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

Monday, August 22, 2022 - 7:00 PM

While one or more City Council Members may be present via video or audio link, a quorum of the City Council will be at the Municipal Center-City Council Chambers, as required by the Texas Open Meetings Act.

Please click the link below for forms:
https://www.lancaster-tx.com/1413/Notice-Regarding-Public-Participation

Please click the link below to join the webinar:
https://us02web.zoom.us/meeting/register/tZlsf-ChqTkoHtyI57B9PE1JAR3LPhFRosyC

The meeting will be broadcast live via video at the following address:
http://www.lancaster-tx.com/324/Watch-Meetings

7:00 P.M. REGULAR MEETING:

CALL TO ORDER

INVOCATION: Ministerial Alliance

PLEDGE OF ALLEGIANCE: Deputy Mayor Pro-Tem Cheatham

PROCLAMATION: National Payroll Week

PUBLIC TESTIMONY/CITIZENS COMMENTS:
At this time, citizens who have pre-registered before the call to order will be allowed to speak on any matter 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. Anyone desiring to speak on an item scheduled for a public hearing is requested to hold their comments until the public hearing on that item.

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.

1. Consider a resolution approving the terms and conditions of an interlocal agreement by and between the City of Lancaster and Dallas County Department of Health and Human Services to provide certain food establishment inspections and environmental services.

2. Consider a resolution approving the terms and conditions of an interlocal agreement by and between the City of Lancaster and Dallas County Department of Health and Human Services to provide certain health services.

PUBLIC HEARING:

3. Conduct a public hearing and discuss an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Beltline Ashmoore Public Improvement District.

4. Conduct a public hearing and discuss an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Boardwalk Public Improvement District.

5. Conduct a public hearing and discuss an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Glendover Estates Public Improvement District.

6. Conduct a public hearing and discuss an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Lancaster Mills Public Improvement District.

7. Conduct a public hearing and discuss an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Millbrook East Public Improvement District.

8. Conduct a public hearing and discuss an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Pleasant Run Estates Phase 1-A and Phase 1-B Public Improvement District.

9. Conduct a public hearing and discuss an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Meadowview Estates Public Improvement District.

10. Conduct a public hearing and discuss an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Rolling Meadows Public Improvement District.

11. Conduct a public hearing and discuss an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Tribute at Mills Branch and Tribute East at Mills Branch Public Improvement District.

12. M22-24 Conduct a public hearing and consider an exception request to the Lancaster Development Code Article 14.503 (A) (3) - Residential Garages and Carports waiving the requirement to recess the garage at a property located at 1285 Cedardale Road. The property is a 0.199 acre tract. The property is known as PT Lot 1, Block B, of the Cedardale Highlands Addition, City of Lancaster, Dallas County, Texas.

13. M22-26 Conduct a public hearing and consider an ordinance granting six (6) exceptions to the Medical District Corridor standards, a subdistrict of the Medical District Overlay, for a property located at 3255 W. Pleasant Run Road. The property is 0.85 acres in size, known as Lot 1-A, Block B, out of the Beckley City Lots Addition, in the City of Lancaster, Dallas County, Texas.

ACTION:

14. Discuss and consider a resolution approving a negotiated settlement between Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2022 rate review mechanism filing; declaring existing rates to be unreasonable; and adopting tariffs that reflect rate adjustments consistent with the negotiated settlement.

EXECUTIVE SESSION:

15. Pursuant to Section 551.071(1)(A) and Section 551.071(1)(B) of the Texas Government Code, the City Council shall convene in executive session to confer with the City's attorney to discuss pending, threatened, contemplated or potential related litigation in regard to: Lancaster Municipal Utility District 1 (MUD)

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

ADJOURNMENT

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

ACCESSIBILITY STATEMENT: Meetings of the City Council are held in municipal facilities that 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 Lancaster City Hall on August 18, 2022, @ 9:30 p.m. and copies thereof were provided to the Mayor, Mayor Pro-Tempore, Deputy Mayor Pro-Tempore and Council members.

Carey D. Neal, Jr.

Assistant City Manager

CITY OF LANCASTER CITY COUNCIL

City Council Regular Meeting **1.**

Meeting Date: 08/22/2022

Policy Statement: This request supports the City Council 2021-2022 Policy Agenda

Goal(s): Healthy, Safe & Engaged Community

Submitted by: Opal Mauldin-Jones, City Manager

Agenda Caption:

Consider a resolution approving the terms and conditions of an interlocal agreement by and between the City of Lancaster and Dallas County Department of Health and Human Services to provide certain food establishment inspections and environmental services.

Background:

Dallas County Department of Health and Human Services provides certain food establishment inspections and environmental health services to cities throughout the County on a contract for services basis.

Dallas County will continue to operate certain food establishment and environmental health services for the residents of the City of Lancaster with the goal of promoting the effectiveness of healthy food and environmental programs.

Operational Considerations:

Food establishment inspections and environmental services, are coordinated through our Development Services, Neighborhood Services and Public Works departments.

Legal Considerations:

The City Attorney has reviewed and approved the resolution as to form.

Public Information Considerations:

This resolution is being considered at a Regular Meeting of the City Council, in accordance with the Texas Open Meetings Act.

Fiscal Impact:

The City will collect $150.00 annually for two (2) inspections per location along with a $50.00 administrative fee. $150.00 per location is paid to Dallas County per the agreement term.

Beginning with the third food establishment inspection, the City will pay seventy-five dollar ($75.00) for each additional inspection requested by the City. The City will collect seventy-five dollars ($75.00) to be paid to the County for a re-opening or inspection fee of a food establishment that has been closed due to non-compliance of the Texas Health and Safety Code, or any other State rules and regulations.

The City shall pay the County the stipulated fees within thirty (30) days of the monthly request for payment, or if County fails to make the payment request, then the City shall pay the stipulated fees no later than the last date of this Agreement Term. Any payment not made within (30) days of its due date shall bear interest in accordance with the Texas Government Code. It is of note that the City charges an established administrative fee of $50.00 per inspection, $25.00 per inspection for three or more required

inspections, and $50.00 per re-opening of this program.

Included in this agreement are environmental health services related to vector and/or mosquito control complaints. This includes spraying for mosquitos and treating standing water for the West Nile virus. In the event aerial spraying is needed, the City will have the option to participate and would be responsible for its proportionate share of the cost.

Options/Alternatives:

1. City Council may approve the resolution, as presented.
2. City Council may deny the resolution.

Recommendation:

Staff recommends approval of the resolution, as presented.

Attachments

Resolution

Exhibit A

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT BY AND BETWEEN THE CITY OF LANCASTER, TEXAS, AND DALLAS COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PROVIDE CERTAIN FOOD ESTABLISHMENT INSPECTIONS AND ENVIRONMENTAL SERVICES; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER; REPEALING ALL RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Dallas County Department of Health and Human Services has offered to provide certain food establishment inspections and environmental health services to cities throughout the County on a contract for services basis; and

WHEREAS, the City of Lancaster desires to participate with Dallas County in establishing coordinated food establishment and environmental health services for its residents and all of Dallas County; and

WHEREAS, Dallas County will operate certain food establishment and environmental health services for the residents of the City in order to promote the effectiveness of healthy and safe food and environmental programs

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

SECTION 1. That the Dallas County Department of Health and Human Services Interlocal Agreement for Fiscal Year 2023, attached hereto and incorporated herein by reference as Exhibit "A", having been reviewed by the City Council of the City of Lancaster, Texas, and found to be acceptable and in the best interest of the City and its citizens, be, and the same is hereby, in all things approved.

SECTION 2.
That the City Manager of the City of Lancaster, Texas, is hereby authorized to execute said agreement.

SECTION 3. That any prior Resolution of the City Council in conflict with the provisions contained in this Resolution are hereby repealed and revoked.

SECTION 4. 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 5. That this Resolution shall take effect immediately from and after its passage, and it is duly resolved.

DULY PASSED and approved by the City Council of the City of Lancaster, Texas, on this the 22nd of August, 2022.

ATTEST:

Sorangel O. Arenas, City Secretary

APPROVED:

Clyde C. Hairston, Mayor

APPROVED AS TO FORM:

David T. Ritter, City Attorney

Exhibit A

STATE OF TEXAS	**§**	**INTERLOCAL AGREEMENT FOR FOOD**
	§	**ESTABLISHMENT INSPECTION AND**
	§	**ENVIRONMENTAL HEALTH SERVICES BETWEEN**
	§	**DALLAS COUNTY, ON BEHALF OF DALLAS**
	§	**COUNTY HEALTH AND HUMAN SERVICES, AND**
COUNTY OF DALLAS	**§**	**CITY OF LANCASTER**

SECTION 1: PARTIES

This Interlocal Agreement ("Agreement") is made by and between the City of Lancaster, Texas ("City"), a Texas municipal corporation, and Dallas County, Texas, a political subdivision of the State of Texas on behalf of the Dallas County Health and Human Services (collectively "County" or "DCHHS"), pursuant to the authorities granted by Chapter 791 of the Texas Local Government Code (known as the Interlocal Cooperation Act), Texas Health and Safety Code Chapter 437, Food and Drug Health Regulations, and 121, Local Regulation of Public Health, along with Title 25 Texas Administrative Code, Chapter 229, and any other applicable laws, as well as the City ordinance for inspection services of food establishments within City's jurisdiction and other environmental health services to City. The County or the City may hereinafter be referred to individually as "Party", or collectively, as the "Parties".

SECTION 2: TERM

The Term of this Agreement is for a period commencing on the Effective Date as defined herein and continuing through September 30, 2023 unless otherwise stated in this Agreement. ("Term")

SECTION 3: INSPECTION SERVICES AND REQUIREMENTS

A. The County will perform a minimum of two (2) inspections (one every six months) during the Term of each food establishment for which the City has submitted an inspection request and for which a fee has been collected from the said food establishment;

B. Additional follow-up inspections will be performed as deemed necessary by the County;

C. Any additional request for follow-up inspections by the City of food establishments, including food establishments that are closed due to non-compliance with the State and other applicable rules and regulations will be charged additional fees;

D. Each food establishment inspection will be made by a Registered Professional Sanitarian employed by DCHHS, in compliance with all state laws and regulations;

E. An examination of the following will be made during each inspection: food and food protection; personnel; food equipment and utensils; water source; sewage; plumbing; toilet and hand-washing facilities; garbage and refuse disposal; insect, rodent, and animal control; floors, walls, and ceiling; light; ventilation; and other operations.

SECTION 4: FEES AND PAYMENTS TO THE COUNTY

A. The City will collect and submit to the County a fee of One Hundred Fifty and 00/100 Dollars ($150.00) per a Term for each food establishment inspected.

B. Beginning with the third inspection of a food establishment, the City will pay a Seventy Five and 00/100 Dollars ($75.00) fee for each additional inspection of that establishment requested by the City.

C. The City will collect Seventy Five and 00/100 Dollars ($75.00) to be paid to the County for a re-opening or inspection fee of a food establishment that has been closed due to non-compliance of Chapter 437 of the Texas Health and Safety Code, or any other state rules and regulations.

D. The fees are not subject to change without notice and agreement by the City. If additional costs are associated with the services under this Agreement, County will notify City of those additional costs and invoice the City separately for those additional costs.

E. The City shall pay County the stipulated fees within thirty (30) days of the monthly request for payment, or if County fails to make the payment request, then City shall pay the stipulated fees no later than the last date of this Agreement Term upon receipt of not less than thirty (30) days advance written notice from the County of amounts due. Any payment not made within thirty (30) days of its due date shall bear interest in accordance with Chapter 2251 of the Texas Government Code.

SECTION 5: OTHER ENVIRONMENTAL HEALTH SERVICES

A. Upon written request from City, the County will respond to Vector and/or Mosquito Control complaints by inspecting the property and surrounding area for standing water and provide the treatment of water that contains immature mosquitoes with larvicide. If there is a mosquito borne disease in the area, the County will provide ground application services that include spraying for adult mosquitoes ("adulticiding"), and treating standing water with larvicide ("larvaciding").

B. In the event aerial spraying is needed to control St. Louis Encephalitis or West Nile virus throughout the County, the City will have the option to participate in the County's emergency aerial mosquito spraying plan. Should the City agree to participate in the plan, the City must provide written notice to County and agree to the following:

1) Indicate the areas and amount of acres to be sprayed; and

2) Pay the City's proportioned share of the cost based upon the number of acres to be sprayed multiplied by the per-acre spraying cost.

SECTION 6: RECORDS

The County will keep a copy of all inspection reports and will on a monthly basis send such inspection reports to the City. If the County receives a request for inspection records, the County will respond in accordance with Texas Government Code, Chapter 552, also known as the "Texas Public Information Act".

SECTION 7: TERMINATION

A. Without Cause: This Agreement may be terminated in writing, without cause, by either party upon thirty (30) days prior written notice to the other party;

B. With Cause: The County reserves the right to terminate the Agreement immediately and upon provision of written notice to City, in whole or in part, at its sole discretion, for the following reasons:

1) Lack of, or reduction in, funding or resources;

2) The City's non-performance of the specifications of this Agreement or non-compliance with the terms of this Agreement;

3) In County's sole discretion, if termination is necessary to protect the health and safety of County employees;

4) The City's improper, misuse or inept use of funds or resources; and/or

5) The City's submission of data, statements and/or reports that are incorrect, incomplete and/or false in any way.

SECTION 8: CITY ORDINANCE

In order for this Agreement to be valid, the City must have or adopt a City/Town ordinance that provides for the inspection of food establishments by a Registered Professional Sanitarian. The City must require the payment of a fee(s) by each food establishment. Ordinance enforcement shall be the responsibility of the City.

SECTION 9: INDEMNIFICATION

A. The County, not waiving any rights or its sovereign immunity, agrees to the extent allowed by the Texas Torts Claim Act to be responsible for any liability or damages the County may suffer as a result of claims, demands, costs or judgments, including all reasonable attorney's fees, against the County including workers compensation claims, arising out of the performance of the County employees under this Agreement, or arising from any accident, injury or damage, whatsoever, to any person or persons, or to the property of any person(s) or corporations(s) occurring during the performance of this Agreement and caused by the sole negligence of the County, its agents, officers, and/or employees.

B. The City, not waiving any rights or its sovereign immunity, agrees to the extent allowed by the Texas Torts Claim Act to be responsible for any liability or damages that the City may suffer as a result of claims, demands, costs or judgments, including all reasonable attorney's fees, against the City including workers compensation claims, arising out of the performance of the City employees under this Agreement, or arising from any accident, injury or damage, whatsoever, to any person or persons, or to the property of any person(s) or corporations(s) occurring during the performance of this Agreement and caused by the sole negligence of the City, its agents, officers, and/or employees.

C. County and City agree that any such liability or damages as stated above occurring during the performance of this Agreement caused by the joint or comparative negligence of their employees, students, agents, or officers shall be determined in accordance with comparative responsibility laws of the State of Texas.

D. This Section 9 shall survive termination, expiration, or suspension of this Agreement.

SECTION 10: INSURANCE

The City agrees that it will at all times during the term of this Agreement maintain in full force and effect insurance, or self-insurance, to the extent permitted by applicable law under a plan of self-insurance, that is also maintained in accordance with sound accounting practices. It is expressly agreed that City will be solely responsible for all cost of such insurance; any and all deductible amounts

in any policy; and in the event that the insurance company should deny coverage. It is the intent of this provision that the City's insurance covers all cost and expense so that County will not sustain any expense, cost, liability or financial risk as a result of any of the performance of services under this Agreement; as all such liability, cost, expense, premiums and deductibles are the sole responsibility and risk of the City.

SECTION 11: NOTICE

Any notice or certification required or permitted to be delivered under this Agreement shall be deemed to have been given when personally delivered, or if mailed, seventy-two (72) hours after deposit of the same in the United States Mail, postage prepaid, certified, or registered, return receipt requested, properly addressed to the contact person shown at the respective addresses set forth below, or at such other addresses as shall be specified by written notice delivered in accordance herewith:

COUNTY	CITY
Clay Lewis Jenkins, County Judge	City of Lancaster
Dallas County	211 N. Henry St.
411 Elm St, 2nd Floor	PO Box 940
Dallas, Texas 75202	Lancaster, TX 75146

W/copy to:
Philip Huang, Director DCHHS
2377 N Stemmons Fwy #820
Dallas, TX 75207

SECTION 12: MISCELLANEOUS PROVISIONS

12.1 ENTIRE AGREEMENT AND AMENDMENT

This Agreement, including any Exhibits and Attachments, constitutes the entire agreement between the parties and supersedes any other agreements concerning the subject matter of this transaction, whether oral or written. No modification, amendment, novation, renewal or other alteration of this Agreement shall be effective unless mutually agreed upon in writing and executed by the Parties. Any alterations, additions, or deletions to the terms of this Agreement which are required by changes in federal or state law or regulations are automatically incorporated into this Agreement without written amendment hereto and shall become effective on the date designated by such law or regulation.

12.2 COUNTERPARTS, NUMBER/GENDER AND HEADINGS

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. The Parties shall be entitled to sign and transmit an electronic signature of this Agreement (whether by facsimile, PDF or other email transmission), which signature shall be binding on the Party whose name is contained therein. A signed copy of this Agreement transmitted by facsimile, email or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original executed copy of this Agreement for all purposes. Words of any gender used in this Agreement shall be held and construed to include any other gender. Any words in the singular shall include the plural and vice versa, unless the context clearly requires otherwise. Headings are for the convenience of reference only and shall not be considered in any interpretation of this Agreement.

12.3 SEVERABILITY

If any provision of this Agreement is construed to be illegal, invalid, void or unenforceable, this construction will not affect the legality or validity of any of the remaining provisions. The unenforceable or illegal provision will be deemed stricken and deleted, but the remaining provisions shall not be affected or impaired, and such remaining provisions shall remain in full force and effect.

12.4 FISCAL FUNDING CLAUSE

Notwithstanding any provisions contained in this Agreement, the obligations of the County under this Agreement are expressly contingent upon the availability of funding for each item and obligation for the term of the Agreement and any pertinent extensions. The City shall not have a right of action against County in the event County is unable to fulfill its obligations under this Agreement as a result of lack of sufficient funding for any item or obligation from any source utilized to fund this Agreement or failure to budget or authorize funding for this Agreement during the current or future fiscal years. In the event that County is unable to fulfill its obligations under this Agreement as a result of lack of sufficient funding, or if funds become unavailable, County, at its sole discretion, may provide funds from a separate source or may terminate this Agreement by written notice to the City at the earliest possible time prior to the end of its fiscal year.

12.5 DEFAULT/CUMULATIVE RIGHTS/MITIGATION

It is not a waiver of default if the non-defaulting party fails to declare a default or delays in taking any action. Waiver of any term, covenant, condition or violation of this Agreement shall not be deemed or construed a waiver unless made in authorized written instrument, nor shall such waiver be deemed or construed a waiver of any other violation or breach of any of the terms, provisions, and covenants herein contained. The rights and remedies provided by this Agreement are cumulative, and either party's use of any right or remedy will not preclude or waive its right to use any other remedy. These rights and remedies are in addition to any other rights the parties may have by law, statute, ordinance or otherwise. Pursuit of any remedy provided in this Agreement shall not preclude pursuit of any other remedies herein provided or any other remedies provided by law or equity, including injunctive relief, nor shall pursuit of any remedy herein provided constitute a forfeiture or waiver of any obligation of the defaulting party hereunder or of any damages accruing by reason of the violation of any of the terms, provisions, and covenants herein contained. The City has a duty to mitigate damages.

12.6 GOVERNMENTAL IMMUNITY

This Agreement is expressly made subject to City's and County's Governmental Immunity, including, without limitation, Title 5 of the Texas Civil Practice and Remedies Code and all applicable State and federal laws. The parties expressly agree that no provision of this Agreement is in any way intended to constitute a waiver of any immunities from suit or from liability, or a waiver of any tort limitation, that City or County has by operation of law, or otherwise. Nothing in this Agreement is intended to benefit any third party beneficiary.

12.7 COMPLIANCE WITH LAWS AND VENUE

In providing services required by this Agreement, City must observe and comply with all licenses, legal certifications, or inspections required for the services, facilities, equipment, or materials, and all applicable federal, State, and local statutes, ordinances, rules, and regulations. Texas law shall govern this Agreement and venue shall lie exclusively in Dallas County, Texas.

12.8 RELATIONSHIP OF PARTIES

Each Party is an independent contractor and not an agent, servant, joint enterpriser, joint venturer or employee of the other Party.

12.9 CONTRA PROFERENTUM

The doctrine of contra proferentum shall not apply to this Agreement. If an ambiguity exists in this Agreement, the Agreement shall not be construed against the party who drafted the Agreement and such party shall not be responsible for the language used.

12.10 ASSIGNMENT

Neither Party may transfer or assign its interest in this Agreement without prior written consent of the non-assigning Party. County approval to transfer or assign City's interest in this Agreement is subject to formal approval by the Dallas County Commissioners Court. City approval to transfer or assign County's duties to perform this Agreement is subject to formal approval by the Lancaster City Council.

12.11 CONTINUING OBLIGATIONS

All obligations of this Agreement which expressly or by their nature survive the expiration, termination or transfer of this Agreement shall continue in full force and effect after and notwithstanding its expiration, termination or transfer until such are satisfied in full or by their nature expire.

12.12 FORCE MAJEURE

Neither Party shall be in default or responsible for delays or failures in performance resulting from causes beyond its control. Such causes include but are not limited to acts of God, fire, storm, flood, earthquake, natural disaster, nuclear accident, strike, air traffic disruption, lockout, riot, freight embargo, public regulated utility, or governmental statutes, orders, or regulations superimposed after the fact. Any party delayed by force majeure shall as soon as reasonably possible give the other party written notice of the delay. The Party delayed shall use reasonable diligence to correct the cause of the delay, if correctable, and if the condition that caused the delay is corrected, the Party delayed shall immediately give the other parties written notice thereof and shall resume performance under this Agreement as soon as practicable. The date of delivery or of performance shall be extended for at least a minimum time period equal to the time lost by reason of the delay.

12.13 BINDING EFFECT

This Agreement and the respective rights and obligations of the parties hereto shall inure to the benefit and be binding upon the successors and assigns of the parties hereto, as well as the parties themselves.

12.14 SIGNATORY WARRANTY

City and County represent that each has the full right, power and authority to enter and perform this Agreement in accordance with all of the terms and conditions herein, and that the execution and delivery of this Agreement is made by authorized representatives of the parties to validly and legally bind the parties to all terms, performances and provisions set forth in this Agreement.

EXECUTED THIS 22nd DAY OF August 2022. ("Effective Date")

FOR DALLAS COUNTY:

BY: Clay Lewis Jenkins
County Judge

DATE: _____

FOR CITY:

BY: Opal Mauldin-Jones
City Manager

DATE: _____

Recommended:

BY: Dr. Philip Huang
Director, DCHHS

Recommended (CITY):

BY: Sorangel O. Arenas
Title: City Secretary

Approved as to Form*:

JOHN CREUZOT
CRIMINAL DISTRICT ATTORNEY
DALLAS COUNTY, TEXAS

RUSSELL RODEN
CHIEF, CIVIL DIVISION

BY: James R. Palomo
Assistant District Attorney

Approved as to Form (CITY):

BY: David T. Ritter
Title: City Attorney

*By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client, Dallas County. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).

CITY OF LANCASTER CITY COUNCIL

City Council Regular Meeting **2.**

Meeting Date: 08/22/2022

Policy Statement: This request supports the City Council 2021-2022 Policy Agenda

Goal(s): Financially Sound Government

Submitted by: Sorangel O. Arenas, City Secretary

Agenda Caption:

Consider a resolution approving the terms and conditions of an interlocal agreement by and between the City of Lancaster and Dallas County Department of Health and Human Services to provide certain health services.

Background:

The City of Lancaster contracts annually with Dallas County Health and Human Services in order to provide certain public health programs for citizens of Lancaster. These health services include: control services for tuberculosis, sexually transmitted diseases, and other communicable diseases, laboratory services (chemical, biological, bacteriological analysis); immunizations; child health care; high risk infant case management; and home visits.

Dallas County provides certain health services to various cities throughout Dallas County on a contract for services basis. This cooperative effort allows cities in Dallas County to participate in providing public health services for their residents, which helps promote the effectiveness of local public health programs.

Operational Considerations:

Dallas County Health and Human Services provides program health services such as immunizations, child health care, and control services for communicable diseases for Lancaster residents at various locations throughout Dallas County on a sliding fee scale based on ability to pay. Fees charged for services by the County help offset Lancaster's program costs for each year.

Legal Considerations:

The terms of the agreement remains the same and has previously been reviewed and approved by the City Attorney, as to form.

Public Information Considerations:

This item is being considered at a Regular Meeting of the City Council, in accordance with the Texas Open Meetings Act.

Fiscal Impact:

The FY 2022/2023 contract is the same as the current year. There is no increase in fees for services. The cost as stated in Section 3, Budget, (C) of the contract is twelve thousand one hundred six dollars ($12,106.00). This cost is included in the FY 2022/2023 proposed budget.

Options/Alternatives:

1. City Council may approve the resolution, as presented.
2. City Council may deny the resolution.

Recommendation:

Staff recommends approval of the resolution, as presented.

Attachments

Resolution

Exhibit A

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT BY AND BETWEEN THE CITY OF LANCASTER, TEXAS, AND DALLAS COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PROVIDE CERTAIN HEALTH SERVICES; AUTHORIZING ITS EXECUTION BY THE CITY MANAGER; REPEALING ALL RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Dallas County Health and Human Services has offered to provide certain health services to cities throughout the County on a contract for services basis; and

WHEREAS, The City of Lancaster desires to participate with Dallas County in establishing coordinated health services for its residents and all of Dallas County; and

WHEREAS, Dallas County will operate certain health services for the residents of the City in order to promote the effectiveness of local public health programs;

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

SECTION 1. That the Dallas County Health and Human Services Interlocal Agreement for Fiscal Year 2022/2023, attached hereto and incorporated herein by reference as Exhibit “A”, having been reviewed by the City Council of the City of Lancaster, Texas, and found to be acceptable and in the best interest of the City and its citizens, be, and the same is hereby, in all things approved.

SECTION 2. That the City Manager of the City of Lancaster, Texas, is hereby authorized to execute said agreement.

SECTION 3. That any prior Resolution of the City Council in conflict with the provisions contained in this Resolution are hereby repealed and revoked.

SECTION 4. 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 5. That this Resolution shall take effect immediately from and after its passage, and it is duly resolved.

DULY PASSED and approved by the City Council of the City of Lancaster, Texas, on this the 22nd day of August, 2022

ATTEST:

Sorangel O. Arenas, City Secretary

APPROVED:

Clyde C. Hairston, Mayor

APPROVED AS TO FORM:

David T. Ritter, City Attorney

THE STATE OF TEXAS	**§**	**INTERLOCAL AGREEMENT FOR**
	§	**COORDINATED HEALTH SERVICES**
	§	**BETWEEN DALLAS COUNTY, TEXAS, ON**
	§	**BEHALF OF DALLAS COUNTY HEALTH AND**
	§	**HUMAN SERVICES, AND THE CITY**
COUNTY OF DALLAS	**§**	**OF LANCASTER, TEXAS**

1. PARTIES

Whereas, Dallas County ("County") has offered to provide certain health services to the various cities throughout Dallas County on a contract for services basis; and

Whereas, the City of Lancaster, Texas ("City") desires to participate with County in establishing coordinated health services for City and Dallas County; and

Whereas, County will operate certain health services for the residents of City in order to promote the effectiveness of local public health services and goals ("Program"); and

Whereas, the cooperative effort will allow cities located within Dallas County to participate in providing public health services for their residents; and

Whereas, such cooperative effort serves and furthers the public purpose and benefits the citizens of County as a whole.

Now therefore, County, on behalf of Dallas County Health and Human Services ("DCHHS"), enters into this Interlocal Agreement ("Agreement") with City, pursuant to the authorities of the Texas Health and Safety Code Chapter 121, the Texas Government Code Chapter 791, and other applicable laws for health services to City.

2. HEALTH SERVICES TO BE PERFORMED

A. County agrees to operate the Program, which will include the following health services:

1) Tuberculosis Control Services: providing preventive, diagnostic treatment, and epidemiological services;

2) Sexually Transmitted Disease Control Services: consisting of education to motivate people to use preventive measures and to seek early treatment, prophylaxis, epidemiological investigation, and counseling in accordance with County policy;

3) Communicable Disease Control Services: providing information concerning immunization and communicable diseases and coordinating with the Texas Department of State Health Services ("DSHS") in monitoring communicable diseases;

4) Laboratory Services: performing chemical, biological, and bacteriological analysis and tests on which are based diagnosis of disease, effectiveness of treatment, the quality of the environment, the safety of substance for human consumption, and the control of communicable disease.

B. County agrees to provide to City, in accordance with state and federal law, the following public health services:

1) Immunizations;

2) Child health care;

3) High risk infant case management; and

4) Home visits.

County also agrees to work with City in order to decentralize clinics and to plan and provide for desired services by City; however, any other services that City requires, in addition to the above mentioned services, may result in additional fees to City.

C. County agrees to charge a sliding-scale fee based on ability to pay to all residents of every municipality, including City, in Dallas County. The fees charged by County for the services listed in Section 2A of this Agreement will be used to offset the City's Program costs for the next Agreement Term. A schedule of fees to be charged by County is set out in Exhibit A, attached and incorporated herein by reference for all purposes.

D. County agrees that the level of service provided in the Program for City will not be diminished below the level of service provided to City for the same services in the prior Agreement Term except as indicated in Section 2E of this Agreement. For purposes of Section 2E, level of service is measured by the number of patient visits and number of specimens examined. County will submit to City a monthly statement, which will also include the number of patient visits and number of specimens examined during the preceding month.

E. The possibility exists of reductions in state and federal funding to the Program that could result in curtailment of services, if not subsidized at the local level. County will notify City in writing of any amount of reduction, and any extent to which services will be curtailed as a result. The notice will also include an amount that City may elect to pay to maintain the original level of services. City will notify County in writing no later than fourteen (14) calendar days after the date of City's receipt of the notice of funding reduction as to City's decision to pay the requested amount or to accept the curtailment of service. If City elects to pay the requested amount, payment is due no later than forty-five (45) calendar days after the date of the notice of funding reduction.

3. BUDGET

A. County agrees to submit to City by July 31st of each year a proposed budget describing the proposed level of services for the next Agreement Term;

B. For the Term of this Agreement, County agrees to provide the services listed in Section 2 of this Agreement at the level of services and for the amount stated in Exhibit B, C, and D which are attached and incorporated herein by reference for all purposes;

C. Payment. City shall pay County the following amount, as stated in Exhibit D Twelve Thousand One Hundred Six and 00/100 Dollars ($12,106.00), which is the agreed upon amount for City's share of the total cost of the Program less federal and state funding.

D. In lieu of paying the actual dollar amount stated in this Agreement, City has the option, to the extent authorized by law, ordinances or policy, of making a request to negotiate for in-kind services that are equal in value to the total amount.

E. This Agreement is contingent upon City's appropriation of funds, or ability to perform in-kind services as described in Section 3D of this Agreement, for the services set forth herein. In the event City fails to appropriate such funds, or provide in-kind services, County shall not incur any obligations under this Agreement.

4. ASSURANCES

A. County shall operate and supervise the Program.

B. Nothing in this Agreement shall be construed to restrict the authority of City over its health programs or environmental health programs or to limit the operations or services of those programs.

C. City agrees to provide to County or assist County in procuring adequate facilities to be used for the services under this Agreement. These facilities must have adequate space, waiting areas, heating, air conditioning, lighting, and telephones. None of the costs and maintenance expenses associated with these facilities shall be the responsibility of County and County shall not be liable to City or any third party for the condition of the facilities, including any premises defects.

D. City and County agree that other cities/towns/municipalities may join the Program by entering into an agreement with County that contains the same basic terms and conditions as this Agreement.

E. Each party paying for the performance of governmental functions or services under this Agreement must make those payments from current revenues available to the paying party.

5. FINANCING OF SERVICES

A. The health services provided under this Agreement will be financed as follows:

1) City and County will make available to the Program all appropriate federal and state funds, personnel, and equipment to provide the health services included under this Agreement and will use best efforts to cause these funds and resources to continue to increase.

2) City shall pay to County, or provide in-kind services, its share of budgeted costs that are in excess of the federal and state funding for providing the health services under this Agreement. Budgeted costs shall not exceed those reflected in Exhibits B, C, and D for the appropriate Agreement Term.

B. County shall bill City each month an amount equal to one-twelfth (1/12) of its share of annual budgeted costs that exceed federal and state funding for the expenses of the preceding month.

C. Any payment not made within thirty (30) calendar days of its due date shall bear interest in accordance with Chapter 2251 of the Texas Government Code.

D. City and County agree that no more than ten percent (10%) of the City's cost of participating in the Program will be used for administration of the Program.

6. TERM

The Term of this Agreement shall be effective from October 1, 2022 through September 30, 2023, unless otherwise stated in this Agreement.

7. TERMINATION

A. Without Cause: This Agreement may be terminated in writing, without cause, by either party upon thirty (30) calendar days prior written notice to the other party.

B. With Cause: Either party may terminate the Agreement immediately, in whole or in part, at its sole discretion, by written notice to the other party, for the following reasons:

1) Lack of, or reduction in, funding or resources;

2) Non-performance;

3) The improper, misuse, or inept use of funds or resources directly related to this Agreement;

4) The submission of data, statements, and/or reports that is incorrect, incomplete, and/or false in any way.

8. RESPONSIBILITY

County and City agree that each shall be responsible for its own negligent acts or omissions or other tortious conduct in the course of performance of this Agreement, without waiving any governmental immunity available to County or City or their respective officials, officers, employees, or agents under Texas or other law and without waiving any available defenses under Texas or other law. Nothing in this paragraph shall be construed to create or grant any rights, contractual or otherwise, in or to any third persons or entities.

9. INSURANCE

City and County agree that they will, at all times during the Term of this Agreement, maintain in full force and effect insurance or self-insurance to the extent permitted by applicable laws. City and County will be responsible for their respective costs of such insurance, any and all deductible amounts in any policy and any denials of coverage made by their respective insurers.

10. ACCESS TO RECORDS RELEVANT TO PROGRAM

City and County agree to provide to the other upon request, copies of the books and records relating to the Program. City and County further agree to give City and County health officials access to all Program activities. Both City and County agree to adhere to all applicable confidentiality provisions, including those relating to Human Immunodeficiency Virus (HIV) and Sexually Transmitted Disease (STD) information, as mandated by federal and state law, as well as by DSHS.

11. NOTICE

Any notice to be given under this Agreement shall be deemed to have been given if reduced to writing and delivered in person by a reputable courier service or mailed by Registered Mail, postage pre-paid, to the party who is to receive such notice, demand or request at the addresses set forth below. Such notice, demand or request shall be deemed to have been given, if by courier, at the time of delivery, or if by mail, three (3) business days subsequent to the deposit of the notice in the United States mail in accordance herewith. The names and addresses of the parties' hereto to whom notice is to be sent are as follows:

Dr. Philip Huang, Director
Dallas County Health & Human Services
2377 N. Stemmons Freeway, LB 12
Dallas, TX 75207-2710

Sorangel O. Arenas, City Secretary
City of Lancaster
P.O. Box 940
Lancaster, TX 75146
972-218-1310

12. IMMUNITY

This Agreement is expressly made subject to County's and City's Governmental Immunity, including, without limitation, Title 5 of the Texas Civil Practices and Remedies Code, and all applicable federal and state laws. The parties expressly agree that no provision of this Agreement is in any way intended to constitute a waiver of any immunities from suit or from liability, or a waiver of any tort limitation, that City or County has by operation of law or otherwise. Nothing in this Agreement is intended to benefit any third party beneficiary.

13. COMPLIANCE WITH LAWS AND VENUE

In providing services required by this Agreement, City and County must observe and comply with all licenses, legal certifications, or inspections required for the services, facilities, equipment, or materials, and all applicable federal, State, and local statutes, ordinances, rules, and regulations. Texas law shall govern this Agreement and exclusive venue shall lie in Dallas County, Texas.

14. AMENDMENTS AND CHANGES IN THE LAW

No modification, amendment, novation, renewal, or other alteration of this Agreement shall be effective unless mutually agreed upon in writing and executed by the parties hereto. Any alteration, addition or deletion to the terms of this Agreement which are required by changes in federal or state law are automatically incorporated herein without written amendment to this Agreement and shall be effective on the date designated by said law.

15. ENTIRE AGREEMENT

This Agreement, including all exhibits and attachments, constitutes the entire agreement between the parties hereto and supersedes any other agreements concerning the subject matter of this transaction, whether oral or written.

16. BINDING EFFECT

This Agreement and the respective rights and obligations of the parties hereto shall inure to the benefit and be binding upon the successors and assigns of the parties hereto, as well as the parties themselves.

17. GOVERNMENT FUNDED PROJECT

If this Agreement is funded in part by either the State of Texas or the federal government, County and City agree to timely comply without additional cost or expense to the other party, unless otherwise specified herein, to any statute, rule, regulation, grant, contract provision, or other state or federal law, rule, regulation, or other similar restriction that imposes additional or greater requirements than stated herein and that is directly applicable to the services rendered under the terms of this Agreement.

18. DEFAULT/ CUMULATIVE RIGHTS/ MITIGATION

In the event of a default by either party, it is not a waiver of default if the non-defaulting party fails to immediately declare a default or delays in taking any action. The rights and remedies provided by this Agreement are cumulative, and either party's use of any right or remedy will not preclude or waive its right to use any other remedy. These rights and remedies are in addition to any other rights the parties may have by law, statute, ordinance, or otherwise. Both parties have a duty to mitigate damages.

19. FISCAL FUNDING CLAUSE

Notwithstanding any provisions contained herein, the obligations of County and City under this Agreement are expressly contingent upon the availability of funding for each item and obligation contained herein for the Term of the Agreement and any extensions thereto. City and County shall have no right of action against the other party in the event the other party is unable to fulfill its obligations under this Agreement as a result of lack of sufficient funding for any item or obligation from any source utilized to fund this Agreement or failure to budget or authorize funding for this Agreement during the current or future Agreement Terms. In the event that County or City is unable to fulfill its obligations under this Agreement as a result of lack of sufficient funding, or if funds become unavailable, each party, at its sole discretion, may provide funds from a separate source or may terminate this Agreement by written notice to the other party at the earliest possible time.

20. COUNTERPARTS, NUMBER, GENDER AND HEADINGS

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. Words of any gender used in this Agreement shall be held and construed to include any other gender. Any words in the singular shall include the plural and vice versa, unless the context clearly requires otherwise. Headings herein are for the convenience of reference only and shall not be considered in any interpretation of this Agreement.

21. PREVENTION OF FRAUD AND ABUSE

City and County shall establish, maintain, and utilize internal management procedures sufficient to provide for the proper, effective management of all activities funded under this Agreement. Any known or suspected incident of fraud or program abuse involving County or City's employees or agents shall be reported immediately for appropriate action. Moreover, City and County warrant to be not listed on a local, county, state, or federal consolidated list of debarred, suspended, and ineligible contractors and grantees. City and County agree that every person who as part of their employment, receives, disburses, handles or has access to funds collected pursuant to this Agreement does not participate in accounting or operating functions that would permit them to conceal accounting records and the misuse of said funds. Each party shall, upon notice by the other party, refund their respective expenditures that are contrary to this Agreement.

22. AGENCY / INDEPENDENT CONTRACTOR

County and City agree that the terms and conditions of this Agreement do not constitute the creation of a separate legal entity or the creation of legal responsibilities of either party other than under the terms of this Agreement. County and City are and shall be acting as independent contractors under this Agreement; accordingly, nothing contained in this Agreement shall be construed as establishing a master/servant, employer/employee, partnership, joint venture, or joint enterprise relationship between County and City. City and County are responsible for their own acts, forbearance, negligence and deeds, and for those of their respective officials, agents or employees in conjunction with the performance of work covered under this Agreement.

23. SEVERABILITY

If any provision of this Agreement is construed to be illegal or invalid, this will not affect the legality

or validity of any of the other provisions in this Agreement. The illegal or invalid provision will be deemed stricken and deleted, but all other provisions shall continue and be given effect as if the illegal or invalid provisions had never been incorporated.

24. SIGNATORY WARRANTY

Each person signing and executing this Agreement does hereby warrant and represent that such person has been duly authorized to execute this Agreement on behalf of City or County, as the case may be.

DALLAS COUNTY:

_____

By: Clay Lewis Jenkins
Dallas County Judge

DATE: _____

Recommended:

_____

By: Dr. Philip Huang
Director, DCHHS

Approved as to Form*:
JOHN CREUZOT
DISTRICT ATTORNEY

_____

By: Lacey B. Lucas
Assistant District Attorney

CITY OF LANCASTER:

_____

By: Opal Mauldin-Jones
City Manager

DATE: _____

Attested:

_____

By: Sorangel O. Arenas
City Secretary

Approved as to Form:

_____

By: David T. Ritter
City Attorney

*By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).

EXHIBIT A

FEE SCHEDULE

SEXUAL HEALTH CLINIC

Office Visits	$20/visit
Blood Drawing	$5 each
Chemical Lesion Reduction	$45 each
Medical Records Copies	$5 each
Cryotherapy	$15 each

INFECTIOUS DISEASES

Non-Contagious Disease Certification Letter	$20 each

TUBERCULOSIS CLINIC

TB Testing-Level I (Office Visit)	$30/Visit
TB Testing-Level II (IGRA)	$50 each
Chest X-Ray Copies	$5 each
Comprehensive TB Testing & Evaluation (Incl. Chest X-ray)	$80 each

LABORATORY

GC Culture	$14 each
GEN Probe GC/CT Combo	$15 each
Trichomonas Testing	$17 each
HIV 1&2 Test	$15 each
HIV Test - Rapid	$20 each
MTB Testing for TB	$85 each
TB Culture & Concentration	$25 each
TB Identification	$15 each
TB Susceptibility	$31 each
TB Acid Fast Stain	$8 each
Pregnancy Test	$20 each
Urinalysis	$15 each
Dark Field	$16 each
Herpes Culture	$38 each
HIV-1 RNA Testing	$115 each
HIV-1 Quant Assay Testing	$80 each
Herpes Type 1 & 2 Serology	$50 each
Residual Clinical Specimens	$5 each

NURSING SERVICE

Hepatitis A Havrix*	$55/Injection
Hepatitis B Vaccine*	$60/Injection
Twinrix	$105/Injection
Rabies (PE)	$340/Injection
IPV	$50/Injection
Pneumococcal*	$125/Injection
Adacel (Pertusis) (Tdap)	$35/injection
HIB	$25/injection
Japanese Encephalitis	$335/Injection
Typhoid (Polysaccharide)	$90/Injection
Typhoid (Oral)	$75 box
Yellow Fever Vaccine**	$185/Injection
Boostrix Vaccine*(Tdap)	$50/Injection
Influenza Vaccine*	$30/Injection
Influenza (High Dose)	$70/Injection
Rabies Administrative Fee/ Serves State Vaccine	$25 each
Foreign Travel Office Visit Fee	$25/visit
TD*	$50/Injection
Varivax*	$155/Injection
Meningococcal (MCV4)*	$140/Injection
Shingrix	$185/Injection
Gardasil (HPV)*	$260/Injection
Hepatitis A (Pediatric)	$45/Injection
Hepatitis B (Pediatric)	$30/Injection
DT	$70/Injection
DTaP (Daptacel)	$40/Injection
DTap-HepB-IPV	$85/Injection
DTaP-IPV	$65/Injection
Rotavirus	$140/Injection
PCV13	$235/Injection
MMR*	$100/Injection
Communicable Disease Program:	
Hepatitis A/B/C Screening General	$35/Test
Hepatitis A/B/C Screening Qualified	$10/Test
Immunization/VFC Program:	
DPT,DT,Hib,	$5/Per child
Well Baby	$5/Visit
Diabetic Testing	$5/Test
Immunization Record	$5 each
Foreign Travel Yellow Card	$5 each

Note: (1)*Vaccines marked with asterisks are part of the Adult Safety Net Program (ASNP). Clients eligible to receive through the ASNP will be charged a fee of $10/shot . (2) **Vaccine Unavailable.

ENVIRONMENTAL HEALTH

Septic Tank Inspection	$310/Commercial/Business $260/Residential
Septic Tank Re-inspection	$35/Residential $85/Commercial
Food Establishment Inspection	$150/yr./establishment
Half-Way Houses & Boarding Homes, Residential	$75/plus $25 for each additional unit on site
Mosquito Spraying for Non-contracting cities	$185/ per hour
Water Sample	$50
Mosquito Testing	$35
Food Mgr. Cert. Program	$100/per person
Food Mgr. Cert. Retesting	$50/per person
Day Care Center Inspections	$2/per authorized child
Temporary Food Permit	$75/plus $10 per day
Funeral Home Inspection	$200
FHA, VA, Conventional Loans	$125/Licensed $150/Unlicensed
Annual Group Home Inspection	$50
Food Handler Class	$15/per person
Sub-division Plat Approval	$200/Residential $150/Commercial
Animal Control/Quarantine	$7/per day
Animal Control/Vicious Animal	$12/per day
Food Manager Re-certification W/Multiple Test Sites	$50/Test

Note: 1) # Indicates $10 charge for State fee

Revised on May 18, 2021 (Court Order: 2021-0487)

Dallas County Health and Human Services

Annual Summary of Services

January 1, 2021 thru December 31, 2021

Exhibit B

Municipality	Tuberculosis	Sexually Transmitted Diseases	Laboratory	Communicable Diseases
Addison	24	24	62	26
Balch Springs	587	587	292	43
Carrollton	517	517	301	155
Cedar Hill	237	237	200	71
Cockrell Hill	0	0	0	47
Coppell	133	133	27	33
Dallas	14,681	14,681	49,019	25,643
Desoto	237	237	282	270
Duncanville	344	344	243	66
Farmers Branch	100	100	173	69
Garland	3,307	3,307	1,864	113
Glenn Heights	41	41	64	34
Grand Prairie	812	812	1,142	315
Highland Park	0	0	0	11
Hutchins	21	21	56	8
Irving	2,197	2,197	1,964	430
Lancaster	289	289	354	57
Mesquite	529	529	1,129	350
Richardson	402	402	236	215
Rowlett	304	304	187	30
Sachse	63	63	20	8
Seagoville	124	124	180	31
Sunnyvale	0	0	1	48
University Park	0	0	0	15
Wilmer	10	10	61	3
Out of County	644	644	23,242	547
Total	**25,603**	**25,603**	**81,099**	**28,638**

Dallas County Health and Human Services

Contract Cost by Category

FY2023

Exhibit C

Municipality	Tuberculosis	Sexually Transmitted Diseases	Laboratory	Communicable Diseases	FY '22 Contract Total
Addison	$ 2,676	$ 12,609	$ 2,499	$ 849	$ 2,500
Balch Springs	$ 65,452	$ 19,486	$ 11,770	$ 1,404	$ 9,377
Carrollton	$ 57,647	$ 42,247	$ 12,132	$ 5,061	$ 23,823
Cedar Hill	$ 26,426	$ 38,153	$ 8,061	$ 2,318	$ 2,498
Cockrell Hill	$ -	$ -	$ -	$ 1,535	$ 1,011
Coppell	$ 14,830	$ 6,877	$ 1,088	$ 1,078	$ 3,131
Dallas	$ 1,636,967	$ 1,378,585	$ 1,975,816	$ 837,310	$ 1,754,252
Desoto	$ 26,426	$ 57,311	$ 11,367	$ 8,816	$ 17,620
Duncanville	$ 38,357	$ 26,527	$ 9,795	$ 2,155	$ 11,273
Farmers Branch	$ 11,150	$ 21,451	$ 6,973	$ 2,253	$ 6,856
Garland	$ 368,739	$ 108,728	$ 75,133	$ 3,690	$ 80,156
Glenn Heights	$ 4,572	$ 20,796	$ 2,580	$ 1,110	$ 574
Grand Prairie	$ 90,540	$ 70,247	$ 46,031	$ 10,286	$ 38,854
Highland Park	$ -	$ 164	$ -	$ 359	$ 132
Hutchins	$ 2,342	$ 7,041	$ 2,257	$ 261	$ 3,149
Irving	$ 244,971	$ 141,314	$ 79,163	$ 14,041	$ 81,906
Lancaster	$ 32,224	$ 51,908	$ 14,269	$ 1,861	$ 12,106
Mesquite	$ 58,985	$ 104,143	$ 45,507	$ 11,428	$ 31,608
Richardson	$ 44,824	$ 27,346	$ 9,512	$ 7,020	$ 23,756
Rowlett	$ 33,897	$ 16,866	$ 7,537	$ 980	$ 4,925
Sachse	$ 7,025	$ 1,801	$ 806	$ 261	$ 362
Seagoville	$ 13,826	$ 10,480	$ 7,255	$ 1,012	$ 6,440
Sunnyvale	$ -	$ 1,146	$ 40	$ 1,567	$ 99
University Park	$ -	$ 491	$ -	$ 490	$ 48
Wilmer	$ 1,115	$ 6,059	$ 2,459	$ 98	$ 2,597
Out of County	$ 71,808	$ 607,992	$ 936,819	$ 17,861	$ 77,142
Total	**$ 2,854,797**	**$ 2,779,767**	**$ 3,268,870**	**$ 935,104**	**$ 2,196,195**

Dallas County Health and Human Services

Total Contract Costs

FY2023

Exhibit D

Municipality		
Addison	$	2,500
Balch Springs	$	9,377
Carrollton	$	23,823
Cedar Hill	$	2,498
Cockrell Hill	$	1,011
Coppell	$	3,131
* Dallas	$	1,754,252
* Desoto	$	17,620
* Duncanville	$	11,273
Farmers Branch	$	6,856
* Garland	$	80,156
Glenn Heights	$	574
Grand Prairie	$	38,854
Highland Park	$	132
Hutchins	$	3,149
Irving	$	81,906
Lancaster	$	12,106
* Mesquite	$	31,608
* Richardson	$	23,756
* Rowlett	$	4,925
* Sachse	$	362
* Seagoville	$	6,440
Sunnyvale	$	99
University Park	$	48
Wilmer	$	2,597
* Out of County	$	77,142
Total	**$**	**2,196,195**

*Non-contracting

CITY OF LANCASTER CITY COUNCIL

City Council Regular Meeting **3.**

Meeting Date: 08/22/2022

Policy Statement: This request supports the City Council 2021-2022 Policy Agenda

Goal(s): Financially Sound Government
Healthy, Safe & Engaged Community
Sound Infrastructure

Submitted by: Carey Neal, Assistant City Manager

Agenda Caption:

Conduct a public hearing and discuss an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Beltline Ashmoore Public Improvement District.

Background:

Beltline Ashmoore is an established subdivision consisting of approximately 19.42 acres generally located on the north side of Beltline Road between Houston School Road and Bluegrove Road. The subdivision has an approved Public Improvement District (PID), established December 13, 2010 to provide for the maintenance of all common areas and entry features.

Annually, the PID board in accordance with the provisions of Chapter 372 of the Texas Local Government Code (the "Act") is required to establish and present an updated five (5) year service and assessment plan. Under the Act, the City is required to hold a public hearing on the proposed assessment and service plan details related to the district and the levy of the assessment.

The taxable assessed value within the district is used to determine the rate per $100 of assessed value necessary to meet the maintenance budget. The County Tax Collector will then collect the district's fees and remit them to the City with our property taxes. The City processes all invoices received by the PID board or management company.

The PID board met on August 4, 2022, to discuss and consider the FY 2022/2023 Five-Year Service and Assessment Plan. The Beltline Ashmoore PID is proposing to maintain its annual assessment of $0.1500 per $100 assessed value.

Operational Considerations:

All PIDs require the Finance Department to maintain a separate account that will be passed on to the district. The PIDs should also help ensure that all common areas be maintained without assistance or code enforcement action.

Legal Considerations:

The notice of public hearing was posted in the publication of record and notice mailed to the property owners of record in accordance with the provisions of Chapter 372 in the Texas Local Government Code. The proposed five (5) year service and assessment plan are in accordance with Chapter 372 of Texas Local Government Code. The ordinance has been reviewed and approved as to form by the City Attorney.

Public Information Considerations:

The notice was mailed to the property owners of record on Wednesday, August 10, 2022, and the public hearing notice was posted in the local publication of record on Thursday, August 11, 2022, as required by Local Government Code Chapter 372.

Fiscal Impact:

The PID is not expected to have any direct financial impact on the City. PIDs are a mechanism to assure financial sustainability for the neighborhood. They are considered to be a more equitable means of collecting fees to maintain the neighborhood's open spaces and common areas. The fiscal year 2022/2023 proposed service and assessment plan budget is $93,118.00 and assessments are proposed at $0.1500 per one hundred dollars assessed valuation.

Options/Alternatives:

1. City Council may conduct and close the public hearing and place the item on the Monday, August 29, 2022, special meeting for consideration.
2. City Council may conduct and continue the public hearing to the Monday, August 29, 2022, special meeting.

Recommendation:

Staff recommends City Council conduct and close the public hearing and place the item on the Monday, August 29, 2022, special meeting for consideration.

Attachments

Ordinance

Exhibit A

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, MAKING CERTAIN FINDINGS IN CONNECTION WITH THE PROPOSED SUPPLEMENTAL SERVICES ORDERED IN CONNECTION WITH THE BELTLINE ASHMOORE PUBLIC IMPROVEMENT DISTRICT, PROVIDING FOR: FINDINGS OF BENEFITS ACCRUED, ACCEPTING FIVE YEAR SERVICE PLAN, RECORDING FINAL ASSESSMENT ONTO TAX ROLL, SETTING THE ASSESSMENT LEVY FOR USE AND SUPPORT OF THE PUBLIC IMPROVEMENT DISTRICT, ESTABLISHING A METHOD OF PAYMENT, ASSESSMENT DUE, AND PROVIDING CLAUSES FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, by Resolution No. 2010-12-96 passed on December 13, 2010, after the conduct of a duly notified public hearing, the City Council established the Beltline Ashmoore Public Improvement District (the "District"); and

WHEREAS, on Monday, August 22, 2022, a public hearing was held and all persons owning or claiming any property proposed to be assessed or any interest therein were given an opportunity to be heard, either in person or through an agent or attorney, and all were given an opportunity to testify before the City Council and to contest the assessments proposed to be made on account of the amount thereof or because of any inaccuracy, irregularity, invalidity or insufficiency of the proceedings or contract with reference thereto, or to such improvements or on account of any matter or thing in the discretion of this governing body and on the 22nd day of August, 2022, City Council conducted the public hearing and there were _____ speakers, the City Council closed the public hearing; and on the 29th day of August, 2022, levied assessments against property and the owners thereof in the District; and

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

SECTION 1. BENEFITS ACCRUED**:** That the benefits to accrue to the property assessed and to the owners of such property, from the landscape maintenance and other services identified within the Five Year Service Plan, hereby adopted by the City Council, and herewith to be funded from the assessments, exceed the amount which has been assessed.

SECTION 2. ADOPTING SERVICE PLAN**:** That the *"Service and Assessment Plan"*, labeled herein as *Exhibit "A"* and attached hereto and made a part hereof is hereby adopted.

SECTION 3. RECORD FINAL ASSESSMENT ONTO TAX ROLL**:** That the City Manager and her designated representatives are hereby authorized and directed to carry out the terms and provisions of this ordinance by causing the costs outlined in the final assessment roll to be recorded in the Tax Roll, the names of the property owners and in the amounts shown on said final assessment roll; and that all prerequisites to the fixing of the assessments therein against the property described and the fixing of the personal liability of the owner or owners thereof have been performed in due time, form and manner as required by law, and no additional proof shall be required in any court.

SECTION 4. PROPERTY CLASSIFICATION AND APPORTIONMENT FORMULAS: The City Council hereby establishes classifications and formulas for the apportionment of costs for various classes of property within the District as follows:

(a) **Residential lots on which construction of a home has been completed,** for these lots the assessment of $0.1500 per $100 of valuation through the assessment established for fiscal year 2022/2023; and

(b) **Tax exempt property and municipal property**, for these classifications the assessment of $0.0000 per $100 of valuation.

SECTION 5. ASSESSMENT LEVY: That for fiscal year 2022/2023 there shall be and is hereby levied and assessed against parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sum of money set forth for in the "*Service and Assessment Plan"*, labeled herein as *Exhibit "A"* and attached hereto and made a part hereof, shown opposite the description of the respective classification of the parcels of property, and the several amounts assessed against the same, and the owners thereof, with the provision that the amount assessed against each property and respective class of properties as shown in the *Service and Assessment Plan* may be adjusted for years subsequent following an annual review of the budget for the District and the *Service and Assessment Plan*.

SECTION 6. METHOD OF PAYMENT**:** That the method of payment of the assessment shall be in an annual single lump sum payment which shall be immediately due upon receipt of the assessment notice and shall become delinquent on February 1 of the year after receipt of notice. Delinquent assessments are subject to interest, penalties, attorney's fees and other charges, at the same rate as for the City of Lancaster delinquent ad valorem property taxes.

SECTION 7. ASSESSMENT DUE: That a lien shall be established against each affected property within the district on the date the assessment is due, and shall not be released until the assessment is paid in full. This lien is superior to all other liens and claims except liens or claims for the state, county, school district or city ad valorem taxes.

SECTION 8. CONFLICT**:** That this ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Lancaster, Texas, and this ordinance shall not operate to repeal or affect any other ordinance except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION 9. SEVERABILITY**:** That if any section, subsection, sentence, clause or phrase of this ordinance is for any reason held unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 10. EFFECTIVE DATE: This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provide.

DULY PASSED and approved by the City Council of the City of Lancaster, Texas, on the 29th day of August 2022.

ATTEST:

_____
Sorangel O. Arenas, City Secretary

APPROVED:

_____
Clyde C. Hairston, Mayor

APPROVED AS TO FORM:

_____
David T. Ritter, City Attorney

Account	Description	2023 FY Budget	2024 FY Budget	2025 FY Budget	2026 FY Budget	2027 FY Budget
60-0201-04-00	SUPPLIES	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00
60-0207-04-00	SIGNS	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00
60-0210-04-00	FOOD/BEVERAGES-MTGS/	2,100.00	2,100.00	2,100.00	2,100.00	2,100.00
60-0211-04-00	MISCELLANEOUS	200.00	50.00	50.00	50.00	50.00
60-0214-04-00	POSTAGE	350.00	350.00	350.00	350.00	350.00
60-0225-04-00	LANDSCAPING	17,265.00	8,064.91	8,064.91	8,064.91	8,064.91
Subtotal:		23,915.00	14,564.91	14,564.91	14,564.91	14,564.91
60-0301-04-00	MAINT-BLDGS & STRUCT	9,500.00	9,500.00	9,500.00	9,500.00	9,500.00
60-0371-04-00	LANDSCAPING REPAIR &	1,063.00	9,914.00	10,163.01	10,163.01	10,163.01
60-0372-04-00	IRRIGATION SYS REPAI	9,914.00	9,913.29	9,913.29	9,913.29	9,913.29
Subtotal:		20,477.00	29,327.29	29,576.30	29,576.30	29,576.30
60-0403-04-00	INSURANCE	4,200.00	4,200.00	4,200.00	4,200.00	4,200.00
60-0410-04-00	UTLITIES - ELECTRICI	3,000.00	2,000.00	2,000.00	2,000.00	2,000.00
60-0411-04-00	WATER PURCHASE PID	2,500.00	1,800.00	1,800.00	1,800.00	1,800.00
60-0413-04-00	UTLITIES TRASH DISPO	8,500.00	5,000.00	5,000.00	5,000.00	5,000.00
60-0416-04-00	OTHER PROFESSIONAL S	5,061.00	5,061.44	5,061.44	5,061.44	5,061.44
60-0421-04-00	PRINTING	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
60-0423-04-00	CONTRACT MOWING	6,000.00	5,137.00	5,137.00	5,137.00	5,137.00
60-0434-04-00	SPECIAL EVENTS	7,000.00	4,400.00	4,400.00	4,400.00	4,400.00
60-0436-04-00	IMPROVEMENTS BY CONT	6,001.00	6,000.89	6,000.89	6,000.89	6,000.89
60-0442-04-00	COMPUTER PROFESSIONA	2,664.00	2,663.57	2,663.57	2,663.57	2,663.57
60-0446-04-00	LEGAL SERVICES	2,000.00	550.00	550.00	550.00	550.00
60-0452-04-00	FILING FEES		50.00	50.00	50.00	50.00
60-0456-04-00	NEWSLETTER	500.00	500.00	500.00	500.00	500.00
Subtotal:		48,426.00	38,362.90	38,362.90	38,362.90	38,362.90
60-0537-04-00	DALLAS COUNTY TAX CO	300.00	300.00	300.00	300.00	300.00
Subtotal:		300.00	300.00	300.00	300.00	300.00
Program number:		93,118.00	82,555.10	82,804.11	82,804.11	82,804.11
Department number:	OPERATIONS	93,118.00	82,555.10	82,804.11	82,804.11	82,804.11
Fund number:	60 BELTLINE ASHMOORE - PID	93,118.00	82,555.10	82,804.11	82,804.11	82,804.11

******* End of Report *********

CITY OF LANCASTER CITY COUNCIL

City Council Regular Meeting **4.**

Meeting Date: 08/22/2022

Policy Statement: This request supports the City Council 2021-2022 Policy Agenda

Goal(s): Financially Sound Government
Healthy, Safe & Engaged Community
Sound Infrastructure

Submitted by: Carey Neal, Assistant City Manager

Agenda Caption:

Conduct a public hearing and discuss an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Boardwalk Public Improvement District.

Background:

Boardwalk is an established subdivision consisting of approximately 43.237 acres in Phase 1 and 42.486 acres in Phase 2 totaling 85.723 acres generally located on the south side of Cedardale Road and on the east side of Houston School Road. The subdivision has an approved Public Improvement District (PID), established August 8, 2011 to provide for the maintenance of all common areas and entry features.

Annually, the PID board in accordance with the provisions of Chapter 372 of the Texas Local Government Code (the "Act") is required to establish and present an updated five (5) year service and assessment plan. Under the Act, the City is required to hold a public hearing on the proposed assessment and service plan details related to the district and the levy of the assessment.

The taxable assessed value within the district is used to determine the rate per $100 of assessed value necessary to meet the maintenance budget. The County Tax Collector will then collect the district's fees and remit them to the City with our property taxes. The City processes all invoices received by the PID board or management company.

The PID board met on August 5, 2022, to discuss and consider the FY 2022/2023 Five-Year Service and Assessment Plan. The Boardwalk PID is proposing to maintain its annual assessment of $0.2000 per $100 assessed value.

Operational Considerations:

All PIDs require the Finance Department to maintain a separate account that will be passed on to the district. The PIDs should also help ensure that all common areas will be maintained without assistance or code enforcement action.

Legal Considerations:

The notice of public hearing was posted in the publication of record and notice mailed to the property owners of record in accordance with the provisions of Chapter 372 in the Texas Local Government Code. The proposed five (5) year service and assessment plan are in accordance with Chapter 372 of Texas Local Government Code. The ordinance has been reviewed and approved as to form by the City Attorney.

Public Information Considerations:

The notice was mailed to the property owners of record on Wednesday, August 10, 2022, and the public hearing notice was posted in the local publication of record on Thursday, August 11, 2022, as required by Local Government Code Chapter 372.

Fiscal Impact:

The PID is not expected to have any direct financial impact on the City. PIDs are a mechanism to assure financial sustainability for the neighborhood. They are considered to be a more equitable means of collecting fees to maintain the neighborhood's open spaces and common areas. The fiscal year 2022/2023 proposed service and assessment plan budget is $139,297.28 and assessments are proposed at $0.2000 per one hundred dollars assessed valuation.

Options/Alternatives:

1. City Council may conduct and close the public hearing and place the item on the Monday, August 29, 2022, special meeting for consideration.
2. City Council may conduct and continue the public hearing to the Monday, August 29, 2022, special meeting.

Recommendation:

Staff recommends City Council conduct and close the public hearing and place the item on the August 29, 2022, special meeting for consideration.

Attachments

Ordinance

Exhibit A

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, MAKING CERTAIN FINDINGS IN CONNECTION WITH THE PROPOSED SUPPLEMENTAL SERVICES ORDERED IN CONNECTION WITH THE BOARDWALK PUBLIC IMPROVEMENT DISTRICT, PROVIDING FOR: FINDINGS OF BENEFITS ACCRUED, ACCEPTING FIVE YEAR SERVICE PLAN, RECORDING FINAL ASSESSMENT ONTO TAX ROLL, SETTING THE ASSESSMENT LEVY FOR USE AND SUPPORT OF THE PUBLIC IMPROVEMENT DISTRICT, ESTABLISHING A METHOD OF PAYMENT, ASSESSMENT DUE, AND PROVIDING CLAUSES FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, by Resolution No. 2011-08-68 passed on August 8, 2011, after the conduct of a duly notified public hearing, the City Council established the Lancaster Boardwalk Public Improvement District (the "District"); and

WHEREAS, on Monday, August 22, 2022, a public hearing was held and all persons owning or claiming any property proposed to be assessed or any interest therein were given an opportunity to be heard, either in person or through an agent or attorney, and all were given an opportunity to testify before the City Council and to contest the assessments proposed to be made on account of the amount thereof or because of any inaccuracy, irregularity, invalidity or insufficiency of the proceedings or contract with reference thereto, or to such improvements or on account of any matter or thing in the discretion of this governing body and on the 22nd day of August, 2022, City Council conducted the public hearing and there were _____ speakers, the City Council closed the public hearing; and on the 29th day of August, 2022, levied assessments against property and the owners thereof in the District; and

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

SECTION 1. BENEFITS ACCRUED**:** That the benefits to accrue to the property assessed and to the owners of such property, from the landscape maintenance and other services identified within the Five Year Service Plan, hereby adopted by the City Council, and herewith to be funded from the assessments, exceed the amount which has been assessed.

SECTION 2. ADOPTING SERVICE PLAN**:** That the *"Service and Assessment Plan"*, labeled herein as *Exhibit "A"* and attached hereto and made a part hereof is hereby adopted.

SECTION 3. RECORD FINAL ASSESSMENT ONTO TAX ROLL**:** That the City Manager and her designated representatives are hereby authorized and directed to carry out the terms and provisions of this ordinance by causing the costs outlined in the final assessment roll to be recorded in the Tax Roll, the names of the property owners and in the amounts shown on said final assessment roll; and that all prerequisites to the fixing of the assessments therein against the property described and the fixing of the personal liability of the owner or owners thereof have been performed in due time, form and manner as required by law, and no additional proof shall be required in any court.

SECTION 4. PROPERTY CLASSIFICATION AND APPORTIONMENT FORMULAS: The City Council hereby establishes classifications and formulas for the apportionment of costs for various classes of property within the District as follows:

(a) **Residential lots on which construction of a home has been completed,** for these lots the assessment of $0.2000 per $100 of valuation through the assessment established for fiscal year 2022/2023; and

(b) **Tax exempt property and municipal property**, for these classifications the assessment of $0.0000 per $100 of valuation.

SECTION 5. ASSESSMENT LEVY: That for fiscal year 2022/2023 there shall be and is hereby levied and assessed against parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sum of money set forth for in the "*Service and Assessment Plan"*, labeled herein as *Exhibit "A"* and attached hereto and made a part hereof, shown opposite the description of the respective classification of the parcels of property, and the several amounts assessed against the same, and the owners thereof, with the provision that the amount assessed against each property and respective class of properties as shown in the *Service and Assessment Plan* may be adjusted for years subsequent following an annual review of the budget for the District and the *Service and Assessment Plan*.

SECTION 6. METHOD OF PAYMENT**:** That the method of payment of the assessment shall be in an annual single lump sum payment which shall be immediately due upon receipt of the assessment notice and shall become delinquent on February 1 of the year after receipt of notice. Delinquent assessments are subject to interest, penalties, attorney's fees and other charges, at the same rate as for the City of Lancaster delinquent ad valorem property taxes.

SECTION 7. ASSESSMENT DUE: That a lien shall be established against each affected property within the district on the date the assessment is due, and shall not be released until the assessment is paid in full. This lien is superior to all other liens and claims except liens or claims for the state, county, school district or city ad valorem taxes.

SECTION 8. CONFLICT**:** That this ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Lancaster, Texas, and this ordinance shall not operate to repeal or affect any other ordinance except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION 9. SEVERABILITY**:** That if any section, subsection, sentence, clause or phrase of this ordinance is for any reason held unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 10. EFFECTIVE DATE: This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provide.

DULY PASSED and approved by the City Council of the City of Lancaster, Texas, on the 29th day of August 2022.

ATTEST:

_____
Sorangel O. Arenas, City Secretary

APPROVED:

_____
Clyde C. Hairston, Mayor

APPROVED AS TO FORM:

_____
David T. Ritter, City Attorney

Fund: 64 BOARDWALK PID Department: 4 OPERATIONS Program:

Period Ending: 8/2022

Account	Description	2023 FY Budget	2024 FY Budget	2025 FY Budget	2026 FY Budget	2027 FY Budget
64-0201-04-00	SUPPLIES	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
64-0210-04-00	FOOD/BEVERAGE-MTGS/F	200.00	200.00	200.00	200.00	200.00
64-0211-04-00	MISCELLANEOUS	500.00	500.00	500.00	500.00	1,000.00
64-0214-04-00	POSTAGE	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
64-0225-04-00	LANDSCAPING	15,000.00	15,000.00		15,000.00	15,000.00
Subtotal:		17,700.00	17,700.00	2,700.00	17,700.00	18,200.00
64-0301-04-00	MAINT-BLDGS & STRUCT	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
64-0303-04-00	MAINTENANCE-MISCELLA	6,000.00	6,000.00	6,000.00	6,000.00	6,000.00
64-0305-04-00	MAINT-CLEANOUT	500.00	500.00	500.00	500.00	500.00
64-0351-04-00	MISC. MAINTENANCE	500.00	500.00	500.00	500.00	500.00
64-0371-04-00	LANDSCAPING REPAIR &	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00
64-0372-04-00	IRRIGATION SYS REPAI	2,000.00	2,000.00	2,500.00	2,000.00	2,000.00
Subtotal:		12,000.00	12,000.00	12,500.00	12,000.00	12,000.00
64-0403-04-00	INSURANCE	5,000.00	5,100.00	5,300.00	5,000.00	5,000.00
64-0410-04-00	UTILITIES - ELECTRIC	1,132.50	1,500.00	1,600.00	1,200.00	1,133.00
64-0411-04-00	WATER PURCHASES PID	10,000.00	13,000.00	13,500.00	13,000.00	13,000.00
64-0421-04-00	PRINTING	1,000.00	1,200.00	1,300.00	1,000.00	1,000.00
64-0423-04-00	CONTRACT MOWING	25,000.00	25,000.00	25,000.00	25,000.00	25,000.00
64-0434-04-00	SPECIAL EVENTS	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00
64-0436-04-00	IMPROVEMENTS BY CONT	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
64-0437-04-00	AUDIT SERVICES	500.00	500.00	500.00	500.00	500.00
64-0442-04-00	COMPUTER PROFESSIONA	300.00	350.00	400.00	300.00	300.00
64-0446-04-00	LEGAL SERVICES	2,250.00	2,000.00	1,000.00	2,000.00	2,000.00
64-0450-04-00	ADMINISTRATIVE MANAG	15,540.00	15,540.00	15,540.00	15,540.00	15,540.00
64-0456-04-00	NEWLETTER	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
64-0469-04-00	STORAGE	480.00	480.00	480.00	480.00	480.00
Subtotal:		69,702.50	73,170.00	73,120.00	72,520.00	72,453.00
64-0537-04-00	DALLAS COUNTY TAX CO	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
Subtotal:		1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
64-0602-04-00	CAPITAL-BLDG & STRUC	38,894.78	32,746.78	32,746.78	32,746.78	32,746.78
Subtotal:		38,894.78	32,746.78	32,746.78	32,746.78	32,746.78
Program number:		139,297.28	136,616.78	122,066.78	135,966.78	136,399.78

Fund: 64 BOARDWALK PID Department: 4 OPERATIONS Program:

Period Ending: 8/2022

Account	Description	2023 FY Budget	2024 FY Budget	2025 FY Budget	2026 FY Budget	2027 FY Budget
Department number:	OPERATIONS	139,297.28	136,616.78	122,066.78	135,966.78	136,399.78
Fund number:	64 BOARDWALK PID	139,297.28	136,616.78	122,066.78	135,966.78	136,399.78

******* End of Report *********

CITY OF LANCASTER CITY COUNCIL

City Council Regular Meeting **5.**

Meeting Date: 08/22/2022

Policy Statement: This request supports the City Council 2021-2022 Policy Agenda

Goal(s): Financially Sound Government
Healthy, Safe & Engaged Community
Sound Infrastructure

Submitted by: Carey Neal, Assistant City Manager

Agenda Caption:

Conduct a public hearing and discuss an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Glendover Estates Public Improvement District.

Background:

Glendover Estates is an established subdivision of approximately 29.56 acres generally located south of Pleasant Run Road and west of Houston School Road. The subdivision has an approved Public Improvement District (PID), established September 25, 2006 to provide for the maintenance of all common areas and entry features.

Annually, the PID board in accordance with the provisions of Chapter 372 of the Texas Local Government Code (the "Act") is required to establish and present an updated five (5) year service and assessment plan. Under the Act, the City is required to hold a public hearing on the proposed assessment and service plan details related to the district and the levy of the assessment.

The taxable assessed value within the district is used to determine the rate per $100 of assessed value necessary to meet the maintenance budget. The County Tax Collector will then collect the district's fees and remit them to the City with our property taxes. The City processes all invoices received by the PID board or management company.

The PID board met on July 28, 2022, to discuss and consider the FY 2022/2023 Five-Year Service and Assessment Plan. The Glendover Estates PID is proposing to maintain its annual assessment of $0.2400 per $100 assessed valuation.

Operational Considerations:

All PIDs require the Finance Department to maintain a separate account that will be passed on to the district. The PIDs should also help ensure that common areas will be maintained without assistance or code enforcement action.

Legal Considerations:

The notice of public hearing was mailed to each owner of record and posted in the publication of record, Focus Daily News in accordance with the provisions of Chapter 372 of the Texas Local Government Code. The proposed five-year service and assessment plan are in accordance with Chapter 372 of the Texas Local Government Code. The ordinance has been reviewed and approved as to form by the City Attorney.

Public Information Considerations:

The notice was mailed to the property owners of record on Wednesday, August 10, 2022, the public hearing notice was posted in the local publication of record on Thursday, August 11, 2022, as required by Local Government Code Chapter 372.

Fiscal Impact:

The PID is not expected to have any direct financial impact on the City. PIDs are a mechanism to assure financial sustainability for the neighborhood. They are considered to be a more equitable means of collecting fees to maintain the neighborhood's open spaces and common areas. The fiscal year 2022/2023 proposed service and assessment plan budget is $44,911.88 and assessments are proposed at $0.2400 per one hundred dollars assessed valuation.

Options/Alternatives:

1. City Council may conduct and close the public hearing and place the item on the Monday, August 29, 2022, special meeting for consideration.
2. City Council may conduct and continue the public hearing to the Monday, August 29, 2022, special meeting.

Recommendation:

Staff recommends City Council conduct and close the public hearing and place the item on the August 29, 2022, special meeting for consideration.

Attachments

Ordinance

Exhibit A

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, MAKING CERTAIN FINDINGS IN CONNECTION WITH THE PROPOSED SUPPLEMENTAL SERVICES ORDERED IN CONNECTION WITH THE GLENDOVER ESTATES PUBLIC IMPROVEMENT DISTRICT, PROVIDING FOR: FINDINGS OF BENEFITS ACCRUED, ACCEPTING FIVE YEAR SERVICE PLAN, RECORDING FINAL ASSESSMENT ONTO TAX ROLL, SETTING THE ASSESSMENT LEVY FOR USE AND SUPPORT OF THE PUBLIC IMPROVEMENT DISTRICT, ESTABLISHING A METHOD OF PAYMENT, ASSESSMENT DUE, AND PROVIDING CLAUSES FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, by Resolution No. 2006-09-76 passed on September 25, 2006, after the conduct of a duly notified public hearing, the City Council established the Glendover Estates Public Improvement District (the "District"); and

WHEREAS, on Monday, August 22, 2022, a public hearing was held and all persons owning or claiming any property proposed to be assessed or any interest therein were given an opportunity to be heard, either in person or through an agent or attorney, and all were given an opportunity to testify before the City Council and to contest the assessments proposed to be made on account of the amount thereof or because of any inaccuracy, irregularity, invalidity or insufficiency of the proceedings or contract with reference thereto, or to such improvements or on account of any matter or thing in the discretion of this governing body and on the 22nd day of August, 2022, City Council conducted the public hearing and there were ____ speakers, the City Council closed the public hearing; and on the 29th day of August, 2022, levied assessments against property and the owners thereof in the District; and

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

SECTION 1. BENEFITS ACCRUED**:** That the benefits to accrue to the property assessed and to the owners of such property, from the landscape maintenance and other services identified within the Five Year Service Plan, hereby adopted by the City Council, and herewith to be funded from the assessments, exceed the amount which has been assessed.

SECTION 2. ADOPTING SERVICE PLAN**:** That the *"Service and Assessment Plan"*, labeled herein as *Exhibit "A"* and attached hereto and made a part hereof is hereby adopted.

SECTION 3. RECORD FINAL ASSESSMENT ONTO TAX ROLL**:** That the City Manager and her designated representatives are hereby authorized and directed to carry out the terms and provisions of this ordinance by causing the costs outlined in the final assessment roll to be recorded in the Tax Roll, the names of the property owners and in the amounts shown on said final assessment roll; and that all prerequisites to the fixing of the assessments therein against the property described and the fixing of the personal liability of the owner or owners thereof have been performed in due time, form and manner as required by law, and no additional proof shall be required in any court.

SECTION 4. PROPERTY CLASSIFICATION AND APPORTIONMENT FORMULAS: The City Council hereby establishes classifications and formulas for the apportionment of costs for various classes of property within the District as follows:

(a) **Residential lots on which construction of a home has been completed,** for these lots the assessment of $0.2400 per $100 of valuation through the assessment established for fiscal year 2022/2023; and

(b) **Tax exempt property and municipal property**, for these classifications the assessment of $0.0000 per $100 of valuation.

SECTION 5. ASSESSMENT LEVY: That for fiscal year 2022/2023 there shall be and is hereby levied and assessed against parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sum of money set forth for in the "*Service and Assessment Plan"*, labeled herein as *Exhibit "A"* and attached hereto and made a part hereof, shown opposite the description of the respective classification of the parcels of property, and the several amounts assessed against the same, and the owners thereof, with the provision that the amount assessed against each property and respective class of properties as shown in the *Service and Assessment Plan* may be adjusted for years subsequent following an annual review of the budget for the District and the *Service and Assessment Plan*.

SECTION 6. METHOD OF PAYMENT**:** That the method of payment of the assessment shall be in an annual single lump sum payment which shall be immediately due upon receipt of the assessment notice and shall become delinquent on February 1 of the year after receipt of notice. Delinquent assessments are subject to interest, penalties, attorney's fees and other charges, at the same rate as for the City of Lancaster delinquent ad valorem property taxes.

SECTION 7. ASSESSMENT DUE: That a lien shall be established against each affected property within the district on the date the assessment is due, and shall not be released until the assessment is paid in full. This lien is superior to all other liens and claims except liens or claims for the state, county, school district or city ad valorem taxes.

SECTION 8. CONFLICT**:** That this ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Lancaster, Texas, and this ordinance shall not operate to repeal or affect any other ordinance except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION 9. SEVERABILITY**:** That if any section, subsection, sentence, clause or phrase of this ordinance is for any reason held unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 10. EFFECTIVE DATE: This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provide.

DULY PASSED and approved by the City Council of the City of Lancaster, Texas, on the 29th day of August 2022.

ATTEST:

_____
Sorangel O. Arenas, City Secretary

APPROVED:

_____
Clyde C. Hairston, Mayor

APPROVED AS TO FORM:

_____
David T. Ritter, City Attorney

EXHIBIT A

Fund: 54 GLENDOVER ESTATES - PID Department: 4 OPERATIONS Program:

Period Ending: 8/2022

Account	Description	2023 FY Budget	2024 FY Budget	2025 FY Budget	2026 FY Budget	2027 FY Budget
54-0201-04-00	OFFICE SUPPLIES	100.00	500.00	500.00	500.00	100.00
54-0210-04-00	FOOD/BEVERAGE-MTGS/F	100.00	100.00	100.00		100.00
54-0211-04-00	MISCELLANEOUS	100.00	100.00	100.00	100.00	100.00
54-0214-04-00	POSTAGE	75.00	75.00	75.00	75.00	75.00
54-0225-04-00	LANDSCAPING	2,000.00	2,000.00	2,000.00		2,000.00
Subtotal:		2,375.00	2,775.00	2,775.00	675.00	2,375.00
54-0301-04-00	MAINT-BLDGS & STRUCT	500.00	500.00	500.00	500.00	500.00
54-0351-04-00	MISC. MAINTENANCE	1,500.00	1,500.00	1,500.00	9,038.00	1,500.00
54-0371-04-00	LANDSCAPING REPAIR &	1,500.00	1,500.00	1,500.00	3,500.00	1,500.00
54-0372-04-00	IRRIGATION SYS REPAI	3,000.00	2,000.00	2,000.00	2,000.00	3,000.00
Subtotal:		6,500.00	5,500.00	5,500.00	15,038.00	6,500.00
54-0403-04-00	CASUALTY INSURANCE	3,550.00	1,550.00	1,550.00	1,550.00	3,550.00
54-0410-04-00	UTILITIES - ELECTRIC	750.00	750.00	750.00	750.00	750.00
54-0411-04-00	WATER PURCHASE PID	3,500.00	4,000.00	4,000.00	4,000.00	3,500.00
54-0413-04-00	UTILITIES TRASH DISP		6,000.00	6,000.00		
54-0421-04-00	PRINTING	100.00	100.00	100.00	100.00	100.00
54-0423-04-00	CONTRACT MOWING	12,710.00	9,310.00	9,310.00	9,310.00	12,710.00
54-0434-04-00	SPECIAL EVENTS	2,088.00	250.00	250.00	500.00	2,088.00
54-0442-04-00	COMPUTER PROFESSIONA		300.00	300.00	300.00	
54-0450-04-00	ADMINISTRATIVE MANAG	7,700.00	6,900.00	6,900.00	6,900.00	7,700.00
54-0456-04-00	NEWSLETTER		1,838.00	1,838.00		
54-0469-04-00	STORAGE	180.00	180.00	180.00	180.00	180.00
Subtotal:		30,578.00	31,178.00	31,178.00	23,590.00	30,578.00
54-0537-04-00	DALLAS COUNTY TAX CO	300.00	300.00	300.00	300.00	300.00
Subtotal:		300.00	300.00	300.00	300.00	300.00
54-0602-04-00	BUILDINGS AND STRUCT	5,158.88				
54-0621-04-00	SIGNS				150.00	
Subtotal:		5,158.88			150.00	
Program number:		44,911.88	39,753.00	39,753.00	39,753.00	39,753.00
Department number:	OPERATIONS	44,911.88	39,753.00	39,753.00	39,753.00	39,753.00
Fund number:	54 GLENDOVER ESTATES - PID	44,911.88	39,753.00	39,753.00	39,753.00	39,753.00

******* **End of Report** *********

CITY OF LANCASTER CITY COUNCIL

City Council Regular Meeting **6.**

Meeting Date: 08/22/2022

Policy Statement: This request supports the City Council 2021-2022 Policy Agenda

Goal(s): Financially Sound Government
Healthy, Safe & Engaged Community
Sound Infrastructure

Submitted by: Carey Neal, Assistant City Manager

Agenda Caption:

Conduct a public hearing and discuss an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Lancaster Mills Public Improvement District.

Background:

Lancaster Mills is a subdivision of approximately 60.59 acres located north of Beltline Road and east of the Homestead Addition, south of Redbud Drive and west of the Pecan Hollow Estates Addition. The subdivision has an approved Public Improvement District (PID) to provide for the maintenance of its common areas and entry features.

Annually the PID board in accordance with the provisions of Chapter 372 of the Texas Local Government Code (the "Act") is required to establish and present an updated five (5) year service and assessment plan. Under the Act, the City is required to hold a public hearing on the proposed assessment and service plan details related to the district and the levy of the assessment.

The taxable assessed value within the district is used to determine the rate per $100 of assessed value necessary to meet the maintenance budget. The County Tax Collector will then collect the district's fees and remit them to the City with our property taxes. The City processes all invoices received by the PID board or management company.

As this district is currently undeveloped, the proposed assessment rate is $0.0000 per $100 assessed valuation as there are no budgeted expenses for the 2022/2023 fiscal year.

Operational Considerations:

All PIDs require the Finance Department to maintain a separate account that will be passed on to the district. The PIDs should also help ensure that all common areas will be maintained without assistance or code enforcement action.

Legal Considerations:

The notice of public hearing was mailed to each owner of record and posted in the publication of record in accordance with the provisions of Chapter 372 in the Texas Local Government Code. The proposed five-year service and assessment plan are in accordance with Chapter 372 of Texas Local Government Code. The ordinance has been reviewed and approved as to form by the City Attorney.

Public Information Considerations:

The notice was mailed to the property owners of record on Wednesday, August 10, 2022, the public hearing notice was posted in the local publication of record on Thursday, August 11, 2022, as required by Local Government Code Chapter 372.

Fiscal Impact:

The PID is not expected to have any direct financial impact on the City. PIDs are a mechanism to assure financial sustainability for the neighborhood. They are considered to be a more equitable means of collecting fees to maintain the neighborhood's open spaces and common areas. The fiscal year 2022/2023 proposed service and assessment plan budget is $0.0000 and assessments are proposed to be $0.0000 per $100 assessed valuation. There are currently no homes constructed at this time.

Options/Alternatives:

1. City Council may conduct and close the public hearing and place the item on the Monday, August 29, 2022, special meeting for consideration.
2. City Council may conduct and continue the public hearing to the Monday, August 29, 2022, special meeting.

Recommendation:

Staff recommends City Council conduct and close the public hearing and place the item on the August 29, 2022, special meeting for consideration.

Attachments

Ordinance

Exhibit A

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, MAKING CERTAIN FINDINGS IN CONNECTION WITH THE PROPOSED SUPPLEMENTAL SERVICES ORDERED IN CONNECTION WITH THE LANCASTER MILLS PUBLIC IMPROVEMENT DISTRICT, PROVIDING FOR: FINDINGS OF BENEFITS ACCRUED, ACCEPTING FIVE YEAR SERVICE PLAN, RECORDING FINAL ASSESSMENT ONTO TAX ROLL, SETTING THE ASSESSMENT LEVY FOR USE AND SUPPORT OF THE PUBLIC IMPROVEMENT DISTRICT, ESTABLISHING A METHOD OF PAYMENT, ASSESSMENT DUE, AND PROVIDING CLAUSES FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, by Resolution No. 2007-02-17 passed on February 12, 2007, after the conduct of a duly notified public hearing, the City Council established the Lancaster Mills Public Improvement District (the "District"); and

WHEREAS, on Monday, August 22, 2022, a public hearing was held and all persons owning or claiming any property proposed to be assessed or any interest therein were given an opportunity to be heard, either in person or through an agent or attorney, and all were given an opportunity to testify before the City Council and to contest the assessments proposed to be made on account of the amount thereof or because of any inaccuracy, irregularity, invalidity or insufficiency of the proceedings or contract with reference thereto, or to such improvements or on account of any matter or thing in the discretion of this governing body and on the 22nd day of August, 2022, City Council conducted the public hearing and there were ___ speakers, the City Council closed the public hearing; and on the 29th day of August, 2022, levied assessments against property and the owners thereof in the District; and

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

SECTION 1. BENEFITS ACCRUED**:** That the benefits to accrue to the property assessed and to the owners of such property, from the landscape maintenance and other services identified within the Five Year Service Plan, hereby adopted by the City Council, and herewith to be funded from the assessments, exceed the amount which has been assessed.

SECTION 2. ADOPTING SERVICE PLAN**:** That the *"Service and Assessment Plan"*, labeled herein as *Exhibit "A"* and attached hereto and made a part hereof is hereby adopted.

SECTION 3. RECORD FINAL ASSESSMENT ONTO TAX ROLL**:** That the City Manager and her designated representatives are hereby authorized and directed to carry out the terms and provisions of this ordinance by causing the costs outlined in the final assessment roll to be recorded in the Tax Roll, the names of the property owners and in the amounts shown on said final assessment roll; and that all prerequisites to the fixing of the assessments therein against the property described and the fixing of the personal liability of the owner or owners thereof have been performed in due time, form and manner as required by law, and no additional proof shall be required in any court.

SECTION 4. PROPERTY CLASSIFICATION AND APPORTIONMENT FORMULAS: The City Council hereby establishes classifications and formulas for the apportionment of costs for various classes of property within the District as follows:

(a) **Residential lots on which construction of a home has been completed,** for these lots the assessment of $0.0000 per $100 of valuation through the assessment established for fiscal year 2022/2023; and

(b) **Tax exempt property and municipal property**, for these classifications the assessment of $0.0000 per $100 of valuation.

SECTION 5. ASSESSMENT LEVY: That for fiscal year 2022/2023 there shall be and is hereby levied and assessed against parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sum of money set forth for in the "*Service and Assessment Plan"*, labeled herein as *Exhibit "A"* and attached hereto and made a part hereof, shown opposite the description of the respective classification of the parcels of property, and the several amounts assessed against the same, and the owners thereof, with the provision that the amount assessed against each property and respective class of properties as shown in the *Service and Assessment Plan* may be adjusted for years subsequent following an annual review of the budget for the District and the *Service and Assessment Plan*.

SECTION 6. METHOD OF PAYMENT**:** That the method of payment of the assessment shall be in an annual single lump sum payment which shall be immediately due upon receipt of the assessment notice and shall become delinquent on February 1 of the year after receipt of notice. Delinquent assessments are subject to interest, penalties, attorney's fees and other charges, at the same rate as for the City of Lancaster delinquent ad valorem property taxes.

SECTION 7. ASSESSMENT DUE: That a lien shall be established against each affected property within the district on the date the assessment is due, and shall not be released until the assessment is paid in full. This lien is superior to all other liens and claims except liens or claims for the state, county, school district or city ad valorem taxes.

SECTION 8. CONFLICT**:** That this ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Lancaster, Texas, and this ordinance shall not operate to repeal or affect any other ordinance except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION 9. SEVERABILITY**:** That if any section, subsection, sentence, clause or phrase of this ordinance is for any reason held unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 10. EFFECTIVE DATE: This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provide.

DULY PASSED and approved by the City Council of the City of Lancaster, Texas, on the 29th day of August 2022.

ATTEST:

_____
Sorangel O. Arenas, City Secretary

APPROVED:

_____
Clyde C. Hairston, Mayor

APPROVED AS TO FORM:

_____
David T. Ritter, City Attorney

Fund: 56 LANCASTER MILLS - PID
Department: 4 OPERATIONS
Program:
Period Ending: 9/2021

Account	Description	2023 FY Budget	2024 FY Budget	2025 FY Budget	2026 FY Budget	2027 FY Budget

Fund number: 56 LANCASTER MILLS - PID

******* End of Report *********

CITY OF LANCASTER CITY COUNCIL

City Council Regular Meeting **7.**

Meeting Date: 08/22/2022

Policy Statement: This request supports the City Council 2021-2022 Policy Agenda

Goal(s): Financially Sound Government
Healthy, Safe & Engaged Community
Sound Infrastructure

Submitted by: Carey Neal, Assistant City Manager

Agenda Caption:

Conduct a public hearing and discuss an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Millbrook East Public Improvement District.

Background:

Millbrook East is an established subdivision consisting of approximately 46.265 acres in Phase 1, 17.572 acres in Phase 2A, 13.540 acres in Phase 2B, 17.49 acres in Phase 3A and, 14.94 acres in Phase 3B. Millbrook East is generally located on the south side of Pleasant Run Road, east of Houston School Road and west of Bluegrove Road. The subdivision has an approved Public Improvement District (PID), established August 8, 2011 and expanded on August 26, 2019 to provide for the maintenance of its common areas and entry features.

Annually, the PID board in accordance with the provisions of Chapter 372 of the Texas Local Government Code (the "Act") is required to establish and present an updated five (5) year service and assessment plan. Under the Act, the City is required to hold a public hearing on the proposed assessment and service plan details related to the district and the levy of the assessment.

The taxable assessed value within the district is used to determine the rate per $100 of assessed value necessary to meet the maintenance budget. The County Tax Collector will then collect the district's fees and remit them to the City with our property taxes. The City processes all invoices received by the PID board or management company.

The PID board met on August 3, 2022, to discuss and consider the FY 2022/2023 Five-Year Service and Assessment Plan. The Millbrook East PID is proposing to maintain its annual assessment of $0.1100 per $100 assessed value.

Operational Considerations:

All PIDs require the Finance Department to maintain a separate account that will be passed on to the district. The PIDs should also help ensure the common area will be maintained without assistance or code enforcement action.

Legal Considerations:

The notice of public hearing was mailed to each property owner of record and posted in the publication of record, Focus Daily News in accordance with the provisions of Chapter 372 of the Texas Local Government Code. The proposed five-year service and assessment plan are in accordance with Chapter 372 of the Texas Local Government Code. The ordinance has been reviewed and approved as to form by the City Attorney.

Public Information Considerations:

The notice was mailed to the property owners of record on Wednesday, August 10, 2022, and the public hearing notice was posted in the local publication of record on Thursday, August 11, 2022, as required by Local Government Code Chapter 372.

Fiscal Impact:

The PID is not expected to have any direct financial impact on the City. PIDs are a mechanism to assure financial sustainability for the neighborhood. They are considered to be a more equitable means of collecting fees to maintain the neighborhood's open spaces and common areas. The fiscal year 2022/2023 proposed service and assessment plan budget is $155,386.49 and assessments are proposed at $0.1100 per one hundred dollars assessed valuation.

Options/Alternatives:

1. City Council may conduct and close the public hearing and place the item on the Monday, August 29, 2022, special meeting for consideration.
2. City Council may conduct and continue the public hearing to the Monday, August 29, 2022, special meeting.

Recommendation:

Staff recommends City Council conduct and close the public hearing and place this item on the August 29, 2022, special meeting for consideration.

Attachments

Ordinance

Exhibit A

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, MAKING CERTAIN FINDINGS IN CONNECTION WITH THE PROPOSED SUPPLEMENTAL SERVICES ORDERED IN CONNECTION WITH THE MILLBROOK EAST PUBLIC IMPROVEMENT DISTRICT, PROVIDING FOR: FINDINGS OF BENEFITS ACCRUED, ACCEPTING FIVE YEAR SERVICE PLAN, RECORDING FINAL ASSESSMENT ONTO TAX ROLL, SETTING THE ASSESSMENT LEVY FOR USE AND SUPPORT OF THE PUBLIC IMPROVEMENT DISTRICT, ESTABLISHING A METHOD OF PAYMENT, ASSESSMENT DUE, AND PROVIDING CLAUSES FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, by Resolution No. 2011-08-69 passed on August 8, 2011, and expanded by Resolution No. 2019-08-48 on August 26, 2019, after the City Council conducted a duly notified public hearing, the City Council established the Millbrook East Public Improvement District (the "District"); and

WHEREAS, on Monday, August 22, 2022, a public hearing was held and all persons owning or claiming any property proposed to be assessed or any interest therein were given an opportunity to be heard, either in person or through an agent or attorney, and all were given an opportunity to testify before the City Council and to contest the assessments proposed to be made on account of the amount thereof or because of any inaccuracy, irregularity, invalidity or insufficiency of the proceedings or contract with reference thereto, or to such improvements or on account of any matter or thing in the discretion of this governing body and on the 22nd day of August, 2022, City Council conducted the public hearing and there were ____ speakers, the City Council closed the public hearing; and on the 29th day of August, 2022, levied assessments against property and the owners thereof in the District; and

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

SECTION 1. BENEFITS ACCRUED**:** That the benefits to accrue to the property assessed and to the owners of such property, from the landscape maintenance and other services identified within the Five Year Service Plan, hereby adopted by the City Council, and herewith to be funded from the assessments, exceed the amount which has been assessed.

SECTION 2. ADOPTING SERVICE PLAN**:** That the *"Service and Assessment Plan"*, labeled herein as *Exhibit "A"* and attached hereto and made a part hereof is hereby adopted.

SECTION 3. RECORD FINAL ASSESSMENT ONTO TAX ROLL**:** That the City Manager and her designated representatives are hereby authorized and directed to carry out the terms and provisions of this ordinance by causing the costs outlined in the final assessment roll to be recorded in the Tax Roll, the names of the property owners and in the amounts shown on said final assessment roll; and that all prerequisites to the fixing of the assessments therein against the property described and the fixing of the personal liability of the owner or owners thereof have been performed in due time, form and manner as required by law, and no additional proof shall be required in any court.

SECTION 4. PROPERTY CLASSIFICATION AND APPORTIONMENT FORMULAS: The City Council hereby establishes classifications and formulas for the apportionment of costs for various classes of property within the District as follows:

(a) **Residential lots on which construction of a home has been completed,** for these lots the assessment of $0.1100 per $100 of valuation through the assessment established for fiscal year 2022/2023; and

(b) **Tax exempt property and municipal property**, for these classifications the assessment of $0.0000 per $100 of valuation.

SECTION 5. ASSESSMENT LEVY: That for fiscal year 2022/2023 there shall be and is hereby levied and assessed against parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sum of money set forth for in the "*Service and Assessment Plan"*, labeled herein as *Exhibit "A"* and attached hereto and made a part hereof, shown opposite the description of the respective classification of the parcels of property, and the several amounts assessed against the same, and the owners thereof, with the provision that the amount assessed against each property and respective class of properties as shown in the *Service and Assessment Plan* may be adjusted for years subsequent following an annual review of the budget for the District and the *Service and Assessment Plan*.

SECTION 6. METHOD OF PAYMENT**:** That the method of payment of the assessment shall be in an annual single lump sum payment which shall be immediately due upon receipt of the assessment notice and shall become delinquent on February 1 of the year after receipt of notice. Delinquent assessments are subject to interest, penalties, attorney's fees and other charges, at the same rate as for the City of Lancaster delinquent ad valorem property taxes.

SECTION 7. ASSESSMENT DUE: That a lien shall be established against each affected property within the district on the date the assessment is due, and shall not be released until the assessment is paid in full. This lien is superior to all other liens and claims except liens or claims for the state, county, school district or city ad valorem taxes.

SECTION 8. CONFLICT**:** That this ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Lancaster, Texas, and this ordinance shall not operate to repeal or affect any other ordinance except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION 9. SEVERABILITY**:** That if any section, subsection, sentence, clause or phrase of this ordinance is for any reason held unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 10. EFFECTIVE DATE: This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provide.

DULY PASSED and approved by the City Council of the City of Lancaster, Texas, on the 29th day of August 2022.

ATTEST:

_____
Sorangel O. Arenas, City Secretary

APPROVED:

_____
Clyde C. Hairston, Mayor

APPROVED AS TO FORM:

_____
David T. Ritter, City Attorney

Exhibit A

Fund: 63 MILLBROOK EAST PID Department: 4 OPERATIONS Program:

Period Ending: 8/2022

Account	Description	2023 FY Budget	2024 FY Budget	2025 FY Budget	2026 FY Budget	2027 FY Budget
63-0201-04-00	SUPPLIES	600.00	600.00	600.00	600.00	600.00
63-0210-04-00	FOOD/BEVERAGE-MTGS/F	500.00	500.00	500.00	500.00	500.00
63-0211-04-00	MISCELLANEOUS	250.00	250.00	250.00	250.00	250.00
63-0214-04-00	POSTAGE	500.00	500.00	500.00	500.00	500.00
Subtotal:		1,850.00	1,850.00	1,850.00	1,850.00	1,850.00
63-0301-04-00	MAINT-BLDGS & STRUCT	20,000.00	20,000.00	20,000.00	20,000.00	20,000.00
63-0303-04-00	MAINTENANCE-MISCELLA	7,000.00	8,000.00	8,000.00	8,000.00	8,000.00
63-0351-04-00	MISC. MAINTENANCE	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
63-0371-04-00	LANDSCAPING REPAIR &	17,000.00	2,000.00	2,000.00	2,000.00	2,000.00
63-0372-04-00	IRRIGATIONS SYS REPA	4,500.00	1,500.00	1,500.00	1,500.00	1,500.00
Subtotal:		53,500.00	36,500.00	36,500.00	36,500.00	36,500.00
63-0403-04-00	INSURANCE	6,700.00	6,700.00	6,700.00	6,700.00	6,700.00
63-0409-04-00	TRAVEL & EDUCATION	500.00	500.00	500.00	500.00	500.00
63-0410-04-00	UTILITIES - ELECTRIC	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
63-0411-04-00	WATER PURCHASES PID	3,500.00	3,500.00	3,500.00	3,500.00	3,500.00
63-0416-04-00	OTHER PROFESSIONAL S	9,710.00	9,710.00	9,710.00	9,710.00	9,710.00
63-0421-04-00	PRINTING	500.00	500.00	500.00	500.00	500.00
63-0423-04-00	CONTRACT MOWING	16,000.00	16,000.00	16,000.00	16,000.00	16,000.00
63-0434-04-00	SPECIAL EVENTS	11,032.00	11,032.00	11,032.00	11,032.00	11,032.00
63-0437-04-00	AUDIT SERVICES	300.00	300.00	300.00	300.00	300.00
63-0446-04-00	LEGAL SERVICES	500.00	500.00	500.00	500.00	500.00
63-0450-04-00	ADMINISTRATIVE MANAG	7,000.00	7,000.00	7,000.00	7,000.00	7,000.00
63-0456-04-00	NEWSLETTER	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
63-0469-04-00	STORAGE	3,240.00	3,240.00	3,240.00	3,240.00	3,240.00
Subtotal:		60,982.00	60,982.00	60,982.00	60,982.00	60,982.00
63-0537-04-00	DALLAS COUNTY TAX CO	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00
Subtotal:		1,500.00	1,500.00	1,500.00	1,500.00	1,500.00
63-0602-04-00	BUILDINGS AND STRUCT	37,554.49				
Subtotal:		37,554.49				
Program number:		155,386.49	100,832.00	100,832.00	100,832.00	100,832.00
Department number:	OPERATIONS	155,386.49	100,832.00	100,832.00	100,832.00	100,832.00

Fund: 63 MILLBROOK EAST PID Department: 4 OPERATIONS Program:

Period Ending: 8/2022

Account	Description	2023 FY Budget	2024 FY Budget	2025 FY Budget	2026 FY Budget	2027 FY Budget
Fund number:	63 MILLBROOK EAST PID	155,386.49	100,832.00	100,832.00	100,832.00	100,832.00

******* End of Report *********

CITY OF LANCASTER CITY COUNCIL

City Council Regular Meeting **8.**

Meeting Date: 08/22/2022

Policy Statement: This request supports the City Council 2021-2022 Policy Agenda

Goal(s): Financially Sound Government
Healthy, Safe & Engaged Community
Sound Infrastructure

Submitted by: Carey Neal, Assistant City Manager

Agenda Caption:

Conduct a public hearing and discuss an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Pleasant Run Estates Phase 1-A and Phase 1-B Public Improvement District.

Background:

Pleasant Run Estates is an established subdivision consisting of approximately 30.44 acres in Phase 1-A and 29.068 acres in Phase 1-B. Pleasant Run Estates is generally located on the north side of Pleasant Run Road between Houston School Road and Blue Grove. The subdivision has an approved Public Improvement District (PID), established August 8, 2016 and expanded July 11, 2022 to provide for the maintenance of its common areas and entry features.

Annually, the PID board in accordance with the provisions of Chapter 372 of the Texas Local Government Code (the "Act") is required to establish and present an updated five (5) year service and assessment plan. Under the Act, the City is required to hold a public hearing on the proposed assessment and service plan details related to the district and the levy of the assessment.

The taxable assessed value within the district is used to determine the rate per $100 of assessed value necessary to meet the maintenance budget. The County Tax Collector will then collect the district's fees and remit them to the City with our property taxes. The City processes all invoices received by the PID board or management company.

The PID board met on August 9, 2022, to discuss and consider the FY 2022/2023 Five-Year Service and Assessment Plan. The Pleasant Run Estates PID is proposing to increase its annual assessment to $0.2200 per $100 assessed valuation.

Operational Considerations:

All PIDs require the Finance Department to maintain a separate account that will be passed on to the district. The PIDs should also help ensure that all common areas will be maintained without assistance or code enforcement action.

Legal Considerations:

The notice of public hearing was mailed to each property owner of record and posted in the publication of record, Focus Daily News in accordance with the provisions of Chapter 372 of the Texas Local Government Code. The proposed five-year service and assessment plan are in accordance with Chapter 372 of the Texas Local Government Code. The ordinance has been reviewed and approved as to form by the City Attorney.

Public Information Considerations:

The notice was mailed to the property owners of record on Wednesday, August 10, 2022, and the public hearing notice was posted in the local publication of record on Thursday, August 11, 2022, as required by Local Government Code Chapter 372.

Fiscal Impact:

The PID is not expected to have any direct financial impact on the City. PIDs are a mechanism to assure financial sustainability for the neighborhood. They are considered to be a more equitable means of collecting fees to maintain the neighborhood's open spaces and common areas. The fiscal year 2022/2023 proposed service and assessment plan budget is $59,252.35 and assessments are proposed at $0.2200 per one hundred dollars assessed valuation.

Options/Alternatives:

1. City Council may conduct and close the public hearing and place the item on the Monday, August 29, 2022, special meeting for consideration.
2. City Council may conduct and continue the public hearing to the Monday, August 29, 2022, special meeting.

Recommendation:

Staff recommends City Council conduct and close the public hearing and place the item on the Monday, August 29, 2022, special meeting for consideration.

Attachments

Ordinance

Exhibit A

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, MAKING CERTAIN FINDINGS IN CONNECTION WITH THE PROPOSED SUPPLEMENTAL SERVICES ORDERED IN CONNECTION WITH THE PLEASANT RUN ESTATES PHASE 1-A AND PHASE 1-B PUBLIC IMPROVEMENT DISTRICT, PROVIDING FOR: FINDINGS OF BENEFITS ACCRUED, ACCEPTING FIVE YEAR SERVICE PLAN, RECORDING FINAL ASSESSMENT ONTO TAX ROLL, SETTING THE ASSESSMENT LEVY FOR USE AND SUPPORT OF THE PUBLIC IMPROVEMENT DISTRICT, ESTABLISHING A METHOD OF PAYMENT, ASSESSMENT DUE, AND PROVIDING CLAUSES FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, by Resolution No. 2016-08-63 passed on August 8, 2016, and expanded by Resolution No. 2022-07-53 on July 11, 2022, after the City Council conduct of a duly notified public hearing, the City Council established the Pleasant Run Estates Phase 1-A and Phase 1-B Public Improvement District (the "District"); and

WHEREAS, on Monday, August 22, 2022, a public hearing was held and all persons owning or claiming any property proposed to be assessed or any interest therein were given an opportunity to be heard, either in person or through an agent or attorney, and all were given an opportunity to testify before the City Council and to contest the assessments proposed to be made on account of the amount thereof or because of any inaccuracy, irregularity, invalidity or insufficiency of the proceedings or contract with reference thereto, or to such improvements or on account of any matter or thing in the discretion of this governing body and on the 22nd day of August, 2022, City Council conducted the public hearing and there were _____ speakers, the City Council closed the public hearing; and on the 29th day of August, 2022, levied assessments against property and the owners thereof in the District; and

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

SECTION 1. BENEFITS ACCRUED**:** That the benefits to accrue to the property assessed and to the owners of such property, from the landscape maintenance and other services identified within the Five Year Service Plan, hereby adopted by the City Council, and herewith to be funded from the assessments, exceed the amount which has been assessed.

SECTION 2. ADOPTING SERVICE PLAN**:** That the *"Service and Assessment Plan"*, labeled herein as *Exhibit "A"* and attached hereto and made a part hereof is hereby adopted.

SECTION 3. RECORD FINAL ASSESSMENT ONTO TAX ROLL**:** That the City Manager and her designated representatives are hereby authorized and directed to carry out the terms and provisions of this ordinance by causing the costs outlined in the final assessment roll to be recorded in the Tax Roll, the names of the property owners and in the amounts shown on said final assessment roll; and that all prerequisites to the fixing of the assessments therein against the property described and the fixing of the personal liability of the owner or owners thereof have been performed in due time, form and manner as required by law, and no additional proof shall be required in any court.

SECTION 4. PROPERTY CLASSIFICATION AND APPORTIONMENT FORMULAS: The City Council hereby establishes classifications and formulas for the apportionment of costs for various classes of property within the District as follows:

(a) **Residential lots on which construction of a home has been completed,** for these lots the assessment of $0.2200 per $100 of valuation through the assessment established for fiscal year 2022/2023; and

(b) **Tax exempt property and municipal property**, for these classifications the assessment of $0.0000 per $100 of valuation.

SECTION 5. ASSESSMENT LEVY: That for fiscal year 2022/2023 there shall be and is hereby levied and assessed against parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sum of money set forth for in the "*Service and Assessment Plan"*, labeled herein as *Exhibit "A"* and attached hereto and made a part hereof, shown opposite the description of the respective classification of the parcels of property, and the several amounts assessed against the same, and the owners thereof, with the provision that the amount assessed against each property and respective class of properties as shown in the *Service and Assessment Plan* may be adjusted for years subsequent following an annual review of the budget for the District and the *Service and Assessment Plan*.

SECTION 6. METHOD OF PAYMENT**:** That the method of payment of the assessment shall be in an annual single lump sum payment which shall be immediately due upon receipt of the assessment notice and shall become delinquent on February 1 of the year after receipt of notice. Delinquent assessments are subject to interest, penalties, attorney's fees and other charges, at the same rate as for the City of Lancaster delinquent ad valorem property taxes.

SECTION 7. ASSESSMENT DUE: That a lien shall be established against each affected property within the district on the date the assessment is due, and shall not be released until the assessment is paid in full. This lien is superior to all other liens and claims except liens or claims for the state, county, school district or city ad valorem taxes.

SECTION 8. CONFLICT**:** That this ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Lancaster, Texas, and this ordinance shall not operate to repeal or affect any other ordinance except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION 9. SEVERABILITY**:** That if any section, subsection, sentence, clause or phrase of this ordinance is for any reason held unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 10. EFFECTIVE DATE: This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provide.

DULY PASSED and approved by the City Council of the City of Lancaster, Texas, on the 29th day of August 2022.

ATTEST:

_____
Sorangel O. Arenas, City Secretary

APPROVED:

_____
Clyde C. Hairston, Mayor

APPROVED AS TO FORM:

_____
David T. Ritter, City Attorney

City of Lancaster
5 Year Budget Worksheet - PID

Fund: 61 PLEASANT RUN ESTATES - PID Department: 4 OPERATIONS Program:

Period Ending: 8/2022

Account	Description	2023 FY Budget	2024 FY Budget	2025 FY Budget	2026 FY Budget	2027 FY Budget
61-0201-04-00	SUPPLIES	400.00	400.00	400.00	400.00	400.00
61-0214-04-00	POSTAGE	400.00	400.00	400.00	400.00	400.00
61-0225-04-00	LANDSCAPING	600.00	600.00	600.00	600.00	600.00
Subtotal:		1,400.00	1,400.00	1,400.00	1,400.00	1,400.00
61-0303-04-00	MAINTENANCE-MISCELLA	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
61-0351-04-00	MISCELLANEOUS	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00
61-0371-04-00	LANDSCAPING REPAIR &	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00
61-0372-04-00	IRRIGATION SYS REPAI	400.00	400.00	400.00	400.00	400.00
Subtotal:		9,900.00	9,900.00	9,900.00	9,900.00	9,900.00
61-0403-04-00	INSURANCE	2,250.00	2,250.00	2,250.00	2,250.00	2,250.00
61-0410-04-00	UTILITIES - ELECTRIC	750.00	750.00	750.00	750.00	750.00
61-0411-04-00	WATER PURCHASES PID	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
61-0416-04-00	OTHER PROFESSIONAL S	2,700.00	2,700.00	2,700.00	2,700.00	2,700.00
61-0423-04-00	CONTRACT MOWING	12,000.00	12,000.00	12,000.00	12,000.00	12,000.00
61-0434-04-00	SPECIAL EVENTS	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00
61-0437-04-00	AUDIT SERVICES	300.00	300.00	300.00	300.00	300.00
61-0442-04-00	COMPUTER PROFESSIONA	720.00	720.00	720.00	720.00	720.00
61-0446-04-00	LEGAL SERVICES	500.00	500.00	500.00	500.00	500.00
61-0450-04-00	Administrative Manag	7,200.00	7,200.00	7,200.00	7,200.00	7,200.00
61-0452-04-00	FILING FEES	250.00	250.00	250.00	250.00	250.00
Subtotal:		34,170.00	34,170.00	34,170.00	34,170.00	34,170.00
61-0537-04-00	DALLAS COUNTY TAX CO	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
Subtotal:		1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
61-0602-04-00	CAPITAL-BLDG & STRUC	12,782.35	12,782.35	12,782.35	12,782.35	12,782.35
Subtotal:		12,782.35	12,782.35	12,782.35	12,782.35	12,782.35
Program number:		59,252.35	59,252.35	59,252.35	59,252.35	59,252.35
Department number:	OPERATIONS	59,252.35	59,252.35	59,252.35	59,252.35	59,252.35
Fund number:	61 PLEASANT RUN ESTATES - PID	59,252.35	59,252.35	59,252.35	59,252.35	59,252.35

******* End of Report *********

CITY OF LANCASTER CITY COUNCIL

City Council Regular Meeting **9.**

Meeting Date: 08/22/2022

Policy Statement: This request supports the City Council 2021-2022 Policy Agenda

Goal(s): Financially Sound Government
Healthy, Safe & Engaged Community
Sound Infrastructure

Submitted by: Carey Neal, Assistant City Manager

Agenda Caption:

Conduct a public hearing and discuss an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Meadowview Estates Public Improvement District.

Background:

Meadowview Estates is an established subdivision consisting of approximately, 810 Single Family Lots and 1 common area/detention pond, 215.262 total acreage including 50.614 acres in Phase 1, 36.907 acres in Phase 2, 36.493 in Phase 3, 2.869 acres in Phase 4 and 88.384 acres in Phase 5. This subdivision is generally located east of Ames Road, west of Dizzy Dean Drive and north of Wintergreen Road. The subdivision has an approved Public Improvement District (PID), established August8, 2011 to provide for the maintenance of all common areas and entry features.

Annually, the PID board in accordance with the provisions of Chapter 372 of the Texas Local Government Code (the "Act") is required to establish and present an updated five (5) year service and assessment plan. Under the Act, the City is required to hold a public hearing on the proposed assessment and service plan details related to the district and the levy of the assessment.

The taxable assessed value within the district is used to determine the rate per $100 of assessed value necessary to meet the maintenance budget. The County Tax Collector will then collect the district's fees and remit them to the City with our property taxes. The City processes all invoices received by the PID board or management company.

The PID board met on August 9, 2022, to discuss and consider the FY 2022/2023 Five-Year Service and Assessment Plan. The Boardwalk PID is proposing to maintain its current annual assessment of $0.1000 per $100 assessed value.

Operational Considerations:

All PIDs require the Finance Department to maintain a separate account that will be passed on to the district. The PIDs should also help ensure that all common areas will be maintained without assistance or code enforcement action.

Legal Considerations:

The notice of public hearing was mailed to each property owner of record and posted in the publication of record, Focus Daily News in accordance with the provisions of Chapter 372 of the Texas Local Government Code. The proposed five-year service and assessment plan are in accordance with Chapter 372 of the Texas Local Government Code. The ordinance has been reviewed and approved as to form by the City Attorney.

Public Information Considerations:

The notice was mailed to the property owners of record on Wednesday, August 10, 2022, and the public hearing notice was posted in the local publication of record on Thursday, August 11, 2022, as required by Local Government Code Chapter 372.

Fiscal Impact:

The PID is not expected to have any direct financial impact on the City. PIDs are a mechanism to assure financial sustainability for the neighborhood. They are considered to be a more equitable means of collecting fees to maintain the neighborhood's open spaces and common areas. The fiscal year 2022/2023 proposed service and assessment plan budget is $431,653.00 and assessments are proposed at $0.1000 per one hundred dollars assessed valuation.

Options/Alternatives:

1. City Council may conduct and close the public hearing and place the item on the Monday, August 29, 2022, special meeting for consideration.
2. City Council may conduct and continue the public hearing to the Monday, August 29, 2022, special meeting.

Recommendation:

Staff recommends City Council conduct and close the public hearing and place the item on the August 29, 2022, special meeting for consideration.

Attachments

Ordinance

Exhibit A

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, MAKING CERTAIN FINDINGS IN CONNECTION WITH THE PROPOSED SUPPLEMENTAL SERVICES ORDERED IN CONNECTION WITH THE MEADOWVIEW ESTATES PUBLIC IMPROVEMENT DISTRICT, PROVIDING FOR: FINDINGS OF BENEFITS ACCRUED, ACCEPTING FIVE YEAR SERVICE PLAN, RECORDING FINAL ASSESSMENT ONTO TAX ROLL, SETTING THE ASSESSMENT LEVY FOR USE AND SUPPORT OF THE PUBLIC IMPROVEMENT DISTRICT, ESTABLISHING A METHOD OF PAYMENT, ASSESSMENT DUE, AND PROVIDING CLAUSES FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, by Resolution No. 2011-08-67 passed on August 8, 2011, after the conduct of a duly notified public hearing, the City Council established the Meadowview Estates Public Improvement District (the "District"); and

WHEREAS, on Monday, August 22, 2022, a public hearing was held and all persons owning or claiming any property proposed to be assessed or any interest therein were given an opportunity to be heard, either in person or through an agent or attorney, and all were given an opportunity to testify before the City Council and to contest the assessments proposed to be made on account of the amount thereof or because of any inaccuracy, irregularity, invalidity or insufficiency of the proceedings or contract with reference thereto, or to such improvements or on account of any matter or thing in the discretion of this governing body and on the 22nd day of August, 2022, City Council conducted the public hearing and there were _____ speakers, the City Council closed the public hearing; and on the 29th day of August, 2022, levied assessments against property and the owners thereof in the District; and

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

SECTION 1. BENEFITS ACCRUED**:** That the benefits to accrue to the property assessed and to the owners of such property, from the landscape maintenance and other services identified within the Five Year Service Plan, hereby adopted by the City Council, and herewith to be funded from the assessments, exceed the amount which has been assessed.

SECTION 2. ADOPTING SERVICE PLAN**:** That the *"Service and Assessment Plan"*, labeled herein as *Exhibit "A"* and attached hereto and made a part hereof is hereby adopted.

SECTION 3. RECORD FINAL ASSESSMENT ONTO TAX ROLL**:** That the City Manager and her designated representatives are hereby authorized and directed to carry out the terms and provisions of this ordinance by causing the costs outlined in the final assessment roll to be recorded in the Tax Roll, the names of the property owners and in the amounts shown on said final assessment roll; and that all prerequisites to the fixing of the assessments therein against the property described and the fixing of the personal liability of the owner or owners thereof have been performed in due time, form and manner as required by law, and no additional proof shall be required in any court.

SECTION 4. PROPERTY CLASSIFICATION AND APPORTIONMENT FORMULAS: The City Council hereby establishes classifications and formulas for the apportionment of costs for various classes of property within the District as follows:

(a) **Residential lots on which construction of a home has been completed,** for these lots the assessment of $0.1000 per $100 of valuation through the assessment established for fiscal year 2022/2023; and

(b) **Tax exempt property and municipal property**, for these classifications the assessment of $0.0000 per $100 of valuation.

SECTION 5. ASSESSMENT LEVY: That for fiscal year 2022/2023 there shall be and is hereby levied and assessed against parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sum of money set forth for in the "*Service and Assessment Plan"*, labeled herein as *Exhibit "A"* and attached hereto and made a part hereof, shown opposite the description of the respective classification of the parcels of property, and the several amounts assessed against the same, and the owners thereof, with the provision that the amount assessed against each property and respective class of properties as shown in the *Service and Assessment Plan* may be adjusted for years subsequent following an annual review of the budget for the District and the *Service and Assessment Plan*.

SECTION 6. METHOD OF PAYMENT**:** That the method of payment of the assessment shall be in an annual single lump sum payment which shall be immediately due upon receipt of the assessment notice and shall become delinquent on February 1 of the year after receipt of notice. Delinquent assessments are subject to interest, penalties, attorney's fees and other charges, at the same rate as for the City of Lancaster delinquent ad valorem property taxes.

SECTION 7. ASSESSMENT DUE: That a lien shall be established against each affected property within the district on the date the assessment is due, and shall not be released until the assessment is paid in full. This lien is superior to all other liens and claims except liens or claims for the state, county, school district or city ad valorem taxes.

SECTION 8. CONFLICT**:** That this ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Lancaster, Texas, and this ordinance shall not operate to repeal or affect any other ordinance except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION 9. SEVERABILITY**:** That if any section, subsection, sentence, clause or phrase of this ordinance is for any reason held unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 10. EFFECTIVE DATE: This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provide.

DULY PASSED and approved by the City Council of the City of Lancaster, Texas, on the 29th day of August 2022.

ATTEST:

_____
Sorangel O. Arenas, City Secretary

APPROVED:

_____
Clyde C. Hairston, Mayor

APPROVED AS TO FORM:

_____
David T. Ritter, City Attorney

Fund: 62 MEADOWVIEW - PID Department: 4 OPERATIONS Program:

Period Ending: 8/2022

Account	Description	2023 FY Budget	2024 FY Budget	2025 FY Budget	2026 FY Budget	2027 FY Budget
62-0201-04-00	SUPPLIES	100.00	500.00	500.00	500.00	500.00
62-0210-04-00	FOOD/BEVERAGE-MTGS/F	500.00	3,600.00	3,600.00	3,600.00	3,600.00
62-0211-04-00	MISCELLANEOUS	1,150.00	2,150.00	2,150.00	2,150.00	2,150.00
62-0214-04-00	POSTAGE	500.00	500.00	500.00	500.00	500.00
Subtotal:		2,250.00	6,750.00	6,750.00	6,750.00	6,750.00
62-0301-04-00	MAINT-BLDGS & STRUCT	3,500.00	1,500.00	1,500.00	1,500.00	1,500.00
62-0305-04-00	MAINTENANCE - CLEANO	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
62-0351-04-00	MISC. MAINTENANCE	4,500.00	4,500.00	3,500.00	3,500.00	3,500.00
62-0371-04-00	LANDSCAPING REPAIR &	200.00	200.00	200.00	200.00	200.00
62-0372-04-00	IRRIGATIONS SYS REPA	13,200.00	3,200.00	3,200.00	3,200.00	3,200.00
Subtotal:		26,400.00	14,400.00	13,400.00	13,400.00	13,400.00
62-0403-04-00	INSURANCE	8,000.00	8,000.00	8,000.00	8,000.00	8,000.00
62-0410-04-00	UTILITIES - ELECTRIC	5,850.00	2,000.00	2,000.00	2,000.00	2,000.00
62-0411-04-00	WATER PURCHASES PID	10,150.00	12,000.00	12,000.00	12,000.00	12,000.00
62-0413-04-00	UTILITIES TRASH DISP	500.00	2,500.00	2,500.00	2,500.00	2,500.00
62-0416-04-00	OTHER PROFESSIONAL S	1,600.00	1,600.00	1,600.00	1,600.00	1,600.00
62-0421-04-00	PRINTING	1,600.00	1,600.00	1,600.00	1,600.00	1,600.00
62-0422-04-00	COMPUTER PROFESSIONA		250.00	250.00	250.00	250.00
62-0423-04-00	CONTRACT MOWING	45,050.00	30,050.00	30,050.00	30,050.00	30,050.00
62-0434-04-00	SPECIAL EVENTS	4,740.00	2,500.00	2,500.00	2,500.00	2,500.00
62-0436-04-00	IMPROVEMENTS BY CONT	320,353.00	50,000.00	50,000.00	50,000.00	50,000.00
62-0442-04-00	COMPUTER PROFESSIONA	360.00				
62-0446-04-00	LEGAL SERVICES	1,800.00	1,800.00	1,800.00	1,800.00	1,800.00
62-0450-04-00	ADMINISTRATIVE MANAG		2,000.00	2,000.00	2,000.00	2,000.00
62-0456-04-00	NEWSLETTER	500.00	1,000.00	1,000.00	1,000.00	1,000.00
Subtotal:		400,503.00	115,300.00	115,300.00	115,300.00	115,300.00
62-0511-04-00	PROPERTY TAXES PAID		100.00	100.00	100.00	100.00
62-0537-04-00	DALLAS COUNTY TAX CO	2,500.00	2,400.00	2,400.00	2,400.00	2,400.00
Subtotal:		2,500.00	2,500.00	2,500.00	2,500.00	2,500.00
Program number:		431,653.00	138,950.00	137,950.00	137,950.00	137,950.00
Department number:	OPERATIONS	431,653.00	138,950.00	137,950.00	137,950.00	137,950.00
Fund number:	62 MEADOWVIEW - PID	431,653.00	138,950.00	137,950.00	137,950.00	137,950.00

******* **End of Report** *********

CITY OF LANCASTER CITY COUNCIL

City Council Regular Meeting **10.**

Meeting Date: 08/22/2022

Policy Statement: This request supports the City Council 2021-2022 Policy Agenda

Goal(s): Financially Sound Government
Healthy, Safe & Engaged Community
Sound Infrastructure

Submitted by: Carey Neal, Assistant City Manager

Agenda Caption:

Conduct a public hearing and discuss an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Rolling Meadows Public Improvement District.

Background:

Rolling Meadows is an established subdivision consisting of approximately 38.8 acres and Phase 3 consisting of 21.360 acres generally located on the east and west side of Rolling Hills Place and on the North side of Beltline. The subdivision has an approved Public Improvement District (PID), established August 25, 2008 and expanded on January 24, 2022 to provide for the maintenance of all common areas and entry features.

Annually, the PID board in accordance with the provisions of Chapter 372 of the Texas Local Government Code (the "Act") is required to establish and present an updated five (5) year service and assessment plan. Under the Act, the City is required to hold a public hearing on the proposed assessment and service plan details related to the district and the levy of the assessment.

The taxable assessed value within the district is used to determine the rate per $100 of assessed value necessary to meet the maintenance budget. The County Tax Collector will then collect the district's fees and remit them to the City with our property taxes. The City processes all invoices received by the PID board or management company.

The PID board met on August 5, 2022, to discuss and consider the FY 2022/2023 Five-Year Service and Assessment Plan. The Rolling Meadow PID is proposing to maintain its current annual assessment of $0.3000 per $100 assessed valuation.

Operational Considerations:

All PIDs require the Finance Department to maintain a separate account that will be passed on to the district. The PIDs should also help ensure that all common areas will be maintained without assistance or code enforcement action.

Legal Considerations:

The notice of public hearing was mailed to each property owner of record and posted in the publication of record, Focus Daily News in accordance with the provisions of Chapter 372 of the Texas Local Government Code. The proposed five-year service and assessment plan are in accordance with Chapter 372 of the Texas Local Government Code. The ordinance has been reviewed and approved as to form by the City Attorney.

Public Information Considerations:

The notice was mailed to the property owners of record on Wednesday, August 10, 2022, and the public hearing notice was posted in the local publication of record on Thursday, August 11, 2022, as required by Local Government Code Chapter 372.

Fiscal Impact:

The PID is not expected to have any direct financial impact on the City. PIDs are a mechanism to assure financial sustainability for the neighborhood. They are considered to be a more equitable means of collecting fees to maintain the neighborhood's open spaces and common areas. The fiscal year 2022/2023 proposed service and assessment plan budget is $196,928.00 and assessments are proposed at $0.3000 per one hundred dollars assessed valuation.

Options/Alternatives:

1. City Council may conduct and close the public hearing and place the item on the August 29, 2022, special meeting for consideration.
2. City Council may conduct and continue the public hearing to the August 29, 2021, special meeting.

Recommendation:

Staff recommends City Council conduct and close the public hearing and place the item on the August 29, 2022, special meeting for consideration.

Attachments

Ordinance

Exhibit A

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, MAKING CERTAIN FINDINGS IN CONNECTION WITH THE PROPOSED SUPPLEMENTAL SERVICES ORDERED IN CONNECTION WITH THE ROLLING MEADOWS PUBLIC IMPROVEMENT DISTRICT, PROVIDING FOR: FINDINGS OF BENEFITS ACCRUED, ACCEPTING FIVE YEAR SERVICE PLAN, RECORDING FINAL ASSESSMENT ONTO TAX ROLL, SETTING THE ASSESSMENT LEVY FOR USE AND SUPPORT OF THE PUBLIC IMPROVEMENT DISTRICT, ESTABLISHING A METHOD OF PAYMENT, ASSESSMENT DUE, AND PROVIDING CLAUSES FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, by Resolution No. 2008-08-77 passed on August 25, 2008, and expanded by Resolution No. 2022-01-07 on January 24, 2022 after the conduct of a duly notified public hearing, the City Council established the Rolling Meadows Public Improvement District (the "District"); and

WHEREAS, on Monday, August 22, 2022, a public hearing was held and all persons owning or claiming any property proposed to be assessed or any interest therein were given an opportunity to be heard, either in person or through an agent or attorney, and all were given an opportunity to testify before the City Council and to contest the assessments proposed to be made on account of the amount thereof or because of any inaccuracy, irregularity, invalidity or insufficiency of the proceedings or contract with reference thereto, or to such improvements or on account of any matter or thing in the discretion of this governing body and on the 22nd day of August, 2022, City Council conducted the public hearing and there were _____ speakers, the City Council closed the public hearing; and on the 29th day of August, 2022, levied assessments against property and the owners thereof in the District; and

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

SECTION 1. BENEFITS ACCRUED**:** That the benefits to accrue to the property assessed and to the owners of such property, from the landscape maintenance and other services identified within the Five Year Service Plan, hereby adopted by the City Council, and herewith to be funded from the assessments, exceed the amount which has been assessed.

SECTION 2. ADOPTING SERVICE PLAN**:** That the *"Service and Assessment Plan"*, labeled herein as *Exhibit "A"* and attached hereto and made a part hereof is hereby adopted.

SECTION 3. RECORD FINAL ASSESSMENT ONTO TAX ROLL**:** That the City Manager and her designated representatives are hereby authorized and directed to carry out the terms and provisions of this ordinance by causing the costs outlined in the final assessment roll to be recorded in the Tax Roll, the names of the property owners and in the amounts shown on said final assessment roll; and that all prerequisites to the fixing of the assessments therein against the property described and the fixing of the personal liability of the owner or owners thereof have been performed in due time, form and manner as required by law, and no additional proof shall be required in any court.

SECTION 4. PROPERTY CLASSIFICATION AND APPORTIONMENT FORMULAS: The City Council hereby establishes classifications and formulas for the apportionment of costs for various classes of property within the District as follows:

(a) **Residential lots on which construction of a home has been completed,** for these lots the assessment of $0.3000 per $100 of valuation through the assessment established for fiscal year 2022/2023; and

(b) **Tax exempt property and municipal property**, for these classifications the assessment of $0.0000 per $100 of valuation.

SECTION 5. ASSESSMENT LEVY: That for fiscal year 2022/2023 there shall be and is hereby levied and assessed against parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sum of money set forth for in the "*Service and Assessment Plan"*, labeled herein as *Exhibit "A"* and attached hereto and made a part hereof, shown opposite the description of the respective classification of the parcels of property, and the several amounts assessed against the same, and the owners thereof, with the provision that the amount assessed against each property and respective class of properties as shown in the *Service and Assessment Plan* may be adjusted for years subsequent following an annual review of the budget for the District and the *Service and Assessment Plan*.

SECTION 6. METHOD OF PAYMENT**:** That the method of payment of the assessment shall be in an annual single lump sum payment which shall be immediately due upon receipt of the assessment notice and shall become delinquent on February 1 of the year after receipt of notice. Delinquent assessments are subject to interest, penalties, attorney's fees and other charges, at the same rate as for the City of Lancaster delinquent ad valorem property taxes.

SECTION 7. ASSESSMENT DUE: That a lien shall be established against each affected property within the district on the date the assessment is due, and shall not be released until the assessment is paid in full. This lien is superior to all other liens and claims except liens or claims for the state, county, school district or city ad valorem taxes.

SECTION 8. CONFLICT**:** That this ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Lancaster, Texas, and this ordinance shall not operate to repeal or affect any other ordinance except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION 9. SEVERABILITY**:** That if any section, subsection, sentence, clause or phrase of this ordinance is for any reason held unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 10. EFFECTIVE DATE: This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provide.

DULY PASSED and approved by the City Council of the City of Lancaster, Texas, on the 29th day of August 2022.

ATTEST:

_____
Sorangel O. Arenas, City Secretary

APPROVED:

_____
Clyde C. Hairston, Mayor

APPROVED AS TO FORM:

_____
David T. Ritter, City Attorney

EXHIBIT A

Fund: 57 ROLLING MEADOWS - PID Department: 4 OPERATIONS Program:

Period Ending: 8/2022

Account	Description	2023 FY Budget	2024 FY Budget	2025 FY Budget	2026 FY Budget	2027 FY Budget
57-0201-04-00	OFFICE SUPPLIES	1,558.00	1,558.00	1,558.00	1,558.00	1,558.00
57-0210-04-00	FOOD/BEV-MEETINGS/FU	150.00	150.00	150.00	150.00	150.00
57-0211-04-00	MISCELLANOUS	500.00	500.00	500.00	500.00	500.00
57-0214-04-00	POSTAGE	500.00	500.00	500.00	500.00	500.00
Subtotal:		2,708.00	2,708.00	2,708.00	2,708.00	2,708.00
57-0301-04-00	MAINT-BLDGS & STRUCT	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00
57-0303-04-00	MAINT-LIGHTING/MISC	8,500.00	8,500.00	8,500.00	8,500.00	8,500.00
57-0351-04-00	MISC. MAINTENANCE	15,800.00	15,800.00	15,800.00	15,800.00	15,800.00
57-0371-04-00	LANDSCAPING REPAIR &	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00
57-0372-04-00	IRRIGATION MAINT & R	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00
Subtotal:		48,300.00	48,300.00	48,300.00	48,300.00	48,300.00
57-0403-04-00	CASUALTY INSURANCE	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00
57-0409-04-00	TRAVEL & EDUCATION	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00
57-0410-04-00	UTLITIES - ELECTRICI	1,400.00	1,400.00	1,400.00	1,400.00	1,400.00
57-0411-04-00	WATER PURCHASE PID	7,000.00	7,000.00	7,000.00	7,000.00	7,000.00
57-0413-04-00	UTILITIES TRASH DISP	15,000.00	15,000.00	15,000.00	15,000.00	15,000.00
57-0416-04-00	OTHER/PROFESSIONAL S	77,300.00	5,000.00	5,000.00	5,000.00	5,000.00
57-0423-04-00	CONTRACT MOWING	16,000.00	16,000.00	16,000.00	16,000.00	16,000.00
57-0434-04-00	SPECIAL EVENTS	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00
57-0442-04-00	COMPUTER PROFESSIONA	720.00	720.00	720.00	720.00	720.00
57-0450-04-00	ADMINISTRATIVE MGMT	15,000.00	15,000.00	15,000.00	15,000.00	15,000.00
57-0456-04-00	NEWSLETTER	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00
57-0469-04-00	STORAGE FEES	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00
Subtotal:		145,420.00	73,120.00	73,120.00	73,120.00	73,120.00
57-0537-04-00	DALLAS COUNTY TAX CO	500.00	500.00	500.00	500.00	500.00
Subtotal:		500.00	500.00	500.00	500.00	500.00
Program number:		196,928.00	124,628.00	124,628.00	124,628.00	124,628.00
Department number:	OPERATIONS	196,928.00	124,628.00	124,628.00	124,628.00	124,628.00
Fund number:	57 ROLLING MEADOWS - PID	196,928.00	124,628.00	124,628.00	124,628.00	124,628.00

******* End of Report *********

CITY OF LANCASTER CITY COUNCIL

City Council Regular Meeting **11.**

Meeting Date: 08/22/2022

Policy Statement: This request supports the City Council 2021-2022 Policy Agenda

Goal(s): Financially Sound Government
Healthy, Safe & Engaged Community
Sound Infrastructure

Submitted by: Carey Neal, Assistant City Manager

Agenda Caption:

Conduct a public hearing and discuss an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Tribute at Mills Branch and Tribute East at Mills Branch Public Improvement District.

Background:

Tribute at Mills Branch and Tribute East at Mills Branch is a subdivision of approximately 42.7 acres located south of Beltline Road and east of Southwood Drive and platted as the Tribute at Mills Branch, Phases 1A and 1B, 190 single family lots and 9 common areas, recorded in Volume 2005097, Page 37 and Volume 2005163, Page 183, Deed Records of Dallas County, Texas; and Tribute East at Mills Branch (291 North Blue Grove Road); of approximately 4.64 acres from John M. Rawlins Abstract 1209, pg 245, Tract 8, located south of Beltline Road on the west side of North Bluegrove Road, conveyed to Wilbow Homestead Development Corporation, Volume 2005097, Page 3594 Deed Records of Dallas County, Texas. The subdivision has an approved Public Improvement District (PID), established March 27, 2006 to provide for the maintenance of its common areas and entry features.

Annually, the PID board in accordance with the provisions of Chapter 372 of the Texas Local Government Code (the "Act") is required to establish and present an updated five (5) year service and assessment plan. Under the Act, the City is required to hold a public hearing on the proposed assessment and service plan details related to the district and the levy of the assessment.

The taxable assessed value within the district is used to determine the rate per $100 of assessed value necessary to meet the maintenance budget. The County Tax Collector will then collect the district's fees and remit them to the City with our property taxes. The City processes all invoices received by the PID board or management company.

The PID board met on July 28, 2022, to discuss and consider the FY 2022/2023 Five-Year Service and Assessment Plan. The Tribute at Mills Branch and Tribute East at Mills Branch PID is proposing to maintain its current annual assessment of $0.3600 per $100 assessed valuation.

Operational Considerations:

All PIDs require the Finance Department to maintain a separate account that will be passed on to the district. The PIDs should also help ensure that all common areas will be maintained without assistance or code enforcement action.

Legal Considerations:

The notice of public hearing was mailed to each property owner of record and posted in the publication of record, Focus Daily News in accordance with the provisions of Chapter 372 of the Texas Local Government Code. The proposed five-year service and assessment plan are in accordance with Chapter 372 of the Texas Local Government Code. The ordinance has been reviewed and approved as to form by the City Attorney.

Public Information Considerations:

The notice was mailed to the property owners of record on Wednesday, August 10, 2022, and the public hearing notice was posted in the local publication of record on Thursday, August 11, 2022, as required by Local Government Code Chapter 372.

Fiscal Impact:

The PID is not expected to have any direct financial impact on the City. PIDs are a mechanism to assure financial sustainability for the neighborhood. They are considered to be a more equitable means of collecting fees to maintain the neighborhood's open spaces and common areas. The fiscal year 2022/2023 proposed service and assessment plan budget is $115,487.00 and assessments are proposed at $0.3600 per one hundred dollars assessed valuation.

Options/Alternatives:

1. City Council may conduct and close the public hearing and place the item on the Monday, August 29, 2022, special meeting for consideration.
2. City Council may conduct and continue the public hearing to the Monday, August 29, 2022, special meeting.

Recommendation:

Staff recommends City Council conduct and close the public hearing and place the item on the August 29, 2022, special meeting for consideration.

Attachments

Ordinace

Exhibit A

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, MAKING CERTAIN FINDINGS IN CONNECTION WITH THE PROPOSED SUPPLEMENTAL SERVICES ORDERED IN CONNECTION WITH THE TRIBUTE AT MILLS BRANCH AND TRIBUTE EAST AT MILLS BRANCH PUBLIC IMPROVEMENT DISTRICT, PROVIDING FOR: FINDINGS OF BENEFITS ACCRUED, ACCEPTING FIVE YEAR SERVICE PLAN, RECORDING FINAL ASSESSMENT ONTO TAX ROLL, SETTING THE ASSESSMENT LEVY FOR USE AND SUPPORT OF THE PUBLIC IMPROVEMENT DISTRICT, ESTABLISHING A METHOD OF PAYMENT, ASSESSMENT DUE, AND PROVIDING CLAUSES FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, by Resolution No. 2006-03-28 passed on March 27, 2006, after the conduct of a duly notified public hearing, the City Council established the Tribute at Mills Branch and Tribute East at Mills Branch Public Improvement District (the "District"); and

WHEREAS, on Monday, August 22, 2022, a public hearing was held and all persons owning or claiming any property proposed to be assessed or any interest therein were given an opportunity to be heard, either in person or through an agent or attorney, and all were given an opportunity to testify before the City Council and to contest the assessments proposed to be made on account of the amount thereof or because of any inaccuracy, irregularity, invalidity or insufficiency of the proceedings or contract with reference thereto, or to such improvements or on account of any matter or thing in the discretion of this governing body and on the 22nd day of August, 2022, City Council conducted the public hearing and there were _____ speakers, the City Council closed the public hearing; and on the 29th day of August, 2022, levied assessments against property and the owners thereof in the District; and

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

SECTION 1. BENEFITS ACCRUED**:** That the benefits to accrue to the property assessed and to the owners of such property, from the landscape maintenance and other services identified within the Five Year Service Plan, hereby adopted by the City Council, and herewith to be funded from the assessments, exceed the amount which has been assessed.

SECTION 2. ADOPTING SERVICE PLAN**:** That the *"Service and Assessment Plan"*, labeled herein as *Exhibit "A"* and attached hereto and made a part hereof is hereby adopted.

SECTION 3. RECORD FINAL ASSESSMENT ONTO TAX ROLL**:** That the City Manager and her designated representatives are hereby authorized and directed to carry out the terms and provisions of this ordinance by causing the costs outlined in the final assessment roll to be recorded in the Tax Roll, the names of the property owners and in the amounts shown on said final assessment roll; and that all prerequisites to the fixing of the assessments therein against the property described and the fixing of the personal liability of the owner or owners thereof have been performed in due time, form and manner as required by law, and no additional proof shall be required in any court.

SECTION 4. PROPERTY CLASSIFICATION AND APPORTIONMENT FORMULAS: The City Council hereby establishes classifications and formulas for the apportionment of costs for various classes of property within the District as follows:

(a) **Residential lots on which construction of a home has been completed,** for these lots the assessment of $0.3600 per $100 of valuation through the assessment established for fiscal year 2022/2023; and

(b) **Tax exempt property and municipal property**, for these classifications the assessment of $0.0000 per $100 of valuation.

SECTION 5. ASSESSMENT LEVY: That for fiscal year 2022/2023 there shall be and is hereby levied and assessed against parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sum of money set forth for in the "*Service and Assessment Plan"*, labeled herein as *Exhibit "A"* and attached hereto and made a part hereof, shown opposite the description of the respective classification of the parcels of property, and the several amounts assessed against the same, and the owners thereof, with the provision that the amount assessed against each property and respective class of properties as shown in the *Service and Assessment Plan* may be adjusted for years subsequent following an annual review of the budget for the District and the *Service and Assessment Plan*.

SECTION 6. METHOD OF PAYMENT**:** That the method of payment of the assessment shall be in an annual single lump sum payment which shall be immediately due upon receipt of the assessment notice and shall become delinquent on February 1 of the year after receipt of notice. Delinquent assessments are subject to interest, penalties, attorney's fees and other charges, at the same rate as for the City of Lancaster delinquent ad valorem property taxes.

SECTION 7. ASSESSMENT DUE: That a lien shall be established against each affected property within the district on the date the assessment is due, and shall not be released until the assessment is paid in full. This lien is superior to all other liens and claims except liens or claims for the state, county, school district or city ad valorem taxes.

SECTION 8. CONFLICT**:** That this ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Lancaster, Texas, and this ordinance shall not operate to repeal or affect any other ordinance except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION 9. SEVERABILITY**:** That if any section, subsection, sentence, clause or phrase of this ordinance is for any reason held unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 10. EFFECTIVE DATE: This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provide.

DULY PASSED and approved by the City Council of the City of Lancaster, Texas, on the 29th day of August 2022.

ATTEST:

_____
Sorangel O. Arenas, City Secretary

APPROVED:

_____
Clyde C. Hairston, Mayor

APPROVED AS TO FORM:

_____
David T. Ritter, City Attorney

EXHIBIT A

Fund: 55 TRIBUTE MILLS - PID Department: 4 OPERATIONS Program:

Period Ending: 8/2022

Account	Description	2023 FY Budget	2024 FY Budget	2025 FY Budget	2026 FY Budget	2027 FY Budget
55-0201-04-00	SUPPLIES	600.00	600.00	600.00	600.00	600.00
55-0211-04-00	MISCELLANEOUS EXPENS	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00
55-0214-04-00	POSTAGE	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
Subtotal:		3,100.00	3,100.00	3,100.00	3,100.00	3,100.00
55-0301-04-00	GENERAL MAINTENANCE	15,000.00	15,000.00	15,000.00	15,000.00	15,000.00
55-0303-04-00	MAINTENANCE - MISCEL	10,000.00	10,000.00	10,000.00		
55-0351-04-00	MISC. MAINTENANCE	10,000.00	10,000.00	10,000.00	20,000.00	20,000.00
55-0371-04-00	LANDSCAPING	20,000.00	20,000.00	20,000.00	37,652.00	37,652.00
55-0372-04-00	IRRIGATION SYS MAINT	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
Subtotal:		60,000.00	60,000.00	60,000.00	77,652.00	77,652.00
55-0403-04-00	INSURANCE	1,300.00	1,300.00	1,300.00	4,800.00	4,800.00
55-0410-04-00	UTILITIES - ELECTRIC	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
55-0411-04-00	UTILITIES - WATER/SE	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00
55-0413-04-00	UTILITIES - TRASH DI	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00
55-0421-04-00	PRINTING	75.00	75.00	75.00	75.00	75.00
55-0423-04-00	CONTRACT MOWING	17,652.00	17,652.00	17,652.00		
55-0437-04-00	AUDIT SERVICES	300.00	300.00	300.00	300.00	300.00
55-0442-04-00	COMPUTER PROFESSIONA	720.00	720.00	720.00	720.00	720.00
55-0450-04-00	ADMINISTRATIVE MANAG	9,600.00	9,600.00	9,600.00	9,600.00	9,600.00
55-0456-04-00	NEWSLETTER	3,500.00	3,500.00	3,500.00		
55-0469-04-00	STORAGE	240.00	240.00	240.00	240.00	240.00
Subtotal:		51,887.00	51,887.00	51,887.00	34,235.00	34,235.00
55-0537-04-00	DALLAS COUNTY TAX CO	500.00	500.00	500.00	500.00	500.00
Subtotal:		500.00	500.00	500.00	500.00	500.00
Program number:		115,487.00	115,487.00	115,487.00	115,487.00	115,487.00
Department number:	OPERATIONS	115,487.00	115,487.00	115,487.00	115,487.00	115,487.00
Fund number:	55 TRIBUTE MILLS - PID	115,487.00	115,487.00	115,487.00	115,487.00	115,487.00

******* End of Report *********

CITY OF LANCASTER CITY COUNCIL

City Council Regular Meeting **12.**

Meeting Date: 08/22/2022

Policy Statement: This request supports the City Council 2021-2022 Policy Agenda

Goal(s): Sound Infrastructure
Quality Development

Submitted by: Vicki D. Coleman, Director of Development Services

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Agenda Caption:

M22-24 Conduct a public hearing and consider an exception request to the Lancaster Development Code Article 14.503 (A) (3) - Residential Garages and Carports waiving the requirement to recess the garage at a property located at 1285 Cedardale Road. The property is a 0.199 acre tract. The property is known as PT Lot 1, Block B, of the Cedardale Highlands Addition, City of Lancaster, Dallas County, Texas.

Background:

1. **Location and Size:** The property is located east of the intersection of Cedardale Road and Franklin Street and is an approximately 0.199 acre tract.

2. **Current Zoning:** The subject property is currently zoned Single-Family Residential (SF-6).

3. **Adjacent Properties:**
   North: Single-Family Residential (SF-6) Developed as Single-Family Residences
   South: Single-Family Residential (SF-2) Developed as Single-Family Residences
   East: Single-Family Residential (SF-6) Developed as Single-Family Residences
   West: Single-Family Residential (SF-6) Developed as Single-Family Residences

Operational Considerations:

This is a request for an exception to the Lancaster Development Code Article 14.503 (A) (3) - Residential Garages and Carports which requires that, "garages must be located off an alley; or if accessed from the front street, must be located at least 20 feet behind closest corner of the front building façade for front entry garages, unless it is a “J-Swing” garage where the garage door is perpendicular to the street". The applicant is requesting to allow a front-loaded garage that protrudes approximately six feet forward from the front facade of a single-family dwelling.

The protruding front loaded garage does not enhance the building design and is not compatible with the intended character of the garage location requirement. Additionally, the garage location is not consistent with the City Council's vision for garage locations for residential developments.

Public Information Considerations:

This item is being considered at a Regular Meeting of the City Council noticed in accordance with the Texas Open Meeting Act. Notice of a Public Hearing was published in the Focus Daily News on August 11, 2022. Notices were sent to property owners within 200' of the request. Staff has not received notices in support or opposition to this request.

Options/Alternatives:

1.City Council may approve the request as presented.
2.City Council may approve the request with changes, state the changes.
3.City Council may deny the exception request

Recommendation:

Staff recommends denial of the applicant's request.

Attachments

Location Map

Exhibit

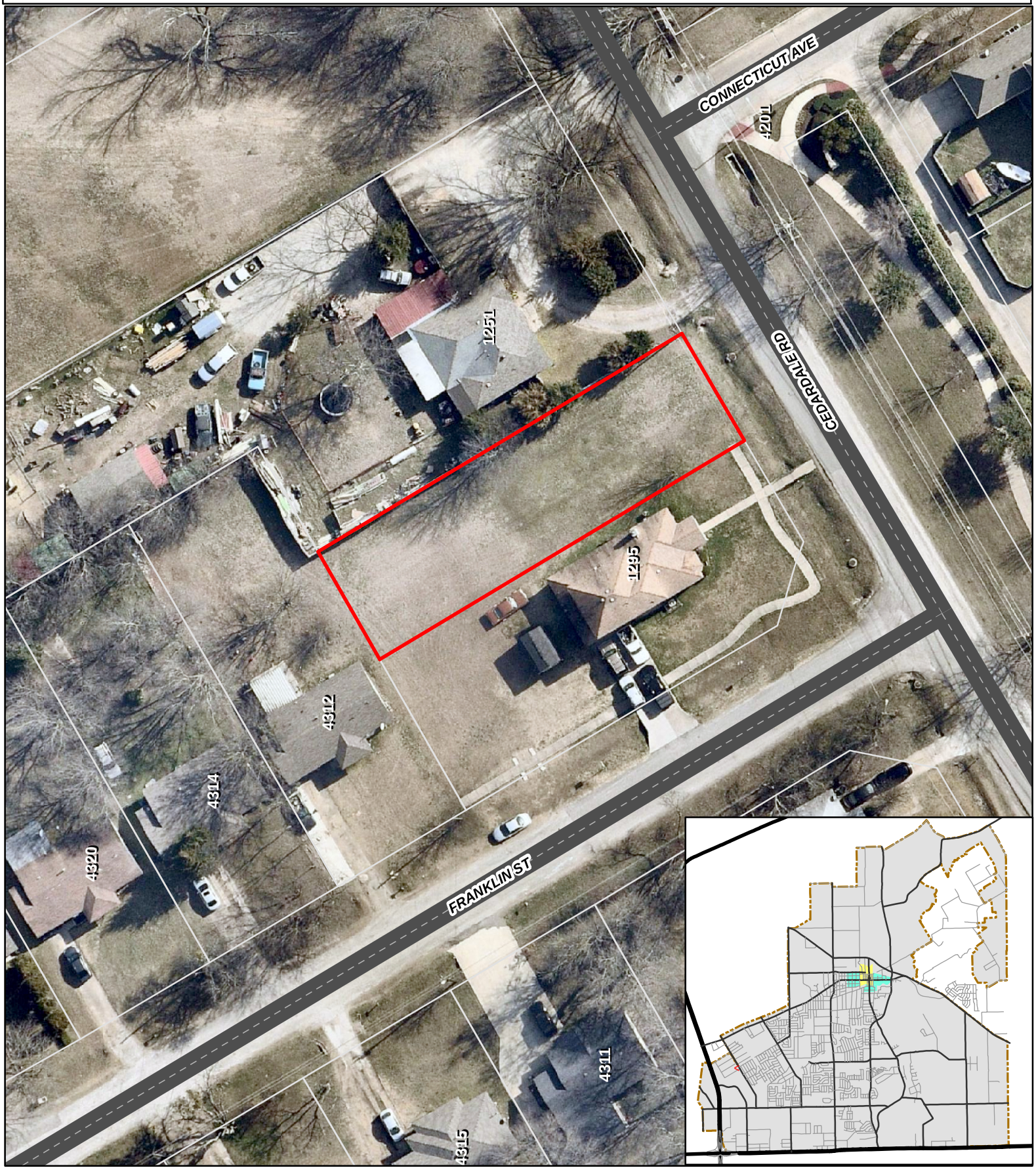
Elevation

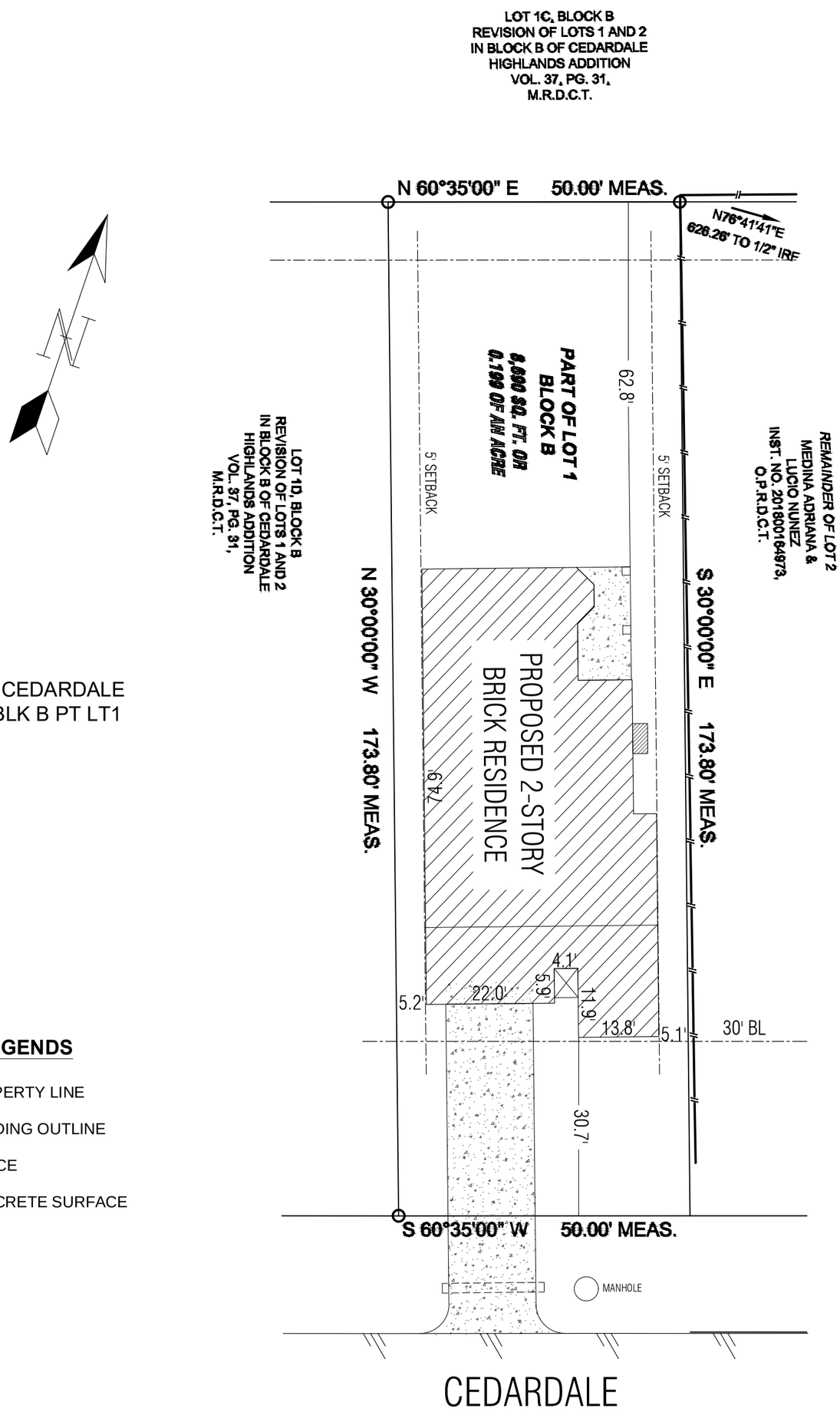
City of Lancaster

1285 Cedardale Rd

Zoned: SF-6

DISCLAIMER / LIMITATION OF LIABILITY
The information on this map is provided by the City of as a public service. We are continually updating the data in order to provide the most accurate information possible. Such information is intended for reference only. The City of Lancaster does not guarantee the accuracy of the information, data or maps. All information is provided "As-Is" without warranty of any kind.





ZONING: SF-6
LEGAL DESC: CEDARDALE HIGHLANDS, BLK B PT LT1

SITE PLAN LEGENDS

- PROPERTY LINE
- BUILDING OUTLINE
- FENCE
- CONCRETE SURFACE

0 20' 40'

01 SITE PLAN

SCALE: 1'=20'

DRAWINGS PROVIDED BY:	PROJECT DESCRIPTION:	SHEET TITLE:	SCALE: 1"=20'	
TDG THE DRAFTER GUY RESIDENTIAL & COMMERCIAL PLANS 8000 US 380 S#100, CROSSROADS,TX- 469-879-6130	PROPOSED RESIDENCE 1285 CEDARDALE, LANCASTER,TX	SITE PLAN	DATE: 3/24/2022	A.1

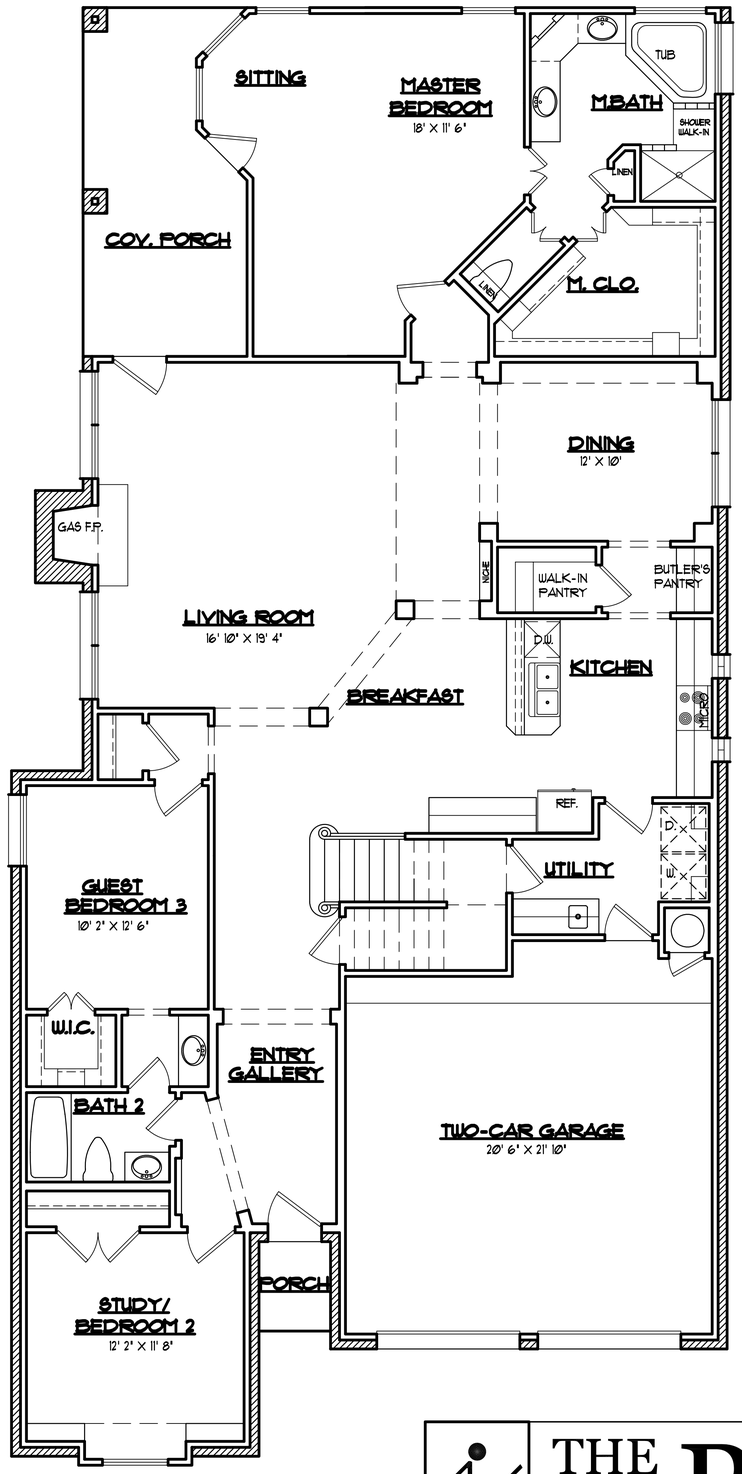
THE Plan Factory

Plan Factory Plan: SF07042232

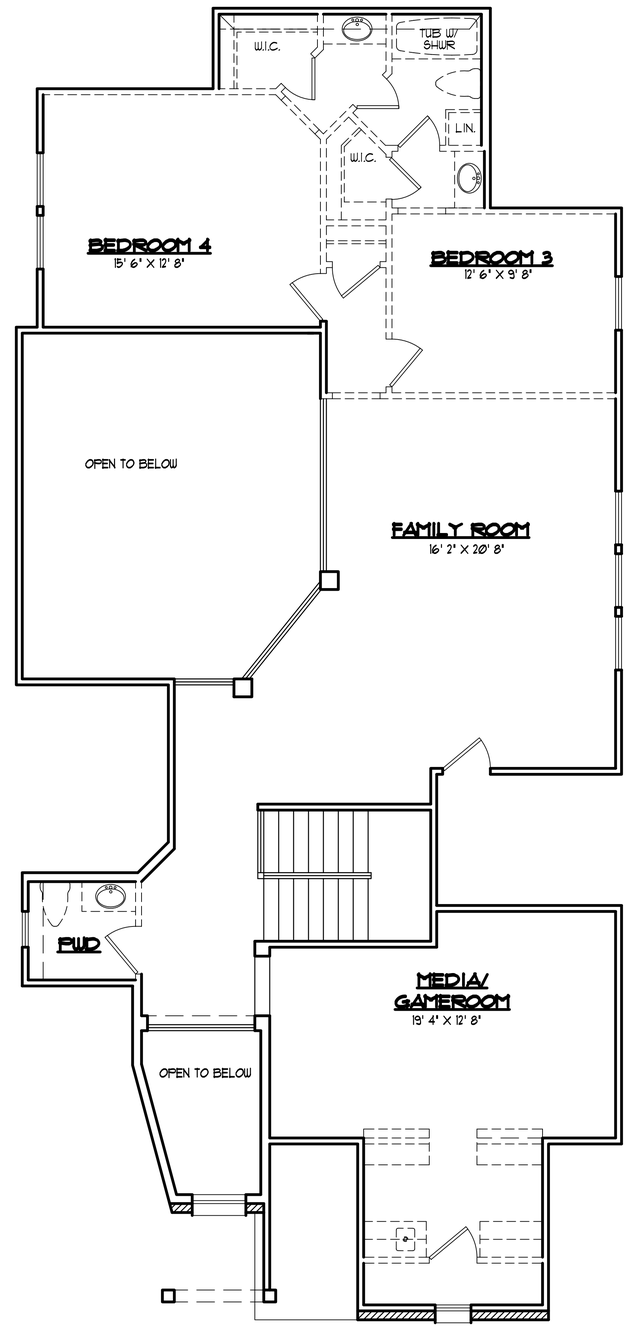
Living 1st	Future Living 2nd	Total	Garage	Porch	Patio	Porte Cochere	A.U.R.
2232	1432	2232	500	20	159	0	2911

Width	Length
40'	81' 6"

These Plans are the property of "THE PLAN FACTORY" and are not to be reproduced, traced or reused without the written permission of "THE PLAN FACTORY." It shall be the responsibility of the builder/owner to verify all Deed Restrictions, Building Codes & Dimensions prior to any construction.



1ST FLOOR



2ND FLOOR

THE Plan Factory

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CITY OF LANCASTER CITY COUNCIL

City Council Regular Meeting **13.**

Meeting Date: 08/22/2022

Policy Statement: This request supports the City Council 2021-2022 Policy Agenda

Goal(s): Healthy, Safe & Engaged Community
Quality Development

Submitted by: Vicki Coleman, Director of Development Services

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Agenda Caption:

M22-26 Conduct a public hearing and consider an ordinance granting six (6) exceptions to the Medical District Corridor standards, a subdistrict of the Medical District Overlay, for a property located at 3255 W. Pleasant Run Road. The property is 0.85 acres in size, known as Lot 1-A, Block B, out of the Beckley City Lots Addition, in the City of Lancaster, Dallas County, Texas.

Background:

1. **Location and Size**: The property is located at 3255 W. Pleasant Run Road and is 0.85 acres in size.

2. **Current Zoning**: The subject property is currently zoned Commercial Highway (CH) and within the Medical District Overlay.

3. **Adjacent Properties**:
   North: Medical District Overlay - (Idlewild Shopping Center)
   South: Medical District Overlay - (Pleasant Run Courtyard Shopping Center)
   East: Medical District Overlay - (Idlewild Shopping Center)
   West: Medical District Overlay - (Commercial-Quick Trip)

4. **Comprehensive Plan Compatibility**: The Future Land Use Plan of the Comprehensive Plan identifies this site as Suburban Mixed Use Center. The request to build a coffee shop development is consistent with the Comprehensive Plan.

Operational Considerations:

Dutch Bros Coffee is an established coffee chain in the northern United States, that entered the Texas market in 2021. Dutch Bros Coffee is seeking to redevelop the subject site and construct a smaller building. Currently, the property has been an underutilized vacant building (Grandy's restaurant) for five years. The Dutch Bros Coffee building product type focuses on a smaller building footprint that is exclusively drive-thru and walk-up service only; there is no indoor dining area. Due to the chain's standard building product, the applicant is requesting relief from the following requirements:

1. Requesting an exception to the required 20’-0” build-to-line along Pleasant Run Road, to allow for a 32’-0” building setback.
2. Requesting an exception to the required 5'-0" build-to-line along Idlewild Lane, to allow for a 46'-8" building setback.
3. Requesting an exception to the 80% building street frontage requirement. 100% of the building will not meet this requirement.
4. Requesting an exception to the 35’-0” minimum height requirement to allow a building height of 22’-8 ½” and tower element height of 26’-1 ½”.

5. Requesting an exception to the required 3’-0” minimum roof articulation overhang, to allow for a minimum 1’-0” roof articulation overhang.
6. Requesting an exception to the 40% minimum glass storefront area, to allow for a minimum of 8% glass storefront area.

Setback

The intent of the building placement in the Medical District is to create a strong street wall to give the streetscape a distinct identity and provide consistency along the street edge. The district requires a 20-foot build-to-line along Pleasant Run Road, and 5 feet on local roads (Idlewild Lane), which dictates where the building should be placed in relation to the south and west property lines. The applicant requests a building that is setback 32 feet from the property line adjacent to Pleasant Run Road. There is an existing 20 foot wide sewer easement parallel to Pleasant Run Road. Due to the location of the walk-up canopy, if the building were to be placed on the 25-foot build-to-line, the canopy would encroach 8 feet into the sewer easement. Structures in an easement are prohibited.

Parking areas are prohibited from being located in the setback. Due to the site's proposed internal traffic circulation, a greater setback is needed on Idlewild Lane to accommodate the parking lot and drive-thru areas.

Street Frontage

In an effort to provide for some flexibility regarding setbacks, the overlay requires that at least 80% of the building meet the build-to-line setback. The remaining 20% of the building can be set back further than the build-to-line. Dutch Bros Coffee is requesting full relief from this requirement.

Building

The minimum building height is implemented to retain an urban feel and higher building intensity within the corridor. The minimum height requirement is 35 feet. The proposed coffee shop is a single-story building with a tower element. The tallest portion of the building is the tower on the north elevation, being approximately 26'-2".

Building and Roofline Articulation

Articulation is used to add visual interest to a building, and provide dimension. The district requires articulation through the use of a strong cornice treatment, articulated parapets, and overhanging eaves. Should overhangs be used, they shall be a minimum of 3 feet. The applicant is requesting 1-foot overhangs, stating 3-feet would appear out of scale and would deviate from the Dutch Bros brand standard.

Ground Level Design

The final request is a reduction of the minimum 40% glass storefront area. Dutch Bros Coffee is proposing a minimum of 8% overall. The interior of the building has no seating and only contains a kitchen and service area. Glazing is only provided on the east and south elevations where the walk-up areas are located.

The proposed Dutch Bros Coffee meets the intent of providing a regional service for the surrounding area. The company is proposing additional landscaping, use of enhanced building materials to include stone, stucco and cementitious fiberboard, and this project will be redevelopment of the current vacant and underutilized site and enhancement to the Pleasant Run corridor providing service. Staff is in support of the applicant's request.

Public Information Considerations:

This item is being considered at a Regular Meeting of the City Council noticed in accordance with the Texas Open Meeting Act. Notice of a Public Hearing was published in the Focus Daily News on August 11, 2022. Notices were sent to property owners within 200' of the request. There are no notices received in support, nor opposition.

Options/Alternatives:

1. City Council may approve the requests, as presented.
2. City Council may approve the requests with changes and state those changes.
3. City Council may deny the requests.

Recommendation:

Staff recommends approval of the six (6) exception requests.

Attachments

Ordinance

Location Map

Letter of Intent

Elevations and Landscaping Exhibit

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS GRANTING SIX (6) SPECIAL EXCEPTIONS TO THE MEDICAL DISTRICT CORRIDOR STANDARDS, (A SUBDISTRICT OF THE MEDICAL DISTRICT): 1) TO ALLOW FOR A 32'-0" BUILDING SETBACK; 2) TO ALLOW FOR A 46'-8" BUILDING SETBACK; 3) TO DECREASE THE MINIMUM 80% BUILDING STREET FRONTAGE REQUIREMENT; 4) TO ALLOW A BUILDING HEIGHT OF 22'-8 ½" AND TOWER ELEMENT HEIGHT OF 26'-1 ½"; 5) TO ALLOW FOR A MINIMUM 1'-0" ROOF ARTICULATION OVERHANG; AND 6) TO ALLOW FOR A MINIMUM OF 8% GLASS STOREFRONT AREA ON PROPERTY 0.85 ACRES IN SIZE ADDRESSED AS 3255 WEST PLEASANT RUN ROAD LOCATED AT THE NORTH EAST INTERSECTION OF WEST PLEASANT RUN AND IDLEWILD LANE, IN THE CITY OF LANCASTER, DALLAS COUNTY, TEXAS, BEING IN SUBSTANTIAL CONFORMANCE TO THE ATTACHED EXHIBITS, ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND ($2,000) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lancaster, Texas has been presented with six (6) request for exceptions to: 1) allow for a 32'-0" building setback; 2) allow for a 46'-8" building setback; 3) decrease the minimum 80% building street frontage requirement; 4) allow a building height of 22'-8 ½" and tower element height of 26'-1 ½"; 5) allow for a minimum 1'-0" roof articulation overhang; and 6) allow for a minimum of 8% glass storefront area.

WHEREAS, the City Council of the City of Lancaster, in compliance with the laws of the State of Texas with reference to the granting of six (6) special exceptions to the Medical District Corridor requirements, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all persons interested; and

WHEREAS, the City Council of the City of Lancaster, Texas finds that it is in the best interest to approve such exceptions in conformance with the attached exhibits.

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

SECTION 1. That the City of Lancaster, Texas hereby grants six (6) exceptions to the Medical District Corridor requirements, as follows: 1) allow for a 32'-0" building setback; 2) allow for a 46'-8" building setback; 3) decrease the minimum 80% building street frontage requirement; 4) allow a building height of 22'-8 ½" and tower element height of 26'-1 ½"; 5) allow for a minimum 1'-0" roof articulation overhang; and 6) allow for a minimum of 8% glass storefront area. As detailed on the attached exhibits.

SECTION 2. Except as expressly amended herein; Ordinance Number 2007-06-23, the Medical District of the City of Lancaster, Texas, as amended, shall remain in full force and effect.

SECTION 3. If any article, paragraph, subdivision, clause or provision of this ordinance or the Lancaster Development Code be adjudged invalid or held unconstitutional for any reason, such judgment or holding shall not affect the validity of this ordinance as a whole or any part or provision thereof, or of the Lancaster Development Code, other than the part so declared to be invalid or unconstitutional.

SECTION 4. Any person, firm or corporation violating any of the provisions of this ordinance or the Lancaster Development Code of the City of Lancaster, Texas, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Lancaster, Texas, shall be subject to a fine not to exceed the sum of Two Thousand ($2,000.00) dollars for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 5. This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provide.

DULY PASSED and approved by the City Council of the City of Lancaster, Texas, on this the 22nd day of August, 2022.

ATTEST:

Sorangel O. Arenas, City Secretary

APPROVED:

Clyde C. Hairston, Mayor

APPROVED AS TO FORM:

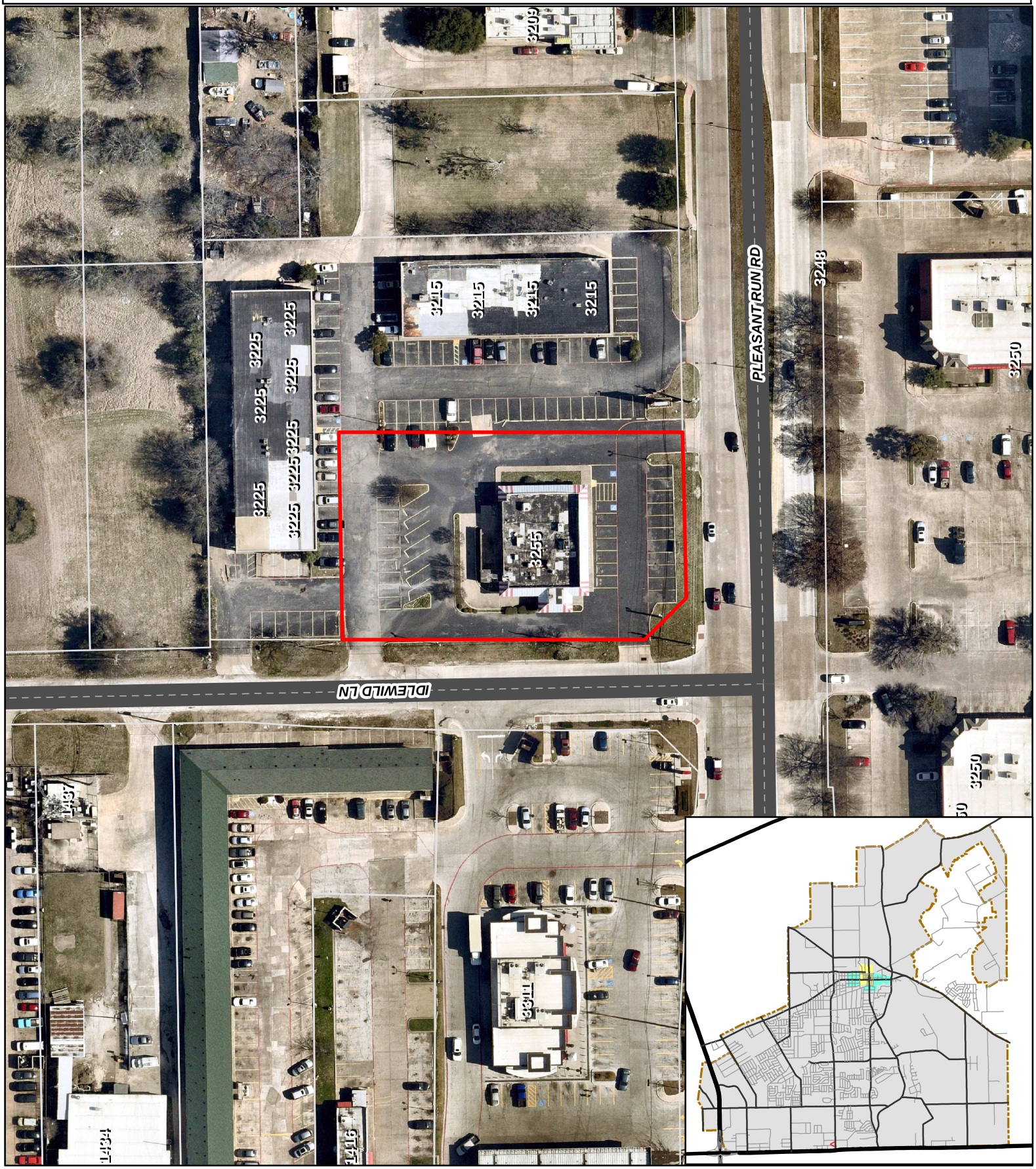
David T. Ritter, City Attorney

City of Lancaster

3255 W Pleasant Run Rd

Zoned: CH

DISCLAIMER / LIMITATION OF LIABILITY
The information on this map is provided by the City of as a public service. We are continually updating the data in order to provide the most accurate information possible. Such information is intended for reference only. The City of Lancaster does not guarantee the accuracy of the information, data or maps. All information is provided "As-Is" without warranty of any kind.



August 1, 2022

City of Lancaster
Attn: Planning Department
City Hall
211 North Henry Street
Lancaster, TX 75146

Re: Special Exception Request – Medical District Design Standards

To Whom It May Concern,

I am writing this letter to request the following Exceptions to the City of Lancaster Medical District Design Standards:

I. 2.1 – Building Setbacks
   a. Request 32'-0" building setback be allowed in lieu of the required 20'-0" setback along Pleasant Run Road. Site has an existing 20'-0" wide sewer easement which prohibits building placement on the 20 foot setback line due to the canopy at the walk-up window. This canopy can not extend into the easement.

II. 2.3 – Minimum Development Street Frontage
   a. Request exception to the 80% building street frontage requirement due to the existing sewer easement as described above.

III. 4 – Building Massing & Height
   a. Request that a building height of 22'-8 ½" and tower element height of 26'-1 ½" be allowed in lieu of the 35'-0" minimum height requirement.
   b. The proposed Dutch Bros Coffee store is a single story building.

IV. 4.4 – Building Articulation
   a. Request that a minimum of 1'-0" roof articulation overhangs be allowed in lieu of the required 3'-0" minimum. Building is a single story building and 3'-0" overhangs would appear out of scale, as well as significantly deviate from the Dutch Bros Brand Standard.

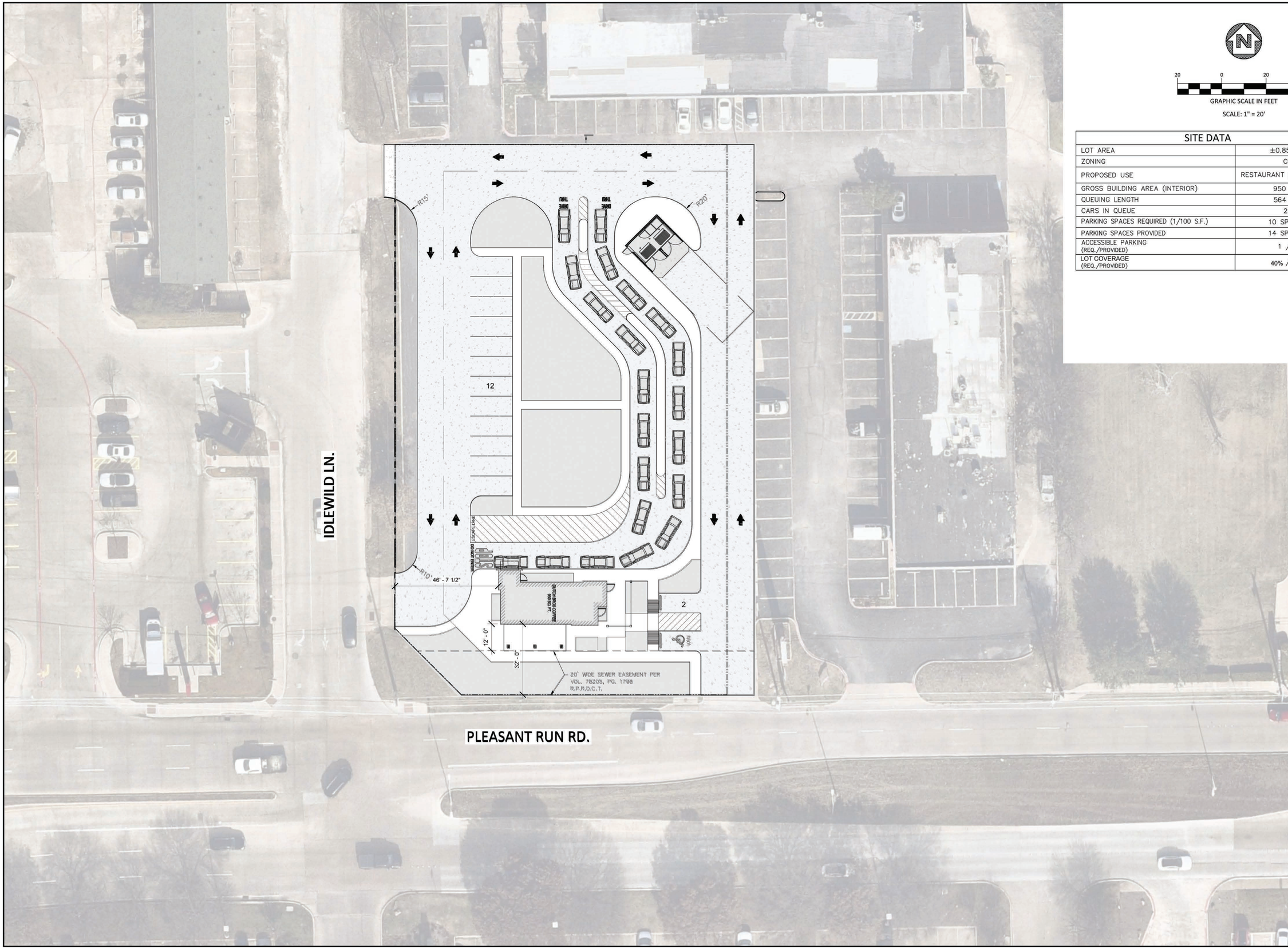
V. 5.5 – Ground Level Design (Medical Corridor)

a. Request a minimum of 8% glass storefront area be allowed in lieu of the minimum 40%. Dutch Bros Coffee has no interior seating, and its interior contains a kitchen and service area only. Glass storefront is provided at the walk-up window service area only.

Thanks in advance for your consideration.

Sincerely,

Eric L. Nunnally Sr., AIA, NCARB, RIBA, CSI
President/Director of Design and Planning



GRAPHIC SCALE IN FEET

SCALE: 1" = 20'

SITE DATA	
LOT AREA	±0.85 AC.
ZONING	CH
PROPOSED USE	RESTAURANT (DRIVE THRU)
GROSS BUILDING AREA (INTERIOR)	950 S.F.
QUEUING LENGTH	564 L.F.
CARS IN QUEUE	21
PARKING SPACES REQUIRED (1/100 S.F.)	10 SPACES
PARKING SPACES PROVIDED	14 SPACES
ACCESSIBLE PARKING (REQ./PROVIDED)	1 / 1
LOT COVERAGE (REQ./PROVIDED)	40% / 2.6%

The Nunnally Studio
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325 N. St. Paul Street, Suite 3100
Dallas, Texas 75201
tel. 214-450-9003
fax. 866.387.7903

DUNAWAY
550 Bailey Avenue • Suite 400 • Fort Worth, Texas 76107
Tel: 817.335.1121
(TX REG. F-1114)

Project No: TX1904

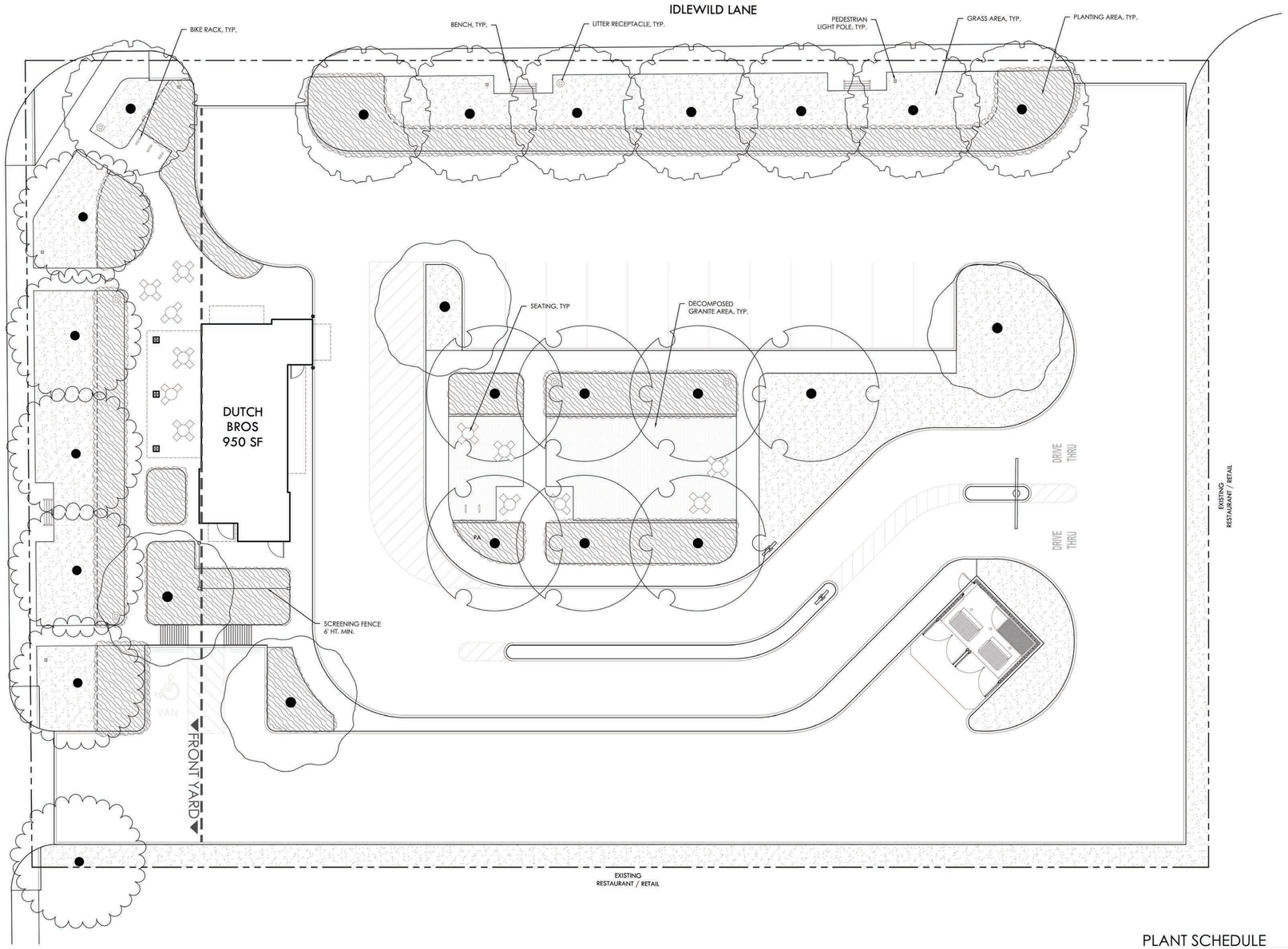
Dutch Bros Coffee - New Freestanding Store
3255 Pleasant Run Road
Lancaster, Texas 75146

for: Dutch Bros Coffee
110 SW 4th St.
Grants Pass, OR 97526

Drawn By:
Checked By:
Date: AUGUST 1, 2022
Project Number:

Sheet Name/No.
SITE PLAN
1

"The name DUTCH BROS, and all associated logos, distinctive designs, content, information, and other materials featured, displayed, contained herein, and made available by Dutch Bros, including but not limited to, the "look and feel" of the establishments and products, all text, images, colors, configurations, graphics, designs, illustrations, photographs, and pictures (collectively, the "Materials") are owned by and/or licensed by DB Franchising USA, LLC and are protected by copyright, trademark, trade dress, patent, and/or other intellectual property rights and unfair competition laws under the United States and foreign laws. "



LANDSCAPE DATA CHART - OVERLAY

ZONING	COMMERCIAL
OVERLAY	LANCASTER MEDICAL DISTRICT-MIXED DENSITY RESIDENTIAL
SITE AREA	36,839 SF / .846 AC
BUILDING AREA	950 SF
GROSS SITE AREA	35,889 SF

	REQUIRED	PROVIDED
SURFACE PARKING LANDSCAPE ONE TREE PER 7 SPACES 14 SPACES / 7	2 TREES	2 TREES
NO MORE THAN 15 CONTINUOUS SPACES		
ONE TREE IN EVERY PARKING ISLAND 9'X 18 MINIMUM SIZE	4 TREES	4 TREES
SURFACE PARKING PERIMETER SCREENING 3' HT EVERGREEN HEDGE		
FRONT YARDS LANDSCAPED ADJACENT COMMERCIAL USES PROVIDING INVITING WALKING EXPERIENCE	YES	YES
STREET TREES ONE 5" CAL TREE EVERY 30', PLACED 3.5' FROM CURB CONSISTENT SPECIES ON BLOCKS (LIVE OAK, RED OAK)		
IDLEWILD 250 LF / 30'	8 STREET TREES	8 STREET TREES
PLEASANT RUN 168 LF / 30'	6 STREET TREES	6 STREET TREES
OPEN SPACE APPROPRIATELY DESIGNED FOR SCALE OF SPACE		
STREET BENCHES ONE BENCH EVERY 150' FACING THE SIDEWALK		
IDLEWILD 250 LF / 150'	2 BENCHES	2 BENCHES
PLEASANT RUN 168 LF / 150'	1 BENCH	1 BENCH
PEDESTRIAN STREET LIGHTS ONE STREET LIGHT EVERY 90' LOCATED 4' FROM FACE OF CURB		
IDLEWILD 250 LF / 90'	3 PED STREET LIGHTS	3 PED STREET LIGHTS
PLEASANT RUN 168 LF / 90'	2 PED STREET LIGHTS	2 PED STREET LIGHTS
BIKE RACKS ONE BIKE RACK EVERY 150' CLUSTERED AT BUILDING ENTRIES		
IDLEWILD 250 LF / 150'	2 BIKE RACKS	2 BIKE RACKS
PLEASANT RUN 168 LF / 150'	1 BIKE RACK	1 BIKE RACK
LITTER RECEPTACLES ONE LITTER REC EVERY 150' CLUSTERED AT BUILDING ENTRIES		
IDLEWILD 250 LF / 150'	2 LITTER REC	2 LITTER REC
PLEASANT RUN 168 LF / 150'	1 LITTER REC	1 LITTER REC

IRRIGATION NOTE:
ALL LANDSCAPE SHALL BE WATERED BY AN UNDERGROUND IRRIGATION SYSTEM AND INSTALLED BY LICENSED IRRIGATOR.

LANDSCAPE DATA CHART - CITY

ZONING	COMMERCIAL
OVERLAY	LANCASTER MEDICAL DISTRICT-MIXED DENSITY RESIDENTIAL
SITE AREA	36,839 SF / .846 AC
BUILDING AREA	950 SF
GROSS SITE AREA	35,889 SF

	REQUIRED	PROVIDED
STREETSCAPE BUFFER	6' BUFFER	6' BUFFER
STREET TREES ONE SHADE TREE FOR EVERY 50' OF FRONTAGE		
IDLEWILD 250 LF / 50'	5 TREES	5 TREES
PLEASANT RUN 168 LF / 50'	3 TREES	3 TREES
LANDSCAPE AREA TO BE 20% OF SITE 36,839 SF X 20%	7,368 SF	13,463 SF
TREE REQUIREMENT LESS THAN 10,000 SF, ONE TREE FOR EVERY 10,000 SF		
IDLEWILD 250' X 6' = 1,500 SF	2 TREES	2 TREES
PLEASANT RUN 168' X 6' = 1,008 SF	1 TREE	1 TREE
NOTE: TWO 6' HT. ORNAMENTAL TREES =1 LARGE TREE (MAX 50%)		
SHRUBERY ONE SHRUB FOR EVERY 50 SF OF LANDSCAPE AREA		
IDLEWILD 250' X 6'=1,500 SF / 50	30 SHRUBS	30 SHRUBS
PLEASANT RUN 168' X 6' = 1,008 SF / 50	20 SHRUBS	20 SHRUBS
GROUNDCOVER 10% OF LANDSCAPE AREA		
IDLEWILD 250' X 6'=1,500 SF X 10%	150 SFGROUNDCOVER	150 SF GROUNDCOVER
PLEASANT RUN 168' X 6' = 1,008 SF X 10%	101 SF GROUNDCOVER	101 SF GROUNDCOVER
30% OF LANDSCAPE IN FRONT YARD PLEASANT RUN 7,368 SF	1,473 SF	3,309 SF
PARKING LOT LANDSCAPE LESS THAN 25% = 15 SF PER PARKING STALL 14 SPACES X 15 SF	210 SF	2,946 SF
ONE TREE IN EVERY PARKING ISLAND	4 TREES	4 TREES
NOTE: 20% REDUCTION WITH USE OF XERISCAPE LANDSCAPING		
TREE MITIGATION IS INCH PER INCH XX INCHES REMOVED XX INCHES PROPOSED		

PLANT SCHEDULE

LARGE TREES	QTY	COMMON NAME	BOTANICAL NAME	CAL.	CONT.	HEIGHT	SPREAD
	4	CEDAR ELM	ULMUS CRASSIFOLIA	3"	65 GAL	7' HT. MIN	5'-7'
	8	CHINQUAPIN OAK	QUERCUS MUHLENBERGII	3"	65 GAL	7' HT. MIN	5'-7'
	6	RED OAK	QUERCUS TEXANA	3"	65 GAL	7' HT. MIN	5'-7'
SMALL TREES	**QTY**	**COMMON NAME**	**BOTANICAL NAME**	**CAL.**	**CONT.**	**HEIGHT**	**SPREAD**
	8	CHINESE PISTACHE	PISTACIA CHINENSIS	3"	65 GAL	7' HT. MIN	5'-7'

SHRUB AREAS	QTY	COMMON NAME	BOTANICAL NAME	CONT.	HT.	SPREAD	SPACING
	549	PLANTING AREA	PLANTING AREA	1 GAL - 5 GAL	10"-24"	10"-24"	3' OC.

ROCK/GRAVEL	QTY	COMMON NAME	BOTANICAL NAME	CONT.	HEIGHT	SPREAD	SPACING
	1,254 SF	DECOMPOSED GRANITE	DECOMPOSED GRANITE	4" THICK	NA	NA	NA

SOD/SEED	QTY	COMMON NAME	BOTANICAL NAME	CONT.	HEIGHT	SPREAD	SPACING
	7,670 SF	BERMUDA GRASS	CYNODON DACTYLON	SOLID SOD	NA	NA	NA

STEEL EDGING

SITE FURNISHINGS KEY

SYM	QTY	DESCRIPTION
	3	BENCH LANDSCAPE FORMS MODEL: FGP BACKLESS 70" POWDER COATED METAL FINISH COLOR: STROMCLOUD WOOD SLAT COLOR: ASH EMBEDDED MOUNT
	5	PEDESTRIAN LIGHT POLE LANDSCAPE FORMS ASHBURY PATH LIGHT COLOR: STORMCLOUD
	3	BIKE RACK LANDSCAPE FORMS MODEL: EMERSON POWDER COATED METAL FINISH COLOR: STROMCLOUD EMBEDDED MOUNT
	3	LITTER RECEPTACLE LANDSCAPE FORMS MODEL: FGP POWDER COATED METAL FINISH COLOR: STROMCLOUD WOOD SLAT COLOR: ASH
	30 LF	6' HT. WOOD SCREENING FENCE

BENCH

LITTER RECEPTACLE

BIKE RACK

LIGHT POLE

10 0 10 20
GRAPHIC SCALE IN FEET

DUTCH BROS

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LANDSCAPE PLAN
2

" The name DUTCH BROS, and all associated logos, distinctive designs, content, information, and other materials featured, displayed, contained herein, and made available by Dutch Bros., including but not limited to, the "look and feel" of the establishments and products, all text, images, colors, configurations, graphics, designs, illustrations, photographs, and pictures (collectively, the "Materials") are owned by and/or licensed by DB Franchising USA, LLC and are protected by copyright, trademark, trade dress, patent, and/or other intellectual property rights and unfair competition laws under the United States and foreign laws. "

MATERIAL COMPOSITION

FRONT ELEVATION:
- *STUCCO - 221 S.F./41%
- *MASONRY - 48 S.F./9%
- *FIBER CEMENT SIDING - 211 S.F./39%
- *GLAZING - 57 S.F./11%

LEFT ELEVATION:
- *STUCCO - 665 S.F./69%
- *MASONRY - 82 S.F./8%
- *FIBER CEMENT SIDING - 193 S.F./20%
- *GLAZING - 26 S.F./3%

RIGHT ELEVATION:
- *STUCCO - 649 S.F./69%
- *MASONRY - 164 S.F./17%
- *FIBER CEMENT SIDING - 48 S.F./5%
- *GLAZING - 74 S.F./9%

REAR ELEVATION:
- *STUCCO - 336 S.F./72%
- *MASONRY - 29 S.F./6%
- *FIBER CEMENT SIDING - 105 S.F./22%
- *GLAZING - 0 S.F.

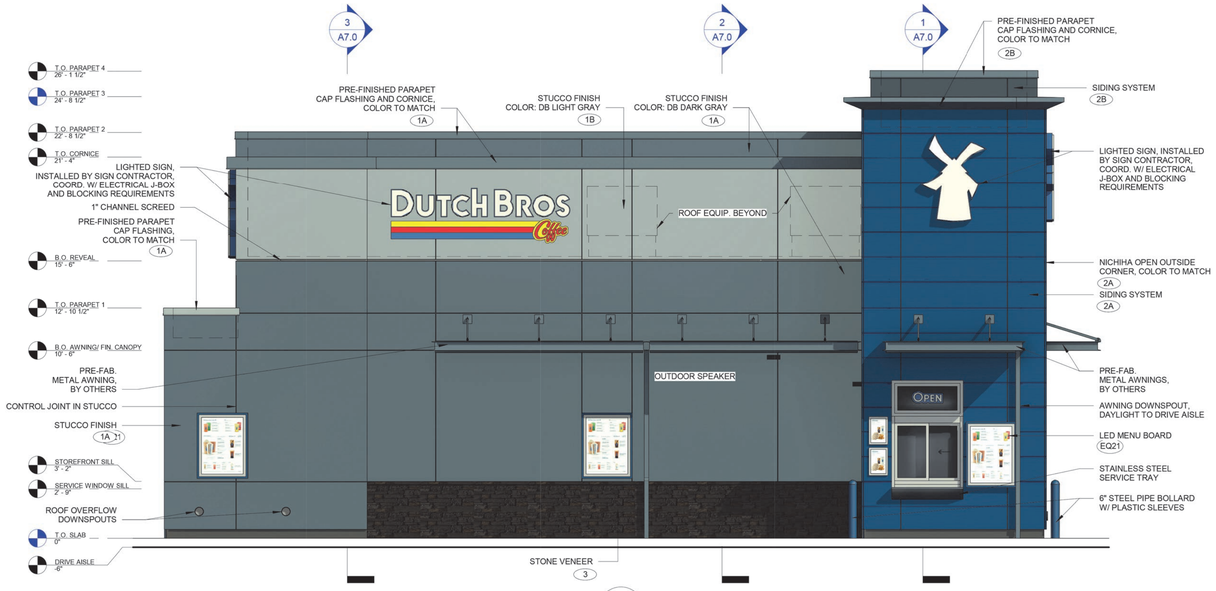
MATERIAL COMPOSITION

MASONRY - ELDORADO STONE
STUCCO - DRYVIT / STO CORP.
FIBER CEMENT SIDING - NICHIHA
GLAZING FRAMING/GLASS - KAWNEER/VITRO

SIDING SCHEDULE - ALTERNATE w/ CANOPY

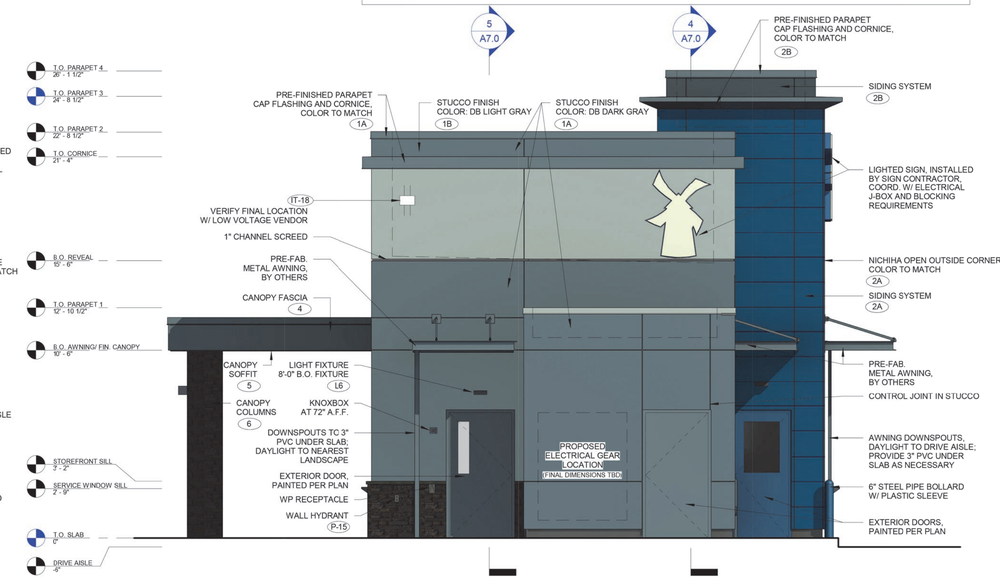
ID TAG	MATERIAL	MANUFACTURER	MODEL	REMARKS
ZONE 1 (BODY)				
1A	STUCCO	DRYVIT SYSTEMS, INC.	3-COAT SYSTEM W/ ACRYLIC MEDIUM SAND FINISH; REVEALS AS SHOWN	COLOR: BLDG DB DARK GRAY
1B	STUCCO	DRYVIT SYSTEMS, INC.	3-COAT SYSTEM W/ ACRYLIC MEDIUM SAND FINISH; REVEALS AS SHOWN	COLOR: BLDG DB LIGHT GRAY
ZONE 2 (TOWER)				
2A	FIBER CEMENT SIDING	NICHIHA	ILLUMINATION, AWP 1818 w/ FACTORY OUTSIDE CORNERS	COLOR: BLDG DB BLUE
2B	FIBER CEMENT SIDING	NICHIHA	ILLUMINATION, AWP 1818 w/ FACTORY OUTSIDE CORNERS	COLOR: BLDG DB DARK GRAY
ZONE 3 (BASE)				
3	STONE VENEER	ELDORADO STONE	CLIFFSTONE, BANFF SPRINGS	COLOR: PER MFR.
	STONE SILL	ELDORADO STONE	SNAPPED EDGE WAINSCOT SILL	COLOR: PEWTER
ZONE 4 (FRAMED CANOPY)				
4	FASCIA	BERRIDGE	METAL FASCIA; FLAT	3 SIDES; COLOR: BLDG DB DARK GRAY
5	SOFFIT	HEWN ELEMENTS	NATURAL NORTHWESTERN SPRUCE	1x8, T&G, 1/8" REVEAL
6	COLUMNS	ELDORADO STONE	CLIFFSTONE, BANFF SPRINGS	COLOR; PER MFR

NOTE: PROVIDE 3"x2" SMOOTH DOWNSPOUTS, AND ALL NECESSARY ADAPTORS, AT AWNING AND CANOPY LOCATIONS; COLOR: BLDG DB DARK GRAY



4 LEFT ELEVATION - DRIVE-THRU WINDOW

SCALE: 1/4" = 1'-0"

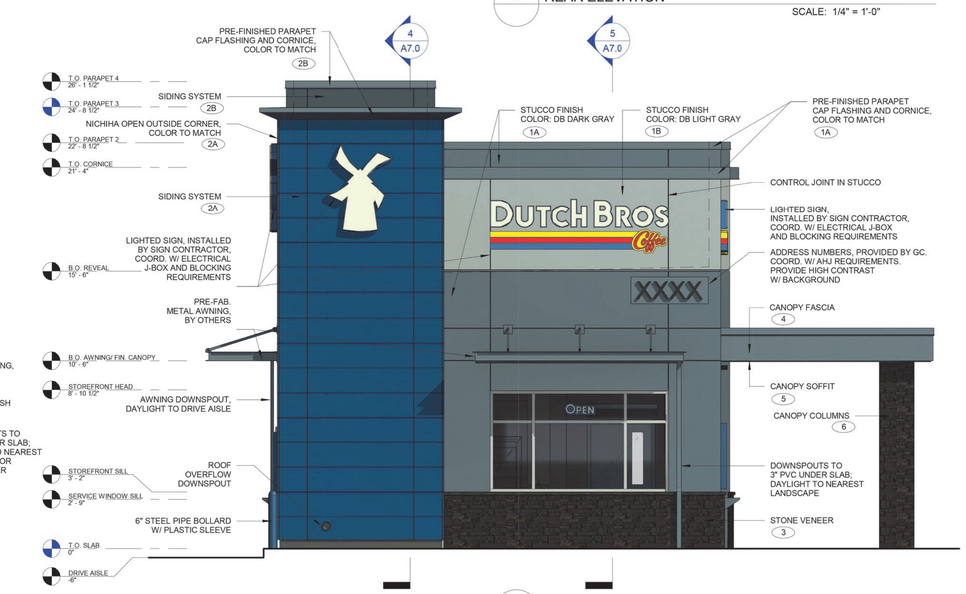


3 REAR ELEVATION

SCALE: 1/4" = 1'-0"

2 RIGHT ELEVATION - WALK-UP WINDOW

SCALE: 1/4" = 1'-0"



1 FRONT ELEVATION

SCALE: 1/4" = 1'-0"

The Nunnally Studio
Architecture | Interiors | Planning
325 N. St. Paul Street, Suite 3100
Dallas, Texas 75201
tel. 214-450-9003
fax. 866.387.7903

FOR REVIEW ONLY
NOT FOR CONSTRUCTION

Project No: TX1904
Dutch Bros Coffee - New Freestanding Store
3255 Pleasant Run Road
Lancaster, Texas 75146

for: Dutch Bros Coffee
110 SW 4th St.
Grants Pass, OR 97526

Revisions:

Drawn By: AC
Checked By: ELN
Date: 07/26/2022
Project #: 2022.TX1904

Sheet Name/No.
BUILDING ELEVATIONS - COLOR
3

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DUNAWAY
550 Bailey Avenue • Suite 400 • Fort Worth, Texas 76107
Tel: 817.335.1121
(TX REG. F-1114)

Project No: TX1904

Dutch Bros Coffee - New Freestanding Store
3255 Pleasant Run Road
Lancaster, Texas 75146

for: Dutch Bros Coffee
110 SW 4th St.
Grants Pass, OR 97526

Drawn By:
Checked By:
Date: AUGUST 1, 2022
Project Number:

Sheet Name/No.

RENDERINGS

4

CITY OF LANCASTER CITY COUNCIL

City Council Regular Meeting **14.**

Meeting Date: 08/22/2022

Policy Statement: This request supports the City Council 2021-2022 Policy Agenda

Goal(s): Financially Sound Government

Submitted by: Carey Neal, Assistant City Manager

Agenda Caption:

Discuss and consider a resolution approving a negotiated settlement between Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2022 rate review mechanism filing; declaring existing rates to be unreasonable; and adopting tariffs that reflect rate adjustments consistent with the negotiated settlement.

Background:

The City, along with 181 other Mid-Texas cities served by Atmos Energy Corporation, Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC"). In 2007, ACSC and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism ("RRM"), as a substitute for future filings under the GRIP statute.

ACSC strongly opposed the GRIP process because it constitutes piecemeal ratemaking by ignoring declining expenses and increasing revenues while rewarding the Company for increasing capital investment on an annual basis. The GRIP process does not allow any review of the reasonableness of capital investment and does not allow cities to participate in the Railroad Commission's review of annual GRIP filings or allow recovery of Cities' rate case expenses. The Railroad Commission undertakes a mere administrative review of GRIP filings (instead of a full hearing) and rate increases go into effect without any material adjustments. In ACSC's view, the GRIP process unfairly raises customers' rates without any regulatory oversight. In contrast, the RRM process has allowed for a more comprehensive rate review and annual evaluation of expenses and revenues, as well as capital investment.

Operational Considerations:

The purpose of this item is to approve a negotiated settlement between the Atmos Steering Committee and Atmos Energy Corp. Since 2007, there have been several modifications to the original RRM Tariff. The most recent iteration of an RRM Tariff was reflected in an ordinance adopted by ACSC members in 2018. On or about April 1, 2022, the Company filed a rate request pursuant to the RRM Tariff adopted by ACSC members. The Company claimed that its cost-of-service in a test year ending December 31, 2021, entitled it to additional system-wide revenues of $141.3 million. Application of the standards set forth in ACSC's RRM Tariff reduces the Company's request to $115 million, $83.26 million of which would be applicable to ACSC members. ACSC's consultants concluded that the system-wide deficiency under the RRM regime should be $95.8 million instead of the claimed $141.3 million. The Executive Committee recommends a settlement at $115 million. The Effective Date for new rates is October 1, 2022.

The Legislature's GRIP process allowed gas utilities to receive annual rate increases associated with capital investments. The RRM process has proven to result in a more efficient and less costly (both from

a consumer rate impact perspective and from a ratemaking perspective) than the GRIP process. Given Atmos Mid-Tex's claim that its historic cost of service should entitle it to recover $141.3 million in additional system-wide revenues, the RRM settlement at $115 million for ACSC Cities reflects substantial savings to ACSC Cities. Settlement at $115 million is fair and reasonable. The ACSC Executive Committee consisting of city employees of 18 ACSC members urges all ACSC members to pass the Resolution before September 30, 2022. New rates become effective October 1, 2022.

Legal Considerations:

The resolution was prepared and approved as to form by legal counsel representing the member cities (ACSC) of which Lancaster is a member.

Public Information Considerations:

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

Fiscal Impact:

Atmos generated rate tariffs attached to the Resolution will generate $115 million in additional revenues. Atmos also prepared a Proof of Revenues supporting the settlement figures. ACSC consultants have agreed that Atmos' Proof of Revenues is accurate.

The impact of the settlement on average residential rates is an increase of $4.60 on a monthly basis, or 6.7 percent. The increase for average commercial usage will be $14.34 or 4.3 percent per month. Atmos provided bill impact comparisons containing these figures. A bill impact comparison is attached.

Options/Alternatives:

1. City Council may approve resolution, as presented.
2. City Council may deny the resolution.

Recommendation:

Staff recommends approval of the resolution, as presented.

Attachments

Resolution

Attachments

RESOLUTION NO. _____

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 2022 RATE REVIEW MECHANISM FILING; 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 ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; 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, charges, and services 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 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, the current RRM tariff was adopted by the City in a rate ordinance in 2018; and

WHEREAS, on about April 1, 2022, Atmos Mid-Tex filed its 2022 RRM rate request with ACSC Cities based on a test year ending December 31, 2021; and

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2022 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 $115 million on a system-wide basis with an Effective Date of October 1, 2022; and

WHEREAS, ACSC agrees that Atmos' plant-in-service is reasonable; and

WHEREAS, with the exception of approved plant-in-service, ACSC is not foreclosed from future reasonableness evaluation of costs associated with incidents related to gas leaks; and

WHEREAS, the attached tariffs (Attachment 1) 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 settlement agreement sets a new benchmark for pensions and retiree medical benefits (Attachment 2); and

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

NOW, THEREFORE, BE IT RESOLVED 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, without prejudice to future litigation of any issue identified by ACSC, the City Council finds that the settled amount of an increase in revenues of $115 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 2022 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 despite finding Atmos Mid-Tex's plant-in-service to be reasonable, ACSC is not foreclosed in future cases from evaluating the reasonableness of costs associated with incidents involving leaks of natural gas.

Section 4. 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 1, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional $115 on a system-wide basis, over the amount allowed under currently approved rates. Such tariffs are hereby adopted.

Section 5. That the ratemaking treatment for pensions and retiree medical benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on Attachment 2, attached hereto and incorporated herein.

Section 6. That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company's 2022 RRM filing.

Section 7. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Resolution, it is hereby repealed.

Section 8. 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 9. 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 10. That consistent with the City Ordinance 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 October 1, 2022.

Section 11. 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 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Thomas Brocato, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

RESOLUTION NO. _____

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LANCASTER TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 22TH DAY OF AUGUST, 2022.

_____
Mayor

ATTEST:

_____
City Secretary

APPROVED AS TO FORM:

_____
City Attorney

ATMOS ENERGY CORP., MID-TEX DIVISION
PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL
TEST YEAR ENDING DECEMBER 31, 2021

		Shared Services		Mid-Tex Direct			
Line No.	Description	Pension Account Plan	Post-Employment Benefit Plan	Pension Account Plan	Supplemental Executive Benefit Plan	Post-Employment Benefit Plan	Adjustment Total
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
	Proposed Benefits Benchmark - Fiscal Year 2022 Willis Towers Watson						
1	Report as adjusted (1) (2) (3)	$ 1,715,323	$ 982,708	$ 3,137,022	$ 313,319	$ (341,412)	
2	Allocation to Mid-Tex	44.72%	44.72%	76.88%	100.00%	76.88%	
3	Proposed Benefits Benchmark Costs Allocated to Mid-Tex (Ln 1 x Ln 2)	$ 767,038	$ 439,436	$ 2,411,882	$ 313,319	$ (262,493)	
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%	
5	Proposed Benefits Benchmark Costs to Approve (Ln 3 x Ln 4) (3)	$ 767,038	$ 439,436	$ 2,411,882	$ 313,319	$ (262,493)	$ 3,669,182
6							
7							
8	Summary of Costs to Approve (1):						
9							
10	O&M Expense Factor (WP_F-2.3, Ln 2)	79.88%	79.88%	38.60%	11.00%	38.60%	
11							
12							
13	Total Pension Account Plan	$ 612,700		$ 931,100			$ 1,543,800
14	Total Post-Employment Benefit Plan		$ 351,016			$ (101,335)	249,681
15	Total Supplemental Executive Benefit Plan				$ 34,465		34,465
16	Total (Ln 13 + Ln 14 + Ln 15)	$ 612,700	$ 351,016	$ 931,100	$ 34,465	$ (101,335)	$ 1,827,946
17							
18	Notes:						
19	1. Studies not applicable to Mid-Tex or Shared Services are omitted.						
	2. Mid-Tex is proposing that the Fiscal Year 2022 Willis Towers Watson actuarial amounts shown on WP_F-2.3 and WP_F-2.3.1, be approved by the RRM Cities as the benchmark amounts to be used to calculate the regulatory asset or liability for future periods. The benchmark amount approved by the RRM Cities for future periods includes only the expense amount.						
20	The amount attributable to capital is recorded to utility plant through the overhead process as described in the CAM.						
21	3. SSU amounts exclude cost centers which do not allocate to Mid-Tex for rate making purposes.						

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RATE SCHEDULE:	**R – RESIDENTIAL SALES**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF**	
EFFECTIVE DATE:	**Bills Rendered on or after 10/01/2022**	

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	$ 21.55 per month
Rider CEE Surcharge	$ 0.05 per month[1]
Total Customer Charge	$ 21.60 per month
Commodity Charge – All Ccf	$0.36223 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, 2022.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RATE SCHEDULE:	**C – COMMERCIAL SALES**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF**	
EFFECTIVE DATE:	**Bills Rendered on or after 10/01/2022**	

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	$ 63.50 per month
Rider CEE Surcharge	($ 0.01) per month[1]
Total Customer Charge	$ 63.49 per month
Commodity Charge – All Ccf	$ 0.14137 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, 2022.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RATE SCHEDULE:	**I – INDUSTRIAL SALES**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF**	
EFFECTIVE DATE:	**Bills Rendered on or after 10/01/2022**	

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	$ 1,204.50 per month
First 0 MMBtu to 1,500 MMBtu	$ 0.4939 per MMBtu
Next 3,500 MMBtu	$ 0.3617 per MMBtu
All MMBtu over 5,000 MMBtu	$ 0.0776 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).

Curtailment 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.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RATE SCHEDULE:	**I – INDUSTRIAL SALES**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF**	
EFFECTIVE DATE:	**Bills Rendered on or after 10/01/2022**	

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.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RATE SCHEDULE:	**T – TRANSPORTATION**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF**	
EFFECTIVE DATE:	**Bills Rendered on or after 10/01/2022**	

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	$ 1,204.50 per month
First 0 MMBtu to 1,500 MMBtu	$ 0.4939 per MMBtu
Next 3,500 MMBtu	$ 0.3617 per MMBtu
All MMBtu over 5,000 MMBtu	$ 0.0776 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 UNDER THE RRM TARIFF**	
EFFECTIVE DATE:	**Bills Rendered on or after 10/01/2022**	

Curtailment 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 UNDER THE RRM TARIFF**	
EFFECTIVE DATE:	**Bills Rendered on or after 10/01/2022**	

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 ith rate schedule or classification expressed in cents per Ccf

R_i = Commodity Charge rate of temperature sensitive sales for the ith schedule or classification.

HSF_i = heat sensitive factor for the ith 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 ith schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the jth customer in ith rate schedule is computed as:

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

Where q_{ij} is the relevant sales quantity for the jth customer in ith rate schedule.

MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RIDER:	**WNA – WEATHER NORMALIZATION ADJUSTMENT**	
APPLICABLE TO:	**ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF**	
EFFECTIVE DATE:	**Bills Rendered on or after 10/01/2022**	

Base Use/Heat Use Factors

	Residential		Commercial	
Weather Station	Base use Ccf	Heat use Ccf/HDD	Base use Ccf	Heat use Ccf/HDD
Abilene	10.58	0.1422	88.85	0.6666
Austin	9.90	0.1372	233.56	0.7819
Dallas	14.17	0.1938	186.38	0.9394
Waco	10.07	0.1308	140.10	0.7170
Wichita Falls	11.43	0.1398	131.57	0.5610

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.

ATMOS ENERGY CORP., MID-TEX DIVISION
AVERAGE BILL COMPARISON - BASE RATES
TEST YEAR ENDING DECEMBER 31, 2021

Line No.							Current		Proposed		Change
1	**Rate R @ 43.8 Ccf**										
2	Customer charge						$ 20.85				
3	Consumption charge	43.8	CCF	X	$ 0.27979	=	12.25				
4	Rider GCR Part A	43.8	CCF	X	$ 0.35744	=	15.66				
5	Rider GCR Part B	43.8	CCF	X	$ 0.35918	=	15.73				
6	Subtotal						$ 64.49				
7	Rider FF & Rider TAX		$ 64.49	X	0.06408	=	4.13				
8	Total						$ 68.62				
9											
10	Customer charge							$	21.55		
11	Consumption charge	43.8	CCF	X	$ 0.36223	=			15.87		
12	Rider GCR Part A	43.8	CCF	X	$ 0.35744	=			15.66		
13	Rider GCR Part B	43.8	CCF	X	$ 0.35918	=			15.73		
14	Subtotal							$	68.81		
15	Rider FF & Rider TAX		$ 68.81	X	0.06408	=			4.41		
16	Total							$	73.22	$	4.60
17											6.71%
18											
19	**Rate C @ 345.7 Ccf**						**Current**		**Proposed**		**Change**
20	Customer charge						$ 56.50				
21	Consumption charge	345.7	CCF	X	$ 0.12263	=	42.39				
22	Rider GCR Part A	345.7	CCF	X	$ 0.35744	=	123.56				
23	Rider GCR Part B	345.7	CCF	X	$ 0.26532	=	91.71				
24	Subtotal						$ 314.16				
25	Rider FF & Rider TAX		$ 314.16	X	0.06408	=	20.13				
26	Total						$ 334.29				
27											
28	Customer charge							$	63.50		
29	Consumption charge	345.7	CCF	X	$ 0.14137	=			48.87		
30	Rider GCR Part A	345.7	CCF	X	$ 0.35744	=			123.56		
31	Rider GCR Part B	345.7	CCF	X	$ 0.26532	=			91.71		
32	Subtotal							$	327.64		
33	Rider FF & Rider TAX		$ 327.64	X	0.06408	=			20.99		
34	Total							$	348.63	$	14.34
35											4.29%

ATMOS ENERGY CORP., MID-TEX DIVISION
AVERAGE BILL COMPARISON - BASE RATES
TEST YEAR ENDING DECEMBER 31, 2021

Line No.											
36	**Rate I @ 4278 MMBTU**							**Current**		**Proposed**	**Change**
37	Customer charge							$ 1,054.75			
38	Consumption charge	1,500	MMBTU	X	$	0.4330	=	649.50			
39	Consumption charge	2,778	MMBTU	X	$	0.3171	=	880.80			
40	Consumption charge	0	MMBTU	X	$	0.0680	=	-			
41	Rider GCR Part A	4,278	MMBTU	X	$	3.4906	=	14,931.86			
42	Rider GCR Part B	4,278	MMBTU	X	$	0.5485	=	2,346.33			
43	Subtotal							$ 19,863.24			
44	Rider FF & Rider TAX		$ 19,863.24	X	0.06408		=	1,272.82			
45	Total							$ 21,136.06			
46											
47	Customer charge									$ 1,204.50	
48	Consumption charge	1,500	MMBTU	X	$	0.4939	=			740.85	
49	Consumption charge	2,778	MMBTU	X	$	0.3617	=			1,004.69	
50	Consumption charge	0	MMBTU	X	$	0.0776	=			-	
51	Rider GCR Part A	4,278	MMBTU	X	$	3.4906	=			14,931.86	
52	Rider GCR Part B	4,278	MMBTU	X	$	0.5485	=			2,346.33	
53	Subtotal									$ 20,228.23	
54	Rider FF & Rider TAX		$ 20,228.23	X	0.06408		=			1,296.21	
55	Total									$ 21,524.44	$ 388.38
56											1.84%
57	**Rate T @ 4278 MMBTU**							**Current**		**Proposed**	**Change**
58	Customer charge							$ 1,054.75			
59	Consumption charge	1,500	MMBTU	X	$	0.4330	=	649.50			
60	Consumption charge	2,778	MMBTU	X	$	0.3171	=	880.80			
61	Consumption charge	0	MMBTU	X	$	0.0680	=	-			
62	Rider GCR Part B	4,278	MMBTU	X	$	0.5485	=	2,346.33			
63	Subtotal							$ 4,931.38			
64	Rider FF & Rider TAX		$ 4,931.38	X	0.06408		=	316.00			
65	Total							$ 5,247.38			
66											
67	Customer charge									$ 1,204.50	
68	Consumption charge	1,500	MMBTU	X	$	0.4939	=			740.85	
69	Consumption charge	2,778	MMBTU	X	$	0.3617	=			1,004.69	
70	Consumption charge	0	MMBTU	X	$	0.0776	=			-	
71	Rider GCR Part B	4,278	MMBTU	X	$	0.5485	=			2,346.33	
72	Subtotal									$ 5,296.37	
73	Rider FF & Rider TAX		$ 5,296.37	X	0.06408		=			339.39	
74	Total									$ 5,635.76	$ 388.38
75											7.40%

CITY OF LANCASTER CITY COUNCIL

City Council Regular Meeting **15.**

Meeting Date: 08/22/2022

Policy Statement: This request supports the City Council 2021-2022 Policy Agenda

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

Submitted by: Opal Mauldin-Jones, City Manager

Agenda Caption:

Pursuant to Section 551.071(1)(A) and Section 551.071(1)(B) of the Texas Government Code, the City Council shall convene in executive session to confer with the City's attorney to discuss pending, threatened, contemplated or potential related litigation in regard to: Lancaster Municipal Utility District 1 (MUD)

Background:

Executive Session matters.

LANCASTER CITY COUNCIL

City Council Regular Meeting **16.**

Meeting Date: 08/22/2022

Policy Statement: This request supports the City Council 2021-2022 Policy Agenda

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

Submitted by: Opal Mauldin-Jones, City Manager

Agenda Caption:

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

Background:

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