

MINUTES

LANCASTER CITY COUNCIL MEETING OF MARCH 24, 2014

The City Council of the City of Lancaster, Texas, met in Regular session in the Council Chambers of City Hall on March 24, 2014 at 7:00 p.m. with a quorum present to-wit:

Councilmembers Present:

Mayor Marcus E. Knight
Carol Strain-Burk
Stanley Jaglowski
Marco Mejia
Mayor Pro Tem James Daniels
LaShonjia Harris
Deputy Mayor Pro Tem Nina Morris

City Staff Present:

Opal Mauldin Robertson, City Manager
Thomas Griffith, Fire Chief
Sam Urbanski, Assistant Police Chief
Rona Stringfellow, Assistant City Manager
Ed Brady, Economic Development Director
Cynthia Pearson, Finance Director
Baron Sauls, Assistant Finance Director
Mark Divita, Airport Manager
Angie Arenas, City Secretary

Call to Order:

Mayor Knight called the meeting to order at 7:00 p.m. on March 24, 2014.

Invocation:

Pastor John Richardson with Zion Chapel gave the invocation.

Pledge of Allegiance:

Councilmember Strain-Burk led the pledge of allegiance.

Citizens Comments:

Lisa Stephani, 1675 W. Main Street, shared her concerns with structure in the city as far as citizens who want to hold public events and is in favor of licensing agreements of public space within the city.

Consent Agenda:

City Secretary Arenas read the consent agenda.

- C1. Consider approval of minutes from the City Council Regular Meeting held March 10, 2014.
- C2. Consider a resolution approving the terms and conditions of the City owned T-Hangar non-commercial leases from buildings 690 & 700 at the Lancaster Regional Airport.

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- C3. Consider a resolution authorizing the purchase of motor fuel (unleaded and diesel) from Martin Eagle Oil Company as the Primary, TAC Energy as the Secondary, and Douglass Distributing as the alternate through an Interlocal Agreement with Tarrant County at the unit prices stated.**
- C4. Consider an ordinance amending the code of ordinances by amending chapter 14, article 14.10 "Abandoned or Junked vehicles," division 1, "Generally", section 14.10.001, "Definitions", providing for a new definition for inoperable motor vehicle; Amending division 2, "Abandoned Vehicles", section 14.10.031, "Authority to take into custody."**

Councilmember Strain-Burk pulled consent item C4.

MOTION: Deputy Mayor Pro Tem Morris made a motion, seconded by Councilmember Jaglowski, to approve consent items C1-C3. The vote was cast 7 for, 0 against.

Councilmember Strain-Burk stated that she wanted the Chief to address this issue. [Item C4] City Manager Mauldin-Robertson stated that Assistant Chief Urbanski would be the staff liaison to address the issue. Councilmember Strain-Burk asked for the current situation with this item and why it was being put into place. Assistant Chief Urbanski stated that the amendment to the ordinance would provide a clear definition of inoperable vehicles and would allow law enforcement to tow vehicles that prove to be road hazards after being ticketed and monitored for 48 hours.

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Jaglowski, to approve consent items C4 as presented. The vote was cast 7 for, 0 against.

- 5. Discuss a resolution to accept the terms and conditions of a grant with the United States Department of Homeland Security, Federal Emergency Management Agency, Staffing for Adequate Fire and Emergency Response (SAFER) grant in the amount of \$740,640.00.**

Chief Griffith stated that the fire department has been applying for this grant for many years and in 2013 they were able to demonstrate their great need. The fire department has a lot of mutual aid dependence, specifically with the DeSoto fire department, when the city's ambulances are on other calls. The grants duration is two years in which the hire of additional firefighters will be funded one hundred percent. The grant will decrease response time and mutual aid dependency, while allowing the department to answer more calls.

Mayor Pro Tem Daniels asked how many firefighters would be hired; Chief Griffith stated that six new firefighters would be hired and of those some may need schooling in order to reach the goal of them having the ability to ride both a fire engine and ambulance.

Councilmember Strain-Burk applauded Chief Griffith for pursuing the grant. Deputy Mayor Pro Tem Morris inquired how the grant was found; Chief Griffith stated that they are constantly monitoring FEMA and other federal grants. Councilmember Jaglowski thanked Chief Griffith for his due diligence and hard work. Councilmember Mejia shared that this grant was a great opportunity for the city and that since Chief Griffith has become Fire Chief he has seen many positive changes in the fire department. Councilmember Harris congratulated Chief Griffith on the grant and stated that as we look at improving staff modules she would like to see support give to those hired as a result of this grant.

MOTION: Councilmember Strain-Burk made a motion, seconded by Deputy Mayor Pro Tem Morris, to approve a resolution to accept the terms and conditions of a grant with the United States Department of Homeland Security, Federal Emergency Management Agency, Staffing for Adequate Fire and Emergency Response (SAFER). The vote was cast 7 for, 0 against.

6. **Consider an ordinance amending the Code of Ordinances by amending Chapter 8, Article 8.08 "Peddlers, Solicitors, Itinerant Vendors and Handbill Distributors", Section 8.08.042 "Depositing or Distributing in public place" to provide for the distribution of handbills for religious or political purposes on public property at times and in areas which have been designated by the city as reasonable and appropriate for such action; and by amending Section 8.08.046, "Permit Required; duration; hours of operation" by adding Subsection (d) to provide an exception to the permit requirement for those individuals distributing handbills or other written material with a political or religious purpose; amending providing a penalty of fine not to exceed five hundred dollars (\$500.00).**

MOTION: Councilmember Mejia made a motion, seconded by Mayor Pro Tem Daniels, to table the ordinance amending the Code of Ordinances until the Special meeting on March 31, 2014. The vote was cast 6 for, 1 against [Strain-Burk].

7. **Consider a resolution approving the terms and conditions of a License and Use agreement by and between the City of Lancaster and the Lancaster Chamber of Commerce, Inc. for the use of public rights of way.**

Deputy Mayor Pro Tem Morris asked would the City be breaking a law if they did not have the agreement in place. City Attorney Hagar stated that he expressed his concerns about not having an agreement and that by putting one into place we are trying to manage the expectations. He also clarified that you cannot use public funds to support private enterprise which violates the Constitution.

Mayor Knight stated that the major concern is the exposure to liability to the City; the agreement would clarify who is responsible.

MOTION: Councilmember Mejia made a motion, seconded by Mayor Pro Tem Daniels, to table the resolution approving the terms and conditions of a License and Use agreement by and between the City of Lancaster and the Lancaster Chamber of Commerce, Inc. until the Special meeting on March 31, 2014. The vote was cast 7 for, 0 against.

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8. Discuss and Consider a Resolution amending the Wholesale Treated Water Contract by and between the City of Lancaster and the City of Wilmer for the sale of wholesale treated water.

Assistant City Manager Stringfellow stated that sections 2.1 and 4.3 were removed which have to do with construction and design and will be addressed through a separate funding agreement. Staff would also like to reserve the right to have the latitude to remove section 9.3 which addresses water wells. TCEQ adopted a mandate to cap water wells across the state and the City of Wilmer falls under that mandate. Assistant City Manager Stringfellow also mentioned that in the event of an emergency the City of Wilmer may not have water wells that are operational and that they recommend City Council approval to strike that language.

Councilmember Strain-Burk asked if the language could say if the City of Wilmer has not met the mandate they could have access to their wells.

City Manager Mauldin-Robertson stated that TCEQ has mandates the City of Wilmer has to meet and we, the City of Lancaster, do not want to be in conflict. She also stated that we want City Attorney Hagar to be able to strike that language.

Councilmember Strain-Burk wanted clarification that the separate funding mechanism will simply spell out who is responsible for what.

MOTION: Councilmember Strain-Burk made a motion, seconded by Deputy Mayor Pro Tem Morris, to approve the resolution amending approving the Wholesale Treated Water Contract by and between the City of Lancaster and the City of Wilmer for the sale of wholesale treated water. The vote was cast 7 for, 0 against.

9. Consider a resolution approving a contract with Dallas County Tax Assessor Collector providing for the assessment and collection of ad valorem property taxes for all properties subject to the City of Lancaster's taxing jurisdiction; pursuant to Section 6.24 of the Texas Property Tax Code and Section 791.011 of the Texas Government Code.

Finance Director Pearson stated that the county desires to bring all of their contracts in sync with each other which is the reasoning behind these changes. The changes are as follows; a notice of per parcel cost which will be an addendum to the new contract, payment for collection services performed by the tax office must be deducted from collections by January in lieu of payment by check, all tax rates must be adopted on or before the third Wednesday in September.

Mayor Knight stated that the state law gives the City until the last day of September and asked how the county could usurp the state.

Finance Director Person stated that the county is a state agency that has been given the right to assess and appraise taxes as long as they are not creating extenuating circumstances for the City.

MOTION: Councilmember Strain-Burk made a motion, seconded by Deputy Mayor Pro Tem Morris, to approve the resolution approving a contract with Dallas County Tax Assessor Collector providing for the assessment and collection of ad valorem property taxes for all properties subject to the City of Lancaster's taxing jurisdiction; pursuant to Section 6.24 of the

Texas Property Tax Code and Section 791.011 of the Texas Government Code. The vote was cast 7 for, 0 against.

10. Consider a resolution authorizing the City Manager to execute a Memorandum of Understanding by and between the City of Lancaster and Con-Way Truckload, Inc.

City Manager Mauldin-Robertson stated that Con-way Truckload, Inc. has dismissed the lawsuit with the City of Lancaster and in dismissal they are disposing of the property; however they are requesting to continue utilization of property following the close of sell for an additional 13 months. One of the conditions was for the City to execute a memorandum of understanding. City Attorney Hagar stated that we were happy to do so because it complies with our Ordinance as well as their non-conforming rights.

MOTION: Councilmember Mejia made a motion, seconded by Deputy Mayor Pro Tem Morris, to approve the resolution authorizing the City Manager to execute a Memorandum of Understanding by and between the City of Lancaster and Con-Way Truckload, Inc.

Executive Session:


- 11. The City Council shall convene into closed executive session pursuant to Section § 551.074 (a)(1) of the TEXAS GOVERNMENT CODE to deliberate:**
- (a) The appointment, employment, evaluation duties or dismissal of a public officer, to wit: Municipal Court Judge; and,
 - (b) The duties of a public officer; to wit: City Attorney.
- 12. Reconvene into open session. Consider and take appropriate action(s), if any, on closed/executive matters.**

The City Council recessed from Executive Session at 8:54 p.m. and reconvened into open session at 9:05 p.m.

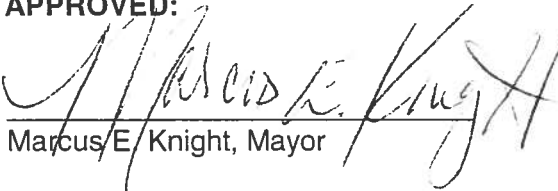
MOTION: Mayor Pro Tem Daniels made a motion, seconded by Councilmember Mejia, to adjourn. The vote was cast 7 for, 0 against.

The meeting was adjourned at 9:06 p.m.

ATTEST:


 Sorangel O. Arenas, City Secretary

APPROVED:


 Marcus E. Knight, Mayor

