

MINUTES

LANCASTER CITY COUNCIL REGULAR MEETING OF APRIL 10, 2017

The City Council of the City of Lancaster, Texas, met in a called Regular session in the Council Chambers of City Hall on April 10, 2017 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
 Sean Johnson, Managing Director of Quality of Life & Cultural Services
 Baron Sauls, Finance Director
 Shane Shepard, Director of Economic Development
 Fabrice Kabona, Assistant to the City Manager
 Jim Brewer, Director of Public Works
 Bester Munyaradzi, Senior Planner
 Robert Franklin, Fire Chief
 Chris Youngman, Assistant Fire Chief
 Beau Jackson, Battalion Chief
 Nathan Diaz, Fire Marshal
 Sorangel O. Arenas, City Secretary

Call to Order:

Mayor Knight called the meeting to order at 7:18 p.m. on April 10, 2017.

Invocation:

Pastor Wilson gave the invocation.

Pledge of Allegiance:

Councilmember Hervey led the pledge of allegiance.

Presentation:

Sean Johnson, Managing Director of Quality of Life & Cultural Services, thanked Mayor Pro Tem Carol Strain-Burk and Ted Burk for donating the historical marker of the Steel Dust Quarterhorse. Mr. Johnson read the marker into the record.

Mayor Pro Tem Strain-Burk thanked her colleagues for allowing the Steel Dust Quarterhorse to be represented and for authorizing the display of the historical marker at the Visitors Center and State Auxiliary Museum.

Proclamation:

Mayor Knight presented a proclamation to Battalion Chief Beau Jackson, Nakia Kelly, Justin Cole, and Carla Spruill announcing April 9th through 15th, 2017 as "National Public Safety Telecommunicators Week." Mayor Knight extended his gratitude to the City's Public Safety Telecommunicators and urged everyone in our

community to celebrate and honor the men and women whose diligence and professionalism keep our city and citizens safe.

Citizens' Comments:

Joe Thomas, 709 Sewell Drive, shared his concerns regarding the Charter School located near his residence. Mr. Thomas shared that charter schools are for-profit and compete with public schools. Additionally, he expressed his concerns with shootings and criminal activity in the Millbrook division and requested assistance from staff.

Mayor Knight advised Mr. Thomas of the importance of communicating with staff to coordinate a meeting with him, City Manager Mauldin-Robertson, and Councilmember Hairston.

Rona Stringfellow, 211 N. Henry Street, stated that while the 2017 Community Challenge is over, the efforts and enthusiasm put forth by this year's participants was nothing short of historical. In three short months, more than 23,500 Texans, representing roughly 330 communities, registered for the Challenge, exercised more and tracked their workouts, ate healthier, organized group and community health events, and encouraged their friends, family, colleagues, and fellow community members to join them in demonstrating their commitment to healthier cities and a healthier State. Stringfellow stated the City of Lancaster placed third and shared the statics. On behalf of the City, she thanked everyone for their participation and all of the sponsors.

Mayor Knight expressed his gratitude to everyone involved in the Community Challenge.

Consent Agenda:

City Secretary Arenas read the consent agenda.

1. **Consider approval of minutes from the City Council Regular Meeting held on March 27, 2017 and City Council Special Meeting held on April 3, 2017.**
2. **Consider a resolution approving the terms and conditions of the L-27 and L-29 ground leases at Lancaster Regional Airport.**
3. **Consider a resolution approving the terms and conditions of the City owned terminal building commercial lease with Skyline Aviation, Inc. from building 730 at Lancaster Regional Airport.**
4. **Consider a resolution accepting one (1) tract of land from the Carlton and Nancy Moffett Living Trust, by and through its Trustees and the Hamilton C. and Foy K. Moffett Family Trust, by and through its Trustees, Paul Moffett and Kathryn Barns, Owners, generally located on the Lancaster Original Town addressed as 106 State Street and being more particularly described in the Donation Special Warranty Deed.**
5. **M17-03 Consider an Ordinance abandoning a portion of a public use easement of approximately 7,334 square feet, 0.168 acres of land, in the City of Lancaster, Dallas County, Texas as a quit claim deed; and providing an effective date.**

Councilmember Morris pulled Item 4, and Councilmember Hervey pulled Item 2 and 5.

MOTION: Councilmember Morris made a motion, seconded by Mayor Pro Tem Strain-Burk to approve consent item 1. The vote was cast for 7, 0 against.

2. Consider a resolution approving the terms and conditions of the L-27 and L-29 ground leases at Lancaster Regional Airport.

Councilmember Hervey requested additional staff comments.

City Manager Mauldin-Robertson shared that in 1989 the City leased ground lots through a Master Lease in order to facilitate hangar development. A major discrepancy was recently discovered when the current owner of the L-27 & L-29 ground leases prepared to sell their hangars. The Master Lease Assignment and Assumption agreement was signed by Council on August 3, 1998, however, the Assignment and Assumption Agreement was signed on August 1, 1998. She noted that all affected ground leases in lots L-12 through L-35 will be brought forth at a later time. This item brings forward two ground leases, L-27 and L-29, for lessee Mr. Sterling May. The resolution and lease agreement were reviewed and approved by the City Attorney.

Councilmember Hervey inquired as to the fiscal impact of this issue. City Manager Mauldin-Robertson shared that the lease rates are on an escalating schedule for the term of the lease, thereby increasing revenue for the Airport over time. Also, she shared that ground leases L-27 and L-29 are two separate agreements and may have different lease rates.

MOTION: Councilmember Morris made a motion, seconded by Mayor Pro Tem Strain-Burk to approve consent item 2. The vote was cast for 7, 0 against.

3. Consider a resolution approving the terms and conditions of the City owned terminal building commercial lease with Skyline Aviation, Inc. from building 730 at Lancaster Regional Airport.

Councilmember Hervey requested additional staff comments.

City Manager Mauldin-Robertson indicated that this item is to request a commercial lease agreement for office space units 730-201/202/203 for Skyline Aviation flight school. The City owns the terminal building and has vacant lease space upstairs. The space is well suited for a flight school. Skyline Aviation, an established flight school from San Angelo, would like to expand its operations to the Metroplex and has chosen Lancaster Regional Airport as its base of operations. Skyline Aviation will pay \$2,265.30 per month equivalent to \$27,183.60 annually. During the first three (3) months of lease Skyline Aviation shall be allowed reimbursement of rent for interior improvements made with proof of receipt. A rent rebate, as listed in the lease on page 4, is authorized for the first three (3) years based upon quantity of fuel purchased from the City. These reimbursements are being utilized as incentives. The profit from the required gallons purchased is more than the rebate given, therefore will be a net gain for the Airport.

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

4. Consider a resolution accepting one (1) tract of land from the Carlton and Nancy Moffett Living Trust, by and through its Trustees and the Hamilton C. and Foy K. Moffett Family Trust, by and through its Trustees, Paul Moffett and Kathryn Barns, Owners, generally located on the Lancaster Original Town addressed as 106 State Street and being more particularly described in the Donation Special Warranty Deed.

Councilmember Morris expressed her gratitude from the Carlton and Nancy Moffett Living Trust for donating the tract of land.

City Manager Mauldin-Robertson indicated that the property is located east of the Community House addressed at 106 State Street and is approximately 9,000 square feet. The owners of the property desire to donate the property to the City of Lancaster for future use such as additional parking capacity to support the Historic Downtown Square and Community House. In consideration of the donation, the City agreed to compensate the Trust a sum of ten (\$10.00) dollars.

Mayor Pro Tem Strain-Burk shared a short historical background of the property.

MOTION: Councilmember Morris made a motion, seconded by Mayor Pro Tem Strain-Burk to approve consent item 4. The vote was cast for 7, 0 against.

5. **M17-03 Consider an Ordinance abandoning a portion of a public use easement of approximately 7,334 square feet, 0.168 acres of land, in the City of Lancaster, Dallas County, Texas as a quit claim deed; and providing an effective date.**

Councilmember Hervey requested additional staff comments.

City Manager Mauldin-Robertson stated that this item is to abandon a portion of a public use easement that is behind the recently constructed Quick Trip on the northeast corner of I-35 and West Pleasant Run Road. Quick Trip is the current owner of the property containing the public use easement. The abandonment of the public use easement is necessary for Quick Trip to proceed with filing a plat that is contiguous.

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

6. **Discuss and consider a resolution of the City Council to support the Texas Department of Transportation's (TXDOT's) Dallas District recommendation to designate the new location freeway between Interstate 35E and Interstate 45 as State Loop 9.**

City Manager Mauldin-Robertson shared that this item is a request for a resolution of the City Council to support the Texas Department of Transportation's Dallas District Office to designate the new location freeway between Interstate 35E and Interstate 45 which will be known as State Loop 9. The project has been an ongoing project and has been in the plans for over fifty (50) years. This item is not supporting a particular alignment but is allowing TXDOT's Dallas Office to add this new location to the State Highway System through a Texas Transportation Commission Minute Order. City Manager Mauldin-Robertson shared that prior discussion was made with several councilmembers about this item and she requested to amend the resolution by adding the letter from Texas Department of Transportation (TXDOT) as Exhibit "B" to the resolution.

Councilmember Morris inquired of City Manager Mauldin-Robertson the reasoning for the support. City Manager Mauldin-Robertson stated that Loop 9 is proposed along the southern portion of the City of Lancaster's City limits. The support is for recommending the new proposed location to be called State Loop 9.

Mayor Knight stated as the project continues to evolve; Texas Department of Transportation (TXDOT) is proposing an official name for the thoroughfare which would be "State Loop 9." Texas Department of Transportation (TXDOT) is requesting our support of the name since this municipality would be impacted by this particular route between Interstate 35E and Interstate 45.

Councilmember Morris queried as to whether the City of Lancaster would be impacted.

Mayor Knight shared that the route is not finalized.

Mayor Pro Tem Strain-Burk inquired if other cities are being asked for their support. Mayor Knight shared that he is aware of the City of Red Oak.

City Manager Mauldin-Robertson shared that TxDOT's specific request is to add this new location to the State Highway System through a Texas Transportation Commission Minute Order.

MOTION: Councilmember Hairston made a motion, seconded by Deputy Mayor Pro Tem Jaglowski to approve item 6 with attachment recommendation. The vote was cast for 7, 0 against.

- 7. Discuss and consider a resolution suspending the April 21, 2017 effective date of Oncor Electric Delivery Company's requested rate change to allow the city more time to review the application and decide on the final action, including settlement or denial of requested rate increase.**

City Manager Mauldin-Robertson stated that the City is required to take action to ensure that the rate requested does not become effective. The City of Lancaster is a member of a 156-city coalition known as the Steering Committee of Cities Served by Oncor ("Steering Committee").

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

- 8. Consider an ordinance granting a franchise for the collection and removal of industrial solid waste and recyclable materials to HD Waste & Recycling, LLC.**

Deputy Mayor Pro Tem Jaglowski requested information from the applicant.

Applicants Hugo and Diana Martinez, 10631 CF Hawn Frwy, Dallas, Texas, shared that HD Waste & Recycling, LLC has been in business since 2009 and they have been in the industry for twenty-eight (28) years. Ms. Martinez shared that they have customers around the Dallas Metroplex areas that preferred their services.

MOTION: Councilmember Morris made a motion, seconded by Councilmember Hairston to approve Item 8. The vote was cast for 7, 0 against.

- 9. Consider an ordinance granting a franchise for the collection and removal of industrial solid waste and recyclable materials to Moore Disposal Inc.**

Deputy Mayor Pro Tem Jaglowski requested information from the applicant.

Steven Moore, applicant, shared that his father started the solid waste business in 1969.

Applicant Moore stated there are 97 employees and their office has recently moved near Interstate 35 and would like to do business with the City of Lancaster as it continues to grow.

MOTION: Mayor Pro Tem Strain-Burk made a motion, seconded by Deputy Mayor Pro Tem Jaglowski to approve Item 9. The vote was cast for 7, 0 against.

10. Discuss and consider various ordinances of the City adopting the 2015 International Code Council (ICC) Code Series and the 2014 National Electrical Code for construction and amending the Lancaster Code of Ordinances as follows:
- a) an ordinance amending chapter 6, article 6.04, division 2, building code, section 6.04.051 to provide for the adoption of the "international building code", 2015 Edition and section 3.102 to provide for the exceptions and amendments thereto;
 - b) an ordinance amending chapter 6, article 6.04, division 3, residential code, section 6.04.101 to provide for the adoption of the "international residential code", 2015 edition, and section 6.04.102 to provide for the exceptions and amendments thereto;
 - c) an ordinance amending chapter 6, article 6.04, division 4, electrical code, section 6.04.151 to provide for the adoption of the "natural electrical code", 2014 edition, and section 6.04.152 to provide for the exceptions and amendments thereto;
 - d) an ordinance amending chapter 6, article 6.04, division 5, plumbing code, section 6.04.201 to provide for the adoption of the "international plumbing code", 2015 edition, and section 6.04.202 to provide for the exceptions and amendments thereto;
 - e) an ordinance amending chapter 6, article 6.04, division 6, mechanical code, section 6.04.251 to provide for the adoption of the "international mechanical code", 2015 edition, and section 6.04.252 to provide for the exceptions and amendments thereto;
 - f) an ordinance amending chapter 6, article 6.04, division 7, property maintenance code, section 6.04.301 to provide for the adoption of the "international property maintenance code", 2015 edition, and section 6.04.302 to provide for the exceptions and amendments thereto;
 - g) an ordinance amending chapter 6, article 6.04, "technical and construction codes and standards", division 8 "existing building code," section 6.04.351 to provide for adoption of the International existing building code, 2015 edition, and section 6.04.352 to provide for the exceptions and amendments thereto;
 - h) an ordinance amending chapter 6, article 6.04, division 9, fuel gas code, section 6.04.401 to provide for the adoption of the "international fuel gas code", 2015 edition, and section 6.04.402 to provide for the exceptions and amendments thereto;
 - i) an ordinance amending chapter 6, article 6.04 division 10, energy conservation code, section 6.04.451 to provide for the adoption of the "international energy conservation code", 2015 edition, and section 6.04.452 to provide for the exceptions and amendments thereto;
 - j) an ordinance amending chapter 6, article 6.04, "technical and construction codes and standards," by adding division 11, "swimming pool and spa code"; by adopting section 6.04.501 to provide for the adoption of the International swimming pool and spa code, 2015 edition, and section 6.04.502 to provide for the exceptions and amendments thereto;
 - k) an ordinance amending chapter 10, article 10.04, fire code, section 10.04.001 to provide for the adoption of the "International fire code" 2015 edition and section 10.04.002 to provide for the exceptions and amendments thereto.

City Manager Mauldin-Robertson requested that on page 23 of the Fire Code ordinance, the word 'not' be excluded in number one (1) and two (2) of Section 910.2.

Mayor Pro Tem Strain-Burk inquired the effective date. City Manager Mauldin-Robertson indicated that the ordinances are effective immediate upon approval. City Manager Mauldin-Robertson informed Council this will not affect the plans and development that are currently in progress.


Deputy Mayor Pro Tem Jaglowski inquired if this item has an effect on the ISO ratings. City Manager Mauldin-Robertson indicated that this item is one of the criteria's that are in our grading for the ISO.

MOTION: Mayor Pro Tem Strain-Burk made a motion, seconded by Councilmember Hairston to approve item 10 with the amendments requested. The vote was cast for 7, 0 against.

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


The meeting was adjourned at 8:08 p.m.

ATTEST:



Sorangel O. Arenas, City Secretary

APPROVED:



Marcus E. Knight, Mayor