

MINUTES

LANCASTER CITY COUNCIL REGULAR MEETING OF NOVEMBER 13, 2017

The City Council of the City of Lancaster, Texas, met in a called Regular Session in the Council Chambers of City Hall on November 13, 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
Spencer W. Hervey, Jr.
Mayor Pro Tem Clyde C. Hairston
Deputy Mayor Pro Tem Nina Morris

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
Cheryl Womble, Administrative & Community Relations Supervisor
Jasmine Carr, Temporary Administrative Marketing Support
Beau Jackson, Battalion Chief
Katherine Hail, Animal Control Officer
Than Nguyen, City Engineer
Imelda Speck, ICMA Fellow
David T. Ritter, City Attorney
Mayra A. Ortiz, Deputy City Secretary
Sorangel O. Arenas, City Secretary

Call to Order:

Mayor Knight called the meeting to order at 7:00 p.m. on November 13, 2017.

Invocation:

Pastor Brown gave the invocation.

Pledge of Allegiance:

Councilmember Mejia led the pledge of allegiance.

Presentation:

Mayor Knight presented a Certificate of Recognition to Kevin Benson, Rusty Johnson, Michael Turner, Ethan Selman, and Zane Boyd for making a difference in the life of Mr. Jamil Teasley. Their dedication and commitment to the community has truly affected not just one individual, but countless others on a daily basis.

Mayor Knight presented Graduate Certificates to members of the 2017 Civic Leadership Academy and congratulated members on a successful completion of the program. Certificates were presented to: Frances Allen, Jasmine Carr, Stephanie Combs, David Fifield, Jannette Gosha, Josie Guzman, Alleta LaGrange, Antionette Mathews, Cheryl McQueen, Zaychiana Mixon, Meriem Monroe, Sherolyn Murray, Judith

Osegueda, Elizabeth Richardson, Hope Smith and Yetunde Zannou. Kyshia Gibbons, Ryan Green, and Vernon Jones graduated but were not in attendance.

Citizens' Comments:

Samuel Howard, 1122 Southridge, shared his thoughts and ideas on how to work alongside with the police department.

Consent Agenda:

City Secretary Arenas read the consent agenda.

1. **Consider a resolution authorizing the purchase and installation of 3,000 water meter registers from HydroPro Solutions through an Interlocal agreement with Houston Galveston Area Council (HGAC) in an amount not to exceed four ninety-six thousand, three hundred and fifty dollars (\$496,350.00).**
2. **Consider an ordinance amending the Lancaster Code of Ordinances Chapter 4, "Animals" to provide for: mandatory microchipping of dogs and cats over four months of age; the establishment of new impounded animal redemption requirements for repeated impoundments; the establishment of incentives for voluntary or required animal neutering or spaying; and the reduction of microchip fees.**
3. **Discuss and consider a resolution amending the Master Fee Schedule, Article 2.000 – Animal Control Fees to reflect the reduction in microchip fees.**
4. **Consider a resolution approving the terms and conditions of an amendment (Supplemental Agreement No. 1) to the contract with Brown and Gay Engineers, Inc. in an amount not to exceed one hundred forty-five thousand, one hundred and fifty-six dollars (\$145,156.00).**
5. **Consider a resolution approving the terms and conditions of an agreement with Makou Inc. for the reconstruction and replacement of Centre Avenue curb and gutter in an amount not to exceed one hundred twenty-five thousand, eight hundred and sixty-five dollars (\$125,865.00).**

Councilmember Strain-Burk pulled item 5.

Councilmember Hervey pulled items 1 and 4.

MOTION: Councilmember Strain-Burk made a motion, seconded by Mayor Pro Tem Hairston, to approve consent items excluding items 1, 4, and 5. The vote was cast 7 for, 0 against.

1. **Consider a resolution authorizing the purchase and installation of 3,000 water meter registers from HydroPro Solutions through an Interlocal agreement with Houston Galveston Area Council (HGAC) in an amount not to exceed four ninety-six thousand, three hundred and fifty dollars (\$496,350.00).**

Councilmember Hervey requested additional staff comments on item 1. City Manager Mauldin-Jones shared that item 1 is for the purchase of 3,000 water meter registers. Staff has been in the process of completing the five year replacement program through an interlocal agreement with Houston Galveston Area Council (HGAC) in an amount not to exceed four hundred ninety-six thousand, three hundred and fifty dollars (\$496,350.00).

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

- 4. Consider a resolution approving the terms and conditions of an amendment (Supplemental Agreement No. 1) to the contract with Brown and Gay Engineers, Inc. in an amount not to exceed one hundred forty-five thousand, one hundred and fifty-six dollars (\$145,156.00).**

Councilmember Hervey requested additional staff comments on item 4. City Manager Mauldin-Jones shared that item 4 is for the construction of the Third Street at Keller Branch which has been coordinating with Texas Department of Transportation (TxDOT). The City was tasked with obtaining the needed rights-of-way (ROW) for this new bridge alignment as all ROW and utility relocation costs are to be paid by the City as part of the signed TxDOT agreement. Originally, a professional services contract for right-of-way services was authorized administratively with Brown and Gay Engineers, Inc. in an amount not to exceed forty thousand, three hundred and thirty dollars (\$40,330.00). Due to the increased costs of one hundred four, eight hundred and twenty-six dollars (\$104,826.00) to acquire the needed ROW acquisition services, the contract modification requires council ratification.

Councilmember Hervey inquired the itemized cost for the increase stated in the Scope of Services. City Manager Mauldin-Jones shared that Exhibit A, Scope of Services, identifies and outlines Task I, Surveying, in the amount of \$13,064 and Task II, Right-of-Way (ROW) services, in the amount of \$91,320. Also, reimbursables are not to exceed \$443.00. City Manager Mauldin-Jones informed Councilmember Hervey that the contract does not acquire the parcels but secures them.

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

- 5. Consider a resolution approving the terms and conditions of an agreement with Makou Inc. for the reconstruction and replacement of Centre Avenue curb and gutter in an amount not to exceed one hundred twenty-five thousand, eight hundred and sixty-five dollars (\$125,865.00).**

Councilmember Strain-Burk shared that item 5 is a companion item to the Project Specific Agreement (PSA) with Dallas County to reconstruct the roadway that was recently approved. The agreement is for the reconstruction and replacement of Centre Avenue curb and gutter. Makou, Inc. is a sub-contractor for Dallas County that specializes in curb and gutter construction.

Councilmember Hervey inquired if the contract is for the approval of City Secretary. City Manager Mauldin-Jones shared that the City Secretary attests the signature in which will be modified by the City Attorney.

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Jaglowski, to approve consent item 5 with the recommended changes. The vote was cast 7 for, 0 against.

PUBLIC HEARING:

- 6. Z17-07 Conduct a Public Hearing and consider an ordinance amending ordinance 2006-04-13 and as amended the Lancaster Development Code and map of the City as amended by granting a change in zoning from Planned Development- Neighborhood Services (PD-NS) to Light Industrial (LI). The property is approximately 6.52 acres of land, located on the northeast corner of Balmorhea Drive and N. Dallas Avenue. The property is addressed as 3700 N. Dallas Avenue and described as Lot 2R, Block A, VanTrust I-20 Logistics Addition in the Smith Elkins Survey, Abstract number 430 City of Lancaster, Dallas County, Texas.**

City Manager Mauldin-Jones shared that item 6 was considered at the Planning and Zoning Commission (P&Z) Meeting on October 3, 2017 and P&Z recommended approval. She shared that all uses identified in the land use table for Light Industrial (LI) will be allowed to be constructed.

Mayor Knight opened the public hearing.

Dan Gallagher, with Kimley-Horn, 13455 Noel Road, Dallas, Texas, spoke in favor of item 6 and made himself available as well as a representative from Van Trust Real Estate to answer any question. Mr. Gallagher shared that the request submitted to amend the zoning is identified in the future land use plan.

Councilmember Strain-Burk requested that the use be defined to ensure that the development matches the quality that thoroughfare plan brings to the City.

City Manager Mauldin-Jones shared that, per the City Attorney, the applicant may be agreeable to remove one or more uses then the process will continue.

Terry Lowry, representative with Van Trust, 16000 N. Dallas Parkway, requested the uses that must be modified. Mayor Knight stated Councilmember Strain-Burk's concern is that the Light Industrial (LI) category is broad opportunity for different uses. Her concern is that there are some uses that she would not like developed at the subject property.

Mr. Lowry shared that he is willing to review the uses that are recommended to be removed from the list. However, he is uncomfortable with going through the list during the meeting. He shared that he is acceptable to receive Councils' comments and work with staff to bring the item forth at the next Council meeting.

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

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Jaglowski to table item 6 to December 4, 2017 agenda. The vote was cast 6 for, 1 against [Mayor Knight].

- 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 stated that the applicant requested item 7 to be pulled.

- 8. Z 17-08 Conduct a Public Hearing and consider an ordinance to change the zoning designation 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 Daniieldale 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 35E, Lancaster, Dallas County, Texas.**

City Manager Mauldin-Jones shared that item 8 came before City Council on October 9, 2017 and the item was table because the City Council members requested some amendments to the PD Development Standards. The applicant, Jeff Carona, has prepared a presentation that he would like to share. Also, at the dais you have some information addressing your concerns from the last meeting. The developer has proposed to limit the stay for all guests to a maximum length of fourteen (14) days.

Applicant Carona made a presentation about the history of Carona Hospitality and shared visuals regarding the project.

Miriam Goodman, representative of Aimbridge Hospitality, 5720 Settlement, McKinney, Texas, shared that when the applicant introduce the project to her about one year ago, he saw a great community that was underserved. She shared that she has been in the business for over thirty years and is thrilled to see what

the hotel will bring into the community. She shared that the management company strive to hire within the community which will bring employment opportunities.

Myron D. Dornic, 5020 Maple Springs Blvd, stated that he represents the applicant and is responsible for drafting the conditions. Mr. Domorick shared that high speed internet shall be available in all guest rooms. Also, all exterior hotel doors other than the lobby door shall be restricted to key card access only between the hours of 6:00 p.m. and 6:00 a.m. The hotel shall not advertise any rates other than a nightly rate. The hotel shall be operated under a franchise, operating or affiliation agreement with a company holding the rights to national hotel brands.

Mayor Knight opened the public hearing.

Patricia Davis, Chair of Lancaster Chamber of Commerce, 1600 Thorntree Drive, DeSoto, Texas, spoke in support of item 8. Several individuals have met with the applicant and they have witness his commitment to the community. He has become a member of the Lancaster Chamber of Commerce and he has engaged in several events. She shared that he should be commended for doing the homework above and beyond that he has done. Ms. Davis shared that in her meetings; she has in engaged a counterpart in the City of DeSoto because members required a hotel.

Ellen Clark, 954 Nokomis, spoke in favor of item 8 and shared that Cedar Valley College brings forth opportunities for guests and families to stay in a hotel along with individuals that move into the community and are unable to move-in to a home.

Joe Johnson, 1864 Masters Drive, spoke in favor of item 8 and is delighted that a hotel proposal has been presented. Mr. Johnson recommended approval and is excited for the project.

Ray Williams spoke in favor of item 8.

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

Councilmember Strain-Burk requested that items proposed by the applicant during his presentation be entered into the agreement. Also, she inquired additional information about the extended stay and if guests are able to stay if exceeded the limit. Mr. Dornic shared that guest shall not exceed fourteen (14) consecutive days.

City Manager Mauldin-Jones advised that the letter that Mr. Dornic is referring to is the letter received dated on November 8th. The stipulations are outlined and can be read into the record and City Attorney Ritter may amend the ordinance so the item may be approved with the changes provided.

Councilmember Hervey complimented the applicant for presenting the project for the betterment of the community.

Councilmember Mejia shared that at the last council meeting he expressed his concerns with the extended stay. However, the applicant was able to alleviate the concerns. He committed that he understands the sacrifices that a developer encounters; however, he also understands as a City Council member that the community deserves the best project. He shared that hotels are much needed in the area and with the proper management system the project will be beneficial to all.

Councilmember Jaglowski expressed his appreciate to staff involved and thanked the applicant for the opportunity.

Councilmember Strain-Burk applaud applicant for providing more information.

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Hervey to approve item 8 with the stipulations mentioned. The vote was cast 7 for, 0 against.

Mayor Knight requested a short recess and reconvened back at 8:39 p.m.

9. **Discuss and consider an ordinance(s) amending Ordinance No. 2006-04-13, Article 14.500, Section 14.505 (a) (1) of the Lancaster Development Code (LDC) to allow tilt-up walls to be considered as masonry, permit tilt-up walls by right, remove the minimum 20% stone requirement on walls which are visible from the public street or open space in industrially zoned districts; and amend Article 14.1300, Section 14.1302 (a) to amend the definition for masonry.**

City Manager Mauldin-Jones shared that item 9, request by Councilmember Mejia, was presented at the Work Session Meetings held on April, July, and October. At the October 16, 2017 City Council Work Session, City Council requested staff to prepare ordinances for Council's consideration. Staff prepared three (3) options for City Council to consider. Option 1, amend ordinance to allow tilt-up walls to be allowed as masonry and permit the use of tilt-up walls by right in industrially zoned districts; or option 2 to amend an ordinance to remove the minimum 20% stone requirement on walls which are visible from the public street or open space in industrial districts; or amend an ordinance to allow tilt-up walls to be considered as masonry, permit the use tilt-up walls by right and remove the minimum 20% stone requirement on walls which are visible from the public street or open space in industrially zoned districts.

Councilmember Mejia shared that tilt-up wall shall become 100% masonry to provide a quality development. He suggested that a tilt-up wall should be an allowable use without Planning and Zoning recommendation or City Council approval and to remove the stone requirement.

Councilmember Hervey shared that he is agreement with the tilt-up wall but not reducing the minimum.

MOTION: Councilmember Mejia made a motion, seconded by Deputy Mayor Pro Tem Morris to approve option 3 ordinance, as presented. The vote was cast 6 for, 1 against [Hervey].

10. **Consider a resolution approving the Expenses, Meetings & Travel Reimbursement for City Council.**

MOTION: Deputy Mayor Pro Tem Morris made a motion, seconded by Mayor Pro Tem Hairston to approve item 10. The vote was cast 7 for, 0 against.

11. **Discuss and consider an ordinance establishing a monetary recruitment incentive for new police officers and firefighters and setting forth criteria and agreement for the incentive.**

City Manager Mauldin-Jones shared that item 11 recruitment incentives were included in the fiscal year 2017/2018 budget. Police Chief, Fire Chief, and Civil Service Director are recommending approval.

MOTION: Mayor Pro Tem Hairston made a motion, seconded by Deputy Mayor Pro Tem Morris to approve item 11. The vote was cast 7 for, 0 against.

12. **Discuss and consider a resolution approving the terms and conditions of professional services contract with Freese and Nichols, Inc. (FNI) to provide a new master plan for water, wastewater, and roadways with updated impact fees.**

City Manager Mauldin-Jones shared that on October 16, 2017 Work Session, City Council received a presentation from Freese and Nichols, Inc. towards updating the Water, Waste Water Master Plans and Thoroughfare Plan. As required every five (5) years by Chapter 395 of the Texas Local Government Code, it

is time to update the Water, Wastewater, and Roadway Impact Fee Ordinance. Staff recommends approval of the resolution, as presented.

MOTION: Mayor Pro Tem Hairston made a motion, seconded by Councilmember Jaglowski to approve item 12. The vote was cast 7 for, 0 against.

13. Discuss and consider a resolution rejecting all submittals for Bid #2017-60 for professional golf course management services for Country View Golf Course.

MOTION: Councilmember Jaglowski made a motion, seconded by Councilmember Strain-Burk to approve item 13. The vote was cast 6 for, 1 against [Hervey].

14. Discuss and consider a resolution authorizing the Mayor to sign a ballot casting the City's vote for the fourth member of the Board of Directors of the Dallas Central Appraisal District.

MOTION: Deputy Mayor Pro Tem Morris made a motion, seconded by Mayor Pro Tem Hairston to authorize the Mayor to cast the City's vote for Michael Hurtt. The vote was cast 7 for, 0 against.

15. Discuss and consider City Council Request for Proposals (RFP) 2017-77 for Strategic Planning Services.

Mayor Pro Tem Hairston spoke in opposition of the firm that submitted a proposal. He strongly expressed his disappointment with the services provided during the 2017 Annual Strategic Planning Session.

MOTION: Mayor Pro Tem Hairston made a motion, seconded by Deputy Mayor Pro Tem Morris to deny all proposals submitted and Request for Proposals (RFP). The vote was cast 5 for, 2 against [Strain-Burk and Jaglowski].

16. Discuss and consider a variance request, from the property owner of 1601 N Dallas Avenue, to allow alcohol beverage (BQ) sales within 300 feet of a school.

City Attorney Ritter shared the appeal request under Section 109.33 of the Texas Alcoholic Beverage Code. The applicant is requesting a variance from the City's Code of Ordinances in which the state law allows the city to adopt restrictions to the sale of alcohol beverages within 300 feet from a church, public or private school, or public hospital. Currently, the city has an existing ordinance with a boundary of 300 feet. He stated that the applicant has the ability to present its case on why a variance should be granted. The standard for the request is reference in Section 109.33(e), if the governing body determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on \ applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the governing board, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

Ryan Hughes, 1111 South Main Street, Grand Prairie, Texas, spoke in favor of item 16. Based on the discussion from the City Council Work Session, Mr. Hughes clarified that the state law does not prohibit the sale of alcohol within 300 feet but the Texas Alcoholic Beverage Code allows cities to pass ordinances to restrict the sale of alcoholic beverages. Also, the code allows cities to grant variances for the standard mention by City Attorney Ritter. The property is within 300 feet of the property line which is in front of the high school stadium. The distance from the property is the High School is approximately 0.4 miles. The permit request is for an off-premise permit. If the variance is approved, the permit is nontransferable.

Councilmember Strain-Burk requested the measurements. City Attorney Ritter shared 193 feet is the measurement by using the state mandate measurement from the public school property line.

MOTION: Mayor Pro Tem Hairston made a motion, and received no second. Motion failed.

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Mejia to approve item 16. The vote was cast 1 for, 5 against [Knight, Strain-Burk, Jaglowski, Mejia, Hervey, Hairston, and Morris].

Executive Session:

17. The City Council shall convene into closed executive session pursuant to:

- a. 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: the Municipal Judge.
- b. 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: the City Manager.

18. **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 9:05 p.m. and reconvened into open session at 10:05 p.m.

No action taken.

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

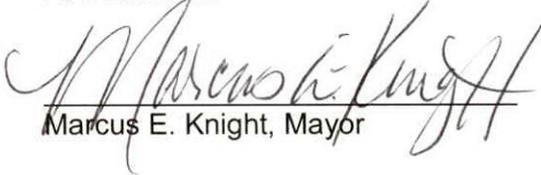
The meeting was adjourned at 10:05 p.m.

ATTEST:



Sorangel O. Arenas, City Secretary

APPROVED:



Marcus E. Knight, Mayor