



NORTHLAKE TOWN COUNCIL
AMENDED
REGULAR MEETING AGENDA AGENDA
JULY 25, 2024, AT 5:30 PM
TOWN HALL - COUNCIL CHAMBER ROOM
1500 COMMONS CIRCLE, SUITE 300, NORTHLAKE, TEXAS 76226

Notice is hereby given as required by Title 5, Chapter 551.041 of the Government Code that the Northlake Town Council will meet in a Regular Meeting on July 25, 2024, 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 will be addressed:

- A. Presentation - Sergeant Cody Leinweber Badge Pinning
- B. Briefing - Weather Alert Systems - Denton County Emergency Services District #1
- C. Briefing - Police and Court Services Contract - Town of Dish
- D. Briefing - Regulating Truck Traffic
- E. Briefing - Fiscal Year 2025 Preliminary Budget

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 June 13, 2024
- B. Consider an Ordinance of the Town of Northlake, Texas, Amending the Code of Ordinances,

Appendix A "Fee Schedule", revising Section A1.002, "Administrative Activity Fees"

- C. Consider a Resolution of the Town of Northlake, Texas, approving and authorizing the Town Manager to execute an Interlocal Agreement with Denton County Sheriff's Office to provide Talk Groups and programming for Northlake Police radios, in an amount not to exceed \$3,024.00
- D. Consider a Resolution of the Town of Northlake, Texas, making an appointment of one representative to the Board of Managers of the Denco Area 9-1-1 District
- E. Consider a Resolution of the Town of Northlake, Texas, approving an amendment to the Town of Northlake Financial Policy

5. **ACTION ITEMS**

The Following Items will be Considered:

- A. Consider a Resolution of the Town of Northlake, Texas, approving and authorizing the Town Manager to execute Amendment No. 1 to the Design-Build Agreement with Lee Lewis Construction, Inc., for the Dallas Stars Multi-Sports Center Project to establish the Guaranteed Maximum Price ("GMP") for early civil work, in an amount not to exceed \$6,262,644.00
- B. Consider approval of a preliminary plat of Northlake Acres, a proposed 3-lot commercial development on a 65.74-acre tract of land in the Patrick Rock Survey, Abstract No. 1063, generally located east of Faught Road and approximately 3,700 feet north of FM 407 in the extraterritorial jurisdiction of the Town of Northlake - Case # 23-PLA00036
- C. Consider an Ordinance of the Town of Northlake, Texas, amending Ordinance No. 18-1108, the concept plan as amended for the Pecan Square "MPD" Mixed-Use Planned Development, to revise the concept plan
- D. Consider approval of a Resolution of the Town of Northlake, Texas, approving an amendment to the Pioneer Grant for S.A.S. Boutique and authorizing the Northlake Economic Development Corporation and Northlake Community Development Corporation to enter into an amended performance agreement; and providing an effective date

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 for a property consisting of a 137.6-acre tract, an 84.3-acre tract, and a 53.8-acre tract of land generally located northwest of the

intersection of McPherson Drive and Harmonson Road in the extraterritorial jurisdiction of the Town.

- ii. Potential development agreement for La Estancia Investments LP tracts consisting of a 111.6-acre and part of a 295.5-acre tract of land generally located south of FM 1171 and west of Cleveland-Gibbs Road.
- iii. Potential development agreement providing municipal services and authorizing fee waivers and other economic development incentives related to the voluntary annexation and development of property consisting of a 69.0-acre, 0.8-acre, 1.5-acre, 3.9-acre, 4.0-acre, and 1.0-acre tracts of land generally located at the northwest corner of Sam Reynolds Rd. and FM 156 in the extraterritorial jurisdiction of the Town
- iv. Decertification of water and sewer Certificates of Convenience and Necessity in the Extraterritorial Jurisdiction and impacted service requests.
- v. Consider approval of a preliminary plat of Northlake Acres, a proposed 3-lot commercial development on a 65.74-acre tract of land in the Patrick Rock Survey, Abstract No. 1063, generally located east of Faught Road and approximately 3,700 feet north of FM 407 in the extraterritorial jurisdiction of the Town of Northlake - Case # 23-PLA00036
- vi. **Potential annexation and development agreement for Gaddy Commercial Venture LLC tracts consisting of a 0.964-acre tract, a 2.746-acre tract, and a 4.92-acre tract of land generally located on the east side of the 8000 block of Florance Road in the extraterritorial jurisdiction of the Town.**

B. Section 551.087 - Economic Development Negotiations

The Town Council may convene in an executive session to discuss or deliberate regarding commercial or financial information that the Town has received from a business prospect that the Town seeks to have locate, stay, or expand in or near the Town and with which the Town is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect described below.

- i. Discuss economic development negotiations regarding financial or other incentives for expanded development in TIRZ Number Three at or near the Dallas Stars Multi-Sports Center Project.
- ii. Consider S.A.S. Boutique Pioneer Grant Program Repayment Options.

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. Consider a resolution authorizing the Town Manager to negotiate and execute a development agreement providing municipal services and authorizing fee waivers and other economic development incentives related to the voluntary annexation and development of property consisting of a 0.964-acre tract, a 2.746-acre tract, and a 4.92-acre tract of land generally located on the east side of the 8000 block of Florance Road in the extraterritorial jurisdiction of the Town.**

8. ADJOURN

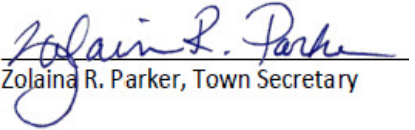
With no further items to consider, the meeting will be adjourned.

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 **AMENDED AGENDA** was posted on the official bulletin board located at Town Hall, 1500 Commons Circle, Suite 300, Northlake, Texas 76226, on July 22, 2024, by 5:30 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: July 25, 2024

Section: 1. CALL TO ORDER

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: July 25, 2024
REF. DOC.:
SUBJECT: Presentation - Sergeant Cody Leinweber Badge Pinning
GOALS/ Protect the Public; 1.1 - Ensure police presence in the community
OBJECTIVES:

BACKGROUND INFORMATION:

- Ceremonial Badge Pinning:
 - Sergeant Cody Leinweber

COUNCIL ACTION/DIRECTION:

Provide feedback as Town Council deems necessary

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: July 25, 2024
REF. DOC.: Chapter 772, Texas Health and Safety Code
SUBJECT: Briefing - Weather Alert Systems - Denton County Emergency Services District #1
GOALS/ Protect the Public; 1.2 - Collaborate with fire and medical services, Protect the Public; 1.4 -
OBJECTIVES: Ensure safe community standards and processes

BACKGROUND INFORMATION:

- Denton County Emergency Services District #1 (ESD) provides fire and emergency medical services to various areas within Denton County
 - Northlake is within the ESD's service area
 - The ESD is governed by a five-member board appointed by the Denton County Commissioners Court
- Chief Vaughan with ESD to discuss pros and cons of weather alert systems
 - Outdoor warning systems
 - Emergency alert broadcast systems
 - National Oceanic and Atmospheric Administration weather radio
 - Wireless emergency alerts
- ESD currently uses Everbridge emergency notification system (wireless)

COUNCIL ACTION/DIRECTION:

Provide feedback as Town Council deems necessary

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: July 25, 2024
REF. DOC.: Proposed Agreement for Service
SUBJECT: Briefing - Police and Court Services Contract - Town of Dish
GOALS/ Advance Northlake's Interest; 5.4 - Partner regionally to mitigate adverse impacts
OBJECTIVES:

BACKGROUND INFORMATION:

- Town of DISH requests police and court services
 - Borders Northlake to northwest
 - Town limits 1.6 square miles
 - Buildout of 230 homes
- DISH calls for service over two years - 94
- Cost for service similar to Harvest contract - \$25 per home per month
- Northlake collects 100% of court fines
- Contract discussion
 - 1-year for Police; additional 4 year extension option
 - 5-year for Court

COUNCIL ACTION/DIRECTION:

Provide input regarding how the Council would like to proceed

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: July 25, 2024
REF. DOC.: Northlake Town Ordinance Chapter 11 (Traffic and Vehicles)
SUBJECT: Briefing - Regulating Truck Traffic
GOALS/ Invest in Infrastructure; 4.3 - Prioritize road projects and mitigate traffic
OBJECTIVES:

BACKGROUND INFORMATION:

- Options for regulating large trucks driving through neighborhoods
- Road responsibility divided between Town, County, and Texas Department of Transportation
- Current ordinance enforceable for heavy trucks on residential streets
- No designated truck routes
- No signage for heavy trucks

COUNCIL ACTION/DIRECTION:

Provide input to staff on how to proceed

*Town of Northlake, TX
Friday, July 12, 2024*

Chapter 11. Traffic and Vehicles

ARTICLE 11.05. COMMERCIAL VEHICLES

Division 2. Size and Weight of Vehicles

§ 11.05.031. Compliance; liability for damage to street.

Except as otherwise provided herein, it shall be unlawful and in violation of this division for any person to drive, operate or move, and/or to cause or permit to be driven, operated, or moved, on public property, public sidewalks or a public street other than a state or federal highway, within the corporate limits of the town, any motor vehicle, with or without load, contrary to any of the regulations contained in this division. A person violating any provision of this division shall be civilly liable to the town for damages to any street, highway, park, road or bridge located within the town, resulting from such violation.

(1999 Code, sec. 10.501)

§ 11.05.032. Weight limits generally; weight limit on residential streets.

Motor vehicles within the maximum limits as provided by V.T.C.A., Transportation Code chapter 621 et seq., may travel over streets, highways, roadways and bridges designated as state or federal highways, or bus or truck routes, as designated by the federal government and the state department of transportation or by town ordinance; provided that a vehicle that is over 26 tons gross vehicle weight shall not be operated upon any residential street within the corporate limits of the town unless driving to a location within the corporate limits of the town for purposes of a delivery. If there is no practical route to reach the destination not [sic] in the town except by use of residential streets, a permit may be obtained from the town secretary to authorize the use of a town residential street.

(1999 Code, sec. 10.502)

§ 11.05.033. Vehicles transporting ready-mix concrete.

Vehicles used exclusively to transport ready-mix concrete may be operated in accordance with the weight provisions of section 622.011 [et seq.] of the Texas Transportation Code, as amended. However, no such vehicle shall be operated unless it shall contain a functioning device attached to the concrete chute which traps concrete and a surety bond shall have been filed with the town by the owner of such vehicle, in a sum not to exceed \$15,000.00, and conditioned that the owner of such vehicle will pay to the town all damages done to streets by reason of the operation of such vehicle with a tandem axle load in excess of thirty-four thousand pounds (34,000 lbs.).

(1999 Code, sec. 10.503)

§ 11.05.034. Vehicles transporting milk.

Vehicles used exclusively to transport milk may be operated if the distance between the front wheel of the forward tandem-axle and the rear wheel of the rear tandem-axle, measured longitudinally, is at least twenty-eight feet (28'), and the maximum load carried on any group of axles does not exceed sixty-eight thousand pounds (68,000 lbs.).

(1999 Code, sec. 10.504)

§ 11.05.035. Weight limit signs.

The public works director, as directed by the town council, is hereby authorized to post appropriate warning signs on the right-hand side of all streets, roadways, highways, parkways or bridges in the corporate limits of the town indicating the maximum weight limit permitted to travel upon said roadways, highways, parkways or bridges.

(1999 Code, sec. 10.505)

§ 11.05.036. Routes for oversize equipment.

Pursuant to V.T.C.A., Transportation Code section 623.071 et seq., all state or federal highways within the town are designated as routes for oversize equipment; provided that any person damaging a state or federal highway within the town shall be civilly liable to the town for the damages.

(1999 Code, sec. 10.506)

§ 11.05.037. Restrictions under state law.

In addition to the other provisions regarding vehicle weight and length contained in this division, no vehicle which exceeds the length, size or weight limitations set forth in chapters 621 and 622 of the Texas Transportation Code, as same may hereafter be amended, may be operated upon roadways within the corporate limits of the town.

(1999 Code, sec. 10.507)

§ 11.05.038. Exemptions.

The provisions of this division shall not apply to:

- (1) Any person operating or causing to be operated a motor vehicle under a valid and subsisting permit for the operation of overweight or oversize equipment for the transportation of such commodities as cannot be reasonably dismantled issued by the state department of transportation under the provisions of the Transportation Code;
- (2) Emergency vehicles operating in response to any emergency call;
- (3) Vehicles operated for the purpose of constructing or maintaining any public utility in the town;
- (4) Municipal vehicles performing town business.

(1999 Code, sec. 10.510)

§ 11.05.039. through § 11.05.060. (Reserved)

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: July 25, 2024
REF. DOC.: LOCAL GOVERNMENT CODE, SECTION 102, MUNICIPAL BUDGET
SUBJECT: Briefing - Fiscal Year 2025 Preliminary Budget
GOALS/ Exercise Fiscal Responsibility; 2.2 - Manage the long-term financial plan
OBJECTIVES:

BACKGROUND INFORMATION:

Preliminary Revenue Estimates:

- Property Taxes:
 - Projected increase from new homes and commercial and rises in taxable value
 - \$5.1M projected for maintenance and operation expenditures from the General Fund
 - \$1.0M projected increase from prior fiscal year (FY)
- Sales Taxes:
 - Sales taxes are trending towards an increase over last year from increased commercial
 - \$3.64M in Projected total sales for FY 2025
 - \$1.9M for General Fund
 - \$1.3M combined for Economic and Community Development Corporations
 - \$440K for Dallas Stars Center (Sports Venue Fund)
- Water and Wastewater Revenue:
 - Water: \$10.6 million
 - Increase of \$968k
 - Sewer: 8.6 million
 - Increase of \$926k
 - Increases due to additional homes and commercial entities
- Other Revenue
 - Franchise Fees: \$967k
 - Contracted Police Service: \$680k
 - Increase of \$145k from prior fiscal year due to increased homes in Harvest and providing services to the Town of DISH
 - Court Fines & Fees: \$600k
 - Hotel Tax: \$500k

Maintain and New Services Requests by Fund Review

- Maintain Service Requests:

Request	Cost	Funding Distribution
Cost of Living Adjustment	\$106k	61% General Fund (\$65k); 32% Utilities Fund (\$34k); 4% EDC/CDC (\$6k); 3% Other (\$5k)
(2) Police Officers & (1) Detective	\$365k	100% General Fund

Police Patrol Vehicle	\$100k	100% General Fund
Development Analyst	\$108k	34% General Fund (\$36k); 33% EDC (\$36k); 33% CDC (\$36k)
Utilities Maintenance Worker	\$80k	100% Utilities Fund
Meter Technician	\$80k	100% Utilities Fund
Utilities Vehicle for Meter Technician	\$130K	100% Utilities Fund
Stormwater Inspector	\$120k	100% Stormwater Fund, but will require fund transfer from the General Fund
Stormwater Vehicle	\$130k	100% Stormwater Fund, but will require fund transfer from the General Fund
Total Maintain Service Costs	\$1.2M	

- New Services Requests:

Request	Cost	Funding Distribution
Records Clerk	\$84k	100% General Fund
Traffic Marking and Signs Crew	\$178k	100% General Fund
Traffic Marking and Signs Crew Vehicle	\$132k	100% General Fund
IT Analyst	\$106k	70% General Fund (\$74k); 25% Utilities Fund (\$26k); 5% Other (\$6k)
Total New Service Requests	\$500k	

Capital Projects Overview

- \$88.9M budgeted to be spent on Capital Projects in FY 2025
 - \$17.5M on Road Projects
 - \$21.6M on Water Projects
 - \$49.8M on Building Projects
- Status of capital improvement projects can be found in the attached exhibit

COUNCIL ACTION/DIRECTION:

Provide feedback and direction

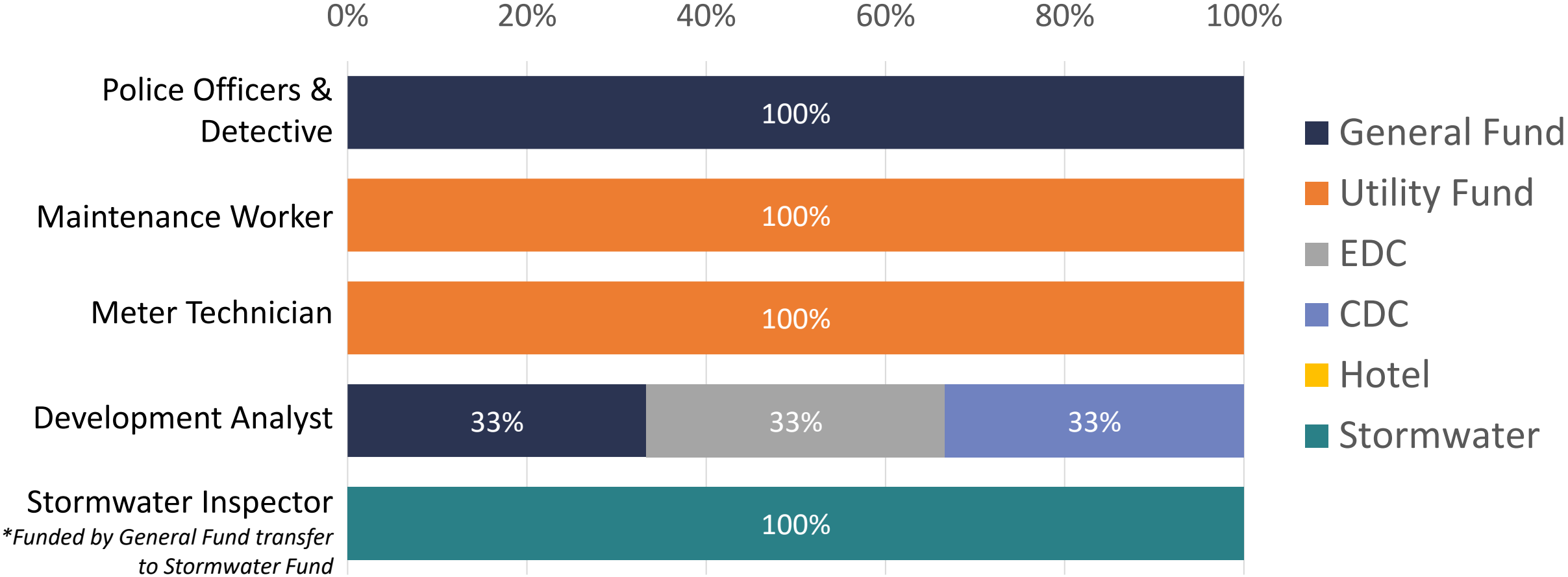


TOWN BUDGET TIMELINE



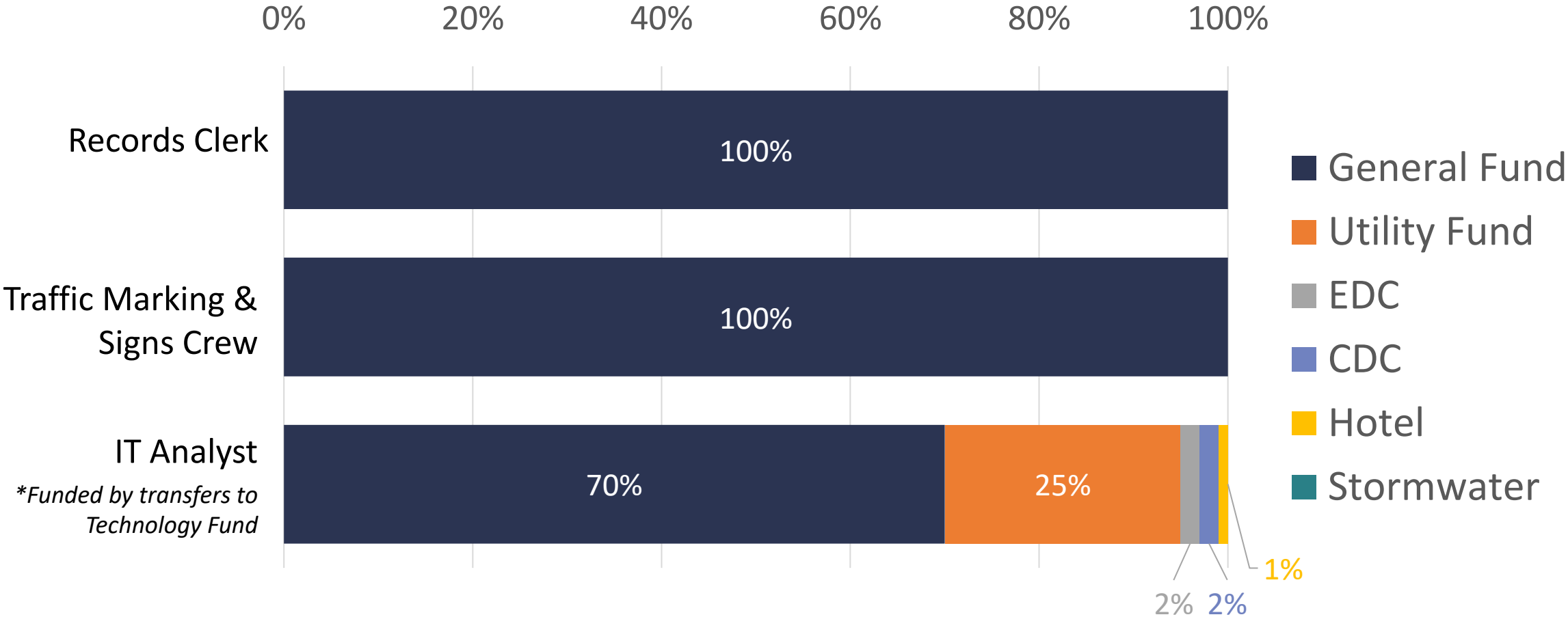
FUNDING DISTRIBUTION

MAINTAIN SERVICE REQUESTS



FUNDING DISTRIBUTION

NEW SERVICE REQUESTS



10-YEAR CAPITAL PROJECT REVIEW

STATUS	PROJECT	BUDGET	YTD	END DATE
Construction Complete	Catherine Branch Phase 1 – Water & Sewer	\$5.6M	\$3.9M	2024
Construction Complete	Catherine Branch Phase 1 – Roads	\$2.2M	\$2.0M	2024
Construction Complete	Cleveland Gibbs South	\$5.6M	2.8M	2024
Construction Complete	2 nd North ground Storage Tank	\$2.3M	2.0M	2024
In Progress	Cellular Meter Upgrade	\$2.5M	\$1.2M	2024
In Progress	Hotel Conference Center	\$6.4M	\$1.8M	2025
In Progress	Denton Creek Trunkline	\$2.0M	\$0.5M	2025
In Progress	Sports Venue	\$45.0M	\$2.3M	2025
In Progress	Chadwick Public Infrastructure	\$15.5M	\$0.0M	2025
Bid	Ft. Worth Wholesale Water Additional Capacity	\$6.5M	\$5.0k	2025
Bid	Dale Earnhardt Way South	\$1.0M	\$0.16M	2025
Bid	Catherine Branch Phase 2 - Sewer	\$8.0M	\$0.1M	2026
Bid	Faught Road Waterlines	\$5.0M	\$0M	2026
Bid	Faught Road	\$5.4M	\$0.4M	2026
Bid	Southwest (Catherine Branch) Elevate Storage Tank	\$6.7M	\$0.3M	2026
Future Project	Public Works Building	\$20.0M	-	2026
Future Project	Florance to Yarbrough	\$4.5M	-	2026
Future Project	Wastewater Treatment Plant Expansion	\$10.0M	-	2027
Future Project	3 rd Northwest (Florance) Elevated Storage Tank	\$3.0M	-	2028
Future Project	Ft. Worth Water Second Point of Delivery	\$20.0M	-	2028
Future Project	Town Hall & Police Facility	\$20.0M	-	2032

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: July 25, 2024

Section: 3. PUBLIC INPUT

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: July 25, 2024

Section: 4. CONSENT ITEMS

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: July 25, 2024
REF. DOC.: Northlake Home Rule Charter
SUBJECT: Consider approval of the Town Council Meeting Minutes for June 13, 2024
GOALS/ Invest in Infrastructure; 4.5 - Leverage technology and equipment to deliver services
OBJECTIVES:

BACKGROUND INFORMATION:

- Approve Minutes from:
 - June 13, 2024 - Regular Meeting

COUNCIL ACTION/DIRECTION:

Approve proposed minutes draft as presented



**NORTHLAKE TOWN COUNCIL
REGULAR MEETING MINUTES
TOWN HALL - COUNCIL CHAMBER ROOM
1500 COMMONS CIRCLE, SUITE 300, NORTHLAKE, TEXAS 76226
JUNE 13, 2024**

The Northlake Town Council convened in a Regular Meeting on June 13, 2024, at 5:30 p.m., in the Northlake Town Hall - Council Chamber Room, 1500 Commons Circle, Suite 300, Northlake, Texas.

1. CALL TO ORDER

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

Roll Call:

Brian Montini, Mayor
Alexandra Holmes, Place 1
Michael Ganz, Place 2
Aaron Fowler, Place 3

Roger Sessions, Place 4
Maryl Lorencz, Mayor Pro Tem Place 5
John Kelley, Place 6

Also present were Drew Corn, Town Manager, and Bryn Meredith, Town Attorney Representative.

- Invocation was given by Justin Paulk, Pastor, Fellowship of the Parks.
- The Pledge of Allegiance to the United States and Texas Flags was recited.

2. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

A. Briefing - Fiscal Year 2024-2025 Preliminary Budget

The item was presented by Drew Corn, Town Manager, and John Thomson, Finance Director, and discussion followed.

There was no consensus as the item was for presentation/information purposes only.

B. Briefing - Upper Trinity Irrigation Checkups

The item was presented by Eric Tamayo, Public Works Director, and commentary followed.

The Town Council consensus was to proceed with acquiring additional irrigation system checks for use by residents.

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>.

- Darrin Johnson, address on file - expressed thanks for appointment on CDC; enjoys living in Northlake
- Rena Hardeman, address on file - commented on Police, Public Works, Town Secretary, water conservation; public input
- Tom Huffman, address on file – commented on vehicle purchase; General Motors for future vehicles

4. CONSENT ITEMS

The Consent Agenda consisted of Item 4.A. - 4.G., with Items 4.C., 4.D., and 4.F. being pulled for individual consideration.

Councilmember Holmes moved to approve the Consent Agenda consisting of Items 4.A, 4.B., 4.E. and 4.G. Motion seconded by Mayor Pro Tem Lorencz. Motion passed.

AYES (7): Montini, Holmes, Ganz, Fowler, Sessions, Lorencz, Kelley

NAYS (0): None

ABSENT (0): None

- A. Consider approval of the Town Council Meeting Minutes for May 23, 2024

APPROVED

- B. Consider a Resolution approving the Town of Northlake Investment Policy

APPROVED RESOLUTION NO. 24-34

- E. Consider a Resolution of the Town of Northlake, Texas, awarding Bid No. 24-02 and authorizing the Town Manager to execute an agreement/contract with McMahon Contracting for construction of Dale Earnhardt Way South Paving, in an amount not to exceed \$1,124,670

APPROVED RESOLUTION NO. 24-37

- G. Consider a Resolution of the Town of Northlake, Texas, approving and authorizing the Town Manager to execute the first amendment to Northlake StarCenter Lease and Operating Agreement to update exhibits for the site plan, property description, and parking area

APPROVED RESOLUTION NO. 24-38

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

- C. Consider a Resolution of the Town of Northlake, Texas, approving and authorizing the Town Manager to execute a purchase agreement/contract with Sam Pack's Five Star Ford, for Ford Explorer, in an amount not to exceed \$39,672.43

APPROVED RESOLUTION NO. 24-35

The item was presented, and commentary followed.

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

AYES (7): Holmes, Ganz, Fowler, Montini, Lorencz, Sessions, Kelley

NAYS (0): None

ABSENT (0): None

- D. Consider a Resolution of the Town of Northlake, Texas, approving the cancellation of the June 27, 2024, and July 11, 2024, Regular Council Meetings

APPROVED RESOLUTION NO. 24-36

The item was presented, and commentary followed.

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

AYES (7): Holmes, Ganz, Fowler, Montini, Lorencz, Sessions, Kelley

NAYS (0): None

ABSENT (0): None

- F. Consider a Resolution of the Town of Northlake, Texas, approving the cancellation of the June 27, 2024, and July 11, 2024, Regular Council Meetings

APPROVED ORDINANCE NO. 24-0613A

The item was presented, and commentary followed.

Mayor Montini moved to approve the item as presented. Motion seconded by Councilmember Sessions. Motion Passed.

AYES (7): Holmes, Ganz, Fowler, Montini, Lorencz, Sessions, Kelley

NAYS (0): None

ABSENT (0): None

5. ACTION ITEMS

- A. Consider an Ordinance of the Town Council of the Town of Northlake, Texas, amending Ordinance No. 13-0124A, the Northlake Unified Development Code as amended, by approving a Specific Use Permit ("SUP") to authorize Church/Place of Worship; Day Care; and School, Primary and Secondary (Private) uses in accordance with certain conditions on a 16.942-acre tract of land situated in the Lewis Medlin Survey, Abstract No. 830, and being Lot 1, Block 25, Chadwick Farms Addition (Case # 24-SUP00001)
- i. Public Hearing
 - ii. Consider Approval

APPROVED ORDINANCE NO. 24-0613B

The item was presented, and discussion followed.

Mayor Montini recessed the Regular Meeting and opened the Public Hearing at 7:03 p.m., and with no speakers coming forward, the Public Hearing was closed at 7:03 p.m.

Councilmember Sessions moved to approve the item as presented. Motion seconded by Councilmember Fowler. Motion Passed.

AYES (7): Montini, Holmes, Ganz, Fowler, Sessions, Lorencz, Kelley

NAYS (0): None

ABSENT (0): None

- B. Consider a Resolution of the Town of Northlake, Texas, ratifying the actions taken by the Northlake Economic Development Corporation and Northlake Community Development Corporation Boards of Directors, approving a Pioneer Program Grant for Timekeeper's Haus in the amount of \$25,000 and authorizing the Town Manager to enter into a performance agreement

APPROVED RESOLUTION NO. 24-39

The item was presented and discussion followed.

Councilmember Kelley moved to approve the item as presented. Motion seconded by Councilmember Holmes. Motion Passed.

AYES (6): Montini, Holmes, Ganz, Fowler, Lorencz, Kelley

NAYS (1): Sessions

ABSENT (0): None

- C. Consider an Ordinance providing for the issuance of Town Of Northlake, Texas, Combination Tax and Limited Surplus Revenue Certificates of Obligation, Taxable Series 2024 in the approximate aggregate principal amount of \$15,230,000, levying a tax in payment thereof; prescribing the form of said certificates and awarding the sale thereof; authorizing the execution and delivery of a paying Agent/Registrar Agreement; approving the official statement; and enacting provisions incident and relating to the subject and purposes of this ordinance

APPROVED ORDINANCE NO. 24-0613C

The item was presented and discussion followed.

Mayor Montini moved to approve the item as presented. Motion seconded by Mayor Pro Tem Lorencz. Motion Passed.

AYES (7): Montini, Holmes, Ganz, Fowler, Sessions, Lorencz, Kelley

NAYS (0): None

ABSENT (0): None

- D. Consider a Resolution of the Town of Northlake, Texas, authorizing the Town Manager to negotiate and execute a Design-Build Work Change Directive and Change Order, with Lee Lewis Construction, for sanitary sewer improvements for the Dallas Stars Multi-Sports Center Project; and providing an effective date

APPROVED RESOLUTION NO. 24-40

The item was presented and discussion followed.

Councilmember Holmes moved to approve the item as presented. Motion seconded by Mayor Montini. Motion Passed.

AYES (6): Montini, Holmes, Ganz, Fowler, Lorencz, Kelley

NAYS (1): Sessions

ABSENT (0): None

- E. Consider a Resolution of the Town of Northlake, Texas, approving and authorizing the Town Manager to execute a professional services agreement with Ernst & Young LLP, to assist with the Internal Revenue Code Section 48 Energy Credit application for the Dallas Stars Multi-Sports Center Project, in an amount not to exceed \$95,000

APPROVED RESOLUTION NO. 24-41

The item was presented and discussion followed.

Councilmember Kelley moved to approve the item as presented. Motion seconded by Mayor Montini. Motion Passed.

AYES (6): Montini, Holmes, Ganz, Fowler, Lorencz, Kelley

NAYS (1): Sessions

ABSENT (0): None

- F. Consider an Ordinance of the Town Council of the Town of Northlake, Texas, reauthorizing Article A2.000 "Building and Construction fees," of Appendix A "Fee Schedule," of the Code of Ordinances

i. Public Hearing

ii. Consider Approval

APPROVED ORDINANCE NO. 24-0613D

Mayor Montini recessed the Regular Meeting and opened the Public Hearing at 7:57 p.m. with the following coming forward to speak:

- Rena Hardeman, address on file - consider decreasing fees in future

With no further speakers, Mayor Montini, closed the Public Hearing and reconvened the Regular Meeting at 7:57 p.m.

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

AYES (7): Montini, Holmes, Ganz, Fowler, Sessions, Lorencz, Kelley

NAYS (0): None

ABSENT (0): None

- G. Consider an Ordinance of the Town Council of the Town of Northlake, Texas, amending the Adopted Budget for the Northlake Economic Development Corporation and the Northlake Community Development Corporation for the fiscal year beginning October 1, 2023, and ending September 30, 2024; providing that expenditures for the said fiscal year shall be made in accordance with said Amended Budget

APPROVED ORDINANCE NO. 24-0613E

The item was presented, and discussion followed.

Councilmember Holmes moved to approve the item as presented. Motion seconded by Councilmember Sessions. Motion passed.

AYES (7): Montini, Holmes, Ganz, Fowler, Sessions, Lorencz, Kelley

NAYS (0): None

ABSENT (0): None

- H. Consider a Resolution of the Town of Northlake, Texas, adopting revisions to the Northlake Employee Handbook

APPROVED RESOLUTION NO. 24-42

The item was presented, and discussion followed.

Councilmember Kelley moved to approve the item as presented. Motion seconded by Mayor Pro Tem Lorencz. Motion passed.

AYES (7): Montini, Holmes, Ganz, Fowler, Sessions, Lorencz, Kelley

NAYS (0): None

ABSENT (0): None

6. EXECUTIVE SESSION

The Town Council convened into an Executive Session, at 8:07 p.m., consistent with Chapter 551 of the Texas Government Code, as amended, or as otherwise allowed by law to address Items 8.A.-8.D., and the following:

A. Section 551.071 - Consultation with Attorney

- i. Potential annexation and development agreement for a property consisting of a 137.6-acre tract, an 84.3-acre tract, and a 53.8-acre tract of land generally located northwest of the intersection of McPherson Drive and Harmonson Road in the extraterritorial jurisdiction of the Town.
- ii. Potential development agreement for La Estancia Investments LP tracts consisting of a 111.6-acre and part of a 295.5-acre tract of land generally located south of FM 1171 and west of Cleveland-Gibbs Road.
- iii. Potential development agreement providing municipal services and authorizing fee waivers and other economic development incentives related to the voluntary annexation and development of property consisting of a 69.0-acre, 0.8-acre, 1.5-acre, 3.9-acre, 4.0-acre, and 1.0-acre tracts of land generally located at the northwest corner of Sam Reynolds Rd. and FM 156 in the extraterritorial jurisdiction of the Town
- iv. Decertification of water and sewer Certificates of Convenience and Necessity in the Extraterritorial Jurisdiction and impacted service requests.

B. Section 551.087 - Economic Development Negotiations

- i. Discuss economic development negotiations regarding financial or other incentives for expanded development in TIRZ No. 3 at or near the Dallas Stars Multi-Sports Center Project.

7. RECONVENE INTO OPEN SESSION

Mayor Montini reconvened the Regular Meeting at 8:36 p.m., to address 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 Montini adjourned the meeting at 8:36 p.m.

Brian Montini, Mayor

ATTEST:

Zolaina R. Parker, Town Secretary

MINUTES APPROVED ON: _____

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: July 25, 2024
REF. DOC.: Texas Local Government Code - Chapter 51
SUBJECT: Consider an Ordinance of the Town of Northlake, Texas, Amending the Code of Ordinances, Appendix A "Fee Schedule", revising Section A1.002, "Administrative Activity Fees"
GOALS/ OBJECTIVES: Plan Intentionally and Responsibly; 3.3 - Review and revise town plans as needed

BACKGROUND INFORMATION:

- Various attempts made by customers to make payments with large amounts of coins
 - Staff time to process average 1-2 hours
 - Banking institution will not accept loose coins (must be rolled)
- Currently no restriction as to payment types in Fee Schedule
- Proposing tiered fee:
 - Coins submitted \$5.00-\$14.99 = \$10.00 Processing Fee
 - Coins submitted \$15.00-\$49.99 = \$25.00 Processing Fee
 - Coins submitted \$50.00 or more = \$50.00 Processing Fee
- Proposed implementation upon Council approval
- Public Notification
 - Website/E-Board
 - Payment Windows
 - Facebook
 - Water Bill Insert

COUNCIL ACTION/DIRECTION:

Approve proposed Ordinance regarding Administrative Activity Fees



**TOWN OF NORTHLAKE, TEXAS
OFFICIAL ORDINANCE**

NO.

AN ORDINANCE OF THE TOWN OF NORTHLAKE, TEXAS, AMENDING THE CODE OF ORDINANCES, TOWN OF NORTHLAKE BY AMENDING ARTICLE A1.000, "MISCELLANEOUS FEES," OF APPENDIX A, "FEE SCHEDULE," OF THE CODE OF ORDINANCES, TOWN OF NORTHLAKE, TEXAS, BY REVISING SECTION A1.002 "ADMINISTRATIVE ACTIVITY FEES"; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE

WHEREAS, the Town of Northlake, Texas ("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 Texas Local Government Code; and

WHEREAS, the Town has previously adopted the Town of Northlake's Fee Schedule (the "Fee Schedule"); and

WHEREAS, the Town Council finds it necessary from time to time to review and amend the Fee Schedule to ensure that it is consistent with and reflective of the costs incurred by the Town in connection with the provision of various services; and

WHEREAS, in the interest of the public health, safety, and welfare, and to ensure effective use of Town staff time, resources, and to better protect the "public fiscally", the Town Council finds it necessary to amend Section A1.002 "Administrative Activity Fees" to include a coinage fee for any transactions paid solely in coins totaling \$5.00 or more.

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

Section 1. Section A1.002, "Administrative Activity Fees," of Article A1.000 "Miscellaneous Fees," of Appendix A "Fee Schedule," of the Code of Ordinances, Town of Northlake, Texas, is hereby amended by adding a new Subsection (k) to read as follows:

"(k) \$10.00 for any transaction involving payment in which coins provided by the payer total \$5.00 up to \$14.99; and \$25.00 for any transaction involving payment in which coins provided by the payer total \$15.00 up to \$49.99; and \$50.00 for any transaction involving payment in which coins provided by the payer total \$50.00 or more."

Section 2. This Ordinance shall be cumulative of all other ordinances of the Town and shall not repeal any of the provisions of said ordinances except for those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance.

Section 3. The terms and provisions of this Ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause, word, or phrase of this Ordinance shall be declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of any other section, subsection, sentence, clause, word, or phrase of this Ordinance.

Section 4. All rights and remedies of the Town 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. This Ordinance shall be in full force and become effective after the date of its passage.

PASSED AND APPROVED by the Town Council of the Town of Northlake, Texas, on July 25, 2024.

Town of Northlake, Texas

Brian Montini, Mayor

Attest:

Zolaina Parker, Town Secretary

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: July 25, 2024

REF. DOC.: TEXAS GOVERNMENT CODE CHAPTER 791

SUBJECT: Consider a Resolution of the Town of Northlake, Texas, approving and authorizing the Town Manager to execute an Interlocal Agreement with Denton County Sheriff's Office to provide Talk Groups and programming for Northlake Police radios, in an amount not to exceed \$3,024.00

GOALS/ OBJECTIVES: Protect the Public; 1.2 - Collaborate with fire and medical services, Protect the Public; 1.4 - Ensure safe community standards and processes

BACKGROUND INFORMATION:

- Northlake Police Department (NPD) partners with Denton County Sheriff's Office for Radio Communications
- Interlocal Agreement provided Northlake Talk Groups on regional radio system
- Interlocal Agreement provides activation of radios via Radio Systems Manager at Denton County
- Current cost is \$6 per radio, per month
- Annual cost is \$3024

COUNCIL ACTION/DIRECTION:

Approve Interlocal Cooperation Agreement (ICA)



**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 AN INTERLOCAL AGREEMENT BETWEEN THE TOWN OF NORTHLAKE AND DENTON COUNTY FOR THE USE OF THE DENTON COUNTY RADIO COMMUNICATIONS SYSTEM IN AN AMOUNT NOT TO EXCEED \$3024.00

WHEREAS, the Town Council of the Town of Northlake, Texas, has determined that a public need and necessity exists for use of the Denton County Radio Communication System; and

WHEREAS, this Interlocal Agreement is made under the authority of the Interlocal Cooperation Act as codified in Chapter 791 of the Texas Government Code; and

WHEREAS, the Town Council finds that it is within the public interests, safety and welfare to authorize the execution of the Interlocal Cooperation Agreement, attached herein 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 authorizes the Town Manager to execute an interlocal Agreement (Exhibit "A") with Denton County for the use of the Denton County Radio Communications System.

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 July 25, 2024.

Town of Northlake, Texas

Brian Montini, Mayor

Attest:

Zolaina Parker, Town Secretary

INTER-LOCAL COOPERATION AGREEMENT BETWEEN DENTON COUNTY AND THE TOWN OF NORTHLAKE POLICE DEPARTMENT FOR THE USE OF THE DENTON COUNTY RADIO COMMUNICATIONS SYSTEM

This Inter-Local Agreement (“Agreement”) is entered into by and between the County of Denton, Texas (“the County”) and the Town of Northlake, Texas, both entities being located in Denton County, Texas (collectively, the “Parties” or separately as a “Party”). The Parties execute this agreement as hereinafter provided, pursuant to the Texas Governmental Code, Chapter 791, known as the Inter-Local Cooperation Act:

WHEREAS, Denton County is a political subdivision within the State of Texas, each of which engages in the provision of governmental services for the benefit of its citizens; and

WHEREAS, the Agency is duly organized and operating under the laws of the State of Texas engaged in the provision of municipal government and/or related services for the benefit of the citizens of Agency; and

WHEREAS, the Inter-Local Cooperation Act, Texas Government Code, Chapter 791, as amended “the Act” provides authority for local governments of the State of Texas to enter into Inter-local agreements with each other for the purpose of performing governmental functions and services as set forth in the Act; and

WHEREAS, the County owns, operates, and maintains the radio-communications system, exclusive of the radios owned individually by each User Agency (“System”) for the purpose of providing radio communications in support of its governmental operations; and

WHEREAS, Northlake wishes to use certain portions of the System for its governmental operations; and

WHEREAS, the use of the System in the provision of governmental services benefits the public health and welfare, promotes efficiency and effectiveness of local governments, and is of mutual concern to the contracting Parties; and

WHEREAS, Northlake and the County have current funds available to satisfy any fees and costs required pursuant to this Agreement;

NOW, THEREFORE, in consideration of the mutual covenants and agreement herein contained, the sufficiency of which are hereby acknowledged, and upon and subject to the terms and conditions hereinafter set forth, the Parties agree as follows:

I.

DEFINITIONS

“Assignee” means the Agency employee assigned to a specific Subscriber Unit.

“Communications System” or *“System”* means a wide area, multi-agency digital trunked radio system compliant with P-25 interoperability standards to be used jointly by the City of Lewisville, the City of Denton, Denton County, and other Infrastructure Members, if any, primarily for providing public safety dispatch and communications for fire, emergency medical and police services and such other governmental services as may be agreed from time to time by the Parties.

“Coordinating Committee” means the committee that is responsible for making recommendations to the Infrastructure Management Committee on the administration and operation of the Communications System.

“Infrastructure Management Committee” means the committee that is responsible for the administration and operation of the Communications System.

“Subscriber Units” means mobile radios, portable radios or any similar devices used for communicating over the Communications System.

“Talk Group” means a specific group of Subscriber Units allowed to communicate privately within that group over shared infrastructure resources.

“Technical Committee” means the committee that advises the Coordinating Committee on technical issues related to the operation of the Communications System.

“User” means any entity with which the City of Denton, the City of Lewisville, Denton County, or other Infrastructure Member has entered into a contractual agreement for the provision of radio communication services through the Consolidated Communications System.

II.

TERM

2.1 This Agreement is for a period of a one (1) year term, beginning on the 1st day of October, 2024, and ending on the 30th day of September, 2025. unless terminated earlier pursuant to Section 7.1.

2.2 It is the intention of the Parties for this to be a long term enterprise which will be renewed with a new ILA each year subject to approval by each Party’s governing body.

III.

OBLIGATIONS OF TOWN OF NORTHLAKE

3.1 Northlake shall use the System in accordance with this Agreement to provide integration of communications by Northlake between its Users on the System for governmental operations.

3.2 When using the System, Northlake shall abide by all applicable Federal and State laws and regulations, including any regulations of the Denton County Radio System. When Northlake uses the System for interoperability with Talk Groups (hereinafter defined) other than those provided by this Agreement, Northlake will also abide by the User rules of those Talk Groups.

3.3 Northlake must provide a written request to the Denton County Radio System Manager ("System Manager") or his designee, to activate radios ("Subscriber Units") on the System. Such request must include the model and serial number of the Subscriber Unit, the name of the Assignee, and identifying Talk Groups required in the Subscriber Unit.

3.4 Northlake is responsible for furnishing its own Subscriber Units, which must be compatible with the APCO P-25 Phase 2 TDMA Digital System, and for maintenance of the Subscriber Units. Northlake is responsible for all programming of Agency-owned Subscriber Units.

3.5 Northlake shall be solely responsible for obtaining a technical services support contract and a maintenance contract for all Agency-owned dispatch infrastructure equipment, either from the manufacturer of the equipment or from a manufacturer-authorized service provider. The County shall not be responsible for maintenance of any Agency-owned equipment.

3.6 Depending on the equipment that will be purchased and installed by Northlake, the Agency shall be solely responsible for entering into such Software Update Agreements and/or Software Maintenance Agreements from the manufacturer as necessary to ensure that the equipment owned by the Agency will be maintained and upgraded to meet the requirements of the System when the County performs System upgrades.

3.7 Northlake shall be solely responsible for having periodic maintenance (PM) performed on its Subscriber Units at least every two years which shall include tuning and alignment of the Subscriber Units and updating the Subscriber Units with the latest firmware available.

3.8 The County shall not be liable to the Agency for the lack of interoperability between the Subscriber Units and the System if the Agency fails to perform the required PM and/or obtain the software and/or firmware upgrades recommended by the County and/or the

manufacturer of the Subscriber Units necessary to communicate through the System as set forth in Sections 3.5, 3.6, and 3.7 above.

IV.

OBLIGATIONS OF THE COUNTY

4.1 The County will allow Northlake to use County provided Talk Groups, which are a primary level of communication for Users on the System (“Talk Group”), comparable to a channel on a conventional radio system, for the exclusive use of Northlake. Talk Groups will be established for the Agency by the County.

4.2 The System Manager will not activate radios on the Northlake Talk Groups nor make changes to the Northlake radios without first receiving authorization from the designated representative of the Agency, unless, in the opinion of the County, such action is necessary to eliminate harmful interference.

4.3 The County is solely responsible for:

- (1) Coordinating Talk Groups among System Users;
- (2) Grouping of Talk Groups to allow transmitting and receiving on all associated Talk Groups as required by the Agency; and
- (3) The operation, maintenance, and control of the System

V.

FEES

5.1 The fees payable for the term of this Agreement are set out in **Exhibit A** which is attached and incorporated for all purposes.

5.2 The County may increase the fees each October 1st, the beginning of each County fiscal year, by an amount not to exceed five percent (5%) of the previous year’s fees. The County will provide ninety (90) days’ notice to Northlake before increasing the fees.

5.3 Based on the fees described above, the County will calculate the annual fee due based upon the total number of Subscriber Units and submit an invoice to the Agency on or before October 1st of each year. This amount is subject to change when the Agency adds or deletes the number of Subscriber Units in service. The Agency must notify the System Manager in writing of any addition or deletion of Subscriber Units.

5.4 Fees for Additions - The amount owed for annual fees for additions of Subscriber Units will be prorated for the year added, invoiced immediately, and amounts will be due within thirty (30) days of receipt of the invoice for the addition(s).

5.5 Deletions - No refunds for deletions will be made for the Agencies deletion of Subscriber Units during the period of the Agreement. The fees for the upcoming fiscal year will be calculated based on the number of Subscriber Units in service on the radio system as of May 1st of the current contract year.

5.6 In the event a new Inter-Local Agreement is not executed prior to the expiration of this Agreement, and the Sheriff's Office continues to provide access to the Radio Communications System, the Agency shall reimburse and compensate the County for access to the Denton County Radio Communications System at the rate set by the Denton County Sheriff and approved by the Denton County Commissioners Court for the next fiscal year.

VI.

PAYMENT DUE

6.1 The Agency agrees to pay the County the annual fees specified under Article V within thirty (30) days of the receipt of the invoice. Should the Agency add Subscriber Units or Talk Groups to the Service within a Term, the Agency agrees to pay the additional fee(s) due within thirty (30) days of invoice. All payments for expenses incurred as a result of the performance of the Agreement shall be made only from current revenues legally available to each respective Party.

VII.

TERMINATION

7.1 Either Party may terminate this Agreement at any time by giving ninety (90) days advance written notice. The Agency shall pay for all fees incurred through the effective date of termination. If the County permanently discontinues the operation of its System, this Agreement shall terminate on the date of discontinuance without further notice, and the County will reimburse the Agency the pro-rated amount of the fees previously paid by the Agency for the use of the System for the then current fiscal year.

VIII.

RELEASE AND HOLD HARMLESS

TO THE EXTENT PERMITTED BY LAW, EACH PARTY AGREES TO WAIVE ALL CLAIMS AGAINST, TO RELEASE, AND TO HOLD HARMLESS THE OTHER PARTY AND ITS RESPECTIVE OFFICIALS, OFFICERS, AGENTS, EMPLOYEES, IN BOTH THEIR PUBLIC AND PRIVATE CAPACITIES, FROM ANY AND ALL LIABILITY, CLAIMS, SUITS, DEMANDS, LOSSES, DAMAGES, ATTORNEYS, FEES, INCLUDING ALL EXPENSES OF LITIGATION OR SETTLEMENT, OR CAUSES OF ACTION WHICH MAY ARISE BY REASON OR INJURY TO OR DEATH OF ANY PERSON OR FOR LOSS OF, DAMAGE TO, OR LOSS OF USE OF ANY PROPERTY

ARISING OUT OF OR IN CONNECTION WITH THIS AGREEMENT. IN THE EVENT THAT A CLAIM IS FILED, EACH PARTY SHALL BE RESPONSIBLE FOR ITS PROPORTIONATE SHARE OF LIABILITY.

IX.

IMMUNITY

In the execution of this Agreement, neither of the Parties waives, nor shall be deemed hereby to have waived any immunity or any legal or equitable defense otherwise available against claims arising in the exercise of governmental powers and functions. By entering into this Agreement, the Parties do not create any obligations, express or implied, other than those set forth herein, and this Agreement does not create any rights in parties who are not signatories to this Agreement.

X.

ASSIGNMENT

The Agency agrees to retain control and to give full attention to the fulfillment of this Agreement. The Agency cannot assign or sublet this Agreement without the prior written consent of the County. Further, the Agency cannot sublet any part or feature of the work to anyone objectionable to Denton County. Northlake also agrees that the subletting of any portion or feature of the work, or materials required in the performance of this Agreement, does not relieve the Agency from its full obligations to the County as provided by this Agreement.

XI.

ENTIRE AGREEMENT

This Agreement represents the entire and integrated agreement between Denton County and Northlake and supersedes all prior negotiations, representations and/or agreements, either written or oral, between Denton County and Northlake. This Agreement may be amended only by written instrument signed by Denton County and Northlake.

XII.

NOTICES

Unless notified otherwise in writing, all notices are required to be given to either Party in writing and delivered in person or sent via certified mail to the other Party at the following respective addresses:

County:	1	Denton County Judge Denton County Commissioners Court 1 Courthouse Drive, Ste 3100 Denton, Texas 76201
	2	Denton County Sheriff Denton County Sheriff's Office 127 N. Woodrow Lane Denton, Texas 76205
	3	Assistant District Attorney Counsel to the Sheriff 127 N. Woodrow Lane Denton, Texas 76205

Name of Agency:	Northlake Police Department
Contact Person	Robert Crawford, Chief of Police
Address	1600 Commons Circle
City, State, Zip	Northlake, TX 76226
Telephone	940-648-4804 x 231
Email	rcrawford@town.northlake.tx.us

XIII.

AUTHORITY TO SIGN

The undersigned officers and/or agents of the Parties hereto are the properly authorized officials or representatives and have the necessary authority to execute this Agreement on behalf of the Parties.

XIV.

SEVERABILITY

The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement is for any reason held to be contrary to the law or contrary to any rule or regulation having the force and effect of the law, such decisions shall not affect the remaining portions of the Agreement. However, upon the occurrence of such event, either Party may terminate this Agreement by giving the other Party thirty (30) days written notice.

XV.

VENUE

This Agreement and any of its terms or provisions, as well as the rights and duties of the Parties hereto, shall be governed by the laws of the State of Texas. The Parties agree that this Agreement shall be enforceable in Denton County, Texas, and if legal and necessary, exclusive venue shall lie in Denton County, Texas.

XVI.

INTERPRETATION OF AGREEMENT

Although this Agreement is drafted by the County, this is a negotiated document. Should any part of this Agreement be in dispute, the Parties agree that the Agreement shall not be construed more favorably for either Party.

XVII.

REMEDIES

No right or remedy granted herein or reserved to the Parties is exclusive of any right or remedy granted by law or equity; but each shall be cumulative of every right or remedy given hereunder. No covenant or condition of this Agreement may be waived without the express written consent of the Parties. It is further agreed that one (1) or more instances of forbearance by either Party in the exercise of its respective rights under this Agreement shall in no way constitute a waiver thereof.

XVIII.

SUCCESSORS AND ASSIGNS

The Parties each bind themselves, their respective successors, executors, administrators, and assigns to the other Party to this contract. Neither Party will assign, sublet, subcontract or transfer any interest in this Agreement without the prior written consent of the other Party. No assignment, delegation of duties or subcontract under this Agreement will be effective without the written consent of all Parties.

EXECUTED duplicate originals on the dates indicated below:

SIGNED AND AGREED BY THE TOWN OF NORTHLAKE, TEXAS:

BY:

Drew Corn, Town Manager
Town of Northlake
1500 Commons Circle, Ste 300
Northlake, TX 76226
940-648-3290

Date: _____

Approved as to content:

Robert Crawford, Chief of Police

Approved as to form:

Attorney for Agency

APPROVED BY THE DENTON COUNTY COMMISSIONERS COURT OF DENTON COUNTY, TEXAS:

BY:

DENTON COUNTY, TEXAS

Andy Eads County Judge
Denton County Commissioners Court
1 Courthouse Drive, Ste 3100
Denton, Texas 76201
(940)349-2820

Date:_____

Approved as to content:

Denton County Sheriff's Office

Approved as to form:

Assistant District Attorney
Counsel to the Sheriff

Exhibit A
Denton County Sheriff's Office
Consolidated Radio Communications System Agreement
FY24-25 Agency Payment Worksheet/Invoice

Agency:	The Town of Northlake Police Department	
Payment Contact Person:	Zolaina Parker, Town Secretary	
Phone Number:	940-242-5702	
Email(s):	zparker@town.northlake.tx.us	
Address:	1500 Commons Circle, Suite 300	
City, State, Zip	Northlake, TX 76226	
Agency Should Include this Worksheet with Each Payment Sent to Denton County.		
Make checks payable to:	Denton County	
Mail payments to:	Consolidated Radio Communications Systems Agreement Payments Denton County Sheriff's Office Attn: Sherry Cochran 127 N. Woodrow Lane Denton, Texas 76208	
<u>Tier 3</u>		
Includes Tier 1 User + add on of Subscriber Services (program once per year and PM radios every two years) - \$6 each per month		
PD Radio Subscribers	42	\$3,024.00
Total Amt Per Year =		<u>\$3,024.00</u>
<u>BILLED ANNUALLY</u>		

Please sign and date below.

Signature of Agency Representative	Title	Date

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: July 25, 2024
REF. DOC.: Chapter 772, Texas Health and Safety Code
SUBJECT: Consider a Resolution of the Town of Northlake, Texas, making an appointment of one representative to the Board of Managers of the Denco Area 9-1-1 District
GOALS/ OBJECTIVES: Protect the Public; 1.2 - Collaborate with fire and medical services

BACKGROUND INFORMATION:

- Denco Area 9-1-1 provides 911 emergency services to various areas within Denton County
 - Northlake is a participating municipality
- Denco Area 9-1-1 District has two-member Board of Managers
 - Members of Board of Managers serve two-year terms expiring on alternate years
 - Each participating municipality may nominate an individual for election each year
 - Town Council nominated Jim Carter on May 23, 2024
 - Each participating municipality may vote to appoint a nominee each year
 - Appointment should be made prior to July 31, 2024

COUNCIL ACTION/DIRECTION:

Appoint or abstain from appointing a person to serve on Denco 9-1-1 District Board of Managers



**TOWN OF NORTHLAKE, TEXAS
OFFICIAL RESOLUTION**

NO.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS FOR THE APPOINTMENT OF ONE MEMBER TO THE BOARD OF MANAGERS OF THE Denco AREA 9-1-1 DISTRICT; AND PROVIDING AN EFFECTIVE DATE

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

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS 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 Council of the Town of Northlake hereby appoints _____ as a member of the Board of Managers of the Denco Area 9-1-1 District for the two-year term beginning October 1, 2024 and expiring on September 30, 2026.

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 July 25, 2024.

Town of Northlake, Texas

Brian Montini, Mayor

Attest:

Zolaina Parker, Town Secretary



Denco Area 9-1-1 District

1075 Princeton Street ▪ Lewisville, TX 75067

Phone: 972-221-0911 ▪ Fax: 972-420-0709 ▪ Denco.ORG

TO: Denco Area 9-1-1 District Participating Municipal Jurisdictions

FROM: Greg Ballentine, Executive Director

DATE: June 3, 2024

RE: Appointment to the Denco Area 9-1-1 District Board of Managers

On April 1, 2024, the Denco Area 9-1-1 District requested municipalities to nominate a representative to the district board of managers for the two-year term beginning October 1, 2024. Denco received the following nominations by the May 31, 2024 deadline:

<u>Nominee</u>	<u>City/Town Making Nomination</u>
Jim Carter	City of Aubrey City of Lewisville City of Oak Point City of Pilot Point City of The Colony Town of Bartonville Town of Copper Canyon Town of Double Oak Town of Hickory Creek
Greg Kohn	City of Highland Village

The Denco Area 9-1-1 District requests that each municipality vote for one of the candidates and advise the district of its selection by **5 p.m. on July 31, 2024**. No votes will be accepted after that time. If a nominating municipality does not formally vote, it's nomination will automatically count as a vote for its nominee. Please send a copy of the resolution recording council action. We have provided candidate resumes and a list of current Denco board members.

Please send a copy of your council's official action to the Denco Area 9-1-1 District, 1075 Princeton Street, Lewisville, TX 75067 or to Melinda Camp at melinda.camp@denco.org. We will acknowledge receipt of all votes.

Thank you for your assistance in this matter.

JIM CARTER

6101 Long Prairie Road
Ste 744-110
Flower Mound, Texas 75028

(817) 239-7791
jim.carter1@icloud.com

EDUCATION

College Degree:	University of Georgia, B.B.A. Finance
Postgraduate:	Georgia Tech, University of Tennessee, University of Michigan, Texas Women's University, American Management Association

PROFESSIONAL EXPERIENCE

Department Head, Finance	General Motors Corporation
Zone Vice-President	Frito-Lay, Inc., International and Domestic Development
President, C.E.O.	Mercantile Corporation Responsible for 3 Banks, developed 2,000 prime commercial acres in Fort Worth adjacent to I-35W,
Current: Principal	James P. Carter & Associates – Consultant & Mediator To business and governmental entities
Professional Licenses	Texas Real Estate License, Certified Mediator

PUBLIC SERVICE EXPERIENCE

Mayor	Trophy Club, Texas – 14 years
Municipal Court Judge	Trophy Club, Texas – 12 years
Emergency Manager	Trophy Club, Texas – 14 years
County Commissioner	Denton County, Texas – 8 years
Vice President	Texas Association of Counties
Former President	Denton County Emergency Services District #1 15 years Fire and Emergency Medical over 65 square miles Serving 5 Argyle, Bartonville, Copper Canyon, Draper, and Northlake, Robson Ranch, Lantana Freshwater Supply Districts #6 and #7 and unincorporated areas of Denton County
Former Texas State Board Member-	State Association Fire and Emergency Service Districts – Trains Emergency Services District Commissioners

Board Member Denco 911- Current	Emergency telecommunications system that assists its member jurisdictions in managing police, fire and medical emergency calls.
Mission Leader – Guatemala	Constructed purified water system in remote villages, shared the “Good News” of Jesus’s love.
Team Leader	Provide housing and food to victims of Hurricane Katrina.
Team Leader	Made several trips to Sabine Pass to aid victims of Hurricane Rita.

COMMUNITY AND CHARITY SERVICES

Baylor Healthcare System	Trustee – 10 Years
University of North Texas	President’s Council
Texas Student Housing Corp	Chairman – 20 Years, providing Residential Scholarships at UNT, A&M, UT Austin
Boy Scouts of America	Longhorn Council, District Chairman
First Baptist Church, Trophy Club	Chairman, Stewardship Committee and Senior Bible Teacher

US MILITARY

US Navy	11 years – active and reserve service
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Honors: Who’s Who in the South and Southwest, Who’s Who in U.S. Executives, Honorary Fire Chief Argyle Fire District

GREGORY LEE KOHN

416 Abilene Court
Highland Village, Texas 75077
Cell (817) 308-8334
greg.kohn1@gmail.com

WORK HISTORY

REPEAT REALTY *Residential Sales Agent*

June 2021 - Present

CITY OF LEWISVILLE, FIRE DEPARTMENT

Retired June 2017 to pursue advanced degree through Texas A&M University, Bush School of Government and Public Service. Degree program completed in December 2019.

Division Chief - Support Services

January 2016 - June 2017

Responsibilities included maintenance and function of all (seven) fire stations and emergency equipment as well as procurement and maintenance of all Personal Protective Equipment. Responsible for the functions of on-call Duty Chief when required per rotation.

Key Accomplishments:

- Lead planning and construction of two new fire stations with a budget of \$11,000,000, which involved coordinating with other departments, City leadership, elected officials, and outside architects and contractors.
- Directed the Apparatus Specification Committee, which was responsible for planning and building of all department apparatus, which included two \$500,000 fire engines and a \$1,300,000 ladder truck.

Battalion Chief

May 2007- January 2016

Responsibilities included supervision of seven fire stations and 43 personnel. Responded to and commanded emergency calls in the City, including incidents on Lake Lewisville. Emergency responses often involved coordinating with multiple mutual aid departments. Responsible for all personnel related actions including training, instruction, and disciplinary issues. Responsible for daily staffing needs and monitoring overtime controls. Mentored all Captains to maintain constant readiness for any emergency, both in fire operations and emergency medical services.

Key Accomplishments:

- Participated in the hiring process for entry-level firefighters and internal promotional processes.
- Assisted multiple area Fire Departments with promotional interviews.

Captain/Paramedic

July 2003 - May 2007

Supervised station personnel and day-to-day operations at a six-person fire station. Responsible for training, evaluation, mentoring, and discipline of assigned personnel during emergency and non-emergency situations. Acted as shift Commanding Officer in rotation in the absence of the Battalion Chief.

Division Chief-Public Education

September 2001 - July 2003

Responsible for public education, emergency management, crisis management, and Public Information Officer role. Oversaw planning and execution of the annual department Open House during Fire Prevention month. Drafted and submitted multiple departmental grant applications. Responsible for emergency operations center and City's emergency operations plan. Performed function of duty chief on rotating basis.

Key Accomplishments:

- Served as the primary State contact as the Emergency Management Coordinator for the City which involved dealing with multiple State and other outside stakeholders, both public and private. Responsible for assuring that all City personnel were trained and ready to handle all anticipated emergency situations that might occur in the area.
- Developed "After the Fire" Program offering assistance to displaced families.
- Expanded school education program for Fire Prevention Month and developed elementary school reading program.
- Composed grant application that resulted in Lewisville receiving a grant from the Assistance to Firefighters Grant program for a flashover simulator, which was the first in the State of Texas. This training aid served multiple departments in Denton County.
- Served as alternate chair of the City Weapons of Mass Destruction Task Force following 9/11.

Captain/Paramedic

July 2000 – September 2001

Supervised station personnel and day-to-day operations of 12-person fire station. Responsible for training, evaluation, mentoring and discipline of assigned personnel during emergency and non-emergency situations. Provided communication to affected citizens during emergency situations.

Key Accomplishments:

- Lead team responsible for Personal Protective Equipment and uniforms for entire department, including development and compliance with budget.

Driver/Engineer/Paramedic

September 1997 – July 2000

Performed all necessary functions and duties required for the position, including supervision of firefighters and completion of incident written reports. Trained assigned personnel on the duties of the Driver position. Assisted station Captain with various assigned areas of responsibility. Began performing Acting Captain duties in September 1999.

Key Accomplishments:

- Served on Apparatus Selection Committee and Employee Relations Committee (ERC). Involvement with the ERC included regular meetings with Fire Department administration to discuss various issues that were relevant to station personnel and communication of the results.

Firefighter/Paramedic

January 1992 – September 1997

Performed all necessary duties related to firefighting and paramedic responsibilities. Began performing Driver functions January 1994. Obtained Paramedic Certification in January 1997.

CITY OF LANCASTER, FIRE DEPARTMENT

Firefighter/EMT

April 1989 - January 1992

Performed all necessary activities related to firefighting and EMT responsibilities. Obtained EMT Certification in August 1989.

EDUCATION

Texas A&M University

January 2018 - December 2019

Bush School of Government and Public Service

Executive Master of Public Service and Administration with a focus on Emergency Management and Homeland Security

American Public University

May 2011 - November 2015

Bachelor of Science

Fire Science Management with Honors

CERTIFICATIONS

- Certified Firefighter, Master
- Certified EMT/Paramedic- Expired 10/31/2021
- Instructor, Intermediate
- TEEX Fire Officer I – II
- ICS-100, 200, 300, 400
- NIMS-700, 701, 703, 800

**COMMUNITY
SUPPORT**

Cross Timbers Rotary Member

January 2022 – Present

Support local community activities. Coordinated event permitting process with the City of Flower Mound for the 2022 and 2023 “Duck Derby”, as well as overseeing public safety for the event in 2023. This event raised over \$100,000 for local charities. Serve as New Member Mentor for those seeking membership.

Highland Village Planning & Zoning Committee, Alternate

August 2022 – September 2023

Denco Area 9-1-1 District Board of Managers FY2024

Bill Lawrence, Chairman

- Appointed by Denton County Commissioners Court
- Member since October 2006
- Term expires September 2025
- Former Mayor of Highland Village
- Businessman, Highland Village

Sue Tejml, Vice Chair

- Appointed by member cities in Denton County
- Member since 2013
- Term expires September 2025
- Former Mayor of Copper Canyon
- Attorney at Law, Copper Canyon

Jim Carter, Secretary

- Appointed by member cities in Denton County
- Member since October 2014
- Term expires September 2024
- Former President of Emergency Services District #1
- Former Mayor of Trophy Club and Denton County Commissioner

Jason Cole

- Appointed by Denton County Commissioners Court
- Member since October 2020
- Term expires September 2024
- Businessman, Denton

Chief Jason Collier

- Appointed by Denton County Fire Chief's Association
- Member since October 2023
- Term expires September 2025
- Fire Chief, City of Highland Village

All voting members serve two-year terms and are eligible for re-appointment.

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: July 25, 2024
REF. DOC.: Town of Northlake Charter
SUBJECT: Consider a Resolution of the Town of Northlake, Texas, approving an amendment to the Town of Northlake Financial Policy
GOALS/ OBJECTIVES: Exercise Fiscal Responsibility; 2.2 - Manage the long-term financial plan

BACKGROUND INFORMATION:

- Update Town Financial Policies to:
 - Increase General Fund reserve fund balance policy to 33% of annual operating expenditures to match Council policy and current practice
 - Include policy for the involvement and use of federal funds for procurement of goods, services, or construction for grant application submission

COUNCIL ACTION/DIRECTION:

Approve Town of Northlake Financial Policies



**TOWN OF NORTHLAKE, TEXAS
OFFICIAL RESOLUTION**

NO.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS, APPROVING THE TOWN OF NORTHLAKE FINANCIAL POLICY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, it is a priority of the Town Council of the Town of Northlake, Texas, to provide effective guardianship of public funds in the municipal sector; and

WHEREAS, the Town Council expressly intends to set high fiscal standards, establish a basic framework for fiscal management, and to commit the Town to sound financial management through integrity, prudent stewardship, financial planning and accountability, full disclosure, and communication, and a review of performance at regular intervals through the adoption and approval of a fiscal policy.

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 Council has reviewed and hereby adopts the Town of Northlake Financial Policy Jan 31, 2023, attached 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 July 25, 2024.

Town of Northlake, Texas

Brian Montini, Mayor

Attest:

Zolaina Parker, Town Secretary



TOWN OF NORTHLAKE
FINANCIAL POLICIES
APPROVED BY TOWN COUNCIL
JULY 25, 2024

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I. INTRODUCTION:

The Town of Northlake, Texas financial policies set forth the basic framework for the fiscal management of the Town. These policies were developed within the parameters established by applicable provisions of the Texas Local Government Code and the Town of Northlake Charter. The Town is committed to sound financial management through integrity, prudent stewardship, financial planning and accountability, full disclosure, and communication. The policies are to be reviewed on an annual basis and modified to accommodate changing circumstances or conditions.

A. PURPOSE OF POLICIES:

- 1) To assist the Town Council and Town staff in evaluating current activities and proposals for future programs.
- 2) To enable the Town to achieve and maintain a stable, positive financial condition, while also providing guidelines for the day-to-day planning and operations of the Town's financial affairs.
- 3) To establish and maintain a high standard of accounting practices. The Town's accounting system shall conform to generally accepted accounting principles (GAAP), as prescribed by the Governmental Accounting Standards Board (GASB) for governmental entities.
- 4) To prepare and maintain in a current status written administrative procedures relating to each financial management area. The Town Manager, department directors, and managers are responsible for ensuring that good internal controls are maintained and followed throughout their respective Town departments, that all management directives or internal control recommendations are implemented in a timely manner, and that all independent auditor recommendations are addressed.
- 5) To pursue transparency with regard to disclosure of financial information. A primary focus of financial transparency is the ability for residents to review the Town's financial information online. At a minimum, online information will include annually adopted budgets, comprehensive annual financial reports, and quarterly investment reports.
- 6) To establish a key element of the financial stability of the Town by setting guidelines for fund balance. Unassigned fund balance is an important measure of economic stability. It is essential the Town maintain adequate levels of unassigned fund balance to mitigate financial risk that can occur from unforeseen revenue fluctuations and unanticipated expenditures. The fund balance also

provides cash flow liquidity for the Town's general operations.

- 7) To establish guidelines for procurement of supplies, materials, and services for the Town.
- 8) To establish the internal control procedures that all vendors and Town personnel are to follow. Internal control is required to assist in the prevention of any unauthorized purchases by the Town, and any evidence of collusion by vendors.
- 9) To establish guidelines to provide the citizens and taxpayers of the Town with assurance that the best use of the available resources of the Town are being realized. Further, this Policy is intended to promote competition among bidders and vendors interested in providing products or services to the Town.

II. OPERATING BUDGET:

A. FISCAL YEAR:

The fiscal year of the Town shall begin on the first day of October and end on the last day of September. Such fiscal year shall also constitute the budget and accounting year.

B. DELIVERY OF PROPOSED BUDGET:

The Town Manager shall, not less than sixty (60) days prior to the close of the fiscal year, prepare and submit to the Council a proposed budget for the ensuing fiscal year and an accompanying message. The Town Manager and staff shall make it a policy to submit a proposed budget and message by August 2nd or the preceding business day if August 2nd falls on a Saturday or Sunday.

C. DEVELOPMENT OF THE OPERATING BUDGET:

The following policies and guidelines will apply to the development of the operating budget that is organized by Town staff and presented to the public and Council for approval and adoption.

- 1) The operating budget shall provide a complete financial plan of all Town Funds and activities and, except as required by law or this Charter, shall be in such form as the Town Manager deems desirable or the Council may require. The budget message shall explain the budget in fiscal terms and in terms of work programs for the ensuing fiscal year. It shall outline the proposed financial policies of the Town, and shall include such other materials, as the Town Manager deems necessary. The authorized expenditures outlined in the operating budget may not

- exceed an amount greater than the total of estimated income plus funds available to the Town from any source.
- 2) The budget shall contain information as may be required by State law, the Council or as deemed appropriate by the Town Manager.
 - 3) The adoption of an operationally balanced budget shall be required. An operationally balanced budget shall be defined as a budget in which on-going revenues equal or exceed on- going expenditures and one-time expenditures may be funded with an undesignated fund balance. The budget should assume, for each fund, operating revenues that are equal to or exceed operating expenditures.
 - 4) A budget message explaining the budget both in fiscal terms and in terms of the work programs shall be submitted with the budget. It shall outline the proposed financial policies of the Town for the ensuing fiscal year and the impact of those policies on future years. It shall describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the Town's debt position, including factors affecting the ability to raise resources through debt issues; and include such other material as the Town Manager deems desirable.
 - 5) Unless otherwise noted in the annual budget document, annual-fixed dollar budgets will be adopted for all funds except capital funds, grant funds, donation funds, and impact fee fund, Council approved operating project funds and trust funds for the period beginning October 1 and ending September 30 of the following year.
 - 6) Budgets for capital and Council approved operating project funds are adopted based on the anticipated timeline for completion of the project and not on a fiscal year basis.
 - 7) The Town Manager and staff shall develop a budget calendar that will be presented to the Council at the start of the budget development process for each fiscal year. The calendar will provide a potential schedule that includes an initial presentation/discussion regarding the selection of the Council's budget priorities and focuses for the year and workshops to discuss departmental goals and requests, the Town's Capital Improvement Program, and projected revenues and expenditures. This calendar should also include the date the Town Manager will deliver the proposed budget to Council, a proposed date for the calling and holding of a public hearing, and a date for the adoption of the budget by Council. This calendar will be subject to Council feedback, direction, and changes.

- 8) To protect the Town's fiscal integrity, the Town will maintain a diversified and stable revenue system to shelter it from fluctuations in any one revenue source. Recognizing that sales tax is a volatile, unpredictable source of revenue, the Town will attempt to reduce its dependence on sales tax revenue.
- 9) The Town will pursue a policy of maintaining the lowest possible property tax rate for residents while ensuring the quality and effective delivery of core services to residents and the successful implementation of Town Council approved goals, objectives, programs, and projects. The Town will seek to develop a budget that will, among other goals, utilize resources to encourage increases in commercial property taxes that increase the commercial proportion of the property tax burden while decreasing the proportion for residents.
- 10) The budget will provide an estimate of all revenue from taxes and other sources. Annual estimates of revenue in both the general and enterprise funds shall be based on a historical trend analysis and a reasonable expectation of growth. A conservative approach shall be observed in estimating revenues so that revenue estimates will not be overstated.
- 11) Water and Wastewater Enterprise Fund revenues will be budgeted based on a normalized year, with reasonable estimates of customer growth and not on the basis of forecasted above- average rainfall (wet year) or below-average rainfall (dry year).
- 12) Budgets of Enterprise and Internal Service Funds shall be self-supporting, meaning on-going revenues must equal or exceed on-going expenditures and one-time expenditures must be funded with one-time revenues.
- 13) The budget shall include a list of itemized expenditures organized by category for each department within the Town and include projected expenditures for the current fiscal year, expenditure projections for the upcoming fiscal year, and, if available, actual expenditures for the two fiscal years prior to the current fiscal year.
- 14) Unless stated otherwise, the Town will estimate the cost of existing and ongoing positions and programs by utilizing the prior fiscal year expenditures for existing positions and programs and then applying a 5% increase to account for inflation.
- 15) Estimates for new expenditures should utilize historical data and estimates from reliable sources, such as costs provided or estimated by other government entities or through a contractor engaged by the Town for the purpose of identifying potential costs of a proposed expenditure.

- 16) New positions and programs funded in annual budgets will be disclosed at their full annual cost in the initial and subsequent years of funding, or at the respective full-time equivalent costs for new positions. Even if the positions and/or programs are anticipated to begin mid-year, the full annual costs, or the full-time equivalent costs for new positions will be disclosed in the budget. Positions that are temporarily vacant will also be disclosed at their full annual cost in the annual budget.
- 17) When estimating the salary for new full-time equivalent positions within the Town, the Town will estimate the salary for these positions at no less than the 50th percentile (median) of the market, unless otherwise directed by the Town Council. The market estimate for salaries will be provided by a firm contracted with the Town to provide a market study of salary and benefit information.
- 18) Estimates for the cost of benefits for employees will be provided by the Town's contracted benefit provider(s) and/or coordinator.
- 19) User charges, rates, and fee revenues will be established at a level that is related to recovering the cost of providing the service.
- 20) Rates for water and wastewater enterprise activities shall be maintained at levels sufficient to ensure that annual revenues will be available to pay all direct and indirect costs for maintaining and providing services, including costs of operation, the securing of the necessary wholesale water and sewer capacity from regional providers, capital improvement, system maintenance, and any principal and interest requirements.
- 21) The Town recognizes the obligation to provide water and wastewater services to customers as economically as possible, while also maintaining the fiscal integrity of the Water and Wastewater fund; therefore, the Town will seek to pass through (recover) increases in water supply costs and wastewater treatment services from the Town's providers to customers of the Town of Northlake. To mitigate the magnitude of any rate increase necessary for the Water and Wastewater Fund and to ensure the adequate collection of revenues for services, the Town will contract with a reputable firm to conduct a cost-of-service study at least once every three years.
- 22) The budget will include a list of capital projects that are proposed to be undertaken within the next 10 years. Information should include the purpose of/need for the project, estimated costs, funding mechanism (if known), estimated start and end year, and estimated on-going maintenance and operational costs upon completion of the project.

- 23) The budget will include a description of the Town's debts, the projects supported by debt, and a schedule for the payment of principal and interest for the Town's debt.
- 24) For each fund, the budget will provide a description of each fund, expected revenues and expenditures, the fund's ending fund balance for prior, current, and upcoming fiscal years, and a list of any expected expenditures by category.
- 25) The budget shall seek to integrate performance measures, goals and objectives, service levels and productivity measure where appropriate, and provide a means of measuring and monitoring performance, goals, and productivity. Departmental budgets should seek to develop performance measures and goals that support the goals and objectives outlined in the Town's strategic plan.
- 26) The budget shall be maintained at the legal level of control which is the department within the individual fund. Expenditures may not exceed the legal level of control at the department level with an individual fund without approval of the City Council.
- 27) All budget appropriations (except for Council approved capital and operating project funds) lapse at fiscal year-end (September 30) and the Town shall strive to minimize any encumbrances at year-end. Any encumbered appropriations at year-end may be reappropriated by a budget amendment in the ensuing fiscal year.
- 28) The Town will strive to receive and retain the Distinguished Budget Presentation Award presented annually by the Government Finance Officers Association (GFOA)

D. PUBLIC HEARING:

- 1) At least one public hearing shall be conducted before the Town Council to allow interested citizens to express their opinion concerning items of expenditure. The Council shall cause notice to be published as required by State law prior to any required public hearing on the budget. The notice must state the time and place where copies of the message and budget are available for inspection by the public, and the time and place of any public hearing on the budget.

E. BUDGET ADOPTION:

- 1) Following the public hearing, the Town Council shall analyze the budget, making any additions or deletions which they feel appropriate, and shall adopt the budget prior to the beginning of the next fiscal year (October 1). The Council, by

majority vote of the entire membership, shall adopt the budget. Adoption of the budget shall constitute appropriations of the amount specified therein as expenditures from the fund indicated and shall constitute a levy of the property tax therein proposed.

F. MISCELLANEOUS:

- 1) Errors or defects in the form or preparation of the budget or the failure to perform any procedural requirements shall not nullify the tax levy or the tax rate.
- 2) Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered.
- 3) If the Council fails to adopt the budget in accordance with State law, the amounts appropriated for the prior fiscal year just completed shall be deemed adopted for the ensuing fiscal year on a month- to-month basis with all items in it pro-rated accordingly until such time as the Council adopts a budget for the ensuing fiscal year.
- 4) Copies of the approved budget shall be filed with the Town Secretary and shall be public record available to the public for inspection upon request.
- 5) Specified reserve funds may be created for specific purposes and may be used only for such purposes.

G. TRANSFERS:

- 1) During the fiscal year, the Council shall have the power to transfer funds allocated by the budget to one activity, function, or department to another activity, function, or department, and to re-estimate revenues and expenditures.

H. BUDGET AMENDMENT:

- 1) The Council may adopt the budget with or without amendment at a regular or special meeting. In amending the budget, it may add or increase any programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income plus funds available from prior years.
- 2) Conditions which may arise and which could not reasonably have been foreseen in the normal process of planning the budget, the Council may, by the affirmative vote of a majority of the full membership of the Council, amend or change the

budget to provide for any additional expense in which the general welfare of the citizenry is involved. These amendments shall be by ordinance, and shall become an attachment to the original budget. The amendments may be made effective immediately upon adoption of the ordinance.

III. CAPITAL BUDGET:

- 1) The Capital improvement planning and budgeting process will occur under the direction of the Town Manager and those selected by the Town Manager. The Town Manager and selected staff will coordinate to develop a capital improvement plan and annual budget that will be presented for review, feedback, and approval by Council. The plan and annual budget should identify projects that will maintain and improve the quality of life and effective delivery of core services to residents, as well as encouraging economic development that will increase future revenues for the Town. Selected projects should be in accordance with the Town Council's strategic plan, goals, and objectives and should avoid creating the need for an increase in the Town's tax rate.
- 2) The Town will develop and maintain a comprehensive 10-year plan for capital improvements. This plan will be presented to and reviewed by the Town Council annually and will be subject to their feedback and direction. A schedule for brief, regular updates as to the status of projects contained within the plan and capital budget should also be provided to the Council at the direction of the Town Manager and/or the request of the Town Council.
- 3) Capital improvements for planning purposes shall be considered as all land, land improvements, building projects, infrastructure (i.e., streets, water, and wastewater improvements) and equipment exceeding one hundred thousand dollars (\$100,000) in cost.
- 4) Prior to the inclusion of a project in the capital improvement plan and capital budget, the Finance Director and selected staff will provide an assessment of the Town's fiscal capacity for supporting the project and the project's impact on the Town's long-term financial health and plans.
- 5) For each project, the capital improvement plan and budget should include the project's purpose and planned impact on the community, estimated project costs, estimated annual maintenance and operation costs following completion of the project, estimated project start and end years, and actual or proposed project funding sources.
- 6) Annual maintenance and operation costs following the completion of a project

should be projected into future years. The capital budget will utilize the initial estimate of maintenance and operation costs as the base year. Each out year that an estimate will be provided for will be inflated by 5% for each subsequent fiscal year based on the prior fiscal year. Maintenance and operation costs should be reflected in the operating fund that will be impacted upon completion of the project. Capital improvement projects for facilities managed by the Town should include the estimated annual costs for managing, equipping, operating, maintaining, and insuring of the facility in the impacted operating fund.

- 7) All capital improvements included in the capital budget should be made in accordance with the 10- year plan as adopted or reviewed by the Town Council.
- 8) The Town Council shall adopt an annual capital budget that is based on the 10-year capital improvement plan. This capital budget shall identify the sources of funding for each capital project authorized for the ensuing fiscal year. Assessments and pro-rate charges may be applied where applicable to fund capital projects.
- 9) The Town's capital improvement program and budget shall be coordinated with the operating budgets. Operating costs associated with each capital improvement project should be identified in the capital budget and included in the appropriate operating budget if the project is authorized.
- 10) Interest earnings on bond proceeds shall be credited to the appropriate bond fund and will be used to help with future debt management.
- 11) Projects that are financed through debt must be in accordance with the Town's debt policy. The length of the debt must match the useful life of the asset. The Town will avoid assuming debt to a capital project that will outlast the useful life of the asset.
- 12) When possible and advisable, the Town will develop a capital budget that will seek to make higher initial payments for capital projects funded by debt to reduce the amount of interest paid over the life of the debt and to allow for increased capacity for the funding of other projects and programs in future years.
- 13) The Town will measure and track the condition of infrastructure and the degree to which the Town is meeting infrastructure replacement needs. The Town will utilize this information to develop long- term financial plans and to make timely infrastructure repairs and replacements to avoid additional repairs and/or long-term damage, as well as maximizing the useful life of the asset.
- 14) The Town Council may establish, by resolution, policies, and procedures for prioritizing capital project improvements, establishing a reserve for projects, and the funding of projects in accordance with the provisions of the Town's Financial

Management Policies

- 15) An appropriation for capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned. The purpose of any such appropriation shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation. Any funds not expended, disbursed, or encumbered shall be deemed excess funds.

IV. DEBT:

A. AUTHORITY TO INCUR INDEBTEDNESS:

- 1) The Council shall have the power to incur, create, refund and refinance indebtedness and borrow money for public purposes; to issue special or general obligation bonds, certificates of obligation, industrial bonds, revenue bonds, funding and refunding bonds, time warrants and any other evidences of indebtedness permitted by law, and to secure and pay the same in the manner and in accordance with the procedures provided and required by State law.

B. BONDS INCONTESTABLE:

- 1) All bonds of the Town having been issued and sold and having been delivered to the purchaser thereof, shall thereafter be incontestable and all bonds issued to refund in exchange for outstanding bonds previously issued shall and after said exchange, be incontestable.

C. BORROWING IN ANTICIPATION OF PROPERTY TAX:

- 1) In any budget year, the Council may, by resolution, authorize the borrowing of money in anticipation of the collection of the property tax for the same year whether levied or to be levied. Notes may be issued for periods not exceeding one (1) year and must be retired by the end of the budget year in which issued.

D. USE OF BOND FUNDS:

- 1) Any and all bond funds approved by a vote of the citizens of Northlake will be expended only for the purposes stated in the bond issue.

E. RESPONSIBILITY AND STANDARD OF CARE:

- 1) The Town Manager or their designee will coordinate all activities required for the

issuance of all debt.

F. DELEGATION:

- 1) The primary individuals who shall be involved in the development of financing recommendations will be the Town Manager and Finance Director.

G. CONFLICTS OF INTEREST:

- 1) All participants in the debt management process shall seek to act responsibly as custodians of public assets. Officers and employees involved in the debt management process shall refrain from personal business activity that could conflict with proper execution of the financing program, or which could impair their ability to make impartial financing decisions.

H. REPORTING:

- 1) The Finance Director shall prepare at least annually a report summarizing all debt outstanding by type, remaining balance of bond proceeds, update of arbitrage liability, and update of pertinent legislative changes.

I. INVESTOR RELATIONS

- 1) The City shall endeavor to maintain a positive relationship with the investment community. The Finance Director and the City's financial advisor shall, as necessary, prepare reports and other forms of communications regarding the City's indebtedness, as well as its future financing plans. This includes information presented to the press and other media. The information includes annual program of services, comprehensive annual financial report, financial plans, capital improvement plans, comprehensive development plans, etc.
- 2) All forms of media deemed appropriate and immediately available to the City will be utilized to disseminate information to all investors. Examples include Texas Municipal Report, The Bond Buyer, Nationally Recognized Municipal Security Information Repository and State Information Depository. Bond counsel will advise on the use of electronic media in connection with the City's debt program.

J. FINANCIAL ADVISOR:

- 1) The City shall retain an independent financial advisor for advice on the structuring of new debt, financial analysis of various options, the rating review process, marketing debt issues, marketability of City obligations, sale and post-sale services,

review of the official statement, and other services as necessary. The City will seek the advice of the financial advisor on an ongoing basis. The financial advisor will perform other services as defined by the agreement approved by the City Council.

K. BOND COUNSEL:

- 1) The City shall retain bond counsel for legal and procedural advice on all debt issues. Bond counsel shall advise the City Council in all matters pertaining to its bond ordinance(s) and/or resolution(s). No action shall be taken with respect to new obligations until a written instrument has been prepared by the bond attorneys certifying the legality of the proposal. The bond attorneys shall prepare all ordinances and other legal instruments required for the execution and sale of any bonds issued which shall then be reviewed by the Finance Director. The City will also seek the advice of bond counsel on all other types of debt and on any other questions involving federal tax or arbitrage law. Special counsel shall be retained to protect the City's interest in complex negotiations and comment review.

L. OFFICIAL STATEMENT

- 1) The preparation of the Official Statement is the responsibility of the financial advisor in concert with the City staff. Information for the Official Statement is gathered from departments/divisions throughout the City.
- 2) The City will take all appropriate steps to comply with the federal disclosure rules (i.e., Securities and Exchange Commission Rule 15C2-12). The City will provide annual and event disclosure to information repositories throughout the term of securities for the benefit of the primary and secondary municipal market.
- 3) It is recognized that the Official Statement is the City's document. Full participation by the City in its preparation is required.

M. DISCLOSURE

- 1) SEC rule 15c2-12 requires the City to provide updated financial information to the NRMSIR no later than 6 months after the fiscal year end. The annual report will contain updated tables originally set forth in legal documents accompanying each obligated bond issue. With each bond offering, and at least annually, in the preparation of Financial Reports or Official Statements of any bond prospectus, the City will follow a policy of full and complete disclosure of financial and legal

conditions of the City, in conformance with guidelines issued by the Government Finance Officers Association Disclosure Guideline, and as advised by disclosure counsel or financial advisor. Furthermore, all City finance and debt-related information which may appear in publicly distributed documents in anticipation of the issuance of bonds should be reviewed by the City Treasurer prior to distribution to ensure that the information is presented on an accurate and consistent basis.

- 2) Material Events - Securities and Exchange Commission (SEC) Rule 15c2-12 lists eleven events that, if material, must be reported in a timely fashion to each Nationally Recognized Municipal Security Information Repository (NRMSIR) or to the Municipal Security Rulemaking Board (MSRB) and to the appropriate State Information Depository (SID). Other event types may materialize as well.

Examples of events that must be reported, if material, are:

- Principal and interest payment delinquencies;
- Nonpayment related defaults;
- Unscheduled draws on debt service reserves reflecting financial difficulties;
- Unscheduled draws on credit enhancements reflecting financial difficulties;
- Substitution of credit or liquidity providers, or their failure to perform;
- Adverse tax opinions or events affecting the tax-exempt status of the security;
- Modifications to rights of security holders;
- Bond calls;
- Defeasances;
- Release, substitution, or sale of property securing repayment of the securities; 11. Rating changes.

Unofficially considered, the twelfth material event to be reported is the failure of any obligated person to provide the required annual financial information on or before the date specified in the related undertaking. According to the SEC, this requirement would be satisfied if a disclosure contract states that the annual information would be provided within a specified number of days after the fiscal year end.

- 3) Full disclosure of the operations will be made to the bond rating agencies. The City staff, with the assistance of the financial advisors and bond counsel, will prepare the necessary materials for and presentation to the rating agencies.

N. RATING AGENCY COMMUNICATIONS & CREDIT OBJECTIVES

- 1) The City will seek to maintain and improve its current bond rating so its borrowing costs are reduced to a minimum and its access to credit is preserved.

- 2) In conjunction with the financial advisor, the City shall maintain a line of communication with the rating agencies (Moody's, Standard & Poor's, and Fitch), informing them of major financial events in the City as they occur. The Annual Financial Report as well as other pertinent plans or policies shall be distributed to the rating agencies after they have been accepted/adopted by the City Council on an annual basis.
- 3) When necessary, a personal meeting with representatives of the rating agencies will be scheduled when a major capital improvement program is initiated, or to discuss economical and/or financial developments which might impact credit ratings. The following documents may be required for the rating agencies:
 - Most recent annual audit reports, including a description of accounting practices. Accounting changes in the past three years and the impact on financial results should be explained.
 - Current budget.
 - Current capital improvement program/plan.
 - Five year estimated revenues and expenditures
 - Official statements for new financings.
 - Description of projects being financed.
 - Sources and uses statement for project being financed. If additional funds are required to complete project, the source of the funds and any conditional requirements will be discussed.
 - Engineering and feasibility report (if applicable).
 - Zoning or land-use map (if applicable).
 - Cash flow statement, in the case of interim borrowing. Statement of long - and short- term debt with annual and monthly maturity dates as appropriate. Also, a report of any lease obligations, their nature and term.
 - Indication of appropriate authority for debt issuance
 - Investment policy (if applicable).
 - Statement concerning remaining borrowing capacity plus tax rate and levy capacity or other revenue capacity.

O. LIMITATIONS OF INDEBTEDNESS

- 1) City staff, in conjunction with the financial advisor and bond counsel, will produce a comprehensive analysis of debt capacity prior to issuing bonds. This document should cover a broad range of factors, including:

- Legal debt limits, tax or expenditure ceilings.
- Coverage requirements or additional bonds tests in accordance with bond covenants.
- Measures of the tax and revenue base, such as projections of relevant economic variables (e.g., assessed property values, employment base, unemployment rates, income levels, and retail sales).
- Population trends.
- Utilization trends for services underlying revenues.
- Factors affecting tax collections, including types of property, goods, or services taxed, assessment practices and collection rates, evaluation of trends relating to the City's financial performance, such as revenues and expenditures, net revenues available after meeting operating requirements.
- Reliability of revenues expected to pay debt service.
- Unreserved fund balance levels.
- Debt service obligations, such as existing debt service requirements.
- Debt service as a percentage of expenditures or tax or system revenues.
- Measures of debt burden on the community, such as debt per capita, debt as a percentage of personal income, debt as a percentage of full or equalized assessed property value, and overlapping or underlying debt.
- Tax-exempt market factors affecting interest costs, such as interest rates, market receptivity, and credit rating.

- 2) The City may issue any legal form of indebtedness through any sale method as designated under the Constitution and general laws of the State of Texas.

P. TYPES OF DEBT

- 1) The City's bond counsel and financial advisor will present the different types of debt best suited and legally permissible under state law for each debt issue. These types may include:
 - short-term vs. long-term debt,
 - general obligation vs. revenue debt,
 - fixed vs. variable rate debt,
 - lease-backed debt,
 - special obligation debt such as assessment district debt,
 - conduit issues, and
 - taxable debt;

- 2) The City will seek all possible federal and state reimbursement for mandated projects and/or programs. The City will pursue a balanced relationship between issuing debt and pay-as-you-go financing.
- 3) The City will match the term of long-term debt issued to the estimated useful life of the projects financed. Current operations will not be financed with long-term debt. Debt incurred to finance capital improvements will be repaid within the useful life of the project.
- 4) High priority will be assigned to the replacement of capital improvements when they have deteriorated to the point that they are hazardous, incur high maintenance costs, negatively affect property values, or no longer serve their intended purposes.
- 5) An updated Capital Improvement Plan will be presented to the City Council's Court for approval on an annual basis. This plan will be used as a basis for the long-range financial planning process.

Q. BOND STRUCTURE

- 1) Structural features that may be considered are:
 - maturity of the debt,
 - setting the maturities of the debt equal to or less than the useful life of the project,
 - use of zero coupon bonds, capital appreciation bonds, deep discount bonds, or premium bonds,
 - debt service structure (level debt service payments, level principal payments or other repayment structures defined by state law),
 - redemption provisions (mandatory, extraordinary, and optional call features),
 - use of credit enhancement,
 - use of senior lien and junior lien obligations, and
 - use of derivative products

R. SHORT-TERM DEBT

- 1) **General** –
 - Short-term obligations may be issued to finance projects or portions of projects for which the City ultimately intends to issue long-term debt; i.e.,

it will be used, when appropriate, to provide interim financing which will eventually be refunded with the proceeds of long-term obligations.

- Short-term obligations may be backed with a tax and/or revenue pledge or a pledge of other available resources.
 - Interim financing may be appropriate when long-term interest rates are expected to decline in the future. In addition, some forms of short-term obligations can be obtained quicker than long-term obligations and thus can be used until long-term financing can be obtained.
- 2) **Commercial Paper** - Due to the issuance costs associated with the marketing and placement of commercial paper in amounts of less than approximately \$25 million, it is not considered feasible for the City to issue this type of debt. Should the opportunity to participate in a commercial paper issuance pool present itself, the advantages and disadvantages shall be evaluated by the Debt Committee.
- 3) **Anticipation Notes** - Anticipation notes empower municipalities to issue debt without giving notice of intent. Anticipation notes may be secured and repaid by a singular pledge, but not a plural pledge, of revenue, taxes, or the proceeds of a future debt issue. Anticipation notes may be authorized by an ordinance adopted by the City Council.

Anticipation notes may be used to finance projects or acquisitions that could also be financed with Certificates of Obligation.

Anticipation notes have several restrictions, which include:

- Anticipation notes issued for general purposes must mature before the seventh anniversary of the date the attorney general approves the issue,
- Anticipation notes may not be used to repay interfund borrowing or a borrowing that occurred up to/or more than 24-months prior to the date of issuance,
- A governing body may not issue anticipation notes that are payable from bond proceeds unless the proposition authorizing the issuance of the bonds has already been approved by the voters.

S. LONG-TERM DEBT

1) General

- Proceeds from the sale of long-term obligations will not be used for operating purposes, and the life of the obligations will not exceed the

estimated useful life of the projects financed. A level debt service structure will be used unless operational matters and marketing considerations dictate otherwise.

- The cost of issuance of private activity bonds is usually higher than for governmental purpose bonds. Consequently, private activity bonds will be issued only when they will economically benefit the City.
- The cost of taxable debt is higher than for tax-exempt debt. However, the issuance of taxable debt may be more appropriate in some circumstances and may allow valuable flexibility in subsequent contracts with users or managers of the improvement constructed with the bond proceeds. Therefore, the City will usually issue tax-exempt obligations but may occasionally issue taxable obligations.
- The City shall use an objective analytical approach to determine whether it can afford to assume new general purpose debt beyond what it retires each year. The process shall take into consideration any potential impact to the City's credit ratings, the growth in the City's taxable assessed value, and the targeted debt service tax rate. The process shall also examine the direct costs and benefits of the proposed expenditures. The decision on whether or not to assume new debt shall be based on these costs and benefits, the current conditions of the municipal bond market, and the City's ability to "afford" new debt as determined by the aforementioned standards.

T. GENERAL OBLIGATION BONDS

- 1) Long-term general obligation or revenue bonds shall be issued to finance significant and desirable capital improvements. The City will comply with all election rules and provisions as set for the under the Constitution and State laws.
- 2) All bonds will strive to have an average life of approximately fifteen (15) years or less.
- 3) A resolution of intent to issue bonds authorizing staff to proceed with preparations shall be presented for the consideration of the City Council's Court when the capital budget is presented or as soon thereafter as reasonably possible.

U. CERTIFICATES OF OBLIGATION

- 1) Certificates of Obligation may be issued without a public election to finance any public work project or capital improvement, as permitted by State law. However, it is the policy of the City to utilize Certificates of Obligation to finance public

improvements only in special circumstances and only after determining the City's ability to assume additional debt based on the standards identified above. Those special circumstances in which Certificates might be issued include, but are not limited to, situations where:

- Cost overruns on general obligation bond-financed capital improvement have occurred;
- "Emergency" conditions require a capital improvement to be funded rapidly
- Financial opportunities unexpectedly arise to leverage funds from other entities and reduce the City's capital cost for a community improvement;
- A capital improvement is a revenue-producing facility, but due to the nature of the project or the time it takes for the facility to become operations and produce revenues, the improvement may not generate sufficient revenues throughout the life of the improvement to support the indebtedness secured by the revenues to be produced by the improvement;
- It would be more economical to issue Certificates of Obligation rather than issuing revenue bonds; and
- The timing of the construction of a capital improvement and the expense of calling a bonds election for a single proposition would, in the opinion of the staff and with the approval of the City Council's Court, warrant the issuance of Certificates of Obligation to finance the capital improvement.

V. REVENUE BONDS

- 1) In addition to the policies set forth above, when cost-beneficial and when permitted under applicable ordinances, the City may consider the use of surety bonds, lines of credit, or similar instruments to satisfy mandated debt service fund requirements on outstanding and/or proposed revenue bonds.

W. REFUNDING AND RESTRUCTURING OPTIONS

- 1) The City staff shall monitor the municipal bond market for opportunities to obtain interest savings by refunding outstanding debt. As a general rule, the present value savings of a particular refunding should exceed 3.0% of the par amount of the refunded maturities unless otherwise designated by the City Council. The City may from time to time, evaluate restructuring options without the limit of present value savings as designated necessary by the City staff and City Council.

X. METHOD OF SALE

- 1) **Competitive Sale** - When feasible and economical, obligations shall be issued by competitive rather than negotiated sale. Favorable conditions for a competitive method of sale include the following:
 - The market is familiar with the issuer, and the issuer is a stable and regular borrower in the public market.
 - An active secondary market with a broad investor base for the issuer's bonds. The issue is neither too large to be easily absorbed by the market nor too small to attract investors without a concerted sales effort.
 - The issue is not viewed by the market as carrying overly complex features or requiring explanation as to the bonds' soundness.
 - Interest rates are stable, market demand is strong, and the market is able to absorb a reasonable amount of buying or selling at reasonable price changes.
- 2) **Negotiated Sale** - Bonds issued for the purpose of refunding and/or restructuring outstanding debt may appropriately be sold on a negotiated basis when maximum flexibility is required in order for the City to respond to day-to-day nuances in the marketplace and other complications peculiar to the issuance of refunding debt.

The City will present the reasons and will actively participate in the selection of the underwriter or direct purchaser. In a negotiated sale, the underwriter may be selected through a request for proposals (RFP) or because of a relationship established by previous debt transactions. The criteria used to select an underwriter in a negotiated sale should include the following:

- Overall experience
 - Marketing philosophy
 - Capability
 - Previous experience as managing or co-managing partner
 - Financial statement
 - Public finance team and resources
- 3) **Private Placement** - When cost-beneficial, the City may privately place its debt. The opportunity may be identified by the financial advisor. A placement agent may be engaged when necessary for this type of debt.

- 4) **Bidding Parameters** - The notice of sale will be carefully constructed so as to ensure the best possible bid for the City, in light of existing market conditions and other prevailing factors. Parameters to be examined include:

- Limits between lowest and highest coupons
- Coupon requirements relative to the yield curve
- Method of underwriter compensation, discount, or premium coupons
- Use of true interest cost (TIC) versus net interest cost (NIC)
- Use of bond insurance
- Deep discount bonds
- Variable rate bonds
- Call provisions

Y. INVESTMENT OF BOND PROCEEDS

- 1) **Strategy** - The City should actively monitor its investment practices to ensure maximum returns on its invested bond funds while complying with Federal arbitrage guidelines. Specific investment strategies for the investment of bond proceeds are provided in the City's investment policy.
- 2) **Arbitrage Compliance** - The City will follow a policy of full compliance with all arbitrage rebate requirements of the federal tax code and Internal Revenue Service regulations, and will perform (internally or by contract consultants) arbitrage rebate calculations for each issue subject to rebate on an annual basis. All necessary rebates will be filed and paid when due.
- 3) **Arbitrage Liability Management** – The Finance Director, or a designated employee, will maintain a system for tracking arbitrage rebate liability and ensuring that required calculations are performed on a timely basis. These calculations will be performed annually. Funds should be set aside in anticipation of potential rebate liabilities. Due to the complexity of the arbitrage calculations and regulations, and to the severity of the penalties for noncompliance, the advice of Bond Counsel, Investment Advisors, and qualified experts will be pursued on an ongoing basis.

V. PURCHASING:

A. PURCHASING AUTHORITY:

- 1) The Council may confer upon the Town Manager general authority to contract for expenditures without further approval of the Council for all budgeted items not exceeding limits set by Council or State law. All contracts for expenditures involving more than the set limits must be approved by Council. All contracts or

purchases involving more than the set limits, shall be let as provided by law or ordinance; provided that the Council, or Town Manager in such cases as he is authorized to contract for the Town, shall have the right to reject any and all bids. Emergency contracts as authorized by law may be negotiated by the Council, or Town Manager if given authority by the Council, without competitive bidding. Such emergency shall be declared by the Town Manager and approved by Council or may be declared by the Council.

B. PAYMENTS AND OBLIGATIONS PROHIBITED:

- 1) No payment shall be made or obligation incurred except those specifically allowed for in the budget. Any authorization of payment or incurring of any such obligation in violation of the provisions of this Charter will be void and any payment so made will be illegal. Such action may be the cause, at the discretion of the Town Manager, or the Council in reference to the Town Manager, for the removal of any officer who knowingly authorized or made such payment or incurred such obligation. However, this prohibition shall not be construed to prevent the making or authorizing of payment, or the making of contracts for, payments beyond the end of the fiscal year, provided that such action is made or approved by an ordinance.
- 2) The basic function of a purchasing system is to support and enhance the delivery of Town services. The optimum performance of this function requires that the purchasing system continually provide departments of the Town with proper quality as well as proper quantity of requested commodities within an acceptable time frame, at the lowest cost.

C. PURCHASES NOT SUBJECT TO COMPETITIVE BIDDING:

- 1) Purchases less than \$50,000 are not subject to the statutory competitive bid process (see below, Purchases subject to competitive bidding).
- 2) Purchases less than \$3,000 require approval by the Department Director or designee, and do not require competitive price quotations or an authorized requisition and purchase order.
- 3) Invoice payment requests less than \$3,000 should be signed, coded (with a general ledger account number), and turned into the Finance Department for payment.
- 4) If the vendor is not currently active with the Town, provide them with a vendor packet to be completed and submitted to the Finance Department. Payment

cannot be remitted until vendor packet is received.

D. PURCHASES \$3,000 AND ABOVE REQUIRE:

- 1) Compliance with the States Historically Underutilized Business (HUB) requirement and/ or:
 - Three written quotes from vendors,
 - Completed and authorized Requisition Form.
 - If the successful vendor is not currently active with the Town, provide them with a vendor packet to be completed and submitted to the Finance Department.
 - The Town Accountant will issue a Purchase Order after receiving:
 - An electronic Purchase Order request authorized by the Department Director;
 - Supporting written quotes including compliance with the States HUB requirements;
 - Vendor packet (if not a current vendor).
 - Requisitions for purchases in excess of \$10,000 also require Town Manager approval. If funds have not been specifically budgeted in the current budget year, then they must be expressly authorized and approved by separate action of the Town Council.
 - Requisitions for purchases in excess of \$50,000 require Town Council approval.

E. PURCHASES SUBJECT TO COMPETITIVE BIDDING:

- 1) Purchases in excess of \$50,000 shall be competitively bid and awarded only by the Town Council. Sequential or component purchases exceeding \$50,000 during any fiscal year period shall be deemed as meeting the competitive bidding requirements of this Policy.

F. PROCUREMENT OF PROFESSIONAL SERVICES:

- 1) Contracts for professional services shall comply with the Professional Services Procurement Act, Government Code, Section 2254, and subsequent

amendments. The following guidelines shall apply to procurement of professional services.

- 2) Professional services may not be awarded on the basis of competitive bidding.
- 3) Professional services must be awarded on the basis of demonstrated competence and qualifications.
- 4) The Town Manager may authorize and approve professional services of \$50,000 or less during a fiscal year period, without specified Town Council approval, provided available funds are budgeted therefore. Approval of professional services greater than \$50,000 require council approval.
- 5) The Town Council shall authorize any professional service contract which will exceed \$50,000 during a fiscal year period, on the basis of the above criteria.

G. COOPERATIVE PURCHASING:

- 1) Whenever it is determined to be advantageous to the Town, cooperative purchasing with other local governmental agencies may be used. Requester must provide contract number. Such cooperative agreements shall be approved by all governing bodies for each local agency participating in any purchasing cooperative. The provisions of the Local Government Code (Subchapter D, Sections 271.081 through 271.083) shall apply.

H. FEDERAL FUNDS:

- 1) When federal funds are involved in the procurement of goods, services, or construction the purchasing function will be centralized through the Finance Director or Purchasing Officer. The procurement will follow federal procedures and procurement guidelines as detailed in 2 CFR 200.218-200.327.

I. EXCEPTIONS TO POLICY:

- 1) Emergency procurements, professional services, purchases of land, items available from only one source, etc. are exceptions to the competitive bidding requirements for purchases and shall comply with Local Government Code, Section 252.022.

J. AUTHORIZATION AND APPROVAL OF CHANGE ORDERS:

- 1) Authorization and approval of change orders shall follow the same dollar limitations and requirements as provided above in Section 3(a) and (b). The

Town Council hereby grants the Town Manager authority to execute any and all change orders which involve a decrease or an increase of up to \$50,000 or 25% of the original contract, provided the total contract expenditures remain within the budgeted amount.

K. VENDOR PACKETS:

- 1) Vendor packets are a crucial part of the accounts payable system. They allow for fraud prevention by providing vendor contact information that allows for the authentication of vendor file changes. All active vendors must have a complete vendor packet containing: the vendor management page, a signed W-9, and a conflict of interest disclosure questionnaire. Vendor Packets will be updated annually with all vendors.

VI. INDEPENDENT AUDIT:

A. INDEPENDENT AUDIT:

- 1) At the close of each fiscal year, and at such times as it may be deemed necessary, the Council shall cause an independent audit to be made of all accounts of the Town by a Certified Public Accountant. The Certified Public Accountant shall be chosen by the Council and shall have no personal interest, directly or indirectly, in the financial affairs of the Town or any of its officers. Upon completion of the audit, the results thereof in a summary form shall be presented to the Council. A copy of the Audit shall be made available to the public for inspection upon request.

VII. FUND BALANCE:

A. COMMITTED FUND BALANCE:

- 1) The Town Council will identify fund balance commitments through resolution, as committed fund balances can only be used for specific purposes as determined. The resolution must either be approved or rescinded, as applicable, prior to the last day of the fiscal year for which the commitment is made. The amount subject to the constraint may be determined in the subsequent period.

B. ASSIGNED FUND BALANCE:

- 1) The Town Council has authorized the Town Manager as the official authorized to assign fund balance to a specific purpose as approved by this fund balance policy.

C. MINIMUM RESERVE (UNASSIGNED FUND) BALANCE:

- 1) It is the goal the Town achieves and maintain an reserve (unassigned fund) balance in the general fund equal to 33% of annual operating expenditures.
- 2) The Town considers a balance of less than 33% to be cause for concern, barring unusual or deliberate circumstances.
- 3) If reserve (unassigned fund) balance falls below the goal, or has a deficiency, the Town will through the annual budget process, will weigh upcoming needs of the Town against the 33% fund balance goal as based on available and forecasted resources.
- 4) There may be circumstances that warrant reserve (unassigned fund) balances of below 33% of annual expenditures.

D. ORDER OF EXPENDITURE OF FUNDS:

- 1) When multiple categories of fund balance are available for expenditure (i.e. a project funded partly by a grant, funds set aside by the Town Council and unassigned fund balance) the Town will start with the most restricted category and spend those funds first before moving down the next category with available funds unless otherwise designated.

APPENDIX A: DEFINITIONS

- 1) **Amortization** - The planned reduction of a debt obligation according to a stated maturity or redemption schedule.
- 2) **Arbitrage** - The gain which may be obtained by borrowing funds at a lower (often tax-exempt) rate and investing the proceeds at higher (often taxable) rates. The ability to earn arbitrage by issuing tax-exempt securities has been severely curtailed by the Tax Reform Act of 1986, as amended.
- 3) **Average Life** - The average length of time debt is expected to be outstanding.
- 4) **Bid Form** - The document used by an underwriter to submit his bid at a competitive sale or private placement.
- 5) **Bond** - A security that represents an obligation to pay a specified amount of money on a specific date in the future, typically with periodic interest payments.
- 6) **Bond Counsel** - An attorney (or firm of attorneys) retained by the issuer to give a legal opinion concerning the validity of the securities. The bond counsel's opinion usually addresses the subject of tax exemption. Bond counsel may prepare, or review and advise the issuer regarding authorizing resolutions or ordinances, trust indentures, official statements, validation proceedings and litigation.
- 7) **Bond Insurance** - Bond insurance is a type of credit enhancement whereby a monoline insurance company indemnifies an investor against a default by the issuer to pay principal and interest in-full and on-time. Once assigned, the municipal bond insurance policy generally is irrevocable. The insurance company receives an up-front fee, or premium, when the policy is issued.
- 8) **Capital Lease** - The acquisition of a capital asset over time rather than merely paying a rental fee for temporary use. A lease-purchase agreement, in which provision is made for transfer of ownership of the property for a nominal price at the scheduled termination of the lease, is referred to as a capital lease.
- 9) **Commercial Paper (Tax-Exempt)** - By convention, short-term, unsecured promissory notes issued in either registered or bearer form with a stated maturity of 270 days or less.
- 10) **Competitive Sale** - A sale of securities in which the securities are awarded to the bidder who offers to purchase the issue at the best price or lowest cost.
- 11) **Credit Enhancements** - Credit enhancements are mechanisms which guarantee

principal and interest payments. They include bond insurance and a line or letter of credit. A credit enhancement, while costly, will usually bring a lower interest rate on debt and a higher rating from the rating agencies, thus lowering overall costs. Cost effectiveness of credit enhancement will be evaluated for each debt issue.

- 12) **Debt Service** - The amount necessary to pay principal and interest requirements on outstanding bonds for a given year or series of years.
- 13) **Debt Service Reserve Fund** - The fund into which moneys are placed which may be used to pay debt service if pledged revenues are insufficient to satisfy the debt service requirements. The debt service reserve fund may be entirely funded with bond proceeds, or it may only be partly funded at the time of the issuance and allowed to reach its full funding requirement over time, due to the accumulation of pledged revenues. A surety policy may be substituted for cash funding of a reserve fund. If the debt service reserve fund is used in whole or part to pay debt service, the issuer usually is required to replenish the funds from the first available funds or revenues. A typical reserve requirement might be the maximum aggregate annual debt service requirement for any year remaining until the bonds reach maturity. The size of the reserve fund, and the manner in which it is invested, may be subject to arbitrage regulations.
- 14) **Defeasance** - Providing for payment of principal of premium, if any, and interest on debt through the first call date or scheduled principal maturity in accordance with the terms and requirements of the instrument pursuant to which the debt was issued. A legal defeasance usually involves establishing an irrevocable escrow funded with cash and/or U.S. government obligations. Refunding bonds may be issued to generate proceeds for the escrow.
- 15) **Official Statement (OS)** - A document published by the issuer which generally discloses material information on a new issue of municipal securities including the purposes of the issue, how the securities will be repaid, and the financial, economic and social characteristics of the issuing government. Investors may use this information to evaluate the credit quality of the securities.
- 16) **General Obligation Debt** - Debt that is secured by a pledge of the ad valorem taxing power of the issuer. Also known as a full faith and credit obligation.
- 17) **Junior Lien Bonds** - Bonds which have a subordinate claim against pledged revenues.
- 18) **Letter of Credit** - Bank credit facility whereby a bank will honor the payment of an issuer's debt, in the event that an issuer is unable to do so, thereby providing an additional source of security for bondholders for a predetermined period of time. A letter of credit often is referred to as an L/C or an LOC. Letter of Credit can be issued

on a "stand-by" or "direct pay" basis.

- 19) **Level Debt Service** - When annual payments are substantially the same each year.
- 20) **Line of Credit** - Bank credit facility wherein the bank agrees to lend up to a maximum amount of funds at some date in the future in return for a commitment fee.
- 21) **Municipal Securities Rulemaking Board (MSRB)** - A self-regulating organization established on September 5, 1975 upon the appointment of a 15-member Board by the Securities and Exchange Agreement. The MSRB, comprised of representatives from investment banking firms, dealer bank representatives, and public representatives, is entrusted with the responsibility of writing rules of conduct for the municipal securities market. New Board members are selected by the MSRB pursuant to the method set forth in Board rules.
- 22) **Negotiated Sale** - A sale of securities in which the terms of sale are determined through negotiation between the issuer and the purchaser, typically an underwriter, without competitive bidding.
- 23) **Net Interest Cost** - The average interest cost of a bond issue calculated on the basis of simple interest.
- 24) **Present Value** - The value of a future amount or stream of revenues or expenditures in current dollar
- 25) **Refunding** - A process of selling a new issue of securities to obtain funds needed to retire existing securities. An advance refunding is a refunding that occurs more than 90 days before the call date of the refunded bonds. A current refunding is a refunding that occurs within 90 days of the call date of the refunded bonds Debt refunding is done to extend maturity, change covenants, and/or to reduce debt service cost.
- 26) **Revenue Bond** - A bond which is payable from a specific source of revenue and to which the full faith and credit of an issuer with taxing power is not pledged. Revenue bonds are payable from identified sources of revenue, and do not permit the bondholders to compel a jurisdiction to pay debt service from any other source. Pledged revenues often are derived from the operation of an enterprise activity. Generally, no voter approval is required prior to issuance of such obligations.
- 27) **Senior Lien Bonds** - Bonds having a prior, or first claim on pledged revenues.
- 28) **Surety Bond** - A bond guaranteeing performance of a contract or obligation.
- 29) **True Interest Cost (TIC)** -An expression of the average interest cost in present value

terms. The true interest cost is a more accurate measurement of the bond issue's effective interest cost and should be used to ascertain the best bid in a competitive sale.

- 30) **Variable Rate Bond** - A bond on which the interest rate is reset periodically, usually no less often than semi-annually. The interest rate is reset either by means of an auction or through an index.
- 31) **Fund Equity**- A fund's equity is generally the difference between its assets and its liabilities.
- 32) **Fund Balance** - An accounting distinction is made between the portions of fund equity that is spendable and non-spendable.
- 33) **Non-spendable fund balance** - includes amounts that are not in a spendable form or are required to remain intact.
- 34) **Restricted fund balance** - includes amounts that can be spent only for the specific purposes stipulated by an external resource provider, either constitutionally or through legislation.
- 35) **Committed fund balance** - includes amounts that can be used only for the specific purposes determined by a formal action of the Council. Commitments may be changed or lifted only the Council taking the same formal action that imposed the constraint originally.
- 36) **Assigned fund balance** - comprises amounts intended to be used by the government for specific purposes. Intent can be expressed by the Council or by an official or body to which the Council delegates authority. In governmental funds other than the general fund, assigned fund balance represents the amount that is not restricted or committed. This indicates that resources in other governmental funds are, at a minimum, intended to be used for the purpose of that fund.
- 37) **Reserve (Unassigned fund) balance** - is the residual classification of the general fund and includes all amounts not contained in other classifications. Unassigned amounts are technically available for any purpose.

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: July 25, 2024

Section: 5. ACTION ITEMS

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: July 25, 2024

REF. DOC.: Design-Build Agreement with Lee Lewis Construction, Inc.

SUBJECT: Consider a Resolution of the Town of Northlake, Texas, approving and authorizing the Town Manager to execute Amendment No. 1 to the Design-Build Agreement with Lee Lewis Construction, Inc., for the Dallas Stars Multi-Sports Center Project to establish the Guaranteed Maximum Price ("GMP") for early civil work, in an amount not to exceed \$6,262,644.00

**GOALS/
OBJECTIVES:** Promote Economic Vitality; 6.3 - Build out sports and entertainment corridor

BACKGROUND INFORMATION:

- Town entered into design-build contract with Lee Lewis Construction for Dallas Stars Multi-Sports Center Project
- Phasing of construction proposed to begin with early civil work:
 - All water, sewer, and storm utilities to serve facility
 - \$2.2 million allowance included per change order directive for additional sanitary sewer improvements
 - Includes earthwork needed in preparation for building
 - Moisture-conditioned building pad
 - Subgrade prep for all parking
 - Additional grading required to meet final design and not covered by mass grading project
- Guaranteed Maximum Price (GMP) for this work is \$6,262,644

COUNCIL ACTION/DIRECTION:

Approve GMP for early civil work in an amount not to exceed \$6,262,644.00



**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 AMENDMENT NO. 1 TO THE DESIGN-BUILD AGREEMENT WITH LEE LEWIS CONSTRUCTION, INC., FOR THE DALLAS STARS MULTI-SPORTS CENTER PROJECT TO ESTABLISH THE GUARANTEED MAXIMUM PRICE ("GMP") FOR EARLY CIVIL WORK, IN AN AMOUNT NOT TO EXCEED \$6,262,644.00

WHEREAS, the Town Council of the Town of Northlake, Texas, selected Lee Lewis Construction, LLC as the design-build firm to provide design-build services for the Dallas Stars Multi-Sports Center and authorized the Town Manager to negotiate and execute a design-build contract with Lee Lewis Construction, Inc., with an effective date of February 26, 2024; and

WHEREAS, a design-build agreement with Lee Lewis Construction, LLC for the Dallas Stars Multi-Sports Center was executed with an effective date of February 26, 2024; and

WHEREAS, whereas on July 16, 2024, Lee Lewis Construction, LLC submitted a request for acceptance of a GMP for early civil work in the amount of \$6,262,644.

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

Section 1. All of the above premises are true and correct legislative and factual findings of the Town Council, and they are hereby approved, ratified and incorporated into the body of this resolution as if copied in their entirety.

Section 2. The Town Council of the Town of Northlake, Texas, approves and authorizes the Town Manager to execute Amendment No. 1 to the Design-Build Agreement with Lee Lewis Construction, Inc., for the Dallas Stars Multi-Sports Center Project to establish the Guaranteed Maximum Price ("GMP") for early civil work, in an amount not to exceed \$6,262,644.00.

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 July 25, 2024.

Town of Northlake, Texas

Brian Montini, Mayor

Attest:

Zolaina Parker, Town Secretary



July 16, 2024

Town of Northlake
1500 Commons Circle, Ste 300
Northlake, TX 76226

Attn: Mr. Drew Corn
Re: Northlake Stars Sports Center Early Civil Package

Mr. Corn,

Please allow this letter to serve as our request for your acceptance of our Guaranteed Maximum Price. Lee Lewis Construction proposes the GMP construction phase services to complete the base scope of the Northlake Stars Sports Center Early Civil Package for the Guaranteed Maximum Price as listed below per the construction documents prepared by WRA dated June 5, 2024. Scope of work include all water, sewer, and storm utilities needed to serve this new facility. It also includes all earthwork needed in preparation for the building and its moisture-conditioned building pad, subgrade prep for all parking on site, and additional grading required to meet final design intent not covered by the mass grading project.

TOTAL BASE BID: **\$ 6,262,644.00**

Please note that this GMP is valid for 30 days from the date of this letter. Thank you for this opportunity. Should you have any questions, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in blue ink that reads "Devin Sherman".

Devin Sherman
Chief Estimator – Vice President

Attached: *Exhibit A-Index of Drawings, Exhibit B-GMP Recap, Exhibit C-Assumptions and Clarifications, and Exhibit D-General Conditions Breakdown.*

Allowance Note: Please note that the \$2,200,000 allowance included is included per change order directive per resolution No. 24-40. This allowance is included to cover all direct and indirect work to cover sanitary sewer improvements necessary to serve the Northlake Stars Sports Center.

LUBBOCK
7810 Orlando Ave.
Lubbock, TX 79423
806.797.8400

DALLAS
17177 Preston Rd., Suite 160
Dallas, TX 75248
972.818.0700

SAN ANGELO
2525 Johnson St., Suite C
San Angelo, TX 76904
806.392.5990

leelewis.com



Lee Lewis
Construction, Inc.

17177 Preston Rd., Ste. 160 | Dallas, TX 75248
Office: 972.818.0700 | Fax: 972.818.0706

**Northlake Stars Sports Center
Early Civil Package**

INDEX OF DRAWINGS

Sheet	Description	Date	Revision
	CIVIL		
C0.01	COVER SHEET	6/5/2024	Addm #1 6/26/24
C1.01	GENERAL NOTES	6/5/2024	Addm #1 6/26/24
C2.01	EXISTING CONDITIONS AND DEMOLITION PLAN	6/5/2024	Addm #1 6/26/24
C3.00	OVERALL SITE PLAN	6/5/2024	Addm #1 6/26/24
C3.01	DIMENSION CONTROL & PAVING PLAN	6/5/2024	Addm #1 6/26/24
C3.02	DIMENSION CONTROL & PAVING PLAN	6/5/2024	Addm #1 6/26/24
C3.03	DIMENSION CONTROL & PAVING PLAN	6/5/2024	Addm #1 6/26/24
C3.04	DIMENSION CONTROL & PAVING PLAN	6/5/2024	Addm #1 6/26/24
C3.51	ALTERNATE DIMENSION CONTROL & PAVING	6/5/2024	Addm #1 6/26/24
C4.01	GRADING PLAN	6/5/2024	Addm #1 6/26/24
C4.02	GRADING PLAN	6/5/2024	Addm #1 6/26/24
C4.03	GRADING PLAN	6/5/2024	Addm #1 6/26/24
C4.04	GRADING PLAN	6/5/2024	Addm #1 6/26/24
C4.51	ALTERNATE GRADING PLAN	6/5/2024	Addm #1 6/26/24
C5.01	EXISTING DRAINAGE AREA MAP	6/5/2024	Addm #1 6/26/24
C5.02	PROPOSED DRAINAGE AREA MAP	6/5/2024	Addm #1 6/26/24
C6.01	STORM SEWER PLAN	6/5/2024	Addm #1 6/26/24
C6.50	ALTERNATE STORM SEWER PLAN	6/5/2024	Addm #1 6/26/24
C6.51	STORM SEWER PROFILE	6/5/2024	Addm #1 6/26/24
C6.52	STORM SEWER PROFILE	6/5/2024	Addm #1 6/26/24
C6.53	STORM SEWER PROFILE	6/5/2024	Addm #1 6/26/24
C6.54	STORM SEWER PROFILE	6/5/2024	Addm #1 6/26/24
C7.01	UTILITY PLAN	6/5/2024	Addm #1 6/26/24
C7.02	WATER LINE PLAN & PROFILE	6/5/2024	Addm #1 6/26/24
C7.03	WATER LINE PLAN & PROFILE	6/5/2024	Addm #1 6/26/24
C7.51	UTILITY PLAN PROFILES	6/5/2024	Addm #1 6/26/24
C7.52	UTILITY PLAN PROFILES	6/5/2024	Addm #1 6/26/24
C8.01	EROSION CONTROL PLAN	6/5/2024	Addm #1 6/26/24
C8.50	EROSION CONTROL DETAILS	6/5/2024	Addm #1 6/26/24
C9.01	CONSTRUCTION DETAILS	6/5/2024	Addm #1 6/26/24
C9.02	CONSTRUCTION DETAILS	6/5/2024	Addm #1 6/26/24
C9.03	CONSTRUCTION DETAILS	6/5/2024	Addm #1 6/26/24
C9.04	CONSTRUCTION DETAILS	6/5/2024	Addm #1 6/26/24
C9.05	CONSTRUCTION DETAILS	6/5/2024	Addm #1 6/26/24
C9.06	CONSTRUCTION DETAILS	6/5/2024	Addm #1 6/26/24
C9.07	CONSTRUCTION DETAILS	6/5/2024	Addm #1 6/26/24

END OF NORTHLAKE STARS SPORTS CENTER EARLY CIVIL PACKAGE - INDEX OF DRAWINGS

Exhibit A

SPECIFICATIONS			
	INTRODUCTORY INFORMATION		
00 01 01	Title Page	6/5/2024	
00 01 07	Seals Page	6/5/2024	
00 01 10	Table of Contents	6/5/2024	
	DIVISION 00 – PROCUREMENT AND CONTRACTING REQUIREMENTS NOT USED		
	DIVISION 01 – GENERAL REQUIREMENTS		
01 10 00	Summary	6/5/2024	
01 25 00	Substitution Procedures	6/5/2024	
	Substitution Request Form	6/5/2024	
01 26 00	Contract Modification Procedures	6/5/2024	
01 29 00	Payment Procedures	6/5/2024	
01 31 00	Project Management and Coordination	6/5/2024	
01 33 00	Submittal Procedures	6/5/2024	
01 40 00	Quality Requirements	6/5/2024	
01 42 00	References	6/5/2024	
01 43 39	Mockups	6/5/2024	
01 60 00	Product Requirements	6/5/2024	
01 73 00	Execution	6/5/2024	
01 77 00	Closeout Procedures	6/5/2024	
01 78 23	Operation and Maintenance Data	6/5/2024	
01 78 39	Project Record Documents	6/5/2024	
	DIVISIONS 02 – 21 NOT USED		
	DIVISION 22 – PLUMBING	6/5/2024	
22 11 13	Facility Water Distribution Piping	6/5/2024	
22 13 13	Facility Sanitary Sewers	6/5/2024	
	DIVISIONS 23 – 30 NOT USED		
	DIVISION 31 – EARTHWORK		
31 10 00	Site Clearing	6/5/2024	
31 20 00	Earth Moving	6/5/2024	
31 23 00	Excavation and Fill	6/5/2024	
31 25 53	Erosion and Sedimentation Controls	6/5/2024	
31 32 00	Soil Stabilization	6/5/2024	
	DIVISION 32 – EXTERIOR IMPROVEMENTS		
32 13 13	Concrete Paving	6/5/2024	
32 13 73	Concrete Paving Joint Sealants	6/5/2024	
32 14 00	Unit Paving	6/5/2024	
32 17 23	Pavement Markings	6/5/2024	
	DIVISION 33 – UTILITIES		
33 41 00	Storm Utility Drainage Piping	6/5/2024	
	DIVISIONS 34 – 49 NOT USED		
END OF NORTHLAKE STARS SPORTS CENTER EARLY CIVIL PACKAGE - SPECIFICATIONS			

Exhibit A

ADDENDA			
33 Pages	Addendum #1	6/26/2024	

Exhibit B

Proj: StarCenter Northlake Early Release Pkg			Bldg Area: 0 sf					
Loc: Intersection of Hwy 114 & Chadwick pkwy			Site Area: 582,661 sf					
Owner: City of Northlake			mo					
Arch: WRA			EARLY RELEASE PKG GMP					
Bid Date: 06/25/2024								
Code	Description	Subcontractor/Vendor	Subs	Matl's	Labor	Total	\$/Sf	
Div 1 Costs						0	0.00	
	GENERAL CONDITIONS			188,785	123,800	312,585	0.00	
						0	0.00	
Cont./Allow.						0	0.00	
						0	0.00	
	DESIGN BUILD C.O. ALLOWANCE		2,200,000			2,200,000	0.00	
						0	0.00	
Site Costs						0	0.00	
						0	0.00	
31A	EARTHWORK		1,001,888			1,001,888	0.00	
	MISC FINISH GRADING		21,782			21,782	0.00	
	DUST CONTROL		73,285			73,285	0.00	
31B	EROSION CONTROL INSTALL		9,265			9,265	0.00	
	EROSION CONTROL MAINTENANCE		11,982			11,982	0.00	
33A	UTILITIES		1,751,000			1,751,000	0.00	
	DEWATERING FOR UTILITIES		32,840			32,840	0.00	
						0	0.00	
		Owner	OK	5,102,042	188,785	123,800	5,414,627	0.00
		Percent Cost:		94.2%	3.5%	2.3%		
		(MISC)		LAB BURDEN			55,710	0.00
				Sales Tax	EXEMPT	0.00%	0	0.00
				Sub Total			5,470,337	0.00
				Design Fee			328,220	0.00
				B.R./G.L./OPL			101,823	0.00
				AGC Fee			10,652	0.00
				Fee			292,596	0.00
						Total	6,203,628	0.00
						P & P Bond (Time Adjusted)	59,016	0.00
						Total With Bond	6,262,644	0.00

Exhibit C

 Assumptions and Clarifications	
1	This GMP assumes that the grade was installed per GM Civil's documents dated 2-13-24 for the mass grading project completed in the month of July 2024.
2	Licensed survey of the site, verifying that everything was executed per GM Civils documents, is required by LLCI from the Town of Northlake before work can commence on this contract.
3	In the event that work was not fully executed per GM Civil's documents by the developer and the Town of Northlake wishes for LLCI to rectify the deviation, this will result in added cost to this current GMP amount. Amounts will tracked separate from main GMP so that the Town of Northlake can report to any parties they wish.
4	Any spoils left on site are assumed to be available for use to benefit the project.

Exhibit - D

Proj: StarCenter Northlake Early Release Pkg				Site Area:	582,661	sf	
Loc: Intersection of Hwy 114 & Chadwick pkwy				Schedule:	3	mo	
Owner: City of Northlake					13	wk	
Arch: WRA				\$	4,000,000	Budget	
Date: 6/25/2024							
Item Code	Description	Quantity	Unit	Unit Price	Material Cost	Unit Price	Labor Cost
1040	Coordination		wk		0	200	0
1041	Supervision	13	wk	\$0.00	0	\$2,596.15	33,750
	Assistant Supt	13	wk	\$0.00	0	\$2,115.38	27,500
1043	Project Manager	13	wk	\$0.00	0	\$2,596.15	33,750
	Assistant PM	13	wk	\$0.00	0	\$2,115.38	27,500
1305	Documents	1	ls	\$5,360.00	5,360		0
	Plan Printing	1	ls	\$3,000.00	3,000		0
1380	Progress Photos	3	mo	\$750.00	2,250		0
1450	Safety Administrator	13	wk	\$15.00	195	\$100.00	1,300
	Power Start Up	2	mo	\$10,000.00	18,000		0
1510	Temporary Utilities	3	mo	\$2,000.00	6,000		0
1511	Telephone & Communication	12	mo*ppl	\$175.00	2,100		0
	Data / Internet	3	mo	\$250.00	750		0
1512	Temporary Toilet	26	wk	\$250.00	6,500		0
	Fire Extinguishers	5	ea	\$150.00	750		0
1514	Water, Ice, & Cups	13	wk	\$15.00	195		0
1525	Small Tools / Maintenance	13	wk	\$100.00	1,300		0
1530	Temporary Job Fence w/ Screen	3869	lf	\$15.00	58,035		0
1561	Dumpster Charges	13	lds/wee	\$750.00	9,750		0
1590	Temporary Office	3	mo	\$2,500.00	7,500		0
	Office In/Out	1	ls	\$15,000.00	15,000		0
	Office Furniture	1	ls	\$1,000.00	1,000		0
1591	Field Office Supplies	3	mo	\$100.00	300		0
	Office Copier/Scanner/Printer	3	mo	\$500.00	1,500		0
	Office Computer	1	ls	\$3,000.00	3,000		0
1610	Pick-Up Truck Rental	12	mo*ppl	\$1,200.00	14,400		0
1621	Equipment Maintenance	12	mo*ppl	\$450.00	5,400		0
1622	Gas & Oil	52	WK*pp	\$500.00	26,000		0
1700	Closeout	1	ls	\$250.00	250		0
1720	Project Record Documents	1	ls	\$250.00	250		0
	Totals to Recap				\$188,785		\$123,800
	Sales Tax on Mat'l				\$0		
	Material Sub Total				\$188,785		
	Labor Costs				\$123,800		
	Labor Burden				\$55,710		
	General Conditions Labor & Materials				\$368,295		
	OH & Fee on General Cond				\$0		
	Lump Sum General Conditions				\$368,295		

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: July 25, 2024

REF. DOC.: Unified Development Code (UDC); Engineering Design Manual (EDM); Sec. 212.0101, Texas Local Government Code (TLGC)

SUBJECT: Consider approval of a preliminary plat of Northlake Acres, a proposed 3-lot commercial development on a 65.74-acre tract of land in the Patrick Rock Survey, Abstract No. 1063, generally located east of Faught Road and approximately 3,700 feet north of FM 407 in the extraterritorial jurisdiction of the Town of Northlake - Case # 23-PLA00036

**GOALS/
OBJECTIVES:** Protect the Public; 1.4 - Ensure safe community standards and processes

BACKGROUND INFORMATION:

Applicant/Developer: DFW Northlake Acres, LL

Engineer/Surveyor: Thomas Hoover Engineering

Zoning: Extraterritorial Jurisdiction (ETJ) - No Zoning

Site:

- Proposed 3-lot commercial development
- 65.74-acre tract of land in the Patrick Rock Survey, Abstract No. 1063,
- Generally located east of Faught Road and approximately 3,700 feet north of FM 407 in the extraterritorial jurisdiction of the Town of Northlake

Summary:

- Preliminary Plat application for Northlake Acres
 - 3 commercial lots proposed to be developed in ETJ
 - Water service proposed from private well to be certified as Public Water Supply
 - Sewer service to be handled by on-site sewage facilities (OSSF)
 - New streets/rights-of-way dedication per updated Master Thoroughfare Plan (MTP)

Staff Analysis:

- Applicant submitted final plat application in accordance with requirements of UDC
- However outstanding comments remain related to drainage study approval and evidence of groundwater supply
 - Plat acceptable for conditional approval subject to all remaining comments being addressed as outlined in letter from Town Engineer, Halff, dated July 3, 2024
 - One comment related to Senate Bill 2440 which went into effect on January 1, 2024
 - Amends Sec. 212.0101 of TLGC to require certain plats for subdivision of land include evidence of groundwater supply

- Review comment (Preliminary Plat Comment #11) requested required Certification Form and Plat Attesting Form to demonstrate groundwater supply
- Applicant requests waiver which may be authorized by "municipal authority responsible for approving plats" if:
 - "Based on credible evidence of groundwater availability in the vicinity of the proposed subdivision, the municipal authority determines that sufficient groundwater is available and will continue to be available to the subdivided tract of land; and"
 - "The proposed subdivision divides the tract into not more than 10 parts."
 - Since plat proposes to subdivide tract into 3 lots, a waiver may be considered
 - Applicant has provided letter requesting waiver which includes supporting evidence of groundwater availability for consideration
- Since waiver is requested, plat cannot be administratively approved
 - P&Z to consider recommendation
 - Town Council to consider approval

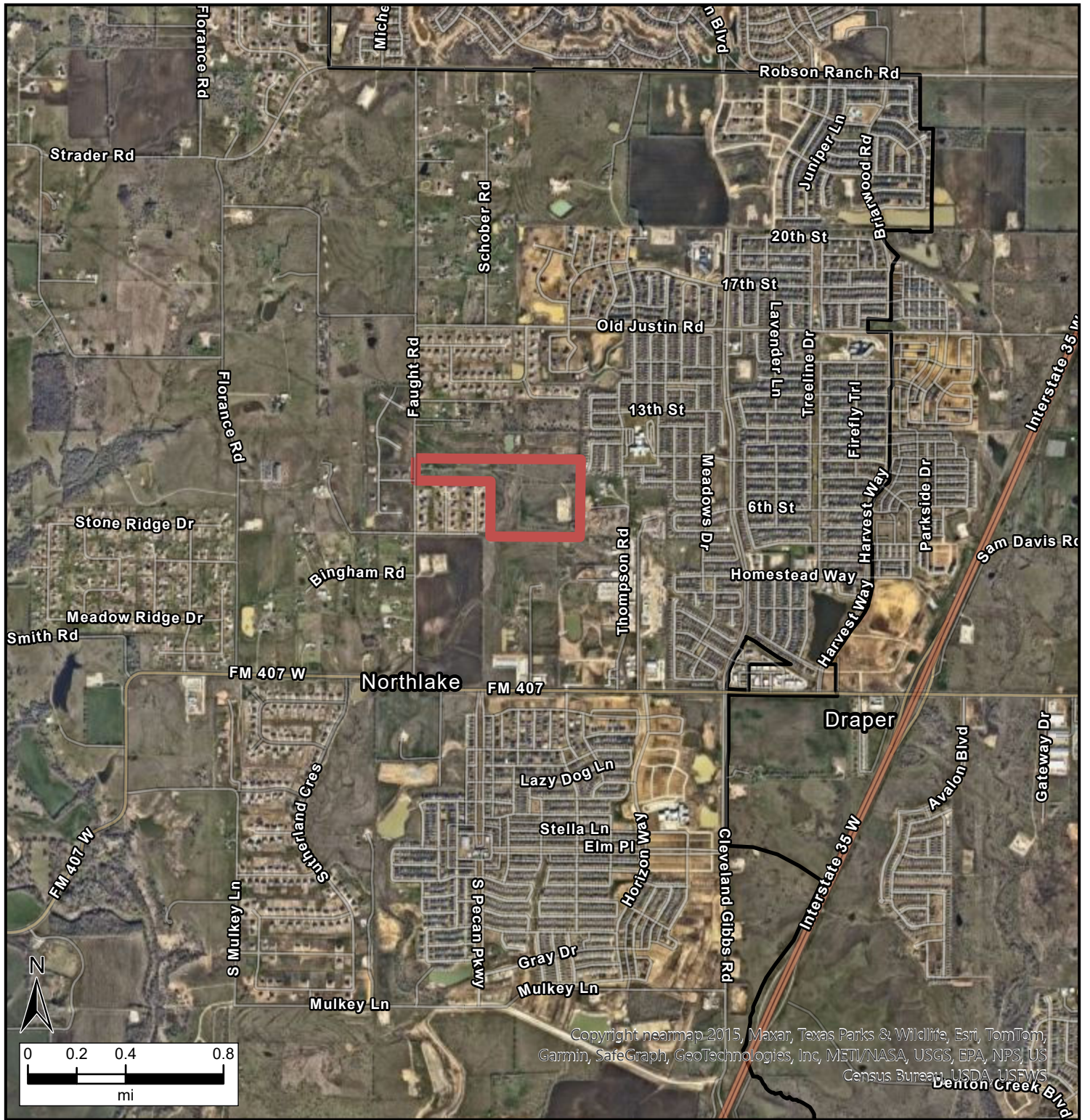
Planning & Zoning
Commission Action:

- July 16th meeting
 - Unanimously recommended approval of preliminary plat with condition that all outstanding comments from July 3rd letter be addressed except that Preliminary Plat Comment #11 be waived based on:
 - Credible evidence that sufficient groundwater is available and will continue to be available to the subdivided tract of land; and
 - The proposed subdivision divides the tract into not more than 10 parts.
 - With additional recommendation to consider negotiating with Town for water service and voluntary annexation

COUNCIL ACTION/DIRECTION:

- Approve preliminary plat with condition that all outstanding comments from July 3rd letter to be addressed
- Approve preliminary plat with condition that all outstanding comments from July 3rd letter to be addressed except that Preliminary Plat Comment #11 be waived based on:
 - Credible evidence that sufficient groundwater is available and will continue to be available to the subdivided tract of land; and
 - The proposed subdivision divides the tract into not more than 10 parts.
- Disapprove of preliminary plat based on outstanding comments from July 3rd letter

Northlake



Legend

- Northlake Boundary
- Green: Band_2 Green: Band_2
- Blue: Band_3 Blue: Band_3
- Red: Band_1 Red: Band_1

Nearmap Reference Layer



Date: 5/22/2024

Northlake



Legend

- Northlake Boundary
- Green: Band_2 Green: Band_2
- Blue: Band_3 Blue: Band_3
- Red: Band_1 Red: Band_1

Nearmap Reference Layer



Date: 5/22/2024



July 3, 2024
AVO 31647, MA02

Mr. Nathan Reddin
Development Director
The Town of Northlake
1500 Commons Circle
Suite 300
Northlake, Texas 76226

**Re: Northlake Acres – Preliminary Plat
Third Review**

Dear Mr. Reddin,

The Town of Northlake requested Halff review the Northlake Acres Preliminary Plat and supporting documents. The plans prepared by Thomas Hoover Engineering, LLC dated November 3, 2023, were received November 3. We have completed the review and have the following comments:

Preliminary Plat

1. See comments on attached markups and address.
Response: Markups addressed, and "Annotated Responses" have been provided with this submittal.
2. Provide a downstream assessment for the proposed development and roadway improvements in accordance with Section 1.1.3.6 and 1.1.3.7 of the Northlake EDM. The study should demonstrate no adverse impacts to adjacent properties.
Response: Downstream assessment by other provided with this submittal.
2nd Review: See downstream assessment comments provided separately.
Response: Per meeting on 06/07/2024, DSA comments are being addressed under a separate application by BHB, Inc. For the Preliminary Plat, all drainage calculations and structures sizing shown is based on fully developed conditions with a time of concentration of 10 minutes minimum. All information will be verified and revised accordingly to be consistent with the Downstream Assessment at the time of Final Platting and Construction Plans application process.
3rd Review: DSA must be accepted for preliminary platting prior to preliminary plat approval.
3. Evaluate the site and provide a report documenting any Waters of the United States or other regulated bodies present on the site in accordance with Clean Water Act Section 404.
Response: Report by others provided with this submittal.
2nd Review: Addressed.
4. Provide the necessary calculations to demonstrate proposed channel and drainage easement size.
Response: Calculations provided with DSA by others.
2nd Review: See DSA comments provided separately.
5. Dimension rights of way and easements.
Response: Dimensions added as requested.

2nd Review: Addressed.

6. Label all existing easements with recording documentation, existing gas wells, and offset dimensions.

Response: Labels added as requested.

2nd Review: Addressed.

7. Provide gross acreage for all non-resident lots, approximate area of residential, and approximate area of streets, parks and other non-residential uses.

Response: Acreage added as requested.

2nd Review: Addressed.

8. Verify road centerline radii meet minimum requirements in EDM Table II-3.

Response: Centerline radii revised.

2nd Review: Addressed.

9. Verify lot number and other title block information.

Response: Information revised accordingly.

2nd Review: Addressed.

10. General Plat Notes – verify notes apply to this preliminary plat and revised as necessary.

Response: Notes revised accordingly.

2nd Review: Addressed.

11. Improvement Statement 1 indicates water is to be provided by the Town of Northlake. The property will be required to annex into the Town to receive water service.

Response: Water will be provided by private system, improvement statement revised.

2nd Review: Since the subdivision will be supplied by well water, complete Certification Form: Groundwater Availability for Platting (TCEQ-20982) in accordance with 30 TAC Section 230.3(c) and Plat Attesting Form (TCEQ-209893) in accordance with 30 TAC 230.1(c)(2).

Response: It is our understanding that this requirement may be waived if the subdivision is less than 10 parts. Per meeting on 06/07/2024, Nathan R. is verifying this information with the Town Legal Department and will provide further guidance on our options. The estimated water demand is approximately 1800 gpd for full build-out of this site. This estimate is based on 50 connections, 2 employees and 18 gal/day/person. The future buildings are expected to be approximately 4,000-5,000 sf with one restroom each.

3rd Review: The waiver must be approved by the Planning and Zoning Commission and the Town Council.

12. Verify County in all other notes.

Response: Notes revised accordingly.

2nd Review: Utility Easements note refers to Wise County.

Response: Revised as requested.

3rd Review: Addressed.

Grading

13. General comments:

- a. Label existing and proposed contours.

Response: Labels added.

2nd Review: Addressed.

- b. Provide offsite and onsite flow arrows.

Response: Flow arrows added.

2nd Review: Addressed.

- c. Show and label existing and proposed storm drains, culverts, and other storm water infrastructure.

Response: Labels added.

2nd Review: Addressed.

- d. Label existing roads.

Response: Labels added.

2nd Review: Addressed.

- 14. Offsite grading requires an agreement with the adjacent property owner(s). Provide either letter(s) of permission or temporary construction easements.

Response: Grading revised and limited to onsite.

2nd Review: Addressed.

- 15. Coordinate grading with adjacent proposed developments.

Response: Grading is being tied in based on approved plans provided by the Town.

2nd Review: Addressed.

- 16. Show and label any jurisdictional waters.

Response: Labels added.

2nd Review: Addressed.

Drainage

- 17. General comments:

- a. Label existing and proposed contours.

Response: Labels added.

2nd Review: Addressed.

- b. Provide offsite and onsite flow arrows.

Response: Flow arrows provided.

2nd Review: Provide flow arrows in Creek Meadows subdivision.

Response: Flow arrows provided.

3rd Review: Addressed.

- c. Show and label existing and proposed storm water infrastructure.

2nd Review: Addressed.

- d. Label existing roads.

Response: Labels added.

2nd Review: Addressed.

- e. Provide an overall drainage area map showing all contributing areas.

Response: Downstream assessment by others provided with this resubmittal.

2nd Review: See DSA comments provided separately.

Response: Per meeting of 06/07/2024, DSA comments are being addressed under a separate application.

- 18. Offsite flow area is approximately 570 acres. Provide HMS model in accordance with EMD for areas larger than 200 acres. The analysis should include existing, proposed, and ultimate conditions. Analyze proposed channel improvement to account for any loss of valley storage. Use Modified Puls routing.

Response: Downstream Assessment by others provided with this submittal.

2nd Review: See DSA comments provided separately.

Response: Per meeting of 06/07/2024, requested HMS models and analysis is being provided with the DAS application by BHB, Inc.

19. Provide RAS analysis of Denton Creek Tributary 7 for pre and post development conditions. Include proposed road crossings and demonstrate no adverse impacts to adjacent properties through the zone of influence.
Response: Information provided in Downstream Assessment by others with this submittal.
2nd Review: See DSA comments provided separately.
Response: Per meeting o 06/07/2024, requested RAS models and analysis is being provided with the DAS application by BHB, Inc.
20. Provide pre and post development comparisons of water surface elevations and flows.
Response: Information provided in Downstream Assessment by others with this submittal.
2nd Review: See DSA comments provided separately.
Response: Per meeting o 06/07/2024, DSA comments are being addressed under a separate application by BHB, Inc.
21. Provide an existing drainage area map.
Response: Information provided in Downstream Assessment by others with this submittal.
2nd Review: See DSA comments provided separately. Divide area D4 to quantify offsite flow entering the site.
Response: Per meeting o 06/07/2024, DSA comments are being addressed under a separate application by BHB, Inc.
22. Include hydrologic parameter calculations and exhibits.
Response: Information provided in Downstream Assessment by others with this submittal.
2nd Review: See DSA comments provided separately.
Response: Per meeting o 06/07/2024, DSA comments are being addressed under a separate application by BHB, Inc.
23. Provide a preliminary drainage plan for proposed roads.
Response: Preliminary Drainage Plan provided with this submittal.
2nd Review: Provide ditch sections with the calculations.
Response: Ditch section added as requested.
3rd Review: Verify flows and velocities. Provide 1' freeboard. Ditch berm crest should be 10' wide minimum.
24. Provide drainage easements to convey all offsite water through the site. See the attached markups for specific locations.
Response: Drainage easements added as requested.
3rd Review: Addressed.
25. Show and label all existing drainage and floodplain easements.
Response: Easements added as requested.
3rd Review: Coordinate these with the drainage study when it is completed.
26. Provide preliminary culvert sizing for all proposed culverts and ensure culverts convey the design flow.
Response: Preliminary culvert sizes added as requested.
3rd Review: Verify culvert design flows and provide minimum freeboard to top of road.
27. Show the Hawthorne Estates grading on the drainage area map. Delineate the area draining to this property, which is mostly the existing gas easements.
Response: Per our 06/07/2024 meeting, Drainage Basin "B" was revised per Hawthorne Addition Plans.
3rd Review: Addressed. Drainage Basin B is shown according to Hawthorne plans.
28. Use fully developed conditions for sizing of public infrastructure in drainage calculations.



Response: Drainage calculations and sizes revised accordingly.

3rd Review: Addressed.

29. Use 10-minute inlet time for commercial fully developed conditions.

Response: All preliminary drainage calculations revised to 10 TC.

3rd Review: Addressed.

30. Provide ditch calculations for the ditch where Ditch E and D6 merge.

Response: Ditch calculations provided as requested.

3rd Review: Addressed.

The Engineer shall revise the preliminary plat and associated documents in accordance with the comments above and provide a written response that addresses each comment. If you have any questions or need additional information, please do not hesitate to call me at (817) 764-7472.

Sincerely,

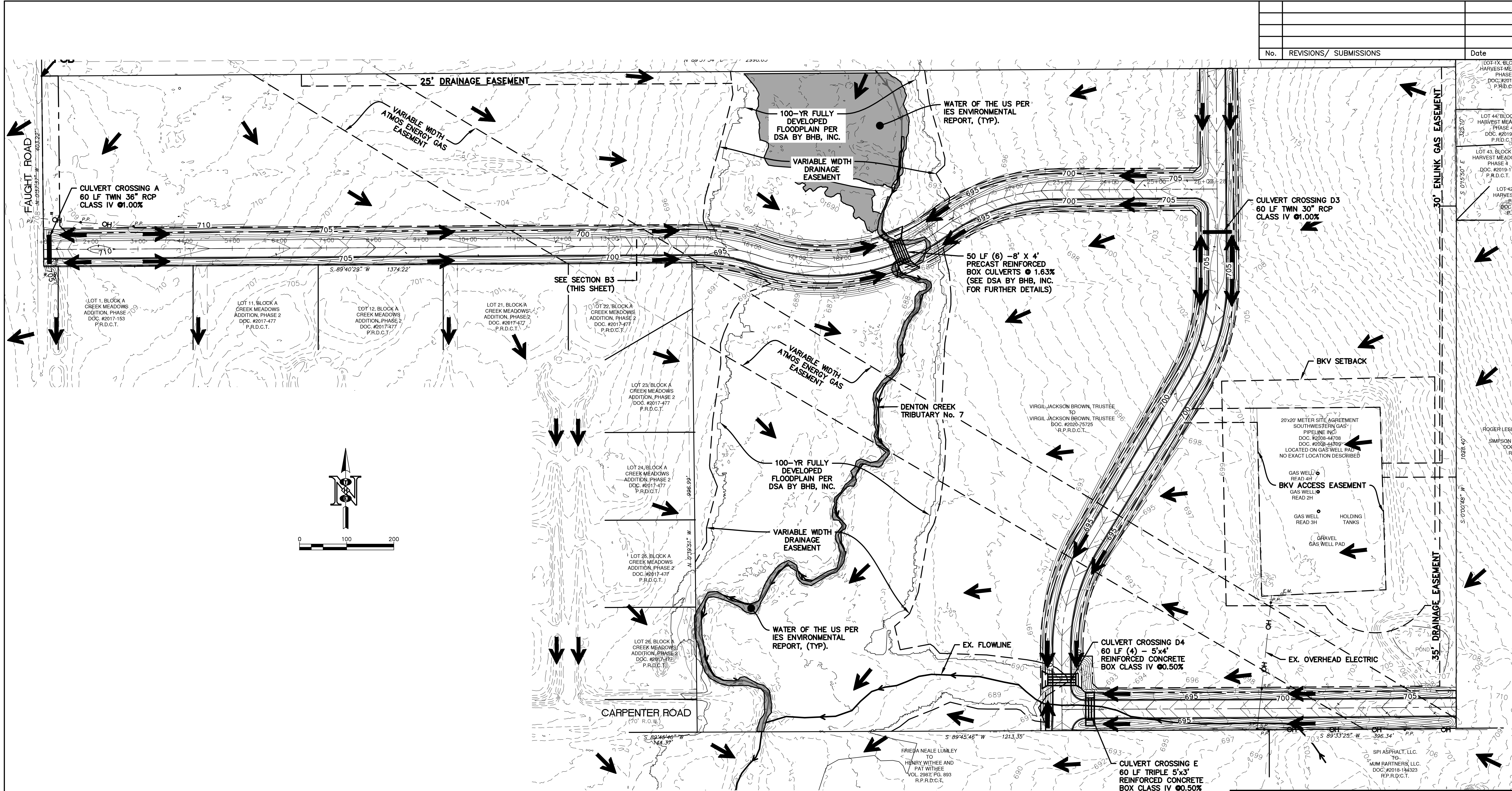
HALFF

A handwritten signature in blue ink, appearing to read "D.W. Haar", with a stylized flourish at the end.

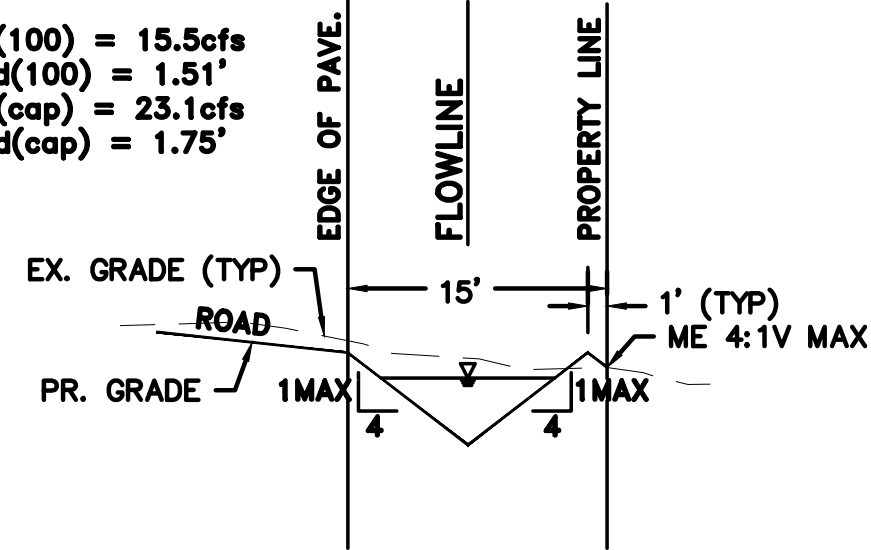
Dennis W. Haar, P.E.

Attachments: Markups

No.	REVISIONS/ SUBMISSIONS	Date



Q(100) = 15.5cfs
d(100) = 1.51'
Q(cap) = 23.1cfs
d(cap) = 1.75'



CROSS-SECTION B3 (TYP)
N.T.S.

PREPARER/ENGINEER
THOMAS HOOVER ENGINEERING, LLC
P.O. BOX 1808
KELLER, TX 76244
817/913-1350 PHONE
CONTACT: THOMAS HOOVER
tom.theng@yahoo.com

PRELIMINARY
FOR INTERIM REVIEW ONLY

By THOMAS L. HOOVER P.E.# 62493
Date 06-10-2024

THOMAS HOOVER ENGINEERING, LLC
NOT FOR CONSTRUCTION, BIDDING, OR PERMIT
PURPOSES

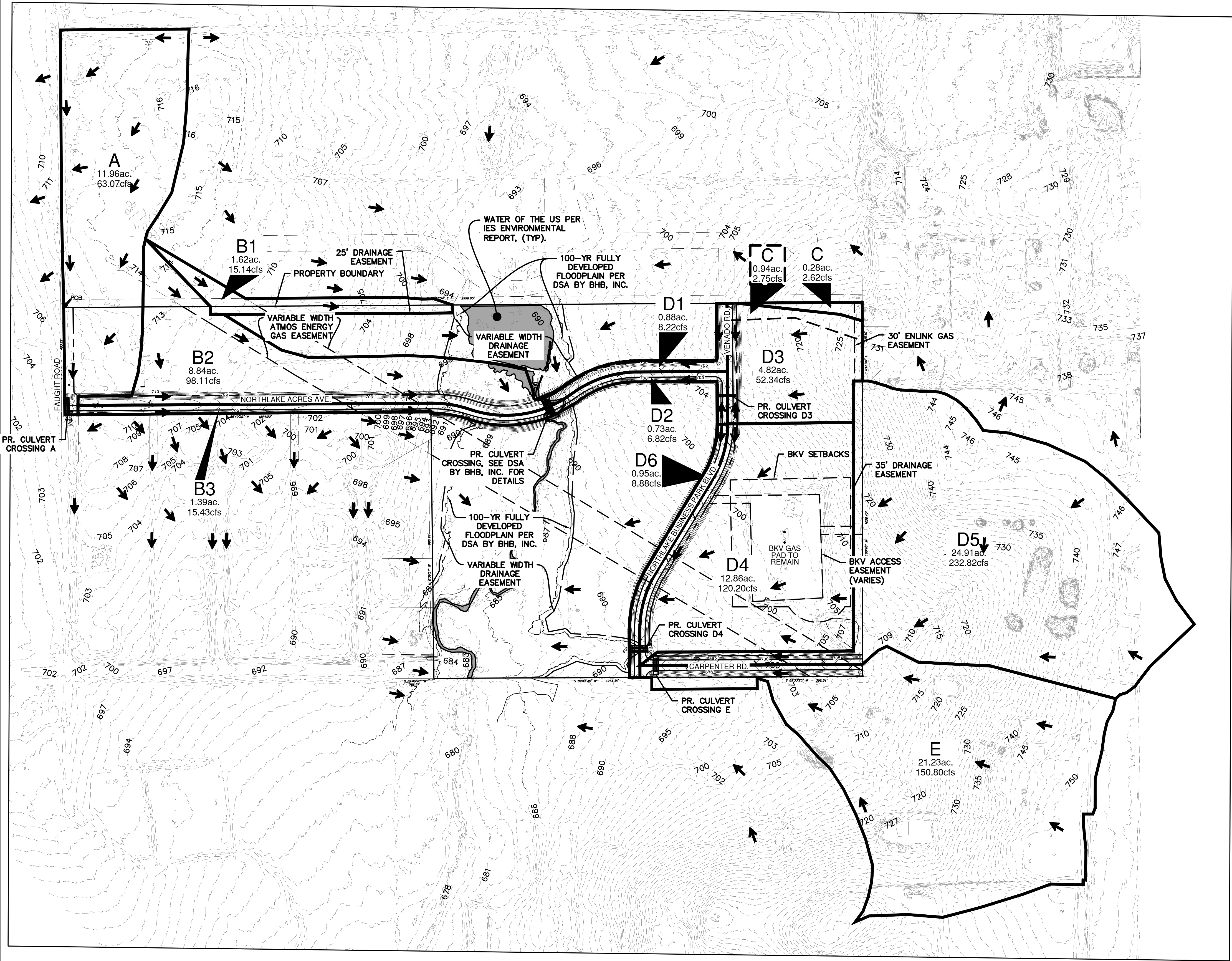
THOMAS HOOVER ENGINEERING, LLC
P.O. BOX 1808
KELLER, TEXAS 76244
(817) 913-1350 PHONE
T.B.P.E. FIRM REGISTRATION NO. 006009

TEXAS BUSINESS PARKS
BEING A PART OF THE
P. ROCK SURVEY, A-1063
DENTON COUNTY, TEXAS.
68.00 ACRES OF LAND

NORTHLAKE ACRES PRELIM. GRADING PLAN

DESIGNED TLH	SCALE 1" = 100'	SHEET #
DRAWN JAC	DATE	02
CHECKED TLH	06-10-2024	

No.	REVISIONS/ SUBMISSIONS	Date

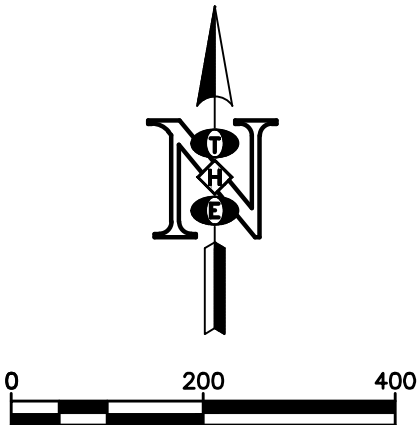


LEGEND

— PROPOSED DRAINAGE AREA
- - - EXISTING DRAINAGE AREA
- - - EXISTING CONTOUR
— PROPOSED CONTOUR

[E] EXISTING DRAINAGE AREA LABEL
19.61ac.
139.29cfs

E PROPOSED DRAINAGE AREA LABEL
19.61ac.
139.29cfs



DRAINAGE NARRATIVE

TYPICAL EXISTING DRAINAGE PATTERNS WERE MAINTAINED IN PROPOSED CONDITIONS. THIS MAP SHOWS DRAINAGE DIVIDES USED TO REDUCE SHEET FLOW ACROSS PROPERTY LINES AND TO SIZE ONSITE STORM STRUCTURES.

BASIN A IS USED TO SIZE CULVERT CROSSING 'A' AT THE PROPOSED FAUGHT ROAD ACCESS. BASIN B1, B2, D1, D2, D3, D4, D5, D6 AND E ARE USED FOR SIZING PROPOSED ROADSIDE DITCHES AND CULVERT CROSSINGS. RUNOFF FROM THESE BASINS IS INTERCEPTED BY THE PROPOSED ROADSIDE DITCH AND CONVEYED TOWARDS THE EXISTING CREEK FOUND GENERALLY IN THE MIDDLE OF THE SITE. BASIN C WAS REDUCED IN AREA TO KEEP THE PEAK RUNOFF DRAINING NORTH TOWARDS FUTURE HAWTHORNE ESTATES DEVELOPMENT BELOW EXISTING CONDITIONS.

REFER TO DOWNSTREAM ASSESSMENT PERFORMED BY BHB, INC. FOR SUPPLEMENTAL DRAINAGE INFORMATION.

- NOTES**
- OVERALL DRAINAGE DIVIDES BASED ON DOWNSTREAM ASSESSMENT BY BHB, INC.

PREPARER/ENGINEER
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tom.theng@yahoo.com

PRELIMINARY FOR INTERIM REVIEW ONLY	
By <u>THOMAS L. HOOVER</u>	P.E.# <u>62493</u>
Date <u>06-10-2024</u>	
THOMAS HOOVER ENGINEERING, LLC NOT FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES	

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**TEXAS BUSINESS PARKS
BEING A PART OF THE
P. ROCK SURVEY, A-1063
DENTON COUNTY, TEXAS.
68.00 ACRES OF LAND**

PRELIMINARY DRAINAGE PLAN

DESIGNED	TLH	SCALE	
DRAWN	JAC	DATE	
CHECKED	TLH	06-10-2024	

SHEET #	03

Single family. C is correct

DRAINAGE AREA TABLE													
DRAINAGE AREA NO.	LAND USE	RUNOFF COEFFICIENT "C"	AREA (ac.)	TRAVEL TIME					DESIGN STORM FREQUENCY	FREQUENCY FACTOR "Cf"	RAINFALL INTENSITY "I" (in/hr)	TOTAL FLOW (cfs)	
				FLOW TYPE	LENGTH (ft)	SLOPE (ft/ft)	ROUGHNESS "n"	VELOCITY (fps)					TIME (min.)
A	FULLY DEVELOPED FLOW TOWARDS FAUGHTON ROW (WEST)												
	AGVACANT	0.50	9.67	SHEET FLOW	0	0.005	0.15	-	0.0	100-yr	1.25	9.35	77.89
	COMM	0.80	2.29	SHALLOW FLOW	0	0.013	-	1.8	0.0				
				CHANNEL FLOW	0	0.007	-	2.8	0				
	TOTAL	0.56	11.96		0				10.0				
B1	FULLY DEVELOPED FLOW TOWARDS CREEK MEADOWS ADDITION PH 1 & 2 (SOUTH)												
	AGVACANT	0.30	0	SHEET FLOW	0	0.005	0.15	-	0.0	100-yr	1.25	9.35	15.14
	COMM	0.8	1.62	SHALLOW FLOW	0	0.012	-	1.8	0.0				
				SHALLOW FLOW	0	0.02	-	2.3	0.0				
			CHANNEL FLOW	0	-	-	-	-					
	TOTAL	0.80	1.62		0				10.0				
									MIN				
B2	FULLY DEVELOPED FLOW TOWARDS CREEK MEADOWS ADDITION PH 1 & 2 (SOUTH)												
	AGVACANT	0.30	0	SHEET FLOW	0	0.005	0.15	-	0.0	100-yr	1.25	9.35	98.11
	COMM	0.95	8.84	SHALLOW FLOW	0	0.012	-	1.8	0.0				
				SHALLOW FLOW	0	0.02	-	2.3	0.0				
			CHANNEL FLOW	0	-	-	-	-					
	TOTAL	0.95	8.84		0				10.0				
B3	FULLY DEVELOPED FLOW TOWARDS CREEK MEADOWS ADDITION PH 1 & 2 (SOUTH)												
	AGVACANT	0.30	0	SHEET FLOW	0	0.005	0.15	-	0.0	100-yr	1.25	9.35	15.43
	COMM	0.95	1.39	SHALLOW FLOW	0	0.012	-	1.8	0.0				
				SHALLOW FLOW	0	0.02	-	2.3	0.0				
			CHANNEL FLOW	0	-	-	-	-					
	TOTAL	0.95	1.39		0				10.0				
C	EXISTING FLOW TOWARDS HAWTHORNE ESTATES (NORTH)												
	AGVACANT	0.30	0.94	SHEET FLOW	0	0.04	0.15	-	0.0	100-yr	1.25	7.81	2.75
	ROAD	0.95	0	SHALLOW FLOW	0	0.028	-	2.7	0.0				
				CHANNEL FLOW	0	-	-	-	-				
	TOTAL	0.30	0.94		0				15.0				
									MIN				
C	FULLY DEVELOPED FLOW TOWARDS HAWTHORNE ESTATES (NORTH)												
	AGVACANT	0.30	0	SHEET FLOW	0	0.04	0.15	-	0.0	100-yr	1.25	9.35	2.62
	COMM	0.8	0.28	SHALLOW FLOW	0	0.028	-	2.7	0.0				
				CHANNEL FLOW	0	-	-	-	-				
	TOTAL	0.80	0.28		0				10.0				
									MIN				
D1	FULLY DEVELOPED FLOW DIRECTLY TO ROADSIDE DITCH D1												
	AGVACANT	0.30	0	SHEET FLOW	0	0.04	0.15	-	0.0	100-yr	1.25	9.35	8.22
	COMM	0.8	0.88	SHALLOW FLOW	0	0.028	-	2.7	0.0				
				CHANNEL FLOW	0	-	-	-	-				
	TOTAL	0.80	0.88		0				10.0				
									MIN				
D2	FULLY DEVELOPED FLOW DIRECTLY TO ROADSIDE DITCH D2												
	AGVACANT	0.30	0	SHEET FLOW	0	0.04	0.15	-	0.0	100-yr	1.25	9.35	6.82
	COMM	0.8	0.73	SHALLOW FLOW	0	0.028	-	2.7	0.0				
				CHANNEL FLOW	0	-	-	-	-				
	TOTAL	0.80	0.73		0				10.0				
									MIN				
D3	FULLY DEVELOPED FLOW TO CULVERT CROSSING D3												
	AGVACANT	0.30	0	SHEET FLOW	0	0.04	0.15	-	0.0	100-yr	1.25	9.35	45.05
	COMM	0.8	4.82	SHALLOW FLOW	0	0.028	-	2.7	0.0				
				CHANNEL FLOW	0	-	-	-	-				
	TOTAL	0.80	4.82		0				10.0				
									MIN				
D2 & D3	TOTAL FULLY DEVELOPED FLOW TO ROADSIDE DITCH D2												
	AGVACANT	0.30	0	SHEET FLOW	0	0.04	0.15	-	0.0	100-yr	1.25	9.35	51.87
	COMM	0.8	5.55	SHALLOW FLOW	0	0.028	-	2.7	0.0				
				CHANNEL FLOW	0	-	-	-	-				
	TOTAL	0.80	5.55		0				10.0				
									MIN				
D4	FULLY DEVELOPED FLOW DIRECTLY TO ROADSIDE DITCH D4												
	AGVACANT	0.30	0	SHEET FLOW	0	0.04	0.15	-	0.0	100-yr	1.25	9.35	120.20
	COMM	0.8	12.86	SHALLOW FLOW	0	0.028	-	2.7	0.0				
				CHANNEL FLOW	0	-	-	-	-				
	TOTAL	0.80	12.86		0				10.0				
									MIN				
D5	FULLY DEVELOPED FLOW TO ROADSIDE DITCH D3												
	AGVACANT	0.30	0	SHEET FLOW	0	0.04	0.15	-	0.0	100-yr	1.25	9.35	232.82
	COMM	0.8	24.91	SHALLOW FLOW	0	0.028	-	2.7	0.0				
				CHANNEL FLOW	0	-	-	-	-				
	TOTAL	0.80	24.91		0				10.0				
									MIN				
D6	FULLY DEVELOPED FLOW DIRECTLY TO ROADSIDE DITCH D6												
	AGVACANT	0.30	0	SHEET FLOW	0	0.04	0.15	-	0.0	100-yr	1.25	9.35	8.88
	COMM	0.8	0.95	SHALLOW FLOW	0	0.028	-	2.7	0.0				
				CHANNEL FLOW	0	-	-	-	-				
	TOTAL	0.80	0.95		0				10.0				
									MIN				
E	FULLY DEVELOPED FLOW DIRECTLY TO ROADSIDE DITCH E												
	AGVACANT	0.30	0	SHEET FLOW	0	0.01	0.15	-	0.0	100-yr	1.25	9.35	198.43
	COMM	0.8	21.23	SHALLOW FLOW	0	0.05	-	4.5	0.0				
				CHANNEL FLOW	0	0.02	0.05	4.79	0.0				
	TOTAL	0.80	21.23		0				10.0				
									MIN				
D4, D5 & E	TOTAL FULLY DEVELOPED FLOW TO CULVERT CROSSING D4												
	AGVACANT	0.30	0	SHEET FLOW	0	0.04	0.15	-	0.0	100-yr	1.25	9.35	551.44
	COMM	0.8	59	SHALLOW FLOW	0	0.028	-	2.7	0.0				
				CHANNEL FLOW	0	-	-	-	-				
	TOTAL	0.80	59		0				10.0				
									MIN				

Northlake Acres													
Ditch Comps													
d (ft)	BOTTOM WIDTH	SIDE SLOPE	AREA	PERIMETER	R	R/2/3	n	S	V	DESIGN STORM	Q	TOP WIDTH	COMMENTS
A Roadside Ditch (Area A)													
2.00	0	4	16.0	16.51	0.9711	0.9806	0.0300	0.0100	4.9	100-YR	77.9	16.0	Velocity Check (Fully Developed Flows)
2.50	0	4	25.0	20.62	1.2127	1.1372	0.0500	0.0100	5.6	100-YR	140.8	20.0	Capacity
2.43	0	4	23.5	20.00	1.1763	1.1143	0.0500	0.0100	3.3	100-YR	77.9	19.4	Depth Check (Fully Developed Flows)
2.50	0	4	25.0	20.62	1.2127	1.1372	0.0500	0.0100	3.4	100-YR	84.5	20.0	Capacity
B1 Channel (Area B1)													
0.50	6	4	4.0	10.14	0.3965	0.5387	0.0300	0.0200	1.8	100-YR	15.2	10.0	Velocity Check (Fully Developed Flows)
2.00	6	4	28.0	22.49	1.2449	1.1572	0.0300	0.0200	8.1	100-YR	227.0	22.0	Capacity
0.65	6	4	5.7	11.47	0.5002	0.8301	0.0500	0.0200	3.8	100-YR	15.2	11.3	Depth Check (Fully Developed Flows)
2.00	6	4	28.0	22.49	1.2449	1.1572	0.0500	0.0200	4.9	100-YR	136.2	22.0	Capacity
B2 Roadside Ditch (Area B2)													
2.49	0	4	24.7	20.51	1.2064	1.1332	0.0300	0.0050	4.0	100-YR	98.2	19.9	Velocity Check (Fully Developed Flows)
3.25	0	4	42.3	26.80	1.5765	1.3546	0.0300	0.0050	4.7	100-YR	200.5	26.0	Capacity
3.01	0	4	36.3	24.84	1.4610	1.2676	0.0500	0.0050	2.7	100-YR	98.2	24.1	Depth Check (Fully Developed Flows)
3.25	0	4	42.3	26.80	1.5765	1.3546	0.0500	0.0050	2.8	100-YR	120.3	26.0	Capacity
1.92	0	4	14.7	15.82	0.9304	0.9530	0.0300	0.0200	6.4	100-YR	98.2	15.3	Velocity Check (Fully Developed Flows)
3.25	0	4	42.3	26.80	1.5765	1.3546	0.0300	0.0200	8.1	100-YR	400.9	26.0	Capacity
2.25	0	4	12.3	14.43	0.8489	0.8965	0.0300	0.0200	3.1	100-YR	98.2	14.0	Depth Check (Fully Developed Flows)
3.25	0	4	42.3	26.80	1.5765	1.3546	0.0500	0.0200	5.7	100-YR	240.5	26.0	Capacity
1.70	0	4	11.6	14.06	0.8268	0.8809	0.0300	0.0375	6.4	100-YR	98.2	13.6	Velocity Check (Fully Developed Flows)
3.25	0	4	42.3	26.80	1.5765	1.3546	0.0300	0.0375	8.1	100-YR	549.0	26.0	Capacity
2.06	0	4	17.0	17.02	1.0014	1.0010	0.0500	0.0375	5.9	100-YR	98.2	16.5	Depth Check (Fully Developed Flows)
3.25	0	4	42.3	26.80	1.5765	1.3546	0.0500	0.0375	7.8	100-YR	329.4	26.0	Capacity
B3 Roadside Ditch (Area B3)													
1.25	0	4	6.2	10.27	0.6039	0.7145	0.0300	0.0050	2.5	100-YR	15.5	10.0	Velocity Check (Fully Developed Flows)
1.75	0	4	12.3	14.43	0.8489	0.8965	0.0300	0.0050	3.1	100-YR	38.5	14.0	Capacity
1.51	0	4	9.1	12.44	0.7315	0.8118	0.0500	0.0050	1.7	100-YR	15.5	12.1	Depth Check (Fully Developed Flows)
1.75	0	4	12.3	14.43	0.8489	0.8965	0.0500	0.0050	1.9	100-YR	23.1	14.0	Capacity
0.66	0	4	3.7	7.82	0.4657	0.6008	0.0300	0.0200	4.2	100-YR	15.5	7.7	Velocity Check (Fully Developed Flows)
1.75	0	4	12.3	14.43	0.8489	0.8965	0.0300	0.0200	6.3	100-YR	76.9	14.0	Capacity
1.16	0	4	5.4	9.57	0.5632	0.6819	0.0500	0.0200	2.9	100-YR	15.5	9.3	Depth Check (Fully Developed Flows)
1.75	0	4	12.3	14.43	0.8489	0.8965	0.0500	0.0200	3.8	100-YR	46.2	14.0	Capacity
0.85	0	4	2.9	7.03	0.4138	0.5553	0.0300	0.0375	15.3	100-YR	15.5	6.8	Velocity Check (Fully Developed Flows)
1.75	0	4	12.3	14.43	0.8489	0.8965	0.0300	0.0375	8.6	100-YR	105.3	14.0	Capacity
1.03	0	4	4.3	8.51	0.5006	0.6304	0.0500	0.0375	8.6	100-YR	15.5	8.3	Depth Check (Fully Developed Flows)
1.75	0	4	12.3	14.43	0.8489	0.8965	0.0500	0.0375	5.2	100-YR	63.2	14.0	Capacity
D1 Roadside Ditch (Area D1)													
0.99	0	4	3.9	8.12	0.4778	0.6112	0.0300	0.0050	2.1	100-YR	8.3	7.9	Velocity Check (Fully Developed Flows)
1.50	0	4	9.0	12.37	0.7276	0.8090	0.0300	0.0050	2.8	100-YR	25.5	12.0	Capacity
1.20	0	4	5.7	9.85	0.5797	0.6952	0.0500	0.0050	1.5	100-YR	8.3	9.6	Depth Check (Fully Developed Flows)
1.50	0	4	9.0	12.37	0.7276	0.8090	0.0500	0.0050	1.7	100-YR	15.3	12.0	Capacity
0.85	0	4	2.9	7.01	0.4123	0.5539	0.0300	0.0100	2.9	100-YR	8.3	6.8	Velocity Check (Fully Developed Flows)
1.50	0	4	9.0	12.37	0.7276	0.8090	0.0300	0.0100	4.2	100-YR	37.8	12.0	Capacity
1.03	0	4	4.2	8.49	0.4986	0.6266	0.0500	0.0100	2.0	100-YR	8.3	8.2	Depth Check (Fully Developed Flows)
1.50	0	4	9.0	12.37	0.7276	0.8090	0.0500	0.0100	2.5	100-YR	22.7	12.0	Capacity
0.75	0	4	2.2	6.14	0.3614	0.5073	0.0300	0.0200	3.7	100-YR	8.3	6.0	Velocity Check (Fully Developed Flows)
1.50	0	4	9.0	12.37	0.7276	0.8090	0.0300	0.0200	5.9	100-YR	53.5	12.0	Capacity
0.91	0	4	3.3	7.46	0.4390	0.5776	0.0500	0.0200	2.5	100-YR	8.3	7.2	Depth Check (Fully Developed Flows)
1.50	0	4	9.0	12.37	0.7276	0.8090	0.0500	0.0200	3.6	100-YR	32.1	12.0	Capacity
0.71	0	4	2.0	5.81	0.3420	0.4890	0.0300	0.0300	12.4	100-YR	8.3	5.6	Velocity Check (Fully Developed Flows)
1.50	0	4	9.0	12.37	0.7276	0.8090	0.0300	0.0300	6.9	100-YR	62.5	12.0	Capacity
0.85	0	4	2.9	7.03	0.4138	0.5553	0.0300	0.0200	3.8	100-YR	8.3	6.8	Depth Check (Fully Developed Flows)
1.50	0	4	9.0	12.37	0.7276	0.8090	0.0500	0.0300	4.2	100-YR	37.5	12.0	Capacity
D2 Roadside Ditch (Areas D2-D3)													
1.96	0	4	15.3	16.15	0.9498	0.9682	0.0300	0.0050	3.4	100-YR	51.9	15.7	Velocity Check (Fully Developed Flows)
2.50	0	4	25.0	20.62	1.2127	1.1372	0.0300	0.0050	4.0	100-YR	99.6	20.0	Capacity
2.37	0	4	22.5	19.55	1.1501	1.0877	0.0500	0.0050	2.3	100-YR	51.9	19.0	Depth Check (Fully Developed Flows)
2.50	0	4	25.0	20.62	1.2127	1.1372	0.0500	0.0050	2.4	100-YR	59.7	20.0	Capacity
1.48	0	4	8.8	12.23	0.7184	0.8028	0.0300	0.0220	5.9	100-YR	51.9	11.9	Velocity Check (Fully Developed Flows)
2.50	0	4	25.0	20.62	1.2127	1.1372	0.0300	0.0220	8.4	100-YR	268.9	20.0	Capacity
1.80	0	4	12.8	14.81	0.8712	0.9122	0.0300	0.0200	5.2	100-YR	51.9	14.4	Depth Check (Fully Developed Flows)
2.50	0	4	25.0	20.62	1.2127	1.1372	0.0500	0.0200	5.0	100-YR	125.3	20.0	Capacity
1.40	0	4	7.8	11.54	0.6786	0.7722	0.0300	0.0300	9.6	100-YR	51.9	11.2	Velocity Check (Fully Developed Flows)
2.50	0	4	25.0	20.62	1.2127	1.1372	0.0300	0.0300	9.6	100-YR	243.9	20.0	Capacity
1.70	0	4	11.5	13.88	0.8222	0.8776	0.0500	0.0300	4.8	100-YR	51.9	13.6	Depth Check (Fully Developed Flows)
2.50	0	4	25.0	20.62	1.2127	1.1372	0.0500	0.0300	5.9	100-YR	146.3	20.0	Capacity
D3 Roadside Ditch (Area D3)													
1.86	0	4	13.8	15.32	0.9013	0.9330	0.0300	0.0050	3.3	100-YR	45.1	14.9	Velocity Check (Fully Developed Flows)
2.50	0	4	25.0	20.62	1.2127	1.1372	0.0300	0.0050	4.0	100-YR	99.6	20.0	Capacity
2.25	0	4	20.3	18.65	1.0914	1.0621	0.0500	0.0050	2.2	100-YR	45.1	25.7	Depth Check (Fully Developed Flows)
2.25	0	4	25.0	20.62	1.2127	1.1372	0.0500	0.0050	2.4	100-YR	59.7	20.0	Capacity
1.70	0	4	11.5	13.88	0.8222	0.8776	0.0300	0.0110	4.6	100-YR	52.4	13.8	Velocity Check (Fully Developed Flows)
2.50	0	4	25.0	20.62	1.2127	1.1372	0.0300	0.0110	5.9	100-YR	147.7	20.0	Capacity
2.05	0	4	16.9	16.93	0.9859	0.9872	0.0500	0.0110	3.1	100-YR	52.4	16.4	Depth Check (Fully Developed Flows)
2.50	0	4	25.0	20.62	1.2127	1.1372	0.0500	0.0110	3.5	100-YR	88.6	20.0	Capacity
D4 Roadside Ditch (Area D4)													
2.68	0	4	28.8	22.12	1.3014	1.1920	0.0300	0.0050	4.2	100-YR	120.2	21.5	Velocity Check (Fully Developed Flows)
3.25	0	4	56.3	30.92	1.8160	1.4602	0.0300	0.0050	5.2	100-YR	283.6	30.0	Capacity
3.75	0	4	42.2	24.89	1.5760	1.3543	0.0500	0.0050	2.8	100-YR	120.2	15.0	Depth Check (Fully Developed Flows)
3.75	0	4	56.3	30.92	1.8160	1.4602	0.0500	0.0050	3.1	100-YR	176.2	30.0	Capacity
2.00	0	4	16.0	16.48	0.9697	0.9797	0.0300	0.0240	7.5	100-YR	120.2	16.0	Velocity Check (Fully Developed Flows)
3.00	0	4	36.0	24.74	1.4552	1.2842	0.0300	0.0240	5.9	100-YR	354.6	24.0	Capacity
2.42	0	4	23.4	19.96	1.1744	1.1131	0.0500	0.0240	5.0	100-YR	120.2	19.4	Depth Check (Fully Developed Flows)
3.00	0	4	36.0	24.74	1.4552	1.2842	0.0500	0.0240	5.9	100-YR	212.9	24.0	Capacity
D5 Roadside Ditch (Area D5)													
2.65	0	4	28.1	21.88	1.2859	1.1825	0.0300	0.0200	6.3	100-YR	232.9	21.2	Velocity Check (Fully Developed Flows)
3.25	0	4	42.3	26.80	1.5765	1.3546	0.0300	0.0200	8.5	100-YR	400.9	26.0	Capacity
3.21	0	4	41.2	26.49	1.5674	1.3437	0.0500	0.0200	5.7	100-YR	232.9	25.0	Depth Check (Fully Developed Flows)
3.25	0	4	42.3	26.80	1.5765	1.3546	0.0500	0.0200	5.7	100-YR	240.5	26.0	Capacity
D5 Channel (Area D5)													
2.02	6	4	28.5	22.69	1.2574	1.1650	0.0300	0.0200	8.2	100-YR	232.9	22.2	Velocity Check (Fully Developed Flows)
3.60	6	4	73.4	35.69	2.0579	1.8179	0.0300	0.0200	11.3	100-YR	832.4	34.8	Capacity
2.56	6	4	41.6	27.13	1.5348	1.3437	0.0500	0.0200	6.8	100-YR	232.9	26.5	Depth Check (Fully Developed Flows)
3.60	6	4	73.4	35.69	2.0579	1.8179	0.0500	0.0200	6.8	100-YR	499.4	34.8	Capacity
D6 Roadside Ditch (Area D6)													
1.01	0	4	4.1	8.33	0.4899	0.6215	0.0300	0.0050	2.2	100-YR	8.9	8.1	Velocity Check (Fully Developed Flows)
1.50	0	4	9.0	12.37	0.7276	0.8090	0.0300	0.0050	2.8	100-YR	25.5	12.0	Capacity
1.23	0	4	6.0	10.10	0.5942	0.7068	0.0500	0.0050	1.5	100-YR	8.9	9.8	Depth Check (Fully Developed Flows)
1.50	0	4	9.0	12.37	0.7276	0.8090	0.0500	0.0050	1.7	100-YR	15.3	12.0	Capacity
0.75	0	4	2.3	6.21	0.3653	0.5110	0.0300	0.0240	3.9	100-YR	8.9	6.0	Velocity Check (Fully Developed Flows)
1.50	0	4	9.0	12.37	0.7276	0.8090	0.0300	0.0240	6.2	100-YR	55.9	12.0	Capacity
0.81	0	4	3.3	7.54	0.4438	0.5814	0.0500</						

June 28, 2024

Nathan Reddin,
Development Director
Town of Northlake
1500 Commons Circle, Suite 300
Northlake, Texas 76226

Re: Since the subdivision will be supplied by well water, complete Certification Form: Groundwater Availability for Platting (TCEQ-20982) in accordance with 30 TAC Section 230.3(c) and Plat Attesting Form (TCEQ-209893) in accordance with 30 TAC 230.1(c)(2)

Dear Nathan,

This letter is to request a waiver from the above-mentioned criteria. I understand that the Town must require groundwater availability certification in the platting application and approval process for subdivisions when groundwater is proposed as the primary source for water supply. It is also my understanding that the Town may waive this requirement per Local Government Code Section 12.0101(1)(B) if the proposed subdivision divides the tract into not more than 10 parts. The intent of the Northlake Acres Plat is to subdivide the existing tract into 3 lots which appears to meet this criterion.

The request of this waiver is not to avoid any water well design or construction requirements. I have contracted Collier Consulting to oversee and verify the water quality, well construction, conduct a 36-hour aquifer pump test, and water plant production disinfection design under the supervision of a Professional Engineer as required by TCEQ for the Public Water Supply Certification.

The estimated future needs for the development are approx. 30gpm, being less than 5% of the allowed production rate as further detailed in the attached correspondence from Collier Consulting. The low anticipated demands should help minimize future drawdowns of the water table which will help to preserve and protect the groundwater resources in the area as is the goal of the North Texas Groundwater Conservation District. Unlike our adjacent location, which we annexed into the city of Northlake, this property will require each tenant to be on at least a 12,000 sqft pad. The number of tenants per acre and therefore the pressure on the system will be very minimal relative to our adjacent property,

It's been a very long process but we are coming to the finish line. We appreciate you guys being willing to work with us on this and the Northlake Business Park project next door and we look forward to our continued relationship with the city.

Thank you for attention to this matter,

TX Business Parks

From: [Ross McAngus](#)
To: [Drew Corn](#); [Nathan Reddin](#)
Cc: [Matt Van Hattem](#); [Micheal Carter](#); [Jose](#)
Subject: TX Business Parks- Northlake FM 407 Development
Date: Monday, June 24, 2024 10:35:36 AM
Attachments: [88\(R\) SB 2440 - Enrolled version - Bill Text \(1\).pdf](#)

Drew and Nathan,

I am the Project Engineer responsible for achieving Public Water Supply status for TX Business Parks (Michael Carter) 407 Location in Northlake, Tx. Michael has mentioned that the Town of Northlake has requested a Ground Water Certification for this project but has since rescinded this demand because the planned connection count would not exceed 10 connections per Senate Bill 2440(attached).

Collier is currently in the process of determining the feasibility of the existing well and its production value. With the current North Texas GroundWater Conservation Rules and spacing; Michael's existing well would be allotted a production rate of 687 gallons per minute (if hypothetically new construction). Considering the needs of Texas Business Parks development and the current well infrastructure Collier Consulting is targeting a flow rate of 30 gallons per minute.

Through the process for TCEQ Public Water Supply Certification Collier will verify water quality, well construction, conduct a 36 hour aquifer pump test, and water plant production disinfection design all under the supervision of a Professional Engineer.

Will the Town of Northlake require any additional documentation for Texas Business Parks to proceed with the project?

--

Ross McAngus, E.I.T.

Project Engineer



O: [254.968.8741](tel:254.968.8741) C: [817.422.3847](tel:817.422.3847)

PO Box 1137 | 590 E South Loop | Stephenville, TX. 76401

Texas HUB & HUBZONE

collierconsulting.com



External Email: Do not click links or open attachments unless you know the content is safe.

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: July 25, 2024
REF. DOC.: Unified Development Code (UDC); Pecan Square Mixed-Use Planned Development (MPD)
SUBJECT: Consider an Ordinance of the Town of Northlake, Texas, amending Ordinance No. 18-1108, the concept plan as amended for the Pecan Square "MPD" Mixed-Use Planned Development, to revise the concept plan
GOALS/ OBJECTIVES: Plan Intentionally and Responsibly; 3.1 - Identify and plan for changes in codes and zoning that enhance desired development

BACKGROUND INFORMATION:

- Pecan Square Mixed-Use Planned Development (MPD) divides property into subdistricts with different zoning standards
- Northlake Bible Church owns approximately 11.54 acres south of FM 407 and west of intersection with Faught Road
 - Northlake Bible Church plans to develop a Church facility on the site to be accessed from FM 407
 - Plans for the proposed facility are included in Exhibit 1
- Property owned by the Church is within the Estate Subdistrict
 - Estate Subdistrict does not list Church/Place of Worship as a permitted use
 - Church/Place of Worship is a permitted use in the Commercial subdistrict
 - Northlake Bible Church has submitted application to revise the concept plan applicable to their property to Commercial Subdistrict
- Pecan Square MPD provides for changes to the concept plan
 - Certain changes to the concept plan are considered minor and do not require Town approval
 - This request would not be considered minor and shall require Town Council approval per MPD
 - However MPD states the procedure is not considered a change in zoning, and no public hearing shall be required

COUNCIL ACTION/DIRECTION:

- Consider approval of revised concept plan



**TOWN OF NORTHLAKE, TEXAS
OFFICIAL ORDINANCE**

NO.

AN ORDINANCE AMENDING ORDINANCE NO. 18-1108, THE CONCEPT PLAN AS AMENDED FOR THE PECAN SQUARE "MPD" MIXED-USE PLANNED DEVELOPMENT, TO REVISE THE CONCEPT PLAN; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

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

WHEREAS, the Town Council of the Town of Northlake heretofore adopted Ordinance No. 17-0413C, Ordinance No. 17-0413D, and Ordinance No. 17-0413E (together the "Pecan Square MPD") establishing "MPD" Mixed-Use Planned Development zoning for the Pecan Square development site (the "Property"); and

WHEREAS, the Town Council of the Town of Northlake heretofore adopted Ordinance No. 17-1030B, Ordinance No. 17-1030C, and Ordinance No. 17-1030D (together the "Pecan Square MPD Amendment") approving a request from the owners of the Property to amend the development regulations and concept plan established by the Pecan Square MPD; and

WHEREAS, the Pecan Square MPD provides for certain changes to the concept plan which are considered minor and do not require Town approval; and

WHEREAS, the Pecan Square MPD also provides that all other changes to the concept plan shall require Town Council approval. This procedure is not considered a change in zoning, and no public hearing shall be required; and

WHEREAS, the Town Council of the Town of Northlake heretofore adopted Ordinance No. 18-1108 (the "Pecan Square MPD Concept Plan Amendment") approving a request from the owners of the Property to amend the concept plan established by the Pecan Square MPD; and

WHEREAS, the Town of Northlake has received a request from Arlos Group LLC on behalf of Northlake Bible Church Inc., the owners of approximately 11.54 acres within the Property, to revise the concept plan as approved with the Pecan Square MPD Concept Plan Amendment; and

WHEREAS, pursuant the Pecan Square MPD, the Town Council must approve the change to the concept plan; and

WHEREAS, pursuant to the Pecan Square MPD, the change to the concept plan is not considered a change in zoning, and no public hearing shall be required; and

WHEREAS, the Town Council of the Town of Northlake does hereby deem it advisable and in the public interest to approve the requested revision to the concept plan as reflected on the exhibit attached hereto.

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. The "Option 2" Concept Plan attached to Ordinance No. 18-1011 as Exhibit A shall be replaced with the new "Option 2" Concept Plan attached hereto and incorporated herein for all purposes as Exhibit A.

Section 3. Any person, firm or corporation violating any of the provisions of this Ordinance shall be punished in accordance with Section 1.01.009 of the Town of Northlake Code of Ordinances, and no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state.

Section 4. 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 the Ordinance, shall remain in full force and effect.

Section 5. All rights and remedies of the Town are expressly saved as to any and all violations of the provisions of this Ordinance, or any other Ordinances affecting the matters addressed 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 the Ordinance but may be prosecuted until final disposition by the courts.

Section 6. The Town Secretary of the Town of Northlake is hereby directed to publish the caption, penalty clause, publication clause, and effective date clause of this Ordinance.

Section 7. This Ordinance shall be in full force and effect from and after its passage and/or publication as required by law.

PASSED AND APPROVED by the Town Council of the Town of Northlake, Texas, on July 25, 2024.

Town of Northlake, Texas

Brian Montini, Mayor

Attest:

Zolaina Parker, Town Secretary

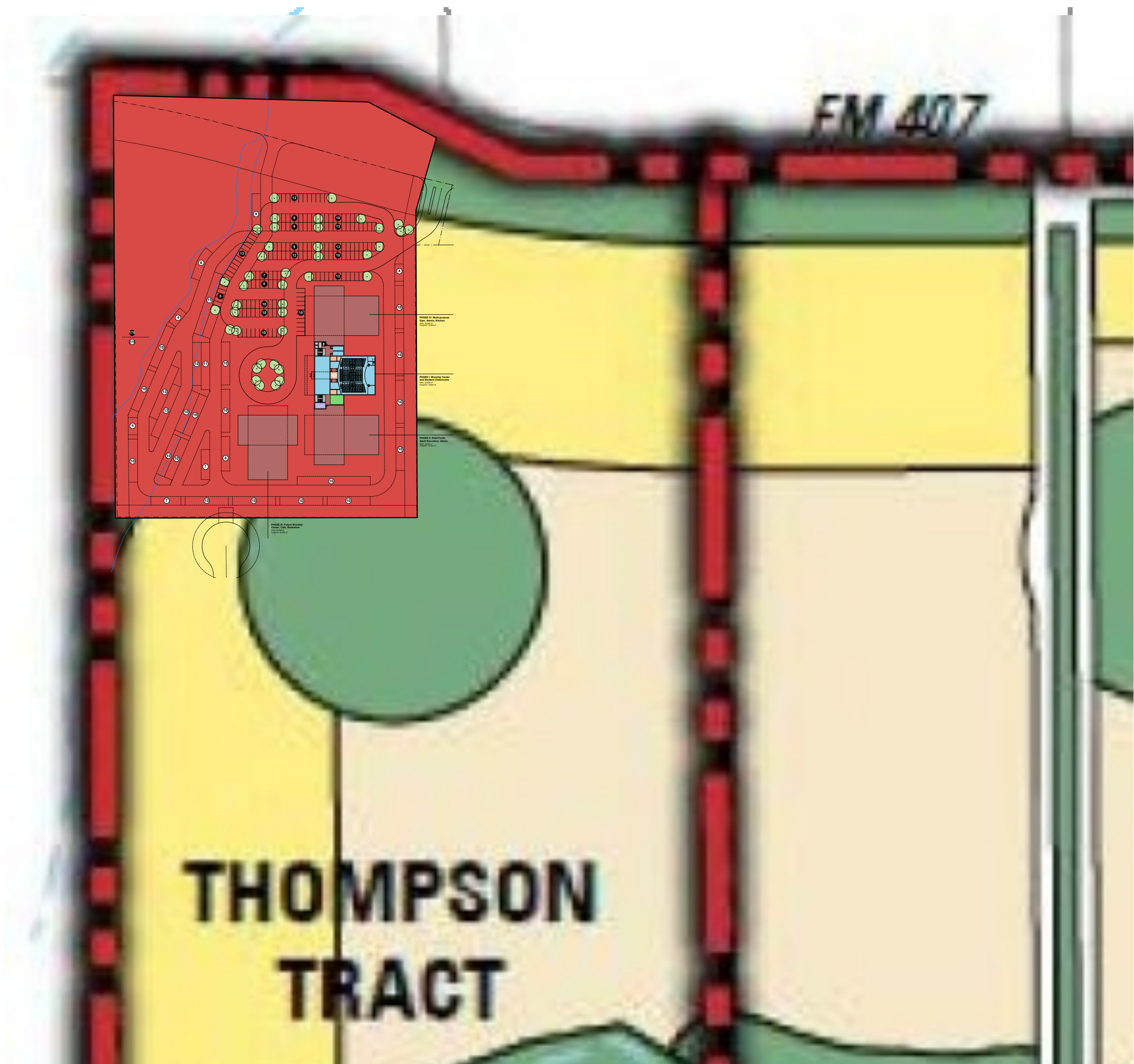
Exhibit A
Concept Plan
 CONCEPT PLAN
 OPTION 2

Proposed:



LEGEND	
SYMBOL	DESCRIPTION
[Yellow Box]	Traditional
[Light Green Box]	Estate
[Dark Green Box]	Open Space
[Red Box]	Commercial
[Orange Box]	Mixed Use
[Blue Box]	Lifestyle
[Blue Box]	Waste Water Management Plant
[Blue Box]	School Site
[Dashed Red Line]	Boundary Line Between Young, Gibbs and Thompson
Notes	
- All locations of boundaries, land uses and roads are approximate.	

Detail:



Ordinance No. 18-1011_ - Pecan Square Concept Plan Revision
 Exhibit A – Page 1



Proposed Concept Plan Revision



Property Owner and End-User



General Contractor & Development



Architect and Design Team Lead

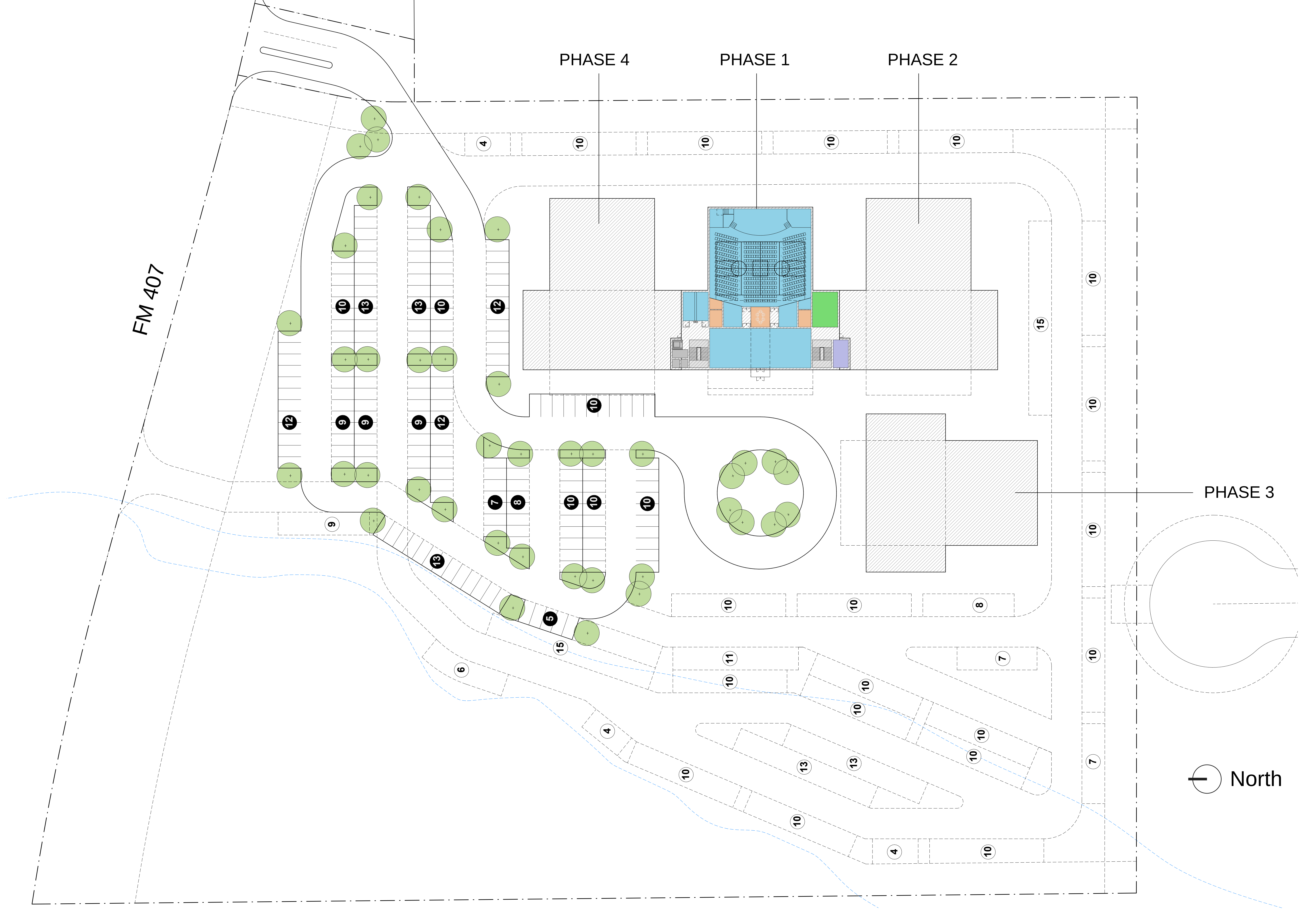
Project Team



West Elevation Rendering



North Elevation Rendering



Site Plan, All Phases

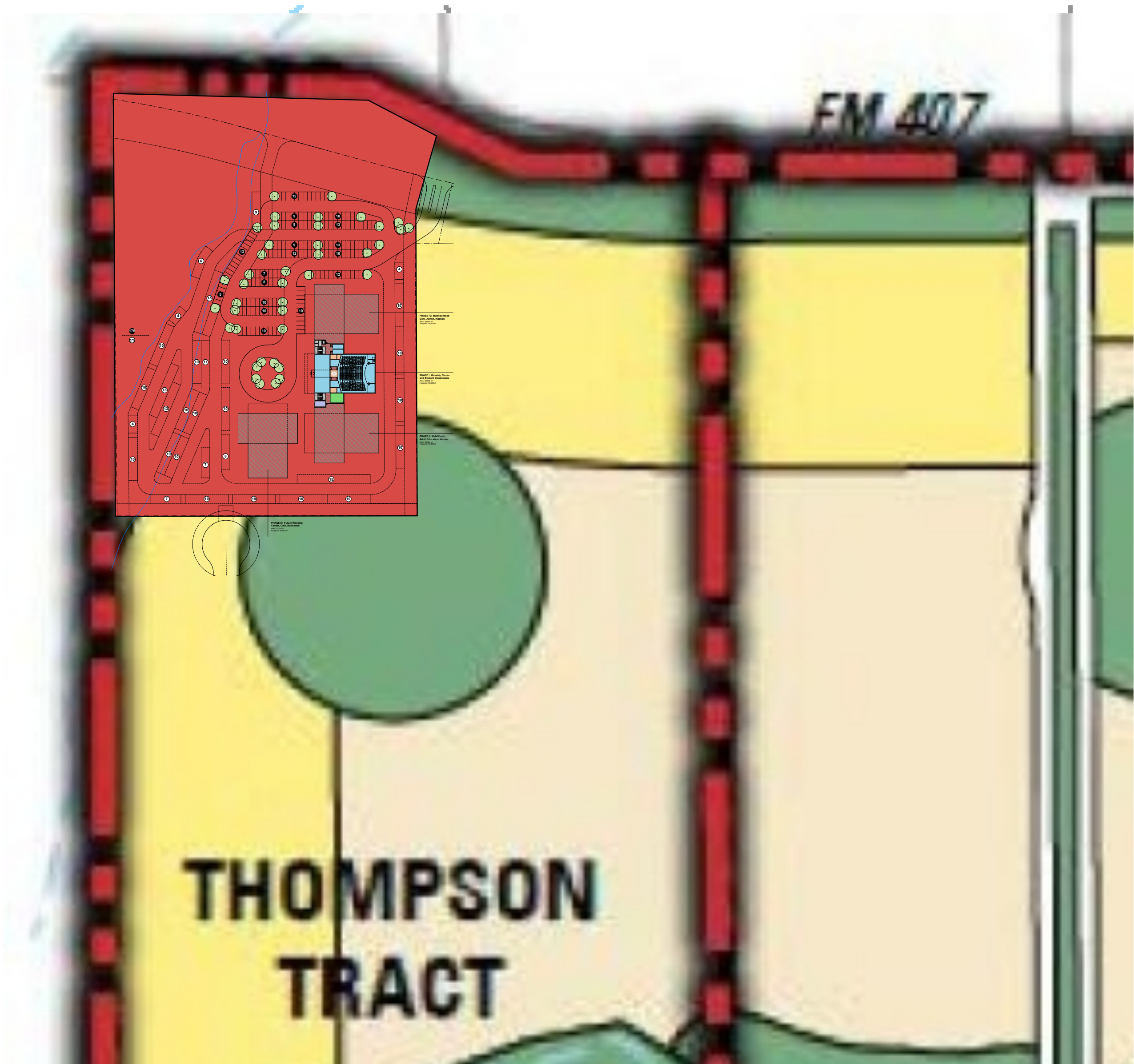
Exhibit A
Concept Plan
 CONCEPT PLAN
 OPTION 2

Proposed:



LEGEND		
SYMBOL	DESCRIPTION	
[Yellow Box]	Traditional	
[Orange Box]	Estate	
[Green Box]	Open Space	
[Blue Box]	Waste Water Management	
[Red Box]	Commercial	
[Pink Box]	Mixed Use	
[Light Blue Box]	Lifestyle	
[Red Dashed Line]	Boundary Line Between Young, Gibbs and Thompson	
Notes		
		- All locations of boundaries, land uses and roads are approximate.

Detail:



Ordinance No. 18-1011_ - Pecan Square Concept Plan Revision
 Exhibit A – Page 1



Proposed Concept Plan Revision

**NORTHLAKE TOWN COUNCIL
BOARD OF DIRECTORS COMMUNICATION**



DATE: July 25, 2024
REF. DOC.: S.A.S. Boutique Pioneer Grant Performance Agreement
SUBJECT: Consider approval of a Resolution of the Town of Northlake, Texas, approving an amendment to the Pioneer Grant for S.A.S. Boutique and authorizing the Northlake Economic Development Corporation and Northlake Community Development Corporation to enter into an amended performance agreement; and providing an effective date
GOALS/ OBJECTIVES: Promote Economic Vitality; 6.2 - Target business development through economic incentives

BACKGROUND INFORMATION:

Pioneer Grant Program (PGP) Recipient

- S.A.S. Boutique
 - Boutique women's clothing store
 - Approved for \$20,000 in PGP funding on May 26, 2022
 - Obtained Certificate of Occupancy on July 13, 2022
 - Still operating business in Northlake Commons
 - Business owner informed staff of need to close and requested item to discuss repayment options

Pioneer Grant Program Funding Guidelines

- Five-year forgivable loan
- 1/5 of loan forgiven after each year of first five years of business operation
- After final Performance Date (5 years from CO issuance), funding mechanism converts to a grant
 - Thereafter, no repayment required if performance targets change or a business closes

Repayment Obligation

Per Performance Agreement: "Determination of Inability to Comply: If the Town, in its sole discretion, determines at any time prior to the Performance Date (a "Determination Date") that the Grantee is unable or unwilling to meet and maintain any of its Targets by and through the Performance Date and the Town has not authorized any alteration or change to the applicable Target, and if the Town promptly notifies the Grantee of such determination, the Grantee must repay the Grant proceeds based upon the following schedule:

In the 1st year following CO issuance	Repay \$20,000
On or after the 1st anniversary of CO issuance but before the 2nd anniversary of CO issuance	Repay \$16,000
On or after the 2nd anniversary of CO issuance but before the 3rd anniversary of CO issuance	Repay \$12,000
On or after the 3rd anniversary of CO issuance but before the 4th anniversary of CO issuance	Repay \$8,000

On or after the 4th anniversary of CO issuance but before the 5th anniversary of CO issuance	Repay \$4,000
--	---------------

Repayment Dates: Such repayment shall be due from the Grantee to the Town within thirty days of the Performance Date or the Determination Date, as applicable."

- Repayment amount and timing per agreement:
 - If business closes before July 13, 2025, \$12,000 is due within 30 days of Town providing notice

Economic Development Corporation (EDC) and Community Development Corporation (CDC) Action

- July 18th meetings
 - EDC and CDC voted to amend performance agreement by amending repayment terms as follows:
 - Repayment amount shall be \$20,000 less a credit of all sales tax received by Town from S.A.S. Boutique
 - Additional sales tax payments are anticipated with total payments to the Town estimated to be approximately \$12,000
 - Estimated total repayment to be approximately \$8,000
 - Repayment shall be made with minimum equal monthly installments over 24 months following final sales tax payment

BOARD DIRECTION:

- Approve resolution authorizing amended Pioneer Grant Performance Agreement with S.A.S. Boutique
- Disapprove resolution and provide guidance to EDC and CDC for their reconsideration



**TOWN OF NORTHLAKE, TEXAS
OFFICIAL RESOLUTION**

NO.

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF NORTHLAKE, TEXAS, APPROVING AN AMENDMENT TO A PIONEER GRANT FOR S.A.S. BOUTIQUE AND AUTHORIZING THE NORTHLAKE ECONOMIC DEVELOPMENT CORPORATION AND THE NORTHLAKE COMMUNITY DEVELOPMENT CORPORATION TO ENTER INTO AN AMENDED PERFORMANCE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Town Council on December 11, 2014 approved Resolution No. 14-32 adopting an Incentives Policy for the Town as amended, which: (1) established certain guidelines and criteria for the use of Town incentive programs for private development projects; and (2) authorized the establishment of programs for making loans and grants of Type A and Type B economic development sales tax funds to promote local economic development and to stimulate business and commercial activity in the Town of Northlake pursuant to the Development Corporation Act, codified in Chapters 501-505 of the Texas Local Government Code; and

WHEREAS, the Town of Northlake, Texas, an incorporated municipality of Denton County, Texas, the Northlake Economic Development Corporation (the "EDC") and the Northlake Community Development Corporation (the "CDC") (the Town of Northlake, together with the EDC and CDC, the "Town") has established the Pioneer Grant Program pursuant to the Policy to promote the development of retail, restaurant, and service businesses in the Town of Northlake; and

WHEREAS, N-Spurred LLC dab S.A.S. Boutique (the "Grantee") submitted an application to receive a Pioneer Grant for the development of S.A.S. Boutique, a women's clothing store; and

WHEREAS, on May 26, 2022, the Town approved Grant funds in the amount of \$20,000 for use by the Grantee, pursuant to a Pioneer Grant Performance Agreement; and

WHEREAS, S.A.S. Boutique obtained a Certificate of Occupancy on July 13, 2022 and within 30 days a \$20,000 payment was issued to the Grantee; and

WHEREAS, S.A.S. Boutique operated in the Northlake Commons from July 2022 but expects to close by August 8, 2024; and

WHEREAS, Pioneer Grants function as a forgivable loan with 1/5 of the loan forgiven after each year of the first five years of business operation; and

WHEREAS, the S.A.S. Boutique Pioneer Grant Performance Agreement established a repayment schedule requiring repayment of \$12,000 “on or after the 2nd anniversary of CO issuance but before the 3rd anniversary of CO issuance;” and

WHEREAS, on July 18, 2024, the EDC and the CDC boards of directors approved a repayment plan as described herein.

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 Council hereby authorizes the EDC and CDC to enter into an amended performance agreement with the Grantee for repayment as follows:

1. Repayment amount shall be \$20,000 less a credit of all sales tax received by Town from S.A.S. Boutique.
2. Repayment shall be made with minimum equal monthly installments over 24 months following final sales tax payment.

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 July 25, 2024.

Town of Northlake, Texas

Brian Montini, Mayor

Attest:

Zolaina Parker, Town Secretary



**TOWN OF NORTHLAKE, TEXAS
OFFICIAL RESOLUTION**

NO. 22-32

A RESOLUTION OF THE TOWN OF NORTHLAKE, TEXAS, REPEALING RESOLUTION 22-12 AND APPROVING A PIONEER PROGRAM GRANT IN THE AMOUNT OF \$20,000 FOR S.A.S. BOUTIQUE AND AUTHORIZING THE TOWN MANAGER TO ENTER INTO A PERFORMANCE AGREEMENT

WHEREAS, the Town Council on December 11, 2014 approved Resolution No. 14-32 adopting an Incentives Policy for the Town as amended, which: (1) established certain guidelines and criteria for the use of Town incentive programs for private development projects; and (2) authorized the establishment of programs for making loans and grants of Type A and Type B economic development sales tax funds to promote local economic development and to stimulate business and commercial activity in the Town of Northlake pursuant to the Development Corporation Act, codified in Chapters 501-505 of the Texas Local Government Code; and

WHEREAS, the Town of Northlake, Texas, an incorporated municipality of Denton County, Texas, the Northlake Economic Development Corporation (the "EDC") and the Northlake Community Development Corporation (the "CDC") (the Town of Northlake, together with the EDC and CDC, the "Town") has established the Pioneer Grant Program pursuant to the Policy to promote the development of retail, restaurant, and service businesses in the Town of Northlake; and

WHEREAS, N-Spurred LLC dba S.A.S. Boutique (the "Grantee") has submitted an application to receive a Pioneer Grant for the development of a S.A.S Boutique women's clothing store; and

WHEREAS, the Town has reviewed the application and is willing to provide Grant funds for the use of the Grantee, pursuant to a performance agreement;

WHEREAS, the EDC and CDC boards of directors approved a grant in the total amount of \$20,000 (payment to be split evenly between the EDC and CDC) as a project that will promote new business development at their February 17, 2022 board meetings.

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

Section 1. All of the above premises are true and correct legislative and factual findings of the Town Council, and they are hereby approved, ratified and incorporated into the body of this resolution as if copied in their entirety.

Section 2. The Town Council hereby authorizes the Town Manager to enter into a performance agreement with Grantee for a grant payment not to exceed \$20,000.



**TOWN OF NORTHLAKE, TEXAS
OFFICIAL RESOLUTION**

Section 3. Resolution Number 22-12 is hereby repealed for all purposes.

Section 4. This resolution is effective immediately upon passage.

PASSED AND APPROVED by the Town Council of the Town of Northlake, Texas, this 26th day of May 2022.

Town of Northlake, Texas

A blue ink signature of David Rettig, written over a horizontal line.

David Rettig, Mayor

Attest:

A blue ink signature of Zolaina Parker, written over a horizontal line.

Zolaina Parker, Town Secretary





**PIONEER GRANT
PERFORMANCE AGREEMENT**

This Pioneer Grant Performance Agreement is entered into by and between the Town of Northlake, Texas, an incorporated municipality of Denton County, Texas, the Northlake Economic Development Corporation (the "EDC") and the Northlake Community Development Corporation (the "CDC") (the Town of Northlake, together with the EDC and CDC, the "Town"), and N-Spurred LLC dba S.A.S. Boutique (the "Grantee").

WITNESSETH:

WHEREAS, the Town Council on December 11, 2014 approved Resolution No. 14-32 adopting an Incentives Policy for the Town (the "Policy") as amended, which: (1) established certain guidelines and criteria for the use of Town incentive programs for private development projects; and (2) authorized the establishment of programs for making loans and grants of Type A and Type B economic development sales tax funds to promote local economic development and to stimulate business and commercial activity in the Town of Northlake pursuant to the Development Corporation Act, codified in Chapters 501-505 of the Texas Local Government Code, (the "Act"); and

WHEREAS, the Town has established the Pioneer Grant Program pursuant to the Policy to promote the development of retail, restaurant, and service businesses in the Town of Northlake; and

WHEREAS, the Grantee has submitted an application to receive a Pioneer Grant for the development of a S.A.S Boutique women's clothing store; and

WHEREAS, the Town has reviewed the application and is willing to provide Grant funds for the use of the Grantee, provided that the Grantee meets certain criteria relating to maintenance of the facility as a S.A.S Boutique women's clothing store, capital investments and new jobs; and

WHEREAS, the Grantee is required to return all or a portion of the funds received to the Town if the performance criteria of the Grantee are not met; and

WHEREAS, the Town and the Grantee desire to set forth their understanding and agreement as to the payout of the Grant proceeds, the obligations of the Grantee regarding capital investment and new job creation, and the repayment by the Grantee of all or part of the Grant under certain circumstances; and

WHEREAS, the Grantee's plans to construct an approximately 1,400 square-foot boutique tea and gourmet food shop (the "Facility") will entail a capital expenditure of greater than \$125,000 referred to in the Agreement as the "Capital Investment"; and

WHEREAS, it is expected that at least 3 New Jobs, as defined herein, will be created at the Facility; and

WHEREAS, the Grantee plans to maintain the facility as a S.A.S Boutique for 5 years unless otherwise approved by the Town; and

WHEREAS, together, the Capital Investment target of \$125,000; the New Jobs target of 3; and the 5-year Maintenance target are referred to herein as the "Targets"; and

WHEREAS, the Facility is expected to generate approximately \$480,000 in annual taxable sales in addition to the indirect benefit of establishing Northlake as a retail destination with the potential to encourage additional retail development; and

WHEREAS, the EDC and CDC boards of directors designated an incentive for the development of the Facility in the total amount of \$20,000 (payment to be split evenly between the EDC and CDC) as a project that will promote new business development at their February 17, 2022 board meetings; and

WHEREAS, all requirements of the Act shall be met prior to distribution of grant funds, including, but not limited to, any requirements for public hearings, notice and authorization of the Town Council, if necessary;

NOW, THEREFORE, in consideration of the foregoing, the mutual benefits, promises and undertakings of the parties to this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto covenant and agree as follows:

Section 1. Disbursement of the Grant.

The Grant in the amount of \$20,000 will be paid to the Grantee upon completion of the Facility as certified by the issuance of a Certificate of Occupancy (the "CO") by the Town. Within 30 days of issuance of the CO, the Town will disburse the Grant proceeds to the Grantee as an inducement to the Grantee to achieve the Targets at the Facility.

Section 2. Targets and Definitions.

The Grantee will develop the Facility as a finish out space within Northlake Commons, make a capital investment of at least \$125,000, create and maintain at least 3 New Jobs at the Facility, and maintain the branding of the Facility as a S.A.S Boutique unless otherwise approved by the Town. The actual construction costs of the Facility shall meet the Capital Investment Target and such investment shall be satisfied with completion of construction which shall culminate in the issuance of a CO within one year of the date of this agreement. The New Jobs Target shall be met within one year of the issuance of the CO and the Target shall be maintained through the final Performance Date which shall be five years from the issuance of the CO. The Maintenance Target shall be maintained through final Performance Date unless alteration of the branding is otherwise approved by the Town.

For the purpose of this Agreement, the following terms shall have the following definitions:

“Capital Investment” means a capital expenditure in taxable real property, taxable tangible personal property, or both at the Facility (excluding the purchase of land or existing real property improvements). The capital investment must be in addition to the capital improvements at the Facility at the date of this Agreement.

“Employee” means the full-time equivalent (FTE) employment of a person performing a duty for the Grantee at the facility. This term shall not include contract workers who are considered independent contractors for the Grantee.

“Maintain” means that the new jobs created pursuant to the Grant will continue without interruption from the date of creation through the Performance Date as it relates to the Jobs Target. “Maintain” as it relates to the Maintenance Target means that the branding of the Facility will remain as initially proposed from the date of opening through the Performance Date.

“New Job” means new permanent employment of an Employee for an indefinite duration at the Facility. Each New Job must require a minimum of either (1) 30 hours of an Employee’s time per week for the entire normal year of the Grantee’s operations, which “normal year” must consist of a least 52 weeks, or (2) 1,560 hours per year. Seasonal or temporary positions, positions created when a job function is shifted from an existing location in the Town limits of Northlake, and positions with contractors, suppliers, and similar multiplier or spin-off jobs shall not qualify as New Jobs.

Section 3. Repayment Obligation.

Determination of Inability to Comply: If the Town, in its sole discretion, determines at any time prior to the Performance Date (a “Determination Date”) that the Grantee is unable or unwilling to meet and maintain any of its Targets by and through the Performance Date and the Town has not authorized any alteration or change to the applicable Target, and if the Town promptly notifies the Grantee of such determination, the Grantee must repay the Grant proceeds based upon the following schedule:

In the 1st year following CO issuance	Repay \$20,000
On or after the 1st anniversary of CO issuance but before the 2nd anniversary of CO issuance	Repay \$16,000
On or after the 2nd anniversary of CO issuance but before the 3rd anniversary of CO issuance	Repay \$12,000
On or after the 3rd anniversary of CO issuance but before the 4th anniversary of CO issuance	Repay \$8,000
On or after the 4th anniversary of CO issuance but before the 5th anniversary of CO issuance	Repay \$4,000

Repayment Dates: Such repayment shall be due from the Grantee to the Town within thirty days of the Performance Date or the Determination Date, as applicable.

Section 4. Grantee Reporting.

The Grantee shall provide, at the Grantee's expense, detailed verification reasonably satisfactory to the Town of the Grantee's progress on the Targets. Such progress reports will be provided at least annually, starting at twelve months from the date that the Grantee receives the Grant, and at such other times as the Town may require for a period of five years from the grant proceeds award date.

Section 5. Notices.

Any notices required or permitted under this Agreement shall be given in writing, and shall be deemed to be received upon receipt or refusal after mailing of the same in the United States Mail by certified mail, postage fully pre-paid or by overnight courier (refusal shall mean return or certified mail not accepted by the addressee):

If intended for the Town, to:

Town of Northlake
1500 Commons Circle, Suite 300
Northlake, Texas 76262
Attn: Drew Corn, Town Manager
Phone: (940) 648-3290
Fax: (940) 648-0363
Email: dcorn@town.northlake.tx.us

If intended for the Grantee, to:

N-Spurred LLC dba S.A.S. Boutique
204 Wallis Avenue
Santa Anna, Texas 76878
Attn: Kyra Neff
Phone: (817) 235-0186
Email: santannastore@yahoo.com

With a copy to:

Taylor, Olson, Adkins, Sralla & Elam, L.L.P.
6000 Western Place, Suite 200
Fort Worth, Texas 76107
Attn: Ashley D. Dierker
Phone: (817) 332-2580
Fax: (817) 332-4740
Email: adierker@toase.com

Northlake EDC
1500 Commons Circle, Suite 300
Northlake, Texas 76262
Attn: President
Phone: (940) 648-3290
Fax: (940) 648-0363
Email: northlakeedc@town.northlake.tx.us

Northlake CDC
1500 Commons Circle, Suite 300
Northlake, Texas 76262
Attn: President

Phone: (940) 648-3290
Fax: (940) 648-0363
Email: northlakeedc@town.northlake.tx.us

Section 6. Miscellaneous.

- A. Entire Agreement; Amendments: This Agreement constitutes the entire agreement between the parties hereto as to the subject matter contained herein and may not be amended or modified, except in writing signed by each of the parties hereto. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. The Grantee may not assign its rights and obligations under this Agreement without the prior written consent of the Town.
- B. Governing Law; Venue: This Agreement is made and performable in the Town limits of Northlake in Denton County, Texas and shall be construed and enforced by local and state laws within the State of Texas. Venue for any litigation arising out of or involving this Agreement shall lie in Denton County, Texas.
- C. Counterparts: This Agreement may be executed in one or more counterparts, each of which shall be an original, and all of which together shall be one and the same instrument.
- D. Severability: If any provision of this Agreement is determined to be unenforceable, then the remaining provisions of this Agreement shall, in the discretion of the Town, be voidable or interpreted as in effect as if such unenforceable provision were not included therein.

EXECUTED and effective as of the date of the last authorized signature below.

APPROVED AS TO FORM:
ASHLEY D. DIERKER,
TAYLOR, OLSON, ADKINS,
SRALLA & ELAM, L.L.P.
Town Attorney

By: _____

Town Attorney

Date: 05/26/2022

TOWN OF NORTHLAKE
DREW CORN

Town Manager

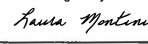
By: _____

Drew Corn, Town Manager

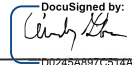
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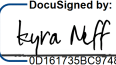
**NORTHLAKE ECONOMIC DEVELOPMENT
CORPORATION**

By:  DocuSigned by:
87FDCB63B7444C7
Laura Montini, President of Board of Directors
Date: 6/5/2022

**NORTHLAKE COMMUNITY DEVELOPMENT
CORPORATION**

By:  DocuSigned by:
00245A9B7C516AA...
Andy Gibson, President of Board of Directors
Date: 6/5/2022

GRANTEE:

By:  DocuSigned by:
001B1735BC9748D...
Kyra Neff, Owner
N-Spurred LLC dba S.A.S. Boutique
Date: 6/7/2022

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: July 25, 2024

Section: 6. EXECUTIVE SESSION

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: July 25, 2024

Section: 7. RECONVENE INTO OPEN SESSION

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: July 25, 2024

Section: 7. RECONVENE INTO OPEN SESSION

NORTHLAKE TOWN COUNCIL COMMUNICATION



DATE: July 25, 2024

Section: 8. ADJOURN
