

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

The Lake Dallas City Council met in a regular meeting on May 22, 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 7:32 p.m.

A. ROLL CALL

Tony Marino	Mayor
James Harper	Councilmember 1
Mike McCaleb	Councilmember 2
B.W. Brooks	Councilmember 3
April Estrada	Councilmember 4
Karl Hammond	Councilmember 5

Staff Present: City Manager/Police Chief Nick Ristagno; City Secretary Joni Vaughn; Police Captain Wes Frazier; Finance Director Donna Boner

B. INVOCATION

Mayor Marino gave the invocation.

C. PLEDGE OF ALLEGIANCE:

Mayor Marino led the pledges of allegiance.

OATHS OF OFFICE

Mayor Marino, Councilmember McCaleb, Councilmember Estrada took the Oath of Office.

D. ANNOUNCEMENTS

Memorial Day Ceremony will be at 9AM Monday, May 26th at Swisher Cemetery. Saturday, June 21st will be the City Wide Clean Up 8AM until 2 PM. 4th of July planning is going well. Stephanie is looking for volunteers to help with the 4th. The carnival went very well; we profited \$3,500 to go towards fireworks.

E. REPORTS

1) Boards and Commissions

Lake Dallas Economic Development Corporation and Lake Dallas Community Development Corporation did not meet this month. Planning and Zoning met and has two items on the agenda this evening. Parks Board met this month and is working on the 4th of July celebration. Lake Cities Library met with Hickory Creek Council regarding the future of the Library. We expect to meet with Hickory Creek soon to discuss the Library with them.

2) Finance

Donna Boner reported on the financials. Sales Tax continues to come in strong. Willow Grove Park revenue continues to increase. Donna also gave a mid-year budget report showing that revenues are coming in well and we expect a positive fund balance at the end of the year. City Manager Ristagno reported that we had a telephone meeting with Standard & Poors and we are encouraged that we may have a change in our rating.

F. 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.*

John Schuh, 737 Harbourtown, reported a neighbor parking a commercial vehicle in front of his property and was inquiring what the rule is for parking commercial vehicles in a residential area.

Margaret McCarty, 83 Kingswood; Melody Wayne, 194 Oakwood; Willene Newman, 8 Oakwood; all spoke in favor of the zoning change proposed for Kingswood Mobile Home Park.

Jenny Warmbrodt, 511 Meadowbrook; Lura Green, 524 Meadowbrook; Martha Lowery, 531 Meadowbrook; Danny Kreps, 513 Meadowbrook; Kami Jones, 516 Meadowbrook; all spoke in opposition of the zoning change for Kingswood Mobile Home Park.

G. CONSENT AGENDA

- 1) Consideration and Action to approve the minutes of the April 24, 2014 meeting.**
- 2) Consideration and Action to approve the April financials.**
- 3) Consideration and Action to approve the ordinance granting a Special Use Permit for outdoor events at 501 E. Swisher Road.**
- 4) Consideration and Action to approve an interlocal agreement with Denton County for Tax Collection.**

Motion to approve the Consent Agenda consisting of the minutes of the April 24, 2014 meeting, the April Financials, the ordinance granting a Special Use Permit for outdoor events at 501 E. Swisher Road, and an interlocal agreement with Denton County for Tax Collection was made by Councilmember Harper and second by Councilmember McCaleb.

Ayes: Councilmembers Harper, McCaleb, Brooks, Estrada, and Hammond

Noes: None

Motion Passed

H. BUSINESS

- 6) Consideration and Action to approve a contract with John Glover to provide health inspections of local businesses.**

City Manager Ristagno explained that our current health inspector is retiring and Mr. Glover was chosen from several applicants.

Motion to approve a contract agreement with John Glover to provide health inspections of local businesses was made by Councilmember Brooks and second by Councilmember Estrada.

Ayes: Councilmembers Brooks, Estrada, Harper, McCaleb, and Hammond

Noes: None

Motion Passed

- 1) Public Hearing on the proposed Special Use Permit submitted by Kreka Enterprises, business owner of Lake Dallas Point restaurant/bar, to renew a Special Use Permit allowing a private club to continue to operate at the property located at 303 Swisher Road, Suite 100.**

Sal Kreka, owner of Lake Dallas Point, was present to answer questions regarding the company's request to renew their Special Use Permit. City Manager Ristagno explained the history of Lake Dallas Point with the City and informed the Council that the Planning and Zoning Commission unanimously recommended renewing the SUP without restrictions.

- 2) **Consideration and Action to approve renewing a Special Use Permit with or without conditions allowing a private club to continue to operate at the property located at 303 Swisher Road, Suite 100.**

Motion to approve renewing a Special Use Permit without conditions allowing a private club to continue to operate at the property located at 303 Swisher Road, Suite 100 was made by Councilmember Brooks and second by Councilmember Estrada.

Ayes: Councilmembers Brooks, Estrada, Harper, McCaleb, and Hammond

Noes: None

Motion Passed

- 3) **Public Hearing on an application for exemption to the requirement of 80 percent masonry for exterior surfaces on the proposed commercial structure BMR Pool and Patio to be located at 451 Betchan.**

City Manager Ristagno gave background on the request. He informed Council that Planning and Zoning Commission recommended 30 percent masonry.

Mike Lindley, owner of BMR Pool, explained his project and asks that his company be allowed whatever was allowed to Z Flooring since they are neighbors.

Council wanted the buildings in the area to remain consistent so they want the building to have the same masonry as its neighbor Z Flooring. City Secretary Vaughn determined from the Planning and Zoning minutes of January 20, 2011 that a 40 percent masonry exemption was Recommended for Z Flooring.

- 4) **Consideration and Action to approve an application for exemption to the requirement of 80 percent masonry for exterior surfaces on the proposed commercial structure BMR Pool and Patio to be located at 451 Betchan.**

Motion to approve an exemption to the requirement of 80 percent masonry for exterior surfaces on the proposed commercial structure BMR Pool and Patio to be located at 451 Betchan was made by Councilmember Estrada and second by Councilmember McCaleb.

Amended Motion to approve an exemption to the requirement of 80 percent masonry for exterior surfaces to 40 percent on the proposed commercial structure BMR Pool and Patio to be located at 451 Betchan was made by Councilmember Estrada and second by Councilmember Harper.

Ayes: Councilmembers Estrada, Harper, McCaleb, Brooks, and Hammond

Noes: None

Motion Passed

- 5) **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.**

City Manager Ristagno reminded Council that this item was tabled at the last meeting. Planning and Zoning Commission unanimously recommended denying this item.

Motion to deny a Special Use Permit 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 was made by Councilmember Harper and second by Councilmember Estrada.

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 to hold an ongoing bazaar in the clubhouse to raise needed funds. Mr. Shershen stated he had presented an updated business plan and assured Council that it would not be a flea market and the HOA would not allow junk.

Council had many concerns about allowing this zoning change. Council felt that even if they allowed the zoning change there would be no guarantee that residents would pay their homeowner's association dues. Mr. Shershen said that about 40% of the residents have not paid their dues for 2014 and about 30% are in arrears for 2013. He stated that even if every resident paid their dues they would still not have enough funds to pay their debt and reopen their pool. Even with the help of added funds from the bazaar, there is no guarantee that enough funds could be raised. City Manager reminded Council that selecting one piece of property for rezoning is "spot zoning" which is illegal.

Ayes: Councilmembers Harper, Estrada, McCaleb, Brooks, and Hammond

Noes: None

Motion Passed

7) Workshop on Swisher Road rezoning to consider creating an overlay district and discuss what types of business would be allowed in the overlay.

City Manager Ristagno gave an overview of the process we have been going through on this subject. He used Rachel Walter Mohn's insurance agency as a model of the type of business we would like to see on Swisher Road. He presented a list of potential business types discussed at the last meeting for an overlay district on Swisher Road. Following further discussion, these businesses were decided upon: Antique Shop, Art Gallery, Professional Offices, Beauty Salon, Barbershop, Dance Studio, Dry Cleaners, Locksmith Shop, Print Shop, Veterinarian (with no outside kennels), and Taxidermist.

Tami Perchez, 106 Hillcrest, suggested the multi-use buildings like the ones on Main Street and Market Street.

Dan Powell, 206 Hillcrest, asked about the Council's plan for Hillcrest. City Manager Ristagno stated at this time, it seems that we are looking mainly at Swisher, but there are some empty lots on Hillcrest and that property owner wishes to rezone. There would be a screening wall put up to help separate residential from commercial.

Jenni Warmbrodt, 511 Meadowbrook, had questions about the height of the screening wall. City Manager Ristagno said that our City code allows up to an 8 foot screening wall. Ms. Warmbrodt also asked if one side of Swisher would be zoned differently than the other side. She also wondered what the parking situation would be for businesses on her side of Swisher Road. Councilmember Harper explained that they are looking for businesses that would be "neighborhood friendly". City Manager Ristagno said the City is concerned about the safety issues of residences on Swisher Road as busy as it is; that is the main reason the City is looking at rezoning it.

Judi Amstutz, property owner of several lots on Swisher across from Video Plus and on Hillcrest, suggested the City look at the rezoning in two pieces with the dividing line being Ridgewood; west of Ridgewood towards I-35E being light commercial, east of Ridgewood along Swisher allowing for a regular commercial development.

J. CITY MANAGER REPORT

1) City Projects

The apartments are ready for permitting. Lakeview continues to be problematic. We have had to make adjustments to properties due to earlier engineering errors. We are discussing with Commissioner Mitchell the possibility of the County assisting us with road repairs on Shady Shores. Main Street road work is on hold waiting for a determination from the County on funding. We met with officials from the County regarding traffic problems on Swisher Road and the County is working on a solution. The materials for the beach area at Willow Grove Park have arrived. Byron Hundley has signed the agreement with the City for the fence at Hundley Boat Yard. We are expecting Hickory Creek to contact us in the near future to meet regarding the Lake Cities Library.

2) Private Projects

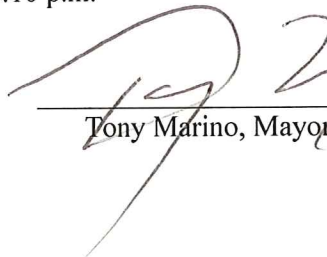
No report

K. NEW AGENDA ITEMS

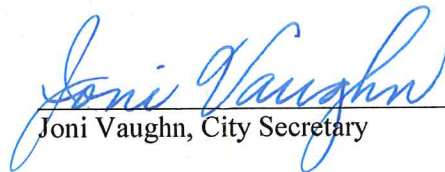
Discussion of 3 year term limits.

L. ADJOURNMENT

Mayor Marino adjourned the meeting at 9:10 p.m.


Tony Marino, Mayor




Joni Vaughn, City Secretary

