

MINUTES

LANCASTER CITY COUNCIL MEETING OF DECEMBER 12, 2011

The City Council of the City of Lancaster, Texas, met in Regular session in the Council Chambers of City Hall on December 12, 2011 at 7:00 p.m. with a quorum present to-wit:

Councilmembers Present:

Mayor Marcus E. Knight
Walter Weaver
Stanley Jaglowski
Marco Mejia
James Daniels
Mayor Pro Tem Clyde Hairston
Deputy Mayor Pro Tem Nina Morris

City Staff Present:

Opal Mauldin Robertson, City Manager
Alicia Oyedele, Assistant to the City Manager
Sean Johnson, Parks and Recreation Director
Clovia English, Public Works Director
Phillip Curtis, Water / Wastewater Superintendent
Rona Stringfellow Govan, Development Services Director
Nathaniel Barnett, Senior Planner
Thomas Griffith, Fire Chief
Pat Adamcik, Assistant Fire Chief
Dolle Downe, City Secretary

Call to Order:

Mayor Knight called the meeting to order at 7:00 p.m. on December 12, 2011.

Invocation:

Pastor and Mayor Pro Tem Clyde Hairston gave the invocation.

Pledge of Allegiance:

Mayor Pro Tem Clyde Hairston led the Pledge of Allegiance.

Citizens Comments:

Patricia Siegfroid-Giles, 102 West 7th, asked Council and the community to be on the look out for Lancaster's 2012 Historic Homes calendar presented by the Lancaster Historical Society and the Historic Landmark Preservation Committee; commented that each councilmember would be presented with a calendar in January.

James Adams, 2003 Hash Road, commented that having item 3C on the agenda was an indication of how poorly the annexation process had been handled; asked how the Council could take action on the annexation and then exclude property at a later date; asked how the City could legally give the property owner a tax break.

Consent Agenda:

City Secretary Downe read the consent agenda.

- 1C. Consider approval of minutes from the City Council Special Meeting held November 7, 2011 and Regular Meeting held November 14, 2011.
- 2C. Consider Resolution 2011-12-102 awarding Bid 2012-01 for an annual contract for mowing services (rights-of-way, street medians, City owned lots, specified drainage areas and Airport property) to Metcalfe Grounds Maintenance.
- 3C. Consider Resolution 2011-12-103 authorizing the Mayor to execute an annexation agreement pursuant to Section 43.035 of the Texas Local Government Code for areas within the City's extraterritorial jurisdiction (ETJ) that qualify for agricultural use.
- 4C. Consider Resolution 2011-12-104 authorizing the lease/purchase and maintenance of fitness equipment from CommFit Commercial Solutions with Cybex Capital Corporation for an amount not to exceed \$55,656; and authorizing the City Manager to execute said lease/purchase agreement pursuant to approval.
- 5C. Consider Resolution 2011-12-105 authorizing the City Manager to initiate Stage 2 of the City of Lancaster Water Conservation and Drought Contingency and Water Emergency Response Plan pursuant to the Wholesale Treated Water contract entered into between the City of Dallas and the City of Lancaster.

Councilmember Weaver pulled items 2C and 3C from the consent agenda.

MOTION: Deputy Mayor Pro Tem Morris made a motion, seconded by Mayor Pro Tem Hairston, to approve consent items 1C, 4C and 5C. The vote was cast 7 for, 0 against.

Councilmember Weaver stated he would like to see the contract for mowing services amended to provide a stronger penalty for pulling out of the contract early. Councilmember Weaver commented that it is important that the City protect itself and there be a stiff penalty for withdrawal before the completion of the contract.

Parks and Recreation Director Johnson commented that there are bonding requirements which include a \$100 per day, per occurrence penalty and noted that Metcalfe is the contractor that took over when the previous mowing contractor pulled out. Director Johnson stated that Metcalfe has performed well and that since they are a smaller contractor, he felt they are committed to the contract.

City Manager Mauldin Robertson noted that the award of the contract is for a one year period.

Council further discussed the possibility of a stronger penalty in the contract. Director Johnson noted that if Metcalfe was not agreeable to the stronger penalty, the City would have to go back out to bid.

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MOTION: Councilmember Weaver made a motion, seconded by Councilmember Mejia, to approve Resolution 2011-12-102 awarding the annual contract mowing services to Metcalfe Grounds Maintenance with the condition of a 10% penalty of the total contract amount if the contract was cancelled prior to one year. The vote was cast 2 for [Weaver, Mejia], 5 against [Jaglowksi, Knight, Daniels, Hairston, Morris]. The motion fails.

MOTION: Mayor Pro Tem Hairston made a motion, seconded by Councilmember Daniels, to approve Resolution 2011-12-102 awarding Bid 2012-01 for an annual contract, as presented, for mowing services to Metcalfe Grounds Maintenance. The vote was cast 5 for, 2 against [Weaver, Mejia].

Councilmember Weaver stated that he pulled consent item 3C in order to have a separate vote on the matter.

Development Services Director Stringfellow Govan noted that under state statute and the Three-Year Annexation Plan, property owners with an agricultural use had an option to delay annexation. The City had received a signed agreement for property at 2651 Nokomis Road in the newly annexed Sunrise District. Director Stringfellow Govan noted that the agreement is effective on its execution date in August 2009 for a five year period.

City Manager Mauldin Robertson stated that the property was included in the motion and approved when Council took action at the November 14, 2011 meeting to annex the Sunrise District.

MOTION: Mayor Pro Tem Hairston made a motion, seconded by Councilmember Jaglowksi, to approve Resolution 2011-12-103 authorizing the Mayor to execute an annexation agreement pursuant to Section 43.035 of the Texas Local Government Code for areas within the City's extraterritorial jurisdiction (ETJ) that qualify for agricultural use. The vote was cast 5 for, 2 against [Weaver, Mejia].

6. Conduct a public hearing and consider a request for a Specific Use Permit for a Group Home use on property generally located approximately 540 feet from the southwest corner of the intersection of Pleasant Run Road and Willow Creek Drive and addressed as 1207 Willow Creek Drive.

Senior Planner Barnett outlined the request for a Specific Use Permit for a Group Home use at 1207 Willow Creek noting that a number of social services are already in this residential area.

Councilmember Daniels asked about the Planning and Zoning Commission's recommendation. Senior Planner Barnett noted that the Planning and Zoning Commission recommended denial and staff recommends denial due to the preponderance of social services already in the residential area.

Mayor Knight opened the public hearing.

Nancy Moffett, 2105 Houston School Road, declined the opportunity to speak.

There were no other speakers regarding the request.

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

MOTION: Councilmember Mejia made a motion, seconded by Deputy Mayor Pro Tem Morris, to deny the request for a Specific Use Permit for a Group Home Use at 1207 Willow Creek Drive. The vote was cast 7 for, 0 against.

7. Conduct a public hearing and consider a request for a change in zoning from AO (Agricultural Open) to LI (Light Industrial) for approximately 1.45 acres of land generally located on the southeast corner of the intersection of Houston School Road and Cedardale Road.

Senior Planner Barnett outlined the request to rezone approximately 1.45 acres on the southeast corner of Houston School Road and Cedardale Road. Senior Planner Barnett noted that the proposed zoning is not in compliance with the existing Comprehensive Plan designation for the land. It was noted the applicant proposes to use the property for an automobile sales lot. Senior Planner Barnett stated that the Planning and Zoning Commission recommended approval of the request; however, staff's recommendation is to deny the request.

Mayor Knight opened the public hearing.

Alvin Fuller, 970 Newton Road, Ferris, Texas, (applicant) thanked Council for the opportunity to speak and stated he has been doing business in the City for fifteen years and owns several properties in Lancaster; commented that he had consulted with the previous City Manager and that the property was originally purchased for commercial purposes; stated that he does not plan to develop the entire site which will provide distance from neighboring properties; stated that he is willing to accommodate the concerns expressed by the Planning and Zoning Commission.

Councilmember Daniels asked about the Planning and Zoning Commission's approval and staff's recommendation for denial. City Manager Mauldin Robertson stated that the recommendation for denial was made following subsequent review by staff.

Robert Mashburn, 2120 Cedardale Road, commented that he lives two doors down from the site and the City needs to stick to its Master Plan; stated that if the Light Industrial zoning is approved, it will be surrounded by residential; stated that a used car lot in a residential area is not compatible and will increase traffic flow on Cedardale; commented that the proposed site is one-half a lot removed from the flood plain and there could be problems with run-off from the concrete; stated that he also has concerns about the property being lit at night; urged Council not to approve the zoning.

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Kay Mashburn, 2120 Cedardale Road, provided Council with a picture of the zoning request sign that was bent over and not readable and commented that there were no signs on Houston School Road; noted several code violations including trash cans in full view everyday, a tree cut down, and the yard and road graded on the property; expressed concern about what would happen if a sewer line was ran and if other property owners would be forced to tie-on; commented that there would be increased traffic and a used car lot in the residential area could lower property values; stated that this is "our home" and commended staff for the denial recommendation; urged Council to vote no.

Nancy Moffett, 2105 N. Houston School Road, stated that there are two important questions: the first about what the Council wants the first impression to be coming into the City, noting that Houston School Road is a major gateway into the City and second, what are the tax revenues, commenting that a used car lot would not generate much tax revenue; urged Council to do what is best for the City in the long term; stated that this is not the highest and best use for this corner.

Dixie Pace, 2138 Cedardale Road, stated that she lives right next door and does not want the area to be rezoned; does not want to live by a used car lot.

There were no other speakers regarding the request for rezoning.

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

Councilmember Daniels asked why the staff recommendation was changed to denial. City Manager Mauldin Robertson stated that after further review by staff, the proposed change in zoning is not compatible with the existing Comprehensive Plan. She commented that a commercial center was never authorized for the site, and the zoning has only been AO [agricultural open].

Councilmember Mejia commented that it is a difficult decision, stating that he understands the homeowners' position and that an entrepreneur is trying to grow his business in the City.

Councilmember Weaver stated that he hears the concerns of the residents and the point is well made about a used car lot in your own backyard.

MOTION: Councilmember Weaver made a motion, seconded by Councilmember Jaglowski, to deny a change in zoning from AO (Agricultural Open) to LI (Light Industrial) for approximately 1.45 acres of land generally located on the southeast corner of the intersection of Houston School Road and Cedardale Road. The vote was cast 6 for, 1 against [Daniels].

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

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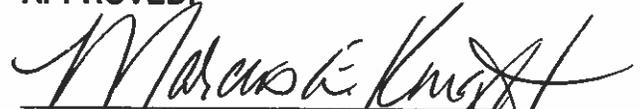
The meeting was adjourned at 8:27 p.m.

ATTEST:



Dolle K. Downe, City Secretary

APPROVED:



Marcus E. Knight, Mayor