

MINUTES

LANCASTER CITY COUNCIL REGULAR MEETING OF JANUARY 24, 2022
The City Council of the City of Lancaster, Texas, met in a called Regular Meeting in the Council Chambers of City Hall on January 24, 2022, at 7:00 p.m. with a quorum present to-wit:

Councilmembers Present (City Hall & Zoom):

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

City Staff Present (City Hall & Zoom):

Opal Mauldin-Jones, City Manager
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
Kenneth Johnson, Fire Chief
Lisa Wube, Director of Parks and Recreation
Mike Delmore, Director of Finance
Sam Urbanski, Police Chief
Shane Shepard, Director of Economic Development
Vicki Coleman, Director of Development Services
Bryce Reed, Communications and Public Relations Coordinator
Cheryl Womble, Purchasing Agent
Cynthia Smith, Administrative and Communications Supervisor
John Melton, Library Manager
Keturah Barnett, Assistant to the City Manager
Kellen Benbrook, Airport Manager
Kimberli Walker, Court Administrator
Ron Gleaves, IT Manager
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 January 24, 2022.

Invocation:

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

Pledge of Allegiance:

Councilmember Marco Mejia led the pledge of allegiance.

Public Testimony/Citizen's Comments:

Jackie Alexander, 476 Sunnyside Dr., shared her concerns with her neighbor and loud music (noise ordinance).
Spencer Hervey, 1525 Aldridge Dr., shared his participation and support in the comprehensive plan.

Executive Session:

1. Pursuant to Section 551.071(1)(A) and Section 551.071(1)(B) 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: DWC Claim/Docket #: 20156233-01-CC-FW.

2. **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 7:10 p.m. and reconvened into open session at 7:42 p.m.

No action taken.

Consent:

3. **Consider a resolution adopting a statement of support for the North Central Texas Council of Governments (NCTCOG) Regional Transportation Council (RTC) comprehensive, coordinated, and interagency approach to freeway incident management.**
4. **Consider a resolution approving a professional services agreement between the City of Lancaster and Dallas College for the Lancaster Fire Department personnel to provide fire and Emergency Medical Services (EMS) instruction at Dallas County on a fee-based basis.**
5. **Consider a resolution approving the terms and conditions of a professional services agreement with Hardin & Associates Consulting (HAC) to perform Engineering Design services in connection with various water and sewer main replacement projects; in an amount not to exceed \$109,000.00. The project includes the design of approximately 1,100 linear feet (LF) of 8" sewer main and approximately 3,127 LF of 8" polyvinyl chloride (PVC) distribution water main replacement lines.**

Deputy Mayor Pro-Tem Jaglowski pulled item C3 and C4.

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

3. **Consider a resolution adopting a statement of support for the North Central Texas Council of Governments (NCTCOG) Regional Transportation Council (RTC) comprehensive, coordinated, and interagency approach to freeway incident management.**

Deputy Mayor Pro-Tem Jaglowski asked City Manager Mauldin-Jones to provide information on item C3 and C4.

Mauldin-Jones shared this item is to approve a resolution adopting a statement of support for the North Central Texas Council of Governments (NCTCOG) Regional Transportation Council (RTC) comprehensive, coordinated, and interagency approach to freeway incident management. and, as part of its call for projects for 2021, is offering a grant for Incident Management Freeway Blocking Equipment. The City of Lancaster submitted an application for consideration. The process requires a resolution of the City Council supporting the application. The NCTCOG 2021 incident management Freeway Blocking Equipment Grant requires a twenty (20) percent match of the \$112,217 grant request in the amount of \$22,443.40.

4. **Consider a resolution approving a professional services agreement between the City of Lancaster and Dallas College for the Lancaster Fire Department personnel to provide fire and Emergency Medical Services (EMS) instruction at Dallas County on a fee-based basis.**

MOTION: Deputy Mayor Pro-Tem Jaglowski made a motion, seconded by Councilmember Strain-Burk to approve consent items C3 and C4. The vote was cast 7 for, 0 against.

Action:

- 6. Discuss and consider a resolution authorizing the City Manager to execute a development agreement with Wintergreen Estates, LLC relating to building materials and other site design elements for the development of the Wintergreen Estates property located south of the Anderson Farms Subdivision and north of West Wintergreen Road. The property is approximately 8.892 acres in size; currently addressed as 1801 West Wintergreen Road; more particularly described as a tract of land situated in the W. Fleming Survey, Abstract No. 466, in the City of Lancaster, Dallas County, Texas.**

City Manager Mauldin-Jones shared this item is a companion item to zoning case Z22-03, a zoning change request from AO to SF-2. The property is approximately 8.892 acres in size; currently addressed as 1801 West Wintergreen Road. The purpose of this development agreement is to ensure this property develops utilizing the building materials and site design elements as identified in Exhibit 2 of the attached Development Agreement. On September 1, 2019, the Texas Legislature passed House Bill 2439 which generally prohibits local governments from enforcing local codes concerning building materials on commercial and residential properties. However, developers may enter into agreements with Texas cities to specify building materials; these agreements do not violate H.B. 2439 and are enforceable.

City Attorney Ritter shared he recommends changing the face of the resolution itself and also on exhibit two. Add in a new paragraph three and change the current paragraph three to paragraph four. That would make it clear that the required landscaping and screening would not only be installed but also maintained by both the applicant and any other successors in interest or future owners of the property. If the motion is made with the amendments as presented that would require the applicant to maintain those landscaping and screening as well as installer.

MOTION: Councilmember Strain-Burk made a motion, seconded by Mayor Pro-Tem Hill to approve item 6 with City Attorney requested changes. The vote was cast 7 for, 0 against.

Public Hearing:

- 7. Z22-03 Conduct a public hearing and consider an ordinance for a change in zoning from Agricultural Open District (A-O) to Single-Family Residential District (SF-2) on 8.892 acres. The property addressed as 1801 West Wintergreen Road located south of Anderson Farms Subdivision and north of West Wintergreen Road. The property is a tract of land situated in the W. Fleming Survey, Abstract No. 466, in the City of Lancaster, Dallas County, Texas.**

City Manager Mauldin-Jones shared this is a request to rezone the subject property from Agricultural Open (A-O) to Single-Family Residential District (SF-2). The current zoning only allows for single-family detached homes, farming, and ranching-related activities and accessory uses on five (5) or more acres. The subject property is currently vacant and requires a zoning change from A-O to SF-2 in order to develop 17 single-family homes on the site. Access to the properties will be from Wintergreen Road on the north, Wintergreen Road on the south, and future Chapman Drive on the east of this site. Lots 1-5 Block 2 will have access to future Chapman Drive and Lot 1 Block 1 will have access from Wintergreen Road. Lots 2-7 Block 1 and Lots 6-10 Block 2 will have access from the cul-de-sac. All homes will be front entry. The minimum dwelling size of the homes is 2,100 square feet. There will be one (1) detention pond/open space provided which meets the minimum landscaping requirements of one (1) large tree per 750 square feet of the detention pond's dry land area. The north, south and west part of this site will be screened by a City approved material and landscaping will be added at the entrance of this site and to the surrounding areas of the monument sign. On November 21, 2021, a notice for this public hearing appeared in the Focus Daily Newspaper. Staff also mailed 48 notifications of this public hearing to property owners within 200 feet of the subject site. There were five (5) letters received in opposition and one (1) letter received in support of this request. On December 7, 2021 the Planning and Zoning Commission recommended approval of the zoning change request subject to the following conditions: 1. The detention pond/open space shall be landscaped according to City standards. 2. The entrance to this site and areas surrounding the monument sign shall be landscaped. 3. Screening shall be provided per City standards to the north, south and west of this site. 4. No building permits shall be issued along Chapman Road until such time that a public road is fully constructed and accepted by the City. 5. The Development Agreement

be executed. Staff concurs with the Planning and Zoning Commission's recommendation.

Councilmember Mejia shared his support for the item.

Deputy Mayor Pro-Tem Jaglowski also shared his support for the item.

Mayor Hairston opened the public hearing.
Kylon Wilson, 1400 Everman Pkwy, Fort Worth spoke in favor of item 7.
Spencer Hervey, 1525 Aldridge Dr., spoke in favor of item 7.

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

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

- 8. Z22-04 Conduct a public hearing and consider a Specific Use Permit (SUP) to install a 125-foot freestanding commercial antenna on the property addressed as 1027 Cedar Valley Drive located on the northwest corner of Cedar Valley Drive and Capitol Drive. The property is approximately .861 acre in size and is described as Lot 1A Block C in the Cedar Valley Industrial Park subdivision in the City of Lancaster, Dallas County Texas.**

City Manager Mauldin-Jones shared this item is to install a 125-foot freestanding commercial antenna on the property addressed as 1027 Cedar Valley Drive located on the northwest corner of Cedar Valley Drive and Capitol Drive. The property is approximately .861 acre in size. According to Ordinance 2021-06-22, an SUP is required when an antenna installation exceeds the height restrictions of the zoning district. This property is within the Light Industrial zoning district and the maximum height in this zoning district is 65 feet. The applicant is requesting an SUP to locate a 125-foot freestanding commercial antenna on the property. The purpose of the equipment is to better serve mobile carriers. On December 19, 2021, a notice for this public hearing appeared in the Focus Daily Newspaper. Staff also mailed 3 notifications of this public hearing to property owners within 200 feet of the subject site. There were no letters received in support or opposition to this request. There was a zoning change sign placed on this property. On January 4, 2022, the Planning and Zoning Commission recommended approval of the SUP request as presented. Staff concurs with the Planning and Zoning Commission's recommendation.

Mayor Hairston opened the public hearing.
Peter Cavinal, CTG, 126 Handley Dr. Dallas, shared he represents the applicant and is available to answer any question.

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

MOTION: Councilmember Mejia made a motion, seconded by Councilmember Wheaton to approve item 8. The vote was cast 7 for, 0 against.

Deputy Mayor Pro-Tem Jaglowski recued himself from item 9.

- 9. Conduct a public hearing and consider a resolution regarding the expansion of Rolling Meadows Public Improvement District (PID).**

City Manager Mauldin-Jones shared this item is regarding the expansion of Rolling Meadows Public Improvement District. Rolling Meadows is an established subdivision consisting of approximately 38.8 acres generally located on the east and west side of Rolling Hills Place and on the north side of Beltline. The purpose of this item is to expand the boundaries of the district to include phase 3 of the Rolling Meadows Subdivision.

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The addition is proposed to include that property owned by Lancaster Rolling Meadows, LTD. The property consists of 21.360 acres of land. The Rolling Meadows PID assessment rate for the maintenance component is to be maintained at its annual assessment of \$0.30 per \$100 assessed value. All costs are proposed to be assumed by the improvement district with no cost apportioned to the City or County as a whole. City Council is required to hold a public hearing to receive comments regarding expansion. The public hearing was posted in the local publication of record on December 31, 2021, and notices were mailed to the property owners of record on January 14, 2022, as required by Local Government Code Chapter 372. Staff recommends conducting the public hearing and approving the resolution as to form.

Mayor Hairston opened the public hearing.

Jim Brown, applicant shared he is available to answer any questions.

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Wheaton to close the public hearing. The vote was cast 6 for, 0 against [Jaglowksi recused].

MOTION: Councilmember Mejia made a motion, seconded by Councilmember Wheaton to approve item 7. The vote was cast 6 for, 0 against [Jaglowksi recused].

10. Z22-02 Conduct a public hearing and consider a rezoning request from Retail (R) to Single-Family Residential (SF-6). The properties are addressed as 221 and 225 Rea Avenue and are located approximately 75 feet west of Randlett Street and north of Rea Avenue. These properties are approximately .16 acre in size each and are within the Interurban Heights Addition Volume 1 Page 461 City of Lancaster, Dallas County, Texas.

City Manager Mauldin-Jones shared the properties are addressed as 221 and 225 Rea Avenue and are located approximately 75 feet west of Randlett Street and north of Rea Avenue. These properties are approximately .16 acre in size. The City's 2016 Comprehensive Plan identifies this site as suitable for Reinvestment Area uses. Reinvestment areas are existing developed or vacant properties that are not performing or are dilapidated or due to market trend could have a better use and would need improvements or an anchor to improve performance. On November 21, 2021 a notice for this public hearing appeared in the Focus Daily Newspaper. Staff also mailed 17 notifications of this public hearing to property owners within 200 feet of the subject site. There were no letters received in support or opposition to this request. The Lancaster Development Code (LDC), Section 14.208 City Council, (d) Council Approval or Denial (3) Denial of an Item., states that "The Council may approve the request or amendment either as requested, or in the form of a more restrictive district, and subject to such appropriate conditions as are allowed by law. However, when a proposed zoning request is heard by the City Council that has been denied by the Planning and Zoning Commission, a three-fourths (3/4) majority vote by the city council shall be required for approval". The Planning and Zoning Commission recommended denial of this item, a super majority (6 of 7 members) is required for approval of this zoning change request. On December 7, 2021 the Planning and Zoning Commission recommended the request be denied without prejudice. Staff recommends denial of the zoning change request.

Mayor Hairston opened the public hearing.

Osio Ozuna, 418 Breezeway court, Cedar Hill shared his desire to build.

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

MOTION: Councilmember Mejia made a motion, seconded by Deputy Mayor Pro-Tem Jaglowksi to deny item 10. The vote was cast 6 for, 1 against [Wheaton against].

- 11. M22-01 Conduct a public hearing and consider an amendment to the Comprehensive Plan's Future Land Use Map from Suburban Mixed-Use Center to Logistics/Distribution on a portion of property located on the east side of East Longhorn Drive and 1,258 feet south of West Wintergreen Road. It is 14.926 acres of land on a portion of the west side of a property addressed as 2121 N. Houston School Road within the Maraday Parks Survey, Abstract 1120 City of Lancaster, Dallas County, Texas.**

City Manager Mauldin-Jones shared the property is located on a portion of property located on the east side of East Longhorn Drive and 1,258 feet south of West Wintergreen Road. It is 14.926 acres of land along the west side of a property addressed as 2121 N. Houston School Road. This is a request to amend a portion the Future Land Use Plan of the Comprehensive Plan from Suburban Mixed-Use Center to Logistics/Distribution. The Suburban Mixed-Use Center is intended to create regional destinations, including entertainment venues, regional oriented retail and lifestyle centers. Suburban Mixed-Use Center primary land uses include regional retail, urban residential, senior housing, hotels, professional office, restaurants, multi-tenant commercial, live/work/shop units with secondary land uses such as civic and institutional uses as well as parks. Therefore, the proposed amendment to the Future Land Use Plan is not consistent with the 2016 Comprehensive Plan. On December 19, 2021, a notice for this public hearing appeared in the Focus Daily Newspaper. There were no letters in opposition or support for this amendment to the Comprehensive Plan. On January 4, 2022, the Planning and Zoning Commission recommended denial of the request to amend the Future Land Use Plan of the 2016 Comprehensive Plan and staff concurs with the Planning and Zoning Commission's recommendation.

Stewart Elliott 5950 Sherry Ln., Dallas gave a presentation on rezoning a portion of 2121 N. Houston School Rd.

City Attorney Ritter shared this item is being brought back because of notice sufficiency concerns. This is just for a portion of the tract is proposed for rezoning the other part will stay agricultural open under this proposal

Mayor Hairston opened the public hearing.

Charles Chapman, 600 N. Houston School Rd., does not wish to speak however would like his support recorded for item 11.

Jordan Ryan, 5950 Sherry Ln., spoke in favor of item 11.

Carolyn Morris, 857 Wintergreen Rd. spoke in opposition of item 11.

Spencer Hervey, 1525 Aldridge Dr., spoke in opposition of item 11.

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

Deputy Mayor Pro-Tem Jaglowski shared his support for the comprehensive plan. He shared the need to sometimes reconsider items. He shared his support for item 11.

MOTION: Mayor Pro-Tem Hill made a motion, second by Council Member Gooden-Davis to Deny Item Number 11.

The roll call vote was cast 4 for, 3 against [Jaglowski, Mejia and Gooden-Davis] to deny item 11.

- 12. Z22-01 Conduct a public hearing and consider a rezoning request from Agriculture Open (A-O) to Light Industrial (LI) on a portion of property located on the east side of East Longhorn Drive and 1,258 feet south of West Wintergreen Road. It is 14.926 acres of land on the west side of a property addressed as 2121 N. Houston School Road within the Maraday Parks Survey, Abstract 1120 City of Lancaster, Dallas County, Texas.**

City Attorney Ritter shared the applicant request to withdraw item 12.

Action:

- 13. M22-07 Discuss and consider an ordinance granting an exception request to the median spacing requirements in Article 3.120 of the General Design Manual on the property located approximately 420 feet west of Cornell Road and north of East Pleasant Run Road. The property is approximately 16.189 acres in size and is addressed as 1001 East Pleasant Run Road, City of Lancaster, Dallas County, Texas.**

City Manager Mauldin-Jones shared this item is for an exception request to the median spacing requirements in Article 3.120 of the General Design Manual on the property located approximately 420 feet west of Cornell Road and north of East Pleasant Run Road. The applicant is requesting an exception on Pleasant Run Road. The proposed median spacing between this site's drive on the west, and the proposed median opening for this site's drive on the east is approximately 552 feet center-to-center. The median spacing distance between this site's drive on the east and the median spacing to the east (serving the Walmart Distribution Center to the south) is approximately 273 feet center-to-center. The site plan proposes only auto parking spaces on the western portion of the site with a driveway that will be dedicated for employee and fire access only. There will be only truck parking spaces on the eastern portion of this site and the driveway will be dedicated for truck use.

MOTION: Councilmember Mejia made a motion, seconded by Councilmember Strain-Burk to approve item 13. The vote was cast 7 for, 0 against.

- 14. Discuss and consider a resolution approving a Chapter 380 Economic Development Agreement by and between the City of Lancaster, Texas and White Tract, LLC for Tract 1A.**

Mayor Hairston shared applicant pulled item 14 and 15.

- 15. Discuss and consider a resolution approving a Chapter 380 Economic Development Agreement by and between the City of Lancaster, Texas and White Tract, LLC for Tract 1B.**

Item pulled by applicant.

- 16. Discuss and consider amending the Code of Ordinances, Section 6.07.008 Fence construction, materials and setback.**

City Manager Mauldin-Jones shared as prescribed in the City Council Rules and Procedures as amended August 2021, Section D. City Council Agenda Process, Subsection 1.b, Deputy Mayor Pro-Tem Stanley Jaglowski and Councilmember Marco Mejia requested during the January 10, 2022, City Council Regular Meeting, that an item be placed on the next meeting agenda to consider an amendment to Section 6.07.008 of the Code of Ordinance, chain link fence. During the September 27, 2021, Regular Meeting, City Council discussed holding a Work Session to discuss allowable fence materials. The Work Session was held on November 8, 2021. This item has been brought back at the request of Deputy Mayor Pro-Tem Stanley Jaglowski and Councilmember Marco Mejia.

Councilmember Mejia shared he is requesting for council to approve vinyl chain link fence.

Councilmember Strain-Burk shared her struggle to consider this item as Council would like high end homes and HOA's will not allow chain link fence.

Deputy Mayor Pro-Tem Jaglowski shared he is asking for commercial grade chain link fence.

Councilmember Gooden-Davis shared the need for something different since not everyone can afford cedar fence or iron rod fence.

MOTION: Councilmember Gooden-Davis made a motion, seconded by Councilmember Strain-Burk to table item 16. The vote was cast 5 for, 2 against [Mejia and Wheaton against].

17. Discuss and consider confirmation of an appointment made by the Planning Zoning Commission of one (1) alternate to the Historic Landmark Preservation Committee (HLPC).

City Manager shared this item is for confirmation of an appointment made by the Planning Zoning Commission of one alternate to the Historic Landmark Preservation Committee (HLPC). At its December 7, 2021, meeting, the Planning and Zoning Commission voted to recommend HLPC appointments to the City Council. During its December 13, 2021, meeting, the City Council approved the regular appointments and voted to return the alternate recommendation back to the P&Z to reconsider interviewing. On December 21, 2021, staff received a new application from Mrs. Lena Hatcher through Councilmember Carol Strain-Burk seeking appointment to the alternate position within the HLPC. The Planning and Zoning Commission received a memo, along with a copy of her resume, from staff at their January 4, 2022, meeting explaining why Mrs. Hatcher was added to the list of new applicants. On January 4, 2022, the Planning & Zoning Commission chose not to interview HLPC candidates and voted to reconfirm their original appointment. At the January 4, 2022, Planning and Zoning Commission meeting, the Commission resubmitted Carolyn Morris to fill the alternate position for the HLPC.

The roll call vote was cast 4 for, 3 against [Strain-Burk, Wheaton and Gooden-Davis] to approve item 17.

Mayor Hairston wished Deputy Mayor Pro-Tem Jaglowski a Happy Birthday.

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

The meeting was adjourned at 9:14 p.m.

ATTEST:



Sorangel O. Arenas, City Secretary

APPROVED:



Clyde C. Hairston, Mayor