State of Texas
County of Denton
City of Lake Dallas

The Lake Dallas City Council met in a regular meeting on October 8, 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 McCaleb called the meeting to order at 6:30 p.m.

A. ROLL CALL

Mike McCaleb	Mayor
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/Human Resources Director Donna Boner; Community Development Director Char DuPree; Police Lieutenant Vikki Chandler, Patrol Officer Tristan LaBeau; City Attorney David Berman

B. INVOCATION

Mayor McCaleb led the invocation.

C. PLEDGE OF ALLEGIANCE

Mayor McCaleb led the pledges.

D. ANNOUNCEMENTS

Saturday, October 10th at 10 am there will be a rabies vaccination clinic at the animal shelter; pet adoptions will be half price. City Cleanup will occur October 17th from 8am until 2pm at the City Yard. Trunk or Treat will be October 30th from 4pm until 6pm in the parking lot.

E. WORKSHOP

Brian Haynes and Jonathan West, Halff Engineering, presented a plan for Main Street enhancements and the associated costs for the enhancements to the City Council and answered their questions. The plan presented was done in two phases. Minimum enhancements for Phase I would be handicap ramps, enhanced intersection paving, and conduit for street lighting and for irrigation. Sidewalks would be an additional $50,000 for a total of $350,000 for Phase I. Phase II would finish out with landscaping, lighting, etc for another $300,000. Underground utilities are quite expensive and would cost a little over one million dollars.

F. PRESENTATION

Rodney Dryden, Wellspring Insurance Agency, gave Council a report on the employee health insurance plan for the next year. The renewal rate for the current insurance is too high so Mr. Dryden proposed switching to a different insurance company.

G. REPORTS

Karl Hammond gave a report to the Council about the Community Development Corporation. Mr. Hammond reported that the Community Development Corporation is a vibrant, active board. However, they do have one member who has not been present since being appointed and that member may need to be brought before Council for removal. The Board has funds to possibly assist with Main Street enhancements, as well as funds already granted to Terry Lantrip for his project across the street. The Board has discussed future improvements to the Veterans' Memorial. The Board will need to be doing a lot of repair work to Willow Grove Park and some to Thousand Oaks Park due to the flooding.

H. VISITORS/CITIZENS AGENDA

Mayor McCaleb opened the Visitors/Citizens Agenda.

No one came forward to speak.

Mayor McCaleb closed the Visitors/Citizens Agenda.

I. BUSINESS

1) Public hearing to hear comments on a zoning change from C-1 to Planned Development incorporating C-1, C-3 and M-1 zoning regulations and a Special Use Permit to allow for a Business Park, an Event Center and a Mini-Warehouse Storage Facility for property located at 222 Betchan Drive and described as 10.87 +/- acres of land in Abstract A1355 of the M. Wright Survey.

Mayor McCaleb opened the public hearing for comment.

Josh Ybarra, Crannel Engineering, explained to Council the development plans for 222 Betchan. Mr. Ybarra explained the first phase of the project will be the event center and the second phase will be the business park and mini-warehouse storage facility. The event center will be approximately 8,000 square feet and will have hours of operation until 10:00 pm on Monday through Thursday and midnight on Friday and Saturday. There will be a retention pond for aesthetics and for water runoff. After the event center is complete, phase two will be started. The business park will be office space for commercial use constructed as demand arises. Councilmember Estrada has concerns about the mini-storage being the right fit for that area of town. She feels there should be limitations listed in the Special Use Permit as to what would be allowed in the storage facility. Mary Kay Smith, property owner, addressed Council's questions about the storage park. She stated there would be storage allowed for a fleet of vehicles, as well as boats and RVs.

Mayor McCaleb asked if anyone else had anything.
No one responded and Mayor closed the public hearing.
City Attorney Berman asked for clarification that the Mayor had, in fact, closed the public hearing and Mayor stated yes.

2) Consideration and Action to approve a zoning change from C-1 to Planned Development incorporating C-1, C-3 and M-1 zoning regulations, and to recommend a Special Use Permit to allow for a Business Park, an Event Center and a Mini-Warehouse Storage Facility for property located at 222 Betchan Drive and described as 10.87 +/- acres of land in Abstract A1355 of the M. Wright Survey.

Motion to approve a zoning change from C-1 to Planned Development incorporating C-1, C-3 and M-1 zoning regulations, and to recommend a Special Use Permit to allow for a Business Park, an Event Center and a Mini-Warehouse Storage Facility for property located at 222 Betchan Drive and described as 10.87 +/- acres of land in Abstract A1355 of the M. Wright Survey was made by Councilmember Mathews and second by Councilmember Nolan.

City Secretary Vaughn asked if there were stipulations for the Special Use Permit. City Attorney Berman explained that if there were conditions that Council wanted to impose, they must do it now.

Motion & Second Withdrawn

John and Mary Kay Smith answered questions regarding the project. Mr. Smith requested there not be a delay in acting on their project. Councilmember Mathews stated she was not inclined to slow down the Smiths on their project. Councilmember Estrada does not want to slow them down, but wants to make sure that Council makes the best decision for the City.

Motion to table Item I-2 was made by Councilmember Estrada and second by Councilmember Nolan.
Ayes: Councilmembers Estrada, Nolan, Mathews, and Forgey
Noes: None

Motion Passed

3) **Public Hearing to hear comments on a proposed preliminary plat application to plat previously subdivided property located at 222 Betchan Drive and described as 10.87 +/- acres of land in Abstact A1355 of the M. Wright Survey into three lots.**

Mayor McCaleb opened the Public Hearing.

John Smith,the property owner, explained to Council the reason for dividing the property into three lots is due to the three different zoning areas needed for the project.

Brad Jennings, property owner at 440 Betchan, came to speak in support of the Smiths project.

Mayor McCaleb closed the Public Hearing.

4) **Consideration and Action to approve a proposed preliminary plat application to plat previously subdivided property located at 222 Betchan Drive and described as 10.87 +/- acres of land in Abstact A1355 of the M. Wright Survey into three lots.**

Motion to approve a preliminary plat application to plat previously subdivided property located at 222 Betchan Drive and described as 10.87 +/- acres of land in Abstact A1355 of the M. Wright Survey into three lots was made by Councilmember Estrada and second by Councilmember Mathews.
Ayes: Councilmembers Estrada, Mathews, Forgey, and Nolan
Noes: None

Motion Passed

5) **Consideration and Action to nominate board members to serve on the Denton Central Appraisal District Board of Directors.**

Motion to nominate Heath Winnett, Danny Everett, Phillip Marquez, Tina Curfman, and Rod Collver to serve on the Denton Central Appraisal District Board of Directors was made by Councilmember Estrada and second by Councilmember Nolan.
Ayes: Councilmembers Estrada, Nolan, Mathews and Forgey
Noes: None

Motion Passed

6) **Consideration and Action to approve a one day fee variance to the Master Fee Schedule for pet adoptions on October 10th 2015 during the low cost vaccination and adoption event.**

Motion to approve a one day fee variance to the Master Fee Schedule for pet adoptions on October 10th 2015 during the low cost vaccination and adoption event was made by Councilmember Estrada and second by Councilmember Forgey.
Ayes: Councilmembers Nolan, Forgey, Mathews and Estrada
Noes: None

Motion Passed

7) Consideration and Action to appoint a Mayor Pro Tem.

Motion to appoint April Estrada as Mayor Pro Tem was made by Councilmember Forgey and second by Councilmember Nolan.
Ayes: Councilmembers Forgey, Nolan, Mathews, and Estrada
Noes: None

Motion Passed

8) Consideration and Action to adopt a resolution to change names of the signatories at the NorthStar Bank.

Motion to adopt a resolution to add Eric Louderback and Mike McCaleb as signatories at the NorthStar Bank was made by Councilmember Estrada and second by Councilmember Forgey.
Ayes: Councilmembers Nolan, Forgey, Mathews, and Nolan
Noes: None

Motion Passed

9) Consideration and Action to direct the City Manager to contract with a City Planner.

Motion to direct the City Manager to contract with a City Planner was made by Councilmember Estrada and second by Councilmember Forgey.
Ayes: Councilmembers Estrada, Forgey, and Nolan
Noes: Mathews

Motion Passed

10) Consideration and Action to approve entering into a settlement agreement with Oncor.

Motion to approve entering into a settlement agreement with Oncor was made by Councilmember Estrada and second by Councilmember Nolan.
Ayes: Councilmembers Estrada, Nolan, Mathews, and Forgey
Noes: None

Motion Passed

11) Consideration and Action to approve the minutes of the September 22nd & 24th meetings.

Motion to approve the minutes of the September 22nd & 24th meetings was made by Councilmember Forgey and second by Councilmember Estrada.
Ayes: Councilmembers Forgey, Estrada, Mathews, and Nolan
Noes: None

Motion Passed

12) Discussion regarding possible changes to our towing ordinance.

City Manager Ristagno gave Council the background and an explanation of the towing ordinance. He also explained that the State's regulations are not as stringent as the City's. There has been a request from our local exclusive towing service to relax City regulations to the same as the State's and allow wrecker drivers to have felony charges or theft charges in their background. Council discussed different scenarios of changes to the ordinance. Councilmember Nolan doesn't think that someone with a misdemeanor theft should be penalized. City Attorney Berman suggested that the City add a subsection allowing the Chief of Police to waive some of the requirement in the interest of fairness and justice. Councilmember Mathews believes the current tow service is a monopoly and a monopoly should not be allowed; she feels that towing should be opened up to other tow services outside the City. City Attorney Berman does not believe the business is a monopoly in terms of violating federal law. He believes the Council needs to determine if they want to keep business in town. He also does not advise that the City do away with the background check required for tow drivers. Councilmember Estrada made a recommendation to direct staff to amend the ordinance regarding the background checks.

J. EXECUTIVE SESSION

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 McCaleb adjourned to executive session J-2 at 8:25 pm.
Mayor McCaleb reconvened in open session at 9:57 pm.

K. ACTION, IF ANY, FROM EXECUTIVE SESSION

Motion to execute an employment agreement with Nick Ristagno under the conditions and changes discussed in executive session subject to the City Attorney 's approval was made by Councilmember Estrada and second by Councilmember Forgey.
Ayes: Councilmembers Estrada, Forgey, and Nolan
Noes: Mathews

Motion Passed

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.

Mayor McCaleb adjourned to executive session J-1 at 9:58 pm.
Mayor McCaleb reconvened in open session at 10:09 pm.

K. ACTION, IF ANY, FROM EXECUTIVE SESSION

No Action Taken

L. NEW AGENDA ITEMS

Health Insurance, Towing Ordinance, Appeals Board, Item I-2, Main Street Enhancements, ICA for Shady Shores Road repairs

M. ADJOURNMENT

Mayor McCaleb adjourned the meeting at 10:21 pm.

Mike McCaleb, Mayor

CITY OF LAKE DALLAS, TEXAS

Joni Vaughn, City Secretary