

MINUTES

LANCASTER CITY COUNCIL MEETING OF NOVEMBER 14, 2016

The City Council of the City of Lancaster, Texas, met in a called Regular session in the Council Chambers of City Hall on November 14, 2016 at 7:00 p.m. with a quorum present to-wit:

Councilmembers Present:

Mayor Marcus E. Knight
Mayor Pro Tem Carol Strain-Burk
Deputy Mayor Pro Tem Stanley Jaglowski
Marco Mejia
Spencer W. Hervey Jr.
Clyde C. Hairston
Nina Morris

City Staff Present:

Opal Mauldin-Robertson, City Manager
Rona Stringfellow, Assistant City Manager
Dori Lee, Human Resources Director
Ed Brady, Director of Economic Development
Jermaine Sapp, Equipment and Facilities Services Director
Sean Johnson, Managing Director of Quality of Life & Cultural Services
Baron Sauls, Finance Director
Jim Brewer, Director of Public Works
Robert Franklin, Fire Chief
Fabrice Kabona, Assistant to the City Manager
Alton Dixon, Purchasing Manager
Kay Brown, Community Relations Coordinator
J. B. Boulton, Assistant Chief
Beau Jackson, Acting Assistant Chief
Cheryl Womble, Administrative & Community Relations Supervisor
Robert E. Hager, City Attorney
Mayra Ortiz, Deputy City Secretary
Sorangel O. Arenas, City Secretary

Call to Order:

Mayor Knight called the meeting to order at 7:00 p.m. on November 14, 2016.

Invocation:

Pastor John Richardson gave the invocation.

Pledge of Allegiance:

Councilmember Hairston led the pledge of allegiance.

Presentation:

Mayor Knight presented Graduate Certificates to members of the recent the 2016 Civic Leadership Academy and congratulated members on a successful completion of the program. Certificates were presented to: Aderiance Ragland, Carlton Woods, Charlene Hill, Courtney Hawkins, Demetria McDonald, Eduardo Cruz, Ivory Williams, Janae Beard, Karen Collins, Kelli Watson, Kendra Fry, Kimyatta Grimes, Kojo Nkrumah, Lashaune Tisdale, Madelyn Wilkinson, Mary Guinn, Pamela Yeargin, Secelia Cooks-Dabney, Stephen Martell, Tamiko Warren, Tarviya Royal, and Will Clark. Chris Miller, Joseph Moore, and Shekina Barber graduated but were not in attendance.

Citizens' Comments:

Pastor John Richardson, 1004 N. Jefferson Street, extended an invite to attend the "Thanksgiving Revival" event held by the Lancaster Indomination Minister Alliance (LIMA) on November 14-15, 2016 at 200 Rea Avenue beginning at 7:00 p.m.

Consent Agenda:

City Secretary Arenas read the consent agenda.

1. **Consider approval of minutes from the City Council Regular Meeting held on October 24, 2016.**
2. **Consider a resolution declaring certain board, commission and committee position(s) vacant due to excessive absences.**
3. **Consider a resolution approving the terms and conditions of an Interlocal Agreement by and between the Parkland Health & Hospital System and the City of Lancaster to provide certain biomedical on-line services, providing for funding.**

Mayor Pro Tem Strain-Burk pulled Item 2.

MOTION: Mayor Pro Tem Strain-Burk made a motion, seconded by Deputy Mayor Pro Tem Jaglowski, to approve consent items excluding item 2. The vote was cast 7 for, 0 against.

2. **Consider a resolution declaring certain board, commission and committee position(s) vacant due to excessive absences.**

Mayor Pro Tem Strain-Burk recommended shifting alternate member to regular position.

Mayor Knight sought clarification from City Attorney Hager regarding the proper action to remove a current member due to absenteeism and requested a suggestion for the alternate member. City Attorney Hager indicated, based on item 2, Councils' action should be to declare a vacancy. To fill the vacancy, a separate agenda item must be entered.

Mayor Knight shared that item 2 is to establish if there is a vacancy in a position where attendance standards have not been met. Subsequently, an agenda item must be noticed to fill the vacant position.

Councilmember Hairston inquired when the vacancy positions could be filled. Mayor Knight advised the next meeting is scheduled for December 19, 2016; however, interviews for Boards and Commissions are on December 8, 2016. Applicants may be considered as an alternate or regular member to fill the vacancy during the annual appointments on December 19, 2016.

Councilmember Hairston inquired if there is a companion item to item 2. Mayor Knight stated that item 2 is to review the quarterly attendance record of which a member of Historic Landmark Preservation Committee (HLPC) did not meet attendance standards. The process is to approve the vacancy then fill any vacancy during the annual appointments in December.

MOTION: Mayor Pro Tem Strain-Burk made a motion, seconded by Councilmember Hervey, to approve consent item 2. The vote was cast 7 for 0 against.

4. **Z16-08 Conduct a Public Hearing and consider a Specific Use Permit (SUP) to allow a Commercial Amusement/Recreation (Indoor) use at 2705 North Dallas Avenue, Lancaster, TX, consisting of an approximately 0.68 acre tract currently zoned Retail (R).**

Assistant City Manager Stringfellow stated this request is to allow for a Specific Use Permit (SUP) to allow a Commercial Amusement/Recreation (Indoor) use. Currently, the Retail (R) district allows Commercial Amusement/Recreation (indoor) to have no more than four coin-operated machines, commonly known as "eight liners." To obtain more than four coin-operated machines, the applicant is requesting a Specific Use Permit for a Commercial Amusement/Recreation (Indoor) use, which requires a Specific Use Permit to be granted in a Retail (R) district. Assistant City Manager Stringfellow noted that on October 10, 2016, the City Council approved Ordinance 2016-10-28 which prohibits the exhibition, display, or offering for play any games of chance. On September 15, 2016, a notice for this public hearing appeared in the Focus Daily Newspaper. Staff also mailed notifications of this public hearing to the property owners that are within 200-feet of the subject site, and zoning signs were placed on the subject property. These actions fulfill the noticing requirement pursuant to Section 14.207 of the Lancaster Development Code (LDC) and this item is noticed in accordance with the Texas Open Meeting Act.. There were 2 notifications returned in support of this application, attached. There were no notifications returned in opposition to this application. On October 4, 2016, the P&Z Commission recommended denial of the rezoning request. It is of note that with the P&Z recommended denial of the rezoning request; a supermajority (6 of the 7 members of Council) is required to approve the request. Assistant City Manager Stringfellow advised Staff concurs with the P&Z, and recommends denial of this request. On October 10, 2016 City Council approved Ordinance 2016-10-28 which prohibits the exhibit, display, or offering for play only games of chance.

Deputy Mayor Pro Tem Jaglowski sought clarification that the ordinance prohibits any and all game machines, no matter the quantity. Assistant City Manager Stringfellow confirmed.

Assistant City Manager Stringfellow advised the property is located at 2705 North Dallas Avenue, on the northwest corner of North Dallas Avenue and West Wintergreen Road.

Mayor Pro Tem Strain-Burk inquired if a Specific Use Permit (SUP) is required based on the recent ordinance approved. Assistant City Manager Stringfellow stated the requirements to obtain a Specific Use Permit (SUP) were approved in 2006 and defined by the LDC

Mayor Knight opened the public hearing.

There were no speakers.

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

MOTION: Mayor Pro Tem Strain-Burk made a motion, seconded by Deputy Mayor Pro Tem Jaglowski to deny item 4. The vote was cast 7 for, 0 against.

5. **Conduct a Public Hearing and consider an Amendment to the City of Lancaster Comprehensive Plan and Future Land Use Map and a rezoning request to amend PD-Planned Development Ordinance #2003-09-24, as amended to allow front entry garages for perimeter lots, setback modifications, and lot size modifications. The property is located on the south side of W. Pleasant Run Road, East of Rawlins Drive. The property is more particularly described as Millbrook East, Phase 3A being a 17.488 acre tract of land situated in the William Rawlins Survey, Abstract No. 1200, Lancaster, Dallas County, Texas; and Millbrook East, Phase 3B being a 14.963 acre tract of land situated in the William Rawlins Survey, Abstract No. 1200, Lancaster, Dallas County, Texas.**

Assistant City Manager Stringfellow opened the public hearing by sharing that this request is to amend the current PD – Planned Development – Planned Development District #2003-09-24 to allow for front entry garages along perimeter lots, adjust setbacks, and reduce minimum lot sizes. The applicant has

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Assistant City Manager Stringfellow opened the public hearing by sharing that this request is to amend the current PD – Planned Development – Planned Development District #2003-09-24 to allow for front entry garages along perimeter lots, adjust setbacks, and reduce minimum lot sizes. The applicant has

had at least two public hearing matters with the Planning and Zoning Commission. The second public hearing was after the board advised the applicant to work with the residents to attempt to find a

compromise. Assistant City Manager Stringfellow shared the requirements for the existing PD – Planned Development, the original requests from the applicant, and the modified requests. On October 4, 2016, the Planning and Zoning Commission recommended approval of this rezoning.

Mayor Knight offered the applicant an opportunity to gather the questions for a chance to respond, if the applicant wishes.

Mayor Pro Tem Strain-Burk asked if the action is requiring amending the new Comprehensive Plan. Assistant City Manager Stringfellow stated that the Comprehensive Plan does not reference minimum lot sizes and staff has not solidified regulations that would state a lower lot size. Applicant is following the previous PD – Planned Development under that ordinance at that particular time. She referenced page 76 of the Comprehensive Plan addressing concerns on how to ensure pedestrian-oriented neighborhoods consistent with City's policies and goals. Mayor Knight asked Mayor Pro Tem Strain-Burk to reiterate her specific question to ensure all questions are addressed. Mayor Pro Tem Strain-Burk is requesting clarification based on the current PD – Planned Development which the applicant wishes to amend with their submitted request. Presenting a new amendment to the PD – Planned Development allows landscape guidelines based on the new Comprehensive Plan. She shared the ability in adding additional landscape requirements, modifications in the setbacks, and placement requirement for the garage as long as the requirements are documented. The proposed PD – allows the governing body to add additional requirements. Mayor Pro Tem Strain-Burk inquired of Assistant City Manager Stringfellow that if the governing body decides not to amend the current PD – Planned Development, does the request revert back to the previous PD – Planned Development.

Assistant City Manager Stringfellow advised that under the current Comprehensive Plan, the applicant has met the vision of what the previous zoning stated. The 2002 Comprehensive Plan and the current Comprehensive Plan allows PD – Planned Development zoning to add additional requests to make it unique. The request reflects a portion of both former and current standards in their current zoning. Assistant City Manager Stringfellow shared that the original PD – Planned Development was approved in 1984. Mayor Pro Tem Strain-Burk stated that the following PD – Planned Development raised the standards to the next level and doesn't have documentation to compare. Mayor Knight stated that her request for information doesn't alter the potential development suggestions. If there are specific setbacks or landscape requirements that are preferable then those ideas must be addressed so staff may assist in planning some suggestions.

Deputy Mayor Pro Tem Jaglowski shared that he would like to view the original PD – Planned Development as a comparison.

Mayor Pro Tem Strain-Burk stated that there were no pictures produce to view their proposal and what the facade will appear. Mayor Knight requested additional information on facades and renderings.

Councilmember Hairston agreed with Mayor Pro Tem Strain-Burk. He doesn't want a development in a "cookie cutter" style. Mayor Knight suggested proposing articulation and variation requirements.

City Manager Mauldin-Robertson inquired to clarify the question of "what are you comparing it to?" She stated that when the matter is a PD, the only matter that is brought forth for Council's consideration is what the applicant is requesting to modify. She shared that the original PD, chart PD-060, states the requirements. The only comparison information presented is what the applicant is requesting to amend.

Since the matter is a Planned Development, it is not restricted but flexible alongside with the regulations requirement. The governing body has the ability to request other items because the applicant is asking to open the PD which allows the governing body the ability to amend other items. The purpose of the chart is to show the items the applicant is requesting. The Council has the

comparison data from the original PD and can compare to the applicant's original request and compromise result after meeting with P&Z and residents. If there are additional characteristics that the Council wants to be considered as part of this development the applicant and staff need to know those items tonight so the applicant may provide the information.

Mayor Pro Tem Strain-Burk requested that the garage be at least eight feet back from the façade and J-drives for front entry. Assistant City Manager Stringfellow stated that in the LDC it allows for front entry with a J-drive with certain standards and inquired clarification.

Mayor Pro Tem Strain-Burk requested street trees to create the image preferred.

Deputy Mayor Pro Tem Jaglowski requested wider sidewalks with curves and bends with trees in the boulevards between the streets. He inquired about the minimum lot size of 9,000 square which the 2016 Comprehensive Plan identifies as suitable for Suburban Neighborhoods with a minimum of 9,000 square foot lot.

Mayor Knight advised that the chart in the agenda communication helps show what the original standards were, the original request from the applicant, and the revised request from the applicant. Mayor Knight requested to hold the questions for the developer and ask questions or seek clarification from staff.

Deputy Mayor Pro Tem Jaglowski inquired if 1800, 1900, 2000 square feet lot sizes are livable and are lot sizes inclusive with the garage. Assistant City Manager Stringfellow responded that the lot sizes are livable and excludes the garage.

Councilmember Hairston spoke on the Millbrook East development regarding narrow streets. He shared that he has received several complaints so setbacks are an issue. Mayor Pro Tem Strain-Burk shared that narrow streets allow vehicles to slow down and encourages walking because citizens feel safe and having the houses closer to the street enables the ability to relate to other individuals in the area. Councilmember Hairston acknowledged Mayor Pro Tem Strain-Burk's comment and stated that some individuals may not understand the reasoning for narrow streets. Deputy Mayor Pro Tem Jaglowski inquired from Councilmember Hairston if the width of the street is his concern. Councilmember Hairston confirmed.

Councilmember Hairston addressed that the concerns are the setbacks and the width of streets. Mayor Knight acknowledged his concerns.

Mayor Knight opened the public hearing.

Bob Devillier, Camillio Properties, stated his company has previously built some houses in Millbrook East and encouraged Council to view the existing properties. He was looking at amending a few items on the PD like reducing the square footage of living space. However, after meeting with the residents the request has been omitted. Applicant is requesting the minimum square footage as provided in the current PD. He noted that constructing alleys around all the perimeter lots would reduce the lot sizes especially in 3B. There are a lot of existing trees adjacent to the walk path that will have to be removed. In 3A, there are some existing alleys along the property boundaries so that only a few lots would be front entry lots. Their plan is to try to get as many lots that was originally planned for in the current Comprehensive Plan. He stated that 3A has approximately 87 lots and 3B has approximately 78 lots all with a minimum 6,000 square foot. Based on the current PD, he understands that the minimum square

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footage was 6,600 square feet and does not understand where the minimum of 9,000 square feet derived from. Applicant stated that his company will still develop the same square footage homes as stated in the current PD-Planned Development. He stated that any landscaping and street guidelines addressed in the current PD, his company is willing to abide by. Since he is opening up the PD for

possible amendments, the governing body has the right to request additional items. He stated that he is willing to work with staff and Council to address the suggestions. He shared his excitement witnessing the individuals in the community being honored and would like to be a part of this community. He stated that his company is not going to develop "cookie cutter" homes or identical homes. A multitude of floor plans are available but will have to review the set-up of the garages. The setbacks were not an attempt to pull them closer but referencing the minimum requirements of 20 feet. The plan was to have some setbacks at 20 feet and some 25 feet to break off the monotony with some one story homes and others

two story homes. He reiterated that they did not make a request to reduce the setbacks but want to meet the minimum requirements.

Councilmember Hairston asked if the homes are built to sell or rent. Applicant Devillier shared that it depends on the cost of the development.

Applicant Devillier stated that they treat the homes like an apartment building and update each residence for the new tenant.

Applicant Devillier confirmed that the streets are narrow and people do park on both sides of the street which makes it challenging. He stated that they will go by the minimum requirement which is 27 feet face to face curb which allows one row of traffic.

Councilmember Hairston inquired if the homes developed would be rental. Applicant stated that cost is a factor if the homes will be rental properties since their primary business is rental properties.

Councilmember Morris asked if the properties are treated as apartment style living. Applicant stated that it is treated similar like an apartment. When a tenant moves out, the home is refurbished and all broken components are replaced. Councilmember Morris requested how much the properties are rented for. Applicant Devillier indicated in the Houston area they estimate about \$1350-1400, in this area might be a little higher but unsure. The properties are not government funded homes.

Applicant Devillier shared that the removal of those perimeter alleys allowed for the larger lot sizes and adding them in would reduce the lot sizes and the number of properties in this addition. Currently, with the 6,000 square foot lot with a 2,000 square foot home the value is estimated at \$175,000 - \$200,000 each even with a smaller lot. The smaller lot will not reduce the tax revenue but will certainly reduce the number of properties to develop.

Applicant Devillier disclosed that approximately 40% of the properties will have front entry garages while the remaining will have alley entry garages.

Deputy Mayor Pro Tem Jaglowski asked if 6,000 square feet is the amount of density for value and not 6,600 square feet. Applicant shared that they looked at 6,600 square feet and it reduced the number of lots by ten percent. Deputy Mayor Pro Tem Jaglowski requested to keep the lot size at 6,600 square feet along with the alleys.

Councilmember Hairston inquired the process of all requests noted. Mayor Knight shared that all concerns are being documented through the PD and staff will coordinate with the developer to work through the list of questions.

Councilmember Hervey requested information on the Applicant's firm. Applicant Devillier shared that they have developments in Fort Worth, Lancaster, Houston, San Antonio, and College Station.

Pertaining to item 5, Camillio Properties has been in business about 4 years and Mike Camillio has been in business for 20-30 years. The property concept is fairly new but not just to the company but in general. The company maintains, builds, and leases the property to obtain control of all matters.

Councilmember Hervey inquired the location of the oldest development. Applicant stated that the older development is when they purchase lots in predeveloped areas. In Houston, they have about 500 lots developed with homes. Councilmember Hervey asked what is the biggest community and how long. Applicant stated about 270 in less than 2 years with a 95% occupancy rate.

Mayor Pro Tem Strain-Burk shared that based on here calculations of 163 proposed homes along with the current 70 homes totals to be 233 rental homes. About a year ago, Millbrook East residences shared their concerns about having rentals in their neighborhood. She requested to see the product. Councilmember Mejia stated that this development is a different plan and cannot judge one based on another development. He requests to see the product on paper.

Mayor Pro Tem Strain-Burk inquired of staff the percentage increase of rental property to what degree. She shared that there is a percentage of rental occupied and owner occupied by adding the proposed homes what would the percentage be.

Councilmember Hairston stated that he is not certain but believes that majority of the rental property is located in District 5. There are property owners that have resided in the City for some time that are concern when having several rental properties.

Deputy Mayor Pro Tem Jaglowski shared his suggestions to keep the alleys, widen the streets, sidewalks that are curving, 6,600 square feet lots, 1800 square feet, 1900 square feet, and 2000 square feet of livable space. He noted that the Planning and Zoning minutes referenced that the company was adding some landscaping to one of the medians in the neighborhood to add additional value. Applicant Devillier stated that one of the medians they have trouble in getting the grass to grow and he offer to allow their company to add some landscaping. Deputy Mayor Pro Tem Jaglowski noted that with the increase of lot size will allow sharing the common areas with the Public Improvement District with improving the median. He inquired of staff and applicant the proposed mailbox status and request not to have a common mailbox area preferable shared by two homes.

Councilmember Morris asked if the properties will be rent-to-own or primary rental properties. Applicant Devillier stated if they start the process as a rental, the properties will remain as a rental. The company has not projected long to rental before selling the homes. She inquired the turnover rate on the leases and length of the lease. Applicant Devillier shared that he is unsure since he is on the development side.

Mayor Knight requested clarification on lease term and renewal lease term. Councilmember Morris added to suggest a five year lease.

Councilmember Hairston inquired the number of individuals at the PID meeting. Applicant Devillier stated that a few individuals and some PID members adjacent which stated some concerns with some trees.

Mayor Knight sought clarification from City Attorney Hager that if the governing body does not approve item 5, is the developer locked into the original PD standards. City Attorney Hager confirmed. There has been discussion about rental properties and percentage and asked City Attorney Hager to speak on the legality.

City Attorney Hager shared his concerns that based on Fair Housing Act, the governing body does not have the right to dictate whether the individual can rent or lease their home. They own all the homes so

we have to be very careful and conscious of the Fair Housing Act. Must be careful on putting obligation to have an owner occupied and must be conscious on how you get to the desire goal and make sure the properties are well-maintained.

Deputy Mayor Pro Tem Jaglowski clarified that if item 5 is denied, applicant is held to the original PD – 060. Mayor Knight confirmed.

Applicant Devillier requested for item 5 to be tabled to the following month to allow time obtain responses to the requests.

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

Councilmember Morris inquired action if the motion fails. City Attorney Hager stated the item will still be open for discussion.

Councilmember Hairston shared that there were a lot of questions and concerns and did note that applicant stated an opportunity to address all the questions and concerns.

Councilmember Morris requested to reiterate what happens if the motion to deny passes. Mayor Knight stated that the applicant will revert back to the current PD standards in building the properties which excludes the additional enhancements that have been suggested.

Mayor Pro Tem Strain-Burk stated denial will prevent front entry. Mayor Knight confirmed no front entry but alley.

City Manager Mauldin-Robertson clarified that there are some front entry in the subdivision. There is minimum possibility of some front entry in the subdivision.

Councilmember Hairston shared the applicant has made note of all the questions and concerns and Council still has the opportunity to take action at a later time. The applicant is will to bring forth improvements and suggestions based on the questions and concerns received.

Deputy Mayor Pro Tem Jaglowski inquired of City Manager Mauldin-Robertson to reiterate the possibility of having front entry. She shared that currently in Millbrook East some homes are front entry and to state that if PD remains the same, no additional front entry will be allowed. She is not prepared to confirm or deny that it is accurate because that was not an item to consider. She shared that she does not want Council to take action thinking that by denying the request, Council is precluding him from building front entry.

MOTION: Councilmember Mejia made a motion, seconded by Mayor Pro Tem Strain-Burk to deny item 5. The vote was cast 5 for, 2 against [Knight and Hairston].

6. **Discuss and consider a resolution authorizing an alley waiver for Lots 1-16, Block E and Lots 1-7, Block F in the Proposed Millbrook East Phase 3A subdivision and Lots 1-25, Block A; Lots 1-11, Block D; and Lots 1-7, Block E, Proposed Millbrook East Phase 3B subdivision, generally located on the south side of West Pleasant Run Road; East of Rawlins Drive subject to the approval of the preliminary plat and final plat; and providing an effective date.**

City Manager Mauldin-Robertson stated that item 6 is a companion item to item 5 and suggested to be pulled.

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

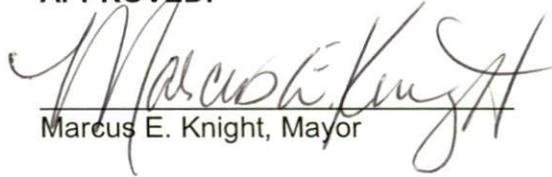
The meeting was adjourned at 9:05 p.m.

ATTEST:



Sorangel O. Arenas, City Secretary

APPROVED:



Marcus E. Knight, Mayor