

LANCASTER CITY COUNCIL REGULAR MEETING OF NOVEMBER 12, 2018

The City Council of the City of Lancaster, Texas, met in a called Regular Session in the Council Chambers of City Hall on November 12, 2018 at 7:00 p.m. with a quorum present to-wit:

Councilmembers Present:

Mayor Clyde C. Hairston
Carol Strain-Burk
Deputy Mayor Pro Tem Stanley Jaglowski
Mayor Pro Tem Marco Mejia
Derrick D. Robinson
Racheal Hill
Nina Morris

City Staff Present:

Opal Mauldin-Jones, City Manager
Rona Stringfellow, Deputy City Manager
Fabrice Kabona, Assistant City Manager
Jasmine Carr, Community Programs Coordinator
Baron Sauls, Finance Director
Kenneth Johnson, Fire Chief
Sean Johnson, Director of Quality of Life and Cultural Services
Shane Shepard, Director of Economic Development
Sam Urbanski, Police Chief
Charley Miller, Assistant Police Chief
Dori Lee, Director of Human Resources
Jermaine Sapp, Director of Equipment Services and Facilities
Delajer Walker, Interim E.C. Superintendent
Bester Munyaradzi, Senior Planner
David T. Ritter, City Attorney
Sorangel O. Arenas, City Secretary

Call to Order:

Mayor Hairston called the meeting to order at 7:00 p.m. on November 12, 2018.

Invocation:

Pastor Michael Green gave the invocation.

Pledge of Allegiance:

Councilmember Robinson led the pledge of allegiance.

Proclamation:

Mayor Hairston read a proclamation announcing November 11, 2018 as "Veterans Day" and urge all citizens to thank our veterans for their sacrifice and service.

Mayor Hairston presented Graduate Certificates to members of the 2018 Civic Leadership Academy and congratulated members on a successful completion of the program. Certificates were presented to: Alan Beavers, Christye Boyd, Brenda Davis, Elizabeth Frazer, Tinia Houston, Francis Jordan, Linda Kelley, Vivica Outlaw, Sharonda Peppers, Desiree Powell, Stan Reid, Pamela Robinson, Angela Shoniwa, Pamela Williams, and Sawanna Wilson. Lani Francis, Rodney Terrell, Deidra Whyete-Babers, and Brian Harkins graduated but were not in attendance.

Citizens' Comments:

Jasmine Carr, 211 N. Henry Street, invited the community to attend "A Heroes Holiday-65th Annual Christmas Parade" scheduled for Saturday, December 8, 2018 honoring our Hometown Heroes. The parade will begin at 1:00 p.m. at the Beverly D. Humphrey Tiger Stadium to the Historic Town Square. The line-up begins at 11:00 a.m. to 12:30 p.m. The festival will commence at the Historic Town Square from 2:00 p.m. to 5:00 p.m. The Grand Marshals will be City of Lancaster veterans. Staff is requesting veterans to register to participate in the parade by contacting Community Relations at communityrelations@lancaster-tx.com or 972-218-1300 and providing their name, branch of service, years of service and wars.

Glenn Hooper, 323 S. Dallas Avenue, spoke in favor of item 12.

Susie Weaver, 411 S. Centre, spoke in opposition of item 12.

Dallas Anderson, 315 S. Centre, spoke in opposition of item 12.

Ellen Clark, 954 Nokomis, spoke in opposition of item 12 and requested a public hearing.

Dee Hinkle, 105 E. 5th Street, spoke in favor of item 12.

Consent Agenda:

City Secretary Arenas read the consent agenda.

1. **Consider approval of minutes from the City Council Special Meeting held on August 31, 2018 and September 1, 2018; City Council Regular Meeting held on September 10, 2018; and City Council Special Meeting held on September 17, 2018.**
2. **M18-17 Consider an ordinance amending Article 6.07 Fences, Section 6.07.008 Fence construction, materials, and setback, Subsection (c) of the Lancaster Code of Ordinances, to allow R-panel as a permitted fence material in industrial zoned districts.**
3. **Consider an ordinance amending the Lancaster Code of Ordinances Article 6.12 Single-Family and Duplex Rental Property Regulations and various Subsections of Article 6.12 to establish Short-term Rentals (STRs) owner application and property registration regulations.**
4. **M18-19 Consider an ordinance amending Article 14.800 (Landscape Regulations and Standards) Section 14.805 (Landscape Materials & Standards) Subsection (b) Xeriscape Landscaping for a more comprehensive Xeriscape Landscape Ordinance.**
5. **M18-20 Discuss and consider an ordinance(s) amending Ordinance No. 2006-04-13 (The Lancaster Development Code), Article 14.400 (Permissible Uses), Section 14.402 (Use Standards) Subsection (f) Retail and Personal Service Use Regulations; the Land Use Tables and Articles 14.1300, Subsection 14.1302 Definitions to add variety store use, variety and grocery store definitions and variety store regulations.**

Councilmember Hill pulled item 5.

MOTION: Councilmember Morris made a motion, seconded by Councilmember Strain-Burk to approve consent items 1 through 4, excluding item 5. The vote was cast 7 for, 0 against.

5. **M18-20 Discuss and consider an ordinance(s) amending Ordinance No. 2006-04-13 (The Lancaster Development Code), Article 14.400 (Permissible Uses), Section 14.402 (Use Standards) Subsection (f) Retail and Personal Service Use Regulations; the Land Use Tables and Articles 14.1300, Subsection 14.1302 Definitions to add variety store use, variety and grocery store definitions and variety store regulations.**

Councilmember Hill spoke in favor of item 5. She expressed appreciation to City Manager Mauldin-Jones and City staff. She requested comments from Senior Planner Munyaradzi.

Senior Planner Munyaradzi shared that the current code of ordinance does not list nor define a “variety store” and amending the ordinance will provide regulations on distance separation between variety stores and will set requirements for provision of fresh, quality and nutritious food in variety stores locating less than two miles from another variety store.

MOTION: Councilmember Morris made a motion, seconded by Councilmember Strain-Burk to approve item 5. The vote was cast 7 for, 0 against.

6. **Z18-15 Conduct a public hearing and consider a rezoning request from Agricultural Open (AO) to SF-E Single Family Residential Estate for a portion of the property located in Lancaster, Dallas County. The property is located on the south side of Raintree Drive and is approximately 1,000 feet east of Nokomis Road and is addressed as 1522 Raintree Drive. It is further described as Lot 20 in Abstract 765 Survey M.H. Lavender and Abstract 1356 M.H. Lavender Survey, Lancaster, Dallas and Ellis County, Texas respectively.**

City Manager Mauldin-Jones spoke on item 6 to conduct a public hearing and consider a rezoning request on a property zoning Agricultural Open (AO). In 2011, the property was annexed into the city limits; therefore, automatically rezoning the property to Agricultural Open. The applicant is requesting to rezone the subject property Single Family Residential-Estate (SF-E) for the development of a single family home on 1.85 acres of land. The current zoning allows for a single family dwelling on five (5) acres or more. The proposed zoning change would allow up to one (1) dwelling unit per acre. The zoning change request is consistent with the Comprehensive Plan shown on the attached Comprehensive Plan excerpt. This property serves as an ideal location for a single family home as it is surrounded by properties ready to be rezoned to Single Family Residential Estate as most of the lots are more than one acre. Eight (8) public notifications were provided to owners that are within 200 feet of the subject property. There was one letter received in support and one letter received in opposition to item 6. On November 6, 2018 the Planning and Zoning Commission recommended approval of the rezoning request, as presented. Staff concurs with the Planning and Zoning Commission’s recommendation.

Mayor Pro Tem Mejia spoke in favor of item 6 as he wishes to see larger homes on larger lots within the City limits.

Mayor Hairston opened the public hearing.

Carolyn Morris, 887 W. Wintergreen Road, spoke in favor of item 6.

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

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Hill to approve item 6. The vote was cast 7 for, 0 against.

7. **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 PME Oakmont Lancaster, LLC.**

City Manager Mauldin-Jones spoke on item 7 to execute an incentive agreement with PME Oakmont Lancaster, LLC. The building will total approximately 600, square feet. The project will represent over \$22,000,000 in new capital investment. PME Oakmont Lancaster, LLC will annually submit receipts for real property tax payments in order to exercise the Grant. Within 60 days of verification of payment, the City will remit forty-five percent (45%) of the real property tax payment to the company for a period of five (5) years. Based on the estimated value added capital investment submitted by the company and in consideration of the tax rebates, the project will represent approximately \$524,837 over the first five year period in new revenue to the City and \$190,850 annually after that. Staff recommends approval of the resolution and agreement, as presented.

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

8. **Discuss and consider a resolution ratifying the terms and conditions of an incentive grant by and between PME Oakmont Lancaster, LLC and the Lancaster Economic Development Corporation (LEDC).**

City Manager Mauldin-Jones spoke on item 8 and stated the item is to ratify the terms and conditions of an incentive grant by and between PME Oakmont Lancaster, LLC and the Lancaster Economic Development Corporation (LEDC). The LEDC approved a resolution at the November 1, 2018 Regular Meeting. The company requested assistance with the overall construction and permitting costs associated with their project. A grant equal to \$30,000 to assist with infrastructure costs associated with the construction of the building. PME Oakmont Lancaster, LLC is making approximately \$296,000 in improvements to West Drive Road. A grant equal to \$40,000, or 50%, whichever is less, to assist with City permit fees associated with the construction of the building. Construction on the building must commence within twenty-four (24) months from the execution of the agreement between PME Oakmont Lancaster, LLC and the Lancaster Economic Development Corporation or the agreement will terminate and any incentive payments must be repaid to the Lancaster Economic Development Corporation. All funds are rebates. No funds are advancements. Staff recommended approval of the resolution, as presented.

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

9. **Discuss and consider a resolution ratifying the authorization of allocation of one hundred fifty thousand dollars (\$150,000) by the Lancaster Economic Development Corporation to Cedar Valley College to assist in matching a \$4.8 million grant for a Heating, Ventilation, and Air Conditioning skill development program provided by Cedar Valley College.**

City Manager Mauldin-Jones spoke on item 9 and shared that Dr. Seabrooks, President of Cedar Valley College, will present a detailed presentation on item 9. She shared that on November 1, 2018, the Lancaster Economic Development Corporation (LEDC) unanimously approved a grant to Cedar Valley College allocation of one hundred fifty thousand dollars (\$150,000). Cedar Valley College (CVC) intends to develop a state-of-the art Heating, Ventilation, Air Conditioning (HVAC) Commercial program.

Dr. Seabrooks, President of Cedar Valley College, stated that Cedar Valley College has offered residential heating and air conditioning certificates and degrees for several years. Understanding and meeting the needs of Lancaster, addressing Grow South, Best Southwest and labor market, Cedar Valley will provide a comprehensive HVAC training program that will prepare students for careers in industry positions in the North Texas service area and beyond. These programs will allow students to obtain marketable skills in order to make an above average salary in a high demand industry. The median salary for Heating, Air Conditioning, and Refrigeration Mechanics is \$42,000 annually. A grant of \$150,000 to assist with the development of the Commercial Lab, is eligible for a matching award in equal amounts from the Texas Workforce Commissions. The program will be implemented at the CVC campus and will entail a 16,088 s/f facility and the purchase of equipment in the amount of \$615,672.

Councilmember Morris spoke in favor of item 9 and expressed her gratitude and appreciation for the continuing partnership.

Councilmember Strain-Burk inquired if corporations have expressed interest in sponsorship. Dr. Seabrooks shared that nine (9) corporations have made verbal commitments to provide some level of support in the program as well as assist in the equipment cost. The relationship Cedar Valley College (CVC) established by being a member of National Coalition of Certification Centers (NC3) allowed to explore opportunities with Trane, U.S., Inc. With the help of NC3 and Trane, Cedar Valley College will become a training and certification center of excellence for students, other schools in the region, and the technician service industry, this includes but is not limited to Heating, Ventilation, Air-Conditioning (HVAC) and Controls.

Mayor Pro Tem Mejia shared that originally he was not in favor of item 9; but after given more thought, he supports the investments to the local education sectors in the community.

Mayor Hairston inquired if other organizations have provided financial assistance. Dr. Seabrooks revealed that Cedar Hill Economic Development Corporation, DeSoto Economic Development Corporation, and Dallas Economic Development Corporation requested to participate. He expressed the need of this type of technical training that will assist in the growth in the community and is excited to be a part of the solution and be able to provide these programs that will allow students to obtain marketable skills in order to make an above average salary in a high demand industry. There are currently 1,000 HVAC positions that are open in the Dallas County regional job market.

Councilmember Strain-Burk expressed her excitement and appreciation of Cedar Valley College requesting the City's support to assist for a grant for a Heating, Ventilation, and Air Conditioning skill development program.

Councilmember Hill expressed her gratefulness for the opportunity and for providing a program that will be an asset to the community.

MOTION: Councilmember Morris made a motion, seconded by Councilmember Strain-Burk to approve item 9. The vote was cast 7 for, 0 against.

- 10. 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 Ollie's Bargain Outlet, Inc.**

City Manager Mauldin-Jones spoke on item 10 and shared that Ollie's Bargain Outlet, Inc. (Ollie's) has entered into an agreement to purchase approximately 58 acres on Lancaster Hutchins Road to construct a warehouse distribution facility totaling approximately six hundred thousand (600,000) square feet for operations as a regional distribution facility. The business will employ 225 full-time workers within the first four years of operations and will pay market wages, currently between \$14 and \$16 per hour. The company estimates approximately \$20,000,000 in value added capital investment at their site in Lancaster in real property and an additional \$10,000,000 - \$15,000,000 in business personal property. The company has applied for a real property and business personal property incentive grant in compliance with the City's Incentive Policy. Ollie's will annually submit receipts for real property tax payments in order to exercise the Grant. Within 60 days of verification of payment, the City will remit forty-five percent (45%) of the real property tax payment to the company for a period of five (5) years and sixty-five percent (65%) of business personal property tax payment to the company for a period of eight (8) years. Staff recommended approval of the resolution, as presented.

MOTION: Councilmember Morris made a motion, seconded by Councilmember Hill to approve item 10. The vote was cast 7 for, 0 against.

- 11. M18-06 Discuss and consider an ordinance abandoning a slope and grading easement and a portion of Eaton Avenue, within the Daniieldale Resubdivision providing for the furnishing of a certified copy of the Ordinance for recording in the real property records of Dallas County, Texas as a deed; and providing an effective date.**

City Manager Mauldin-Jones spoke on item 11 and shared that the property is dispersed within the Daniieldale Resubdivision, located on the southeast corner of Oak Farms Boulevard and I-20 Frontage Road and is approximately two (2) acres in total. The subject properties are currently zoned SF-6 Single Family Residential and Light Industrial (LI). She shared the case history regarding the subject property. The request is to abandon the Slope and Grading Easement and a portion of Eaton Avenue on the northeast side of the property. The Grantee's rights were assigned to LIT Industrial Limited Partnership (LIT), successor in title to PIHV South Pointe Industrial, LLC. LIT accepted the Slope Easement Property in its current "As-Is" condition and confirmed that "the City has no responsibility to perform any work in or any responsibility for the current condition of any previous construction work related to the Slope Easement Property." The ordinance has been reviewed and approved as to form by the City Attorney. Staff recommended approval of the ordinance filing and noting the release of liability as an attachment to the ordinance.

MOTION: Councilmember Morris made a motion, seconded by Councilmember Strain-Burk to approve item 11. The vote was cast 7 for, 0 against.

- 12. M18-23 Discuss and Consider an ordinance(s) amending Ordinance No. 2006-04-13 (The Lancaster Development Code), Section 14.506 Special Districts Subsection (b) Historic Preservation Overlay (HPO) District (2) Core Principles, Design Guidelines and Construction Standards of the Lancaster Development Code (LDC) adopting Historic District Regulations for Historic Residential Landmarks and properties within the Historic District.**

City Manager Mauldin-Jones spoke on item 12 and shared that the City Council Strategic Plan identifies the 2016 Comprehensive Plan Implementation Strategies as a priority and Adopt Historic Area guidelines as regulations is listed as a top priority on the Short Term Implementation Action Plan section of the Comprehensive Plan. The Historic District Design Guideline was adopted in 2010. Currently, the Historic District Guidelines are non-binding, non-mandatory and cannot be enforced. Guidelines are suggestions that a property owner may choose to do or not to do. On October 15, 2018, the City Council received a presentation from staff, Council requested staff to bring forward an ordinance amending Section 14.506 Special Districts Subsection (b) Historic Preservation Overlay (HPO) District (2) Core Principles, Design Guidelines and Construction Standards of the Lancaster Development Code (LDC) adopting Design Regulations for Historic Residential Landmarks and Properties within the Historic District. The City Attorney has reviewed and approved the ordinance as to form. Staff recommended approval of the ordinance, as presented.

Councilmember Morris shared that the Historic District must have guidelines to be able to maintain and provide a set standard to preserve the City's rich heritage.

Mayor Pro Tem Mejia shared that the ordinance will be a challenge for future developers and investors. He expressed the importance and the value of the Historic Landmarks and properties within the Historic District; however, believes item 12 may be more problematic.

Councilmember Strain-Burk shared that the guidelines will increase the character of assets and value of Historic Landmarks and properties within the Historic District. The work on the Comprehensive Plan has driven many citizens into the community.

Councilmember Hill shared she desires any implementation for the improvement of the Historic District. Also, she acknowledged the citizens that spoke during the Citizens' Comments section of the agenda and inquired the process to conduct a Public Hearing on the matter.

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Morris to approve item 12. The vote was cast 6 for, 1 against [Mejia].

- 13. The City Council shall convene into closed executive session pursuant to:**
- a. Section 551.072, Texas Gov't Code to consider exercising the power of eminent domain to condemn a portion of the properties located along E. 3rd Street, Lancaster, Texas for the public purpose of the Third Street Bridge/Road expansion project.**
 - b. Section 551.071(1)(A), Texas Gov't Code to discuss pending or contemplated litigation regarding substandard buildings and action to compel the repair or demolition of a structure under Chapter 54, Texas Local Gov't Code.**
 - c. Section § 551.074 (a)(1) of the Texas Government Code to deliberate the appointment, employment, evaluation, duties or dismissal of a public officer, to wit: the City Manager.**
 - d. Section § 551.074 (a)(1) of the Texas Government Code to deliberate the appointment, employment, evaluation, duties or dismissal of a public officer, to wit: the City Attorney.**

14. 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 8:22 p.m. and reconvened into open session at 10:23 p.m.

MOTION: Councilmember Morris made a motion, seconded by Councilmember Strain-Burk on item 13a to authorize the use of the power of eminent domain to acquire three properties bordering E. 3rd Street, specifically, and approximately 0.1554 acre tract out of the Samuel Keller Survey, Abstract Number 720, City of Lancaster, Dallas County, Texas, currently known as 651 E. Third Street and/or 641 E. Third Street; a 0.337 acre tract out of Samuel Keller Survey, Abstract Number 720, City of Lancaster, Dallas County, Texas, currently known as 661 E. Third Street; and a 0.020 acre tract out of the Samuel Keller Survey, Abstract Number 720, City of Lancaster, Dallas County, Texas, currently known as 701 E. Third Street all for the public use of the Third Street Bridge/Road expansion project. The vote was cast 7 for, 0 against.

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Morris on item 13b to file a Texas Local Government Code under Chapter 54 lawsuit to compel the repair or demolition of a structure at 643 E. Reindeer Road. The vote was cast 7 for, 0 against.

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Morris to adjourn. The vote was cast 7 for, 0 against.

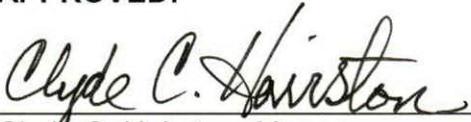
The meeting was adjourned at 10:26 p.m.

ATTEST:



Sorangel O. Arenas, City Secretary

APPROVED:



Clyde C. Hairston, Mayor