

MINUTES

LANCASTER CITY COUNCIL MEETING OF OCTOBER 10, 2016

The City Council of the City of Lancaster, Texas, met in a called Regular session in the Council Chambers of City Hall on October 10, 2016 at 7:00 p.m. with a quorum present to-wit:

Councilmembers Present:

Mayor Marcus E. Knight
Mayor Pro Tem Carol Strain-Burk
Deputy Mayor Pro Tem Stanley Jaglowski
Marco Mejia
Spencer W. Hervey Jr.
Clyde C. Hairston
Nina Morris

City Staff Present:

Opal Mauldin-Robertson, City Manager
Rona Stringfellow, Assistant City Manager
Dori Lee, Human Resources Director
Sean Johnson, Managing Director of Quality of Life & Cultural Services
Baron Sauls, Finance Director
Alton Dixon, Purchasing Manager
Tony Felts, Senior Planner
Jim Schlachter, Building Official
Nathan Diaz, Fire Marshal
Pat Adamcik, Assistant Fire Chief
Beau Jackson, Battalion Chief
Sorangel O. Arenas, City Secretary

Call to Order:

Mayor Knight called the meeting to order at 7:00 p.m. on October 10, 2016.

Invocation:

Pastor Richardson gave the invocation.

Pledge of Allegiance:

Councilmember Mejia led the pledge of allegiance.

Proclamation:

Mayor Knight proclaimed the Month of October as Fire Prevention Month and urged all of our citizens to find out the age of smoke alarms in their homes and to learn more about fire prevention.

Consent Agenda:

City Secretary Arenas read the consent agenda.

1. Consider approval of minutes from the City Council Regular Meeting held on August 22, 2016, City Council Special Meeting held on August 29, 2016, and City Council Regular Meeting held on September 12, 2016.
2. Consider a resolution canceling the regular City Council meetings scheduled for November 28, 2016 and December 26, 2016.
3. Consider a resolution authorizing Dallas County to resell 4291 and 4293 Elkins Avenue, tax foreclosed properties, by public or private sale, to the highest qualified purchaser, as provided by Section 34.05 of the Texas Property Tax Code.

MOTION: Deputy Mayor Pro Tem Jaglowski made a motion, seconded by Councilmember Hairston to approve consent items 1-3. The vote was cast 7 for, 0 against.

4. **Z16-06 - Conduct a Public Hearing and consider an Amendment to the City of Lancaster Comprehensive Plan and Future Land use Map and a rezoning request from A-O Agricultural-Open to LI Light Industrial. The property is approximately 19.676 acres of land that is located on the south side of Wintergreen Road just west of the intersection of Houston School Road and Wintergreen Road. The legal description is Tract I and Tract II of First Baptist Church of Dallas located in Maraday Parks Survey, Abstract No. 1120, and more commonly addressed as 2620 Wintergreen Road, Lancaster, Dallas County, Texas.**

Senior Planner Felts informed Council this was a request to rezone the subject property from the current Agricultural-Open Space ("A-O") to Light Industrial ("LI"). The property owner is seeking to utilize the subject property as a Bus Service Center. A bus service center or any other use currently allowed under the Light Industrial zoning district will be incompatible with the future vision for this area. Mr. Felts shared the 2002 Comprehensive Plan identifies this site as suitable for bus service centers. However, the 2002 Comprehensive Plan has been deemed incompatible with the growth and future direction that the City's residents and stakeholders envision for Lancaster's future and is currently in the process of being updated. The Comprehensive Plan update is scheduled for adoption at this current meeting and identifies the property site as Suburban Mixed-Use Center Uses, which is different from the 2002 Comprehensive Plan. Mr. Felts noted that the proposed zoning designation would be in conflict with the updated Future Land Use Plan. Additionally, the P&Z Commission recommended denial of the rezoning request.

Mayor Knight stated since the P&Z Commission denied the request, a supermajority (6 of the 7 members of Council) is required to approve the request.

Mayor Knight opened the public hearing.

Dallas Cothrum, 900 Jackson Street, Dallas, Texas, distributed planning examples to the governing body and would like to speak about a plan versus a project. Mr. Cothrum quoted Helmuth von Moltke who once said that "no battle plan survives contact with the Enemy." The enemy to plans is the market in which plans are a long-term vision for the area. A plan requires City's approval and investment which is an essential tool that does not necessarily drive development. He shared that his project will create approximately three hundred jobs, property taxes, and ad valorem taxes. The property site is surrounded by other industrial users and spoke about the difficult features which include an inefficient shape property to try to develop, has 280 feet of frontage, a creek to the east and no access to Longhorn Street. Mr. Cothrum is in favor of a Mixed-Used development on the property site. The handouts reflect details which includes the surrounding Industrial-Users in the area, businesses grouping for competition, and retail shoppers versus online shoppers. He stated that the site is not sufficient for a grocery store and does not have enough traffic for a Subway. Mr. Cothrum stated that the applicant is willing to spend several million dollars buying a piece of property and placing the company on the tax rolls. He stated that the land use request is not the best use but is viable one for a very difficult site to develop.

Deputy Mayor Pro Tem Jaglowski inquired of Mr. Cothrum the number of buses at the facility and the timeframes that the buses will be operating. Mr. Cothrum answered approximately 100-200 buses and will start operating from 6:00 a.m. into the late hours depending on the day and school events. Also, Deputy Mayor Pro Tem Jaglowski asked about traffic plans for the area. Mr. Cothrum stated that the bus traffic will spread across the day and majority will occur during peak hours. They are agreeable to some sort of traffic management plans and if P&Z Commissions recommended traffic plans, they would have done so.

Councilmember Hairston questioned whether the bus center is an additional center and confirmation on the number of jobs. Mr. Cothrum stated that the center will replace the center bus center and confirmed the number of jobs, including full-time and part-time, is approximately 300.

Mayor Knight inquired if the jobs will transfer from the current facility to the new facility and if it is a net of 300 jobs. Mr. Cothrum confirmed that it is probable that the jobs will transfer and the jobs probably already exist and some of the jobs might be new since it will be a new facility.

Mayor Pro Tem Strain-Burk inquired whether the facility is closing. Mr. Cothrum shared that the land has enough space and the tenant has a lease term remaining.

Councilmember Hairston inquired the party's name in which Mr. Cothrum represents. Mr. Cothrum shared that the developer is Wedgewood which develops similar facilities and leases to operating companies like Dallas County Schools. Councilmember Hairston asked the name and business information from Mr. Cothrum. Mr. Cothrum shared his name and serves as Executive Vice-President of the Masterplan firm. He has provided consultation for Oncor throughout the state of Texas.

Mr. Cothrum appreciated the feedback and has some information to share with his client.

Councilmember Mejia stated the proposed property is deemed incompatible with the growth and future direction envisioned for Lancaster's future.

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

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.

City Attorney Hager shared that a "Yes" vote is in favor to zoning request and "No" vote is in opposition to the request.

MOTION: Councilmember Mejia made a motion, seconded by Deputy Mayor Pro Tem Jaglowski to approve item 4. The vote was cast 0 for, 7 against.

5. Conduct a Public Hearing and consider an ordinance adopting the City of Lancaster Comprehensive Plan.

Senior Planner Felts shared that at the August 12, 2013, meeting, the City Council approved a resolution authorizing the award of a contract to Jacobs Engineering Group, Inc. to provide an update to the City of Lancaster's Comprehensive Land Use Plan. Over the last few years, staff has worked diligently with the consultants and the advisory committee to draft the Plan. A joint work session was conducted on August 9, 2016 with the Planning and Zoning Commission. The Planning and Zoning Commission conducted a public hearing at its September 16, 2016 meeting. Four citizens provided comments regarding the proposed Plan. The commission voted 4-0 and recommended approval of the plan. An updated Comprehensive Plan was provided to Council and the consultants will provide a presentation.

A presentation was presented by the consultant team: Mark Bowers with Kimley-Horn and Associates Firm; Chuck Haynes, Jacobs Group; Karen Walz, Strategic Community Solutions; and Bill Cunningham, Ricker-Cunningham, Inc. The presentation topics included the Comprehensive Plan Background, Community Process for Plan Development, Comprehensive Plan Chapters (Vision Statement, Future Land Use, Transportation, Economic Development and Implementation), Planning and Zoning Commission Recommendation and Discussion.

Mayor Pro Tem Strain-Burk shared her observation on page 28, of Exhibit "A", that the private open space located south of Beltline Road is incorrect on the map. Also, the Implementation Strategy, page 106, the verbiage on adopting the area guidelines that in the Planning and Zoning there was some additional requests from citizens about adopting the guidelines making the HLPC a commission board so the appeals process is presented to the governing body and not the P&Z Commissions.

Mayor Knight shared that Mayor Pro Tem Strain-Burk's request should be potentially clarified in the implementation process.

Mayor Pro Tem Strain-Burk shared that the information that was given only listed markers and there are more historic homes that the citizens brought forward that define additional historic sites that do not have state and national markers but are extremely significant to the character and to the community which based on the plan it did not reflect what was requested by the citizens.

Consultant Bowers asked if the addition of the updated inventories conducted in relation to historic assets" address the request. Mayor Pro Tem Strain-Burk confirmed. Consultant Walz agreed to have the verbiage consistent with the information on Exhibit 9.02.

Mayor Knight opened the public hearing.

There were no speakers.

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

Mayor Knight shared that the process and input meet satisfactory.

Mayor Pro Tem Strain-Burk requested to have the verbiage included on page 106.

Councilmember Hairston inquired from City Manager Mauldin-Robertson if the Plan will enhance the districts and if future zoning cases will follow the Plan.

City Manager Mauldin-Robertson stated that should item 4 be approved, because the Plan puts in place the land uses for the growth and future direction that the City's residents and stakeholders envisions. Staff will utilize the Plan and over the next several years the Plan will be further implemented. Following adoption, and before any zoning cases shall be considered the Planning and Zoning Commission will utilize the document as an "umbrella" guiding most aspects of the City's development and growth. The Comprehensive Plan will also impact the budget process because there are implementation elements that will require funding and action from staff.

Deputy Mayor Pro Tem Jaglowski thanked the consultant team and colleagues of their hard-worked and is excited to see the forthcoming projects and goals associated with the plan.

Councilmember Hervey thanked all parties associated to the plan.

Mayor Knight stated that the Comprehensive Plan does not necessarily have to include the historic guidelines for adoption. He mentioned that a separate discussion could be arranged to discuss further on how to handle the specific guidelines without pausing the process.

City Manager Mauldin-Robertson stated that the adoption of the Plan will change the Historic Area Guidelines as regulations. The recommendation is to adopt the guidelines as regulations; however, the recommendation could be consider adoption the Historic Area Guidelines as regulations.

Mayor Knight shared that the document is capable to be amended at any given time.

Senior Felts shared that the Comprehensive Plan provides the framework to provide for future discussion for the future vision of the City. Based on the citizen inputs and Planning and Zoning Commission recommendation was to adopt the Historic Guidelines. The action requested from Council is to set up the framework to provide future discussion which the guidelines will be brought back for further discussion along with ordinances associated with the guidelines.

Mayor Knight shared that a motion can be made to maintain considering the adoption or a motion could be made to create the adoption.

Councilmember Morris thanked the consultant team for holding the meetings and charrettes. She inquired if the guidelines for HLPC were established by statutes and received confirmation.

Mayor Pro Tem Strain-Burk commented that the surveys completed the historic district was a high importance to maintain the historic character. Citizens that were present at the Planning and Zoning Commission mentioned that they would like to have the historic district to be restored and will raise the value of the homes.

Mayor Knight suggested the adoption is not stating what the guidelines will be but that there will be some sort of guidelines as regulations to be further discussed.

MOTION: Councilmember Morris made a motion, seconded by Councilmember Hairston to approve item 5 to create and/or adopt the Historic Guidelines. The vote was cast 6 for, 1 against [Mejia].

6. Discuss and consider an ordinance which prohibits the exhibit, display, or offering of electronic and mechanical games of chance within the City of Lancaster.

City Manager Mauldin-Robertson stated that the ordinance for consideration modifies Chapter 8 of the City Code of Ordinances to prohibit the exhibit, sale, or offering of electronic and mechanical games of chance in the City of Lancaster. Electronic and mechanical games of chance are currently illegal in the State of Texas; however the Texas Penal Code provides an exemption for such gaming machines which reward the players exclusively with non-cash items.

Councilmember Hairston how many of these types of facilities are in the City. Senior Planner Felts shared that there are approximately 10 within the City of Lancaster along North Dallas Avenue and Pleasant Run Road.

Deputy Mayor Pro Tem Jaglowski questioned how many violations there were and when they began. Senior Planner Felts shared citizen complaints were received and the Building Official and Fire Marshall identified and issued a notice of violation to all 10. City Manager Mauldin-Robertson shared that numerous complaints came from either the Police Department or from Fire Marshall's office. The facilities that were identified have the electronic and mechanical games of chance behind closed doors and the ordinance will allow staff to enter the facilities to inspect.

MOTION: Councilmember Morris made a motion, seconded by Deputy Mayor Pro Tem Jaglowski to approve item 6. The vote was cast 6 for, 1 against [Hervey].

7. Discuss and consider a resolution ratifying an economic development agreement authorized by Resolution 2016-08-64 pursuant to Chapter 380, Texas Local Government Code, by and between the City of Lancaster and I-20 Commerce Center, LLC.

City Manager Mauldin-Robertson shared that at the August 8, 2016 regular meeting Council approved an economic development agreement with I-20 Commerce Center, LLC. The agreement requires execution to the City within 30 days of approval of the agreement and the developer did not execute and return the agreement(s) within the stipulated time frame. For the agreement(s) to be valid Council must ratify the agreement.

MOTION: Deputy Mayor Pro Tem Jaglowski made a motion, seconded by Councilmember Hairston to approve item 7. The vote was cast 7 for, 0 against.

8. Discuss and consider amending the Rental Registration & Inspection Program Ordinance Number 2016-06-10.

City Manager Mauldin-Robertson stated that item 8 is a companion to item 9 clarifying an Annual Registration Fee under the scope of this program is well within the ability of staff to administer. The annual fee of \$15.00 is to register the property after the first year. There is an annual registration and inspection fee of \$55.00 at the time of the initial inspection. Re-inspections for failure to pass initial inspection are \$25.00. Should there be a change in tenancy; an additional inspection fee of \$55.00 is charged. Lastly, if there is a long term tenant, the charge for inspection is at the time that there is a change of tenancy and the fee is \$55.00.

City Manager Mauldin-Robertson shared that the number of rental properties are provided in the quarterly update.

Deputy Mayor Pro Tem Jaglowski asked whether the City Attorney had reviewed the amendments proposed. City Manager Mauldin-Robertson shared that the City Attorney reviewed and approved the amended ordinance as to form during the bi-monthly meeting to ensure the landlord and the tenant understand the fees.

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

9. Discuss and consider a resolution amending the Master Fee Schedule, Article 3.000 Building Related Fees to provide an annual registration fee for Single Family Residential rental units.

MOTION: Councilmember Mejia made a motion, seconded by Deputy Mayor Pro Tem Jaglowski to approve item 9. The vote was cast 7 for, 0 against.

Executive Session:

10. The City Council shall convene into closed executive session pursuant to:

(a) Section § 551.074 (a)(1) of the Texas Government Code to deliberate the appointment, employment, evaluation duties or dismissal of a public officer, to wit: Municipal Court Judge.

(b) City Council shall convene into closed executive pursuant to § 551.072 of the Texas Government Code, discuss and deliberate the acquisition, purchase, exchange, lease or value of real property as deliberation in this open meeting would have a detrimental effect of the position of the City of Lancaster in negotiations with third persons.

11. 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 9:05 p.m. and reconvened into open session at 9:52 p.m.

No action was taken following Executive Session.

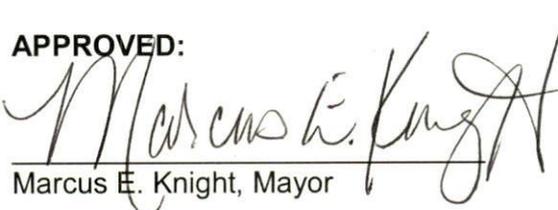
MOTION: Councilmember Hairston made a motion, seconded by Deputy Mayor Pro Tem Jaglowski, to adjourn. The vote was cast 7 for, 0 against.

The meeting was adjourned at 9:52 p.m.

ATTEST:


 Sorangel O. Arenas, City Secretary

APPROVED:


 Marcus E. Knight, Mayor