



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

211 N. HENRY STREET, LANCASTER, TEXAS

Monday, July 9, 2012 – 7:00 P.M.



CALL TO ORDER

INVOCATION: MINISTERIAL ALLIANCE

PLEDGE OF ALLEGIANCE: MAYOR MARCUS E. KNIGHT

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 Special Meeting held June 22 & 23, 2012 and Regular Meeting held June 25, 2012.
- 2C. Consider Resolution 2012-07-49 adopting the Lancaster City Council Rules and Procedures, as amended.
- 3C. Consider Resolution 2012-07-50 authorizing the filing and agreement to accept the terms and conditions of a grant with the United States Department of Commerce, Economic Development Administration for investment assistance under the Economic Development Assistance Program Grant; authorizing the City Manager to act on behalf of the City of Lancaster in all matters related thereto; and agreeing the City of Lancaster will comply with the grant requirements of the United States Department of Commerce, Economic Development Administration, the Texas Commission on Environmental Quality, and the State of Texas.

EXECUTIVE SESSION:

4. The City Council shall convene into closed executive session pursuant to:
 - (A) Section § 551.071 (2) of the TEXAS GOVERNMENT CODE to seek legal advice from the City Attorney and deliberate whether to retain special legal counsel concerning proposed Permit No. 42D, Texas Commission on Environmental Quality, Skyline Landfill, Ferris, Texas, expansion request; and
 - (B) Section § 551.071 (1) of the TEXAS GOVERNMENT CODE to consult with the City Attorney concerning Cause Number 3:12-cv-00064-B, styled J.S. Haren Company v. City of Lancaster.

5. 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 5, 2012 @ 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, TRMC
City Secretary

LANCASTER CITY COUNCIL
Agenda Communication for
July 9, 2012

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AG12-001

Consider approval of minutes from the City Council Special Meeting held June 22 and 23, 2012 and Regular Meeting held June 25, 2012.

Background

Attached for your review and consideration are minutes from the:

- City Council Special Meeting held June 22 and 23, 2012
- City Council Regular Meeting held June 25, 2012

Prepared and submitted by:

Dolle K. Downe, City Secretary
June 29, 2012

MINUTES

LANCASTER CITY COUNCIL MEETING OF JUNE 22 & 23, 2012

The City Council of the City of Lancaster, Texas, met on June 22, 2012 in a special meeting for the first day of strategic planning at the Lancaster Veterans Memorial Library, 1600 Veterans Memorial Parkway in Lancaster at 8:35 a.m. with a quorum present to-wit:

Councilmembers Present:

Mayor Marcus E. Knight
Walter Weaver
Stanley Jaglowski
Mayor Pro Tem Marco Mejia
Deputy Mayor Pro Tem James Daniels
LaShonjia Harris
Nina Morris

City Staff Present:

Opal Mauldin Robertson, City Manager
Dolle Downe, City Secretary
Julia Novak, The Novak Consulting Group, facilitator

Call to Order:

Mayor Knight called the meeting to order at 8:35 a.m. on June 22, 2012.

City Council met in the first day of a two day strategic planning session. City Council described themselves at their "best" and discussed their expectations for the planning session.

Facilitator Novak showed a brief video about Leaving a Legacy. Each councilmember shared with the group the legacy they wish to leave as a member of this governing body.

Facilitator Novak led discussion to assess the Council's working relationship. Councilmembers discussed Council expectations. It was noted that the City came together in challenging times such as the tornado and dealing with tough budget issues. Councilmembers discussed concerns including councilmember presentations; addressing concerns between two councilmembers if a constituent expresses a concern about another councilmember; and expressing councilmember views during discussions to help promote understanding.

City Council recessed for lunch at 11:30 a.m. and reconvened at 12 noon.

Councilmembers continued discussion regarding expectations and agreed to a councilmember meeting with the Mayor, if desired, to solicit ideas and feedback, and to identify a fun, recreational activity for council to do together once a year. Councilmembers discussed giving appropriate credit to whoever brings up an idea and to encourage one another. Councilmembers were positive about Council-Staff relationships indicating they feel supported by the City staff. City Manager Robertson shared a few new items for staff expectations from Council that Council agreed with, including being positive about the community, Council participation at City sponsored or

co-sponsored events and Best Southwest initiatives, and bringing policy related issues identified at board or commission meetings to the full body for consideration.

As required by the City Charter, Council reviewed the City Council Rules and Procedures. Minor tweaks were made to the rules and procedures; revisions will be brought forward for formal adoption at an upcoming Council meeting.

City Manager Mauldin Robertson made a brief presentation recapping progress on fiscal year 2011-2012 goals, summarizing objectives achieved and noting considerable progress. Council expressed appreciation and indicated their desire to continue to receive quarterly progress and financial updates.

Mayor Knight recessed the meeting at 3:23 p.m.

LANCASTER CITY COUNCIL MEETING OF JUNE 23, 2012

The City Council of the City of Lancaster, Texas, reconvened on June 23, 2012 at the Lancaster Veterans Memorial Library, 1600 Veterans Memorial Parkway in Lancaster at 9:00 a.m. with a quorum present to-wit:

Councilmembers Present:

Mayor Marcus E. Knight
Walter Weaver
Stanley Jaglowski
Mayor Pro Tem Marco Mejia
Deputy Mayor Pro Tem James Daniels
LaShonjia Harris
Nina Morris

City Staff Present:

Opal Mauldin Robertson, City Manager
Dolle Downe, City Secretary
Thomas Griffith, Fire Chief
Dori Lee, Human Resources Director
Larry Flatt, Police Chief
Sheree Haynes, Finance Director
Rona Stringfellow Govan, Dev. Services Dir.
Ed Brady, Economic Development Director
Sean Johnson, Parks & Recreation Director
Julia Novak, The Novak Consulting Group

Facilitator Novak opened the second day of the planning session with a welcome to City staff and with reflection and feedback regarding the previous day's discussions. Feedback was positive and both Council and City staff were ready to focus on goals and objectives for the upcoming year.

City Council reviewed the existing Key Performance Areas which include:

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

and determined the existing six Key performance Areas are still critical to achieving the Lancaster Vision.

Council started a working lunch about 11:45 a.m.

Facilitator Novak led Council in brainstorming potential initiatives and prioritizing the initiatives. Priority initiatives include: enforce storm water ordinance to include LISD; revise financial policies to fund CIP and equipment replacement; increase visibility of police; FCC compliance with Public Safety mobile radio requirements; utilize and fund street maintenance program; plan for a new Fleet Maintenance facility; update the Comprehensive Plan; recruit quality commercial, industrial and retail jobs; targeted marketing to the brokerage community; and continue airport expansion plans. City Council encouraged the City Manager to pursue two issues not directly addressed: 1. bring forward a new policy to provide a discount for senior citizens on utility bills; and 2. include City Hall as a long-term community project in the CIP (in addition to the Fleet Maintenance facility).

Adoption of the goals and 2012-2013 Work Plan will be formally considered at an upcoming City Council meeting.

Council concluded with reflection on this year's planning session and expressed appreciation for Executive Team members' participation and thanks to the facilitator, Ms. Novak.

MOTION: Councilmember Morris made a motion, seconded by Mayor Pro Tem Mejia, to adjourn the special meeting.

The meeting was adjourned at 1:16 p.m.

ATTEST:

APPROVED:

Dolle K. Downe, City Secretary

Marcus E. Knight, Mayor

MINUTES

LANCASTER CITY COUNCIL MEETING OF JUNE 25, 2012

The City Council of the City of Lancaster, Texas, met in Regular session in the Council Chambers of City Hall on June 25, 2012 at 7:00 p.m. with a quorum present to-wit:

Councilmembers Present:

Mayor Marcus E. Knight
Walter Weaver
Stanley Jaglowski
Mayor Pro Tem Marco Mejia
Deputy Mayor Pro Tem James Daniels
LaShonjia Harris
Nina Morris

City Staff Present:

Opal Mauldin Robertson, City Manager
Breanna Colvin, Community Relations Coordinator
Larry Flatt, Police Chief
Thomas Griffith, Fire Chief
Sean Johnson, Parks and Recreation Director
Sheree Haynes, Finance Director
Dori Lee, Human Resources Director
Ed Brady, Economic Development Director
Rona Stringfellow Govan, Managing Director Public Works / Development Services
Donald McKinney, Water/Waste Water Superintendent
Dolle Downe, City Secretary
Robert E. Hager, City Attorney

Call to Order:

Mayor Knight called the meeting to order at 7:00 p.m. on June 25, 2012.

Invocation:

Parks and Recreation Director Sean Johnson gave the invocation.

Pledge of Allegiance:

Mayor Pro Tem Mejia led the pledge of allegiance.

Presentation:

Mayor Knight presented the Lancaster Independent School District High School Girls and Boys Track Teams each a Certificate of Excellence for their outstanding accomplishments in track and field this year. Girls Coach Humphrey, Boys Coach Williams and members of the track teams accepted the certificates.

Citizens Comments:

James Lewis, 818 Katy Street, stated that he is interested in creating a working relationship with the Mayor and City; commented that he had come to officials to set up the original Juneteenth event; stated that the City has used his ideas and concepts and never offered any thanks; commented that he will continue to use his freedom of speech and asked citizens to come to speak at meetings so that their right to speak is not eroded.

Pastor Charles and Doniele Wilson, 830 Potomac Drive, Pastor Wilson commented that they operate a church, All In the Body of Christ, in the City that has outreach programs to help families in many areas; Mrs. Wilson outlined the programs and invited the City to participate in some of their initiatives including becoming a "Let's Move City" to educate both adults and youth in obesity prevention and in taking charge of their own health and well-being.

Consent Agenda:

City Secretary Downe read the consent agenda.

- 1C. Consider approval of minutes from the City Council Regular Meeting held June 11, 2012 and Special Meeting held June 18, 2012.**
- 2C. Consider an ordinance amending the Code of Ordinances by amending Chapter 3, Section 3.7002, Exceptions and Amendments, Section 111.7 Court Review of the International Property Maintenance Code, 2006 Edition by deleting Section 111.7 in its entirety and replacing with a new Section 111.7 Court Review of said International Code providing for court appeal to the District Court of Dallas County, Texas.**
- 3C. Consider Resolution 2012-06-47 authorizing continued participation with the Steering Committee of Cities Served by Oncor; and authorizing payment of ten cents (\$0.10) per capita to the Steering Committee to fund regulatory and related activities related to Oncor Electric Delivery Company, LLC.**
- 4C. Consider Resolution 2012-06-48 approving the terms and conditions of an agreement by and between the City of Lancaster and Insituform Technologies, Inc. for pipe rehabilitation on the Keller Branch Phase 1 Sanitary Sewer Line Replacement Project in an amount not to exceed eight hundred twenty-three thousand two hundred fifty-nine dollars (\$823,259).**

Councilmember Mejia pulled item 4C from the consent agenda.

MOTION: Deputy Mayor Pro Tem Daniels made a motion, seconded by Mayor Pro Tem Mejia, to approve consent items 1C - 3C. The vote was cast 7 for, 0 against.

Mayor Pro Tem Mejia commented that Council is aware of the City's aging infrastructure and is working to upgrade the infrastructure, noting that item 4C replaces clay pipes with PVC lines and increases this part of the undersized sewer line from 16 to 18 inches. Mayor Pro Tem Mejia clarified that this repair will relieve the overflow problems at Pleasant Run Road and Jefferson.

Water/Waste Water Superintendent McKinney commented that this item helps current issues and compliance with the TCEQ mandates for the Keller Branch sewer line.

Councilmember Weaver asked how many feet this rehabilitation covered. Water/Waste Water Superintendent McKinney indicated the first phase covers 3,900 linear feet. Councilmember Weaver asked about additional phases. Water/Waste Water Superintendent McKinney indicated pipe rehabilitation would be over three phases.

Councilmember Morris commented that although this expenditure is a lot of money, the tax dollars are going to repairs that are a necessity for the City.

MOTION: Councilmember Morris made a motion, seconded by Mayor Pro Tem Mejia, to approve Resolution 2012-06-48 approving the terms and conditions of an agreement by and between the City of Lancaster and Insituform Technologies, Inc. for pipe rehabilitation on the Keller Branch Phase 1 Sanitary Sewer Line Replacement Project in an amount not to exceed eight hundred twenty-three thousand two hundred fifty-nine dollars (\$823,259). The vote was cast 7 for, 0 against.

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

The meeting was adjourned at 7:20 p.m.

ATTEST:

APPROVED:

Dolle K. Downe, City Secretary

Marcus E. Knight, Mayor

LANCASTER CITY COUNCIL
Agenda Communication for
July 9, 2012

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AG12-002

Consider a resolution of the City Council of the City of Lancaster, Texas, adopting the Lancaster City Council Rules and Procedures, as amended.

This request supports the City Council 2011-2012 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

On June 22, 2012, during the strategic planning session, Council reviewed and discussed the City Council Rules and Procedures. Council agreed to the following revisions during their discussion. A complete redlined copy is attached. Below is a summary of proposed revisions.

Section I Mayor - City Council Relations

- C. HOUSE RULES: CODE OF CONDUCT (see page 6)
7. Come prepared to discuss issues;
~~ask questions ahead of time.~~
When possible ask questions of staff prior to the meeting so that staff can be prepared.
 9. Participate in discussions and focus on the issue;
avoid side conversations. **Need to be mindful that sidebar conversations are disruptive.**

D. CITY COUNCIL AGENDA PROCESS (see page 8)

4. Minutes
 - ~~b. The City Secretary will record all City Council meetings and retain the audiotapes of the City Council meetings for eight (8) years.~~
 - b. The City Secretary shall maintain recordings of City Council meetings in accordance with the City's adopted Records Management Program ordinance and applicable state law.**

Section II Council - Staff Relations

F. COUNCIL - MANAGER/STAFF RELATIONS (see page 12)

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 tablet** with service plans.

Section III Media Relations (see page 13)

- E. Spokesperson for Staff. On administrative matters, the City Manager or his/**her** designee is the spokesperson to present staff information on the agenda.

Code of Ethics (see page 15)

- 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 **and Texas Open Meetings Act**;

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: June 27, 2012

RESOLUTION NO. 2012-07-49

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 22-23, 2012; 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 9th day of July 2012.

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 26, 2011~~ **July 9, 2012**

Last CC Review: ~~June 24, 2011~~ **June 22, 2012**

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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.~~
When possible ask questions of staff prior to the meeting so that staff can be prepared.
8. Praise in public;
provide constructive feedback in private.
9. Participate in discussions and focus on the issue;
avoid side conversations. **Need to be mindful that sidebar conversations are disruptive.**
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.~~
 - b. The City Secretary shall maintain recordings of City Council meetings in accordance with the City's adopted Records Management Program ordinance and applicable state law.**
 - 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. 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 tablet with service plans.
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.

Remainder of this page intentionally left blank.

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/her 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 **and Texas Open Meetings Act**;
- 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.

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AG12-003

Consider a resolution authorizing the filing and agreement to accept the terms and conditions of a grant with the United States Department of Commerce, Economic Development Administration for investment assistance under the Economic Development Assistance Program Grant; authorizing the City Manager to act on behalf of the City of Lancaster in all matters related thereto; and agreeing the City of Lancaster will comply with the grant requirements of the United States Department of Commerce, Economic Development Administration, the Texas Commission on Environmental Quality, and the State of Texas.

This request supports the City Council 2011-2012 Policy Agenda.

Goal: Sound Infrastructure

Background

We currently have a 2 Million Gallon (MG) elevated storage tank under design on Wintergreen Road at Houston School Road to come into compliance with the TCEQ elevated storage requirement. The new tank will provide for future growth and development.

The engineering firm of Freese and Nichols, Inc. (FNI) is currently managing the Water Tower project, under the direction of the Assistant Director of Public Works and Development Services. This project has an estimated completion date of September 2013, as required by the Texas Commission on Environmental Quality (TCEQ).

Although the City has issued bonds for the completion of this project, staff had been previously directed to pursue all funding sources available to assist with this project so that future projects might be funded. Staff is actively pursuing this grant in order to relieve some of the budget constraints for future mandates. Staff is seeking approval from City Council to authorize the City Manager to submit this grant application to the U. S. Department of Commerce, Economic Development Assistance Program for investment assistance.

Considerations

- **Operational** – This request is to authorize the City Manager to submit an application for investment assistance on behalf of the City of Lancaster and act on behalf of the City of Lancaster.
- **Legal** – The City Attorney has reviewed and approved as to form the attached resolution.
- **Financial** – The estimated cost of construction is \$5,734,140. 2011 Series bonds were authorized at the September 26, 2011 council meeting. The bonds have been issued and design is currently under review by staff and the consultants. Should this grant be awarded to the City, it would provide \$2,000,000. This is direct funding and there is not a match required from the City of Lancaster.
- **Public Information** – There are no public information requirements for this item.

Options/Alternatives

1. City Council may approve the resolution as presented.
2. City Council may reject the resolution and redirect staff.

Recommendation

Staff recommends approval of the resolution as presented.

Attachments

- Resolution

Prepared and submitted by:

Rona Stringfellow-Govan, Managing Director of Public Works and Development Services

Date: June 28, 2012

RESOLUTION NO. 2012-07-50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, AUTHORIZING THE FILING AND AGREEMENT TO ACCEPT THE TERMS AND CONDITIONS OF A GRANT WITH THE UNITED STATES DEPARTMENT OF COMMERCE, ECONOMIC DEVELOPMENT ADMINISTRATION FOR INVESTMENT ASSISTANCE UNDER THE ECONOMIC DEVELOPMENT ASSISTANCE PROGRAM GRANT; AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF LANCASTER IN ALL MATTERS RELATED THERETO; AND AGREEING THE CITY OF LANCASTER WILL COMPLY WITH THE GRANT REQUIREMENTS OF THE UNITED STATES DEPARTMENT OF COMMERCE, ECONOMIC DEVELOPMENT ADMINISTRATION, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, AND THE STATE OF TEXAS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the United States Department of Commerce, Economic Development Administration administers economic development grant programs to assist in the expansion or retention of jobs in a community; and

WHEREAS, the City of Lancaster in the State of Texas is qualified to apply for grant funds under the Applications for Investment Assistance;

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

SECTION 1. That the City Manager, on behalf of the City Council, is hereby authorized to execute and file an application for an investment assistance grant with the United States Department of Commerce, Economic Development Administration and enter into an agreement to accept the terms and conditions of such grant.

SECTION 2. That the grant funds and any grant-funded equipment or facilities will be used only for the purposes for which they are intended under the grant.

SECTION 3. That 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 4. This Resolution shall become effective immediately from and after its passage, as the law and charter in such cases provide.

DULY PASSED and approved by the City Council of the City of Lancaster, Texas, on this the 9th day of July 2012.

ATTEST:

APPROVED:

Dolle K. Downe, City Secretary

Marcus E. Knight, Mayor

APPROVED AS TO FORM:

Robert E. Hager, City Attorney

LANCASTER CITY COUNCIL

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AG12-004

The City Council shall convene into closed executive session pursuant to:

(A) Section § 551.071 (2) of the TEXAS GOVERNMENT CODE to seek legal advice from the City Attorney and deliberate whether to retain special legal counsel concerning proposed Permit No. 42D, Texas Commission on Environmental Quality, Skyline Landfill, Ferris, Texas, expansion request; and

(B) Section § 551.071 (1) of the TEXAS GOVERNMENT CODE to consult with the City Attorney concerning Cause Number 3:12-cv-00064-B, styled J.S. Haren Company v. City of Lancaster.

Executive session matters.

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

Date: July 5, 2012

LANCASTER CITY COUNCIL

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AG12-005

Reconvene into open session. 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 5, 2012