

MINUTES

LANCASTER CITY COUNCIL SPECIAL MEETING OF DECEMBER 19, 2016

The City Council of the City of Lancaster, Texas, met in a called Special session in the Council Chambers of City Hall on December 19, 2016 at 7:00 p.m. with a quorum present to-wit:

Councilmembers Present:

Mayor Knight
Mayor Pro Tem Carol Strain-Burk
Deputy Mayor Pro Tem Stanley Jaglowski
Spencer W. Hervey Jr.
Clyde C. Hairston

Councilmembers Absent:

Marco Mejia
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
Shane Shepard, 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
Sam Urbanski, Interim Police Chief
Robert Franklin, Fire Chief
Alton Dixon, Purchasing Manager
Jason B. Boulton, Assistant Chief
Robert E. Hager, City Attorney
Sorangel O. Arenas, City Secretary

Call to Order:

Mayor Knight called the meeting to order at 7:20 p.m. on December 19, 2016.

Consent Agenda:

City Secretary Arenas read the consent agenda.

1. **Consider a resolution approving the terms and conditions of the agreement for support services with PST Services, Inc. to provide professional ambulance billing and collection services.**

MOTION: Mayor Pro Tem Strain-Burk made a motion, seconded by Councilmember Hairston, to approve consent item 1. The vote was cast 5 for, 0 against [Mejia and Morris absent].

2. **Consider confirmation of Police Chief of the Lancaster Police Department; and administer Oath of Office.**

City Manager Mauldin-Robertson introduced Sam Urbanski and shared that he has been with the Lancaster Police Department since 2002. He worked his way through the ranks as a police officer, Sergeant, five years as a Police Lieutenant, and currently holds the rank of Assistant Chief of Police. As presented in the agenda item, Sam Urbanski has a number of certifications; he is a graduate of the FBI National Academy Class 244,

and a graduate of Stephen F. Austin State University (SFA). City Manager Mauldin-Robertson stated she is respectfully requesting confirmation of her recommendation and appointment of Sam Urbanski as Chief of Police of Lancaster.

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

City Secretary Arenas administered the Oath of Office for Samuel Urbanski as Police Chief of the Lancaster Police Department.

Chief Urbanski thanked the Mayor and City Council for the opportunity; he also stated that he will continue to work hard on the goals and objectives set forth by the City Council.

3. Discuss and consider a resolution establishing the City of Lancaster Legislative Priorities for the 85th Session of the Texas Legislature.

Mayor Knight shared there are a number of items that could be forwarded to our respected State Representatives and State Senators with the respected issues specified to the City including the general issues as it relates to local control and the ability to continue to govern at a local level.

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

4. Discuss and consider a resolution ratifying an economic development agreement authorized by Resolution 2015-02-13 Pursuant to Chapter 380, Texas Local Government Code, by and between the City of Lancaster and In N Out Burgers, Inc.

Ed Brady, Director of Economic Development, shared that items 4, 5 and 6 are all related to our incentive agreements with In N Out. On February 29, 2015 the agreement was previously considered and approved and executed by the City Manager. Due to some unexpected delays by In N Outs, they failed to return the executed agreement due to an unexpected delay in the commencement of the construction of their project so those agreements were terminated. Currently before the Council are the same agreements with the same terms that were approved on February 29, 2015. The first one is a real property tax incentive and the incentive offer is within policy and is for 60 percent (60%) refund of real property tax for eight (8) years in compliance with the incentive policy.

MOTION: Mayor Pro Tem Strain-Burk made a motion, seconded by Councilmember Hairston, to approve item 4. The vote was cast 5 for, 0 against [Mejia and Morris absent].

5. Discuss and consider a resolution ratifying an economic development agreement for tangible personal property authorized by Resolution 2015-02-14 by and between the City of Lancaster and In N Out Burgers, Inc.

Ed Brady, Director of Economic Development, shared that the same circumstances surround item 5. The terms are the same as the agreement was approved on February 29, 2015. The item is for a Tangible Business Personal Property abatement and the company estimates eight million dollars a year in Tangible Business Personal Property.

Deputy Mayor Pro Tem Jaglowski inquired when item 4 & 5 will go into effect. Director Brady shared they will go into effect when the company achieves their final certificate of occupancy.

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

6. Discuss and consider a resolution ratifying the terms and conditions of an incentive grant by and between In N Out Burgers, Inc. and the Lancaster Economic Development Corporation.

Director Brady shared this item is another companion item. The board of directors of the Lancaster Economic Development Corporation approved the same grant that was approved in 2015 by In N Out Burgers in an amount equal to a twenty-five percent (25%) refund with the total not to exceed \$30,000.

Councilmember Hervey inquired if the agreements are terminated then would the agreements be available for negotiation. Director Brady shared that staff negotiates with the developer and sometimes the tenant. The impact of the project stayed the same and the terms and agreements were re-ratified since nothing changed.

MOTION: Councilmember Hairston made a motion, seconded by Deputy Mayor Pro Tem Jaglowski to approve item 6. The vote was cast 4 for, 1 against [Hervey] [Mejia and Morris absent].

Director Brady shared that this may be his last opportunity to present the City's Economic Development business to the council before retiring. He shared that it has been a privilege and a pleasure to represent this organization and this community for nine years as Director of Economic Development. He wished council, staff and the community all the best.

7. Discuss and consider a resolution approving the first amendment to the municipal maintenance agreement between the City of Lancaster and the Texas Department of Transportation, for additional mowing and litter control maintenance.

City Manager Mauldin-Robertson shared that staff has been working on item 7 for a short period. TxDOT maintains the rights-of-way along Interstates 20 and 35E, the state has a minimum standard that they perform mowing and litter pick up only 3 times per year. This governing body had discussions back in May 2015 that was not adequate to maintain the type of entrance and right-of-way beautification that we desire. We began negotiating with TxDOT to take over maintenance or increase the maintenance so when you come down those Interstates that you would consistently see the same type of quality and beautification. They have finally submitted the amendment to this agreement which would allow for the City to do the maintenance more frequently and they will reimburse us for the 3 times maintained at the cost that they pay. This is the first step in the process to get the amendment approved and we would have to come back with an item to bid it out to determine how many more times per year we want to do and what the cost impact would be.

Councilmember Hairston inquired if we are taking over the three times that they mow. City Manager, Mauldin-Robertson shared that this item allows us to perform the maintenance and obtain reimbursement for those 3 times at a minimum.

MOTION: Mayor Pro Tem Strain-Burk made a motion, seconded by Deputy Mayor Pro Tem Jaglowski to approve item 7. The vote was cast 5 for, 0 against [Mejia and Morris absent].

8. Discuss and consider a resolution approving the Millbrook East Public Improvement District (PID) Board Appointments.

Assistant City Manager Stringfellow shared that typically the Council approves appointments to the Public Improvement Districts during the budget adoption for all of the Public Improvement Districts. As part of the adoption of the policy was a provision for all of the Board appointments to be confirmed by the governing

body. On October 25, 2016, Millbrook East PID Board held the annual meeting and appointed five new board members referenced in the packet. Staff recommends approval of the Millbrook East PID Board Members. **MOTION:** Councilmember Hairston made a motion, seconded by Councilmember Hervey to approve item 8. The vote was cast 5 for, 0 against [Mejia and Morris absent].

9. **Consider confirmation of Civil Service Commission appointment as designated by the City Manager.**
10. **Discuss and consider annual appointments to City of Lancaster boards and commissions.**
11. **Consider confirmation of nominations made by the Mayor for appointments to the City of Lancaster Zoning Board of Adjustment.**

Mayor Knight spoke on items 9 – 11 and stated that we do not have the benefit of the full governing body and it has been practice to ensure as it relates to boards and commissions appointments. He suggested considering tabling those items to the next meeting scheduled for January 9, 2017. Mayor Knight shared that a motion isn't needed unless City Attorney Hager states that a motion is preferred.

City Attorney Hager stated that a motion is not necessary unless the governing body would like to challenge the request.

Mayor Knight shared that the body is agreement and the request is consistent with the practices. Staff will take action to schedule the items for the meeting on January 9, 2017 and notify the applicants of the change. Mayor Knight shared that based on legal statute, confirmation of Civil Service Commission appointments must be held in the month of January and encourage all members so inform their colleague the importance to be present for the next meeting.

PUBLIC HEARING:

12. **Conduct a public hearing and consider a resolution approving the 2017 Standards of Care for Youth Programs operated by the Quality of Life and Cultural Services Department.**

Mayor Knight opened the public hearing.

There were no speakers.

MOTION: Mayor Pro Tem 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 [Mejia and Morris absent].

MOTION: Deputy Mayor Pro Tem Jaglowski made a motion, seconded by Councilmember Hervey to approve item 12. The vote was cast 5 for, 0 against [Mejia and Morris absent].

13. **Z16-10 Conduct a Public Hearing and consider a Specific Use Permit (SUP) to allow a Commercial Amusement/Recreation (Indoor) use at 2625 North Dallas Avenue, Lancaster, TX, consisting of an approximately 1.588 acre tract currently zoned Retail (R).**

Mayor Knight opened the public hearing.

Assistant City Manager Stringfellow shared the applicant is requesting an SUP for commercial amusement/recreation indoor use, which could be granted in a retail zoning district. The applicant is requesting a total of fifteen coin-operated machines, the machines commonly known as eight liners are legal

under Texas law provided the machine must be modified in such a way to reward the player exclusively with non-cash merchandise, prizes, toys or novelties. City staff is operating under the assumption that the machines in question are being operated in accordance with all applicable state laws. However, should be noted that October 10, 2016 council passed an ordinance which prohibits the display, exhibit and offering of any games of chance. The ordinance included a ninety (90) day grace period before enforcement begins and the operation of any games of chance would be required to cease by January 10, 2017. On November 15, 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. However, the City Attorney has informed that there is not a full body and approval of item requires 6 of 7 members.

City Attorney Hager stated for item to be approved it requires 6 of 7 members. If item does not obtain 6 of 7 members to approve the item then the request is denied. The legal statute states that item must receive a supermajority of the governing body. This governing body consist of 7 members so 6 members must be present in order to approve the item. Any vote taken tonight would be a denial of item 13 since there are only 5 members present. He stated that the item may be heard.

Mayor Knight stated that to meet the supermajority rule, the governing body requires at least 6 members. He stated that City Attorney Hager is advising to address the matter when there are at least 6 members present.

MOTION: Mayor Pro Tem Strain-Burk made a motion, seconded by Councilmember Hairston to continue public hearing until the Council Meeting on January 9, 2017 at 7:00 p.m. The vote was cast 5 for, 0 against [Mejia and Morris absent].

14. **Z16-11 Conduct a Public Hearing and consider a rezoning request from SF-6 Single Family Residential to LI Light Industrial at 3520 Waters Street, Lancaster, TX, consisting of an approximately 1.094 acre tract, being a portion of the Silas B. Runyon Abstract 1199, Page 180, Lancaster, Dallas County, Texas.**

Mayor Knight opened the public hearing.

Mayor Knight shared that Planning and Zoning recommended denial therefore the supermajority requirement is a factor. He advised to consider a motion to continue the public hearing to January 9, 2017 at 7:00 p.m. to take further action.

MOTION: Councilmember Hairston made a motion, seconded by Deputy Mayor Pro Tem Jaglowski to continue public hearing until the Council Meeting on January 9, 2017 at 7:00 p.m. The vote was cast 5 for, 0 against [Mejia and Morris absent].

Executive Session:

15. **The City Council shall convene into closed executive session pursuant to Section § 551.072 of the Texas Government Code, discuss and deliberate the acquisition, purchase, exchange, lease or value of real property as deliberation in this open meeting would have a detrimental effect of the position of the City of Lancaster in negotiations with third persons.**
16. **Reconvene into open session. Consider and take appropriate action(s), if any, on closed/executive session matters.**

The City Council recessed for Executive Session at 7:54 p.m. and reconvened into open session at 8:12 p.m.

City Attorney Hager advised Council to consider the motion to reject the right-of-way acquisition as offered by the Central Texas Railway Infrastructure, LLC dated May 16, 2016 and instruct Mayor and instruct legal counsel, Ken Martin, to draft the appropriate notice of said rejection.

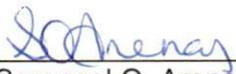
MOTION: Mayor Pro Tem Strain-Burk made a motion, seconded by Deputy Mayor Pro Tem Jaglowski to approve City Attorney Hager's recommendation. The vote was cast 5 for, 0 against [Mejia and Morris absent].

Mayor Knight wished everyone in attendance and the ones watching a Happy Holidays.

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

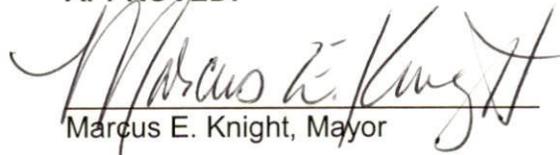
The meeting was adjourned at 8:14 p.m.

ATTEST:



Sorangel O. Arenas, City Secretary

APPROVED:



Marcus E. Knight, Mayor