

MINUTES**LANCASTER CITY COUNCIL MEETING OF MAY 21, 2012**

The City Council of the City of Lancaster, Texas, met in Special session in the Council Chambers of City Hall on May 21, 2012 at 7:00 p.m. with a quorum present to-wit:

Councilmembers Present:

Mayor Marcus E. Knight
Walter Weaver
Stanley Jaglowski
Mayor Pro Tem James Daniels
LaShonjia Harris, new councilmember seated
Deputy Mayor Pro Tem Nina Morris

Councilmember Absent:

Marco Mejia

City Staff Present:

Opal Mauldin Robertson, City Manager
Cheryl Womble, Executive Assistant to City Manager
Amber Dorsey, Community Relations Assistant
Ed Brady, Economic Development Director
Sean Johnson, Parks and Recreation Director
Dori Lee, Human Resources Director
Larry Flatt, Police Chief
Thomas Griffith, Fire Chief
Sheree Haynes, Finance Director
Rona Stringfellow Govan, Managing Director Public Works / Development Services
Shwetha Pandurangi, City Engineer
Dolle Downe, City Secretary
Robert E. Hager, City Attorney

Call to Order:

Mayor Knight called the meeting to order at 7:00 p.m. on May 21, 2012.

Invocation:

Pastor Clyde Hairston with Harvest Time Church gave the invocation.

Pledge of Allegiance:

Councilmember Weaver led the pledge of allegiance.

Presentation:

Mayor Knight presented a Certificate of Appreciation to students of the Lancaster High School Audio/Visual Program and teacher Kimberly Simpson thanking them for their support and efforts during the tornado.

Citizens Comments:

Girl Scouts Troop of Lancaster presented the City with items collected for citizens affected by the tornado. Mayor Knight thanked the girl scouts for their efforts to help those in need.

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Jackie Gorena with Irving I.S.D. and students from Stipes and Britain Elementary presented a check to help with tornado relief in the City. Mayor Knight thanked the elementary students and their sponsor for their efforts and generous donation.

1. **Consider Resolution 2012-05-38 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 Mayor held on May 12, 2012.**

Considera resolución 2012-05-38 del consejo municipal de la ciudad de Lancaster, Texas, escrutinio los resultados y declarando los resultados de la elección general de la oficina del alcalde el 12 de mayo de 2012.

City Secretary Downe read Resolution 2012-05-38 canvassing the returns and declaring the results of the General Election held on May 12, 2012 as follows:

RESOLUTION NO. 2012-05-38

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 MAYOR HELD ON MAY 12, 2012.

**GENERAL ELECTION
 Lancaster, Texas**

May 12, 2012

CANVASS OF RETURNS AND DECLARATION OF RESULTS OF ELECTION

BE IT REMEMBERED THAT on this the 21st day of May 2012, 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 12, 2012, for the election of Mayor for a three-year term and Councilmember for District 5 to fill an unexpired term ending May 2013.

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 12, 2012, to elect a Mayor for a three-year term and Special Election to elect a Councilmember for District 5 to fill an unexpired term ending May 2013; and

WHEREAS, on March 26, 2012, City Council approved Resolution No. 2012-03-30 which declared the unopposed candidate in District 5 (LaShonjia Harris) to be elected to said office to fill an unexpired term ending May 2013; 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;

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 Mayor, to-wit:

	<u>EARLY VOTING</u>	<u>ELECTION DAY</u>	<u>BY MAIL</u>	<u>ADA</u>	<u>PROVISIONAL VOTING</u>	<u>TOTAL VOTES</u>	<u>%</u>
James Lewis	77	70	0	1	0	148	16.80%
Marcus Knight	430	295	6	2	0	733	83.20%

It appearing that Marcus Knight received a majority of all votes cast for the office of Mayor, Marcus Knight is hereby declared to be elected to the office of Mayor 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 21st day of May 2012.

MOTION: Mayor Pro Tem Daniels made a motion, seconded by Deputy Mayor Pro Tem Morris, to approve Resolution 2012-05-38 canvassing the returns and declaring the results of the General Election held on May 12, 2012. The vote was cast 5 for, 0 against [Mejia absent; Harris not seated at this time].

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

City Secretary Downe administered the Oath of Office for LaShonjia Harris and presented the Certificate of Election.

Councilmember Harris commented that it is an honor to serve, and that she is following in huge footsteps of former Councilmember Clyde Hairston. Councilmember Harris thanked her supporters and particularly her neighbors in Millbrook East, stating that without their support she would not be standing here today. Councilmember Harris stated that she will work diligently to serve the district and community.

City Secretary Downe administered the Oath of Office for Marcus Knight and presented the Certificate of Election.

Mayor Knight stated that he was grateful to have another opportunity to serve and truly cherishes the opportunity to work with this community. Mayor Knight acknowledged several important people starting with his wife, Tengemara, and said to her that there is no way he could have done it without her; introduced his children Avery, Sanaa and Mia, and stated how proud he is of his family and that they could share this experience with him. Mayor Knight introduced his parents, Richard and Mavis Knight, and thanked them. Mayor Knight acknowledged Mark Beasley, his campaign treasurer, and stated that he appreciated his support and hard work. Mayor Knight recognized several others who have been strong supporters and closed saying that he is proud to serve this community in a manner that everyone will be proud of.

Mayor Knight commented that usually this meeting is centered around seating newly elected councilmembers but since there is so much business to conduct, asked Council to consider a brief recess so that newly elected councilmembers could visit with family and supporters.

MOTION: Mayor Pro Tem Daniels made a motion, seconded by Councilmember Weaver, to take a brief recess. Deputy Mayor Pro Tem Morris asked Mayor Pro Tem Daniels to amend the motion to a ten minute recess; he agreed and the amended motion was seconded by Councilmember Jaglowski. The vote was cast 6 for, 0 against [Mejia absent].

City Council recessed at 7:23 p.m. and reconvened at 7:35 p.m.

Consent Agenda:

City Secretary Downe read the consent agenda.

- 3C. Consider approval of minutes from the City Council Regular Meeting held April 23, 2012.**
- 4C. Consider Resolution 2012-05-39 authorizing the submission of applications to Dallas County for funding under the Fiscal Year 2012 Community Development Block Grant (CDBG) Program for reconstruction of existing roadways [Baskin Drive from Henry Street to Ames Road; Colgate Drive from Dallas Avenue to Dewberry Boulevard; and Idlewild Court from Idlewild Lane to IH-35E service road].**

- 5C. Consider Resolution 2012-05-40 approving the terms and conditions of a professional services agreement with Freese and Nichols, Inc. to perform engineering services in connection with the project known as Phase II MS4 Storm Water Management Program Assistance for Texas Commission on Environmental Quality (TCEQ) in an amount not to exceed \$80,900.**
- 6C. Consider Resolution 2012-05-41 accepting the second amendment to the permanent drainage easement and additional temporary construction easement from Dallas County, Texas, Grantor, to the City of Lancaster, Texas granting the City of Lancaster a six month temporary construction easement from May 1, 2012 to October 31, 2012 for installation, construction, repairing, maintaining, altering and preserving drainage improvements across Ten Mile Creek Preserve with all other terms and conditions of the original easement remaining in full force and effect.**

MOTION: Mayor Pro Tem Daniels made a motion, seconded by Councilmember Weaver, to approve consent items 3C - 6C. The vote was cast 6 for, 0 against [Mejia absent].

- 7. Discuss and consider Resolution 2012-05-42 denying Atmos Energy Corp., Mid-Tex Division's requested rate change; and requiring the company to reimburse the City's reasonable rate making expenses.**

City Manager Mauldin Robertson outlined the request for denial of Atmos Mid-Tex's filing for an increase for residential, commercial, industrial and transportation rates applicable to service within the City.

MOTION: Deputy Mayor Pro Tem Morris made a motion, seconded by Mayor Pro Tem Daniels, to approve Resolution 2012-05-42 denying Atmos Energy Corp., Mid-Tex Division's requested rate change. The vote was cast 6 for, 0 against [Mejia absent].

- 8. Discuss and consider Resolution 2012-05-43 authorizing continued participation with the Atmos Cities Steering Committee; authorizing the payment of five cents (\$0.05) per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation.**

City Manager Mauldin Robertson stated that participation in the Atmos Cities Steering Committee provides resources for the proper technical and legal review of rate related cases and other matters with regard to Atmos Energy activities.

MOTION: Councilmember Weaver made a motion, seconded by Councilmember Jaglowski, to approve Resolution 2012-05-43 authorizing continued participation with the Atmos Cities Steering Committee; and authorizing the payment of five cents (\$0.05) per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation. The vote was cast 6 for, 0 against [Mejia absent].

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9. Consider election of a Mayor Pro Tempore.
10. Consider election of a Deputy Mayor Pro Tempore.

Mayor Knight suggested that since a member of Council was absent, Council may want to postpone the election of a Mayor Pro Tempore and Deputy Mayor Pro Tempore.

MOTION: Mayor Pro Tem Daniels made a motion, seconded by Councilmember Weaver, to defer election of a Mayor Pro Tem until a special meeting to be held June 18, 2012. A roll call vote was cast 4 for, 2 against [Jaglowksi, Morris] [Mejia absent].

MOTION: Mayor Pro Tem Daniels made a motion, seconded by Councilmember Weaver, to defer election of a Deputy Mayor Pro Tem until a special meeting to be held June 18, 2012. A roll call vote was cast 4 for, 2 against [Jaglowksi, Morris] [Mejia absent].

EXECUTIVE SESSION:

11. The City Council shall convene into closed executive session pursuant to Section § 551.071 (1) of the TEXAS GOVERNMENT CODE to consult with the City Attorney to seek legal advice on pending litigation and/or settlement concerning Cause No. 11-10174 Con-Way Truckload, Inc. vs. the City of Lancaster.
12. Reconvene into open session. Consider and take appropriate action(s), if any, on closed/executive session matters.

City Manager Mauldin Robertson stated that an executive session is not necessary at this time.

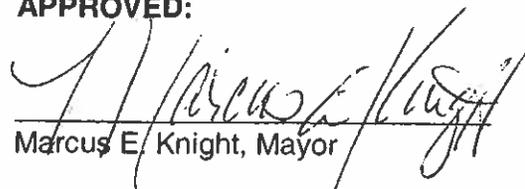
MOTION: Deputy Mayor Pro Tem Morris made a motion, seconded by Mayor Pro Tem Daniels, to adjourn. The vote was cast 6 for, 0 against [Mejia absent].

The meeting was adjourned at 7:45 p.m.

ATTEST:


 Dolle K. Downe, City Secretary

APPROVED:


 Marcus E. Knight, Mayor