

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

The Lake Dallas City Council met in a regular meeting on February 25, 2010 in the Lake Dallas City Hall, 212 Main Street, with notice of the meeting given as required by Title 5, Chapter 551.041 of the Texas Government Code. Mayor Marino called the meeting to order 7:30 pm.

A. ROLL CALL

Tony Marino	Mayor
James Harper	Councilmember 1
B. W. Brooks	Councilmember 3
Ricky Mathews	Councilmember 4
Karl Hammond	Councilmember 5

Staff Present: City Manager Earl Berner, Police Chief Nick Ristagno, City Secretary Joni Vaughn, Finance/Human Resource Director Donna Boner.

Councilmember Connors was absent because of illness.

B. INVOCATION

Pastor Ray Harper gave the invocation.

C. PLEDGE OF ALLEGIANCE

Mayor Marino led the pledges of allegiance.

D. ANNOUNCEMENTS

City Manager Berner announced that the Chamber Banquet is February 26th at the Holiday Inn Ballroom in Denton.

E. REPORTS

- 1) **Boards and Commissions** – no reports
- 2) **Finance** – Finance Director Donna Boner reported on the financials.

F. VISITORS/CITIZENS AGENDA

Mayor Marino opened the Visitors/Citizens Agenda. No one came forward to speak. Mayor Marino closed the Visitors/Citizens Agenda.

G. CONSENT AGENDA

- 1) **Consideration and Action to approve the Consent Agenda.**

Motion to approve Items G 1-6 and pull Item G 7 was made by Councilmember Hammond and seconded by Councilmember Harper.

Ayes: Councilmembers Brooks, Harper, Mathews, and Hammond.

Noes: None

Motion Passed

H. BUSINESS:

1) Consideration and Action to approve the audits for Fiscal Year 2009.

Motion to approve the audits for the Fiscal Year 2009 was made by Councilmember Brooks and seconded by Councilmember Harper.

Ayes: Councilmembers Brooks, Harper, Mathews, and Hammond.

Noes: None

Motion Passed

2) Public Hearing on an application for exemption to the requirement of 80 percent masonry for exterior surfaces on the proposed commercial structure, Swisher Courts, located at 501 and 504 Swisher Road.

No one from the Public came to speak. Allen Bieke gave a brief explanation of his request for an exemption from the 80 percent masonry requirement.

3) Consideration and Action to approve an application for exemption to the requirement of 80 percent masonry for exterior surfaces on the proposed commercial structure, Swisher Courts, located at 501 and 504 Swisher Road.

Motion to approve an application for exemption to the requirement of 80 percent masonry for exterior surfaces on the proposed commercial structure, Swisher Courts, located at 501 Swisher Road was made by Councilmember Brooks and seconded by Councilmember Hammond.

Ayes: Councilmembers Brooks, Hammond, Harper, and Mathews.

Noes: None

Motion Passed

4) Consideration and Action to approve the site plan for Swisher Courts at 501 and 504 Swisher Road.

Motion to approve the site plan for Swisher Courts for 501 Swisher Road was made by Councilmember Brooks and seconded by Councilmember Harper.

Ayes: Councilmembers Brooks, Harper, Mathews, and Hammond.

Noes: None

Motion Passed

5) Consideration and Action to approve the preliminary site plan for Lot 26, Block A Garza Beach Estates.

Motion to approve the preliminary site plan for Lot 26, Block A Garza Beach Estates was made by Councilmember Brooks and seconded by Councilmember Harper.

Ayes: Councilmembers Brooks, Harper, Mathews and Hammond.

Noes: None

Motion Passed

Mr. Lugenheim stated he was under the impression this was being accepted as his final site plan and requested the Council change their motion.

Motion to amend the earlier motion from preliminary site plan to final site plan was made by Councilmember Brooks and seconded by Councilmember Harper.

Ayes: Councilmember Brooks, Harper, Mathews and Hammond.

Noes: None

Motion Passed

6) Consideration and Action to appoint James “Bud” Hughes to serve on the Parks and Recreation Board.

Motion to appoint James “Bud” Hughes to serve on the Parks and Recreation Board was made by Councilmember Brooks and seconded by Councilmember Harper.

Ayes: Councilmembers Brooks, Harper, Mathews, and Hammond.

Noes: None

Motion Passed

7) Consideration and Action to appoint Judie Hughes to serve on the Library Board.

Motion to appoint Judie Hughes to serve on the Library Board was made by Councilmember Hammond and seconded by Councilmember Harper.

Ayes: Councilmembers Hammond, Harper, Brook, and Mathews.

Noes: None

Motion Passed

8) Consideration and Action to approve a resolution to order the May 8, 2010 election.

Motion to approve a resolution to order the May 8, 2010 election for the seats of Mayor, Council Places 2 and 4 was made by Councilmember Brooks and seconded by Councilmember Harper.

Ayes: Councilmembers Brooks, Harper, Mathews and Hammond.

Noes: None

Motion Passed

9) Consideration and Action to approve the purchase of two ticket writers from the Court Technology Fund.

Motion to approve the purchase of two ticket writers from the Court Technology Fund was made by Councilmember Brooks and seconded by Councilmember Harper.

Ayes: Councilmembers Brooks, Harper, Mathews and Hammond.

Noes: None

Motion Passed

10) Consideration and Action to approve an agreement to participate in FitCities.

Motion to approve an agreement to participate in FitCities was made by Councilmember Brooks and seconded by Councilmember Hammond.

Ayes: Councilmembers Brooks, Hammond, Harper and Mathews.

Noes: None

Motion Passed

11) Consideration and Action to submit a letter of proposal to expand the Lake Cities Library to Hickory Creek

Motion to submit a letter of proposal to expand the Lake Cities Library to Hickory Creek, Corinth and Shady Shores was made by Councilmember Brooks and seconded by Councilmember Hammond.

Ayes: Councilmembers Brooks, Hammond, Harper and Mathews.

Noes: None

Motion Passed

12) Consideration and Action to approve a contract agreement with the Thomas Carnival and waive the permit fees

Motion to approve a contract agreement with the Thomas Carnival and waive the permit fees was made by Councilmember Brooks and seconded by Councilmember Hammond.

Ayes: Councilmembers Brooks, Hammond, Harper and Mathews.

Noes: None

Motion Passed

13) Consideration and Action to approve an agreement with DCTA for the realignment of Main Street.

Motion to approve an agreement with DCTA for the realignment of Main Street was made by Councilmember Hammond and seconded by Councilmember Brooks.

Ayes: Councilmembers Hammond, Brooks, Harper and Mathews.

Noes: None

Motion Passed

Mayor Marino adjourned the regular meeting at 8:40 P.M. called a five-minute break before going into Executive Session.

I. EXECUTIVE SESSION:

- 1) The City Council to meet in Closed Session under Section 551.0729 (real property) of the Texas Government Code to discuss the purchase/sale of real property located on Swisher Road.**

Mayor Marino opened Executive Session at 8:45 pm.

Mayor Marino reconvened regular Council meeting at 9:22 pm.

J. ACTION, if any, from Executive Session

No action was taken on Executive Session.

K. CITY MANAGER REPORT

City Manager Berner reported that Carol Ann Connors had signed the closing papers to sell the Economic Development Corporation property on Swisher to Daniels Air. Daniels' building should be here in about two weeks. Alan Bieke and John Lugenheim have had their site plans approved for their projects. On Lakeview Phase I project, half the connection, from Swisher to the toll Road, has been paved. There has been a series of meetings with Commissioner Coleman and his associates on the funding of Lakeview Phase II. The City has met with county engineers regarding Howard Drive south to Lakeview and their recommendation is to do the project.

K. NEW AGENDA ITEMS

Mayor Marino suggested we develop an incentive program for employees who come up with cost saving measures for the City.

L. ADJOURNMENT

Mayor Marino adjourned the meeting at 9:28 pm.

Tony Marino, Mayor

Joni Vaughn, City Secretary