



City of Lake Dallas
City Council
Regular Meeting
City Hall
212 Main Street, Lake Dallas, TX 75065
Thursday, July 11, 2019 at 7:00 p.m.
Agenda

Section I – Presentations

- 1. Call to Order & Determination of Quorum**
- 2. Invocation & Pledges of Allegiance**
- 3. Announcements & Special Recognitions**

A. City Manager's Report

The City Manager's Report may provide information on status of current city projects and other projects affecting the City, meetings and actions of the city's boards and commissions, upcoming local community events, including, but not limited to, departmental operations and capital improvement project status. No action will be taken with respect to this report.

1. Recognition of the July 4th contest winners.

4. Citizen Agenda & Public Comment

An opportunity for citizens to address the Mayor and City Council on matters which are not scheduled for consideration by the City Council or another City Board or Commission at a later date. In order to address the Council, please complete a Public Meeting Appearance Card and present it to the City Secretary prior to the start of the Council meeting. The Texas Open Meeting Act prohibits deliberation by the City Council of any subject which is not on the posted agenda, therefore the Council will not be able to discuss or take any action on items brought up during the citizen presentations. Citizen presentation will be limited to five (5) minutes per person.

Section II – Consent Agenda

All items listed below are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of the items unless a Councilmember so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence.

5. Consider and Act on the Consent Agenda

A. Approval of Minutes of the Meeting held June 27, 2019.

Section III – Planning & Development: None

Section IV- General Items

6. Receive a report and hold a discussion regarding Emergency Management services and responsibilities.
7. Consider and Act on a Resolution authorizing the City Manager to enter into Interlocal Cooperation Agreement with Denton County for the purpose of providing a feasibility study; schematic; environmental clearance; plans, specifications and estimates; and construction engineering for the Shady Shores Bridges Project from W. Shady Shores Road to Swisher Road, located partially in the City of Lake Dallas.
8. Consider and Act on a Resolution authorizing the City Manager to enter into negotiation and execution of a Right-Of-Way Use License Agreement across a portion of Scott Avenue to provide access to the property described as Lot 1R, Block 2, Lake Dallas Shores Addition; and providing an effective date.
9. Receive a report and hold a discussion and give staff direction regarding the Fiscal Year 2019-20 Budget.

Section V – Elected Official Requested Items

10. Mayor & Council Member Announcements.

The City Council may hear or make reports of community interest provided no action is taken or discussed. Community interest items may include information regarding upcoming schedules of events, honorary recognitions, and announcements involving imminent public health and safety threats to the city. Any deliberation shall be limited a proposal to place the subject on an agenda for a subsequent meeting.

Section VI – Executive Session As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed executive session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed above or herein.

Section VII – Return to Open Session

11. Discuss and take appropriate action, if any, resulting from the discussions conducted in Closed Session.

Section VIII – Adjournment

I certify that the above notice of this meeting posted on the bulletin board at City Hall of the City of Lake Dallas, Texas on July 8, 2019 before 5:00 p.m.



Codi Delcambre, TRMC
City Secretary

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed executive session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed above or herein.

If you plan to attend this public meeting and you have a disability that requires special arrangements at this meeting, please contact City Secretary's Office at (940) 497-2226 ext. 118 or fax (940) 497-4485 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

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

The Lake Dallas City Council met in a regular meeting on June 27, 2019 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 Barnhart called the meeting to order at 7:02 p.m.

1. Roll Call

Michael Barnhart	Mayor
Megan Ray	Councilmember 1
Brian Bailey	Councilmember 2
Cheryl McClain	Councilmember 3
Charlie Price	Councilmember 4
Andi Nolan	Councilmember 5

Absent: None

Staff Present: City Manager John Cabrales, City Secretary Codi Delcambre, Police Chief Carolla, Public Works Manager Devin Shields, Director of Development Services Jeremy Tennant, Michele Sanchez, Finance Director, and Cindy Uber, Animal Services Manager.

2. Invocation and Pledges of Allegiance

Shawn Day led the invocation and the pledges.

3. Announcements & Special Recognitions.

A. City Manager's Report

City's Annual 4th of July Parade and Fireworks on July 4, 2019.

4. Citizen Agenda & Public Comments

Mayor Barnhart opened the Visitors/Citizens Agenda.

No one spoke.

5. Consider and Act on the Consent Agenda

A. Approval of Minutes of the Meeting held June 9, 2019.

B. Approval of Resolution designating a local rabies control authority.

C. Approval of Resolution authorizing the purchase of a dump trailer for the Public Works Department from North Texas Trailer, LLC, through the City's Cooperative Purchasing Agreement with Texas Local Government Cooperative Purchasing (BUYBOARD).

Mayor Barnhart pulled items 5C.

Motion: to approve the consent agenda item 5A and 5B was made by Councilmember Ray and second by Councilmember McClain.

Ayes: Councilmembers Ray, McClain, Price, Nolan, and Bailey

Noes: None

Motion Passed 5-0.

Motion: to approve the consent agenda item 5C was made by Councilmember Nolan and second by Councilmember McClain

Ayes: Councilmembers Ray, McClain, Price, Nolan, and Bailey

Noes: None

Motion Passed 5-0.

6. **Conduct a public hearing to consider and act on application to change the zoning designation of 2.00 acres of land out of the Lowry Cobb Survey. Abst. No. 284, Denton County Texas, from C-1 Retail District to a Planned Development (PD) District with a base zoning of C-1 Retail District with the inclusion of storage yard use. The property is commonly known as 314 Carlisle Drive. The applicant is Shepherds of Carlisle, LLC.**

Development Services Director Jeremy Tennant presented the Council with the case background.

Mayor Barnhart opened the public hearing at 7:36 p.m.

No one spoke in favor or against the proposed zoning change.

Mayor Barnhart closed the public hearing at 7:37 p.m.

Motion: to approve an Ordinance amending the Comprehensive Zoning Ordinance and map of the City of Lake Dallas, Texas, as heretofore amend, by changing the zoning regulations governing the development and use of 2.0+/- acres out to the Lowry Cobb Survey, Abstract No. 284 (more commonly known as 314 Carlisle Drive) described in exhibit "A" hereto from C-1 Commercial Retail District to Planned Development (PD) for C-1 Commercial Retail District; approving Development regulations and site plan was made by Councilmember Bailey and second by Councilmember Ray.

Ayes: Councilmembers Ray, McClain, Price, Nolan, and Bailey

Noes: None

Motion Passed 5-0.

7. Consider a Resolution directing publication of notice of intention to issue Certificates of Obligation; and resolving other matters relating to the subject.

Motion: to approve a Resolution directing the publication of notice of intention to issue Certificates of Obligation; and resolving other matters relating to the subject was made by Councilmember Ray and second by Councilmember McClain.

Ayes: Councilmembers Ray, McClain, Price, Nolan, and Bailey

Noes: None

Motion Passed 5-0.

8. Consider a Resolution creating a Rental Registration Program Ad Hoc Committee.

Motion: to approve a resolution creating a Rental Registration Program Ad Hoc Committee was made by Councilmember McClain and second by Councilmember Price.

Ayes: Councilmembers Ray, McClain, Price, Nolan, and Bailey

Noes: None

Motion Passed 5-0.

9. Consider and act on a Resolution appointing members to the Rental Registration Program AD Hoc Committee.

Motion: to approve a resolution appointing the following members:

Linda Barnard- Landlord of Residential Property (1)
Gene Tisdale- Landlord of Residential Property (2)
Laird Lind- Landlord of Residential Property (3)
Keith Kellermeyer Homeowner
Ivan Alvarez Homeowner
Linda Morone Tenant of Residential Property
William Jones Residential Multifamily Property Manager
Derina Malone Licensed Texas Realtor
Ruby Benoit Licensed Texas Realtor
Margaret McCarty HOA Representative

to the Rental Registration Program AD Hoc Committee was made by Councilmember McClain and second by Councilmember Price.

Ayes: Councilmembers Ray, McClain, Price, Nolan, and Bailey

Noes: None

Motion Passed 5-0.

10. Receive a report and hold a discussion regarding the use of golf carts on public streets in the City of Lake Dallas.

Council received a presentation from Lt. Alan Sawyer regarding the use of golf carts on public streets in the City of Lake Dallas.

Collin Sander of 734 Main Street Hickory Creek stated he supports a golf cart ordinance. He stated that they promote clean energy, easy to use and promotes local shopping. He said when he purchased his golf cart, he had thought he research all of the rule. He stated that he wasn't unaware that their needed to be an ordinance allowing them. He stated that he was in support of the use of golf carts.

Council directed staff to proceed with an ordinance allowing the use of golf carts on public streets.

11. Receive a report and hold a discussion and give staff direction regarding the Fiscal Year 2019-20 Budget.

Council received a presentation from Finance Director Michele Sanchez and City Manager John Cabrales regarding the Fiscal Year 2019-20 Budget. No action was taken.

12. Mayor & Council Member Announcements: None

Mayor Barnhart invited everyone to attend the City's 4th of July event.

Executive Session As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed executive session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed above or herein

Council did not convene into executive session.

13. Discuss and take appropriate action, if any, resulting from the discussions conducted in Closed Session.

None.

14. Adjournment

Mayor Barnhart adjourned the meeting at 9:55 p.m.

Approved:

Michael Barnhart, Mayor

Attest:

Codi Delcambre, City Secretary



CITY COUNCIL
AGENDA MEMO

Prepared By: John Cabrales Jr., City Manager

July 11, 2019

Emergency Management Services

DESCRIPTION:

Receive a report and hold a discussion regarding Emergency Management services and responsibilities.

BACKGROUND INFORMATION:

All cities are required to develop a comprehensive emergency management plan, or to participate in a joint emergency management program. The City of Lake Dallas participates in the County Emergency Management organization, which consists of the officers and employees of City and County as designated in the inter-jurisdictional emergency management plan. Denton County Emergency Services Department is responsible for maintaining the inter-jurisdictional emergency management plan.

Denton County Emergency Services Department consists of five divisions, managed by two Division Supervisors, two front line Supervisors and two Chief Officers. Emergency Services employs 15 persons and supports 500+ volunteers. These divisions consist of the Fire Marshal Office, Emergency Management, Homeland Security, Volunteers (Community Emergency Response Team-CERT and Amateur Radio Emergency Services-ARES) and Fire/EMS, serviced through contract by 26 different departments serving approximately 150,000 citizens in the unincorporated areas of Denton County.

The Fire Marshal's Office (FMO) operates in the unincorporated areas of Denton County, and within local municipalities when requested by conducting and coordinating technical investigations into fires/explosives, weapons of mass destruction, hazardous materials incidents, environmental crimes, public nuisance, and other specialized criminal violations. The FMO responds to and supports command of major Fire/EMS emergency response operations in unincorporated areas of the County and municipalities through Inter-local Cooperation Agreements.

The Denton County Office of Emergency Management is responsible for the managerial function to coordinate efforts that build, sustain and improve Denton County's capacity to prevent, mitigate, prepare for, respond to, and recover from disaster. Currently, a total of 44 jurisdictions

are located within Denton County and of the 44 jurisdictions in Denton County, 17 cities, as well as the unincorporated areas, are covered by the Denton County Emergency Management Plan.

The Denton County Office of Emergency Management works with the 17 cities and the unincorporated portions of the county to provide all four phases of Emergency Management. The first two phases, mitigation and preparedness, include working to mitigate or reduce the impacts of disasters. Preparedness actions such as providing our partners and residents with planning and training which provides the knowledge and skills for making safe decisions when disaster strikes.

The third emergency management phase, response, includes managing incidents and the actions necessary to save lives and prevent further damage to property. Denton County Office Emergency Management assists jurisdictions and unincorporated areas with the fourth phase, recovery, by working with local, state, and federal agencies to coordinate resources to return the community to a normal, safer condition as quickly as possible. Additionally, the Denton County Office of Emergency Management manages grant funds provided.

FINANCIAL CONSIDERATION:

None discussion only.

RECOMMENDED MOTIONS:

None discussion only.

ATTACHMENT(S):

None



CITY COUNCIL
AGENDA MEMO

Prepared By: John Cabrales Jr., City Manager

July 11, 2019

Interlocal Agreement with Denton County for Shady Shores Bridges Project

DESCRIPTION:

Consider and Act on a Resolution authorizing the City Manager to enter into Interlocal Cooperation Agreement with Denton County for the purpose of providing a feasibility study; schematic; environmental clearance; plans, specifications and estimates; and construction engineering for the Shady Shores Bridges Project from W. Shady Shores Road to Swisher Road, located partially in the City of Lake Dallas.

BACKGROUND INFORMATION:

Shady Shores Road is considered a collector road and has a capacity of approximately 8,000 vehicles per day (VPD). According to information from the North Central Texas Council of Government's (NCTCOG) Mobility 2040 Transportation Plan, Shady Shores currently has approximately 4,200 VPD's traveling on the portion between Swisher and Hundley. It is projected to have approximately 11,000 VPD's by the year 2040, thus exceeding its capacity.

Since 2016, the City has been working with the Town of Shady Shores and Denton County to develop options to mitigate the flooding of Shady Shores Drive, north of Swisher Road into the Town of Shady Shores. Often referred to as the Shady Shores Road Bridges Project, covers a section of Shady Shores Road is a two-lane asphalt roadway that is listed as a Major Collector in both the Federal Functional Classification System and in the Texas Department of Transportation Functional Classification System. This section has three low spots, one in Shady Shores, one in Lake Dallas and one in the unincorporated section of the county. When this section of the road floods it must be closed and causes mobility and public safety issues for the region.

The scope of this project is to raise the road at the three low points in order to mitigate the flooding issues. The project is currently estimated to cost around \$14 million, and does not include the capital improvements costs that the Lake Cities Municipal Utility Authority (LCMUA) is seeking to complete simultaneously. The majority of this funding will come from the NCTCOG as pass through federal funding. There is a required local funding match, which Denton County has pledged to fund. There is also the cost for providing a feasibility study; schematic; environmental clearance; plans, specifications and estimates; and construction engineering,

which is estimated at \$1.5 million that the City of Lake Dallas and Town of Shady Shores will be responsible for.

At the February 22, 2018, city council meeting, staff gave an update on this project to the council and mentioned that we would be back with details as the project continued to evolve. At the May 10, 2018 City Council meeting, staff was directed to work with the Town of Shady Shores and split the preconstruction costs 50/50 between the two communities.

On August 14, 2018, representatives from the City of Lake Dallas, Town of Shady Shores and Denton County met to discuss this project. It appears that the FHA funding for this project will be approved and Denton County does have their portion of the project funding identified. We agreed that Denton County will oversee this project and will be responsible for the bidding, awarding and management of the construction contract. A committee of the two communities and two county precincts will be convened to begin the design and approval of this project. There will be a few points along the design process and after the bidding process that allow for modification of the design to lower costs, or seek more funding or decide to not proceed forward with the project. The risk to the City of Lake Dallas is that we could end up spending some or all of funds for the preconstruction cost and we might need to come up with more money, or the project could be determined to be too costly and not proceed forward.

Denton County has submitted an Interlocal Cooperation Agreement (ICA) for the purpose of providing a feasibility study; schematic; environmental clearance; plans, specifications and estimates (PS&E); and construction engineering for the Shady Shores Bridges Project from W. Shady Shores Road to Swisher Road, located partially in the City of Lake Dallas. The total estimated PS&E project cost is One Million Four Hundred Thousand dollars (\$1,400,000.00), but the City of Lake Dallas is only contributing Seven Hundred Thousand dollars (\$700,000.00), which is required for satisfactory completion of the Project.

The County agrees to secure the contracts for the feasibility study, schematic, environmental clearance, PS&E, and construction engineering of the Project, and to oversee any and all necessary engineering which may be required for satisfactory completion of the Project. In addition, the County will ensure all inspections are conducted and approve all payments, including requested funding from the City, as invoices are received. Should design costs exceed the amount in this agreement, the County will seek approval and additional funding from the City prior to incurring any additional costs.

FINANCIAL CONSIDERATION:

The funding for this project from the City will be due upon execution of the Agreement by Denton County. In the event that the project is completed under budget, any remaining funds shall be reimbursed to the City of Lake Dallas, Texas. The City of Lake Dallas will pay the \$700,000 for this project through the issuance of debt from Certificates of Obligation currently planned for the August 8, 2019, council meeting.

RECOMMENDED MOTIONS:

I make a motion to **approve/deny** a resolution authorizing the City Manager to enter into Interlocal Cooperation Agreement with Denton County for the purpose of providing a feasibility study; schematic; environmental clearance; plans, specifications and estimates; and construction engineering for the Shady Shores Bridges Project from W. Shady Shores Road to Swisher Road, located partially in the City of Lake Dallas.

ATTACHMENT(S):

1. Interlocal Agreement with Denton County
2. Resolution

THE STATE OF TEXAS §
 §
COUNTY OF DENTON §

**INTERLOCAL COOPERATION AGREEMENT BETWEEN
DENTON COUNTY, TEXAS, AND THE CITY OF LAKE DALLAS, TEXAS**

THIS AGREEMENT is made, entered into, and executed by and between Denton County, Texas, a duly organized political subdivision of the State of Texas, engaged in the administration of county government and related services for the citizens of Denton County, Texas, hereinafter “the County,” and the City of Lake Dallas, Texas, a municipality organized and existing under the laws of the State of Texas, hereinafter “the City.” The County and the City are collectively referred to herein as “the Parties.”

WHEREAS, the County and the City mutually desire to enter into this Agreement for the purpose of providing a feasibility study; schematic; environmental clearance; plans, specifications and estimates (“PS&E”); and construction engineering for the Shady Shores Road Project from W. Shady Shores Road to Swisher Road, located partially in the City of Lake Dallas, Texas, partially in the Town of Shady Shores, Texas and is split between Denton County Commissioner Precinct #1 and Denton County Commissioner Precinct #3, hereinafter “the Project;” and

WHEREAS, the Interlocal Cooperation Act, Texas Government Code, Chapter 791, hereinafter “the Act,” provides authorization for a local government to contract with one or more local governments to perform governmental functions and services under the terms of the Act, and the County and the City hereby mutually agree to be subject to the provisions of the Act; and

WHEREAS, the County and the City value the timely completion of the Project which involves roads which are an integral part of the County’s road system, and the Parties are undertaking the Project to facilitate safe travel on an improved roadway; and

NOW, THEREFORE, this Agreement is hereby made and entered into by the County and the City upon and for the mutual consideration stated herein:

WITNESSETH:

I.

Pursuant to Texas Government Code §791.011, the County and the City hereby enter into this Agreement in order to perform certain governmental functions and services in the area of streets, roads and drainage. The purpose of this Agreement is to provide a governmental function or service that each party is authorized to perform individually.

II.

The County and the City hereby agree that the scope of the Project shall consist of providing a feasibility study, schematic, environmental clearance, PS&E, and construction engineering for the Shady Shores Road Project from W. Shady Shores Road to Swisher Road, at a total estimated project cost which shall not exceed ONE MILLION FOUR HUNDRED THOUSAND AND NO/100 DOLLARS (\$1,400,000.00).

III.

The City of Lake Dallas hereby agrees to contribute an amount which shall not exceed SEVEN HUNDRED THOUSAND AND NO/100 DOLLARS (\$700,000.00), which is required for satisfactory completion of the Project.

IV.

The County agrees to secure the contracts for the feasibility study, schematic, environmental clearance, PS&E, and construction engineering of the Project, and to oversee any and all necessary engineering which may be required for satisfactory completion of the Project. In addition, the County will ensure all inspections are conducted and approve all payments, including requested funding from the City, as invoices are received. Should design costs exceed the amount in this agreement, the County will seek approval and additional funding from the City prior to incurring any additional costs.

V.

This exchange of in-kind services between the County and the City is deemed adequate consideration for the obligations exchanged by the Parties herein.

VI.

The funding from the City will be due upon execution of the Agreement. In the event that the Project is completed under budget, any remaining funds shall be reimbursed to the City of Lake Dallas, Texas.

VII.

As required by Texas Transportation Code §251.012 and as evidenced by the signature of the County's representative below, the governing body of the County by the execution of and approval of this Agreement hereby approves of the expenditure of City money to finance the construction, improvement, maintenance, or repair of a street or alley in the County that is located in the City.

VIII.

This Agreement may be terminated in whole, or in part, by the County or the City upon thirty (30) days written notice to the other party. In the event of termination by the County, the County shall pay all approved invoices submitted up to and including the date of termination.

IX.

This Agreement represents the entire integrated agreement between the County and the City and supersedes all prior negotiations, representations, and agreements, either oral or written. This Agreement may be amended only by written instrument signed by both of the Parties. Notices shall be directed as follows:

For City: Honorable Michael Barnhart, Mayor
City of Lake Dallas, Texas
212 Main Street
Lake Dallas, Texas 75065

Copy To: Mr. John Cabrales, City Manager
City of Lake Dallas, Texas
212 Main Street
Lake Dallas, Texas 75065

For County: Honorable Andy Eads
Denton County Judge
110 West Hickory Street, 2nd Floor
Denton, Texas 76201

For County: Commissioner Hugh Coleman
Denton County Commissioner Precinct #1
1175 Union Hill Road
Sanger, Texas 76266

For County: Commissioner Bobbie Mitchell
Denton County Commissioner Precinct #3
400 North Valley Parkway, Suite 2068
Lewisville, Texas 75067

Copy To: Denton County District Attorney's Office
Civil Division
1450 East McKinney Street, Suite 3100
Denton, Texas 76209

X.

The covenants, terms, and conditions herein are to be construed under the laws of the State of Texas and are performable by the Parties in Denton County, Texas. The Parties mutually agree that venue for any obligation arising from this Agreement shall lie in Denton County, Texas.

XI.

The County agrees and understands that the County, its employees, servants, agents, and representatives shall at no time represent themselves to be employees, servants, agents, and representatives of the City.

XII.

The City agrees and understands that the City, its employees, servants, agents, and representatives shall at no time represent themselves to be employees, servants, agents, and representatives of the County.

XIII.

The County agrees to accept full responsibility for the acts, negligence, and omissions of all County employees, agents, subcontractors, and contract laborers and for all other persons doing work under a contract or agreement with the County.

XIV.

The City agrees to accept full responsibility for the acts, negligence and omissions of all City employees, agents, subcontractors, and contract laborers and for all other persons doing work under a contract or agreement with the City.

XV.

This Agreement is not intended to extend the liability of the Parties beyond that provided for by law. Neither the County nor the City waive, nor shall be deemed to have hereby waived, any immunity or defense that would otherwise be available to it against claims made by third parties.

XVI.

In the event that any portion of this Agreement shall be found to be contrary to law, it is the intent of the Parties hereto that the remaining portions shall remain valid and in full force and effect to the fullest extent possible.

XVII.

The undersigned officers and agents of the Parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the Parties hereto, and each party hereby certifies to the other that any necessary resolutions extending said authority have been duly passed and are now in full force and effect.

XVIII.

This Agreement becomes effective when signed by the last party whose signing makes the respective agreement fully executed and the term of this Agreement is for the life of the Project beginning on the date of execution of this Agreement and continuing until the Project is completed.

Executed this _____ day of _____, 2019.

DENTON COUNTY, TEXAS
110 West Hickory Street, 2nd Floor
Denton, Texas 76201

CITY OF LAKE DALLAS, TEXAS
212 Main Street
Lake Dallas, Texas 75065

By: _____
Honorable Andy Eads
Denton County Judge
Acting by and on behalf of the authority
the Denton County Commissioners Court

By: _____
Honorable Michael Barnhart
Mayor of the City of Lake Dallas, Texas
Acting by and on behalf of the authority
of the City of Lake Dallas, Texas

ATTEST:

ATTEST:

By: _____
Denton County Clerk

By: _____
City Manager

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By: _____
Assistant District Attorney

By: _____
City Attorney

CITY MANAGER'S CERTIFICATE

I hereby certify funds are available to accomplish and pay the obligation of the City of Lake Dallas, Texas, under this Agreement.

Lake Dallas City Manager

APPROVAL OF INTERLOCAL COOPERATION AGREEMENT

Denton County, Texas, acting by and through the Denton County Commissioners Court, having been advised of the Project, with a total estimated project cost which shall not exceed ONE MILLION FOUR HUNDRED THOUSAND AND NO/100 DOLLARS (\$1,400,000.00), whereby the City of Lake Dallas shall make a contribution which shall not exceed SEVEN HUNDRED THOUSAND AND NO/100 DOLLARS (\$700,000.00), toward satisfactory completion of the Project, hereby give their specific written approval to the Project prior to beginning of the Project in satisfaction of Texas Government Code §791.014.

The description of the Project and its location are as follows: providing a feasibility study, schematic, environmental clearance, PS&E, and construction engineering for Shady Shores Road Project from W. Shady Shores Road to Swisher Road, located partially in the City of Lake Dallas, Texas, partially in the Town of Shady Shores, Texas and is split between Denton County Commissioner Precinct #1 and Denton County Commissioner Precinct #3.

The local governments which requested the Project and with whom the Agreement is by and between are Denton County, Texas, and the City of Lake Dallas, Texas.

By vote on the date below, the Denton County Commissioners Court has approved the Project identified above and authorized execution of this document by the presiding officer of the Denton County Commissioners Court.

Date: _____

By: _____
Presiding Officer of the Denton
County Commissioners Court



CITY COUNCIL
AGENDA MEMO

Prepared By: John Cabrales Jr., City Manager

July 11, 2019

Right-Of-Way Use License Agreement

DESCRIPTION:

Consider and Act on a Resolution authorizing the City Manager to enter into negotiation and execution of a Right-Of-Way Use License Agreement across a portion of Scott Avenue to provide access to the property described as Lot 1R, Block 2, Lake Dallas Shores Addition; and providing an effective date.

BACKGROUND INFORMATION:

The property owners of Lot 1R, Block 2, of the Lake Dallas Shores Addition, Rogelio and Teresa Barrera, have applied for a replat of their property. They are wanting to subdivide the property into two parcels. Currently, the only public access to the property is from Scott Avenue. However, the City has never paved and opened Scott Avenue. The Barrera's do have an Access Agreement with James Kloberdanz, the property owner of 605 Shore Drive, so they can access their property from Shore Drive. However, the Barrera's still need to cross over an approximate twenty-foot (20') by fourteen and a half foot (14.5') section of Scott Avenue to access their property.

The Barrera's have requested that the City grant them a license agreement allowing ingress and egress and installation of public utilities across this unimproved portion of Scott Avenue to their property. Staff recommends a right-of-way use license agreement be negotiated and executed as requested, and will ensure that the installation of the asphalt pavement across the licensed section of Scott Avenue meets city street standards.

FINANCIAL CONSIDERATION:

None

RECOMMENDED MOTIONS:

I make a motion to **approve/deny** a resolution authorizing the City Manager to enter into negotiation and execution of a Right-Of-Way Use License Agreement across a portion of Scott Avenue to provide access to the property described as Lot 1R, Block 2, Lake Dallas Shores Addition

ATTACHMENT(S):

1. Resolution
2. Plat (Lot 1R, Block 2, Lake Dallas Shores Addition)

CITY OF LAKE DALLAS, TEXAS
RESOLUTION NO. 07112019-_____

**A RESOLUTION OF THE CITY COUNCIL OF LAKE DALLAS, TEXAS, AUTHORIZING
NEGOTIATION AND EXECUTION OF A RIGHT-OF-WAY USE LICENSE AGREEMENT
ACROSS A PORTION OF SCOTT AVENUE TO PROVIDE ACCESS TO PROPERTY
DESCRIBED AS LOT 1R, BLOCK 2, LAKE DALLAS SHORES ADDITION; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Scott Avenue was platted as part of the Lake Dallas Shores subdivision originally recorded at Volume 1, Page 31, Plat Records, Denton County, Texas; and

WHEREAS, the segment of Scott Avenue adjacent to the southern boundary of the property described Lot 1R, Block 2, Lake Dallas Shores, according to the plat recorded as Instrument No. 2017-187, Plat Records, Denton County, Texas ("the Benefitted Property") has, to date, not been improved as a public street; and

WHEREAS, the City has no present need to have Scott Avenue improved as a public street; and

WHEREAS, the Benefitted Property does not have direct access to an improved public street; and

WHEREAS, the owners of the Benefitted Property have requested that the City grant a license agreement allowing ingress and egress and installation of public utilities across an unimproved portion of Scott Avenue to the Benefitted Property; and

WHEREAS, City Administration, having considered and reviewed the request recommends a right-of-way use license agreement be negotiated and executed as requested; and

WHEREAS, the City Council of the City of Lake Dallas finds it to be in the public interest to concur in the foregoing recommendation;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CITY OF LAKE DALLAS, TEXAS, THAT:

SECTION 1. The City Manager is hereby authorized to negotiate and sign a right-of-way use license agreement with the owners of the Benefitted Property to allow for ingress and egress and public utilities over a portion of the unimproved segment of Scott Avenue described in Exhibit "A," attached hereto and incorporated herein by reference ("the Licensed Property"), subject to such owners agreeing to install asphalt pavement across the Licensed Property and such other terms as the City Manager may determine to be in the best interest of the City.

SECTION 2. This Resolution shall be effective immediately upon approval.

PASSED AND APPROVED this the 11th day of July 2019.

City of Lake Dallas, Texas

Michael Barnhart, Mayor

ATTEST:

Codi Delcambre, TRMC, City Secretary

APPROVED AS TO FORM:

Kevin B. Laughlin, City Attorney
(kbl:7/5/19:109277)

Resolution No. 07112019-_____
Exhibit "A" – Description of Licensed Property

Being a 279 square foot tract of land currently being a portion of Scott Street as conveyed to the City Lake Dallas by plat recorded in Volume 1, Page 31, Plat Records, Denton County, Texas, and being more particularly described by metes and bounds as follows:

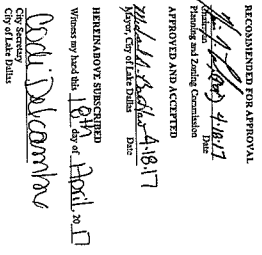
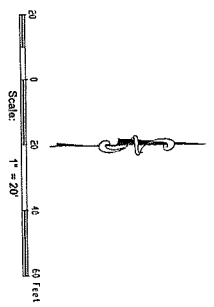
BEGINNING at the northwest corner of Lot 4, Block 5, Lake Dallas Shores, an addition to the City of Lake Dallas according to the plat recorded in Volume 1, Page 31, Plat Records, Denton County, Texas, same being the northeast corner of Lot 7R, Block 4, Lake Dallas Shores, an addition to the City of Lake Dallas according to the plat recorded in Cabinet O, Page 237, Plat Records, Denton County, Texas, and being the northeast corner of an access and utility easement recorded in Instrument Number 2016-43219, Official Public Records, Denton County, Texas, and lying on the south right of way of said Scott Avenue;

THENCE South 89 degrees 45 minutes 38 seconds West with the north line of said Lot 7R, a distance of 20.00 feet to a point for corner and lying on the south right of way line of said Scott Avenue;

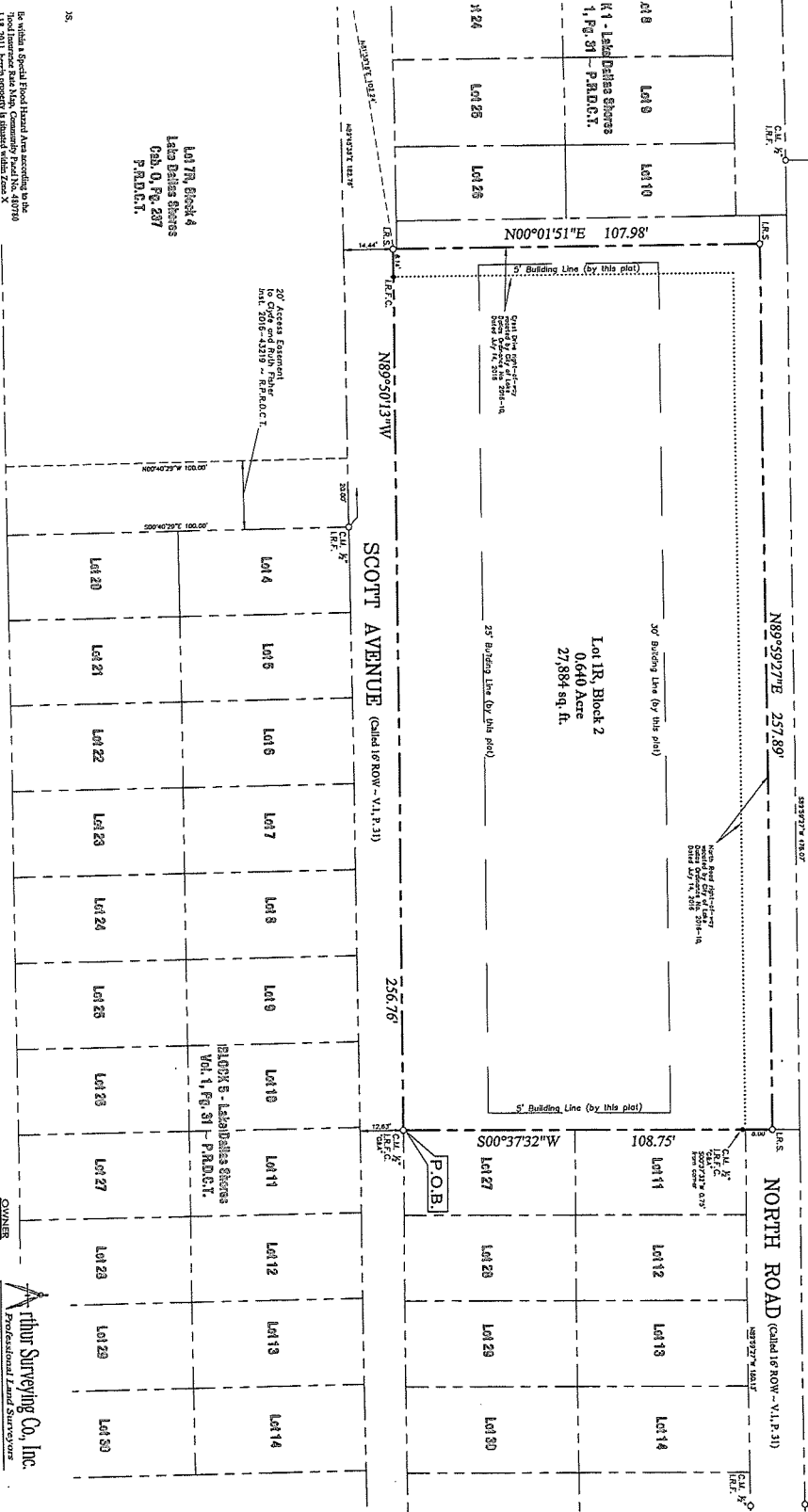
THENCE North 00 degrees 40 minutes 29 seconds West departing the north line of said Lot 7R, over and through said Scott Avenue, a distance of 14.01 feet to a point for corner on the north right of way line of said Scott Avenue, same being the south line of Lot 1R, Block 2, Lake Dallas Shores, an addition to the City of Lake Dallas according to the plat recorded in Instrument Number 2017-187, Plat Records, Denton County, Texas;

THENCE South 89 degrees 50 minutes 13 seconds East with the north right of way line of said Scott Avenue, same being the south line of said Lot 1R, a distance of 20.00 feet to a point for corner;

THENCE South 00 degrees 40 minutes 29 seconds East, departing the north right of way line of said Scott Avenue, also departing the south line of said Lot 1R, over and through said Scott Avenue, a distance of 13.87 feet to THE POINT OF BEGINNING and containing 279 square feet of land, more or less.



1	SMOOLA - 505, C11, W02
1	US957-Lake Dallas Shores Addm Bldg 2 Lot1-2-ALL
1	151U117 - " " Lot2-ALL
1	151U118 - " " Lot3-ALL
1	151U119 - " " Lot4-ALL
1	151U120 - " " Lot5-ALL
1	151U121 - " " Lot6-ALL
1	151U122 - " " Lot7-ALL
1	151U123 - " " Lot8-ALL
1	151U124 - " " Lot9-ALL
1	151U125 - " " Lot10-ALL Lot12, Block A - 1512 Streets
1	151U132 - " " Lot17-ALL Doc. No. 2015-53 - P.D.B.F.T.
1	151U133 - " " Lot18-ALL
1	151U134 - " " Lot19-ALL
1	151U135 - " " Lot20-ALL
1	151U136 - " " Lot21-ALL
1	151U137 - " " Lot22-ALL
1	151U138 - " " Lot23-ALL
1	151U139 - " " Lot24-ALL
1	151U140 - " " Lot25-ALL
1	151U141 - " " Lot26-ALL

[illegible]

SHORE DRIVE (Called Fleet Street - 16 ROW ~ V.I, P31)

OWNER
Clyde and Ruth Fisher
747 Carlele Drive
Mesa, Dakota, TX 75045

ARTHUR SURVEYING CO., INC.
Professional Land Surveyors
(972) 221-6439 ~ Fax (972) 221-4076
220 Elm Street, Suite 200 ~ P.O. Box 64
Lubbock, Texas 79407 ~ TTY: 1-800-530-
Established 1948

Case No. MPF-17-03
FINAL REPLAT
 Lot 1R, Block 2
LAKE DALLAS SHORES
 Being a REPLAT of 0.640 Acres of and platted as Lots 1-10 and 17-26, Block 2, of LakeDallas Shores, an addition to the City of Lake Dallas, Denton County, Texas, as recorded in Volume 1, Page 31, P.D. 8021, &

FINAL REPLAT
Lot 1R, Block 2

LANE DALLAS SITES
Being a Replat of 0.640 Acres of land platted

as Lots 1-10 and 17-26, Block 2, of Lake Dallas Shores, an addition to the

City of Lake Dallas, Denton County, Texas,
as recorded in Volume 1, Page 31, P.R.D.C.T.

-2017-

-2017

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----

F. H. Westphall
 Frederick H. Westphall, P.L.S.
 No. 5832



DAVID L. LEE
History Public
State of Texas
My Comm. Expires 08-16-2019

Given under my hand and seal of office, this 18 day of August 20 17.

Donald L. Lee
Donald L. Lee
Notary Public for
the State of Texas
My Comm. Expires 08-30-20



Notary Public for the State of Texas
My Comm. Expires 08-30-20

Before me, the undersigned authority, a Notary Public in and for the State of Texas, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

Given under my hand and seal of office, this 18 day of August 20 17.

THE STATE OF TEXAS
County of Tarrant
State of Texas &
County of Tarrant &

Given under my hand and seal of office, this 18 day of April, 2017.

Dwaine D. Lee
Notary Public in and for
the State of Texas

DAWIA L LEE
Notary Public
State of Texas

Before me, the undersigned authority, a Notary Public in and for the State of New York, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

State of Texas . . .
County of Benton :

Clay Fisher
Ruth Fisher
Ruth Fisher

Shirley Lee
 Ridge, in addition to the City of Lake Dallas, Denton County, Texas, and does hereby certify to its power to
 execute and statements shown herein.

[illegible]

THENCE South 00 degrees 37 minutes 32 seconds West, passing at a distance of 8.00 feet the common corner Lot 10 and 11, in said Block 2, from which a 1/4 inch iron rod with cap stamped "U.S.A." found bears South 00 degrees 37 minutes 32 seconds West, a distance of 0.75 feet, continuing on said corner for a total distance of 104.75 feet to the corner of said Block 2, and

ANCE North 89 degrees 59 minutes 27 seconds East, within said North Road, a distance of 257.59 feet to a yellow sign stamped "Arthur Starving Company" set for corner, said point being within an unimproved lot dedicated on plat of said Lake Dallas Shores at North Road.

unimproved roadway dedicated to plant of said Lake Dallas Shores as "Crash Drive";

ENCE: North 89 degrees 50 minutes 13 seconds West, with the north line of said Scott Avenue, putting at a BEGINNING at a 1/4 inch iron rod with cap stamped "G.E.A." found for the southeast corner of the herein described lot, and running thence North 89 degrees 50 minutes 13 seconds West, with the north line of said Scott Avenue, bearing the common southerly corner of Lots 26 and 27, in said Block 2, also being in the north line of Scott Avenue, to the south line of said Scott Avenue, a distance of 100 feet, and then

WHEREAS Clyde and Ruth Fisher are the owners of a 0.2640 acre tract hereinafter referred to as the "Fisher Tract," located in the County of Tarrant, Texas, being all of Lots 1-10 and 17-26, in Block 2, of Lake Dallas Shores, an addition to the City of Lake Dallas, Texas, according to the plat thereof, as recorded in Volume 1, Page 31, of the Plat Records of Dallas (P.D.C.T.), said 0.2642 acre being more particularly described as follows:

State of Texas	6
County of Menon	9
	9
Warrant Certificate and Abduction	



**CITY COUNCIL
AGENDA MEMO**

Prepared By: Michele Sanchez, Finance Director

July 11, 2019

Budget Workshop

DESCRIPTION:

Receive a report and hold a discussion regarding the Fiscal Year (FY) 2018-19 and the proposed Budget and Tax Rate for FY 2019-20, including impacts from anticipated changes in law by the Texas Legislature.

BACKGROUND INFORMATION:

The purpose of this item is to provide the City Council with revenue and expenditure trending for fiscal year (FY) 2018-19 and projected for FY 2019-20.

Section 7.02 of the City Charter requires the City Manager to submit the proposed budget to the City Council and the City Secretary on or before the fifth day of August, unless the City Council has granted an extension. Below is the proposed calendar of dates that staff is planning to hold budget workshops, public hearings and adoption of the budget.

May 23	Budget Workshop
June 13	Budget Workshop
June 27	Budget Workshop
July 11	Budget Workshop
July 25	Budget Workshop
August 8	Budget Workshop
August 8	First Public Hearing on Tax Rate
August 22	Budget Workshop with City Council
August 22	Second Public Hearing on Tax Rate and Budget Hearing
Sept. 12	Adoption of Tax Rate and Budget

Sept. 26	Back up date for Adoption of Tax Rate and Budget
Sept. 30	Last day to adopt a Tax Rate and Budget (Tax Code 26.05 & Local Govt. Code 102.009)

FINANCIAL CONSIDERATION:

FY 2019-20 Proposed Budget will contain the projected revenues and expenses for the City.

RECOMMENDED MOTIONS:

None, discussion only

ATTACHMENT(S):

None