

MINUTES**LANCASTER CITY COUNCIL MEETING OF APRIL 11, 2011**

The City Council of the City of Lancaster, Texas, met in Regular session in the Council Chambers of City Hall on April 11, 2011 at 7:00 p.m. with a quorum present to-wit:

Councilmembers Present:

Mayor Marcus E. Knight
Walter Weaver
Marco Mejia
Mayor Pro Tem James Daniels
Clyde Hairston
Deputy Mayor Pro Tem Nina Morris
Council District 2 vacant

City Staff Present:

Opal Mauldin Robertson, City Manager
Alicia Oyedele, Assistant to the City Manager
Clovia English, Public Works Director
Rona Stringfellow Govan, Development Services Director
Nathaniel Barnett, Senior Planner
Sean Johnson, Parks and Recreation Director
Dolle Downe, City Secretary

Call to Order:

Mayor Knight called the meeting to order at 7:00 p.m. on April 11, 2011.

Invocation:

Pastor John Richardson gave the invocation.

Pledge of Allegiance:

Mayor Pro Tem James Daniels led the Pledge of Allegiance.

Citizens Comments:

Cedrick Castleberry, 1481 Brook Meadow Circle, asked about the status of the Houston School Road construction project, stating that construction has been in progress for a long time; asked if there are penalties in the contract for late construction. Mayor Knight commented that he believed the Houston School Road construction project is scheduled for completion in early 2012 and requested Mr. Castleberry speak with the Public Work Director regarding the timeline for the project.

Suzi Weaver, 411 S. Centre, commented she owns a store on the Square and how excited she is about the In & Out Burger coming to Lancaster; she thanked Council for their efforts to bring this restaurant and other new businesses into the City.

Barbara Herring, 329 S. Dallas Avenue, stated she is a seven year resident of the City and she too is excited about the In & Out Burger locating in Lancaster; commented that this operation choosing Lancaster is a tremendous statement about the City and its future; stated this would bring increased sales tax and other businesses to the City; expressed appreciation for the City's willingness to support new businesses.

Consent Agenda:

City Secretary Downe read the consent agenda.

- 1C. Consider approval of minutes from the City Council Regular Meeting held March 28, 2011.
- 2C. Consider Resolution 2011-04-28 of the City Council of the City of Lancaster, Texas, approving the terms and conditions of the Texas Municipal Retirement System City Portal Use Agreement; authorizing the City Manager to execute said agreement; designating the City Manager as the Portal Use Administrator; providing a repealing clause; providing a severability clause; and providing an effective date.
- 3C. Consider Resolution 2011-04-29 of the City Council of the City of Lancaster, Texas, canceling the regular City Council meeting scheduled for May 9, 2011; and providing an effective date.
- 4C. Consider Resolution 2011-04-30 of the City Council of the City of Lancaster, Texas, authorizing the award of Bid 2011-13 to Northstar Construction, Inc. for construction of the amphitheater in Community Park in an amount not to exceed \$325,351; authorizing the City Manager to execute the agreement pursuant to approval; providing a repealing clause; providing a severability clause; and providing an effective date.
- 5C. Consider Resolution 2011-04-31 of the City Council of the City of Lancaster, Texas, authorizing the award of bid for a custom amphitheater structure to USA Shade & Fabric Structures, Inc. in an amount not to exceed \$96,000; authorizing the City Manager to execute the agreement pursuant to approval; providing a repealing clause; providing a severability clause; and providing an effective date.
- 6C. Consider Resolution 2011-04-32 of the City Council of the City of Lancaster, Texas, authorizing the City Manager to enter into a ten year Interlocal Master Agreement with the County of Dallas for participation in the Major Capital Improvement Program (MCIP) for the purpose of transportation improvements on roads with the City of Lancaster that are inside Dallas County and that are on the North Central Texas Council of Government's (NCTCOG) regional Thoroughfare Plan; providing a repealing clause; providing a severability clause; and providing an effective date.

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

MOTION: Councilmember Hairston made a motion, seconded by Deputy Mayor Pro Tem Morris, to approve consent items 1C - 3C and 6C. The vote was cast 6 for, 0 against.

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Councilmember Weaver commented that while he favors building an amphitheater with a shade structure, it is not the time to spend half a million on this project.

City Manager Mauldin Robertson stated that the grant has been accepted by City Council and the construction bid is only good for a specific period of time. Councilmember Weaver stated that economic conditions have changed, and he is opposed to spending the money at this time.

Deputy Mayor Pro Tem Morris asked if the costs for the project could be lowered. City Manager Mauldin Robertson indicated that staff had already worked diligently with the contractor to value engineer the project to reduce cost, including removing the shade structure and including it as a separate purchase through the state bid process. Parks and Recreation Director Johnson stated that some funds have already been spent, including the purchase of outdoor exercise equipment and \$44,000 for design of the amphitheater. He emphasized that the grant funds are available to the City now and may not be at a later time.

Councilmember Mejia stated that the City needs roads repaired and to purchase a new ambulance, commenting that it is important to put dollars towards necessities for the community.

City Manager Mauldin Robertson stated that the City is obligated to have its portion of the grant funds available.

Councilmember Hairston asked about the amount of the grant reimbursement. Parks and Recreation Director Johnson indicated that the grant would reimburse \$200,000 and that the City's obligation would be \$221,351. He further noted that the project puts the City's dollars to good work for the community.

Councilmember Mejia stated the City needs the money for other things.

Mayor Knight commented that it remains necessary for the City to demonstrate to the state that the City has the means for the matching funds for the grant and that the money earmarked for this grant cannot be used in other ways.

Deputy Mayor Pro Tem Morris asked where the funds would come from. City Manager Mauldin Robertson indicated the funds are already earmarked specifically for the amphitheater in the capital projects list.

Councilmember Mejia stated that the money needs to be used for streets and the ambulance purchase, commenting that while it is a great project for the community, the economy is bad and Council must be responsible for how it uses City tax dollars.

Mayor Pro Tem Daniels stated that if the project is delayed, costs could go up and the amphitheater is a quality of life issue.

City Manager Mauldin Robertson reiterated that it is necessary to keep the funds earmarked for the project under the terms of the grant.

Deputy Mayor Pro Tem Morris stated that people are the quality of life concern, and that she does not want to have to cut police and fire positions in the City.

MOTION: Councilmember Weaver made a motion, seconded by Councilmember Mejia, to table items 4C and 5C.

Mayor Knight suggested a friendly amendment to the motion that would allow the items to be considered within six months, stating that during the budget process, an improved budget picture may emerge.

MOTION: Councilmember Weaver amended his motion to table items 4C and 5C for a maximum period of six months. Councilmember Mejia seconded the amended motion. The vote was cast 4 for [Weaver, Mejia, Knight, Morris] and 2 against [Daniels, Hairston].

7. **Discuss and consider Resolution 2011-04-33 of the City Council of the City of Lancaster, Texas, granting a request for special exceptions pursuant to Section 14.209 (d), of the Lancaster Development Code; to provide a special exception to the masonry requirement to permit the use of stucco on the building; to provide a special exception for increased height and sign area for permanent on site signage to be located on the east side of Interstate Highway 35E approximately 2,350 feet north of the intersection of Interstate Highway 35E and West Beltline Road and being more commonly known as 740 North IH-35E; and providing an effective date.**

Senior Planner Nathaniel Barnett outlined the request from the applicant for exceptions to the Lancaster Development Code. The applicant is In and Out Burger, a regional fast food chain proposing to build a restaurant on IH-35E just north of West Beltline Road. The request includes an exception to the Masonry requirement to permit the use of stucco on the building, and an exception for increased height and sign area for permanent on site signage.

Brian Fetz with HKS Architects, representing the applicant, commented that In and Out Burger is excited to be locating in Lancaster. He stated the variance request is for a larger sign and to place a stone wainscot on the building. He commented that it would be a very nice building and would be consistent in appearance with their other locations.

Councilmember Mejia thanked Mr. Fetz for their interest and investment in Lancaster.

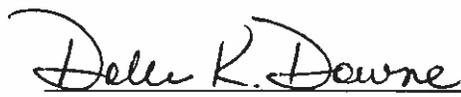
MOTION: Councilmember Hairston made a motion, seconded by Deputy Mayor Pro Tem Morris, to approve Resolution 2011-04-33 granting a request for special exceptions pursuant to Section 14.209 (d), of the Lancaster Development Code; to provide a special exception to the masonry requirement to permit the use of stucco on the building and to provide a special exception for increased height and sign area for permanent, on site signage at 740 North IH-35E. The vote was cast 6 for, 0 against.

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

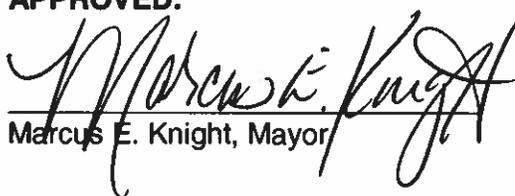
The meeting was adjourned at 7:43 p.m.

ATTEST:



Dolle K. Downe, City Secretary

APPROVED:



Marcus E. Knight, Mayor

