

MINUTES

LANCASTER CITY COUNCIL REGULAR MEETING OF JANUARY 23, 2023

The City Council of the City of Lancaster, Texas, met in a called Regular Meeting in the Council Chambers of City Hall on January 23, 2023, at 7:15 p.m. with a quorum present to-wit:

Councilmembers Present (City Hall & Zoom):

Mayor Clyde C. Hairston
Carol Strain-Burk
Stanley M. Jaglowski
Keithsha C. Wheaton
Deputy Mayor Pro-Tem Mitchell Cheatham
Mayor Pro-Tem Betty Gooden-Davis

Councilmembers Absent

Marco Mejia

City Staff Present (City Hall & Zoom):

Opal Mauldin-Jones, City Manager
Sorangel O. Arenas, City Secretary
David T. Ritter, City Attorney
Carey Neal, Assistant City Manager
Chris Youngman, Emergency Management Chief
Jermaine Sapp, Director of Equipment and Facility Services
Lisa Wube, Director of Parks and Recreation
Ray Silva-Reyes, Assistant City Manager
Shane Shepard, Director of Economic Development
Cheryl Womble, Purchasing Agent
Marcus Talton, Assistant Police Chief

Call to Order:

Mayor Hairston called the meeting to order at 8:21 p.m. on January 23, 2023.

Invocation:

Pastor Richardson, Zion Chapel Primitive Baptist Church gave the invocation.

Pledge of Allegiance:

Councilmember Strain-Burk led the pledge of allegiance.

Public Testimony/Citizen's Comments:

Tasha LaFlore, 645 Francis St. Lancaster, TX 75146 shared concerns about the abandoned building and the homeless population in the City of Lancaster.

Peter De Jesus, 203 Hay Wood Circle, Lancaster, TX 75146 shared information regarding the grand opening of the New Victory Church in the City of Lancaster.

Consent Agenda:

1. Consider a resolution approving the terms and conditions of an agreement with Sequel Data Systems Incorporated in an amount not to exceed seventy-nine thousand one hundred and forty-two and twenty-five cents (\$79,142.25).
2. Consider a resolution authorizing the purchase and installation of traffic signals at the intersection of Pleasant Run Road and Elm Street (\$145,373.00) and the intersection of Pleasant Run Road and Bluegrove Road (\$151,661.00) and a 10% contingency (\$29,703.40) from Consolidated Traffic Controls, Inc. through an interlocal agreement with Houston-Galveston Area Council (HGAC) in an amount not to exceed three hundred twenty-six thousand seven hundred thirty-seven dollars and forty cents (\$326,737.40).
3. Consider a resolution ratifying the terms and conditions of an amendment (Change Order No. 1) to the contract with Canary Construction, Inc. in an amount not to exceed twenty-nine thousand nine hundred thirty-seven dollars and seventy cents (\$29,937.70).

MOTION: Mayor Pro-Tem Gooden-Davis made a motion, seconded by Councilmember Strain-Burk to approve consent items C1 – C3. The vote was cast 6 for, 0 against. [Mejia absent]

Public Hearing:

4. **M23-9 Conduct a public hearing and consider a parking exception request on the property addressed as 3900 Corporate Drive. The property is known as Lot 2, Block 1, Southpointe Corporate Center Subdivision, City of Lancaster, Dallas County, Texas.**

Assistant City Manager Neal shared that this item is to consider a parking exception request on the property addressed as 3900 Corporate Drive. The property is 20.52 acres in size and is zoned as a Planned Development (PD), Campus District Overlay (Warehouse Subdistrict). This is a request to exceed the maximum allowed parking for a facility designated as an Inn and Out Warehouse Distribution Center. Section 14.605 Off-Street Parking Requirements Figure 3 of the Lancaster Development Code (LDC) requires Warehouse Distribution Centers to provide one (1) space for every 1000 square feet or 1 for each employee, whichever is greater. This section also states that "the maximum allowed parking on a non-single-family or duplex lot may not exceed the minimum parking requirement plus an additional 10%, without the approval of an Exception". The code currently requires 134 parking spaces. There are 90 existing parking spaces. The applicant is requesting to expand their parking lot to accommodate 62 additional parking spaces. Should the request be approved, this would result in 152 parking spaces total on the property. The applicant is required to provide all landscape improvements for expansion and ensure through landscape-appropriate engineered plans, that there is no adverse impact on the site drainage. A landscape plan has been provided and there is no impact on the drainage. On January 5, 2023, a notice for this public hearing appeared in the Focus Daily Newspaper. Staff mailed notifications of this public hearing to all property owners that are within 200 feet of the subject site, in addition to a sign being posted on the property. No letters were received in support

or opposition to this request. Staff recommends approval of this item with the condition that the City Attorney adds language to the ordinance that the landscaping must be maintained.

Mayor Hairston opened the public hearing

Dylan Hedrick, 3803 Parkwood Suite 800, Frisco, TX 75034 spoke in favor of item 4.

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

MOTION: Councilmember Strain-Burk made a motion, seconded by Mayor Pro-Tem Gooden-Davis to approve item 4 with the landscaping inclusion. The vote was cast 6 for, 0 against. [Mejia

5. **M22-27 Discuss and consider an ordinance granting a special exception to the driveway spacing requirement in Section 1-04 (d) of the General Design Manual for the property located on the south side of Wintergreen Road and approximately 626 feet east of Jefferson Street. The property is described as a tract of land situated in the Thomas A. Phillips Survey Abstract No. 1123, City of Lancaster, Dallas County, Texas.**

Assistant City Manager Neal shared that this item is to consider an ordinance granting a special exception to the driveway spacing requirement in Section 1-04 (d) of the General Design Manual for the property located on the south side of Wintergreen Road and approximately 626 feet east of Jefferson Street. The property is described as a tract of land situated in the Thomas A. Phillips Survey Abstract No. 1123, City of Lancaster, Dallas County, Texas. The subject property is currently zoned Planned Development (PD) Logistics Port, Logistics Port B Subdistrict. This applicant proposes to develop the site with four (4) warehouse distribution facilities. The applicant is also requesting an exception to the driveway spacing requirement of the General Design Manual. Section 1-04 Street Systems, Subsection D.(2) Commercial/Industrial Driveway Approaches (d) states that "on streets classified as Arterials, minimum spacing shall be at least five hundred (500') feet. One 8,000,000 s.f. the warehouse will have access to Western Truck Drive. As shown by the TIA, the peak arrival rate for this warehouse is 28 trucks per hour. The study looked at service rates at similar facilities in DFW and observed a 90-second processing time for one truck. The observed 90-second time involves the driver exiting their truck, talking with the guard shack attendant, filling out paperwork, re-entering their truck, and pulling through the gate. Wintergreen Road is designated as a four-lane divided Major Arterial Type B, which requires 100 feet of rights-of-way. Dallas County is currently underway with the design for the widening of Wintergreen Road. Staff and the applicant anticipate two median openings being appropriate for this development. As such, the applicant has agreed to limit two of the driveways to a right-out exit only. Full movement access to all five driveways would not be appropriate, nor would it meet the 600-foot median opening spacing requirement. The two median openings would likely be located at the Eastern Loop Drive and one of the two western driveways, whichever is generating higher traffic volumes. On December 18, 2022, a notice for this public hearing appeared in the Focus Daily Newspaper. Staff mailed notifications of this public hearing to property owners within 200 feet of the subject site and zoning signs were placed on the property. At the time of this report, staff has not received any letters in support or opposition. Staff recommends approval of this item as it has been presented.

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Councilmember Strain-Burk asked for clarification regarding the site plan driveways.

Assistant City Manager Neal, clarified the exceptions for the site plan driveways.

Mayor Pro-Tem Gooden- Davis shared concerns regarding the processing time for a truck entering the gate.

Dan Gallagher, 13455 Noel Rd. Dallas, TX 75240 a Kimley Horn Engineer for this item, shared that they have been working with staff regarding the concerns and the average time for truck processing.

Councilmember Jaglowski asked for further clarification regarding the lanes that will be added and the traffic light mentioned in the item.

Dan Gallagher presented the site plans and showed how the lanes would be added and built, also, the traffic light is not currently warranted.

City Manager Mauldin-Jones clarified that the developers will not put in the traffic light once the building is complete the City would be responsible to conduct a traffic study; however, the traffic signal could be added to the development agreement for the developer to be responsible.

Dan Gallagher shared that if there is a language that the City would like to propose regarding the traffic signal and any further concerns from the Council.

Deputy Mayor Pro-Tem Cheatham shared concerns regarding congestion traffic that this development may cause in the City of Lancaster and how this may affect his constituents.

Dan Gallagher clarified that they are aware of all the development in the area and all that was incorporated in the TIA background check, also, a thorough study was done to avoid future traffic congestion.

Mike Moller, 4350 Walnut Grove Ln, Plymouth, MN 55446 a development developer with Best Buy emphasized that they have looked into any queuing issues with truckers and that this building will have more queues than any other building they've built.

City Attorney Ritter advised Council to look into the sufficiency the development has done; the TIA traffic impact analysis and the queuing study, and see if Council finds it reliable/creditable. If Council requires additional information the request can be done before the approval stage.

Councilmember Strain-Burk asked the applicants if they have a component to move trucks in case of a blockage and what their exit capacity is.

Brad Cooper, 3819 Maple Ave Dallas, TX 75219 replied that on the development side, there are seven (7) miles of lanes of a private internal lane that is considered their relief valve.

Dan Gallagher further clarified the development relief valves; which include a two hundred and fifty (250) ft long deceleration lane that offers extra queuing, the entryway includes two lanes and

the exiting is on Wintergreen which will not be a problem for the City.

Councilmember Jaglowski hopes that the developer will factor in a traffic light at Bonnie View and Jefferson St. once the development is finished.

Dan Gallagher suggested that as the developer they would be pleased to put an escrow agreement to provide the funds to the City of Lancaster for the traffic light.

City Attorney Ritter advised that the traffic light escrow could be added when the developer returns for the final plat approval which would be done by the Planning and Zoning Committee.

City Manager Mauldin-Jones asked if the applicant could send an email guaranteeing the traffic light escrow for the City Council.

City Attorney Ritter advised Council to set public hearing item 5 aside and continue with action item 6, then return to public hearing item 5 for Council approval.

Mayor Hairston opened the public hearing

There were no speakers.

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. [Mejia absent]

Mayor Hairston set aside public hearing item 5 and will move forward to action item 6 and return to public hearing item 5 once finalized.

Action:

- 6. Discuss and consider a resolution approving the terms and conditions of a Funding Agreement with Dallas County for the design and construction of Wintergreen Road from Jefferson Street to the west of Carpenter Road.**

Assistant City Manager Silva-Reyes shared that this item is to consider a resolution approving the terms and conditions of a Funding Agreement with Dallas County for the design and construction of Wintergreen Road from Jefferson Street to the west of Carpenter Road. This project will widen Wintergreen Road from Jefferson Street to our easternmost city limit to a 4-lane divided concrete roadway and improve this undersized roadway to establish safe and adequate access and circulation of freight coming in and out of the area. In 2017, City Council received a presentation from NCTCOG and Dallas County confirming the availability of funds to improve Jefferson (from Wintergreen to Pleasant Run), Wintergreen Road (from Jefferson to the easternmost city limits), and a small section of Pleasant Run Road (from Jefferson to Lancaster-Hutchins Road). The City submitted a project commitment in March 2017 and NCTCOG allocated resources and scheduled design and construction for not sooner than 2019 to allow the City adequate time to budget for our cost share. The roadway projects will be divided into two projects with Pleasant Run Road and Jefferson being designed as one project and Wintergreen Road being designed as a second project. These segments along with previously completed roadway and rail projects in the area provide an improved grid of roadways interconnecting the area with two major interstate highways within its immediate vicinity, IH 45 and IH 20. Furthermore, it

improves safety and capacity on these roadways and helps facilitate interaction with nearby distribution centers and manufacturing facilities located in the area. Dallas County has requested that it be designated as the Lead Agency for the Project and will provide the Project Manager. Dallas County entered into an Advance Funding Agreement with the State of Texas by and through the Texas Department of Transportation to provide funding in the amount of \$9,478,600.00 for the construction of the Wintergreen Road Project. The City of Lancaster will provide funding in the amount of one million five hundred thousand dollars and zero cents (\$1,500,000.00) for the construction of Wintergreen Road from a 2-lane undivided rural asphalt roadway to a 4-lane divided urban concrete road. Staff recommends approval of the resolution as it has been presented.

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

- 7. Discuss and consider a resolution approving the terms and conditions of a Funding Agreement with Dallas County for the design and construction of Jefferson Street from Wintergreen Road to Pleasant Run Road and Pleasant Run Road from Jefferson Street to Lancaster-Hutchins Road.**

Assistant City Manager Silva-Reyes shared that this item is a companion item to the previous item which is to consider approving the terms and conditions of a funding agreement with Dallas County for the design and construction of Wintergreen Road from Jefferson Street to the west of Carpenter Road. The North Central Texas Council of Governments (NCTCOG) and Dallas County have partnered for the completion of this project. Wintergreen Road is essential to freight circulation and highway access. This project will widen Wintergreen Road from Jefferson Street to our easternmost city limit to a 4-lane divided concrete roadway and improve this undersized roadway to establish safe and adequate access and circulation of freight coming in and out of the area. Dallas County entered into an Advance Funding Agreement with the State of Texas by and through the Texas Department of Transportation to provide funding in the amount of \$9,478,600.00 for the construction of the Wintergreen Road Project. The City of Lancaster will provide funding which has been set aside since 2017 in the amount of one million five hundred thousand dollars and zero cents (\$1,500,000.00) for the construction of Wintergreen Road from a 2-lane undivided rural asphalt roadway to a 4-lane divided urban concrete road. Staff recommends approval of this resolution as it has been presented.

Councilmember Strain-Burk asked if this assured the widening and completion of the Lancaster intersection and Lancaster Hutchins Road to carry four lanes.

Assistant City Manager Silva-Reyes shared that Lancaster Hutchins Road is queued up to receive the widening and the intersection design will accommodate and work together seamlessly with Jefferson and Pleasant Run.

MOTION: Mayor Pro-Tem Gooden-Davis made a motion, seconded by Councilmember Strain-Burk to approve item 7. The vote was cast 6 for, 0 against. [Mejia absent]

- 8. Discuss and consider a resolution approving the Texas Department of Transportation's Advance Funding Agreement that provides for the replacement of the Keller Branch bridge on Belt Line Road through the Highway Safety**

Improvement grant with the City responsible for ten percent (10%) matching funds.

Assistant City Manager Neal shared that this item is considered a resolution approving the Texas Department of Transportation's Advance Funding Agreement that provides for the replacement of the Keller Branch bridge on Belt Line Road through the Highway Safety Improvement grant with the City responsible for ten percent (10%) matching funds. The Texas Department of Transportation Highway Safety Improvement Program provides for the repair and replacement of off-system highway bridges. The bridge program is funded 80% through the Federal Highway Administration, 10% through TxDOT, and the remaining 10% by the designated local government. The Keller Branch Bridge on Belt Line Road is a two-lane rural off-system highway bridge that was constructed in 1960. It has a ranking by TxDOT identifying it as eligible for the Highway Safety Improvement grant program. Belt Line Road is designated by the 2020 Master Thoroughfare Plan as a major arterial Type B with 100 feet of rights-of-way. The existing bridge at Keller Branch is a two-lane rural bridge. TxDOT's bridge replacement program will fund 90% of the bridge's replacement cost; however, it replaces the bridge at its current two-lane rural capacity. The project will begin design would commence after the Texas Department of Transportation receives the 10% cash match for Engineering Design. The project has a Ready to Let date of May 2024. TxDOT is ready to commence engineering design. The Texas Department of Transportation has provided construction costs for both engineering design and construction. The City is responsible for the 10% cash match, which is \$277,162.00. TxDOT will be responsible for all cost overruns. Staff recommends approval of this item as it has been presented.

MOTION: Mayor Pro-Tem Gooden-Davis made a motion, seconded by Deputy Mayor Pro-Tem Cheatham to approve item 8. The vote was cast 6 for, 0 against. [Mejia Absent]

Mayor Hairston moved back to public hearing item 5.

City Manager Mauldin-Jones shared that the developer sent a notification of intent to escrow with the City to not exceed five hundred thousand (\$500,000.00) dollars for the intersection traffic light between Bonnie View and Wintergreen.

MOTION: Mayor Pro-Tem Gooden-Davis made a motion, seconded by Councilmember Wheaton to approve item 5. The vote was cast 6 for, 0 against. [Mejia absent]

9. Discuss and consider confirmation of appointments made by the Planning and Zoning Commission to the Historic Landmark Preservation Committee (HLPC).

City Secretary Arenas shared that Planning and Zoning Commission is asking to reappoint; Patricia Siegfried-Giles and Dee Hinkle to the Regular Member(s) position and Michelle Washington as the Alternate Member. A confirmation is needed by Council.

MOTION: Councilmember Strain-Burk made a motion, seconded by Mayor Pro-Tem Gooden-Davis to approve item 9. The vote was cast 6 for, 0 against. [Mejia absent]

10. Discuss and consider a resolution of the City Council of the City of Lancaster, Texas, approving the terms and conditions of an agreement by and between the City of Lancaster and the Dallas Area Agency on Aging for implementation of the

Congregate Meals Program for the Lancaster Senior Life Center.

Assistant City Manager Silva-Reyes shared that this item is to consider a resolution of the City Council of the City of Lancaster, Texas, approving the terms and conditions of an agreement by and between the City of Lancaster and the Dallas Area Agency on Aging for implementation of the Congregate Meals Program for the Lancaster Senior Life Center. Lancaster Senior Life Center is a full-service senior center. Currently, the City of Lancaster participates as a sponsor in two of the DAAA's programs, one of which is the Congregate Meal Program (Congregate meals are daily hot lunches served in group settings to people who are at 60 years of age and older. As required by the agreement, the Parks and Recreation Department will provide regular announcements to encourage qualified senior citizens to utilize the Congregate Meal Program. This is a 100% reimbursable program. DAAA will reimburse the City at the rate of up to \$8.96 per meal served to enrolled senior citizens age 60 and older. Staff recommends approval of this item as it has been presented.

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

- 11. Consider a resolution authorizing the City Manager to enter into a Master Interlocal Agreement with Dallas County pertaining to road and bridge transportation-related improvements and/or maintenance on or about certain designated roadways situated within the territorial limits of the City of Lancaster.**

Assistant City Manager Silva-Reyes shared this is to consider a resolution authorizing the City Manager to enter into a Master Interlocal Agreement with Dallas County pertaining to road and bridge transportation-related improvements and/or maintenance on or about certain designated roadways situated within the territorial limits of the City of Lancaster. On September 25, 2012, the City of Lancaster entered into a Master Interlocal Agreement ("Agreement"), whereby Dallas County agreed to provide road and bridge maintenance and repair on roads that serve only the neighborhood roadways, situated within the territorial limits and jurisdiction of the City of Lancaster, Texas. On August 24, 2017, the City of Lancaster renewed the Master Interlocal Agreement and this agreement expired on December 31, 2022. Dallas County has requested the City to consider renewal of the Master Interlocal Agreement. Dallas County Public Works will serve as the project manager and will coordinate with the City Staff to ensure the roadways and/or bridge maintenance projects are in accordance with local design specifications. Staff recommends approval of this item as it has been presented.

City Attorney Ritter shared information on two (2) sections that were added; article 11 and article 12 which includes an Orphan Road policy and Small Water Shut Dam. City Attorney Ritter clarified that the City of Lancaster does not have a Small Water Shut Dam and this does not apply. However, Dallas County Orphan Road policy is a statement that wishes Cities to take in County Orphan Roads, and in the future, they may give preference to Cities that have adopted County Orphan Roads.

Councilmember Jaglowski asked for an example of an Orphan Road.

City Manager Mauldin-Jones explained that an Orphan Road is inside the County but all or part of a street or road is outside the incorporated limits, the City currently has a serrate agreement

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that includes we are responsible for maintaining Orphan Roads but the County added it to this new Master Local Agreement.

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

Executive Session:

12. In accordance with Chapter 551 of the Texas Government Code (the Texas Open Meetings Act), the City Council may meet in executive session to discuss the following:
 1. Section § 551.071(1)(a) of the Texas Government Code to seek legal advice from the City Attorney concerning protesting Rockett Special Utility District's Certificate of Convenience and Necessity (CCN) within the City limits.
13. 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 9:49 p.m. and reconvened into open session at 10:05 p.m.

MOTION: Councilmember Strain-Burk made a motion, seconded by Deputy Mayor Pro-Tem Cheatham to engage Bickerstaff Heath Delgado Acosta LLP to work with Staff and City Attorney in regard to the information regarding Rockett Special Utility District's Certificate of Convenience and Necessity (CCN). The vote was 7 for, 0 against.

Mayor Hairston and City Council wished Councilmember Jaglowski a Happy Birthday.

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

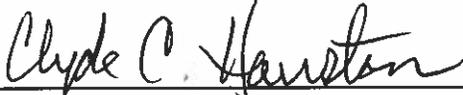
The meeting was adjourned at 10:08 p.m.

ATTEST:



Sorangel O. Arenas, City Secretary

APPROVED:



Clyde C. Hairston, Mayor