

MINUTES

LANCASTER CITY COUNCIL MEETING OF JUNE 23, 2014

The City Council of the City of Lancaster, Texas, met in Regular session in the Council Chambers of City Hall on June 23, 2014 at 7:00 p.m. with a quorum present to-wit:

Councilmembers Present:

Mayor Marcus E. Knight
Stanley Jaglowski
Carol Strain-Burk
Marco Mejia
Mayor Pro Tem James Daniels
Deputy Mayor Pro Tem LaShonjia Harris
Nina Morris [left before entering Executive Session]

City Staff Present:

Opal Mauldin Robertson, City Manager
Rona Stringfellow, Assistant City Manager
Cynthia Pearson, Finance Director
Baron Sauls, Assistant Finance Director
Cheryl Wilson, Police Chief
Thomas Griffith, Fire Chief
Ed Brady, Director of Economic Development
Sean Johnson, Managing Director of Quality of Life and Cultural Services
Jim Brewer, Director Public Works
Robert E. Hager, City Attorney
Angie Arenas, City Secretary

Call to Order:

Mayor Knight called the meeting to order at 7:00 p.m. on June 23, 2014.

Invocation:

John Richardson with Ministerial Alliance gave the invocation.

Pledge of Allegiance:

Mayor Pro Tem James Daniels led the pledge of allegiance.

Proclamation:

Mayor Knight read and presented a proclamation declaring June 23, 2014 as Major League Baseball Jr. RBI Day citywide urging all citizens to join council in gratitude to the Major League Baseball RBI program's contributions and commitment to the community and its youth.

Citizens Comments:

Jim Cheshire, 739 S. Dallas Avenue, shared concerns of several trees and debris by the sewer line blocking the flow of water in the creek by the golf course.

Kevin Mondy, 1408 Daisy Lane, shared his concerns with public safety in his neighborhood, Meadowview Community. Mr. Mondy stated that code enforcement over the past decade has become very lax in the neighborhood and would like to see some movement in a positive direction to keep the standard of living in the community high.

Consent Agenda:

City Secretary Arenas read the consent agenda.

- C1. Consider approval of minutes from the City Council Regular Meeting held June 9, 2014.
- C2. Consider a resolution approving a site plan for additional communication facilities to be installed by Sprint Spectrum Realty Company, L.P., on or near the water tower located at 1011 East Beltline Road and approving the terms and conditions of a second amendment to the license for communication facilities agreement for the purpose of allowing the construction, installation and maintenance of additions communication equipment and increasing the license fee to be paid to the city.
- C3. Consider an ordinance amending the Code of Ordinances by Amending Chapter 16, "Planning and Miscellaneous Development Regulations", providing for a new Article 16.04, "Flood Damage Prevention."

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Jaglowski, to approve consent items C1 – C3. The vote was cast 7 for, 0 against.

4. Conduct a public hearing and consider an ordinance amending the Code of Ordinances, by amending Chapter 14 "Offenses and Additional Provisions" by amending Article 14.02, "Minors" by repealing and replacing with a new Division 2, "Curfew."

City Attorney Hager stated that the state law requires that a Public Hearing is held every three years to renew this ordinance and continued to give the definition of a minor as it relates to the ordinance. A minor is a child between the ages of 10 and 16, criminal law states that a person at the age of 17 is considered an adult.

Mayor Pro Tem Daniels asked for clarification on the times of the curfew, Chief Wilson stated that Monday through Thursday the curfew is 11 p.m. and Friday through Sunday is 12 a.m.

Mayor Knight opened the public hearing. There were no speakers.

MOTION: Mayor Pro Tem Daniels made a motion, seconded by Councilmember Strain-Burk, to close the public hearing. The vote was cast 7 for, 0 against.

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Morris, to approve an ordinance amending Article 14.02, "Minors" by repealing and replacing with a new Division 2, "Curfew." The vote was cast 7 for, 0 against.

5. Consider an Ordinance Amending Chapter 8 titled "Building Regulations" by adding a new Article 8.18 titled "Boarding Home Facilities" setting forth regulations for boarding homes located within the city; providing definitions; providing licensing procedures, requirements, qualifications, and fees for boarding home facilities, providing for inspection of boarding home facilities; providing construction, maintenance, reporting record-keeping, education, and care requirement for boarding home facilities;

providing for criminal background history checks for the owners, operators, and employees of boarding home facilities; and providing food handler requirements for boarding home facilities.

City Manager Mauldin-Robertson stated that a presentation was given to council at the June 16th work session and staff recommends that council approve this ordinance in which a permit for boarding home facilities would have to be obtained through the Fire Marshalls office.

Mayor Pro Tem Daniels asked if the community was being "flooded" with these facilities because the surrounding communities already had regulations in place. City Manager Mauldin-Robertson confirmed and stated that there is standing list of an estimated 149 "boarding facilities" in the community.

MOTION: Councilmember Morris made a motion, seconded by Mayor Pro Tem Daniels, to approve an ordinance amending Chapter 8 titled "Building Regulations" by adding a new Article 8.18 titled "Boarding Home Facilities." The vote was cast 7 for, 0 against.

6. Discuss and consider a resolution amending the Master Fee Schedule Article 4.000 Business Related Fees by adding Section 4.1200 Boarding Home Facilities Permit to provide for an annual operational permit.

MOTION: Councilmember Morris made a motion, seconded by Councilmember Strain-Burk, to approve a resolution amending the Master Fee Schedule by adding Section 4.1200. The vote was cast 7 for, 0 against.

At 7:32 p.m. the Council convened into closed Executive Session pursuant to:

Executive Session:

7. The City Council shall convene into closed executive session pursuant to Section 551.071 (a) and (b) to discuss and deliberate with the City Attorney the following pending matter in litigation, settlement and/or matters involving attorney-client privilege:

- (a) Cause No. DC-13-10151; Healthspace Regions Lancaster, LLC v. City of Lancaster in the 191st Judicial District Court of Dallas County.**

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

The City Council reconvened into open session at 7:39 p.m.

City Attorney Hager recommended that council approve the settlement agreement as follows; Settlement Agreement by and between Healthspace Regions Lancaster, LLC v. The City of Lancaster in the amount of one year's rent and apportioned improvement cost not to exceed \$200,000.00 and to authorize the City Manager and Mayor to execute necessary documents and City Attorney to file necessary dismissal with prejudice.

MOTION: Mayor Pro Tem Daniels made a motion, seconded by Councilmember Strain-Burk, to approve the settlement as presented. The vote was cast 6 for, 0 against [Morris absent].

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

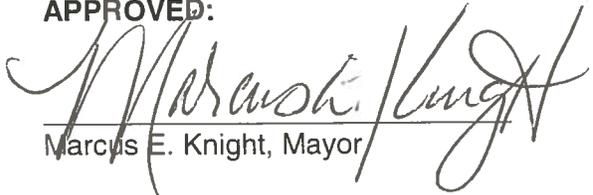
The meeting was adjourned at 7:44 p.m.

ATTEST:



Sorangel O. Arenas, City Secretary

APPROVED:



Marcus E. Knight, Mayor