

Mayor and Council Communication

DATE: 01/26/21

M&C FILE NUMBER: M&C 21-0068

LOG NAME: 12SCOTT GAME ROOM PERMIT DENIAL LAWSUIT

SUBJECT

(ALL) Adopt Resolution Authorizing the City Attorney to File a Lawsuit against Donald Scott, P.A. Scott Industries Inc., d/b/a Pot of Gold Game Room, and Mark Weibel in his Official Capacity as Hearing Officer For Game Room Appeals to Overturn the Decision of the Hearing Officer Setting Aside the Denial of a Game Room Permit for 5125 Sun Valley Drive and Ratify the Lawsuit File as Cause Number 153-321899-20

RECOMMENDATION:

It is recommended that the City Council ratify a lawsuit filed against Donald Scott, P.A. Scott Industries, Inc., d/b/a Pot of Gold Game Room, and Mark Weibel in his official capacity as hearing officer and adopt the attached resolution authorizing the appeal of the hearing officer's decision.

DISCUSSION:

The Tarrant County Game Room Regulations (the Regulations) became the City's game room regulations by virtue of an interlocal agreement between the City and Tarrant County.

The Regulations provide that game rooms may not be located within 1,500 feet of a school, a place of religious worship or a residential neighborhood.

Donald Scott and P.A. Scott Industries, Inc., d/b/a Pot of Gold Game Room filed an application with the City's Game Room Administrator for a permit to operate a game room at 5125 Sun Valley Drive and the Game Room Administrator denied that permit because the location of the proposed game room was within 1,500 feet of a residential neighborhood.

Mr. Scott appealed the denial to the Hearing Officer For Game Room Appeals, Mark Weibel.

Mr. Weibel reversed the Game Room Administrator's denial of the permit.

The Regulations provide that the decision of the Hearing Officer may be appealed to a District Court of Tarrant County. Because there is a thirty-day deadline to file an appeal under the regulation, the City Attorney's office filed the lawsuit appealing the Judgment on December 1, 2020.

Therefore, staff seeks Council authority for the lawsuit filed to reverse the Hearing Officer's decision.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are available in the current operating budget, as previously appropriated, in the Risk Financing Fund to support the approval of the above recommendation and adoption of the resolution. Prior to any expenditure being incurred, the Legal Department has the responsibility to validate the availability of funds.

Submitted for City Manager's Office by: ALL ACMS 6222

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