



NOTICE OF REGULAR MEETING AGENDA
LANCASTER CITY COUNCIL
MUNICIPAL CENTER CITY COUNCIL CHAMBERS



211 N. HENRY STREET, LANCASTER, TEXAS

Monday, July 25, 2011 – 7:00 P.M.

CALL TO ORDER

INVOCATION: MINISTERIAL ALLIANCE

PLEDGE OF ALLEGIANCE: MAYOR MARCUS E. KNIGHT

PROCLAMATION: NATIONAL PARKS AND RECREATION MONTH

PRESENTATION: BEST SOUTHWEST CHAMBER

CITIZENS' COMMENTS: (At this time citizens who have pre-registered before the call to order will be allowed to speak on any matter other than personnel matters or matters under litigation, for a length of time not to exceed three minutes. No Council action or discussion may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.)

CONSENT AGENDA: (Items listed under the consent agenda are considered routine and are generally enacted in one motion. The exception to this rule is that a Council Member may request one or more items to be removed from the consent agenda for separate discussion and action.)

- 1C. Consider approval of minutes from the City Council Regular Meeting held July 11, 2011.
- 2C. Consider Resolution 2011-07-58 of the City Council of the City of Lancaster, Texas, adopting City Council Goals and Objectives contained in the June 2011 City Council Retreat Report; providing a repealing clause; and providing an effective date.
- 3C. Consider Resolution 2011-07-59 of the City Council of the City of Lancaster, Texas, adopting the Lancaster City Council Rules and Procedures, as amended; providing a repealing clause; and providing an effective date.
- 4C. Consider Resolution 2011-07-60 of the City Council of the City of Lancaster, Texas, approving the terms and conditions of an Agreement of Cooperation by and between Dallas County and the City of Lancaster for participation in the Community Development Block Grant (CDBG) and Home Program; authorizing the City Manager to execute said agreement; providing a repealing clause; providing a severability clause; and providing an effective date.

PUBLIC HEARING

5. Conduct a public hearing and consider an ordinance of the City of Lancaster, Texas, 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 District (CH) to Commercial Highway District – Specific Use Permit (CH-SUP) to grant a Specific Use Permit to allow for a minor automotive repair use on

property generally located on the southeast corner of the intersection of North Interstate 35E Service Road and Idlewild Court, and more commonly known as 1550 North Interstate 35E in Lancaster, Texas; providing for special conditions; providing a savings clause; providing a severability clause; providing a penalty of fine not to exceed the sum of two thousand dollars (\$2,000) for each offense; and providing an effective date.

6. Conduct a public hearing and consider an ordinance of the City of Lancaster, Texas 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 District (CH) to Commercial Highway District – Specific Use Permit (CH-SUP) to grant a Specific Use Permit to allow for a minor automotive repair use on property generally located approximately 90 feet from the northwest corner of the intersection of Daniieldale Road and Cumberland Street, and more commonly known as 3305 Daniieldale Road in Lancaster, Texas; providing for special conditions; providing a savings clause; providing a severability clause; providing a penalty of fine not to exceed the sum of two thousand dollars (\$2,000) for each offense; and providing an effective date.

ACTION

7. Receive a presentation from Bickerstaff Heath Delgado Acosta LLP and discuss the Initial Assessment regarding the need to redistrict the City of Lancaster Council Districts based on recently issued 2010 Census data.
8. Discuss traditional redistricting criteria and consider Resolution 2011-07-61 of the City Council of the City of Lancaster, Texas, adopting criteria for use in the redistricting 2011 process; and providing an effective date.
9. Discuss and consider Resolution 2011-07-62 of the City Council of the City of Lancaster, Texas, establishing guidelines for persons submitting comments and specific redistricting proposals; and providing an effective date.

EXECUTIVE SESSION

10. The City Council shall convene into closed executive session pursuant to Section § 551.071 of the TEXAS GOVERNMENT CODE to consult with and receive legal advice from special legal counsel concerning the Voting Rights Act of 1964 and City Council legal obligations.
11. Reconvene into open session. Consider and take appropriate action(s), if any, on closed/executive session matters.

ADJOURNMENT

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.

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.

Certificate

I hereby certify the above Notice of Meeting was posted at the Lancaster City Hall on July 21, 2011 @ 5:00 pm and copies thereof were hand delivered to the Mayor, Mayor Pro-Tempore, Deputy Mayor Pro-Tempore and Council members.

Dolle K. Downe

Dolle K. Downe, TRMC
City Secretary

LANCASTER CITY COUNCIL
Agenda Communication for
July 25, 2011

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AG11-001

Consider approval of minutes from the City Council Regular Meeting held July 11, 2011.

Background

Attached for your review and consideration are minutes from the:

- City Council Regular Meeting held July 11, 2011

Prepared and submitted by:

Dolle K. Downe, City Secretary
July 19, 2011

MINUTES

LANCASTER CITY COUNCIL MEETING OF JULY 11, 2011

The City Council of the City of Lancaster, Texas, met in Regular session in the Council Chambers of City Hall on July 11, 2011 at 7:00 p.m. with a quorum present to-wit:

Councilmembers Present:

Mayor Marcus E. Knight
Stanley Jaglowski
Marco Mejia
James Daniels
Mayor Pro Tem Clyde Hairston
Deputy Mayor Pro Tem Nina Morris

Councilmembers Absent:

Walter Weaver

City Staff Present:

Opal Mauldin Robertson, City Manager
Alicia Oyedele, Assistant to the City Manager
Lt. M. C. Smith, Police Department
Dolle Downe, City Secretary

Call to Order:

Mayor Knight called the meeting to order at 7:00 p.m. on July 11, 2011.

Invocation:

Pastor John Richardson with Zion Chapel gave the invocation.

Pledge of Allegiance:

Councilmember Stanley Jaglowski led the Pledge of Allegiance.

Citizens Comments:

There were no speakers for citizens comments.

Consent Agenda:

City Secretary Downe read the consent agenda.

- 1C. Consider approval of minutes from the City Council Special Meeting held June 23, 24 & 25, 2011 and Regular Meeting held June 27, 2011.
- 2C. Consider Resolution 2011-07-56 of the City Council of the City of Lancaster, Texas, declaring certain board, commission and committee position(s) vacant due to excessive absences; and providing an effective date.
- 3C. Consider Resolution 2011-07-57 of the City Council of the City of Lancaster, Texas, authorizing the City to submit and apply for a grant award from the 2011 Byrne Justice Assistance Grant (JAG) Program; approving the terms and conditions of the 2011 Byrne Justice Assistance Grant Program Funds Sharing and Fiscal Agency Agreement; authorizing the City of Dallas to act as Fiscal Agent; authorizing the City Manager to execute the appropriate documents; and providing an effective date.

MOTION: Mayor Pro Tem Hairston made a motion, seconded by Deputy Mayor Pro Tem Morris, to approve consent items 1C - 3C. The vote was cast 6 for, 0 against [Weaver absent].

MOTION: Deputy Mayor Pro Tem Morris made a motion, seconded by Mayor Pro Tem Hairston, to adjourn. The vote was cast 6 for, 0 against [Weaver absent].

Mayor Knight announced that the City of Lancaster would be featured on the WFAA Channel 8 Daybreak show on Monday, July 25 beginning at 5:30 a.m. at Victory Plaza in downtown Dallas and invited all residents, businesses, and others interested to join the City in this wonderful opportunity to promote Lancaster. Mayor Knight announced interested persons should contact City Hall regarding the event and transportation.

The meeting was adjourned at 7:05 p.m.

ATTEST:

APPROVED:

Dolle K. Downe, City Secretary

Marcus E. Knight, Mayor

LANCASTER CITY COUNCIL
Agenda Communication for
July 25, 2011

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AG11-002

Consider a resolution of the City Council of the City of Lancaster, Texas, adopting City Council Goals and Objectives contained in the June 2011 City Council Retreat Report; providing a repealing clause; and providing an effective date.

This request supports the City Council 2010-2011 Policy Agenda.

Goal 4: Professional & Committed Workforce

Background

City Council conducted its annual strategic planning session June 23-25, 2011. Council's diligent efforts over the three day planning session produced updated goals and objectives. Julia Novak (The Novak Consulting Group), the facilitator, has compiled information from Council's discussions during the planning session into a report that defines the five year goals, strategies, Mission Statement and Vision 2025 for the City.

Considerations

- **Operational** – Council goals and strategies provide the foundation to match City resources with priorities and help provide efficient services to citizens. Formal adoption of the goals and strategies is a "best practice" that establishes a clear, unified message for staff and the community.
- **Legal** – The City Attorney has reviewed the adopting resolution.
- **Financial** – There is no financial impact in adopting the goals and strategies.
- **Public Information** – There are no public information requirements.

Options/Alternatives

1. Approve the resolution as presented.
2. Deny the resolution and direct staff.

Recommendation

Staff recommends the adoption of the report as presented.

Attachments

- Resolution
- City Council Retreat Report

Prepared and submitted by:
Opal Mauldin Robertson, City Manager

Date: July 14, 2011

RESOLUTION NO. 2011-07-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, ADOPTING CITY COUNCIL GOALS AND OBJECTIVES CONTAINED IN THE JUNE 2011 CITY COUNCIL RETREAT REPORT, AS ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES AS EXHIBIT "A"; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council met in a strategic planning session June 23-25, 2011 to review, discuss and refine City Council's vision and mission for the City of Lancaster; and

WHEREAS, after discussion and consideration, the City Council updated the five year goals and strategies for the City of Lancaster which identifies a foundation of principles upon which the community will continue to prosper; and

WHEREAS, the City Council desires to adopt the City Council Retreat Report prepared by The Novak Consulting Group following the strategic planning session and the goals, strategies, Mission Statement and Vision 2025 contained in said report;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS:

Section 1. That the City Council Goals and Objective contained in the June 2011 City Council Retreat Report, attached hereto and incorporated herein by reference as Exhibit "A", having been reviewed by the City Council of the City of Lancaster, Texas, and found to be acceptable and in the best interest of the City and its citizens, be, and the same is hereby, in all things approved and adopted.

Section 2. That any prior resolutions of the City of Lancaster, Texas, in conflict with the provisions of this resolution, except as noted herein, be, and the same are hereby, repealed and revoked.

Section 3. That this resolution shall take effect immediately from and after its adoption and it is accordingly so resolved.

DULY PASSED and approved by the City Council of the City of Lancaster, Texas, on this the 25th day of July 2011.

APPROVED:

Marcus E. Knight, Mayor

ATTEST:

Dolle K. Downe, City Secretary

APPROVED AS TO FORM:

Robert E. Hager, City Attorney

City of Lancaster, Texas

City Council Retreat

June 2011



Lancaster Vision, Mission, Focus Areas and Council Goals 2011-2013

Vision

Lancaster is a proud, vibrant city. We celebrate our diversity and history, preserve our natural beauty, and are the economic hub of the south DFW metroplex. Our citizens take pride in our city. The Lancaster community is the best place to live, with excellent schools and educational opportunities, and attractive corridors and neighborhoods. Our citizens enjoy convenient living.

Mission

Lancaster city government is financially sustainable and provides efficient customer-friendly services. Our citizens have trust and confidence in city government and leaders.

Focus Areas and Council Goals

Financially Sound City Government

The City has a long-range financial plan and has prudent fiscal policies and processes in place. It has met or exceeded its general fund reserve goals, has funds available to address the needs of community, and responsibly manages its debt. The community continues to move toward a more competitive tax rate.

- Adopt a balanced budget for 2011-2012 by September 30, 2011 that maintains basic service levels and minimizes the impact on City taxpayers and ratepayers
- Direct staff to monitor budget and scrutinize expenses to yield savings to be put toward funding of the City reserves

Civic Engagement

The City provides opportunities for involvement through special events, boards and commissions, youth and parent volunteer opportunities in recreation, sports teams, City elections, civic leadership academy, and City-wide celebrations.

- Direct staff to write and release positive press releases weekly
- Develop schedule of regular meetings with LISD to discuss issues of mutual concern
- Create presentation/display boards or information kiosks for placement in high-traffic local businesses to provide civic information

Healthy, Safe and Vibrant Neighborhoods

Lancaster is a safe place where neighbors know each other. The community unites at citywide

events that keep neighborhoods strong. Compassionate code enforcement maintains our residential neighborhoods, and all residents have access to parks near where they live.

- Support Lancaster neighborhoods in the creation of PID's throughout the City to strengthen and connect neighborhoods

Professional and Committed City Workforce

Lancaster city government is an employer of choice with competitive pay that attracts an engaged, responsive, customer-oriented, innovative, and effective workforce. Some employees live in the City and all have a sense of ownership of the community. City employees feel needed and appreciated by elected officials, residents and businesses and are respectful to and appreciative of their customers and the City's governing body. The City's executive staff are engaged with residents and attend community events, uphold strong customer service, and use technology to aid them in working smarter.

Quality Development

The City encourages high quality construction in its housing, commercial buildings and public facilities. The City employs sustainable building practices and encourages conservation and the use of alternative energy sources. The City has a diverse housing stock with walkable neighborhoods and other high-quality neighborhood amenities. A diversity of commercial businesses include corporate business parks and distribution facilities, which make use of the expanded airport, rail, and highway system. Retail areas have grown because of growth in industrial, commercial and residential development.

- Focus economic development efforts in industrial, retail and commercial areas in order to grow the commercial tax base and create a 12.5% increase in the total number jobs in Lancaster
 - Two new warehouses (*fill existing or build new*)
 - Two new chain restaurants
 - One new industrial business
- Implement three year annexation plan for the E.T.J.
- Explore and discuss the creation of a joint TIF with Desoto for I-35 corridor by December 2012

Sound Infrastructure

The City has well-maintained streets and well-planned preventative maintenance programs for infrastructure and assets.

- Identify funding required for City's 10% match to complete the 2012-2013 planned improvements in the Airport Master Plan
- Develop a City-wide vehicle replacement schedule by June 2012

Retreat Summary

On June 23, 24 and 25, 2011, the Lancaster City Council held a facilitated retreat at the Lancaster Life Center. The Mayor and all Council members attended the retreat. In addition, the City Manager, City Secretary and City Department Directors attended. The retreat was facilitated by Julia Novak of The Novak Consulting Group. This report summarizes the conversations held at the retreat.

All attendees agreed to follow these operating norms during the retreat:

- Listen with respect
 - No interrupting
 - No talking over
 - Disagree agreeably
- Be candid and honest
- Look for opportunities to agree
- Participate – be engaged
- Respect differences
- Be fully present
- Strive for consensus

Day One

Each member of the governing body and the staff that were present had an opportunity to share their expectations for the retreat. Those expectations included:

- Learning and interacting with group
- Learning what people's goals and vision are for the City and how we can work together to make the City better for our constituents
- Looking forward to everyone coming together and receiving each other's ideas about how to move the City forward
- Hoping everyone will give honest, candid input; we have growing to do on both the Council and the executive staff
- Hearing more about staff's ideas as the professionals in their field; want to work together to build a better future for the City
- Council and staff working together and sharing the same vision
- Excited to see Council and staff work side by side in strategic planning
- Looking forward to exchange of ideas and conversation about the future
- Hearing Council's expectations for staff firsthand and have staff share what can be done
- Hearing Council's goals, objectives, and vision for the future

- Thinking about how we can forge a unified front in addressing the City's problems together
- Looking forward to listening to other's ideas and discussing them, getting candid input and staying focused on moving forward positively
- Believing we're all part of the City's team and that we treat each other that way
- Council getting a better look at where departments are coming from, understanding each other's expectations and coming together to move forward
- Feeling unity between Council and Executive Team
- Learning and listening
- Working together to accomplish what the City needs
- Having fun; learning a lot about how we come together to execute the vision to provide quality services to the community

Julia Novak then distributed the results of each attendee's Strength Deployment Inventory (SDI), an assessment instrument that Council members and staff completed online prior to the retreat. Julia then gave a presentation explaining the history of the SDI and how to interpret individual results (*presentation attached to this report as Appendix A*). Council members and staff participated in several exercises to facilitate a greater understanding of their own SDI results and those of their colleagues.

Following the SDI presentations and exercises, the City Manager led a discussion between Council and staff on the results the City's most recent citizen satisfaction survey, as well as preliminary budget development.

Day Two

Upon reconvening, Julia asked the Council and staff to reflect on the previous day's work and share anything that they learned. Feedback included:

- Nothing surprising was shared
- Realized where people start and how to better meet people where they are
- Gained some clarity and knowledge; activities were helpful in getting to know fellow Council members and how to work with them; helpful to have "do's" and "don'ts" for conflict
- Got to know fellow Council members better
- Helpful to hear how each Council member expressed their Motivational Value Systems (outlined in SDI results) and conflict styles
- SDI results were right-on in terms of where we all are; displaying our SDI results (using tent cards) would be helpful every time we have a discussion

- SDI helped me better understand each of the Council members; will be helpful in observing group interactions and in one-on-one conversations
- Gained more self-awareness from personal SDI results
- Felt a sense of team building and understanding people better; gained a better understanding of why people respond the way that they do in certain situations, which helps to take their responses less personally

Julia then asked the Council members to review expectations they had set for themselves and one another at the previous year's retreat. The Council members identified expectations that they wished to carry forward in the upcoming year and made changes as necessary. The revised Council member expectations include:

What do Council members expect from their colleagues on the Council?	What are Council members willing to give their colleagues on the Council?
<ul style="list-style-type: none"> • Full commitment to City of Lancaster (represent what's best for the whole City - not just your district - first and foremost) • Work hard (read our packets, ask questions of staff if we have them, be prepared for meetings) - Council noted that there is room for improvement in this area • Be a team player (if decision is made and we disagree, don't criticize other Council members about it) - Council noted the need to be professional and courteous in disagreements • Respect and understanding (common courtesy of returning phone calls) • Professionalism and appropriate decorum • Be committed to the position and all it entails (norms) • Be open minded, use all resources before making a decision • Honesty • Give colleagues the benefit of the doubt - Council members discussed the importance of preserving their right to change their minds, but also explaining to their colleagues why they have had a change of heart if/when that occurs 	<ul style="list-style-type: none"> • Do what I say I will do • If I have an issue I will tell you • Continue to work hard on Council work • My full commitment to the City of Lancaster • Honesty • Cooperation • Attention • Being the eyes and ears of my district to bring opinions from constituents • Willing to support and donate resources • Give life experiences • Be prepared • Give my perspective - when asked and even when not asked, sometimes • Start with blank slate, including trust and respect until a colleague loses it • Work with everyone • Concern and compassion • Willing to help if asked, and if I can • Understanding • Prayer • Benefit of the doubt

<ul style="list-style-type: none">• Abide by our rules, especially our charter• Uphold ethical standards inside and outside the Council chambers• Support each other – allow colleagues to be "first in their own district" for constituent services (when a constituent reaches out to you with an issue in one of your colleague's districts, bring the issue to your colleague and allow them to take over, resolve, and follow-up with the constituent)• Advice, if they want it• Go to the source of an issue or problem and try to resolve it directly (with one another or with appropriate staff)	
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Julia also asked the Council members to review the City Council Rules and Procedures, as they had at the previous year's retreat. The Council members were given the opportunity to address any changes that they would like to see in the rules. The Council discussed members' allotted travel and training budgets and whether those dollars should be shared with fellow members. The Council agreed that they should follow the same travel and training rules that have been established for City staff, which do not allow sharing of budgeted funds among staff members. No other items within the City Council Rules and Procedures were raised for discussion.

Julia then asked Council members to review the list developed at last year's retreat that outlined Council's expectations for staff. She asked Council members to pick one area from the list in which staff is doing well and one area in which staff could still use improvement. She also asked members to note if there was anything that should be changed, added or deleted. The Council members all noted that every aspect of Council-staff relations had improved since Opal Mauldin-Robertson became City Manager.

The following list reflects the Council members' expectations of staff:

- Be responsive to requests; welcome Council inquiries - ***Cited by Marco Mejia and James Daniels as having improved***
- Be ambitious - ***Cited by Marco Mejia, Staniey Jaglowski, and Mayor Marcus Knight as an area in which staff is doing well***
- Do what is right
- Take care of problems in a reasonable time
- Be cooperative

- Provide complete and accurate information - *Cited by James Daniels as improving but still needing focus*
- Be effective and hard-working during work hours
- Demonstrate a customer service mentality – say "how can we help you" - *Cited by Marco Mejia as needing improvement; Cited by Mayor Marcus Knight as an area in which staff is doing well*
- Be respectful and professional
- Treat people the same, regardless of their status
- Demonstrate a can-do attitude - *Cited by Stanley Jaglowski and Nina Morris as needing continuous improvement*
- Step-up to plate on issues - if you have information, don't hold it back - *Cited by Clyde Hairston as needing continuous improvement*
- Anticipate all views
- Participate in events and listen to community concerns - *Cited by Nina Morris as an area in which staff is doing well*
- Provide unbiased, expert opinions and appropriate information on issues
- Be engaged in meetings and work sessions - *Cited by Nina Morris as an area in which staff is doing well*
- Don't just say "no" to Council members, also say "here are other options things you can do"

City Manager Opal Mauldin-Robertson then shared her feedback with Council members regarding Council-staff relations. She encouraged Council members to support community events that City staff organize and attend. She also noted that staff appreciates receiving a "thank you" from Council members for their work.

Day Three

Julia welcomed the Council members and City staff and explained the purpose of the day's work, which was the formulation of Council goals for the next 12-18 months. Julia asked all those in attendance to reflect on how the retreat was proceeding and to share their hopes for the final day. Feedback included:

- Session has been great thus far; expecting questions today about actions we identified last year; hope to establish a good plan for next year
- Excited about today's meeting; proud of and pleased by the staff's participation and work this year
- Hope that at the end of today, there is better synergy between Council and staff; recognize that it is not always easy for staff to anticipate where Council is coming from;

today is a great opportunity to close that gap; Council needs staff's real-world perspective and professional experience to inform goal-setting

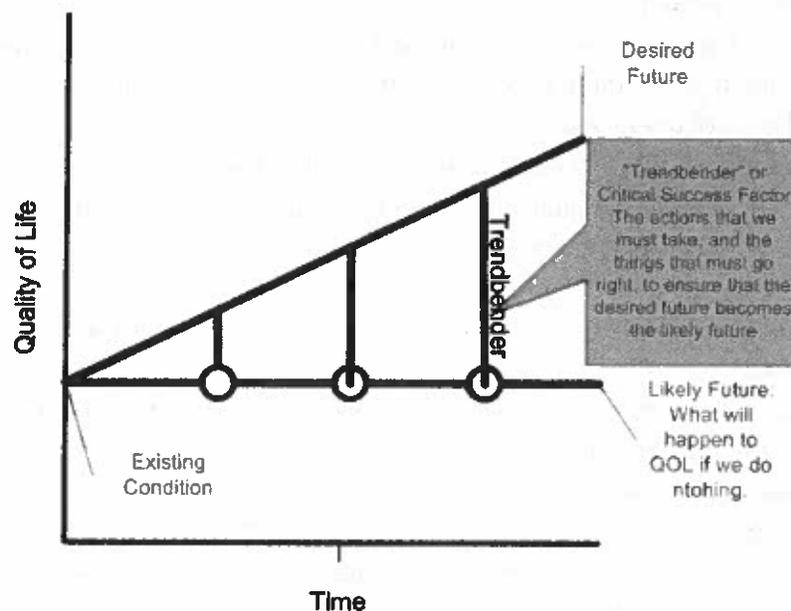
- Enjoying the opportunity to interact with Council
- Enjoying the process of getting to know Council members and staff throughout this retreat; looking forward to goal-setting
- Getting to know each other and what motivates each person has been helpful ; hope to see us reaffirm our goals and move the City forward; hope we can all try to agree on the things that will make our City better and move our City forward
- Being here is an honor; hope to walk out the door today and hit the ground running
- Very impressed with this Council and think that every member has the best interest of the City at heart; think that this Executive Team, with Opal's leadership, will drive the staff where we need to go
- Refreshing to have the chance to learn more about people on the Executive Team and Council; hope to move the City forward and keep that on our minds as we leave here today and go back to everyday life
- Excited about the future and ready to work on moving the City forward
- Gained a greater understanding of role as a spokesperson and supporter among staff for the Executive Team and the Council
- Getting to know the Council and Executive Team better is valuable
- Looking forward to working better together and to going out and getting these goals accomplished
- Appreciate the honesty that everyone has shown; it's clear that everyone here has the best interest of the City at heart
- Great to have the chance to get to know the Council better
- Valued the opportunity for colleagues on the Executive Team to get to know the Council members better and vice versa; want to leave here today with a clear work plan
- Hope that today we can make some important choices; even if individuals are not pleased with the choices that the group makes, hope that we can all get on board with the decision; hope Executive Team can gain a greater understanding of the fact that the Council is concerned for the well-being of the City, but has limited resources with which to work; we must make hard decisions that are in the best interest of the City as a whole
- Hope the Executive Team sees that the Council is trying to make the best decisions for the long term sustainability of the City; retreat has been a good team-building experience; everyone in the room is important and plays a critical role in running the City - we all have to work together

The Council members affirmed the previous year's vision and mission statements, then turned their attention to the six focus areas that were developed during the previous year's retreat. Those areas include:

- Financially Sound City Government

- Civic Engagement
- Healthy, Safe, and Vibrant Neighborhoods
- Professional and Committed Workforce
- Quality Development
- Sound Infrastructure

Julia asked the Council to think about these six areas in the context of the citizen satisfaction survey results that were shared earlier. She challenged the Council to consider whether focusing on these areas in the upcoming year would keep the City on track to "bend the trend" and move the City forward in the future. The "Trendbender" graphic (shown below) was used to illustrate this concept.



The Council members discussed the possibility of merging the "Civic Engagement" and "Healthy, Safe and Vibrant Neighborhoods" areas, but, in the end, decided that the two should be preserved as separate, distinct focus areas. The Council then affirmed all six areas for the upcoming year.

While staff members working on revising the descriptive vision statements under each of the six focus areas, Council members began brainstorming goals for the next 12-18 months. Julia reminded the Council that their goals should be "SMART":

- S - Specific
- M - Measurable
- A - Attainable
- R - Realistic

- T - Timely

Council members and staff reconvened to discuss staff's proposed changes to descriptive vision statements. Julia also facilitated the Council members' process of editing and refining their initial list of goals. At the conclusion of this process, the following focus areas and goals were decided:

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 - One new industrial business
- Implement three year annexation plan for the E.T.J.
- Explore and discuss the creation of a joint TIF with Desoto for I-35 corridor by December 2012

Sound Infrastructure

The City has well-maintained streets and well-planned preventative maintenance programs for infrastructure and assets.

- Identify funding required for City's 10% match to complete the 2012-2013 planned improvements in the Airport Master Plan
- Develop a City-wide vehicle replacement schedule by June 2012

Council members, staff and the facilitators then thanked one another for their attendance and participation, and the meeting was adjourned.

LANCASTER CITY COUNCIL
Agenda Communication for
July 25, 2011

3

AG11-003

Consider a resolution of the City Council of the City of Lancaster, Texas, adopting the Lancaster City Council Rules and Procedures, as amended; providing a repealing clause; and providing an effective date.

This request supports the City Council 2010-2011 Policy Agenda.

City Charter Requirement

Background

Section 3.14 of the City's Home Rule Charter requires the Council to determine its own rules of order and business ninety (90) days following the municipal elections. The City Council Rules and Procedures provide the framework in which the Council conducts its business.

Considerations

During the June 23-25, 2011 strategic planning session, Council reviewed and discussed the City Council Rules and Procedures. Council agreed to the following revision during their discussion. A redlined copy is attached for reference.

Section 1 Mayor-City Council Relations (see page 9)

E. COUNCIL MEMBER TRAINING AND PROFESSIONAL DEVELOPMENT

1. Council members are encouraged to attend at least one training event per year, and others as found beneficial to performance of their elective duties, subject to the availability of funds as appropriated in the annual budget for the Mayor and each council district.
2. Council shall appropriate an amount for Mayor and each council district.
Add: Travel and training funds appropriated for the Mayor and each council district shall not be available for transfer to another council district or the Mayor.

No other revisions were deemed necessary at this time.

- **Legal** - The resolution has been reviewed and approved as to form by the City Attorney.
- **Financial** - There is no financial impact resulting from revision of the City Council Rules and Procedures.
- **Public Information** - There are no public information requirements.

Options/Alternatives

1. City Council may approve the resolution adopting the revised City Council Rules and Procedures as presented.
2. City Council may approve the resolution with modifications to the City Council Rules and Procedures.

Recommendation

Staff recommends adoption of the resolution revising the Council Rules and Procedures as discussed during strategic planning.

Attachments

- Resolution
- Redlined City Council Rules and Procedures

Prepared and submitted by:
Dolle K. Downe, City Secretary

Date: July 11, 2011

RESOLUTION NO. 2011-07-59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, ADOPTING THE LANCASTER CITY COUNCIL RULES AND PROCEDURES, AS AMENDED, AS ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES AS EXHIBIT "A"; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 3.14 of the City of Lancaster Home Rule Charter requires the City Council to review and determine its own rules of order and business not later than ninety (90) days following the municipal elections; and

WHEREAS, the City Council has reviewed and discussed the City Council Rules and Procedures at a strategic planning meeting held June 23-25, 2011; and

WHEREAS, after discussion and consideration, the City Council has determined that certain revisions to the Rules and Procedures are appropriate;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS:

Section 1. That the City Council Rules and Procedures, as amended, attached hereto and incorporated herein by reference as Exhibit "A", having been reviewed by the City Council of the City of Lancaster, Texas, and found to be acceptable and in the best interest of the City and its citizens, be, and the same is hereby, in all things approved and adopted.

Section 2. That any prior resolutions of the City of Lancaster, Texas, in conflict with the provisions of this resolution, except as noted herein, be, and the same are hereby, repealed and revoked.

Section 3. That this resolution shall take effect immediately from and after its adoption and it is accordingly so resolved.

DULY PASSED and approved by the City Council of the City of Lancaster, Texas, on this the 25th day of July 2011.

APPROVED:

Marcus E. Knight, Mayor

ATTEST:

Dolle K. Downe, City Secretary

APPROVED AS TO FORM:

Robert E. Hager, City Attorney

City of Lancaster
City Council
Rules and Procedures



As Amended
~~July 12, 2010~~ July 25, 2011

Last CC Review: ~~June 10, 2010~~ June 24, 2011

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STATEMENT OF MISSION

The City Council shall faithfully discharge all duties imposed upon it by the City Charter and the Constitution and laws of the State of Texas, independently and impartially deciding all matters brought before it with responsibility to the citizens and each other.

COUNCIL DUTIES AND RESPONSIBILITIES

The City Council is the governing body for the City of Lancaster and must bear responsibility for the integrity of governance. This policy intends to ensure effective and efficient governance.

The Council shall govern the City with a commitment to preserving the values and integrity of representative local government and democracy. The following statements will serve as a guide to that commitment:

1. The Council must strive for continual improvement of each member's personal knowledge and ability to serve in an atmosphere conducive to the responsible exchange of ideas.
2. The Council will keep the community informed on municipal affairs; encourage communication between the citizens and Council and strive for constructive relationships with Dallas County, neighboring communities, Lancaster Independent School District and other governmental bodies.
3. The Council will recognize and address the rights and privileges of the social, cultural, and physical characteristics of the community when setting policy.
4. The Council will seek to improve the quality and image of public service.
5. The Council will commit to improving the quality of life for the individual and the community by being dedicated to the faithful stewardship of the public trust.

SECTION I
MAYOR-CITY COUNCIL RELATIONS

A. MAYORAL RESPONSIBILITIES

1. The Mayor shall be the presiding officer at all meetings. The Mayor Pro Tem shall preside in the absence of the Mayor. The Deputy Mayor Pro Tem shall preside in the absence of both the Mayor and Mayor Pro Tem.
2. The Mayor shall have a voice and vote in all matters before the Council.
3. The Mayor is the spokesperson for the Council on all matters unless absent, at which time a designee will assume the role.
4. The Mayor shall preserve order and decorum and is responsible for keeping the meetings orderly by recognizing each Member for discussion, limiting speaking time, encouraging debate among Members, and keeping discussion on the agenda items being considered.
5. Should a conflict arise among Councilmembers, the Mayor serves as mediator and arbiter.

B. COUNCILMEMBER RESPONSIBILITIES

1. Councilmembers shall know and observe the adopted rules and procedures governing their duties and responsibilities.
2. Councilmembers shall be prepared to discuss and act upon the posted agenda.
3. Councilmembers shall take the initiative to be informed about Council actions taken in their absence. When absent the individual Councilmember is responsible for obtaining relevant information prior to the Council meeting when said item is to be considered.
4. Councilmembers appointed to serve as liaison to a board, commission, or study group are responsible for keeping all Councilmembers informed of significant board, commission, or study group activities.

C. HOUSE RULES: CODE OF CONDUCT

1. Listen and understand before judging.
2. Focus on the Vision and goals;
no personal attacks or inferences.
3. Look for areas of agreement before differences.
4. Be on time; start on time; turn off all communication devices.
5. Once a decision is made,
support the City decision, but state your reservation.
6. Agree to disagree;
move on to the next issue.
7. Come prepared to discuss issues;
ask questions ahead of time.
8. Praise in public;
provide constructive feedback in private.
9. Participate in discussions and focus on the issue;
avoid side conversations.
10. Be courteous, honest and treat others with respect.
11. Communicate in an open, direct manner;
keep others informed.
12. If you have a problem with another member of Council, go to
that member directly and not to other council members, the
community or staff.
13. Be a positive ambassador for the City.

D. CITY COUNCIL AGENDA PROCESS

1. Agenda Items
 - a. The City Manager shall be responsible for the placement of agenda items.
 - 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 and nothing contained in the Charter or these Rules and Procedures shall be construed to limit or circumscribe such right.

- c. A Councilmember may place an item on the agenda by presenting same, in writing or verbally, to the City Manager not later than noon on the Friday one week before the Council meeting. The City Manager may discuss with the requesting Councilmember delay of the agenda item one meeting due to time considerations. However, the Councilmember may choose to direct the City Manager to place the agenda item on the upcoming Council meeting without a one meeting delay. Such direction shall be noted in the agenda communication regarding the agenda item.

2. Parliamentary Considerations

- a. Discussion on agenda items will be initiated following introduction by the Mayor, explanatory comments by staff, and a motion and a second for or against the proposal.
- b. The Mayor will encourage all Councilmembers to participate in discussion and debate, ensuring all members the opportunity to speak, limiting each speaker to ensure efficient use of time as appropriate.
- c. Generally accepted Parliamentary Procedure will determine the precedence of motions and the general conduct and composition of meetings except as otherwise provided herein or by State law.

3. Citizens Comments

- a. When Citizens' Comments are listed on the posted agenda, the Mayor may enforce the three (3) minute rule. The Mayor, at his/her discretion, may adjust the length of time per speaker. All speakers shall be accorded the courtesy of the same time allowance. All citizens requesting to speak during Citizens' Comments must fill out a speaker card prior to the call to order of the meeting. *(Approved by motion at City Council meeting June 7, 1999)*
- b. When Public Hearings are listed on the posted agenda, citizens

wishing to speak during the Public Hearing will be asked to fill out a speaker card prior to the call to order of the meeting.

- c. Public comment shall not be accepted during a Council work session. A councilmember may request that the Mayor recognize a person to speak during a work session if the councilmember believes the person has pertinent, factual information that is directly relevant to the Council's discussion. The Mayor, at his/her discretion, may ask the person to speak.

4. Minutes

- a. The City Secretary will keep Action Minutes for all City Council meetings where Council takes official action and description minutes for all citizens' comments and Public Hearings.
- b. The City Secretary will record all City Council meetings and retain the audiotapes of the City Council meetings for eight (8) years.
- c. Any questions regarding minutes shall be directed to the City Secretary prior to the council meeting.

5. Any Councilmember may appeal to the Council as a whole from a ruling by the Mayor. If the appeal is seconded, the person making the appeal may make a brief statement and the Mayor may explain the Mayor's position, but no other Member may speak on the motion. The Mayor will then put the ruling to a vote of the Council.

6. Any Councilmember may ask the Mayor to enforce the rules established by the Council. Should the Mayor fail to do so, a majority vote of the Council present shall require the Mayor to do so.

E. COUNCIL MEMBER TRAINING AND PROFESSIONAL DEVELOPMENT

1. Council members are encouraged to attend at least one training event per year, and others as found beneficial to performance of their elective duties, subject to the availability of funds as appropriated in the annual

budget for the Mayor and each council district.

2. Council shall appropriate an amount for Mayor and each council district.
Add: Travel and training funds appropriated for the Mayor and each council district shall not be available for transfer to another council district or the Mayor.
3. Selection of professional development events are at the discretion of each council member, but are limited to expenditures within the amount appropriated for mayor and each council district. Unexpended funds for each elective position are non-transferable and shall be returned to fund balance at the end of each fiscal year.
4. Council members are encouraged to select training events from the following providers:
 - Texas Municipal League
 - North Central Texas Council of Government
5. Additional expenditures from miscellaneous professional development funds, subject to annual appropriation, for the Mayor and/or a council member chosen to represent the council, may be made for special events as the need may arise. Such additional expenditures may be made only after having been placed on the agenda of a regular council meeting and acted upon by motion, second, and favorable majority vote.

(Resolution 46-99)

SECTION II

COUNCIL - STAFF RELATIONS

The City Manager is the primary link between the Council and the professional staff. The Council's relationship with the staff shall be through the City Manager, subject only to the "inquiry" provision of the City Charter.

- A. AGENDA QUESTIONS. Questions arising from Councilmembers after receiving their agenda information packet should be presented to the City Manager for staff consideration prior to the Council meeting. The additional information will be distributed to all Councilmembers.
- B. PRESENTATIONS TO COUNCIL. The City Manager shall designate appropriate staff to address each agenda item and shall see that it is adequately prepared and presented to the Council. Presentation should be professional, timely, and allow for discussion of options for resolving the issue. Staff shall make it clear that no Council action is required, present the staff recommendation, or present the specific options for Council consideration.
- C. PROBLEM RESOLUTION. If the City Manager or staff time is being dominated or misdirected by a Councilmember or in any conflict arising between staff and Council, the City Manager shall:
1. Visit with the Councilmember and discuss the problem and/or impact on City Manager or staff time;
 2. If unresolved, ask the Mayor to arbitrate a resolution to the issue;
 3. If still unresolved, ask the Mayor to present the concerns to the Council.
 4. If the unresolved issue is with the Mayor, ask the Mayor Pro Tem to arbitrate a resolution to the issue.
 5. If still unresolved issue involves the Mayor, ask the Mayor Pro Tem to present the concerns to the Council.
- D. STAFF CONDUCT AND TRAINING
1. The City Manager is responsible for the professional and ethical behavior of the City Staff. All staff members shall show each other, Council, and the public respect and courtesy at all times.
 2. The City Manager is responsible, within the constraints of the

appropriated budget, for staff development.

E. COUNCIL ORIENTATION. The City Manager will, in a timely manner, provide appropriate orientation services for new Councilmembers. Such services shall include, but not be limited to, the following:

1. Availability of Texas Municipal League conferences and seminars.
2. An individual meeting with new Members informing them about City facilities and procedures.
3. Printed documents and resource materials necessary to the performance of the office of Councilmember.

F. COUNCIL - MANAGER/STAFF RELATIONS

1. The rules and procedures governing Council right of inquiry shall apply only to the administrative staff reporting directly to the City Manager and shall not be in any way construed to limit the right of Council to direct access, verbal or written, with the City Manager, City Secretary, and City Attorney, unless otherwise specifically provided herein.
2. Inquiries: All administrative inquiries of staff may be made in writing and addressed to the person with a copy to the City Manager. Staff may respond in writing as soon as possible, but not later than five (5) business days, via the City Manager, as follows:
 - a. The full response to the inquiry.
 - b. Refer the inquiry to a more appropriate staff personnel with notice to the City Manager of the referral.
 - c. City Manager shall send a copy of all responses to all members of the Council.
3. Dispute Resolution
 - a. Visit with the Mayor and/or Councilmembers, and discuss

abuse and/or impact on City Manager or staff time.

- b. If unresolved, ask the Mayor to mediate a resolution to the issue; if the dispute is with the Mayor, the Mayor Pro-Tem shall mediate;
- c. If still unresolved, the Council shall mediate a final resolution.

(Resolution 43-98, October 12, 1998)

4. Communications with Staff

- a. In order to make the most efficient use of council members and staff time and to facilitate responsiveness to both staff and constituents, Council members may, upon request and funding availability, be issued a cellular telephone and service plan.

5. Disclosure of Police or Code Offense Reports and Related Records

- a. To protect the integrity of an investigation and prosecution of an offense, no information regarding police or code enforcement matters, other than what may be made to the public or media generally, will be released verbally or in written form to any council member.
- b. A Council member request for open records may be made through the City Secretary's office for personal subject matters. A council member may not use an Open Records Request to circumvent a copy of requested city documents being shared with other council members.

SECTION III

MEDIA RELATIONS

It is through an informed public that progress is ensured and good government remains sensitive to its constituents. These guidelines are designed to help ensure fair relationships with print, radio, and television reports without infringing upon the First Amendment rights of the media.

The Council and the City Manager recognize the important link to the public provided by the media. It is the Council's desire to strengthen this link by establishing a professional working relationship to maintain a well-informed citizenry.

- A. Media Orientation. Since each government body conducts business differently, it is requested that all reporters new to City Council meetings meet with the City Manager, Mayor or the designated media relations representative prior to covering their first meeting for information on policies and procedures.
- B. Agenda Information. All reporters requesting same will receive an agenda package in advance and will be furnished support material needed for clarification for themselves or the general public.
- C. Chamber Seating. During the conduct of official business, the news media shall occupy the places designated for them or the general public.
- D. Conduct in Chambers. Representatives of the media are requested to refrain from conversing privately with others in the audience while Council is in session. Interviews with the public should be conducted outside the Council Chambers while Council is in session.
- E. Spokesperson for Staff. On administrative matters, the City Manager or his designee is the spokesperson to present staff information on the agenda.
- F. Spokesperson for City. The Mayor, or the Mayor's designee, is the primary spokesperson for the official position of the City on matters regarding policy decisions and Council information pertaining to issues on the agenda. Any clarifications requested by the media on the issues should be addressed after the meeting.

- G. Equal Access for Opposing Positions. The ethical burden for fair presentation of opposing positions on any issue falls upon the media. When opposing positions have been debated, regardless of the outcome, the public is better informed when all sides have adequate coverage by the media. Interviews by the media should provide equitable representation from all Councilmembers.

SECTION IV
BOARDS/COMMISSIONS

All City Councilmembers, with the exception of the Mayor, will serve as Council liaisons to all the boards and commissions of the City for a period of one year.

- A. Councilmembers will select different boards and/or commissions to serve as liaisons after or around the completion of the boards and commissions appointments in July.
- B. Each Councilmember will be allowed to select the board or commission they would like to serve as liaisons to by order of seniority.
- C. Councilmembers are strongly encouraged, rather than required, to attend all meetings of their selected boards and/or commissions.
- D. Each Councilmember may submit a quarterly report to the entire council through the City Secretary on their respective board and/or commission's activity.

This Section was added after Res. No. 50-97 was adopted October 13, 1997. Item D was added after Res. 2007-09-105 was adopted on September 24, 2007.

CODE OF ETHICS

Since the office of elected official is one of trust and service to the citizens of Lancaster, certain ethical principles shall govern the conduct of Councilmembers, who shall:

- A. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships;
- B. Recognize that the primary function of local government is to serve the best interests of all the people;
- C. Be dedicated to public service by being cooperative and constructive, and by making the best and most efficient use of available resources;
- D. Refrain from any activity or action that may hinder one's ability to be objective and impartial on any matter coming before the Council;
- E. Not seek nor accept gifts or special favors and shall believe that personal gain by use of confidential information or by misuse of public funds or time is dishonest;
- F. Recognize that public and political policy decisions are ultimately the responsibility of the City Council;
- G. Conduct business in open, well-publicized meetings in order to be directly accountable to the citizens of Lancaster in compliance with the City Charter;
- H. Avoid inappropriate reference to personalities, and refrain from impugning the integrity or motives of another;
- I. Demonstrate respect and courtesy to others;
- J. Refrain from rude and derogatory remarks and shall not belittle staff members, other Councilmembers and members of the public;
- K. Not condone any unethical or illegal activity.

CENSURE POLICY

1. Two or more City Councilmembers may file a written notice of censure against another City Councilmember with the City Secretary. The written notice shall set forth the allegation(s) of conduct and City Charter provisions which the accused Councilmember shall have allegedly violated. A copy shall be delivered to all Councilmembers. A written response to the allegation(s) may be filed by the accused Councilmember ten (10) days after receipt thereof. A copy of the notice of censure and response thereto shall be delivered to each Councilmember within two (2) days after the response is filed.

2. On the first regularly called meeting of the Council, which complies with the Texas Open Meetings Act, after the filing of the notice and response, the City Secretary shall formally read the notice and response into the public record. The Council, by majority vote, shall thereafter determine whether or not good cause shall exist to set a formal hearing on the merits of the notice of censure or dismiss the allegation(s). A public hearing shall be set on the allegation(s) by the City Council. A vote to hold a public hearing shall not be construed to be a vote of censure.

3. The accused City Councilmember has the right to be represented by legal counsel and present witnesses relative to the allegation(s).

4. A public hearing on the allegation(s) and response shall be held at either a regular or special called meeting of the City Council, which shall be open to the public.

CENSURE POLICY

(continued)

5. The City Council will hear evidence concerning the notice of censure. The City Councilmembers proffering the charges shall present evidence in support of the allegation(s) contained in the notice of censure. The Councilmember who is the subject of the censure shall have the opportunity to present evidence to support his or her position with respect to the notice of censure. After receiving evidence at an open public meeting, the City Council shall then take a roll-call vote, after motion duly made and seconded, a majority of five members of the City Council shall be required to sustain the censure of the Councilmember.

LANCASTER CITY COUNCIL
Agenda Communication for
July 25, 2011

4

AG11-004

Consider a resolution of the City Council of the City of Lancaster, Texas, approving the terms and conditions of an Agreement of Cooperation by and between Dallas County and the City of Lancaster for participation in the Community Development Block Grant (CDBG) and Home Program; authorizing the City Manager to execute said agreement; providing a repealing clause; providing a severability clause; and providing an effective date.

This request supports the City Council 2010-2011 Policy Agenda.

Goal 3: Healthy, Safe & Vibrant Neighborhoods

Background

The City of Lancaster receives Community Development Block Grant (CDBG) funds each year for various community development projects. These funds are administered through Dallas County. In order to receive this funding, the U.S. Department of Housing and Urban Development (HUD) requires the County and all participating cities with populations under 50,000 to enter into a cooperative agreement for three years. The current agreement will expire on September 30, 2011.

Dallas County's CDBG Program has been in existence since 1988. The City of Lancaster has used their portion of these funds over the years to undertake a wide variety of projects such as road construction, installation of water or sewer lines and demolition of substandard structures. The criteria for projects must meet one of three needs: eliminate blight, eliminate a community threatening condition or primarily benefit low/moderate income residents.

On June 27, 2011, Council approved use of fiscal year 2011 Community Development Block Grant (CDBG) funds for reconstruction of Sanford Lane from Arcady Lane to Arlington Lane. The application for this project has been submitted. This project cannot start before October 1, 2011.

Considerations

- **Operational** - Dallas County requests renewal of the cooperative agreement every three years. To continue participation in the Community Development Block Grant and Home program, it is necessary to forward the approved agreement to Dallas County no later than July 29, 2011.
- **Legal** – The City Attorney has reviewed the agreement and resolution and approved as to form.
- **Financial** – CDBG funds are allocated based on the percentage of low/moderate individuals in each city. Over the last three years, the City of Lancaster has been allocated an average of \$120,000 each year for various projects. If the City does not continue its participation in the program, this funding will no longer be available.
- **Public Information** – There are public hearing requirements for this cooperative agreement.

Options/Alternatives

1. Council may approve the resolution as presented.
2. Council may deny the resolution. If the agreement is not approved, the City must discontinue participation in the program and forfeit any future funds.

Recommendation

Staff recommends approval of the resolution and agreement as presented.

Attachments

- Resolution
- Agreement of Cooperation

Prepared and submitted by:
Dolle K. Downe, City Secretary

Date: July 7, 2011

RESOLUTION NO. 2011-07-60

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN AGREEMENT OF COOPERATION WITH DALLAS COUNTY TO CONTINUE PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME PROGRAM FOR THREE YEARS; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Dallas County is applying to the United States Department of Housing and Urban Development for Urban County Community Development Block Grant entitlement status; and

WHEREAS, in order to qualify for this status, Dallas County must enter into cooperative agreements with local governments; and

WHEREAS, the City of Lancaster, a long-time participant in the Community Development Block Grant program, supports the efforts of Dallas County to qualify for the Urban County Community Development Block Grant program.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, THAT:

- Section 1.** The City Council hereby approves the Agreement of Cooperation with Dallas County attached hereto and incorporated herein by reference as Exhibit "A" to include the City's population in the Urban County Community Development Block Grant program in order to qualify Dallas County for Urban County Community Development Block Grant entitlement status.
- Section 2.** The City Manager of the City of Lancaster, Texas, is hereby authorized to execute said agreement.
- Section 3.** Any prior Resolutions of the City Council in conflict with the provisions contained in this Resolution are hereby repealed and revoked.
- Section 4.** Should any part of this Resolution be held to be invalid for any reason, the remainder shall not be affected thereby, and such remaining portions are hereby declared to be severable.
- Section 5.** This Resolution shall take effect immediately from and after its passage, and it is duly resolved.

DULY PASSED and approved by the City Council of the City of Lancaster, Texas, on this the 25th day of July 2011.

APPROVED:

Marcus E. Knight, Mayor

ATTEST:

Dolle K. Downe, City Secretary

APPROVED AS TO FORM:

Robert E. Hager, City Attorney

**AGREEMENT OF COOPERATION
for CDBG/HOME Program**

WHEREAS, the 93rd Session of the Congress passed, and the President of the United States signed into law, the Housing and Community Development Act of 1974 (PL93-383) which created the Urban County Community Development Block Grant (CDBG) program; and

WHEREAS, Dallas County, Texas, is applying to the U.S. Department of Housing and Urban Development for Urban County CDBG entitlement status; and

WHEREAS, in order to qualify for this status, Dallas County must enter into cooperative agreements with local governments and have the collective population of the County's unincorporated area and the participating local governments total at least 100,000 people; and

WHEREAS, Texas cities and counties are authorized under Chapter 373, Local Government Code, and Section 381.003, Local Government Code, to conduct essential Housing and Community Development activities; and

WHEREAS, Texas cities and counties are authorized under Chapter 791, Government Code, to enter into cooperative agreements with one another.

NOW, THEREFORE, BE IT RESOLVED THAT:

The City of Lancaster supports the efforts of Dallas County, Texas to qualify for the Urban County CDBG program and asks that its population be included in such a program beginning for Federal Fiscal Years 2012, 2013 and 2014.

This agreement covers the CDBG entitlement program and when applicable, the HOME Investment Partnership and Emergency Shelter Grant (ESG) programs.

This agreement remains in effect until the CDBG (HOME and ESG, where applicable) funds and program income received with respect to the three-year qualification period are expended and the funded activities completed, and that the County and City may not terminate or withdraw from the agreement while the agreement remains in effect.

The City of Lancaster understands that by executing the CDBG cooperation agreement it:

1. May not apply for grants under the Small Cities or State CDBG Program from appropriations for fiscal years during the period in which it is participating in the Urban County CDBG program; and

2. May receive a formula allocation under the HOME program only through the urban county. May not participate in a HOME consortium except through the Urban County, regardless, of whether the Urban County received a HOME formula allocation.
3. May receive a formula allocation under the ESG Program only through the urban county.

Dallas County and the City of Lancaster agree to cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities, specifically urban renewal and publicly assisted housing.

Dallas County and the City of Lancaster shall take all actions necessary to assure compliance with the Urban County's certification required by Section 104(b) of the Title I of the Housing and Community Development Act of 1974, as amended, including Title VI of the Civil Rights Act of 1964, the Fair Housing Act, Section 109 of Title I of the Housing and Community Development Act of 1974, and Title VIII of the Civil Rights Act of 1968 and other applicable laws;

Dallas County and the City of Lancaster understands that Urban County funding will not be provided for activities in or in support of a cooperating local government that does not affirmatively further fair housing within its own jurisdiction or that impedes the County's actions to comply with its fair housing certifications;

The City of Lancaster understands, that in accordance with 24 CFR 570.501(b) and 570.503, (which requires a written agreement), it shall be subject to the same administrative requirements as a sub-recipient should it receive funding under this program;

The City of Lancaster agrees to inform Dallas County of any income generated by the expenditure of CDBG/HOME and ESG funds received, and that any such program income must be paid to the county to be used for eligible activities in accordance with all ESG, HOME and Community Development Block Grant requirements;

Dallas County is responsible for monitoring and reporting to the U.S. Department of Housing and Urban Development on the use of any such program income, and that in the event of close-out or change in status of the City of Lancaster, any program income that is on hand or received subsequent to the close-out or change in status shall be paid to the County;

The City of Lancaster agrees to notify Dallas County of any modification or change in the use of the real property from that planned at the time of acquisition or improvement, including disposition, and further agrees to reimburse the county in an amount equal to the current fair market value (less any portion thereof attributable to expenditure of non-CDBG/HOME and ESG funds) for property acquired or improved with CDBG/HOME and ESG funds that is sold or transferred for a use which does not qualify under the CDBG/HOME and ESG regulations;

Any money generated from the disposition or transfer of property will be treated as program income and returned to the County prior to, or subsequent to, the close-out, change of status, or termination of this cooperative agreement between Dallas County and the City of Lancaster.

LANCASTER CITY COUNCIL
Agenda Communication for
July 25, 2011

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AG11-005

Conduct a public hearing and consider an ordinance of the City of Lancaster, Texas, 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 District (CH) to Commercial Highway District – Specific Use Permit (CH-SUP) to grant a Specific Use Permit to allow for a minor automotive repair use on property generally located on the southeast corner of the intersection of North Interstate 35E Service Road and Idlewild Court, and more commonly known as 1550 North Interstate 35E in Lancaster, Texas; providing for special conditions; providing a savings clause; providing a severability clause; providing a penalty of fine not to exceed the sum of two thousand dollars (\$2,000) for each offense; and providing an effective date.

This request supports the City Council 2010-2011 Policy Agenda.

Goal 2: Quality Development

Background

The applicant is requesting a Specific Use Permit (SUP) for property located in commercial zoning in the Commercial Highway District. The proposed use is for a minor auto repair shop. Minor auto repair uses are required to obtain a SUP in commercial highway zoning because of the potential impact it has to the highway corridor.

The applicant is requesting this SUP to be allowed to add a minor auto repair use to an existing use. The La Azteca Meat Market renovated a former Pep Boys automotive center to a grocery store. The service bays of the former use remained vacant while the remainder was converted to serve its current use. The applicant is now seeking to fully utilize the entire space. Modeling the Wal-Mart brand which has multiple uses in one location, the applicant wishes to emulate this example on a smaller scale.

A site and landscape plan for La Azteca Meat Market was approved in December of 2009 in accordance with the most current Ordinance regulations. Thus the subject property has an abundance of street trees along I-35E and Idlewild Court, parking lot trees within 80 feet of each parking space and adequate screening from nearby residential uses. The existing bay doors are located on the south side of the building whereas the primary

residential areas are located on the north side of the building. Thus the automotive services would not be detrimental to the nearby residents. There is also sufficient parking for the site and a pole sign on the property that has adequate space for an additional use to be displayed.

1. **Location and Size:** The property is generally located at the southeast corner of the intersection of Interstate 35E Service Road and Idlewild Court and addressed as 1550 North Interstate 35E. The property under consideration is approximately 3.15 acres of land.
2. **Current Zoning:** The subject property is currently zoned CH – Commercial Highway.
3. **Adjacent Properties:**
 North: CH, Commercial Highway District
 South: CH, Commercial Highway District
 East: R, Retail District
 West: City Limits (Interstate 35E)
4. **Comprehensive Plan Compatibility:** The Comprehensive Plan identifies this site as suitable for commercial uses. This proposal is compatible with the Comprehensive Plan.
5. **Public Notification:** The Public Hearing notice appeared in the Focus Daily Newspaper and property owner notifications were mailed out on July 1, 2011. Zoning signs were placed on the subject property on July 5, 2011, satisfying the noticing requirement for this request.
6. **Case/Site History:**

Date	Body	Action
07/12/11	P&Z	Z11-06 SUP for Minor Auto Repair received unanimous vote (3-0) to recommend approval of the SUP

Considerations

- **Operational** – This is a request for a Specific Use Permit (SUP) to develop a Minor Auto Repair use. The applicant is seeking to utilize existing bays already in place when they converted the facility from a former automotive use to a retail establishment.
- **Legal** - The City Attorney has prepared an ordinance for the proposed development.
- **Financial** - There are no financial considerations for this case.

Options/Alternatives

1. Approve the SUP request in accordance with staff and/or Planning and Zoning recommendations.
2. Approve the SUP request with modifications and state those modifications.
3. Approve the SUP request, as proposed.
4. Postpone consideration of this item.
5. Deny the SUP request.

Recommendation

P&Z

At the July 12, 2011 meeting, the Planning and Zoning Commission made a recommendation to approve the SUP request for a Minor Auto Repair use with the following stipulation:

1. No overnight outside storage or parking will be allowed.

STAFF

Staff recommends approval of the item (Option 1), in accordance with the following stipulation:

1. No outside overnight storage of vehicles is allowed.
2. The SUP is limited to the use and operation of the site as currently configured. Expansion of the existing building or substantial alteration that would change the building occupancy or intensity of use shall require reconsideration and approval of this SUP.

Attachments

- Ordinance
- Planning and Zoning Commission Agenda Communication/with attachments (July 12, 2011)
- Unapproved Planning and Zoning Commission Meeting Minutes Excerpt (July 12, 2011)

Prepared and submitted by:
Nathaniel Barnett, Senior Planner

Date: July 12, 2011

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, 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 DISTRICT (CH) TO COMMERCIAL HIGHWAY DISTRICT - SPECIFIC USE PERMIT (CH-SUP) TO GRANT A SPECIFIC USE PERMIT TO ALLOW FOR A MINOR AUTOMOTIVE REPAIR USE ON PROPERTY GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH INTERSTATE 35E SERVICE ROAD AND IDLEWILD COURT, AND MORE COMMONLY KNOWN AS 1550 NORTH INTERSTATE 35E, LANCASTER, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Lancaster, in compliance with the laws of the State of Texas with references to the granting of zoning classification changes, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; the said governing body is of the opinion that the request made in Zoning Case No. Z11-06 should be approved, and in the exercise of legislative discretion have concluded that the Comprehensive Zoning Ordinance and Official Zoning Map for the City of Lancaster, Texas should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Lancaster, Texas, duly passed by the governing body of the City of Lancaster, Texas, as heretofore amended, be and the same is hereby amended to grant a change in zoning from Commercial Highway District (CH) to Commercial Highway District-Specific Use Permit (CH-SUP) to grant and allow a Specific Use Permit to allow for a minor automotive repair use on property generally located on the southeast corner of North Interstate 35E Service Road and Idlewild Court and more commonly known as 1550 North Interstate 35E, Lancaster, Texas (the "Property").

SECTION 2. That a Specific Use Permit is hereby granted to allow for a minor automobile repair use on the subject Property subject to the following special conditions:

- A. The SUP is limited to the use and operation of the site as currently configured. Expansion of the existing building or substantial alteration that would change the building occupancy or intensity of use shall require reconsideration and approval of this SUP.
- B. There shall be no overnight outside storage of any automobiles or any tools or materials related to minor automotive repair (including tires) on the subject Property.

SECTION 3. That the above Property shall be used only in the manner and for the purposes provided by the Development Code of the City of Lancaster, as heretofore amended and as amended herein.

SECTION 4. That all provisions of the ordinances of the City of Lancaster in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other provisions of the ordinances of the City of Lancaster not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. If any article, paragraph, subdivision, clause or provision of this ordinance or the Lancaster Development Code, as hereby amended, be adjudged invalid or held unconstitutional for any reason, such judgment or holding shall not affect the validity of this ordinance as a whole or any part or provision thereof, or of the Lancaster Development Code, as amended hereby, other than the part so declared to be invalid or unconstitutional.

SECTION 6. Any person, firm or corporation violating any of the provisions of this ordinance or the Lancaster Development Code of the City of Lancaster, Texas, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Lancaster, Texas, shall be subject to a fine not to exceed the sum of Two Thousand (\$2,000.00) dollars for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 7. This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provide.

DULY PASSED AND APPROVED by the City Council of the City of Lancaster, Texas, on the 25th day of July 2011.

APPROVED:

MARCUS E. KNIGHT, MAYOR

ATTEST:

DOLLE K. DOWNE, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY
(REH/JVP/50231)

PLANNING & ZONING COMMISSION
Agenda Communication for
July 12, 2011

#3

Z11-06 Conduct a Public Hearing and Consider a Request for a Specific Use Permit for a Minor Auto Repair use for Property Generally Located at the Southeast Corner of the intersection of North Interstate 35E Service Road and Idlewild Court and addressed as 1550 North Interstate 35E.

Background

1. **Location and Size:** The property is generally located at the southeast corner of the intersection of Interstate 35E Service Road and Idlewild Court and addressed as 1550 North Interstate 35E. The property under consideration is approximately 3.15 acres of land.
2. **Current Zoning:** The subject property is currently zoned CH – Commercial Highway.
3. **Adjacent Properties:**
North: CH, Commercial Highway District
South: CH, Commercial Highway District
East: R, Retail District
West: City Limits (Interstate 35E)
4. **Comprehensive Plan Compatibility:** The Comprehensive Plan identifies this site as suitable for commercial uses. This proposal is compatible with the Comprehensive Plan.
5. **Public Notification:** The Public Hearing notice appeared in the Focus Daily Newspaper and property owner notifications were mailed out. Zoning signs were placed on the subject property on July 5, 2011, satisfying the noticing requirement for this request
6. **Case/Site History:** N/A

Considerations

The applicant is requesting a Specific Use Permit (SUP) for property located in commercial zoning in the Commercial Highway District. The proposed use is for a minor auto repair shop. Minor auto repair uses are required to obtain a SUP in commercial highway zoning because of the potential impact it has to the highway corridor.

The purpose of the SUP process is to authorize and regulate certain uses allowed in a particular zoning designation, yet ensure that such uses are not detrimental to surrounding property, and are consistent with the stated purpose of the zoning district. An SUP can address issues regarding conditions of operation, location, sign display, timeframe, etc.

The applicant is requesting this SUP to be allowed to add a minor auto repair use to an existing use. The La Azteca Meat Market renovated a former Pep Boys automotive center to a grocery store. The service bays of the former use remained vacant while the remainder was converted to serve its current use. The applicant is now seeking to fully utilize the entire space. Modeling the Wal-Mart brand which has multiple retail uses in one location, the applicant wishes to emulate this example on a smaller scale.

Staff has reviewed the potential impacts of combining an automotive use with a food market at this location. There is sufficient separation from the two uses that would allow them to exist compatibly. There would be separate entrances for each use. Because the site is already operational, there is sufficient parking and no need for additional signage or landscaping.

Options/Alternatives

- 1) Recommend approval in accordance with modifications and said modifications shall be stipulations of approval.
- 2) Recommend approval, as requested.
- 3) Postpone consideration.
- 4) Recommend denial of the request.

Recommendation

Staff recommends **approval** of the item (Option 1).

Approval Process

Upon recommendation by the Planning and Zoning Commission, the City Council will conduct a public hearing and render a final decision for this item at their July 25, 2011, regular meeting.

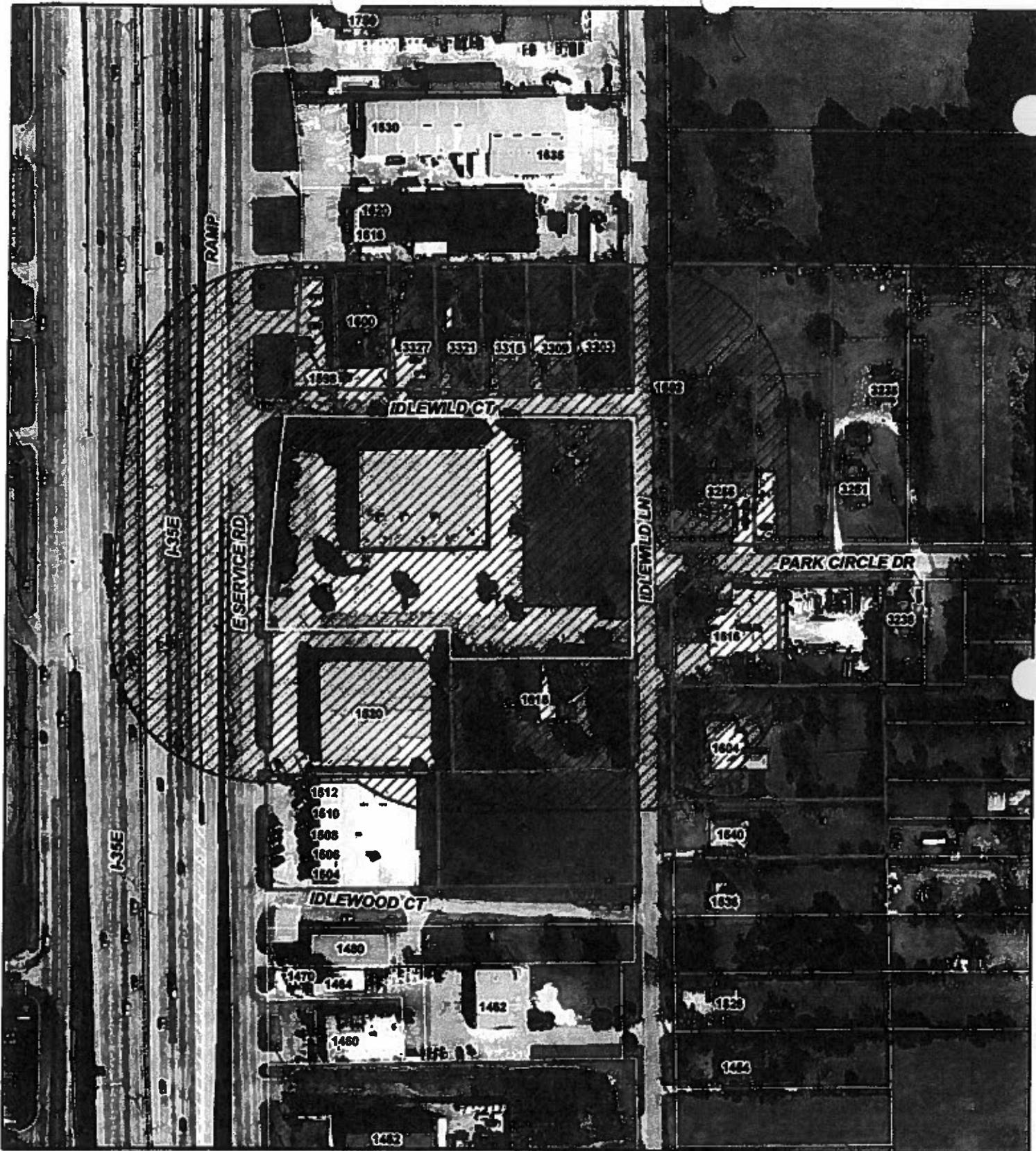
Attachments

Site Plan
Property Owner Notification map
Property Owner Notification listing

Prepared By and Submitted By:

Nathaniel Barnett
Senior Planner, Planning Department

Date: July 8, 2011



-  Parcels
-  Subject Parcel
-  Notification Parcels
-  200' Notification Area



City of Lancaster
1550 N I-35E
200' Notification Area

DCAD Acct #	Owner Name	Owner Address	City	Zip	Site Address
36002500010180100	ALDRIDGE ORVILLE	PO BOX 800239	DALLAS	75380-0239	1520 N I-35E
36002500010150100	ALDRIDGE ORVILLE	PO BOX 800239	DALLAS	75380-0239	1611 IDLEWILD LN
36002500010180000	BATES ALTA REVOCABLE LIVING TRUST	1600 S MAIN ST APT 147	DUNCANVILLE	75137-3290	1615 IDLEWILD LN
36020500000400000	BATES OLIN R	1600 S MAIN ST APT 149	DUNCANVILLE	75137-3290	3321 IDLEWILD CT
36002500010150000	CAWTHON RONALD D & LINDA F	1727 GREEN TREE PL	DUNCANVILLE	75137-3613	1512 N I-35E
36020500000300000	MAZZMANIA LP & JUANITA COUCH	323 CENTRE ST	DALLAS	75208-6505	3327 IDLEWILD CT
36020500000500000	MCWILLIAMS FAMILY REVOCABLE LIVING TRUST	326 MEADOW LN	RED OAK	75154-6414	3315 IDLEWILD CT
36020500000600000	MCWILLIAMS FAMILY REVOCABLE LIVING TRUST	326 MEADOW LN	RED OAK	75154-6414	3309 IDLEWILD CT
360718000A0010000	MICHELLE & LAURA INVESTMENTS INC	1660 S STEMMONS FWY STE 430	LEWISVILLE	75067-3919	1550 N I-35E
36002500030020000	MONROY MARIBEL V	3255 GREEN DR	LANCASTER	75134-2642	3253 PARK CIRCLE DR
36002500030010000	MONROY MARIBEL V	3255 GREEN DR	LANCASTER	75134-2642	3255 PARK CIRCLE DR
36020500000010000	SEANEY RICHARD & SHARON SEALEY	1332 MARBLE CANYON DR	DESOTO	75115-2928	1600 N I-35E
360805200B0020000	SHIERK ROBERT DENZIL & SAUNDRA N	1022 WOODRIDGE RD	WAXAHACHIE	75165-6911	3250 PARK CIRCLE DR
360805200B0010000	SHIERK ROBERT DENZIL & SAUNDRA N	1022 WOODRIDGE RD	WAXAHACHIE	75165-6911	1616 IDLEWILD LN
36002500020280000	STOGNER NELL JEAN	1604 IDLEWILD LN	LANCASTER	75134-2622	1604 IDLEWILD LN
36020500000070000	TAYLOR THOMAS E	321 TAYLOR RD	WAXAHACHIE	75165-6920	3303 IDLEWILD CT
36002500020300000	VINES DAN	3505 RAINIER DR	ARLINGTON	76016-3907	1540 IDLEWILD LN

Unapproved Minutes from the Planning and Zoning Meeting, July 12, 2011

1. **Z11-06** Conduct a Public Hearing and Consider a Request for a Specific Use Permit for a Minor Auto Repair use for Property Generally Located at the Southeast Corner of the intersection of North Interstate 35E Service Road and Idlewild Court and addressed as 1550 North Interstate 35E.

Senior Planner Nathaniel Barnett gave a brief presentation regarding the request for a minor auto repair use at the La Azteca Meat Market. Senior Planner Barnett gave a background of the subject property and how it had been renovated from a former Pep Boys automotive use to a grocery store. He showed photos of the property and where it sat in relation to nearby residential uses and other uses related to the request. Senior Planner Barnett stated that the renovation had a site plan and landscape plan approved in December of 2009 that adhered to the more stringent Ordinance regulations. He mentioned that 2 property owner notices were returned in favor of the request.

The applicants, Fred and Juan Ortega, complimented Staff on the presentation and stated that they were seeking the use primarily to do state inspections and other minor mechanic repairs. Commissioner Wright asked if state inspections were the primary use for the site. Fred Ortega stated that state inspections and other minor repairs. Chair Colton asked about the pole sign being sufficient for the site. Juan Ortega stated that whoever the renter of the property would be would be allowed to use the existing sign. Senior Planner Barnett stated that they would have to comply with the sign regulations and get a sign permit.

Chair Colton opened the public hearing and asked for comments.

AGAINST:

None

FAVOR:

Thomas Taylor, 3303 Idlewild Court, wanted to know if there would be outside storage allowed on the property. Senior Planner Barnett stated that the recommendation is for no outside storage.

COMMISSIONER BUCHANON MADE THE MOTION TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER WRIGHT.

AYES: COLTON, BUCHANON, WRIGHT

NAYES:

THE MOTION CARRIED 3-0.

Discussion of the Zoning Change Request

Chair Colton wanted to ensure that the recommendation could include the stipulation of no outside storage. Chair Colton also questioned the landscaping on the subject property. Senior Planner Barnett stated that there is sufficient landscaping with street trees along I-35E and Idlewild Court as well as on the parking lot. Commissioner Buchanon stated being that the building already had bays that are not being used it makes sense to utilize what's there.

Chair Colton entertained a motion.

COMMISSIONER BUCHANON MADE THE MOTION TO RECOMMEND APPROVAL OF THE REQUEST WITH THE STIPULATION THAT THERE BE NO OUTSIDE STORAGE OR PARKING OVERNIGHT, SECONDED BY COMMISSIONER WRIGHT.

AYES: COLTON, BUCHANON, WRIGHT

NAYES:

THE MOTION CARRIED 3-0.

DRAFT

LANCASTER CITY COUNCIL
Agenda Communication for
July 25, 2011

6

AG11-006

Conduct a public hearing and consider an ordinance of the City of Lancaster, Texas, 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 District (CH) to Commercial Highway District – Specific Use Permit (CH-SUP) to grant a Specific Use Permit to allow for a minor automotive repair use on property generally located approximately 90 feet from the northwest corner of the intersection of Danieldale Road and Cumberland Street, and more commonly known as 3305 Danieldale Road in Lancaster, Texas; providing for special conditions; providing a savings clause; providing a severability clause; providing a penalty of fine not to exceed the sum of two thousand dollars (\$2,000) for each offense; and providing an effective date.

This request supports the City Council 2010-2011 Policy Agenda.

Goal 2: Quality Development

Background

The applicant is requesting a Specific Use Permit (SUP) for property located in commercial zoning in the Commercial Highway District. The proposed use is for a minor auto repair shop. Minor auto repair uses are required to obtain a SUP in commercial highway zoning because of the potential impact it has to the highway corridor.

The applicant is requesting this SUP to be allowed to convert an existing vacant building into a minor auto repair use primarily for diagnostic testing of luxury vehicles. The applicant is proposing to add height to an existing screening wall to buffer the use from adjacent residential uses on the north and east of the subject property. The applicant is also proposing to orient exterior lighting away from the residential uses and shine only on the subject property. Also being proposed is to add masonry materials to the façade and landscaping in accordance with City regulations to enhance the property aesthetically.

In staff's analysis, it is noted that the subject property is located over 500 feet away from the highway service road. The bay door is on the rear of the building. The proposed enhancements to the property will improve the aesthetic quality of the area. There are no proposed uses of chemicals or other fluids that would require special drainage or storage on the subject property. Therefore, it has been determined that the applicants' proposal would not deter from the area.

1. **Location and Size:** The property is generally located approximately 90 feet from the northwest corner of the intersection of Daniieldale Road and Cumberland Street and addressed as 3305 Daniieldale Road. The property under consideration is less than 1 acre (0.45) of land.
2. **Current Zoning:** The subject property is currently zoned CH – Commercial Highway.
3. **Adjacent Properties:**
 North: CH, Commercial Highway District
 South: CH, Commercial Highway District
 East: CH, Commercial Highway District
 West: CH, Commercial Highway District
4. **Comprehensive Plan Compatibility:** The Comprehensive Plan identifies this site as suitable for commercial uses. This proposal is compatible with the Comprehensive Plan.
5. **Public Notification:** The Public Hearing notice appeared in the Focus Daily Newspaper and property owner notifications were mailed out on July 1, 2011. Zoning signs were placed on the subject property on July 5, 2011, satisfying the noticing requirement for this request.
6. **Case/Site History:**

Date	Body	Action
07/12/11	P&Z	Z11-07 SUP for Minor Auto Repair received unanimous vote (3-0) to recommend approval of the SUP

Considerations

- **Operational** – This is a request for a Specific Use Permit (SUP) to develop a Minor Auto Repair use. The applicant is seeking to develop an existing vacant building in accordance with the Zoning Ordinance regulations.
- **Legal** - The City Attorney has prepared an ordinance for the proposed development.
- **Financial** - There are no financial considerations for this case.

Options/Alternatives

1. Approve the SUP request, in accordance with staff and/or Planning and Zoning recommendations.
2. Approve the SUP request with modifications and state those modifications.
3. Approve the SUP request, as proposed.
4. Postpone consideration of this item.
5. Deny the SUP request.

Recommendation

P&Z

At the July 12, 2011 meeting, the Planning and Zoning Commission made a recommendation to approve the SUP request for a Minor Auto Repair use.

STAFF

Staff recommends approval of the item.

Attachments

- Ordinance
- Planning and Zoning Commission Agenda Communication/with attachments (July 12, 2011)
- Unapproved Planning and Zoning Commission Meeting Minutes Excerpt (July 12, 2011)

Prepared and submitted by:
Nathaniel Barnett, Senior Planner

Date: July 12, 2011

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, 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 DISTRICT (CH) TO COMMERCIAL HIGHWAY DISTRICT - SPECIFIC USE PERMIT (CH-SUP) TO GRANT A SPECIFIC USE PERMIT TO ALLOW FOR A MINOR AUTOMOTIVE REPAIR USE ON PROPERTY GENERALLY LOCATED APPROXIMATELY 90 FEET FROM THE NORTHWEST CORNER OF THE INTERSECTION OF DANIELDALE ROAD AND CUMBERLAND STREET, AND MORE COMMONLY KNOWN AS 3305 DANIELDALE ROAD, LANCASTER, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Lancaster, in compliance with the laws of the State of Texas with references to the granting of zoning classification changes, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; the said governing body is of the opinion that the request made in Zoning Case No. Z11-07 should be approved, and in the exercise of legislative discretion have concluded that the Comprehensive Zoning Ordinance and Official Zoning Map for the City of Lancaster, Texas should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Lancaster, Texas, duly passed by the governing body of the City of Lancaster, Texas, as heretofore amended, be and the same is hereby amended to grant a change in zoning from Commercial Highway District (CH) to Commercial Highway District-Specific Use Permit (CH-SUP) to grant and allow a Specific Use Permit to allow for a minor automotive repair use on property generally located approximately 90 feet from the intersection of Danieldale Road and Cumberland Street, and more commonly known as 3305 Danieldale Road, Lancaster, Texas (the "Property").

SECTION 2. That a Specific Use Permit is hereby granted to allow for a minor automobile repair use on the subject Property subject to the following special conditions:

- A. The SUP is limited to the use and operation of the site as currently configured. Expansion of the existing building or substantial alteration that would change the building occupancy or intensity of use shall require reconsideration and approval of this SUP.
- B. The subject property must be developed in accordance with the attached site plan, landscape plan and elevations.

SECTION 3. That the above Property shall be used only in the manner and for the purposes provided by the Development Code of the City of Lancaster, as heretofore amended and as amended herein.

SECTION 4. That all provisions of the ordinances of the City of Lancaster in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other provisions of the ordinances of the City of Lancaster not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. If any article, paragraph, subdivision, clause or provision of this ordinance or the Lancaster Development Code, as hereby amended, be adjudged invalid or held unconstitutional for any reason, such judgment or holding shall not affect the validity of this ordinance as a whole or any part or provision thereof, or of the Lancaster Development Code, as amended hereby, other than the part so declared to be invalid or unconstitutional.

SECTION 6. Any person, firm or corporation violating any of the provisions of this ordinance or the Lancaster Development Code of the City of Lancaster, Texas, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Lancaster, Texas, shall be subject to a fine not to exceed the sum of Two Thousand (\$2,000.00) dollars for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 7. This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provide.

DULY PASSED AND APPROVED by the City Council of the City of Lancaster, Texas, on the 25th day of July 2011.

APPROVED:

MARCUS E. KNIGHT, MAYOR

ATTEST:

DOLLE K. DOWNE, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY
(REH/JVP/50231)

PLANNING & ZONING COMMISSION

Agenda Communication for
July 12, 2011

#4

Z11-07 Conduct a Public Hearing and Consider a Request for a Specific Use Permit for a Minor Auto Repair use for Property Generally Located approximately 90 feet from the Northwest Corner of the intersection of Danieldale Road and Cumberland Street and addressed as 3305 Danieldale Road.

Background

1. **Location and Size:** The property is generally located approximately 90 feet from the northwest corner of the intersection of Danieldale Road and Cumberland Street and addressed as 3305 Danieldale Road. The property under consideration is less than 1 acre (0.45) of land.
2. **Current Zoning:** The subject property is currently zoned CH – Commercial Highway.
3. **Adjacent Properties:**
North: CH, Commercial Highway District
South: CH, Commercial Highway District
East: CH, Commercial Highway District
West: CH, Commercial Highway District
4. **Comprehensive Plan Compatibility:** The Comprehensive Plan identifies this site as suitable for commercial uses. This proposal is compatible with the Comprehensive Plan.
5. **Public Notification:** The Public Hearing notice appeared in the Focus Daily Newspaper and property owner notifications were mailed out. Zoning signs were placed on the subject property on July 5, 2011, satisfying the noticing requirement for this request
6. **Case/Site History:** N/A

Considerations

The applicant is requesting a Specific Use Permit (SUP) for property located in commercial zoning in the Commercial Highway District. The proposed use is for a minor auto repair shop. Minor auto repair uses are required to obtain a SUP in commercial highway zoning because of the potential impact it has to the highway corridor.

The purpose of the SUP process is to authorize and regulate certain uses allowed in a particular zoning designation, yet ensure that such uses are not detrimental to surrounding property, and are consistent with the stated purpose of the zoning district. An SUP can address issues regarding conditions of operation, location, sign display, timeframe, etc.

The applicant is requesting this SUP to be allowed to convert an existing empty building into a minor auto repair use. The applicant is proposing to add a screening wall to buffer the use from adjacent residential uses on the east of the subject property as well as orient exterior lighting away from the residential uses and shine only on the subject property. The applicant also proposes to add masonry materials to the façade and landscaping in accordance with City regulations to enhance the property aesthetically.

Staff has reviewed the potential impacts of this automotive use in the commercial highway corridor. The subject property is located over 500 feet away from the highway service road. The bay doors are on the opposite side of the building and not facing the highway, thus there would not be an unsightly view of the property. The proposed enhancements to the property will improve the aesthetic quality of the area. The use is surrounded by other compatible uses in the area. Therefore, it has been determined that the applicants' proposal would not deter from the area.

Options/Alternatives

- 1) Recommend approval in accordance with modifications and said modifications shall be stipulations of approval.
- 2) Recommend approval, as requested.
- 3) Postpone consideration.
- 4) Recommend denial of the request.

Recommendation

Staff recommends **approval** of the item (Option 1).

Approval Process

Upon recommendation by the Planning and Zoning Commission, the City Council will conduct a public hearing and render a final decision for this item at their July 25, 2011, regular meeting.

Attachments

Site Plan
Landscape Plan
Lighting Plan
Elevations
Property Owner Notification map
Property Owner Notification listing

Planning and Zoning Commission
Agenda Communication
July 12, 2011
Page 3

Prepared By and Submitted By:

Nathaniel Barnett
Senior Planner, Planning Department

Date: July 8, 2011

Project Data

2800 Cumberland Road
 43000
 43000
 43000

Site Data Summary

Existing Zoning: Commercial Highway Overlay
 Proposed Zoning: SUP (Special Use Permit)
 Lot Area: 10,000 sq. ft.
 Building Area: 2,000 sq. ft.
 Building Height (Single Story): 10'0" to 12'0"
 Building Lot Coverage: 20.00% S.F.
 Total Building Area: 2,000 S.F.
 Lot Area: 10,000 S.F.

Permit Requirements

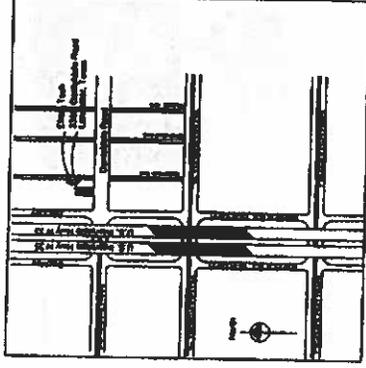
Permitting Required: 1
 Permitting Fee: 1
 Permitting Fee: 1

Scope of Work

Obtain necessary permits for SUP application and Certificate of Occupancy to occupy the building as an executive office and restaurant.
 Existing utilities will remain in place and be re-located.
 Existing underground water and sanitary sewer lines will be re-located.
 Existing water meter located in front yard (S.W. along Cumberland Road) will be re-located.
 Existing concrete parking will remain and an asphalted pad installed for parking.
 Existing site access and drive access will remain and be re-located for distributor's rear approach.
 Existing surface drainage to street will remain.
 Building will have existing exterior facade repaired from damage and be repainted.
Permitting: - Permitted all for single permit including building, fire, and electrical.
 The building is located in a single zone and includes a landscaped area of 10,000 sq. ft.

File Name:

The file name indicated on this plan to existing and will be revised.



Area Map

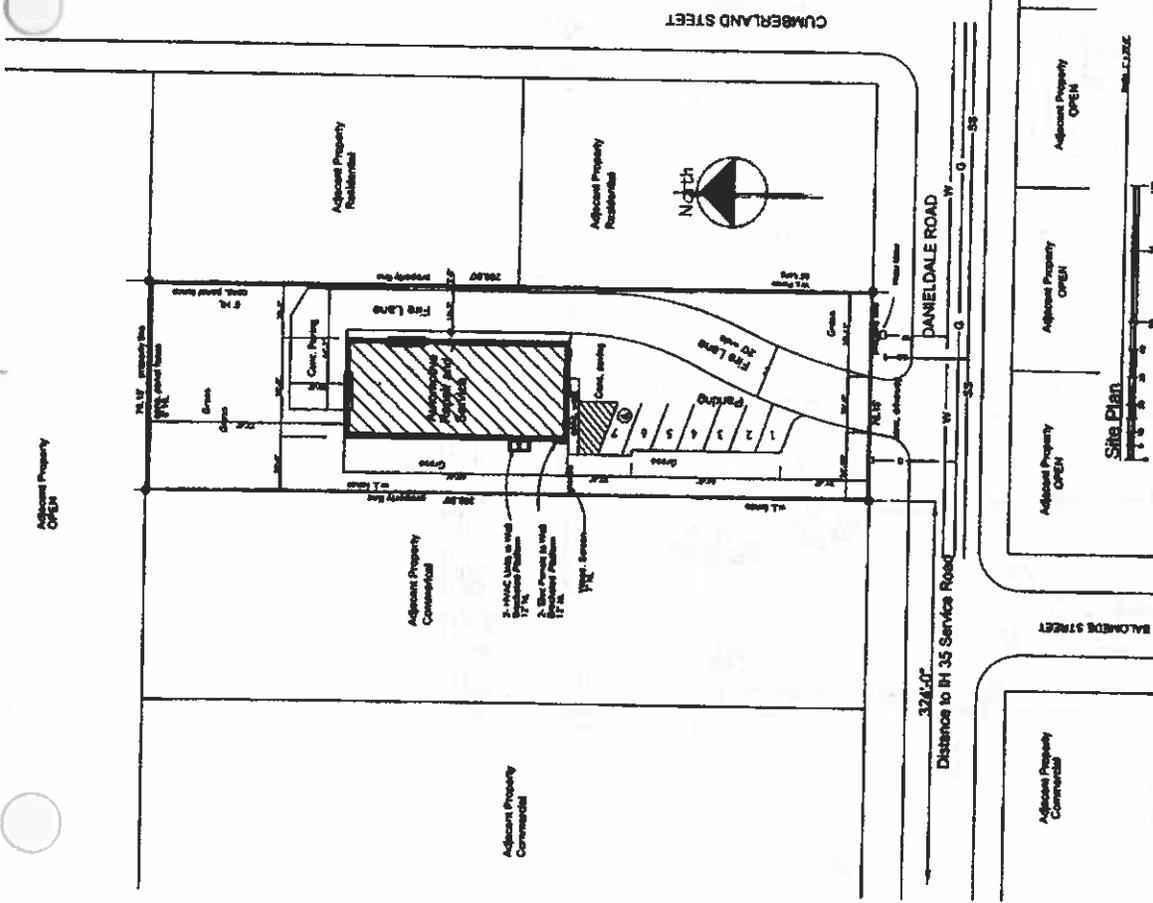
Planning & Zoning Department

JUN 20 2011

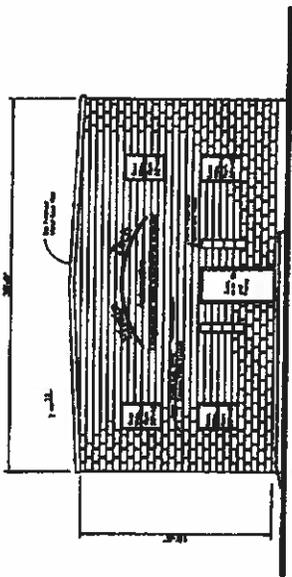
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 Accepted NB

SUP - CPC Zoning Case No.

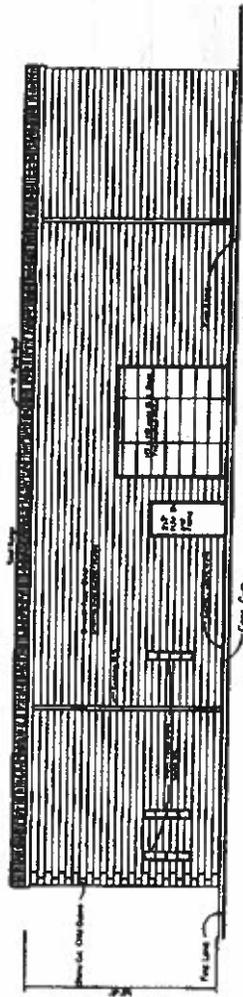
Case No.	10-10-00000
Case Title	REZONING
Case Description	Lot 10, Block A, 7th Edition, Addition, City of Lincoln
SUP Applicant	Chris Voss, 315 Memory Lane, Northbrook, Illinois
SUP Description	Office/Restaurant
Proposed By	Chris Voss, 315 Memory Lane, Northbrook, Illinois, Phone: 847-257-2200
Submitted to City	June 6, 2011
Sheet No.	A1



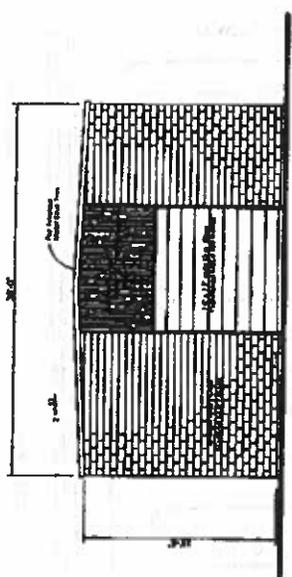
Site Plan



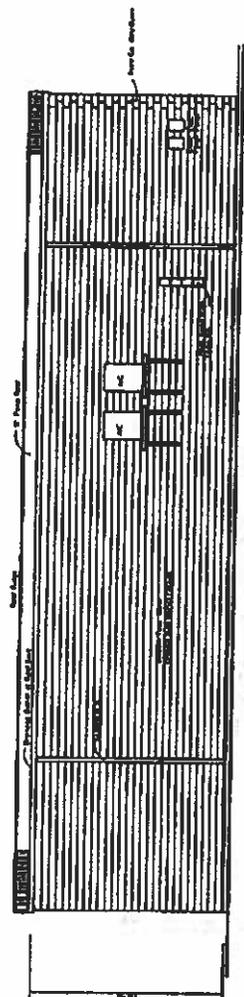
Front (South) Elevation



Side (East) Elevation



Rear (North) Elevation



Side (West) Elevation

Building Materials Data
 The building materials shown on these drawings are intended to be used as a guide only. The applicant is responsible for providing the necessary materials and labor to complete the project. The building materials shown on these drawings are not intended to be used as a guide for the construction of the building. The building materials shown on these drawings are not intended to be used as a guide for the construction of the building.

Planning & Zoning Department

JUN 20 2011

Received

SUP - CPC Zoning Case No. _____		Accepted NA
Exterior Building Elevations		
Scale: 1/8" = 1'-0"	Project Location:	Sheet No. A4
Client: _____	Project Name: _____	
Submitted to City:	Submitted Date:	
City Council Meeting:	City Council Meeting:	
Prepared By:	Prepared Date:	

DCAD Acct #	Owner Name	Owner Address	City	State	Zip	Site Address
360875000B12R0000	3241 DANIELDALE LLC	PO BOX 702741	DALLAS	TEXAS	75370-2741	3241 DANIELDALE RD
36087500020120500	BEAL PATRICIA D	3518 CUMBERLAND ST	LANCASTER	TEXAS	75134-1202	3518 CUMBERLAND ST
36087500010140100	CANALES FRANCISCO & BERTHA	3525 CUMBERLAND ST	LANCASTER	TEXAS	75134-1201	3525 CUMBERLAND ST
36087500010190100	CHESHIER JIMMY E & JEAN	739 S DALLAS AVE	LANCASTER	TEXAS	75146-3605	3505 CUMBERLAND ST
36087500010160000	COLLIER TERI J	614 GRIFFITH AVE	TERRELL	TEXAS	75160-1671	3315 DANIELDALE RD
36087500010170000	CUIN JULIO	3210 TUMALO TRL	DALLAS	TEXAS	75212-3246	3311 DANIELDALE RD
36087500020120800	ESPARZA CHARLES SR & NANCY	3516 CUMBERLAND ST	LANCASTER	TEXAS	75134-1202	3516 CUMBERLAND ST
36087500020120900	GUTIERREZ RUBEN	3520 CUMBERLAND ST	LANCASTER	TEXAS	75134-1202	3520 CUMBERLAND ST
65119917510120000	LEVY SHEVEY	3517 CLEVELAND ST	DALLAS	TEXAS	75215-3310	3520 N I-35E
65119917510130000	MASON JEFERY KENT	104 CEDAR DR	OAK LEAF	TEXAS	75154-3802	3516 N I-35E
65119917510160000	MASON JEFFREY K	PO BOX 154	RED OAK	TEXAS	75154-0154	3508 N I-35E
65119917510190000	MASON JEFFREY K	104 CEDAR DR	OAK LEAF	TEXAS	75154-3802	3319 DANIELDALE RD
60018500040180000	MONTERO JUAN S & MIREYA	3042 SEEVERS AVE	DALLAS	TEXAS	75216-4220	3244 DANIELDALE RD
60018500040170000	MONTERO JUAN S & MIREYA	3042 SEEVERS AVE	DALLAS	TEXAS	75216-4220	3240 DANIELDALE RD
60018500040160000	MONTERO JUAN S & MIREYA	3042 SEEVERS AVE	DALLAS	TEXAS	75216-4220	3350 DANIELDALE RD
36087500020120100	PRICE JOHNNY P	PO BOX 34087	SAN ANTONIO	TEXAS	78265-4087	3532 CUMBERLAND ST
36087500010130000	REDMON CHRISTOPHER K & ROBBIE S	1210 N CLINTON AVE	DALLAS	TEXAS	75208-2746	3535 CUMBERLAND ST
36087500010190000	RODRIGUEZ LIBRADO H	3402 SHERWOOD AVE	LANCASTER	TEXAS	75134-1534	3515 CUMBERLAND ST
60018500010270000	SCHAFFER HELEN	4433 FARM ROAD 905	PARIS	TEXAS	75462-8868	3300 DANIELDALE RD
60018500010260000	SCHAFFER HELEN	4433 FARM ROAD 905	PARIS	TEXAS	75462-8868	3300 DANIELDALE RD
60018500040200000	TEXAS RECONSTRUCTORS INC	3230 DANIELDALE RD	LANCASTER	TEXAS	75134-1520	3230 DANIELDALE RD
60018500040190000	TEXAS RECONSTRUCTORS INC	3230 DANIELDALE RD	LANCASTER	TEXAS	75134-1520	3240 DANIELDALE RD
36087500020120200	TINERAL JOHN & TOM	7460 STACY RD	MCKINNEY	TEXAS	75070-7677	3524 CUMBERLAND ST

Unapproved Minutes from the Planning and Zoning Meeting, July 12, 2011

1. **Z11-07** Conduct a Public Hearing and Consider a Request for a Specific Use Permit for a Minor Auto Repair use for Property Generally Located approximately 90 feet from the Northwest Corner of the intersection of Daniieldale Road and Cumberland Street and addressed as 3305 Daniieldale Road.

Senior Planner Nathaniel Barnett gave a brief presentation regarding the request for a minor auto repair use on Daniieldale Road in commercial highway zoning. Senior Planner Barnett gave a background of the subject property and what the proposal for the subject property was. He showed photos of the property and where it sat in relation to nearby residential uses and other uses related to the request. He mentioned that the bay door for the proposed use was in the rear of the property away from the residential property. Senior Planner Barnett stated that the applicant also proposed to increase the height of the screening wall adjacent to the residential properties. He mentioned that 1 property owner notice was returned in opposition to the request.

The applicant, Efrain Velez, 316 Memory Lane Duncanville, Texas, spoke of being a specialist of diagnostic repairs and that he is not proposing to use chemicals in his repair. His primary repairs would utilize the computer and do repairs for emission testing. Chair Colton complimented the applicant for the excellent site plan.

Chair Colton opened the public hearing and asked for comments.

AGAINST:

None

FAVOR:

None

COMMISSIONER WRIGHT MADE THE MOTION TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER BUCHANON.

AYES: COLTON, BUCHANON, WRIGHT

NAYES:

THE MOTION CARRIED 3-0.

Discussion of the Zoning Change Request

Commissioner Buchanan asked the applicant if he would do any oil changes or that type of repair. Mr. Velez stated that the property was not appropriate for oil changes or that type of repair. Chair Colton asked if based on the strong opposition of the resident should there be consideration given to a timeframe. Commissioner Buchanan and Wright both determined that it would not be necessary.

Chair Colton entertained a motion.

COMMISSIONER WRIGHT MADE THE MOTION TO RECOMMEND APPROVAL OF THE REQUEST, SECONDED BY COMMISSIONER BUCHANON.

AYES: COLTON, BUCHANON, WRIGHT

NAYES:

THE MOTION CARRIED 3-0.

LANCASTER CITY COUNCIL
Agenda Communication for
July 25, 2011

7

AG11-007

Receive a presentation from Bickerstaff Heath Deigado Acosta LLP and discuss the Initial Assessment regarding the need to redistrict the City of Lancaster Council Districts based on recently issued 2010 Census data.

This request supports the City Council 2010-2011 Policy Agenda.

Goal 6: Civic Engagement

Background

City Council discussed the potential need for redistricting at a work session on November 15, 2010 and directed staff to solicit proposals for professional redistricting services. At the work session on February 21, 2011, Council reviewed the proposals. At the regular Council meeting on February 28, 2011, Council adopted a resolution selecting the law firm of Bickerstaff Heath Deigado Acosta LLP ("Bickerstaff") to provide redistricting services.

Redistricting is the process of changing electoral district and constituency boundaries, usually in response to census results. Following United States Supreme Court cases of the 1960's, it was ruled that single member districts must contain roughly equal populations.

Bickerstaff has reviewed the recently released 2010 Census population and demographic data for Lancaster and determined that council districts are sufficiently out of population balance to require redistricting. They have prepared an Initial Assessment (attached) which outlines the census data and reviews proposed redistricting criteria and guidelines. Bickerstaff will make a presentation to Council regarding their findings contained in the Initial Assessment.

In addition, two companion items follow the presentation to discuss and consider redistricting criteria and guidelines. Finally, an Executive Session will be conducted to provide legal advice to City Council regarding redistricting obligations.

We urge you to read and review the Initial Assessment carefully prior to the Council meeting in preparation for these redistricting matters.

Attachments

- Initial Assessment

Prepared and submitted by:
Dolle K. Downe, City Secretary

Date: July 7, 2011

Bickerstaff Heath Delgado Acosta LLP

1711 S. MoPac Expressway Building One, Suite 300 Austin, Texas 78746 (512) 472-8021 Fax (512) 320-5638 www.bickerstaff.com

June 8, 2011

Honorable Marcus E. Knight, Mayor
and Members of the City Council
City of Lancaster
211 North Henry Street
Lancaster, Texas 75146

RE: *Initial Assessment considering 2010 Census data*

Dear Mayor Knight and City Council Members:

This is the Initial Assessment letter for the City of Lancaster. Our review of the recently released 2010 Census population and demographic data for the City shows that the City councilmember districts are sufficiently out of population balance that you should redistrict. At the first available opportunity, we are prepared to meet with the City Council to review the Initial Assessment and to advise the City Council on how to proceed to redistrict the City councilmember districts to bring them into balance for use in the 2012 election cycle.

This letter presents a brief overview of basic redistricting principles to assist you in preparing for our presentation on the assessment. We also set out suggested posting language for the meeting at which the Initial Assessment will be presented in the attachments. Note that this posting language includes agenda items for the adoption of redistricting criteria and guidelines. These are matters that should be addressed early in the redistricting process to enable us to proceed efficiently. We will be working with you to develop the appropriate language for your adoption of redistricting criteria and guidelines.

There are four basic legal principles that govern the redistricting process: (i) the “one person-one vote” (equal population) principle; (ii) Section 5 of the Voting Rights Act, requiring preclearance and applying a “retrogression” standard to minority group populations in specific districts; (iii) the non-discrimination standard of Section 2 of the Voting Rights Act; and (iv) the *Shaw v. Reno* limitations on the use of race as a factor in redistricting. These principles are discussed in detail in the attachments to this letter, which we urge you to read and review carefully. In addition, we discuss the City’s obligation to review and adjust councilmember districts even though it may not be legally required to do so.

The “One Person – One Vote” Requirement: Why You Should Redistrict

The “one person-one vote” requirement of the United States Constitution requires that members of an elected body be chosen from districts of substantially equal population and applies to city councils. Exact equality of population is not required, but a “total maximum deviation” of no more than ten percent in total population between the most populated and the least populated city councilmember district based on the most recent census should be achieved. This maximum

deviation of ten percent constitutes a rebuttable presumption of compliance with the one person-one vote requirement. If a city's councilmember districts do not fall within the ten percent maximum deviation, the city is at substantial risk of being sued for violation of one person-one vote standards, and it would have little if any defense to the suit.

The population and demographics of all of the current city councilmember districts are presented in here and in Attachment A.

District	Persons	Deviation	Hispanic % of Total Population	Non-Hispanic Anglo % of Total Population	Non-Hispanic Black % of Total Population	Non-Hispanic Asian % of Total Population	Non-Hispanic Other % of Total Population
1	4,906	-18.96%	24.24%	27.64%	45.62%	0.29%	2.22%
2	4,549	-24.86%	13.30%	17.94%	67.29%	0.18%	1.30%
3	4,490	-25.83%	21.89%	20.31%	55.90%	0.22%	1.67%
4	11,836	95.51%	18.92%	7.22%	72.00%	0.43%	1.44%
5	5,957	-1.60%	11.21%	9.45%	77.59%	0.05%	1.70%
6	4,585	-24.26%	9.86%	3.95%	84.45%	0.28%	1.46%
Totals	36,323		16.89%	12.89%	68.35%	0.27%	1.60%
<p>Ideal Size = 36,323 / 6 = 6,054 per district.</p> <p>Total Maximum Deviation = 95.51% - (-25.83%) = 121.34%</p> <p>Some percentages may be subject to rounding error.</p>							

The tables in Attachment A show that the total population of the City on April 1, 2010, was 36,323 persons. This represents an increase in population from 25,894 persons on April 1, 2000, or approximately 40.28 percent. The ideal City councilmember district should now contain 6,054 persons (total population / 6 districts).

Councilmember District 4 has the largest population, which is approximately 95.51 percent above the size of the ideal district. District 3 has the smallest population, which is approximately 25.83 percent below the size of the ideal district. The total maximum deviation between the six existing City councilmember districts for the City, therefore, is 121.34 percent. This total maximum deviation exceeds the standard of ten percent that generally has been recognized by the courts as the maximum permissible deviation. Accordingly, the City should redistrict to bring its City councilmember districts within the ten percent range permitted by law.

Preclearance under Section 5 of the Voting Rights Act: The City's retrogression benchmark plan

The Voting Rights Act of 1965 has applied to Texas since November 1, 1972. It requires that all political subdivisions within the state, including Texas cities, submit any proposed voting changes to the Department of Justice ("DOJ") for preclearance prior to implementation in any election. DOJ examines any submitted changes to insure that the change does not have a "retrogressive" effect on protected minority voters in the political subdivision. Redistricting of city councilmember districts is a voting change requiring preclearance from DOJ.

In determining if a new plan is retrogressive under Section 5 of the Voting Rights Act (*see* Attachment C for a discussion of retrogression and Section 5 requirements), DOJ will compare the newly adopted plan to the current plan considered in the context of the 2010 Census data. This is the retrogression "benchmark" which is shown in Attachment A for the City. DOJ will review any changes made to the current plan by comparing minority voting strength under the proposed new plan as a whole to that under the benchmark current plan considered as a whole.

The tables identify districts 2, 3, 4, 5, and 6 as "majority-minority districts," that is, districts in which a minority group population constitutes a numerical majority of the district total population. District 1 is a "plurality" district, i.e., a district in which no single racial or ethnic group has a numerical majority of the total population, but it is also "combined majority-minority district," i.e., one in which the Hispanic and African-American minority groups together constitute a numerical majority of the total population of the district. Changes to these districts should be carefully considered in the context of their current racial and ethnic makeup to avoid retrogression.

Section 2 of the Voting Rights Act: Avoiding discrimination claims

The data in the Population Tables in Attachment A as well as the data in the maps in Attachment B, which show the geographic distribution of the primary minority groups in the City, will also be important in assessing the potential for Voting Rights Act Section 2 liability. (*See* Attachment C for a discussion of Section 2.)

In redistricting the City councilmember districts, the City will need to be aware of the legal standards that apply. We will review these principles in detail with the City Council at the presentation on the Initial Assessment. The process we have outlined for the redistricting process and the policies and procedures that we are recommending the Council adopt will insure that the City adheres to these important legal principles and that the rights of protected minority voters in the political subdivision are accorded due weight and consideration.

Shaw v Reno: Additional equal protection considerations

In the past, local government redistricting had to satisfy both the Section 5 non-retrogression standard and the Section 2 non-discrimination standard, but, until the 2000 round of redistricting, the *Shaw v. Reno* standard had not come into play. In order to comply with Sections 2 and 5, the City

June 8, 2011

Page 4

must consider race when drawing districts. *Shaw*, however, limits how and when race can be a factor in the districting decisions. Thus, local governments must walk a legal tightrope, where the competing legal standards must all be met. The *Shaw v. Reno* standard requires that there be a showing that (1) the race-based factors were used in furtherance of a "compelling state interest" and (2) their application be "narrowly tailored," that is, they must be used only to the minimum extent necessary to accomplish the compelling state interest. We will guide the City through proper application of this principle.

Redistricting guidelines and criteria

At the initial assessment presentation we will recommend certain guidelines that the City may wish to adopt to ensure fair and adequate public participation in the redistricting process. We will also recommend certain criteria that the City may require all redistricting plans to follow. These criteria generally track the legal principles that the courts and DOJ have found to be appropriate elements in sound redistricting plans. Once redistricting guidelines and criteria are adopted and the City Council gives instructions about how it would like plans to be developed considering this Initial Assessment and the applicable legal standards, we can begin to assist the City in the development of plans for your consideration.

Conclusion

We hope this Initial Assessment discussion is helpful to you and that it will guide the City Council as it executes the redistricting process. We look forward to meeting with the Council to review the assessment and to answer any questions you may have concerning any aspect of that process. Please feel free to call me in the interim as we prepare for the presentation and let me know if there is any additional information you may require.

Sincerely,



David Méndez

Enclosure

ATTACHMENT A

INITIAL ASSESSMENT POPULATION TABLES

City of Lancaster Single Member Districts

Initial Assessment - Benchmark

Summary 2010 Census Total and Voting Age Population

District	Persons	Deviation	Hispanic % of Total Population	Non-Hispanic Anglo % of Total Population	Non-Hispanic Black % of Total Population	Non-Hispanic Asian % of Total Population	Non-Hispanic Other % of Total Population
1	4,906	-18.96%	24.24%	27.64%	45.62%	0.29%	2.22%
2	4,549	-24.86%	13.30%	17.94%	67.29%	0.18%	1.30%
3	4,490	-25.83%	21.89%	20.31%	55.90%	0.22%	1.67%
4	11,836	95.51%	18.92%	7.22%	72.00%	0.43%	1.44%
5	5,957	-1.60%	11.21%	9.45%	77.59%	0.05%	1.70%
6	4,585	-24.26%	9.86%	3.95%	84.45%	0.28%	1.46%
Totals	36,323		16.89%	12.89%	68.35%	0.27%	1.60%

Ideal Size = $36,323 / 6 = 6,054$ per district.

Total Maximum Deviation = $95.51\% - (-25.83\%) = 121.34\%$

Some percentages may be subject to rounding error.

District	Total VAP*	Hispanic % of Total VAP	Non-Hispanic Anglo % of Total VAP	Non-Hispanic Black % of Total VAP	Non-Hispanic Asian % of Total VAP	Non-Hispanic Other % of Total VAP
1	3,508	19.58%	33.81%	44.64%	0.31%	1.57%
2	3,228	11.59%	22.21%	64.56%	0.25%	1.39%
3	3,099	18.97%	25.69%	53.47%	0.32%	1.55%
4	7,820	17.63%	9.28%	71.42%	0.45%	1.21%
5	4,146	9.50%	12.30%	76.77%	0.07%	1.35%
6	3,186	8.82%	4.74%	85.00%	0.35%	1.10%
Totals	24,987	14.82%	16.35%	67.17%	0.31%	1.34%

*Voting Age Population

Some percentages may be subject to rounding error.

City of Lancaster Single Member Districts

Initial Assessment - Benchmark

Detailed 2010 Census Total and Voting Age Population

District	Persons	Ideal Size	Deviation	Hispanic Population	Anglo	% of Total Anglo Population	Black	% of Total Black Population	American Indian	% of Total American Indian Population	Asian	% of Total Asian Population	Hawaiian-Pacific Islander	% of Total Hawaiian-Pacific Islander Population	Other	% of Total Other Population	Two or More	% of Total Two or More Population
1	4,906	6,054	-18.98%	1,189	1,356	27.64%	2,238	45.62%	11	0.22%	14	0.29%	2	0.04%	0	0.00%	96	1.96%
2	4,549	6,054	-24.86%	805	816	17.94%	3,081	67.28%	8	0.13%	8	0.19%	1	0.02%	2	0.04%	50	1.10%
3	4,490	6,054	-25.83%	983	912	20.31%	2,510	55.90%	14	0.31%	10	0.22%	1	0.02%	6	0.13%	54	1.20%
4	11,856	6,054	95.51%	2,239	854	7.22%	8,522	72.00%	19	0.16%	51	0.43%	4	0.03%	7	0.06%	141	1.19%
5	5,957	6,054	-1.60%	668	563	9.45%	4,622	77.59%	9	0.15%	3	0.05%	2	0.03%	2	0.03%	88	1.48%
6	4,565	6,054	-24.26%	452	181	3.95%	3,872	84.45%	5	0.11%	13	0.29%	0	0.00%	10	0.22%	52	1.13%
Totals	36,323			6,136	4,682	12.89%	24,825	68.35%	64	0.18%	99	0.27%	10	0.03%	27	0.07%	481	1.32%

Ideal Size = 36,323 / 6 = 6,054 per district.
Some percentages may be subject to rounding error.

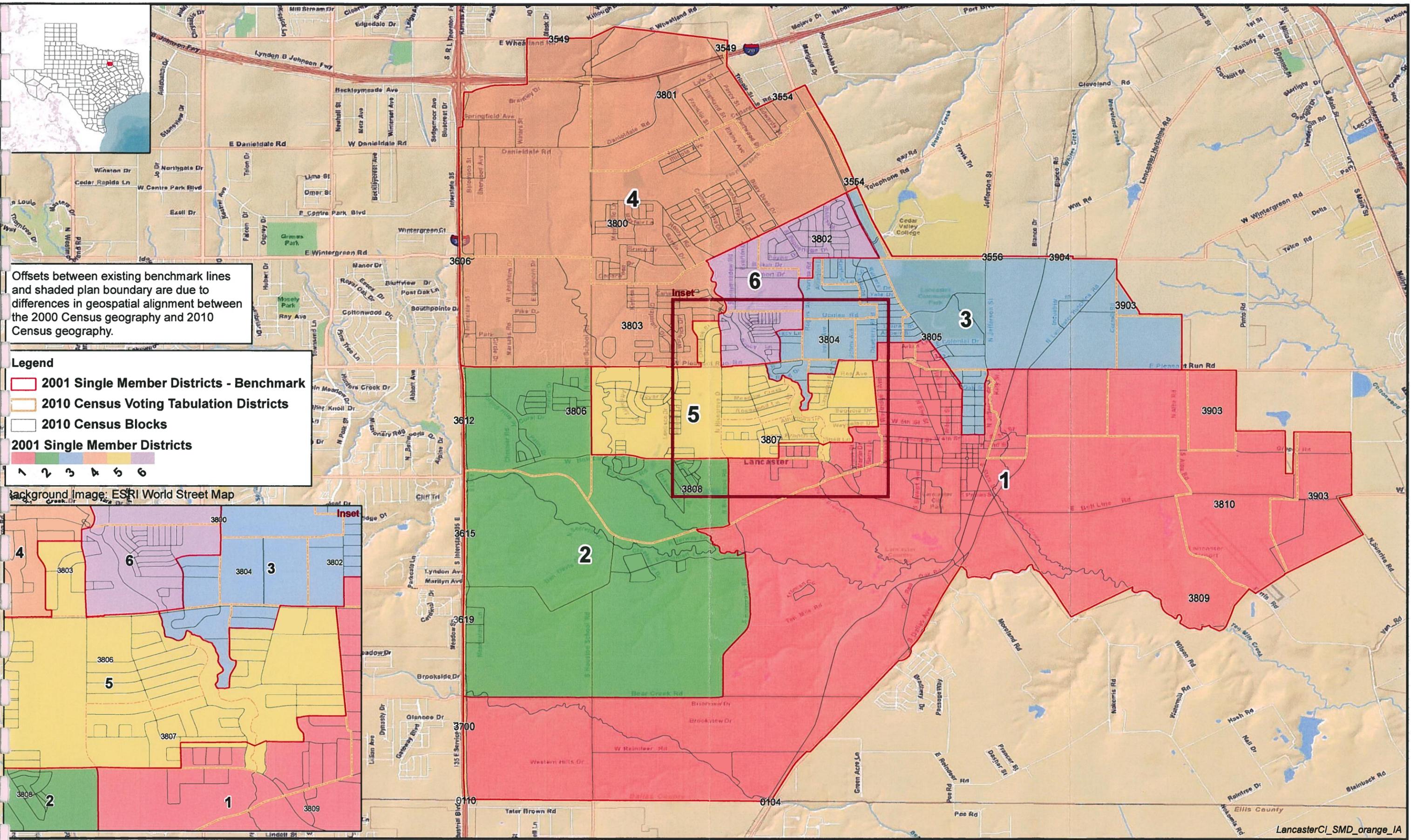
District	Total VAP*	Hispanic VAP	% of Total Hispanic VAP	Anglo VAP	% of Total Anglo VAP	Black VAP	% of Total Black VAP	American Indian VAP	% of Total American Indian VAP	Asian VAP	% of Total Asian VAP	Hawaiian-Pacific Islander VAP	% of Total Hawaiian-Pacific Islander VAP	Other VAP	% of Total Other VAP	Two or More VAP	% of Total Two or More VAP
1	3,508	687	19.59%	1,186	33.81%	1,566	44.64%	8	0.23%	11	0.31%	1	0.03%	0	0.00%	46	1.31%
2	3,228	374	11.59%	717	22.21%	2,084	64.56%	5	0.15%	8	0.25%	1	0.03%	2	0.06%	37	1.15%
3	3,099	588	18.97%	796	25.69%	1,657	53.47%	14	0.45%	10	0.32%	0	0.00%	3	0.10%	31	1.00%
4	7,820	1,379	17.63%	726	9.26%	5,565	71.42%	15	0.19%	35	0.45%	3	0.04%	3	0.04%	74	0.95%
5	4,146	394	9.50%	510	12.30%	3,183	76.77%	9	0.22%	3	0.07%	2	0.05%	2	0.05%	43	1.04%
6	3,196	281	8.82%	151	4.74%	2,708	85.00%	3	0.09%	11	0.35%	0	0.00%	7	0.22%	25	0.78%
Totals	24,987	3,703	14.82%	4,086	16.35%	16,783	67.17%	54	0.22%	78	0.31%	7	0.03%	17	0.07%	256	1.02%

*Voting Age Population

Some percentages may be subject to rounding error.

ATTACHMENT B

MAPS



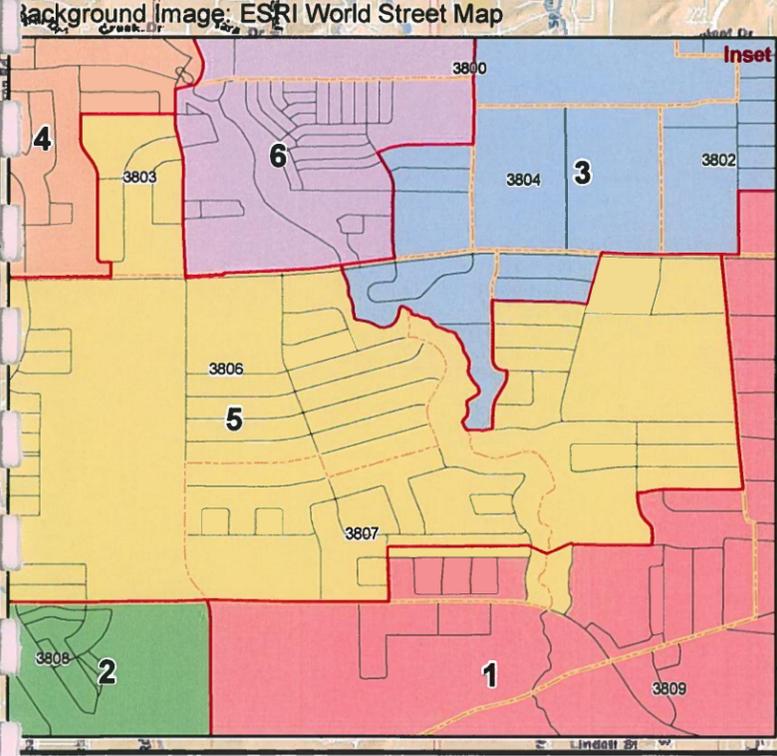
Offsets between existing benchmark lines and shaded plan boundary are due to differences in geospatial alignment between the 2000 Census geography and 2010 Census geography.

Legend

- 2001 Single Member Districts - Benchmark
- 2010 Census Voting Tabulation Districts
- 2010 Census Blocks

2001 Single Member Districts

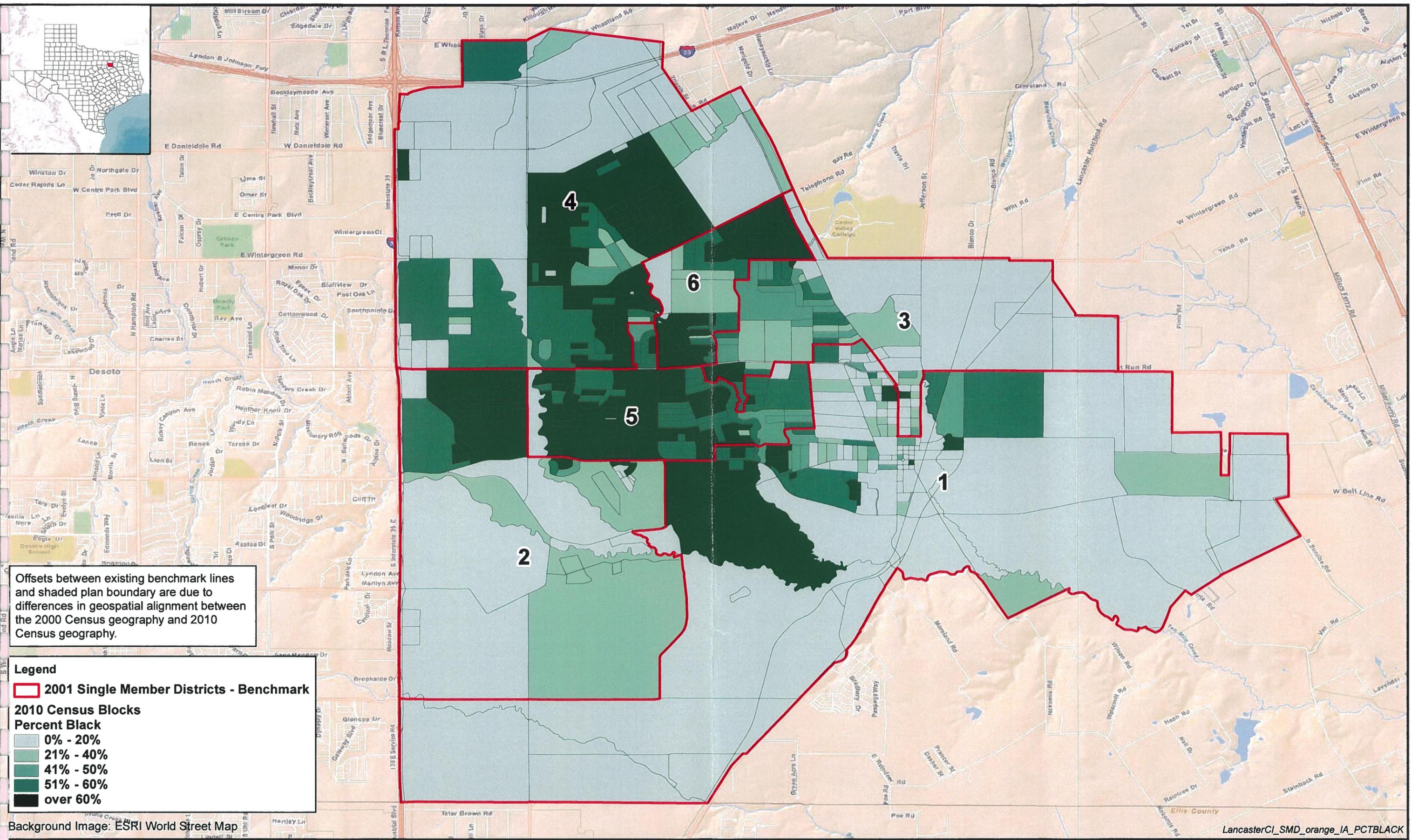
- 1
- 2
- 3
- 4
- 5
- 6



Scale: 0 0.3 0.6 1.2 Miles

Coordinate System: GCS North American 1983;
Datum: North American 1983; Created: 4/26/11

City of Lancaster 2001 Single Member Districts



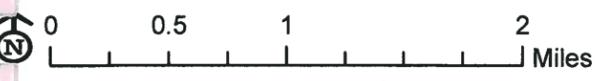
Offsets between existing benchmark lines and shaded plan boundary are due to differences in geospatial alignment between the 2000 Census geography and 2010 Census geography.

Legend

- 2011 Single Member Districts - Benchmark
- 2010 Census Blocks**
- Percent Black**
- 0% - 20%
- 21% - 40%
- 41% - 50%
- 51% - 60%
- over 60%

Background Image: ESRI World Street Map

LancasterCI_SMD_orange_IA_PCTBLACK

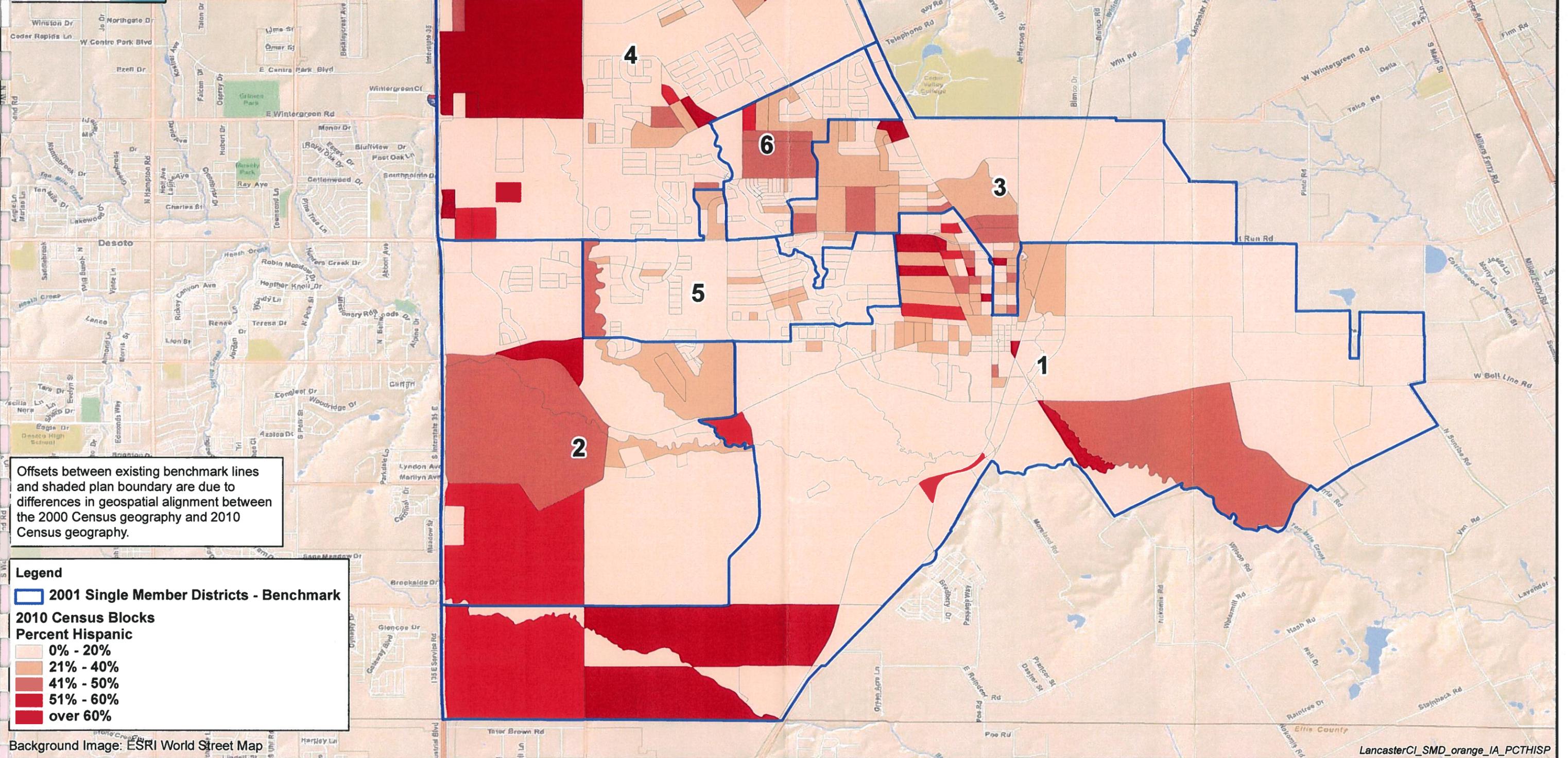


Coordinate System: GCS North American 1983;
Datum: North American 1983; Created: 4/26/11

City of Lancaster 2011 Single Member Districts Percent Black by 2010 Census Block

© 2011 Bickerstaff Heath Delgado Acosta LLP
Data Source: Roads, Water and other features obtained from the 2010 Tiger/line files, U.S. Census Bureau





Offsets between existing benchmark lines and shaded plan boundary are due to differences in geospatial alignment between the 2000 Census geography and 2010 Census geography.

Legend

- 2011 Single Member Districts - Benchmark
- 2010 Census Blocks Percent Hispanic**
- 0% - 20%
- 21% - 40%
- 41% - 50%
- 51% - 60%
- over 60%

Background Image: ESRI World Street Map

LancasterCI_SMD_orange_IA_PCTHISP

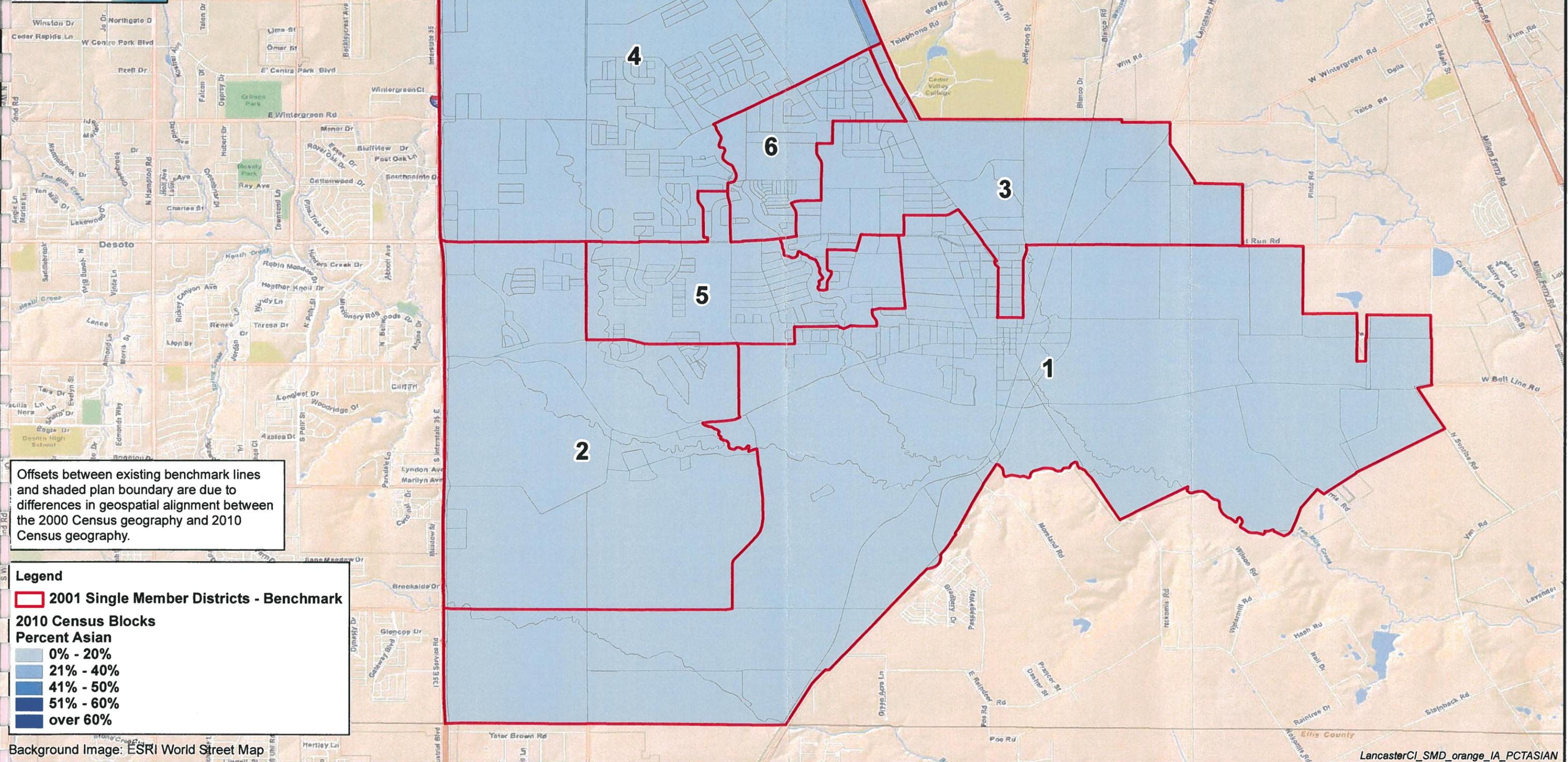
0 0.5 1 2 Miles

Coordinate System: GCS North American 1983;
Datum: North American 1983; Created: 4/26/11

City of Lancaster 2011 Single Member Districts Percent Hispanic by 2010 Census Block

© 2011 Bickerstaff Heath Delgado Acosta LLP
Data Source: Roads, Water and other features obtained from the 2010 Tiger/line files, U.S. Census Bureau





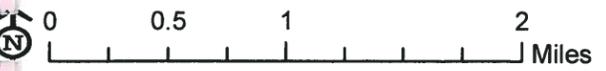
Offsets between existing benchmark lines and shaded plan boundary are due to differences in geospatial alignment between the 2000 Census geography and 2010 Census geography.

Legend

- 2011 Single Member Districts - Benchmark
- 2010 Census Blocks**
- Percent Asian**
- 0% - 20%
- 21% - 40%
- 41% - 50%
- 51% - 60%
- over 60%

Background Image: ESRI World Street Map

LancasterCI_SMD_orange_IA_PCTASIAN



Coordinate System: GCS North American 1983;
Datum: North American 1983; Created: 4/26/11

City of Lancaster 2011 Single Member Districts Percent Asian by 2010 Census Block

© 2011 Bickerstaff Heath Delgado Acosta LLP
Data Source: Roads, Water and other features obtained from the 2010 Tiger/line files, U.S. Census Bureau



ATTACHMENT C
LEGAL PRINCIPLES

LEGAL PRINCIPLES GOVERNING THE REDISTRICTING PROCESS

There are four basic legal principles that govern the redistricting process: (i) the “one person-one vote” (equal population) principle; (ii) Section 5 of the Voting Rights Act, requiring preclearance and applying a “retrogression” standard to minority group populations in specific districts; (iii) the non-discrimination standard of Section 2 of the Voting Rights Act; and (iv) the *Shaw v. Reno* limitations on the use of race as a factor in redistricting.

The terminology of redistricting is very specialized and includes terms that may not be familiar, so we have included as Attachment D to this Initial Assessment letter a brief glossary of many of the commonly-used redistricting terms.

The “One Person – One Vote” Requirement: Why You Redistrict

The “one person-one vote” requirement of the United States Constitution requires that members of an elected body be drawn from districts of substantially equal population. This requirement applies to the single-member districts of “legislative” bodies such as commissioners courts and other entities with single-member districts such as school boards or city councils.

Exact equality of population is not required for local political subdivisions. However, they should strive to create districts that have a total population deviation of no more than ten percent between their most populated district and the least populated district. This ten percent deviation is usually referred to as the “total maximum deviation.” It is measured against the “ideal” or target population for the governmental entity based on the most recent census. The ten percent standard is a rebuttable presumption of compliance with the one person-one vote requirement.

The City is therefore required to determine whether the populations of its councilmember districts are within this ten percent balance based on 2010 Census population data. If the population deviation among the councilmember districts exceeds the permissible ten percent total maximum deviation, the City must redistrict, that is, redraw the boundaries of the individual councilmember districts so that the total populations of all the new councilmember districts are within the permissible ten percent limit. A hypothetical example of how deviation is calculated is given in Attachment E.

The Department of Justice (DOJ) is the federal agency charged with reviewing and approving changes in election law, such as redistricting, under Section 5 of the Voting Rights Act. DOJ will use the Census Bureau’s recently released population data for the 2010 Census in its analysis of redistricting plans – the so-called “PL 94-171” data. Although several types of population data are provided in the PL 94-171 files, redistricting typically is based upon total population.

Official Census data should be used unless the City can show that better data exists. The court cases that have dealt with the question have made it clear that the showing required

to justify use of data other than Census data is a very high one, impossibly high at a time so close to the release of new Census data. As a practical matter, therefore, we recommend that the City Council use the 2010 Census data in their redistricting processes. We have based the Initial Assessment on PL 94-171 total population data; the relevant data are summarized in Attachment A.

In the redistricting process, the City Council will use a broad spectrum of demographic and administrative information to accomplish the rebalancing of population required by the one person-one vote principle. The charts provided with this report not only show the total population of the City, but also give breakdowns of population by various racial and ethnic categories for the City as a whole and also for each councilmember district.

Census geography

These single-member population data are themselves derived from population data based on smaller geographical units. The Census Bureau divides geography into much smaller units called "census blocks." In urban areas, these correspond roughly to city blocks. In more rural areas, census blocks may be quite large. Census blocks are also aggregated into larger sets called "voting tabulation districts" or "VTDs" which often correspond to county election precincts.

For reasons concerning reducing the potential for *Shaw v. Reno*-type liability, discussed below, we recommend using VTDs as the redistricting building blocks where and to the extent feasible. In many cities this may not be feasible.

Census racial and ethnic categories

For the 2010 Census, the Census Bureau recognized 126 combinations of racial and ethnic categories and collected and reported data based on all of them. Many of these categories include very few persons, however, and will not therefore have a significant impact on the redistricting process. The charts that accompany this report include only eight racial and ethnic categories that were consolidated from the larger set. All of the population of the City is represented in these charts. These eight categories are the ones most likely to be important in the redistricting process.

The 2010 Census listed six racial categories. Individuals were able to choose a single race or any combination of races that might apply. Thus, there are potentially 63 different racial combinations that might occur. Additionally, the Census asks persons to designate whether they are or are not Hispanic. When the Hispanic status response is overlaid on the different possible racial responses, there are 126 possible different combinations. The Census tabulates each one separately.

If this information is to be usable, it must be combined into a smaller number of categories (of course, having the same overall population total). For purposes of determining the preclearance retrogression benchmark, discussed below, DOJ indicated in a guidance document issued on January 18, 2001 that it would use the following rules for determining

Hispanic and race population numbers from the 2010 Census data, for purposes of performing the retrogression analysis:

- persons who selected "Hispanic" are categorized as Hispanic, no matter what race or races they have designated; all others will be classified as non-Hispanic of one or more races; *e.g.*, Hispanic-White and Hispanic-African-American are both classified as Hispanic;
- persons who did not select "Hispanic" and who designated a single race will be classified as members of that race; *e.g.*, White, African-American, Asian, etc.;
- persons who did not select "Hispanic" and who designated themselves as belonging to a single minority race and as White will be classified as members of the minority race; *e.g.*, Asian+White will be classified as Asian; and
- persons who did not select "Hispanic" and who designated themselves as belonging to more than one minority race will be classified as "other multiple race;" *e.g.*, White+Asian+Hawaiian or African-American+Asian. This category is expected to be small.

We will also consider data called "voting age population" (or "VAP") data. It is similarly classified in eight racial and ethnic categories. This information is provided for the limited purpose of addressing some of the specific legal inquiries under the Voting Rights Act that are discussed below. Voting age population is the Census Bureau's count of persons who identified themselves as being eighteen years of age or older at the time the census was taken (*i.e.*, as of April 1, 2010).

In addition to this population and demographic data, the City Council will have access to additional information that may bear on the redistricting process, such as county road miles, facility locations, registered voter information, incumbent residence addresses, etc.

Section 5 of the Voting Rights Act – Preclearance

Preclearance required

Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c, requires all "covered jurisdictions" identified in the applicable Department of Justice (DOJ) regulations to "preclear" any changes to voting standards, practices, or procedures before they may become legally effective. Texas is a "covered jurisdiction," so all local governments in the state, as well as the State itself, are required to preclear any voting change, including their redistricting plan. This includes changes to any single-member district lines (including councilmember district lines). Section 5 applies not only to changes in councilmember district lines but also to changes in election precincts and in the location of polling places.

Preclearance may be accomplished in either of two ways: by submitting the redistricting plan to DOJ for its examination and preclearance, or by obtaining a declaratory judgment from a special three-judge federal district court in the District of Columbia. Submission to DOJ is by far the most common, and usually substantially faster and less expensive, method chosen for obtaining preclearance.

Discriminatory Purpose and Retrogressive Effect are the preclearance standards

Section 5 review involves a two-pronged analysis. DOJ must determine if the plan has either a discriminatory purpose or a retrogressive effect. In the 2001 round of redistricting, the purpose inquiry was limited to whether the plan had a retrogressive purpose. The 2006 amendments to the Voting Rights Act; however, expanded the analysis to reach *any* discriminatory purpose. In determining whether a plan was adopted with a discriminatory intent DOJ may look at evidence such as (1) the impact of the plan, (2) the historical background of the decision, (3) the sequence of events leading up to the decision, (4) whether the decision departs, either procedurally or substantively, from the normal practice, and (5) contemporaneous statements and viewpoints of the decision-makers.

The second prong of the analysis involves retrogressive effect. The issue there is whether the net effect of the plan would be to reduce minority voters' ability to elect their preferred candidates when the plan is compared to the prior benchmark plan. In other words, does the new districting plan result in a reduction of the minority group's ability to elect?

DOJ's retrogression benchmark

To determine if retrogression exists, it is necessary to compare a proposed plan against a benchmark. Typically, that benchmark is the local subdivision's *prior* district boundary plan, but considered using the *new* 2010 Census population and demographic data. DOJ will compare the proposed new redistricting plan as a whole to the benchmark plan as a whole in conducting its retrogression analysis.

Voting age population data ("VAP") is the Census Bureau's count of persons who identified themselves as being eighteen years of age or older at the time the census was taken (*i.e.*, as of April 1, 2010). It is a measure of the number of people old enough to vote if they are otherwise eligible to do so. Since the retrogression inquiry focuses on whether a minority group's overall voting strength has been reduced, and VAP is a more direct measure of voting strength than total population, VAP should be considered in the retrogression analysis, not just total population. Citizen voting age population ("CVAP") data may also be important but may need to be developed.

In combination with a balanced consideration of the other applicable redistricting criteria, the City's council members will need to consider the effects of any changes to the benchmark measures that its proposed plan produces.

Because of changes in population and the need to comply with one person-one vote principles, sometimes it may be impossible to avoid drawing a retrogressive plan. If the City

submits a retrogressive redistricting plan, the burden will be on the City to show DOJ that a less retrogressive plan could not reasonably have been drawn. *Guidance Concerning Redistricting Under Section 5 of the Voting Rights Act*, 42 U.S.C. 1973c, 76 Fed. Reg. 7470 (2011). That should be a consideration in the redistricting process, while still considering the other redistricting criteria that are adopted.

Section 2 of the Voting Rights Act – No Discrimination Against Minority Groups

Section 2 of the Voting Rights Act forbids a voting standard, practice or procedure from having the effect of reducing the opportunity of members of a covered minority to participate in the political process and to elect representatives of their choice. In practical terms, this non-discrimination provision prohibits districting practices that, among other things, result in “packing” minorities into a single councilmember district in an effort to limit their voting strength. Also, “fracturing” or “cracking” minority populations into small groups in a number of councilmember districts, so that their overall voting strength is diminished, can be discrimination under Section 2. There is no magic number that designates the threshold of packing or cracking. Each plan must be judged on a case-by-case basis.

Although the Supreme Court made clear in the 1990s that the Department of Justice may not consider Section 2 standards in determining whether to preclear a redistricting plan under Section 5, that does not mean that the City should ignore Section 2 requirements. They apply to the redistricting plan regardless of whether DOJ may legally consider them in the preclearance analysis. Failure to consider them adequately could risk litigation brought by a member of a protected minority group, or even by DOJ.

The Supreme Court has defined the minimum requirements for a minority plaintiff to bring a Section 2 lawsuit. There is a three-pronged legal test the minority plaintiff must satisfy – a showing that: (1) the minority group’s voting age population is numerically large enough and geographically compact enough so that a councilmember district with a numerical majority of the minority group can be drawn (a “majority minority district”); (2) the minority group is politically cohesive, that is, it usually votes and acts politically in concert on major issues; and (3) there is “polarized voting” such that the Anglo majority usually votes to defeat candidates of the minority group’s preference. *Thornburg v. Gingles*, 478 U.S. 30 (1986). In the federal appellate Fifth Circuit, which includes Texas, the minority population to be considered is *citizen* voting age population. In certain cases, a minority group may assert that Section 2 requires that the governmental body draw a new majority minority district. The City must be sensitive to these Section 2 standards as it redistricts.

In considering changes to existing boundaries, the City must be aware of the location of protected minority populations within its councilmember districts for the purpose of ensuring that changes are not made that may be asserted to have resulted in “packing,” or in “fracturing” or “cracking” the minority population for purposes or having effects that are unlawful under Section 2. The thematic maps included in Attachment B depict the locations of Hispanic and African-American population concentrations by census block; they are useful in addressing this issue. Voting age population (VAP) data is useful in measuring potential electoral strength of minority groups in individual districts.

**Shaw v. Reno Standards – Avoid Using Race
as the Predominant Redistricting Factor**

In the past, local government redistricting had to satisfy both the Section 5 non-retrogression standard and the Section 2 non-discrimination standard, but the *Shaw v. Reno* standard had not yet come into play. In this current round of redistricting, local governments have a harder task than they did in the past. The *Shaw* standard applies now as well as the Section 2 and Section 5 standards. While satisfying Section 5 and Section 2 standards require the City to explicitly consider race to comply with these standards, *Shaw* places strict limits on the manner and degree in which race may be a factor. In effect, therefore, the City must walk a legal tightrope, where the competing legal standards must all be met.

In the *Shaw v. Reno* line of cases that began in 1993, the Supreme Court applied the Fourteenth Amendment's Equal Protection Clause of the U.S. Constitution to redistricting plans. Where racial considerations predominate in the redistricting process to the subordination of traditional (non-race-based) factors, the use of race-based factors is subject to the "strict scrutiny" test. To pass this test requires that there be a showing that (1) the race-based factors were used in furtherance of a "compelling state interest" and (2) their application be "narrowly tailored," that is, they must be used only to the minimum extent necessary to accomplish the compelling state interest.

A majority of the United States Supreme Court has indicated that compliance with Section 2 of the Voting Rights Act is a "compelling state interest." While the Court has not expressly addressed the question in any case to date, it is reasonable to assume that it would find that satisfying Section 5 of the Voting Rights Act would also be a compelling state interest for strict scrutiny purposes so long as the efforts to comply with Section 5 are consistent with the Court's narrow, retrogression-based interpretation of Section 5.

Thus, the following principles emerge in the post-*Shaw* environment to guide the redistricting process:

- race may be considered;
- but race may not be the predominant factor in the redistricting process to the subordination of traditional redistricting principles;
- bizarrely-shaped districts are not unconstitutional *per se*, but the bizarre shape may be evidence that race was the predominant consideration in the redistricting process;
- if race is the predominant consideration, the plan may still be constitutional if it is "narrowly tailored" to address compelling governmental interest such as compliance with the Voting Rights Act; and

- if a plan is narrowly tailored, it will use race no more than is necessary to address the compelling governmental interest.

The better course, if possible under the circumstances, is that racial considerations not predominate to the subordination of traditional redistricting criteria, so that the difficult strict scrutiny test is avoided.

Adherence to the *Shaw v. Reno* standards will be an important consideration during the redistricting process. One way to minimize the potential for *Shaw v. Reno* liability is to adopt redistricting criteria that include traditional redistricting principles and that do not elevate race-based factors to predominance.

Adoption of Redistricting Criteria

Adoption of appropriate redistricting criteria – and adherence to them during the redistricting process – is potentially critical to the ultimate defensibility of an adopted redistricting plan. Traditional redistricting criteria that the City might wish to consider adopting include, for example:

- use of identifiable boundaries;
- using whole voting districts, where possible and feasible; or, where not feasible, being sure that the plan lends itself to the creation of reasonable and efficient voting districts;
- maintaining communities of interest (*e.g.*, traditional neighborhoods);
- basing the new plan on existing councilmember districts;
- adopting councilmember districts of approximately equal size;
- drawing councilmember districts that are compact and contiguous;
- keeping existing representatives in their councilmember districts; and
- narrowly tailoring to comply with the Voting Rights Act.

There may be other criteria that are appropriate for the City's situation, but all criteria adopted should be carefully considered and then be followed to the greatest degree possible. A copy of a sample criteria adoption resolution is provided as Attachment F. You may wish to include additional criteria, or determine that one or more on that list are not appropriate. We will discuss with you appropriate criteria for your situation.

Requirements for Plans Submitted by the Public

You should also consider imposing the following requirements on any plans proposed by the public for your consideration: (1) any plan submitted for consideration must be a complete plan, that is, it must be a plan that includes configurations for all councilmember districts and not just a selected one or several. This is important because, although it may be possible to draw a particular councilmember district in a particular way if it is considered only by itself, that configuration may have unacceptable consequences on other councilmember districts and make it difficult or impossible for an overall plan to comply with the applicable legal standards; and (2) any plan submitted for consideration must follow the adopted redistricting criteria.

ATTACHMENT D

GLOSSARY

GLOSSARY

Census blocks, census block groups, census VTDs, census tracts – Geographic areas of various sizes recommended by the states and used by the Census Bureau for the collection and presentation of data.

Citizen voting age population (CVAP) – Persons 18 and above who are citizens. This is a better measure of voting strength than VAP; however, the relevant citizenship data will need to be developed.

Compactness – Having the minimum distance between all parts of a constituency.

Contiguity – All parts of a district being connected at some point with the rest of the district.

Cracking – The fragmentation of a minority group among different districts so that it is a majority in none. Also known as “fracturing.”

Fracturing – *See* “cracking.”

Homogeneous district – A voting district with at least 90 percent population being of one minority group or of Anglo population.

Ideal population – The population that an ideal sized district would have for a given jurisdiction. Numerically, the ideal size is calculated by dividing the total population of the political subdivision by the number of seats in the legislative body.

Majority minority district – Term used by the courts for seats where an ethnic minority constitutes a numerical majority of the population.

One person, one vote – U.S. Constitutional standard articulated by the U.S. Supreme Court requiring that all legislative districts should be approximately equal in size.

Packing – A term used when one particular minority group is consolidated into one or a small number of districts, thus reducing its electoral influence in surrounding districts.

Partisan gerrymandering – The deliberate drawing of district boundaries to secure an advantage for one political party.

PL 94-171 – The Public Law that requires the Census Bureau to release population data for redistricting. The data must be released by April 1, 2011, is reported at the block level, and contains information on:

- Total population
- Voting age population
- By Race
- By Hispanic origin

Racial gerrymandering – The deliberate drawing of district boundaries to secure an advantage for one race.

Section 2 of the Voting Rights Act – The part of the federal Voting Rights Act that protects racial and language minorities from discrimination in voting practices by a state or other political subdivision.

Section 5 of the Voting Rights Act – The part of the federal Voting Rights Act that requires certain states and localities (called “covered jurisdictions”) to preclear all election law changes with the U.S. Department of Justice (“DOJ”) or the federal district court for the District of Columbia before those laws may take effect.

Shaw v. Reno – The first in a line of federal court cases in which the U.S. Supreme Court held that the use of race as a dominant factor in redistricting was subject to a “strict scrutiny” test under the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. This case and the line of Supreme Court cases that follows it establishes that race should not be used as a predominant redistricting consideration, but if it is, it must be used only to further a “compelling state interest” recognized by the courts and even then must be used only as minimally necessary to give effect to that compelling state interest (“narrow tailoring”).

Spanish surnamed registered voters (SSRV) – The Texas Secretary of State publishes voter registration numbers that show the percentage of registered voters who have Spanish surnames. It is helpful to measure Hispanic potential voting strength, although it is not exact.

Total population – The total number of persons in a geographic area. Total population is generally the measure used to determine if districts are balanced for one person, one vote purposes.

Voting age population (VAP) – The number of persons aged 18 and above. DOJ requires this to be shown in section 5 submissions. It is used to measure potential voting strength. For example, a district may have 50 percent Hispanic total population but only 45 percent Hispanic voting age population.

Voter tabulation district (VTD) – A voting precinct drawn using census geography. In most instances, especially in urban areas, VTDs and voting precincts will be the same. In rural areas, it is more likely they will not be identical.

ATTACHMENT E

HYPOTHETICAL POPULATION DEVIATION CALCULATION

Hypothetical Population Deviation Calculation

Consider a hypothetical political subdivision with four districts and a total population of 40,000. The "ideal district" for this political subdivision would have a population of 10,000 (total population / number of districts). This is the target population for each district. The deviation of each district is measured against this ideal size.

Suppose the latest population data reveals that the largest district, District A, has 11,000 inhabitants. The deviation of District A from the ideal is thus 1000 persons, or 10 percent. Suppose also that the smallest district, District D, has 8000 inhabitants; it is underpopulated by 2000 persons compared to the ideal size. It thus has a deviation of -20 percent compared to the ideal size. The *maximum total deviation* is thus 30 percent. Since this is greater than the 10 percent range typically allowed by the courts for one person-one vote purposes, this hypothetical subdivision must redistrict in order to bring its maximum total deviation to within the legally permissible limits.

The following table illustrates this analysis:

<u>District</u>	<u>Ideal district</u>	<u>District total pop.</u>	<u>Difference</u>	<u>Deviation</u>
A	10,000	11,000	1000	+ 10.0 percent
B	10,000	10,750	750	+ 7.5 percent
C	10,000	10,250	250	+ 2.5 percent
D	10,000	8,000	- 2000	- 20.0 percent
<hr/>				
Totals:	40,000	40,000	net= 0	net= 0 percent

Total maximum deviation = difference between most populous and least populous districts = 10 percent + 20 percent = 30 percent.

ATTACHMENT F

ILLUSTRATIVE REDISTRICTING CRITERIA RESOLUTION.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS ADOPTING CRITERIA FOR USE IN THE REDISTRICTING 2011 PROCESS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council and Mayor have certain responsibilities for redistricting under federal and state law, including but not limited to, Amendments 14 and 15 to the United States Constitution, U.S.C.A. (West 2006), and the Voting Rights Act, 42 U.S.C.A. §§ 1973 and 1973c (West 2010); and Tex. Gov't Code Ann. §§ 2058.001 and 2058.002 (Vernon 2008); and

WHEREAS, the City Council and Mayor have certain responsibilities for redistricting under the City Charter; and

WHEREAS, on review of the 2010 Census data, it appears that a population imbalance exists requiring redistricting of the City's councilmember districts; and

WHEREAS, it is the intent of the City to comply with the Voting Rights Act and with all other relevant law, including *Shaw v. Reno* jurisprudence; and

WHEREAS, a set of established redistricting criteria will serve as a framework to guide the City in the consideration of districting plans; and

WHEREAS, established criteria will provide the City a means by which to evaluate and measure proposed plans; and

WHEREAS, redistricting criteria will assist the City in its efforts to comply with all applicable federal and state laws.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANCASTER, DALLAS COUNTY, TEXAS:

- A. THAT** the City of Lancaster, Texas, in its adoption of a redistricting plan for city councilmember districts, will adhere to the following criteria to the greatest degree practicable:
1. Where practicable, easily identifiable geographic boundaries should be followed.
 2. Communities of interest should be maintained in a single district, where practicable, and attempts should be made to avoid splitting neighborhoods.
 3. To the extent practicable, districts should be composed of whole voting precincts. Where this is not possible or practicable, districts should be drawn in a way that permits the creation of practical voting precincts and that ensures that adequate facilities for polling places exist in each voting precinct; and splitting census blocks should be avoided.

4. Although it is recognized that existing districts will have to be altered to reflect new population distribution, any districting plan should, to the extent practicable, be based on existing districts.
 5. Districts must be configured so that they are relatively equal in total population according to the 2010 federal Census. In no event should the total deviation in population between the largest and the smallest district exceed ten percent.
 6. The districts should be compact and composed of contiguous territory. Compactness may contain a functional, as well as a geographical dimension.
 7. Consideration may be given to the preservation of incumbent-constituency relations by recognition of the residence of incumbents and their history in representing certain areas.
 8. The plan should be narrowly tailored to avoid retrogression in the position of racial minorities and language minorities as defined in the Voting Rights Act with respect to their effective exercise of the electoral franchise.
 9. The plan should not fragment a geographically compact minority community or pack minority voters in the presence of polarized voting so as to create liability under Section 2 of the Voting Rights Act, 42 U.S.C. § 1973.
- B.** The City Council and Mayor will review all plans in light of these criteria and will evaluate how well each plan conforms to the criteria.
- C.** Any plan submitted by a citizen to the City Council and Mayor for their consideration should be a complete plan—*i.e.*, it should show the full number of councilmember districts and should redistrict the entire city; must show all district boundaries in detail sufficient to permit the City to reproduce the proposed plan accurately; and also report the total population and voting age population for Hispanics, non-Hispanic Blacks, non-Hispanic Asians, and non-Hispanic Anglo/other for each proposed district, based on 2010 Census data. The City Council and Mayor may decline to consider any plan that is not a complete plan with sufficient geographic and population detail.
- D.** All plans submitted by citizens, as well as plans submitted by staff, consultants, and members of the City Council should conform to these criteria.

This Resolution shall be effective upon passage by the City Council.

PASSED AND APPROVED by the City Council of the City of Lancaster, Texas this
__ day of _____, 2011.

CITY OF LANCASTER:

Marcus E. Knight, Mayor

ATTEST:

Dolle K. Downe, City Secretary

APPROVED AS TO FORM:

Robert Hager, City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS ESTABLISHING GUIDELINES FOR PERSONS SUBMITTING COMMENTS AND SPECIFIC REDISTRICTING PROPOSALS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council for the City of Lancaster has certain responsibilities for redistricting under federal and state law including but not limited to Amendments 14 and 15 to the United States Constitution, U.S.C.A. (West 2006) and the Voting Rights Act, 42 U.S.C.A. §§ 1973 and 1973c (West 2010); and Tex. Gov't Code Ann. §§ 2058.001 and 2058.002 (Vernon 2008); and

WHEREAS, the City Council and Mayor have certain responsibilities for redistricting under the City Charter; and

WHEREAS, it is necessary to provide for the orderly consideration and evaluation of redistricting plans which may come before the City Council and Mayor; and

WHEREAS, these guidelines relate to persons who have specific redistricting plans they wish the City Council and Mayor to consider; and

WHEREAS, the City Council and Mayor welcomes any comments relevant to the redistricting process;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANCASTER, DALLAS COUNTY, TEXAS:

THAT in order to make sure that any comment or plan that might be submitted is of maximum assistance to the City Council and Mayor in its decision making process, the City Council and Mayor hereby set the following guidelines to be followed by each person submitting a comment or redistricting plan for consideration:

1. Proposed plans should be submitted in writing and legible. If a plan is submitted orally, there is significant opportunity for misunderstanding, and it is possible that errors may be made in analyzing it. The City Council and Mayor want to be sure that all proposals are fully and accurately considered.
2. Any plan should show the total population and voting age population for Blacks, Hispanics, Asians, and Anglo/other for each proposed councilmember district. If a plan is submitted without a population breakdown, the City Council and Mayor may not have sufficient information to give it full consideration.
3. Plans should redistrict the entire City of Lancaster. The City Council and Mayor, of course, will be considering the effect of any plan on the entire city. Also, the City Council and Mayor are subject to the Voting Rights Act, which protects various racial and language minorities. Thus, as a matter of federal law, the City Council and Mayor will be required to consider the effect of any proposal on

multiple racial and ethnic groups. If a plan does not redistrict the entire city, it may be impossible for the City Council and Mayor to assess its impact on one or more protected minority groups.

4. Plans must conform to the criteria the City Council and Mayor will be using in drawing the councilmember districts.
5. Comments must be submitted in writing and be legible, even if the person also makes the comments orally at a public hearing.
6. Persons providing comments and those submitting proposed plans must identify themselves by full name and home address and provide a phone number and, if available, an email address. The City Council and Mayor may wish to follow up on such comments or obtain additional information about submitted plans.
7. All comments and proposed plans must be submitted to the City Council and Mayor by the close of the public hearing.

This resolution shall be effective upon passage by the City Council and Mayor.

PASSED AND APPROVED by the City Council of the City of Lancaster, Texas this _____ day of _____, 2011.

CITY OF LANCASTER, TEXAS

Marcus E. Knight, Mayor

ATTEST:

Dolle K. Downe, City Secretary

APPROVED AS TO FORM:

Robert Hager, City Attorney

LANCASTER CITY COUNCIL
Agenda Communication for
July 25, 2011

8

AG11-008

Discuss traditional redistricting criteria and consider a resolution of the City Council of the City of Lancaster, Texas, adopting criteria for use in the redistricting 2011 process; and providing an effective date.

This request supports the City Council 2010-2011 Policy Agenda.

Goal 6: Civic Engagement

Background

Following the presentation by Bickerstaff Heath Delgado Acosta of the Initial Assessment findings, Bickerstaff will review the importance of redistricting criteria and recommend criteria to ensure fair and adequate public participation in the redistricting process. It is important to address both the redistricting criteria and guidelines (companion item) early in the redistricting process to enable Bickerstaff to proceed efficiently with the actual redistricting plans.

Considerations

- **Operational** – City Council has certain responsibilities for redistricting under federal and state law as well as the City's Home Rule Charter. A set of established redistricting criteria will serve as framework to guide the City in the consideration of redistricting plans. The criteria will provide the City a means by which to evaluate and measure proposed plans and help the City in its efforts to comply with all applicable laws. Bickerstaff has prepared draft language for the resolution stating that the City, in its adoption of a redistricting plan for city councilmember districts, will adhere to the following criteria to the greatest degree practicable:
 1. To easily identifiable geographic boundaries.
 2. To identify communities of interest which should be maintained in a single district and where practicable, attempt to avoid splitting neighborhoods;
 3. To establish districts composed of whole voting precincts or to establish districts drawn in a way that permits the creation of practical voting precincts and to ensure that adequate facilities for polling places exist in each voting precinct; and, to avoid splitting census blocks;

4. To rationally attempt, to the extent practicable, to be based on existing district's boundaries;
 5. To configure districts so that they are relatively equal in total population according to the 2010 federal Census, achieving deviation in population between the largest and the smallest district which do not exceed ten percent.
 6. To establish districts to be compact and composed of contiguous territory, comprising a functional and geographical dimension.
 7. To preserve incumbent-constituency relations by recognition of the residence of incumbents and their historical representation of areas and interests.
 8. To narrowly tailor such districts to avoid retrogression in the position of racial minorities and language minorities as defined in the Voting Rights Act with respect to their effective exercise of the electoral franchise.
 9. To avoid fragment a geographically compact minority community or minority voters which would result in polarized voting.
- **Legal** – Bickerstaff has prepared the draft resolution containing redistricting criteria for Council consideration. The City Attorney has reviewed the resolution.
 - **Financial** – There is no financial impact with the adoption of redistricting criteria. It should be noted that established redistricting criteria will allow Bickerstaff to efficiently proceed with the redistricting plans.
 - **Public Information** - There are no public information requirements for redistricting criteria other than the appropriate posting of the agenda.

Options/Alternatives

1. Council may adopt the resolution as presented.
2. Council may modify the resolution.
3. Council may deny the resolution. Rejecting the resolution will leave City Council without any framework to guide the City in the consideration of districting plans.

Recommendation

Bickerstaff and staff recommend adoption of the resolution as presented.

Attachments

- Resolution

Prepared and submitted by:
Dolle K. Downe, City Secretary

Date: July 7, 2011

RESOLUTION NO. 2011-07-61

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS ADOPTING CRITERIA FOR USE IN THE REDISTRICTING 2011 PROCESS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council and Mayor have certain responsibilities for redistricting under federal and state law, including but not limited to, Amendments 14 and 15 to the United States Constitution, U.S.C.A. (West 2006), and the Voting Rights Act, 42 U.S.C.A. §§ 1973 and 1973c (West 2010); and Tex. Gov't Code Ann. §§ 2058.001 and 2058.002 (Vernon 2008); and

WHEREAS, the City Council and Mayor are required to redistrict council seats pursuant to the Home Rule Charter; and

WHEREAS, the 2010 Census data affirms a population imbalance exists within the various councilmember districts; and

WHEREAS, it is the intent of the City to comply with the Voting Rights Act and with all other relevant law, including *Shaw v. Reno* jurisprudence; and

WHEREAS, a set of established redistricting criteria will serve as objective framework to guide in the consideration of districting plans; and

WHEREAS, such criteria will provide a means by which to evaluate and measure proposed plans; and

WHEREAS, such criteria will assist in its efforts to comply with all applicable federal and state laws.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANCASTER, DALLAS COUNTY, TEXAS:

- A. THAT** the City of Lancaster, Texas, in its adoption of a redistricting plan for city councilmember districts, will adhere to the following criteria to the greatest degree practicable:
1. To easily identifiable geographic boundaries.
 2. To identify communities of interest which should be maintained in a single district and where practicable, attempt to avoid splitting neighborhoods;
 3. To establish districts composed of whole voting precincts or to establish districts drawn in a way that permits the creation of practical voting precincts and to ensure that adequate facilities for polling places exist in each voting precinct; and, to avoid splitting census blocks;
 4. To rationally attempt, to the extent practicable, to be based on existing district's boundaries;

5. To configure districts so that they are relatively equal in total population according to the 2010 federal Census, achieving deviation in population between the largest and the smallest district which do not exceed ten percent.
 6. To establish districts to be compact and composed of contiguous territory, comprising a functional and geographical dimension.
 7. To preserve incumbent-constituency relations by recognition of the residence of incumbents and their historical representation of areas and interests.
 8. To narrowly tailor such districts to avoid retrogression in the position of racial minorities and language minorities as defined in the Voting Rights Act with respect to their effective exercise of the electoral franchise.
 9. To avoid fragment a geographically compact minority community or minority voters which would result in polarized voting.
- B.** The City Council and Mayor will review all proposals and plans in light of these criteria and will evaluate how well each plan conforms to the criteria.
- C.** To reserve any citizen plan to the City Council and Mayor for their consideration which reflects the full number of councilmember districts and should redistrict the entire city; must show all district boundaries in detail sufficient to permit the City to reproduce the proposed plan accurately; and also report the total population and voting age population for Hispanics, non-Hispanic African Americans, non-Hispanic Asians, and non-Hispanic Anglo/other for each proposed district, based on 2010 Census data. The City Council and Mayor may decline to consider any plan that is not a complete plan with sufficient geographic and population detail.
- D.** All plans submitted by citizens, as well as plans submitted by staff, consultants, and members of the City Council should conform to these criteria.

This Resolution shall be effective upon passage by the City Council.

PASSED AND APPROVED by the City Council of the City of Lancaster, Texas this 25th day of July 2011.

APPROVED:

Marcus E. Knight, Mayor

ATTEST:

Dolle K. Downe, City Secretary

APPROVED AS TO FORM:

Robert E. Hager, City Attorney

LANCASTER CITY COUNCIL
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AG11-009

Discuss and consider a resolution of the City Council of the City of Lancaster, Texas, establishing guidelines for persons submitting comments and specific redistricting proposals; and providing an effective date.

This request supports the City Council 2010-2011 Policy Agenda.

Goal 6: Civic Engagement

Background

This is the companion item to the redistricting criteria considered in the previous agenda item. Bickerstaff will review the importance of redistricting guidelines and recommend guidelines to provide for the orderly consideration and evaluation of redistricting plans which may come before the City Council. Similar to the redistricting criteria, it is important to establish redistricting guidelines early in the redistricting process to facilitate evaluation of any and all plans that may be received.

Considerations

- **Operational** – City Council has certain responsibilities for redistricting under federal and state law as well as the City's Home Rule Charter. A set of established redistricting guidelines will allow the orderly consideration and evaluation of redistricting plans. The guidelines relate to persons who have specific redistricting plans they wish the City Council to consider. Bickerstaff has prepared draft language for the guidelines to be followed by any person submitting a comment or redistricting plan for consideration as follows:
 1. Proposed plans should be submitted in legible written format.
 2. Any plan should show the total population and voting age population for African Americans, Hispanics, Asians, and Anglo/other for each proposed councilmember district.
 3. Plans should redistrict the entire City of Lancaster. The City Council, shall consider the effect of any plan on the entire city. Thus, the City Council will consider the effect of any proposal on multiple racial and ethnic groups. If a plan does not redistrict the entire city, it may be impossible for the City Council and Mayor to assess its impact on one or more protected minority groups.

4. Plans must conform to the criteria adopted by the City Council in drawing the councilmember districts.
 5. Comments must be submitted in writing and be legible, even if the person also makes the comments orally at a public hearing.
 6. Persons providing comments and those submitting proposed plans must identify themselves by full name, home address and provide a phone number and, if available, an email address.
 7. All comments and proposed plans must be submitted to the City Council on or before the close of the public hearing.
- **Legal** – Bickerstaff has prepared the attached draft resolution containing redistricting guidelines for Council consideration. The City Attorney has reviewed the resolution.
 - **Financial** – There is no financial impact with the adoption of redistricting guidelines. It should be noted that established redistricting guidelines will allow Bickerstaff to efficiently proceed with the redistricting process.
 - **Public Information** - There are no public information requirements for redistricting criteria other than the appropriate posting of the agenda.

Options/Alternatives

1. Council may adopt the resolution as presented.
2. Council may modify the resolution.
3. Council may deny the resolution. Rejecting the resolution will leave City Council without guidelines for the submission of redistricting plans by interested persons.

Recommendation

Bickerstaff and staff recommend adoption of the resolution as presented.

Attachments

- Resolution

Prepared and submitted by:
Dolle K. Downe, City Secretary

Date: July 7, 2011

RESOLUTION NO. 2011-07-62

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, ESTABLISHING GUIDELINES FOR PERSONS SUBMITTING COMMENTS AND SPECIFIC REDISTRICTING PROPOSALS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council for the City of Lancaster has certain responsibilities for redistricting under federal and state law including but not limited to Amendments 14 and 15 to the United States Constitution, U.S.C.A. (West 2006) and the Voting Rights Act, 42 U.S.C.A. §§ 1973 and 1973c (West 2010); and Tex. Gov't Code Ann. §§ 2058.001 and 2058.002 (Vernon 2008); and

WHEREAS, the City Council has certain responsibilities for redistricting under the City Charter; and

WHEREAS, it is necessary to provide for the orderly consideration and evaluation of redistricting plans which may come before the City Council; and

WHEREAS, these guidelines relate to persons who have specific redistricting plans they wish the City Council to consider; and

WHEREAS, the City Council welcomes any comments relevant to the redistricting process;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANCASTER, DALLAS COUNTY, TEXAS:

THAT in order to ensure that any comment or plan that is submitted is of maximum assistance to the City Council in its decision making process, the City Council hereby set the following guidelines to be followed by any person submitting a comment or redistricting plan for consideration:

1. Proposed plans should be submitted in legible written format.
2. Any plan should show the total population and voting age population for African Americans, Hispanics, Asians, and Anglo/other for each proposed councilmember district.
3. Plans should redistrict the entire City of Lancaster. The City Council, shall consider the effect of any plan on the entire city. Thus, the City Council will consider the effect of any proposal on multiple racial and ethnic groups. If a plan does not redistrict the entire city, it may be impossible for the City Council and Mayor to assess its impact on one or more protected minority groups.
4. Plans must conform to the criteria adopted by the City Council in drawing the councilmember districts.

5. Comments must be submitted in writing and be legible, even if the person also makes the comments orally at a public hearing.
6. Persons providing comments and those submitting proposed plans must identify themselves by full name, home address and provide a phone number and, if available, an email address.
7. All comments and proposed plans must be submitted to the City Council on or before the close of the public hearing.

This resolution shall be effective upon passage by the City Council and Mayor.

PASSED AND APPROVED by the City Council of the City of Lancaster, Texas this 25th day of July 2011.

APPROVED:

Marcus E. Knight, Mayor

ATTEST:

Dolle K. Downe, City Secretary

APPROVED AS TO FORM:

Robert E. Hager, City Attorney

LANCASTER CITY COUNCIL
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AG11-010

The City Council shall convene into closed executive session pursuant to Section § 551.071 of the TEXAS GOVERNMENT CODE to consult with and receive legal advice from special legal counsel concerning the Voting Rights Act of 1964 and City Council legal obligations.

Executive session matter.

Prepared and submitted by:
Dolle K. Downe, City Secretary

Date: July 7, 2011

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AG11-011

Consider and take appropriate action(s), if any, on closed/executive session matters.

Background

This agenda item allows City Council to take action necessary, if any, on item(s) discussed in Executive Session.

Prepared and submitted by:
Dolle K. Downe, City Secretary

Date: July 7, 2011