

MINUTES**LANCASTER CITY COUNCIL MEETING OF SEPTEMBER 9, 2013**

The City Council of the City of Lancaster, Texas, met in Regular session in the Council Chambers of City Hall on September 9, 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
Thomas Griffith, Fire Chief
Larry Flatt, Police Chief
Sean Johnson, Parks, Recreation and Library Director
Dori Lee, Human Resources Director
Ed Brady, Economic Development Director
Susan Cluse, Interim Finance Director
Rona Stringfellow, Managing Director Public Works / Development Services
Jim Brewer, Assistant Director Public Works / Development Services
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 September 9, 2013.

Invocation:

Pastor John Richardson with Zion Chapel gave the invocation.

Pledge of Allegiance:

Mayor Pro Tem James Daniels led the pledge of allegiance.

Citizens Comments:

Aretha Adams, 211 N. Henry Street, announced two upcoming City events: Lancaster Police Chief candidate finalists "meet and greet" on Tuesday, September 10 from 5:30 - 7 p.m. at the Recreation Center and the grand opening of the Lancaster Dog Park on Saturday, September 14 from 10 a.m. to noon at City Park, 211 W. Beltline.

Thomas Allen, 200 N. Crest, stated his opposition to the zoning change [item 5] commenting that the Comp Plan has plenty of Light Industrial land to be developed that is not so near a residential area; stated that the Comp Plan is a long range plan and it makes sense to follow the plan where uses are compatible; commented that residents and developers rely on the Comp Plan for best locations to build in an orderly fashion; asked Council not to take a knee-jerk approach, saying that is not planning; stated that the trucks from this development will interfere with traffic.

Vic Buchanon, 1243 Margaret Court, said that this zoning case is similar to a family breadwinner out of work that finally gets a job offer, saying that no one wants change but it is in the best interest; stated that there is a lot of interest by companies to move south of I-20; commented that potential problems could be mitigated and the potential for jobs and revenue is important; stated that if the City does not approve this logistics center, other companies would not continue to look in Lancaster; urged Council to consider the big picture.

Jeff Melcher, 1520 Golden Grass, commented that in the agenda packet it noted that site factors such as vegetation, storm water, drainage, and tree survey would be addressed as part of the site plan approval process; expressed concerns about storm water asking if the two streams that exist on the property now will still exist after development; noted that the City of Mesquite's storm water ordinance was structured to protect its residents and comment Mr. Mike Anderson was part of that process.

Carolyn Morris, 887 Wintergreen, expressed opposition about this development less than 200 feet from her house; stated that even if the project does bring revenue and jobs, the developer will apply for incentives; stated that public transportation is needed in Lancaster and that there are job opportunities available.

Clarence Smith, 1001 Bumble Bee, stated this project is about 150 feet from his house and that he is strongly opposed; stated that the City does not even have an emergency facility in the City; stated that he has no problems with warehouses, but does not want them so close to his house; stated that residents in the area have shown what matters to them and they voted councilmembers into office; stated that the City needs retail space for shopping and a hospital.

Minnie Fisher, 1020 Bumble Bee, stated there is plenty of areas around the City zoned for warehouses and asked why this has to be so close to a residential area; urged Council not to let money drive the project.

Vashni Thelwell, 1013 Blackberry Trail, said she is opposed to this project being right out her front door; stated there would be truck fumes; commented that she works hard and owns her home and does not want this project for her or her child.

Mayor Knight read into the records those not wishing to speak but opposed to the zoning request [item #5].

Linda Gulley, 1053 Wild Horse Way, in opposition
Tanya Thomas, 1000 Mayflowers Lane, in opposition
Tammy Johnson, 1017 Bumble Bee, in opposition

Consent Agenda:

City Secretary Downe read the consent agenda.

- C1. Consider approval of minutes from the City Council Joint Work Session with the Parks and Recreation Advisory Board held July 29, 2013 and City Council Regular Meetings held August 12 and 26, 2013.**
- C2. Consider a resolution adopting the City of Lancaster financial policy providing for prudent financial management of all funds to enable the City to maintain a long term stable and positive financial condition and provide guidelines for the day-to-day planning and operation of the City's financial matters.**
- C3. Consider a resolution adopting the City of Lancaster Investment Policy providing that all funds of the City be managed and invested for safety, liquidity, diversification and yield and that investments be chosen in a manner which promotes diversity by market sector, credit and maturity; providing that this policy serves to satisfy the requirements of Chapter 2256 Public Funds Investment Act.**
- C4. Consider a resolution canceling the regular City Council meetings of September 23, 2013, November 11 and 25, 2013, and December 23, 2013; providing for a called meeting November 18, 2013.**

MOTION: Deputy Mayor Pro Tem Morris made a motion, seconded by Councilmember Jaglowski, to approve consent items C1 – C4. The vote was cast 7 for, 0 against.

- 5. Discuss and consider an ordinance amending the 2002 Comprehensive Plan and Future Land Use Map of the City of Lancaster, Texas, as heretofore amended, by amending the Land Use Designations on approximately 251 acres of property 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, also known as being West of N. Dallas Avenue, North of Telephone Road and East of Dizzy Dean Road, located in the City of Lancaster, Texas, from Retail, Light Industrial, and Medium Density Residential to Light Industrial (LI); amending the Comprehensive Zoning Ordinance and Map of the City of Lancaster, Texas, as heretofore amended, by granting a change in zoning from Planned Development Mixed Use (PD-MU) to Planned Development Light Industrial (PD-LI) on said property; providing for development regulations; and providing for the approval of the Concept Plan.**

Senior Planner Sen provided a brief background noting that City Council conducted the public hearing on August 26, 2013 and two petitions in opposition of the project were submitted. Senior Planner provided maps illustrating the 46 properties in opposition which is 2.98% of the land area within 200 feet of the project. It was noted that there were nine properties in favor.

Senior Planner Sen stated that calculations show that neither of the petitions submitted and all opposition requests received did not meet the 20% area requirement under the Lancaster Development Code (LDC) for a super majority vote by City Council.

Councilmember Morris asked how realistic it was that a sufficient number of property owners could have met the 20% requirement. It was noted that the calculation is based on land area and not the number of people.

Senior Planner Sen provided a Land Use Table with uses that the applicant is willing to prohibit. It was noted that the applicant has indicated they are amiable to completing additional improvements including median improvements on Dallas Avenue and flower beds and landscaping.

Councilmember Strain-Burk asked about the heavy machinery and equipment use. Senior Planner Sen indicated she believes the applicant would be willing to prohibit that use. Councilmember Strain-Burk asked about noise level. Senior Planner Sen noted that the LDC will help address those concerns along with the screening buffers, masonry walls and staggered trees. Councilmember Strain-Burk asked about night sky lighting. Senior Planner Sen stated that the project calls for a type of down lighting.

Mayor Knight asked about the hours of operation for the business park. Mr. Mike Anderson [applicant] indicated that the business hours are unknown at this time.

Councilmember Jaglowski asked about a retail store use with gasoline products. It was noted that it was for more than two to twelve pumps and did exclude diesel fuel sales.

Councilmember Harris asked what the City will do to ensure that the truck traffic is not in the residential area. Director Stringfellow stated that the City has a truck route ordinance in place. City Manager Mauldin Robertson noted that truck traffic is being closely monitored and the City will enforce the ordinance.

Councilmember Strain-Burk commented on the development regulations, noting the importance of indicating "shall". Director Stringfellow noted that regarding the theme architectural standards, the regulations say "may" to keep appropriate options open to carry the theme.

Mike Anderson, 3819 Town Crossing, Mesquite, Texas, representing White Properties, stated that they are willing to exclude the heavy machinery and equipment use and fueling station use.

MOTION: Councilmember Mejia made a motion, seconded by Councilmember Harris, to approve an ordinance with the two excluded uses, amending the 2002 Comprehensive Plan and Future Land Use Map by amending the Land Use Designations on approximately 251 acres of property 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, also known as being west of N. Dallas Avenue, north of Telephone Road and east of Dizzy Dean Road from Retail, Light Industrial, and Medium Density Residential to Light Industrial (LI); amending the Comprehensive Zoning Ordinance and Map of the City of Lancaster, Texas by granting a change in zoning from Planned Development Mixed Use (PD-MU) to Planned Development Light Industrial (PD-LI) on said property; providing for development regulations; and providing for the approval of the Concept Plan. The vote was cast 5 for, 2 against [Daniels, Morris].

Mayor Knight called for a recess at 8:02 p.m. Mayor Knight reconvened the meeting at 8:10 p.m.

6. **Consider an ordinance 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.**

City Manager Mauldin Robertson stated that the proposed fiscal year 2013-2014 ad valorem tax rate is \$0.8675 per one hundred dollars assessed valuation apportioned as \$0.6012 for the purpose of maintenance and operations and \$0.2663 for interest and sinking fund requirements.

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Jaglowski, to approve an ordinance 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. The roll call vote was cast 7 for, 0 against.

7. **Conduct a public hearing on the proposed Fiscal Year 2013-2014 budget and consider an ordinance 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 this is the second required public hearing on the proposed budget which stands at \$44,257,717 for all funds.

Mayor Knight opened the public hearing.

Carolyn Morris, 887 Wintergreen, commented she is in favor of the proposed budget and commended the City on meeting the needs of the community; noted the City should be cautious of unexpected situations which may create budgetary demands; stated that the City needs public transportation.

There were no other speakers regarding the proposed budget.

Councilmember Mejia commented that the budget contains a 3% increase for employees for cost of living which he favors. Councilmember Mejia stated further that the City does not have a lot of money to put into needed infrastructure such as streets and water lines, noting that this budget provides sufficient money for the basic maintenance and operations of the City. Councilmember Mejia stated that he would like to see more improvements to infrastructure, streets and parks.

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Mejia, to close the public hearing and approve an ordinance adopting a budget as presented for the fiscal year beginning October 1, 2013 and ending September 30, 2014. The roll call vote was cast 7 for, 0 against.

8. Consider a resolution ratifying the budget for the fiscal year 2013-2014 that results in a decrease of revenues from property taxes than previous years.

City Manager Mauldin Robertson noted that state law requires ratification of the budget in separate action by the City Council.

MOTION: Councilmember Mejia made a motion, seconded by Councilmember Strain-Burk, to approve a budget that will result in a decrease of revenue from property taxes than the previous year and to ratify a property tax revenue decrease reflected in said budget. The roll call vote was cast 7 for, 0 against.

Mayor Knight complimented and thanked staff for their work on the budget this year, noting that the budget continues to move the City slowly forward.

9. Consider an ordinance establishing Civil Service classifications within the Police and Fire Departments; prescribing the number of positions in each classification; and providing an effective date.

City Manager Mauldin Robertson stated that this ordinance outlines Civil Service classifications for the Fire and Police Departments as required under Civil Service law.

MOTION: Councilmember Mejia made a motion, seconded by Mayor Pro Tem Daniels, to approve an ordinance establishing Civil Service classifications within the Police and Fire Departments and prescribing the number of positions in each classification. The vote was cast 7 for, 0 against.

10. Discuss and consider annual appointments to City of Lancaster boards and commissions.

MOTION: Councilmember Mejia made a motion, seconded by Mayor Pro Tem Daniels, to reappoint Lawrence Prothro and Tom Barnett to the Planning and Zoning Commission. The vote was cast 5 for, 2 against [Strain-Burk, Morris]. Lawrence Prothro and Tom Barnett are reappointed to the Planning and Zoning Commission for terms expiring July 2015.

Nominated for the vacant position on Planning and Zoning Commission were: Roosevelt Nichols and Daryle Clewis. The vote was cast 4 for Mr. Nichols [Strain-Burk, Mejia, Knight, Daniels] and 2 for Mr. Clewis [Jaglowksi, Morris] with one abstention [Harris]. Mr. Nichols is appointed to the Planning and Zoning Commission for a term expiring July 2015.

MOTION: Councilmember Mejia made a motion, seconded by Councilmember Jaglowski, to reappoint Tim Fagan, Dean Byers and John Stewart to the Airport Advisory Board for terms expiring July 2015. The vote was cast 7 for, 0 against.

MOTION: Councilmember Strain-Burk made a motion, seconded by Mayor Pro Tem Daniels, to appoint James Knight to the alternate position on the Airport Advisory Board for a term ending July 2014. The vote was cast 7 for, 0 against.

MOTION: Councilmember Strain-Burk made a motion, seconded by Mayor Pro Tem Daniels, to reappoint Cassondra Andrews and appoint Donna Lee from the alternate position to the vacant regular position on the Property Standards and Appeals Board for terms expiring July 2015. The vote was cast 7 for, 0 against.

MOTION: Councilmember Jaglowski made a motion, seconded by Councilmember Strain-Burk, to appoint Don McCoo to the alternate position on the Property Standards and Appeals Board for a term to expire July 2014. The vote was cast 7 for, 0 against.

MOTION: Councilmember Strain-Burk made a motion, seconded by Deputy Mayor Pro Tem Morris, to reappoint Darwin Isham, Abe Cooper and Mary Sykes to regular positions on the Parks & Recreation Advisory / Recreational Development Corporation Board for terms expiring July 2015 and reappoint Donald May to the alternate position for a term expiring July 2014. The vote was cast 7 for, 0 against.

MOTION: Councilmember Mejia made a motion, seconded by Councilmember Jaglowski, to reappoint Ric Peterson and Sandi Collier to the Economic Development Corporation for terms expiring in July 2016. The vote was cast 7 for, 0 against.

MOTION: Mayor Pro Tem Daniels made a motion, seconded by Councilmember Jaglowski to reappoint Latoya Browning and Valencia Stimage to regular positions on the Library Advisory Board and appoint Marcus Slaughter from the alternate position to the vacant regular position for terms expiring July 2015. The vote was cast 7 for, 0 against.

Nominations were made for the vacant Library Advisory Board regular position for a term expiring July 2014 as follows: Angela McCowan, Tiffany Devereaux and Daryle Clewis. The vote was cast 5 for Ms. McCowan and 2 against [Jaglowski, Morris].

Nominations were made for the vacant Library Advisory Board alternate position for a term expiring July 2014 as follows: Tiffany Devereaux and Daryle Clewis. The vote was cast 5 for Ms. Devereaux and 2 for Mr. Clewis [Strain-Burk, Morris].

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Jaglowski, to appoint Dr. Jean Eye [veterinary position] to the Animal Shelter Advisory Committee to fill an unexpired term, expiring July 2014. The vote was cast 7 for, 0 against.

MOTION: Councilmember Jaglowski made a motion, seconded by Mayor Pro Tem Daniels, to reappoint Mark Wilson [animal welfare] to the Animal Shelter Advisory Committee for a term expiring July 2015. The vote was cast 7 for, 0 against.

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Mejia, to appoint Stacey Jaglowski from the alternate to the regular position on the Animal Shelter Advisory Committee with a term expiring July 2015. The vote was cast 6 for, 0 against [Stanley Jaglowski abstained].

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Jaglowski, to appoint Joe Johnson as the alternate on the Animal Shelter Advisory Committee with a term expiring July 2014. The vote was cast 7 for, 0 against.

Below is a recap of the 2013 appointments.

	<u>Term Expires</u>	
<u>Planning & Zoning Commission</u>		
Lawrence Prothro	2015	reappointment, regular position
Tom Barnett Jr.	2015	reappointment, regular position
Roosevelt Nichols	2015	new appointment, regular position
<u>Airport Advisory Board</u>		
Tim Fagan	2015	reappointment, regular position
Dean Byers	2015	reappointment, regular position
John Steward	2015	reappointment, regular position
James Knight	2014	new appointment, alternate position
<u>Property Standards and Appeals Board</u>		
Cassandra Andrews	2015	reappointment, regular position
Donna Lee	2015	reappointment, regular position (from alter to reg)
Don McCoo	2014	new appointment, alternate position
<u>Parks and Recreation Advisory Board / Lancaster Recreational Development Corp.</u>		
Darwin Isham	2015	reappointment, regular position
Abe Cooper	2015	reappointment, regular position
Mary Sykes	2015	reappointment, regular position
Donald May	2014	reappointment, alternate position
<u>Economic Development Corp. (3 year term)</u>		
Ric Peterson	2016	reappointment, regular position
Sandi Collier	2016	reappointment, regular position
<u>Library Advisory Board</u>		
Latoya Browning	2015	reappointment, regular position
Valencia Stimage	2015	reappointment, regular position
Marcus Slaughter	2015	reappointment, regular position (from alter to reg)
Angela McCowan	2014	new appointment, regular position (unexpired term)
Tiffany Devereaux	2014	new appointment, alternate position

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Animal Shelter Advisory Committee

Dr. Jean Eye	2014	new appointment, regular position (unexpired term)
Mark Wilson	2015	reappointment, regular position
Stacey Jaglowski	2015	reappointment, regular position (from alter to reg)
Joe Johnson	2014	new appointment, alternate

11. Consider confirmation of nominations made by the Mayor for appointment to the City of Lancaster Zoning Board of Adjustment.

Mayor Knight nominated the following for reappointment to the Zoning Board of Adjustment.

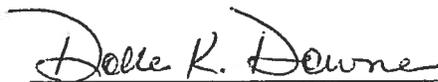
Deborah Taylor, reappointment, term expires July 2015
 Kimest Sanders, reappointment, term expires July 2015
 Margaret Brooks, reappointment, term expires July 2015
 Edward Sutton, reappointment, alternate position, terms expires July 2014

MOTION: Councilmember Strain-Burk made a motion, seconded by Mayor Pro Tem Daniels, to confirm appointments to the Zoning Board of Adjustment as made by Mayor Knight. The vote was cast 7 for, 0 against.

MOTION: Mayor Pro Tem Daniels made a motion, seconded by Councilmember Mejia, to adjourn. The vote was cast 7 for, 0 against.

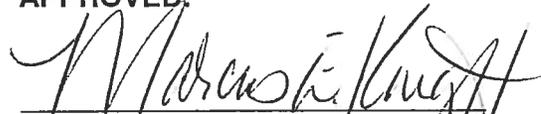
The meeting was adjourned at 8:37 p.m.

ATTEST:



 Dolle K. Downe, City Secretary

APPROVED:



 Marcus E. Knight, Mayor