

MINUTES

LANCASTER CITY COUNCIL MEETING OF MARCH 28, 2016

The City Council of the City of Lancaster, Texas, met in a called Regular session in the Council Chambers of City Hall on March 28, 2016 at 7:00 p.m. with a quorum present to-wit:

Councilmembers Present:

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

Councilmembers Absent:

Mayor Pro Tem James Daniels
LaShonjia Harris

City Staff Present:

Opal Mauldin-Robertson, City Manager
Rona Stringfellow, Assistant City Manager
Kay Brown, Community Relations Coordinator
Dori Lee, Human Resources Director
Sean Johnson, Managing Director of Quality of Life & Cultural Services
Baron Sauls, Interim Finance Director
Sam Urbanski, Interim Police Chief
Thomas Griffith, Fire Chief
Angie Arenas, City Secretary

Call to Order:

Mayor Knight called the meeting to order at 7:00 p.m. on March 28, 2016.

Invocation:

Bishop Clyde Hairston gave the invocation.

Pledge of Allegiance:

Mayor Marcus E. Knight led the pledge of allegiance.

Consent Agenda:

City Secretary Arenas read the consent agenda.

- C1. Consider approval of minutes from the City Council Regular Meeting held on March 14, 2016.**

MOTION: Councilmember Morris made a motion, seconded by Councilmember Strain-Burk, to approve consent item C1. The vote was cast 5 for, 0 against [Mayor Pro Tem Daniels and Harris absent].

- 2. Discuss and consider a resolution accepting the Comprehensive Annual Financial Report (CARF) for the fiscal year ended September 30, 2015.**

Baron Sauls, Interim Finance Director, shared that on March 21, 2016, Council received a presentation from an independent certified public accounting firm that performed the annual audit for the City of Lancaster.. The independent auditor concluded there was a reasonable basis for rendering an unmodified opinion stating the City's financials are materially correct. The City adopted GASB's

Statement No. 68 as its methods of accounting for pensions. This caused the City to book its net pension liability, which amounted to \$9.5 million dollars and is well-funded at 85%. Also, the general fund was budgeted a grand total of \$1.3 million dollars as a result of increase revenues and conservative spending. Mr. Sauls stated that the water and sewer fund reflected in a \$3 million dollars increase. The audit was completed in a timely manner and the Comprehensive Annual Financial Report (CAFR) is being submitted for the first time since 2005.

MOTION: Councilmember Strain-Burk made a motion, seconded by Deputy Mayor Pro Tem Jaglowski, to approve item 2. The vote was cast 5 for, 0 against [Mayor Pro Tem Daniels and Harris absent].

3. **Consider an ordinance vacating, abandoning and closing a utility easement in the Hearthstone subdivision; providing for the furnishing of a certified copy of the Ordinances for recording in the real property records of Dallas County, Texas as a deed; and providing an effective date.**

Assistant City Manager Stringfellow shared the request is to abandon a utility easement for a lot within the Hearthstone subdivision. The easement under construction is due to an encroachment of a newly constructed home on the utility easement. She stated the City Attorney has advised the City Council would have to abandon the easement in order for the property owner to close on the loan for the home. Also, she advised that staff recommends approval of this request, as presented.

Deputy Mayor Pro Tem Jaglowski inquired of the Assistant City Manager whether the easement was on the side of the property.

Assistant City Manager Stringfellow stated on the easement exhibit it is on the northwest and the easement is a ten foot utility easement.

MOTION: Councilmember Strain-Burk made a motion, seconded by Deputy Mayor Pro Tem Jaglowski, to approve item 3. The vote was cast 5 for, 0 against [Mayor Pro Tem Daniels and Harris absent].

4. **Discuss and consider appointments to the Parks & Recreation Advisory Board.**

Mayor Knight stated that there is one vacancy as a result of resignation and the position needs to be filled.

Councilmember Strain-Burk nominated Joe Smith.

Deputy Mayor Pro Tem Jaglowski nominated Amanda D. Polk.

City Secretary Arenas shared that the alternate member may also fill the vacant position.

Mayor Knight suggested that the nominee with the most votes will be placed in the vacant position and the runner-up will be the alternate member.

City Secretary Arenas stated that there is one regular position available.

Mayor Knight stated that the alternate member on the board could be placed in the regular position and then action will be to replace the alternate position as an option.

MOTION: Councilmember Strain-Burk made a motion, seconded by Deputy Mayor Pro Tem Jaglowski, to reappoint Terrence Comick from an alternate position to a regular position with a term to expire 2017 to the Parks & Recreation Development Corporation Advisory Board [Mayor Pro Tem Daniels and Harris absent].

Mayor Knight stated that the two nominees for the alternate position are Joe Smith and Amanda Polk.

City Secretary Arenas administered a roll call vote to fill the position alternate position.

Mayor Knight stated that Mr. Smith has majority votes and will serve as an alternate on the Parks & Recreational Development Corporation Advisory Board with a term expiring in 2016.

5. **Z16-02 – Conduct a public hearing and consider an ordinance amending the City of Lancaster Comprehensive Plan Future Land use map by designating said plan from Light Industrial uses to low density Residential uses and a re-zoning request from LI – Light Industrial to SF4-Single Family Residential. The subject property is located on the east side of Katy Street just south of the intersection of Katy Street and E. Pleasant Run Road and further described as 1102 Katy Street, Lancaster, Dallas County, Texas.**

Councilmember Mejia recused for this item.

Mayor Knight shared that Councilmember Mejia has completed the accurate paper work necessary to be recused from item 5. Also, this item requires a supermajority (6 of the 7 members of Council) to enable action for this item. Mayor Knight suggested the public hearing remain open and advised Council no action can be taken until a majority was present. Mayor Knight inquired of City Attorney Hager on how to postpone this item to a future meeting.

City Attorney Hager advised to select a date certain so item 5 can be in compliance with the Texas Open Meetings Act and the Zoning Enabling Act. He shared that if item 5 does not have a date certain then reissuance of notices will be needed.

Mayor Knight stated item 5 will be tabled to the following regular meeting scheduled for Monday, April 11, 2016.

Mayor Knight opened the public hearing.

Frank Mejia, 1500 W. Main St., shared his notices received regarding item 5. He stated that the owner of the property ought to have inquired about the property uses prior to remodeling and should have obtained a building permit. Mr. Mejia shared he has been in business for over 35 years and is aware that the surrounding area of the property is Light-Industrial and will like the area be remain zoned for Light Industrial.

Mayor Knight shared that Marco Mejia is speaking as a citizen on item 5.

Marco Mejia, 1515 Rebecca Lane, indicated the item be removed and to reevaluate the facts. The two questions to be asked are, "what the Comprehensive Plan states" and "what zoning does the property have currently?" Mr. Mejia stated the area has been Light Industrial for almost 40 years, and people have invested in the area believing it will continue as Light Industrial. Applicant is attempting to revise the zoning from what the City has zoned the area for and individuals have invested to remain Light Industrial. He shared if the zoning is changed then it will be Spot Zone and that is the last thing that the City wants. He shared the City Council has done well in keeping the City advancing and approving item 5 will be moving back. Also, he shared that the Applicant has a family and rezoning the area will be unsafe for his family due to the high level of traffic in the area.

Stacey interpreted for Jesus Garcia, applicant, regarding item 5. He shared that when the property was purchased he wasn't aware that the site was zoned for commercial use. The property was purchase for family residential for his family and is aware that the property will be secure and safe for his family. Mr. Garcia stated that he hired an individual to research the zoning requirements for the site but hasn't yet received any feedback.

Mayor Knight advised the applicant and interpreter to share only information relating to why the government body should consider the zoning change.

Mr. Garcia stated the property was purchased for his family but wasn't informed prior to the purchase that the site was for commercial use.

Councilmember Strain-Burk clarified from City Attorney Hager that the property was vacant for at least six months and the timeframe reflects the zoning use during that time.

City Attorney Hager stated that once the property ceased to be lived in for six months from that date then the site will lose the grandfathered zoning and can be rezoned to Industrial.

Councilmember Strain-Burk inquired if the owners are unable to live in the property even if there were no alterations is it because the property has been vacant for over six months.

City Attorney Hager agreed with Councilmember Strain-Burk and shared because the site is not zoned for SF4-Single Family Residential.

Deputy Mayor Pro Tem Jaglowski inquired from Assistant City Manager Stringfellow the length of time that the previous owners resided in the property.

Assistant City Manager Stringfellow shared from based on the Planning and Zoning case that the property was an "air" property and the previous owners have not resided for a period of time due to illness.

Deputy Mayor Pro Tem Jaglowski inquired when the zoning was established.

Assistant City Manager Stringfellow stated that the last date of records when City Council enacted on the zoning map was on October 16, 1989.

MOTION: Councilmember Strain-Burk made a motion, seconded by Deputy Mayor Pro Tem Jaglowski, to keep the Public Hearing for item 5 open until April 11, 2016. The vote was cast 4 for, 0 against [Mejia recused] [Mayor Pro Tem Daniels and Harris absent].

6. **Z16-01 – Conduct a public hearing and consider an ordinance amending the City of Lancaster Comprehensive Plan Future Land use map by designating said plan from Agricultural uses to Light Industrial uses and re-zoning request from AO – Agricultural Open Space to LI – Light Industrial. The subject property is located on the west side of N. Houston School Road approximately 160 feet north of the intersection of N. Houston School Road and Cedardale Road further described as a 1 acre tract of land recorded in Volume 2730 Page 577, and the remainder of a .63 acre tract of land in Volume 72171, Page 1604, Lancaster, Dallas County, Texas. The property is more particularly described as 3335 N. Houston School Road.**

Assistant City Manager Stringfellow shared that item 6 is a request for a comprehensive plan amendment to change the City of Lancaster's Future Land Use Plan (FLUP) map from agricultural uses to commercial highway uses. If the amendment and zoning change are both approved, this would make the proposed zoning compatible with the FLUP. The current designation of agricultural uses is not suitable for commercial highway and light industrial uses. The subject property is a 1.6 acre site and the request is to zone this property light industrial to be compatible with the surrounding uses. No responses have been received from property owners within the 200' notification area. Ms. Stringfellow stated that the property meets all of the conditions of a rezoning request including consistence with the Comprehensive Plan, potential impact on adjacent development, availability of utilities and access, site conditions such as vegetation, topography and flood plain, and timing of development as it relates to Capital Improvement Plan. Also, she shared that on March 1, 2016, the Planning and Zoning Commission recommended approval of the rezoning request and staff concurs with Planning and Zoning Commission.

Mayor Knight opened the public hearing.

Robert Allen, First Industrial, 2475 Merritt Drive, Garland, Texas, shared the company is a publicity trade company similar to Prologis with 65 million square feet of property in the DFW market. Mr. Allen shared that the property is 1.6 acres of 26 acres and plans to develop a quality class warehouse distribution facility that is consistent with surrounding area and the recent projects developed in Arlington and Dallas. He provided some examples of recent developments and information previous development.

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Councilmember Mejia shared his approval of item 6.

MOTION: Councilmember Strain-Burk made a motion, seconded by Deputy Mayor Pro Tem Jaglowski, to close the public hearing. The vote was cast 5 for, 0 against [Mayor Pro Tem Daniels and Harris absent].

MOTION: Councilmember Strain-Burk made a motion, seconded by Deputy Mayor Pro Tem Jaglowski, to approve item 6. The vote was cast 5 for, 0 against [Mayor Pro Tem Daniels and Harris absent].

MOTION: Councilmember Morris made a motion, seconded by Deputy Mayor Pro Tem Jaglowski, to adjourn. The vote was cast 5 for, 0 against [Mayor Pro Tem Daniels and Harris absent].

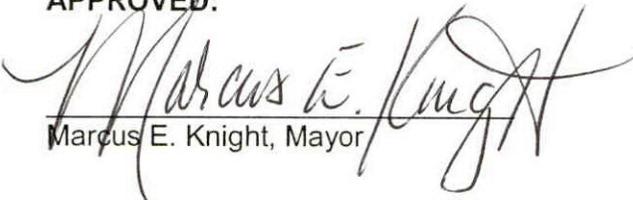
The meeting was adjourned at 7:38 p.m.

ATTEST:



Sorangel O. Arenas, City Secretary

APPROVED:



Marcus E. Knight, Mayor