

MINUTES

LANCASTER CITY COUNCIL MEETING OF NOVEMBER 14, 2011

The City Council of the City of Lancaster, Texas, met in Regular session in the Council Chambers of City Hall on November 14, 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 the City Manager  
Ed Brady, Economic Development Director  
Sean Johnson, Parks and Recreation Director  
Sheree Haynes, Finance Director  
Dori Lee, Human Resources Director  
Clovia English, Public Works Director  
Phillip Curtis, Water / Wastewater Superintendent  
Rona Stringfellow Govan, Development Services Director  
Cami Loucks, Library Director  
Larry Flatt, Police Chief  
M. C. Smith, Assistant Police Chief  
Thomas Griffith, Fire Chief  
Pat Adamcik, Assistant Fire Chief  
Mark Divita, Airport Manager  
Kristy Hill, Interim Court Administrator  
Joe Gorfida, Nichols, Jackson, Dillard, Hager & Smith, LLP, Acting Attorney for City Attorney  
Robert Hager  
Dolle Downe, City Secretary

**Call to Order:**

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

**Invocation:**

Pastor John Richardson gave the invocation.

**Pledge of Allegiance:**

Councilmember James Daniels led the Pledge of Allegiance.

**Presentations:**

Mayor Knight read a proclamation honoring all veterans.

Mayor Knight read a proclamation recognizing the week of November 14-18, 2011 as Municipal Courts Week in the City of Lancaster and thanked the Municipal Court staff and Judge Campbell for their services.

Mayor Knight presented Graduation Certificates to members of the recent Civic Leadership Academy, congratulating members on successful completion of the program. Certificates were presented to: Derrick Batts, Annie Dixon, Gabriele Eckert, Betty Faggins, Linda Horton, Robin Hunter, Shantina Jobe-Polk, Debra Johnson, Lucinda Johnson, Bettie Jones, Nancy Kraushaar, Lawrence Patterson, Sally Purvis, Erick Sheffield, Cecelia Smith, Glenda Stallsworth, Mae Wheeler, Joyce Whitaker, and Johnny Wiley. Ms. Kay Lynn graduated, but was unable to attend the meeting.

**Citizens Comments:**

Andy Mungenast, 806 Nokomis Circle, commented that he is opposed to the proposed annexation saying that they like living in the county and do not feel that the City can deliver any further services; commented that he is already involved in the community and that this is not a good business decision for the City; commented that Loop 9 has not been approved and action to annex may stir up a hornets nest; asked Council to carefully consider.

Arnold Molina, 1201 Nokomis Road, commented that roads in Lancaster are in poor condition and that the county has taken good care of the roads in the county; stated that he would prefer to remain in the county.

Frank Mejia, 501 Colgate, commented that Lancaster streets are embarrassing and infrastructure is poor within the City; stated that these residents choose to live outside of the City limits; stated that the City cannot afford to annex any of the ETJ area and that the City should take care of its existing roads and infrastructure.

Winn Morton, 1921 Nokomis, commented that originally he supported the annexation but has since observed lack of code enforcement, proper mowing and the poor condition of existing City streets; stated that the City cannot take on this additional land and the services that will be required; said that it just doesn't make sense for the City to take this on and that there should be more pride in the City.

Art Haffey, 1900 Watermill, stated that he was initially angry saying that the City just wants his tax dollars for no services; commented that the City will not do much in the annexed area; asked why we are playing this game.

Bob Kout, 507 E. Reindeer Road, commented that he has the Bear Creek subdivision on both sides of him and has had no cooperation from the City regarding the fire hydrants for the area, asking where are the fire hydrants that Rockett Water wanted; stated that the fire hydrants have to be flushed; stated that the roads are poor in the area; stated that the City gets tax dollars but the residents don't get anything.

Lynnette Taff, 914 Nokomis Circle, stated that she does not want to be annexed commenting that there are residents that were annexed twenty years ago that still do not have City water or sewer; stated that there was not final agreement regarding the Service Plan and that the Service Plan was not signed by everyone; noted that Loop 9 is not in the immediate future so does not see the big rush for the City to take on additional land; commented that Dallas County provides great services and encouraged Council to wait to annex.

Mannix Smith, 1710 Hash Road, provided a hand-out for Council with information from the Local Government Code, a paper from a law office regarding annexation and pictures of the poor condition of certain roads; commented that when the Annexation Plan was adopted, Loop 9 was bearing down on the City and the Inland Port was in place; noted that now the Inland Port is bankrupt and Loop 9 does not have funding; commented that there are deficiencies in the City's legal processes regarding the annexation and such serious errors require starting over.

James Adams, 2003 Hash Road, stated that staff did not adhere to the law under Chapter 43 of the Government Code and that there has been gross mishandling and material failure in the process, which have been pointed out; commented that there has been lots of southern Dallas County political players involved with Loop 9 and the Inland Port; stated that the map has changed six times; commented that saying no to the annexation is a bold move and that Council should do the right thing for the City.

Melissa Adams, 2003 Hash Road, asked Council to vote no on the annexation; stated she had served on the panel for the Service Plan and that the last thing the panel had heard was the City would get back with them; urged Council to vote no on the annexation.

Jordan Adams, 2003 Hash Road, stated that he does not support the annexation and asked Council to vote no.

Joe Tillotson, 319 Trevino Trail, commented that he must be the only guy that loves this town and the people in it, stating that he had spent eleven years on Council; stated that this recession will be over quicker than we may think and when the economy is improved, Lancaster will be the "hot spot"; commented that it is important for the City to be in the position of protecting its Airport and having a say in future development; stated that the economic development opportunities are real solid for Lancaster; stated that he trusts and hopes Council will vote yes.

The following did not wish to speak but wanted their opposition to the proposed annexation noted in the records:

Irene, Mejia, 501 Colgate, opposed  
Tim Taff, 914 Nokomis Circle, opposed  
Dr. Eva Milina, 1201 Nokomis Road, opposed

Imogene Mason, 2945 Lawndale Drive, commented that she is upset about the increased rate for water services saying the rate is outrageous; stated she is using less water and paying more.

Mike Rosellini, 3104 Wade Road, commented that there is a family farm at SH 342 and Reindeer Road which has been in his family seventy-five years; commented that there are two houses on the property and the water well is out; stated that it will be too expensive to run water and sewer lines to agricultural properties and that such costs to the City will be more than Council might think; stated that it will cost about \$150,000 to bring the services that he will demand.

**Consent Agenda:**

City Secretary Downe read the consent agenda.

- 1C. Consider approval of minutes from the City Council Regular Meeting held October 24, 2011 and Work Session held November 1, 2011.
- 2C. Consider Resolution 2011-11-94 of the City Council of the City of Lancaster, Texas, approving the terms and conditions of a Master Interlocal Cooperative Purchasing Agreement by and between the City of Lancaster and Dallas County for the use of cooperative contracts; authorizing the City Manager to execute the agreement; designating the City's Purchasing Agent as the official representative of the City of Lancaster relating to the agreement; providing a repealing clause; providing a severability clause; and providing an effective date.
- 3C. Consider Resolution 2011-11-95 of the City Council of the City of Lancaster, Texas, approving the terms and conditions of an Interlocal Agreement by and between the City of Richardson, Texas, and the City of Lancaster for the cooperative purchase of goods and services; authorizing the City Manager to execute the agreement; designating the City's Purchasing Agent as the official representative; providing a repealing clause; providing a severability clause; and providing an effective date.
- 4C. Consider Resolution 2011-11-96 of the City Council of the City of Lancaster, Texas; approving Amendment 3 to the meal services contract [bid # 09-003] with The Paper Plate in an amount not to exceed \$4.25 per meal for senior meal services; authorizing the City Manager to execute said amendment; providing a repealing clause; providing a severability clause; and providing an effective date.
- 5C. Consider Resolution 2011-11-97 of the City Council of the City of Lancaster, Texas, adopting the Lancaster Veterans Memorial Library Three Year Plan for 2012-2014; and providing an effective date.
- 6C. Consider Resolution 2011-11-98 of the City Council of the City of Lancaster, Texas, approving the terms and conditions of the City owned T-Hangar leases from buildings 660-700 at the Lancaster Regional Airport; authorizing the City Manager to execute said leases; providing a repealing clause; providing a severability clause; and providing an effective date.
- 7C. Consider Resolution 2011-11-99 of the City Council of the City of Lancaster, Texas, authorizing continued participation by the City of Lancaster with other Texas cities in the Texas Coalition of Cities for Franchised Utility Issues; authorizing payment of a participation fee; and providing an effective date.

**MOTION:** Councilmember Mejia made a motion, seconded by Councilmember Daniels, to approve consent items 1C - 7C. The vote was cast 7 for, 0 against.

8. **Discuss and consider Resolution 2011-11-100 of the City Council of the City of Lancaster, Texas, authorizing the award of RFP 2012-03 to BKD, LLP for audit services to include fiscal years 2011, 2012, 2013 plus a two year renewal option for fiscal years 2014 and 2015 in an amount not to exceed \$342,500; authorizing the City Manager to execute the agreement pursuant to approval; providing a repealing clause; providing a severability clause; and providing an effective date.**

City Manager Mauldin Robertson stated that the City is required by law to conduct a third party audit annually and outlined the request for proposals for audit services. City Manager Mauldin Robertson stated that the proposals were evaluated by staff and the representative from BKD, LLP was available for questions.

Councilmember Mejia asked if BKD was the least expensive option. City Manager Mauldin Robertson stated that BKD is the lowest qualified bidder.

Councilmember Weaver commented that the audits have not been on time. City Manager Mauldin Robertson stated that timeframes are outlined in the agreement with BKD. Councilmember Weaver asked if weekly or bi-weekly meetings could be set up to ensure the City remains on schedule.

Kevin Kemp, Partner with BKD, stated they could report directly to Council if desired. City Manager Mauldin Robertson stated that since monthly finance reports to Council will include an audit status report, she believes Council will have sufficient information and the City will be able to meet the prescribed timetable.

Mayor Knight noted that the first year fee is almost half of what was paid for services to Weaver and Tidwell, LLP for audit services this past fiscal year.

Councilmember Jaglowski clarified that the fee for the first year is \$68,200.

Deputy Mayor Pro Tem Morris asked if Weaver and Tidwell did submit a proposal. City Manager Mauldin Robertson indicated the firm did, and it is cost prohibitive.

**MOTION:** Mayor Pro Tem Hairston made a motion, seconded by Councilmember Weaver, to approve Resolution 2011-11-100 authorizing the award of RFP 2012-03 to BKD, LLP for audit services to include fiscal years 2011, 2012, 2013 plus a two year renewal option for fiscal years 2014 and 2015 in an amount not to exceed \$342,500. The vote was cast 7 for, 0 against.

9. **Discuss and consider an ordinance of the City of Lancaster, Texas, annexing the hereafter described tract of land, being 2.9 square miles of land being more particularly described and depicted in Exhibit A, which is attached hereto and incorporated herein, located in the City of Lancaster extraterritorial jurisdiction to the City of Lancaster, Texas, and extending the boundary limits of the City so as to include said property within the City Limits and granting to all inhabitants and owners of said property all of the rights and privileges of other citizens and binding all inhabitants by all the ordinances, acts, resolutions and regulations of said city; providing a severability clause; and providing for the effective date of said ordinance.**

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Development Services Director Stringfellow Govan highlighted the annexation process to date under the Three Year Annexation Plan adopted by Council and the City's compliance with Chapter 43 of the Texas Local Government Code with regard to the annexation. She noted a Service Plan had been adopted by Council on April 26, 2010 in accordance with state law for the area to be annexed. Director Stringfellow Govan commented that the proposed annexation is for approximately 2.9 square miles of land called the Sunrise District. She noted that the property owner at 2651 Nokomis Road, in the proposed Sunrise District, had signed an Agricultural Agreement requesting their property be annexed at a later date and that this property would be excluded from the Sunrise District, if annexed.

Joe Gorfida, Acting City Attorney, commented that pre-clearance with the Department of Justice for the proposed annexation could be submitted during or at the time of annexation.

**MOTION:** Councilmember Mejia made a motion, seconded by Deputy Mayor Pro Tem Morris, to table consideration of the ordinance annexing 2.9 square miles of land until the December 12, 2011 meeting. The vote was cast 3 for [Weaver, Mejia, Morris] and 4 against [Jaglowksi, Knight, Daniels, Hairston]. The motion fails.

Joe Gorfida, Acting City Attorney, stated that signatures are not required on the Annexation Service Plan and that it is a binding document since it was formally adopted by City Council.

Mayor Knight said that annexations completed nearly twenty years ago did not require service plans but now state law requires a service plan which gives the citizens a remedy.

Councilmember Mejia stated that the City had to be friendly regarding the annexation and try to come to terms with the residents instead of forcing it down their throats. He further commented that the City is 55% undeveloped and badly needs road improvements, saying it makes no sense to take on the burden of more land.

Mayor Knight commented that the proposal is for a phased annexation and that Council can choose not to annex other areas. Mayor Knight noted that the City also has the option to amend the Service Plan.

Deputy Mayor Pro Tem Morris asked for clarification on certain legal concerns. Mr. Gorfida addressed the concerns noting that proper procedural processes have been completed and that City Council may amend the Service Plan.

Councilmember Weaver commented that he is not opposed to annexing around the airport and next to Ferris, but expressed concerns about the cost per foot to provide services asking Water/Wastewater Superintendent Curtis about the potential costs. Superintendent Curtis stated costs are about \$80 per foot for an eight-inch water line and costs are approximately \$45 - \$65 per foot for sewer.

Councilmember Weaver asked if the City could negotiate to get Rockett Water out. Mr. Gorfida indicated the City would have to pay.

Councilmember Mejia stated that the City cannot provide services to this area and needed to take a common sense approach, stating that we need to fit potholes on streets already in the City. Councilmember Mejia stated that it is irresponsible to take on something we cannot afford.

**MOTION:** Mayor Pro Tem Hairston made a motion, seconded by Councilmember Daniels, to approve an ordinance annexing the described tract of land, being approximately 2.9 square miles and called the Sunrise District, located in the City of Lancaster extraterritorial jurisdiction and exclude the property at 2651 Nokomis Road for which the City has a signed Agricultural Agreement; and extend the boundary limits of the City so as to include the Sunrise District within the City Limits and grant to all inhabitants and owners of said property all of the rights and privileges of other citizens and binding all inhabitants by all the ordinances, acts, resolutions and regulations of the City. The vote was cast 5 for, 2 against [Weaver, Mejia].

Mayor Knight called a recess at 9:03 p.m. City Council reconvened into session at 9:11 p.m.

- 10. Discuss and consider Resolution 2011-11-101 of the City Council of the City of Lancaster, Texas, authorizing the Mayor to sign a ballot casting the City's vote for the fourth member of the Board of Directors of the Dallas Central Appraisal District.**

Mayor Knight called for a nomination for the fourth member of the Board of Directors of the Dallas Central Appraisal District from the two nominees submitted by the Dallas Central Appraisal District in accordance with state law.

Councilmember Daniels nominated Michael Hurtt. A roll call vote for Michael Hurtt as the City's nominee was 6 for, 0 against, and 1 abstention [Mejia].

**MOTION:** Councilmember Daniels made a motion, seconded by Mayor Pro Tem Hairston, to approve Resolution 2011-11-101 authorizing the Mayor to sign a ballot casting the City's vote for Michael Hurtt as the fourth member of the Board of Directors of the Dallas Central Appraisal District. The vote was cast 7 for, 0 against.

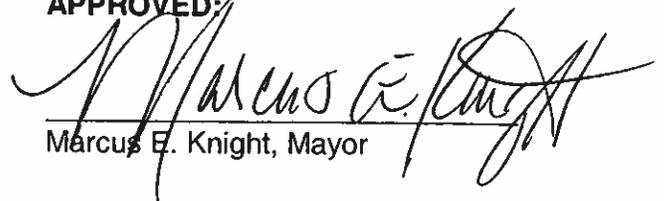
**MOTION:** Mayor Pro Tem Hairston made a motion, seconded by Deputy Mayor Pro Tem Morris, to adjourn. The vote was cast 7 for, 0 against.

The meeting was adjourned at 9:14 p.m.

**ATTEST:**

  
Dolle K. Downe, City Secretary

**APPROVED:**

  
Marcus E. Knight, Mayor