

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

The Lake Dallas City Council met in a regular meeting on April 23, 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; Finance Director Donna Boner; Police Captain Wes Frazier; Community Development Director Char DuPree; Police Sgt. Vikki Chandler

B. INVOCATION

Councilmember Hammond gave the invocation.

C. PLEDGE OF ALLEGIANCE:

Mayor Marino led the pledges of allegiance.

D. ANNOUNCEMENTS

Our new website has launched and is now active. Individuals are already using the Report a Concern option and several have subscribed to the Notify Me feature that allows individuals to be electronically notified regarding posted items of their interest (such as agenda and minutes and calendar of events).

Preparations for a series of traffic pattern changes needed in the Lake Cities area due to the closure of the I-35E southbound frontage road between the Lake Dallas Drive northern bridge and Turbeville Road are underway. The North Denton/Lake Dallas Drive Bridge will be converted to eastbound traffic only on April 25 or 26 depending on weather.

E. PROCLAMATIONS

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

F. REPORTS

1) Boards and Commissions

Parks Board – The Mighty Thomas Carnival is returning to City Park from May 7th to May 10th. The 4th of July celebration will feature a new event, a Battle of the Bands that will bring new talent and more entertainment to the venue. Two new potential Parks Board candidates will interview at the next council meeting.

Planning and Zoning Commission – The P&Z met to discuss two items, Andrews' site plan and a daycare business. Both items were recommended for approval with stipulations. These items are on Council's agenda for this evening.

Economic Development Corporation - The EDC is officially dissolved and its assets have been turned over to the city. Collection of 1/4% sales tax for the road improvement fund began April 1 and the other 1/4% for property tax relief will begin October 1. Between April and October the existing sales tax of 8.25% will reduce to 8% and will increase back to 8.25% in October. Citizens should start to see incremental reductions to their property taxes from year to year probably beginning in the 2016 fiscal year.

2) Finance

Donna Boner gave the monthly financial report.

G. VISITORS/CITIZENS AGENDA

Lorraine Dallas, 4 Shorehaven Lane, Hickory Creek, President of the Friends of the Library, addressed the Council to thank the City for the use of the Community Room for the Friends of the Lake Cities Library book sale. Ms. Dallas said the Friends of the Library support the transition of the Library to the City of Lake Dallas.

H. CONSENT AGENDA

- 1) Consideration and Action to approve the minutes of the March 5 and 26, 2015 meetings.**
- 2) Consideration and Action to approve the financials for March 2015.**
- 3) Consideration and Action to approve the 1st Quarter 2015 Investment Report.**

Motion to approve the Consent Agenda consisting of the minutes of the March 5 and 26, 2015 meetings, the March Financials, and the 1st Quarter 2015 Investment Report was made by Councilmember Hammond and second by Councilmember Estrada .

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

Noes: None

Motion Passed

I. BUSINESS

- 1) Consideration and Action to approve an amendment to the Municipal Solid Waste Collection and Transportation Agreement.**

City Manager Ristagno explained the request from Waste Management to amend the recent agreement in regard to the landfill. The current contract requires someone visiting the landfill to present their Driver's License and their water bill to show proof of residency. Waste Management would like to amend that part of the contract, asking that individuals present their Driver's License or State ID and a recent paid invoice for waste services.

Joe Jaynes, Waste Management, addressed the Council and expressed his appreciation to the City for the great staging area for the cart exchange, as well as an amazing retrieval rate on the old carts of 90%. Mr. Jaynes also complimented the Staff on a great job of informing the public about the cart exchange. Mr. Jaynes stated that Lake Dallas is the only city in the Metroplex where residents have unlimited trips to the landfill, as well as an unlimited amount of what can be brought to the landfill. All other cities have restrictions. Waste Management is just trying to close a loophole in the contract that would enable someone who has not paid their waste bill to still visit the landfill.

Motion to approve an amendment to the Municipal Solid Waste Collection and Transportation Agreement was made by Councilmember Brooks and second by Councilmember Hammond.

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

Noes: None

Motion Passed

2) Consideration and Action to approve a proposed site plan for the property at 400 N. Stemmons.

Char DuPree, Community Development Director, reported that the Planning and Zoning Commission unanimously approved the site plan with a motion to approve the specific changes to the current site of additional fencing, improved parking, and the curb cut for customer entry. The Commission also said any other changes would need to come back for approval, which is standard according to Mrs. DuPree.

Motion to approve a proposed site plan for the property at 400 N. Stemmons was made by Councilmember Hammond and second by Councilmember Brooks.

Ayes: Councilmembers Hammond, Brooks,

Noes: Harper, McCaleb, and Estrada

Motion Denied

3) Public Hearing to hear comments on the proposed rezoning of approximately 2.756 acres of Abstract 1355, M. Wright Survey, Tracts 93, 97, 98, and 99, located at 440 Betchan Avenue, City of Lake Dallas, Denton County, Texas from R-1-6000 Single-Family Dwelling District to M-1 Light Industrial District.

City Manager Ristagno reminded the Council that this item had been brought before Council several months ago, but no action was taken due to the proposed change in the M Zoning.

The Planning and Zoning Commission had approved the original proposed rezoning. A local resident, W.T. Dobson, suggested a Special Use Permit for the property rather than rezoning the property to M-1. City Manager Ristagno inquired of the City Attorney and he said the Council could choose to grant a Special Use Permit for this project.

Mayor Marino opened the Public Hearing.

W.T. Dyson, 408-410 Goliad, spoke in favor of approving the gun manufacturing business through a Special Use Permit.

Tom Deeb, Mansfield Ohio, and Brad Jennings, Highland Village, Texas, owners of the gun manufacturing business, explained their business to the Council. They are in agreement with a Special Use Permit for their business. Mr. Deeb has an established business in Ohio and works with law enforcement in firearm examination and identification. Mr. Jennings will be starting the business here in Lake Dallas with the assistance of Mr. Deeb.

Bob Davis, 66 Lakeridge, asked if there was sales tax from the gun manufacturing.

Mayor Marino explained there would be increased property tax income from property improvements and there would be the creation of jobs, but no sales tax revenue because the weapon sales would be wholesale to distributors.

Mayor Marino closed the Public Hearing.

- 4) **Consideration and Action to approve rezoning of approximately 2.756 acres of Abstract 1355, M. Wright Survey, Tracts 93, 97, 98, and 99, located at 440 Betchan Avenue, City of Lake Dallas, Denton County, Texas from R-1-6000 Single-Family Dwelling District to M-1 Light Industrial District.**

Motion to approve rezoning of approximately 2.756 acres of Abstract 1355, M. Wright Survey, Tracts 93, 97, 98, and 99, located at 440 Betchan Avenue, City of Lake Dallas, Denton County, Texas from R-1-6000 Single-Family Dwelling District to a Special Use Permit to allow the manufacturing of firearms was made by Councilmember Estrada and second by Councilmember Harper.

Ayes: Councilmembers Harper, McCaleb, and Brooks

Noes: Councilmembers Estrada and Hammond

Motion Passed

- 5) **Public hearings to hear comments on an application by Tyrell White for a Special Use Permit to allow a daycare in the structure located at 209 Main Street.**

Mayor Marino opened the Public Hearing.

Tyrell White discussed his project with the Council. Mr. White told the Council that the Planning and Zoning Commission had concerns about parking and requested parking be in the side and the back. Mr. White said his employees would be parking in the few spaces in the back and he did not anticipate a problem with parents dropping off and picking up children on Main Street.

Terry Lantrip, the property owner, feels like this is a good use of his building. Mr. Lantrip believes there is a need for child care in Lake Dallas. Mr. Lantrip also has concerns about the Planning and Zoning Commission's request for parking to be in the rear. In measuring the front area, Mr. Lantrip, determined there is room for two parking spaces in front. Councilmember Harper requested that one of Mr. White's employees be assigned to assisting with the drop off and pickup to keep the traffic flowing.

Community Development Director Char DuPree said the Planning and Zoning Commission was concerned with the safety of the children and the safety of motorists in the area of the drop off and pick up.

Mr. White said he will address parking with his clients when he has a parent meeting before opening the business.

Mr. Lantrip stated that Mr. White needs a place to get his business started and that in a few years as his business grows, Mr. White will most likely need a larger space in another location.

Bob Davis, 66 Lakeridge, thinks having people coming into downtown might increase purchases at local businesses, but questions if this is a fit for our Downtown area. Mr. Davis suggested a shorter time period for the Special Use Permit.

Brian Jones, 702 Glen Rhea, asked if the teachers would undergo background checks since they are working with children.

Mr. White stated that the background checks are state required and must be repeated every two years.

Mayor Marino closed the Public Hearing.

6) Consideration and Action to approve a Special Use Permit to allow a daycare in the structure located at 209 Main Street.

Amended Motion to approve a Special Use Permit to allow a daycare to operate at 209 Main Street for 5 years, contingent upon receiving state licensing, and with a review of the parking situation by Council in 60 days to determine if there are parking issues that need to be addressed was made by Councilmember Estrada and second by Councilmember McCaleb.

Ayes: Councilmembers McCaleb, Harper, Brooks, and Hammond

Noes: Councilmembers Estrada

Motion Passed

7) Consideration and Action to approve an ordinance to vacate a portion of Morris Street.

Community Development Director Char DuPree explained that Steve Howard, one of the property owners along Morris, requested the City abandon a portion of Morris Street, a street right of way, to the abutting property owners listed in the ordinance.

Motion to approve an ordinance to vacate a portion of Morris Street was made by Councilmember Brooks and second by Councilmember Estrada.

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

Noes: None

Motion Passed

8) Consideration and Action to approve adding the Lake Cities Library as a city department in the event of their dissolution.

City Manager Ristagno reported that the Library approached the City asking if the Library Board dissolved, would the City commit to taking over the Library as a City department. Shady Shores is interested is working with Lake Dallas in this process.

Motion to approve adding the Lake Cities Library as a city department in the event of their dissolution was made by Councilmember Brooks and second by Councilmember Hammond.

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

Noes: None

Motion Passed

9) Consideration and action to approve an ordinance prohibiting registered sex offenders from living within a 1000 feet from places children gather.

Motion to approve an ordinance prohibiting registered sex offenders from living within a 1000 feet from places children gather was made by Councilmember Brooks and second by Councilmember Hammond.

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

Noes: None

Motion Passed

10) Consideration and Action to nominate members for the Board of Appeals.

No Action Taken

K. CITY MANAGER REPORT

City Manager Ristagno reported that he has heard the Main Street Road Project will be close to 3.2 million dollars, with \$200,000 of that being provided by Lake Dallas and Hickory Creek. The City expresses a big thank you to Commissioner Bobbie Mitchell. Main Street will be a concrete roadway from Shady Shores Road in Lake Dallas to Westlake Park in Hickory Creek. With the County funding the major portion of the roadway, the new road improvement fund approved by the citizens of Lake Dallas can be better utilized for the neighborhood streets and arterial roadways.

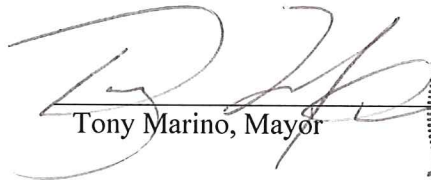
The newspaper reported that Mayor John Smith of Hickory Creek has resigned and was appointed Town Manager of Hickory Creek.

L. NEW AGENDA ITEMS

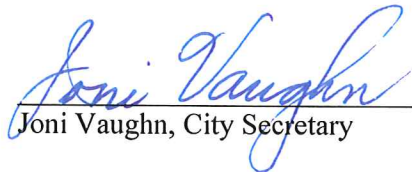
Councilmember Hammond requested that we address the Board of Appeals nominations at the next meeting, as well as the workshops on zoning and the towing ordinance. City Manager Ristagno said we would have a special workshop on the overlay districts.

M. ADJOURNMENT

Mayor Marino adjourned the meeting at 9:20 pm.


Tony Marino, Mayor




Joni Vaughn, City Secretary