

MINUTES

LANCASTER CITY COUNCIL REGULAR MEETING OF JUNE 22, 2020

The City Council of the City of Lancaster, Texas, met in a called Regular Session in the Council Chambers of City Hall on June 22, 2020 at 7:00 p.m. with a quorum present to-wit:

Councilmembers Present:

Mayor Clyde C. Hairston
Carol Strain-Burk
Stanley Jaglowski
Marco Mejia
Deputy Mayor Pro Tem Derrick D. Robinson
Mayor Pro Tem Racheal Hill
Nina Morris (Items 1-6 & 10)

City Staff Present:

Opal Mauldin-Jones, City Manager
Ron Gleaves, Information Technology Manager
David T. Ritter, City Attorney
Sorangel O. Arenas, City Secretary

Call to Order:

Mayor Hairston called the meeting to order at 8:16 p.m. on June 22, 2020.

Invocation:

Bishop Clyde C. Hairston of Miracle Temple Fellowship Church gave the invocation.

Pledge of Allegiance:

Deputy Mayor Pro Tem Derrick D. Robinson led the pledge of allegiance.

Proclamation:

Mayor Hairston read the "Park and Recreation Month" proclamation and encouraged all citizens to celebrate the vitality of parks and recreation programs and parks in our city.

Mayor Hairston read the "Juneteenth Day" proclamation and urged all of our citizens to take part in the celebration and experience the African-American culture.

Councilmember Nina Morris read "A Racial Equality Letter" to District 6 residents.

Citizens' Comments:

Dori Lee, 211 N. Henry St., shared employee recognition of David Hurtado, Animal Shelter Attendant and Water / Wastewater Department Employees.

Opal Mauldin Jones, 211 N. Henry St., shared upcoming events.

Priscilla Valdez, 4180 Interurban Rd shared her concerns on roads and code enforcement.

Consent Agenda:

City Secretary Arenas read the consent agenda.

1. **Consider approval of minutes from the City Council Regular Meetings held on March 23, 2020, June 22, 2020, and May 11, 2020.**
2. **Consider a resolution approving the terms and conditions of a Project Specific Agreement with Dallas County for striping on various streets in the City of Lancaster, Texas.**

3. Consider a resolution approving the terms and conditions of an agreement with Halff Associates for I-35E and Loop 9 Overlay District Corridor Studies, and authorizing the City Manager to sign a professional service agreement in an amount not to exceed two hundred ninety-three thousand and one hundred dollars (\$293,100).
4. Consider a resolution ratifying the lease agreement with Aishvary AM LLC, Doing Business As (DBA) Instinct Aviation Academy.

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

Executive Session:

5. City Council shall convene into closed executive session pursuant to City Council shall convene into closed executive session pursuant to Section §551.071 of the Texas Government Code to seek legal advice from the City Attorney concerning pending or contemplated litigation: Lancaster Mills Development Plan.
6. 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 8:45 p.m. and reconvened into open session at 9:15 p.m.

Mayor Hairston altered the agenda.

10. **Z20-04 Discuss and consider an amendment to the existing Lancaster Mills General Development Plan and certain standards from the Mills Branch Overlay District (MBOD) pertaining to Lancaster Mills to allow modifications to the development criteria. The property is located south of Redbud Street and Main Street, west of Stewart Street and north of Belt Line Road, approximately 720 feet east of Belt Line Road, and is about 60.59 acres in size. The property is more particularly described as property located in the Bader Survey, Abstract No. 172 in the City of Lancaster, Dallas County, Texas.**

City Manager Mauldin-Jones shared that Lancaster Mills is a General Development Plan that was approved in October 2005 and is part of the Mills Branch Overlay District. It is a 60.59 acre tract of land with proposed single-family homes, commercial uses, common areas, and trails. The General Development Plan was approved with 2005 housing market circumstances that are not presently viable, according to the applicant. The applicant is, therefore, requesting to make modifications to the approved Lancaster Mills General Development Plan to meet the market need. City Manager Mauldin-Jones shared that City Council conducted the public hearing at the May 11, 2020 regular meeting. The applicant requested time to review the requested amendments proposed by Council. City Manager Mauldin-Jones read the proposed modifications from the May 11, 2020 City Council Meeting. City Manager Mauldin-Jones shared that besides the proposed modifications in the table, all other development standards from the Lancaster Mills General Development Plan and the Mills Branch Overlay District will remain the same. City Manager Mauldin-Jones shared that on April 19, 2020, a notice for this public hearing appeared in the Focus Daily Newspaper. Staff also mailed 77 notifications of this public hearing to property owners within 200-feet of the subject site and zoning signs were placed on the property. There was one (1) letter received in support and four (4) letters received in opposition of this amendment to the existing Lancaster Mills General Development Plan request. City Manager Mauldin-Jones shared at the April 7, 2020, Planning & Zoning Commission meeting, staff recommended approval of the requested modifications subject to the stipulations and the applicant has met all the proposed amendments. However, Planning

& Zoning Commission recommended denial of the requested modifications. Therefore, in order for this request to be approved a super majority vote by City Council would be required.

Abraham Achar, Developer, 11615 Forest Central, Dallas, TX-, answered Council's questions regarding the building project.

City Attorney Ritter recommended bringing back this item with an ordinance. He stated that a super majority vote by City Council would be required. City Attorney Ritter stated a roll call was required.

The roll call vote to approve item 10 with discussed changes. The vote was cast 6 for, 1 against. [Mejia].

7. Conduct a public hearing and consider an ordinance adopting the 2020 Parks, Recreation and Open Space Master Plan; amending Chapter 7 of the 2016 Comprehensive Master Plan.

City Manager Mauldin-Jones shared that the 2020 Parks, Recreation and Open Space Master Plan; amending Chapter 7 of the 2016 Comprehensive Master Plan presented at the June 22, 2020, Special Work session was recommended for approval by the Planning and Zoning Commission at their June 9, 2020 meeting.

Elizabeth McIlrath, Dunaway Associates was available for questions.

Phillip Neely Dunaway Associates was available for questions.

Mayor Hairston opened the public hearing.

There were no speakers.

MOTION: Mayor Pro Tem Hill made a motion, seconded by Councilmember Jaglowski to close the public hearing. The vote was cast 6 for, 0 against [Morris absent].

MOTION: Strain- Burk made a motion, seconded by Mayor Pro Tem Hill to approve item 7. The vote was cast 6 for, 0 against [Morris absent].

8. Z20-06 Conduct a public hearing and consider an ordinance changing zoning from Agricultural Open District (AO) to Single Family Residential (SF-2) for the properties addressed as 1875 and 1901 West Wintergreen Road located south of Anderson Farms Subdivision and north of Wintergreen Road. The properties are approximately 1.1 acre out of a tract of land situated in the W. Fleming Survey, Abstract no. 466, in the City of Lancaster, Dallas County, Texas. This is a companion item to the request to rezone a separate 8.8 acre parcel in the tract to (TH-16).

City Manager Mauldin-Jones shared that this item is a 2-part item and that this request is to rezone the subject parcel from Agricultural Open (AO) to Single Family Residential (SF-2) as shown on the attached Concept Site Plan. The current zoning only allows for single-family detached homes, farming, and ranching-related activities and accessory uses. There are two (2) existing homes that is approximately 1.1 acre in size. The lot on the west is approximately .54 acre and the lot on the east is approximately .51 acre. City Manager Mauldin-Jones shared The City's Future Land Use Plan of the Comprehensive Plan identifies these sites as suitable for Suburban Neighborhood uses. The Future Land Use Plan states that, "Suburban neighborhoods will continue to be the dominant place type in Lancaster providing a variety of residential products ranging from townhomes to single family detached. These neighborhoods would generally be formed as subdivisions with residential densities ranging from 2-8 dwelling units per acre."

The request to rezone 1.1 acres of the property from AO to SF-2 is consistent with the Future Land Use Plan as the SF-2 zoning district will have a density of two dwelling units per acre. It is also consistent with City Council's Goals and Objectives which advocated for the creation of low density zoning categories for the creation of "high-end" development. Additionally, on April 26, 2020, a notice for this public hearing appeared in the Focus Daily Newspaper. Staff also mailed 47 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 two (2) letters received in support and eight (8) letters received in opposition of this request. City Manager Mauldin-Jones shared that during the June 9, 2020, Planning and Zoning Commission (P&Z) Special meeting, the P&Z recommended approval of the zoning change request. Staff concurs with the P & Z recommendation.

David Kirch, Architect, 698 S. Bowser, Richardson, TX- spoke regarding project features.

Mayor Hairston opened the public hearing.

MOTION: Mayor Pro Tem Hill made a motion, seconded by Councilmember Strain-Burk to close the public hearing. The vote was cast 6 for, 0 against [Morris absent].

MOTION: Councilmember Strain-Burk made a motion, seconded by Mayor Pro Tem Hill to approve item 8. The vote was cast 6 for, 0 against [Morris absent].

9. **Z20-06 Conduct a public hearing and consider an ordinance changing zoning from Agricultural Open District (AO) to Town House Residential District (TH-16) for the property addressed as 1801 West Wintergreen Road and located south of Anderson Farms Subdivision and north of Wintergreen Road. The property is approximately 8.8 acres out of a tract of land situated in the W. Fleming Survey, Abstract No. 466, in the City of Lancaster, Dallas County, Texas. This is a companion item to the request to rezone a separate 1.1 acre parcel in the tract to (SF-2).**

City Manager Mauldin-Jones shared this is a request to rezone the subject parcel from Agricultural Open (AO) to Town House Residential District (TH-16). The zoning would allow up to 80 townhomes as shown on the attached site plan. The current zoning only allows for single-family detached homes, farming, and ranching-related activities and accessory uses. The subject property is currently vacant and requires zoning change from AO to TH-16 in order to develop townhomes on the site. The proposed square footage of the dwelling areas will range from 1,634 square feet to 1,696 square feet, two (2) story buildings. The townhomes will be internally served by private streets. City Manager Mauldin-Jones shared The City's Future Land Use Plan of the Comprehensive Plan identifies this site as suitable for Suburban Neighborhood uses. The Future Land Use Plan states that, "Suburban neighborhoods will continue to be the dominant place type in Lancaster providing a variety of residential products ranging from townhomes to single family detached. These neighborhoods would generally be formed as subdivisions with residential densities ranging from 2-8 dwelling units per acre." Although townhomes are mentioned in the description of the Suburban Neighborhood designation; the proposed TH-16 zoning district is not compatible with this place type as the requested zoning district will allow high density of up to 16 units per acre. As stated above, Suburban Neighborhood allows for densities ranging from 2-8 units per acre, the high density development is therefore inconsistent with the Future Land Use Plan of the Comprehensive Plan. In addition, the request to rezone 8.8 acres of the property to TH-16 is not consistent with City Council Goals and Objectives which advocated for low density zoning categories and the creation of "high-end" development. This subject property is proposed to be enclosed by a six (6) feet metal fence and access to the site will be through two (2) private gates to the north and one to the south of the property. However, the high density townhomes and visual appeal of the proposed dwelling units do not fit in an area that is surrounded by single family homes. Rezoning the 8.8 acres to a classification allowing 2-8 units per acre would be consistent with the Future Land Use Plan of the Comprehensive Plan while fulfilling the city Council goals noted above. City Manager Mauldin-Jones shared Based upon

an analysis of the five (5) considerations that must be taken into consideration when reviewing a change in zoning application, the proposed zoning change request to TH-16 is not appropriate as the proposed zoning district allows a dense residential development with small dwelling areas which is not consistent with the Future Land Use Plan (FLUP) of the Comprehensive Plan. The proposed zoning district is also not consistent with the FLUP's requirement for densities ranging from 2-8 units per acre and is contrary to the City Council's Goals and Objectives to promote next level housing that is higher than work force/starter homes. In addition, the proposed development lacks desirable amenities as there is only one (1) open space proposed in the entire development. The proposed amenity is not proportional to the proposed density of the development. Furthermore, the attached elevation plan does not have any form of visual appeal; the design appears more like a two-story apartment complex. As such, staff recommends denial of the request to rezone to TH-16 for reasons noted. City Manager Mauldin-Jones shared that on April 26, 2020, a notice for this public hearing appeared in the Focus Daily Newspaper. Staff also mailed 47 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 two (2) letters received in support and eight (8) letters received in opposition of this request. Additionally, during the June 9, 2020 Planning and Zoning Commission (P&Z) Special meeting, the P&Z recommended denial of the zoning change request. Staff concurs with the P&Z's recommendation.

David Kirch, Architect, 698 S. Bowser, Richardson, TX- gave a presentation for the proposed project.

Mayor Hairston opened the public hearing.

There were no speakers.

MOTION: Mayor Pro Tem Hill made a motion, seconded by Councilmember Strain-Burk to close the public hearing. The vote was cast 6 for, 0 against [Morris absent].

MOTION: Councilmember Mejia made a motion, seconded by Councilmember Strain-Burk to approve item 9. The roll call vote was cast 0 for, 6 against. [Morris absent].

11. **Discuss and consider an ordinance extending the previously declared local public health disaster resulting from COVID-19 until July 31, 2020, and adopting and ratifying all national, state, and county executive or emergency orders regarding COVID-19.**

City Manager Mauldin-Jones shared that on March 12, 2020, Dallas County Judge Clay Jenkins issued a Declaration of Local Disaster for Public Health Emergency due to a novel coronavirus (COVID-19). Judge Jenkins also issued an order in furtherance of his authority to protect the safety and welfare of the public by slowing the spread of the virus. As such, Mayor Clyde. C. Hairston also issued a Declaration of Local Disaster for Public Health Emergency and issued an order to further ensure the safety of residents and visitors of the City of Lancaster. City Manager Mauldin-Jones also provided dates of all subsequent State, County, and local orders. City Manager Mauldin-Jones stated that Staff recommends approval of the ordinance extending the previously declared local public health disaster resulting from COVID-19 until July 31, 2020, and adopting and ratifying all national, state, and county executive or emergency orders regarding COVID-19.

MOTION: Councilmember Strain-Burk made a motion, seconded by Mayor Pro Tem Hill approve item 11. The vote was cast 6 for, 0 against [Morris absent].

12. **Discuss and consider an ordinance providing for a COVID notice of possible eviction by residential landlords before a notice to vacate a residential tenancy due to the COVID-19 pandemic, and creating a COVID hardship notice for tenants; creating an offense; providing for a penalty of fine not to exceed \$500.00; and providing an effective date.**

City Manager Mauldin-Jones shared The Mayor of the City of Lancaster issued a Declaration of Local Disaster on March 12, 2020. The declaration allows the City to take necessary measures to reduce the possibility of exposures to COVID-19 and promote the health and safety of Lancaster residents. On March 13, 2020, Governor Greg Abbott issued a State of Disaster Declaration to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of Texans. City Manager Mauldin-Jones shared Dallas County Judge Clay Jenkins issued orders advising Dallas County Justices of the Peace to suspend eviction hearing and writs of possession for a minimum of 60 days beginning April 8, 2020. The Texas Supreme Court issued orders delaying or suspending certain proceedings related to eviction lawsuits beginning March 27, 2020, through May 29, 2020 (No. 20-9059). Texas Supreme Court Order (No. 20-9066) clarifies that eviction proceedings filed from March 27, 2020, through July 25, 2020, must be accompanied by "a description of the facts and grounds for eviction" required by Texas Rule of Civil Procedure 510.3(a)(2) which must state that the premises are not subject to the moratorium on evictions imposed by Section 4024 of the CARES Act. If a landlord provides sufficient notice of possible eviction, a tenant will have the time that may enable the tenant to cure overdue rent, fees, or other charges associated with the tenant's lease, or to negotiate a modification to the lease before the tenant loses housing. This would also serve to reduce person-to-person contact with individuals outside the tenant's household. Establishing a notice provision prior to evicting residential tenants during the COVID-19 Pandemic will enable landlords and tenants to work collaboratively to permit tenants to remain in their homes. This is in consideration while at the same time ensuring landlords maintain a level of revenue that will permit them to continue to provide housing options for tenants. Under the proposed Ordinance, a residential landlord will be required to provide a COVID Notice of Possible Eviction (COVID Notice) that informs the tenant of the option to seek rental assistance and provides time for the negotiation of lease payment agreements prior to initiating the eviction process via a Notice to Vacate. The Ordinance requires that the tenant responds to the COVID Notice no later than 21 days from receipt. The Ordinance delays eviction for 60 days if a tenant has experienced a financial hardship due to the COVID-19 disaster and encourages negotiation between the landlord and tenant to create a lease payment plan, modification, or other options. The Ordinance excludes any delays of eviction when there is a breach of the lease other than nonpayment of rent or fees or evidence of abatable criminal activity and establishes a specific termination period of the ordinance to expire the later of the termination of the Governor's declared state of disaster due to the COVID-19 Pandemic or the Mayor's declared state of local disaster due to the COVID-19 Pandemic. The Ordinance applies only to evictions related to residential properties and does not excuse the tenant of any requirement to pay rent or fees under a lease, but encourages the parties to collaborate on a workable solution. The Ordinance creates an offense not to exceed \$500.00 when a person who knows of facts that provide a tenant with an affirmative defense to eviction under this ordinance, and who nonetheless in bad faith endeavors to evict a tenant. City Manager Mauldin-Jones shared that Staff did make contact with Lancaster Sub-Courthouse, Justice of the Peace 1-2, Judge Valencia Nash who noted that her court currently has 24 eviction cases for Lancaster residents. Judge Thomas G Jones noted he has 4 eviction cases for Lancaster residents pending in his court.

Councilmember Mejia suggested looking into options that helps lessee and lessor.

Deputy Mayor Pro Tem Robinson suggested looking into education opportunities for the lessee and lessor.

MOTION: Councilmember Strain-Burk made a motion, seconded by Mayor Pro Tem Hill to approve item 12. The vote was cast 6 for, 0 against [Morris absent].

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13. Discuss and consider a resolution approving submission of the Coronavirus Emergency Supplemental Funding (CESF) grant application from the Office of Governor (OOG) to prevent, prepare for, and respond to COVID-19 (Coronavirus).

City Manager Mauldin-Jones shared The Office of Governor (OOG) Criminal Justice Division implemented an extension to the DOJ grant that allows the City of Lancaster to apply for additional funding above the pre-allocated funding amount of \$50,414 provided by the DOJ. This additional grant provided by the OOG allowed for an estimated amount of funding needed for the performance period of 2020-2021. An estimated amount of \$339,412 was submitted to cover overtime, personal protection equipment (PPE), and COVID-19 related supplies of law enforcement. On June 15, 2020, staff submitted an application for funding to cover future estimated overtime, personal protection equipment (PPE), and supplies due to COVID-19. The Office of Governor (OOG) extension program requires qualifying applicants to also submit a resolution of the governing body authorizing submission of the application in order for the application to be reviewed and considered by the OOG.

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Jaglowski to approve item 13. The vote was cast 6 for, 0 against [Morris absent].

14. Discuss and consider appointment(s) to the Planning and Zoning Commission.

City Secretary Arenas shared on May 11, 2020, City Council convened at a regular meeting to discuss the vacancy of the Planning and Zoning Commission. City Council asked staff to bring the item back to the June 22, 2020 meeting, to allow for more applications. City Secretary Arenas shared that applicants who had previously submitted applications had been contacted and were still interested in serving, and additional applications from Ms. Taryn Walker and Ms. Ronay Suber for the Planning and Zoning position of alternate until December 2020.

Nominated for the alternate position on the Planning and Zoning Commission with a term expiring in 2020, was Barbara Smith, Taryn Walker, and Ronay Suber.

The roll call vote was cast 4 for, 2 against [Strain-Burk, Jaglowski] [Morris absent] to appoint Taryn Walker to the alternate position with a term expiring December 2020 to the Planning and Zoning Commission.

MOTION: Councilmember Strain-Burk made a motion, seconded by Mayor Pro Tem Hill to adjourn. The vote was cast 6 for, 0 against [Morris absent].

The meeting was adjourned at 10:35 p.m.

ATTEST:


 Sorangel O. Arenas, City Secretary

APPROVED:


 Clyde C. Hairston, Mayor