

MINUTES**LANCASTER CITY COUNCIL MEETING OF MAY 23, 2011**

The City Council of the City of Lancaster, Texas, met in Regular session in the Council Chambers of City Hall on May 23, 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
Sean Johnson, Director Parks and Recreation
Larry Flatt, Assistant Police Chief
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 May 23, 2011.

Invocation:

Pastor Urban Brown with Life in Christ Family Church gave the invocation.

Pledge of Allegiance:

Deputy Mayor Pro Tem Nina Morris led the Pledge of Allegiance.

Proclamation:

Mayor Knight welcomed school superintendent Dr. Michael McFarland and School Board Trustees Irene Mejia and Ellen Clark. Mayor Knight read a proclamation congratulating the Lancaster High School Boys Track Team for winning the Class 4A State Track and Field Championship and the Lancaster Lady Tigers for placing third at the State Track Meet.

Citizens Comments:

Richard Griesman, 128 Pecan Grove, commented that the ordinance on littering is very comprehensive, with fines up to \$2,000; expressed concerns about police enforcement and the public's lack of authority; stated that the ordinance had earmarks of intimidation of the public by City employees; urged Council to deny the ordinance.

Frank Mejia, 501 Colgate Drive, stated that he owns various properties throughout the City and people frequently dump trash and debris on those properties; commented that he has called the police in the past regarding illegal dumping; stated that property owners should not be held responsible for dumping on their property.

Doris Allen, 1003 Randlett, stated that the residents next to her home have barking dogs and try to intimidate her while she is in her own yard; said the neighbor had walked repeatedly across her yard; commented they have called the Police; stated they no longer enjoy their home and asked for help with the threats.

Mayor Knight requested Ms. Allen visit with the Assistant Police Chief present at the meeting.

Darrin Widemon, P.O. Box 457, Lancaster, stated that the Lancaster North Panthers Athletic Association is a 501(c)3 corporation for youth football; commented that they have been given the run around about practicing on Lancaster fields and asked that the Panthers program be re-instated in Lancaster.

Ocie Chisom, 1508 Dewberry, wants her grandson to be able to come back and play football in Lancaster; commented she needs help with all the kids hanging out in the apartment complex.

Jordan Walker, 1827 Kings Cross Drive, wants the football team to be able to practice in Lancaster; asked Council to look into the situation.

LaKiesha Obera, 1743 Reynolds Street, commented they have a wonderful relationship with the Little Panthers organization and that there are no try-outs or cuts, all youth participate; commented that they think it is unfair for the Recreation Center to collect the fees and the policy is different for basketball; stated she wants the football back in Lancaster.

Mayor Knight commented that the Parks and Recreation Director is working with the association on this matter.

1. **Consider Resolution 2011-05-41 of the City Council of the City of Lancaster, Texas, canvassing the returns and declaring the results of the General Election for City Officers held on May 14, 2011.**

2011-05-41 Resolucion del municipio de la ciudad de Lancaster, Texas, escrutinio de los resultados y declarar los resultados de las elecciones generales para la oficina de Distrito del consejo 2, y concejal del Distrito 4 celebrada el 14 de mayo 2011.

City Secretary Downe read Resolution 2011-05-41 canvassing the returns and declaring the results of the General Election for City Officers held on May 14, 2011 as follows:

RESOLUTION NO. 2011-05-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION FOR THE OFFICE OF COUNCILMEMBER DISTRICT 2 AND COUNCILMEMBER DISTRICT 4 HELD ON MAY 14, 2011.

**GENERAL ELECTION
 Lancaster, Texas**

May 14, 2011

**CANVASS OF RETURNS AND DECLARATION OF
 RESULTS OF ELECTION**

BE IT REMEMBERED THAT on this the 23rd day of May 2011, at a meeting of the City Council of the City of Lancaster, Texas, a quorum being present, the meeting was called to order and the following business was transacted.

Upon motion it was unanimously ordered that the City Council consider the official returns of a General Election held in the City on May 14, 2011, for the election of Councilmembers for District 2 and District 4 for a three-year term.

WHEREUPON said official returns were opened, examined, canvassed and the results declared as follows:

CANVASS OF RETURNS AND DECLARATION OF RESULTS

WHEREAS, heretofore, the City Council of the City of Lancaster, Texas, called a General Election to be held in the City on May 14, 2011, to elect Councilmembers for District 2 and District 4 for a three-year term; and

WHEREAS, immediately after said election the Presiding Judge and other officials holding said election made their returns of the results thereof to the City Council as follows, and said returns being made according to law, and duly authenticated, and it being shown that written notice of said election was posted for the time and in the manner provided by law, and all other proceedings pertaining to said election having been shown to have been done and performed at and within the manner provided by law, and all papers pertaining thereto having been returned and filed with the City Council and no protest or objection being made to or regarding any matter pertaining to said election.

WHEREAS, on March 21, 2011, City Council approved Resolution No. 2011-03-22 which declared the unopposed candidate in District 6 (Nina Morris) to be elected to said office.

NOW, THEREFORE, be it resolved by the City Council of the City of Lancaster, Texas, after examining said returns and opening and canvassing the votes of said election, that the results of said election are as follows:

That the following number of votes were cast for the following named candidates for the office of Councilmember, District 2, to-wit:

	EARLY VOTING	ELECTION DAY	BY MAIL	PROVISIONAL VOTING	TOTAL VOTES	%
Stanley Jaglowski	55	27	0	0	82	43.16%
Marian Elkins	21	32	0	0	53	27.89%
Gary Citizen	19	36	0	0	55	28.95%

It appearing that there was not a majority of all votes cast for the office of Councilmember District 2, a run-off election for District 2 shall be ordered in accordance with the Lancaster Home Rule Charter and state law.

That the following number of votes was cast for the following named candidates for the office of Councilmember, District 4, to-wit:

	<u>EARLY VOTING</u>	<u>ELECTION DAY</u>	<u>BY MAIL</u>	<u>PROVISIONAL VOTING</u>	<u>TOTAL VOTES</u>	<u>%</u>
Tim Speaks	64	63	7	0	134	42.41%
James Daniels	109	73	0	0	182	57.59%

It appearing that James Daniels received a majority of all votes cast for the office of Councilmember, District 4, James Daniels is hereby declared to be elected to the office of Councilmember, District 4, to serve a three-year term after qualifying.

IT IS FURTHER ORDERED that this canvass and declaration of results of said election be entered in the Minutes of the City Council.

This Resolution, declaring the results of the general election, shall become effective immediately after its passage.

DULY PASSED by the City Council of the City of Lancaster, Texas, on this the 23rd day of May 2011.

MOTION: Councilmember Hairston made a motion, seconded by Councilmember Weaver, to approve Resolution 2011-05-41 canvassing the returns and declaring the results of the General Election as read by the City Secretary. The vote was cast 6 for, 0 against.

2. Administer Oaths of Office; present Certificates of Election; seat newly elected councilmembers.

Judge Thomas Jones administered the Oath of Office for James Daniels. Mayor Knight presented the Certification of Election.

Mayor Pro Tem Daniels thanked the voters of District 4, his wife and called on everyone to work together for the future of Lancaster.

Ms. Carolyn Morris administered the Oath of Office for Nina Morris, commenting that it was a great pleasure to give the oath to her daughter. Mayor Knight presented the Certification of Election.

Deputy Mayor Pro Tem Morris expressed her appreciation to the voters in District 6, commenting that being unopposed indicates success in her first term.

Consent Agenda:

City Secretary Downe read the consent agenda.

- 3C. Consider Resolution 2011-05-42 of the City Council of the City of Lancaster, Texas, ordering a run-off municipal election to be held on Saturday, June 18, 2011, for the election of one councilmember for District 2; providing for publication and posting of notice; providing for early voting dates, times and locations; and providing an effective date.**

2011-05-42 Resolucion del municipio de la ciudad de Lancaster, Texas, ordena una vuelta de las elecciones que se celebrara en sabado 18 de junio 2011, para la eleccion de un miembro del consejo de Distrito 2; que dispone la publicación y desplazamiento de aviso; provision para fechas de votación anticipada, horarios y ubicaciones, y proporcionando una fecha de vigencia.

- 4C. Consider approval of minutes from the City Council Regular Meeting held April 25, 2011 and Special Meeting held May 16, 2011.**
- 5C. Consider Resolution 2011-05-43 of the City Council of the City of Lancaster, Texas, authorizing the purchase of one ambulance and equipment from Professional Ambulance through a cooperative purchasing agreement with BuyBoard for a total amount not to exceed \$181,031; authorizing the Purchasing Agent to issue a purchase order pursuant to approval; providing a repealing clause; providing a severability clause; and providing an effective date.**
- 6C. Consider an ordinance of the City of Lancaster, Texas, amending the Code of Ordinances by amending Chapter 8, Offenses and Nuisances, by adding Article 8.1400, Littering, to prohibit littering within the City; providing definitions; providing for unlawful littering; providing a duty to keep property free of litter; providing for container closure and maintenance; providing for pedestrian litter container use restrictions; providing a severability clause; providing that this ordinance shall be cumulative of all ordinances; providing for a penalty for violations hereof; providing a savings clause; and providing an effective date.**
- 7C. Consider Resolution 2011-05-44 of the City Council of the City of Lancaster, Texas, approving the terms and conditions of a Facilities Joint Use Interlocal Agreement by and between the City of Lancaster and the Lancaster Independent School District; authorizing the City Manager to execute said interlocal agreement; providing a repealing clause; providing a severability clause; and providing an effective date.**
- 8C. Consider an ordinance of the City of Lancaster, Texas, amending the Lancaster Code of Ordinances by amending Chapter 9, Article 9.1800 "Youth Advisory Committee" by repealing Section 9.1802, "Composition; Appointment; Terms" in its entirety and replacing with a new Section 9.1802, "Composition; Appointment; Terms" to provide for changes in the appointment of youth members and adult sponsor; providing a repealing clause; providing a severability clause; and providing an effective date.**

- 9C. Consider Resolution 2011-05-45 of the City Council of the City of Lancaster, Texas, authorizing an agreement with Civic Plus for website design and hosting services through a cooperative purchasing agreement with the Department of Information Resources (DIR) for a total amount not to exceed \$20,399 annually; authorizing the Purchasing Agent to issue a purchase order pursuant to approval; providing a repealing clause; providing a severability clause; and providing an effective date.**

Councilmember Mejia requested that items 5C, 6C and 9C be pulled from the consent agenda.

MOTION: Deputy Mayor Pro Tem Morris made a motion, seconded by Councilmember Hairston, to approve consent items 3C, 4C, 7C and 8C. The vote was cast 6 for, 0 against.

Councilmember Mejia stated that the purchase of an ambulance [item 5C] using capital money is a very difficult decision because the asset may last 10-15 years, but the City will make payments on the bond money for 30 years. He said that the community clearly needs the ambulance, but the City must become more financially responsible in planning for such capital purchases.

MOTION: Councilmember Hairston made a motion, seconded by Deputy Mayor Pro Tem Morris, to approve Resolution 2011-05-43 authorizing the purchase of one ambulance and equipment from Professional Ambulance through a cooperative purchasing agreement with BuyBoard for a total amount not to exceed \$181,031. The vote was cast 6 for, 0 against.

Councilmember Mejia expressed concerns regarding the proposed litter ordinance [item 6C] indicating that further study is necessary to address concerns expressed by citizens.

MOTION: Councilmember Mejia made a motion, seconded by Councilmember Weaver, to table item 6C for further discussion at the June 20 work session. The vote was cast 5 for, 1 against [Daniels].

City Manager Mauldin Robertson asked for direction regarding the proposed litter ordinance. Councilmember Mejia indicated there needs to be additional discussion and clarification regarding easements, ditches and drainage areas.

Councilmember Mejia asked if there had been competitive bids for the website design and hosting agreement [item 9C]. City Manager Mauldin Robertson stated that the City had reviewed three proposals and the agreement with Civic Plus provided improved services and a cost savings to the City of about \$5,000 annually.

MOTION: Councilmember Hairston made a motion, seconded by Councilmember Mejia, to approve Resolution 2011-05-45 authorizing an agreement with Civic Plus for website design and hosting services through a cooperative purchasing agreement with the Department of Information Resources (DIR) for a total amount not to exceed \$20,399 annually. The vote was cast 6 for, 0 against.

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10. **Conduct a public hearing and consider Resolution 2011-05-46 of the City Council of the City of Lancaster, Texas, approving the 2011-2012 Standards of Care for Youth Programs operated by the Lancaster Parks and Recreation Department; providing a repealing clause; providing a severability clause; and providing an effective date.**

City Manager Mauldin Robertson stated that annual review and consideration of the Standards of Care is required for the City to operate youth programs.

Mayor Knight opened the public hearing.

There were no speakers regarding the proposed Standards of Care.

MOTION: Mayor Pro Tem Daniels made a motion, seconded by Deputy Mayor Pro Tem Morris, to close the public hearing. The vote was cast 6 for, 0 against.

MOTION: Deputy Mayor Pro Tem Morris made a motion, seconded by Mayor Pro Tem Daniels, to approve Resolution 2011-05-46 approving the 2011-2012 Standards of Care for Youth Programs operated by the Lancaster Parks and Recreation Department. The vote was cast 6 for, 0 against.

11. **Conduct a public hearing and consider an ordinance of the City of Lancaster, Texas, adopting, ratifying, republishing and extending Ordinance No. 2007-02-06, codified as Chapter 8 of the Code of Ordinances, Article 8.800, Curfew Hours for Minors, for a period of three (3)years; providing a repealing clause; providing a severability clause; and providing an effective date.**

City Manager Mauldin Robertson stated that the City is required every three years to review and readopt the curfew ordinance for minors.

Mayor Knight opened the public hearing.

Speaking in favor of ratifying the ordinance providing for minor curfew hours were:

Robert E. Hager, City Attorney, urged approval of the ordinance, commenting that it gives the Police Department an opportunity to have contact with the youth, and that it has been used as an effective tool, and not abused, to keep youth safe in the community.

Mayor Pro Tem Daniels asked how effective the ordinance had been. Assistant Police Chief Flatt commented that in fiscal year October 2009-2010, fifty-one citations had been issued and thirty-three have been issued this period. Assistant Chief Flatt commented that the youth are aware of the curfew, and it has been very effective in the community.

Nolan Jones, 481 Spring Tree, commented that he was unaware of the curfew ordinance for minors and has young children; asked about the hours and age of minors.

City Manager Mauldin Robertson read the hours: 11 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6 a.m. of the following day; 12:01 a.m. until 6 a.m. on any Saturday or Sunday; and 9 a.m. to 2:30 p.m. any Monday, Tuesday, Wednesday, Thursday or Friday for minors subject to compulsory school attendance. The age for minors is defined as any person ten years of age to sixteen years of age.

There were no other speakers.

MOTION: Councilmember Hairston made a motion, seconded by Councilmember Mejia, to close the public hearing. The vote was cast 6 for, 0 against.

MOTION: Councilmember Hairston made a motion, seconded by Deputy Mayor Pro Tem Morris, to approve an ordinance adopting, ratifying, republishing and extending Ordinance No. 2007-02-06, codified as Chapter 8 of the Code of Ordinances, Article 8.800, Curfew Hours for Minors, for a period of three (3) years. The vote was cast 6 for, 0 against.

MOTION: Councilmember Weaver made a motion, seconded by Councilmember Hairston, to adjourn. The vote was cast 6 for, 0 against.

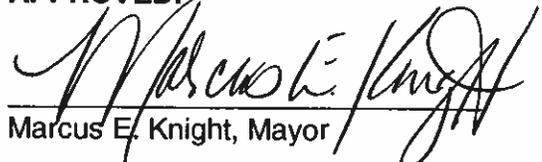
The meeting was adjourned at 8:02 p.m.

ATTEST:



Dolle K. Downe, City Secretary

APPROVED:



Marcus E. Knight, Mayor