

**State of Texas
County of Denton
City of Lake Dallas**

The Lake Dallas City Council met in a regular meeting on April 24, 2014 in the Lake Dallas City Hall, 212 Main Street, with notice of the meeting given, as required by Title 5, Chapter 551.041 of the Texas Government Code. Mayor Marino called the meeting to order at 7:35 p.m.

A. ROLL CALL

Tony Marino	Mayor
James Harper	Councilmember 1
B.W. Brooks	Councilmember 3
April Estrada	Councilmember 4

Councilmember McCaleb was out on business.
Councilmember Hammond was absent.

Staff Present: City Manager Nick Ristagno; City Secretary Joni Vaughn; Police Captain Wes Frazier; Community Development Char Dupree; Finance Director Donna Boner

B. INVOCATION

Ron Boudreaux gave the invocation.

C. PLEDGE OF ALLEGIANCE:

Mayor Marino led the pledges of allegiance.

D. ANNOUNCEMENTS

The police department will hold its' annual Kids and Cops event on Saturday, April 26th from 11-3. The Thomas Carnival will be here May 8-11. Plans for the annual 4th of July celebration are underway.

E. PROCLAMATION

Mayor Marino proclaimed May as Motorcycle Safety and Awareness Month in Lake Dallas.

F. REPORTS

1) Boards and Commissions

Lake Dallas Economic Development Corporation and Lake Dallas Community Development Corporation did not meet this month. Parks was unable to meet due to lack of quorum and per City Charter a report has been submitted to Council listing those in attendance and those absent. Planning and Zoning met and has two items on the agenda this evening. Board of Adjustment met. Char DuPree gave a report to Council regarding the BOA's decision on the property at 703 Glen Rhea. BOA is recommending the property be vacated and demolished. Barbara Thompson, Librarian for Lake Cities Library, presented a report on behalf of the Library Board. Barbara said Corinth has officially pulled out of the Library. Things are going well at the Library. Moving forward without Corinth's funding and participation, Mrs. Thompson said she will re-evaluate some of the things at the Library as the new budget year approaches.

2) Finance

Donna Boner reported on the financials. Sales Tax continues to come in strong. Revenue at Willow Grove Park has been outstanding recently.

G. VISITORS/CITIZENS AGENDA *In accordance with the Open Meetings Act, the City Council is prohibited from acting on or discussing (other than factual responses to specific questions) any items brought before them at this time. Citizen's comments will be limited to three (3) minutes.*

No one came forward to speak

H. CONSENT AGENDA

- 1) **Consideration and Action to approve the minutes of the March 27, 2014 and April 10, 2014 meetings.**
- 2) **Consideration and Action to approve the March financials.**
- 3) **Consideration and Action to approve the Quarterly Investment Report for 1st quarter 2014.**

Motion to approve the Consent Agenda consisting of the minutes of the March 27, and April 10, 2014 meetings, the March Financials, and the 1st Quarter 2014 Investment Report was made by Councilmember Brooks and second by Councilmember Estrada.

Ayes: Councilmembers Brooks, Estrada, and Harper

Noes: None

Motion Passed

I. BUSINESS

- 1) **Consideration and Action to approve a contract agreement with Thomas Carnival, Inc. for a carnival May 8 – 11, 2014 and waive the permit fees.**

Motion to approve a contract agreement with Thomas Carnival, Inc. for a carnival May 8 – 11, 2014 and waive the permit fees was made by Councilmember Estrada and second by Councilmember Harper.

Ayes: Councilmembers Estrada, Harper, and Brooks

Noes: None

Motion Passed

- 2) **Public Hearing to hear comments on the proposed increase of .78% 2014 Consumer Price Index (CPI) adjustment to municipal telecommunications Right-of-way access line rates established by the Public Utility Commission of Texas**

No one came forward to speak

- 3) **Consideration and Action to approve/deny the .78% 2014 Consumer Price Index (CPI) increase to municipal telecommunications Right-of-way access line rates.**

Motion to approve the .78% 2014 Consumer Price Index (CPI) increase to municipal telecommunications right-of-way access line rates was made by Councilmember Brooks and second by Councilmember Harper.

Ayes: Councilmembers Brooks, Harper, and Estrada

Noes: None

Motion Passed

- 4) **Public Hearing on an application by Daniel Baker, business owner of 13 Steps to Nowhere, for a Special Use Permit to allow outdoor events at the property located at 501 E. Swisher Road, City of Lake Dallas, Denton County, Texas. The legal description of the property is A0424a N. French, Tract 21C, and it is zoned C-1 Commercial District.**

Daniel Baker addressed the Council and gave an overview of his project and request. Mr. Baker wants to create a maze for outdoor events on the property at 501 E. Swisher Road. Councilmembers asked numerous questions about the type of structure, the level of noise and lighting, capacity limits, and parking. Mr. Baker confirmed the structure would be built in the same manner and of the same material that he used last year for his Halloween haunted trail. He said he uses LED lighting that only illuminates certain small areas. Swisher Courts parking lot will host the parking and groups of 6 people will be taken through the maze approximately every 30 minutes. The event is powered by temporary generators. He primarily wants to do laser tag events and scavenger hunts for private groups, as well as the Halloween event in October.

Pat Haggerty, Board President of the Montserrat Retreat House, spoke in opposition of the permit. The Montserrat has been in the community since 1959. They conduct silent retreats on their 50 acres. Their core program runs from Thursday evening until noon on Sunday. Mr. Haggerty has concerns that allowing these types of event will interfere with the work that goes on at Montserrat; he fears it will disrupt the peaceful atmosphere of their property. He asked that there be no bullhorns used on the property and that the SUP be reviewed in one year as opposed to three years.

Ron Boudreaux, Montserrat Retreat House, spoke in opposition of the SUP. He believes it will be disruptive and offensive to the people who come to Monserrat for peace and quiet.

5) Consideration and Action to approve a Special Use Permit with or without conditions to allow outdoor events at the property located at 501 E. Swisher Road.

Motion to approve a Special Use Permit to allow outdoor events at the property located at 501 E. Swisher Road with the condition of no bullhorns to be used at the events was made by Councilmember Brooks and second by Councilmember Harper.

Amended Motion to approve a Special Use Permit for 5 years to allow outdoor events at the property located at 501 E. Swisher Road with conditions of no bullhorns to be used at the events, events to be held Thursday through Sunday, permit to be reviewed in 3 years with no fee was made by Councilmember Brooks and second by Councilmember Harper.

Ayes: Councilmembers Brooks, Harper

Noes: Estrada

Motion Passed

6) Public Hearing on the proposed Special Use Permit submitted by David Shershen on behalf of the Kingswood Home Owners Association for Kingswood Mobile Home Park, City of Lake Dallas, Denton County, Texas. The request for a Special Use Permit for KMHP would involve an overlay of C-2 Commercial District for the clubhouse at 228 Kingswood Drive for the purpose of allowing an indoor "European style" flea market on Thursday through Sunday from 8 am until 5pm . Chapter 122, Zoning, of the Code of Ordinances of the City of Lake Dallas, Article XVI, Special Use Permits, Section 122-691(19), allows for application to be made. This property is located at Kingswood Mobile Home Park, Kingswood Estates, Lots 1-228, Lake Dallas, Texas.

David Shershen, 166 Kingswood Drive, Lake Dallas, addressed the Council on behalf of the Home Owners Association of Kingswood Mobile Home Park in regards to their request for a Special Use Permit. The HOA Board is looking for ways to create income to help pay off bank loans and to repair and maintain the Community's swimming pool. The Board would like to turn the Community's Clubhouse into a European style flea market to sell items made by residents. Income would be generated by renting vendor space to those who were selling their wares.

Kami Jones, 516 Meadowbrook, spoke in opposition to the permit. Mrs. Jones has concerns about traffic and people cutting through their subdivision.

Lura Green, 524 Meadowbrook, spoke in opposition to the permit. Ms. Green is concerned about the traffic, potential home break- ins due to strangers being in their neighborhood while they are away at work.

Melody Wayne, Kingswood Mobile Home Park resident, spoke in favor of the permit. Ms. Wayne feels this project is no different than the Community Garage Sales held in other neighborhoods in Lake Dallas.

Willeen Newman, 8 Oakwood Drive, spoke in favor of the permit.

Tom Sukach, 509 Meadowbrook, is opposed to the permit.

Margaret McCarty, 83 Lakeridge, is in favor of the permit.

Bob Davis, 73 Lakeridge, is in favor of the permit so that the HOA can reopen the pool.

- 7) **Consideration and action to approve a Special Use Permit with or without conditions for the Kingswood Mobile Home Park that would involve an overlay of C-2 Commercial District zoning for the clubhouse at 228 Kingswood Drive for the purpose of allowing a flea market and associated retail activities.**

Item tabled until the HOA Board can provide a more detailed business plan.

- 8) **Discussion of Swisher Road rezoning to consider creating an overlay district and discuss what types of business would be allowed in the overlay.**

City Manager Ristagno presented a list of potential business types for an overlay district on Swisher Road. As a result of discussion, the following list of businesses was decided upon: Antique Shop, Art Gallery, Dental Office, Governmental Offices, Insurance Office, Medical Office, Beauty Salon, Barbershop, Dance Studio, Dry Cleaners, Locksmith Shop, Print Shop, Veterinarian, Household Appliance Service and Repair, and Taxidermist. At the next Council meeting, we will hold a workshop with residents of the neighborhood to get their input.

J. CITY MANAGER REPORT

1) City Projects

Lakeview is problematic. There were a lot of issues that weren't addressed in the original engineering. There were no provisions made for retaining walls. We may have to make some adjustments to some yards and driveways. This has caused a number of change orders which increases the cost of the project.

2) Private Projects

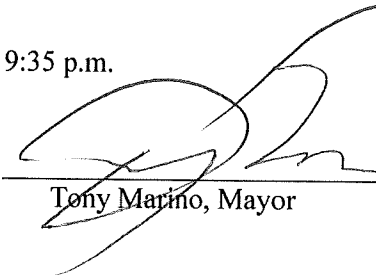
There were no new reports on private projects.

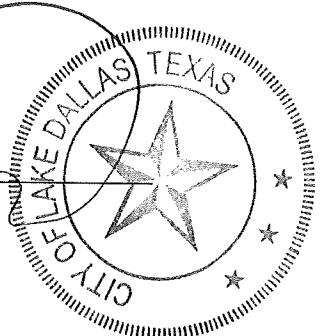
K. NEW AGENDA ITEMS

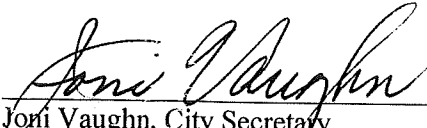
No new items.

L. ADJOURNMENT

Mayor Marino adjourned the meeting at 9:35 p.m.


Tony Marino, Mayor




Joni Vaughn, City Secretary