

MINUTES

LANCASTER CITY COUNCIL REGULAR MEETING OF JULY 26, 2021

The City Council of the City of Lancaster, Texas, met in a called Regular Meeting in the Council Chambers of City Hall on July 26, 2021, 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
Fabrice Kabona, Deputy City Manager
Carey Neal, Assistant City Manager
Keturah Barnett, Assistant to the City Manager
Andy Waits, Director of Public Works
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, Interim Director of Finance
Shane Shepard, Director of Economic Development
Vicki Coleman, Director of Development Services
Bryce Reed, Communications and Public Relations Coordinator
Cheryl Womble, Administrative & Community Relations Supervisor
Crystal Cloud, Utility Billing Manager
Douglas Pierce, Airport Supervisor
John Melton, Library Manager
Marcus Talton, Assistant Police Chief
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 July 26, 2021.

Invocation:

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

Pledge of Allegiance:

Deputy Mayor Pro-Tem Racheal Hill led the pledge of allegiance.

Public Testimony:

Dori Lee, 211 N. Henry Street shared comments from Lancaster citizen, Monica Gill, recognizing the Police and Fire Departments quick, professional and courteous response during a neighborhood crisis.

Pastor Nathaniel Standifer, 733 Francis, shared information on his "Back to School Bash" for youth on August 7th, 2021.

Consent:

1. Consider a resolution awarding RFP 2021-31 to Jack Pyland for the café commercial lease in the new terminal building at the Lancaster Regional Airport, 950 Ferris Road.
2. Consider a resolution awarding RFP 2021-37 to Knight Security Systems, Inc. (KSS) for the installation of an open option access control security system, in an amount not to exceed one hundred twenty-seven thousand, five hundred thirty-eight dollars and five cents (\$127,538.05) for the following city properties: Public Safety Building (100 Craig Shaw Memorial Parkway), Municipal Court (220 West Main Street), Fire Station #2 (3132 North Houston School Road), Veterans Memorial Library (1600 Veterans Memorial Parkway), Recreation Center (1700 Veterans Memorial Parkway), Senior Life Center (240 Veterans Memorial Parkway), Fleet Maintenance (631 East Third Street), Municipal Center (211 North Henry Street), Animal Shelter (690 East Main Street), 700 East Main Street, Lancaster Regional Airport (950 Ferris Road), James R. Williams Pump Station (1999 North Jefferson Street), and Fire Station #3 (1960 West Beltline Road).
3. Consider a resolution ratifying the terms and conditions of an asset transfer agreement between North Central Texas Council of Governments (NCTCOG), STAR Transit (Transferring Agency), and the City of Lancaster (Receiving Agency) related to the transfer of a 2014 El Dorado Aerotech 240 vehicle from the transferring agency to the receiving agency.

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Gooden-Davis to approve Consent items 1-3. The vote was cast 7 for, 0 against.

Public Hearing:

4. **Z21-12 Conduct a public hearing and consider an amendment to Ordinance 2002-05-16 Planned Development-Retail (PD-R) to certain uses in Area "C" Tract 2 of the PD. The property is addressed as 2715 West Belt Line Road and is located approximately 1,700 feet west of North Houston School Road and north of West Belt Line Road. The property is more particularly described as a tract of land situated in the George K. Sneed Survey Abstract No. 1278, City of Lancaster, Dallas County, Texas.**

City Manager Mauldin-Jones shared that this is a request to amend Ordinance 2002-05-16 Planned Development - Retail (PD-R) to allow financial services, restaurants, florists, barber or beauty shops, grocery stores, personal service, dry cleaning and laundry, electronics store, shopping center, and pharmacy uses in Area "C" Tract 2 of the PD. Currently, Area "C" of the PD does not allow retail uses. City Manager Mauldin-Jones read the permitted uses for Area "C" and Area "A". City Manager Mauldin-Jones shared that pursuant to Section 14.1101 of the Lancaster Development Code (LDC), when reviewing a zoning change, there are five (5) considerations that must be made and read those five (5) considerations. Additionally, City Manager Mauldin-Jones shared that on June 20, 2021, a notice for this public hearing appeared in the Focus Daily Newspaper. Staff also mailed notifications of this public hearing to property owners within 200 feet of the subject site and zoning signs were placed on the property and there were no letters in opposition or support for this zoning change request received.

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City Manager Mauldin-Jones shared that at the July 6, 2021 meeting, the Planning and Zoning Commission recommended denial of this item and staff concurs with the Planning and Zoning Commission's recommendation.

Mayor Hairston opened the public hearing.

Ashfaq Ahmed, 8033 Preston Trace, Frisco, TX 75033, applicant and land owner shared his desire to bring business to the city.

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

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

5. **Z21-15 Conduct a public hearing and consider a Specific Use Permit (SUP) request for a gas station with eight (8) fuel dispensers; fast food restaurant, retail stores, and convenience store to be located within 150 feet of a residential district on a property located on the southwest corner of West Wintergreen Road and North Houston School Road. The property is more particularly described as a tract of land situated in the Marady Parks Survey, Abstract No. 1120, City of Lancaster, Dallas County, Texas.**

City Manager Mauldin-Jones shared that the property is located on the southwest corner of West Wintergreen Road and North Houston School Road and is 8.28 acres in size. The subject property is currently zoned Retail (R). The Future Land Use Plan of the Comprehensive Plan identifies this site as being suitable for regional commercial uses. This request is not consistent with the Future Land Use Plan of the 2016 Comprehensive Plan and that this is a request to consider a Specific Use Permit (SUP) for a gas station with eight (8) fuel dispensers; a fast-food restaurant, retail stores, and a convenience store to be located within 150 feet of a residential district at the southwest corner of West Wintergreen Road and North Houston School Road. The Lancaster Development Code (LDC) Regulations states that a retail store with more than two (2) fuel dispensers requires a SUP in the Retail zoning district. Combination of a gas station, a fast-food restaurant, and a convenience store uses are not permitted within one hundred fifty feet (150') of a residential district. The previous applicant requested that item number Z20-01 be postponed to the March 3, 2020, Planning and Zoning Meeting, however, at the February 4, 2020, Planning and Zoning meeting, the City attorney recommended to the applicants that this case be postponed to the April 7, 2020, Planning and Zoning meeting in order to allow the applicant more time to address the outstanding issues. The applicant agreed for the case to be postponed to the April 7, 2020, Planning and Zoning regular meeting. On April 2, 2020, the applicant again requested for the item to be postponed to the next Planning and Zoning Commission meeting that would be held in person. At that time, the applicant sought an in-person meeting only and did not want to participate in virtual meetings. On April 7, 2020, Planning and Zoning meeting, staff recommended denial of the applicant's request to postpone the item to a future meeting and denial of the case and the Planning and Zoning Commission concurred with staff's recommendation.

City Manager Mauldin-Jones shared that although the Z21-15 application has been initiated by a new representative, property ownership remains the same. In accordance with the Lancaster Development Code, Sec 14.204, Authority to Initiate a Request, "all...zoning and site plan requests...may be initiated by the owner of the affected property or his/or her authorized representative who files the required application". The initial request (Z20-01) was a request for a Specific Use Permit (SUP) for a gas station with eight (8) fuel dispensers and a self-service carwash; an exception for four (4) semi-truck fueling canopies; a fast food restaurant and a convenience store. The current application (Z21-15) is a Specific Use Permit (SUP) for a gas station with eight (8) fuel dispensers, a fast-food restaurant, retail stores and

a convenience store. On June 20, 2021, a notice for this public hearing appeared in the Focus Daily Newspaper. Staff also mailed notifications of this public hearing to property owners within 200 feet of the subject site and zoning signs were placed on the property. There were no letters in opposition or support for this zoning change request received. Based upon an analysis of the five (5) considerations that must be taken into consideration when reviewing a change in zoning application, staff recommends denial of the request for a gas station with eight (8) fuel dispensers, fast food restaurant, retail stores, and convenience store to be located within 150 feet of a residential district.

Mayor Hairston opened the public hearing.

Mr. Robert Nunez, 2929 Kings Road, Dallas, TX 75219 spoke as the representative of the client that is requesting the SUP. Mr. Nunez requested Council to table item for his client to make site plan changes to remove the combination of the restaurant, fuel station, and convenience store.

Councilmember Mejia asked staff if the presented site is the same that was proposed to Planning and Zoning. City Manager Mauldin-Jones shared the presented site plan is minus development of lot three (3). Councilmember Mejia wanted it noted that Council is not looking at the exact item that Planning and Zoning looked at.

Councilmember Wheaton shared that most residents she spoke with were interested in retail and restaurants and not the negative traffic a gas station would bring.

Deputy Mayor Pro-Tem Jaglowski shared that the focus of negativity is on the eight (8) fueling stations that he viewed as the challenge.

City Attorney Ritter shared with Council the Motions available based on the item's timeline and applicant request to table.

Deputy Mayor Pro-Tem asked if two (2) fueling pumps are allowed without a SUP and Planning Director Vicki Coleman confirmed.

City Attorney Ritter repeated the two (2) separate issues presented in the item.

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

MOTION: Councilmember Strain-Burk made a motion, seconded by Deputy Mayor Pro-Tem Jaglowski to refer item 5 to Planning and Zoning. The vote was cast 7 for, 0 against.

Action:

- 6. M21- 27 Discuss and consider an ordinance granting an exception to the City's Code of Ordinances Chapter 6, Fence Regulations, Sec 6.07.008 to allow the use of a black vinyl coated chain link fence on the property addressed as 2001 Daniieldale Road and described as being 14.73 acres of land situated in the Nathan P. Pierce Survey, Abstract No. 1132, City of Lancaster, Dallas County, Texas.**

City Manager Mauldin-Jones shared that this is a request for a seven (7) feet high black vinyl coated chain link fence at Park 20/35 Building 8, Lot 10 Block 1. Section 6.07.008 Fence Construction, Materials, and Setback of the fence ordinance states that (a) "All fences, unless prohibited elsewhere in this Article, shall be constructed or maintained with wood, brick, stone, concrete, vinyl, ornamental iron or other materials as approved by the City Manager or his/her designee. Fence posts shall be constructed or made of metal,

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brick, stone, concrete, fiberglass, or other material as approved by the City Manager or his/her designee. All fence posts must be placed at a depth of at least twenty-four (24) inches into the ground filled and anchored with concrete footers or encasement". The applicant contends that the black vinyl coated chain link fence will be used for security purposes on site. That the fencing will not be visible from rights-of-way as it will be screened with the existing landscape berm and living screen along Cedardale Road. The fencing is set back well into the site to provide security for the facility. The fence will have black slats within the fencing in specific areas to provide additional screening towards the residential area on Cedardale Road.

The proposed fence will be at a property that has an existing building with only one (1) side that faces a public street, Cedardale Road. The existing building on the property is centered and covers three-quarters (3/4) of the length of the site along Cedardale Road. Additionally, there are two masonry wing-walls that are attached to the west and east side of the building. The building and the two wing-walls facing Cedardale Road extend almost the entire length equal to the frontage leaving an eighth (1/8) of distance remaining on each side of the building for the fences to cover. As noted above, the fencing is set back well into the site to provide security for the facility with all employee and customer parking spaces along Cedardale Road outside the proposed fenced area. The fence will not be visible from Cedardale Road given the location and small space where the fence will be installed in addition to the grass berm and the living screen shown in the attached pictures. The fence will not substantially or permanently injure the appropriate use of the adjacent property and will not adversely affect the health, safety, or general welfare of the public. This exception will not be contrary to the public interest and will not authorize the operation of a use other than those uses specifically authorized for the district. Staff recommends approval of the exception subject to a requirement upon the property owner, and any successors-in-interest to both enhance and maintain the landscaping and the grass berm blocking the view of the fence from Cedardale Road all year round.

MOTION: Councilmember Strain-Burk made a motion, seconded by Deputy Mayor Pro-Tem Jaglowski to approve item 6. The vote was cast 7 for, 0 against.

7. **M21-29 Discuss and consider a resolution accepting one (1) water and/or wastewater easement (a 19,798 square feet or 0.4545 acre) water and/or wastewater easement from the Estate of Dorothy Roddy, (Grantor), to the City of Lancaster (City) for the installation, construction, operation, maintenance, replacement, repair, upgrade and/or removal of a waterline and all necessary or desirable structures, facilities and appurtenances necessary to provide a secondary and separate connection to the City water and/or wastewater system; establishing conditions, providing for the furnishing of a certified copy of this resolution for recording in the property records of Dallas County, Texas as a deed.**

City Manager Mauldin-Jones shared that this is a request for one (1) water and/or wastewater easement for the purpose of extending a public sewer line to serve Lot 1, Block 1 for Southridge Industrial Park. The property to be served by this line consists of 291.68 acres and is located at the southwest corner of Belt Line Road and Sunrise Road. The Public Works staff has verified that the location of the proposed public water and/or wastewater easement is acceptable. Having identified the location of these facilities, an easement must be granted by the property owner which must be considered and approved by City Council. Staff recommends approval of the resolution, as presented.

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

8. **M21-30 Discuss and consider a resolution accepting one (1) water and/or wastewater easement (a 56,212 square feet or 1.290 acres) water and/or wastewater easement from TXWL, LLC, (Grantor), to the City of Lancaster (City) for the installation, construction, operation, maintenance, replacement, repair, upgrade and/or removal of a water and/or wastewater line and all necessary or desirable structures, facilities and appurtenances necessary to provide a secondary and separate connection to the City water and/or wastewater system; establishing conditions, providing for the furnishing of a certified copy of this resolution for recording in the property records of Dallas County, Texas as a deed.**

City Manager Mauldin-Jones shared that this is a request for one (1) water and/or wastewater easement for the purpose of extending a public sewer line to serve Lot 1, Block 1 Westridge Industrial Park. The property to be served by this line consists of 167.256 acres and is located at the southwest corner of Pleasant Run Road and Cornell Road. The Public Works staff has verified that the location of the proposed public water and/or wastewater easement is acceptable. Having identified the location of these facilities, an easement must be granted by the property owner, which must be considered and approved by City Council. Staff recommends approval of the resolution, as presented.

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

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

The meeting was adjourned at 8:01 p.m.

ATTEST:



Sorangel O. Arenas, City Secretary

APPROVED:



Clyde C. Hairston, Mayor