

## MINUTES

## LANCASTER CITY COUNCIL REGULAR MEETING OF AUGUST 14, 2017

The City Council of the City of Lancaster, Texas, met in a called Regular session in the Council Chambers of City Hall on August 14, 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  
Spencer W. Hervey Jr.  
Mayor Pro Tem Clyde C. Hairston  
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 and Facility Services  
Sam Urbanski, Police Chief  
Robert Franklin, Fire Chief  
Alton Dixon, Purchasing Agent  
Fabrice Kabona, Assistant to the City Manager  
Dale Jackson, Building Official/Interim Development Director  
Jason B. Boulton, Assistant Police Chief  
Cheryl Womble, Administrative & Community Relations Supervisor  
Deborah Bunton, Administrative Secretary  
Nathan Diaz, Fire Marshal  
Chris Youngman, Assistant Fire Chief  
Than Nguyen, City Engineer  
Katherine Corrao, Animal Control Officer  
Emma Chetuya, Planner  
David T. Ritter, City Attorney  
Mayra A. Ortiz, Deputy City Secretary  
Sorangel O. Arenas, City Secretary

**Call to Order:**

Mayor Knight called the meeting to order at 7:02 p.m. on August 14, 2017.

**Invocation:**

Pastor John Richardson gave the invocation.

**Pledge of Allegiance:**

Councilmember Hervey led the pledge of allegiance.

**Recognition:**

Mayor Knight acknowledged and congratulated Mayor Pro Tem Clyde C. Hairston for being the recipient of the American's Leadership Award which recognizes individuals who make significant contributions to their community.

Mayor Knight recognized and congratulated Deputy Mayor Pro Tem Nina Morris for being featured in the Focus Daily News for her participation at the 12<sup>th</sup> Annual Young Elected Officials Network.

**Presentation:**

Mayor Knight altered the order on the agenda.

**Citizens' Comments:**

Walter Weaver, 411 S. Centre, recognized Councilmember Mejia for his continuous business growth in the City. Also, he shared his disappointment for the development of restrooms at Bear Creek Nature Park.

Fabrice Kabona, 211 N. Henry, announced that District 3 Town Hall Meeting is scheduled for Tuesday, August 15, 2017 at 7:00 p.m. at 240 Veterans Memorial Parkway and District 1 Town Hall Meeting is scheduled for Thursday, August 24, 2017 at 6:30 p.m. at 100 N. Henry Street. The City of Lancaster will host the first Budget Town Hall Meeting on Thursday, August 31, 2017 at 6:30 p.m. and Saturday, September 9, 2017 at 9:00 a.m. Both meetings will be held at the Lancaster Recreation Center, Grand Hall located at 1700 Veterans Memorial Parkway. Topics will include property tax trends, sales tax trends, fund overview, proposed fiscal year 2017/2018 budget, and the budget schedule. Lastly, the Lancaster Animal Shelter is hosting the annual Clear the Shelter Day on Saturday, August 19, 2017 from 9:30 a.m. to 5:00 p.m.

**Consent Agenda:**

City Secretary Arenas read the consent agenda.

1. **Consider approval of minutes from the City Council Special Meeting held on June 14-15, 2017 and July 3, 2017 and City Council Regular Meeting held on July 10, 2017.**
2. **Consider a resolution approving the terms and conditions of an interlocal agreement by and between the City of Lancaster and Dallas County Department of Health and Human Services to provide certain health services.**
3. **Consider a resolution approving the terms and conditions of an interlocal agreement by and between the City of Lancaster and Dallas County Department of Health and Human Services to provide certain food establishment inspections and environmental services.**
4. **Consider a resolution approving the terms and conditions of an amendment (Change Order No. 1) to the contract with Modern Contractors, Inc. in an amount not to exceed ten thousand five hundred ninety-six dollars (\$10,596.00).**
5. **Consider a resolution to approve a Project Specific Agreement with Dallas County for the purposes of Roadway Striping within the jurisdictional limit of the City of Lancaster, Texas.**
6. **Consider a resolution authorizing the City Manager to execute agreements with Blue Cross Blue Shield, Met Life, Dearborn National, Flores & Associates, Avesis, and Alliance Work Partners for fiscal year 2017/2018 employee insurance and benefits programs.**
7. **Consider a resolution adopting City Council Goals and Objectives contained in the June and July 2017 City Council Strategic Planning Report prepared by The Novak Consulting Group.**
8. **Consider a resolution adopting the City of Lancaster Proposed Budget Calendar for Fiscal Year 2017/2018. Consider a resolution approving the terms and conditions of an interlocal agreement by and between the City of Lancaster and Dallas County Department of Health and Human Services to provide certain health services..**

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**MOTION:** Deputy Mayor Pro Tem Morris made a motion, seconded by Mayor Pro Tem Hairston to approve consent items 1 through 8. The vote was cast 7 for, 0 against.

**Presentation:**

Paulette Hartman, Deputy City Manager at City of North Richland Hills and on behalf of the Texas City Management Association, presented the 2017 City Council of the Year Award to the City of Lancaster. The award is to recognize and honor an outstanding City Council that has made significant contributions to local government in Texas.

Mayor Knight thanked Ms. Hartman for her past service in the Texas City Management Association and for the presentation. He shared that he is extremely pleased, honored and humbled to accept the award which speaks volume of the community and staff.

Councilmember Mejia expressed his gratitude and humbly accepted the award on behalf of the citizens of Lancaster and city staff.

The City Council recessed at 7:23 p.m. for celebration photos and reconvened into open session at 7:37 p.m.

**PUBLIC HEARING:**

- 9. Z16-12 Conduct a Public Hearing and consider approval of a rezoning request from SF-6 - (Single Family Residential) to NS - (Neighborhood Services). The subject property is located at 1009 Lancaster-Hutchins Road consisting of approximately 1.46 acres, being a portion of Lots 4 and 5, Eastside Acres Addition, Lancaster, Dallas County, Texas.**

City Manager Mauldin-Jones shared that item 9 is to consider a rezoning request for a property located at 1009 Lancaster-Hutchins Road, Eastside Acres Addition. On February 7, 2017, the P&Z Commission recommended denial of the rezoning request. Out of the 18 notifications that were mailed to neighboring property owners, there were three notifications returned in opposition of this application. Since the P&Z recommended denial of the rezoning request, it will require a super-majority (6 of the 7 members of Council) to approve the request. Staff concurs with the P&Z recommendation for denial.

Mayor Knight opened the public hearing.

There were no speakers.

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

**MOTION:** Deputy Mayor Pro Tem Morris made a motion, seconded by Councilmember Strain-Burk to approve item 9. The vote was cast 0 for, 7 against [Knight, Strain-Burk, Jaglowski, Mejia, Hervey, Hairston, and Morris].

- 10. Z17-02 Conduct a Public Hearing and consider an ordinance amending ordinance 2006-04-13 and as amended the Lancaster Development Code and map of the City as amended by granting a change in zoning from A-O Agricultural Open to CH Commercial Highway a 1.6 acre tract of land commonly addressed as 1620 South Interstate Highway 35E (IH-35E) being described as Block 2, Lots 3 and 4 of the Stillmeadow Subdivision, Lancaster, Dallas County, Texas.**

City Manager Mauldin-Jones stated that item 10 is to consider a rezoning request by granting a change in zoning from A-O Agricultural Open to CH Commercial Highway to the property commonly addressed as 1620 South Interstate Highway 35E (IH-35E). The Comprehensive Plan identifies this site as Commercial Highway and the proposed zoning change is consistent with the Comprehensive Plan. Cycle Town South business

was destroyed in a fire at the current property and the owner wants to rebuild and expand the original building area which requires a rezoning. This item was considered at the Planning and Zoning Commission (P&Z) meeting on February 6, 2017 and P&Z recommended approval. Staff concurs with the P&Z.

Councilmember Jaglowski requested from City Manager Mauldin-Jones to read the opposition notification received. City Manager Mauldin-Jones shared that there were no notifications returned but prior to the meeting staff received an opposition notice from Joanne Harrell, 3104 Lomita, 1617 Meadowlark Lane, 1629 Meadowlark Lane and 16141 Meadowlark Lane. She read: "I am opposed to the request for the following reasons whether Cycle Town rebuilds or not should in no way affect the zoning of my property.

Mayor Knight opened the public hearing.

There were no speakers.

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

Councilmember Mejia commented that the City should assist Cycle Town South business since they are willing to continue to do business in the City of Lancaster.

**MOTION:** Mayor Pro Tem Hairston made a motion, seconded by Councilmember Strain-Burk to approve item 10. The vote was cast 7 for, 0 against.

- 11. Discuss and consider a resolution of the City of Lancaster, Texas finding that Oncor Electric Delivery Company LLC's ("Oncor" or "company") application to change rates within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the Company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel.**

City Manager Mauldin-Jones shared that Oncor filed an application to change rates with cities retaining original jurisdiction. The Steering Committee's attorneys recommend that all members adopt the Resolution denying the rate change. Staff recommends council approval of the resolution as presented.

**MOTION:** Councilmember Strain-Burk made a motion, seconded by Mayor Pro Tem Hairston to approve item 11. The vote was cast 6 for, 1 against [Morris].

- 12. Discuss and consider an ordinance repealing Chapter 6, Section 6.07.008 "Construction and Materials" of Article 6.07 "Fences", in its entirety and replacing it with a new section 6.07.008, "Fence Construction, Materials and Setback"; providing for fence construction and materials and adding a new front setback standard.**

City Manager Mauldin-Jones shared that Councilmember Carol Strain-Burk requested an item be placed on the agenda to review the fence ordinance. City Council discussed this item at the April 17, June 19 and July 17, 2017 Work Sessions. As a result of these discussions Council requested an item to consider repealing Chapter 6, Section 6.07.008 "Construction and Materials" of article 6.07 "Fences", in its entirety and replacing it with a new section 6.07.008, "Fence Construction, Materials and Setback"; providing for fence construction and materials and adding a new front setback standard. Staff is proposing the following language be reflected in Chapter 6, Section 6.07.008 (d): "All fences shall be set back a minimum of five (5) feet from the front of a structure. In the event that district-specific fence regulations duly adopted by the City Council conflict with this subsection (d), those district-specific regulations will control." There was additional discussion regarding gate orientation for vehicular access. This subject is referenced under Section 6.07.008

of the Fence Ordinance. It states that "Gates must swing inward toward private property and are not allowed to swing outward across property lines into public rights-of-way."

**MOTION:** Councilmember Strain-Burk made a motion, seconded by Deputy Mayor Pro Tem Morris to approve item 12. The vote was cast 7 for, 0 against.

- 13. Discuss and consider an ordinance amending Chapter 18 of the Code of Ordinance by adding a new Section 18.01.002 providing for prohibitions on obstructing any public street or sidewalk with any item.**

City Manager Mauldin-Jones shared that Mayor Pro Tem Clyde Hairston requested that an item be placed on the agenda for the purpose of discussing and considering an ordinance to prohibit all basketball goals/hoops from the front curbs, public rights-of-way, alleys and streets and only allowing them in the rear yard of property or residence. At the July 14, 2017 Work Session, City Council discussed and requested staff to bring forward an ordinance for consideration prohibiting basketball goals/hoops from the front curbs, public rights-of-way, alleys and streets and allowing them in the rear yard of property or residence. As with cities such as Cedar Hill, Duncanville, Farmers Branch, The Colony and Grand Prairie, the City of Lancaster can enact an ordinance regulating basketball goals/hoops placement on residential properties. Section 18.01.002 "Obstruction of streets, sidewalks, parkway areas or public grounds" makes it unlawful for any person to obstruct or encumber any portion of any public street, alleyway, sidewalk or public property in the city.

**MOTION:** Mayor Pro Tem Hairston made a motion, seconded by Councilmember Hervey to approve item 13. The vote was cast 7 for, 0 against.

- 14. M17-03 Consider an ordinance repealing Ordinance 2017-04-04 in its entirety, and abandoning a portion of the public use easement of approximately 5,494 square feet, 0.1261 acres of land, in the City of Lancaster, Dallas County, Texas as a quit claim deed; and providing an effective date.**

City Manager Mauldin-Jones shared that item 14 was approved by the City Council on April 10, 2017. It is coming before City Council again because there are necessary corrections that need to be made. The square footage needs to be changed from 7,334 to 5,494 square feet and from .168 to .126 acres.

**MOTION:** Councilmember Strain-Burk made a motion, seconded by Councilmember Jaglowski to approve item 14. The vote was cast 7 for, 0 against.

- 15. Discuss and consider an ordinance repealing the National Electrical Code 2014 Edition in its entirety and replacing it with the adoption of the adoption of the "National Electrical Code", 2017 edition, by adopting Chapter 6 Building Regulations, Article 6.04 Technical and Construction Codes and Standards, Division 4 Electrical Code to provide for the amendments.**

City Manager Mauldin-Jones shared that The North Central Texas Council of Governments (NCTCOG) has recommended that all cities within the North Central Texas region adopt the 2017 National Electrical Code with their recommended amendments. Additionally, the Texas Department of Licensing and Regulation (TDLR) will adopt the 2017 National Electrical Code as the state electrical code effective September 1, 2017.

**MOTION:** Mayor Pro Tem Hairston made a motion, seconded by Councilmember Strain-Burk to approve item 15. The vote was cast 7 for, 0 against.

- 16. Discuss and consider a resolution authorizing the City Manager to execute an economic development agreement pursuant to Chapter 380, Texas Local Government Code, by and between the City of Lancaster and Duke Realty LP.**

City Manager Mauldin-Jones shared that Duke Realty has purchased property in Lancaster, Texas with the intent of constructing an 800,000 square foot eCommerce fulfillment facility. Duke Realty received a letter of intent from Wayfair, LLC.

**MOTION:** Councilmember Strain-Burk made a motion, seconded by Councilmember Jaglowski to approve item 16. The vote was cast 7 for, 0 against.

**17. Discuss and consider a resolution authorizing the City Manager to execute an economic development agreement pursuant to Chapter 380, Texas Local Government Code, by and between the City of Lancaster and Wayfair, LLC.**

**MOTION:** Mayor Pro Tem Hairston made a motion, seconded by Deputy Mayor Pro tem Morris to approve item 17. The vote was cast 7 for, 0 against.

**18. Discuss and consider a resolution ratifying the terms and conditions of an incentive grant by and between CH Realty VIII/I Dallas Houston School Rd., L.P. and the Lancaster Economic Development Corporation.**

City Manager Mauldin-Jones shared that item 18 is for a project located at 2801 and 2901 N. Houston School Road with the construction and finish out of two (2) facilities of an approximately 600,000 square feet each. Staff recommends approval of resolution ratifying the actions of LEDC.

**MOTION:** Councilmember Strain-Burk made a motion, seconded by Councilmember Jaglowski to approve item 18. The vote was cast 7 for, 0 against.

**19. Discuss and consider a resolution ratifying the terms and conditions of an incentive grant by and between Duke Realty Limited Partnership, L.P. and the Lancaster Economic Development Corporation.**

**20. Discuss and consider a resolution ratifying the terms and conditions of an Economic Development Incentive Agreement by and between the Lancaster Economic Development Corporation and Wayfair, LLC.**

Councilmember Jaglowski requested staff comments on item 20. City Manager Mauldin-Jones commented that item 20 is to ratify the terms and conditions of an Economic Development Incentive Agreement by and between the Lancaster Economic Development Corporation and Wayfair, LLC. The Board of Directors of the Lancaster Economic Development Corporation convened on August 1, 2017, to consider a grant applied for by Wayfair, LLC in an amount equal to \$470,000. The grant includes \$100,000 reimbursement grant for hiring Lancaster residents (\$500 per job up to 200 jobs); \$50,000 grant to assist in job training at Cedar Valley College; \$320,000 grant if Wayfair, LLC has a sales volume of \$64 million over the next five years that is subject to local 2% sales and use tax; payable annually if sales exceed \$12.8 million. The Board of Directors unanimously approved the grant and incentive agreement.

Councilmember Jaglowski requested comments from a representative.

Matt Hyman, with Duke Realty, appreciated the professionalism received from City staff. He commented that this deal was highly contested and appreciated that the deal was very prudent and reasonable for the City.

Councilmember Mejia thanked staff for their patience and expressed excitement for a job well-done.

**MOTION:** Mayor Pro Tem Hairston made a motion, seconded by Councilmember Hervey to approve item 19 and 20. The vote was cast 7 for, 0 against.

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21. **Discuss and consider a resolution authorizing the City Manager to execute an economic development agreement pursuant to Chapter 380, Texas Local Government Code, by and between the City of Lancaster and CH Realty VII/I Dallas Houston School Rd, L.P.**

**MOTION:** Mayor Pro Tem Hairston made a motion, seconded by Councilmember Hervey to approve item 21. The vote was cast 7 for, 0 against.

22. **Consider a resolution adopting the Lancaster City Council Rules and Procedures, as amended.**

Mayor Knight shared City Council reviewed the Rules and Procedures in June of 2017 during strategic planning and at the July 17, 2017 Work Session.

Deputy Mayor Pro Tem Morris inquired from City Manager Mauldin-Jones if item 22 will be impacted since she has a future item requested regarding the City Charter. City Manager Mauldin-Jones shared that item 22 refers back to the City Charter so the Rules and Procedures are applicable to the City Charter as of today.

**MOTION:** Deputy Mayor Pro Tem Morris made a motion, seconded by Councilmember Hervey to approve item 22. The vote was cast 7 for, 0 against.

23. **Discuss the proposed FY 2017-2018 tax rate of \$0.8675 per \$100 assessed valuation, receive related tax calculation documents, take record vote to consider a tax rate to increase total tax revenues from properties on the tax roll in the previous year and set public hearing dates on the tax rate.**

City Manager Mauldin-Jones stated that pursuant to Truth-in-Taxation requirements, and following receipt of tax calculations from Dallas County Tax Office, the Council must take a record vote if considering a tax rate that results in an increase in total tax revenues from properties on the tax roll in the previous year. She stated that staff is maintaining the existing tax rate and based on the calculations, the Certified Values is approximately \$2.2 billion dollars; Rollback Tax Rate at \$1.01; and Effective Tax Rate at \$0.867. Staff recommends that City Council take a record vote on the proposal to consider a tax rate that will result in an increase in total revenues from properties on the tax roll in the previous year. She stated that this is not a vote on the tax but just to consider this tax rate which is how the budget was prepared and calculated. The first public hearing is scheduled for Monday, August 28, 2017 at 7:00 p.m. at the Lancaster Municipal Center, 211 North Henry Street, Lancaster, Texas 75146. The second public hearing is scheduled for Monday, September 11, 2017 at 7:00 p.m. at the Lancaster Municipal Center, 211 North Henry Street, Lancaster, Texas 75146.

**MOTION:** Mayor Pro Tem Hairston made a motion, seconded by Councilmember Strain-Burk to approve item 23. The vote was cast 6 for, 1 against [Morris].

24. **Discuss and consider appointments to the Planning and Zoning Commission, Museum Advisory Board, and Lancaster Economic Development Corporation Board.**

Nominated for the vacant position on the Museum Advisory Board with a term expiring in 2018, was Oscar Miller.

Nominated for the alternate position on the Museum Advisory Board with a term expiring in 2017, was Joann Harrell.

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**MOTION:** Councilmember Jaglowski made a motion, seconded by Councilmember Strain-Burk, to appoint Oscar Miller for the vacant position of the Museum Advisory Board with a term expiring in 2018 and appoint Joann Harrell for the alternate position with a term expiring in 2017. The vote was cast 7 for, 0 against.

Nominated for the vacant position on the Planning and Zoning Commission with a term expiring in 2017, was Barbara J. Thomas.

Nominated for the vacant position on the Planning and Zoning Commission with a term expiring in 2017, was Karen Collins.

Nominated for the vacant position on the Planning and Zoning Commission with a term expiring in 2017, was Robert Hudson.

Nominated for the vacant position on the Planning and Zoning Commission with a term expiring in 2017, was Ronald Anthony.

Councilmember Mejia inquired if an interview process may occur. Mayor Knight shared that is possible if that is the will of the governing body.

Karen Collins appointed for the vacant position on the Planning and Zoning Commission with a term expiring 2017. A Rollcall vote was cast 4 for, 3 against [Knight, Strain-Burk, and Jaglowski].

Nominated for the vacant position on the Lancaster Economic Development Corporation Board with a term expiring in 2017, was Ted Burk.

Nominated for the vacant position on the Lancaster Economic Development Corporation Board with a term expiring in 2017, was Ronald G. Anthony.

Nominated for the vacant position on the Lancaster Economic Development Corporation Board with a term expiring in 2017, was Pamela Yeargin.

Ted Burk appointed for the vacant position on the Lancaster Economic Development Corporation Board with a term expiring 2017. A Rollcall vote was cast 6 for, 1 against [Hervey].

Nominated for the vacant position on the Lancaster Economic Development Corporation Board with a term expiring in 2017, was Ronald G. Anthony.

Nominated for the vacant position on the Lancaster Economic Development Corporation Board with a term expiring in 2017, was Ellen Clark.

Nominated for the vacant position on the Lancaster Economic Development Corporation Board with a term expiring in 2017, was Lolecia Day.

Ellen Clark appointed for the vacant position on the Lancaster Economic Development Corporation Board with a term expiring 2017. A Rollcall vote was cast 4 for, 3 against [Morris, Hairston, and Hervey].

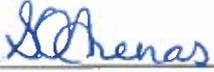
**MOTION:** Mayor Pro Tem Hairston made a motion, seconded by Councilmember Jaglowski, to adjourn. The vote was cast 7 for, 0 against.

The meeting was adjourned at 8:43 p.m.

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ATTEST:



Sorangel O. Arenas, City Secretary

APPROVED:



Marcus E. Knight, Mayor