (d) Application for a permit or permit renewal shall be filed on forms provided by the town, shall be accompanied by a permit fee in accordance with the town fee schedule, and shall contain the minimum following information. All material contained on the application must be updated as

needed by the operator. Any material misrepresentation in the permit application or a failure to provide the required information shall be grounds for denial or revocation of the permit.

- (1) Legal and operating name of hotel;
 - (2) Street address of hotel;
 - (3) Total number of hotel guest rooms and maximum occupancy at any given time;
 - (4) Taxpayer identification number utilized for remittance of hotel occupancy tax;
 - (5) The following information for both owner and operator:
 - (A) name, address, and contact information;
 - (B) if an owner or operator is a partnership, provide the name of all partners, the principal business address, and contact information of each partner; and
 - (C) if an owner or operator is a corporation, provide the place of incorporation, mailing address, business location, telephone number, name of the person in charge of the local office, if any, and names of the registered agent, all officers and directors, and any trustees of such corporation;
 - (6) Name and contact information for any designated managers; and
 - (7) Signature of the applicant.
- (e) No permit shall be granted until the administrator has completed an inspection of the premises pursuant to this article. The application for a permit shall constitute consent to an inspection of the entire hotel premises at reasonable times by the administrator for the purpose of identifying any violations of the code or other applicable state and federal laws.
- (f) The operator shall display the permit in the hotel in an open and conspicuous public place in the lobby at or near the check in desk.
- (g) Failure to obtain a permit prior to operating as a hotel or to otherwise comply with the terms of this article may result in revocation of the hotel's certificate of occupancy, subject to the appeal procedures contained in section 5.12.010 herein.
- (h) The administrator shall be entitled to examine records of the hotel, including maintenance logs, housekeeping logs, registration records, and pesticide records.
- (i) Continued maintenance and compliance with this article are conditions that are necessary to retain a permit and to obtain any renewal of a permit.

§ 5.12.004 Inspection required; fee authorized.

- (a) The administrator shall inspect each hotel premises, to include the physical examination of an appropriate sampling of guest rooms, not less than once annually for compliance with the

provisions of this article. The administrator may inspect or reinspect a hotel premises more frequently and/or vary the number of guest rooms included in the sampling as deemed necessary and proper to achieve and maintain continuing compliance.

- (b) The administrator may forego a physical examination of rooms and conduct a records audit only when the hotel demonstrates to the satisfaction of the administrator that adequate cleaning, sanitation, and maintenance operating procedures are in place to ensure compliance with this article and that the hotel makes such records, schedules, internal reports, or reliable third-party audits available to the administrator for review and evaluation.
- (c) In order to carry out the intent of this article, the administrator is authorized to conduct inspections of a hotel premises during normal business hours. In furtherance thereof, the administrator may, but is not required, to request of the hotel manager that a prescribed number of rent-ready guest rooms be made available for inspection and/or that the hotel's cleaning, sanitation and maintenance records, schedules, internal reports, or third-party audits be made available for review and evaluation.
- (d) It shall be unlawful for any person to fail or refuse a lawful request of the administrator to inspect a hotel room or to produce for the administrator's review and evaluation the records, schedules, internal reports, or third-party audits that the hotel relies upon or proffers as evidence of its compliance with the provisions of this article. Whenever the administrator is denied admission to inspect any premises under this provision, the administrator is authorized to seek a warrant pursuant to article 18.05 of the Texas Code of Criminal Procedure, as amended. Any warrants issued will constitute authority for the building official to enter upon and inspect the rental unit described therein. The authority to conduct both exterior and interior inspections by the administrator is subject to all limitations provided in state and federal law.
- (e) The cost of an inspection shall be charged in accordance with the town fee schedule.

§ 5.12.005 Designated Manager(s).

The operator shall designate one or more manager(s) who can be contacted by the administrator regarding inspections of the hotel premises and other matters pertaining to compliance with the provisions of this article or any other applicable laws and regulations. A manager shall be available to be reached in person or by phone at all times while guests are on the hotel premises. Each designated manager, while on duty at the hotel premises, shall be authorized and shall not refuse to accept service of citation for any violations on the hotel premises.

§ 5.12.006 Payment of hotel occupancy tax.

An owner or operator must remit hotel occupancy tax in accordance with chapter 1, article 1.03, division 3 of the code. Failure to pay hotel occupancy tax in accordance with this article shall constitute grounds for permit revocation or denial of an application for permit renewal.

§ 5.12.007 Minimum premises standards.

- (a) The hotel premises and individual guest rooms shall fully comply with all building, fire, health and safety, and other adopted codes. Failure to comply with the standards outlined in this section

shall constitute grounds for permit suspension, revocation, or denial in accordance with section 5.12.009 and are subject to the appeal procedures contained in section 5.12.010.

- (b) Mattress condition/cleanliness. Mattresses shall be free of stains, holes, rips, or odors, and be maintained in a sanitary, non-defective condition (e.g., without broken springs, indentations, sags, etc.). Any coverings placed over mattresses to prevent stains and excess wear must be removable and not permanently attached to the mattress or box spring (e.g., not stapled, nailed, or pinned or tied down to the mattress or box spring).
- (c) Linen condition/cleanliness. Linens provided by the hotel shall be maintained in a sanitary condition and be free of stains, holes, rips, or odors. Linens shall be exchanged with fresh linens that have been cleaned with appropriate sanitizing material and/or process to ensure disinfection upon each change of occupancy or at least once a week when occupancy does not change. Linens include but are not restricted to pillow cases, sheets, and towels.
- (d) Outer-linen conditions/cleanliness. Outer-linens provided by the hotel shall be maintained in a sanitary condition and be free of stains, holes, rips, or odors. Outer-linens shall be exchanged with fresh outer-linens that have been cleaned with appropriate sanitizing material and/or process to ensure disinfection as necessary. Outer-linens include but are not restricted to blankets, quilts, bedspreads, comforters, duvet covers.
- (e) Bathroom condition/cleanliness. Bathroom fixtures (e.g., toilet, bathtub, sink, shower, mirror) shall be maintained in a sanitary condition without cracks, chips, or stains. Bathroom floors shall be washed with water and a sanitizer at change of occupancy or at least once a week when occupancy does not change.
- (f) Carpet condition/cleanliness. Carpeting shall be free of stains, holes, rips, or odors in excess of normal wear and tear, and shall be maintained in a sanitary, non-defective condition.
- (g) Floor condition/cleanliness. Non-carpeted floor surfaces shall be made of non-absorbent material. All surfaces and tile grouting shall be maintained in a sanitary condition without cracks, rips, or missing elements.
- (h) Wall condition/cleanliness. Wall surfaces shall be maintained in a clean and sanitary condition, without any holes, rips, or cracks in excess of normal wear and tear.
- (i) Mold/mildew. All surfaces, including carpeting, flooring, furniture, and fixtures shall be free from mold and mildew.
- (j) Electrical equipment. For the purpose of this article, electrical equipment shall include electrical items installed by the owner, operator, or manager, including air conditioners, televisions, lamps, etc. All electrical items must be properly maintained and be in proper working condition.
- (k) Furniture condition. All furniture items shall be free of stains, holes, rips, and be maintained in a sanitary, non-defective condition.

- (l) Window coverings. Shades, draperies, or blinds shall be appropriately hung to cover all windows and appropriate light fixtures. All shades, draperies, and blinds shall be free of stains, holes, rips, or odors, and be maintained in a sanitary, non-defective condition.
- (m) Storage rooms. No more than ten percent (10%) of designed guest rooms may be used for storage room purposes.
- (n) Minimum occupancy. A minimum of ninety percent (90%) of all guest rooms must be available or in use for occupancy at all times.
- (o) Windows. All windows designed to be opened shall be operable and have an operable window security or locking device. All windows shall be intact and free of cracks.
- (p) Viewports. Each guest room door shall have a viewport or window convenient to the door.
- (q) Door locks. All guest rooms are required to be outfitted with exterior electronic or magnetic locks for guests to gain access to their rooms or with other locks that meet with the approval of the administrator.
- (r) Exterior lighting. The exterior of the hotel premises, including adjacent public sidewalks and parking lots under the control of the operator, shall be illuminated at least between one hour after sundown and one-half hour before sunrise. Illumination shall be a minimum of one-tenth of one foot-candle throughout the hotel premises and shall not exceed four-tenths of one foot-candle of light measured at the property line.
- (s) Pest control maintenance. All hotel premises shall be maintained so that they are free from rodents, insects, and vermin and free from conditions that encourage or harbor rodents, insects, and vermin. All hotel premises shall be treated for insects by an exterminator licensed by the state at least quarterly, or on a more frequent schedule as determined necessary by the administrator to treat infestation. Documentation of pest control services shall be maintained on premises for six (6) months after the services were rendered. The guest room shall not be occupied by new guests until the timeframe recommended by the manufacturer of the treatment substance, such as a fumigant, has passed.
- (t) Interference with emergency telephone calls.
 - (1) An owner, operator, or manager commits an offense if the owner, operator, or manager knowingly prevents or interferes with another individual's ability to place an emergency telephone call or to request assistance from emergency services.
 - (2) An operator or manager commits an offense if they recklessly render unusable a telephone that would otherwise be used by another individual to place an emergency telephone call or to request assistance in an emergency from emergency services.
 - (3) In this section, "emergency services" means police, fire, medical, code enforcement, and development services.

- (u) An operator shall maintain a detailed list of the required duties for premises inspection, the employee or position responsible for such inspection, a schedule for performance of premises inspection, and a record of compliance with this section. Such list shall include a requirement for at least weekly inspection of the entire hotel premises for operational safety devices, fire extinguishers, and damage to the exterior of the hotel and parking areas. Such list shall also include a requirement for daily inspection and cleanup of the grounds, including trash and garbage containers and trash and debris not placed within such containers. An operator shall maintain records that note the date and time of performance of all inspection requirements and the signature or initials of the person carrying out such duties.
- (v) An operator shall maintain a detailed list of duties for housekeeping personnel and a schedule and log for cleaning rooms, replacing linens, inspecting for damage, and other housekeeping duties. Such list and schedule shall conform to other requirements of this article, and the log shall document the date and time of compliance and the initials of the housekeeping staff person who carried out such duties. An operator shall perform room inspections at least once a week of all guest rooms occupied by guests staying in excess of ten (10) days.
- (w) An operator shall maintain a list of duties for inspection of rooms and repair of damage and replacement of damaged items. An operator shall also maintain a schedule for inspection of guest rooms by maintenance personnel, which shall be prior to occupancy by a new guest or otherwise at least weekly. Such list of duties shall include inspection to ensure the operability of smoke alarm devices, telephones, air conditioning units, plumbing, and door locks. An operator shall maintain a log noting the date and time of such inspection and listing all defects and the repairs or replacements performed.
- (x) An operator shall inform all guests, by posting rules in the reception area and including such rules in material provided a guest or posting such rules in each room, that if any criminal activity occurs in a guest room or if a guest engages in criminal activity on the hotel premises, such guest will be immediately removed from the hotel premises. These rules shall be strictly enforced.

§ 5.12.008 Classification of hotels by calls for service relative to number of rooms.

- (a) A hotel shall be classified in accordance to the following tier system based on the ratio of calls for service (CFS) to the number of rooms in the hotel ("CFS to room ratio"):
 - (1) Tier 1. Less than or equal to 1.0 CFS/room/year, or
 - (2) Tier 2. Greater than 1.0 CFS/room/year.
- (b) Upon receipt of a permit application, the administrator shall determine the CFS to room ratio during the previous calendar year, or during actual operations if the hotel was operational for less than twelve months during the previous calendar year. Calls from employees of the hotel shall be excluded from the CFS to room ratio.
- (c) Upon completion of the annual inspection and review of all calls for service, the administrator shall notify each operator, in writing, by personal service, certified mail, return receipt requested,

or another method that provides confirmation of delivery, of the CFS to room ratio and the tier classification of the hotel for the permit year

- (d) Regardless of CFS to room ratio, all hotels operating at the time of the adoption of this article, or a hotel that has not previously operated in the town, shall initially be deemed to be a Tier 1 hotel until the expiration of its initial permit term or until the administrator reclassifies it.
- (e) The town may monitor the CFS to room ratio for each hotel on an ongoing basis. The town may change the status of any hotel at any time upon notice in writing to the operator, by personal service, certified mail, return receipt requested, or another method that provides confirmation of delivery, that the CFS to room ratio of such hotel has changed proportionately such that the CFS to room ratio, if annualized, would fall within a different tier level. This notice shall include:
 - (1) The tier designation assigned to the hotel;
 - (2) As allowed by law, data specifying the types of CFS identified as having occurred on the property during the period reviewed, including the incident numbers assigned to such CFS, and the date and time of each call to allow the owner to understand the basis of the designation;
 - (3) The requirement of a mandatory inspection to be conducted by the DCO; and
 - (4) The opportunity and procedures by which the operator may challenge the data on which the CFS to room ratio is based, in accordance with this section.
- (f) Upon notice of initial classification or reclassification, the operator may file a request for reconsideration with the administrator no later than thirty (30) calendar days after the date of notice. The request for reconsideration must show proof to the administrator that the determination is erroneous. After receipt of a request for reconsideration, the administrator shall consider the information provided and determine the CFS room ratio and classify the hotel as a Tier 1 or Tier 2 hotel within ten (10) calendar days of receipt of the request for reconsideration. The administrator shall notify the operator of its determination in writing by personal service, certified mail, or another method that provides confirmation of delivery. The operator may appeal the administrator's decision under this subsection as provided in section 5.12.009 of this chapter.
- (g) The operator shall have thirty (30) calendar days from the date of notice of tier classification or reclassification, the date of the administrator's determination after a request for reconsideration under this section, or the date of a final decision after an appeal under Section 5.12.009 of this article to implement completely the changes in operation required by the hotel's tier classification or reclassification. Failure to comply with this provision may result in suspension or revocation of the permit.

§ 5.12.009 Enforcement; penalty.

- (a) An owner or operator commits an offense if the owner or operator operates any hotel without a valid certificate of occupancy or contrary to or in violation of the terms or conditions of its certificate of occupancy.

- (b) An owner or operator commits an offense if the owner or operator violates any provision of this article. The administrator may suspend or revoke a permit for serious or repeated violations of this article.
- (c) The owner or operator of a hotel in operation on the effective date of this article shall have sixty (60) days from the effective date to come into compliance with the terms of this article.
- (d) Each violation of this article shall constitute a separate offense, punishable in accordance with section 1.01.009 of the code.
- (e) Any condition reasonably believed to be imminently dangerous to the life, limb, health, or safety of the occupants may be abated by the administrator in accordance with state law.
- (f) At the option of the town, and in addition to all other available remedies, the town may enforce the requirements of this article under the alternative procedure set forth in Texas Local Government Code, Chapter 54, Subchapter B, "Municipal Health and Safety Ordinances" and in accordance with chapter 4, article 4 of the code; alternatively, the administrator may temporarily abate such enforcement actions if the owner agrees to a supervised compliance plan, demonstrates the ability to comply with the plan, and makes continuing progress toward compliance.

§ 5.12.010 Appeal.

- (a) An owner or operator may appeal to the board of adjustment the revocation or denial of a permit and/or certificate of occupancy as provided in this section.
- (b) An appeal pursuant to subsection (a) shall be filed with the administrator no later than fifteen (15) days following the date the notice of revocation or denial was issued to the owner or
- (c) operator. Appeals filed after that date shall be considered untimely and the revocation or denial shall be considered a final determination.
- (d) Upon receipt of any appeal filed pursuant to this section, the administrator shall present it at the next available regular or special meeting of the board of adjustment.
- (e) The owner or operator shall have the burden of proving that the property conditions existing at the time the inspection was performed did not warrant the action taken by the town. Only those matters specifically raised by the owner or operator shall be considered in the hearing of the appeal.
- (f) The board of adjustment shall issue findings and an order on the revocation or denial of a permit and/or certificate of occupancy. The board of adjustment may uphold the revocation or denial; conditionally overturn the revocation or denial, subject to the fulfillment of conditions that would result in the reinstatement or granting of the permit and/or certificate of occupancy; or overturn the revocation or denial and reinstate or grant the permit and/or certificate of occupancy.

- (g) An appellant who seeks judicial review of the board of adjustment's decision on appeal must file a petition with a court of competent jurisdiction in accordance with chapter 211 of the Texas Government Code, as amended.
- (h) Enforcement of the revocation or denial of a permit and/or certificate of occupancy shall be stayed during the pendency of an appeal filed pursuant to this subsection."

SECTION 2

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances, Town of Northlake, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 3

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the Town Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 4

All rights and remedies of the Town of Northlake are expressly saved as to any and all violations of the provisions of the Code of Ordinances, Town of Northlake, Texas, as amended or revised herein, or any other ordinances affecting the matters regulated herein which 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 5

Any person, firm, or corporation who violates any provision of this Ordinance as adopted by the Town Council of the Town of Northlake shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 1.01.009 of the Code of Ordinances, Town of Northlake, Texas. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

SECTION 6

The Town Secretary of the Town of Northlake is hereby directed to publish the caption and penalty for violating the ordinance in the official newspaper of the Town of Northlake as required by Section 4.11(c) of the Charter of the Town of Northlake.

SECTION 7

This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law.

PASSED AND APPROVED by the Town Council of the Town of Northlake, Texas, on November 9, 2023.

Town of Northlake, Texas

David Rettig, Mayor

Attest:

Zolaina Parker, Town Secretary

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: November 9, 2023
REF. DOC.: LOCAL GOVERNMENT CODE, SECTION 271; TOWN PURCHASING POLICY
SUBJECT: Consider a Resolution of the Town of Northlake, Texas authorizing the Town Manager to enter into an interlocal cooperative purchasing agreement with the City of Grand Prairie, Texas in the purchasing of equipment, supplies, and services
GOALS/ OBJECTIVES: Exercise Fiscal Responsibility/Accurately project and budget future resources and staffing needs, Define Future Amenities/Partner with neighboring cities on projects of joint interest

BACKGROUND INFORMATION:

- Will allow Town to enter into an interlocal cooperative purchasing agreement with Grand Prairie, Texas in the purchasing of equipment, supplies, and services
- Town Purchasing Policy requires that agreements are preauthorized by Council
- Interlocal cooperative purchasing agreements/programs:
 - Allow municipalities to coordinate to satisfy State purchasing requirements
 - Provide administrative cost savings and improves efficiency in purchasing processes
- Current purchasing cooperatives include:
 - City of Frisco -- Uniforms & Equipment
 - City of Hurst -- Supplies, Equipment, and Materials
 - City of North Richland Hills -- Supplies & Equipment
 - Collin County -- Safety Equipment
 - Denton County -- Supplies & Equipment
 - Houston-Galveston Area Council (HGAC) -- Vehicles & Equipment
 - National Cooperative Purchasing Alliance (NCPA) -- Building Repairs
 - State of Texas (Texas SmartBuy) -- Vehicles & Equipment
 - State of Texas Department of Information Resources Cooperative -- Communication & Technology
 - Tarrant County -- Equipment & Materials
 - Texas Association of School Boards (Buy Board) -- Vehicles & Equipment
 - Texas Department of Public Safety -- Equipment & Supplies
 - The Interlocal Purchasing System (TIPS) -- Technology

COUNCIL ACTION/DIRECTION:

Authorize interlocal cooperative purchasing agreement



**TOWN OF NORTHLAKE, TEXAS
OFFICIAL RESOLUTION**

NO.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS, AUTHORIZING PARTICIPATION IN CERTAIN INTERLOCAL COOPERATIVE PURCHASING PROGRAMS IN ACCORDANCE WITH THE TOWN'S PROCUREMENT POLICY; IDENTIFYING THOSE COOPERATIVE PURCHASING PROGRAMS; AUTHORIZING THE TOWN MANAGER TO EXECUTE ANY AND ALL NECESSARY AGREEMENTS FOR PARTICIPATION AND APPROVING RELATED CONTRACTS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Chapter 791 of the Texas Government Code, also known as the Interlocal Cooperation Act, and Chapter 271.102 of the Texas Local Government Code authorize all local governments to contract with each other to perform governmental functions or services, including administrative functions generally associated with the operation of government, such as purchasing of necessary equipment, supplies, and services; and

WHEREAS, the Purchasing Policy of the Town of Northlake authorizes purchases from an interlocal cooperative purchasing program or other approved state program provided that the Town Council has approved participation; and

WHEREAS, the Town's participation in interlocal cooperative purchasing programs and other approved state programs will improve efficiency in the purchasing process by allowing the Town to meet competitive bid requirements, to identify and purchase goods and services from qualified vendors, to relieve the burdens of the governmental purchasing function, and to realize the various potential economies, including administrative cost savings that such programs provide; and

WHEREAS, upon consideration of the interlocal cooperative purchasing programs specified in this Resolution, and all matters attendant and related thereto, the Town Council is of the opinion that the Town's participation in these programs is beneficial and should be approved.

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

Section 1. All 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. The Town's participation in the following cooperative purchasing program(s) is hereby authorized and approved in accordance with the terms of this Resolution and of the Town of Northlake Purchasing Policy:

City of Grand Prairie - Equipment, Supplies, and Services
City of Frisco -- Uniforms & Equipment
City of Hurst -- Supplies, Equipment, and Materials
City of North Richland Hills -- Supplies & Equipment
Collin County -- Safety Equipment
Denton County -- Supplies & Equipment
Houston-Galveston Area Council (HGAC) -- Vehicles & Equipment
National Cooperative Purchasing Alliance (NCPA) -- Building Repairs
State of Texas (Texas SmartBuy) -- Vehicles & Equipment
State of Texas Department of Information Resources Cooperative -- Communication & Technology
Tarrant County -- Equipment & Materials
Texas Association of School Boards (Buy Board) -- Vehicles & Equipment
Texas Department of Public Safety -- Equipment & Supplies
The Interlocal Purchasing System (TIPS) -- Technology

Section 3. The Town Manager is hereby authorized to execute any necessary Agreements for participation in such program(s) according to the terms and conditions set forth in this Resolution and the Town's Procurement Policy.

Section 4. This resolution shall be effective immediately upon approval by the Town Council.

PASSED AND APPROVED by the Town Council of the Town of Northlake, Texas, on November 9, 2023.

Town of Northlake, Texas

David Rettig, Mayor

Attest:

Zolaina Parker, Town Secretary

**MASTER INTERLOCAL COOPERATIVE PURCHASING AGREEMENT
BETWEEN THE CITY OF GRAND PRAIRIE
AND TOWN OF NORTHLAKE**

WHEREAS, Chapter 791 of the Texas Government Code, also known as the Interlocal Cooperation Act, and Chapter 271.102 of the Texas Local Government Code authorize all local governments to contract with each other to perform governmental functions or services including administrative functions normally associated with the operation of government such as purchasing of necessary equipment, supplies and services;

WHEREAS, The City of Grand Prairie (the “City”) and Town of Northlake (“Northlake”) desire to enter into this Agreement for the purpose of fulfilling and implementing their respective public and governmental purposes, needs, objectives, programs and services;

WHEREAS, The City and Northlake represent that each are independently authorized to perform the functions or services contemplated by this Agreement;

WHEREAS, it is deemed in the best interest of all participating governments that said governments do enter into a mutually satisfactory agreement for the purchase of necessary equipment, supplies, and services;

WHEREAS, the participating governments are of the opinion that cooperation in the purchasing of equipment, supplies, services and auctions will be beneficial to the taxpayers of the governments through the efficiencies and potential savings to be realized; and

WHEREAS, each party has sufficient resources to perform the functions contemplated by this Agreement;

NOW THEREFORE, the parties hereto, in consideration of the mutual covenants and conditions contained herein, promise and agree as to each of the other as follows:

1. The City and Northlake are authorized to participate in each other’s current and/or future contracts for goods and services. Said contracts shall have been established in accordance with all appropriate procedures governing competitive bids and competitive proposals, if required.
2. The City and Northlake agree that the ordering of goods and services is the responsibility of the local government seeking to obtain such goods and services under the established contract, and that participating government shall deal directly with the vendor in obtaining the goods and services and payment therefore. The participating government shall be liable to the vendor only for goods and services ordered and received by it, and shall not, by the execution of this Agreement, assume any additional liability. Neither the City nor Northlake warrants, or is responsible for, the quality or delivery of goods or services from the vendor under contract. Should a dispute arise between a participating government and a vendor, the same shall be handled by and between that participating government and the vendor.

3. Each government shall pay invoices directly to the providers of goods and services that are invoiced and delivered directly to each respective government.
4. Participation of either government in any cooperative purchasing activity is strictly voluntary. Nothing in this Agreement shall prevent either governments from purchasing and/or accepting and awarding bids, proposals and contracts subject to this Agreement on its own behalf.
5. Each government shall ensure that all applicable laws and ordinances have been satisfied.
6. **Effective Date and Term.** This Agreement shall be effective when the last party signing causes the Agreement to be fully executed and will remain in full force and effect indefinitely. Any party may modify and/or terminate this Agreement in accordance with Paragraphs 7 and 8, respectively.
7. **Modification.** The terms and conditions of this Agreement may be modified upon the mutual consent of all parties. Mutual consent will be demonstrated by approval of the governing body of each party hereto. No modification to this Agreement shall be effective and binding unless and until it is reduced to writing and signed by duly authorized representatives of all parties.
8. **Termination.** This Agreement may be terminated at any time by the City or Northlake, with or without cause, upon thirty (30) days written notice to the other party in accordance with Paragraph 11 herein.
9. **Hold Harmless.** To the extent allowed by law, the City and Northlake agree to hold each other harmless from and against any and all claims, losses, damages, causes of action, suits and liabilities of every kind, including all expenses of litigation, court costs and attorney's fees, for injury or death of any person, for damage to any property, or for any breach of contract, arising out of or in connection with the work done under this Agreement.
10. **Invalidity.** If any provision of this Agreement shall be held to be invalid, illegal, or unenforceable by a court or other tribunal of competent jurisdiction, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby. The parties shall use their best efforts to replace the respective provision or provisions of this Agreement with legal terms and conditions approximating the original intent of the parties.
11. **Written Notice.** Unless otherwise specified, written notice shall be deemed to have been duly served if delivered in person, sent by email, by fax with successful send confirmation, or by certified mail to the last business address as listed herein.

City of Grand Prairie:

Purchasing Division
Attn: Purchasing Manager
City of Grand Prairie
300 W. Main St.
PO Box 534045
Grand Prairie, TX 75050
Phone: (972) 237-8269
Fax: (972) 237-8265
purchasingfax@gptx.org

Northlake:

Finance Department
Attn: Finance Director
Town of Northlake
1500 Commons Cir STE. 300
Northlake, Texas 76226
Phone: (940) 648-3290
Fax: (940) 487-0142
jzagurski@town.northlake.tx.us

12. **Entire Agreement.** It is understood that this Agreement contains the entire agreement between the parties and supersedes any and all prior agreements, arrangements, or understandings between the parties relating to the subject matter. No oral understandings, statements, promises, or inducements contrary to the terms of this Agreement exist. This Agreement cannot be changed or terminated orally. No verbal agreement or conversation with any officer, agent, or employee of any party before or after the execution of this Agreement shall affect or modify any of the terms or obligations hereunder.
13. **Amendment.** No Amendment to this Agreement shall be effective and binding unless and until it is reduced to writing and signed by duly authorized representatives of both parties.
14. **Texas Law.** This Agreement has been made under and shall be governed by the laws of the State of Texas.
15. **Place of Performance.** Performance and all matters related thereto shall be in the County of the government originating the bid. This shall be Denton County, Texas, United States of America for Northlake and shall be Dallas County, Texas, United States of America for the City.
16. **Authority to Enter Contract.** Each party has the full power and authority to enter into and perform this Agreement and the person signing this Agreement on behalf of each party has been properly authorized and empowered to enter into this Agreement. The persons executing this Agreement hereby represent that they have authorization to sign on behalf of their respective Government.
17. **Waiver.** Failure of any party, at any time, to enforce a provision of this Agreement, shall in no way constitute a waiver of that provision, nor in

anyway affect the validity of this Agreement, any part hereof, or the right of either party thereafter to enforce each and every provision hereof. No term of this Agreement shall be deemed waived or breach excused unless the waiver shall be in writing and signed by the party claimed to have waived. Furthermore, any consent to or waiver of a breach will not constitute consent to or waiver of or excuse of any other different or subsequent breach.

18. **Agreement Read.** The parties acknowledge that they understand and intend to be bound by the terms and conditions of this Agreement.
19. **Multiple Originals.** It is understood and agreed that this Agreement may be executed in multiple counterparts, each of which shall be deemed an original for all purposes.

CITY OF GRAND PRAIRIE

TOWN OF NORTHLAKE

BY: _____
Deputy City Manager

BY: _____

DATE: _____

“BY” Printed Name and Title

ATTEST: _____
Mona Lisa Galicia, City Secretary

ATTEST: _____

DATE: _____

“ATTEST” Printed Name and Title

APPROVED AS TO FORM: _____

Megan Mahan, City Attorney

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: November 9, 2023
REF. DOC.: Stripe-A-Zone Price Quote
SUBJECT: Consider a Resolution of the Town of Northlake, Texas, approving and authorizing the Town Manager to execute a contract with Stripe-A-Zone, for pavement marking on Canyon Falls Drive, in an amount not to exceed \$28,631.42
GOALS/ OBJECTIVES: Invest in Infrastructure/Continue to invest in infrastructure expansions and improvements

BACKGROUND INFORMATION:

- Canyon Falls Drive (Northlake Section) striping for vehicle and bike lanes
- Project repaints faded striping
- Town Staff initiated Interlocal Cooperation (ICA) Agreement with City of Grand Prairie
- Pricing secured through ICA with Grand Prairie for Stripe-A-Zone pavement marking services for \$28,631.42

COUNCIL ACTION/DIRECTION:

Approve purchase agreement for pavement marking services



**TOWN OF NORTHLAKE, TEXAS
OFFICIAL RESOLUTION**

NO.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS, APPROVING AND AUTHORIZING THE TOWN MANAGER TO EXECUTE A CONTRACT WITH STRIPE-A-ZONE, FOR PAVEMENT MARKING ON CANYON FALLS DRIVE, IN AN AMOUNT NOT TO EXCEED \$28,631.42; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Town Council of the Town of Northlake, Texas, has determined that a public need and necessity exists for the Town to purchase striping services for Canyon Falls Drive; and

WHEREAS, an Interlocal Cooperation Agreement between the Town of Northlake and the City of Grand Prairie has been established in order to secure a favorable price for provision of striping services; and

WHEREAS, Stripe-A-Zone is a contracted vendor who can provide services in fulfilling striping and pavement marking needs for the Town; and

WHEREAS, Stripe-A-Zone has provided a quote to provide these services in an amount not to exceed \$28,631.42.

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

Section 1. All 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. The Town Manager is hereby authorized, on behalf of the Town, to finalize and enter into a purchasing agreement with Stripe-A-Zone for the striping of pavement and pavement markings.

Section 3. This resolution shall be effective immediately upon approval by the Town Council.

PASSED AND APPROVED by the Town Council of the Town of Northlake, Texas, on November 9, 2023.

Town of Northlake, Texas

David Rettig, Mayor

Attest:

Zolaina Parker, Town Secretary

STRIPE-A-ZONE

PAVEMENT MARKING  SPECIALISTS ®

Since 1950

Stripe-A-Zone
2714 Sherman Street
Grand Prairie, Texas 75051

10/10/2023

Brandon Tellez 817-291-0069 btellez@stripe-a-zone.com
Zac Cope 817-542-3517 zcopes@stripe-a-zone.com

QUOTE
TO ESTIMATING DEPARTMENT

JOB	LOCATION	START DATE
2310-032 - CITY OF NORTHLAKE-CANYON FALLS DR	CITY LIMIT SIGN TO CITY LIMIT SIGN. APPROX. 2500' OF ROADWAY	TBD

Bid Item	Description	Quantity	Unit	Unit Price	Ext Price
0666 6003	Reflective Pavement Marking TY I W BRK 4"	1,140.000	LF	\$ 0.650	\$ 741.00
0666 6012	Reflective Pavement Marking TY I W SLD 4"	9,100.000	LF	\$ 0.650	\$5,915.00
0666 6036	Reflective Pavement Marking TY I W SLD 8"	425.000	LF	\$ 1.190	\$ 505.75
0666 6054	Reflective Pavement Marking TY I W SLD ARROW	4.000	EA	\$ 130.690	\$ 522.76
0666 6078	Reflective Pavement Marking TY I W SLD WORD	4.000	EA	\$ 130.690	\$ 522.76
0666 6167	Reflective Pavement Marking TY II W BRK 4"	1,140.000	LF	\$ 0.300	\$ 342.00
0666 6170	Reflective Pavement Marking TY II W SLD 4"	9,100.000	LF	\$ 0.300	\$2,730.00
0666 6178	Reflective Pavement Marking TY II W SLD 8"	425.000	LF	\$ 1.190	\$ 505.75
0666 6184	Reflective Pavement Marking TY II W SLD ARROW	4.000	EA	\$ 42.770	\$ 171.08
0666 6192	Reflective Pavement Marking TY II W SLD WORD	4.000	EA	\$ 42.770	\$ 171.08
0666 6200	REFL PAV MRK TY II (W) (BIKE ARROW)	8.000	EA	\$ 40.000	\$ 320.00
0666 6202	REFL PAV MRK TY II (W) (BIKE RIDER)	8.000	EA	\$ 40.000	\$ 320.00
0668 6094	PREFAB PAV MRK TY C (W)(BIKE ARROW)	8.000	EA	\$ 215.000	\$1,720.00
0668 6096	PREFAB PAV MRK TY C (W)(BIKE RIDER)	8.000	EA	\$ 245.000	\$1,960.00
0672 6010	Raised Pavement Marker CL B REFL TY II C-R	136.000	EA	\$ 7.130	\$ 969.68
0677 6001	Eliminate Existing Pavement Marking 4"	10,240.000	LF	\$ 0.580	\$5,939.20
0677 6003	Eliminate Existing Pavement Marking 8"	425.000	LF	\$ 0.640	\$ 272.00
0677 6008	ELIM EXT PAV MRK & MRKS (ARROW)	4.000	EA	\$ 27.330	\$ 109.32
0677 6012	ELIM EXT PAV MRK & MRKS (WORD)	4.000	EA	\$ 32.080	\$ 128.32
0677 6023	ELIM EXT PAV MRK & MARKS (BIKE ARROW)	8.000	EA	\$ 25.000	\$ 200.00

0677 6025	ELIM EXT PAV MRK & MARKS (BIKE RIDER)	8.000	EA	\$ 30.000	\$ 240.00
0678 6001	Pavement Marking Preparation 4"	10,240.000	LF	\$ 0.360	\$3,686.40
0678 6004	Pavement Marking Preparation 8"	425.000	LF	\$ 0.360	\$ 153.00
0678 6009	Pavement Marking Preparation ARROW	4.000	EA	\$ 19.010	\$ 76.04
0678 6016	Pavement Marking Preparation WORD	4.000	EA	\$ 22.570	\$ 90.28
0678 6026	PAV SURF PREP FOR MRK (BIKE ARROW)	8.000	EA	\$ 18.000	\$ 144.00
0678 6028	PAV SURF PREP FOR MRK (BIKE RIDER)	8.000	EA	\$ 22.000	\$ 176.00
Grand Total:					\$28,631.42

Project bid date: 10/10/2023

TRAFFIC CONTROL: FOR STRIPE-A-ZONE'S EQUIPMENT ONLY.
MOBILIZATIONS: ONE MOBILIZATION INCLUDED FOR FINAL STRIPING.
AREA TO BE CLEANED BY CONTRACTOR PRIOR TO STRIPING OPERATIONS.
REPAIRS TO SCARRED OR DAMAGED ROADWAY UPON MARKING ELIMINATION IS EXCLUDED.

ITEMS NOT SPECIFICALLY NOTED WILL BE ADDITIONAL.

STRIPE-A-ZONE IS NOT LIABLE FOR DAMAGES OF ANY UNDERGROUND UTILITIES.
Any court action resulting from this agreement will be conducted in Tarrant County, Texas.
This proposal shall be attached to and become a part of any contract signed between STRIPE-A-ZONE and the contractor.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alterations or deviations from the above specifications involving extra costs will be executed only upon written orders, and all will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, wind damage and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized Signature

Brandon Tellez

Brandon Tellez, Estimator

Notes: (1) This proposal may be withdrawn by us if not accepted within 30 days.
(2) Bid excludes Bonds unless noted.

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: _____

Signature _____

Printed Name _____

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: November 9, 2023
REF. DOC.: Stripe-A-Zone Price Quote
SUBJECT: Consider a Resolution of the Town of Northlake, Texas, approving and authorizing the Town Manager to execute a contract with Stripe-A-Zone, for pavement marking on Robson Ranch Road, in an amount not to exceed \$21,896.16
GOALS/ OBJECTIVES: Invest in Infrastructure/Continue to invest in infrastructure expansions and improvements

BACKGROUND INFORMATION:

- Robson Ranch Road striping for vehicle lanes
- Project repaints faded striping
- Town Staff initiated Interlocal Cooperative Agreement (ICA) with City of Grand Prairie
- Pricing secured through ICA with Grand Prairie for Stripe-A-Zone pavement marking services for \$21,896.16

COUNCIL ACTION/DIRECTION:

Approve purchase agreement for pavement marking services



**TOWN OF NORTHLAKE, TEXAS
OFFICIAL RESOLUTION**

NO.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS, APPROVING AND AUTHORIZING THE TOWN MANAGER TO EXECUTE A CONTRACT WITH STRIPE-A-ZONE, FOR PAVEMENT MARKING ON ROBSON RANCH ROAD, IN AN AMOUNT NOT TO EXCEED \$21,896.16; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Town Council of the Town of Northlake, Texas, has determined that a public need and necessity exists for the Town to purchase striping services for Robson Ranch Road; and

WHEREAS, an Interlocal Cooperative Agreement has been established between the Town of Northlake and the City of Grand Prairie in order to secure a favorable price for striping services; and

WHEREAS, Stripe-A-Zone is a contracted vendor who can provide services in fulfilling striping and pavement marking needs for the Town; and

WHEREAS, Stripe-A-Zone has delivered a quote to provide these services at a cost not to exceed \$21,896.16

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

Section 1. All 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. The Town Manager is hereby authorized, on behalf of the Town, to finalize and enter into a purchasing agreement with Stripe-A-Zone for the striping of pavement and pavement markings.

Section 3. This resolution shall be effective immediately upon approval by the Town Council.

PASSED AND APPROVED by the Town Council of the Town of Northlake, Texas, on November 9, 2023.

Town of Northlake, Texas

David Rettig, Mayor

Attest:

Zolaina Parker, Town Secretary

STRIPE-A-ZONE

PAVEMENT MARKING SPECIALISTS ®

Since 1950

Stripe-A-Zone
2714 Sherman Street
Grand Prairie, Texas 75051

10/24/2023

Brandon Tellez 817-291-0069 btellez@stripe-a-zone.com
Zac Cope 817-542-3517 zcope@stripe-a-zone.com

QUOTE
TO ESTIMATING DEPARTMENT

JOB	LOCATION	START DATE
2310-044 - CITY OF NORTHLAKE-ROBSON RANCH	FROM FLORANCE RD TO YARBROUGH WAY	TBD

Bid Item	Description	Quantity	Unit	Unit Price	Ext Price
0666 6012	Reflective Pavement Marking TY I W SLD 4"	5,808.000	LF	\$ 0.650	\$3,775.20
0666 6125	Reflective Pavement Marking TY I Y SLD 4"	5,808.000	LF	\$ 0.650	\$3,775.20
0666 6170	Reflective Pavement Marking TY II W SLD 4"	5,808.000	LF	\$ 0.300	\$1,742.40
0666 6207	Reflective Pavement Marking TY II Y SLD 4"	5,808.000	LF	\$ 0.290	\$1,684.32
0677 6001	Eliminate Existing Pavement Marking 4"	11,616.000	LF	\$ 0.580	\$6,737.28
0678 6001	Pavement Marking Preparation 4"	11,616.000	LF	\$ 0.360	\$4,181.76
Grand Total:					\$21,896.16

Project bid date: 10/24/2023

TRAFFIC CONTROL: FOR STRIPE-A-ZONE'S EQUIPMENT ONLY.
MOBILIZATIONS: ONE MOBILIZATION INCLUDED FOR FINAL STRIPING.
AREA TO BE CLEANED BY CONTRACTOR PRIOR TO STRIPING OPERATIONS.
REPAIRS TO SCARRED OR DAMAGED ROADWAY UPON MARKING ELIMINATION IS EXCLUDED.
NOTE 1: IF CREW IS ON SITE AND CAN NOT WORK, A STAND BY TIME OF \$ 1,500.00 PER HOUR WILL BE CHARGED.

ITEMS NOT SPECIFICALLY NOTED WILL BE ADDITIONAL.

STRIPE-A-ZONE IS NOT LIABLE FOR DAMAGES OF ANY UNDERGROUND UTILITIES.
Any court action resulting from this agreement will be conducted in Tarrant County, Texas.

This proposal shall be attached to and become a part of any contract signed between STRIPE-A-ZONE and the contractor.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alterations or deviations from the above specifications involving extra costs will be executed only upon written orders, and all will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, wind damage and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized Signature

Brandon Tellez

Brandon Tellez, Estimator

Notes: (1) This proposal may be withdrawn by us if not accepted within 30 days.
(2) Bid excludes Bonds unless noted.

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: _____

Signature _____

Printed Name _____

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: November 9, 2023
Section: 6. EXECUTIVE SESSION

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: November 9, 2023

Section: 7. RECONVENE INTO OPEN SESSION

NORTHLAKE TOWN COUNCIL COMMUNICATION



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DATE: November 9, 2023

Section: 8. ADJOURN
