



**NOTICE OF CANVASS AND SPECIAL  
MEETING AGENDA  
LANCASTER CITY COUNCIL  
MUNICIPAL CENTER CITY COUNCIL CHAMBERS  
211 N. HENRY STREET, LANCASTER, TEXAS**

**Monday, May 20, 2013 - 7:00 PM**

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**CALL TO ORDER**

1. Consider a resolution canvassing the returns and declaring the results of the General Election for City Officers held on May 11, 2013.

Considera una resolucion de escrutinio de los devoluciones y la declaracion de los resultados de las elecciones generales para la oficina de concejal Distrito 1, concejal del Distrito 3, y el concejal del Distrito 5 celebrada el 11 de mayo 2013.

2. Administer oaths of office; present Certificates of Election; and seat newly elected councilmembers.
3. Consider election of a Mayor Pro Tempore.
4. Consider election of a Deputy Mayor Pro Tempore.

**ADJOURNMENT**

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**EXECUTIVE SESSION:** The Council reserves the right to convene into executive session on any posted agenda item pursuant to Section 551.071(2) of the TEXAS GOVERNMENT CODE to seek legal advice concerning such subject.

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**ACCESSIBILITY STATEMENT:** The Municipal Center is wheelchair-accessible. For sign interpretive services, call the City Secretary's office, 972-218-1311, or TDD 1-800-735-2989, at least 72 hours prior to the meeting. Reasonable accommodation will be made to assist your needs.

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**Certificate**

**I hereby certify the above Notice of Meeting was posted at the Lancaster City Hall on May 17, 2013 @ 9:00 a.m. and copies thereof were hand delivered to the Mayor, Mayor Pro-Tempore, Deputy Mayor Pro-Tempore and Council members.**



Dolle K. Downe, TRMC  
City Secretary

# LANCASTER CITY COUNCIL

## Agenda Communication

May 20, 2013

Item 1

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**Consider a resolution canvassing the returns and declaring the results of the General Election for City Officers held on May 11, 2013.**

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This request supports the City Council 2012-2013 Policy Agenda.

### City Charter Provision

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#### **Background**

At a time posted in accordance with the Open Meetings Act and as required by the Texas Election Code § 67.004(a), the canvass of the returns is read and results declared. The Mayor asks for a motion and vote from the City Council approving the canvass and results of the general election held May 11, 2013. Only two members of the authority constitute a quorum for the purpose of canvassing an election. Election results must be canvassed not later than the 11<sup>th</sup> day (May 22) following the election.

#### **Considerations**

At this writing, the City has one overseas ballot pending and no provisional ballots for review by the Ballot Board. The one ballot pending is insufficient in number to affect the outcome of the council district elections.

Under the Election Code, the last day to receive ballots from voters outside of the United States is Thursday, May 16. The Ballot Board has until Monday to count any overseas ballots. A copy of the canvass from Dallas County Elections may not be available until Monday, May 20.

I will provide a copy of the canvass at Monday's meeting and an updated canvass resolution.

#### **Attachments**

- Draft resolution of canvass in English and Spanish
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#### **Submitted by:**

Dolle K. Downe, City Secretary

**RESOLUTION NO. 2013-05-39**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION FOR THE OFFICE OF COUNCILMEMBER DISTRICT 1, COUNCILMEMBER DISTRICT 3, AND COUNCILMEMBER DISTRICT 5 HELD ON MAY 11, 2013.**

**GENERAL ELECTION**

**Lancaster, Texas**

**May 11, 2013**

**CANVASS OF RETURNS AND DECLARATION OF RESULTS OF ELECTION**

**BE IT REMEMBERED THAT** on this the 20<sup>th</sup> day of May 2013, at a meeting of the City Council of the City of Lancaster, Texas, a quorum being present, the meeting was called to order and the following business was transacted.

Upon motion it was unanimously ordered that the City Council consider the official returns of a General Election held in the City on May 11, 2013, for the election of Councilmembers for District 1, District 3, and District 5 for a three-year term.

**WHEREUPON** said official returns were opened, examined, canvassed and the results declared as follows:

**CANVASS OF RETURNS AND DECLARATION OF RESULTS**

**WHEREAS**, heretofore, the City Council of the City of Lancaster, Texas, called a General Election to be held in the City on May 11, 2013, to elect Councilmembers for District 1, District 3, and District 5 for a three-year term; and

**WHEREAS**, immediately after said election the Presiding Judge and other officials holding said election made their returns of the results thereof to the City Council as follows, and said returns being made according to law, and duly authenticated, and it being shown that written notice of said election was posted for the time and in the manner provided by law, and all other proceedings pertaining to said election having been shown to have been done and performed at and within the manner provided by law, and all papers pertaining thereto having been returned and filed with the City Council and no protest or objection being made to or regarding any matter pertaining to said election.

**NOW, THEREFORE**, be it resolved by the City Council of the City of Lancaster, Texas, after examining said returns and opening and canvassing the votes of said election, that the results of said election are as follows:

That the following number of votes was cast for the following named candidates for the office of Councilmember, District 1, to-wit:

	<b>EARLY VOTING</b>	<b>ELECTION DAY</b>	<b>BY MAIL</b>	<b>PROVISIONAL VOTING</b>	<b>TOTAL VOTES</b>	<b>%</b>
<b>Walter Weaver</b>	<b>181</b>	<b>77</b>	<b>2</b>	<b>0</b>	<b>260</b>	<b>44.29%</b>
<b>Carol Strain-Burk</b>	<b>214</b>	<b>102</b>	<b>11</b>	<b>0</b>	<b>327</b>	<b>55.71%</b>

It appearing that Carol Strain-Burk received a majority of all votes cast for the office of Councilmember, District 1, Carol Strain-Burk is hereby declared to be elected to the office of Councilmember, District 1, to serve a three-year term after qualifying.

That the following number of votes was cast for the following named candidates for the office of Councilmember, District 3, to-wit:

	<b>EARLY VOTING</b>	<b>ELECTION DAY</b>	<b>BY MAIL</b>	<b>PROVISIONAL VOTING</b>	<b>TOTAL VOTES</b>	<b>%</b>
<b>Daryle W. Clewis</b>	<b>59</b>	<b>19</b>	<b>0</b>	<b>0</b>	<b>78</b>	<b>25.91%</b>
<b>Marco Mejia</b>	<b>181</b>	<b>42</b>	<b>0</b>	<b>0</b>	<b>223</b>	<b>74.09%</b>

It appearing that Marco Mejia received a majority of all votes cast for the office of Councilmember, District 3, Marco Mejia is hereby declared to be elected to the office of Councilmember, District 3, to serve a three-year term after qualifying.

That the following number of votes was cast for the following named candidates for the office of Councilmember, District 5, to-wit:

	<b>EARLY VOTING</b>	<b>ELECTION DAY</b>	<b>BY MAIL</b>	<b>PROVISIONAL VOTING</b>	<b>TOTAL VOTES</b>	<b>%</b>
<b>LaShonjia Harris</b>	<b>130</b>	<b>65</b>	<b>1</b>	<b>0</b>	<b>196</b>	<b>52.27%</b>
<b>Clyde C. Hairston</b>	<b>129</b>	<b>48</b>	<b>2</b>	<b>0</b>	<b>179</b>	<b>47.73%</b>

It appearing that LaShonjia Harris received a majority of all votes cast for the office of Councilmember, District 5, LaShonjia Harris is hereby declared to be elected to the office of Councilmember, District 5, to serve a three-year term after qualifying.

**IT IS FURTHER ORDERED** that this canvass and declaration of results of said election be entered in the Minutes of the City Council.

This Resolution, declaring the results of the general election, shall become effective immediately after its passage.

**DULY PASSED** by the City Council of the City of Lancaster, Texas, on this the 20<sup>th</sup> day of May 2013.

**APPROVED:**

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Marcus E. Knight, Mayor

**ATTEST:**

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Dolle K. Downe, City Secretary

**APPROVED AS TO FORM:**

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Robert E. Hager, City Attorney

## **RESOLUCIÓN NO. 2013-05-39**

**RESOLUCIÓN DEL CONSEJO MUNICIPAL DE LA CIUDAD DE LANCASTER, TEXAS, EL ESCRUTINIO DE LOS DEVOLUCIONES Y LA DECLARACIÓN DE LOS RESULTADOS DE LAS ELECCIONES GENERALES PARA LA OFICINA DE CONCEJAL DISTRITO 1, CONCEJAL DEL DISTRITO 3, Y EL CONCEJAL DEL DISTRITO 5 CELEBRADA EL 11 DE MAYO 2013.**

### **ELECCIÓN GENERAL**

**Lancaster, Texas**

**11 DE MAYO 2013**

### **SONDEO DE LOS RESULTADOS Y LA DECLARACIÓN DE RESULTADOS DE LA ELECCIÓN**

**Debe recordarse que**, en este día 20 de mayo de 2013, en una reunión del Consejo Municipal de la Ciudad de Lancaster, Texas, habiendo quórum, la reunión fue llamada al orden y el siguiente negocio fue tramitado.

Tras moción se ordenó por unanimidad que el Ayuntamiento considere los resultados oficiales de las elecciones generales celebrada en la ciudad el 11 de mayo de 2013, para la elección de Concejales de Distrito 1, Distrito 3, y el Distrito 5, por un período de tres años.

**LO CUAL**, fueron abiertos los resultados oficiales, examinados, escrutados y los resultados declaran como sigue:

### **ESCRUTINAR LOS RESULTADOS Y DECLARACIÓN DE RESULTADOS**

**VISTO QUE**, antes, el Consejo de la ciudad de Lancaster, Texas, la ciudad ordenar una elección general que se celebrará en la ciudad el 11 de mayo de 2013, para elegir a los concejales de Distrito 1, Distrito 3, y el Distrito 5 por un período de tres años ; y

**VISTO QUE**, inmediatamente después de dicha elección, el Juez Presidente y otros funcionarios de la celebración de dicha elección hizo sus declaraciones sobre los resultados de la misma al Ayuntamiento de la siguiente manera, y dijeron retornos se hacen de acuerdo a la ley, y debidamente legalizados, y se muestra que la notificación por escrito de dicha elección fue publicada por el tiempo y en la forma prevista por la ley, y todos los demás procedimientos relativos a dicho que se ha demostrado que las elecciones se han realizado y realiza en y dentro de la forma prevista por la ley, y todos los documentos relativos a la misma hayan sido devueltos y presentar ante el Ayuntamiento y no protesta u objeción que se realizan para o con respecto a cualquier cuestión relacionada con dicha elección.

**AHORA, POR LO TANTO**, se resuelto por el Consejo Municipal de la Ciudad de Lancaster, Texas, después de examinar dicho resultados y la apertura y el escrutinio de los votos de dicha elección, los resultados de dicha elección son los siguientes:

Que el siguiente número de votos fueron emitidos por los siguientes candidatos nombrados para el cargo de concejal del Distrito 1, a saber:

	<b>Votacion Temprana</b>	<b>Dia de Eleccion</b>	<b>Por Correo</b>	<b>Votacion Provisional</b>	<b>Total de Votos</b>	<b>%</b>
<b>Walter Weaver</b>	<b>181</b>	<b>77</b>	<b>2</b>	<b>0</b>	<b>260</b>	<b>44.29%</b>
<b>Carol Strain-Burk</b>	<b>214</b>	<b>102</b>	<b>11</b>	<b>0</b>	<b>327</b>	<b>55.71%</b>

Apareciendo que Carol Strain-Burk recibió la mayoría de los votos emitidos para el cargo de concejal del Distrito 1, Carol Strain-Burk se declara electo para el cargo de Concejal, Distrito 1, para cumplir un mandato de tres años después de la calificación.

Que el siguiente número de votos fueron emitidos por los siguientes candidatos nombrados para el cargo de concejal del Distrito 3, a saber:

	<b>Votacion Temprana</b>	<b>Dia de Eleccion</b>	<b>Por Correo</b>	<b>Votacion Provisional</b>	<b>Total de Votos</b>	<b>%</b>
<b>Daryle W. Clewis</b>	<b>59</b>	<b>19</b>	<b>0</b>	<b>0</b>	<b>78</b>	<b>25.91%</b>
<b>Marco Mejia</b>	<b>181</b>	<b>42</b>	<b>0</b>	<b>0</b>	<b>223</b>	<b>74.09%</b>

Apareciendo que Marco Mejía recibió la mayoría de los votos emitidos para el cargo de Miembro del Concejo, Distrito 3, Marco Mejía, se declara por la presente elegido para el cargo de Miembro del Concejo, Distrito 3, para servir un mandato de tres años después de la calificación.

Que el siguiente número de votos fueron emitidos por los siguientes candidatos nombrados para el cargo de concejal del Distrito 5, a saber:

	<b>Votacion Temprana</b>	<b>Dia de Eleccion</b>	<b>Por Correo</b>	<b>Votacion Provisional</b>	<b>Total de Votos</b>	<b>%</b>
<b>LaShonjia Harris</b>	<b>130</b>	<b>65</b>	<b>1</b>	<b>0</b>	<b>196</b>	<b>52.27%</b>
<b>Clyde C. Hairston</b>	<b>129</b>	<b>48</b>	<b>2</b>	<b>0</b>	<b>179</b>	<b>47.73%</b>



Apareciendo que LaShonjia Harris recibió la mayoría de los votos emitidos para el cargo de Concejal, Distrito 5, LaShonjia Harris se declara a ser elegidos para el cargo de Concejal, Distrito 5, para cumplir un mandato de tres años después calificación.

**ADEMÁS SE ORDENA** que este escrutinio y la declaración de resultados de dicha elección se consignará en el acta del Concejo Municipal. Esta Resolución, declarando los resultados de las elecciones generales, entrará en vigencia inmediatamente después de su aprobación.

**DEBIDAMENTE APROBADA** por el Consejo Municipal de la Ciudad de Lancaster, Texas, en este día 20 de mayo de 2013.

**APROBADO:**

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Marcus E. Knight, Alcalde

**DAR FE:**

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Dolle K. Downe, Secretaria de la Ciudad

**APROBADA EN FORMA:**

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Robert E. Hager, Abogado de la Ciudad

# LANCASTER CITY COUNCIL

## Agenda Communication

May 20, 2013

Item 2

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**Administer oaths of office; present Certificates of Election; and seat newly elected councilmembers.**

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### **Background**

In accordance with Texas Election Code, after the completion of a canvass, the local canvassing authority prepares a Certificate of Election for each candidate who is elected to office. The oath of office is administered, followed by the presentation of the Certificate of Election.

After the City Council has approved the Canvass of the May 11, 2013 General Election, the newly elected councilmembers will be given the Oath of Office and presented with a Certificate of Election.

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### **Submitted by:**

Dolle K. Downe, City Secretary

# LANCASTER CITY COUNCIL

## Agenda Communication

May 20, 2013

Item 3

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### Consider election of a Mayor Pro Tempore.

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This request supports the City Council 2012-2013 Policy Agenda.

#### City Charter Provision

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#### Background

Section 3.05 (b) of the City Charter provides for the election of a Mayor Pro Tem and a Deputy Mayor Pro Tem. Section 3.05 (c) of the City Charter provides that the Mayor Pro Tem shall act as Mayor during the disability or absence of the Mayor and in this capacity shall have the rights conferred upon the Mayor.

#### Options/Alternatives

Council may elect a Mayor Pro Tem at this time or defer the action until the next regular meeting.

#### Recommendation

No staff recommendation. This matter is at Council's discretion.

#### Attachments

- Section 3.05 *Mayor, Mayor Pro Tem and Deputy Mayor Pro Tem* from the City's Home Rule Charter

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#### **Submitted by:**

Dolle K. Downe, City Secretary

- (2) have resided in their district for a minimum of one (1) year prior to the date of the election and shall reside in that district during the term of office.

In the event that a citizen's residence is changed solely as a result of an approved redistricting plan in accordance with law; the one (1) year district residency requirement shall not apply.

***SECTION 3.03 Compensation***

The City Council shall serve without compensation. The City Council shall be entitled to reimbursement for actual expenses incurred in the performance of official duties.

***SECTION 3.04 Mayor and the City Councilmember; Qualifications; How Nominated and Elected; Official Ballot.***

(A) The names of candidates for City Councilmember and Mayor shall be placed on the official ballot upon the filing of a petition, in accordance with the TEXAS ELECTION CODE, with the City Secretary stating the candidate has resided in the City of Lancaster for a period of at least one year prior to such election. If filing for a Council district, the candidate must have also resided within the district for which the candidate is filing for a period of at least one (1) year prior to such election, except as provided herein. The petition shall be signed, in addition to the candidate, by twenty-five (25) qualified voters residing within the district for which the candidate is seeking election, or in the case of the Mayor, twenty-five (25) qualified voters of the City. Upon filing, such name shall be printed upon the official ballot. The order in which the names of the candidates for City Council shall appear on the ballot shall be determined by lot, in a drawing held under the supervision of the City Secretary.

(B) If a member of the Council shall file as a candidate for nomination or election to any public office other than his current office on the City Council, such candidacy shall constitute an automatic resignation.

***SECTION 3.05 Mayor, Mayor Pro-Tem and Deputy Mayor Pro-Tem***

(A) The Mayor shall preside at all meetings of the City Council, and shall be recognized as head of the City government for all ceremonial purposes, and by the Governor for purposes of military law, but shall have no regular administrative duties. The Mayor may participate in the discussion of all matters coming before the City Council. The Mayor shall be entitled to vote as a member thereof on all legislative or other matters. He shall sign resolutions/ordinances and conveyances made or entered into by the City and all bonds issued under the provisions of this Charter; and such other documents that he/she may be authorized by Council or by law. The Mayor shall not have power to veto any legislative or other matter.

(B) The City Council shall elect a Mayor Pro Tem and a Deputy Mayor Pro Tem at the first meeting as provided herein.

(C) The Mayor Pro-Tem shall be a Councilmember elected by the City Council at the first regular meeting after each election of Councilmembers and/or Mayor. The Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor, and in this capacity shall have the rights conferred upon the Mayor.

(D) The Deputy Mayor Pro-Tem shall be a Councilmember elected by the City Council at the first regular meeting after each election of Councilmembers and/or Mayor. The Deputy Mayor Pro-Tem shall act as Mayor during the disability or absence of the Mayor and Mayor Pro-Tem, and in this capacity shall have the rights conferred upon the Mayor.

### ***SECTION 3.06 Vacancies, Forfeiture and Filling of Vacancies***

(A) The office of a Councilmember or the Mayor shall become vacant upon his/her death, resignation, forfeiture of, or removal from office by any manner authorized by law.

(B) Any person on the City Council who ceases to possess the required qualifications for office or who is convicted of a felony or is convicted of violating any State laws regulating conflicts of interest of municipal officers shall forfeit his/her office. Every forfeiture shall be declared and enforced by the City Council.

(C) If there is a vacancy in the office of Mayor, a new Mayor shall be elected as provided by state law.

(D) A vacancy in the office of any Councilmember shall be filled by special election in accordance with the TEXAS ELECTION CODE. If the vacated office is that of Mayor Pro-Tem (or Deputy Mayor Pro-Tem), the City Council shall elect a new Mayor Pro-Tem (or Deputy Mayor Pro-Tem) at the next regular meeting.

(E) Vacancies filled by special election shall be for the remainder of the term that was vacated.

### ***SECTION 3.07 Duties and Powers of the City Council***

(A) The City Council shall have all powers necessary and incident to the proper discharge of the duties imposed upon it and is hereby invested with all powers necessary to carry out the terms of this Charter; it being intended that the City Council and Mayor shall have and exercise all powers enumerated in this Charter or implied thereby and all powers that are or hereafter may be granted to municipalities by this Charter, the Constitution or laws of the State of Texas.

(B) Any member of the City Council shall have the unabridged right to place an item on the agenda of a duly convened meeting of the Council; nothing contained in this Charter shall be construed to limit or circumscribe such right.

(C) During each calendar year, the City Council shall undertake one (1) annual review of the performance of the City Manager in writing. The City Manager shall be responsible for

# LANCASTER CITY COUNCIL

## Agenda Communication

May 20, 2013

Item 4

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**Consider election of a Deputy Mayor Pro Tempore.**

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**This request supports the City Council 2012-2013 Policy Agenda.**

### **City Charter Provision**

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#### **Background**

Section 3.05 (b) of the City Charter provides for the election of a Mayor Pro Tem and a Deputy Mayor Pro Tem. Section 3.05 (d) of the City Charter provides that the Deputy Mayor Pro Tem shall act as Mayor during the disability or absence of the Mayor and Mayor Pro Tem and in this capacity shall have the rights conferred upon the Mayor.

#### **Options/Alternatives**

Council may elect a Deputy Mayor Pro Tem at this time or defer the action until the next regular meeting.

#### **Recommendation**

No staff recommendation. This matter is at Council's discretion.

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#### **Submitted by:**

Dolle K. Downe, City Secretary