

MINUTES**LANCASTER CITY COUNCIL MEETING OF DECEMBER 10, 2012**

The City Council of the City of Lancaster, Texas, met in Regular session in the Council Chambers of City Hall on December 10, 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 Marco Mejia
Deputy Mayor Pro Tem James Daniels
LaShonjia Harris
Nina Morris

City Staff Present:

Opal Mauldin Robertson, City Manager
Alicia Oyedele, Assistant to the City Manager
Ed Brady, Economic Development Director
Larry Flatt, Police Chief
Thomas Griffith, Fire Chief
Sheree Haynes, Finance Director
Rona Stringfellow Govan, Managing Director Public Works / Development Services
Jim Brewer, Assistant Director Public Works / Development Services
Shwetha Pandurangi, City Engineer
Kevin Moore, Recreation Superintendent
Mark Divita, Airport Manager
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 December 10, 2012.

Invocation:

Pastor John Richardson with Zion Chapel gave the invocation.

Pledge of Allegiance:

Deputy Mayor Pro Tem Daniels led the pledge of allegiance.

Citizens Comments:

Spencer Hervey, 1525 Aldridge Drive, wished all a happy holiday season; commented that each councilmember serves the residents of the community and noted that we all go through ups and downs and learn the most when we are in the valleys; thanked Council for their time and efforts in serving the community; stated that as a long time citizen and member of the Parks and 4B board, HOA President and Texas College alumni, he wanted to applaud Council efforts in 2012 and encourage all to continue working hard and to stay in the fight.

David Robison, 420 Redbud Lane, stated that he is a sixteen year resident and thanked Council for their service, commenting that it is particularly appropriate this time of year to say thanks; commented that we all have differences, have our ups and downs, and that we all can make mistakes; stated it takes character to rise above challenges; stated that he appreciates all Council and staff has done for the City and encourages continued hard work.

Mark Gentry, 201 Sixth Street, thanked all for their hours and hard work and said he is proud to be a resident of Lancaster; commented that he is not into politics, but has concerns about the Mayor's DUI; stated he understands we all make mistakes and asked how someone with such a careless act can make decisions for the City; stated that since a car accident in 1995 in which a buddy was killed, he has been committed to holding people accountable for their actions.

Chris Collins, 214 Seventh Street, expressed concerns about the gravity of the situation; noted that a drunk driver had killed his family and it left irreparable damage; stated that those elected are the best of us and should be held to a higher standard; stated that as a concerned citizen, he had no confidence in the Mayor; stated that the good people of Lancaster need to do something about this.

Joe Johnson, President of the Chamber of Commerce, 103 N. Dallas Avenue, read a statement from Chamber Chair Doug Hunt who has businesses in Lancaster saying that he had recently learned about the Mayor and that any of us could face these same circumstances and we should all learn from this; Mr. Johnson commented that he knew the Mayor as a truthful and honest person who would not do anything untoward anyone, that the Mayor works 24 hours a day for the betterment of Lancaster, and that he supports the Mayor.

James Adams, 2003 Hash Road, stated that the Mayor should accept the responsibility of his actions and should never have put himself in such a position; commented that he would pray for the Mayor and his family, saying this kind of irresponsibility reflects negatively on the City.

Bob Borden, 770 Mill Creek Road, stated that he has lived in the City thirty years and knows the responsibility of being an elected official; stated that everyone makes mistakes and one mistake does not ruin a career; stated that the Mayor has represented the City with dignity and class and the matter is up to a court of law, not public opinion; stated that he supports the Mayor 100%.

Stan Kutley, 711 N. Dallas Avenue, stated that he has spent 43 years repairing cars and has seen the damage an impaired driver can do; stated that he can't place confidence in the Mayor and asked that he do the responsible thing and resign.

Margie Waldrop, 921 Sequoia, stated that having occupied the Mayor's seat and observed mayors since that time, she believes Mayor Knight handles the business of the City with dignity and has always represented the City well; stated that she is proud of the Mayor's leadership and proud of the City's accomplishments; stated that he is recognized throughout the region for his strong leadership; cited his strong input to the hospital board and commented that a singular mistake does not lessen his leadership; stated that she is proud to stand with the Mayor.

Roosevelt Nichols, 2318 Montclair, commented that he was glad to hear the support for the Mayor in earlier comments; stated that the man is human and asked him not to resign; commented that he is proud to know him and that this could happen to anyone.

Dr. Charles Waldrop, 921 Sequoia, stated that he has served on Council and the school board; noted that just two glasses of wine can impact a thin, muscular person, saying he is not making excuses, and that people should not pre-judge the situation with the Mayor; commented that the Mayor has done many good things for the City.

Ellen Clark, 954 Nokomis, commented that there is not a person around who wouldn't like a "do over" and stated the Mayor has done many good, positive things for the City; asked for all to have grace and mercy and there should be no room for criticism.

Carolyn Morris, 887 Wintergreen Road, requested an investigation as to whether or not Mayor Pro Tem Mejia resides at 501 Colgate; provided documents from the Dallas Central Appraisal District; commented that she has made and will make additional open records requests regarding the residential address.

Consent Agenda:

City Secretary Downe read the consent agenda.

- C1. Consider approval of minutes from the City Council Regular Meeting held November 12, 2012.**
- C2. Consider a resolution approving the terms and conditions of an Interlocal Agreement by and between the City of Carrollton, Texas, and the City of Lancaster for the cooperative purchase of goods and services.**
- C3. Consider a resolution authorizing the award of Bid 2012-51 for concrete repairs and approving the terms and conditions of the agreements with Admiral Construction Company as the primary and C&M Concrete as the secondary for concrete repairs to miscellaneous streets and roadways.**
- C4. Consider a resolution authorizing the award of Bid 2012-45 to Landmark Structures I L.P., in an amount not to exceed \$3,245,000 for the construction of the new 2.0 MG Elevated Storage Tank generally located approximately 135 linear feet west of Katrina Drive on Wintergreen Road.**
- C5. Consider a resolution approving the terms and conditions of the City owned terminal building commercial lease, Suite 730-202, at the Lancaster Regional Airport.**
- C6. Consider a resolution approving the terms and conditions of the City owned T-Hangar non-commercial lease from building 700 at the Lancaster Regional Airport.**

C7. Consider resolutions authorizing the Request for Qualifications (RFQ) 2012-38 for Professional Engineering Services for various projects to consulting engineers:

- A. Birkhoff, Hendricks & Carter (BHC); and**
- B. Teague Nall & Perkins (TNP); and**
- C. Bury & Partners**

to serve and support engineering needs for various projects within the City on an as needed basis; and authorizing the City Manager to execute agreements pursuant to approval.

C8. Consider a resolution authorizing the award of RFQ 2012-41 for Geotechnical Engineering and Materials Testing Services to Alliance Geotechnical Group for various projects.

MOTION: Deputy Mayor Pro Tem Daniels made a motion, seconded by Mayor Pro Tem Mejia, to approve consent items C1 – C8. The vote was cast 7 for, 0 against.

9. Conduct a public hearing and consider an ordinance amending Ordinance No. 2006-04-13, the Lancaster Development Code and Zoning Map of the City of Lancaster, as amended, by granting a change in zoning from LI, Light Industrial, to PD, Planned Development, on approximately 59.04 acres of land in the City of Lancaster, Dallas County, Texas, and more generally located on the north side of Daniieldale Road approximately 1,340+ feet west of the intersection of Houston School Road and Daniieldale Road.

Public Works / Development Services Managing Director Stringfellow Govan gave an overview of the request for the zoning change as a result of mediation hearings on approximately 59.04 acres of land generally located at 2931 Daniieldale Road, noting that on September 24, 2012, Council voted to approve the terms and conditions of the development and the City Attorney prepared the resulting ordinance. Managing Director Stringfellow Govan stated that following approval of the ordinance, the plaintiff's attorney has agreed to dismissal of the lawsuit. She noted that at their meeting on November 6, 2012, the Planning and Zoning Commission recommended approval and that staff recommends approval.

Mayor Knight opened the public hearing.

Speaking were:

Vic Buchanan 1243 Margaret Court, spoke in opposition stating that Con-way had the opportunity to oppose the zoning in 2002; noted that now they want to sell the property and are requesting this change in zoning; stated that tax revenue from a truck terminal would be very minimal to the City; asked Council to take their chances with the court and not reward Con-way for threat of a lawsuit.

Nancy Moffett, 2105 Houston School Road, expressed concerns about this property becoming a small parking lot full of trailers; commented that she supports Mr. Buchanon's points and this is a major decision for Council.

Frank Mejia, 501 Colgate, stated that Council should not give in when someone sues the City and that the City should stay in the fight for what is right for this piece of property.

Mannix Smith, 1710 Hash Road, commented that we have zoning laws and proper notices were given so the applicant should not be able to bully its way into getting a change in zoning when they did not respond earlier; stated Council has an obligation to fight for the citizens.

David Robison, 420 Redbud Lane, commented that the City should not be bullied and this project may become 60 acres of concrete; stated that the City should call their bluff.

There were no other speakers regarding the request for a change in zoning.

MOTION: Councilmember Morris made a motion, seconded by Mayor Pro Tem Mejia, to close the public hearing. The vote was cast 7 for, 0 against.

Mayor Pro Tem Mejia stated that the only reason this matter is before Council again is that after the Planning and Zoning Commission and Council originally denied the request, Con-way challenged the decision in a lawsuit; commented that it concerns him what precedence may be set by giving in now, particularly when Con-way never spoke against the change in zoning from Medium Industrial to Light Industrial when they had the opportunity. Mayor Pro Tem Mejia stated he would not be as concerned if Con-way needed the change in zoning for their own expansion. Mayor Pro Tem Mejia commented that it is not the right use for the property and citizens do not want a truck terminal.

Councilmember Morris asked to hear publicly about the plans for the property.

Mike Knapek, counsel for Con-way, stated that the allowed uses are outlined in the ordinance and that the property is for sale; he stated that they hope the property will be sold and that there is no current plan to develop the property by Con-way; stated that at this time, to his knowledge, there is no prospective buyer for the property.

Councilmember Weaver asked why change the zoning if there is no buyer. Mr. Knapek indicated that it makes the property more marketable. Councilmember Weaver asked for what use. Mr. Knapek stated that he could not speak to what a buyer would want to do with the property, but the limitations are spelled out in the ordinance.

Mayor Pro Tem Mejia asked about the uses. It was noted that the uses are identified in the ordinance.

Councilmember Morris commented that the uses were never an issue and asked about existing businesses in the area. Managing Director Stringfellow Govan stated that there are existing motor freight businesses in the area, such as Swift, Con-way and Dart.

Councilmember Jaglowski asked about work on Daniieldale Road. Managing Director Stringfellow Govan stated that reconstruction of Daniieldale is in the City's Thoroughfare Plan and several funding sources have been identified. The design and acquisition of rights-of-way is currently underway.

Councilmember Morris commented that she has thought long and hard about this situation and noted there is already trucking in that area, saying that she would fight to the end if this was trucking in the neighborhood, but this is in an area where there is already trucking. Councilmember Morris stated that this company wants to sell their property and she does not feel bullied by the lawsuit, commenting that she hopes the Council makes the right decision.

Deputy Mayor Pro Tem Daniels stated that this is in his district and he does not support this change in zoning, commenting that trucks and cars do not mix.

MOTION: Deputy Mayor Pro Tem Daniels made a motion, seconded by Mayor Pro Tem Mejia to deny the request for a change in zoning. The vote was cast 4 in favor of denying the request [Weaver, Mejia, Daniels, Harris] and 3 against [Knight, Jaglowski, Morris]. The zoning request is denied.

10. **Consider a resolution authorizing the award of Bid 2011-13 to Northstar Construction, Inc. for construction of the Lancaster Community Park Amphitheater through the Texas Parks and Wildlife Department (TPWD) Grant Project #50-000413 in an amount not to exceed \$325,351.**

Councilmember Morris commented that the amphitheater project came before the Council when things were at a good point for the City and then came back for construction when finances were not so good. Councilmember Morris stated that we made an agreement and a commitment to the amphitheater and that the City should honor that agreement; stated that the City would hold its 4th of July and other events at Community Park and would use the amphitheater. She stated that the amphitheater is a great addition to the City.

Mayor Pro Tem Mejia stated that it is not a question of if we want an amphitheater, but is a question of if the City afford it at this time. Mayor Pro Tem Mejia noted a 21% loss in property values, facing needed purchases for emergency services and greater needs for street repairs and improving City infrastructure; stated that at this time, there are better uses for the funds.

Councilmember Morris stated that the City can afford it at this time and has an obligation to the State; asked City Manager Mauldin Robertson to comment on the obligation. City Manager Mauldin Robertson noted at the request of State Representative Giddings, the Texas Legislature had included a special appropriation for park development in the City of Lancaster as a part of the annual funding of the 2008 Texas Parks and Wildlife Department Grants Program and Council had approved a resolution authorizing matching grant funds to the Texas Parks and Wildlife Department for the amphitheater in Community Park.

Deputy Mayor Pro Tem Daniels stated that as elected officials, sometimes bold decisions need to be made and this matter is a quality of life issue.

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Councilmember Jaglowski asked about funds set aside for this project. City Manager Mauldin Robertson stated that funds have been set aside and some expenditures have already been made for design and the outdoor exercise equipment.

Mayor Pro Tem Mejia stated that he agrees it is about quality of life and that quality of life is about citizens on Lancaster Hutchins Road not having brown drinking water and that quality of life starts with good infrastructure.

MOTION: Councilmember Morris made a motion, seconded by Deputy Mayor Pro Tem Daniels, to approve a resolution authorizing the award of Bid 2011-13 to Northstar Construction, Inc. for construction of the Lancaster Community Park Amphitheater through the Texas Parks and Wildlife Department (TPWD) Grant Project #50-000413 in an amount not to exceed \$325,351.

Councilmember Harris asked what the ramifications are if the City requested to place this on hold again with the State. City Manager Mauldin Robertson indicated that the City would have to begin paying back the money and that the State was told we would have a decision by the end of this calendar year.

Councilmember Jaglowski asked if this was not approved if it would put future grant money in jeopardy. City Manager Mauldin Robertson indicated it could jeopardize future grants from the State to the City.

A roll call vote was cast 4 for [Jaglowski, Knight, Daniels, Morris] and 3 against [Weaver, Mejia, Harris].

MOTION: Deputy Mayor Pro Tem Daniels made a motion, seconded by Mayor Pro Tem Mejia to adjourn. The vote was cast 7 for, 0 against.

The meeting was adjourned at 8:10 p.m.

ATTEST:

Dolle K. Downe, City Secretary

APPROVED:



Marcus E. Knight, Mayor