

MINUTES

LANCASTER CITY COUNCIL MEETING OF MAY 9, 2016

The City Council of the City of Lancaster, Texas, met in a called Regular session in the Council Chambers of City Hall on May 9, 2016 at 7:00 p.m. with a quorum present to-wit:

Councilmembers Present:

Mayor Marcus E. Knight
Carol Strain-Burk
Deputy Mayor Pro Tem Stanley Jaglowski
Marco Mejia
LaShonjia Harris
Clyde C. Hairston seated following oath of office
Nina Morris

Councilmembers Absent:

Mayor Pro Tem James Daniels

City Staff Present:

Opal Mauldin-Robertson, City Manager
Rona Stringfellow, Assistant City Manager
Fabrice Kabona, Assistant to the City Manager
Sean Johnson, Managing Director of Quality of Life & Cultural Services
Jim Brewer, Public Works Director
Baron Sauls, Finance Director
Sam Urbanski, Interim Police Chief
Ed Brady, Director of Economic
Robert Franklin, Fire Chief
Jermaine Sapp, Equipment and Facilities Director
Alton Dixon, Purchasing Agent
Dori Lee, Director of Human Resources
Brad Boulton, Assistant Police Chief
Cheryl Womble, Administrative & Community Relations Supervisor
Samantha Gowans, Assistant City Attorney
Mayra Rios, Assistant City Secretary
Sorangel O. Arenas, City Secretary

Call to Order:

Mayor Knight called the meeting to order at 7:00 p.m. on May 9, 2016.

Invocation:

Pastor John Richardson gave the invocation.

Pledge of Allegiance:

Councilmember Strain-Burk led the pledge of allegiance.

Proclamations:

Mayor Knight presented proclamations, including a proclamation announcing the month of May as "Motorcycle Safety Awareness Month," which urges all residents to increase safety and awareness in the community to enable the reduction of accidents and injuries involving motorcyclists.

Mayor Knight announced May 15th through May 21st is "Public Works Week," which was presented to Jim Brewer, Director of Public Works.

Mayor Knight presented Interim Police Chief, Sam Urbanski, a proclamation proclaiming May 15th through May 21st as "National Peace Officer Week" and May 15th as "Peace Officer's Memorial Day."

Mayor Knight presented Fire Chief, Rob Franklin, a proclamation proclaiming May 15th through May 21st as "Emergency Medical Services Week."

Recognition:

Mayor Knight recognized Renita Williams' accomplishments, excellence, and acceptance attend West Point Preparatory School. Also, Mayor Knight acknowledged Haiston Blair's representation from Congresswoman Eddie Bernice Johnson's office to congratulate Renita Williams' acceptance to West Point.

Darius Brown was unable to attend the meeting. However, Mayor Knight shared that Darius Brown was selected as the recipient to the 2016 Bill Gates Millennium Scholarship which will pay for his education concluding a doctorate degree. Also, Darius Brown will attend Texas A&M University starting in the Fall of 2016.

On behalf of City Council and the citizens of the community, Mayor Knight presented Councilmember LaShonjia Harris a plaque of recognition to commemorate her service as a Councilmember for District 5 from May 2012 through May 2016 and service as Deputy Mayor Pro Tem from May 2014 through June 2015.

Councilmember Harris thanked her colleagues and stated what an honor it was to serve the citizens of Lancaster; specifically, her constituents in District 5. Also, she thanked the City Manager, Assistant City Manager, City Secretary, and the Executive Team for their hard-work. She shared that when she entered office, she was definitely an alpha female with a big-heart and passion for people. Councilmember Harris shared the importance of improving the residential areas for the safety and security of our homes and advised citizens to be a role model to the young generation. Councilmember Harris informed Councilmember Clyde C. Hairston that it is an honor to have him back in office back. She thanked the Lancaster Independent School District's Board of Trustees and staff for the continued partnership to enrich the City. Councilmember Harris stated that the separation is not a good-bye but she is on to her next journey.

Citizens Comments:

John Richardson, 1004 N. Jefferson Street, shared his appreciation to the City and the community for supporting the National Day of Prayer. The collaboration with the City and the Independent School District created a successful event. Pastor Richardson thanked the Council for supporting the Lancaster Interdenominational Ministerial Alliance and the spiritual guidance brought forth by the community.

1. Administer oaths of office, present Certificates of Election, and seat newly elected council members.

City Secretary Arenas administered the Oath of Office for Carol Strain-Burk, Marco Mejia, and Clyde C. Hairston. Certificates of Election were presented.

Councilmember Strain-Burk thanked her supporters, particularly her constituents in District 1. She stated that she will continue to work diligently for the City and attempt to make this a better place for the future. Councilmember Strain-Burk acknowledged the importance of working with the Lancaster Independent School District and being capable of rendering difficult decisions to advance the City. She is thankful to have another opportunity to serve for an additional three years.

Councilmember Mejia thanked his supporters especially his constituents in District 3. He expressed that it has been a rewarding and challenging six year journey but acknowledged the importance of office and how his

Councilmember Hairston thanked his supporters, neighbors, co-workers, and church members that were in attendance to express their support. He stated that it is an honor to serve alongside the City Council and City Manager. He indicated his passion for the City win which he has invested to reside, work, and have church. Additionally, he thanked Councilmember Harris for trusting him to represent the citizens in District 5.

Newly elected and re-elected councilmembers were seated: Councilmember Carol Strain-Burk, District 1; Councilmember Marco Mejia, District 3; and Councilmember Clyde C. Hairston, District 5.

Consent Agenda:

City Secretary Arenas read the consent agenda.

C2. Consider approval of minutes from the City Council Regular Meeting held on April 11, 2016.

C3. Consider a resolution accepting the 2015 Racial Profiling Analysis annual report.

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

4. Z16-02 – continue a public hearing and consider an ordinance amending the City of Lancaster comprehensive Plan Future Land use map by designating said from Light Industrial by granting a re-zoning request from LI-Light Industrial to SF4 – Single Family Residential. The subject property is located on the east side of Katy Street just south of the intersection of Katy Street and E. Pleasant Run Road and further described as 1102 Katy Street, Lancaster, Dallas County, Texas.

Councilmember Mejia recused himself for this item.

Mayor Knight shared that Councilmember Mejia recused himself from item 4. He reminded the councilmembers that item 4 has been previously postponed due to the necessity that 5 council members (supermajority) is required to enable action.

Mayor Knight opened the public hearing.

Irene Mejia, 1500 W. Main Street, shared that over forty years ago her husband decided to move to Lancaster and bought a large piece of property. As of today, part of the property is known as "Grain Elevators" and the remaining property has been developed as an industrial area. Mrs. Mejia stated that forty years ago the cost of property taxes was about \$10.00 and currently the cost is about \$100,000.00. Throughout the years the area has been developed as an industrial area and she would like to see the expansion continue.

Frank Mejia, 1500 W. Main Street, stated that he has resided in Lancaster for over forty years and has owned the property on Katy Street for that time. Mr. Mejia displayed documents that reflect the number of properties he possesses on Katy Street. He stated he recently purchased two properties on Katy Street from Dallas County. Mr. Mejia feels the owner of the property ought to have inquired about the property uses prior to purchasing the property. Mr. Mejia shared he has been in business for over 40 years and would like the area to remain zoned for Light Industrial.

Mayor Knight shared that Marco Mejia is speaking as a citizen on item 4.

Marco Mejia, 1515 Rebecca Lane, indicated the area has been Light Industrial for almost 40 years. He stated that once a property is vacant after six months, the property is no longer grandfathered into the prior zoning. The property has been vacant for two to three years. Applicant purchased the property to attempt to reside in the property. Mr. Mejia informed that individuals have invested in the area, believing it will continue as Light

Industrial. He shared if the zoning is modified then it will be considered Spot Zoning and the City will not be progressing forward. He advised that the rules and ordinances should be followed; otherwise, the City will be implementing Light Industrial properties into a residential area. The applicant should have inquired about the uses of the property prior to purchasing it.

Jesus Garcia, 820 Pritchard, Dallas, Texas, shared that when the property was purchased he wasn't aware that the site was zoned for commercial use the reason why he hired an individual to research the zoning requirements. The property was purchase for his family and advised that his contract at his current residence has expired and is worried about where to live.

MOTION: Councilmember Morris made a motion, seconded by Councilmember Strain-Burk to close the public hearing. The vote was cast 5 for, 0 against [Mejia recused] [Mayor Pro Tem Daniels absent].

Mayor Knight shared that item 4 requires action from 5 of the councilmembers and advised if any of the members have any questions due to the sensitivity of the matter. He informed that the property has lost the grandfather privileges to remain zoned as a single-family residential. The subject property is currently zoned for Light Industrial and the adjacent properties are zoned for Light Industrial use. Mayor Knight shared that the Planning and Zoning Commission recommended denial of the rezoning request; therefore, the reason for a supermajority vote is required to overturn the recommendation.

Councilmember Hairston stated that the applicant inquired if he is allowed to reside in the home for one year and if the request is denied by council, how long may he live in the property.

Mayor Knight stated the applicant would not be allowed to inhabit the property based if a decision to uphold the denial is approved.

Councilmember Strain-Burk expressed that the applicant lost grandfathered status since the subject property has been vacant more than six months.

Councilmember Morris inquired from Assistant City Attorney if the definition of Spot Zoning was explained to the applicant.

Assistant City Attorney Gowans advised that she believes that the zoning was explained to the applicant and the process for the zoning to be changed.

Councilmember Morris expressed that she is saddened by the situation since the family has purchased the property and does not have a place to live. She stated that Spot Zoning is illegal and inquired if the applicant has all the answers needed from the City's perspective.

Mayor Knight clarified that item 4 is not a good example of Spot Zoning. He shared that if the subject property is rezoned then the area will be considered Spot Zoning which is not recommended by Planning and Zoning Commissions.

Mayor Knight stated to avoid Spot Zoning the motion will be to uphold Planning and Zoning's denial decision to the request.

Councilmember Morris inquired if the Planning and Zoning's decision is not upheld then the matter may be involved in a legal matter.

Mayor Knight requested advice from Assistant City Attorney that if the decision of the governing body is to change the zoning to item 4, it will subject the City to legal scrutiny for a decision that is contrary to what the general practices are.

Assistant City Attorney Gowans agreed with Mayor Knight. Also, she stated that the motion will be to approve item 4 then have five members to vote on the item.

MOTION: Councilmember Morris made a motion, seconded by Councilmember Strain-Burk to approve item 4. The vote was cast 0 for, 5 against [Mejia recused] [Mayor Pro Tem Daniels absent].

5. **Z15-05 (Amendment) Consider an amendment to the City of Lancaster Comprehensive Plan's Future Land Use Map and a rezoning request to amend PD Planned Development Ordinance # 2015-10-23 to amend landscaping requirements, lot configuration, building height, and points of access. The property contains approximately 59 acres on the NW corner of Daniieldale Road and North Houston School Road further described as Abstract Silas B. Runyon 1199, Lancaster, Dallas County, Texas.**

Councilmember Strain-Burk inquired if item 5 was the same item held at the Special Joint Meeting with Lancaster I.S.D.

City Manager Mauldin-Robertson confirmed.

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

6. **Consider a resolution of the City council of the City of Lancaster, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and ATMOS Energy Corp., Mid-Tex Division regarding the company's 2016 rate review mechanism filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with a negotiated settlement.**

Councilmember Strain-Burk asked if the rate adjustments were being collaborated with other cities.

Assistant to the City Manager Kabona answered yes to Councilmember Strain-Burk's inquiry. He shared that a representative from ATMOS Energy Corp. was available to answer any questions, if needed.

Councilmember Mejia requested the percentage of the overall rate increase.

Assistant to the City Manager Kabona stated that the monthly bill impact for the typical residential customer will be an increase of \$1.26, or about 2.43%. The typical commercial customer will see an increase of \$3.81, or 1.43%.

Councilmember Strain-Burk asked if the rate increase is a standard negotiation settlement between the ATMOS Cities Steering Committee and ATMOS Energy Corp.

Assistant to the City Manager Kabona shared that the rate increase process is standard and will be in effective on or after June 1, 2016.

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

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

7. Discuss and consider appointment of council liaisons to City Boards and Commissions.

Mayor Knight stated that the history of councils' selection to be appointed as a liaison to the City Boards and Commissions is based on tenure. He shared that there are 12 boards and commissions and 5 council members that are able to participate and advised that there will be some overlapped.

City Council made their selection of board/commissions to serve as council liaison as follows:

Councilmember Morris	Parks & Rec and Recreational Development Corp.
Councilmember Mejia	Economic Development Corporation
Deputy Mayor Pro Tem Jaglowski	Animal Advisory Board
Councilmember Strain-Burk	Planning and Zoning Commission
Councilmember Hairston	Airport Advisory Board
Councilmember Morris	Property Standards & Appeals Board
Councilmember Mejia	Civil Service Commission
Deputy Mayor Pro Tem Jaglowski	Library Advisory Board
Councilmember Strain-Burk	Historic Landmark Preservation Committee
Councilmember Hairston	Museum Advisory Board
Councilmember Morris	Youth Advisory Commission
Deputy Mayor Pro Tem Jaglowski	Zoning Board of Adjustment

8. Consider election of a Mayor Pro Tempore.

Councilmember Morris nominated Councilmember Strain-Burk. A roll call vote was cast 6 for, 0 against for Councilmember Strain-Burk to serve as Mayor Pro Tempore.

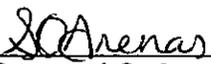
9. Consider election of a Deputy Mayor Pro Tempore.

Councilmember Morris nominated Deputy Mayor Pro Tem Jaglowski. A roll call vote was cast 6 for, 0 against for Councilmember Jaglowski to serve as Deputy Mayor Pro Tempore.

MOTION: Councilmember Morris made a motion, seconded by Councilmember Hairston, to adjourn. The vote was cast 6 for, 0 against [Councilmember Daniels absent].

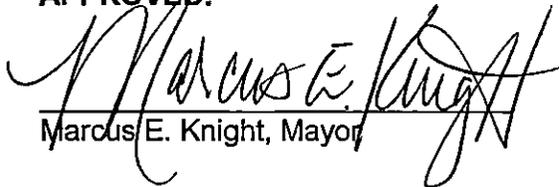
The meeting was adjourned at 8:00 p.m.

ATTEST:



Sorangel O. Arenas, City Secretary

APPROVED:



Marcus E. Knight, Mayor