State of Texas
County of Denton
City of Lake Dallas

The Lake Dallas City Council met in a regular meeting on February 26, 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 7:35 p.m.

A. ROLL CALL

Tony Marino	Mayor
James Harper	Councilmember 1
Mike McCaleb	Councilmember 2
April Estrada	Councilmember 4
Karl Hammond	Councilmember 5

Staff Present: City Manager/Police Chief Nick Ristagno; City Secretary Joni Vaughn; Police Captain Wes Frazier; Community Development Director Char DuPree; City Attorney David Berman

Councilmember Brooks was absent due to work travel.

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 February 27th at 5:00 pm is the last day to file for a place on the ballot for the May election. Friday, March 6th at 10:00 am will be the ballot drawing. April 9th is the last day for voter registration. March 21st from 8:00 am until 2:00 pm the City will hold a City-wide Clean Up at the City Yard. As soon as the weather improves, the City will begin neighborhood clean ups again. April 9th is the date for our new City website launch. Buddy Duckworth, an Eagle Scout, built and erected a bat house and bird house at Willow Grove Park to aid with insect control. Tredway Barbeque is coming to the old Neal's location. Your Time Fitness will be opening at 303 Main. Quinntastic Dog will be opening on East Hundley. Arriano Tax Service is opening in March at 604 S Lake Dallas Drive. Los Amigos Restaurant will be opening in April at 1006 S Stemmons.

E. REPORTS

1) Boards and Commissions
BOA and Parks were cancelled due to weather.

2) Finance
No 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.*

Ricky Mathews, 318 Georgian Oak, Lake Dallas addressed the Council regarding his concern for city employees and expressed his displeasure over recent disciplinary action of an employee.

Julie Chapman Mathews, 318 Georgian Oak, Lake Dallas, addressed the Council regarding her displeasure over the termination of a former employee in 2013 and the recent disciplinary action of an employee.

Gene Tisdale, 524 Howard, Lake Dallas, addressed the Council regarding his opposition to the M zoning changes due to the Upper Trinity Regional Water Treatment Plant being included.

G. BUSINESS

1) **Consideration and Action to approve the minutes of the February 12, 2015 meeting.**

Motion to approve the minutes of the February 12, 2015 meeting was made by Councilmember McCaleb and second by Councilmember Harper.
Ayes: Councilmembers McCaleb, Harper, Estrada, and Hammond
Noes: None

Motion Passed

2) **Consideration and Action to approve the appointments of Bob Davis to the Planning and Zoning Commission, Margaret McCarty to the Parks, Recreation, and Keep Lake Dallas Beautiful Board, Carol Ann Connors and Terry Tuck to the Community Development Corporation Board.**

Motion to approve the appointments of Bob Davis to the Planning and Zoning Commission, Margaret McCarty to the Parks, Recreation, and Keep Lake Dallas Beautiful Board, Carol Ann Connors and Terry Tuck to the Community Development Corporation Board was made by Councilmember Harper and second by Councilmember McCaleb.

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

Motion Passed

3) **Consideration and Action to approve Court Technology Funds for an Address Verification Software.**

Donna Butler, Muncipal Court Clerk, explained the benefits of having the address verification software. This software will allow the court to find the most current address for people whose citations are going to warrant, therefore allowing the court to make sure these people are notified and given an opportunity to become compliant before a warrant is put in place.

Motion to approve court technology funds for the purchase of address verification software was made by Councilmember Hammond and second by Councilmember McCaleb.

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

Motion Passed

4) **Public Hearing to hear comments regarding amending the Lake Dallas Municipal Code by amending Section 122-9 of Article I ("In General") to restate the Manufacturing District Designation of "M-1" TO "M"; by amending Article XI ("M-1 LIGHT INDUSTRIAL DISTRICT"), of Chapter 122 ("ZONING") to add a new district category of industrial uses and to provide regulations therefor; by amending section 122-802 of Article XX ("SIGNS") to amend the size and height requirements for monument signs to conform to the changes to Article XI.**

City Manager Ristagno explained the background on this item. He relayed that originally the City wanted to rezone the property to C-1, but Andrews felt a C-1 zoning would be detrimental to them so Andrews and the City met and came up with a solution, agreeable to both parties, that leaves Andrews zoned M-1, but makes some changes to the M-1 and adds an M-2 to keep the I-35 corridor with lighter industrial, clean businesses and leaves the heavier industrial to other areas.

Mayor Marino opened the Public Hearing.

Joe Jernigan, Chief Financial Officer, Andrews Distributing, 400 Stemmons Freeway addressed the Council. He stated that Andrews has a potential buyer and he thought the buyer would work with the new zoning regulations crafted with the City, but the buyer recently met with City officials and was told his business would not fit within the zoning.

Mike Flowers, 3035 Maynard Road, Hickory Creek, stated that he entered into negotiations with Andrews 60-90 days ago. He stated when he met with City officials recently he was told that his business would not qualify for the new zoning that the City and Andrews had agreed to.

Suzanne Kedron, legal representation for Andrews Distributing, commented that they have worked with the Planning and Zoning Commission and the staff to come up with what they thought was a workable agreement, but there seems to be a problem with the interpretation of what was worked out. She asked Council to strike the entire language that limits the parking area and let Mr. Flowers use the parking area for outside storage.

Mr. Flowers addressed the Council to explain what type of business he is proposing.

Mayor Marino expressed his concern in discussing a potential business when the Public Hearing is about amending the zoning within the M District.

Ms. Kedron expressed a concern that seems to be different interpretations of the ordinance worked out between Andrews and the City. Ms. Kedron would like the City to reconsider the parking area and allow parking in more of the area and perhaps they can bring in a site plan for Mr. Flowers business.

Community Development Director Char DuPree explained that the ordinance speaks of overnight parking. One of the main differences between M-1 and M-2 is the issue of outside storage; there is a difference between overnight parking and outside storage. M-1 does not allow outside storage, but would allow for overnight parking in 30% of the lot. M-2 is less restrictive and allows for outside storage and unlimited overnight parking.

A discussion ensued between all parties regarding the outside storage Mr. Flowers would need.

Ms. Kedron stated that Andrews withdraws its support of the new M zoning.

Councilmember Hammond wants to pull this item for further study. Councilmember Harper commented that our City Attorney has reviewed this and it has been worked on for months. Councilmember Harper said the hang up seems to be with the outside storage. He is concerned with the visibility of the businesses along the I-35 Corridor. He feels we may need to fine tune the ordinance even more. Councilmember McCaleb feels the lines are hazy between what overnight parking is and what outside storage is. Councilmember Estrada agrees with the other Councilmembers.

Mayor Marino closed the Public Hearing.

5) **Consideration and Action to approve an ordinance amending the Lake Dallas Municipal Code by amending Section 122-9 of Article I ("In General") to restate XI ("M-1 LIGHT INDUSTRIAL DISTRICT"), of Chapter 122 ("ZONING") to add a new district category of industrial uses and to provide regulations therefor; by amending section 122-802 of Article XX ("SIGNS") to amend the size and height requirements for monument signs to conform to the changes to Article XI.**

Motion to take no action was made by Councilmember McCaleb and second by Councilmember Harper.
Ayes: Councilmembers McCaleb, Harper, Estrada, and Hammond
Noes: None

Motion Passed

Business Items 6 through 13 were pulled from the agenda.

14) **Public Hearing to hear comments on the proposed application for Special Use Permit to allow residential use in the upstairs of commercial buildings for structures located at 104, 106, 108 Adolphus and 105, 107, 109 N. Lakeview.**

City Secretary Vaughn explained that when this SUP was first granted in 2012, it was granted without an expiration date, but due to a clerical error the ordinance contained an expiration date therefore a new SUP ordinance is needed. Planning and Zoning has recommended approval of this Special Use Permit with no expiration date as originally approved in 2012.

No one came forward to speak on the Public Hearing.

15) **Consideration and Action to recommend approval of a Special Use Permit to allow residential use in the upstairs of commercial buildings for structures located at 104, 106, 108 Adolphus and 105, 107, 109 N. Lakeview.**

Motion to approve a Special Use Permit with no expiration date to allow residential use in the upstairs of commercial buildings for structures located at 104, 106, 108 Adolphus and 105, 107, 109 N. Lakeview was made by Councilmember Harper and second by Councilmember McCaleb.

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

Motion Passed

16) **Consideration and Action to approve the sale of the EDC property to Daniels Brothers Management LLC in the amount of $275,000.**

Motion to approve the sale of the EDC property to Daniels Brothers Management LLC in the amount of $275,000 was made by Councilmember McCaleb and second by Councilmember Harper.
Ayes: Councilmembers McCaleb, Harper, Estrada, and Hammond
Noes: None

Motion Passed

17) **Consideration and Action to approve a CDC incentive grant agreement with Terry Lantrip and Urban Retro in the amount of $50,000.**

Motion to approve a CDC incentive grant agreement with Terry Lantrip and Urban Retro in the amount of $50,000 was made by Councilmember Hammond and second by Councilmember Harper.
Ayes: Councilmembers Hammond, Harper, McCaleb, and Estrada
Noes: None

Motion Passed

18) **Consideration and Action to approve a CDC project for the purchase of a star for the City Christmas Tree up to $650.**

Motion to approve a CDC project for the purchase of a star for the City Christmas Tree up to $650 made by Councilmember Harper and second by Councilmember McCaleb.
Ayes: Councilmembers Harper, McCaleb, Estrada, and Hammond
Noes: None

Motion Passed

Mayor Marino adjourned the meeting at 8:55 pm for a short break.
Mayor Marino re-convened the meeting at 9:10 pm.

H. PRESENTATION

Terry Lantrip, Urban Retro, brought a presentation to the Council regarding Downtown Lake Dallas. Mr. Lantrip gave a history of the City's downtown area, discussed past plans and projects, and offered ideas for future projects to improve the Main Street area. He submitted a list of 10 ideas for improvements. Mr. Lantrip hopes to bring motivation for a renewed interest in Downtown Lake Dallas.

I. WORKSHOP

The workshop was postponed until next meeting.

J. CITY MANAGER REPORT

No report

K. NEW AGENDA ITEMS

No new items

L. ADJOURNMENT

Mayor Marino adjourned the meeting at 9:35 pm.

CITY OF LAKE DALLAS, TEXAS

Tony Marino, Mayor

Joni Vaughn, City Secretary