State of Texas
County of Denton
City of Lake Dallas

The Lake Dallas City Council met in a regular meeting on February 12, 2015 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 7:30 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/Human Resource Director Donna Boner; City Attorney David Berman

B. INVOCATION
Councilmember McCaleb gave the invocation.

C. PLEDGE OF ALLEGIANCE:
Mayor Marino led the pledges of allegiance.

D. ANNOUNCEMENTS
City Manager Ristagno announced that the 10th annual Mardi Gras will be held Tuesday, February 17th from 5:00 to 9:00 pm. contingent upon weather. Anyone interested in filing for a council seat in the May 9th election may do so through February 27th. Packets are available through the City Secretary's office. Tredways Barbeque is opening in April in the old Neal's location.

E. REPORTS

1) Boards and Commissions
The EDC met on February 2nd and approved the sale of their land. CDC did not have quorum, on February 9th and is rescheduled for February 18th. Planning and Zoning will meet February 19th. Board of Adjustment and Parks Board will both meet on Monday, February 23rd. City Hall will be closed February 16th in honor of Presidents' Day.

2) Finance
Donna Boner gave the Finance report.

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.*

Julie Mathews, 318 Georgian Oak Court, Lake Dallas addressed the Council and requested the Mayor's resignation.

Ruby Benoit, 216 Grayson Lane, Lake Dallas, addressed the Council and requested the Mayor's resignation.

Paul Forgey, 402 S. Lakeview Drive, Lake Dallas, addressed the Council and requested the Mayor's resignation.

Steve Forgey, 352 Betchan Drive, Lake Dallas, addressed the Council and requested the Mayor's resignation.

EJ Rodriques, 329 Texas Drive, Lake Dallas, addressed the Council and spoke in support of the Mayor and his service to the City.

G. CONSENT AGENDA

1) **Consideration and Action to approve the minutes of the January 22, 2015 meeting.**
2) **Consideration and Action to approve the financials for January 2015**
3) **Consideration and Action to approve the 2014 Racial Profiling Report.**
4) **Consideration and Action to approve the allocation of awards at City events.**

Motion to approve the Consent Agenda consisting of the January 22, 2015 meeting minutes, the January Financials, the 2014 Racial Profiling Report, and the allocation of awards at City events was made by Councilmember Estrada and second by Councilmember Harper.
Ayes: Councilmembers Estrada, Harper, McCaleb, Brooks, and Hammond
Noes: None

Motion Passed

H. BUSINESS

1) **Council Interviews with Board Applicants Bob Davis and Margaret McCarty.**

Council spoke with Mr. Davis and Mrs. McCarty about their desire to serve on City Boards.

3) **Consideration and Action to approve an Ordinance ordering an election to be held on May 9, 2015 for the purpose of electing Councilmembers for the Place Numbers 1, 3, and 5.**

Motion to approve a an Ordinance ordering an election to be held on May 9, 2015 for the purpose of electing Councilmembers for the Place Numbers 1, 3, and 5 was made by Councilmember Harper and second by Councilmember McCaleb.
Ayes: Councilmembers Harper, McCaleb, Brooks, Estrada, and Hammond
Noes: None

Motion Passed

4) **Consideration and Action to approve a Joint Election Agreement and Contract for Election Services with Denton County.**

Motion to approve a Joint Election Agreement and Contract for Election Services with Denton County was made by Councilmember Hammond and second by Councilmember Harper.
Ayes: Councilmembers Hammond, Harper, McCaleb, Brooks, and Estrada

Motion Passed

5) **Consideration and Action to approve a CDC project for the funding of $100,000 with Hickory Creek towards the County project to rehabilitate Main Street within Lake Dallas and Hickory Creek at an approximate cost of $2,000,000.**

This item was pulled from the agenda because the CDC did not meet.

6) **Consideration and Action to approve City funding of $100,000 with Hickory Creek towards the County project to rehabilitate Main Street within Lake Dallas and Hickory Creek at an approximate cost of $2,000,000.**

Motion to approve City funding of $100,000 with Hickory Creek towards the County project to rehabilitate Main Street within Lake Dallas and Hickory Creek at an approximate cost of $2,000,000 contingent upon the CDC's refusal to fund was made by Councilmember Harper and second by Councilmember McCaleb.
Ayes: Councilmembers Harper, McCaleb, Brooks, Estrada, and Hammond
Noes: None

Motion Passed

7) **Consideration and Action to remove Charlie Price from the Parks Board for lack of attendance in accordance with board policies.**

Motion to remove Charlie Price from the Parks Board for lack of attendance in accordance with board policies was made by Councilmember Hammond and second by Councilmember McCaleb.
Ayes: Councilmembers Hammond, McCaleb, Harper, Brooks, and Estrada
Noes: None

Motion Passed

8) **Consideration and Action to approve Resolution to amend the Master Fee Schedule.**

Motion to approve a Resolution to amend the Master Fee Schedule was made by Councilmember Hammond and second by Councilmember Brooks.

Ayes: Councilmembers Hammond, Brooks, Harper, McCaleb, and Estrada
Noes: None

Motion Passed

9) **Consideration and Action to approve Court Technology Funds for Document Scanner and Address Verification Software.**

Council requested further information about the address verification software to be presented at the next meeting.

Motion to approve Court Technology Funds for a document scanner was made by Councilmember Estrada and second by Councilmember McCaleb.

Ayes: Councilmembers Estrada, McCaleb, Harper, Brooks, and Hammond
Noes: None

Motion Passed

I. WORKSHOP

Item pulled from the agenda

2) Consideration and Action to approve to approve the Fiscal Year 2014 Audit.

Carl Deaton, Hankins, Eastup, Deaton, and Tonn, presented the annual audit reports to the Council. Mr. Deaton was quite impressed with the progress the City has made to overcome a large deficit in such a short time. This is the first time since the 2009 audit that the City has had a fund balance in the black. This year's audit showed a fund balance of $539,018. Mr. Deaton recommends the City have a fund balance that would equal 3 months of expenses in reserves. The EDC and CDC both had good reports as well. Mr. Deaton pointed out that the audit reflects a reduction in the spending as well as revenues coming in over budget.

Motion to approve the Fiscal Year 2014 Audit was made by Councilmember Hammond and second by Councilmember Brooks.

Ayes: Councilmembers Hammond, Brooks, Harper, McCaleb, and Estrada
Noes: None

Motion Passed

Mayor Marino stepped away from the dias and Mayor Pro Tem Harper adjourned the meeting at 8:33 pm to go into Executive Session.

J. EXECUTIVE SESSION

The City Council will conduct a closed, executive session under Section 551.074 (Personnel Matters) to discuss and consider inquiry into complaint against the mayor regarding allegations of city charter violation.

Mayor Pro Tem Harper reconvened the meeting at 9:31 pm

K. ACTION, IF ANY, FROM EXECUTIVE SESSION – *following minutes for Item K are verbatim*

"Council has deliberated with our City Attorney there. We reviewed the complaint Mr. Forgey provided us in writing. I would like to read a statement at this time.

Council has deliberated and concluded the following:

1) We recommend to the City Manager that he provide training direction to all City employees to not take direction from any councilmember in the future.
2) The Council wants the public to know that we do not condone the actions and behavior of the Mayor and will not tolerated such behavior again in the future by any member of the Council.
3) The Council further concludes that Mayor Marino is guilty of poor judgment that reflects poorly upon city government of Lake Dallas but does not affect the official administration of city government therefore the Council hereby publicly admonishes Mayor Marino for his poor judgment but we do not believe that his lack of judgment rises to the level of removal from office at this time. The City Council does reserve the right to remove Mayor Marino should he commit any further infractions in the future against the City Charter no matter how minor. We further advise that Mayor Marino review the City Charter and acknowledge in writing to the Council that he fully comprehends the duties and responsibilities of his office and I would like Mayor Marino to perhaps consider an apology in the future."

Mayor Marino – "Sure, an apology that I will further follow the ordinance and descriptions of the Charter."

Mayor Pro Tem Harper – "This is the conclusion of our findings at this time and we ask that the City Manager also follow up with our recommendations as well for the city employees. That is the conclusion of Item J and K. Moving on to Item L."

City Manager Ristagno – "clarification of the last part of your finding, City Manager, I didn't quite understand that"

Mayor Pro Tem Harper – "We just want to make sure you provide training to employees to let them know that they are not to take direction directly from any council member."

City Manager Ristagno - "additional training? Because it is in our policies and procedures, it is in our City Charter, all city employees are required to read and know the city policies and procedures"

Mayor Pro Tem Harper – "But, clearly that has been forgotten so a review is necessary."

L. CITY MANAGER REPORT

EDC was scheduled to dissolve but they had a last minute offer on their property so they accepted the offer and the motion to dissolve was set aside until the sale of the property is completed. The apartments are vertical now.

M. NEW AGENDA ITEMS

None

N. ADJOURNMENT

Mayor Marino adjourned the meeting at 9:35 pm.

CITY OF LAKE DALLAS, TEXAS

Tony Marino, Mayor

Joni Vaughn

Joni Vaughn, City Secretary