

## MINUTES

## LANCASTER CITY COUNCIL MEETING OF MARCH 28, 2011

The City Council of the City of Lancaster, Texas, met in Regular session in the Council Chambers of City Hall on March 28, 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  
*Council District 2 vacant*

**Councilmembers Absent:**

Clyde Hairston  
Deputy Mayor Pro Tem Nina Morris

**City Staff Present:**

Opal Mauldin Robertson, City Manager  
Alicia Oyedele, Assistant to the City Manager  
Larry Flatt, Assistant Police Chief  
Rona Stringfellow Govan, Development Services Director  
Nathaniel Barnett, Senior Planner  
Sean Johnson, Parks and Recreation Director  
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 March 28, 2011.

**Invocation:**

Mayor Marcus E. Knight gave the invocation.

**Pledge of Allegiance:**

Mayor Marcus E. Knight led the Pledge of Allegiance.

**Citizens Comments:**

There were no citizen comments.

**Consent Agenda:**

City Secretary Downe read the consent agenda.

- 1C. Consider approval of minutes from the City Council Regular Meeting held March 14, 2011, Work Session held March 17, 2011 and Special Meeting held March 21, 2011.
- 2C. Consider Resolution 2011-03-23 of the City Council of the City of Lancaster, Texas, accepting the 2010 Racial Profiling Analysis Annual Report; and providing an effective date.

- 3C. Consider Resolution 2011-03-24 of the City Council of the City of Lancaster, Texas, approving the terms and conditions of an agreement with JP Morgan Chase Bank, N.A. for procurement card services through an interlocal agreement with the City of Fort Worth; authorizing the City Manager to execute said agreement; providing a repealing clause; providing a severability clause; and providing an effective date.
- 4C. Consider Resolution 2011-03-25 of the City Council of the City of Lancaster, Texas, approving the terms and conditions of a Mutual Aid contract for emergency services between the City of Lancaster Police Department and the North Central Texas Regional Telecommunicators Emergency Response Taskforce (NCTR-TERT) to provide telecommunicator mutual aid response to critical incidents requiring rapid response to jurisdictions within the NCTCOG region; authorizing the City Manager to execute said contract; providing a severability clause; and providing an effective date.
- 5C. Consider Resolution 2011-03-26 of the City Council of the City of Lancaster, Texas, authorizing the City to apply for and to accept a grant award from the Crime Victim Services Division Program administered by the Office of the Attorney General (OAG) for 2011-2013 Crime Victim Coordinator and Liaison Grant (VCLG); authorizing the City Manager or designee to apply for such funds through and with the City of Dallas as the fiscal agent for Dallas County and cities in the area; and providing an effective date.
- 6C. Consider an ordinance of the City of Lancaster, Texas, amending the Lancaster Code of Ordinances, Chapter 12, Article 12.200, Speed Regulations, Section 12.202 by increasing the maximum prima facie speed limits on that certain portion of West Main Street between Beltline Road and Big Sandy Lane from 35 miles per hour to 40 miles per hour; authorizing the City Manager or designee to erect the appropriate signage; providing a repealing clause; providing a severability clause; providing a savings clause; and providing an effective date.
- 7C. Consider Resolution 2011-03-27 of the City Council of the City of Lancaster, Texas, amending Resolution No. 2011-02-11, as amended, ordering a general election to be held on Saturday, May 14, 2011, for the election of one councilmember for District 2, one councilmember for District 4, and one councilmember for District 6; to provide for revised branch early voting polling locations; and providing an effective date.

*2011-03-27 considerar una resolución del Consejo Municipal de la ciudad de Lancaster, Texas, se modifica la Resolución No. 2011-02-11 solicitando a las elecciones generales que se llevara a cabo el sabado, 14 de Mayo 2011, para la eleccion de un concejo de Distrito 2, un concejo de Distrito 4, y un concejo de Distrito 6; prestacion para poder votar temprano revisando lugares de votacion, y porporcorcionar una fecha de vigencia.*

Councilmember Mejia requested that item #5 be pulled from the consent agenda.

**MOTION:** Mayor Pro Tem Daniels made a motion, seconded by Councilmember Weaver, to approve consent items 1C - 4C, 6C and 7C. The vote was cast 4 for, 0 against [Hairston, Morris absent].

Councilmember Mejia asked if the grant provided for hiring additional personnel. City Manager Mauldin Robertson stated that the grant does provide for the addition of a Community Relations Victim Advocate. Councilmember Mejia asked what happens to the personnel if the grant is not approved. City Manager Mauldin Robertson indicated that the grant employees would be separated from City employment but could serve in a volunteer role.

**MOTION:** Councilmember Mejia made a motion, seconded by Mayor Pro Tem Daniels, to approve Resolution 2011-03-26 authorizing the City to apply for and to accept a grant award from the Crime Victim Services Division Program administered by the Office of the Attorney General (OAG) for 2011-2013 Crime Victim Coordinator and Liaison Grant (VCLG). The vote was cast 4 for, 0 against [Hairston, Morris absent].

8. **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 Retail (R) to Retail – Specific Use Permit (R-SUP) to allow a Specific Use Permit for a tattoo studio facility located approximately 250 feet north of the northeast corner of Dallas Avenue and West Pleasant Run Road and more commonly known as 1326 North Dallas Avenue, Lancaster, Dallas County, 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 outlined the Specific Use Permit (SUP) request for the expansion of the tattoo studio indicating that the applicant had resubmitted their application for the March 1, 2011 Planning & Zoning Commission meeting. This followed the failure of the item at the City Council meeting on January 24, 2011 due to a lack of a required super majority vote. Senior Planner Barnett noted that the Planning and Zoning Commission voted unanimously to approve the SUP at their March 1, 2011 meeting.

Senior Planner Barnett stated staff recommends a stipulation requiring the applicant to seek reconsideration of the SUP if there is any expansion or substantial alteration that would increase the building occupancy or intensity of use.

Councilmember Mejia asked why that stipulation is recommended. Senior Planner Barnett stated that it would give City Council an opportunity to review an expansion that may impact the neighborhood.

Mayor Knight opened the public hearing.

Speaking in favor of the request were:

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William Snowden, 717 Bordner Drive, commented that he is a tattoo artist at the shop and they need more area to work in; stated they are trying to expand their business and asked Council to please favorably consider the request.

Violeta Delgado, 717 Bordner Drive, stated that her and her husband started the business because he needed a job and he was always good at art; commented that customers just kept coming and they would now like to expand the business; stated that they have been in the current location for four years without any problems or complaints; indicated they have talked with people behind the location and addressed the concern about headlights at night, indicating employees would park by backing into the parking space, thus eliminating headlights pointed at those houses when the vehicle is moved; stated they have been paying rent on two buildings for several months and are eager to move into the new, expanded location.

Ariel Bernal, 717 Bordner Drive, stated Council should approve the expansion because it helps not only this business, but other businesses in the area as well; commented that customers and others visiting the shop purchase food and gas in the area; stated that tattoos are a personal preference and a form of expression and people should have an option to choose; urged Council to approve the request.

Frank Mejia, 501 Colgate Drive, stated his family has been in Lancaster thirty seven years and that he supports this family business; commented that they have operated in their current location without any problems; stated that the SUP requirement makes it difficult for this family owned business.

No one spoke in opposition of the SUP request.

Councilmember Mejia asked if it is necessary for a change in use to come back before the Council. Senior Planner Barnett indicated that it gives staff and Council an opportunity to review the use and determine if additional items such as parking and lighting need to be addressed.

**MOTION:** Councilmember Weaver made a motion, seconded by Councilmember Mejia, to close the public hearing. The vote was cast 4 for, 0 against [Hairston, Morris absent].

Mayor Knight stated that an earlier stipulation requiring periodic review of the SUP had been removed and that there are no planting/landscaping requirements in this ordinance.

**MOTION:** Councilmember Mejia made a motion, seconded by Councilmember Weaver, to approve an ordinance granting a change in zoning from Retail (R) to Retail – Specific Use Permit (R-SUP) to allow a Specific Use Permit for a tattoo studio facility located approximately 250 feet north of the northeast corner of Dallas Avenue and West Pleasant Run Road and more commonly known as 1326 North Dallas Avenue and removing the stipulation requiring reconsideration of the SUP if there is any expansion or substantial alteration that would increase the building occupancy or intensity of use.

City Attorney Hager indicated the stipulation could be struck from the ordinance.

The vote was cast 4 for, 0 against [Hairston, Morris absent].

**Executive Session:**

At 7:26 p.m. the City Council convened into closed executive session in the Conference Room pursuant to:

9. **The City Council shall convene into closed executive session pursuant to:**
  - A. **Section § 551.071 (1) of the TEXAS GOVERNMENT CODE to consult with the City Attorney to seek legal advice concerning the application of the Lancaster Municipal Utility District No. 1 for annexation of land before the Texas Commission on Environmental Quality (TCEQ), Docket No. 2010-1851-DIS.**
10. **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 7:38 p.m. and reconvened into open session at 7:40 p.m.

No action following executive session was necessary.

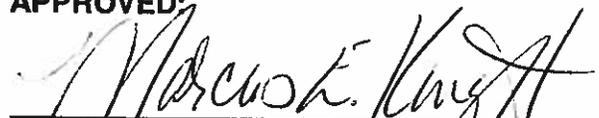
**MOTION:** Mayor Pro Tem Daniels made a motion, seconded by Councilmember Mejia, to adjourn. The vote was cast 4 for, 0 against [Hairston, Morris absent].

The meeting was adjourned at 7:41 p.m.

**ATTEST:**

  
Dolle K. Downe, City Secretary

**APPROVED:**

  
Marcus E. Knight, Mayor