

MINUTES

LANCASTER CITY COUNCIL REGULAR MEETING OF OCTOBER 9, 2017

The City Council of the City of Lancaster, Texas, met in a called Regular Session in the Council Chambers of City Hall on October 9, 2017 at 7:00 p.m. with a quorum present to-wit:

Councilmembers Present:

Mayor Marcus E. Knight
Carol Strain-Burk
Stanley Jaglowski
Marco Mejia
Mayor Pro Tem Clyde C. Hairston
Deputy Mayor Pro Tem Nina Morris

Councilmembers Absent:

Spencer W. Hervey, Jr.

City Staff Present:

Opal Mauldin-Jones, City Manager
Rona Stringfellow, Assistant City Manager
Dori Lee, Human Resources Director
Shane Shepard, Director of Economic Development
Baron Sauls, Finance Director
Jim Brewer, Director of Public Works
Sean Johnson, Managing Director of Quality of Life & Cultural Services
Jermaine Sapp, Director of Equipment and Facility Services
Alton Dixon, Purchasing Agent
Fabrice Kabona, Assistant to the City Manager
Dale Jackson, Building Official/Interim Development Services Director
Chris Youngman, Assistant Fire Chief
Nathan Diaz, Fire Marshal
Jason B. Boulton, Assistant Police Chief
Cheryl Womble, Administrative & Community Relations Supervisor
Jasmine Carr, Temporary Administrative Marketing Support
Kim Pekofske, Court Administrator
David T. Ritter, City Attorney
Sorangel O. Arenas, City Secretary

Call to Order:

Mayor Knight called the meeting to order at 7:00 p.m. on October 9, 2017.

Invocation:

Pastor Keith Hall gave the invocation.

Pledge of Allegiance:

Councilmember Jaglowski led the pledge of allegiance.

Proclamation:

Mayor Knight presented a proclamation to Court Administrator, Kim Pekofske, proclaiming the week of November 6 through 10, 2017, as "Municipal Court Week," recognizing the fair and impartial justice offered to the citizens by the Municipal Court of Lancaster.

Mayor Knight presented a proclamation to Fire Marshal, Nathan Diaz, proclaiming the week of October 8 through 14, 2017, as "Fire Prevention Week" and urged all of our citizens to find out the age of smoke alarms in their homes and to learn more about fire prevention.

Consent Agenda:

City Secretary Arenas read the consent agenda.

1. **Consider approval of minutes from the City Council Regular Meeting held on September 25, 2017.**
2. **Consider a resolution approving the terms and conditions of an Interlocal Agreement Renewal by and between the Parkland Health & Hospital System and the City of Lancaster to provide certain biomedical on-line services.**
3. **Consider a resolution approving the terms and conditions of a project specific agreement by and between Dallas County and the City of Lancaster for the reconstruction of Centre Avenue in an amount not to exceed eighty-nine thousand five hundred five dollars and fifty cents (\$89,505.50).**
4. **Consider a resolution approving the terms and conditions of a Professional Services Agreement by and between the City of Lancaster and E-Website, Inc. (dba Capture Point) to provide Community Pass Software Services for Point of Sale transactions at the Lancaster Recreation Center and Senior Life Center for the purpose of recreation program registration and facility rentals and reservations.**
5. **Consider a resolution approving a letter to be submitted as the City of Lancaster's official public comment in opposition to the proposed billboard height rule change being considered by the Texas Department of Transportation (TxDOT) to increase the existing height of 42.5 feet to 85 feet for every billboard along federal highways across Texas.**
6. **Consider a resolution amending the 2014 City of Lancaster Public Improvement District (PID) Policy.**

Councilmember Mejia pulled item 5.

Councilmember Strain-Burk pulled item 3.

MOTION: Councilmember Mejia made a motion, seconded by Councilmember Strain-Burk, to approve consent items excluding items 3 and 5. The vote was cast 6 for, 0 against [Hervey absent].

Mayor Knight shared that after discussion on consent item 3 and 5, the agenda will be altered to allow the opportunity for the individuals that have pre-registered to speak during the Citizens' Comments portion of the agenda.

3. **Consider a resolution approving the terms and conditions of a project specific agreement by and between Dallas County and the City of Lancaster for the reconstruction of Centre Avenue in an amount not to exceed eighty-nine thousand five hundred five dollars and fifty cents (\$89,505.50).**

Councilmember Strain-Burk shared that one of City Council's goals is to develop the City's infrastructure. Also, she commented that the reconstruction of Centre Street is one of the main access streets into the Town Square and item 3 is one of many projects to come.

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Mejia, to approve consent item 3. The vote was cast 6 for, 0 against [Hervey absent].

5. **Consider a resolution approving a letter to be submitted as the City of Lancaster's official public comment in opposition to the proposed billboard height rule change being considered by the**

Texas Department of Transportation (TxDOT) to increase the existing height of 42.5 feet to 85 feet for every billboard along federal highways across Texas.

Councilmember Mejia suggested prior for Councils' consideration that items be presented in a Work Session setting.

Councilmember Strain-Burk requested additional staff comments on item 5. City Manager Mauldin-Jones shared that Texas Department of Transportation (TxDOT) is proposing a rule change based on the recently passed legislation (Senate Bill 312) and cities are being encouraged to provide comment to Texas Department of Transportation (TxDOT). Councilmember Strain-Burk inquired the significance of a motion to approve item 5. City Manager Mauldin-Jones commented that a motion to approve is authorizing submission of a letter in opposition to the Texas Department of Transportation (TxDOT) billboard height rule change.

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Jaglowski, to approve consent items. The vote was cast 5 for, 1 against [Mejia] [Hervey absent].

Citizens' Comments:

Clint McNear, with Texas Municipal Police Association (TMPA), distributed and commented on the survey conducted by TMPA on the Lancaster's Police Department. Additional, he shared his concerns regarding the administration of the Lancaster Police Department.

LaTisha Washington, 438 Lake Park Drive, Grand Prairie, registered and wished not to speak regarding the police department.

Sean Johnson, 1700 Veterans Memorial Parkway, announced that the City of Lancaster has been selected and awarded the Community Playground Build Grant through the KaBOOM! Foundation along with their funding partner, Allstate Corporation. Managing Director of Quality of Life & Cultural Services Johnson shared that the "Build Day" for this wonderful project will take place on October 13, 2017. He thanked the City Council for their involvement in the project.

PUBLIC HEARING:

- 7. Z17-05 Conduct a Public Hearing and consider approval of a Specific Use Permit for Auto Repair Garage, Minor (oil change) located on the north side of Stanford Drive and approximately 186 feet west of North Dallas Avenue and contains approximately 0.7 acres of land. It is specifically addressed as 2613 N. Dallas Avenue in the City of Lancaster, Dallas County, Texas.**

Mayor Knight shared that the applicant requested to table item 7 for the next council meeting in order to prepare for the item or proposal.

Mayor Knight opened the public hearing.

Abbas Fatwas, 2613 N. Dallas Avenue, suggested in tabling the item for additional time and preparation.

MOTION: Councilmember Mejia made a motion, seconded by Mayor Pro Tem Hairston to table item 7 and place the item on November 13, 2017 agenda. The vote was cast 6 for, 0 against [Hervey absent].

- 8. Z17-08 Conduct a Public Hearing and consider an ordinance amending ordinance changing the zoning from Commercial Highway (CH) to Planned Development-Commercial Highway (PD-CH) to allow for hotel and hotel residence located on the northeast corner of Interstate Highway 35E and Daniel Dale Road and contains approximately 2.55 acres of land. The property is more particularly described as a tract of land situated in the Silas B. Runyon Survey, Abstract No.1199, addressed as 3504 and 3508 North Interstate Highway 35-E, Lancaster, Dallas County, Texas.**

City Manager Mauldin-Jones advised that item 8 is to consider a change in zoning to allow Hotel/Hotel residence use at 3504 and 3508 North Interstate Highway 35-E which contain 2.55 acres of land. Planning and Zoning approved the preliminary plat on August 1, 2017 and recommended approval of the zoning request on October 3, 2017. She shared that staff has provided the permitted uses and site plans for two lots. Lot 1 will allow hotel/hotel residence and Lot 2 will allow Retail and Personal Services per the ordinance.

Councilmember Strain-Burk inquired as to the purpose of, "Exhibit A," Permitted Uses. City Attorney Ritter shared that "Exhibit A", Permitted Uses, is not an attachment to the ordinance. However, he stated that "Exhibit C" to the proposed ordinance states that all requirements of the Lancaster Development Code (LDC) and Lancaster Code of Ordinances shall apply. Also, all requirements of the Commercial Highway (CH) zoning district, including allowable uses, shall apply unless there is a conflict with any of the listed requirements. The "Restaurant/Retail (Lot 2, Block 1), subsection D, of Exhibit C, states that all requirements of the Lancaster Development Code (LDC) and Lancaster Code of Ordinances shall apply and on the Retail and Personal Services uses delineated in the Commercial Highway (CH) zoning district shall apply to any uses of Lot 2, Block 1.

City Manager Mauldin-Jones clarified that "Exhibit A" reflects all uses allowed in Commercial Highway in Lot 2.

Mayor Knight reiterated that Lot 1, Block 1 is intended for Hotel/Hotel Residence and Lot 2 will allow Retail and Personal Services which has been depicted in Exhibit "A."

Councilmember Strain-Burk suggested to exclude all permitted uses except Catering Service, all listed Restaurant uses, and all listed Retail uses. City Manager Mauldin-Jones confirmed Councilmember Strain-Burk's suggestion to be the following: "Catering Service, Restaurant, Less than 2000 Sq. Ft., w/ Drive-Thru; Restaurant, Less than 2000 Sq. Ft., w/o Drive-Thru; Restaurant, 2000 Sq. Ft. or more, w/ Drive-Thru; Restaurant, 2000 Sq. Ft. or more, w/o Drive-Thru; Retail Store, 25,000 Sq. Ft. or more; and Retail Store, Less than 25,000 Sq. Ft."

City Manager Mauldin-Jones then attempted to confirm Councilmember Strain-Burk's suggestion to exclude the following: Antique/Collectible Store; Astrologer, Hypnotist, or Psychic Art and Science; Banquet Facility; Business School; Christmas Tree Sales Lot & Similar Uses, Temporary, Copy Center, Display, Incidental, Garden Supply/Plant Nursery, General Personal Service, Hair Salon, Manicurist, Laundry Drop-off/Pickup, Laundry, Self Service, Massage Therapist, Night Club, Discoteque, or Dance Hall, Pet Shop, Real Estate Sales Office, Retail store with more than 2 fuel dispensers, Retail store with gasoline product sales limited to 2 fuel dispensers and 4 Vehicles, Used Merchandise Store, Studio - Art, Photography or Music, Tailor, Clothing or Apparel Shop, and Bail Bond Service.

Councilmember Strain-Burk inquired if low clearance bars are proposed to restrict oversize motor vehicles in the parking lot. City Manager Mauldin-Jones shared that staff previously meet with the applicant and agreed to install low clearance bars.

Mayor Knight requested comments from the applicant.

Jeff Carona, 5401 N. Central Expressway, Suite 310, Dallas, Texas, stated that he did not agree to install low clearance bars; however, would suggest installing the bars. He shared that the site plan, approved by the Planning and Zoning Commission, does not allow oversized vehicles.

Councilmember Mejia inquired from the Fire Department the height of a fire truck. Fire Marshal Diaz commented that the fire truck is approximately fourteen (14) feet.

Mayor Knight suggested possibly displaying signage prohibiting semi-truck parking. Also, he inquired from the applicant the proposed vision for Lot 2, Block 1. Applicant Carona shared that a restaurant would be beneficial to the hotel and to the surrounding area.

Councilmember Strain-Burk mentioned the three amenities to possibly include were indoor/outdoor pool, spa/sauna, weight room/fitness center, game room, jogging trail, conference room (1,000 square foot minimum), full-service restaurant (minimum seating capacity of 35).

Applicant Carona stated that the original blueprint did not include a conference room; however, Choice Hotels International, Inc. modified the plans to accommodate the City's request to include a 635 square foot conference room.

Councilmember Strain-Burk commented that High-speed internet, on item 7 of Exhibit C, states that it may be provided instead of "shall" be provided. Applicant Carona mentioned that high speed internet is a brand requirement and has been included in the construction budget and will be included.

Mayor Knight suggested that the descriptive should read, "shall provide internet access to all guestrooms" instead of "shall provide High speed internet."

Councilmember Strain-Burk inquired from the applicant if he would decrease the extended stay percentage on the residence use. Applicant Carona commented that he is unable to change since there are two brands under one roof which was the prototype that was purchased at a 50/50 split. To change the even split, would require a return to the financial institution and to the brands and suggesting an idea that may create a project less successful.

Councilmember Mejia complimented the applicant on the project but the community may not be in favor of extended stay and the community was his first concern.

Applicant Carona understood Councilmember Mejia's concerns and they were previously addressed with the Planning Department. Currently, there are three existing hotels and he stated that his organization does not desire to construct nor manage a business like the three current hotels. Also, the rates will nearly be tripled what the average rates between the three existing properties. Applicant Carona shared that Aimbridge Hospitality is one of the largest and most dynamic independent management companies in North America and the Caribbean. The management company has a portfolio of over 500 hotels and resorts and does not have a project like the three existing hotels that have been difficulties for the City.

Councilmember Mejia expressed that the governmental body has the desire to redevelop the I-35 corridor and Council should not have to settle but be certain that the governmental body is in agreement with the development near the subject property.

Mayor Knight expressed his appreciation on all comments received but encouraged the government body to not include item 7 which includes the current existing problematic projects. Applicant Carona shared that he is a franchisee with Choice Hotels International, Inc. who owns both brands, Sleep Inn and Mainstay Suites. Each brand has their own rules and regulation along with periodic scheduled inspections of the property during construction and once the business is open. The stipulations and responsibilities are clearly defined and set forth as a franchisee. The contract with Aimbridge Hospitality is to adhere to all of Choice Hotels' standards plus additional management standards.

Councilmember Jaglowski inquired the length of time allowed for the extended stay. Applicant Carona shared that based on the development code, the stay shall not exceed thirty days. The proposal is to include kitchenettes in fifty percent (50%) of the rooms on the property. The Hotel will consist of 40 rooms and the Extended Stay Hotel will also consist of 40 rooms. The occupancy of a unit is for no more than thirty (30) consecutive days. He stated that the inclusion of the kitchenettes causes the rooms to be classified as a Hotel, Residence.

Councilmember Jaglowski requested the average cost of an extended stay and hotel stay. Applicant shared that the average range is from \$120 - \$130 per night and \$95 for hotel stay per night.

Mayor Knight opened the public hearing.

Laura Vella, 3525 Cumberland Street, shared her concerns if the extended stay would create a truck stop since the project is near logistics.

Dave Peterson, 8405 Dawson Drive, Plano, Texas, owns a company called Innovation Hotel Group, LLC and is the consultant for item 8. He shared that he has developed approximately seventeen hotels since 2012 in which all were Choice Hotels. He confirmed that the brand in fact offers high-speed fiber optic internet with the latest technology. The focus of the project is to have guest delighted so they will return to a nine million dollar project. Consultant Peterson emphasized that the extended stay hotel is not geared towards truck drivers but for professionals that travel on business. He shared the hotel will bring added value to the community like it has for the City of DeSoto. Also, he mentioned that Choice Hotels has about 275 pages of rules and standards that the franchisee must adhere to for the entirety of the agreement. There will be three inspections per year that are not scheduled in which Choice Hotels will appear without notice. He shared that he going to build the hotel for the applicant and then turn it over to the best management company in the United States, Aimbridge Hospitality.

Deputy Mayor Pro Tem Morris inquired the ratings on Choice Hotels. Consultant Peterson stated that Choice Hotels has ten different brands and estimating at three to four stars depending on who is doing the rating.

Mayor Pro Tem Hairston inquired if the consultant has managed or built all seventeen hotels. Consultant informed him that he has renovated or built seventeen hotels since 2012 and has managed the properties. Currently, the consultant no longer manages properties but shared that he has never encountered any issues with the extended stay hotels. Also, the lot and the parking will not accommodate the semi-trucks and the plans are design to accommodate a transient guest.

Mayor Pro Tem Hairston asked the consultant the type of restaurant he was seeking to attract. Consultant Peterson shared that the hope is that the restaurant will attract something like Cracker Barrel that will enhance the stay for the guest.

Cheryl McQueen, resides in the Millbrook subdivision, spoke in opposition of item 8 and shared that she prefers to see something more pleasant near the corridor of Highway I-20 and I-35.

Mayor Pro Tem Hairston requested the applicant and/or consultant to comment if they have encounter issues when ownership of the businesses have been transferred. Applicant Carona stated that he has a twenty-year contract as a Franchisee with Choice Hotels. He emphasized that the project would be difficult to buy since it cost about nine million dollars. Consultant Peterson added additional input and stated that he has managed seven hotels and all hotels continued to be successful.

Councilmember Jaglowski requested the name of the hotels. Consultant Peterson communicated that Choice Hotel International franchises ten brands of hotels. 35 Danieldale, LLC is a franchise of Choice Hotel that bought Sleep Inn and Mainstay Suites with each is a twenty-year franchise agreement.

Deputy Mayor Pro Tem Morris requested the Council to research the information of the hotels and not to only depend on the information being provided.

Mayor Pro Tem Hairston requested staff comments regarding staff's recommendation. City Manager Mauldin-Jones stated that on October 3, 2017, the Planning and Zoning Commission recommended approval of the rezoning request subject to the amended site plan and amendment of the PD Development Standards. Council may propose adjustment and becomes a policy decision as to what the governmental body would allow.

Applicant Carona commented that the language proposed for Council's consideration was drafted by the Planning Department and approved by the Planning and Zoning Commission. The applicant thanked Council for their time and the partnership of the Planning Department.

MOTION: Mayor Pro Tem Hairston made a motion, seconded by Deputy Mayor Pro Tem Morris to close the public hearing. The vote was cast 6 for, 0 against [Hervey absent].

Mayor Knight stated that item 8 is to consider a zoning from Commercial Highway (CH) to Planned Development-Commercial Highway (PD-CH) to allow for hotel and hotel residence.

Councilmember Strain-Burk inquired if a hotel is permitted on the subject property. City Manager Mauldin-Jones confirmed.

Consultant Peterson shared that when the project was initially presented to staff the goal was to have transient hotel along with long-term stay. Majority of all the contractual and design development has been prepared like a multi-million dollar construction has been signed, agricultural designs, and a grading permit has been issued. He communicated that the process is too far along to scrap everything and start over.

City Manager Mauldin-Jones shared that when an early grading permit is requested, the developer is requesting the permit at their own risk and there is no staff commitment related to the project. In regards to the extended stay hotel, staff informed Mr. Carona of the desires expressed by Council. The only lawful way to permit allows the extended stay hotel is to consider a PD Planned Development request which is being proposed.

Councilmember Mejia informed the consultant that due to the lack of improper procedures and direction, the decisions made without approval are not the City's fault.

Mayor Knight suggested to Consultant Peterson to consider shortening the extended stay window that might have a great result with the governing body. It appears that there could be some additional thought given to how to greater enhance the ability to move forward with item 8.

City Attorney advised that at the next meeting there will need to be a public hearing for a zoning change.

MOTION: Councilmember Strain-Burk made a motion, seconded by Mayor Pro Tem Hairston to place item 8 on November 13, 2017 agenda. The vote was cast 5 for, 1 against [Morris] [Hervey absent].

9. Consider confirmation of Interim Fire Chief of the Lancaster Fire Department; and administer Oath of Office.

MOTION: Councilmember Jaglowski made a motion, seconded by Deputy Mayor Pro Tem Morris, to approve item 9. The vote was cast 6 for, 0 against [Hervey absent].

City Secretary Arenas administered the Oath of Office for Ricky Frye as Interim Fire Chief of the Lancaster Fire Department.

Interim Chief Frye thanked the Mayor and City Council for the opportunity.

Executive Session:

10. The City Council shall convene into closed executive session pursuant to Section § 551.074 (a)(1) of the Texas Government Code to deliberate the appointment, employment, evaluation duties or dismissal of a public officer, to wit: City Manager.

11. 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 8:44 p.m. and reconvened into open session at 8:55 p.m.

No action taken.

MOTION: Councilmember Strain-Burk made a motion, seconded by Mayor Pro Tem Hairston, to adjourn. The vote was cast 6 for, 0 against [Hervey].

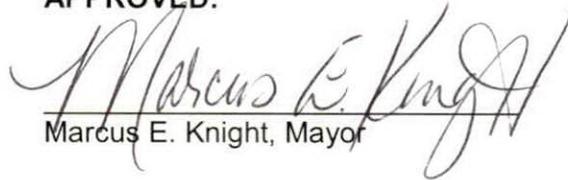
The meeting was adjourned at 8:55 p.m.

ATTEST:



Sorangel O. Arenas, City Secretary

APPROVED:



Marcus E. Knight, Mayor