

**MINUTES****LANCASTER CITY COUNCIL MEETING OF JULY 23, 2012**

The City Council of the City of Lancaster, Texas, met in Regular session in the Council Chambers of City Hall on July 23, 2012 at 7:00 p.m. with a quorum present to-wit:

**Councilmembers Present:**

Mayor Marcus E. Knight  
Walter Weaver  
Stanley Jaglowski  
Deputy Mayor Pro Tem James Daniels  
LaShonjia Harris  
Nina Morris

**Councilmember Absent:**

Mayor Pro Tem Marco Mejia

**City Staff Present:**

Opal Mauldin Robertson, City Manager  
Sean Johnson, Parks and Recreation Director  
Dori Lee, Human Resources Director  
Ed Brady, Economic development Director  
Sheree Haynes, Finance Director  
Larry Flatt, Police Chief  
Thomas Griffith, Fire Chief  
Rona Stringfellow Govan, Managing Director Public Works / Development Services  
Jim Brewer, Assistant Director Public Works / Development Services  
Shwetha Pandurangi, City Engineer  
Nathaniel Barnett, Senior Planner  
Donald McKinney, Water/Wastewater Superintendent  
Dawn Berry, Purchasing Agent  
Dolle Downe, City Secretary  
Robert E. Hager, City Attorney

**Call to Order:**

Mayor Knight called the meeting to order at 7:00 p.m. on July 23, 2012.

Mayor Knight called for a moment of silence to honor Lancaster Police Officer Dustin Dodson, killed in a traffic accident.

**Invocation:**

Pastor John Richardson with Zion Chapel gave the invocation.

**Pledge of Allegiance:**

Deputy Mayor Pro Tem Daniels led the pledge of allegiance.

**Citizens Comments:**

James Lewis, 818 Katy Street, stated that he is trying to get things done that will save the City money; commented that the City was in a number of lawsuits; stated that he wants to work with Council and be a decent citizen; urged others to use their right to vote, protest, speak and get things done the legal way.

**Consent Agenda:**

City Secretary Downe read the consent agenda.

- 1C. **Consider approval of minutes from the City Council Regular Meeting held July 9, 2012.**
- 2C. **Consider Resolution 2012-07-51 approving the terms and conditions of an Interlocal Agreement by and between the City of Lewisville, Texas, and the City of Lancaster for the cooperative purchase of goods and services.**
- 3C. **Consider Resolution 2012-07-52 approving the terms and conditions of a professional services agreement with Dal-Tech Engineering, Inc. to perform services in connection with the project known as Daniieldale Road Project for the reconstruction of Daniieldale Road from IH-35E to Houston School Road; water and wastewater improvements on Daniieldale Road from IH-35E to Houston School Road; and traffic signals and intersection improvements at Daniieldale Road and Houston School Road in an amount not to exceed \$637,770.**
- 4C. **Consider an ordinance repealing in part Ordinance No. 2003-12-42 concerning the land use assumptions and capital improvement plan for roadway impact fees, as set in said ordinance; providing for repeal, in part, of Ordinance No. 2007-11-54 concerning water and wastewater land use assumptions and capital improvement plans for water and wastewater, as set forth in said ordinance; and providing for an adoption of new land use assumptions and capital improvement plans.**

**MOTION:** Councilmember Morris made a motion, seconded by Councilmember Jaglowski, to approve consent items 1C - 4C. The vote was cast 6 for, 0 against [Mejia absent].

5. **Conduct a public hearing on updates to the Master Thoroughfare Plan and consider Resolution 2012-07-53 amending Land Use Assumptions and amending the Capital Improvement Plan [thoroughfare impact fee improvement program] for roadway impact fees; and providing for establishing a Public Hearing and date to consider amendments to the Roadway Impact Fees.**

Senior Planner Barnett requested that the written recommendations and minutes of the Planning and Zoning Commission acting as the Capital Improvements Advisory Committee (CIAC) as related to Roadway Impact Fees be entered into the record:

*"PUBLIC HEARING*

*3. M12-05 Conduct a Public Hearing and consider the Proposed Roadway and Water/Wastewater Impact Fee Reports.*

*Senior Planner Nathaniel Barnett presented information regarding the study of impact fees for Roadway and Water/Wastewater. He acknowledged the presence of representatives from the consulting firms of Kimley-Horn & Associates (Roadway) and Freese & Nichols, Inc. (Water/Wastewater). Senior Planner Barnett briefed the commission on the sessions that had taken place and the documents that had been supplied to them regarding the studies. He mentioned that impact fees were allowed to be charged by municipalities in accordance with Chapter 395 of the Local Government*

*Code. The purpose of this meeting was for the commission to ask any further questions with regards to the draft studies that had been presented and make a recommendation to the City Council in regards to the information. The primary information that the commission was to look at were the population projections and the land use assumptions. This information would be utilized in the calculations for projected growth and usage of the infrastructure when determining the impact this growth would have and the cost associated with it. Based on those calculations, the impact fees could thus be determined. Senior Planner Barnett stated that a recommendation from Staff would not be made at this time but that the recommendation obtained from the commission along with their written comments, if any, would be used when making a recommendation to the City Council.*

*Chair Colton asked if the answer had been provided with regards to whether or not Red Oak charged impact fees for Water/Wastewater. Senior Planner Barnett stated that the consultants had informed him that they do not. Chair Colton asked if Red Oak was totally built out. It was stated that they are not. Chair Colton then asked whether impact fees had driven away any potential development. Senior Planner Barnett stated that he had not experienced a situation where impact fees had derailed any development project in the city. He also explained that impact fees are typically a nominal cost of development but not the major factor as developers usually have other measures to determine where to locate their projects.*

*Chair Colton opened the public hearing.*

*There were no speakers in favor of or opposed to the impact fee draft report.*

*James Fairchild, 1338 Cedar Oaks Blvd, Dallas, Texas, a student of at the University of Texas at Arlington, asked if a semi-annual report for the impact fees was available to the public. Senior Planner Barnett stated that the information for the report would be provided soon.*

*Chair Colton entertained a motion to close the public hearing.*

*Vice Chair Wright made the motion to close the Public hearing, seconded by Commissioner Mitchell.*

**AYES: COLTON, ELKINS, MITCHELL, PROTHRO, WRIGHT**

**NAYES: NONE**

*The motion carried 5-0.*

*Discussion of the Item:*

*The Commissioners expressed concerned that developers should pay their fair-share of the infrastructure growth of the city. Senior Planner Barnett stated that the maximum assessed fees that could be collected had decreased from the 2006/2007 Impact Fee Reports and that the Water/Wastewater impact fee would definitely have to decrease since the maximum assessable fee is lower than what is charged today.*

*Chair Colton asked the commissioners their thoughts on what their action should be. Everyone believed that an impact fee should be charged. It was determined that fees should not be raised and that the maximum for water/wastewater should be charged since it would be lower than what is being charged currently. The commissioners stated that they agreed with the report by the consultants and their findings and believed it should be adopted.*

*Chair Colton entertained a motion for the public hearing item.*

*A motion was made by Commissioner Prothro to recommend approval of the report as presented by the consultants and assess the maximum assessable fee but not increase any impact fee, and seconded by Vice Chair Wright.*

*AYES: COLTON, ELKINS, MITCHELL, PROTHRO, WRIGHT*

*NAYES: NONE*

*The motion carried 5-0."*

Senior Planner Barnett stated that the roadway impact fee study must be updated every five years and as presented in the work session earlier, growth has slowed significantly thus projections are more conservative. Senior Planner Barnett noted that the annexed area has been included in the study and updates are necessary to the Land Use Assumptions and Capital Improvement Plan for roadways. Senior Planner Barnett stated that the maximum allowable fee for the three service areas did decrease. The Capital Improvements Advisory Committee (CIAC) and staff's recommendation is to adopt the study and Capital Improvement Plan for roadways and set the public hearing for August 27, 2012 to consider roadway impact fees.

Mayor Knight opened the public hearing.

Speaking were:

James Lewis, 818 Katy Street, asked if this was for roadway improvements. Mayor Knight stated that the matter before Council is the roadway impact fee study which considers historical and anticipated growth to help determine what rate should be set for roadway impact fees. Mr. Lewis asked how the fee was used. Mayor Knight stated that the fee is used for new development or renovation to existing structures that require additional meters.

Carolyn Morris, 887 Wintergreen, commented that the City did not need another fee and that Lancaster should be looking to grow; commented that when Triple Freeport was put into place, the City should have experienced more economic growth; stated that more economic development is needed and not just empty buildings along Pleasant Run Road; said the City has been taxed enough and Council should allow development without fees; asked if those rebuilding in the tornado area would pay impact fees; said Council should not send developers away.

Mayor Knight indicated that the recommended fees are in fact lower than what is currently in place and that Council would consider the roadway impact fee at the August 27, 2012 meeting.

There were no other speakers.

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

**MOTION:** Councilmember Weaver made a motion, seconded by Councilmember Jaglowski, to conduct the public hearing and consider the roadway impact fee on August 27, 2012.

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City Manager Mauldin Robertson indicated that at this meeting, it is necessary to accept the study and adopt the resolution.

Councilmember Weaver withdrew his motion.

**MOTION:** Councilmember Morris made a motion, seconded by Deputy Mayor Pro Tem Daniels, to accept the Roadway Impact Fee Update Study as presented and adopt Resolution 2012-07-53 amending Land Use Assumptions and amending the Capital Improvement Plan [thoroughfare impact fee improvement program] for roadway impact fees; and set the Public Hearing for August 27, 2012 to consider amendments to the Roadway Impact Fees. The vote was cast 6 for, 0 against [Mejia absent].

**6. Conduct a public hearing on updates to the Water and Wastewater Master Plans and consider Resolution 2012-07-54 amending Land Use Assumptions and amending the Capital Improvement Plan for Water and Wastewater; and providing for establishing a Public Hearing and date to consider amendments to the Water and Wastewater Impact Fees.**

Senior Planner Barnett requested that the written recommendations and minutes of the Planning and Zoning Commission acting as the Capital Improvements Advisory Committee (CIAC) as related to Water and Wastewater Impact Fees be entered into the record. [The Capital Improvements Advisory Committee acted on both the Roadway and Water/Wastewater Impact Fees in the same item at their meeting; reference the recommendations and complete minutes under Item 5 above.]

Senior Planner Barnett stated that as previously presented in the earlier work session and similar to the study on roadway impact fees, growth has slowed significantly and projected growth for water and wastewater needs has been projected conservatively. The annexed area has been included in the study. The Capital Improvements Advisory Committee (CIAC) and staff's recommendation is to adopt the study and Capital Improvement Plan for water and wastewater and set the public hearing for August 27, 2012 to consider water/wastewater impact fees.

Mayor Knight opened the public hearing.

Speaking were:

James Lewis, 818 Katy Street, asked if this study was conducted every five years and if it would lower the City's water and sewer rates. Mayor Knight stated that the study provides information for Council to determine water/wastewater impact fees for future development in the City.

James Adams, 2003 Hash Road, stated that the study includes the newly annexed area, but the City does not provide any water or sewer or the area so how can they be charged; commented that the City has no plans to bring water to sewer to the area and there are no bar ditches and it just doesn't make sense; stated that there were indicators in cities that went bankrupt in California, yet the cities continued to overextend and be over budget; stated that Council should watch what they are doing.

There were no other speakers.

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

**MOTION:** Councilmember Morris made a motion, seconded by Councilmember Jaglowski, to accept the Water and Wastewater Master Plans as presented and adopt Resolution 2012-07-54 amending Land Use Assumptions and amending the Capital Improvement Plan for Water and Wastewater; and establishing a Public Hearing date of August 27, 2012 to consider amendments to the Water and Wastewater Impact Fees. The vote was cast 6 for, 0 against [Mejia absent].

7. **Discuss and consider an ordinance amending the Lancaster Code of Ordinances by repealing Chapter 14, Article 14.1700 "Storm Water Management" of the Lancaster Development Code in its entirety; amending Chapter 24, "Utilities," of the Lancaster Code of Ordinances by adopting Article 24.08, "Storm Water Management,"; renumbering the City of Lancaster's Storm Water Management Ordinance and adopting new provisions prohibiting illicit discharge into the City's Storm Water System and adopting new provisions providing post-construction Storm Water Guidelines.**

City Engineer Pandurangi stated that as discussed during the earlier work session, amendments to the existing storm water ordinance are necessary to include two sections regarding Illicit Discharge Prohibition and Elimination and Post-Construction Controls and Guidelines.

**MOTION:** Councilmember Morris made a motion, seconded by Councilmember Jaglowski, to approve the ordinance as presented. The vote was cast 6 for, 0 against [Mejia absent].

8. **Discuss and consider Resolution 2012-07-55 adopting City Council Goals and Objectives contained in the June 2012 City Council Retreat Report.**

Mayor Knight commented that the report contained goals and objectives as discussed at the Council's recent strategic planning session.

**MOTION:** Deputy Mayor Pro Tem Daniels made a motion, seconded by Councilmember Morris, to approve Resolution 2012-07-55 adopting City Council Goals and Objectives contained in the June 2012 City Council Retreat Report. The vote was cast 6 for, 0 against [Mejia absent].

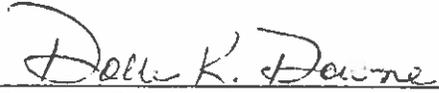
Councilmember Morris thanked City staff and the Council for their time during strategic planning.

**MOTION:** Councilmember Morris made a motion, seconded by Deputy Mayor Pro Tem Daniels, to adjourn. The vote was cast 6 for, 0 against [Mejia absent].

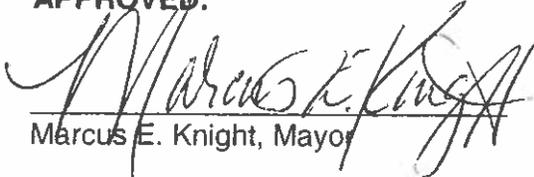
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The meeting was adjourned at 7:28 p.m.

**ATTEST:**

  
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Dolle K. Downe, City Secretary

**APPROVED:**

  
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Marcus E. Knight, Mayor