



**City of Lake Dallas
City Council
Regular Meeting
City Hall
212 Main Street, Lake Dallas, TX 75065
Thursday, July 13, 2023, at 6:30 p.m.**

In accordance with Tex. Govt. Code §551.127, notice is hereby given that (i) one or more City Council members may be participating in this meeting by videoconference, (ii) the location of the meeting will be at Lake Dallas City Hall, 212 Main Street, Lake Dallas, Texas, where a quorum of the City Council will be physically present, which location will be open to the public, and (iii) it is the intent to have the quorum of members of the City Council present at said location for this meeting.

**EARLY WORK SESSION
City Council Chambers - 6:00 P.M.**

1. Call to Order and Determination of Quorum
2. Clarification of Consent or General Items listed on Today's City Council Meeting Agenda for July 13, 2023.
3. Receive a status update from SPAN and receive a donation request for Meals on Wheels.
4. Receive a presentation from Denton County Tax Assessor Michelle French regarding tax rate and collection.
5. Receive a presentation regarding the Master Drainage Study Kickoff.
6. Receive a presentation regarding the Street Pavement Assessment and CIP.
7. Receive a report and hold a discussion regarding the Municipal Utility Drainage Impact Fee.
8. Receive a report and hold a discussion regarding the next step in the Fiscal Year 2022 – 2023 Budget adoption process.
9. Receive a report and hold a discussion regarding Pickle ball courts.

(Items discussed during Early Work Session may be continued or moved to Open Session if time does not permit holding or completing discussion of the item during Early Work Session.)

OPEN SESSION
City Council Chambers-6:30 P.M.

- 1. Call to Order & Determination of Quorum**
- 2. Invocation & Pledges of Allegiance**

Section I- Presentation:

- 3. Announcements & Special Recognitions**

Section II – Public Comment:

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 on this agenda. In order to address the Council, a Public Meeting Appearance Card must be completed and presented 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 presentations will be limited to five (5) minutes per person. Persons wishing to provide comments on an item appearing on this agenda must complete a Public Meeting Appearance Card and present it to the City Secretary prior to the item being called on the agenda and wait until recognized by the Mayor or other presiding officer before speaking on the item when that item is called for discussion.

Section III– Elected Official Requested Items & Comments:

- 5. Mayor & Council Member Announcements and Requests for Future Agenda Items**

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 to a proposal to place the subject on an agenda for a subsequent meeting.

Section IV – 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.

Section V– Planning & Development: None

Section VI- General Items: None

Section VII – 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, or member of the public submits a Public Meeting Appearance Card identifying the item on which such person wished to comment prior to this item being called on the agenda, in which event the item will be removed from the consent agenda and considered in its normal sequence.

6. Consider and Act on the Consent Agenda-

- a. Consider approval of the June 8, 2023, and June 29, 2023, City Council minutes.
- b. Consider and Act on an Ordinance amending Lake Dallas Municipal Code Chapter 22 “Building and Building Regulations by adding Article VI “Vacant Building Regulations” enacting regulations regarding Vacant Non-Residential Building Regulations; providing a repealing clause; providing a saving clause; providing a severability clause; providing for a penalty of fine not exceed the sum of two thousand dollars (\$2,000.00) for each offense except where otherwise provided in said Chapter 56; and providing for a effective date.

Section VIII – 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 items listed above or herein.

Section IX – Return to Open Session

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

Section X – 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 10, 2023, at 5:00 p.m.



Codi Delcambre
City Secretary

If you plan to attend this public meeting telephonically and you have a disability that requires special arrangements at this meeting, please contact City Secretary’s Office at (940) 497-2226 ext. 102 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 8, 2023, 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 Nolan called the meeting to order at 6:00 p.m.

1. Roll Call

Andi Nolan	Mayor
Kristy Bleau	Councilmember 2
Megan Ray	Councilmember 1
Cheryl McClain	Mayor Pro-Tem Councilmember 3
Rudy Glynn Vrba	Councilmember 4
Adam Peabody	Councilmember 5

Absent: None

Staff Present: City Secretary Codi Delcambre, Chief Sawyer, Finance Director Jennifer Oakes, City Attorney Kevin Laughlin, and City Manager Kandace Lesley.

**EARLY WORK SESSION
City Council Chambers - 6:00 P.M.**

1. Call to Order and Determination of Quorum

Mayor Nolan called the Early Work Session to order at 6:01 p.m.

2. Clarification of Consent or General Items listed on Today's City Council Meeting Agenda for June 8, 2023.

No discussion.

3. Receive a presentation from Hilltop Securities regarding Municipal Bonds and Debt Issuance.

Council received a presentation from Dan Mahoney with Hilltop Securities regarding Municipal Bonds and Debt Issuance.

4. Receive a report and hold a discussion regarding the next step in the Fiscal Year 2022 – 2023 Budget adoption process.

Council received a presentation Finance Director Jennifer Oaks regarding the Fiscal Year 2022-2023 Budget.

5. Receive a report and hold a discussion regarding Community Room.

Council received an update from City Secretary Codi Delcambre regarding the Community Room.

6. Receive a report and hold a discussion regarding Willow Grove Fishing Pier.

Council received an update from City Secretary Codi Delcambre regarding Willow Grove Fishing Pier.

7. Receive a report and hold a discussion regarding vacant building ordinance.

Council received an update from City Manager Kandace Lesley regarding the vacant building ordinance.

8. Receive a report and hold a discussion regarding golf cart ordinance.

Council received an update from Police Chief Allen Sawyer regarding golf cart ordinance.

Adjournment 6:45p.m.

Open Session

1. Call to Order & Determination of Quorum.

Mayor Nolan called the meeting to order at 6:48 p.m.

2. Invocation and Pledges of Allegiance

Kevin Laughlin led the invocation and the pledges.

3. Announcements & Special Recognitions: None

4. Citizen Agenda & Public Comments: None

5. Mayor & Council Member Announcements

Councilmember Ray- Proposed bill to eliminate property completely which would hurt all municipalities.

Councilmember McClain- No turn on right on Main Street from the Service Road.

Councilmember Vrba- Drainage Fee for commercial property on the July 13 Agenda

Mayor Nolan- Presentation by NTCOG

6. City Manager's Report

- Working on Asphalt #2 project.
- Attending Tom Taylor memorial
- Bids for Solar lights at City Park

7. Consider an ordinance amending the zoning regulations relating to the development and use of 0.214± acres out of the M. Wright Survey, Abstract No. 1355, commonly known as 214 Gotcher Avenue, from Downtown District with base zoning of R-2 Two-Family Dwelling District, to Planned Development (PD) with base zoning of R-2 Two-Family Dwelling District and Downtown District.

Motion: approve an ordinance amending the zoning regulations relating to the development and use of 0.214± acres out of the M. Wright Survey, Abstract No. 1355, commonly known as 214 Gotcher Avenue, from Downtown District with base zoning of R-2 Two-Family Dwelling District, to Planned Development (PD) with base zoning of R-2 Two-Family Dwelling District was made by Councilmember Vrba and seconded by Councilmember Ray.

Ayes: Councilmember Ray, Bleau, Vrba, McClain, and Peabody.

Noes: None

Motion Passed 5-0.

8. Discussion and consider adoption of a Resolution directing publication of notice of intention to issue combination tax and revenue certificates of obligation.

Motion: to table any action on the adoption of a Resolution directing publication of notice of intention to issue combination tax and revenue certificates of obligation to the next City Council meeting was made by Councilmember Vrba and seconded by Councilmember Ray.

Ayes: Councilmember Ray, Bleau, McClain, Vrba, and Peabody.

Noes:

Motion Passed 5-0

9. Consider and take appropriate action on a Resolution authorizing an agreement with the John R. McAdams Company, Incorporated for Professional Project Management Services associated with the preparation of a Master Drainage Study and Plan.

Motion: to approve a Resolution authorizing an agreement with the John R. McAdams Company, Incorporated for Professional Project Management Services associated with the preparation of a Master Drainage Study and Plan was made by Councilmember Ray and seconded by Councilmember McClain.

Ayes: Councilmember Ray, Bleau, McClain, Vrba, and Peabody.

Noes:

Motion Passed 5-0

10. Consider and take appropriate action on a Resolution authorizing an agreement for Professional Services with Teague Nall and Perkins, Inc. to prepare a Master Drainage Study and Plan.

Motion: to approve a Resolution authorizing an agreement for Professional Services with Teague Nall and Perkins, Inc. to prepare a Master Drainage Study and Plan was made by Councilmember Ray and seconded by Councilmember McClain.

Ayes: Councilmember Ray, Bleau, McClain, Vrba, and Peabody.

Noes:

Motion Passed 5-0

11. Consider and Act on the Consent Agenda-

- a. Consider approval of the April Financials.**
- b. Consider approval of the May 11, 2023, and May 25, 2023, City Council minutes.**

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

Ayes: Councilmember Ray, Bleau, Vrba, McClain, and Peabody.

Noes: None

Motion Passed 5-0

12. 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 items listed above or herein.

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

No Executive Session.

Adjournment

Mayor Nolan adjourned the meeting at 8:59 p.m.

Approved:

Andi Nolan, Mayor

Attest:

Codi Delcambre, City Secretary



CITY COUNCIL
AGENDA MEMO

Prepared By: Kandace Lesley, City Manager

Date: July 13, 2023

Vacant Building Registration Ordinance

DESCRIPTION:

The intent of this agenda item is to discuss and approve an ordinance amending Chapter 22 of the Lake Dallas Municipal Code to add regulations governing the registration and maintenance of vacant non-residential buildings located within the City of Lake Dallas.

BACKGROUND INFORMATION:

The City Council has expressed concern about the number of vacant non-residential buildings located within the City, especially those owned by out of town owners. As one means to obtain some control over such buildings, City Administration has discussed adoption of an ordinance requiring the registration of vacant non-residential structures similar to other cities. The proposed ordinance is presented in accordance with prior discussions and direction of the City Council. The proposed ordinance requires privately owned non-residential buildings that have been determined to be vacant to be registered by the owner with the City. A building is deemed vacant if:

- (a) All lawful commercial, recreational, charitable, or construction activity at the building have ceased or reasonably appears to have ceased for more than 150 days; or
- (b) The building contains more than three units, 75 percent or more of which have not been used lawfully, or reasonably appear not to have been used lawfully, for more than 150 days.

The ordinance requires inspections at times dictated in the ordinance. The registration is valid for one year, but will expire if the building is demolished, if the building changes ownership, or if the building is no longer vacant.

FINANCIAL CONSIDERATION:

NONE

RECOMMENDED MOTIONS:

Staff recommends approving the ordinance, as presented and/or discussed.

ATTACHMENT(S):

Draft Ordinance

ORDINANCE NO. 2023-____

AN ORDINANCE OF THE CITY OF LAKE DALLAS, TEXAS, AMENDING LAKE DALLAS MUNICIPAL CODE CHAPTER 22 “BUILDINGS AND BUILDING REGULATIONS” BY ADDING ARTICLE VI “VACANT BUILDING REGULATIONS” ENACTING REGULATIONS REGARDING VACANT NON-RESIDENTIAL BUILDINGS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE EXCEPT WHERE OTHERWISE PROVIDED IN SAID CHAPTER 56; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, vacant non-residential buildings exist within the City of Lake Dallas; and

WHEREAS, buildings that remain vacant discourage economic development, become an attractive nuisance for children, a harborage for rodents and other vermin, an invitation to vagrants and criminals, become more vulnerable to arson, have an adverse effect on nearby businesses and residences and their property values, and are public nuisances; and

WHEREAS, with the increase in demand for copper, vacant buildings attract thieves who remove copper from the buildings which, aside from resulting in a structural degradation of the building, may pose environmental risks, including increased exposure to asbestos resulting from damage to walls, ceilings, plumbing and other piping and vents; and

WHEREAS, the State of Texas recognized the potential need to address vacant buildings in Section 214.231 of the Local Government Code; and

WHEREAS, the City Council of the City of Lake Dallas deems that a vacant building registration program that allows the City to monitor vacant buildings, their occupancy or demolition and ensures their maintenance, security, repair and return to economic usefulness promotes the protection of the health, safety, welfare and morals of the residents and the general public;

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

SECTION 1. Chapter 22 “Buildings and Building Regulations” of the Lake Dallas Municipal Code is hereby amended by adding Article VI titled “Vacant Building Regulations” to read as set forth in Exhibit “A,” as attached hereto and incorporated herein by reference.

SECTION 2. All provisions of the Ordinances of the City of Lake Dallas, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 4. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

SECTION 5. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense as set forth in Section 1-16 of the Code of Ordinances.

SECTION 6. This ordinance shall take effect immediately following its passage and publication in accordance with the provisions of the charter and state law.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS,
ON THIS THE 13TH DAY OF JULY 2023.**

APPROVED:

Andi Nolan, Mayor

ATTEST:

Codi Delcambre, TRMC, City Secretary

APPROVED AS TO FORM

Kevin B. Laughlin, City Attorney
(kbl:7/5/2023:135751)

CHAPTER 22 – BUILDINGS AND BUILDING REGULATIONS

* * *

ARTICLE VI. - VACANT BUILDINGS

Sec. 22-500. - Securing Vacant Structures

- (a) No owner or person having charge of any unoccupied building or structure within the city shall leave said building or structure unsecured so that unauthorized persons may enter said building or structure.
- (b) An unsecured building or structure shall constitute prima facie evidence of a public nuisance posing an immediate danger to the building or structure and adjoining buildings or structures, and the building official shall immediately notify and instruct the owner or person in charge of said building or structure to secure the same, and if said building or structure is not secured within seventy-two (72) hours after the date of issuance of notice, the building official is authorized to secure the building or structure at the expense of the owner or person in charge of said building or structure, and the expense of the work required to secure such building or structure are to be charged against the owner of the property as provided by state law.

Sec. 22-501. - Registration Required

Pursuant to this section, non-residential buildings deemed to be vacant shall maintain a valid vacant building registration with the city and shall be maintained in accordance with the codes and ordinances of the city.

Sec. 22-502. - Registration Applicability

The registration requirements of section 22-501 through section 22-506 shall be applicable to each owner of a non-residential building that has been presumed vacant. A building shall be presumed vacant if:

- (a) All lawful commercial, recreational, charitable, or construction activity at the building have ceased or reasonably appears to have ceased for more than 150 days; or
- (b) The building contains more than three units, 75 percent or more of which have not been used lawfully, or reasonably appear not to have been used lawfully, for more than 150 days.

Sec. 22-503. - Registration

- (a) The owner of any vacant non-residential building shall obtain and maintain a current and valid registration for each vacant non-residential building.

- (b) The city, an independent school district, the United States of America, the State of Texas, or any political subdivision, department, or agency of any of the foregoing are exempt from the provisions of this section.
- (c) The owner shall complete the application for registration and pay the required fees as adopted by resolution of the City Council and included in the City's master fee schedule.
- (d) The city building official shall issue the vacant building registration when he determines:
 - (1) The owner has submitted the completed form;
 - (2) All required fees have been paid; and
 - (3) The building has been inspected in conformance with section 22-204.
- (e) If the city building official determines the applicant seeking to register a vacant building has failed to comply with all provisions of this section, the city building official shall deny the registration and deliver written notice of denial to the owner including the basis for denial.
- (f) The registration required by this section shall expire on the earlier of:
 - (1) One year after the date of issuance;
 - (2) Upon demolition of the building;
 - (3) When ownership of the building changes; or
 - (4) When the building becomes legally occupied pursuant to a valid certificate of occupancy.
- (g) A registration of a vacant building issued pursuant to this section is not transferable.
- (h) The owner shall place a sign made of durable, weather-resistant material on or near the front door of the building which contains in clearly legible print:
 - (1) The name and 24-hour contact phone number of the person that is authorized by the owner to make decisions regarding the day-to-day supervision, management and maintenance of the building and premises;
 - (2) The words "THIS PROPERTY IS MANAGED BY..." and "TO REPORT PROBLEMS OR CONCERNS CALL...", followed by the name of the property's manager or owner and contact phone number, respectively; and
 - (3) Such other information which will identify the property to the owner's agent.

Sec. 22-504. - Inspections

Prior to the initial issuance and each renewal of the registration by the building official, the owner shall allow the building official to perform an inspection of the building and property. The city building official shall provide a report to the owner denoting any issues found to be in non-compliance with any provisions of applicable codes adopted by the city. The city building official shall determine what issues found during the inspection need immediate attention and issues that may be corrected prior to occupancy of the building.

Sec. 22-505. - Registration Revocation

- (a) The city building official may revoke the vacant building registration if:
 - (1) The owner fails to comply with any of the provisions of any city ordinance, state law, or federal law applicable to vacant buildings or properties, or
 - (2) The owner intentionally makes false statement regarding a material matter on the registration form or in a hearing concerning the property.
- (b) Prior to revoking the registration, the city building official shall deliver written notice of the possible revocation, the basis for the revocation, and a statement that the owner has ten days after delivery to comply with the notice to prevent revocation.
- (c) Upon revocation of the registration, the city building official shall send written notice of revocation to the owner of the property, which shall include a summary of the reasons for the revocation.
- (d) The city building official may reinstate a registration one time during the registration period if the basis of the revocation is remedied within 30 days of the revocation and a fee equal to 50 percent of the registration fee is paid.

Sec. 22-506. - Maintenance Bond

- (a) The city building official may require the owner of vacant building to post a cash bond, letter of credit or escrow deposit in the amount of \$2,500.00 to secure future compliance when a vacant non-residential building has been the subject of action by the city to abate any violation city ordinance within the 12 months preceding the date of the initial or renewal registration.
- (b) The owner shall post the bond or other security not later than 30 days after the issuance of notice from the city building official that such bond is required. If the amount of the bond or other security is reduced or depleted for the purpose of bringing the property into compliance with applicable city code violations after the bond or other security has been posted with the city, the owner shall, within 15 days after the notice from the city, provide such additional sums to the bond or other security so as to maintain the amount at the minimum level of \$2,500.00.

- (c) Any funds obtained by the city under a bond, letter of credit, or escrow account posted under this section shall be used only for the purpose of bringing the property into compliance with applicable city codes, and shall not be part of the city's general fund.
- (d) The person who posted the bond or other security shall be entitled to the cancellation of the bond, letter of credit or a refund of the actual amounts then held for the property in the escrow account, as the case may be, if:
 - (1) The owner of a property has remedied all violations noted by the building official for a period of 12 months following the posting of the bond or other security; or
 - (2) The property is sold or occupied following the posting of the bond or other security.