

MINUTES**LANCASTER CITY COUNCIL MEETING OF JANUARY 24, 2011**

The City Council of the City of Lancaster, Texas, met in Regular session in the Council Chambers of City Hall on January 24, 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

Councilmember Absent

Todd Love

City Staff Present:

Rickey Childers, City Manager
Opal Mauldin-Robertson, Assistant City Manager
Larry Flatt, Assistant Police Chief
Sean Johnson, Parks and Recreation Director
Clovia English, Public Works 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 January 24, 2011.

Invocation:

Pastor John Richardson gave the invocation.

Pledge of Allegiance:

Councilmember Clyde Hairston led the Pledge of Allegiance.

Citizens Comments:

Michael Roy, 145 Big Sandy Lane, commented that City services are inept; complained of a stray dog in the neighborhood since November that has avoided capture; stated there is trash in the alley; said that he is frustrated with taxes going up; commented violations for high grass are issued at six inches and that the streets are not taken care of; said this is why people leave the City; stated that he is tired of excuses and the dog roving the neighborhood.

David Molix, 1429 Cardigan Lane, did not wish to speak, but wanted his support of the City Manager noted in the record.

Carolyn Morris, 887 Wintergreen, expressed her support for the City Manager and encouraged Council to continue to do their job and represent all citizens of Lancaster.

Consent Agenda:

City Secretary Downe read the remaining consent agenda.

- 1C. **Consider approval of minutes from the City Council Regular Meeting held January 10, 2011.**
- 2C. **Consider Resolution 2011-01-04 of the City Council of the City of Lancaster, Texas, approving Amendment 2 to the meal services contract with the Paper Plate in an amount not to exceed \$4.18 per meal for senior meal services; authorizing the City Manager to execute said amendment pursuant to approval; providing a repealing clause; providing a severability clause; and providing an effective date.**
- 3C. **Consider an ordinance of the City of Lancaster, Texas, repealing Ordinance No. 2006-08-29 requiring a Specific Use Permit (SUP) for all new development along the IH-35E Corridor District in the City of Lancaster, Dallas County, Texas, in its entirety; providing a severability clause; and providing an effective date.**

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

4. **Conduct a public hearing and consider a request (Z11-01) to amend Ordinance No. 2006-04-23, the Lancaster Development Code and Map of the City of Lancaster, as amended, by granting a change in zoning from Light Industrial (LI) to Light Industrial – Specific Use Permit for an Aerial Park Commercial Amusement facility located approximately 3,250 feet west of the intersection of West Beltline Road and South Dallas Avenue and more commonly known as 700 West Beltline Road, Lancaster, Texas.**

Senior Planner Barnett gave a brief overview of the request for a Specific Use Permit for an Aerial Park, an amusement center for adventurous people seeking outdoor entertainment including a course with a “zip line” that allows people to move from tree to tree. Senior Planner Barnett noted that the park is compatible with nearby land uses of a golf course and City Park.

Deric Salser, 341 N. Hope Road, Sunnyvale, Texas, representing the applicant, described the proposed aerial park as a 20 acre adventure park that is more like an obstacle course. Mr. Salser stated that the property, near the golf course, is an excellent location. Mr. Salser commented that they desire to preserve the trees and natural beauty of the site and wish to use alternate paving such as crushed stone wherever possible. Mr. Salser commented that there would be a 4,000 to 5,000 square foot building on site, primarily for ticket sales and that the course would be designed for various skill levels.

Deputy Mayor Pro Tem Morris commented that she thinks it is a great idea for the area and will fall in nicely with the golf course.

City Council Meeting
January 24, 2011
Page 3 of 6

Councilmember Mejia commented that this presents a great opportunity for development and that Council should remove the Specific Use Permit (SUP) requirement and grant the change in zoning.

Mayor Knight opened the public hearing.

There were no speakers for or against the proposed change in zoning.

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

City Attorney Hager stated that the Specific Use Permit (SUP) requirement is a part of the Lancaster Development Code and cannot be removed for this matter; it would be necessary for Council to amend the Lancaster Development Code. City Attorney Hager further commented that, if desired, Council may remove the requirement for renewal of the SUP.

MOTION: Councilmember Weaver made a motion, seconded by Councilmember Mejia, to grant the change in zoning from Light Industrial to Light Industrial – Specific Use Permit for an Aerial Park Commercial Amusement facility at 700 West Beltline Road and to remove the requirement for renewal of the SUP every ten years.

Councilmember Hairston asked why the renewal requirement was recommended. Senior Planner Barnett commented that it was suggested so that City Council may, in the future, review the use and determine if it remains appropriate.

The vote was cast 6 for, 0 against [Love absent].

5. **Conduct a public hearing and consider a request (Z11-02) to amend Ordinance No. 2006-04-23, the Lancaster Development Code and Map of the City of Lancaster, as amended, by granting a change in zoning from Retail (R) to Retail – Specific Use Permit to allow for a tattoo studio facility located approximately 250 feet north of the northeast corner of North Dallas Avenue and West Pleasant Run Road and more commonly known as 1326 North Dallas Avenue, Lancaster, Texas.**

Senior Planner Barnett outlined the request, noting that a tattoo studio is an allowed use only in a Retail (R) zone and with a Specific Use Permit (SUP). Senior Planner Barnett stated that the applicant desires to relocate to a larger facility nearby for their existing operation. He commented that the business has operated in the existing location for several years with no reports of adverse activities.

Violeta Delgado, 717 Bordner Drive, owner, stated that this is a family owned business which has operated from the current location for four years without any complaints filed; commented that they wish to move the business to a nearby location because it provides a larger facility for their growing business.

Councilmember Mejia stated that this business is in his district, and there have been no problems with the business. He commented that they wish to expand their business operations and that it is hard to invest in a business with the uncertainty that the requirement of a periodic review of the Specific Use Permit (SUP) creates.

Mayor Knight opened the public hearing.

Speaking in favor of the request were:

Vic Buchanon, 1243 Margaret Court, stated that this business has operated at this location for four years without an incident or complaint and that they should be allowed to expand their operations; commented that it is excellent when a business in this economic climate is able to expand and that the City should not put stipulations or roadblocks that discourage business growth; stated that such stipulations are a burden to the business.

Roland Bennett, 230 E. Colonial, stated he has been a citizen since 1982 and has owned a business in Lancaster for the last few years; commented that he would like to see this business be able to expand and the stipulations removed from the request; said that the business expansion is good for Lancaster.

Gerald Chandler, 4151 Jordan Valley, Dallas, stated that he is a customer of the shop and that the facility is very clean and well run; commented that he is proud to come to Lancaster to get tattoos.

Chris Luna, 717 Bordner Drive, supports this business expanding its operations, stating that Council should consider that there have been no complaints; stated that international artists come to the shop and asked Council to let the business thrive in Lancaster.

Ariel Bernal, 717 Bordner Drive, stated that she is employed at the shop and favors moving to a larger location; commented that tattoos are an art form and the City should not silence this form of art.

William Snowden, 717 Bordner Drive, stated that he is an employee of the shop and they do not have sufficient work area in their current location; stated that he wants the business to grow because it is his livelihood.

Frank Mejia, 501 Colgate Drive, commented that he is a thirty six year resident of the City and supports growth of any business in Lancaster; stated that it is a family owned business and they have proved themselves able to operate without incidents; stated that requiring an Specific Use Permit (SUP) kills businesses in Lancaster; urged Council to approve the request.

Bobby Jones, 1316 N. Dallas Avenue, did not wish to speak, but asked his support for the request be included in the record.

There was no one speaking in opposition of the request.

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

City Council Meeting
 January 24, 2011
 Page 5 of 6

City Attorney Hager stated that the Lancaster Development Code requires a Specific Use Permit (SUP) for this use which cannot be removed without amending the LDC; however, Council, if desired, may remove the stipulation regarding periodic renewal of the SUP.

MOTION: Councilmember Mejia made a motion, seconded by Deputy Mayor Pro Tem Morris, to grant a change in zoning from Retail to Retail – Specific Use Permit to allow for a tattoo studio facility to be located at 1326 North Dallas Avenue and removal of the stipulation regarding renewals. The vote was cast 4 for [Knight, Weaver, Mejia, Morris], 2 against [Daniels, Hairston] [Love absent]. The motion fails. Due to denial by the Planning and Zoning Commission, this item required a super majority vote of the City Council.

Councilmember Weaver stated that this denial is a disservice to this business and is a poor business decision. Council is going against businesses when it will not permit a thriving, existing business to move three doors down, commenting that this is not business friendly.

Deputy Mayor Pro Tem Morris commented that she does not understand why someone would not vote in favor of this relocation.

6. **Discuss and consider an ordinance of the City of Lancaster, Texas, amending the Lancaster Code of Ordinances by amending Article 4.900, Section 4.1805, which was a scrivener's error and is renumbered as 4.905, and further amending by requiring any alarm holder who desires to have Police response to an alarm site to obtain an Alarm Permit, by authorizing the Police Chief to refuse Police response to an alarm site that does not have a valid Permit unless the alarm notification is a robbery alarm, a panic alarm, a duress alarm or a report to 911 by a person other than an alarm company, and by deleting 4.905(a); providing a repealing clause; providing a severability clause; and providing an effective date.**

MOTION: Councilmember Hairston made a motion, seconded by Mayor Pro Tem Daniels, to approve an ordinance amending Article 4.900, Section 4.1805, which was a scrivener's error and is renumbered as 4.905, and further amending by requiring any alarm holder who desires to have Police response to an alarm site to obtain an Alarm Permit, by authorizing the Police Chief to refuse Police response to an alarm site that does not have a valid Permit unless the alarm notification is a robbery alarm, a panic alarm, a duress alarm or a report to 911 by a person other than an alarm company, and by deleting 4.905(a). The vote was cast 6 for, 0 against [Love absent].

Executive Session:

At 7:46 p.m. the City Council convened into closed executive session in the Conference Room pursuant to:

7. **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, reassignment, duties, discipline, or dismissal of a public officer or employee, to-wit: the City Manager.**

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

The City Council recessed from Executive Session at 9:05 p.m. and reconvened into open session at 9:07 p.m.

MOTION: Councilmember Hairston made a motion, seconded by Councilmember Mejia, to sever the employment agreement by and between Rickey Childers and the City of Lancaster; and, to pay the severance in accordance with paragraph 4A of such agreement. The vote was cast 6 for, 0 against [Love absent].

MOTION: Deputy Mayor Pro Tem Morris made a motion, seconded by Councilmember Weaver, to appoint Opal Mauldin Robertson Interim City Manager. The vote was cast 6 for, 0 against [Love absent].

There were no other actions following executive session.

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

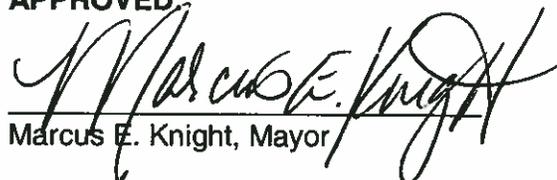
The meeting was adjourned at 9:10 p.m.

ATTEST:



Dolle K. Downe, City Secretary

APPROVED:



Marcus E. Knight, Mayor