

MINUTES

LANCASTER CITY COUNCIL MEETING OF JUNE 9, 2014

The City Council of the City of Lancaster, Texas, met in Regular session in the Council Chambers of City Hall on June 9, 2014 at 7:00 p.m. with a quorum present to-wit:

Councilmembers Present:

Mayor Marcus E. Knight
Stanley Jaglowski
Carol Strain-Burk
Marco Mejia
Mayor Pro Tem James Daniels
Deputy Mayor Pro Tem LaShonjia Harris
Nina Morris

City Staff Present:

Opal Mauldin Robertson, City Manager
Rona Stringfellow, Assistant City Manager
Cynthia Pearson, Finance Director
Baron Sauls, Assistant Finance Director
Cheryl Wilson, Police Chief
Thomas Griffith, Fire Chief
Sean Johnson, Managing Director of Quality of Life and Cultural Services
Dori Lee, Human Resources Director
Jim Brewer, Director Public Works
Robert E. Hager, City Attorney
Andy Waits, Water/Wastewater Superintendent
Angie Arenas, City Secretary

Call to Order:

Mayor Knight called the meeting to order at 7:00 p.m. on June 9, 2014.

Invocation:

John Richardson with Ministerial Alliance gave the invocation.

Pledge of Allegiance:

Mayor Marcus E. Knight led the pledge of allegiance.

Proclamation:

Mayor Knight read and presented a proclamation declaring June 9, 2014 as Texas Rangers Day citywide. Sean Johnson Director of Quality of Life and Cultural Services presented a poster with a photo collage of Lancaster's youth baseball participants along with their signatures to a Texas Rangers Foundation representative. The Texas Rangers Foundation representative thanked the City and Council for their support and stated that The Texas Rangers are a team that desires to be a representation of their community. Director Johnson also presented City Council with individual autographed posters of Lancaster's youth baseball participants.

Mayor Knight read a proclamation proclaiming June 14, 2014 as Juneteenth Celebration Day in the City of Lancaster and invited everyone to attend the celebration on Saturday, June 14 from 5 to 9 p.m. at Armstrong Park in Duncanville.

Mayor Knight read a proclamation acknowledging the Lancaster I.S.D. Girls Track Team and their accomplishments. Coach Beverly Humphrey accepted the proclamation and thanked the City and City Council for their acknowledgement and support.

Citizens Comments:

Joe Metcalfe, 508 E. Pleasant Run, Suite 102, speaking on item C5 stated that he was protesting the basis for award on the contract for mowing services. Mr. Metcalfe shared that his company has been in Lancaster for 3 years and since has had 5 contracts with the City. Mr. Metcalfe claims that there was no transparency by staff in making the recommendation for the contract and asks that item C5 be tabled until justification can be given.

Pastor John Richardson, Lancaster Interdenominational Ministerial Alliance, 1004 N. Jefferson, shared that Cedar Valley College was holding a Sustainability Conference Friday, June 13th from 8 a.m. to 5 p.m. and extended an invitation to the community and Council. The conference is a community based effort to finding ways to improve the quality of life through various programs.

Mayor Knight announced that additional information was necessary regarding consent item C5 and item C5 is being pulled from consent agenda.

Consent Agenda:

City Secretary Arenas read the consent agenda.

- C1. Consider approval of minutes from the City Council Regular Meeting held May 19, 2014.**
- C2. Consider a resolution approving the terms and conditions of an Interlocal Agreement by and between the City of Seagoville, Texas, and the City of Lancaster for the cooperative purchase of goods and services.**
- C3. Consider a resolution authorizing an agreement with Automatic Data Processing (ADP) for the procurement of services for payroll processing through an interlocal agreement with The Cooperative Purchasing Network (TCPN).**
- C4. Consider a resolution approving the terms and conditions of a Cooperative Agreement by and between the City of Lancaster and Dallas County Department of Planning and Development to provide Community Development Block Grant (CDBG) and HOME Program funding.**
- C6. Consider a resolution awarding RFP 2014-161 for an annual contract for litter removal services within City of Lancaster rights- of- way and street medians to Good Earth Corporation.**
- C7. Consider a resolution awarding RFP 2014-159 for an annual contract for mowing services at the Lancaster Regional Airport and specified rights-of-way, street medians, HMGP acquired City owned lots, and drainage areas to JBa Land Management LLC.**

Councilmember Strain-Burk pulled items C6 and C7 from consent agenda.

MOTION: Councilmember Strain-Burk made a motion, seconded by Mayor Pro Tem Daniels, to approve consent items C1 – C4. The vote was cast 7 for, 0 against.

- C5. Consider a resolution awarding RFP2014-155 for annual contract of mowing services for code enforcement purposes to Dawn of a New Lawn II.**

Assistant City Manager Rona Stringfellow stated the contract for mowing and cleaning of properties in violation of code and compliance expired on the 31st of May and was a temporary contract. Assistant City Manager Stringfellow stated that this RFP is an annual contract with renewal options which gives staff the opportunity to do evaluations and assure contract compliance.

Mr. Metcalfe with Metcalfe Grounds Maintenance submitted a protest prior to the meeting and Assistant City Manager Stringfellow read the protest into the record.

METCALFE GROUNDS MAINTENANCE
508 E. Pleasant Run, Suite 102
Lancaster Texas 75146

June 9, 2014

SENT VIA EMAIL AND HAND CARRIED

City of Lancaster Texas
ATTN: Sorangel Arenas, City Secretary
211 N. Henry Street
Lancaster, Texas 75146

To whom it may concern,

The purpose of this letter is to Protest the award of the Code Compliance Mowing Contract. Bid Number 2014-155.

Under Part 32. BID PROTESTS, it states that protests related to staff recommendations may be directed to the City Secretary PRIOR to Council Award. The Council agenda for this evening has a Resolution to vote on the award of the Contract.

The basis for our protest are as follows

This Contract is a Best Value Procurement. The Evaluation Criteria provides a listing of criteria to be considered in evaluating the ability of firms interested in providing the services specified and is graded on a total point system of 100 as specified:

Responsiveness to the Proposal	10 points
Pre-Bid Meeting Attendance	10 points
Experience/References	40 points
Price	40 points

Using the Evaluation Criteria set forth in the contract, our company should be given a score of 100 and therefore be Awarded the Code Contract. The following will detail how we come to this conclusion.

Our company provided the Responsiveness to the Proposal through the City's e-procurement system as specified therefore we should have received the maximum 10 points

Our company attended the Pre Bid Meeting therefore we should have received the maximum 10 points.

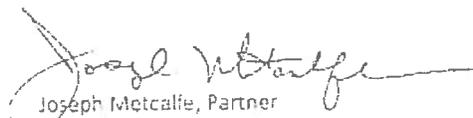
Our company has met the requirement under Experience/References by providing services similar to those specified in the Code Contract of at least three (3) clients in the past five (5) years. Our experience included references with the cities of Grand Prairie and Glenn Heights as well as the Veterans Affairs Administration. We have also performed three (3) contracts for mowing services with the City of Lancaster in the past three (3) years for Right of Way Mowing including a 60 day contract that ended on May 31, 2014. In addition, we have been awarded two (2) contracts at the Lancaster Municipal Airport in the past two (2) years. Taking into consideration that our company has performed multiple contracts with the city of Lancaster and has never been assessed any monetary penalties and/or fines for non-performance as stated under the PENALTIES section of the Contract we should have received the maximum total of 40 points.

Under the requirements for PRICE our company bid \$108,150.00 for services and the proposed Awardee, Lawns by Dawn II, bid \$110,720.00 thereby giving us the maximum total of 40 points.

It is our belief that our company is entitled to receive Award of the Code Compliance contract based on the Evaluation Criteria set forth in the contract. The city has not been transparent in showing justification for non-Award.

This is a Timely Protest.

Sincerely,



Joseph Metcalfe, Partner
Metcalf Grounds Maintenance

Assistant City Manager Stringfellow stated that staff would like to take the opportunity to provide some insight based on that protest. By December 31, 2013 staff had a number of documented performance issues with the current contractor at the time, Metcalfe Grounds Maintenance. Acting on advice given by the City Attorney, staff terminated the contract with the current contractor. The contractor was made aware of the performance issues prior to the termination of contract by both City Manager Opal Mauldin-Robertson and City Attorney Robert Hager.

Staff made the determination that Dawn of a New Lawn II was the recommended contractor and feels certain that they followed all of the criteria required in evaluating the bids.

Councilmember Mejia recused himself from the vote due to knowing Mr. Metcalfe personally and excused himself from chambers. Councilmember Jaglowski asked if the violations were brought to the contractor's attention and Assistant City Manager Stringfellow confirmed they were. Councilmember Jaglowski asked if there was repetitiveness in the violations.

Deputy Mayor Pro Tem Harris asked if there was documentation for the discussions held between staff and the contractor regarding the violations, Director Johnson confirmed. Director Johnson stated that there were numerous emails and photographs and also shared the Parks Superintendent spent between 15-20 hours weekly managing this contract.

Mayor Knight clarifies that staff had taken into consideration the history of noncompliance with this particular contractor. Assistant City Manager Stringfellow stated that these concerns would fall under the "experience/references" portion along with the consideration that the city was a

reference for Metcalfe Ground Maintenance and their performance did not meet the city's expectations.

MOTION: Councilmember Morris made a motion, seconded by Councilmember Strain-Burk, to approve consent item C5 as presented. The vote was cast 5 for, 1 against [Daniels][Mejia Recused].

Councilmember Strain-Burk stated that she pulled this item in order to give citizens the opportunity to gather more information and help them understand that this moves towards expanding the goals council has made for the city.

Mayor Knight shared that this action would improve the appearance of the city but also that is unfortunate to spend such a great amount of money because people will not utilize proper disposal of litter. These funds could certainly be better utilized in the city.

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Morris, to approve consent item C6 as presented. The vote was cast 7 for, 0 against.

Councilmember Strain-Burk shared that she pulled this item in order to express that these contracts are components in improving appearance and cleanliness in the city.

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Morris, to approve consent item C6 as presented. The vote was cast 7 for, 0 against.

8. **Consider an Ordinance Amending Chapter 6 of the Lancaster Code of Ordinances to Add Article 6.12, "Single Family Rental Property Regulations", Sections 6.12.001 Through 6.12.009; Providing for Definitions; Providing the Powers and Duties of the Building Official as the Designated Administrator; Providing for the Establishment of a Rental Property Registration Fee; Proving a Penalty of Fine not to exceed Five Hundred Dollars (\$500).**

Assistant City Manager Stringfellow stated that upon request from Deputy Mayor Pro Tem Harris this item was brought forth to council during work sessions held on March 17th and April 21st of this year. Council requested that a Single Rental Property Registration be brought forward. Assistant City Manager Stringfellow stated that there would be a companion item should the ordinance be approved to make changes to the master fee schedule.

Councilmember Strain-Burk expressed concern with the fact that there seems to be no penalties for noncompliance and shared that 10% of the housing stock in the community are renters.

Water/Wastewater Superintendent Andy Waits stated that there is an indication of renters through the presentation of leases for utility services and in turn those properties that are not registered will be liable to fees not to exceed \$500.

Assistant City Manager Stringfellow stated that the once fines are imposed they will go through the city's municipal court system. Assistant City Manager Stringfellow also shared that there would be a strong public information campaign through the city's social media outlets and standard mail communication to inform the citizens.

MOTION: Deputy Mayor Pro Tem Harris made a motion, seconded by Councilmember Morris, to approve an ordinance amending Chapter 6.12, "Single Family Rental Property Regulations", Sections 6.12.001 through 6.12.009. The vote was cast 7 for, 0 against.

9. **Discuss and consider a resolution amending the Master Fee Schedule, Article 3.000 Building Related Fees to provide an annual inspection fee for Single Family residential rental units.**

MOTION: Councilmember Strain-Burk made a motion, seconded by Mayor Pro Tem Daniels, to approve the resolution amending the Master Fee Schedule, Article 3.000 Building Fees. The vote was cast 7 for, 0 against.

10. **Consider an ordinance amending the Code of Ordinances by amending Chapter 22, by adopting Article 22.13 "Photographic Enforcement and Administrative Adjudication of School Bus Stop Arm Violations", Sections 22.13.001 through 22.13.020 creating a civil offense for a school bus stop arm violation involving a camera-enforced school bus.**

City Manager Mauldin-Robertson stated that this item was a result of a request for policy made by Lancaster Independent School District and Dallas County Schools. Lancaster Independent School District has entered into an Interlocal Agreement with Dallas County Schools, which they will supply video recording equipment to capture video and photographic evidence of vehicles that do not stop when the stop arm of a bus is out. Dallas County Schools request that Council approve to make this violation a civil offense. City Manager Mauldin-Robertson stated that Dallas County Schools will administer the program and that the Chief of Police and the Administrator of Dallas County Schools are present to answer any questions. City Manager Mauldin-Robertson also shared that should the ordinance be approved a companion item would be presented to establish fees to the Master Fee Schedule in which the City of Lancaster would receive 12.5% of the monetary fees collected.

Councilmember Strain-Burk asked if this program was similar to a "red light camera." The Dallas County Schools Administrator stated that it is similar in the sense that the violators will receive the citation in their mail and that they have their own police department who are authorized to administer citations in Texas. The Dallas County Schools Administrator also shared that the buses already have 8 cameras on the exterior and 3 cameras on the interior installed and upon approval the program can begin immediately.

Councilmember Strain-Burk asked what the penalty would be for repeat violators and if the Dallas County Schools Police department has the ability to issue warrants or make arrests. The Dallas County Administrator stated that the police department cannot issue warrants or make arrest but they have the ability to report to the violator's credit report.

MOTION: Deputy Mayor Pro Tem Harris made a motion, seconded by Councilmember Morris, to approve an ordinance amending the Code of Ordinances by amending chapter 22, by adopting Article 22.13. "Photographic Enforcement and Administrative Adjudication of School Bus Stop Arm Violations." The vote was cast 7 for, 0 against.

11. **Consider a resolution amending the Master Fee Schedule, Article 14.00 Police Department to provide fines, costs and fees for school bus stop arm violations.**

MOTION: Councilmember Strain-Burk made a motion, seconded by Councilmember Jaglowski, to approve the resolution amending the Master Fee Schedule, Article 14.00 Police Department. The vote was cast 7 for, 0 against.

At 8:15 p.m. the Council convened into closed Executive Session pursuant to:

Executive Session:

- 12. The City Council shall convene into closed executive session pursuant to Section 551.071 (a) and (b) to discuss and deliberate with the City Attorney the following pending matter in litigation, settlement and/or matters involving attorney-client privilege:
 - (a) Cause No. DC-13-10151; Healthspace Regions Lancaster, LLC v. City of Lancaster in the 191st Judicial District Court of Dallas County.
- 13. Reconvene into open session. Consider and take appropriate action(s), if any, on closed/executive session matters.

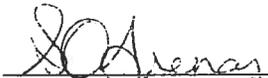
The City Council reconvened into open session at 8:31 p.m.

No action was taken following Executive Session.

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

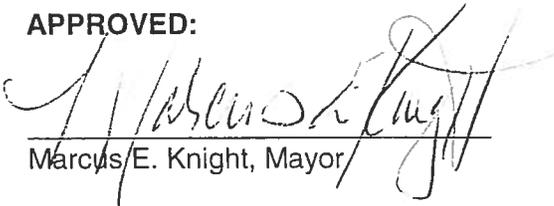
The meeting was adjourned at 8:31 p.m.

ATTEST:



Sorangel O. Arenas, City Secretary

APPROVED:



Marcus E. Knight, Mayor