

**MINUTES****LANCASTER CITY COUNCIL MEETING OF October 24, 2011**

The City Council of the City of Lancaster, Texas, met in Regular session in the Council Chambers of City Hall on October 24, 2011 at 7:00 p.m. with a quorum present to-wit:

**Councilmembers Present:**

Mayor Marcus E. Knight  
Walter Weaver  
Stanley Jaglowski  
Marco Mejia  
James Daniels  
Mayor Pro Tem Clyde Hairston  
Deputy Mayor Pro Tem Nina Morris

**City Staff Present:**

Opal Mauldin Robertson, City Manager  
Alicia Oyedele, Assistant to City Manager  
Sheree Haynes, Finance Director  
Clovia English, Public Works Director  
Philip Curtis, Water and Wastewater Superintendent  
Ed Brady, Economic Development Director  
Mark Divita, Airport Manager  
Robert E. Hager, City Attorney  
Angie Arenas, Assistant City Secretary

**Call to Order:**

Mayor Knight called the meeting to order at 7:00 p.m. on October 24, 2011.

**Invocation:**

Pastor John Richardson with Zion Chapel gave the invocation.

**Pledge of Allegiance:**

Mayor Marcus E. Knight led the Pledge of Allegiance.

**Citizens Comments:**

There were no requests to speak.

**Executive Session:**

At 7:03 p.m. City Council recessed to go into Executive Session.

At 7:04 p.m. the City Council convened into closed executive session in the Conference Room pursuant to:

1. **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 regarding pending litigation and/or settlement offer concerning the Court of Appeals Fifth District of Texas Case No. 05-11-00804-CV, City of Lancaster, Texas v. Beth Adams.**

2. **Reconvene into open session. Consider and take appropriate action(s), if any, on closed/executive session matters.**

The City Council recessed from Executive Session at 7:30 p.m. and reconvened into open session at 7:31 p.m.

**MOTION:** Councilmember Daniels made a motion, seconded by Mayor Pro Tem Hairston, to approve the Settlement and Release Agreement under Appeal No. 05-11-00804-CV, currently pending in the Court of Appeals for the Fifth District of Texas, by and between Beth Adams and the City of Lancaster under the terms and conditions as set forth in Exhibit A. The vote was cast 5 for, 2 against [Weaver, Mejia].

**Consent Agenda:**

Mayor Marcus E. Knight read the consent agenda.

- 3C. **Consider approval of minutes from the City Council Regular Meeting held October 10, 2011.**
- 4C. **Consider Resolution 2011-10-89 of the City Council of the City of Lancaster, Texas, canceling the regular City Council meetings scheduled for November 28, 2011 and December 26, 2011; and providing an effective date.**
- 5C. **Consider Resolution 2011-10-90 of the City Council of the City of Lancaster, Texas, approving the terms and conditions of a Grant Agreement for the Routine Airport Maintenance Program by and between the City of Lancaster, Texas, as airport sponsor, and the Texas Department of Transportation, on behalf of the State of Texas; authorizing matching funds in the amount of \$50,000; authorizing the City Manager to sign said agreement; providing a repealing clause; providing a severability clause; and providing an effective date.**
- 6C. **Consider Resolution 2011-10-91 of the City Council of the City of Lancaster, Texas, approving and adopting the 2011 Minimum Standards for Commercial and Noncommercial Operators at the Lancaster Regional Airport; providing a repealing clause; providing a severability clause; and providing an effective date.**
- 7C. **Consider Resolution 2011-10-92 of the City Council of the City of Lancaster, Texas, approving the terms and conditions of a renewable thirty year contract by and between the City of Lancaster, Texas, and the City of Dallas, Texas, to purchase wholesale treated water; authorizing its execution by the City Manager; providing a repealing clause; providing a severability clause; and providing an effective date.**

**MOTION:** Mayor Pro Tem Hairston made a motion, seconded by Councilmember Daniels, to approve consent items 2C - 7C. The vote was cast 7 for, 0 against.

8. **Conduct a public hearing and consider an ordinance of the City of Lancaster, Texas, amending the Code of Ordinances by amending Chapter 11, Article 11.500, Freeport Goods, by repealing Section 11.502 and replacing with a new Section 11.502, to provide for the ad valorem taxation of tangible personal property in transit or "Super Freeport" goods pursuant to Section 11.253 of the Texas Tax Code; providing a repealing clause; providing a severability clause; and providing an effective date.**

Economic Development Director Brady stated that the 82<sup>nd</sup> State Legislature granted a tax exception to third party logistic companies; however, the state also provided an opt out clause for local municipalities.

Councilmember Mejia asked if passing this ordinance will be more business friendly.

Economic Development Director Brady responded that at this point we do not have a third party logistic company, but with a 380 agreement, Council could offer a program through the incentive program. This does not prevent the City from being business friendly.

Mayor Knight opened the public hearing.

There were no requests to speak.

**MOTION:** Councilmember Daniels made a motion, seconded by Councilmember Weaver, to close the public hearing. The vote was cast 7 for, 0 against.

**MOTION:** Mayor Pro Tem Hairston made a motion, seconded by Councilmember Daniels, to approve an ordinance, amending the Code of Ordinances by amending Chapter 11, Article 11.500, Freeport Goods, by repealing Section 11.502 and replacing with a new Section 11.502, to provide for the ad valorem taxation of tangible personal property in transit or "Super Freeport" goods pursuant to Section 11.253 of the Texas Tax Code. The vote was cast 7 for, 0 against.

9. **Discuss and consider Resolution 2011-10-93 of the City Council of the City of Lancaster, Texas, approving the terms and conditions of a professional services agreement by and between the City of Lancaster and Freese and Nichols, Inc. (FNI) to perform services in connection with the site selection, tank design, bid process, and tank and water line construction of a two (2) million gallon elevated water storage tank for basic services for a lump sum fee of \$197,000 and for special services in an amount not to exceed \$163,000; authorizing the City Manager to execute said agreement; providing a repealing clause; providing a severability clause; and providing an effective date.**

Public Works Director English stated that the City is out of compliance with water storage capacity and rehabilitating the Ames tank would be at a substantial cost versus constructing a two million gallon elevated water storage tank.

Councilmember Mejia noted that the tank on Beltline is not operating.

Mayor Knight stated that the new water tank will give capacity for 61,772 residents, providing long term capacity.

**MOTION:** Mayor Pro Tem Hairston made a motion, seconded by Councilmember Daniels, to approve Resolution 2011-10-93, approving the terms and conditions of a professional services agreement by and between the City of Lancaster and Freese and Nichols, Inc. (FNI) to perform services in connection with the site selection, tank design, bid process, and tank and water line construction of a two (2) million gallon elevated water storage tank for basic services for a lump sum fee of \$197,000 and for special services in an amount not to exceed \$163,000. The vote was cast 7 for, 0 against.

**10. Receive and discuss reports on items of interest from the annual Texas Municipal League Conference held October 12-14, 2011 from councilmembers who attended the conference.**

Mayor Knight stated that the Texas Municipal League was established to help coordinate issues that cities may have across the state.

Mayor Pro Tem Hairston commented on the importance of parliamentary procedures that should govern our council meetings. He also learned about ethical leaders and to start thinking differently about ethics of public service.

Councilmember Jaglowski noted that attending the Texas Municipal League benefitted him to gain knowledge and appreciation for his Council seat.

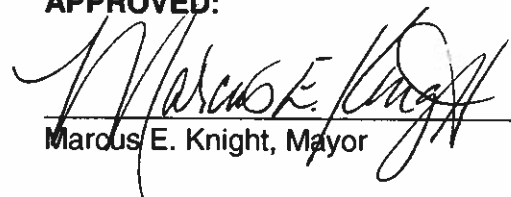
**MOTION:** Councilmember Daniels made a motion, seconded by Councilmember Mejia, to adjourn. The vote was cast 7 for, 0 against.

The meeting was adjourned at 7:57 p.m.

**ATTEST:**

  
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Dolle K. Downe, City Secretary

**APPROVED:**

  
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Marcus E. Knight, Mayor