

## MINUTES

## LANCASTER CITY COUNCIL REGULAR MEETING OF APRIL 23, 2018

The City Council of the City of Lancaster, Texas, met in a called Regular Session in the Council Chambers of City Hall on April 23, 2018 at 7:00 p.m. with a quorum present to-wit:

**Councilmembers Present:**

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

**City Staff Present:**

Opal Mauldin-Jones, City Manager  
Baron Sauls, Finance Director  
Kenneth Johnson, Fire Chief  
Sam Urbanski, Police Chief  
Dori Lee, Director of Human Resources  
Shane Shepard, Director of Economic Development  
Jermaine Sapp, Director of Equipment Services and Facilities  
Alton Dixon, Purchasing Agent  
Jasmine Carr, Community Programs Coordinator  
Jason Boulton, Assistant Police Chief  
Charley Miller, Assistant Police Chief  
Jason Tapscott, CID Police  
Erick Alexander, Sgt. CID Police  
Senad Deranjic, Police Officer  
Chris Youngman, Assistant Fire Chief  
Beau Jackson, Battalion Chief  
Delajer Walker, Interim E.C. Superintendent  
David T. Ritter, City Attorney  
Sorangel O. Arenas, City Secretary

**Call to Order:**

Mayor Knight called the meeting to order at 7:01 p.m. on April 23, 2018.

**Invocation:**

Pastor Dixon gave the invocation.

**Pledge of Allegiance:**

Councilmember Jaglowski led the pledge of allegiance.

**Proclamation:**

Mayor Knight presented a proclamation to Officer Craig L. Shaw's wife, Tiwanda Shaw, proclaiming Monday, April 23, 2018 as "Craig Lamont Shaw Day," and encourage all citizens to observe this day and June 20, 2018 in honor of his sacrifice and heroism as well as remembering the fallen officers across America and in honoring our Lancaster Police Officers who serve and protect us.

Mayor Knight presented and read a proclamation announcing the month of May as "Motorcycle Safety Awareness Month," which urges all residents to increase safety and awareness in the community to enable the reduction of accidents and injuries involving motorcyclists.

Mayor Knight read a proclamation announcing April 8th through 14th, 2018 as "National Public Safety Telecommunicators Week." He extended his gratitude to the City's Public Safety Telecommunicators and

urged everyone in our community to celebrate and honor the men and women whose diligence and professionalism keep our city and citizens safe.

**Consent Agenda:**

City Secretary Arenas read the consent agenda.

1. Consider approval of minutes from the City Council Regular Meetings held on February 26, 2018 and March 12, 2018.
2. Consider a resolution authorizing the purchase of one (1) 2018 F350 Super Cab truck and one (1) 2018 Chevrolet 1500 Silverado 4X4 truck from Wildfire Truck & Equipment Sales through an Interlocal Agreement with the Houston-Galveston Area Council (H-GAC) in an amount not to exceed one hundred thirty-three thousand three hundred twenty-nine dollars and forty-one cents (\$133,329.41).
3. Consider a resolution authorizing the purchase of two (2) 2018 Chevrolet Tahoes from Freedom Chevrolet-Dodge through an Interlocal Agreement with the City of Dallas, Texas in an amount not to exceed sixty-two thousand six hundred dollars (\$62,600).
4. Consider a resolution authorizing the purchase of six (6) 2018 Dodge Charger patrol vehicles from Freedom Chevrolet-Dodge through an Interlocal Agreement with the City of Dallas, Texas and six (6) Panasonic Toughbook mobile data terminals from CDW-G in an amount not to exceed three hundred eleven thousand three hundred nine dollars and forty cents (\$311, 309.40).

Councilmember Mejia pulled item 4.

Mayor Pro Tem Strain-Burk pulled items 2 and 3.

**MOTION:** Mayor Pro Tem Strain-Burk made a motion, seconded by Deputy Mayor Pro Tem Morris to approve consent item 1. The vote was cast 7 for, 0 against.

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Mayor Pro Tem Strain-Burk requested clarification from City Manager Mauldin-Jones on items 2 through 4.

City Manager Mauldin-Jones shared that items 2 through 4 are funded through the Equipment Replacement Fund and expenditures. At the December 04, 2017 Work Session, City Council received a presentation regarding the Equipment Replacement Program.

Councilmember Mejia spoke in favor on item 4 and expressed his appreciation to staff.

Councilmember Jaglowski inquired confirmation that the purchase of items 2 through 4 is in compliance with the Texas Clean Fleet Act. City Manager Mauldin-Jones confirmed and shared that the last two year the city has received The Texas Clean Fleet Award. Councilmember Jaglowski shared his gratitude to staff.

Councilmember Hervey spoke in favor on items 2 through 4 and applauded staff for their efforts.

**MOTION:** Mayor Pro Tem Strain-Burk made a motion, seconded by Deputy Mayor Pro Tem Morris to approve items 2 through 4. The vote was cast 7 for, 0 against.

- 5. Z18-01 Conduct a Public Hearing and consider an ordinance changing a zoning designation from Planned Development-Neighborhood Services (PD-NS) to Planned Development – Light Industrial (PD-LI) on 3.6 acres on the southeast corner of the intersection of North Dallas Avenue and Balmorhea Drive. The property is addressed as 3500 North Dallas Avenue, further described as part of Lot 6 Block A, Van Trust I-20 Logistics Addition in the Smith Elkins Survey, Abstract number 430 City of Lancaster, Dallas County, Texas.**

City Manager Mauldin-Jones stated that item 5 is to consider ordinance changing a zoning designation from Planned Development-Neighborhood Services (PD-NS) to Planned Development - Light Industrial (PD-LI) on 3.6 acres on the southeast corner of the intersection of North Dallas Avenue and Balmorhea Drive. The property was rezoned in 2013 as part of a large 44.08 acre tract of land located at the northeast corner of Telephone Road and North Dallas Avenue. The subject property was rezoned from LI to PD-NS. The applicant is requesting to rezone the subject property from PD-NS to PD-LI to enhance and meet current market demands. On April 3rd, the Planning and Zoning Commission recommended approval of the zoning change request as presented. Staff concurs with the Planning and Zoning Commission as the zoning change request is consistent with the Comprehensive Plan. On March 22, 2018, a notice for this public hearing appeared in the Focus Daily Newspaper. Staff also mailed notifications of this public hearing to property owners within 200-feet of the subject site and zoning signs were placed on the property. There were no letters in favor or opposition of this zoning change request received by staff.

Councilmember Hervey inquired the parking location of the truck dock.

Dan Gallagher, Kimley Horn and Associates, 13455 Noel Road, Dallas, Texas, shared the truck dock will be east which is opposite of North Dallas Avenue.

Mayor Knight opened the public hearing.

Carolyn Ann Morris, 877 W. Wintergreen Road, spoke in opposition of item 5.

Dan Gallagher, Kimley Horn and Associates, 13455 Noel Road, Dallas, Texas, shared that the northeast corner of Telephone Road and North Dallas Avenue is zoned LI to PD-NS and is requesting to expand the zoning to be aligned with the Comprehensive Plan.

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

Mayor Pro Tem Strain-Burk inquired if the zoning request is subject property is located all in the city limits. City Manager Mauldin-Jones referenced Exhibit B, "Concept Plan" and confirmed the property is in the city's jurisdiction.

Deputy Mayor Pro Tem Morris spoke in opposition of item 5 and shared her concerns having logistics near residential property.

Councilmember Mejia shared that the subject property is consistent with the Comprehensive Plan Future Land Use map which designates the area as Logistics/Distribution. The property is a commercial use and will be access by trucks.

Deputy Mayor Pro Tem Morris shared her constituents concerns having distribution trucks on Dallas Avenue and near residential property.

Mayor Knight mentioned that enforcement strategizes is an option to ensure the distribution trucks do not enter residential areas.

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

**6. Conduct a public hearing and consider a resolution approving a three (3) percent increase in the existing solid waste and recycling service rates as presented under the existing contract by and between the City and Community Waste Disposal (CWD).**

City Manager Mauldin-Jones shared that on December 14, 2015, the City of Lancaster entered into a contract with Community Waste Disposal (CWD) to provide refuse, recyclable materials, bulk and brush collection services within the city. Pursuant to the contract, Section 14.02, Modification of Rates, allows CWD to petition the City for an increase or decrease in the rates no more than once per two years or every other year during the life of the contract, based on the annual Consumer Price Index and fuel cost adjustment. A copy of CWD's written rate increase request and a copy of the contract provision for modification to rates were provided. The contract allows CWD to request a rate increase for Residential and Commercial customers not to exceed 3%. If approved, the rate increase will not impact residential customers. Commercial hand collect customers will experience a 3% or \$0.54 per month increase. City staff will notify the 124 commercial hand collect customers via written communication following approval. A companion item to amend the Master Fee Schedule for commercial customers must be considered.

Councilmember Hervey inquired if commercial customers were notified of the increase. City Manager Mauldin-Jones shared that no additional notification were delivered other than the item is being considered in accordance with the Texas Open Meetings Act.

Councilmember Hervey requested item 6 to be tabled to allow commercial customers an opportunity to be notified as well as the opportunity to speak at the public hearing.

Mayor Pro Tem Strain-Burk inquired if the contract allows the requested rate increase. City Manager Mauldin-Jones stated that the contract allows CWD to petition the City for an increase or decrease in the rates no more than once per two years or every other year during the life of the contract.

Deputy Mayor Pro Tem Morris inquired if item 6 must be considered momentarily. City Manager Mauldin-Jones requested City Attorney Ritter for legal input regarding the urgency of consideration to item 6.

City Attorney Ritter shared that per Section 14.02, of the contract, states that base rate adjustment will be considered by the City one month following the second year of the primary term of the contract. The Contractor may petition the City, in writing, for an increase or decrease in the rates no more than once per two years or every other year during the life of the contract. Rates for Commercial Customers may be increased in an amount not to exceed 3%. Contractor must receive approval from the City Council, after public hearing, in order to increase the base rate. He shared that item 6's public hearing does not require public notification and that item 6 must be considered.

Councilmember Jaglowski inquired confirmation that 124 commercial hand collect customers will experience a 3% or \$0.54 per month increase. City Manager Mauldin-Jones confirmed.

Councilmember Hervey expressed his concerns that we ensure public awareness to the individuals and businesses that may be affected.

Mayor Knight opened the public hearing.

There were no speakers.

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

**7. Discuss and consider a resolution amending Section 10.1700 Garbage Collection Fees of the Master Fee Schedule.**

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

**8. Discuss and consider a resolution of the City of Lancaster finding that Oncor Electric Delivery Company LLC's application for Approval of a Distribution Cost Recovery factor to increase distribution rates within the city should be denied.**

City Manager Mauldin-Jones shared that on April 5, 2018, Oncor Electric filed an Application for Approval of a Distribution Cost Recovery Factor to Increase Distribution Rates with each of the cities in their service area, including the City of Lancaster. In the filing, the Company asserts that it is seeking an increase in distribution revenues of nineteen million two thousand one hundred seventy-seven dollars (\$19,002,177). This resolution authorizes the City to join with the Steering Committee of Cities Served by Oncor to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue. They are recommending that cities deny the requested relief. The Public Utility Commission rules allow cities 60 days to act on this application. That deadline is June 4, 2018. Staff recommends approval of the resolution to deny the rate increase.

**MOTION:** Deputy Mayor Pro Tem Morris made a motion, seconded by Mayor Pro Tem Strain-Burk to approve item 8. The vote was cast 7 for, 0 against.

**9. Discuss and consider an ordinance amending the annual Golf Fund budget adopted by Ordinance No. 2017-09-45, for fiscal year 2017/2018.**

Mayor Knight shared that staff requested to pull item 9 for further discussion at an upcoming Work Session Meeting.

**10. Discuss the appointment of a Committee to consider an application for a City Facility Name Change Request.**

Mayor Knight shared that item 10 is that a City Council subcommittee will be formed and be responsible for recommending a name for City facilities to the entire City Council for consideration. Civil Service Director, Dori Lee, will serve as staff liaison along with two (2) council members, Mayor Pro Tem Carol Strain-Burk and Deputy Mayor Pro Tem Nina Morris, and Civil Service Commission Chair, Audley Logan. Additionally, two members at large is needed to represent the public.

Mayor Pro Tem Strain-Burk nominated Ellen Clark.

Councilmember Jaglowski nominated Jean Knopf.

Deputy Mayor Pro Tem Morris suggested selecting members that are not affiliated with applicant. Mayor Knight inquired from Deputy Mayor Pro Tem Morris if she has any suggestions.

Deputy Mayor Pro Tem Morris nominated LaFayette Miles. Mayor Knight shared that it has been a practice that if a Boards and Commissions member decides to seek an elected office that member relinquishes their rights and privileges to continue to serve in their capacity.

City Attorney Ritter advised to follow the tradition and practice since a candidate is different that a citizen at-large. Also, since selected Council members were excluded from serving on the committee due to seeking office then he advised to keep the consistency.

Deputy Mayor Pro Tem Morris nominated Roosevelt Nichols.

City Secretary Arenas conducted a rollcall vote on the following nominations: Ellen Clark, Jean Knopf, and Roosevelt Nichols.

The roll call vote for Ellen Clark failed, 2 for, 5 against [Jaglowksi, Knight, Hervey, Hairston, and Morris]. The results on the rollcall vote appointed Jean Knopf, 6 for, 1 against [Mejia] and Roosevelt Nichols, 6 for, 1 against [Strain-Burk].

#### **11. Discuss and consider appointments to the Hike and Bike Trails Advisory Committee.**

City Manager Mauldin-Jones shared that Councilmember Jaglowksi has recommended Jean Knopf and Mark Powell and Jackie Powell for consideration as avid trail users (citizens). The consultant recommended that a 10 member committee consisting of representatives from the stakeholders groups listed in the agenda. A request was made to provide the 2017 Boards and Commissions interview list to consider appointments to the committee. Also, if the committee is not appointed it would create delays.

Mayor Pro Tem Strain-Burk appointed Councilmember Jaglowksi.

Councilmember Jaglowksi appointed Mark Powell.

Councilmember Mejia appointed Gretchen Weaver.

Mayor Knight appointed Bridget Smith.

Councilmember Hervey appointed Sean Mixon.

Councilmember Hairston appointed Petra Covington.

Deputy Mayor Pro Tem Morris appointed Gregory Buchanon.

John Paulus appointed to serve as a representative of John's Trikes & Bikes and Karla Weaver, or her designee, appointed to serve as a representative of NCTCOG Program Manager.

Councilmember Hairston nominated Jeremy Reed.

**MOTION:** Councilmember Hairston made a motion, seconded by Councilmember Hervey to appoint Councilmember Jaglowksi, Mark Powell, Gretchen Weaver, Bridget Smith, Sean Mixon, Petra Covington, Gregory Buchanon, Jeremy Reed, John Paulus, and Karla Weaver, or her designee to the Hike and Bike Trails Advisory Committee. The vote was cast 7 for, 0 against.

**12. City Council shall convene into closed executive session pursuant to Section 551.072, Texas Gov't Code to deliberate the sale, acquisition or exchange of real property located east of Dallas Avenue, South of Pleasant Run Road, North of Beltline and West of Lancaster-Hutchins Road.**

**13. 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 8:42 p.m. and reconvened into open session at 9:01 p.m.

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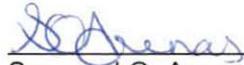
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**MOTION:** Councilmember Hairston made a motion, seconded by Councilmember Hervey to direct staff to enter into negotiations with the owners of the three tracts discussed in executive session for the City to acquire the real property located east of Dallas Avenue, South of Pleasant Run Road, North of Beltline and West of Lancaster-Hutchins Road. The vote was cast 7 for, 0 against.

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

The meeting was adjourned at 9:02 p.m.

**ATTEST:**



Sorangel O. Arenas, City Secretary

**APPROVED:**



Clyde C. Hairston, Mayor