

MINUTES**LANCASTER CITY COUNCIL MEETING OF JULY 25, 2011**

The City Council of the City of Lancaster, Texas, met in Regular session in the Council Chambers of City Hall on July 25, 2011 at 7:00 p.m. with a quorum present to-wit:

Councilmembers Present:

Mayor Marcus E. Knight
Walter Weaver
Stanley Jaglowski
Marco Mejia
James Daniels
Mayor Pro Tem Clyde Hairston

Councilmember Absent:

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
Sheree Haynes, Finance Director
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 July 25, 2011.

Invocation:

Pastor John Richardson with Zion Chapel gave the invocation.

Pledge of Allegiance:

Mayor Marcus E. Knight led the Pledge of Allegiance.

Proclamation:

Mayor Knight read and presented a proclamation for National Parks and Recreation Month to Lancaster Parks and Recreation Director Sean Johnson. Director Johnson thanked the Mayor and Council, encouraged all citizens to visit their neighborhood parks, and invited everyone to the Recreation Center's 10th Anniversary Celebration on Saturday, July 30, 2011 from 6:30 – 9:30 p.m. at the Recreation Center.

Presentation:

Kenneth Govan, Chair of the Best Southwest Partnership thanked City Council for their participation in the partnership. Wendy Hodges-Kent, Executive Director, gave a brief presentation on the activities and accomplishments of the Best Southwest Partnership highlighting the addition of the associate cities of Ferris, Glen Heights, Hutchins, Midlothian, Ovilla, Red Oak and Wilmer. She thanked Council for their continued support of the partnership and its program of work.

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Mayor Knight thanked everyone from the community that participated in the Channel 8 WFAA Daybreak show earlier in the day, commenting that there was a record turnout at the Channel 8 studio to celebrate Lancaster. Mayor Knight thanked staff and particularly Alicia Oyedele for the hard work that went into the event.

Citizens Comments:

Clyde Hairston, 1210 Harvest Hill Lane, commented that as a twenty-two year resident of Lancaster he had been looking forward to showcasing Lancaster on the Channel 8, WFAA Daybreak show but had overslept; stated he couldn't miss the opportunity this evening to show his poster on television and celebrate Lancaster.

Vivian Chastain, 920 N. I-35E, commented that she is puzzled by Council's lack of action on the request for a LED sign on I-35E in Lancaster; she stated that although she only has interest in the request as a business person, the applicant has been trying for a year to get approval for the LED sign replacement and noted that this is not an inexpensive sign; commented that only a variance is needed and urged Council to grant the variance.

Consent Agenda:

City Secretary Downe read the consent agenda.

- 1C. **Consider approval of minutes from the City Council Regular Meeting held July 11, 2011.**
- 2C. **Consider Resolution 2011-07-58 of the City Council of the City of Lancaster, Texas, adopting City Council Goals and Objectives contained in the June 2011 City Council Retreat Report; providing a repealing clause; and providing an effective date.**
- 3C. **Consider Resolution 2011-07-59 of the City Council of the City of Lancaster, Texas, adopting the Lancaster City Council Rules and Procedures, as amended; providing a repealing clause; and providing an effective date.**
- 4C. **Consider Resolution 2011-07-60 of the City Council of the City of Lancaster, Texas, approving the terms and conditions of an Agreement of Cooperation by and between Dallas County and the City of Lancaster for participation in the Community Development Block Grant (CDBG) and Home Program; authorizing the City Manager to execute said agreement; providing a repealing clause; providing a severability clause; and providing an effective date.**

MOTION: Mayor Pro Tem Hairston made a motion, seconded by Councilmember Mejia, to approve consent items 1C - 4C. The vote was cast 6 for, 0 against [Morris absent].

5. **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 Commercial Highway District (CH) to Commercial Highway District – Specific Use Permit (CH-SUP) to grant a Specific Use Permit to allow for a minor automotive repair use on property generally located on the southeast corner of the intersection of North Interstate 35E Service Road and Idlewild Court, and more commonly known as 1550 North Interstate 35E in Lancaster, Texas; 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 made a brief presentation outlining the request for a Specific Use Permit to allow for minor automotive repair on the subject property. Senior Planner Barnett noted that the bay doors are oriented away from residential property on the north and the property is screened by an existing wood fence on the south side.

Mayor Knight opened the public hearing.

Speaking in favor of the request was:

Fred Ortega, applicant, stated that they had opened a retail store [La Azteca Meat Market] on the existing property and desired to use the remaining part of the structure for minor auto repair. Mr. Ortega asked Council to give the request favorable consideration.

There were no other speakers regarding the request.

MOTION: Councilmember Weaver made a motion, seconded by Councilmember Mejia, to close the public hearing. The vote was cast 6 for, 0 against [Morris absent].

MOTION: Mayor Pro Tem Hairston made a motion, seconded by Councilmember Daniels, to approve an ordinance, with staff and Planning and Zoning recommendations, amending the Comprehensive Zoning Ordinance and Map of the City of Lancaster, Texas, as heretofore amended, by granting a change in zoning from Commercial Highway District (CH) to Commercial Highway District – Specific Use Permit (CH-SUP) to grant a Specific Use Permit to allow for a minor automotive repair use on property generally located on the southeast corner of the intersection of North Interstate 35E Service Road and Idlewild Court, and more commonly known as 1550 North Interstate 35E in Lancaster, Texas. The vote was cast 6 for, 0 against [Morris absent].

6. **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 Commercial Highway District (CH) to Commercial Highway District – Specific Use Permit (CH-SUP) to grant a Specific Use Permit to allow for a minor automotive repair use on property generally located approximately 90 feet from the northwest corner of the intersection of Danieldale Road and Cumberland Street, and more commonly known as 3305 Danieldale Road in Lancaster, Texas; providing for**

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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 made a brief presentation outlining the request for a Specific Use Permit to allow for minor automotive repair on the subject property. Senior Planner Barnett noted that the applicant is converting an existing vacant building primarily to service vehicles using computer diagnostics.

Councilmember Jaglowski clarified that there would be no parking allowed on unimproved surfaces.

Mayor Pro Tem Hairston clarified that the existing building is vacant.

Mayor Knight opened the public hearing.

Speaking in favor of the request was:

Efrain Velez, applicant, stated that he is an automotive technician and desires to use those skills for primarily electrical and mechanical repairs on vehicles. Mr. Velez asked Council to favorably consider his request.

There were no other speakers regarding the request.

MOTION: Councilmember Weaver made a motion, seconded by Councilmember Jaglowski, to close the public hearing. The vote was cast 6 for, 0 against [Morris absent].

MOTION: Councilmember Daniels made a motion, seconded by Mayor Pro Tem Hairston, to approve an ordinance, with staff and Planning and Zoning recommendations, amending the Comprehensive Zoning Ordinance and Map of the City of Lancaster, Texas, as heretofore amended, by granting a change in zoning from Commercial Highway District (CH) to Commercial Highway District – Specific Use Permit (CH-SUP) to grant a Specific Use Permit to allow for a minor automotive repair use on property generally located approximately 90 feet from the northwest corner of the intersection of Daniieldale Road and Cumberland Street, and more commonly known as 3305 Daniieldale Road in Lancaster, Texas. The vote was cast 6 for, 0 against [Morris absent].

7. Receive a presentation from Bickerstaff Heath Delgado Acosta LLP and discuss the Initial Assessment regarding the need to redistrict the City of Lancaster Council Districts based on recently issued 2010 Census data.

David Mendez presented Lancaster's initial assessment with regard to redistricting of the City's single member council districts. Highlights included the Department of Justice's role in preclearance and legal standards for liability. Mr. Mendez noted that in order to obtain preclearance, the City must show that adoption of the proposed redistricting plan shows no discriminatory purpose (denying or abridging the right to vote) or retrogressive effect (whether a proposed plan reduces minority voter's ability to elect a candidate of their choice).

Mr. Mendez detailed Section 2 of the Voting Rights Act that prohibits election practices that discriminate on the basis of race or language minority status noting the need to avoid "cracking or fracturing" (dividing a geographically compact group of minority voters to fragment their voting power) and "packing" (concentrating minority voters in a single district when dividing them would permit the group to elect their candidates of choice in more than one district).

Mr. Mendez reviewed the City's Initial Assessment Benchmark data, highlighting deviation (growth) in District 4 and supporting data from the 2010 Census Total and Voting Age Population. Mr. Mendez reviewed the redistricting criteria and guidelines and their importance to the efficiency of the redistricting process.

Councilmember Daniels asked about a citizen committee approach. Mr. Mendez indicated that from his experience there would not be much, if anything, gained by that approach and that it could possibly slow progress. Mayor Knight reminded everyone that with adoption of the guidelines, there is a process for submission of redistricting plans, as well as opportunity for input at town hall meetings.

Mayor Knight noted that no Executive Session would be necessary as there are no Voting Rights Act issues to discuss at this time.

8. Discuss traditional redistricting criteria and consider Resolution 2011-07-61 of the City Council of the City of Lancaster, Texas, adopting criteria for use in the redistricting 2011 process; and providing an effective date.

Councilmember Daniels asked the City Attorney to speak regarding the criteria and proposed processes. City Attorney Hager commented that it is essential to comply with the laws regarding redistricting and urged Council to adopt both the proposed criteria and guidelines.

MOTION: Councilmember Weaver made a motion, seconded by Mayor Pro Tem Hairston, to approve Resolution 2011-07-61 adopting criteria for use in the redistricting 2011 process. The vote was cast 6 for, 0 against [Morris absent].

9. Discuss and consider Resolution 2011-07-62 of the City Council of the City of Lancaster, Texas, establishing guidelines for persons submitting comments and specific redistricting proposals; and providing an effective date.

MOTION: Mayor Pro Tem Hairston made a motion, seconded by Councilmember Weaver, to approve Resolution 2011-07-62 establishing guidelines for persons submitting comments and specific redistricting proposals. The vote was cast 6 for, 0 against [Morris absent].

EXECUTIVE SESSION

10. The City Council shall convene into closed executive session pursuant to Section § 551.071 of the TEXAS GOVERNMENT CODE to consult with and receive legal advice from special legal counsel concerning the Voting Rights Act of 1964 and City Council legal obligations.

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11. **Reconvene into open session. Consider and take appropriate action(s), if any, on closed/executive session matters.**

As announced earlier in the meeting, there was no need to convene into an executive session. Council did not convene into executive session.

MOTION: Councilmember Daniels made a motion, seconded by Mayor Pro Tem Hairston, to adjourn. The vote was cast 6 for, 0 against [Morris absent].

The meeting was adjourned at 8:20 p.m.

ATTEST:



Dolle K. Downe, City Secretary

APPROVED:



Marcus E. Knight, Mayor