

MINUTES

LANCASTER CITY COUNCIL MEETING OF JUNE 27, 2011

The City Council of the City of Lancaster, Texas, met in Regular session in the Council Chambers of City Hall on June 27, 2011 at 7:00 p.m. with a quorum present to-wit:

Councilmembers Present:

Mayor Marcus E. Knight
Walter Weaver
Stanley Jaglowski [councilmember seated]
Marco Mejia
Mayor Pro Tem James Daniels
Clyde Hairston
Deputy Mayor Pro Tem Nina Morris

City Staff Present:

Opal Mauldin Robertson, City Manager
Alicia Oyedele, Assistant to the City Manager
Sean Johnson, Parks and Recreation Director
Clovia English, Public Works Director
Mike Rapp, Streets Superintendent
Rona Stringfellow Govan, Development Services Director
Nathaniel Barnett, Senior Planner
Robert E. Hager, City Attorney
Dolle Downe, City Secretary

Call to Order:

Mayor Knight called the meeting to order at 7:00 p.m. on June 27, 2011.

Invocation:

Pastor Urban Brown with Life in Christ Family Church gave the invocation.

Pledge of Allegiance:

Councilmember Marco Mejia led the Pledge of Allegiance.

Citizens Comments:

Vic Buchanan, 1243 Margaret Court, expressed concerns regarding the agreement with PTA Sports stating that the agreement contained no penalties if proposed amenities were not constructed; stated that the City is broke and should not give anything away; urged Council to take a careful look at the agreement, beef it up, and do what is in the best interest of the City; also commented that the City should not be paying for water to irrigate landscape at the Tribute.

James Adams, 2003 Hash, commented that annexation matters are coming up later this year and asked Council to take a careful look at annexation; commented that the inland port filed for bankruptcy, there have been no further studies on Loop 9, and the bottom has fallen out of the economy; asked Council to carefully consider how the City can afford to take in 3,000 acres when it cannot even support 200 acres in the Municipal Utility District [MUD No. 1].

City Council Meeting
 June 27, 2011
 Page 2 of 10

1. **Consider Resolution 2011-06-49 of the City Council of the City of Lancaster, Texas, canvassing the returns and declaring the results of the Run-off Election for Councilmember, District 2 held on June 18, 2011.**

2011-06-49 una resolucio del consejo municipal de la ciudad de Lancaster, Texas, escrutinio de la rentabilidad y la declaracion de los resultados de la eleccion de desempate de la oficina del concejal, Distrito 2, celebrada el 18 junio de 2011.

City Secretary Downe read Resolution 2011-06-49 canvassing the returns and declaring the results of the Run-off Election for councilmember, District 2 held on June 18, 2011 as follows:

RESOLUTION NO. 2011-06-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE RUN-OFF ELECTION FOR THE OFFICE OF COUNCILMEMBER, DISTRICT 2 HELD ON JUNE 18, 2011.

RUN-OFF ELECTION

Lancaster, Texas

June 18, 2011

CANVASS OF RETURNS AND DECLARATION OF RESULTS OF ELECTION

BE IT REMEMBERED THAT on this the 27th day of June 2011, at a meeting of the City Council of the City of Lancaster, Texas, a quorum being present, the meeting was called to order and the following business was transacted.

Upon motion it was unanimously ordered that the City Council consider the official returns of a Run-off Election held in the City on June 18, 2011, for the election of a Councilmember for District 2 for a three-year term.

WHEREUPON said official returns were opened, examined, canvassed and the results declared as follows:

CANVASS OF RETURNS AND DECLARATION OF RESULTS

WHEREAS, heretofore, the City Council of the City of Lancaster, Texas, called a Run-off Election to be held in the City on June 18, 2011, to elect a Councilmember for District 2 for a three-year term; and

WHEREAS, immediately after said election the Presiding Judge and other officials holding said election made their returns of the results thereof to the City Council as follows, and said returns being made according to law, and duly authenticated, and it being shown that written notice of said election was posted for the time and in the manner provided by law, and all other proceedings pertaining to said election having been shown to have been done and performed at and within the manner provided by law, and all papers pertaining thereto having been returned and filed with the City Council and no protest or objection being made to or regarding any matter pertaining to said election.

NOW, THEREFORE, be it resolved by the City Council of the City of Lancaster, Texas, after examining said returns and opening and canvassing the votes of said election, that the results of said election are as follows:

That the following number of votes were cast for the following named candidates for the office of Councilmember, District 2, to-wit:

	EARLY VOTING	ELECTION DAY	BY MAIL	PROVISIONAL VOTING	TOTAL VOTES	%
Stanley Jaglowski	85	30	0	0	115	88.46%
Gary Citizen	14	1	0	0	15	11.54%

It appearing that Stanley Jaglowski received a majority of all votes cast for the office of Councilmember, District 2, Stanley Jaglowski is hereby declared to be elected to the office of Councilmember, District 2, to serve a three-year term after qualifying.

IT IS FURTHER ORDERED that this canvass and declaration of results of said election be entered in the Minutes of the City Council.

This Resolution, declaring the results of the general election, shall become effective immediately after its passage.

DULY PASSED by the City Council of the City of Lancaster, Texas, on this the 27th day of June 2011.

MOTION: Mayor Pro Tem Daniels made a motion, seconded by Councilmember Hairston, to approve Resolution 2011-06-49 canvassing the returns and declaring the results of the General Election as read by the City Secretary. The vote was cast 6 for, 0 against.

2. Administer Oath of Office; present Certificate of Election; seat newly elected councilmember.

City Secretary Downe administered the Oath of Office for Stanley Jaglowski. Mayor Knight presented the Certificate of Election.

Councilmember Jaglowski thanked his supporters and commented he is looking forward to working with the Mayor and Council; stated that this begins a new chapter and together progress can be made for everyone.

Consent Agenda:

City Secretary Downe read the consent agenda.

- 3C. Consider approval of minutes from the City Council Regular Meeting held June 13, 2011.**
- 4C. Consider Resolution 2011-06-50 of the City Council of the City of Lancaster, Texas, approving the terms and conditions of a professional services agreement with Freese and Nichols, Inc. to perform services in connection with the project known as the City of Lancaster 2011 Water and Wastewater Master Plans and Impact Fees Update for an amount not to exceed \$132,000; authorizing the City Manager to execute said agreement; providing a repealing clause; providing a severability clause; and providing an effective date.**
- 5C. Consider Resolution 2011-06-51 of the City Council of the City of Lancaster, Texas, approving the terms and conditions of a professional services agreement with Kimley-Horn and Associates, Inc. to perform services in connection with the project known as the City of Lancaster 2011 Roadway Impact Fee Update for an amount not to exceed \$46,000; authorizing the City Manager to execute said agreement; providing a repealing clause; providing a severability clause; and providing an effective date.**
- 6C. Consider Resolution 2011-06-52 of the City Council of the City of Lancaster, Texas, authorizing continued participation with the Steering Committee of Cities served by Oncor; authorizing the payment of \$0.10 (ten cents) per capita to the Steering Committee to fund regulatory and related activities related to Oncor Electric Delivery Company, LLC; and providing an effective date.**

Councilmember Mejia requested that items 4C and 5C be pulled from the consent agenda.

MOTION: Councilmember Hairston made a motion, seconded by Councilmember Mejia, to approve consent items 3C and 6C. The vote was cast 7 for, 0 against.

Councilmember Mejia asked if the agreement for the water and wastewater impact fee update had been sent out to bid. City Manager Mauldin Robertson stated that professional services agreements do not have to be bid. She commented that using Freese and Nichols represents a cost savings of over \$60,000 because they are familiar with the City and already have significant, historical data related to the City's water and wastewater master plan and impact fees.

MOTION: Councilmember Mejia made a motion to direct staff to submit Request for Proposal and Qualifications for the water and wastewater master plan and impact fee update. The motion died from lack of a second.

MOTION: Councilmember Mejia made a motion, seconded by Councilmember Hairston, to approve consent items 4C and 5C as presented. The vote was cast 7 for, 0 against.

7. **Conduct a public hearing and consider Resolution 2011-06-53 of the City Council of the City of Lancaster, Texas, authorizing the submission of an application to Dallas County for funding under the Fiscal Year 2011 Community Development Block Grant program for reconstruction of an existing asphalt road [Stanford Drive from Arcady Lane to Arlington Lane]; designating a representative for all matters related to the project(s); providing a repealing clause; providing a severability clause; and providing an effective date.**

City Manager Mauldin Robertson stated that the City is eligible to receive \$124,844 in CDBG funds and that the proposed project is reconstruction of Stanford Drive from Arcady Lane to Arlington Lane.

Mayor Knight opened the public hearing.

There were no speakers regarding the proposed use of 2011 CDBG funds.

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

MOTION: Councilmember Mejia made a motion, seconded by Deputy Mayor Pro Tem Morris, to approve Resolution 2011-06-53 authorizing the submission of an application to Dallas County for funding under the Fiscal Year 2011 Community Development Block Grant program for reconstruction of an existing asphalt road [Stanford Drive from Arcady Lane to Arlington Lane]. The vote was cast 7 for, 0 against.

8. **Conduct a public hearing and consider an ordinance of the City of Lancaster, Texas, amending the Comprehensive Zoning Ordinance and map of the city of Lancaster, Texas, as heretofore amended, by granting a change in zoning from Light Industrial (LI) to Planned Development – Medium Industrial (PD-MI) to allow for a Trucking company use on property located at 2931 Daniieldale Road; providing for special conditions; providing a savings clause; providing a severability clause; providing a penalty of fine not to exceed the sum of two thousand dollars (\$2,000) for each offense; and providing an effective date.**

Senior Planner Barnett outlined the proposed rezoning of approximately 59 acres of land from Light Industrial to a Planned Development District with an underlying zoning of Medium Industrial to allow for a trucking company use. The applicant is pursuing a Planned Development District to reduce a number of the less desirable uses that would be allowed by right. Senior Planner Barnett noted that the Planned Development District provided for submittal of a detailed development and site plan subject to review and approval of the Planning and Zoning Commission for any and all building permits.

Council briefly discussed the trucking company use versus distribution center use and the uses excluded as permitted uses by right on the subject property if the change in zoning is granted.

City Council Meeting
June 27, 2011
Page 6 of 10

Bill Dahlstrom, 901 Main Street, Suite 6000, Dallas, representing Conway Truckload, applicant, commented that staff made an excellent presentation on the proposed rezoning of the 59 acres, noting that Medium Industrial is an appropriate use for this site. He provided councilmembers with hand-outs regarding similar uses in the area, noting that there is great access to IH-35E and IH-20 and no need for trucks to travel south on Houston School Road. Mr. Dahlstrom stated that the proposed zoning request is compatible with the City's Future Land Use Plan and their request eliminates certain less desirable uses allowed by right. Mr. Dahlstrom stated that the infrastructure is already in place and commented that an earlier prospect for the location, Marten Transport, ultimately chose a site in DeSoto that brought 300 jobs to the area, as well as secondary impacts. Under the proposed Planned Development zoning, Mr. Dahlstrom stated that any request for a building permit would require submittal of the development and site plan and be subject to review and approval by the Planning and Zoning Commission.

Mayor Pro Tem Daniels asked about prohibiting trucks on Houston School Road. City Attorney Hager reminded Council that under federal law, the City could not prohibit trucks on Houston School Road or Daniieldale.

Councilmember Mejia expressed concerns regarding the trucking company use. Councilmember Weaver asked how many times the request had been turned down by the Planning and Zoning Commission. Mr. Dahlstrom stated it has been denied three times including as a straight Medium Industrial use the first time. Councilmember Weaver expressed concerns about the tax base by pouring concrete as opposed to construction of a building. Mr. Dahlstrom noted that ad valorem taxes are based on improvements to the property and there may or may not be a big building; however, Conway needs to be able to market the property. Further, Mr. Dahlstrom stated that Marten Transport brought 300 jobs. Brad Vaughn with Conway Truckload stated that at the Lancaster location there are about fifteen full time employees and that 400 to 450 trucks are based at the location.

Mayor Knight noted that the request significantly reduces certain uses allowed by right and that there is opportunity to fully vet whatever type of business proposes development on the property; he noted that business personal property taxes are applicable. Mayor Knight commented that Council desires to be business friendly. Councilmember Mejia commented that the City is business friendly but also has to think of sustainability, stating that Council should consider the highest use for the land.

Mayor Pro Tem Daniels commented that since the Planning and Zoning Commission had denied the request, a super majority vote of Council would be necessary.

Mayor Knight opened the public hearing.

Mr. Dahlstrom indicated he had no additional comments at this time.

Speaking in opposition of the request:

Frank Mejia, 501 Colgate, commented that this is a great piece of land in a prime location and is a diamond in the rough; stated this is not a good deal and urged Council to consider the best use for the property and to be cautious.

Nancy Moffett, 2105 N. Houston School Road, noted Swift's efforts to work with the City regarding trucks on Houston School Road; urged Council to be patient to get the best use for the land and to think about the sales tax possibilities with other development.

Speaking in favor of the request:

Mr. Dahlstrom stated that Conway is simply requesting the ability to move forward with this property with zoning that is compatible with the City's Comprehensive Plan.

There were no other speakers.

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

MOTION: Councilmember Hairston made a motion, seconded by Councilmember Jaglowski, to approve an ordinance amending the Comprehensive Zoning Ordinance and map of the City of Lancaster, Texas, with staff recommendations for the applicant to submit a development and site plan prior to issuance of a building permit subject to review and approval, by granting a change in zoning from Light Industrial (LI) to Planned Development – Medium Industrial (PD-MI) to allow for a trucking company use on property located at 2931 Daniieldale Road. The vote was cast 3 for [Knight, Jaglowski, Hairston] and 4 against [Weaver, Mejia, Daniels, Morris]. The motion fails.

9. **Discuss and consider an ordinance of the City of Lancaster, Texas, amending the Code of Ordinances by amending Chapter 8, Offenses and Nuisances, by adding Article 8.1400, Littering, to prohibit littering within the City; providing definitions; providing for unlawful littering; providing a duty to keep property free of litter; providing for container closure and maintenance; providing for pedestrian litter container use restrictions; providing a severability clause; providing that this ordinance shall be cumulative of all ordinances; providing for a penalty for violations hereof; providing a savings clause; and providing an effective date.**

City Manager Mauldin Robertson indicated the litter ordinance had been tabled at the Council's meeting on May 23 and subsequently reviewed at the June 18 work session.

Councilmember Mejia asked about Section 8.1403 "Duty to Keep Property Free of Litter" and its impact on property owners. City Attorney Hager noted that this requirement is already a part of the City's Property Maintenance Code and inclusion in the litter ordinance allows enforcement with tenants or occupants, not just property owners. City Manager Mauldin Robertson indicated that the intent of the ordinance is to be able to effectively address litter on property with a non-owner occupant.

MOTION: Councilmember Hairston made a motion, seconded by Councilmember Weaver, to approve an ordinance amending the Code of Ordinances by amending Chapter 8, Offenses and Nuisances, by adding Article 8.1400, Littering, to prohibit littering within the City; providing definitions; providing for unlawful littering; providing a duty to keep property free of litter; providing for container closure and maintenance; providing for pedestrian litter container use restrictions. The vote was cast 5 for, 1 against [Daniels] and 1 abstention [Mejia].

10. **Discuss and consider Resolution 2011-06-54 of the City Council of the City of Lancaster, Texas, approving the terms and conditions of a License and Use Agreement by and between the City of Lancaster and PTA Sports Management, Inc. for the implementation and restructuring of the Youth Sports programs; authorizing the City Manager to execute said agreement; providing a repealing clause; providing a severability clause; and providing an effective date.**

Parks and Recreation Director Johnson outlined the proposed three year agreement with PTA Sports to conduct a football league and the TRUTH summer camp, implement three athletic leagues annually on behalf of the City with the City receiving the net profits and assistance in securing funds to replace certain pre-existing amenities at Lancaster Community Park including a sand volleyball court, an outdoor basketball court and an outdoor pavilion. Director Johnson indicated Deion Sanders will make five appearances at City sponsored events. PTA Sports will annually pay \$5 (ages 5 – 11) and \$10 (ages 12 – 17) for a Lancaster Recreation ID card for each participant and a \$10 per participant fee for summer camp and the football league. In addition, Lancaster youth may participate in the Summer Camp at 50% of the advertised fee for the camp. Director Johnson commented that this proposal provides increased revenue for the City and improves amenities in Community Park.

Councilmember Mejia asked what kind of assistance PTA Sports would provide in securing funds to replace certain pre-existing amenities. Director Johnson indicated the assistance would be with the City's fundraising efforts.

Deputy Mayor Pro Tem Morris asked about how hard it is to get into their program. Director Johnson noted that the program is available for all, that there is no selection process and the number of Lancaster youth able to participate is unlimited.

Councilmember Jaglowski asked about the success of the program in its first year. Director Johnson stated that it was successful with an average of 240 participants.

Councilmember Weaver asked about how participants would be made aware of scholarship opportunities. Director Johnson indicated it is done on an individual, case by case basis and advertising would include information that assistance opportunities are available.

MOTION: Councilmember Hairston made a motion, seconded by Mayor Pro Tem Daniels, to approve Resolution 2011-06-54 approving the terms and conditions of a License and Use Agreement by and between the City of Lancaster and PTA Sports Management, Inc. for the implementation and restructuring of the Youth Sports programs. The vote was cast 6 for, 1 against [Mejia].

11. **Discuss and consider Resolution 2011-06-55 of the City Council of the City of Lancaster, Texas, approving the terms and conditions of a Development Agreement by and between the City of Lancaster and PTA Sports Management, Inc. for the construction, development, operation and maintenance of a football facility at Lancaster Community Park; authorizing the City Manager to execute said agreement; providing a repealing clause; providing a severability clause; and providing an effective date.**

Parks and Recreation Director Johnson noted that this is a companion item to the License and Use Agreement with PTA Sports. This agreement permits PTA Sports to develop, construct, operate and maintain a football field at Lancaster Community Park.

Councilmember Hairston asked once the football field was developed if the City would retain the field if PTA ceased to have a License and Use Agreement with the City. Director Johnson noted the City would retain the football field.

Councilmember Mejia commented that this agreement did not guarantee a football field would be built. Councilmember Weaver noted the agreement simply gives permission to build a football field at PTA Sports discretion and asked how it could be guaranteed.

Councilmember Mejia commented that the guarantee for the field should have been outlined in the License and Use Agreement (item #10).

Mayor Knight commented that participation will drive the need for the football field and that the City has no investment.

MOTION: Councilmember Mejia made a motion, seconded by Councilmember Hairston, to approve Resolution 2011-06-55 approving the terms and conditions of a Development Agreement by and between the City of Lancaster and PTA Sports Management, Inc. for the construction, development, operation and maintenance of a football facility at Lancaster Community Park. The vote was cast 7 for, 0 against.

12. **Consider election of a Mayor Pro Tempore.**

Councilmember Weaver nominated Marco Mejia to serve as Mayor Pro Tem. Mayor Pro Tem Daniels nominated Clyde Hairston. Deputy Mayor Pro Tem Morris nominated herself. A roll call vote elected Clyde Hairston as Mayor Pro Tempore. [3 for Hairston – Jaglowski, Daniels, Hairston; 2 for Mejia – Weaver, Mejia; and 2 for Morris - Knight, Morris]

13. **Consider election of a Deputy Mayor Pro Tempore.**

Mayor Pro Tem Hairston nominated James Daniels to serve as Deputy Mayor Pro Tem. Councilmember Mejia nominated Nina Morris. Councilmember Jaglowski nominated Marco Mejia. Councilmember Mejia requested his name be withdrawn from consideration. A roll call vote elected Nina Morris as Deputy Mayor Pro Tem. [4 for Morris – Jaglowski, Mejia, Knight, Morris; 2 for Daniels – Daniels, Hairston; and 1 abstention – Weaver].

City Council Meeting
June 27, 2011
Page 10 of 10

At 9:10 p.m. City Council recessed to go into Executive Session.

Executive Session:

At 9:16 p.m. the City Council convened into closed executive session in the Conference Room pursuant to:

14. **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 to seek legal advice concerning the application of the Lancaster Municipal Utility District No. 1 for annexation of land before the Texas Commission on Environmental Quality (TCEQ), Docket No. 2010-1851-DIS and the proposed Strategic Partnership Agreement.**
15. **Reconvene into open session. Consider and take appropriate action(s), if any, on closed/executive session matters.**

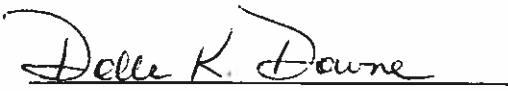
The City Council recessed from Executive Session at 9:54 p.m. and reconvened into open session at 9:57 p.m.

No action was necessary following executive session.

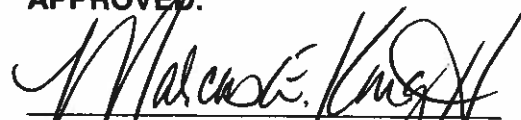
MOTION: Mayor Pro Tem Hairston made a motion, seconded by Deputy Mayor Pro Tem Morris, to adjourn. The vote was cast 7 for, 0 against.

The meeting was adjourned at 9:58 p.m.

ATTEST:


Dolle K. Downe, City Secretary

APPROVED:


Marcus E. Knight, Mayor