

MINUTES**LANCASTER CITY COUNCIL MEETING OF AUGUST 27, 2012**

The City Council of the City of Lancaster, Texas, met in Regular session in the Council Chambers of City Hall on August 27, 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
LaShonjia Harris
Nina Morris

Councilmember Absent:

Deputy Mayor Pro Tem James Daniels

City Staff Present:

Opal Mauldin Robertson, City Manager
Amber Dorsey, Community Relations Assistant
Sheree Haynes, Finance Director
Sean Johnson, Parks and Recreation Director
Dori Lee, Human Resources Director
Ed Brady, Economic Development Director
Larry Flatt, Police Chief
Thomas Griffith, Fire Chief
Rona Stringfellow Govan, Managing Director Public Works / Development Services
Jim Brewer, Assistant Director Public Works / Development Services
Shwetha Pandurangi, City Engineer
Nathaniel Barnett, Senior Planner
Allen Carsner, Streets & Stormwater Superintendent
Donald McKinney, Water/Wastewater Superintendent
Mark Divita, Airport Manager
Alexis Allen, Associate Attorney
Dolle Downe, City Secretary

Call to Order:

Mayor Knight called the meeting to order at 7:00 p.m. on August 27, 2012.

Invocation:

Parks and Recreation Director Sean Johnson gave the invocation.

Pledge of Allegiance:

Councilmember Morris led the pledge of allegiance.

Citizens Comments:

David Robison, 420 Red Bud Lane, spoke against spraying for mosquitoes commenting that it is bad for other insects and is a serious mistake for people and insects with regard to the environmental impact down the road; stated that the mosquitoes will be worse next year; also asked Council to vote no on the Allied Waste CIP rate increase request.

James Lewis, 818 Katy Street, played an audio tape; stated that it took him twelve days to get enough petition signatures to be on the ballot for Mayor; stated that he ran his campaign by himself and it left him exhausted; stated that he represents disabled people and what they can do.

Consent Agenda:

City Secretary Downe read the consent agenda.

- 1C. Consider approval of minutes from the City Council Regular Meeting held August 13, 2012, Emergency Meeting held August 16, 2012 and Special Meeting held August 21, 2012.
- 2C. Consider Resolution 2012-08-63 approving the terms and conditions of an Interlocal Agreement by and between the City of Lancaster and Dallas County Health and Human Services to provide health services.
- 3C. Consider Resolution 2012-08-64 approving the terms and conditions of a Master Interlocal Agreement by and between Dallas County and the City of Lancaster for transportation related maintenance on certain designated roadways and a Project Specific Agreement by and between Dallas County and the City of Lancaster for the reconstruction and/or overlay of roadways, that is: Hammond Avenue blocks 100E through 300E, Oak Street blocks 100 through 300, Henry Street blocks 700 through 1000; and Walnut Street blocks 100 through 400.
- 4C. Consider Resolution 2012-08-65 approving the terms and conditions of the City owned T-hangar commercial lease from building 670 at the Lancaster Regional Airport.
- 5C. Consider an ordinance amending Ordinance No. 2006-03-09 by amending the City of Lancaster Master Thoroughfare Plan and maps and amending the Comprehensive Land Use Plan to incorporate the amended Master Thoroughfare Plan.
- 6C. Consider Resolution 2012-08-66 authorizing Dallas County to resell tax foreclosed property by public or private sale, to the highest qualified purchaser, as provided by Section 34.05 of the Texas Property Tax Code.
- 7C. Consider an ordinance amending the fiscal year 2011-2012 official budget, adopted by Ordinance 2011-09-25, as amended, by increasing General Fund within the General Fund account in the amount of seventeen thousand three hundred and thirteen dollars (\$17,313), by making an inter-fund transfer from the General Fund Undesignated Reserve in the amount of seventeen thousand three hundred and thirteen dollars (\$17,313) to the General Fund.
- 8C. Consider an ordinance amending the Beltline Ashmoore Public Improvement District Five Year Service Plan, as adopted by Ordinance No. 2011-08-23, by realigning line item expenses in the Beltline Ashmoore Public Improvement District Five Year Service Plan for fiscal year 2011/2012 by a total of \$5,200.

- 9C. Consider Resolution 2012-08-67 approving the terms and conditions of a professional services agreement with Brown and Gay Engineers, Inc. to perform engineering services and construction in connection with the project known as the Main Street-Beltline Road Bridge Rehabilitation Project for the rehabilitation and repair of the Main Street-Beltline Road Bridge located at 728 W. Beltline Road in an amount not to exceed \$99,500.**

Mayor Pro Tem Mejia pulled item 3C from the consent agenda. Councilmember Weaver pulled item 7C. Councilmember Morris pulled item 8C.

MOTION: Mayor Pro Tem Mejia made a motion, seconded by Councilmember Morris, to approve consent items 1C, 2C, 4C - 6C and 9C. The vote was cast 6 for, 0 against [Daniels absent].

Mayor Pro Tem Mejia asked the City Manager to comment on the proposed roadway repairs [item 3C]. City Manager Mauldin Robertson stated these road segments have been identified by the City's Integrated Pavement Management System as high priority and the City is able to partner with Dallas County Public Works for repair and reconstruction using funds budgeted for street maintenance within the Sanitation Fund.

Mayor Pro Tem Mejia commented that he and Councilmember Weaver have pushed for these roadway repairs and he is pleased to see these repairs on the agenda.

MOTION: Mayor Pro Tem Mejia made a motion, seconded by Councilmember Morris, to approve Resolution 2012-08-64 [item 3C] as presented. The vote was cast 6 for, 0 against [Daniels absent].

Councilmember Weaver asked why the Court Marshal was not originally included in the budget [item 7C]. City Manager Mauldin Robertson stated the police officer serving as the Marshal was placed back into patrol duties which necessitated hiring a part-time Deputy Court Marshal for warrant work.

MOTION: Councilmember Weaver made a motion, seconded by Mayor Pro Tem Mejia, to approve an ordinance amending the fiscal year 2011-2012 official budget as presented [item 7C]. The vote was cast 6 for, 0 against [Daniels absent].

Councilmember Morris passed comment to Councilmember Harris. Councilmember Harris asked about the \$5,200 expenditure in the Beltline Ashmoore PID budget [item 8C]. City Manager Mauldin Robertson stated the cost was for the repair of the brick wall that was damaged during the April 3, 2012 tornado and that this expenditure necessitated realigning the PID budget for fiscal year 2011/2012 to cover the unexpected expense.

MOTION: Councilmember Morris made a motion, seconded by Councilmember Jaglowski to approve an ordinance amending the Beltline Ashmoore Public Improvement District Five Year Service Plan as presented [item 8C]. The vote was cast 6 for, 0 against [Daniels absent].

10. **Conduct a public hearing and discuss an ordinance levying ad valorem taxes for fiscal year 2012-2013 at \$0.8675 per one hundred dollars assessed valuation of all taxable property within the corporate limits to provide revenues for current expenses and interest and sinking fund requirements; providing due and delinquent dates; penalties and interest; and providing a homestead exemption and disability exemption.**

City Manager Mauldin Robertson stated that the tax rate for fiscal year 2012-2013 is proposed to remain the same at \$0.8675 per \$100 assessed value to be apportioned at \$0.6012 for maintenance and operations and \$0.2663 for interest and sinking fund requirements. City Manager Mauldin Robertson noted a total tax revenue decrease from properties on the tax roll in the preceding tax year by 3.68%.

Councilmember Morris thanked the City Manager and staff for keeping the tax rate the same.

Mayor Pro Tem Mejia commented that it is important to keep the tax rate the same.

Mayor Knight opened the public hearing.

Speaking regarding the proposed tax rate:

David Robison, 420 Red Bud Lane, commended Council and staff for working the numbers and asked if things get worse, where does that leave the City; commented that it may be beneficial to go ahead and raise the tax rate, let him pay what he budgeted to pay for property tax, which increases revenue to the City; stated that costs for the City next year will not be lower; urged Council to find a happy medium and not postpone a decline in property tax revenue for Council to deal with down the road.

Carolyn Morris, 887 Wintergreen Road, thanked Council for the tax rate remaining the same; commented that the City needs to look at bringing in more businesses, not trucks and logistic businesses; stated that the trucks will tear up newly reconstructed roads like Houston School Road; commented that the vision for the City is not a warehouse city and that citizens would like to spend their dollars in the community.

Councilmember Morris commented that the proposed budget included projections for revenue and expenditures through 2017 which has not previously been done and indicated that the five year picture is helpful in determining where to set the tax rate.

There were no other speakers.

Donna Lee, 527 E. Reindeer Road, did not wish to speak but requested that her opposition to the tax rate be noted in the record.

MOTION: Councilmember Morris made a motion, seconded by Mayor Pro Tem Mejia, to close the public hearing and set consideration of the tax rate for fiscal year 2012-2013 at the Council meeting on September 10, 2012 at 7 p.m. The vote was cast 6 for, 0 against [Daniels absent].

City Council Meeting
August 27, 2012
Page 5 of 15

11. **Conduct a public hearing and discuss an ordinance approving and adopting a budget for the fiscal year beginning October 1, 2012 and ending September 30, 2013; providing that expenditures for said fiscal year shall be in accordance with said budget.**

City Manager Mauldin Robertson noted the proposed fiscal year 2012-2013 budget expenditures are \$51,867,747 for all funds which utilizes the existing tax rate.

Mayor Knight opened the public hearing.

Speaking regarding the proposed budget:

Carolyn Morris, 887 Wintergreen Road, stated in preparing the budget that consideration should be given to education and training because training is imperative for staff and Council; commented that she would be pleased to see her tax dollars go toward training.

James Lewis, 818 Katy Street, commented that it is important that programs for jobs and black contractors are available to help people work and asked if there are any funds allocated for such programs and to help people in the community.

David Robison, 420 Red Bud Lane, commented that in looking at the proposed budget handout, it appears the City is already in the hole, commenting that based on the projections, the tax rate may not be sufficient.

Mayor Knight commented that the City does offer budget Town Hall meetings that are a great opportunity to help citizens understand the budget and the strategies for determining the proposed budget.

There were no other speakers.

MOTION: Councilmember Morris made a motion, seconded by Mayor Pro Tem Mejia, to close the public hearing and set a second public hearing and consideration of the proposed budget for fiscal year 2012-2013 at the Council meeting on September 10, 2012 at 7 p.m. The vote was cast 6 for, 0 against [Daniels absent].

12. **Conduct a Public Hearing and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Beltline Ashmoore Public Improvement District; providing for: findings of benefits accrued, accepting five year service plan, recording final assessment onto tax roll, setting the assessment levy, establishing a method of payment and assessment due.**

Mayor Knight opened the public hearing.

Speaking regarding the proposed Beltline Ashmoore PID:

James Lewis, 818 Katy Street, stated he is concerned about jobs and asked how many black contractors are used in the City. Mayor Knight stated that this public hearing is for the Beltline Ashmoore PID and indicated Mr. Lewis could make an appropriate open records request or visit with staff regarding the number/type of contractors.

There were no other speakers.

MOTION: Councilmember Morris made a motion, seconded by Mayor Pro Tem Mejia, to close the public hearing. The vote was cast 6 for, 0 against [Daniels absent].

Councilmember Morris asked to clarify the collection process for PID's. City Manager Mauldin Robertson stated that the County Tax Collector collects the PID's fees and remits them to the City with the City property taxes. The City disperses the monies received on a reimbursement basis according to the approved service plan.

Councilmember Harris commented on the notice to residents regarding the PID and methods of informing residents about the service plan. City Manager Mauldin Robertson noted that an annual meeting is required and a notice is mailed to all residents of the PID outlining requirements thus giving residents opportunity to contact their advisory board or ask questions of City staff in addition to the required public hearing. Councilmember Harris commented that it may be difficult for some to understand the notice if not familiar with the terms stating that her request is that the City do a better job in the readability of the letter and in working with the advisory boards and residents to provide education regarding the PID's. City Manager Mauldin Robertson commented that certain language in the notice is legally required. Mayor Knight commented that there is opportunity for additional discussion about the process and will make sure it is addressed.

MOTION: Councilmember Weaver made a motion, seconded by Mayor Pro Tem Mejia, to approve an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Beltline Ashmoore Public Improvement District as presented. The vote was cast 6 for, 0 against [Daniels absent].

- 13. Conduct a Public Hearing and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Boardwalk Public Improvement District; providing for: findings of benefits accrued, accepting five year service plan, recording final assessment onto tax roll, setting the assessment levy, establishing a method of payment and assessment due.**

Mayor Knight opened the public hearing.

Speaking regarding the proposed Boardwalk PID:

Judith Johnson, 1340 Illinois Avenue, stated that she did not understand about the PID and was unable to attend the August 13 meeting to ask questions. Mayor Knight stated that staff would take her name and number and follow up with her.

There were no other speakers.

City Council Meeting
August 27, 2012
Page 7 of 15

MOTION: Councilmember Weaver made a motion, seconded by Councilmember Jaglowski, to close the public hearing. The vote was cast 6 for, 0 against [Daniels absent].

MOTION: Councilmember Weaver made a motion, seconded by Councilmember Jaglowski, to approve an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Boardwalk Public Improvement District as presented. The vote was cast 6 for, 0 against [Daniels absent].

Councilmember Morris asked about HOA information being available on City website. City Manager Mauldin Robertson noted that HOA and PID information is on the City website. Councilmember Harris stressed the importance of an individual receiving information in the mail and understanding what it means. Mayor Knight made a general comment saying that items must be on a posted agenda for Council to be able to discuss a matter in depth and that he hears Councilmember Harris' concerns and the concerns will be addressed. Mayor Pro Tem Mejia commented that he supports Councilmember Harris with regard to her concerns.

14. **Conduct a Public Hearing and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Glendover Estates Public Improvement District; providing for: findings of benefits accrued, accepting five year service plan, recording final assessment onto tax roll, setting the assessment levy, establishing a method of payment and assessment due.**

Mayor Knight opened the public hearing.

There were no speakers.

MOTION: Councilmember Weaver made a motion, seconded by Mayor Pro Tem Mejia, to close the public hearing. The vote was cast 6 for, 0 against [Daniels absent].

MOTION: Councilmember Weaver made a motion, seconded by Councilmember Jaglowski, to approve an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Glendover Public Improvement District as presented. The vote was cast 6 for, 0 against [Daniels absent].

15. **Conduct a Public Hearing and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Lancaster Mills Public Improvement District; providing for: findings of benefits accrued, accepting five year service plan, recording final assessment onto tax roll, setting the assessment levy, establishing a method of payment and assessment due.**

Mayor Knight opened the public hearing.

There were no speakers.

MOTION: Councilmember Weaver made a motion, seconded by Mayor Pro Tem Mejia, to close the public hearing. The vote was cast 6 for, 0 against [Daniels absent].

MOTION: Mayor Pro Tem Mejia made a motion, seconded by Councilmember Jaglowski, to approve an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Lancaster Mills Public Improvement District as presented. The vote was cast 6 for, 0 against [Daniels absent].

16. **Conduct a Public Hearing and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Meadowview Public Improvement District; providing for: findings of benefits accrued, accepting five year service plan, recording final assessment onto tax roll, setting the assessment levy, establishing a method of payment and assessment due.**

Mayor Knight opened the public hearing.

There were no speakers.

MOTION: Councilmember Weaver made a motion, seconded by Mayor Pro Tem Mejia, to close the public hearing.

Diana Melcher, 1520 Golden Grass Drive, offered suggestions about getting the message out regarding Public Improvement Districts (PID) suggesting that when the information is sent out that the service plan be on the back side of the letter and to provide information regarding the five year service plan on the City website.

The vote was cast 6 for to close the public hearing, 0 against [Daniels absent].

MOTION: Mayor Pro Tem Mejia made a motion, seconded by Councilmember Jaglowski, to approve an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Meadowview Public Improvement District as presented. The vote was cast 6 for, 0 against [Daniels absent].

17. **Conduct a Public Hearing and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Rolling Meadows Public Improvement District; providing for: findings of benefits accrued, accepting five year service plan, recording final assessment onto tax roll, setting the assessment levy, establishing a method of payment and assessment due.**

Mayor Knight opened the public hearing.

There were no speakers.

City Council Meeting
August 27, 2012
Page 9 of 15

MOTION: Councilmember Weaver made a motion, seconded by Councilmember Jaglowski, to close the public hearing. The vote was cast 6 for, 0 against [Daniels absent].

MOTION: Mayor Pro Tem Mejia made a motion, seconded by Councilmember Jaglowski, to approve an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Rolling Meadows Public Improvement District as presented. The vote was cast 6 for, 0 against [Daniels absent].

18. **Conduct a Public Hearing and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Tribute at Mills Branch and Tribute East at Mills Branch Public Improvement District; providing for: findings of benefits accrued, accepting five year service plan, recording final assessment onto tax roll, setting the assessment levy, establishing a method of payment and assessment due.**

Mayor Knight opened the public hearing.

There were no speakers.

MOTION: Councilmember Weaver made a motion, seconded by Mayor Pro Tem Mejia, to close the public hearing. The vote was cast 6 for, 0 against [Daniels absent].

MOTION: Mayor Pro Tem Mejia made a motion, seconded by Councilmember Morris, to approve an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Tribute and Tribute East at Mills Branch Public Improvement District as presented. The vote was cast 6 for, 0 against [Daniels absent].

19. **Conduct a Public Hearing and consider an ordinance amending the Lancaster Development Code and map of the City of Lancaster, Texas, as heretofore amended, by adding Section 14.556, April 3, 3012 Tornado Recovery Overlay District, regarding special development requirements for redevelopment of totally or partially damaged single family homes located in tornado-stricken areas.**

Senior Planner Barnett made a presentation on the Tornado Recovery Overlay District noting that this overlay would allow property owners affected by the April 3, 2012 tornado to rebuild their homes as they existed prior to the tornado and would allow property owners who sustained severe damage resulting in the demolition of their homes to be able to rebuild without having to adhere to the current minimum square footage or increased side yard setbacks as required by the Lancaster Development Code. The overlay district would be in affect for twelve months.

Mayor Pro Tem Mejia asked if the property was sold if the overlay district would still apply. Senior Planner Barnett indicated it would. Mayor Pro Tem Mejia asked about vacant property. Senior Planner Barnett stated that new property owners would have to comply with the Lancaster Development code.

Councilmember Weaver asked if property owners could rebuild a garage. Senior Planner Barnett indicated if the property previously had a garage they could rebuilt it.

Councilmember Jaglowski confirmed that the overlay district would be in affect for one year and asked about permit fees. Senior Planner Barnett indicated for repairs there are no fees, but if the property was totally rebuilt there are permit fees.

Councilmember Morris asked about property owners who were opposed. Senior Planner Barnett commented five responses were received opposing the overlay district. Councilmember Morris asked about the notices. Senior Planner Barnett stated that notices were sent to every resident in the 5 identified neighborhoods as well as to property owners 200 feet around the overlay district.

Mayor Knight opened the public hearing.

Speaking regarding the Tornado Recovery Overlay District were:

Vic Buchanon, 1243 Margaret Court, thanked Council for considering this matter; commented that if someone is not planning to rebuild, the house needs to be torn down as a matter of safety and to protect the neighborhood; commented that the notices went out on a Thursday and response was due the following Monday, saying that citizens needed more than four days to respond and at least a week was desirable.

City Manager Mauldin Robertson commented that the City staff has taken action to contact property owners where homes are vacant and that action regarding those homes has to go through a process before demolition can take place.

Carolyn Morris, 887 Wintergreen Road, commented that she supports this overlay district, but noted her address must have been left off of the mailing because she did not receive notice; stated there is concern about the uninhabited houses as they pose a safety issue, particularly for children.

James Lewis, 818 Katy Street, expressed concern about young men in the community being able to work. Mayor Knight noted that this public hearing is related to the tornado overlay district. Mr. Lewis asked about the plan to put young men and women to work stating that his non-profit could assist. Mayor Knight suggested he submit a proposal to the City.

There were no other speakers.

MOTION: Councilmember Morris made a motion, seconded by Mayor Pro Tem Mejia, to close the public hearing. The vote was cast 6 for, 0 against [Daniels absent].

MOTION: Councilmember Weaver made a motion, seconded by Councilmember Jaglowski, to approve an ordinance amending the Lancaster Development Code and map of the City of Lancaster, Texas, by adding Section 14.556, April 3, 3012 Tornado Recovery Overlay District, regarding special development requirements for redevelopment of totally or partially damaged single family homes located in tornado-stricken areas. The vote was cast 6 for, 0 against [Daniels absent].

City Council Meeting
August 27, 2012
Page 11 of 15

20. **Conduct a Public Hearing and consider an ordinance amending the Comprehensive Zoning Ordinance and map of the City of Lancaster, Texas, as heretofore amended, by granting a change in zoning from Commercial Highway (CH) to Light Industrial (LI) on property generally located approximately 540+ feet south of the intersection of Kirkland Road and Meadowlark Lane, with physical address as 1451, 1455 and 1459 Meadowlark Lane and being approximately 3.35 acres of land.**

Senior Planner Barnett outlined the request for rezoning of three lots fronting Meadowlark Lane which will be combined with an adjacent lot fronting Interstate 35E which is presently zoned Light Industrial.

Councilmember Jaglowski asked about landscaping requirements. Senior Planner Barnett noted that the applicant would have to comply with all landscaping requirements.

Joe Rust [applicant] 440 Gingerbread Lane, Waxahachie, requested the Council's favorable consideration noting that the property is ideally suited for what they are planning saying that the trees on the property act as a natural screen.

Mayor Pro Tem Mejia asked how much they plan to spend. Mr. Rusk estimated in the ballpark of \$1.5 million and that they have the land under contract. Mayor Pro Tem Mejia noted that this development would be an asset for the community.

Mayor Knight opened public hearing.

There were no other speakers regarding the request for rezoning.

MOTION: Councilmember Morris made a motion, seconded by Councilmember Jaglowski, to close the public hearing. The vote was cast 6 for, 0 against [Daniels absent].

MOTION: Mayor Pro Tem Mejia made a motion, seconded by Councilmember Jaglowski, to approve an ordinance amending the Comprehensive Zoning Ordinance and Map by granting a change in zoning from Commercial Highway (CH) to Light Industrial (LI) on property generally located approximately 540+ feet south of the intersection of Kirkland Road and Meadowlark Lane, with physical address as 1451, 1455 and 1459 Meadowlark Lane and being approximately 3.35 acres of land. The vote was cast 6 for, 0 against [Daniels absent].

21. **Conduct a Public Hearing and consider an ordinance approving and adopting the Roadway Impact Fee Report dated July 2012, including amendments to the land use assumptions, the Thoroughfare Impact Fee Improvement Program and changes to the Impact Fee calculations; amending Chapter 10, Article 10.1100 of the Lancaster Code of Ordinances.**

- 22. Conduct a Public Hearing and consider an ordinance approving an amended Water and Wastewater Impact Fee Report dated July 2012, adopting the Impact Fee analysis contained within the Water and Waste Water Impact Fee Report, amending Impact Fee calculations and adopting revised Impact Fees; amending Chapter 10, Article 10.1200 of the Lancaster Code of Ordinances by repealing Sections 10.1205, 10.1206 and 10.1207 of the Code of Ordinances.**

Senior Planner Barnett noted that both the items addressed adoption of the respective study and impact fees. Jeff Whitaker with Kimberly Horne gave a brief presentation regarding the roadway impact fees. Scott Cole with Freese and Nichols provided a brief presentation on the water and waste water report and impact fees.

Mayor Knight opened the public hearing for the Roadway Impact Fee Report and fees [item #21].

There were no speakers regarding the study and roadway impact fees.

MOTION: Councilmember Jaglowski made a motion, seconded by Mayor Pro Tem Mejia, to close the public hearing. The vote was cast 6 for, 0 against [Daniels absent].

MOTION: Councilmember Morris made a motion, seconded by Councilmember Jaglowski, to approve an ordinance adopting the Roadway Impact Fee Report dated July 2012, including amendments to the Land Use Assumptions, the Thoroughfare Impact Fee Improvement Program and changes to the Impact Fee calculations as presented. The vote was cast 6 for, 0 against [Daniels absent].

Mayor Knight opened the public hearing for the Water and Waste Water Report and fees [item #22].

There were no speakers regarding the study and water and waste water fees.

MOTION: Councilmember Jaglowski made a motion, seconded by Councilmember Morris, to close the public hearing. The vote was cast 6 for, 0 against [Daniels absent].

Councilmember Morris noted that the impact fees are being reduced and only impact future development.

MOTION: Mayor Pro Tem Mejia made a motion, seconded by Councilmember Jaglowski, to approve an ordinance approving an amended Water and Wastewater Impact Fee Report dated July 2012, adopting the Impact Fee analysis contained within the Water and Waste Water Impact Fee Report, amending Impact Fee calculations and adopting revised Impact Fees as presented. The vote was cast 6 for, 0 against [Daniels absent].

- 23. Discuss and consider Resolution 2012-08-68 approving a Consumer Price Index (CPI) rate increase request by Republic (Allied) Waste Services.**

City Council Meeting
August 27, 2012
Page 13 of 15

City Manager Mauldin Robertson outlined the request by Allied Waste for a Consumer Price Index rate increase as provided in their contract with the City. City Manager Mauldin Robertson noted that the increase could be absorbed by the fund balance within the Sanitation Fund and would not be passed on to citizens.

Mayor Pro Tem Mejia asked if staff had approached Allied Waste about postponing the rate increase request. City Manager Mauldin Robertson stated that annually staff always talks with Allied Waste about the CPI rate increase and based on conversations this year, Allied Waste has had increased hauling costs.

Councilmember Weaver stated that the bulk trash pick-up is behind and that the City deserves better service before any increase in rates.

Mayor Knight noted that it is important that the City continue to monitor the service and address areas of concern.

Councilmember Weaver stated that he has received numerous calls about bulk collection being behind more than two months and is asked why. He stated that the City should get what they are already paying for.

Councilmember Morris asked if fees have ever been reduced commenting that she had not seen a reduction even when gasoline prices went down.

Brenda Lalonde, Government Relations Manager with Allied Waste commented that in her tenure there have been some decreases in the CPI possibly in 2008. Ms. Lalonde explained how the CPI index works and noted Allied Waste doesn't just pick a number.

Councilmember Morris asked if Ms. Lalonde cared about the City and if she had ever tried to postpone the rate increase. Ms. Lalonde stated that she does care about the City and has been the representative here five or six years. She commented that Allied Waste has been involved in the community saying that the decision to postpone a rate increase would have to come from senior management.

Councilmember Weaver commented he was not concerned about bulk pick-up in April or May [following the tornado] and his concern is about this month and two months ago. Councilmember Weaver said Allied Waste should service the contract.

Councilmember Jaglowski asked when the current contract expires. City Manager Mauldin Robertson stated that it expires in 2015 but the matter will come before Council for discussion sooner because the City is required to give eighteen months notice prior to the expiration date regarding whether they intend to go out to bid or discuss renewal options.

Mayor Pro Tem Mejia asked when was the last CPI increase. City Manager Mauldin Robertson stated it was last year. Mayor Pro Tem Mejia said that the contract is horrible, and we should table the item and talk with Allied Waste about the lack of service and the City's expectations.

City Manager Mauldin Robertson said that staff did meet with senior management and discussed concerns expressed by Councilmember Weaver and others about the service noting that a log is maintained about service issues.

Councilmember Harris asked for clarification about the expiration date of the contract. City Manager Mauldin Robertson stated that it expires in 2015; however, there is a notice requirement of eighteen months in the contract regarding the City's intent. Councilmember Harris asked when the last time the contract was taken out to bid. City Manager Mauldin Robertson stated that it was presented to Council in 2008. Councilmember Harris commented that she has received several calls regarding bulk trash pick-up and it is a great concern.

Mayor Knight stated that it is clear there is a sense of concern with certain aspects of the contract but that we need to adhere to stipulations in the contract. Mayor Knight stated that we need to work with staff to document concerns and complaints using methodology to determine the level of performance. Mayor Knight indicated that from a professional standpoint, he knows there have been times when there was a decrease in the CPI, although not the case in this community. Mayor Knight commented that he does not know what tabling the matter gets the City as the facts are clear about the options now and that we need to think long term about what the City wants in the way of a contract for solid waste collection.

Mayor Pro Tem Mejia commented that even if the rate increase is not passed on to the citizens and is absorbed by the fund, it still is taxpayers' money in the fund.

MOTION: Mayor Pro Tem Mejia made a motion, seconded by Councilmember Jaglowski, to table the rate increase request and direct the City Manager to speak with Allied Waste regarding postponing this year's CPI rate increase.

City Manager Mauldin Robertson stated that she has met with the Operations Manager and asked for clarification from Council regarding what they desire her to do.

City Council directed City Manager Mauldin Robertson to make a written request to Allied Waste Services' management requesting they rescind the CPI rate increase request.

Councilmember Harris stated that service failure to collect bulk trash impacts how the City looks and property values.

The vote was cast 5 for, 1 against [Knight] [Daniels absent].

24. **Discuss and consider an ordinance authorizing the City Manager or designee to undertake mosquito abatement methods; providing for the City Manager or designee to authorize and enter into an agreement with pesticide control companies or other government agencies for the purpose of abating conditions relating to the breeding and harboring of mosquitoes; and providing for a sunset provision.**

City Council Meeting
August 27, 2012
Page 15 of 15

City Manager Mauldin Robertson noted that this is a follow up to the emergency meeting held August 16, 2012, and that the City continues to monitor mosquito activity through daily mosquito surveillance conducted by Dallas County, noting that the entire City is now scheduled for ground spraying this Friday and Saturday.

Councilmember Morris asked about cost to the City. City Manager Mauldin Robertson stated there is no cost to the City for the ground spraying under the health services contract with Dallas County.

MOTION: Councilmember Jaglowski made a motion, seconded by Mayor Pro Tem Mejia, to approve an ordinance authorizing the City Manager or designee to undertake mosquito abatement methods as presented. The vote was cast 5 for, 1 against [Weaver] [Daniels absent].

25. Discuss and consider Resolution 2012-08-69 providing for the adoption of the new Master Fee Schedule for all fees and charges assessed and collected by the City of Lancaster.

City Manager Mauldin Robertson noted that the City Council had reviewed proposed revisions to the Master Fee Schedule at their work session on July 23, 2012.

MOTION: Councilmember Jaglowski made a motion, seconded by Councilmember Harris, to approve Resolution 2012-08-69 adopting the new Master Fee Schedule as presented. The vote was cast 5 for, 1 against [Morris] [Daniels absent].

MOTION: Councilmember Weaver made a motion, seconded by Councilmember Morris, to adjourn. The vote was cast 6 for, 0 against [Daniels absent].

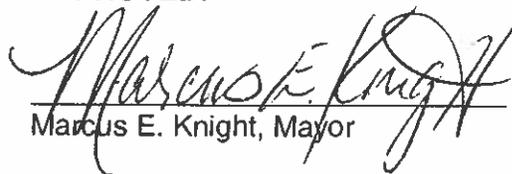
The meeting was adjourned at 9:11 p.m.

ATTEST:



Dolle K. Downe, City Secretary

APPROVED:



Marcus E. Knight, Mayor