

**MINUTES****LANCASTER CITY COUNCIL MEETING OF SEPTEMBER 10, 2012**

The City Council of the City of Lancaster, Texas, met in Regular session in the Council Chambers of City Hall on September 10, 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  
Deputy Mayor Pro Tem James Daniels  
LaShonjia Harris  
Nina Morris

**City Staff Present:**

Opal Mauldin Robertson, City Manager  
Cheryl Womble, Executive Assistant to the City Manager  
Sheree Haynes, Finance Director  
Sean Johnson, Parks and Recreation Director  
Dori Lee, Human Resources Director  
Ed Brady, Economic Development Director  
Larry Flatt, Police Chief  
M. C. Smith, Assistant 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  
Donald McKinney, Water/Wastewater Superintendent  
Mark Divita, Airport Manager  
Robert E. Hager, City Attorney [left following Executive Session]  
Dolle Downe, City Secretary

**Call to Order:**

Mayor Knight called the meeting to order at 7:00 p.m. on September 10, 2012.

**Invocation:**

Pastor John Richardson with Zion Chapel gave the invocation.

**Pledge of Allegiance:**

Councilmember Weaver led the pledge of allegiance.

**Citizens Comments:**

Rusty Lemley, 2515 Parkerville Road, asked for an investigation regarding the horse [previously reported potential animal abuse matter] and how it could have fallen through the cracks; asked Council for education to all regarding rescue of animals and how to help those that may need help; suggested education through the HOA's and neighborhood watch groups; stated she had no reason to apologize for reporting the matter.

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James Adams, 2003 Hash Road, commented that the proposed budget is over \$51 million and that the City is taking in less than last year; stated that the City is overextending itself and not doing necessary road repairs; commented that the City should make adjustments in their spending and make necessary cuts; stated that the situation is worrisome, particularly in light of future annexation.

### **Executive Session:**

At 7:08 p.m. Council recessed to go into Executive Session. At 7:09 p.m. the Council convened into closed Executive Session pursuant to:

1. **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.**
2. **Reconvene into open session. Consider and take appropriate action(s), if any, on executive session matters.**

The City Council recessed from Executive Session at 7:47 p.m. and reconvened into open session at 7:49 p.m.

No action was taken following the Executive Session.

### **Consent Agenda:**

City Secretary Downe read the consent agenda.

- C3. **Consider approval of minutes from the City Council Regular Meeting held August 27, 2012.**
- C4. **Consider a resolution adopting the City of Lancaster Investment Policy providing that all funds of the City be managed and invested for safety, liquidity, diversification and yield and that investments be chosen in a manner which promotes diversity by market sector, credit and maturity; providing that is policy serve to satisfy the requirements of Chapter 2256 Public Funds Investment Act.**
- C5. **Consider a resolution adopting the City of Lancaster Financial Policy Statements**
- C6. **Consider a resolution approving the terms and conditions of the City owned T-Hangar non-commercial lease from building 680 at the Lancaster Regional Airport.**
- C7. **Consider a resolution approving the terms and conditions of the City owned T-Hangar non-commercial lease from building 690 at the Lancaster Regional Airport.**
- C8. **Consider a resolution approving the terms and conditions of an Interlocal Agreement by and between the City of Lancaster and the Texas Department of Public Safety for the failure to appear program offered by the drivers license division under Texas Transportation Code Chapter 706.**

**MOTION:** Councilmember Weaver made a motion, seconded by Deputy Mayor Pro Tem Daniels, to approve consent items C3 – C8. The vote was cast 7 for, 0 against.

9. **Conduct a public hearing and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Millbrook East 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 Morris made a motion, seconded by Councilmember Jaglowski, to close the public hearing. The vote was cast 7 for, 0 against.

**MOTION:** Councilmember Morris made a motion, seconded by Deputy Mayor Pro Tem Daniels, to approve an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Millbrook East Public Improvement District as presented. The vote was cast 7 for, 0 against.

10. **Conduct a public hearing and consider an ordinance of the City of Lancaster, Texas, approving and adopting a budget for the fiscal year beginning October 1, 2012 and ending September 30, 2013; providing that expenses for said fiscal year shall be in accordance with said budget.**

Mayor Knight opened the public hearing.

There were no speakers.

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

**MOTION:** Deputy Mayor Pro Tem Daniels made a motion, seconded by Councilmember Morris, to approve an ordinance approving and adopting a budget for the fiscal year beginning October 1, 2012 and ending September 30, 2013 as presented. The vote was cast 6 for, 1 against [Mejia].

11. **Discuss and consider 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.**

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

Councilmember Morris commended staff for their work on the budget and for keeping the tax rate the same.

**MOTION:** Councilmember Morris made a motion, seconded by Deputy Mayor Pro Tem Daniels, to approve 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 as presented. The vote was cast 7 for, 0 against.

**12. Discuss and consider a resolution ratifying the budget for the fiscal year 2012-2013 that results in a decrease of revenues from property taxes than previous years.**

City Manager Mauldin Robertson noted that state law requires ratification of the budget as adopted with specific language in the motion as outlined in the agenda communication.

Councilmember Weaver stated that there is a decrease in revenues and an increase in the City spending and that he has a problem with the City spending more money than we are taking in. He commented that Council reviewed the budget line by line looking for some way to cut expenses. Councilmember Weaver stated that he thinks it is irresponsible to offer a cost of living adjustment of \$1,000 to employees when revenues have declined, commenting that the employees do deserve a raise, but this cost of living adjustment will be less than \$100 a month and costs the City a whole lot of money.

Deputy Mayor Pro Tem Daniels stated that the cost of living adjustment is a great gesture for employees who have not had a raise since 2006; he would like it to be more, but the City simply cannot afford more at this time.

Mayor Pro Tem Mejia stated that it is an issue of declining revenues for the City and that expenditures have to go down, saying the trend is clearly downward for revenues. Mayor Pro Tem Mejia stated that he wishes the employees could have a raise as there are many employees that work hard, but he does not want to see a situation where this year there is an adjustment and next year there is not or worse, employees are laid off. Mayor Pro Tem Mejia commented that the economy is in a bad recession, adding that we have annexed and the budget should reflect that and we should not take on more and have irresponsible growth that the City cannot maintain.

Councilmember Morris stated that we need consistency in our employees and do not want good staff to leave the City. Councilmember Morris stated that investing in staff is the first step necessary for continued growth in the City.

**MOTION:** Councilmember Weaver made a motion, seconded by Mayor Pro Tem Mejia, to remove the cost of living adjustment from the budget.

Mayor Knight commented that the budget has been adopted [item 10] and that this item is to ratify the budget as required by state law.

Councilmember Weaver withdrew the motion and asked how the budget could be reconsidered. City Attorney Hager [via telephone conference] indicated that it would be necessary to place the matter on the next regular meeting agenda and first take a vote of the governing body to determine if the majority did wish to reconsider the adopted budget.

**MOTION:** Councilmember Morris made a motion, seconded by Deputy Mayor Pro Tem Daniels, to approve a resolution which approves the fiscal year 2012/2013 budget that will result in a decrease of revenue from property taxes than the previous year and to ratify a property tax revenue decrease reflected in said budget. The vote was cast 6 for, 1 against [Weaver].

**13. Discuss and consider an ordinance establishing Civil Service classifications within the Police and Fire Departments; prescribing the number of positions in each classification.**

City Manager Mauldin Robertson stated that this ordinance outlines the classifications for the Police and Fire Departments as required under Civil Service law.

**MOTION:** Deputy Mayor Pro Tem Daniels made a motion, seconded by Councilmember Jaglowski, to approve an ordinance establishing Civil Service classifications within the Police and Fire Departments and prescribing the number of positions in each classification. The vote was cast 7 for, 0 against.

**14. Discuss and consider a resolution approving a Consumer Price Index (CPI) rate increase request by Republic (Allied) Waste Services.**

City Manager Mauldin Robertson stated that Council had tabled the rate request at their August 27, 2012 Council meeting and directed her to send a letter to the General Manager requesting that Allied Waste consider rescinding the rate increase request. City Manager Mauldin Robertson stated that she had sent the letter and Mr. Rick Bernas, General Manager was in attendance. City Manager Mauldin Robertson indicated that staff recommends approving the rate increase and allow it be absorbed by the Sanitation Fund and not passed on to the citizens.

Mayor Pro Tem Mejia asked if Allied Waste had responded to the letter. City Manager Mauldin Robertson said it was a verbal, not a written response.

**MOTION:** Mayor Pro Tem Mejia made a motion, seconded by Councilmember Harris, to deny the Consumer Price Index (CPI) rate increase request by Allied Waste Services.

Councilmember Morris commented that Allied Waste said no and that the City needed to do what is right and proper under the terms of the contract.

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Councilmember Harris asked Mr. Bernas to speak regarding the matter. Mr. Bernas stated that the company prepares their budget based on potential for CPI increases in light of certain expenses that may rise such as fuel costs. Councilmember Harris stated the request is to consider our residents and work with the City in partnership regarding the rate increase noting that Allied Waste must maintain their part of the agreement, particularly with regard to bulk trash collection. Mr. Bernas indicated fuel costs have increased as well as the cost of using the landfill. Mr. Bernas stated Allied Waste has worked with the City and absorbed some costs immediately following the tornado.

Mr. Bernas commented that they have reviewed the contract and can present something in the near future that he believes the City will be very happy with; however, much of their budget is based on CPI increase and it necessary to let the request stand.

Councilmember Harris commented that all across the nation, we are all being tasked with ways to do more with less and that she understands Allied Waste is not different, but the City asked Allied to consider the request because although the City would not pass on the cost to residents, the increase will be absorbed by the City which uses taxpayer funds.

Councilmember Jaglowski clarified that the current contract allowed for a CPI rate increase. City Manager Mauldin Robertson commented that under Section 14.02 of the contract, a CPI rate increase is permitted.

Mayor Knight noted that a failure to grant the rate request could result in a breach of contract.

Mayor Pro Tem Mejia stated that it was very sad that no one with Allied Waste management could respond and give an opportunity for a working partnership.

The vote was cast 3 for [Mejia, Daniels, Harris], 4 against [Weaver, Jaglowski, Knight, Morris]. The motion fails.

**MOTION:** Deputy Mayor Pro Tem Daniels made a motion, seconded by Councilmember Morris, to approve a resolution approving a Consumer Price Index (CPI) rate increase request by Allied Waste Services.

Councilmember Morris stated that it is responsible to avoid a potential lawsuit.

Councilmember Harris stated that one of her expectations was that at the eighteen month point as called for in the contract, Allied Waste would be notified that we intend to bid the contract.

Councilmember Weaver commented that a contract is a contract and the City has a responsibility to abide by the contract just as Allied Waste does.

Mayor Pro Tem Mejia said he never intended to get into a contract dispute with Allied despite the contract the current Council inherited and that he wanted to work in partnership with Allied.

The vote was cast 6 for, 1 against [Mejia].

**15. Discuss and consider annual appointments to City of Lancaster boards and commissions.**

Mayor Knight stated that an issue related to board and commission applicants serving as campaign treasurers arose late in the afternoon and suggested to Council that appointments be delayed to allow the matter to be resolved.

**MOTION:** Councilmember Weaver made a motion, seconded by Mayor Pro Tem Mejia, to table board and commission appointments to the September 24, 2012 Council meeting. The vote was cast 7 for, 0 against.

**16. Discuss and consider confirmation of nominations made by the Mayor for appointment to the City of Lancaster Zoning Board of Adjustment.**

**17. Discuss and consider appointment of council liaisons to City Boards and Commissions.**

Mayor Knight indicated that his preference would be table Zoning Board of Adjustment appointments and selection of council liaisons as well.

**MOTION:** Councilmember Weaver made a motion, seconded by Mayor Pro Tem Mejia, to table both item 16 and item 17 to the September 24, 2012 Council meeting. The vote was cast 6 for, 1 against [Daniels].

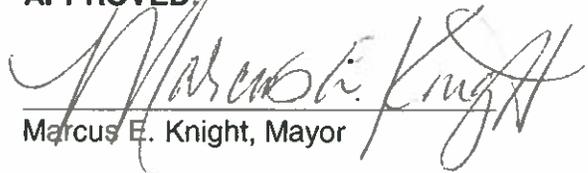
**MOTION:** Councilmember Weaver made a motion, seconded by Mayor Pro Tem Mejia, to adjourn. The vote was cast 7 for, 0 against.

The meeting was adjourned at 8:54 p.m.

**ATTEST:**

  
Dolle K. Downe, City Secretary

**APPROVED:**

  
Marcus E. Knight, Mayor