

## MINUTES

## LANCASTER CITY COUNCIL REGULAR MEETING OF JUNE 14, 2021

The City Council of the City of Lancaster, Texas, met in a called Regular Meeting in the Council Chambers of City Hall on June 14, 2021, at 7:00 p.m. with a quorum present to-wit:

**Councilmembers Present (City Hall & Zoom):**

Mayor Clyde C. Hairston  
Carol Strain-Burk  
Deputy Mayor Pro-Tem Stanley M. Jaglowski  
Marco Mejia  
Keithsha C. Wheaton  
Mayor Pro-Tem Racheal Hill  
Betty Gooden-Davis

**City Staff Present (City Hall & Zoom):**

Opal Mauldin-Jones, City Manager  
Andrew Waits, Director of Public Works  
Dori Lee, Director of Human Resources  
Jermaine Sapp, Director of Equipment and Facilities Services  
Sam Urbanski, Police Chief  
Shane Shepard, Director of Economic Development  
Vicki Coleman, Director of Development Services  
Bryce Reed, Communications and Public Relations Coordinator  
Keturah Barnett, Assistant to the City Manager  
David T. Ritter, City Attorney  
Sorangel O. Arenas, City Secretary

**Call to Order:**

Mayor Hairston called the meeting to order at 7:00 p.m. on June 14, 2021.

**Invocation:**

Bishop Clyde C. Hairston of Miracle Temple Fellowship Church gave the invocation.

**Pledge of Allegiance:**

Deputy Mayor Pro-Tem Jaglowski led the pledge of allegiance.

**Proclamations:**

Mayor Hairston read the Juneteenth Celebration Day and Cancer Survivors Day proclamations.

**Public Testimony:**

Jackie Alexander, 476 Sunnyside Drive, shared her concerns with high grass.

**Consent:**

1. Consider a resolution ratifying the purchase of two (2) 2020 Dodge Charger patrol vehicles from Freedom Dodge through an Interlocal Agreement with the City of Dallas, Texas in an amount not to exceed forty-nine thousand, nine hundred fifty dollars (\$49,950), and the purchase of one (1) 2021 Chevrolet Tahoe from Freedom Chevrolet in an amount not to exceed thirty-four thousand dollars (\$34,000).

Councilmember Mejia shared his gratitude to Chief Urbanski for supporting the Dodge Chargers as they are more economical.

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**MOTION:** Councilmember Mejia made a motion, seconded by Councilmember Strain-Burk to approve Consent items 1. The vote was cast 7 for, 0 against.

### Action:

- 2. Discuss and consider a resolution establishing a public hearing date to consider the land use assumptions, capital improvement plans and impact fee update for water, wastewater, and roadway facilities.**

City Manager Mauldin-Jones shared this is a resolution establishing a public hearing date to consider the land use assumptions, capital improvement plans and impact fee update for water, wastewater, and roadway facilities. In accordance with the Texas Local Government Code, Chapter 395, a resolution establishing a public hearing is required when a local government considers amending its land use assumptions, capital improvement plans and updating its water, wastewater, and roadway facility impact fees.

City Council will receive a presentation at the June 21, 2021, Work Session regarding the impact fee update and capital improvement plans associated with the water, wastewater and Master Thoroughfare plans. On June 6, 2021, a notice for the public hearing appeared in the Focus Daily Newspaper. Staff recommends approval of a resolution establishing a public hearing date of July 12, 2021 to consider amending the land use assumptions, capital improvement plans, and the impact fees for water, wastewater and roadway facilities.

**MOTION:** Deputy Mayor Pro-Tem Jaglowski made a motion, seconded by Councilmember Strain-Burk to approve item 2. The vote was cast 7 for, 0 against.

- 3. Discuss and consider a resolution awarding RFP 2021-35 to Yellowstone Landscape for mowing services for municipally owned and maintained properties and rights-of-way maintenance.**

City Manager Mauldin-Jones shared this is resolution awarding RFP 2021-35 to Yellowstone Landscape for mowing services for municipally owned and maintained properties and rights-of-way maintenance. At the April 12, 2021, regular meeting City Council voted to table an agreement for rights-of-way (ROW), drainage, and city property maintenance. City Council requested staff to evaluate the bids received and discuss options with the vendor. The service was originally bid in March 2021. All bids were rejected and the service was re-bid to ensure compliance with state purchasing statutes. This contract addresses mowing services for City property, certain rights-of-way, medians, and Hazard Mitigation Grant Program (HMGP) acquired City owned lots.

This bid was processed in accordance with all local and state purchasing statutes. Five bids were received, three (3) being HUB/M/WBE vendors. The initial contract term will be for a twelve (12) month period with the option to renew for four (4) one (1) year periods. Pricing shall remain firm for the first year and the vendor will have an option to request an increase based on the Dallas/Fort Worth Consumer Price Index. Bids were initially advertised in the Focus Daily News on January 28 and 31, 2021. Bids were posted on the City's electronic procurement system. A pre-bid meeting was held on March 3, 2021, and bids were opened on March 11, 2021. City Council tabled the item at the April 12, 2021, regular meeting. The bidding process opened again on May 10, 2021, and the pre-bid meeting was held on May 19, 2021. The bid closed on June 1, 2021. Staff recommends awarding the bid to the lowest, qualified bidder Yellowstone Landscape.

Councilmember Strain-Burk asked if the resolution is approved when would be the start date?

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City Manager Mauldin-Jones shared July 1<sup>st</sup> would be the start date.

Councilmember Mejia shared his apologies to the residence for any inconvenience caused by tabling this item. He shared his intentions for tabling the item was to save taxpayer dollars.

Deputy Mayor Pro Tem Jaglowski shared his gratitude to staff for working with residents through these challenging times.

Mayor Pro Tem Hill shared this item did extend longer than expected, she shared her intention came from a place of care for the resident and to save resident tax dollar.

**MOTION:** Councilmember Strain-Burk made a motion, seconded by Deputy Mayor Pro-Tem Jaglowski to approve item 3. The vote was cast 7 for, 0 against.

- 4. Discuss and consider a resolution authorizing a professional services agreement with Siemens Industry, Incorporated for the installation of fire sprinkler systems at the following City facilities: 1600 Veterans Memorial Parkway (Veterans Memorial Library), 100 Craig Shaw Memorial Parkway (Public Safety Building), 1700 Veterans Memorial Parkway (Recreation Center), 1960 West Beltline Road (Fire Station #3), 1999 North Jefferson (James R. Williams Pump Station), and 211 North Henry Street (Municipal Center (City Hall)), in an amount not to exceed three hundred seventy-nine thousand, five hundred sixty-two dollars and forty-four cents (\$379,562.44).**

City Manager Mauldin-Jones shared At the November 19, 2020 City Council Work Session, installation and upgrade of fire sprinkler systems was identified as a facility improvement for FY2021/2022. The City maintains an agreement with Siemens Industry, Inc. for fire alarm and fire sprinkler testing, maintenance, and inspections. The following city facilities will have a system upgrade, replacement or new installation- Veterans Memorial Library, 1600 Veterans Memorial Parkway: Replace existing sprinkler system gauges Install 2 new sprinkler system gauges \$3,769.00. Public Safety Building, 100 Craig Shaw Memorial Parkway Replace existing sprinkler system gauges Install 2 new sprinkler system gauges \$3,668.00. Recreation Center, 1700 Veterans Memorial Parkway-Replace fire sprinkler head in the front entrance, test system for any additional leaks \$3,785.00. Fire Station #3, 1960 West Beltline Road- Replace CPVC piping on the wet system, replace 32 fire sprinkler heads \$24,620.00. James R. Williams Pump Station, 1999 North Jefferson-Install 1 new wet pipe sprinkler system \$179,132.16. Municipal Center (City Hall), 211 North Henry Street-Install 1 new wet pipe sprinkler system \$164,588.28.

During the February 2021 winter storm, fire station #3, and the recreation center experienced damage and leaks to the sprinkler systems. The damages were submitted to the City's insurance carrier and insurance adjustments will offset the cost. Councilmember Mejia asked which projects are due to the winter storm and the cost for the projects. Staff recommends approval of the resolution and agreement, as presented.

City Manager Mauldin-Jones shared the recreation center at \$3,785 and fire station #3 at \$24,620.00 need updates due to the winter storm.

Councilmember Mejia shared his concerned with having to pay for items caused by the storm as well as having to pay them directly.

**MOTION:** Councilmember Strain-Burk made a motion, seconded by Councilmember Gooden-Davis to approve item 4. The vote was cast 7 for, 0 against.

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5. Discuss and consider a resolution authorizing the City Manager to execute a letter of agreement and authorizing repayment to the Texas Comptroller in an amount not to exceed one hundred eighty-seven thousand, one hundred dollars, and seventy-two cents (\$187,100.72) for a taxpayer claim of over accrual of use taxes.

City Manager Mauldin-Jones shared the purpose of this item is to address a notice received from Texas Comptroller Glenn Hegar's office for an overpayment of one hundred ninety thousand, nine hundred nineteen dollars and ten cents (\$190,919.10) by a taxpayer in local sales and use taxes. The overpayment was the result of a taxpayer that filed a refund claim for the over accrual of use taxes. This claim has been verified by the State Comptroller's office as a valid refund based on exemptions allowed under local sales tax statutes and documentation provided by the taxpayer to the State. Since this amount has been refunded to the taxpayer by the Comptroller, it must now be repaid to the State by the City. The City has verified the claim presented in the Comptroller's request. Texas Tax Code Sec. 111.006 (f) prohibits the governing body from disclosing confidential taxpayer information. Therefore, we are prohibited from disclosing the taxpayer identity. We also have an agreement with HdL Companies, who conducts audits on behalf of the City to ensure we are receiving sales and use tax as required by the Statutes. HdL Companies advised City staff of the potential request prior to it being received. Sales and use tax is 8.25%; 6.25% goes to the State, 1% allocated to the General Fund, 1/4% allocated to Property Tax Reduction (General Fund), 1/2% to the Lancaster Recreational Development Corporation (LRDC), and 1/4% to Lancaster Economic Development Corporation (LEDC).

The Comptroller has provided the following options to make the repayment:

1. Full reimbursement by one-time check with a 2% service fee discount for a total of \$187,100.72, 2. Apply all monthly collections to the overpaid amount until the amount has been repaid, or 3. Enter into a 23 month payback agreement where a monthly deduction of eight thousand, three hundred one dollars (\$8,301.00) will be deducted for 22 months, with a final deduction of eight thousand, two hundred ninety-seven dollars and ten cents (\$8,297.20) for a total of \$190,919.20. This deduction would start the month after the State Comptroller receives a response from the City, or two months after the date of their letter (attached as "Agreement-Exhibit A"), if they do not receive a response. Additionally, future significant audit or one-time payments may be applied toward the repayment amount to reduce the length of the payback, and notifications of those applications will be sent. No fees of any type will be assessed on the payback amount, with the execution of a 2% service fee for monthly deductions.

Repayment will be from:

1. General Fund \$93,550
2. Property Tax Reduction (General Fund) \$23,388
3. Lancaster Economic Development Corporation (LEDC) \$23,388
4. Lancaster Recreational Development Corporation (LRDC) \$46,775

**MOTION:** Councilmember Wheaton made a motion, seconded by Mayor Pro-Tem Hill to approve item 5. The vote was cast 7 for, 0 against.

**MOTION:** Councilmember Strain-Burk made a motion, seconded by Councilmember Mejia to adjourn. The vote was cast 7 for, 0 against.

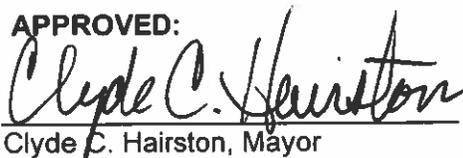
The meeting was adjourned at 7:47 p.m.

ATTEST:



Sorangel O. Arenas, City Secretary

APPROVED:



Clyde C. Hairston, Mayor