



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



Monday, May 9, 2016 - 7:00 PM

CALL TO ORDER

INVOCATION: Ministerial Alliance

PLEDGE OF ALLEGIANCE: Councilmember Carol Strain-Burk

PROCLAMATIONS: Awareness Month

RECOGNITION: Renita Williams; Darius Brown; and Councilmember LaShonjia Harris

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.

ACTION:

1. Administer oaths of office, present Certificates of Election, and seat newly elected council members.

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.

2. Consider approval of minutes from the City Council Regular Meeting held on April 11, 2016.
3. Consider a resolution accepting the 2015 Racial Profiling Analysis Annual Report.

PUBLIC HEARING:

4. Z16-02 – Continue a public hearing and consider an ordinance amending the City of Lancaster Comprehensive Plan Future Land use map by designating said plan from Light Industrial by granting a re-zoning request from LI – Light Industrial to SF4 - Single Family Residential. The subject property is located on the east side of Katy Street just south of the intersection of Katy Street and E. Pleasant Run Road and further described as 1102 Katy Street, Lancaster, Dallas County, Texas.

ACTION:

5. Z15-05 (Amendment) Consider an amendment to the City of Lancaster Comprehensive Plan's Future Land Use Map and a rezoning request to amend PD Planned Development Ordinance #2015-10-23 to amend landscaping requirements, lot configuration, building height, and points of access. The property contains approximately 59 acres on the NW corner of Daniieldale Road and North Houston School Road further described as Abstract Silas B. Runyon 1199, Lancaster, Dallas County, Texas.
6. Consider a resolution of the City Council of the City of Lancaster, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and ATMOS Energy Corp., Mid-Tex Division regarding the company's 2016 rate review mechanism filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement.
7. Discuss and consider appointment of council liaisons to City Boards and Commissions.
8. Consider election of a Mayor Pro Tempore.
9. Consider election of a Deputy Mayor Pro Tempore.

ADJOURNMENT

EXECUTIVE SESSION: The City Council reserve 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: Meetings of the City Council are held in municipal facilities are 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.

PURSUANT TO SECTION 30.06 PENAL CODE (TRESPASS BY HOLDER WITH A CONCEALED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A CONCEALED HANDGUN.

CONFORME A LA SECCION 30.06 DEL CODIGO PENAL (TRASPASAR PORTANDO ARMAS DE FUEGO CON LICENCIA) PERSONAS CON LICENCIA BAJO DEL SUB-CAPITULO 411, CODIGO DEL GOBIERNO (LEY DE PORTAR ARMAS), NO DEBEN ENTRAR A ESTA PROPIEDAD PORTANDO UN ARMA DE FUEGO OCULTADA.

PURSUANT TO SECTION 30.07 PENAL CODE (TRESPASS BY HOLDER WITH AN OPENLY CARRIED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A HANDGUN THAT IS CARRIED OPENLY.

CONFORME A LA SECCION 30.07 DEL CODIGO PENAL (TRASPASAR PORTANDO ARMAS DE FUEGO AL AIRE LIBRE CON LICENCIA) PERSONAS CON LICENCIA BAJO DEL SUB-CAPITULO H, CAPITULO 411, CODIGO DE GOBIERNO (LEY DE PORTAR ARMAS), NO DEBEN ENTRAR A ESTA PROPIEDAD PORTANDO UN ARMA DE FUEGO AL AIRE LIBRE.

Certificate

I hereby certify the above Notice of Meeting was posted at the Lancaster City Hall on May 6, 2016 @ 3:00 p.m. and copies thereof were provided to the Mayor, Mayor Pro-Tempore, Deputy Mayor Pro-Tempore and Council members.



Sorangel O. Arenas
City Secretary

LANCASTER CITY COUNCIL

City Council Regular Meeting

Item 1.

Meeting Date: 05/09/2016

Policy Statement: This request supports the City Council 2015-2016 Policy Agenda

Goal(s):

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

Submitted by: Sorangel O. Arenas, City Secretary

Agenda Caption:

Administer oaths of office, present Certificates of Election, and seat newly elected council members.

Background:

The newly elected councilmembers will be given the Oath of Office and presented with a Certificate of Election.

LANCASTER CITY COUNCIL

City Council Regular Meeting

Item 2.

Meeting Date: 05/09/2016

Policy Statement: This request supports the City Council 2015-2016 Policy Agenda

Goal(s): Financially Sound, City Government
Healthy, Safe & Vibrant Community
Sound Infrastructure
Quality Development
Civic Engagement
Professional and Committed City Workforce

Submitted by: Sorangel O. Arenas, City Secretary

Agenda Caption:

Consider approval of minutes from the City Council Regular Meeting held on April 11, 2016.

Background:

Attached for your review and consideration are minutes from the:

- City Council Regular Meeting held April 11, 2016.

Attachments

Minutes

MINUTES

LANCASTER CITY COUNCIL MEETING OF APRIL 11, 2016

The City Council of the City of Lancaster, Texas, met in a called Regular session in the Council Chambers of City Hall on April 11, 2016 at 7:00 p.m. with a quorum present to-wit:

Councilmembers Present:

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

Councilmembers Absent:

Mayor Pro Tem James Daniels
LaShonjia Harris

City Staff Present:

Opal Mauldin-Robertson, City Manager
Rona Stringfellow, Assistant City Manager
Kay Brown, Community Relations Coordinator
Dori Lee, Human Resources Director
Ed Brady, Director of Economic Development
Jermaine Sapp, Equipment and Facilities Director
Sean Johnson, Managing Director of Quality of Life & Cultural Services
Baron Sauls, Interim Finance Director
Sam Urbanski, Interim Police Chief
Robert Franklin, Fire Chief
Fabrice Kabona, Assistant to the City Manager
Alton Dixon, Purchasing Manager
Angie Arenas, City Secretary

Call to Order:

Mayor Knight called the meeting to order at 7:00 p.m. on April 11, 2016.

Invocation:

Pastor John Richardson gave the invocation.

Pledge of Allegiance:

Councilmember Nina Morris led the pledge of allegiance.

Proclamation:

Mayor Knight presented a proclamation acknowledging the Lancaster Tiger Basketball team and their accomplishments including the defending of its 5A State Title for the Second Consecutive Year. Coach Ferrin Douglas accepted the proclamation and thanked the City and City Council for their acknowledgement and support.

Consent Agenda:

City Secretary Arenas read the consent agenda.

- C1. Consider approval of minutes from the City Council Regular Meeting held on March 28, 2016.**
- C2. Discuss and consider a resolution designating representatives of the City of Lancaster authorized to transmit and withdraw funds and take all other actions deemed necessary or appropriate for the investment of local funds in TexPool/TexPool Prime; providing for the addition and deletion of an authorized representative.**

MOTION: Councilmember Strain-Burk made a motion, seconded by Deputy Mayor Pro Tem Jaglowski, to approve item 2. The vote was cast 4 for, 0 against [Mayor Pro Tem Daniels and Harris absent].

Mayor Knight moved item 8 to be the first action item.

8. Consider confirmation of Robert J. Franklin as Fire chief of the Lancaster Fire Department; and administer Oath of Office.

MOTION: Councilmember Mejia made a motion, seconded by Councilmember Strain-Burk, to approve item 8. The vote was cast 4 for, 0 against [Mayor Pro Tem Daniels and Harris absent].

City Secretary Arenas administered the Oath of Office for Robert Franklin as Fire Chief of the Lancaster Fire Department.

Chief Franklin shared that it is his honored to serve as Fire Chief and he is grateful to be surrounded by loving individuals as well as mentors. Chief Franklin added how proud to be wearing the badge of his friend and mentor that retired. He acknowledged Chief Griffith's investments in the City and himself. Chief Franklin stated, "It is not about me, it is about us; it is not about us, it is about the people that we serve." He thanked the City and City Council for extending the opportunity to serve as Fire Chief.

3. Z16-02 – Continue a public hearing and consider an ordinance amending the City of Lancaster Comprehensive Plan Future Land use map by designating said plan from Light Industrial uses to low density Residential uses and a re-zoning request from LI – Light Industrial to SF4-Single Family Residential. The subject property is located on the east side of Katy Street just south of the intersection of Katy Street and E. Pleasant Run Road and further described as 1102 Katy Street, Lancaster, Dallas County, Texas.

Mayor Knight stated that the public hearing will be continued and that Councilmember Mejia recused himself from item 3. This item requires a supermajority (6 of the 7 members of Council) to enable action. He shared that action is anticipated on this item May 9, 2016.

Councilmember Mejia recused himself for this item.

Mayor Knight opened the public hearing.

There were no speakers.

MOTION: Councilmember Strain-Burk made a motion, seconded by Deputy Mayor Pro Tem Jaglowski, to keep the public hearing for item 3 open until May 9, 2016. The vote was cast 4 for 0 against [Mejia recused] [Mayor Pro Tem Daniels and Harris absent].

4. Consider a resolution authorizing support of a project application with the Dallas County Public Works Department for the 2016 Fast Act's Nationally Significant Freight and Highway Projects (NSFHP) program application (FASTLANE) grant.

MOTION: Councilmember Strain-Burk made a motion, seconded by Deputy Mayor Pro Tem Jaglowski, to approve item 4. The vote was cast 4 for 0 against [Mayor Pro Tem Daniels and Harris absent].

5. Consider a resolution authorizing support of a project application with the Dallas County for the 2016 Transportation Investment Generating Economic Recovery (TIGER) grant.

MOTION: Councilmember Strain-Burk made a motion, seconded by Deputy Mayor Pro Tem Jaglowski, to approve item 5. The vote was cast 4 for 0 against [Mayor Pro Tem Daniels and Harris absent].

6. Consider a resolution approving the terms and conditions of a Project Specific Agreement by and between Dallas County and the City of Lancaster for the purpose of Transportation Improvements on Daniieldale Road from Interstate Highway 35E to Houston School Road.

Assistant City Manager Stringfellow shared that item 7 was presented at the February 8, 2016 regular meeting and approved by Resolution 2016-02-10. When it was sent to the Commissioner's Court for approval, the resolution included the estimated project costs and not the actual bid contractor cost. In order for this item to be approved by the Commissioner's Court, estimated project costs and the actual bid contractor cost must match.

MOTION: Councilmember Morris made a motion, seconded by Councilmember Strain-Burk, to approve item 6. The vote was cast 4 for 0 against [Mayor Pro Tem Daniels and Harris absent].

7. Discuss and consider a resolution approving the award of bid 2016-3 to Modern Contractors, Inc. authorizing the City Manager to execute a contract in an amount not to exceed \$4,014,300.00 for the construction of a fleet maintenance facility.

Jermaine Sapp, Equipment and Facilities Director, spoke on the award of bid to Modern Contractors for the construction of a new 12,000 SF Fleet Maintenance Building. Modern Contractors, Inc., submitted a bid of \$4,014,300.00 which included four alternates: Alternate No. 1: Provide a Covered Vehicle Wash Canopy and separator at \$39,000; Alternate No. 2: Monument Sign at \$18,000; Alternate No. 3: Portable Lift at \$40,000; and Alternate No. 4: Vehicle Lifts at \$19,000. Director Sapp shared that the base bid of the contractor is at \$3,898,300.

Councilmember Mejia shared that he recognizes the importance in having a nice Fleet Facility but is difficult when the City has AG infrastructure and necessities such as roads, sewer lines, and waterlines. He shared that the savings earned from the new facility would like to be used in the areas he previously mentioned. The investments of this facility will perhaps have a cost-savings since this will allow staff to work on the City's equipment and projects. Councilmember Mejia advised to maintain item 7 under budget as much as possible and have the contractors follow the outline of the contract.

Deputy Mayor Pro Tem Jaglowski inquired about the current facility's use in lifting a Fire truck or a vehicle. Additional, he inquired if the new facility, costing about four million dollars, will allow the ability to lift the vehicles.

Director Sapp advised that a vehicle or a Fire Truck is unable to enter the current fleet facility and the new Fleet building will allow the entry way and access to lift the vehicles.

MOTION: Councilmember Strain-Burk made a motion, seconded by Deputy Mayor Pro Tem Jaglowski, to approve item 7. The vote was cast 4 for 0 against [Mayor Pro Tem Daniels and Harris absent].

MOTION: Councilmember Morris made a motion, seconded by Deputy Mayor Pro Tem Jaglowski, to adjourn. The vote was cast 4 for, 0 against [Mayor Pro Tem Daniels and Harris absent].

The meeting was adjourned at 7:22 p.m.

ATTEST:

APPROVED:

Sorangel O. Arenas, City Secretary

Marcus E. Knight, Mayor

LANCASTER CITY COUNCIL

City Council Regular Meeting

Item 3.

Meeting Date: 05/09/2016

Policy Statement: This request supports the City Council 2015-2016 Policy Agenda

Goal(s): Healthy, Safe & Vibrant Community

Submitted by: Samuel Urbanski, Interim Chief of Police

Agenda Caption:

Consider a resolution accepting the 2015 Racial Profiling Analysis Annual Report.

Background:

Effective September 1, 2001, the Texas Legislature enacted the Texas Racial Profiling Law (S.B. No. 1074). The Texas Code of Criminal Procedure requires that law enforcement agencies collect information relating to traffic stops in which a citation is issued and arrests resulting from those traffic stops. The Texas Code of Criminal Procedure further requires that law enforcement agencies compile and analyze this information and submit a report containing the information compiled during the previous calendar year to the governing body of each county or municipality served by the agency.

Attached is the 2015 Lancaster Police Department Racial Profiling Analysis as prepared by representative experts from the University of North Texas. The Police Department had no sustained racial profiling complaints in 2015.

Beginning January 2011, the Texas Commission on Law Enforcement Standards and Education (TCOLE) posts a copy of each police department's racial profiling report on its website.

To further ensure transparency, the Lancaster Police Department will be adding information to the city website.

Operational Considerations:

The Lancaster Police Department has adopted a detailed, written policy on racial profiling and currently collects the required information on racial profiling as required by State Law. The Lancaster Police Department contracted with the University of North Texas for the examination of contact data. We have also had our policy and report reviewed and will be making additional modifications to our report and policies for enhanced transparency and information available to the public. The amended report will be presented to City Council at a future meeting.

Legal Considerations:

The Texas Code of Criminal Procedure requires that the Lancaster Police Department 2015 Racial Profiling Analysis Report be submitted to the City of Lancaster governing body.

Public Information Considerations:

This item is being considered at a regular meeting of the Lancaster City Council noticed in accordance with the Texas Open Meetings Act.

Options/Alternatives:

1. Council may approve the resolution as presented.
2. Council may deny the resolution and request reconsideration at a future meeting

Recommendation:

Staff recommends approval of the resolution as presented.

Fiscal Year:

Budgeted Y/N:

Amount:

Account #:

Financial Considerations:

There are no financial requirements.

Attachments

Resolution

2015 Racial Profile Report

RESOLUTION NO. 2016-05-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, ACCEPTING THE 2015 RACIAL PROFILING ANALYSIS ANNUAL REPORT WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE AS EXHIBIT "A"; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with the Racial Profiling Law adopted September 1, 2001, the Lancaster Police Department contracted with the University of North Texas to prepare racial profiling data for the City Council; and

WHEREAS, the City Council has received said report; and

WHEREAS, the City Council desires to accept the 2015 Lancaster Police Department Racial Profiling Analysis Report;

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

SECTION 1. That the 2015 Lancaster Police Department Racial Profiling Analysis Annual Report, which is attached hereto and incorporated herein by reference as Exhibit "A", is hereby, in all things accepted by the City Council of the City of Lancaster, Texas.

SECTION 2. This resolution shall take effect immediately from and after its passage as the law in such cases provides, 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 May, 2016.

ATTEST:

APPROVED:

Sorangel O. Arenas, City Secretary

Marcus E. Knight, Mayor

APPROVED AS TO FORM:

Robert E. Hager, City Attorney

LANCASTER POLICE DEPARTMENT

2015

RACIAL PROFILING ANALYSIS



PREPARED BY:

Eric J. Fritsch, Ph.D.
Chad R. Trulson, Ph.D.



University of North Texas

Executive Summary

Article 2.132 (7) of the Texas Code of Criminal Procedure requires the annual reporting to the local governing body of data collected on the race or ethnicity of individuals stopped and issued citations or arrested for traffic violations and whether or not those individuals were searched. Since the law provides no clear instruction to a governing body on how to review such data, the Lancaster Police Department requested this analysis and review to assist the City Council in reviewing the data.

The analysis of material and data from the Lancaster Police Department revealed the following:

- **A COMPREHENSIVE REVIEW OF THE LANCASTER POLICE DEPARTMENT'S BIASED BASED POLICING AND RACIAL PROFILING POLICY SHOWS THAT THE LANCASTER POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.**
- **A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE LANCASTER POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.**
- **A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.**
- **ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.**
- **THE ANALYSIS OF STATISTICAL INFORMATION FROM LANCASTER POLICE DEPARTMENT REVEALS THAT THERE ARE NO METHODOLOGICALLY CONCLUSIVE INDICATIONS OF SYSTEMIC RACIAL PROFILING BY THE DEPARTMENT.**
- **THE LANCASTER POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE PROHIBITION OF RACIAL PROFILING.**
- **THE LANCASTER POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE REPORTING OF INFORMATION TO TCOLE.**

Introduction

This report details an analysis of the Lancaster Police Department's policies, training, and statistical information on racial profiling for the year 2015. This report has been prepared to specifically comply with Article 2.132 of the Texas Code of Criminal Procedure (CCP) regarding the compilation and analysis of racial profiling data. Specifically, the analysis will address Articles 2.131 – 2.135 of the CCP and make a determination of the level of compliance with those articles by the Lancaster Police Department in 2015. The full copies of the applicable laws and regulations pertaining to this report are contained in Appendix A.

This report is divided into six analytical sections: Lancaster Police Department's policy on racial profiling; Lancaster Police Department's training and education on racial profiling; Lancaster Police Department's complaint process and public education on racial profiling; analysis of statistical data on racial profiling; an analysis of Lancaster Police Department's compliance with applicable laws on racial profiling; and a final section which includes new data reporting requirements to TCOLE as required beginning in 2011.

For the purposes of this report and analysis, the following definition of racial profiling is used: racial profiling means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity (Texas CCP Article 3.05).

Lancaster Police Department Policy on Racial Profiling

A review of Lancaster Police Department's "Biased Based Policing and Racial Profiling" policy 2.01.1 revealed that the department has adopted policies in compliance with Article 2.132 of the Texas CCP. There are seven specific requirements mandated by Article 2.132 that a law enforcement agency must address. All seven are clearly covered in Lancaster's racial profiling policy. Lancaster Police Department policies provide clear direction that any form of racial profiling is prohibited and that officers found engaging in inappropriate profiling may be disciplined up to and including termination. The policies also provide a very clear statement of the agency's philosophy regarding equal treatment of all persons regardless of race, ethnicity, or national origin. Appendix B lists the applicable statute and corresponding Lancaster Police Department regulation.

A COMPREHENSIVE REVIEW OF LANCASTER POLICE DEPARTMENT'S BIASED BASED POLICING AND RACIAL PROFILING POLICY SHOWS THAT THE LANCASTER POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

Lancaster Police Department Training and Education on Racial Profiling

Texas Occupation Code § 1701.253 and § 1701.402 require that curriculum be established and training certificates issued on racial profiling for all Texas peace officers. Information provided by Lancaster Police Department reveals that racial profiling training and certification is current for all but two officers, and those officers are scheduled for training. Racial profiling training is specifically covered in Lancaster's Biased Based Profiling policy Section 4F.

A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE LANCASTER POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.

Lancaster Police Department Complaint Process and Public Education on Racial Profiling

Article 2.132 §(b)3-4 of the Texas Code of Criminal Procedure requires that law enforcement agencies implement a complaint process on racial profiling and that the agency provide public education on the complaint process. Lancaster Police Department's Biased Based Profiling policy Section 4D covers this requirement.

A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.

Lancaster Police Department Statistical Data on Racial Profiling

Article 2.132(b) 6 requires that law enforcement agencies collect statistical information on traffic citations and detentions with specific information on the race of the person cited. In addition, information concerning searches of persons and whether or not the search was based on consent is also to be collected. Lancaster Police Department submitted statistical information on all citations in 2015 and accompanying information on the race of the person cited. Accompanying this data was the relevant information on searches.

ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.

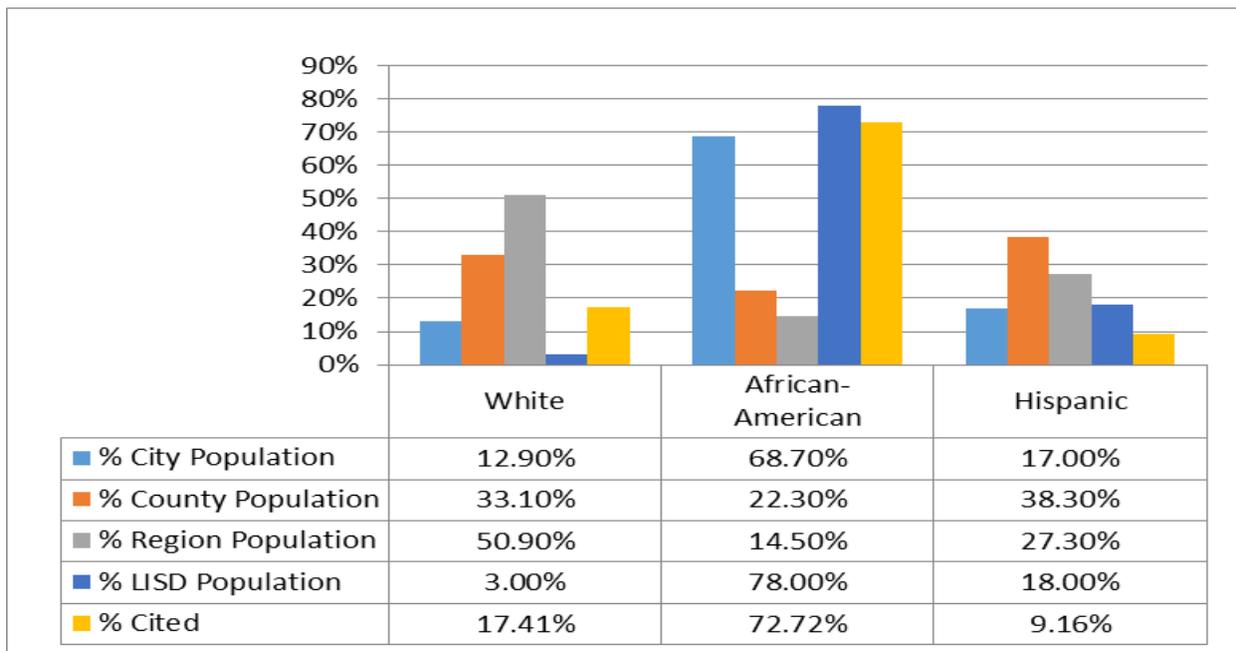
Analysis of the Data

The first chart depicts the percentages of the number of motor vehicle stops by racial group in 2015.¹ White drivers constituted 17.41 percent of all drivers stopped, whereas Whites constituted 12.90 percent of the city population, 33.10 percent of the county population, and 50.90 percent of the region population.² The chart shows that White drivers are stopped at a rate that is higher than the percentage of Whites in the city, but lower than the county and regional population. White drivers were stopped at a significantly higher rate than the percentage of White students in

¹ The total number of motor vehicle stops that resulted in an action (citation, arrest, or both) in 2015 equaled 3,121. See the TCOLE forms at the end of this report. However, not all stops resulted in arrest, citation, or both. In 2015, there were a total of 6,331 motor vehicle stops of citizens. The figure 6,331 is utilized in the tables and charts in the body of this report and the remainder of the report refers to "stops" rather than citations of drivers. The TCOLE forms at the end of this report examine stops that resulted in citation, arrest, or both.

²City, County, and Regional population figures are derived from the 2010 Census of the U.S. Census Bureau. "Regional" population figures are defined as the 16 county North Central Texas Council of Governments Region and is comprised of the following counties: Collin, Dallas, Denton, Ellis, Erath, Hood, Hunt, Johnson, Kaufman, Navarro, Palo Pinto, Parker, Rockwall, Somervell, Tarrant, and Wise.

the Lancaster Independent School District (3.00).³ African-American drivers constituted 72.72 percent of all drivers stopped, whereas African-Americans constituted 68.70 percent of the city population, 22.30 percent of the county population, and 14.50 percent of the region population. African-American stop rates were slightly higher than the percentage of African-Americans in the city population, and also higher than the percentage of African-Americans in the county and regional populations. However, African-Americans were stopped at a rate that is lower than the percentage of African-American students in the LISD population (78.00 percent). Hispanic drivers constituted 9.16 percent of all drivers stopped, whereas Hispanics constituted 17.00 percent of the city population, 38.30 percent of the county population, and 27.30 percent of the regional population. Hispanic drivers were stopped at a rate that is lower than the percentage of Hispanics in the city, county, regional, and LISD population.



As the chart shows, easy determinations regarding whether or not Lancaster police officers have “racially profiled” a given motorist are impossible given the nature of the data that has been collected and presented for this report. The law dictates that police agencies compile aggregate-level data regarding the *rates* at which agencies *collectively* stop motorists in terms of their race/ethnicity. These aggregated data are to be subsequently analyzed in order to determine whether or not *individual* officers are “racially profiling” motorists.

This methodological error, commonly referred to as the “ecological fallacy,” defines the dangers involved in making assertions about individual officer decisions based on the examination of aggregate incident level data. In short, one cannot “prove” that an *individual* officer has “racially profiled” any *individual* motorist based on the rate at which a department stops any given *group* of motorists.

³ Data on the racial make-up of LISD were obtained from the Lancaster ISD “Demographic Analysis and Enrollment Projections for the Lancaster Independent School District at <http://www.lancasterisd.org/pdf/district/Lancaster%20ISD%202014%20Demographic%20Report.pdf>. The figures represent information for the 2013-2014 school year, the most recent data available on the LISD website.

Additional interpretation problems remain in regards to the specific measurement of “racial profiling” as defined by Texas state code. For example, officers are currently forced to make subjective determinations regarding an individual's race based on his or her personal observations because the Texas Department of Public Safety does not provide an objectively-based determination of an individual's race/ethnicity on the Texas driver's license. The absence of any verifiable race/ethnicity data on the driver's license is especially troubling given the racial diversity within the city of Lancaster and the North Texas region as a whole, and the large numbers of citizens who are of Hispanic and/or mixed racial descent. The validity of any racial/ethnic disparities discovered in the aggregate level data becomes threatened in direct proportion to the number of subjective “guesses” officers are forced to make when trying to determine an individual's racial/ethnic background.⁴

In addition, the data collected for the current report does not allow for an analysis that separates (or disaggregates) the discretionary decisions of officers to stop a motorist from those that are largely non-discretionary. For example, non-discretionary stops of motorists based on the discovery of outstanding warrants should not be analyzed in terms of whether or not “profiling” has occurred simply because the officer who has stopped a motorist as a result of the discovery of an outstanding warrant does not *independently* make the decision to stop, but rather, is required to stop that individual regardless of any determination of race. An officer cannot be determined to be “racially profiling” when organizational rules and state codes compel them to stop regardless of an individual's race/ethnicity. Straightforward aggregate comparisons of stop rates ignore these realities, and fail to distinguish between discretionary and non-discretionary law enforcement actions. In the future, this validity issue could be lessened by the collection of data indicating the initial reason for the traffic stop, whether it be an observed traffic violation, other criminal activity, the existence of an outstanding warrant, or some other reason.

Finally, there has been considerable debate as to what the most appropriate population “base-rate” is in determining whether or not racial/ethnic disparities exist. As the current analysis shows in regards to the use of city, county, and regional population base-rates, the outcome of analyses designed to determine whether or not disparities exist is obviously dependent on which base-rate is used. In addition, population growth and the changing demographic character of the North Texas region and particularly the city of Lancaster has exacerbated problems associated with determining appropriate base-rates because measures derived exclusively from the U.S. Census can become quickly outdated since they are compiled only once per decade. For example, in the years preceding the 2000 Census, it was unclear as to how this growth impacted the overall demographic character of the city. However, the 2010 Census has revealed that Lancaster has not only experienced large-scale growth over the course of the last several years, but has also become much more diverse as indicated by the demographic statistics presented in this report.

Related, the determination of valid stop base-rates becomes multiplied if analyses fail to distinguish between residents and non-residents who are stopped, because the existence of significant proportions of non-resident stops will lead to invalid conclusions if racial/ethnic comparisons are made exclusively to resident population figures.

⁴ In 2015, the race of the motorist was reported as “known” prior to the stop in 174 or roughly 6 percent of instances where a stopped motorist received a citation/arrest/both (3,121). See the TCOLE forms at the end of this report.

In short, the methodological problems outlined above point to the limited utility of using aggregate level comparisons of the rates at which different racial/ethnic groups are stopped in order to determine whether or not racial profiling exists within a given jurisdiction.

The table below reports the summaries for the total number of vehicle stops by the Lancaster Police Department for traffic offenses in 2015. In addition, the table shows the number of stopped individuals who granted consent to search and those stopped drivers who were arrested at the conclusion of the stop. The chart shows that roughly 15 percent of all drivers searched were White (75/493 total searches), roughly 7 percent (36) were Hispanic, and roughly 77 percent (380) were African-American. It is clear that the vast majority of the total number of drivers stopped (including White, African-American, and Hispanic groups) were not searched, as roughly 92 percent of all drivers who were stopped were not searched (493/6,331).

Action	White	Asian	Hispanic	African-American	Other	Total
Vehicle Stops	1,102	42	580	4,604	3	6,331
Searches	75	1	36	380	1	493
Consent Searches	13	0	5	30	0	48
Arrests	32	0	18	162	0	212

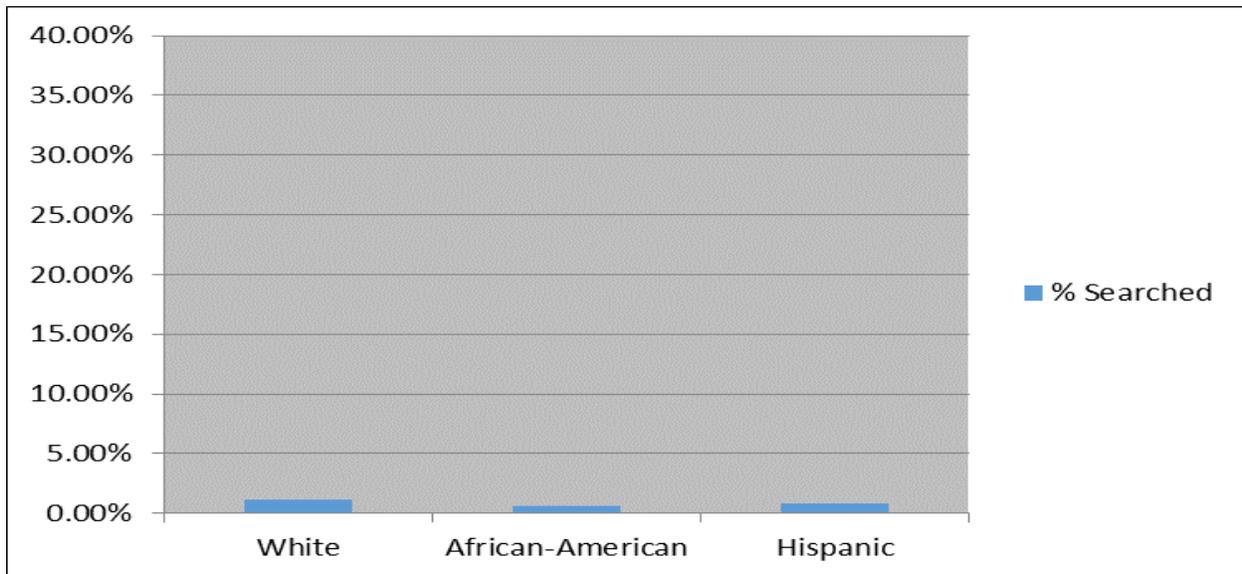
*Searches include driver searches only

It should be noted that aggregate level comparisons regarding the rates at which drivers are searched by police are subject to some of the same methodological issues as those outlined above regarding analyses of aggregate level stop rates. Of particular concern is the absence of any analyses that separates discretionary searches from non-discretionary searches. For example, searches that are conducted incident to an arrest or as part of a vehicle tow inventory should not be included in analyses designed to examine whether or not racial profiling has occurred because these types of searches are non-discretionary in that the officer is compelled by law or departmental guidelines to conduct the search irrespective of the race of the stopped driver.

Less than 1 percent of the total number of stops resulted in a consensual search (48/6,331). So too, approximately 3 percent of drivers stopped were subject to an arrest. Of those arrested, roughly 15 percent (32/212 total arrests) were White, roughly 76 percent (162) were African-American, and roughly 8 percent (18) were Hispanic. Additional data regarding the reason for the arrest are necessary in order to further examine whether or not these data reflect individual officer decisions to arrest or non-discretionary actions based primarily on legal and/or organizational requirements (e.g., the existence of outstanding arrest warrants or on view criminal activity).

The bar chart below presents the percentage of drivers that were searched by consent within each racial category. The chart indicates that drivers who were stopped were rarely searched via consent across the racial categories. For example, roughly 1 percent of all White drivers who were stopped were also consent searched (13 consent searches of white drivers / 1,102 stops of

white drivers), less than 1 percent of all African-American drivers who were stopped were consent searched, and less than 1 percent of all Hispanic drivers who were stopped were consent searched.



Analysis of Racial Profiling Compliance by Lancaster Police Department

The foregoing analysis shows that the Lancaster Police Department is fully in compliance with all relevant Texas laws concerning racial profiling, including the existence of a formal policy prohibiting racial profiling by its officers, officer training and educational programs, a formalized complaint process, and the collection of data in compliance with the law. Finally, internal records indicate that the department received no complaints in reference to racial profiling for the year 2015.

In addition to providing summary reports and analysis of the data collected by the Lancaster Police Department in 2015, this report also included an extensive presentation of some of the limitations involved in the level of data collection currently required by law and the methodological problems associated with analyzing such data for the Lancaster Police Department as well as police agencies across Texas. The Lancaster Police Department should continue its educational and training efforts within the department on racial profiling. Finally, the department should conduct periodic evaluations to assess patterns of officer decision-making on traffic stops. The final section of this report includes newly required TCOLE reporting information by Texas law enforcement organizations.

LPD TCOLE Reporting Forms



**Partial Exemption Racial Profiling Reporting
(Tier 1)**

Department Name	<u>Lancaster Police Department</u>
Agency Number	<u>TX05717X1</u>
Chief Administrator Name	<u>Samuel Urbanski</u>
Reporting Name	<u>Samuel Urbanski</u>
Contact Number	<u>972-218-2729</u>
E-mail Address	<u>surbanski@lancaster-tx.com</u>

Certification to Report 2.132 (Tier 1) – Partial Exemption

Policy Requirements (2.132(b) CCP):

Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

- (1) clearly define acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;
- (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
- (4) provide public education relating to the agency's complaint process;
- (5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
- (6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
 - (A) the race or ethnicity of the individual detained;
 - (B) whether a search was conducted and, if so, whether the individual detained consented to the search; and
 - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
- (7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
 - (A) the Commission on Law Enforcement Officer Standards and Education; and
 - (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

These policies are in effect



 Chief Administrator

02-04-2016

 Date



**Partial Exemption Racial Profiling Reporting
(Tier 1)**

Video and Audio Equipment Exemption

Partial Exemption Claimed by (2.135(a) CCP):

all cars regularly used for motor vehicle stops are equipped with video camera and transmitter-activated equipment and each motor stop is recorded and the recording of the stop is retained for at least 90 days after the stop.

OR

In accordance with 2.135(a)(2) the agency has requested and not received funds to install the recording equipment

I claim this exemption


Chief Administrator

02-04-2016

Date

Tier 1 State Report

Date Range: 01/01/2015 00:00:00 - 12/31/2015 23:59:59

PARTIAL EXEMPTION RACIAL PROFILING REPORTING (TIER 1)

INSTRUCTIONS: Please fill out all boxes. If zero, use 0.

1. Total on line 4, 11, 14 and 17 must be equal
2. Total on line 20 must equal line 15

AGENCY NAME: LANCASTER POLICE DEPARTMENT

Number of motor vehicle stops (mark only 1 category per vehicle stop):

1. 2909 Citation Only
2. 209 Arrest Only
3. 3 Both
4. 3121 (Total of 1-3)

Race or Ethnicity (mark only 1 category per vehicle stop):

5. 2185 African
6. 25 Asian
7. 543 Caucasian
8. 368 Hispanic
9. 0 Middle Eastern
10. 0 Native American
11. 3121 (Total of 5-10, must be the same as #4)

Race or Ethnicity known prior to stop?

12. 174 Yes
13. 2947 No
14. 3121 (Total of 12-13, must be the same as #4 and #11)

Search Conducted?

15. 326 Yes
16. 2795 No
17. 3121 (Total of 15-16, must be the same as #4, #11, and #14 above)

Was search consented?

18. 19 Yes
19. 307 No
20. 326 (Total, must equal #15)



**Partial Exemption Racial Profiling Reporting
(Tier 1)**

Option to submit required data by utilizing agency report

You must submit your report in PDF format

Electronic Submission of data required by 2.132(b)(6) CCP

(6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:

- (A) the race or ethnicity of the individual detained;
- (B) whether a search was conducted and, if so, whether the individual detained consented to the search; and
- (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

This report meets the above requirements



Chief Administrator

02-04-2016

Date

Send entire documents electronically to this website

www.tcleose.state.tx.us

Appendix A

Racial Profiling Statutes and Laws

Art. 3.05. RACIAL PROFILING.

In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 2, eff. Sept. 1, 2001.

Art. 2.131. RACIAL PROFILING PROHIBITED.

A peace officer may not engage in racial profiling.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING.

(a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle stops in the routine performance of the officers' official duties.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

(3) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

- (1) clearly define acts constituting racial profiling;
 - (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;
 - (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
 - (4) provide public education relating to the agency's complaint process;
 - (5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
 - (6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
 - (A) the race or ethnicity of the individual detained;
 - (B) whether a search was conducted and, if so, whether the individual detained consented to the search; and
 - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
 - (7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
 - (A) the Commission on Law Enforcement Officer Standards and Education; and
 - (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.
- (c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.
- (d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle

stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by: Acts 2011, 81st Leg., R.S., Ch. 1172, Sec. 25, eff. September 1, 2011.

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS.

(a) In this article, "race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

- (2) the initial reason for the stop;
- (3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;
- (4) whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;
- (5) the reason for the search, including whether:
 - (A) any contraband or other evidence was in plain view;
 - (B) any probable cause or reasonable suspicion existed to perform the search; or
 - (C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;
- (6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;
- (7) the street address or approximate location of the stop; and
- (8) whether the officer issued a written warning or a citation as a result of the stop.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by: Acts 2011, 81st Leg., R.S., Ch. 1172, Sec. 26, eff. September 1, 2011.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

(a) In this article:

- (1) "Motor vehicle stop" has the meaning assigned by Article 2.132(a).
- (2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the

previous calendar year to the Commission on Law Enforcement Officer Standards and Education and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency.

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities; and

(B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by: Acts 2011, 81st Leg., R.S., Ch. [1172](#), Sec. 27, eff. September 1, 2011.

Art. 2.135. PARTIAL EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT.

(a) A peace officer is exempt from the reporting requirement under Article 2.133 and the chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make motor vehicle stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle stops is equipped with transmitter-activated equipment; and

(B) each motor vehicle stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each motor vehicle stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a motor vehicle stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

(d) In this article, "motor vehicle stop" has the meaning assigned by Article 2.132(a).

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by: Acts 2011, 81st Leg., R.S., Ch. 1172, Sec. 28, eff. September 1, 2011.

Art. 2.136. LIABILITY.

A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

(a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A). The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has installed video and audio equipment as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1).

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Art. 2.138. RULES.

The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Art. 2.1385. CIVIL PENALTY.

(a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in the amount of \$1,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.

(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

Added by Acts 2011, 81st Leg., R.S., Ch. 1172, Sec. 29, eff. September 1, 2011.

Appendix B

Racial Profiling Laws and Corresponding Department Policies

Texas CCP Article	LANCASTER POLICE DEPARTMENT Racial Profiling Policy
2.132(b)1	Section 3
2.132(b)2	Section 1-2
2.132(b)3	Section 4D
2.132(b)4	Section 4D
2.132(b)5	Section 4C
2.132(b)6	Section 4E
2.132(b)7	Section 4E

Appendix C

Lancaster Police Department Racial Profiling Policy

**LANCASTER, POLICE DEPARTMENT
GENERAL ORDERS MANUAL**

<i>Effective Date</i> August 26, 2015		<i>Amended Date</i>		<i>Directive</i> 2.01.1	
<i>Subject</i> Biased Based Policing and Racial Profiling					
<i>Reference</i>			<i>Approved</i> <u>Charles Wilson</u> Chief of Police		
<i>Distribution</i> All Personnel City Manager City Attorney		<i>TPCA Best Practices Recognition</i> Program Reference 2.01		<i>Review Date</i>	<i>Pages</i> 8

This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.

SECTION 1 PURPOSE

The purpose of this policy is to reaffirm the Lancaster Police Department's commitment to unbiased policing in all of its encounters between officers and any person; to reinforce procedurally just ways that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion; and to protect our officers from unwarranted accusations of misconduct when they act within the dictate of departmental policy and the law.

SECTION 2 POLICY

- A. It is the policy of the department to protect the constitutional rights of all persons. Allegations of racial profiling or discriminatory practices, real or perceived, are detrimental to the relationship between police and the communities they protect and serve because they strike at the basic foundation of public trust. This trust is essential to effective community-based policing. Racial profiling is considered misuse of valuable police resources; such improper methods violate the civil rights of members of the public and may lead to increased exposure to liability for the officer and the department. The department does not endorse, train, teach, support, or condone any type of bias, stereotyping, or racial profiling by its officers. While recognizing that most officers perform their duties in a professional, ethical, and impartial manner, the department is committed to identifying and eliminating any instances of racial profiling.
- B. It is the policy of the department to:
 - 1. provide all people within the community fair and impartial police services consistent with procedural justice, constitutional and statutory mandates;
 - 2. assure the highest standard of integrity and ethics among all our members;
 - 3. respect the diversity and the lawful cultural practices of all people;
 - 4. take positive steps to identify, prevent, and eliminate any instances of racial profiling by our members; and

LANCASTER POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Effective Date</i> August 26, 2015	<i>Amended Date</i>	<i>Directive</i> 2.01.1
<i>Subject</i> Biased Based Policing and Racial Profiling		

5. continue our commitment to community based policing and problem solving, including vigorous, lawful and nondiscriminatory traffic enforcement that promotes public safety and strengthens public trust, confidence, and awareness.
- C. It is the policy of the department to police in a proactive manner and to aggressively investigate suspected violations of law. Officers shall actively enforce local, state and federal laws in a responsible and professional manner without regard to race, gender, ethnicity, or national origin. Officers are strictly prohibited from engaging in racial profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers, or pedestrians.
- D. Officers, when dealing with the community shall conduct themselves in procedurally just ways, procedurally just behavior is based on four central principles: (1) treating people with dignity and respect, (2) giving individuals "voices" during encounters, (3) being neutral and transparent in decision making and (4) conveying trustworthy motives. These principles lead to relationships in which the community trusts that officers are honest, unbiased, benevolent, and lawful. The community therefore feels obligated to follow the law and the dictates of legal authorities and is more willing to cooperate with and engage those authorities because it believes that it shares a common set of interest and values with the community.

SECTION 3 DEFINITIONS

- A. **Bias**: prejudice or partiality based on preconceived ideas, a person's upbringing, culture, experience, or education.
- B. **Biased Policing**: stopping, detaining, searching, or attempting to search, or using force against a person based upon his or her race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.
- C. **Ethnicity**: a cluster of characteristics that may include race but also cultural characteristics or traits that are shared by a group with a common experience or history.
- D. **Frisk**: a limited search or patting down of a suspect's outer clothing for the purpose of officer safety. A frisk must be based on reasonable suspicion that the suspect is armed with a deadly weapon, and that if he is not searched and disarmed, harm will come to the officer or another person. A limited search or frisk of an automobile after a valid stop is permissible if the officer has reasonable suspicion the suspect is dangerous and might gain immediate control of a weapon. The search is limited to the areas in which a weapon may be placed or hidden.
- E. **Gender**: unlike sex, a psychological classification based on cultural characteristics or traits.
- F. **Gender Profiling**: is defined as a law enforcement-initiated action based on an individual's gender rather than on the individual's behavior or involvement in criminal activity.
- G. **Procedural Justice**: the way officers and other legal authorities interact with the public and how the characteristics of those interactions shape the public's trust of the police.
- H. **Probable Cause**: is defined as more than bare suspicion; it exists when the facts and circumstances within the officer's knowledge and of which they have reasonably trustworthy information are sufficient

LANCASTER POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Effective Date</i> August 26, 2015	<i>Amended Date</i>	<i>Directive</i> 2.01.1
<i>Subject</i> Biased Based Policing and Racial Profiling		

in themselves to warrant a person of reasonable caution to believe that an offense has been or is being committed.

- I. **Race:** a category of people of a particular decent, including Caucasian, African, Hispanic, Asian, Middle Eastern, or Native American descent. As distinct from ethnicity, race refers only to physical characteristics sufficiently distinctive to group people under a classification.
- J. **Racial Profiling:** a law enforcement-initiated action based on an individual's race, ethnicity or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance, or other citizen contacts.
 - 1. Examples of racial profiling include, but are not limited to, the following:
 - a. Citing a driver because of the cited driver's race, ethnicity, or national origin; or
 - b. detaining the driver of a vehicle based on the determination that a person of that race, ethnicity, or national origin is unlikely to own or possesses that specific make or model of vehicle; or
 - c. detaining an individual based upon the determination that a person of that race, ethnicity, or national origin does not belong in a specific part of town or a specific place
- K. **Reasonable Suspicion** is defined as specific, articulable facts leading a reasonable police officer to believe that a person has committed, is committing, or may be about to commit a crime. Reasonable suspicion is less than probable cause, but more than a mere hunch. Reasonable grounds for suspicion depend on the circumstances in each case. There must be an objective basis for that suspicion based on facts, information, and/or intelligence.
- L. **Sex:** a biological classification, male or female, based on physical and genetic characteristics.
- M. **Search:** an examination or exploration of an individual's house, premises, vehicle or person to discover stolen property, contraband or other items that may be evidence of a crime.
- N. **Search incident to arrest:** a full search of an arrested person and of the vicinity around him or her. The search is conducted for officer safety and to prevent the destruction of evidence.
- O. **Consent search:** a search permitted by a person with apparent authority to allow the search. To be valid, consent must be voluntary and intelligent, based on a totality of circumstances. Voluntary means that the consent was not forced or coerced. Intelligent means the person giving consent must know what he or she is doing.
- P. **Inventory:** an administrative process by which items of property in an impounded vehicle are listed and secured. An inventory is not a search and should not be used as a substitute for a search. The specific objectives of an inventory are to protect the property of the defendant, to protect the police against any claim of lost property, and to protect police personnel and others from any dangerous instruments.

**LANCASTER POLICE DEPARTMENT
GENERAL ORDERS MANUAL**

Effective Date August 26, 2015	Amended Date	Directive 2.01.1
Subject Biased Based Policing and Racial Profiling		

- Q. **Pedestrian Stop:** an interaction between a peace officer and an individual traveling on foot who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.
- R. **Traffic Stop:** vehicle stops whereas a peace officer stops a motor vehicle for an alleged violation of law or ordinance regulating traffic.

SECTION 4 PROCEDURES

A. GENERAL RESPONSIBILITIES

1. Officers are prohibited from engaging in racial or bias-based profiling or stopping, detaining, searching, arresting, or taking any enforcement action including seizure or forfeiture activities, against any person based solely on the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. These characteristics, however, may form part of reasonable suspicion or probable cause when officers are seeking a suspect with one or more of these attributes.
2. Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, pedestrian stops, arrests, nonconsensual searches, and property seizures. Except as provided in number three (3) below, officers shall not consider race/ethnicity in establishing either reasonable suspicion or probable cause. Similarly, except as provided below, officers shall not consider race/ethnicity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.
3. Officers may take into account the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s). Race/ethnicity can never be used as the sole basis for probable cause or reasonable suspicion. Reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Individuals shall be subjected to stops, seizures, or detentions only upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers shall document the elements of reasonable suspicion and probable cause in appropriate reports.
4. Officers shall observe all constitutional safeguards and shall respect the constitutional rights of all persons.
 - a. As traffic stops furnish a primary source of bias-related complaints, officers shall have a firm understanding of the warrantless searches allowed by law, particularly the use of consent. How the officer disengages from a traffic stop may be crucial to a person's perception of fairness or discrimination.
 - b. Officers shall not use the refusal or lack of cooperation to justify a search of the person or vehicle or a prolonged detention once reasonable suspicion has been dispelled.

**LANCASTER POLICE DEPARTMENT
GENERAL ORDERS MANUAL**

Effective Date August 26, 2015	Amended Date	Directive 2.01.1
Subject Biased Based Policing and Racial Profiling		

5. All personnel shall treat everyone with the same courtesy and respect that they would have others observe to department personnel. To this end, personnel are reminded that the exercise of courtesy and respect engenders a future willingness to cooperate with law enforcement.
 - a. Personnel shall facilitate an individual's access to other governmental services whenever possible, and shall actively provide referrals to other appropriate agencies.
 - b. All personnel shall courteously accept, document, and forward to the Chief of Police any complaints made by an individual against the department. Further, officers shall provide information on the complaint's process and shall give copies of "How to Make a Complaint" when appropriate.
6. When feasible, personnel shall offer explanations of the reasons for enforcement actions or other decisions that bear on the individual's well-being unless the explanation would undermine an investigation or jeopardize an officer's safety.
7. When concluding an encounter, personnel shall thank him or her for cooperating.
8. When feasible, all personnel shall identify themselves by name. When a person requests the information, personnel shall give their departmental identification number, name of the immediate supervisor, or any other reasonable information.
9. All personnel are accountable for their actions. Personnel shall justify their actions when required.

B. SUPERVISORY RESPONSIBILITIES

1. Supervisors shall be held accountable for the observance of constitutional safeguards during the performance of their duties. Supervisors shall identify and correct instances of bias in the work of their subordinates.
2. Supervisors shall use the disciplinary mechanisms of the department to ensure compliance with this order and the constitutional requirements of law enforcement.
3. Supervisors shall be mindful that in accounting for the actions and performance of subordinates, supervisors are key to maintaining community trust in law enforcement. Supervisors shall continually reinforce the ethic of impartial enforcement of the laws, and shall ensure that personnel, by their actions, maintain the community's trust in law enforcement.
4. Supervisors are reminded that biased enforcement of the laws engenders not only mistrust of law enforcement, but increases safety risks to personnel. Lack of control over bias also exposes the department to liability consequences.
5. Supervisors shall be held accountable for repeated instances of biased enforcement of their subordinates.
6. Supervisors shall ensure that all enforcement actions are duly documented per departmental policy. Supervisors shall ensure that all reports show adequate documentation of reasonable suspicion and probable cause, if applicable.

**LANCASTER POLICE DEPARTMENT
GENERAL ORDERS MANUAL**

Effective Date August 26, 2015	Amended Date	Directive 2.01.1
Subject Biased Based Policing and Racial Profiling		

7. Supervisors shall facilitate the filing of any complaints about law-enforcement service.

C. DISCIPLINARY CONSEQUENCES

1. Failure to report any observed or known violations of this policy by any police department employee shall result in corrective action being taken against the employee.
2. Officers found in violation of this policy or who have a sustained racial profiling complaint shall be subject to corrective action which may include, diversity, sensitivity, or other appropriate training, counseling, a written reprimand, suspension from duty with or without pay, indefinite suspension, or other appropriate action as determined by the Chief of Police.

D. COMPLAINTS

1. Any person may file a complaint with the department if they believe they have been stopped or searched on the basis of their race, ethnicity, national origin, sexual orientation, religion, economic status, age cultural group, gender or any other identifiable group. No person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.
2. A complaint from a citizen regarding racial profiling may be made to any police department supervisor or, if available, to the Office of Professional Responsibility. A complaint from a citizen can be made by writing a letter, calling the police department and requesting a police supervisor to their location (inside the city limits) or by coming to the police station. If, after discussing the complaint with a supervisor the citizen wishes to file a formal complaint they must complete and sign a formal written complaint. All complaints received shall be forwarded in writing through the chain of command to the Chief of Police.
3. In addition to the formal written complaint, the supervisor receiving the complaint shall complete a Complainant Initial Contact (CIC) form and obtain the digital video from the officer's vehicle. The supervisor shall label the digital video, indicating the unit number and date and time the video was pulled from the unit. The video will be forwarded with the written formal complaint and the Complainant Initial Contact form through the chain of command to the Chief of Police by the end of the supervisor's tour of duty. All videos of incidents alleging racial or gender profiling shall be retained with the investigative file.
4. The Chief of Police will then assign the complaint to an appropriate department supervisor or the Office of Professional Responsibility to investigate the complaint.
5. The department shall provide education to the public concerning the complaint process. Written information regarding how a citizen may file a complaint or issue a commendation for an officer shall be made available to the public at a variety of locations, including public meetings, in the lobby of the public safety building and City Hall. This information shall also be available on the department's website (www.lancaster-tx.com).

E. CITATION, DATA COLLECTION AND REPORTING

**LANCASTER POLICE DEPARTMENT
GENERAL ORDERS MANUAL**

Effective Date August 26, 2015	Amended Date	Directive 2.01.1
Subject Biased Based Policing and Racial Profiling		

1. Each officer shall be required to collect information relating to all traffic or pedestrian stops by documenting the required information on a traffic citation or a written warning. All self-initiated traffic and pedestrian stops made whether or not a citation or written warning is issued, the officer shall complete a racial profiling incident report in the Racial Profiling Module. The racial profiling incident report can be completed through the use of the in car computer program Visual MCT, a computer at the Lancaster Police station with the computer program MOBLAN or RMS or at the jail through Visual MCT, MOBAND or RMS.
2. The officer will document the following information in the Racial Profiling Module:
 - a. the date and time of the stop;
 - b. the duration of the stop;
 - c. whether the stop was video recorded;
 - d. the location of the stop;
 - e. the stopped subject's gender;
 - f. the stopped subject's race or ethnicity;
 - g. if the stopped subject's race or ethnicity was known prior to the stop;
 - h. the residency status of the stopped subject;
 - i. the type of stop;
 - j. the reason for the stop;
 - k. if a search was conducted, if so on who;
 - l. the authority of the search;
 - m. if any type of illegal contraband was located during the search;
 - n. the result of the stop; and
 - o. any charges filed
3. Once an officer has completed the racial profiling incident report it should be submitted into the Records Management System. Officers should complete and submit all required racial profiling incident report(s) by the end of their duty shift unless the officer receive permission to turn the report(s) in the following day from their direct supervisor. If permission is granted by the officer's direct supervisor, the officer should complete and submit the report(s) by the end of their next duty shift.

**LANCASTER POLICE DEPARTMENT
GENERAL ORDERS MANUAL**

Effective Date August 26, 2015	Amended Date	Directive 2.01.1
Subject Biased Based Policing and Racial Profiling		

4. By March of each year, the department shall submit a written report to the City Council that includes the information gathered from the traffic stops in the preceding calendar year. The report will include:
 - a. a breakdown of traffic stops by race and ethnicity;
 - b. the number of traffic stops that resulted in a search and the basis for the searches;
 - c. the number of searches that resulted in contraband being discovered and, if so, the type of contraband; and
 - d. the number of traffic stops that resulted in custodial arrests
5. The Operations Division Assistant Chief of Police shall be responsible for providing a report to the Chief of Police that contains this information.

F. RACIAL PROFILING TRAINING

1. Officers are responsible to adhere to all Texas Commission on Law Enforcement training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.
2. All officers shall complete Texas Commission on Law Enforcement training and education program on racial profiling not later than the second anniversary of the date the officer is licensed under Chapter 1701, Texas Occupation Code, or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. At the discretion of the Chief of Police, additional diversity and sensitivity training may be required for officers with sustained racial profiling or other discrimination complaints filed against them.
3. The Chief of Police, as part of the initial training and continued education for such appointment, will be required to attend the Law Enforcement Management Institute of Texas program on racial profiling.
4. Supervisors shall conduct periodic roll call training regarding racial profiling issues, including implementation and enforcement of this policy.

G. SCOPE OF RESPONSIBILITY

1. All members of the department shall know and comply with all aspects of this directive.
2. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.

LANCASTER CITY COUNCIL

City Council Regular Meeting

Item 4.

Meeting Date: 05/09/2016

Policy Statement: This request supports the City Council 2015-2016 Policy Agenda

Goal(s): Quality Development

Submitted by: Rona Stringfellow, Assistant City Manager

Agenda Caption:

Z16-02 – Continue a public hearing and consider an ordinance amending the City of Lancaster Comprehensive Plan Future Land use map by designating said plan from Light Industrial by granting a re-zoning request from LI – Light Industrial to SF4 - Single Family Residential. The subject property is located on the east side of Katy Street just south of the intersection of Katy Street and E. Pleasant Run Road and further described as 1102 Katy Street, Lancaster, Dallas County, Texas.

Background:

This item was presented at the March 28, 2016 regular City Council meeting. At that time, the City Council opened the public hearing and received comment. There were 3 speakers (2 in opposition and 1 in support). The public hearing was continued as the Lancaster Development Code, in accordance with State law, requires that if the Planning and Zoning Commission recommends denial of a zoning case, super-majority of the City Council is required to take final action. At the time of the meeting, on March 28, 2016, there were not enough members of the governing body to take action.

1. **Location and Size:** The property is generally located on the east side of Katy Street just south of the intersection of Katy Street and E. Pleasant Run Road. The property is addressed as 1102 Katy Street and comprised of 15,700 square feet.
2. **Current Zoning:** The subject property is currently zoned LI, Light Industrial.
3. **Adjacent Properties:**
 - North: LI, Light Industrial (undeveloped)
 - South: LI, Light Industrial (undeveloped)
 - East: LI, Light Industrial (undeveloped)
 - West: LI, Light Industrial (undeveloped)
4. **Comprehensive Plan Compatibility:** The Comprehensive Plan identifies this site as suitable for light industrial which is a land use designation not suitable for single family detached dwellings.
5. **Public Notification:** Zoning signs were placed on the subject property. 10 property owner notices were sent on February 19, 2016. **Six (6) responses were received in opposition of the rezoning request.**

There is no additional notification required as the public hearing was continued until the May 9, 2016 regular meeting of the City Council.

6. Case/Site History:

Date	Body	Action
03/01/16	P&Z	Recommended Denial of Case Z 16-02
03/28/16	CC	Public Hearing continued to April 11, 2016
04/11/16	CC	Public Hearing continued to May 9, 2016

Operational Considerations:

This is a request for a comprehensive plan amendment to change the City of Lancaster’s Future Land Use Plan (FLUP) map from light industrial uses to low density residential uses. If the amendment and zoning change are both approved, this would make the proposed zoning compatible with the FLUP. The current designation of light industrial uses is not suitable for single family detached structures.

The subject property is 15,700 square feet of land (see notification area map). The applicant is seeking to construct a single family detached home product. While undeveloped, the subject property is zoned LI, Light existing low density Industrial and the surrounding developed parcels are all industrial uses.

Six responses in opposition have been received from property owners within the 200’ notification area.

The Lancaster Development Code states that zoning should be in conformance with the Future Land Use Plan of the City Comprehensive plan. Pursuant to Section 14.1101 of the LDC, when reviewing a zoning change application, there are five (5) considerations that must be made when deciding on a zoning change application. Below is an analysis of these considerations:

Consistency with the Comprehensive Plan: The Comprehensive Plan identifies this site as light industrial uses. The proposed change in zoning is not in compliance with the Future Land Use Plan (FLUP).

The proposed amendment to the Future Land Use Plan would allow the proposed zoning to become consistent with the FLUP if the proposed zoning change is approved.

It should be noted that the City is currently undergoing a Comprehensive Plan update that would potentially address this area in the future vision of the City of Lancaster.

Potential Impact on Adjacent Development: The subject property is currently undeveloped. Some of the surrounding properties have been developed as industrial uses. This request is not consistent with the area.

Availability of utilities and access: The subject property is served by City of Lancaster water and sanitary sewer. The applicant is not proposing any changes to the water and sewer master plan.

Site conditions such as vegetation, topography and flood plain: The subject property is currently undeveloped. Issues such as vegetation, topography and flood plain will be addressed as part of the previous site plan approval process.

Timing of Development as it relates to Lancaster’s Capital Improvement Plan: This is not applicable to this site.

Legal Considerations:

The City Attorney has approved as to form an Ordinance for the proposed rezoning request.

Public Information Considerations:

On Friday, February 19, 2016 a Public Hearing notice appeared in the Focus Daily News, the City of Lancaster's newspaper of record. 10 property owner notices were sent out on February 19, 2016. 6 responses have been received in opposition of the rezoning request.

Options/Alternatives:

1. Approve the rezoning request, as submitted.
2. Approve the rezoning request in accordance with staff recommended conditions.
3. Deny the rezoning request and direct staff.

Recommendation:

On March 1, 2016, the P&Z Commission recommended denial of the rezoning request. It is of note that if the P&Z recommends denial of the rezoning request, it will require a supermajority (6 of the 7 members of Council) to approve the request.

Staff concurs with the P&Z.

Fiscal Year:

Budgeted Y/N:

Amount:

Account #:

Financial Considerations:

There are no financial considerations for this item.

Attachments

Ordinance

P&Z staff report with attachments

Zoning Exhibit

ORDINANCE NO. 2016-05-08

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, AMENDING THE COMPREHENSIVE FUTURE LAND USE PLAN AND MAP THEREOF OF THE CITY OF LANCASTER, TEXAS, AS HERETOFORE AMENDED, BY DESIGNATING SAID PLAN FROM LIGHT INDUSTRIAL, AND GRANTING A CHANGE IN ZONING LIGHT INDUSTRIAL (LI) TO SINGLE FAMILY- 4 (SF-4) ZONING TO ALLOW A RESIDENTIAL USE. THE PROPERTY CONTAINS 15,700 SQUARE FEET OF LAND LOCATED ON THE EAST SIDE OF KATY STREET FURTHER DESCRIBED AS 1102 KATY STREET, LANCASTER, DALLAS COUNTY, TEXAS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Planning and Zoning Commission and the governing body of the City of Lancaster, Texas, in compliance with the laws of the State of Texas and pursuant to the Comprehensive Zoning Ordinance of the City of Lancaster, have given requisite notices by publication and otherwise, and after holding due hearings and affording 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 Comprehensive Land Use Plan and Zoning Application No. Z16-02 should be approved, and in the exercise of legislative discretion have concluded that the Comprehensive Land Use Plan and Zoning Ordinance and Map thereof should be amended.

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

SECTION 1. That the Comprehensive Future Land Use Plan and Map thereof and 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 by amending the Comprehensive Land Use Plan Ordinance and Map thereof from Light Industrial Uses to Single Family and to grant zoning from Light Industrial (LI) to Single-Family 4 (SF-4) on property containing 15,700 square feet of land located on the east side of Katy Street further described as 1102 Katy Street, Lancaster, Dallas County, Texas.

SECTION 2. That the subject Property, as hereby zoned, shall be developed and used in conformance and in the manner and for the purposes provided for by Single family residential (SF-4) zoning district regulations and approvals required as set forth in the Lancaster Land Development Code and the Comprehensive Zoning Ordinance of the City of Lancaster, as heretofore amended, and the detailed site plan, which shall be submitted and approved in accordance with said ordinances.

SECTION 3. That all provisions of the Ordinances of the City of Lancaster, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 5. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Lancaster, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7. That this ordinance shall take effect immediately from and after its passage and the publication of its 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 this the 9th day of May, 2016

ATTEST:

APPROVED:

Sorangel O. Arenas, City Secretary

Marcus E. Knight, Mayor

APPROVED AS TO FORM:

Robert E. Hager, City Attorney

PLANNING & ZONING COMMISSION
Agenda Communication for
March 1, 2016

#3

Z16-02 – Conduct a public hearing and consider an amendment to the City of Lancaster’s Comprehensive Plan’s Future Land use map Light Industrial uses to low density Residential uses and a re-zoning request from LI – Light Industrial to SF4-Single Family Residential. The subject property is located on the east side of Katy Street just south of the intersection of Katy Street and E. Pleasant Run Road and further described as 1102 Katy Street, Lancaster, Dallas County, Texas.

Background

1. **Location and Size:** The property is generally located on the east side of Katy Street just south of the intersection of Katy Street and E. Pleasant Run Road. The property is addressed as 1102 Katy Street and comprised of 15,700 square feet.
2. **Current Zoning:** The subject property is currently zoned LI, Light Industrial.
3. **Adjacent Properties:**
 - North: LI, Light Industrial (undeveloped)
 - South: LI, Light Industrial (undeveloped)
 - East: LI, Light Industrial (undeveloped)
 - West: LI, Light Industrial (undeveloped)
4. **Comprehensive Plan Compatibility:** The Comprehensive Plan identifies this site as suitable for light industrial which is a land use designation not suitable for single family detached dwellings.
5. **Public Notification:** Zoning signs were placed on the subject property. 10 property owner notices were sent on February 19, 2016. ***Six (6) responses were received in opposition of the rezoning request.***
6. **Case/Site History:** N/A

Considerations

This is a request for a comprehensive plan amendment to change the City of Lancaster’s Future Land Use Plan (FLUP) map from light industrial uses to low density residential uses. If the amendment and zoning change are both approved, this would

make the proposed zoning compatible with the FLUP. The current designation of light industrial uses is not suitable for single family detached structures.

The subject property is 15,700 square feet of land (see notification area map). The applicant is seeking to construct a single family detached home product. While undeveloped, the subject property is zoned LI, Light existing low density Industrial and the surrounding developed parcels are all industrial uses.

Six responses in opposition have been received from property owners within the 200' notification area.

The Lancaster Development Code states that zoning should be in conformance with the Future Land Use Plan of the City Comprehensive plan. Pursuant to Section 14.1101 of the LDC, when reviewing a zoning change application, there are five (5) considerations that must be made when deciding on a zoning change application. Below is an analysis of these considerations:

Consistency with the Comprehensive Plan: The Comprehensive Plan identifies this site as light industrial uses. The proposed change in zoning is not in compliance with the Future Land Use Plan (FLUP).

The proposed amendment to the Future Land Use Plan would allow the proposed zoning to become consistent with the FLUP if the proposed zoning change is approved.

It should be noted that the City is currently undergoing a Comprehensive Plan update that would potentially address this area in the future vision of the City of Lancaster.

Potential Impact on Adjacent Development: The subject property is currently undeveloped. Some of the surrounding properties have been developed as industrial uses. This request is not consistent with the area.

Availability of utilities and access: The subject property is served by City of Lancaster water and sanitary sewer. The applicant is not proposing any changes to the water and sewer master plan.

Site conditions such as vegetation, topography and flood plain: The subject property is currently undeveloped. Issues such as vegetation, topography and flood plain will be addressed as part of the previous site plan approval process.

Timing of Development as it relates to Lancaster's Capital Improvement Plan: This is not applicable to this site.

Recommendation

Surrounding development is light industrial development as reflected in the Comprehensive Plan's Future Land Use Plan map. The proposed amendment to the Comprehensive Plan and associated zoning change is not consistent with the future land use plan.

Staff recommends denial of the requested amendment to the Future Land Use Plan map and proposed zoning change.

Attachments

- Zoning Exhibit
- Location Map

Prepared By and Submitted By:

Rona Stringfellow, Assistant City Manager

LANCASTER CITY LOTS

185

J. A. DENBERRY - OWNER - 185

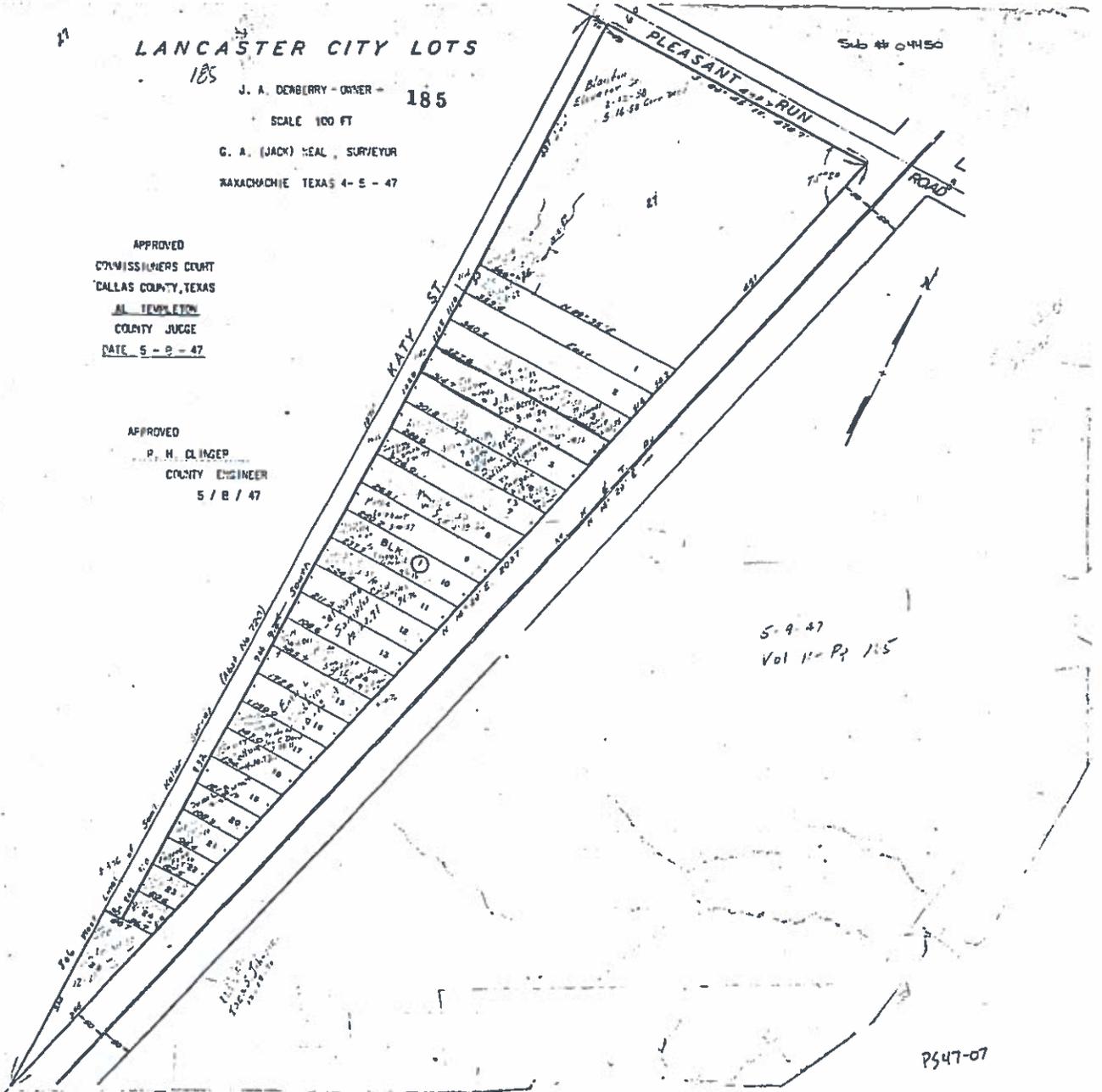
SCALE 100 FT

G. A. (JACK) NEAL, SURVEYOR

WAXACACHIE TEXAS 4-5-47

APPROVED
COMMISSIONERS COURT
DALLAS COUNTY, TEXAS
AL TEMPLETON
COUNTY JUDGE
DATE 5-9-47

APPROVED
P. H. CLINGER
COUNTY ENGINEER
5/8/47



DALLAS COUNTY PLAT BOOKS

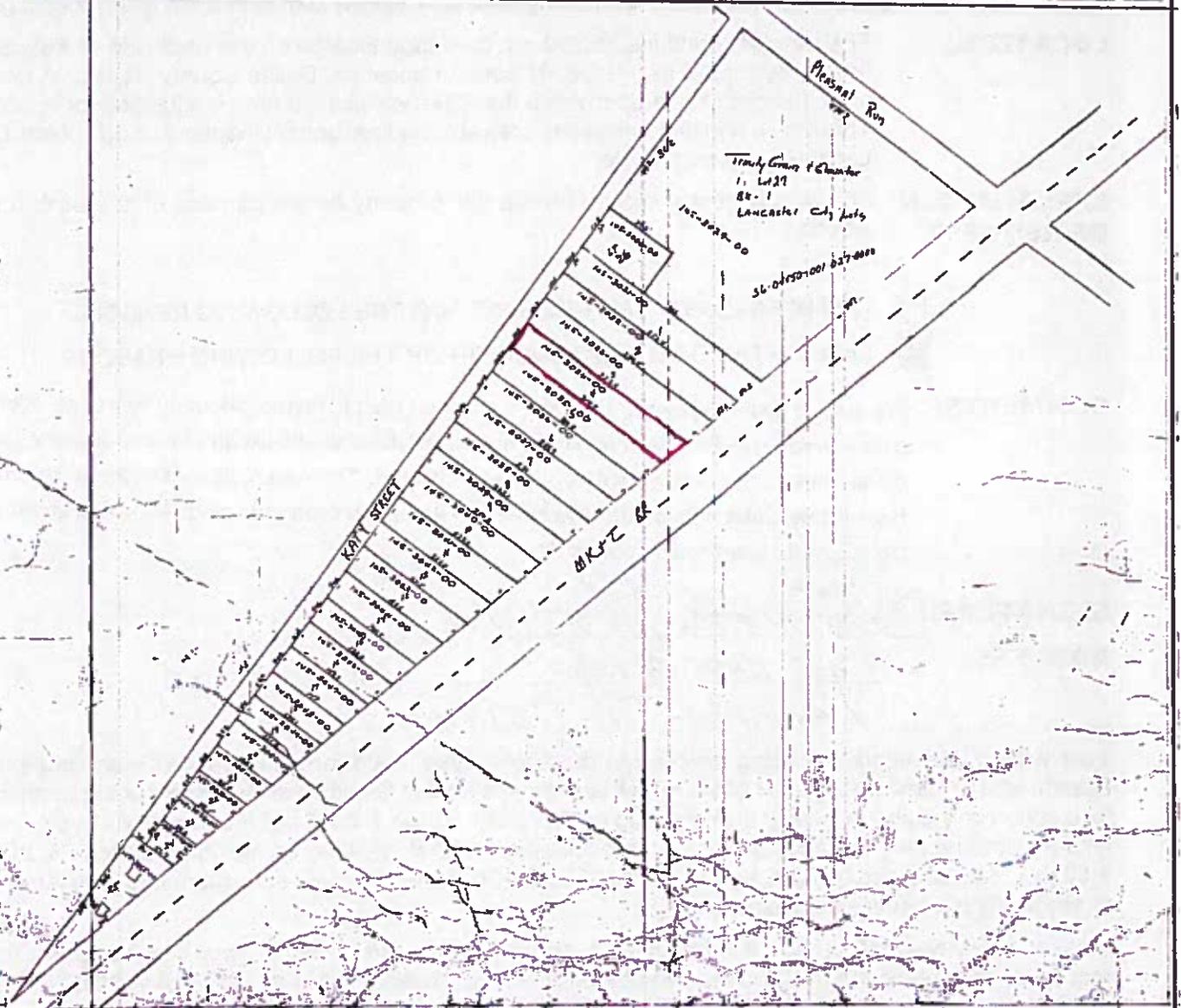
TOWN OF LANCASTER .1

SCALE OF 100 FT. EQUAL 1 INCH

LANCASTER CITY WTR SYS

ADDITION

BLOCKS



0

9



City of Lancaster Planning Division



NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Case No. - Z 16-02: to conduct a public hearing and consider a rezoning request from Light Industrial (LI) to Single-family 4 (SF-4) zoning to allow a residential use.

LOCATION: The property contains 15,700 sq. ft. of land located on the east side of Katy Street further described as 1102 Katy Street, Lancaster, Dallas County, Texas. A location map depicting the property and the 200-ft notification area is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.

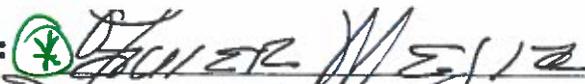
EXPLANATION OF REQUEST: The Applicant requests to rezone this property for the purpose of operating a radio station.

I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: We are not against growth. This area was zoned Light Industrial about 40 years ago. We have built and own several large facilities that are Light Industrial and would like this area to stay the same. Before development, the Silos were empty and rat infested. There were abandoned houses, empty lots, and houses that today would not meet code. An exception cannot be made for one without more following.

Do you really want to go backward?

SIGNATURE:  _____

ADDRESS: 840 KATY STREET
LANCASTER TX 75146

Your written comments are being solicited in the above case. Additional information is available in the Department of Planning at 700 E. Main. The Planning and Zoning Commission will hold a public hearing and take action on the above case at their meeting on **Tuesday, March 1, 2016 at 7:00 pm**. The City Council will hold a public hearing and take action on the above case at their meeting on **Monday, March 28, 2016 at 7:00 pm**. Meetings are typically held in the City Council Chambers, City of Lancaster Municipal Center, 211 N. Henry Street, Lancaster, Texas.

Please legibly respond in ink. If the signature and/or address are missing, your comments will not be recorded. Your response must be received in the Planning Division by **5 p.m. on Friday, 2/26/16** for your comments to be recorded for the Planning and Zoning Commission's 3-1-16 meeting. Responses received after that time will be forwarded to the Commission at the public hearing.

If you have any questions concerning this request, please contact the Planning Division
Phone 972-218-1240
FAX 972-227-7220

RETURN BY FAX OR MAIL
City of Lancaster
Planning Division
Lancaster, TX 75146-0940

14 notices were sent out on 12/22/2015

OWN:
1012 KATY STREET PTY LLC



City of Lancaster Planning Division



NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: **Case No. - Z 16-02:** to conduct a public hearing and consider a rezoning request from Light Industrial (LI) to Single-family 4 (SF-4) zoning to allow a residential use.

LOCATION: The property contains 15,700 sq. ft. of land located on the east side of Katy Street further described as 1102 Katy Street, Lancaster, Dallas County, Texas. A location map depicting the property and the 200-ft notification area is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.

EXPLANATION OF REQUEST: The Applicant requests to rezone this property for the purpose of operating a radio station.

- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
- I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: We are not against growth. This area was zoned Light Industrial about 40 years ago. We have built and own several large facilities that are Light Industrial and would like this area to stay the same. Before development, the Silos were empty and rat infested. There were abandoned houses, empty lots, and houses that today would not meet code. An exception cannot be made for one without more following. Do you really want to go backward?

SIGNATURE: 

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<p>If you have any questions concerning this request, please contact the Planning Division Phone 972-218-1240 FAX 972-227-7220</p>	<p>RETURN BY FAX OR MAIL City of Lancaster Planning Division Lancaster, TX 75146-0940</p>
--	--

14 notices were sent out on 12/22/2015

*OWN: MESA COMMERCIAL PARTIES LLC
32.2 ACRE TRACT SITUATED IN THE ROWLES SUBDIVISION*



City of Lancaster Planning Division



NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: **Case No. - Z 16-02:** to conduct a public hearing and consider a rezoning request from Light Industrial (LI) to Single-family 4 (SF-4) zoning to allow a residential use.

LOCATION: The property contains 15,700 sq. ft. of land located on the east side of Katy Street further described as 1102 Katy Street, Lancaster, Dallas County, Texas. A location map depicting the property and the 200-ft notification area is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.

EXPLANATION OF REQUEST: The Applicant requests to rezone this property for the purpose of operating a radio station.

I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:

I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: We are not against growth. This area was zoned Light Industrial about 40 years ago. We have built and own several large facilities that are Light Industrial and would like this area to stay the same. Before development, the Silos were empty and rat infested. There were abandoned houses, empty lots, and houses that today would not meet code. An exception cannot be made for one without more following. Do you really want to go backward?

SIGNATURE:

[Handwritten Signature: Javier Mejia]

ADDRESS:

*[Handwritten Address: 840 KATY STREET
LANCASTER TX 75144]*

Your written comments are being solicited in the above case. Additional information is available in the Department of Planning at 700 E. Main. The Planning and Zoning Commission will hold a public hearing and take action on the above case at their meeting on **Tuesday, March 1, 2016 at 7:00 pm**. The City Council will hold a public hearing and take action on the above case at their meeting on **Monday, March 28, 2016 at 7:00 pm**. Meetings are typically held in the City Council Chambers, City of Lancaster Municipal Center, 211 N. Henry Street, Lancaster, Texas.

Please legibly respond in ink. If the signature and/or address are missing, your comments will not be recorded. Your response must be received in the Planning Division by **5 p.m. on Friday, 2/26/16** for your comments to be recorded for the Planning and Zoning Commission's 3-1-16 meeting. Responses received after that time will be forwarded to the Commission at the public hearing.

If you have any questions concerning this request, please contact the Planning Division
Phone 972-218-1240
FAX 972-227-7220

RETURN BY FAX OR MAIL
City of Lancaster
Planning Division
Lancaster, TX 75146-0940

14 notices were sent out on 12/22/2015

[Handwritten Note: @ OWN: 508 EAST PLEASANT RUN ROAD PROPERTY LLC]



City of Lancaster Planning Division



NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: **Case No. - Z 16-02:** to conduct a public hearing and consider a rezoning request from Light Industrial (LI) to Single-family 4 (SF-4) zoning to allow a residential use.

LOCATION: The property contains 15,700 sq. ft. of land located on the east side of Katy Street further described as 1102 Katy Street, Lancaster, Dallas County, Texas. A location map depicting the property and the 200-ft notification area is attached for reference. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.

EXPLANATION OF REQUEST: The Applicant requests to rezone this property for the purpose of operating a radio station.

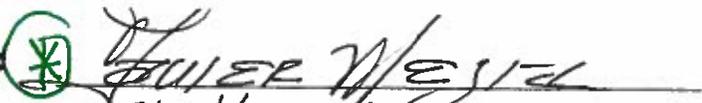
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SIGNATURE:



ADDRESS:

840 KATY STREET
LANCASTER TX 75146

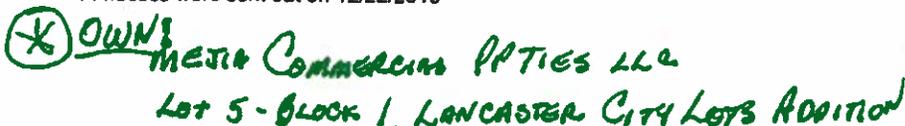
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LOT 5 - BLOCK 1, LANCASTER CITY LOTS ADDITION



City of Lancaster Planning Division



NOTICE OF PUBLIC HEARING

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SIGNATURE:

** Fuller Mejia*

ADDRESS:

*840 KATY STREET
LANCASTER TX 75146*

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City of Lancaster
Planning Division
Lancaster, TX 75146-0940

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*Fuller Mejia Commercial Properties LLC
Lot 2 Katy Street*



City of Lancaster Planning Division



NOTICE OF PUBLIC HEARING

TO: Property Owner

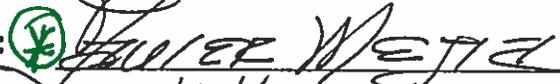
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--	---

14 notices were sent out on 12/22/2015

 **MEJIA COMMERCIAL PROPS LLC**
LOT 1 KATY STREET

Jesus Garcia & Iris P. Fuentes

1102 Katy St.

Lancaster, Texas 75146

Dear Neighbors,

We are Jesus Garcia and Iris P. Fuentes we are your new neighbors who recently purchased the property located at 1102 Katy St Lancaster, Texas 75146. We are happily married and have two children, Jesus Jr(5), Kevin(3) we purchased our first home from Ms. Sandra Moss Duncan on December 15,2015.

To our surprise we have come to find out that our home is considered commercial. Myself and my wife are planning to submit an application to the city of Lancaster to re- zone back residential so we can live in the property. We are humbly asking for your support in allowing our property to be re-zoned to residential as we plan to live a happy and calm life in this wonderful neighborhood.



If you have any questions or concerns please don't hesitate to contact me at (972) 481-4092.

We thank you in advance for your attention and support to this extremely important matter.

Sincerely yours,

Jesus Garcia & Iris P. Fuentes

01/04/2016

If I can count with your support please sign below

Print Name: Chvon Wallace Date: 01-12-16

Address: 1018 Katy Street

Phone Number: 469-398-9173

Jesus Garcia & Iris P. Fuentes

1102 Katy St.

Lancaster, Texas 75146

Dear Neighbors,

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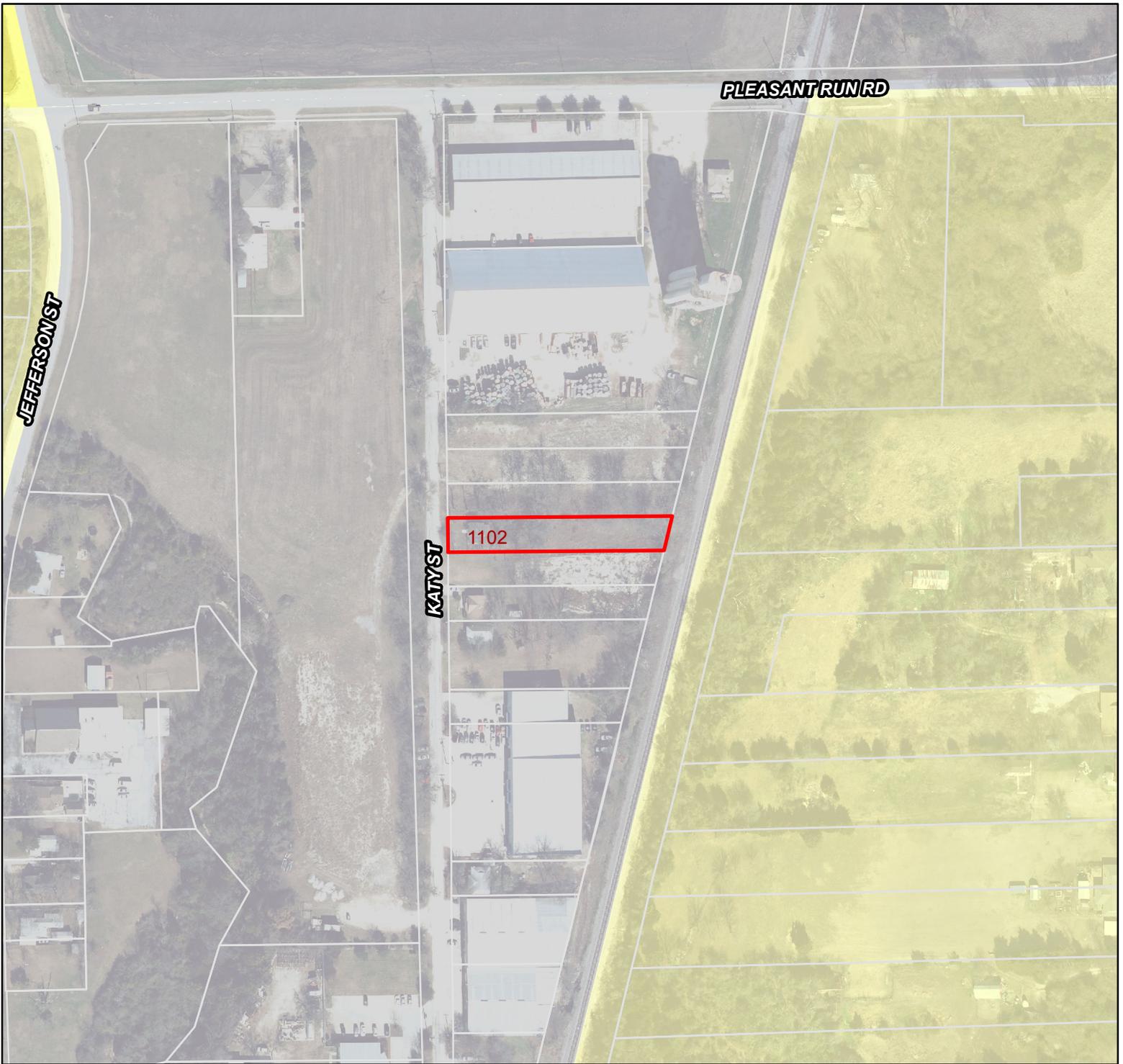
01/04/2016

If I can count with your support please sign below

Print Name: OLLIE L. DAVIS Date: 01-12-16

Address: 1018 Katy Street

Phone Number: 972-227-5948



PLEASANTRUN RD

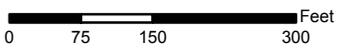
JEFFERSON ST

KATYST

1102



City of Lancaster 1102 Katy St Light Industrial Zoning



Legend

Parcels	CS (Commercial Services)	MZ	SF-4 (Residential Low)	TH-16 (Town Home)
Zoning	LI (Light Industrial)	NS (Neighborhood Service)	SF-5 (Residential Medium)	TND (Residential)
2F-6 (2 Family Residential)	MI (Medium Industrial)	ORT (Office)	SF-6 (Residential High)	ZL-7 (Zero Lot Line Res)
A-O (Agricultural Open)	MF-16 (Mult-Family)	PD (Planned Development)	SF-E (Single Family Estate)	
CH (Commercial Hwy)	MH (Mobile Home)	R (Retail)	TC (Town Center)	

LANCASTER CITY COUNCIL

City Council Regular Meeting

Item 5.

Meeting Date: 05/09/2016

Policy Statement: This request supports the City Council 2015-2016 Policy Agenda

Goal(s): Quality Development

Submitted by: Rona Stringfellow, Assistant City Manager

Agenda Caption:

Z15-05 (Amendment) Consider an amendment to the City of Lancaster Comprehensive Plan's Future Land Use Map and a rezoning request to amend PD Planned Development Ordinance #2015-10-23 to amend landscaping requirements, lot configuration, building height, and points of access. The property contains approximately 59 acres on the NW corner of Danieldale Road and North Houston School Road further described as Abstract Silas B. Runyon 1199, Lancaster, Dallas County, Texas.

Background:

1. **Location and Size:** The 59 acre property is generally located on the northwest corner of Danieldale Road and North Houston School Road.
2. **Current Zoning:** The subject property is currently zoned PD – LI Planned Development Light Industrial.
3. **Adjacent Properties:**
 - North: PD- LCD, Planned Development Lancaster Campus District, South I-20 Warehouse sub-district – Kia/Hyundai Mobis Industrial facility
 - South: LI – Light Industrial - Undeveloped
 - East: PD-LI – Planned Development Light Industrial– Park 20 Development (formerly Prologis)
 - West: LI – Light Industrial, Site is currently under construction (former Conway trucking site)
4. **Comprehensive Plan Compatibility:** The Comprehensive Plan identifies this site as suitable for light industrial uses.
5. **Public Notification:** Zoning signs were placed on the subject property. Property owner notices were sent to properties within 200 feet of the subject site on Friday, April 15, 2016. The newspaper notice was published in the Focus Daily News on Sunday, April 17, 2016.
6. **Case/Site History:**

Date	Body	Action
10/20/15	P&Z Commission	Recommended approval w/conditions
10/26/15	City Council	Approved w/conditions

Operational Considerations:

This is a rezoning request to amend PD - Planned Development Ordinance #2015-10-23 to allow for an amendment to the landscaping requirements, lot configuration, building height, and points of access. The subject property currently allows uses for an Office and Logistics Park development. When originally presented, two buildings were being constructed on one lot. The Concept plan shows a smaller building with 141,440 square foot industrial space with two points of access along Southpointe Drive. The applicant is requesting to separate the two buildings on two separate lots.

There are four design elements that necessitate this request for a PD concept plan amendment:

- 1) Landscaping requirements – The Lancaster Development Code (LDC) stipulates that 20% of the site must be permanently landscaped. When the initial rezoning request was sought as one lot, the 20% requirement would have been applicable for the entire lot. Since that time, the applicant is proposing to treat the two lots as separate, stand-alone lots. As such, the requirement for 20% of the lot being permanently landscaped must be met independently. The applicant is requesting relief from this requirement.
- 2) Lot configuration – The subdivision portion of the LDC requires that all lots shall have a point of access that meets our maximum block width and depth. Since the smaller lot does not have a point of access along Southpointe Drive, they will have to take access from Houston School Road or Daniieldale Road. Additionally, the Fire Code requires that there must be two points of access. Because the applicant does not have access from Southpointe, the two points of access would need to allow the Fire Department access to the lot, thus creating a flag lot. The applicant has requested a waiver to the subdivision ordinance to relax the block maximum requirement for a lot to have access. This request requires separate action in a separate companion item to this rezoning amendment.
- 3) Building Height restriction of Building #2 – The current PD allows for a maximum building height of fifty (50 feet). The Fire Department requires that the building should be set back on a lot to allow a “fall zone” of the height of the building plus ten feet. The current setback of Building #2 does not allow sufficient fall zone to meet the fire code requirement. The applicant has indicated that they would shift the building and possibly reduce the building height to meet the current fall zone. Therefore, the specific request is to change the maximum building height for this building and note the concept plan to make the potential next land owner aware, should this property be sold separately from the larger property.
- 4) Points of access – The applicant has indicated to staff that Building #2 does not have access to Southpointe Drive as originally shown in the concept plan approved by City Council on October 26, 2016. As a result of this, Building #2’s lot will not meet the subdivision requirements for access. The applicant has met with the Fire Marshall and agreed to provide either 2- 24’ mutual access easements or 1- 48’ mutual access easement to allow fire apparatus to gain access to the site to potentially fight a fire. The applicant has resubmitted the concept plan along with the PD section descriptions to address all of the amendment proposals.

Legal Considerations:

At the direction of City Council, the City Attorney will prepare the ordinance for ratification at the May 9, 2016 regular meeting.

Public Information Considerations:

On Sunday, April 17, 2016 a Public Hearing notice appeared in the Focus Daily News, the City of Lancaster’s newspaper of record and mailed property owner notifications.

Options/Alternatives:

1. Approve the PD amendment, as submitted.
2. Approve the PD amendment with conditions and state those conditions for the record.
3. Deny the PD amendment.

Recommendation:

On Monday, May 2, 2016, the P&Z Commission recommended approval of PD Amendment with attached landscaping exhibit and recommended conditions by staff. Staff concurred with the P&Z.

The City Council approved the PD Amendment as stated above.

Attachments

Ordinance

Exhibit B - revised PD regulations

Exhibit C - Revised site plan and landscape plan

ORDINANCE NO. 2016-05-09

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, AMENDING THE COMPREHENSIVE LAND USE PLAN, MAP THEREOF AND THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF LANCASTER, TEXAS, AS HERETOFORE AMENDED, BY GRANTING AN AMENDMENT TO THE DEVELOPMENT REGULATIONS FOR LANDSCAPING, LOT DIVISION, HEIGHT REQUIREMENT FOR BUILDING ON LOT 2, AND ALTERNATIVE ACCESS TO PUBLIC RIGHT OF WAYS TO THE PLANNED COMMERCIAL DEVELOPMENT ON APPROXIMATELY 59.40± ACRES OF PROPERTY LOCATED ON THE NORTHWEST CORNER OF DANIELDALE ROAD AND HOUSTON SCHOOL ROAD, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “A”, ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES; PROVIDING FOR A REVISED LANDSCAPE PLAN; PROVIDING FOR AMENDMENTS TO EXHIBIT B, DEVELOPMENT REGULATIONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Planning and Zoning Commission and the governing body of the City of Lancaster, Texas, in compliance with the laws of the State of Texas and pursuant to the Comprehensive Land Use Plan and Comprehensive Zoning Ordinance of the City of Lancaster, have given requisite notices by publication and otherwise, and after holding due hearings and affording 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 Zoning Application No. Z15-05 should be approved, and in the exercise of legislative discretion have concluded that the Comprehensive Zoning Ordinance and Map 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 the Map thereof, respectively, 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 on approximately 59.40± acres of property located on the northwest corner of Danieldale Road and Houston School Road, Lancaster, Texas, and being more particularly described in Exhibit “A”, attached hereto and incorporated herein for all purposes, subject to the development and use regulations of said Planned Development District except as amended herein.

SECTION 2. This Planned Development shall be developed and used only in accordance with the Development Regulations, previously adopted by Ordinance No. 2015-10-23, and Exhibits thereto except as amended herein. Exhibit B to the original ordinance is hereby amended as follows:

“Exhibit B
Planned Development Regulations

Section 1. Definitions

.....

Section 5. Development Regulations

Purpose

- (a) Building Maximum Height above finished floor elevation fifty feet (50’) on Building 1. Not to exceed forty feet (40’) on Building 2; but no event shall any such building exceed the height required under the fire code plus fall distance on any lot.
- (b)

Regulations:

.....

Section 6. Site Design

General Layout and Street Configuration

- 1. The public access into the Planned Development shall be in accordance with the Revised Site Plan which is attached hereto as Exhibit _____. Lot 2 may have two points of public access on South Pointe Drive or a forty eight foot (48’) or twenty four foot (24’) point of access onto a dedicated fire lane on Lot as approved in compliance with the local ordinance.
- 2. Sidewalks

 - a. Due to the nature

Section 7. Building Design

.....

Section 8. Landscaping

Landscaping and Open Space.

- 1.
 - a.
 -
 - d. Developer shall receive a landscape credit for all retained on site natural vegetation, however, Developer shall provide the minimum perimeter landscaping adjacent to public right of way.

SECTION 3. The property shall be developed and used as provided by Section 2 hereof and in accordance with original Ordinance No. 2015-10-23, Exhibits A-E, attached thereto, respectively, except as to the Exhibits 1 through 3 attached to this Ordinance which made a part hereof for all purposes which shall constitute additional development regulations, which are hereby approved; and, any conflicts between this Ordinance and Exhibits shall be interpreted in favor of this ordinance.

SECTION 4. That the above property shall be used only in the manner and for the purpose provided as set forth in this Planned Development and Exhibits attached with each of the respective ordinance.

SECTION 5. That all conflict with the Lancaster Development Code, as amended provisions of the Ordinances of the City of Lancaster, Texas, in the provisions of Ordinance No. 2015-10-23 and this ordinance shall govern this property to be developed in accordance with Ordinance No. 2015-10-23, this Ordinance and the Lancaster Code of Ordinances.

SECTION 6. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 7. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Lancaster, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. That this ordinance shall take effect immediately from and after its passage and the publication of its 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 this the 9TH day of May, 2016.

ATTEST:

APPROVED:

Sorangel O. Arenas, City Secretary

Marcus E. Knight, Mayor

APPROVED AS TO FORM:

Robert E. Hager, City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION OF PROPERTY

Exhibit A

BEING a tract of land situated in the Silas B. Runyon Survey, Abstract No. 1199, in the City of Lancaster, Dallas County, Texas, being part of a called 60.959 acre tract described in an Executor's Deed to Randy Justiss and Virginia A. Justiss, recorded in Instrument No. 200900077417, in the Deed Records of Dallas County, Texas (D.R.D.C.T.), said tract being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with cap stamped "BURY" found at the northwest corner of said Justiss tract, being an interior ell corner of a 25.334 acre tract described as "Tract Two", recorded in Instrument No. 201400276100, D.R.D.C.T.;

THENCE North 88 degrees 41 minutes 37 seconds East, with the north line of said Justiss tract and the most easterly south line of said "Tract Two", a distance of 1,549.85 feet to a 1/2-inch iron rod with red cap stamped "DAL-TECH" (hereinafter referred to as "with cap") set at the most easterly northeast corner of said "Tract Two", same being the northwest of a 0.50 acre tract, recorded in Volume 2003174, Page 2320 (D.R.D.C.T.);

THENCE South 01 degree 06 minutes 23 seconds East, continuing with the north line of said Justiss tract and with the west line of said 0.50 acre tract, a distance of 10.00 feet to a 1/2-inch iron rod with cap set at the southwest corner of said 0.50 acre tract;

THENCE North 88 degrees 41 minutes 37 seconds East, continuing with the north line of said Justiss tract and with the south line of said 0.50 acre tract, a distance of 371.95 feet to a 1/2-inch iron rod found;

THENCE South 01 degree 06 minutes 23 seconds East, continuing with said north and south lines, a distance of 73.00 feet to a 1/2-inch iron rod found;

THENCE North 88 degrees 57 minutes 37 seconds East, continuing with said north and south lines, a distance of 196.69 feet to a 1/2-inch iron rod with cap set in the west line of Houston School Road (variable width right-of-way);

THENCE South 01 degree 08 minutes 04 seconds West, with the west line of said Houston School Road, a distance of 1,771.09 feet to a 1/2-inch iron rod with cap found in the proposed north line of Daniieldale Road (variable width right-of-way);

THENCE South 43 degrees 46 minutes 59 seconds West, departing said the west line of said Houston School Road and with said proposed north line of Daniieldale Road, a distance of 56.57 feet to a 1/2-inch iron rod with cap found;

THENCE South 88 degrees 57 minutes 56 seconds West, continuing with said proposed north line, a distance of 1,305.98 feet to the west line of said Justiss tract and the east line of the Amended Plat of Contract Freighters, Inc. Addition, an addition to the City of Lancaster, recorded in Volume 99155, Page 60 (D.R.D.C.T.);

THENCE North 01 degree 47 minutes 23 seconds East, departing said proposed north line and with the west line of said Justiss tract, same being the east line of said Contract Freighters Addition, a distance of 113.92 feet (not set creek);

THENCE North 08 degrees 45 minutes 20 seconds East, continuing with said west and east lines, a distance of 187.13 feet (not set creek);

THENCE North 08 degrees 23 minutes 26 seconds East, continuing with said west and east lines, a distance of 34.45 feet (not set creek);

THENCE North 07 degrees 18 minutes 11 seconds East, continuing with said west and east lines, a distance of 196.72 feet (not set creek);

THENCE North 11 degrees 20 minutes 56 seconds East, continuing with said west and east line, a distance
Chicago Title Insurance Company

BY:

SEP 3 2015

of 90.12 feet (not set creek);

THENCE North 00 degrees 53 minutes 54 seconds West, continuing with said west and east lines, a distance of 109.12 feet (not set creek);

THENCE North 15 degrees 05 minutes 35 seconds East, continuing with said west and east lines, a distance of 104.79 feet (not set creek);

THENCE North 07 degrees 43 minutes 26 seconds East, continuing with said west and east lines, a distance of 33.28 feet (not set creek);

THENCE North 06 degrees 31 minutes 20 seconds East, continuing with said west and east line, a distance of 721.93 feet to a one inch iron pipe found at the northeast corner of said Contract Freighters Addition, being an interior ell corner of said Justiss tract;

THENCE South 88 degrees 55 minutes 15 seconds West, with the north line of said Contract Freighters Addition and the most westerly south line of said Justiss tract, a distance of 995.58 feet to a 5/8-inch iron rod found at the most westerly southwest corner of said Justiss tract, being a southeast corner of the aforementioned "Tract Two";

THENCE North 01 degrees 07 minutes 54 seconds West, with a west line of said Justiss tract and an east line of said "Tract Two", a distance of 312.69 feet to the POINT OF BEGINNING and containing 59.545 acres of land.

NOTE: COMPANY DOES NOT REPRESENT THAT THE ABOVE ACREAGE AND/OR SQUARE FOOTAGE CALCULATIONS ARE CORRECT.



EXHIBIT “B”
Planned Development Regulations
Section 1. Definitions and Interpretations

EXHIBIT "B"
Planned Development Regulations

Section 1 Definitions & Interpretations

Unless otherwise stated herein, the definitions in the City of Lancaster Zoning Ordinance shall apply.

1. College, University, Trade school - shall mean an educational institution, including Universities, offering advanced instruction in any academic field, beyond secondary level, including trade schools and business colleges.

Section 2 Development Plan and Schedule

The attached Concept Plan as shown in Exhibit B is the first stage of the development process. All other steps as required by the City of Lancaster Code of Ordinances shall apply including a Traffic Impact Analysis in accordance with the City of Lancaster Code of Ordinances.

Section 3 Applicability

The standards within this article shall apply to all properties as designated in this planned development zoning district. In event of a conflict between the standards described herein and elsewhere in the City of Lancaster Code of Ordinances, the standards in this Article shall apply. These design standards shall be applicable to both main and accessory uses for all new construction.

Section 4 Permitted Uses

Permitted Uses

• The following uses are the only permitted uses within said district which are as follows:

- Office/Showroom
- Warehouse and Distribution
- College, University, Trade school
- Apparel and other products assembled from finished textiles
- Bottling works.
- Call Centers and Telemarketing Services.
- Contractor's yard. (Allowed only as an Accessory Use)
- Cosmetic manufacturer.
- Data processing services.
- Drugs and pharmaceutical products manufacturing.
- Electronic products manufacturing.
- Facilities for the manufacturing, fabrication, processing or assembly of products; provided that such facilities are completely enclosed and provided that no effects from noise, smoke, glare, vibration, fumes or other environmental factors are measurable at the property line.
- Fur goods manufacture,
- General offices uses.
- General warehousing activities (including convenience storage or "mini" warehouse)
- Glass products from previously manufactured glass.

- Household appliance products assembly and manufactured from prefabricated parts.
- Industrial and manufacturing plants including the processing or assembling of parts for production of finished equipment where the process of manufacturing or treatment of materials is such that dust, odor, gas, smoke or noise is emitted and not more than twenty percent (20%) of the lot or tract is used for the open storage of products, materials, or equipment.
- Musical instruments assembly and manufacture.
- Office showroom.
- Package Delivery and Distribution Centers.
- Pest Control Services.
- Plastic product manufacture, but not including the processing of raw materials.
- Sporting and athletic equipment manufacture.
- Testing and research laboratories.
- All other facilities for the manufacturing, fabrication, processing or assembly of products, provided that such facilities are not detrimental to the public health, safety or general welfare and provided that the following performance standards are met:
 - a. Smoke. No operation shall be conducted unless it conforms to the standards established by state health rules and regulations pertaining to smoke emission
 - b. Particulate matter. No operation shall be conducted unless it conforms to the standards established by state health rules and regulations pertaining to emission of particulate matter
 - c. Dust, odor, gas, fumes, glare or vibration. No emission of these matters shall result in a concentration at or beyond the property line which is detrimental the public health, safety or general welfare or which causes injury or damage to property; or as said emissions conform to the standards established by state health rules and regulations pertaining to said emissions.
 - d. Radiation hazards and electrical disturbances. No operation shall be conducted unless it conforms to the standards established by state health rules and regulations pertaining to radiation control.
 - e. Noise. No operation shall be conducted in a manner so that any noise produced is objectionable due to intermittence, beat frequency or shrillness. Sound levels of noise at the property line shall not exceed seventy-five (75) dB(A) permitted for a maximum of fifteen (15) minutes in any one (1) hour; or as said operation conforms to the standards established by state health rules and regulations or other city ordinances pertaining to noise
 - f. Water pollution. No water pollution shall be emitted by the manufacturing or other processing. In a case in which potential hazards exist, it shall be necessary to install safeguards acceptable to the appropriate state health and environmental protection agencies.

- The following uses shall only be allowed along Houston School Road and northern 300' of the site
 - Restaurant Florist
 - Barber/Beauty shop Drug Store/Pharmacy Fraternal Club Lodge Food sales
 - Personal services Pet services
 - General Retail Sales Meat Market
 - Auto Parts Sales
 - Gasoline Service Stations Museum
 - Hotel/Motel
 - Amusement (indoor & outdoor) Entertainment
 - Hospital/emergency care clinic or care center and medical offices
 - Church or Rectory

Vehicular Sales and Service that do not require exterior inventory storage

Non-Permitted Uses

- Ambulance Service
- Bed & Breakfast
- Boat Sales and Service
- Cleaning and Laundry
- Expanded Full Service Travel Plaza
- Feed Store (Wholesale)
- Fence Company - Sales & Storage
- Full Service Travel Plaza
- Gas and/or Electric Public Utility Regulating Stations
- Golf course
- Open Storage
- Paint Shop (Paint booths and incidental painting are allowed as part of user's overall operation)
- Pawn Shop
- Schools – All
- Single-Family) and multi-family) dwellings
- Truck Sales and Leasing
- Truck Terminals
- Trailer Sales and Leasing
- Welding Shop (welding stations and/or incidental welding are allowed as part of user's overall operation)

Section 5 Development Regulations

PURPOSE: The character, image and identification of the City of Lancaster and the Interstate Commerce Center is based, in large part, upon the architecture of its buildings; and how well those buildings are located and oriented on the site to relate to one another and the surrounding elements. The following guidelines are intended for use with site plan submittals to encourage excellence in the design of buildings proposed for this development.

Height requirements:

- (a) Building Maximum Height above finished floor elevation - 50' (fifty feet)
- (b) Maximum number of stories – 3 (three) stories

Area regulations: For the purposes of these regulations: "front" shall refer to all site boundaries along a public right-of-way: "Side" shall refer to all site boundaries which intersect with a public right-of-way: and "Rear" shall refer to all other site boundaries.

(a) Building Size- A minimum building size of 40,000 square feet shall be required.

(b) Minimum Building Setback

a. Front Building Line 25' (adjacent to all street rights-of-way)

b. Side Building Line 15'

c. Rear Building Line 15' (except the Side or Rear Building Line shall be equal to the height of the structure measured from the finished floor to the top of the Wall..)

(c) Maximum Lot Coverage by Building 50%

(d) Minimum Paving (Landscape) Setback

a. Front 25' (adjacent to all street rights-of-way)

b. Side and Rear 5' (adjacent to side and rear property lines. except where a rear or side property line is located within a common Truck Court, parking area and/or internal drive which is shared with the adjacent property. In such case there shall be no rear and/or side paving setback line.)

Section 6 Site Design

General Layout and Street Configuration

1. There are two proposed drive approaches into the Planned Development along North Houston School Road. Three drives from S Pointe Drive and two from Daniieldale road.

Sidewalks

1. Due to the nature of this Development, the requirement for sidewalks along internal public rights-of-way shall be waived for Southpointe Drive and Daniieldale Rd.

Section 7 Building Design

Building Form/Scale/Bulk/ Height/Rhythm

1. Architectural design shall be encouraged throughout the development with the design reflecting a general continuity and harmony consistent with the general style and character of the community, while at the same time providing new, creative, forward-looking and dynamic approaches to design.
2. Buildings along North Houston School Road should be image making and designed to reflect their significance as primary entry and focal point.
3. Structures immediately adjacent to residential areas or adjacent thoroughfares identified on the City's Thoroughfare Plan should be designed to create transitions to surrounding developments through the use of structural enhancement, landscaping or building placement [we are not adjacent to residential so is this applicable?]
4. Building design shall consider solar orientation and existing topography.
5. Monotonous look-alike structures and over-zealous repetition shall be discouraged. This shall not preclude the use of unifying design themes to the extent that a "structural rhythm" is established.

6. Stylized buildings and "trademark" architecture that are used as a form of advertising shall be discouraged.

Building Facades

1. Building facades shall reflect the design intent of the structure, while at the same time provide an architectural face that relates to surrounding land uses and streetscapes; and contributes to the neighborhood and community character.
2. Exterior building design, as well as architectural details related to color, type and application of materials and building form shall be coordinated for all elevations of a building to achieve continuity of design .
3. The rear and sides of buildings shall be of an architectural character comparable with the front of the building.
4. Buildings with multiple entrances and/or that face onto more than one street shall have a coordinated and unifying facade design for all such entrances to achieve harmony and continuity of design.
5. Architectural design features, techniques, patterns, materials and colors shall be used with sufficient variety to create visual interest in the facade of buildings, provided that such elements are incorporated into an overall site design or unifying theme.
6. Reveals, vertical offsets and changes in color or materials, landscaping shall be uses to enhance the interior wall sections not facing toward a street.

Roof Architecture

1. Flat roofs shall be used in conjunction with other roof styles consistent with a particular style of architecture and shall incorporate decorative parapet forms (on the short sides of the building and at the office entries).
2. Roof-top plumbing, vents, ducts air conditioning equipment, antennae and any other mechanical or electrical equipment mounted on a roof (excluding fire protection devices) shall be screened in an architecturally integral fashion to the building and screened in a manner so as not to be visible from five (5) feet above the street pavement surface of North Houston School Road, Daniieldale Road, South Pointe Drive from the adjacent property lines.
3. Chimneys roof flashing rain gutters, downspouts and other roof protrusions should be painted and finished to match the color of the adjacent surface, unless such protrusions are being used as an accent element or decorative feature.

Permitted Use Exterior Material Building Requirements

1. All building facades shall be 100% masonry. Masonry is defined as brick, stone, standard concrete block (painted), split-faced concrete block, fluted concrete block, burnished concrete block, stucco, pre-cast concrete panels, cast-in-place concrete (painted), tilt-up concrete panels which will have any one or combination of the following finishes: painted, exposed aggregate, sandblasted, bush- hammered and/or stained. The area of doors and window openings shall not be included in the calculation of this requirement.

Special Conditions – North Houston School Road, Daniieldale Road and Southpointe Drive

1. Building facades along roads mentioned above should be used in a manner consistent with a Class A institutional office and industrial development, similar to

the existing buildings in Prologis business park and as provided on applicant's site plan and elevations.

2. Building materials, roof design, horizontal and vertical articulation at the office entries, the use of eaves and overhangs, window and doorway treatments should be enhanced along these corridors to enhance the visual appeal of the development and to minimize potential negative impact to adjacent and nearby properties.

Window and Door Placement

1. Windows and doors should be aligned and sized to bring order to the building facade.
2. Windows and doors at the office entries should be sufficiently recessed, and/or placed or varied to create facade patterns that add variety and visual interest to the building design.
3. Along North Houston School Road and Daniieldale Road, office entry window and door placement shall be sufficiently recessed and/or placed or varied to create shadows and provide noticeable breaks in facades
4. Doors and entryways should be designed and located to provide immediate identification of the buildings entryways.

Colors and Materials

1. The use of accent colors shall be encouraged to provide a dignified and lively streetscape.
2. Colors that are compatible with the general environment of the community and that reduce reflected heat and glare are encouraged.
3. The use of bright or intense primary colors should be used sparingly.
4. More subtle, less intense colors should be used for facades facing adjacent properties.
5. Color should be used to accent entryways and special architectural features.
6. A change in the use of a building material on a structure should reflect a change in the plane of the structure.
7. Materials applied to a building elevation should wrap around onto adjoining walls and provide design continuity to the building.
8. Building materials shall not be composed of such a large variety that a visually cluttered effect is created.

Section 8 Landscaping

Landscaping and Open Space

1. All non-paved areas within the developed sites shall be fully irrigated and landscaped, as follows:
 - a. Required Landscape Areas and Trees:
 - i. Open space within the front parking setback: There shall be one (1) Large Tree (as defined in Section 34. LANDSCAPE REQUIREMENTS of the City) of Lancaster Zoning Ordinance) planted in the front paving setback area for every thirty) (30') linear feet of open space along the street frontage. Such open space shall be fully irrigated and landscaped with trees, shrubs, groundcover,

grass and/or other materials chosen from Table 34A, RECOMMENDED PLANT LIST, in the City of Lancaster Zoning Ordinance. Parking, loading or other paved areas located forward of the building shall be screened from the street, within the landscaped area, through the use of grass berms and/or shrubbery, to an average height of three (3 ') feet.

- ii. Open space within side or rear paving setback areas: Such areas shall be landscaped and irrigated with plant material chosen from Table 34A.
- b. Parking areas within truck loading and maneuvering areas: There shall be no required landscaped islands or trees.
- c. All other open space areas: All other non-paved open areas within a developed site (e.g. areas adjacent to buildings) shall be fully landscaped. However, areas designated as creek area, natural water drainage, flood plain and/or detention shall be excluded from landscaped areas. Future development sites shall be periodically mowed and kept neat and orderly.

Section 9 Lighting

Lighting shall meet the requirements of the City of Lancaster Code of Ordinances.

Section 10 Parking & Loading

Parking Requirements

1. Off-street parking shall comply with the provisions set forth in the Comprehensive Zoning Ordinance, as amended, except where otherwise provided in this subsection.
2. No on-street parking will be permitted
3. Automobile parking stalls shall be a minimum of 9' wide x 18' long.
4. Warehouse and Distribution: 1 parking space per 2,500 sq. ft. of warehouse space for buildings comprising less than 100,000 sq. ft. or 1 parking space per 5,000 sq. ft. of warehouse space for buildings equal to or greater than 100,000 sq. ft. Parking for the office portion shall be 1 parking space per 300 sq. ft. of office area. Truck court areas may be striped to meet this requirement if necessary.

Section 11 Public View, Storage, Fencing & Screening

Screening

1. Truck courts, where adjacent to the building's loading docks, shall be screened from view (at the ends) by a "wing wall", extending perpendicular from the face a minimum of fifty feet (50').
 - a. Such wing wall shall extend above finished floor height a minimum of ten feet (10').
 - b. Truck courts, where adjacent to the building's loading docks and parallel and facing N Houston Road, shall be screened from view by an expanded 50' landscaped setback and a berm and vegetation forming a natural living screen that inhibits the truck doors from visibility when facing the building

from N. Houston School Road (excluding park entry points where incidental viewing of dock doors may be noticed).

2. Screening wing walls shall be required at the ends of all buildings composed of matching materials, blocking the view of parked trucks. Chain link, wire or metal panel fencing for screening purposes shall be strictly prohibited.

Service and Storage

1. Utility boxes, transformers, generators, chillers, mailboxes, trash and refuse receptacles, air conditioners, compressors, outside storage areas and other mechanical/electrical/support features should be integrated into the overall design of the building and development such as through a combination of building design and/or layout, masonry walls, grade separations and/or dense landscaping.
2. Ground level devices described above should be accessible for servicing and screened from view of vehicular entrances, streets and pedestrian areas.
3. Outdoor Storage
 - a. Outdoor storage of raw materials, finished goods, commodities or other such items shall be permitted provided the storage is incidental to the principal use of the property. Such outdoor storage shall be subject to the following regulations:
 - i. The area used for outdoor storage:
 1. shall not be located in any setback areas and,
 2. shall not exceed 30% of the lot area; and,
 3. shall be screened from view from all sides, public and private, b) a minimum 6-foot high opaque screen consisting of any one or a combination of the following:
 4. fence
 5. masonry wall
 6. vegetation
 7. berm
 8. At all times the stored materials must be one foot (1') below the opaque screen.
4. Shipping containers shall not be allowed to be stored on the site except when attached to trailer assemblies.
5. Other Details:
 - a. Barb wire, concertina wire or razor wire along North Houston School Road or Daniieldale Road shall be strictly prohibited.

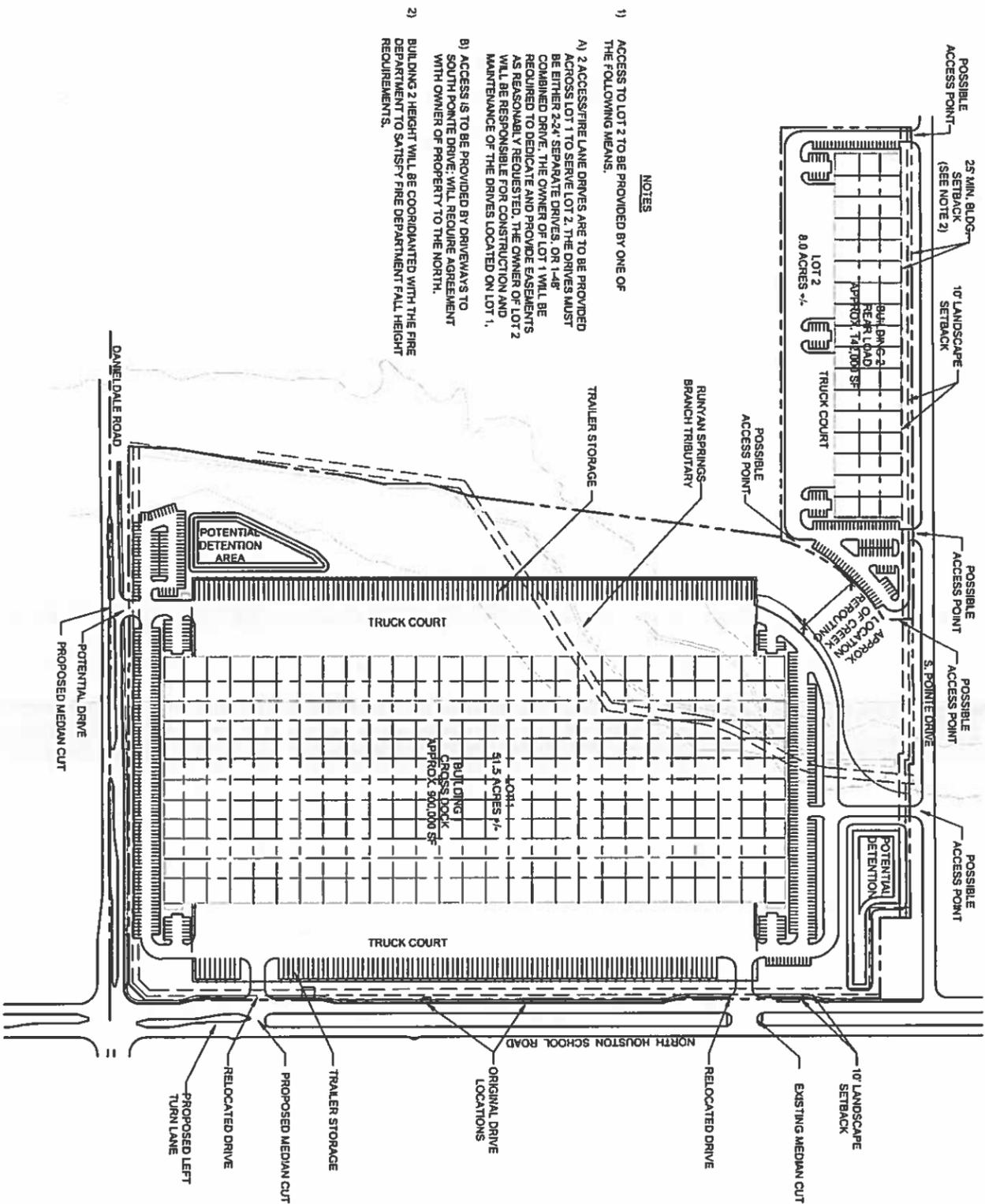
Section 12 Signs

1. Pole signs shall be prohibited.
2. Up to a maximum of 3 flagpoles may be allowed per building with a maximum pole height of 35' for detached poles and 10' above the roof line for attached poles. Each flag shall be a maximum of 48 square feet in area. All flags shall be maintained such that there shall be no rips, holes, or tears or frayed edges.

Section 13 Telecommunications & Technology

1. Antennas (a) All telecommunications equipment and ancillary equipment shall be screened from view when placed atop the roof of a building. Such equipment shall only be allowed on the roof of buildings over 24' in height, and only when the equipment is screened from view and from any point of elevation within 100'. If proposed wireless and/or cellular telecommunications antennas, facilities, and ancillary equipment are of a stealth design, then an SUP shall be requested.

SITE PLAN



NOTES

- 1) ACCESS TO LOT 2 TO BE PROVIDED BY ONE OF THE FOLLOWING MEANS:
 - A) 2 ACCESS/FIRE LANE DRIVES ARE TO BE PROVIDED ACROSS LOT 1 TO SERVE LOT 2. THE DRIVES MUST BE EITHER 2-24' SEPARATE DRIVES, OR 1-48' COMBINED DRIVE. THE OWNER OF LOT 1 WILL BE REQUIRED TO DEDICATE AND PROVIDE EASEMENTS AS REASONABLY REQUESTED. THE OWNER OF LOT 2 WILL BE RESPONSIBLE FOR CONSTRUCTION AND MAINTENANCE OF THE DRIVES LOCATED ON LOT 1.
 - B) ACCESS IS TO BE PROVIDED BY DRIVEWAYS TO SOUTH PONTE DRIVE. WILL REQUIRE AGREEMENT WITH OWNER OF PROPERTY TO THE NORTH.
- 2) BUILDING 2 HEIGHT WILL BE COORDINATED WITH THE FIRE DEPARTMENT TO SATISFY FIRE DEPARTMENT FALL HEIGHT REQUIREMENTS.




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LANCASTER CITY COUNCIL

City Council Regular Meeting

Item 6.

Meeting Date: 05/09/2016

Policy Statement: This request supports the City Council 2015-2016 Policy Agenda

Goal(s): Financially Sound, City Government

Submitted by: Fabrice Kabona, Assistant to the City Manager

Agenda Caption:

Consider a resolution of the City Council of the City of Lancaster, Texas, approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and ATMOS Energy Corp., Mid-Tex Division regarding the company's 2016 rate review mechanism filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement.

Background:

The City, along with other similarly situated cities served by Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC"). The RRM Tariff was originally adopted by ACSC member cities in 2007 as an alternative to the Gas Reliability Infrastructure Program ("GRIP"), the statutory provision that allows Atmos to bypass the City's rate regulatory authority to increase its rates annually to recover capital investments. The RRM Tariff has been modified several times, most recently in 2013.

The 2016 RRM filing is the fourth RRM filing under the renewed RRM Tariff. On March 1, 2016, Atmos made a filing requesting \$35.4 million additional revenues on a system-wide basis. Because the City of Dallas has a separate rate review process, exclusion of Dallas results in the Company requesting \$28.6 million from other municipalities.

Environs customers (ratepayers outside municipal limits) remain under the Railroad Commission's exclusive original jurisdiction and have their rates set through the GRIP process. If the Company had used the GRIP process rather than the RRM process it would have received a \$41million increase, or about \$11 million more than will be approved by the Resolution. ACSC and the Company have reached an agreement, reflected in the Resolution, to reduce the Company's request by \$5.5 million, such that the Resolution approving new rates reflects an increase of \$29.9 million on a system-wide basis, or \$21.9 million for Mid-Tex Cities, exclusive of the City of Dallas.

The tariffs attached to the Resolution approve rates that will increase the Company's revenues by \$29.9 million for the Mid-Tex Rate Division, effective for bills rendered on or after June 1, 2016. The monthly residential customer charge will be \$19.10. The consumption charge will be \$0.11378 per Ccf. The monthly bill impact for the typical residential customer consuming 46.8 Ccf will be an increase of \$1.26, or about 2.43%. The typical commercial customer will see an increase of \$3.81, or 1.43%. Attached to this Agenda Communication is a summary of the impact of new rates on the average bills of all customer classes.

The ACSC Executive Committee and its designated legal counsel and consultants recommend that all Cities adopt the Resolution with its attachments approving the negotiated rate settlement resolving the 2016 RRM filing, and implementing the rate change.

Legal Considerations:

The City Attorney has reviewed the denial resolution.

Public Information Considerations:

This resolution is being considered at a regular meeting at City Council, in accordance with the Texas Open Meetings Act.

Options/Alternatives:

1. Approve the resolution as presented.
2. Reject the resolution.

Recommendation:

Staff recommends approval of the resolution as presented.

Attachments

Resolution

Rates

RESOLUTION NO. 2016-05-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2016 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.

WHEREAS, the City of Lancaster, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of similarly-situated cities served by Atmos Mid-Tex (“ACSC Cities”) that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, ACSC and the Company worked collaboratively to develop a new Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program (“GRIP”) process instituted by the Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

WHEREAS, on March 1, 2016, Atmos Mid-Tex filed its 2016 RRM rate request with ACSC Cities; and

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2016 RRM filing through its Executive Committee, assisted by ACSC’s attorneys and consultants, to resolve issues identified in the Company’s RRM filing; and

WHEREAS, the Executive Committee, as well as ACSC’s counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$29.9 million on a system-wide basis; and

WHEREAS, the attached tariffs implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

WHEREAS, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications;

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

Section 1. That the findings set forth in this Resolution are hereby in all things approved.

Section 2. That the City Council finds that the settled amount of an increase in revenues of \$29.9 million on a system-wide basis represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2016 RRM filing is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

Section 3. That the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Attachment A, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$29.9 million in revenue over the amount allowed under currently approved rates, as shown in the Proof of Revenues attached hereto and incorporated herein as Attachment B; such tariffs are hereby adopted.

Section 4. That the ratemaking treatment for pensions and other post-employment benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on Attachment C, attached hereto and incorporated herein.

Section 5. That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company's 2016 RRM filing.

Section 6. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Resolution, it is hereby repealed.

Section 7. That the meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 8. That if any one or more sections or clauses of this Resolution is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

Section 9. That consistent with the City Resolution that established the RRM process, this Resolution shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after June 1, 2016.

Section 10. That a copy of this Resolution shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LJB Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

DULY PASSED and approved by the City Council of the City of Lancaster, Texas, on this the 9th day of May, 2016.

ATTEST:

APPROVED:

Sorangel O. Arenas, City Secretary

Marcus E. Knight, Mayor

APPROVED AS TO FORM:

Robert E. Hager, City Attorney

RATE SCHEDULE:	R – RESIDENTIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2016	PAGE: 12

Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 19.10 per month
Rider CEE Surcharge	\$ 0.02 per month ¹
Total Customer Charge	\$ 19.12 per month
Commodity Charge – All <u>Ccf</u>	\$0.11378 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2015.

RATE SCHEDULE:	C – COMMERCIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2016	PAGE: 13

Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 41.75 per month
Rider CEE Surcharge	\$ 0.02 per month ¹
Total Customer Charge	\$ 41.77 per month
Commodity Charge – All Ccf	\$ 0.08494 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹ Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2015.

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2016	PAGE: 14

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 738.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.3096 per MMBtu
Next 3,500 MMBtu	\$ 0.2267 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0486 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailement Overpull Fee

Upon notification by Company of an event of curtailement or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailement or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2016	PAGE: 15

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2016	PAGE: 16

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 738.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.3096 per MMBtu
Next 3,500 MMBtu	\$ 0.2267 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0486 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2016	PAGE: 17

Curtailement Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2016	PAGE: 41

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

- i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification
- $WNAF_i$ = Weather Normalization Adjustment Factor for the i^{th} rate schedule or classification expressed in cents per Ccf
- R_i = Commodity Charge rate of temperature sensitive sales for the i^{th} schedule or classification.
- HSF_i = heat sensitive factor for the i^{th} schedule or classification divided by the average bill count in that class
- NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.
- ADD = billing cycle actual heating degree days.
- BL_i = base load sales for the i^{th} schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the j th customer in i th rate schedule is computed as:

$$WNA_j = WNAF_i \times q_{ij}$$

Where q_{ij} is the relevant sales quantity for the j th customer in i th rate schedule.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2016	PAGE: 42

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>
Abilene	10.09	0.1392	98.01	0.6440
Austin	11.21	0.1551	203.36	0.8564
Dallas	13.72	0.2048	189.83	0.9984
Waco	9.89	0.1411	129.75	0.6695
Wichita Falls	11.49	0.1506	122.35	0.5967

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at atmosenergy.com/mtx-wna, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNAs factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and an Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

File Date: March 1, 2016

**ATMOS ENERGY CORP., MID-TEX DIVISION
PROPOSED TARIFF STRUCTURE (BEFORE RATE CASE EXPENSE RECOVERY)
TEST YEAR ENDING DECEMBER 31, 2015**

	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)
1	Proposed Change In Rates:		\$ 29,603,205		Schedule A						
2	Proposed Change In Rates without Revenue Related Taxes:		\$ 27,447,850		Ln 1 divided by factor on WP_F-5.1						
3											
4											
5											
6		Revenue Requirements	Allocations								
7	Residential	\$ 338,431,486	77.95%		Per GUD 10170 Final Order						
8	Commercial	84,223,622	19.40%		Per GUD 10170 Final Order						
9	Industrial and Transportation	11,490,316	2.65%		Per GUD 10170 Final Order						
10	Net Revenue Requirements GUD No. 10170	<u>\$ 434,145,424</u>									

11

12

13

14

15

16 With Proportional Increase all classes but Residential and a 40% residential base charge increase:

17

	Current	Prospective	Revenues
18 Residential Base Charge	\$ 18.56	\$ 0.48	\$ 8,558,622
19 Residential Consumption Charge	\$ 0.09931	\$ 0.01540	12,837,933
20 Commercial Base Charge	\$ 39.87	\$ 1.81	2,662,423
21 Commercial Consumption Charge	\$ 0.08020	\$ 0.00480	2,662,423
22 I&T Base Charge	\$ 697.35	\$ 38.03	363,224
23 I&T Consumption Charge Tier 1 MMBTU	\$ 0.2937	\$ 0.0166	172,167
24 I&T Consumption Charge Tier 2 MMBTU	\$ 0.2151	\$ 0.0121	139,070
25 I&T Consumption Charge Tier 3 MMBTU	\$ 0.0461	\$ 0.0026	<u>51,988</u>
26			\$ 27,447,850

16 With Customer Charges Rounded Off and residential base charge increase for 2015 limited to \$0.50 per RRM tariff:

	Proposed Change	Proposed Change In Revenues	Proposed Rates	Proposed Revenues
Residential Base Charge	\$ 0.52	\$ 9,335,278	\$ 19.08	\$ 339,813,673
Residential Consumption Charge	\$ 0.01447	12,061,297	\$ 0.11378	94,839,970
Commercial Base Charge	\$ 1.83	2,697,162	\$ 41.70	61,390,268
Commercial Consumption Charge	\$ 0.00474	2,626,475	\$ 0.08494	47,065,984
I&T Base Charge	\$ 39.65	378,728	\$ 737.00	7,039,815
I&T Consumption Charge Tier 1 MMBTU	\$ 0.0159	165,150	\$ 0.3096	3,215,747
I&T Consumption Charge Tier 2 MMBTU	\$ 0.0116	132,888	\$ 0.2267	2,597,042
I&T Consumption Charge Tier 3 MMBTU	\$ 0.0025	<u>49,955</u>	\$ 0.0486	<u>971,117</u>
		\$ 27,446,933		\$ 556,933,616

File Date: March 1, 2016

**ATMOS ENERGY CORP., MID-TEX DIVISION
PENSIONS AND RETIREE MEDICAL BENEFITS ADJUSTMENT
TEST YEAR ENDING DECEMBER 31, 2015**

Line No.	Description	Shared Services		Mid-Tex Direct			Adjustment Total
		Pension Account Plan ("PAP")	Post-Retirement Medical Plan ("FAS 106")	Pension Account Plan ("PAP")	Supplemental Executive Benefit Plan ("SERP")	Post-Retirement Medical Plan ("FAS 106")	
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Fiscal Year 2016 Towers Watson Report as adjusted (1), (3)	\$ 5,101,680	\$ 2,896,450	\$ 7,840,683	\$ 150,433	\$ 4,466,430	
2	O&M Expense Factor (2)	96.41%	96.41%	37.42%	20.77%	37.42%	
3	Fiscal Year 2016 Actuarially Determined O&M Benefits (Ln 1 x Ln 2)	\$ 4,918,540	\$ 2,792,473	\$ 2,933,599	\$ 31,249	\$ 1,671,119	
4	Allocation to Mid-Tex (2)	40.56%	40.56%	71.52%	100.00%	71.52%	
5	Mid-Tex Benefits Expense Included in Rates - Proposed (Ln 3 x Ln 4)	\$ 1,995,016	\$ 1,132,659	\$ 2,098,222	\$ 31,249	\$ 1,195,248	\$ 6,452,393
6							
7	Mid-Tex Benefits Expense per GUD 10359 and RRM Test Year Ending December 31, 2014 Benchmark (4)	\$ 2,831,859	\$ 2,013,260	\$ 2,925,600	\$ 34,809	\$ 2,695,721	\$ 10,501,250
8							
9	Test Year Adjustment (Line 5 minus Line 7)	\$ (836,844)	\$ (880,601)	\$ (827,379)	\$ (3,561)	\$ (1,500,472)	\$ (4,048,856)
10							
11	Adjustment Summary:						
12	Account 922	\$ (836,844)	\$ (880,601)	\$ -	\$ -	\$ -	\$ (1,717,445)
13	Account 926	-	-	(827,379)	(3,561)	(1,500,472)	(2,331,412)
14	Total (Ln 12 plus Ln 13)	\$ (836,844)	\$ (880,601)	\$ (827,379)	\$ (3,561)	\$ (1,500,472)	\$ (4,048,856)

Notes:

1. Studies not applicable to Mid-Tex or Shared Services are omitted.
2. The factors on Lines 2 and 4 are based on the factors in 2016 RRM (Test Year Ending December 31, 2015).
3. SSU amounts exclude cost centers which do not allocate to Mid-Tex for rate making purposes.
4. GUD No. 10359 is the benchmark for January-May which is the same benchmark as used in the RRM TYE December 31, 2014 for June-December.

**ATMOS ENERGY CORP., MID-TEX DIVISION
PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL
TEST YEAR ENDING DECEMBER 31, 2015**

Line No.	Description	Shared Services		Mid-Tex Direct			Adjustment Total
		Pension Account Plan ("PAP")	Post-Retirement Medical Plan ("FAS 106")	Pension Account Plan ("PAP")	Supplemental Executive Benefit Plan ("SERP")	Post-Retirement Medical Plan ("FAS 106")	
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Fiscal Year 2016 Towers Watson Report (excluding Removed Cost Centers)	\$ 5,101,680	\$ 2,896,450	\$ 7,840,683	\$ 150,433	\$ 4,466,430	
2	Allocation to Mid-Tex	40.56%	40.56%	71.52%	100.00%	71.52%	
3	FY16 Towers Watson Benefit Costs (excluding Removed Cost Centers) Allocated to MTX (Ln 1 x Ln 2)	\$ 2,069,299	\$ 1,174,833	\$ 5,607,955	\$ 150,433	\$ 3,194,561	
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%	
5	FY16 Towers Watson Benefit Costs To Approve (excluding Removed Cost Centers) (Ln 3 x Ln 4)	\$ 2,069,299	\$ 1,174,833	\$ 5,607,955	\$ 150,433	\$ 3,194,561	\$ 12,197,081
6							
7							
8	Summary of Costs to Approve:						
9							
10	Total Pension Account Plan ("PAP")	\$ 2,069,299		\$ 5,607,955			\$ 7,677,254
11	Total Post-Retirement Medical Plan ("FAS 106")		\$ 1,174,833			\$ 3,194,561	4,369,394
12	Total Supplemental Executive Retirement Plan ("SERP")				\$ 150,433		150,433
13	Total (Ln 10 + Ln 11 + Ln 12)	\$ 2,069,299	\$ 1,174,833	\$ 5,607,955	\$ 150,433	\$ 3,194,561	\$ 12,197,081
14							
15							
16	O&M Expense Factor	96.41%	96.41%	37.42%	20.77%	37.42%	
17							
18	Expense Portion (Ln 13 x Ln 16)	\$ 1,995,016	\$ 1,132,659	\$ 2,098,222	\$ 31,249	\$ 1,195,248	\$ 6,452,393
19							
20	Capital Factor	3.59%	3.59%	62.58%	79.23%	62.58%	
21							
22	Capital Portion (Ln 13 x Ln 20)	\$ 74,283	\$ 42,174	\$ 3,509,733	\$ 119,184	\$ 1,999,313	\$ 5,744,687
23							
24	Total (Ln 18 + Ln 22)	\$ 2,069,299	\$ 1,174,833	\$ 5,607,955	\$ 150,433	\$ 3,194,561	\$ 12,197,081

LANCASTER CITY COUNCIL

City Council Regular Meeting

Item 7.

Meeting Date: 05/09/2016

Policy Statement: This request supports the City Council 2015-2016 Policy Agenda

Goal(s): Civic Engagement

Submitted by: Sorangel O. Arenas, City Secretary

Agenda Caption:

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

Background:

At the December 14, 2015 meeting, City Council made appointments to City Boards and Commissions. Annually, following board and commission appointments, Councilmembers select the boards/commissions that they would like to serve as Council liaison.

In accordance with Resolution 2007-09-105, appointments are based on seniority with the most tenured member choosing from the boards/commissions first.

Operational Considerations:

Currently serving as liaisons are the following:

<u>Board/Commission:</u>	<u>Councilmember:</u>
Airport Board	Jaglowski
Animal Shelter Advisory Committee	Jaglowski
Civil Service Commission	Mejia
Economic Development Corp.	Mejia
Historic Landmark Preservation Committee	Strain-Burk
Library Advisory Board	Harris
Museum Advisory Board	Strain-Burk
Parks and Recreation Advisory Board/ Recreational Development Corp.	Morris
Planning & Zoning Commission	Daniels
Property Standards & Appeals Board	Harris
Youth Advisory Committee	Morris
Zoning Board of Adjustment	Daniels

Options/Alternatives:

1. Council may make selections for council liaisons to boards and commissions.
2. Council may postpone selection of council liaisons and direct staff.

Recommendation:

Selection of council liaisons is solely at Council's pleasure.

Attachments

Resolution 2007-09-105 (council liaison policy)

RESOLUTION NO. 2007-09-105

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, ESTABLISHING A POLICY FOR COUNCILMEMBERS TO SERVE AS LIAISONS TO ALL BOARDS AND COMMISSIONS OF THE CITY; REPEALING ALL RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the intention of the City Council of the City of Lancaster to provide effective communication to all the boards and commissions; and

WHEREAS, Councilmembers serving as liaisons to the various City's boards and commissions will be able to provide necessary resources and information to the boards and commissions.

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

Section 1. 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. 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.

Section 2. Each Councilmember will be allowed to select the board or commission they would like to serve as liaisons to by order of seniority.

Section 3. Each Councilmember may submit a quarterly report to the entire council through the City Secretary on their respective board and/or commission's activity.

Section 4. Councilmembers are strongly encouraged, rather than required, to attend all meetings of their selected boards and/or commissions.

Section 5. Any prior Resolution of the City Council in conflict with the provisions contained in this Resolution are hereby repealed or revoked.

Section 6. 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 7. This Resolution shall take effective immediately from and after its passage, and it is accordingly so resolved.

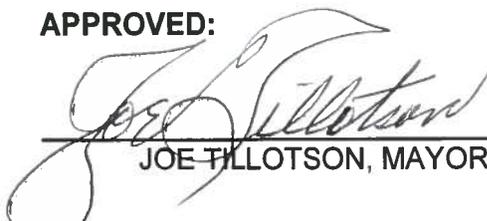
DULY PASSED and approved by the City Council of the City of Lancaster, Texas, on this the 24th day of September 2007.

ATTEST:



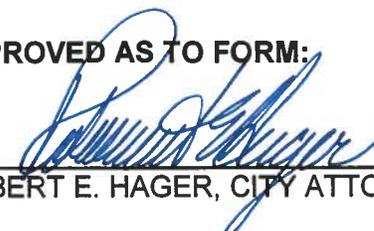
DOLLE K. SHANE, CITY SECRETARY

APPROVED:



JOE TILLOTSON, MAYOR

APPROVED AS TO FORM:



ROBERT E. HAGER, CITY ATTORNEY

RESOLUTION NO. 50-97

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS ESTABLISHING A POLICY FOR COUNCILMEMBERS TO SERVE AS LIAISONS TO ALL BOARDS AND COMMISSIONS OF THE CITY.

WHEREAS, it is the intention of the City Council of the City of Lancaster to provide effective communication to all the boards and commissions; and

WHEREAS, Councilmembers serving as liaisons to the various City's boards and commissions will be able to provide necessary resources and information to the boards and commissions.

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

SECTION 1. 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. Councilmembers will select different boards and/or commissions to serves as liaisons after or around the completion of the boards and commissions appointments in June.

SECTION 2. Each Councilmember will be allowed to select the board or commission they would like to serve as liaisons to by order of seniority.

SECTION 3. Each Councilmember will submit a quarterly report to the entire council through the City Secretary on their respective board and/or commission's activity.

SECTION 4. Councilmembers are strongly encouraged, rather than required, to attend all meetings of their selected boards and/or commissions.

SECTION 5. Any prior Resolution of the City Council in conflict with the provisions contained in this Resolution are hereby repealed or revoked.

SECTION 6. 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.

RESOLUTION NO. 52-97

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, AMENDING SECTION 1 OF RESOLUTION NO. 50-97 TO PROVIDE PARTIAL YEAR TERM OF INITIAL SERVICE OF COUNCIL MEMBERS AS LIAISONS TO THE CITY'S BOARDS AND COMMISSIONS; PROVIDING FOR REPEAL OF ALL RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Councilmembers have chosen the Boards and Commissions for which they will serve as Board/Commission liaisons;

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

SECTION 1. That Section 1 of Resolution No. 50-97, be, and the same is hereby amended to read, "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 and every year thereafter, beginning on August 1, 1997. Councilmembers will select different boards and/or commissions to serve as liaisons after or around the completion of the annual boards and commissions appointments."

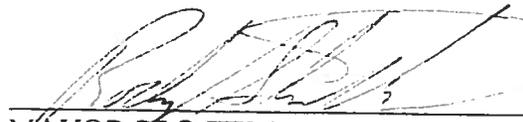
SECTION 2. That any prior Resolution of the City Council in conflict with the provisions of this Resolution are hereby repealed or revoked.

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.

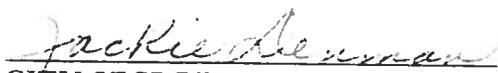
SECTION 4. That this Resolution shall take effect immediately from and after its passage, and it is accordingly so resolved.

PASSED AND APPROVED by the City Council of the City of Lancaster, Texas, on the 10th day of November, 1997.

APPROVED:


MAYOR PRO TEM

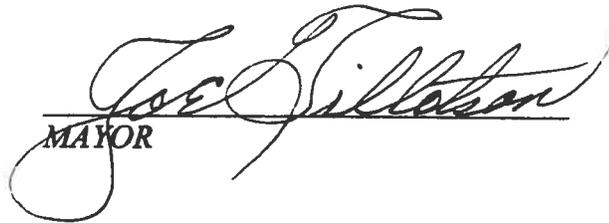
ATTEST:


CITY SECRETARY

SECTION 7. This Resolution shall take effect immediately from and after its passage, and it is accordingly so resolved.

PASSED AND APPROVED by the City Council of the City of Lancaster, Texas, on this 13th day of October, 1997.

APPROVED:


MAYOR

ATTEST:


CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY

LANCASTER CITY COUNCIL

City Council Regular Meeting

Item 8.

Meeting Date: 05/09/2016

Policy Statement: This request supports the City Council 2015-2016 Policy Agenda

Goal(s): Financially Sound, City Government
Healthy, Safe & Vibrant Community
Sound Infrastructure
Quality Development
Civic Engagement
Professional and Committed City Workforce

Submitted by: Sorangel O. Arenas, City Secretary

Agenda Caption:

Consider election of a Mayor Pro Tempore.

Background:

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

Options/Alternatives:

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

Recommendation:

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

Attachments

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

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

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

SECTION 3.03 Compensation

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

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

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

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

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

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

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

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

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

SECTION 3.06 Vacancies, Forfeiture and Filling of Vacancies

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

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

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

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

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

SECTION 3.07 Duties and Powers of the City Council

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

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

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

LANCASTER CITY COUNCIL

City Council Regular Meeting

Item 9.

Meeting Date: 05/09/2016

Policy Statement: This request supports the City Council 2015-2016 Policy Agenda

Submitted by: Sorangel O. Arenas, City Secretary

Agenda Caption:

Consider election of a Deputy Mayor Pro Tempore.

Background:

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

Options/Alternatives:

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

Recommendation:

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

Attachments

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

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

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

SECTION 3.03 Compensation

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

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

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

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

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