

MINUTES

LANCASTER CITY COUNCIL REGULAR MEETING OF JUNE 26, 2017

The City Council of the City of Lancaster, Texas, met in a called Special session in the Council Chambers of City Hall on June 26, 2017 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 Clyde C. Hairston

Councilmembers Absent:

Spencer W. Hervey Jr.
Deputy Mayor Pro Tem Nina Morris

City Staff Present:

Opal Mauldin-Jones, City Manager
Rona Stringfellow, Assistant City Manager
Dori Lee, Human Resources Director
Shane Shepard, Director of Economic Development
Baron Sauls, Finance Director
Jim Brewer, Director of Public Works
Sean Johnson, Managing Director of Quality of Life & Cultural Services
Jermaine Sapp, Director of Equipment Services and Facilities
Sam Urbanski, Police Chief
Robert Franklin, Fire Chief
Alton Dixon, Purchasing Agent
Fabrice Kabona, Assistant to the City Manager
Bester Munyaradzi, Senior Planner
Dale Jackson, Building Official/Interim Development Director
Katherine Hail, Animal Control Officer
Atley Freerksen, Animal Control Officer
Jason B. Boulton, Assistant Police Chief
Ashley White, Associate City Attorney
Robert Brown, Associate City Attorney
Mayra A. 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 June 26, 2017.

Invocation:

Pastor Brown gave the invocation.

Pledge of Allegiance:

Councilmember Jaglowski led the pledge of allegiance.

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Citizens' Comments:

Mitch Slaymaker, 6200 LaCalma, Austin, Texas, Deputy Executive Director of Operations with Texas Municipal Police Association, shared concerns regarding the administration of the Lancaster Police Department.

Eric Alexander, 1650 N. Dallas Avenue, did not wish to speak but shows support for the Lancaster Police Department.

Julie Wilson, 509 W. Second Street, Waxahachie, Texas, did not wish to speak but shows support for the Lancaster Police Department.

Jason Rohack, 1650 N. Dallas Avenue, did not wish to speak but shows support for the Lancaster Police Department.

Jeff Hein, 123 Logan Lane, Waxahachie, Texas, did not wish to speak but shows support for the Lancaster Police Department.

LaRhonda Mays, 1501 Robin Lane, did not wish to speak but shows support for the Lancaster Police Department.

Marcus Talton, 1650 N. Dallas Avenue, did not wish to speak but shows support for the Lancaster Police Department.

Janet Beesley, 1650 N. Dallas Avenue, did not wish to speak but shows support for the Lancaster Police Department.

Trudy Taff-Roquemore, 716 Wilson Street, shared concerns regarding the Euthanization Policy, hours of operation of the Animal Shelter and the approval of the Interlocal Agreement between the City of Lancaster and the City of Hutchins.

Consent Agenda:

City Secretary Arenas read the consent agenda.

1. **Consider approval of minutes from the City Council Regular Meeting held on June 12, 2017.**
2. **Consider a resolution approving the reallocation of Community Development Block Grant (CDBG) funds for Lindenwood Street Project.**

Councilmember Strain-Burk pulled item 2.

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

2. **Consider a resolution approving the reallocation of Community Development Block Grant (CDBG) funds for Lindenwood Street Project.**

Councilmember Strain-Burk requested additional staff comments on item 2. City Manager Mauldin-Jones shared that item 2 is approving the reallocation funds for the Lindenwood Street Project. The City Council renewed the CDBG master agreement on June 10, 2017 extending the partnership until 2020. At the June 13, 2016 City Council meeting, Council approved the submission of Lindenwood Drive, from Dewberry to Johns Street and Percy Street from Cedardale Road to Lyle Street as the primary projects.

Dallas County received bids and it was determined that additional funds were necessary in order for the project to proceed. To construct this project an additional \$110,906 is needed. Dallas County is proposing to utilize previously allocated money \$52,851.20 from prior years as well as the \$58,054.80 allocated to Percy Street reconstruction to make up the difference. Without these reallocations, the City will either need to find another source of funding for the project or delay the project until October 2018 when additional CDBG funding will be provided to the City.

Councilmember Strain-Burk shared that Community Development Block Grant (CDBG) funds are provided by the state that is reinvested to the City.

Councilmember Mejia shared his support for agenda item 2.

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Mejia to approve consent item 2. The vote was cast 5 for, 0 against [Hervey and Morris absent].

PUBLIC HEARING:

3. **Z17-03 Conduct a public hearing and consider a Specific Use Permit (SUP) to allow marble and granite fabrication in an existing building at 3300 Danieldale Road, on approximately 1.6 acre tract of land and further described as Lots 25-29, Block A of Brownlee Park Addition, Lancaster, Dallas County, Texas.**

Mayor Knight opened the public hearing.

Peter Kavanagh, 1620 Handley, Dallas, Texas, spoke in favor of agenda item 3 on behalf of the applicant. Mr. Kavanagh shared that the applicant has been in the Marble and Granite business for over seventeen (17) years and would like to operate their business from Lancaster. He stated that the item was considered at the Planning and Zoning Commission Meeting on June 6, 2017 and the Commission recommended approval.

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Jaglowski to close the public hearing. The vote was cast 5 for, 0 against [Hervey and Morris absent].

Councilmember Mejia shared his support for agenda item 3. He shared that the business is great opportunity for the City.

Councilmember Jaglowski shared words of greetings to the applicant.

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

4. **M17-07 Conduct Public Hearing and Consider making a recommendation to the City Council to amend and/or repeal and replace the current Tree Preservation Ordinance Article 14.900 and Landscape Standards Article 14.800.**

Mayor Knight opened the public hearing.

Thomas Hillsman, 5220 Spring Valley Road, Number 560, Dallas, Texas, thanked staff, elected officials, the Planning and Zoning Commission members, and Matt Grubisich for their dedication and hard-work and spoke in favor of agenda item 4.

Frank Mejia, 1500 West Main Street, spoke in opposition of agenda item 4.
Rosanna Ross, 201 N. Elm Street, spoke in favor for agenda item 4 and supports the protection of the trees.

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

Councilmember Mejia shared his concerns as a property owner and shared that he is not opposed to preserving and protecting trees. However, he is opposed when the trees get in the way of development that may potentially bring forth revenue into the city. He suggested functioning more on the Tree Preservation Ordinance so that the ordinance would be painless for developers and property owners.

Councilmember Strain-Burk expressed her gratefulness on the outcome of the proposed Tree Preservation Ordinance which furthers the preservation of trees and natural areas; protect trees during construction; facilitate site design and construction; contribute to the long-term viability of existing trees; and prohibits clear cutting of trees. She requested that the Consultant Grubishich comment on urban heat island effect.

Matt Grubishich, 2906 Swiss Avenue, Dallas, Texas, shared that an urban heat island is an urban area or metropolitan area that is significantly warmer than its surrounding rural areas. Recently, Dallas County completed an urban heat island (UHI) study with Georgia Tech University. The analysis not only looked at surface temperatures but also air temperatures. The study in Dallas County identified where the region experienced high urban heat island temperatures and the associated effect on air quality. He shared that the study uncovered that Dallas is the second largest city in the country. The hottest areas in the city average 101 degrees for more than five months out of the year.

Councilmember Strain-Burk requested that council consider that the Tree and Landscape Advisory Board members shall be the Planning and Zoning Commission members. City Manager Mauldin-Jones shared that there is a separate ordinances that establishes the boards and that ordinance will have to be amended as well.

Councilmember Strain-Burk requested that council consider adding Public Improvement Districts (PIDs) on page 42, letter C, of the ordinance along with Homeowner Associations (HOAs) or Property Owners.

Mayor Knight suggested that staff recap the suggestions made for consideration for the Tree Preservation Ordinance and Landscape Standards. City Manager Mauldin-Jones shared that the Tree and Landscape Advisory Board members shall be the Planning and Zoning Commission members which will require amending a separate ordinance and adding include Public Improvement Districts (PIDs) as part of the Homeowner Associations (HOAs) or Property Owners and the City Attorney has notated the recommendations.

MOTION: Mayor Pro Tem Hairston made a motion, seconded by Councilmember Strain-Burk to approve item 4 with the recommendations made by the Planning and Zoning Commission and by adding Public Improvement Districts to Sec. 14.912 on subsection C. The vote was cast 4 for, 1 against [Mejia] [Hervey and Morris absent].

- 5. Discuss and consider an ordinance amending the Code of Ordinances by amending Chapter 14 Titled " Offenses and Additional Provisions", Article 14.05 Titled "Smoking in Public Places and Places of Employment" setting forth regulations prohibiting smoking in all workplaces and public places located within the City; providing regulations for electronic cigarettes and liquid nicotine; providing for prohibition of smoking in certain outdoor areas;**

providing for posting of signs; providing for penalties for business or establishments not to exceed two thousand dollars (\$2,000).

Mayor Knight shared that Deputy Mayor Pro Tem Morris suggested to table item 5 and seek direction from the body. Councilmember Mejia suggested tabling item 5 and motion failed to lack of a second.

Kay Kamm, 1207 Rock Springs, Duncanville, Texas, with the American Cancer Society Action Network spoke in favor of agenda item 5.

Victoria Nelson, 2630 W. Frwy, Number 250, Ft. Worth, Texas, with the American Heart Association representative spoke in favor of agenda item 5.

Aschelle Morgan, 105 Decker Ct., Irving, Texas, with the American Heart Association representative spoke in favor of agenda item 5 with suggested changes to the Ordinance.

Ken Arkwell, 143 Historic Town Square, did not wish to speak but shows support for agenda item 5.

Rosanna Ross, 201 N. Elm Street, did not wish to speak but shows support for agenda item 5.

Trudy Roquemore, 716 Wilson Street, did not wish to speak but shows support for agenda item 5.

Thomas Hillsman, 5220 Spring Valley Road, Number 560, Dallas, Texas, did not wish to speak but shows support for agenda item 5.

Mayor Knight iterated the definition of "Cigar Bar" and "Cigar Lounge" and suggested keeping "Cigar Bar" and to remove "Cigar Lounge" and removing the effective date language.

Mayor Pro Tem Hairston suggested removing "Electronic or Digital Smoking Device" along with Mayor Knight's suggestion.

Councilmember Mejia suggested removing the lounges and to keep "Cigar Bar" and lower the deriving percentage to fifty-one (51) of its quarterly gross revenue of sales.

City Attorney Brown clarified that the approval is the second proposed ordinance with the gross revenue to be reduced to fifty-one (51) percent and removal of the existence prior to the effective date language and lounges in Section 14.05.007, subsection F.

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

Executive Session:

6. The City Council shall convene into closed executive session pursuant to Section §551.071(1)(A) to receive information on the following pending or contemplated litigation matters:

- a. **Cause No. DC-17-04372, Lakacia Turner v. Lancaster Police Department, et. al, filed in the 193rd District Court of Dallas County, Texas.**

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b. Correspondence from CTMGT Bear Creek, LLC requesting a Tex. Loc. Gov't Code § 212.904 appeal of any municipal infrastructure cost proportionality determinations incidental to the Bear Creek Subdivision Phase 3 Preliminary Plat.

7. 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 8:34 p.m. and reconvened into open session at 8:46p.m.

No action taken.

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

The meeting was adjourned at 8:48 p.m.

ATTEST:

APPROVED:



Sorangel O. Arenas, City Secretary



Marcus E. Knight, Mayor