

MINUTES

LANCASTER CITY COUNCIL MEETING OF FEBRUARY 14, 2011

The City Council of the City of Lancaster, Texas, met in Regular session in the Council Chambers of City Hall on February 14, 2011 at 7:00 p.m. with a quorum present to-wit:

Councilmembers Present:

Mayor Marcus E. Knight
Walter Weaver
Marco Mejia
Mayor Pro Tem James Daniels
Clyde Hairston
Deputy Mayor Pro Tem Nina Morris
Council District 2 vacant

City Staff Present:

Opal Mauldin Robertson, Interim City Manager
Alicia Oyedele, Assistant to the City Manager
Sean Johnson, Parks and Recreation Director
Dori Lee, Human Resources Director
Clovia English, Public Works Director
Judy Tedesco, Interim Finance Director
Rona Stringfellow-Govan, Development Services Director
Nathaniel Barnett, Senior Planner
Cami Loucks, Library Director
Dolle Downe, City Secretary

Call to Order:

Mayor Knight called the meeting to order at 7:00 p.m. on February 14, 2011.

Invocation:

Pastor John Richardson gave the invocation.

Pledge of Allegiance:

Deputy Mayor Pro Tem Nina Morris led the Pledge of Allegiance.

Citizens Comments:

There were no citizen comments.

Consent Agenda:

City Secretary Downe read the consent agenda.

- 1C. Consider approval of minutes from the City Council Regular Meeting held January 24, 2011.
- 2C. Consider Resolution 2011-02-05 of the City Council of the City of Lancaster, Texas, authorizing the award of Bid No. 2010-7 to CPS Civil, LLC for construction/renovation of State Transportation Enhancement Program (STEP) sidewalks on State Highway 342, Wintergreen Road and Community Park in an amount not to exceed \$527,522; authorizing the Interim City Manager to execute the agreement; providing a repealing clause; providing a severability clause; and providing an effective date.

- 3C. Consider Resolution 2011-02-06 of the City Council of the City of Lancaster, Texas, authorizing the award of Bid No. 2010-15 to Midwest Wrecking Co. of Texas, Inc. in an amount not to exceed \$45,820 for demolition of the Pleasant Run Well; authorizing the Interim City Manager to execute the agreement pursuant to approval; providing a repealing clause; providing a severability clause; and providing an effective date.
- 4C. Consider Resolution 2011-02-07 of the City Council of the City of Lancaster, Texas, authorizing the award of Bid No. 2011-18) to A&A Construction Company for demolition services for the Hazard Mitigation Grant Program (HMGP) in an amount not to exceed \$46,291; authorizing the Interim City Manager to execute an agreement pursuant to such award; providing a repealing clause; providing a severability clause; and providing an effective date.
- 5C. Consider Resolution 2011-02-08 of the City Council of the City of Lancaster, Texas, declaring certain board, commission and committee position(s) vacant due to excessive absences; and providing an effective date.
- 6C. Consider Resolution 2011-02-09 of the City Council of the City of Lancaster, Texas, providing for the appointment of the Associate Judge of the Municipal Court; authorizing the Mayor to execute an agreement providing for compensation, the term of office, and the duties of said Associate Judge; providing a repealing clause; providing a severability clause; and providing an effective date.
- 7C. Consider an ordinance of the City of Lancaster, Texas amending Ordinance No. 2010-10-24 to correct a clerical error to Exhibit C of said ordinance and to correct clerical error under Section 4.B. of said ordinance; providing a severability clause; providing a savings clause; providing a penalty of fine not to exceed the sum of two thousand dollars (\$2,000) for each offense; and providing an effective date.
- 8C. Consider an ordinance of the City of Lancaster, Texas, amending the Comprehensive Zoning ordinance and Map, as heretofore amended, by granting a change in zoning from Light Industrial (LI) to Light Industrial – Specific Use Permit (LI-SUP) to allow an Aerial Park Commercial Amusement Facility on property located approximately 3,250 feet west of the intersection of West Beltline Road and South Dallas Avenue, more commonly known as 700 West Beltline Road, Lancaster, Dallas County, Texas; providing for the approval of a Site Plan and Aerial Park Concept Plan; providing for special conditions; providing a severability clause; providing a savings clause; providing a penalty of fine not to exceed the sum of two thousand dollars (\$2,000) for each offense; and providing an effective date.

MOTION: Mayor Pro Tem Daniels made a motion, seconded by Deputy Mayor Pro Tem Morris, to approve consent items 1C - 8C. The vote was cast 6 for, 0 against.

9. **First reading of caption and discussion of an ordinance of the City of Lancaster, Texas, granting to Atmos Energy Corporation, a Texas and Virginia Corporation, its successors and assigns, a franchise to construct, maintain, and operate pipelines and equipment in the City of Lancaster, Dallas County, Texas, for the transportation, delivery, sale, and distribution of gas in, out of, and through said City for all purposes; providing for the payment of a fee or charge for the use of the public rights-of-way; providing that such fee shall be in lieu of other fees and charges, excepting ad valorem taxes; and repealing all previous gas franchise ordinances.**

Interim City Manager Mauldin Robertson stated that the City adopted the original ordinance for the gas franchise in October 1985 for a term of twenty five years and payment of four percent (4%) of gross revenues over the term of the agreement. The ordinance was amended in December 2002 to include the lease of facilities within the City's rights-of-way. Atmos Energy Corporation is requesting the extension of their gas franchise effective January 1, 2011 for an additional twenty five years. Interim City Manager Mauldin Robertson noted that in the new agreement, Atmos will remit quarterly payments equivalent to five percent (5%) of gross revenues for the term of the agreement.

Mayor Pro Tem Daniels asked about the term and revenue amount. Interim City Manager Mauldin Robertson indicated that it is an increase in percentage from 4% to 5% of gross revenue for a twenty five year term.

Interim City Manager Mauldin Robertson also noted that this is the first reading of the ordinance caption, and as required by the City's Home Rule Charter, a second reading will be made at the regular meeting on February 28, 2011. The ordinance will be considered for adoption at that Council meeting.

10. **Discuss and consider Resolution 2011-02-10 of the City Council of the City of Lancaster, Texas, suspending the February 14, 2011, effective date of Oncor Electric Delivery Company's requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the Steering Committee of Cities Served by Oncor to hire legal and consulting services and to negotiate with the Company and direct any necessary litigation and appeals; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the Company and Legal Counsel for the Steering Committee.**

Interim City Manager Mauldin Robertson commented that this resolution suspends the February 14, 2011 effective date for Oncor Electric Delivery Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with the Steering Committee of Cities Served by Oncor, to evaluate the filing and determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

MOTION: Councilmember Hairston made a motion, seconded by Mayor Pro Tem Daniels, to approve Resolution 2011-02-10 suspending the February 14, 2011, effective date of Oncor Electric Delivery Company's requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the Steering Committee of Cities Served by Oncor to hire legal and consulting services and to negotiate with the Company and direct any necessary litigation and appeals; finding that the meeting at which this resolution is passed is open to the public as required by law; and requiring notice of this resolution to the Company and Legal Counsel for the Steering Committee. The vote was cast 6 for, 0 against.

At 7:10 p.m. City Council recessed to move into Executive Session.

Executive Session:

At 7:12 p.m. the City Council convened into closed executive session in the Conference Room pursuant to:

- 11. **The City Council shall convene into closed executive session pursuant to Section § 551.074 (a)(1) of the TEXAS GOVERNMENT CODE to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, to-wit: the City Manager.**
- 12. **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 7:45 p.m. and reconvened into open session at 7:47 p.m.

MOTION: Councilmember Weaver made a motion, seconded by Mayor Pro Tem Daniels, to approve a contract of employment by and between the City of Lancaster, Texas, and Opal Mauldin Robertson for the position of City Manager on the terms and conditions set forth in Exhibit A and, to approve additional pro rata salary based on the salary in Exhibit A for service as Interim City Manager from January 25, 2011 to February 14, 2011. The vote was cast 6 for, 0 against.

There were no other actions following executive session.

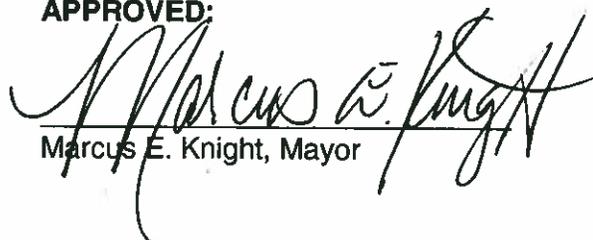
MOTION: Deputy Mayor Pro Tem Morris made a motion, seconded by Councilmember Hairston, to adjourn. The vote was cast 6 for, 0 against.

The meeting was adjourned at 7:52 p.m.

ATTEST:


Dolle K. Downe, City Secretary

APPROVED:


Marcus E. Knight, Mayor