State of Texas
County of Denton
City of Lake Dallas

The Lake Dallas City Council met in a regular meeting on August 13, 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 Pro Tem McCaleb called the meeting to order at 7:30 p.m.

A. ROLL CALL

Mike McCaleb	Mayor Pro Tem
Julie Mathews	Councilmember 1
Steve Forgey	Councilmember 3
April Estrada	Councilmember 4
Andi Nolan	Councilmember 5

Staff Present: City Manager/Police Chief Nick Ristagno; City Secretary Joni Vaughn; Finance Director Donna Boner; Police Lieutenant Eric Louderback ; Community Development Director Char DuPree; Police Sgt. Alan Sawyer; City Attorney David Berman

B. INVOCATION

Mayor Pro Tem McCaleb gave the invocation.

C. PLEDGE OF ALLEGIANCE:

Mayor Pro Tem McCaleb led the pledges of allegiance.

D. PROCLAMATIONS

Mayor Pro Tem McCaleb read a proclamation recognizing and appreciating the many contributions of the Gotcher family to the town of Garza/City of Lake Dallas and proclaimed Sunday, August 16th as Gotcher Family Appreciation Day in the City of Lake Dallas.

E. ANNOUNCEMENTS

City Manager Ristagno announced Police Records Manager Ashley Chandler gave birth to a healthy baby boy on Wednesday. City Manager Ristagno expressed the City's appreciation to LCMUA for assisting the City with flood clean up.

F. REPORTS

1) Boards and Commissions

City Manager Ristagno reported that CDC did not meet due to lack of quorum. Planning and Zoning will not meet in August, but has items on this agenda from previous meetings. Parks Board will not be meeting this month. Board of Adjustment will meet on August 24th.

2) Finance

Donna Boner gave the monthly financial report. Sales tax revenue continues to be down.

G. VISITORS/CITIZENS AGENDA

Mayor Pro Tem McCaleb opened the Citizens Agenda.

Adam Whitten, 218 N. Elm Street, Denton, attorney representing Sam Montalvo, thanked the Council for reconsidering the replat at 758 Carlisle. Mr. Whitten stated flag lots are not prohibited by the City and that the proposed replat meets all City requirements.

Kathy Brownlee, 740 Carlisle, stated she is adamantly opposed to the replat.

Clyde Fisher, 747 Carlisle, stated he is opposed to the replat.

Bill Knox, 616 Lakebridge, addressed Council regarding the dual roles of the City Manager/Police Chief and expressed his belief that this is in violation of law.

Jenny Warmbrodt, 511 Meadowbrook, stated she is opposed to the dual roles held by the City Manager/Police Chief and thinks the City should just split the salary between two people.

Ruby Benoit, 612 Grayson, stated she is opposed to dual roles also.

Mike Drozd, 114 Noyes, addressed Council regarding the proposed development on Myers and Wilson. He is concerned about flooding that might be caused by the building.

Tommy Drozd, 806 Lake, addressed Council regarding the proposed development on Myers and Wilson. He is concerned about flooding in his neighborhood, also. He is also concerned that the owners of the new homes might object to his business which is located across the street from where the homes would be built.

Mayor Pro Tem McCaleb closed the Citizens Agenda.

City Attorney Berman requested the Council convene in closed executive session under Section 551.071 (Consultation with City Attorney) of the Texas Government Code to consult with the City Attorney for legal advice concerning Agenda Items I-5 & 6.

Mayor Pro Tem McCaleb adjourned the meeting to go into Executive Session at 8:00 pm.
Mayor Pro Tem McCaleb reconvened the meeting in open session at 8:25 pm.

H. PRESENTATION

Presentation by David Houdek regarding reinstatement of Curt Miller as Head Administrator for the City's Public Works Department due to alleged violations of City Charter section 4.01.02 and consideration by council.

Mr. Houdek addressed Council regarding the demotion of City employee Curt Miller. Mr. Houdek feels that the City Charter was violated because Mr. Miller was demoted without the vote of the Council. Mayor Pro Tem McCaleb stated that the City Charter states the Council must approve if the City Manager is going to appoint, hire, suspend, and/or terminate. Mr. Miller was not suspended or terminated, he was demoted.

I. CONSENT AGENDA

1) **Consideration and Action to approve the minutes for the June 11, 18, 25, 29, July 9, and 23, 2015 meetings.**
2) **Consideration and Action to approve the financials for June and July 2015.**
3) **Consideration and Action to approve the 2nd Quarter 2015 Investment Report.**

Motion to approve the Consent Agenda consisting of the minutes of the June 11, 18, 25, 29, July 9, and 23, 2015 meetings, the June and July Financials, and the 2nd Quarter 2015 Investment Report was made by Councilmember Nolan and second by Councilmember Forgey .
Ayes: Councilmembers Nolan, Forgey, Estrada
Noes: Mathews

Motion Passed

J. BUSINESS

1) **Presentation from LCMUA regarding Lift Station One improvements.**
Mike Fairfield, General Manager for LCMUA, introduced Sean Mason with Kimley-Horn, who then gave a presentation to Council explaining the lift station project.

2) **Consideration and Action to acknowledge a sanitary sewer interceptor project between Lake Cities Municipal Utility Authority and the U.S. Army Corp of Engineers.**

City Manager Ristagno explained that this is simply an acknowledgement of the project that we are required to do since we have a contract with the Army Corp of Engineers. Council is not approving or denying the project, simply acknowledging it.

Motion to acknowledge a sanitary sewer interceptor project between Lake Cities Municipal Utility Authority and the U.S. Army Corp of Engineers was made by Councilmember Mathews and second by Councilmember Nolan.
Ayes: Councilmembers Mathews, Nolan, and Forgey
Noes: None

Motion Passed

3) **Public hearing to hear comments on a proposed preliminary plat of Abstract #924 of the MEP & PRR Survey, Lakeview Camp, Block B, City of Lake Dallas, Denton County, Texas from 2 lots into 11 lots. This property is located at 224 and 226 Wilson Street and is zoned R-1-6000.**

Mayor Pro Tem McCaleb opened the Public Hearing.
Mike Mayberry, addressed the Council regarding his project. He would like to build 5 homes on Wilson Drive and 6 homes on Myers Drive. He stated that the major concerns are drainage. He recently met with his engineer to discuss the drainage report and they are going to be doing considerably more than required in the area of drainage. He said there will be very few trees removed from the property as part of the development. He understands the concerns regarding the size of the streets, but they were put in long ago and there isn't anything that he can do about that. He has plans for high quality, craftsman style cottages. The smallest house will be 1500 square feet and the largest will be his 2300 square foot home with a 600 square foot guest house.
Council had questions and Mr. Mayberry addressed each of their questions.
Dean Drozd, 108 Noyes, asked why Mr. Mayberry does not have to put in water, sewer, etc. He would like the Council and the City Manager to come walk the area with him to see what he and his brothers are concerned about.
Mayor Pro Tem McCaleb closed the Public Hearing.

4) **Consideration and Action to approve recommendation of a preliminary plat of Abstract #924 of the MEP & PRR Survey, Lakeview Camp, Block B from 2 lots into 11 lots.**

Motion to decline approval of recommendation of a preliminary plat of Abstract #924 of the MEP & PRR Survey, Lakeview Camp, Block B from 2 lots into 11 lots was made by Councilmember Mathews and second by Councilmember Estrada.
Ayes: Councilmembers Mathews and Nolan
Noes: Councilmembers Estrada, Forgey, and McCaleb

Motion Failed

Motion to approve of recommendation of a preliminary plat of Abstract #924 of the MEP & PRR Survey, Lakeview Camp, Block B from 2 lots into 11 lots was made by Councilmember Estrada and second by Councilmember Forgey.
Ayes: Councilmembers Estrada and Forgey
Noes: Councilmembers Mathews, Nolan, and McCaleb

Motion Failed

Motion to approve of recommendation of a preliminary plat of Abstract #924 of the MEP & PRR Survey, Lakeview Camp, Block B from 2 lots into 11 lots was made by Councilmember Forgey and second by Councilmember Estrada.
Ayes: Councilmembers Forgey and Estrada
Noes: Councilmembers Mathews, Nolan, and McCaleb

Motion Failed

Mayor Pro Tem McCaleb adjourned the meeting for a five minute break at 9:38 pm.
Mayor Pro Tem McCaleb reconvened the meeting at 9:46 pm.

5) Consideration and Action on reconsideration of denial of a proposed replat of the property at 758 Carlisle into two lots.

Motion to not reconsider replat denial of the property at 758 Carlisle into two lots was made by Councilmember Nolan and second by Councilmember Estrada.
Ayes: Councilmembers Nolan, Estrada, Mathews, and Forgey
Noes: None

Motion Passed

6) Consideration and Action to approve a replat of the property at 758 Carlisle into two lots.

No Action Taken

7) Consideration and Action to adopt an ordinance granting a franchise agreement to Atmos Energy Corporation.

Motion to adopt an ordinance granting a franchise agreement to Atmos Energy Corporation was made by Councilmember Estrada and second by Councilmember Nolan.
Ayes: Councilmembers Estrada, Nolan, Mathews, and Forgey
Noes: None

Motion Passed

8) Consideration and Action to adopt a resolution approving the draft financial plan presented by Denco Area 9-1-1 District for Fiscal Year 2016.

Motion to adopt a resolution approving the draft financial plan presented by Denco Area 911 District for Fiscal Year 2016 was made by Councilmember Nolan and second by Councilmember Forgey.
Ayes: Councilmembers Nolan, Forgey, Mathews, and Estrada
Noes: None

Motion Passed

9) Consideration and Action to approve the annual "fair share" funding the Children's Advocacy Center.

Councilmember Mathews noted that we only paid $7,000 last year and she feels it might be more appropriate if the amount this year were only $12,000 rather than the $18,000 being requested. Councilmember Mathews also commented that the Child Safety Fund can be used for things other than the Children's Advocacy Center. City Manager Ristagno explained that the amount is based on usage from year to year and that is why the amount requested varies. Councilmember Estrada would like an analysis of services and amounts paid over the last 10 years.

Item Tabled

10) Consideration and Action to approve an ordinance to order an election for November 3, 2015.

City Attorney Berman requested the Council convene in closed executive session under Section 551.071 (Consultation with City Attorney) of the Texas Government Code to consult with the City Attorney for legal advice concerning Agenda Items I-10.

K. EXECUTIVE SESSION

1) Convene to deliberate in closed executive session under Section 551.071 (Consultation with City Attorney) of the Texas Government Code to consult with the City Attorney regarding litigation involving Julie Mathews.

2) Convene to deliberate in closed executive session under Section 551.074 (Personnel) of the Texas Government Code to discuss and deliberate the employment and duties of, and to deliberate on the contract with, the City Manager.

Mayor Pro Tem McCaleb adjourned the meeting to go into Executive Session at 10:00 pm.
Mayor Pro Tem McCaleb reconvened the meeting in open session at 11:30 pm.

L. ACTION, IF ANY, FROM EXECUTIVE SESSION

No Action Taken

L. NEW AGENDA ITEMS

Councilmember Estrada would like to have a workshop to discuss the City Code and Charter and also a workshop to discuss more effective ways to communicate with citizens. Councilmember Mathews would like Community Development Corporation Chairman Hammond to report to Council to bring them up to date on board activities.

M. ADJOURNMENT

Mayor Pro Tem McCaleb adjourned the meeting at 11:39 pm.

Mike McCaleb, Mayor Pro Tem

CITY OF LAKE DALLAS, TEXAS

Joni Vaughn, City Secretary