

MINUTES

LANCASTER CITY COUNCIL MEETING OF AUGUST 26, 2013

The City Council of the City of Lancaster, Texas, met in Regular session in the Council Chambers of City Hall on August 26, 2013 at 7:00 p.m. with a quorum present to-wit:

Councilmembers Present:

Mayor Marcus E. Knight
Carol Strain-Burk
Stanley Jaglowski
Marco Mejia
Mayor Pro Tem James Daniels
LaShonjia Harris
Deputy Mayor Pro Tem Nina Morris

City Staff Present:

Opal Mauldin Robertson, City Manager
Aretha Adams, Assistant City Manager
Alicia Oyedele, Assistant to the City Manager
Thomas Griffith, Fire Chief
Larry Flatt, Police Chief
M. C. Smith, Assistant Police Chief
Sean Johnson, Parks, Recreation and Library Director
Dori Lee, Human Resources Director
Ed Brady, Economic Development Director
Rona Stringfellow, Managing Director Public Works / Development Services
Jim Brewer, Assistant Director Public Works / Development Services
Shwetha Pandurangi, City Engineer
Surupa Sen, Senior Planner
Julie Doshier, Associate Attorney on behalf of City Attorney Robert Hager
Dolle Downe, City Secretary

Call to Order:

Mayor Knight called the meeting to order at 7:00 p.m. on August 26, 2013.

Invocation:

Deacon Jones with World Harvest Ministries gave the invocation.

Pledge of Allegiance:

Mayor Marcus E. Knight led the pledge of allegiance.

Citizens Comments:

Dr. Michael McFarland, LISD Superintendent, 422 S. Centre Avenue, thanked the City for its partnership with the school district in numerous programs and activities, expressing appreciation for recent involvement in programs such as the Back to School Red Carpet Welcome; commended City leadership for its involvement and support in creating positive growth in the schools; noted an upcoming program, College – Go Get It Week.

Cresland Fannin, 422 S. Centre Avenue, announced an upcoming school district program, College – Go Get It Week, commenting that all campuses will be involved in the activities; additional details are available on the school district website at www.lancasterisd.org; noted College Fair on September 19 at Cedar Valley College from 6 – 8 p.m.

Alicia Oyedele, 211 N. Henry Street, invited everyone to attend the upcoming Civic Leadership Academy noting that the City is still accepting applications and more information is available on the City website at www.lancaster-tx.com.

Consent Agenda:

City Secretary Downe read the consent agenda.

- C1. Consider a resolution ratifying the submission of applications to Dallas County for funding under the Fiscal Year 2013 Dallas County Community Development Block Grant (CDBG) Program for reconstruction of existing roadways: Balomede Street from Wintergreen Road to Belvedere Road and Balkin Lane from Rogers Avenue to Sunny Meadow Drive.**
- C2. Consider a resolution approving the terms and conditions of the City owned T-Hangar commercial lease from building 670 at Lancaster Regional Airport.**
- C3. Consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Lancaster Mills Public Improvement District, providing for: findings of benefits accrued, accepting five year service plan, recording final assessment onto tax roll, setting the assessment levy, establishing a method of payment, assessment due, and providing clauses for conflict, severability and an effective date.**
- C4. Consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Tribute at Mills Branch and Tribute East at Mills Branch Public Improvement District, providing for: findings of benefits accrued, accepting five year service plan, recording final assessment onto tax roll, setting the assessment levy, establishing a method of payment, assessment due, and providing clauses for conflict, severability and an effective date.**
- C5. Consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Beltline Ashmoore Public Improvement District, providing for: findings of benefits accrued, accepting five year service plan, recording final assessment onto tax roll, setting the assessment levy, establishing a method of payment, assessment due, and providing clauses for conflict, severability and an effective date.**

- C6. Consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Glendover Estates Public Improvement District, providing for: findings of benefits accrued, accepting five year service plan, recording final assessment onto tax roll, setting the assessment levy, establishing a method of payment, assessment due, and providing clauses for conflict, severability and an effective date.
- C7. Consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Rolling Meadows Public Improvement District, providing for: findings of benefits accrued, accepting five year service plan, recording final assessment onto tax roll, setting the assessment levy, establishing a method of payment, assessment due, and providing clauses for conflict, severability and an effective date.
- C8. Consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Millbrook East Public Improvement District, providing for: findings of benefits accrued, accepting five year service plan, recording final assessment onto tax roll, setting the assessment levy, establishing a method of payment, assessment due, and providing clauses for conflict, severability and an effective date.
- C9. Consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Boardwalk Public Improvement District, providing for: findings of benefits accrued, accepting five year service plan, recording final assessment onto tax roll, setting the assessment levy, establishing a method of payment, assessment due, and providing clauses for conflict, severability and an effective date.
- C10. Consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Meadowview Public Improvement District, providing for: findings of benefits accrued, accepting five year service plan, recording final assessment onto tax roll, setting the assessment levy, establishing a method of payment, assessment due, and providing clauses for conflict, severability and an effective date.

Councilmember Jaglowski recused himself from discussion and action on agenda item C7.

MOTION: Councilmember Strain-Burk made a motion, seconded by Deputy Mayor Pro Tem Morris, to approve consent items C1 – C6 and C8 – C10. The vote was cast 7 for, 0 against.

Councilmember Jaglowski left the Council Chambers.

MOTION: Councilmember Strain-Burk made a motion, seconded by Mayor Pro Tem Daniels, to approve an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Rolling Meadows Public Improvement District [item C7]. The vote was cast 6 for, 0 against [Jaglowski recused].

Following the vote, Councilmember Jaglowski returned to his seat in the Council Chambers.

11. **Conduct a Public Hearing and consider a Comprehensive Plan Amendment to Light Industrial (LI) and a Rezoning request from PD – Planned Development MU (Mixed Use with Residential, Retail and Commercial Uses) to PD – Planned Development LI (Light Industrial). The Property is located on the Northwest corner of Telephone Road and North Dallas Avenue. The property is approximately 251 acres, described as Tracts 3, 3.2, 4, 5, 5.1, 6, 7, 7.1 of Smith Elkins Survey, Abstract 430, Page 325, City of Lancaster, Dallas County, Texas.**

Associate Attorney Doshier stated that the City has received a petition in opposition of the zoning request which could trigger a requirement for a super majority vote. Attorney Doshier noted that City Council may wish to direct staff to review the petition now or at a later time and could conduct the public hearing and postpone consideration of the zoning request to a date certain.

MOTION: Councilmember Mejia made a motion, seconded by Deputy Mayor Pro Tem Morris, to conduct the public hearing at this time and to table consideration of the zoning request until the September 9, 2013 Council meeting to allow time for review of the petition. The vote was cast 7 for, 0 against.

Mayor Knight outlined the process for the public hearing noting that given the large number of requests to speak, each speaker would be allowed two minutes.

Senior Planner Sen outlined the zoning request for 251.31 acres of undeveloped land from Planned Development – Mixed Use (PD-MU) to Planned Development – Light Industrial (PD-LI). Senior Planner Sen noted 134 property notices were mailed to the property owners within 200 feet of the subject property. It was noted that no commercial motor vehicle traffic will be allowed ingress or egress onto Telephone Road or Dizzy Dean Road. Senior Planner Sen highlighted enhanced screening provided by two staggered rows of street shade trees on a three to one foot berm; in addition there will be a six to eight foot continuous masonry screening wall along Dizzy Dean and Telephone Road. The applicant has agreed to Planning and Zoning Commission recommendations to provide sidewalks along Dizzy Dean, Telephone Road and N. Dallas Avenue.

Deputy Mayor Pro Tem Morris asked about 18-wheeler traffic in the area. Director Stringfellow noted that commercial vehicle traffic will not be allowed on Telephone Road or Dizzy Dean. City Manager Mauldin Robertson stated that the City has a designated truck route ordinance in place. Deputy Mayor Pro Tem Morris commented that there seems to be no enforcement and signs may be necessary. Deputy Mayor Pro Tem Morris asked about stormwater. City Engineer Pandurangi stated that would receive a technical review at the time of plan submittal.

Councilmembers reviewed and discussed the method for calculation of signatures on petitions submitted, noting that 20% written opposition is required to trigger a requirement for a super majority vote of Council.

Councilmember Harris requested a written copy of the calculations related to the number of property owners notified and number returned.

Mike Anderson, 3819 Town Crossing, Mesquite, Texas representing White Properties, noted the property had been rezoned to Mixed Use in 2005 and made a brief presentation providing an overview of the master plan, building screening, traffic access, and economic impact. With regard to economic impact, Mr. Anderson indicated that the potential commercial ad valorem value is approximately \$200 million and new revenue to Lancaster based on the City's current tax rate is about \$1.8 million. The anticipated job growth in Lancaster is 500 to 1,000 jobs. Mr. Anderson noted that the current zoning of residential and retail has not brought any interest from home builders or retailers since 2005.

Kevin Kessler, Jacobs Engineering, stated that Jacobs had assisted with the rezoning in 2005 and the firm is very familiar with the property. Mr. Kessler reviewed the screening which helps restrict the view of the trucks. He noted that access is denied to Telephone and Dizzy Dean roads to eliminate conflict with adjacent residential properties and that the building layout and internal circulation is designed to avoid trucks parked along Dizzy Dean Road. He noted that the purpose of the PD is not just for light industrial uses, but also for multi-uses including retail. Mr. Kessler indicated that in the master planning, storm water needs have been identified. Mr. Kessler stated that this is the best use for the market today.

Councilmember Strain-Burk asked about the economic calculations and anticipated value of the property as a planned development. Mr. Anderson gave a rough calculation based on 800 homes with an average price of \$150,000 times the City's current tax rate at about \$600,000 and stated that the anticipated total value of \$1.8 million is equal to a tax increase savings of about fourteen cents.

Deputy Mayor Pro Tem Morris commented that it is about the quality of life and asked about other development Mr. Anderson was a part of. Mr. Anderson noted several projects.

Councilmember Harris stated that the number of jobs speaks to the quality of life and the opportunity to work close to home. Mr. Anderson noted 275 jobs from one company that went to Dallas. Councilmember Harris stated that it is very important to note the potential opportunities for jobs and revenue.

Councilmember Mejia commented that it could be a quality of life matter when you consider that more streets could be repaired and park improvements made. Councilmember Mejia stated that the development would bring jobs and that increases Lancaster's daytime population.

Mayor Knight opened the public hearing.

Mayor Knight read into the record those that did not wish to speak:

Chantel Jones, 1049 Bumble Bee, in opposition
Nartarsha Jones, 1045 Bumble Bee, in opposition

Frances Jordon, 1035 Mayflowers, opposed to the change in zoning saying she does not want the trucks in the neighborhood.

Minnie Fisher, 1020 Bumble Bee, opposed to the development commenting that the City should listen to the citizens and not be driven by the revenue.

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Mary Payton, 1019 Cresthaven, expressed opposition to having it in her backyard due to the truck traffic noise in the area; said that the development is too close to Telephone Road; stated that it will create congestion on Dallas Avenue.

Vic Buchanon, 1243 Margaret Court, spoke in support of the development saying the project would have a positive impact on the City and bring needed revenue; stated that the projected \$1.8 million in revenue could go a long way; commented that Lancaster needs the jobs and expanded tax base.

Jeff Melcher, 1520 Golden Grass, spoke in opposition of the development noting concerns that the proposal contains commercial services and how that zoning would fit under the current Comp Plan; asked how many lots are already zoned commercial services and do not require action and how this 250 acres of Light Industrial zoning might change the average.

Frank Mejia, 501 Colgate Drive, expressed support for the development saying the City needs the jobs and revenue to help take care of the streets; commented that growth sometimes comes with some pain.

Carolyn Morris, 887 Wintergreen, spoke in opposition of the development saying the fate of that area lies in Council's hands; stated that the developer will ask for incentives that will offset potential revenue; commented that they like their quiet neighborhood and do not want more trucks in the area.

Chantel Jones, 1049 Bumble Bee, stated she believes a truck stop in the neighborhood would bring more crime to the area; said she moved to the area because it is quiet and safe for children; asked Council not to compromise the safety of the children in the area.

Cassandra McCray, 3132 Crimson Clover, stated the development is too close to residential homes; commented that individuals with secondary education will not work at this type of place; said that homeowners in the area will leave.

David Robinson, 420 W. Red Bud, commented that Detroit was a one industry town which led to its problems; stated that he did not want Lancaster to be a one industry town in logistics; stated that incentives will deplete potential revenue gains; stated that there will be increased truck traffic and he did not want to be dodging trucks.

Flora Coats, 3017 E. Pepperidge, stated that she is opposed to having a truck stop in the area because it brings drugs and other crimes; stated that the location is too close to the high school and the junior college; expressed concerns about children's safety and accidents.

Tijuana Dunn, 1002 April Showers, presented a petition in opposition to the development [second petition received]; commented that the constant truck traffic in the area will increase vandalism and other crimes creating more need for police representation in the area; stated that homes will lose value.

William Purcell, 1020 Badger Run, stated that he did not move to Lancaster for economic development; moved here for the quiet neighborhoods; stated he did not want to be in the middle of all the warehouses; asked if any of the jobs were guaranteed to Lancaster residents; said there will be air pollution and noise from the trucks.

Stephanie Brooks, 1039 Cresthaven, said that she owns her home and her backyard faces Telephone Road; stated that she opposes the development and does not want to move.

Pamela Williams, 1032 Badger Run, said that there are enough problems and the area does not need more 18 wheelers; commented that she likes her quiet neighborhood; stated that she had experienced a truck driver in the area having troubles backing out of a residential area and this will be a problem with this development.

Clarence Smith, 1001 Bumble Bee, asked the number the of people in audience that lived in Lancaster; stated that most people commute to and from work and that he is opposed to this being in our own backyard; expressed concern about enforcement of traffic issues.

T. Thomas, 1040 Mayflowers, in opposition of the development commenting that the trucks in the area would create noise and strangers walking around the area.

Yolanda Hallman, 1040 Badger Run, did not wish to speak, but requested her opposition be noted in the record.

MOTION: Deputy Mayor Pro Tem Morris made a motion, seconded by Councilmember Jaglowski, to close the public hearing. The vote was cast 7 for, 0 against.

MOTION: Councilmember Strain-Burk made a motion, seconded by Mayor Pro Tem Daniels, to table consideration of the zoning request to the September 9, 2013 City Council meeting. The vote was cast 7 for, 0 against.

Mayor Knight called for a recess at 9:15 p.m. Mayor Knight reconvened the meeting at 9:22 p.m.

12. **Conduct a public hearing and discuss an ordinance of the City of Lancaster, Texas levying ad valorem taxes for fiscal year 2013/2014 at \$0.8675 per one hundred dollars assessed valuation of all taxable property within the corporate limits to provide revenues for current maintenance and operation expenses and interest and sinking fund requirements; providing due and delinquent dates; penalties and interest; providing a homestead exemption and disability exemption; and providing an effective date.**

City Manager Mauldin Robertson outlined the proposed tax rate of \$0.8675 per one hundred dollars valuation apportioned as \$0.6012 for the maintenance and operations and \$0.2663 for interest and sinking funds requirements. City Manager Mauldin Robertson stated that this is the required public hearing for the proposed tax rate and the ordinance to set the tax rate would be placed on the September 9, 2013 Council agenda.

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Mayor Knight opened the public hearing.

There was no one present to speak for or against the proposed tax rate.

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Mejia, to close the public hearing and place consideration of the tax rate on the September 9, 2013 Council agenda. The vote was cast 7 for, 0 against.

13. **Conduct a public hearing on the proposed Fiscal Year 2013-2014 budget and discuss an ordinance of the City of Lancaster, Texas, approving and adopting a budget for the fiscal year beginning October 1, 2013 and ending September 30, 2014; providing that expenditures for said fiscal year shall be in accordance with said budget.**

City Manager Mauldin Robertson stated that the proposed budget is \$44,257,717 for all funds and the second public hearing and consideration of the ordinance would be held at the September 9, 2013 Council meeting.

Deputy Mayor Pro Tem Morris commented that the budget has been well managed and thanked the City Manager and staff for their diligent work on the budget.

Mayor Knight opened the public hearing.

Vic Buchanon, 1243 Margaret Court, commented that the budget appears to be \$7.8 million less with a \$600,000 surplus and asked what is not reflected in the proposed budget.

MOTION: Deputy Mayor Pro Tem Morris made a motion, seconded by Mayor Pro Tem Daniels, to close the public hearing and place the final public hearing and consideration of the proposed budget on the City Council meeting to be held September 9, 2013. The vote was cast 7 for, 0 against.

14. **Consider a resolution providing for the adoption of the new Master Fee Schedule for all fees and charges assessed and collected by the City.**

Deputy Mayor Pro Tem Morris noted that some fees are increasing for citizen use, such as the community house and some parks/recreation fees and that the increases are competitive with fees in the area.

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Jaglowski, to approve a resolution providing for the adoption of the new Master Fee Schedule for all fees and charges assessed and collected by the City as presented. The vote was cast 7 for, 0 against.

15. Discuss and consider a resolution approving a Consumer Price Index (CPI) rate increase request by Republic (Allied) Waste Service.

City Manager Mauldin Robertson stated the Dallas area Consumer Price Index (CPI) has increased 2.7% over the past twelve months and Allied Waste is proposing to pass on a 1.89% increase under the contract terms. City Manager Mauldin Robertson indicated this increase will not be passed on to utility billing customers.

Councilmember Harris stated an increase was approved last year and even though the increase is not passed on to the customers, it still comes out of the City's budget.

Brenda Lalonde with Allied Waste explained how the CPI is calculated and that there is no disposal fee increase this year.

Councilmember Mejia stated that Allied has a great contract with the CPI increases and it does cost Lancaster taxpayers, noting it is particularly hard on those with a fixed income.

MOTION: Deputy Mayor Pro Tem Morris made a motion, seconded by Councilmember Mejia, to deny the CPI rate increase. The vote was cast 3 for [Mejia, Harris, Morris] and 4 against [Strain-Burk, Jaglowski, Knight, Daniels]. Motion fails.

City Manager Mauldin Robertson noted that it is a contractual obligation.

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Jaglowski, to approve a resolution approving the CPI rate increase request by Allied Waste Service. The vote was cast 4 for [Strain-Burk, Jaglowski, Knight, Daniels] and 3 opposed [Mejia, Harris, Morris].

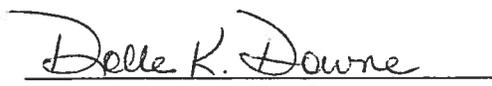
Carolyn Morris was given the opportunity to speak as she had been overlooked during the Citizens Comments portion of the meeting.

Carolyn Morris, 887 Wintergreen Road, commented that there are misconceptions about warehouses and trucks saying that truck traffic will be created and that when you are dealing with trucks you will also have accidents and crime; stated it will be difficult for the Police Department to police all of the traffic problems, accidents and crime; commented that despite the jobs and money the development may bring, the developer will seek incentives.

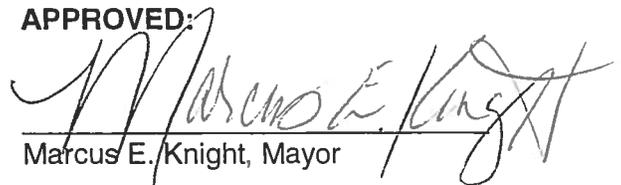
MOTION: Councilmember Mejia made a motion, seconded by Councilmember Strain-Burk, to adjourn. The vote was cast 7 for, 0 against.

The meeting was adjourned at 9:48 p.m.

ATTEST:


Dolle K. Downe, City Secretary

APPROVED:


Marcus E. Knight, Mayor