

MINUTES

LANCASTER CITY COUNCIL SPECIAL MEETING OF DECEMBER 5, 2022

The City Council of the City of Lancaster, Texas, met in a called Special Meeting in the Council Chambers of City Hall on December 5, 2022, at 7:00 p.m. with a quorum present to-wit:

Councilmembers Present (City Hall & Zoom):

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

Councilmembers Absent

Keithsha Wheaton

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
Lisa Wube, Director of Parks and Recreation
Mike Delmore, Director of Finance
Ray Silva-Reyes, Assistant City Manager
Sam Urbanski, Police Chief
Shane Shepard, Director of Economic Development
Vicki Coleman, Director of Development Services
Keturah Barnett, Assistant to the City Manager
Ron Gleaves, IT Manager

Call to Order:

Mayor Hairston called the meeting to order at 7:04 p.m. on December 5, 2022.

Public Testimony/Citizen's Comments:

There were no speakers.

Consent Agenda:

1. Consider a resolution approving the terms and conditions of an agreement with QKB Inc. for the replacement of water mains located at: (1) Centre St. from E. 2nd St. to E. 3rd St. (\$179,340.00); (2) Idlewild Lane from W. Pleasant Run Road North to Dead End (\$1,325,450.00); and (3) Hammond St. from Hall St. to Randlett St. (\$217,810.00); and the replacement of wastewater mains located at: (1) 1324 North Dallas Avenue south to Pleasant Run Road in the rear easement (\$192,995.00); (2) 400 Block of N. Dallas Avenue from E. 3rd Street to 422 N. Dallas Avenue in the rear easement (\$131,640.00); and (3) W. Main Street from Diann Street 462 feet west towards Beltline Rd. (\$204,135.00) for a total amount not to exceed two million two hundred fifty-one thousand three hundred seventy dollars and zero cents (\$2,251,370.00).

2. Consider a resolution approving the terms and conditions of a construction agreement with QKB Inc. for the replacement of the water main located on Bayport Drive from Rogers Avenue to Verona Road (\$368,700.00); the replacement of the wastewater main located on N. Elm Street from 6th Street to 8th Street in the rear easement (\$388,850.00); and a portion of wastewater main located in the 500 block of Rolling Hills Place (\$127,700.00) for a total amount of eight hundred eighty-five thousand two hundred fifty dollars and zero cents (\$885,250.00). For a total amount including a ten percent contingency not to exceed nine hundred seventy-three thousand seven hundred seventy-five thousand dollars and zero cents (\$973,775.00).
3. Consider a resolution approving the terms and conditions of the agreements with Southwestern Bell Telephone Company, dba AT&T to provide enhanced emergency communications hosted and Virtual Private Network (VPN) service.
4. Consider a resolution amending Resolution 2022-03-24 for a Professional Services Agreement with Kreative Core Technologies for implementation service of the Tyler Technologies Enterprise Resource Planning (ERP) system in an amount not to exceed two million, eighty-two thousand six hundred, eighty dollars and zero cents. (\$2,082,680.00).
5. Consider a resolution amending Resolution 2022-03-23 with Tyler Technologies for Enterprise Resource Planning Software in an amount not to exceed one million, four hundred thirteen thousand, six hundred thirty-seven dollars and zero cents (\$1,413,637.00).
6. Consider amending the Code of Ordinances, Chapter 10, Article 10.04 (Fire Code).
7. Discuss and consider a resolution authorizing the award of Request for Proposal (RFP) 2022-12 to Central North Construction, LLC for the installation of gateway monument signage, landscape, irrigation and related improvements along Houston School Road, Pleasant Run Road, Beltline Road and Wintergreen Road at Dallas Avenue in an amount not to exceed \$4,497,785.32.

MOTION: Deputy Mayor Pro-Tem Gooden-Davis made a motion, seconded by Councilmember Strain-Burk to approve consent items C1 – C7. The vote was cast 6 for, 0 against. [Wheaton absent]

Action:

8. **M22-32** Discuss and consider a resolution authorizing the City Manager to execute a development agreement with Schlachter Realty, LTD., relating to building materials for the development of the property located approximately 2,034 feet south of the intersection of Sunrise Road and Belt Line Road. It is further described as tracts of land situated in Tracts I and II (David A. Schlachter) and Tract III (Schlachter Realty, LTD), of the John Little Survey, Abstract No. 768, the M.H. Lavender Survey, Abstract No. 766, the E. Little Survey, Abstract No. 787, and the D. Garner Survey, Abstract No. 530, City of Lancaster, Dallas County, Texas.

City Manager Mauldin-Jones shared that this item is to consider a development agreement with Schlacter Realty, LTD., relating to building materials for the development of the property located approximately 2,034 feet south of the intersection of Sunrise Road and Belt Line Road. It is further described as tracts of land situated in Tracts I and II (David A. Schlachter) and Tract III (Schlachter Realty, LTD), of the John Little Survey, Abstract No. 768, the M.H. Lavender Survey, Abstract No. 766, the E. Little Survey, Abstract No. 787, and the D. Garner Survey, Abstract No. 530, City of Lancaster, Dallas County, Texas. This is a companion item to zoning case Z22-09, a zoning change request from Agricultural Open (AO) Lanport Overlay to Planned Development- Light Industrial (LI). The purpose of this development agreement is to ensure the planned development to be known as Texas Trimodal develops utilizing the building materials for proposed buildings as identified in the development Agreement. On September 1, 2019, the Texas Legislature passed House Bill 2439 which prohibits local governments from enforcing local codes concerning building materials on commercial and residential properties. The development agreement illustrates and the Developer agreeing to use the proposed building materials for the development depicted in Exhibit C of the Development Agreement. Staff recommends approval of the development agreement as presented.

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

Public Hearing:

- 9. Z22-09 Conduct a public hearing and consider a rezoning request from Agricultural Open (AO) Lanport Overlay to Planned Development- Light Industrial (LI). The property is located approximately 2,034 feet south of the intersection of Sunrise Road and Belt Line Road. It is further described as tracts of land situated in Tracts I and II (David A. Schlachter) and Tract III (Schlachter Realty, LTD), of the John Little Survey, Abstract No. 768, the M.H. Lavender Survey, Abstract No. 766, the E. Little Survey, Abstract No. 787, and the D. Garner Survey, Abstract No. 530, City of Lancaster, Dallas County, Texas.**

City Manager Mauldin-Jones shared that this item is to consider a rezoning request from Agricultural Open (AO) Lanport Overlay to Planned Development- Light Industrial (LI). The property is located approximately 2,034 feet south of the intersection of Sunrise Road and Belt Line Road. It is further described as tracts of land situated in Tracts I and II (David A. Schlachter) and Tract III (Schlachter Realty, LTD), of the John Little Survey, Abstract No. 768, the M.H. Lavender Survey, Abstract No. 766, the E. Little Survey, Abstract No. 787, and the D. Garner Survey, Abstract No. 530, City of Lancaster, Dallas County, Texas. Texas Trimodal is a proposed master planned development to be designed with the intent of supporting light industrial uses. The site will have frontage off the Sunrise Road Connector, Sunrise Road and Van Road, and will contain approximately 301.8 acres. The site is intended to be split into four tracts to attract a world-class business community. Each tract could potentially have multiple users and buildings with intended uses such as data centers, e-commerce, and other related logistics uses. The development proposes approximately 37 acres of open space. Per section 14.101(b)(2)(A) of the Lancaster Development Code, "a minimum of twenty percent (20%) of the gross land area within the entire PD District shall be devoted to open space". The PD is providing 20% open space for each tract. The requirement has been met. Open space has been provided; however, it will not be accessible to the public. There will be a 10-12' wide off-street trail to follow the proposed

Sunrise Road realignment. This development will provide one pedestrian connection to public rights-of-way per development lot to provide employees access to the off-street trail. Overall, the proposed planned development resembles the existing LanPort Overlay requirements with minor reductions to setbacks, changes to the building material requirements, landscaping, and allowed uses. Based upon an analysis of the nine (9) considerations that must be taken into account when reviewing a Planned Development application, the proposed zoning change request to a Planned Development is appropriate. This item is being considered at a Regular Meeting of the City Council noticed in accordance with the Texas Open Meetings Act. On May 22, 2022, 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. Staff received one letter of support and no opposition.

Dan Schlachter, 624 W. N Hwy # C-25b, Dallas TX, 75225, the applicant shared his gratitude for the opportunity and help the City of Lancaster has provided to make the Data Center a reality.

Dan Grant, 13455 Noel Rd. #700, Dallas, TX 75240, shared his agreement with the input that the City Manager and staff proposed.

Councilmember Strain-Burk, shared her enthusiasm of having the applicant return but still has concerns regarding the uses of the property and requested that uses be clarified for the Data Center and the Aviation side.

Dan Grant, shared that they have persevered uses that are attached to airport driven demands ensuring support to the aviation side, they also agreed to remove the outside storage use. He further clarified that declaring the specific uses for the Data Center and Aviation would be hard to establish.

City Attorney Ritter, shared that declaring specific uses for the Data Center and Aviation would be difficult as use category are generally painted broadly. Staff would have to sit with the applicant to declare the uses of the Aviation classification.

City Manager Mauldin-Jones, clarified with the applicant that they will be striking out heavy equipment construction trade yard and outside storage.

Councilmember Mejia, shared that he does not see a problem with the heavy equipment construction trade yard as they will bring revenue for the City Lancaster.

Mayor Pro-Tem Gooden-Davis, commended the applicant regarding hearing the Council concerns and moving the project forward.

Councilmember Jaglowski, thanked the applicant for the time and patience they gave Council, and requested clarification from City Attorney regarding the maximum height of the buildings for the protection of the current and future aviation uses.

Dan Grant, clarified that the maximum height of the building is the same height of the Walmart located immediately north of the construction. FAA regulation dictates height restrictions but they would like the flexibility of the height to go as the FFA regulates.

Deputy Mayor Pro-Tem Cheatham, thanked the applicant for there presentation but shared

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concerns regarding the percentage of employment and impact the Data Center would provide for the City of Lancaster.

Dan Schlachter responded, they are working with Cedar Valley College promoting future jobs within the students that the Data Center will provide.

Dr. John Hubbard, also shared that the Data center is also looking to establish a scholarship for locals that the Best Southwest partnership would overlook.

Mayor Hairston, shared his excitement for the Data Center and thanked the applicant for there partnership.

Mayor Hairston opened the public hearing.

There were no speakers.

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

City Attorney Ritter, advised Council on the wording for the motion that would include what was previously agreed upon.

MOTION: Councilmember Jaglowski made a motion, seconded by Councilmember Strain-Burk to approve item 9 with the adjustment of striking the outside storage under the category of wholesale distribution in storage and adding outside storage to the heavy equipment construction trade yard under the category of wholesale distribution. The vote was cast 6 for, 0 against. [Wheaton, absent]

- 10. M22-18 Conduct a public hearing and consider several requests to amend the 2020 Master Thoroughfare Plan of the City of Lancaster's Comprehensive Plan. 1) Delete the segment of Pinto Road from the Sunrise Road Connector to Sunrise Road. 2) Delete the segment of Van Road between its intersection with the existing Sunrise Road and the realigned proposed Sunrise Road. 3) Delete the segment of Ferris Road between the existing Sunrise Road and the realigned proposed Sunrise Road.**

City Manager Mauldin-Jones shared that this item is companion item to the previous items. A request to amend the 2020 Master Thoroughfare Plan of the City of Lancaster's Comprehensive Plan. The applicant request is the realignment of Sunrise Road includes all associated pedestrian trail facilities to be installed in the rights-of-way. The study aligns with the applicants request, which on October 11, 2021, City Council approved a resolution supporting the Sunrise Road Phase II Feasibility Study's final report, recommending Alignment #2 for Sunrise Road. On September 6, 2022 the Planning and Zoning Commission recommended approval of the request to amend the Master Thoroughfare Plan with staff's recommendations.

Mayor Hairston opened the public hearing.

Councilmember Strain-Burk asked for clarification on removing some segments of the roads and the connectivity/ realignment of the roads.

Dan Grant, clarified the eternal connectivity and access of the roads.

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

MOTION: Councilmember Strain-Burk made a motion, seconded by Mayor Pro-Tem Gooden-Davis to approve item 10. The vote was cast 6 for, 0 against. [Wheaton, absent]

11. M22-33 Conduct a public hearing and consider an amendment to the 2020 Master Thoroughfare Plan of the City of Lancaster's Comprehensive Plan by: 1) Realigning Sunrise Road; and 2) Extending the Sunrise Road Connector from the existing Sunrise Road to the proposed realigned Sunrise Road.

City Manager Mauldin-Jones shared that on October 11, 2021, City Council approved a resolution supporting the Sunrise Road Phase II Feasibility Study's final report, recommending "Alignment #2" for Sunrise Road. This Master Thoroughfare Plan (MTP) request will amend the 2020 MTP to show the realignment of Sunrise Road as adopted by the resolution passed by Council, and further maintain connectivity where the realignment will take place by extending the Sunrise Road Connector from the existing Sunrise Road to the proposed realigned Sunrise Road. On October 4, 2022, the Planning and Zoning Commission recommended approval as presented. Staff recommends approval as presented.

Mayor Hairston opened the public hearing.

There were no speakers.

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

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

12. M22-34 Conduct a public hearing and consider a request to amend the 2020 Master Thoroughfare Plan of the City of Lancaster's Comprehensive Plan deleting a portion of Hana Lane's thoroughfare classification. The portion of roadway facility is situated in the V Wampler Survey, Abstract 1546, City of Lancaster, Dallas County, Texas.

City Manager Mauldin-Jones shared that this item is to conduct a public hearing and consider a request to amend the 2020 Master Thoroughfare Plan of the City of Lancaster's Comprehensive Plan deleting a portion of Hana Lane's thoroughfare classification. Hana Lane is designated as an Urban Collector in the 2020 Master Thoroughfare Plan. The applicant is seeking to build two Studio 6 Suites hotels and associated parking on a tract of land and therefore requests to waive the requirement to plan or construct the Hana Lane extension. The applicants request would eliminate potential connectivity, providing few options to travel north-to-south. In the future, Hana Lane will provide greater intra-city connectivity for residents traveling from Belt Line Road north to Pleasant Run Road. Hana Lane could serve as an alternate route to I-35E. Therefore, staff does not support the applicant's request. On November 1, 2022, the Planning and Zoning Commission recommended denial as presented. Staff concurs with the denial. Since the Planning and Zoning Commission recommended denial of this item, a super majority (6 of 7 members) is

required for approval of this Master Thoroughfare Plan Amendment request.

Mayor Hairston opened the public hearing.

Al Patel, 930 N. I35 E, Lancaster, TX 75146 in opposition for item 12 Public Hearing.

Premila Patel, 930 N. I35 E, Lancaster, TX 75146 in opposition for item 12 Public Hearing.

Sachin Patel, 930 N. I35 E, Lancaster, TX 75146 in opposition for item 12 Public Hearing.

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

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

- 13. M22-30 Conduct a public hearing and consider a comprehensive plan amendment request from Rural Living to Mixed Use Neighborhood. The property is located on the northwest corner of Springcrest Drive and West Pleasant Run Road, addressed as 2111 West Pleasant Run Road. The property is known as Lot 1A, Block B, out of the Spring Valley Addition, in the City of Lancaster, Dallas County, Texas.**

City Manager Mauldin-Jones shared that the property is located on the northwest corner of Springcrest Drive and West Pleasant Run Road, addressed as 2111 West Pleasant Run Road. The property is known as Lot 1A, Block B, out of the Spring Valley Addition, in the City of Lancaster, Dallas County, Texas. The subject property is currently zoned Neighborhood Service (NS). On October 14, 2019, City Council approved a request to change the zoning from SF-4 to NS. The purpose of the request is to implement the necessary comprehensive plan amendments, as the property has been re-zoned. Currently, there is a conflict between the land use and the zoning. This plan amendment will make the land use consistent with the base zoning district. As part of the zone change, a plan amendment is required. On November 20, 2022 a notice for this public hearing appeared in the Focus Daily Newspaper. A sign was posted on the property and notices were mailed to owners within 200 feet of the subject property. Staff has not received any notices in support or opposition. On November 1, 2022, the Planning and Zoning Commission recommended approval as presented. Staff concurs.

Mayor Hairston opened the public hearing.

There were no speakers.

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

MOTION: Councilmember Strain-Burk made a motion, seconded by Mayor Pro-Tem Gooden-Davis to approve item 13. The vote was cast 5 for, 0 against, [Cheatham abstain] [Wheaton, absent]

- 14. M22-39 Discuss and consider an ordinance granting an exception to the Code of Ordinances, Chapter 6 Fence Regulations, Sec 6.07.008 to allow the use of an R-panel metal fence on property addressed as 3220 Prancer, City of Lancaster, Dallas**

County, Texas.

City Manager Mauldin-Jones shared that this is to consider an ordinance granting an exception to the Code of Ordinances, Chapter 6 Fence Regulations, Sec 6.07.008 to allow the use of an R-panel metal fence on property addressed as 3220 Prancer, City of Lancaster, Dallas County, Texas. The property is addressed as 3220 Prancer Street and is approximately 0.61 acre in size. The subject property is currently zoned Agricultural Open (AO). The Future Land Use Plan of the Comprehensive Plan identifies this site as Suburban Neighborhood. The current residential use is consistent with the Future Land Use Plan of the Comprehensive Plan. This is an exception request to install a 6-foot tall R-panel metal fence. Upon review of a permit application for the R-panel fence, the applicant was informed the R-panel material is not allowed by right in residential districts. Staff asked the applicant to consider wrought iron fencing, and the applicant stated they did not want wrought iron fencing, because they wanted privacy. The applicant has other fence options (wood, brick, stone, concrete, vinyl, ornamental iron) as noted in Section 6.07.008 of the fence ordinance. The proposed R-panel fence will negatively impact the subject property and surrounding properties. Staff recommends denial as presented.

Councilmember Strain-Burk shared concerned regarding the outcome of approving this item would have on other residents requesting the same exception.

City Attorney Ritter, shared that Council would look at each land individually and is not bound on the approval of this item for future expectations

Councilmember Mejia asked for clarification on the reason staff recommended denial.

City Manager Mauldin-Jones clarified staff recommendation was based on Section 6.07.008 of the code of ordinance which allows wood, brick, stone, concrete, vinyl, ornamental iron and corrugated metal fencing is not allowed in a residential district, adjacent to other single-family homes which is the policy approved by Council.

Deputy Mayor Pro-Tem Cheatham shared his appreciation for staff and his opinion regarding the standards that need to be held for the benefit of the City of Lancaster.

Councilmember Jaglowski, questioned if the applicant was present and requested images of the fence request.

Queena Saucedo and Saul Saucedo, 3220 Prancer St., Lancaster, TX 75146, the applicants spoke in favor of item 14.

Councilmember Jaglowski and Deputy Cheatham requested information on where the fence would be placed and the type of material the shared/neighbor fence was.

Queena Saucedo, clarified the fence would be placed on the right side of the property as the shared fence with their neighbor is a wood fence.

Councilmember Jaglowski shared that the images of the fence were not provided and requested the applicant table this item to provide a clear image of their request.

MOTION: Councilmember Jaglowski made a motion, seconded by Councilmember Strain-Burk

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to close the public hearing. The vote was cast 6 for, 0 against. [Wheaton, absent]

MOTION: Councilmember Jaglowski made a motion, seconded by Councilmember Mejia to table item 14. **The roll call vote** was cast 3 for, 3 against. [Hairston, Strain-Burk, Cheatham] [Wheaton, absent]

MOTION: Councilmember Jaglowski made a motion, seconded by Councilmember Strain-Burk to deny item 14 without prejudice. **The roll call vote** was cast 3 for, 3 against. [Hairston, Strain-Burk, Cheatham] [Wheaton, absent]

City Attorney Ritter, advised Council regarding the failed motion and recommend the applicant pull the item.

City Manager Mauldin-Jones, informed the applicant regarding pulling the item and resubmitting it with the additional clarifications needed.

Queena Saucedo, applicant requested to pull item 14 and resubmit for the Regular Meeting on January 9, 2023

Mayor Hairston, shared information regarding the City of Lancaster Christmas parade.

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

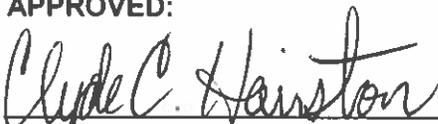
The meeting was adjourned at 8:33 p.m.

ATTEST:



Sorangel O. Arenas, City Secretary

APPROVED:



Clyde C. Hairston, Mayor