

MINUTES

LANCASTER CITY COUNCIL REGULAR MEETING OF AUGUST 8, 2022

The City Council of the City of Lancaster, Texas, met in a called Regular Meeting in the Council Chambers of City Hall on August 8, 2022, at 7:00 p.m. with a quorum present to-wit:

Councilmembers Present (City Hall & Zoom):

Mayor Clyde C. Hairston
Carol Strain-Burk
Mayor Pro-Tem Stanley M. Jaglowski
Marco Mejia
Keithsha C. Wheaton
Mitchell Cheatham
Deputy Mayor Pro-Tem Betty Gooden-Davis

City Staff Present (City Hall & Zoom):

Opal Mauldin-Jones, City Manager
Sorangel O. Arenas, City Secretary
David T. Ritter, City Attorney
Andrew Waits, Director of Public Works
Carey Neal, Assistant City Manager
Chris Youngman, Emergency Management Chief
Dori Lee, Director of Human Resources
Jermaine Sapp, Director of Equipment and Facility Services
Lisa Wube, Director of Parks and Recreation
Mike Delmore, Director of Finance
Ray Silva-Reyes, Assistant City of Manager
Sam Urbanski, Police Chief
Shane Shepard, Director of Economic Development
Vicki Coleman, Director of Development Services
Charley Miller, Assistant Chief of Support Services
Cynthia Smith, Admin & Community Relations Supervisor
Keturah Barnett, Assistant to the City Manager
Ron Gleaves, IT Manager
Scott Finley, Communications and Public Relations Coordinator
Cheryl Womble, Purchasing Agent
Michelle Evans, Asst. Director of Human Resources

Call to Order:

Mayor Hairston called the meeting to order at 7:00 p.m. on August 8, 2022.

Invocation:

Pastor Horton, Vision Temple Ministries gave the invocation.

Pledge of Allegiance:

Councilmember Keithsha Wheaton led the pledge of allegiance.

Presentation:

Chief Sam Urbanski presented three (3) awards out of four (4) to Lancaster police officers (one (1) Lancaster officer was not available). On July 13, 2022 the Award Recommendation Board chose four Lancaster Police Officers who had been nominated by their fellow employees. The panel believed that the officers' actions were noteworthy and should be recognized. After reviewing the nominations of the officers and the corresponding events, the panel gave unanimous decisions on the events worthiness for awards; Sgt. Jason Rohack received a Certificate of Merit. Officer Ricardo Sparks received his second Lifesaving Commendation. Officer Nino De Guzman and Officer Tyrone Melton (not present) received a Lifesaving Commendation.

Public Testimony/Citizen's Comments:

Willard Coleman 3769 Park School House Rd, shared concerns about his fathers' neighborhood.

Brett Cook, 100 Craig Shaw Memorial Pkwy, President of the Lancaster Fire Fighters Association thanked City Council for the development and growth of the City of Lancaster on behalf of the membership of the Association.

Opal Mauldin-Jones, City Manager, 211 N. Henry St., shared information regarding the recent disaster declaration from Dallas County, Judge Clay Jenkins regarding the Monkeypox Virus. City Manager, Opal Mauldin-Jones also shared information regarding upcoming events.

Consent Agenda:

1. **Consider approval of minutes from the City Council Regular Meeting held on June 13, 2022, June 27, 2022 and July 11, 2022.**
2. **Consider a resolution approving the terms and conditions of an Interlocal Agreement by and between the City of Lancaster and the City of Hutchins**
3. **Consider a resolution temporarily waiving certain fees from the Master Fee Schedule Article 2.000, Animal Control Fees to encourage participation in the Clear the Shelter Event for a period of twenty-eight days from August 8, 2022, to September 4, 2022.**
4. **Consider a resolution authorizing Mayor Hairston to execute a resolution for an assignment agreement that was approved by resolution of North Central Texas Housing Finance Corporation (NCTHFC) assigning its single-family mortgage revenue bond authority to the Texas Department of Housing and Community Affairs (TDHCA). TDHCA would then issue bonds for the purpose of financing home mortgage loans for qualified first-time homebuyers in The Housing Finance Corporation (HFC) jurisdiction, including the City.**

MOTION: Deputy Mayor Pro Tem Gooden-Davis made a motion, seconded by Councilmember Strain-Burk to approve consent items C1-C4. The vote was cast 7 for, 0 against.

ACTION:

- 4A. Discuss and consider a resolution ratifying an amendment to the Performance Agreement between DSV Real Estate Dallas, Inc. and the Lancaster Economic Development Corporation (LEDC) to extend key performance deadlines to January 1, 2023; making changes related to requirements for a Certificate of Occupancy and Operation of the Facility; changing job reporting requirements to reflect the amended occupancy requirement; changing the reimbursement language to reflect the amended occupancy requirement; adding funding not to exceed five thousand dollars (\$5,000) for a grant reimbursing the company for the cost of membership in the Inland Port Transportation Management Association for two years; and increasing total grant funding by five thousand dollars to one hundred eighty thousand dollars (\$180,000).**

City Manager Mauldin-Jones shared that this item is to ratify an agreement between DSV Real Estate Dallas, Inc and the Lancaster Economic Development Corporation (LEDC) to extend the deadline. The original deadline was for January 2022, due to supply chain shortage the company needs to extend to January 1, 2023. In addition, adding funding not to exceed five thousand dollars (\$5,000) for a grant reimbursing the company for the cost of membership in the Inland Port Transportation Management Association. The Lancaster Economic Development Corporation recommended approval of the item as it has been presented. Staff concurs with the Lancaster Economic Development Corporation.

MOTION: Councilmember Strain-Burk made a motion, seconded by Deputy Mayor Pro-Tem Gooden-Davis to approve item 4. The vote was cast 7 for, 0 against.

- 5. Discuss and consider a resolution authorizing the City Manager to execute an amendment to a Chapter 380 Agreement by and between the City of Lancaster and DSV Real Estate Dallas, Inc. to extend key performance deadlines to January 1, 2023.**

City Manager Mauldin-Jones shared this item is a companion item to item 4a. The City of Lancaster and DSV Real Estate Dallas, Inc. ("DSV") previously entered into a Chapter 380 agreement on January 13, 2020. DSV requested that the deadline related to obtaining a Certificate of Occupancy for the facility and the required job creation be extended to January 1, 2023. Staff is recommending approval of the item as it has been presented.

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

- 6. Discuss and consider a resolution ratifying a grant agreement with Noble in an amount not to exceed eighty thousand dollars (\$80,000), from funds collected from one-fourth (1/4) of one (1) percent additional sales and use tax for the promotion and development of new and expanded business enterprises, as authorized by state law.**

City Manager Mauldin-Jones shared Noble RE, LLC (Noble) is a Dallas-based real estate/development company. They plan to build a new commercial structure near the southeast corner of Belt Line Road and Bluegrove Road. This facility will be located on a 0.756-acre tract of land in the retail center anchored by the Walmart Neighborhood Market. Starbucks agreed to a ten-year lease of the facility. Noble agrees to invest not less than two hundred thousand dollars (\$200,000) in the facility exclusive of any grant awards. They are requesting a grant of eighty thousand dollars (\$80,000) to offset a portion of development costs and limit financial risk related to this project. The agreement requires that the facility receive a Certificate of Occupancy no later than December 31, 2023, to be eligible for the grant. The Lancaster Economic Development Corporation recommended approval of the item as it has been presented. Staff concurs with the Lancaster Economic Development Corporation.

MOTION: Deputy Mayor Pro-Tem Gooden-Davis made a motion, seconded by Councilmember Strain-Burk to approve item 6. The vote was cast 7 for, 0 against.

- 7. Discuss and consider a resolution ratifying a grant agreement in an amount not to exceed one hundred twelve thousand dollars (\$112,000), with American Licorice from funds collected from the one-fourth (1/4) of one (1) percent additional sales and use tax for the promotion and development of new and expanded business enterprises, as authorized by state law.**

City Manager Mauldin-Jones shared this item is to ratify a grant agreement in an amount not to exceed one hundred twelve thousand dollars (\$112,000), with American Licorice. American Licorice is a company in La Porte, Indiana. They produce a variety of candy products including Snaps, Red Vines, Fruit Vines and Sour Punch candy. The company plans to occupy approximately three hundred ninety thousand (390,000) square feet of a new facility located at 3301 North Dallas Avenue. Finish out work on the facility is expected to begin in the fourth quarter of 2022, with an anticipated completion date of January 31, 2024. The company plans to invest a minimum of ten million dollars (\$10,000,000) in Business Personal Property (BPP) for the manufacturing processes at the facility. This grant agreement is also to incentive job training skills in a grant of up to ten thousand dollars (\$10,000) to train employees internally or utilizing Dallas College and this also includes a Local Hiring Grant. This grant rewards the company for hiring local residents. A total of forty thousand dollars (\$40,000) is available - one thousand dollars (\$1,000) per employee that resides in Lancaster for two years and maintains a job with the company for two years, up to a total of forty (40) employees. There is also a Relocation Assistance Grant. This grant rewards the company for encouraging employees to relocate to Lancaster and purchase a home. A total of sixty thousand dollars (\$60,000) is available - three thousand dollars (\$3,000) per employee that buys a home in Lancaster remains a Lancaster resident for a period of at least two years. Also, an Inland Port Transportation Management Association Grant that provides funds, in an amount not to exceed two thousand dollars (\$2,000). The total grant amount will allow the company to be a member of the Inland Port Transportation Management Association for two years. The Lancaster Economic Development Corporation recommended approval of the item as it has been presented. Staff concurs with the Lancaster Economic Development Corporation.

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

8. Discuss and consider a resolution approving a Chapter 380 Economic Development Agreement by and between the City of Lancaster, Texas and American Licorice.

City Manager Mauldin-Jones shared this a companion item to item 7. This is for the Business Personal Property (BPP) Tax. For a period of seven (7) years the City would rebate fifty percent (50%) of the Business Personal tax that the company pays in. They must occupy the facility by January 31, 2024, the estimated capital value investment of seven (7) years' worth would total seven hundred sixty-nine thousand two hundred eighty-eight (\$769,288.00) dollars at our existing rate. With the rebate being three hundred eighty-four thousand six hundred forty-four (\$384,644.00) dollars over the 7-year period of time. Staff is recommending approval of the resolution as it has been presented.

MOTION: Councilmember Wheaton made a motion, seconded by Deputy Mayor Pro-Tem Gooden-Davis to approve item 8. The vote was cast 7 for, 0 against.

9. Discuss and consider a resolution ratifying payment to Dagger Contracting, LLC for emergency repair of a 24-inch waterline in the amount of three hundred forty-five thousand six hundred ninety dollars and zero cents, (\$345,690.00).

City Manager Mauldin-Jones shared on June 2, 2022, staff investigated a water leak at 3900 North Houston School Road. Staff witnessed directional drilling equipment onsite being utilized by Future Infrastructure (Future). The 24-inch concrete waterline was damaged by Future as a result of the directional drilling. Dagger Contracting was contracted to complete the waterline repair. The Contractor began repairs on Friday, June 3, 2022, and continued work with 12-hour rotating shifts until the waterline was repaired on Sunday, June 5, 2022. The contractor removed the two northbound concrete lanes in order to access the damaged waterline. After repairing the waterline, the contractor repaired the concrete road. The road was completed and placed in service on Friday, June 10, 2022. Future is responsible for the damage and the city is seeking cost recovery for the repairs in the amount of three hundred forty-five thousand six hundred ninety dollars and zero cents (\$345,690.00). Staff recommends approval of the resolution, as presented.

Councilmember Wheaton, asked a question regarding receiving information once the insurance claim has been completed.

City Manager Mauldin-Jones, indicated that staff will send a memo once that claim has been completed.

MOTION: Councilmember Strain-Burk made a motion, seconded by Deputy Mayor Pro-Tem Gooden-Davis to approve item 9. The vote was cast 7 for, 0 against.

10. Discuss and consider a resolution ratifying a resolution of the Lancaster Economic Development Corporation, ("LEDC") authorizing the execution of a commercial contract to purchase property located at 133 North Henry Street and approving funding in an amount not to exceed three hundred two thousand dollars (\$302,000) for the purchase of the property, including survey and title related expenses from funds collected from the ¼ of 1 (one) percent additional sales and use tax, as authorized by state law.

City Manager Mauldin-Jones shared this item is to ratify a resolution of the Lancaster Economic Development Corporation, ("LEDC") authorizing the execution of a commercial contract to purchase property at 133 North Henry Street. The building is approximately four thousand one hundred seventeen square feet, directly across the street from City Hall. Due to the rapid increase in development and business recruitment activity, additional office space is needed to accommodate the staff needed to provide the continued level of superior customer service to the development community. Additional space is needed to house Development Services and Economic Development, approximately 16 full-time employees. The estimated cost of the building is three hundred two thousand dollars (\$302,000) - the purchase price of two hundred ninety-nine thousand dollars (\$299,000) plus approximately three thousand dollars (\$3,000) for survey, inspection, appraisal and title related expenses. The estimated renovation cost is anticipated to be between \$175 and \$200 per square foot (\$617,550 - \$823,400). A more detailed study of interior space and renovation costs is needed to refine the cost estimate for the renovation. In addition to the construction of office space for Development Services and Economic Development staff, the renovation will include high quality meeting spaces to allow Lancaster to receive international, national and local developers in a manner that reflects the quality of development expected in the community. Staff is recommending approval of the item as it has been presented.

Councilmember Mejia asked questions regarding renovation sketches, appraisal and inspections of the property.

City Manager, Mauldin-Jones, shared that they are waiting on the approval of the purchase for the sketches. However, the estimated cost for the inside renovation is anticipated to be between \$175 and \$200 per square foot. City Manager, Mauldin-Jones, confirmed that one (1) appraisal was done to the property and the estimated cost of the building is three hundred two thousand dollars (\$302,000) including survey and any additional inspections.

Councilmember Mejia shared that he would like to see sketches and receive a firm price until that is provided, he cannot consider the item.

Deputy Mayor Pro-Tem Gooden Davis shared that additional bids for the property should be requested.

Councilmember Cheatham shared his concerns on waiting to purchase the property as the market value of properties is on the rise. Councilmember Cheatham believes the property is needed to accommodate the growing staff of the City of Lancaster.

Councilmember Wheaton commented that additional market rate data is needed for this property area. Councilmember Wheaton asked if it would be economically wiser to build a new building for the same price as the renovation.

Mayor Pro-Tem Jaglowski shared there is enough data for him to agree that the price mentioned is in line with market data to push this item. Mayor Pro Tem Jaglowski also shared that this is not general fund money this is Lancaster Economic Development Corporation, ("LEDC") sales tax money that is funding the building and project.

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Councilmember Strain-Burk commented that a positive image of work space for staff must be set to attract Developer expansions. Councilmember Strain-Burk believes this item should be pushed forward.

Mayor Pro-Tem Jaglowski added this opportunity exists now and should not be passed and now is the time to provide adequate work space for staff and to be able to host Developers.

Deputy Mayor Pro-Tem Gooden-Davis, shared that she is not against the purchase of property, as a consumer she would like more information on the renovation and additional bids on the renovation.

City Manager Mauldin-Jones, responded that the Lancaster Economic Development Corporation, ("LEDC") did not want to waste funds on hiring an Architect for the design if the purchase was not ratified. If council chooses to move forward with the purchase the designs will be provided back to City Council for their approval.

Councilmember Mejia commented that there is better use for those funds and believes this is not a good purchase.

Mayor Hairston commented that with a growing City you have a growing staff and they must be provided with an adequate work space.

Mayor Pro-Tem Jaglowski would like clarification and comments regarding the renovation report from staff.

Director of Economic Development Shane Shepard, responded there are two (2) different costs; first, cost is to bring the building up to code, second, cost is the renovations to be able to host future developers.

Mayor Hairston clarified that City Council will have the final approval on the costs before the renovations are started.

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Cheatham to approve item 10. The vote was cast 5 for, 2 against [Mejia, Wheaton]

- 11. Discuss and consider an ordinance declaring a local public health disaster resulting from Monkeypox and adopting and ratifying all national, state, and county executive or emergency orders regarding Monkeypox.**

City Manager Mauldin-Jones shared on Thursday, August 4, 2022, the U.S. federal government declared a public health emergency due to the more than 6000 cases of Monkeypox in the country. On Friday, August 5, 2022, Dallas County Judge Clay Lewis Jenkins issued a local declaration of disaster, noting that Dallas County is experiencing the highest number of Monkeypox cases in the state at 209 confirmed cases. The Centers of Disease Control and Prevention (CDC) provided a guideline on how to prevent and slow the spread of Monkeypox. As a City in Dallas County being a non-entitlement City under fifty thousand (50,000) in population, the County's' declaration does impact the City. The Dallas County declaration will be in effect for seven (7) days and will end on August 12, 2022, unless the declaration is continued or renewed by the City of Lancaster City Council. Staff recommends approval of the ordinance as it has been presented.

City Attorney Ritter shared that under government Code Chapter 418 the Mayor may issue the ordinance for seven (7) days in order to be renewed or extended to thirty (30) days it must be approved by City Council.

MOTION: Councilmember Strain-Burk made a motion, seconded by Deputy Mayor Pro-Tem Gooden-Davis to approve item 11 with a thirty (30) day extension. The vote was cast 6 for, 1 against [Mejia]

12. Discuss and consider accepting a Letter of Resignation from Councilmember Stanley Jaglowski and the election of a Mayor Pro-Tempore.

City Attorney Ritter shared that City Council should consider item 12 and 13 together as City Council must first make a record of recognition that the letters of resignation from the positions of Mayor Pro-Tem and Deputy Mayor Pro-Tem were received, secondly; an election for the office of Deputy Mayor Pro-Tem and Mayor Pro-Tem must be considered.

13. Discuss and consider accepting a Letter of Resignation from Councilmember Betty Gooden-Davis and the election of a Deputy Mayor Pro-Tempore.

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Cheatham to approve item 12 and item 13 accepting the resignation from positions Mayor Pro-Tem and Deputy Mayor Pro-Tem. The vote was cast 7 for, 0 against.

City Attorney Ritter shared that per the City Charter the offices of Deputy Mayor Pro-Tempore and Mayor Pro-Tempore must be filled by nominations from the City Council.

MOTION: Councilmember Cheatham made a motion to nominate Councilmember Gooden-Davis, seconded by Councilmember Strain-Burk to serve as Mayor Pro-Tempore. The vote was cast 7 for, 0 against.

Councilmember Strain-Burk nominated Councilmember Cheatham and Councilmember Mejia nominated Councilmember Wheaton for the office of Deputy Mayor Pro-Tempore.

The roll call vote was cast 4 for Councilmember Cheatham for, 3 [Mejia, Wheaton, Gooden-Davis] for Councilmember Wheaton. Councilmember Cheatham will serve as Deputy Mayor Pro-Tempore.

Executive Session:

13a. In accordance with Chapter 551 of the Texas Government Code (the Texas Open Meetings Act), the City Council may meet in executive session to discuss the following:

- a) Section 551.071 of the Texas Government Code, the City Council shall convene in executive session to confer with the City's attorney to discuss pending, threatened, contemplated or potential related litigation in regard to Real Property located at 1508 Dewberry Boulevard (Bel-Air Place Apartments).
- b) Section 551.071 of the Texas Government Code, the City Council shall convene in executive session to confer with the City's attorney to discuss pending, threatened, contemplated or potential related litigation in regard to: HMWK.

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 8:26 p.m. and reconvened into open session at 8:50 p.m.

City Attorney Ritter shared that one (1) amendment was made for item 13b, which was not a litigation exception but a consultation with Attorney for legal advice exception.

No action on item 13a

MOTION: Councilmember Mejia made a motion, seconded by Deputy Mayor Pro Tem Cheatham to adjourn. The vote was cast 7 for, 0 against.

The meeting was adjourned at 8:51 p.m.

ATTEST:



Sorangel O. Arenas, City Secretary

APPROVED:



Clyde C. Hairston, Mayor