

**MINUTES****LANCASTER CITY COUNCIL MEETING OF FEBRUARY 11, 2013**

The City Council of the City of Lancaster, Texas, met in Regular session in the Council Chambers of City Hall on February 11, 2013 at 7:00 p.m. with a quorum present to-wit:

**Councilmembers Present:**

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

**City Staff Present:**

Opal Mauldin Robertson, City Manager  
Alicia Oyedele, Assistant to the City Manager  
Pat Adamcik, Assistant Fire Chief  
Dori Lee, Human Resources Director  
Rona Stringfellow Govan, Managing Director Public Works / Development Services  
Jim Brewer, Assistant Director Public Works / Development Services  
Shwetha Pandurangi, City Engineer  
Donald McKinney, Water/Wastewater Superintendent  
Kevin Moore, Recreation Superintendent  
Mark Divita, Airport Manager  
Robert Hager, City Attorney  
Dolle Downe, City Secretary

**Call to Order:**

Mayor Knight called the meeting to order at 7:00 p.m. on February 11, 2013.

**Invocation:**

Pastor John Richardson with Zion Chapel gave the invocation.

**Pledge of Allegiance:**

Councilmember Walter Weaver led the pledge of allegiance.

**Citizens Comments:**

Daryle Clewis, 1421 Sunny Meadow, commented that he had not received a response to emails to the Mayor and a councilmember; stated that it's like going in circles regarding code and other issues; stated that streets need repair and there are trash issues in the city; commented that tractor-trailers are parked in locations that are not allowed, but it is at an officer's discretion if a ticket is written; stated that there has been a problem over a year with trash at the center where Minyard's is located and he is told conflicting stories from staff and the property owner; stated he has done his homework and is concerned about accountability; stated there are several streets in his neighborhood in need of repair and there have been no repairs in the area in over fourteen years.

Mayor Knight stated he would be available to visit with him after the meeting if desired.

Patricia Allen, 650 Elderwood, Mesquite, Texas, commented that she works with a group promoting no more violence and that she and the staff support Ms. Chaz Rodgers; asked Council to provide information regarding the Police Department's investigation.

Chaz Rodgers, 120 Palm Drive, stated that she had received the DVD from the Police Department and that information had not been provided to Dallas County; said that she sent a certified letter asking Council to address her concerns about the July 23, 2011 death of her son; said that she demands answers and will not go away until she gets answers.

**Consent Agenda:**

City Secretary Downe read the consent agenda.

- C1. Consider approval of minutes from the:**
- (a) City Council Regular Meeting held January 14, 2013; and**
  - (b) City Council Regular Meeting held January 28, 2013.**
- C2. Consider a resolution approving the terms and conditions of a Memorandum of Understanding for bioterrorism or health emergency assistance by and between the City of Lancaster and the County of Dallas, Texas, to provide resources during a bioterrorism or health emergency.**
- C3. Consider a resolution approving the terms and conditions of the City owned T-Hangar non-commercial lease from building 690 at the Lancaster Regional Airport.**

**MOTION:** Mayor Pro Tem Mejia made a motion, seconded by Councilmember Jaglowski, to approve consent items C1 – C3. The vote was cast 7 for, 0 against.

- 4. A. Discuss and consider a resolution waiving the requirement for connection to the City of Lancaster water and wastewater system for the Ridge Logistics Center, subject to the approval of the final plat.**
- B. Discuss and consider a resolution authorizing the Mayor to enter into a License Agreement by and between the City of Lancaster and Ridge Property Trust for the ongoing maintenance in the medians within Balmorhea and Telephone Road (City of Lancaster rights-of-ways) and State Highway 342/Dallas Avenue (a Texas Department of Transportation right-of-way).**

Development Services Managing Director Stringfellow Govan outlined the request for a waiver required by the Subdivision Ordinance for the property owner to connect to the City water and wastewater system, noting that the majority of the site is within the city of Dallas with only 500 feet of the development within the City of Lancaster. The property address is 3600 N. Dallas Avenue. Director Stringfellow Govan stated that the developer has indicated the first building to be constructed will be wholly within the city of Dallas' portion of the development and will access from Dallas Avenue in Lancaster. Director Stringfellow Govan outlined the proposed landscaping. Director Stringfellow Govan stated that potential loss of revenue from impact fees was estimated at half a million dollars.

Mayor Pro Tem Mejia asked to confirm estimated revenue from impact fees and monthly water utility bill amount. Director Stringfellow Govan indicated estimated impact fees are about \$511,000 and roughly \$800-\$900 per month for water/wastewater.

Kent Newson, Ridge Property Trust, gave a presentation highlighting the proposed development, noting that the buildings would be occupied by local distributors and large corporations that are not heavy truck users, stating that this is not a truck terminal. Mr. Newsom reviewed site plans illustrating a small portion of three proposed buildings in the Lancaster city limits and highlighting proposed landscaping and beautification along Dallas Avenue and Balmorhea Drive.

Barry Knight, attorney for Ridge Property Trust, outlined the proposal for landscaping with landscaping and irrigation on Dallas Avenue, Balmorhea Drive, Altamoore Drive and Telephone Road. Mr. Knight stated that it is hard to equate the water taps when only a small portion of a building is in Lancaster commenting that most of the water/sewer uses, such as for restrooms, would likely be located within the portion of the building in the city limits of Dallas. Mr. Knight stated that there is benefit in the City getting the landscaping up front.

Mr. Newsom presented renderings of the proposed development and details of the proposed landscaping.

Mayor Pro Tem Mejia asked why use Dallas utilities. Mr. Newsom indicated that the vast majority of the buildings and main office will be in Dallas and they prefer not to receive utility billings from two cities.

Councilmember Weaver asked about impact fees in Dallas. Mr. Newsom indicated there are none and stated that it is not a matter of saving the impact fees, but more a matter of practicality in developing the property.

City Manager Mauldin Robertson indicated that the impact fees are based on the whole building and Lancaster would only have the first 500 feet, making two utility meters at each building. Also City Manager Mauldin Robertson noted that if there was no water through that meter, i.e. no restrooms, sinks, etc. in the Lancaster portion of the building, then the City would not receive revenue anyway.

Mayor Pro Tem Mejia asked about the potential impact fees. City Manager Mauldin Robertson indicated she would not venture a guess because it depends on the size of the building. Director Stringfellow Govan indicated the estimate was based on not having a building in Lancaster and the calculation was made based on what we would be losing by having a whole building in Lancaster.

Mayor Pro Tem Mejia asked about the address. Director Stringfellow Govan indicated they will use a Lancaster address.

Michael Clark, Winkelmann & Associates, stated that if there is no building in Lancaster there is no water meter; however, if the developer builds a portion of a building in Lancaster they will pull a permit and incur roadway impact fees, which he estimates are the bulk of the estimated half million dollars in impact fees being discussed.

Mayor Knight noted that a couple of years ago there was an opportunity to work out a plan where there would be a complete building in Lancaster but at that time, that was not the preference of the majority of Council. Mayor Knight stated that the request is to waive the requirement for connection to Lancaster's water system in exchange for landscaping and beautification. Mayor Knight indicated that caution was needed because the reality is that there is not going to be a whole building in Lancaster and therefore, there is not a potential to collect the total impact fees.

Mayor Pro Tem Mejia stated that he has lots of questions and would like to know the exact numbers related to impact fees.

**MOTION:** Mayor Pro Tem Mejia made a motion to table the waiver request until staff can provide more information regarding the impact fees.

City Manager Mauldin Robertson indicated that this is the best estimate that can be provided because only a portion of the building would be in the City and we do not know how much of the building would be in the City at this time. City Manager Mauldin Robertson stated that the City will receive roadway impact fees when they build.

Councilmember Harris asked about the projected roadway fees. Mayor Knight asked if that could be answered without knowing the size of the partial building in Lancaster, stating fees would be in correlation to the size.

Councilmember Morris commented that the City loses if they do not build a portion or any of the building in the city limits, stating that there was ample time to ask the City Manager questions in advance.

Councilmember Jaglowski clarified that the landscaping contains drought resistant trees and would be put in place before the building is built. Councilmember Jaglowski clarified points regarding irrigation and roadway improvements to Telephone Road.

Councilmember Harris stated that she is a champion of quality development and can see that a great deal of time was put into the plans and landscaping. Councilmember Harris commented that from a practical sense, her questions are what is the projected loss if we grant the waiver, and what is the projected gain. Councilmember Harris indicated that a great deal of questions should be presented at the Council meeting, and further stated that it appears there may be a loss if the waiver is granted.

City Manager Mauldin Robertson stated that the City would still receive approximately \$165,000 in roadway impact fees.

Mayor Pro Tem Mejia stated that he has spent the last three years trying to make the proper decision in each case and the question is whether we are trading revenue for landscaping. Mayor Pro Tem Mejia indicated that it is a business decision and that is why he is clarifying the information and asking questions.

Mayor Knight stated that the revenues the City will capture ultimately depend on the size of the building within our corporate limits and the opportunity for landscaping and beautification is one that the applicant is willing to extend.

Deputy Mayor Pro Tem Daniels seconded the motion. Mayor Knight clarified that Mayor Pro Tem Mejia desired to table until the next City Council meeting of February 25. Mayor Pro Tem Mejia stated that he is clear regarding the landscaping but still has questions regarding the revenue.

City Manager Mauldin Robertson asked for clarification indicating that the numbers provided are the best estimates available and not likely to change.

Mayor Knight stated that a portion of the development is in the City's corporate limits and as such, the City's subdivision ordinance makes certain requirements for connection to the City's water and wastewater system and that the developer is requesting a waiver for this requirement in exchange for extensive landscaping.

Councilmember Weaver asked if the developer would have to do the landscaping anyway. It was clarified that the developer would be required to do the landscaping, but not in advance, as is being proposed at this time.

Mayor Knight stated that the notion that no fees will be collected is not the case.

Mayor Pro Tem Mejia requested that all impact fees associated with the project be defined.

Mr. Barry Knight indicated that they are surprised about the discussion regarding the impact fees and their request is to waive the required water and sewer connection.

Councilmember Jaglowski clarified the footprint of the buildings and commented that the buildings could be smaller when actually built.

The vote was cast 3 for [Mejia, Daniels, Harris], 4 against [Weaver, Jaglowski, Knight, Morris]. Motion to table the request for wavier fails.

**MOTION:** Councilmember Morris made a motion, seconded by Councilmember Jaglowski, to approve a resolution waiving the requirement for connection to the City of Lancaster water and wastewater system for the Ridge Logistics Center. The vote was cast 3 for [Jaglowski, Knight, Morris], 4 against [Weaver, Mejia, Daniels, Harris]. Motion fails.

Mayor Knight stated that no action was necessary on item 4B.

**Executive Session:**

At 8:24 p.m. Council recessed to go into Executive Session. At 8:29 p.m. the Council convened into closed Executive Session pursuant to:

5. **The City Council shall convene into closed executive session pursuant to Section § 551.071 (1) of the TEXAS GOVERNMENT CODE to consult with the City Attorney concerning pending litigation or settlement offer regarding Cause No. DC11-10174 Con-Way Truckload, Inc. v. the City of Lancaster.**
6. **Reconvene into open session. Consider and take appropriate action(s), if any, on executive session matters.**

The City Council recessed from Executive Session at 8:55 p.m. and reconvened into open session at 8:58 p.m. No action was taken following Executive Session.

7. **Discuss and consider an ordinance repealing, rescinding and revoking Ordinance No. 2013-01-02 of the City of Lancaster, Texas; repealing a grant of zoning from Light Industrial to Planned Development on approximately 59.04 acres of land located in the City of Lancaster, Dallas County, Texas, and more generally located on the north side of Daniieldale Road approximately 1,340+ feet west of the intersection of Houston School Road and Daniieldale Road.**

**MOTION:** Mayor Pro Tem Mejia made a motion, seconded by Deputy Mayor Pro Tem Daniels, to approve an ordinance repealing, rescinding and revoking Ordinance No. 2013-01-02 repealing a grant of zoning from Light Industrial to Planned Development on approximately 59.04 acres of land located in the City of Lancaster, Dallas County, Texas, and more generally located on the north side of Daniieldale Road approximately 1,340± feet west of the intersection of Houston School Road and Daniieldale Road. The vote was cast 5 for, 1 against [Jaglowski], 1 abstention [Morris].

8. **Discuss and consider directing staff to initiate an amendment to the Comprehensive Land Use Plan for the 100 acres ± of land located in the City of Lancaster, generally located within the SB Runyon Survey, Abstract 1199, recorded in Volume 99155, Page 60, Dallas County.**

**MOTION:** Deputy Mayor Pro Tem Daniels made a motion, seconded by Mayor Pro Tem Mejia, to direct staff to initiate an amendment to the Comprehensive Land Use Plan for the 100 acres ± of land located in the City of Lancaster, generally located within the SB Runyon Survey, Abstract 1199, recorded in Volume 99155, Page 60, Dallas County. The vote was cast 6 for, 1 abstention [Morris].

9. **Discuss and consider directing staff to begin a City-initiated zoning case on the property owned by Con-way Truckload, approximately 59.04 acres of land generally located on the north side of Daniieldale Road approximately 1,340± feet west of the intersection of Houston School Road and Daniieldale Road.**

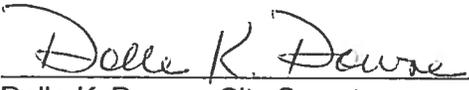
Item 9 was withdrawn from the agenda; no action needed.

City Council Meeting  
February 11, 2013  
Page 7 of 7

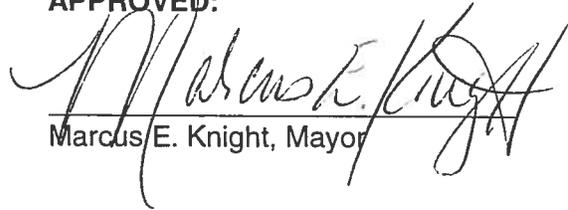
**MOTION:** Deputy Mayor Pro Tem Daniels made a motion, seconded by Mayor Pro Tem Mejia to adjourn. The vote was cast 7 for, 0 against.

The meeting was adjourned at 9:00 p.m.

**ATTEST:**

  
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Dolle K. Downe, City Secretary

**APPROVED:**

  
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Marcus E. Knight, Mayor