



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



Monday, November 14, 2016 - 6:30 PM

6:30 P.M. SPECIAL WORK SESSION:

1. Receive a presentation and discuss the Quarterly Financial Report for the period ending September 30, 2016.
2. Discuss Report of City Council Five Year Goals and Strategies established during the annual City Council Strategic Planning Session in June 2015 for the 4th quarter of FY 2015/2016.

ADJOURN SPECIAL WORK SESSION

7:00 P.M. REGULAR MEETING:

CALL TO ORDER

INVOCATION: Ministerial Alliance

PLEDGE OF ALLEGIANCE: Councilmember Clyde C. Hairston

PRESENTATION: Civic Leadership Academy Graduation Certificates

CITIZENS' COMMENTS:

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

CONSENT AGENDA:

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

1. Consider approval of minutes from the City Council Regular Meeting held on October 24, 2016.
2. Consider a resolution declaring certain board, commission and committee position(s) vacant due to excessive absences.
3. Consider a resolution approving the terms and conditions of an Interlocal Agreement by and between the Parkland Health & Hospital System and the City of Lancaster to provide certain biomedical on-line services, providing for funding.

PUBLIC HEARING:

4. Z16-08 Conduct a Public Hearing and consider a Specific Use Permit (SUP) to allow a Commercial Amusement/Recreation (Indoor) use at 2705 North Dallas Avenue, Lancaster, TX, consisting of an approximately 0.68 acre tract currently zoned Retail (R).
5. Conduct a Public Hearing and consider an Amendment to the City of Lancaster Comprehensive Plan and Future Land Use Map and a rezoning request to amend PD-Planned Development Ordinance #2003-09-24, as amended to allow front entry garages for perimeter lots, setback modifications, and lot size modifications. The property is located on the south side of W. Pleasant Run Road, East of Rawlins Drive. The property is more particularly described as Millbrook East, Phase 3A being a 17.488 acre tract of land situated in the William Rawlins Survey, Abstract No. 1200, Lancaster, Dallas County, Texas; and Millbrook East, Phase 3B being a 14.963 acre tract of land situated in the William Rawlins Survey, Abstract No. 1200, Lancaster, Dallas County, Texas.

ACTION:

6. Discuss and consider a resolution authorizing an alley waiver for Lots 1-16, Block E and Lots 1-7, Block F in the Proposed Millbrook East Phase 3A subdivision and Lots 1-25, Block A; Lots 1-11, Block D; and Lots 1-7, Block E, Proposed Millbrook East Phase 3B subdivision, generally located on the south side of West Pleasant Run Road; East of Rawlins Drive subject to the approval of the preliminary plat and final plat; and providing an effective date.

ADJOURNMENT

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

ACCESSIBILITY STATEMENT: Meetings of the City Council are held in municipal facilities are wheelchair-accessible. For sign interpretive services, call the City Secretary's office, 972-218-1311, or TDD 1-800-735-2989, at least 72 hours prior to the meeting. Reasonable accommodation will be made to assist your needs.

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

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

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

CONFORME A LA SECCION 30.07 DEL CODIGO PENAL (TRASPASAR PORTANDO ARMAS DE FUEGO AL AIRE LIBRE CON LICENCIA) PERSONAS CON LICENCIA BAJO DEL SUB-CAPITULO H,

CAPITULO 411, CODIGO DE GOBIERNO (LEY DE PORTAR ARMAS), NO DEBEN ENTRAR A ESTA PROPIEDAD PORTANDO UN ARMA DE FUEGO AL AIRE LIBRE.

Certificate

I hereby certify the above Notice of Meeting was posted at the Lancaster City Hall on November 10 , 2016 @ 5:00 p.m. and copies thereof were provided to the Mayor, Mayor Pro-Tempore, Deputy Mayor Pro-Tempore and Council members.



Sorangel O. Arenas
City Secretary

LANCASTER CITY COUNCIL

City Council Special Work Session

Item 1.

Meeting Date: 11/14/2016

Policy Statement: This request supports the City Council 2016-2017 Policy Agenda

Goal(s): Financially Sound Government

Submitted by: Baron Sauls, Director of Finance

Agenda Caption:

Receive a presentation and discuss the Quarterly Financial Report for the period ending September 30, 2016.

Background:

The broad purpose of the City's Financial and Investment policy statements is to enable the City to achieve and maintain a long-term stable and positive financial position, and provide guidelines for the day to day planning and operations of the City's financial affairs. The following information is representative of the fourth quarter of fiscal year 2015-16, July 1, 2016 through September 30, 2016. The reports will be distributed, presented and reviewed during the work session.

LANCASTER CITY COUNCIL

City Council Special Work Session

Item 2.

Meeting Date: 11/14/2016

Policy Statement: This request supports the City Council 2016-2017 Policy Agenda

Goal(s):

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

Submitted by: Opal Mauldin-Robertson

Agenda Caption:

Discuss Report of City Council Five Year Goals and Strategies established during the annual City Council Strategic Planning Session in June 2015 for the 4th quarter of FY 2015/2016.

Attachments

Quarterly Update

Background:

City Council conducted an annual Strategic Planning Session in June 2015. This report represents activity for the fourth quarter of FY 2015/2016 (July 1 – September 30, 2016). This is a review of the implementation and progress on strategies and initiatives outlined in the 2015/2016 strategic plan and how said strategies connect to continued progress toward the realization of the Lancaster Vision.

Operational Considerations:

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

1. Debt Policy.

A comprehensive Debt Policy was considered and approved at the September 14, 2015 City Council meeting. As a growing municipality less than 50% developed, it is important to have a policy to establish the manner, method and strategy for short-term and long-term debt.

Maintained the City's existing credit rating with the issuance and refunding of bonds. Aa3 with Positive Outlook Moody's; AA-1 Stable Outlook Standard & Poor's.

The City completed arbitrage compliance regarding City's debt portfolio.

2. Ensure the City's Tax Rate is Competitive.

During the FY 2015/2016 budget planning, presentation and town meetings, staff presented information regarding the correlation between property values and the tax rate in comparison to neighboring and survey cities. This information demonstrated the city tax portion of the average Lancaster resident's tax bill is less than our comparison cities. We will continue to seek strategies to improve our property values as there is a direct correlation between values and rate.

The City maintained a tax rate of \$0.8675/100 assessed valuation with increased growth and expansion of the tax base, and provided information and resources to residents regarding correlation between tax rate and property values. Years 2006 to 2016 the City had a \$54,223,240 increase in valuation.

3. Hotel/Motel Occupancy Tax.

As of the third quarter, all taxes have been paid. As with sales taxes, hotel/motel occupancy taxes are accrued back when collected from previous collection time frames.

For FY 2015/2016 the City of Lancaster collected revenues of \$94,419.50. This is a decrease of \$20,473.40 from the same period last year of \$114,892.90.

Note: The difference was due to Express Inn & Suites making a lump sum payment in the amount of \$31,602.09 in September of 2015 to cover past due taxes from FY2013/2014 that totaled 19,055.52. The Fourth Quarter Hotel/Motel Taxes for FY2015/2016 are due in October and cannot be verified with the State till posted on the State website which is usually in mid-November.

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

1. Downtown Tax Increment Finance District (TIF).

Staff will utilize the implementation plan and tools from the recently adopted comprehensive plan to explore appropriate steps for the creation of a TIF district within the downtown area.

New City Hall – staff has made a presentation to Council regarding options for implementation of a TIF. Staff has met with several consultants regarding design elements and cost estimating for a City Hall.

2. Enhanced Entry Features.

Staff continues working with developers to enhance entrance beautification. As part of their development plans QuikTrip is having a monument with the Lancaster logo installed in the right-of-way on Pleasant Run Road and I-35. Staff is also identifying financial resources to develop hardscape and softscape within the appropriate rights-of-way. The Parks Operations Division continues to maintain and plant seasonal color within existing areas. To improve and enhance entry to our community we have weekly right-of-way litter maintenance in addition to the scheduled mowing/landscape services. We have established partnerships with several businesses that volunteer man hours to plant and maintain our seasonal color beds.

3. Strengthen the Residential Code to Encourage Home Ownership versus Rental.

Council authorized implementation of a rental registration program that requires annual registration and inspection of properties that are rented/leased in the community. Information regarding program implementation was communicated to property owners beginning January 2015 utilizing a list received from Utility Billing. Inspections and collections have commenced. We have identified and inspected 1,175 properties during the 15/16 fiscal year.

4. Adopt an Economic Development Policy.

Staff will issue a Request for Proposal to establish an Economic Development Strategic Policy.

During the current reporting period 25,925 square feet of new or formally empty space was occupied by business operations.

5. Review Existing Incentive Policy.

The Comprehensive Plan Update was completed on October 17, 2016. As part of implementation staff will work with the appropriate consultant to review our existing incentive policy.

6. Complete the Update of the Comprehensive Plan; Including: Adopting Ordinances to Ensure Consistency of Companion Ordinances.

Council approved the Comprehensive Plan update on October 17, 2016.

7. Recruit Quality Commercial, Industrial and Retail Jobs.

Economic Development staff continues working toward the attraction of projects creating commercial, industrial and retail development in order to create a growing tax base and growth in the community's daytime population ensuring the financial sustainability of government in Lancaster and jobs for our residents.

- Staff conducted 6 sales calls on commercial/industrial brokers, developers and potential end users promoting Lancaster as a location for solutions to their logistic needs.
- Staff responded to 4 inquiries for information regarding Lancaster as a potential location for the inquirer's expansion or relocation needs.

8. Target marketing program to commercial, industrial and retail brokerage community.

Staff will develop and implement efficient and effective marketing programs designed to solicit and secure the interest of the commercial, industrial and retail development-brokerage communities to promote Lancaster as a profitable marketplace for their client's future relocation or expansion needs.

- Staff participated in 1 commercial-industrial broker and developer event promoting Lancaster as a location for their customers.
- Staff attended 1 commercial/industrial trade show calling on users, brokers and developers exhibiting at the show to promote Lancaster as a location for logistic solutions for their customers.
- Staff attended the International Council of Shopping Centers (ICSC) annual trade show held in Las Vegas May 22-25, 2016. ICSC RECON is the global conference for the shopping center industry and provides networking, deal making and educational opportunities for retail real estate professionals from around the world. It is the world's largest gathering of shopping center executives. Local municipalities attend the conference in hopes of making connections for recruitment, new development, and redevelopment opportunities. Staff met with Retail Strategies, Retail Coach, Buxton Company, and held productive conversations with retailers such as Smoothie King and CATO's. Staff also made contact with hoteliers to discuss the development of a hotel in Lancaster.

Selected consultant, Retail Coach to strategically identify and recruit retail to Lancaster. Most recent efforts included participation and attendance at the ISC conference on October 5-7 to connect with retailers interested and/or to generate interest toward the City of Lancaster.

9. Develop a strategy to pursue the development of a nationally brand hotel/convention center in Lancaster.

- Attract a hotel along I-20 and Houston School Road - Staff continues to contact and identify trade shows to participate in that are attended by members of the hotel industry. This is a long-term project and we will continue to make progress until realization.
- Direct marketing to hotels and to brokers that represent hotels. Staff attended a luncheon hosted by CBRE to discuss hotel industry trends and Allied member showcase. Staff made contact with hoteliers such as Hilton, Marriot, Omni, etc. The outlook continues to remain positive for hotel development in our region and staff continues to target major hotel entities to generate interest.

10. Assess the interest of the development community in projects on the north side of I-20 at Houston School Road.

- Staff continues to include information about new development opportunities within the Campus District when making sales calls on prospects and responding to other inquiries suitable for that district in Lancaster.

Code Commercial Quarterly Inspections				
4th Quarter Inspections				
Business	Address	Violation	Action	Status
Walgreen's	1225 Bluegrove	grass and weeds	notice 7-7-16	
Land	2826 Daniieldale	grass and weeds	notice 7-6-16	9-15-16 in compliance
Land	3240 N. I-35	parking on unimproved surface	notice 7-7-16	9-15-16 in compliance
Land	3226 N. I-35	grass and weeds	notice 7-7-16	9-15-16 in compliance
Taco Casa-Shell	2625 N. Dallas Avenue	grass and weeds	notice 7-6-16	7-18-16 in compliance
Family Dollar	1327 N. Dallas Avenue	tree limbs/bushes cut	7/11/2016	in compliance
Pizza Hut	1450 W. Pleasant Run	trash removed		7-19-16 in compliance

Lancaster Plaza	630 W. Pleasant Run	parking lot repairs		7-19-16 in compliance
Undeveloped land	1350 W. Beltline	high grass and weeds		7-18-16 in compliance
Undeveloped land	1360 W. Beltline	high grass and weeds		7-18-16 in compliance
Undeveloped land	301 Pecan	illegal dumping	notice 7-19-16	
House/bldg.	3146 Sherwood	litter/debris and retaining wall	notice 7-26-16	8/8/16 in compliance
Family Dollar	3155 W. Pleasant Run	tree limbs hanging over the sidewalk	notice 7-26-16	8-3-16 follow up/verbal and hn 8/8/16 in compliance
7-Eleven	640 W. Pleasant Run	card board & containers on sidewalk	notice 7-26-16	8/8/16 in compliance
Renfro's Glass	1822 Beckley	zoning violation	verbal 7-25-16	7-26-16 in compliance
Motel 6	1750 N. I35E	(other) bed bugs	notice 7-28-16	receipt verified by B.I.
3334 N. I-35E #100	Spa	open storage	verbal notice 8-3-16	8-8-16 mtg and 9am and in compliance
U-ride Auto	2532 N. I-35 E	sign in the right of way area	notice 8-3-16	8/8/16 in compliance
Ikonic Motors	3254 N. I-35E	sign on the ground	notice 8-3-16	9-15-16 in compliance
Trailor Technology	3147 Sherwood	high grass and weeds	notice 8/4/16	10-4-16 right of way cut last week
Vendor X-Press	3419 Sherwood	parking on unimproved surface	notice 8/4/16	10-3-16 in compliance
Vendor X-Press	3419 Sherwood	no active water account	notice 8/4/16	
L. K. Comstock	3334 N. I-35E	high grass and weeds	8/4/16 work order issued	forced compliance
Vacant building	3444 N I-35E	high grass and weeds	8/4/16 work order issued	forced compliance
Apartment complex	1607 Dewberry	bulk/brush placed out	7/22/16 notice	8/5/16 contractor notified
La Azteca	1555 N. I35 E	parking on unimproved surface		8/8/16 in compliance
Vacant Land-	1301 N.	grass and weeds	8-9-16 notice	10-3-16 in

commercial	Lancaster Hutchins			compliance
Vacant Land-commercial	702 Pleasant Run	grass and weeds	8-9-16 notice	
Vacant Land-commercial	1701 N. Lancaster Hutchins	bulk/brush/trash	8/9/2016	forced compliance
Neighborhood Walmart	350 N. Bluegrove	sprinkler system	8/18/16 verbal to store mgr.	transfer to Building inspector
Walgreen's	1507 W. Pleasant Run	overhanging tree limbs	verbal to store mgr.	9-14-16 in compliance
Dutch Maid Donuts	1303 Dallas Avenue	grass and weeds near dumpster area	9-15-16 notice	9-23-16 in compliance
Family Dollar	1327 N. Dallas Avenue	litter/debris	9-27-16 verbal notice	10-3-16 in compliance

Hot Spot Project – Surveys were conducted on Suffolk, Yale, Arcady, and Colgate. Follow-up inspections were conducted the week of October 3, 2016. Staff will strategically return to these locations.

September 10, 2016

Properties inspected	Violations addressed	Notices issued	Bulk tagged
273	102	115	23

October 3, 2016 Follow-up results

Re-inspections	Non-compliance	Contractor	Citation
81	13	10	3

Healthy, Safe, & Vibrant Community - Lancaster is a place where we enhance public safety in our neighborhoods. The community unites at city-wide events and participates in recreational and cultural activities that keep residents involved and engaged in their respective neighborhoods. Compassionate enforcement personnel help to sustain vibrant residential and business communities. All residents have access to Parks and leisure facilities where they live.

1. Take steps to get to an ISO Rating of 2.

ISO 2 Rating – Council received a presentation in November 2015 regarding the City's ISO rating. Our ISO Rating improved from a 4 to a 3 and we are strategically working toward a 2. Staff continues to evaluate and implement operational processes and procedures to improve our ISO Rating.

2. Complete the Public Safety Strategic Plan.

The Police Department continues to implement policies, procedures and operations to complete recommendations from the Hillard Heitze consulting firm.

All policies were updated and checked during the initial sight visit which occurred the middle of October. Staff was asked to change the lock on the exterior property room door which has been done and resubmitted to the board. We are currently waiting on the recognition board to submit their review which could take an additional 2-3 weeks.

Lancaster Police Department Update.

OFFENSES					
	1Q	2Q	3Q	4Q	TOTAL
Assault	108	101	140	114	463
Burglary Building	21	18	29	22	90
Burglary Habitation	65	51	52	54	222
Burglary Vehicle	89	61	87	74	311
Criminal Mischief	80	65	76	73	294
Drug Crimes	18	22	28	37	105
DWI	20	19	3	6	48
Financial Crimes	39	3	27	27	96
Information Report	309	332	304	318	1263
Mental Evaluations	30	42	26	24	122
Murder	0	0	1	2	3
Robbery	19	20	22	23	84
Runaways	28	19	29	21	97
Sex Assault	7	10	11	8	36
Theft	124	123	111	127	485
UUMV	54	42	46	51	193
ACCIDENTS					
	1Q	2Q	3Q	4Q	TOTAL

Total Accidents	139	154	174	174	641
ARREST					
	1Q	2Q	3Q	4Q	TOTAL
Arrest	405	431	416	317	1569
WARRANTS					
	1Q	2Q	3Q	4Q	TOTAL
New Felony	28	22	20	40	110
New Misdemeanor	24	29	36	39	128
New Warrants Total	52	51	56	79	238
Served	39	78	22	46	185
Transferred	4	10	2	1	17
PATROL					
	1Q	2Q	3Q	4Q	TOTAL
Traffic Stops	2164	2569	2103	1495	8331
Field Contacts	40	44	176	100	360
CALLS FOR SERVICE					
	1Q	2Q	3Q	4Q	TOTAL
Total Calls	22070	20868	15946	14470	73354
Close Patrols	12165	9532	1177	4741	27615
House Check Request	34	23	46	61	164
House Check Calls	84	97	47	106	334

Municipal Court Update.

The fourth quarter of FY 2015/2016 the Municipal Court collected revenues of \$366,498. This is a decrease of \$8,364 from the same period last year of \$374,862.

There were a total of 11,004 cases filed, 6,182 trials/hearings, and 9,871 dispositions in FY 2015/2016.

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

1. Compensation Policy – Commitment to Average of Survey Cities – Progression.

We have worked collaboratively and strategically with the City Council regarding employee compensation and retention. Compensation has been an objective of the Council for the past three years. It remains a City Council objective. While we still have progress to make, we have accomplished milestones with compensation, comparable benefits and creating opportunities for career progression.

In 2013/2014 City Council approved a 3% increase to the pay plan. In 2014/2015 City Council approved a 5% increase to the pay plan. In 2015/2016 City Council approved a 2% increase to the pay plan and with recent FY 16/17 budget adoption an additional 5% employee, 3% executive and 2% part time employee increase was approved.

The City of Lancaster continues to see growth and development. It is an exciting time to be a part of our organization.

Sound Infrastructure - The City has well-maintained streets and well-planned preventative maintenance programs for infrastructure which including streets, water, storm water, wastewater and other assets.

1. Golf Course Assessment and Direction.

On January 14, 2016, the City employed the professional services of Marvin's Paint and Remodeling, LLC to conduct the assessment on the club house.

Staff issued an RFP for an assessment on non-structural elements of the course. The initial phase (site visit) for the Golf Course Assessment took place in June 2016 at Lancaster Country View Golf Course. The assessment is being completed by Touchstone Golf. Council is to receive a presentation at the December work session.

2. Complete Facility and Infrastructure needs – Assessment for future Bond Issue.

In December of 2015, the City employed the professional services of Marvin's Paint and Remodeling LLC to conduct the assessment on all city facilities. Staff

is in receipt of the report and Council received a presentation at the July work session.

Completed Facility and Infrastructure needs assessment for future Bond Issue - Council will receive a presentation regarding the 5 year plan, staff is preparing for the December 19, 2016 work session.

3. Sidewalk Replacement Program.

Sidewalk Replacement Program – Eight sidewalks have been replaced in FY2015-2016 as part of the Sidewalk Replacement Program with a 50/50 match.

4. Complete the Fleet Maintenance Facility.

In May 2016, the contractor mobilized for early grading and utility relocation. The building pad was graded for construction, water and sewer lines have been installed, and the grade beams and building pad have been poured. Grading for the parking lot is currently taking place. Project is expected to be completed in May 2017.

5. Continue Water Meter Register Replacement Program.

The Meter Register Replacement Program began in September 2014 and the total number of connections to date is 14,242. To date 5,552 total registers have been replaced. Staff is approved to replace an additional 3,000 registers this fiscal year which will bring the total to 8,552 by this time next year.

6. Airport Master Plan continuation.

The Airport has completed two construction projects and bidding a third project this quarter. The TxDOT-Aviation projects that have completed are: 1) the new south ramp with helicopter circles and taxiways, and 2) the new 12,000 gallon self-serve avgas fuel facility. The south ramp project total cost is \$3,845,520 of which the City funded \$528,282. The fuel facility project total cost is \$421,690 of which the City funded \$105,423. Both are open and operational for general aviation use. The new self-serve fuel facility is now generating revenue. The third TxDOT-Aviation project that was funded for construction in December is the new terminal building. This project total cost is \$1,436,470 of which the City funded \$836,470. This project came in nearly \$800,000 over budget and staff is working with TxDOT and the design engineers regarding the next step in constructing the new terminal building. The Staff is seeking alternative funding to make up the \$800,000 short fall.

Civic Engagement - The City provides a variety of opportunities for involvement through special events, boards and commissions, youth and parent volunteer opportunities in recreation, sports teams, City Elections, Civic Academies, Schools and City-wide celebrations.

1. Create a Public Improvement District (PID) Liaison Position.

In the second quarter of FY2015/2016 Staff met with the Meadowlands and Pleasant Run Estates to provide information on the process for becoming a PID. Pleasant Run Estates PID was approved by Council at the August 8, 2016 regular meeting. The Meadowlands is in the petition process and acquiring

signatures from their neighbors. Wellington Park HOA Phase 3 is currently discussing with staff steps to becoming a PID.

Recreation

July

- On July 4, 2016 the City of Lancaster partnered with the City of Desoto to offer the annual 4th of July celebration held at Lancaster Community Park. It was estimated close to 10,000 people were in attendance to commemorate Independence Day. Activities included a kids fun zone, numerous food and craft vendors and live musical entertainment provided by bands N'Tense, Three Quarters Fast and Grammy recording artist/producer Shaun Martin. This event kicked off National Park and Recreation Month where citizens were encouraged to "Be a Superhero" and get out and enjoy parks.
- The Department of Assistive and Rehabilitative Services "Eye Can Swim" event was held on July 6, 2016 at the Lancaster Recreation Center. This event allowed youth who had a type of visual impairment to be assisted by DARS staff in the swimming pool.
- On July 9, 2016 the last T.A.A.F. Region 7 swim meet of the year was held in Lancaster. Over 100 swimmers and their families came out to this event. Friends and family cheered on the swimmers as they raced to the finish line in an effort to aim for their best time in preparing for regionals.
- On July 16, 2016 the City of Lancaster facilitated 50 Hoops National Prostate Cancer Awareness Senior Breakfast, Basketball Tournament, and Health Fair at the Lancaster Recreation Center. The seniors enjoyed a healthy breakfast and received information on the importance of getting a prostate exam. The Basketball Tournament brought players out from as far as Arkansas.
- On July 11-16, 2016 the City of Lancaster hosted 67 Minutes of Service Week. During the week of July 11th—16th the City of Lancaster in conjunction with State Representative Helen Giddings implemented 67 Minutes of Service Week in honor of Nelson Mandela and his efforts of supporting others through acts of kindness. This event, culminated with the quarterly Trash Off which challenged staff and community volunteers to donate 67 minutes of community service. Volunteer opportunities included Meals on Wheels deliveries to local qualifying residents, beautification litter removal, lawn care for the elderly and/or disabled, animal care at the animal shelter, Trash-Off assistance with bulk waste, and packing goods at the North Texas Food Bank. July 16th was highlighted with a Home Improvement/Do It Yourself workshop sponsored by Frost Bank. Valuable information was given on the various types of home improvement loans. Other sessions offered included how to address minor leaks and gardening techniques provided by Home Depot, HVAC maintenance provided by Cedar Valley College, energy conservation ideas provided by Oncor Energy Delivery; Organic Gardening tips provided by Paul Quinn College and more.
- On July 21, 2016 the City of Lancaster hosted the Chocolate Mint Basketball Camp. This was a FREE event for boys and girls ages 5-17. The athletes had their fitness and athleticism evaluated through different skills and drills. The youth listened to guest speakers Tiffany Jackson, a Duncanville native and WNBA superstar for the Tulsa Shocks and Coach Damien McKinney of Baylor University talk about their life and the impact basketball made on them growing up.

- On July 29, 2016 the City of Lancaster and Cedar Valley College hosted the "I am Successful" summer day camp. The summer day camp was a collaborative effort to demonstrate to over 25 youth ages 9-12 the importance of city services through a positive experience at the Lancaster Recreation Center, Veterans Memorial Library and Visitors Center/State Auxiliary Museum. Youth also engaged with Sergeant Stoney Logan who shared positive information on community policing and allowed the youth an opportunity to connect with a local police officer. As the youth enjoyed the various amenities offered in our wonderful facilities they were also able to better understand the significance of volunteering and even at a young age the substantial impact that they have on the community.

August

- On August 6, 2016 the City of Lancaster partnered with Amazon to host the Amazon Employee Appreciation Picnic at Community Park. Over 2,000 Amazon employees enjoyed barbeque, volleyball, carnival rides, and games for employees and their families.
- On August 7, 2016 DFW Elite football association hosted a tournament at Community Park. This event brought in athletes from Oklahoma and surrounding areas of the metroplex for 1 quarter scrimmages. Attendance was well over 600 people. This was a great opportunity for our associations to invite outside teams to Lancaster and work on future tournaments within the city.
- On August 13, 2016 the Lancaster Little Tigers football association hosted a football tournament to kick off the 2016 Football season here at Community Park football field. Over 500 guests were in attendance.

September

- On September 12, 2016 Monday Night Baseball held its first practice at Royce Clayton Stadium. Youth were given the opportunity to learn the game of baseball.
- On September 17, 2016 the City of Lancaster hosted the Team Intense Dance Competition at the Lancaster Recreation Center. The dancers showcased their talent on the big stage in front of their family and friends. There were over 500 people in attendance to see the team that stars on Lifetime Television.
- On September 24, 2016 Lancaster Recreation's Kickstart Soccer Program hosted its first official fall soccer games.
- On September 24, 2016 the City of Lancaster hosted the 24th Annual Community Appreciation Day presented by Congresswoman Eddie Bernice Johnson at the Helen Giddings Amphitheater. Congresswoman Eddie Bernice Johnson wanted to express her appreciation to the community she has served congressionally for over 24 years. The Lancaster High School band kicked off the day with some game time music and Tiger spirit. Food vendors, health vendors, face painters, photo booths, entertainments, and more were present for the festive occasion.

2016	July	August	September	Total
Membership Scans	3922	4113	2749	10784
Daily Passes	172	132	122	426

Library

- This quarter the Library provided continued monthly programs for children and parents at After School Story Time, Toddler Time and Family Story Time, and

Teen programs. Bilingual Story Time continues on the first Wednesday of the month.

- Adult programs on financial planning and dealing with adult dyslexia were offered as special events. Taught by professionals in the community, attendees left with practical information for their personal use.
- Library staff attended two of the LISD elementary school's back-to-school fairs on August 19 and provided informational materials about the library to a third school.
- Staff received notice in the 4th quarter of this FY that we were awarded grant funds (\$60,000) for the mobile book mobile grant application. Funding was made available in September 2016 and final update quotes are being secured and collected to allow for production to begin this fall. Anticipated completion date for this project is Spring 2017.
- This quarter staff received notification from the Texas State Library that we obtained Accreditation for this upcoming fiscal year 2017. Accreditation allows for Veterans Memorial Library to receive grants, E-Rate (which is 90% discount off of internet/ phone service provider cost), as well as, members of TexShare program and Inter library loan programs.

Senior Services

- On July 16, 2016 the senior membership participated in the City of Lancaster's 67 minutes of service in partnership with Frost Bank, Lancaster Community Home Exposition. The target audience for this event was Lancaster homeowners, and the financial facts and impacts associated with fixing up their homes. Participants enjoyed a light breakfast and tasty lunch. Special guests included Mayor Marcus E. Knight, the Honorable Helen Giddings and Ms. Hilari Younger Powell, HGTV Design Star. An array of vendors such as Home Depot, Costco, ONCOR, Cedar Valley College, etc., provided the senior members with door prizes and every senior member received goodie bags with useful information, tools, discounts, etc. Simultaneously, Senior LIFE Center staff members participated in the Quarterly City of Lancaster Trash Off.

Cultural Services

- This quarter the Visitors Center/State Auxiliary Museum facilitated "A Night at The Museum: "Painting With A Twist Lancaster." This event provided over 25 participants with an evening out in Lancaster where they were able to paint a rendering of the "Old Well at The Historic Town Square" Those in attendance were ecstatic about the event and look forward to our next "Night at the Museum" which will take place in October 2016.
- The museum was successful in securing a new exhibit that remains on display: *The Blacker the Berry*, which is an exhibit that highlights the contributions of leading African American Women locally, statewide and nationally. Paintings include legendary leading women such as Stage Coach Mary, Madame CJ Walker, Ida B. Wells, Kathryn Guillian, Shirley Chisolm, Oprah Winfrey, State Representative Helen Giddings and others as we celebrate their accomplishments and contributions to society.

Parks

- In September of 2016, staff received notification that we are the recipients of a playground grant and was selected to gain matching fund grants for a playground

as part of a new quality of life initiative by Texas Recreation and Park Society (TRAPS), in partnership with PlayCore and its GameTime division.

- The playground equipment will arrive onto the agencies' sites later this year. The City of Lancaster' matching funds will be derived from the new playgrounds as a part of the renovations of Pleasant Run and West Main Elementary schools in correlation with the Inter-local Agreement between the City of Lancaster and LISD. The new playground equipment

LANCASTER CITY COUNCIL

City Council Regular Meeting

Item 1.

Meeting Date: 11/14/2016

Policy Statement: This request supports the City Council 2016-2017 Policy Agenda

Submitted by: Sorangel O. Arenas, City Secretary

Agenda Caption:

Consider approval of minutes from the City Council Regular Meeting held on October 24, 2016.

Background:

Attached for your review and consideration are minutes from the:

- City Council Regular Meeting held on October 24, 2016.

Attachments

Minutes

MINUTES

LANCASTER CITY COUNCIL MEETING OF OCTOBER 24, 2016

The City Council of the City of Lancaster, Texas, met in a called Regular session in the Council Chambers of City Hall on October 24, 2016 at 7:00 p.m. with a quorum present to-wit:

Councilmembers Present:

Mayor Marcus E. Knight
Mayor Pro Tem Carol Strain-Burk
Deputy Mayor Pro Tem Stanley Jaglowski
Marco Mejia
Spencer W. Hervey Jr.
Clyde C. Hairston
Nina Morris

City Staff Present:

Opal Mauldin-Robertson, City Manager
Rona Stringfellow, Assistant City Manager
Dori Lee, Human Resources Director
Baron Sauls, Finance Director
Jim Brewer, Director of Public Works
Sean Johnson, Managing Director of Quality of Life & Cultural Services
Jermaine Sapp, Director of Equipment Services and Facilities
Sam Urbanski, Interim Police Chief
Rob Franklin, Fire Chief
Tony Felts, Senior Planner
Alton Dixon, Purchasing Manager
Fabrice Kabona, Assistant to the City Manager
Kay Brown, Community Relations Coordinator
Marcus Talton, Police Sergeant
Cheryl Womble, Administrative & Community Relations Supervisor
Kim Pekofske, Court Administrator
Sorangel O. Arenas, City Secretary
Mayra Ortiz, Deputy City Secretary

Call to Order:

Mayor Knight called the meeting to order at 7:00 p.m. on October 24, 2016.

Invocation:

Pastor Richardson gave the invocation.

Pledge of Allegiance:

Councilmember Hervey led the pledge of allegiance.

Recognition:

Mayor Knight recognized Lancaster Independent School District classes with perfect attendance in acknowledgment of National Attendance Month. The partnership with the LISD and the City of Lancaster is an effort to increase attendance and to encourage students and parents to understand the importance of attendance.

Proclamation:

Mayor Knight presented a proclamation announcing October 24, 2016 as "Lancaster ISD Board of Trustees Day," urging all citizens to congratulate and to further recognize the dedication and hard-work of the Lancaster ISD School Board Members which was named the number one Board in Texas.

Mayor Knight presented a proclamation to Beverly D. Humphrey announcing October 24, 2016 as "Coach Humphrey Day," extending congratulations to Coach Humphrey for her accomplishments and dedication, and for representing the Lancaster Independent School District and the City of Lancaster.

Mayor Knight proclaimed October 24, 2016 as "United Nations Day," urging everyone in the community to participate in all activities related to United Nations Day.

Mayor Knight proclaimed the week of November 7 through 11, 2016 as "Municipal Court Week," recognizing the fair and impartial justice offered to the citizens by the Municipal Court of Lancaster.

Consent Agenda:

City Secretary Arenas read the consent agenda.

1. **Consider approval of minutes from the City Council Regular Meeting held on October 10, 2016.**
2. **Consider a resolution granting a public utility easement to Oncor Electric Delivery Company for the installation, construction, operation, maintenance, replacement, repair, and/or upgrade of overhead and/or underground electric supply and communications facilities, consisting of a variable number of wires and cables, supporting structures, surface mounted equipment, conduits and all necessary or desirable appurtenances over, under, through, across and upon grantor's land in support of the Bear Creek Nature Park restroom project.**

MOTION: Councilmember Morris made a motion, seconded by Councilmember Hairston to approve consent items. The vote was cast 7 for, 0 against.

3. **Discuss and consider an ordinance authorizing the issuance of "City of Lancaster, Texas, General Obligation Refunding Bonds, Series 2016"; specifying the terms and features of said bonds; providing for the payment of said bonds by the levy of an ad valorem tax upon all taxable property within the City; and resolving other matters incident and related to the issuance, payment, security, sale and delivery of said bonds, including the approval and distribution of an official statement; and providing an effective date.**

Finance Director Sauls shared that the City has an opportunity to refund a portion of its outstanding debt and realize debt service savings. Staff met with First Southwest, the City's Financial Advisors, to discuss options based upon a preliminary refunding. Tonya Tarpeh, the City's Bond Counsel with West and Associates, LLP, and Nick Bulaich, Financial Advisor of First Southwest were introduced.

Nick Bulaich shared that \$6,575,000 was the price of General Obligation refunding bonds, which is like a home mortgage. The refinancing was strictly for interest savings and did not extend the final maturity. Since the maturity remained the same, the City was able to achieve debt service savings. Mr. Bulaich noted the following: The City's rate was affirmed and positive comments were made by the City for a rating upgrade and the City is on the right path for a rating upgrade in the future as the tax base continues to grow; the Financial Advisors sold the new bonds of \$6,575,000 at an average interest cost of 2.17%. He shared that the savings analysis report reflects the old debt service and the new 2016 debt service along with the savings. The annual savings was a total of \$772,000. The present value benefit is 10% and that number is above 3.5% its worthy of consideration and its low interest rate, we have been seeing very high debt service savings percentage numbers; the preliminary official statement which is used to market the bonds contains financial demographic information as well as security for the bonds. It contains anything that a potential investor would want to know before making an investment decision in the City's bonds.

Councilmember Hervey requested that Article 3 Section 3.1B and C, Terms of the Bond, be read for the individuals present at the meeting and the individuals streaming online.

City Manager Mauldin-Robertson shared that Councilmember Hervey is referring to Ordinance No. 2016-10-31 which has been prepared by the City's Bond Counsel, Tonya Tarpeh. Article 3, Section 3.1 reads "Amount, Purpose and Authorization, letter b reads, "It is hereby found and determined that the refunding

of the Refunded Obligations and the issuance of the Bonds will benefit the City by reducing total debt service, and that such benefit is sufficient consideration for the issuance of the Bonds." Letter C states, "It is hereby found and determined that the refunding of the Refunded Obligations will result in a gross savings of \$772,513.73 and a present value savings of \$692,428.17 to the City."

Councilmember Morris inquired if some information may be corrected in the presentation. Nick Bulaich stated that the information is a preliminary official statement, if Council approves the transaction there will be a final official statement and have seven (7) business days to make corrections.

Councilmember Morris inquired if the item approved will be as presented or with the modification prepared on the presentation. Mayor Knight disclosed item 3 will be authorizing the refinancing of current debt. If any changes are needed, the information will be updated.

Nick Bulaich shared that this transaction cannot be closed until after November 15th, this council meeting is the first opportunity the City had to execute this transaction.

MOTION: Councilmember Hairston made a motion, seconded by Deputy Mayor Pro Tem Jaglowski to approve item 3. The vote was cast 7 for, 0 against.

Executive Session:

4. **The City Council shall convene into closed executive session pursuant to:**
 - a. **Section § 551.072 of the Texas Government Code, discuss and deliberate the acquisition, purchase, exchange, lease or value of real property as deliberation in this open meeting would have a detrimental effect of the position of the City of Lancaster in negotiations with third persons.**
 - b. **Section § 551.074 (a)(1) of the Texas Government Code to deliberate the appointment, employment, evaluation duties or dismissal of a public officer, to wit: the City Secretary.**
 - c. **Section § 551.074 (a)(1) of the Texas Government Code to deliberate the appointment, employment, evaluation duties or dismissal of a public officer, to wit: the City Manager.**
5. **Reconvene into open session. Consider and take appropriate action(s), if any, on closed/executive session matters.**

The City Council recessed for Executive Session at 7:42 p.m. and reconvened into open session at 10:00 p.m.

No action was taken following Executive Session.

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

The meeting was adjourned at 10:00 p.m.

ATTEST:

APPROVED:

Sorangel O. Arenas, City Secretary

Marcus E. Knight, Mayor

LANCASTER CITY COUNCIL

City Council Regular Meeting

Item 2.

Meeting Date: 11/14/2016

Policy Statement: This request supports the City Council 2016-2017 Policy Agenda

Goal(s): Civic Engagement

Submitted by: Sorangel O. Arenas, City Secretary

Agenda Caption:

Consider a resolution declaring certain board, commission and committee position(s) vacant due to excessive absences.

Background:

In June 2003, City Council adopted an attendance policy for all City Boards and Commissions. The Attendance Policy states "Absences from three (3) consecutive meetings or a total of five (5) absences within a twelve month period shall constitute excessive absences." The policy further states that upon review of the attendance records "The council, at its next regularly scheduled meeting, shall declare the position vacant..."

City Council asked to review the attendance records on a quarterly basis. Attached are attendance records updated through September 2016 for the following boards:

- Airport Advisory Board
- Animal Shelter Advisory Committee
- Economic Development Corporation Board
- Historic Landmark Preservation Committee
- Library Advisory Board
- Museum Advisory Board
- Parks and Recreation Advisory / Recreational Development Corporation Board
- Planning and Zoning Commission
- Property Standards and Appeals Board
- Sign Control Board
- Zoning Board of Adjustment

Operational Considerations:

A review of the attendance records indicates the following members did not meet attendance standards:

Historic Landmark Preservation Committee:

Norma Chambers - regular member (term expires 2017)

The City Council deemed it necessary to establish guidelines for attendance by members of the City's boards and commissions in order to provide for the orderly and effective conduct of meetings and hearings.

Options/Alternatives:

1. Council may approve the resolution declaring a vacancy in a position where attendance standards have not been met and fill the vacancy during the annual appointments in December.
2. Council may deny the resolution.

Recommendation:

No staff recommendation. This is a matter of Council policy.

Attachments

Resolution

Attendance records as noted above

City Board and Commission Attendance Policy

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, DECLARING CERTAIN BOARD, COMMISSION, AND COMMITTEE POSITION(S) VACANT DUE TO EXCESSIVE ABSENCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council deemed it necessary to establish guidelines for attendance for members of the City's various boards, commissions and committees through a Resolution approved in June 2003; and

WHEREAS, the City Council outlined attendance standards in order to provide for the orderly and effective conduct of meetings and hearings; and

WHEREAS, the City Council believes that it is unfair to the citizens served and to those board, commission, and committee members who are faithful and prompt in their attendance to overlook excessive absences; and

WHEREAS, the City Council has determined that it is in the best interest of the citizens, boards, commissions, and committees of the City of Lancaster to declare positions vacant where attendance standards have not been met;

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

SECTION 1. That the following position is declared vacant due to excessive absences as defined in the City of Lancaster Attendance Policy.

Historic Landmark Preservation Committee

Norma Chambers - regular member (term expires July 2017)

SECTION 2. The Resolution shall become effective immediately upon its passage.

DULY PASSED and approved by the City Council of the City of Lancaster, Texas, on this the 24th day of October, 2016.

ATTEST:

APPROVED:

Sorangel O. Arenas, City Secretary

Marcus E. Knight, Mayor

APPROVED AS TO FORM:

Robert E. Hager, City Attorney

AIRPORT ADVISORY BOARD

<i>Meeting Attendance</i>													
<i>Term Expires</i>	<i>Board Members</i>	<i>Oct-15</i>	<i>Nov-15</i>	<i>Dec-15</i>	<i>Jan-16</i>	<i>Feb-16</i>	<i>Mar-16</i>	<i>Apr-16</i>	<i>May-16</i>	<i>Jun-16</i>	<i>Jul-16</i>	<i>Aug-16</i>	<i>Sep-16</i>
2017	Dean Byers	P	P	MC	P	MC	A	MC	P	NM	NM	NM	P
2017	John Stewart	P	P	MC	P	MC	P	MC	P	NM	NM	NM	P
2017	Tim Fagan	P	P	MC	A	MC	P	MC	A	NM	NM	NM	P
2016	Andy Mungenast	P	P	MC	P	MC	P	MC	A	NM	NM	NM	P
2016	Dr. Charles Waldrop, Jr.	P	P	MC	P	MC	P	MC	P	NM	NM	NM	P
2016	Keith Hutchinson	P	P	MC	P	MC	P	MC	P	NM	NM	NM	P
	ALTERNATE												
2016	James O. Knight, Jr.	P	P	MC	P	MC	A	MC	A	NM	NM	NM	P

A= Absent

P = Present

NM = No Meeting

LC = Lack of Quorum

MC = Meeting Cancelled

Staff Contact - Mark Divita

Council Liason - Councilmember Clyde C. Hairston

Rev. 09/30/2016

ANIMAL SHELTER ADVISORY COMMITTEE

<i>Meeting Attendance</i>													
<i>Term Expires</i>	<i>Board Members</i>	<i>Oct-15</i>	<i>Nov-15</i>	<i>Dec-15</i>	<i>Jan- 16</i>	<i>Feb- 16</i>	<i>Mar- 09</i>	<i>Apr- 16</i>	<i>May- 16</i>	<i>Jun- 16</i>	<i>July- 16</i>	<i>Aug- 16</i>	<i>Sep- 16</i>
2017	Christylla Miles	LQ	NM	P	NM	MC	P	NM	NM	NM	NM	NM	NM
2017	Stacey Jaglowski	LQ	NM	P	NM	MC	P	NM	NM	NM	NM	NM	NM
2016	Dr. Jean Eye	LQ	NM	P	NM	MC	P	NM	NM	NM	NM	NM	NM
2016	Katherine Corrao	LQ	NM	P	NM	MC	P	NM	NM	NM	NM	NM	NM
2017	Rosanna Ross			Appt.	NM	MC	P	NM	NM	NM	NM	NM	NM
	ALTERNATE												
2016	Linda Adair			Appt.	NM	MC	P	NM	NM	NM	NM	NM	NM

A = Absent

P = Present

NM = No Meeting

LQ = Lack of Quorum

MC = Meeting Cancelled

Staff Contact - Fabrice Kabona

Council Liaison - DMPT Stanley Jaglowski

Rev. 09/30/2016

LANCASTER ECONOMIC DEVELOPMENT CORP. (4A)

<i>Meeting Attendance</i>													
<i>Term Expires</i>	<i>Board Members</i>	<i>Oct 15</i>	<i>Nov 15</i>	<i>Dec 15</i>	<i>Jan- 16</i>	<i>Feb- 16</i>	<i>Mar- 16</i>	<i>Apr- 16</i>	<i>May- 16</i>	<i>Jun- 16</i>	<i>July- 16</i>	<i>Aug- 16</i>	<i>Sep- 16</i>
2016	<i>Ric Peterson</i>	NM	NM	NM	NM	P	NM	NM	NM	P	P	P	NM
2016	<i>Sandi Collier</i>	NM	NM	NM	NM	P	NM	NM	NM	A	P	P	NM
2017	<i>Jon Cole</i>	NM	NM	NM	NM	P	NM	NM	NM	P	A	P	NM
2017	<i>Vanessa Sheffield</i>	NM	NM	NM	NM	P	NM	NM	NM	P	A	A	NM
2017	<i>Octavia Giadolor</i>	NM	NM	NM	NM	P	NM	NM	NM	A	P	A	NM

A= Absent

P = Present

NM = No Meeting

LQ = Lack of Quorum

MC = Meeting Cancelled

Staff Contact - Ed Brady

Council Liaison - Councilmember Marco Mejia

Rev. 09/30/2016

HISTORIC LANDMARK PERSERVATION COMMITTEE

<i>Meeting Attendance</i>													
<i>Term Expires</i>	<i>Board Members</i>	<i>Oct-15</i>	<i>Nov-15</i>	<i>Dec-15</i>	<i>Jan-16</i>	<i>Feb-16</i>	<i>Mar-16</i>	<i>Apr-16</i>	<i>May- 16</i>	<i>Jun-16</i>	<i>Jul-16</i>	<i>Aug-16</i>	<i>Sep-16</i>
2017	Norma Chambers	NM	NM	Appt./ NM	MC	P	A	P	A	A	A	NM	A
2016	Dee Hinkle	NM	NM	NM	MC	P	P	P	P	P	P	NM	P
2016	Patricia Siegfried-Giles				Appt/ MC	P	P	A	P	A	P	NM	P
2017	Gilles Delaisse	NM	NM	NM	MC	P	A	P	P	P	P	NM	A
2017	Glenn Hooper	NM	NM	NM	MC	P	P	P	P	P	P	NM	P
	<i>Alternate</i>												
2016	Shannon Abbott			Appt./ NM	MC	P	P	A	A	P	P	NM	P

A = Absent

P = Present

NM = No Meeting

LQ = Lack of Quorum

MC = Meeting Cancelled

Staff Contact - Tony Felts

Council Liaison - Mayor Pro Tem Carol Strain-Burk

Rev. 09/30/2016

LIBRARY ADVISORY BOARD

<i>Meeting Attendance</i>													
<i>Term Expires</i>	<i>Board Members</i>	<i>Oct-15</i>	<i>Nov-15</i>	<i>Dec-15</i>	<i>Jan-16</i>	<i>Feb-16</i>	<i>Mar-16</i>	<i>Apr-16</i>	<i>May-16</i>	<i>Jun-16</i>	<i>July-16</i>	<i>Aug-16</i>	<i>Sep-16</i>
2017	Quinnest Banks	NM	P	NM	P	P	NM	P	NM	NM	MC	NM	NM
2017	Desarea Bradley	NM	P	NM	P	P	NM	P	NM	NM	MC	NM	NM
2017	Candace Gardner					<i>Appt</i>	NM	P	NM	NM	MC	NM	NM
2016	Angela McCowan	NM	A	NM	A	P	NM	A	NM	NM	MC	NM	NM
2016	Tiffany Devereaux	NM	P	NM	P	P	NM	A	NM	NM	MC	NM	NM
2016	Sonja Shipp	NM	P	NM	P	P	NM	P	NM	NM	MC	NM	NM
2016	Anne Ordone	NM	A	NM	P	P	NM	P	NM	NM	MC	NM	NM
	<i>Alternate</i>												
2016	Cassandra Lewis			<i>Appt./</i> NM	P	P	NM	P	NM	NM	MC	NM	NM

A = Absent

P = Present

NM = No Meeting

LQ = Lack of Quorum

MC = Meeting Cancelled

Staff Contact -Sean Johnson

Council Liaison - Deputy Mayor Pro Tem Stanley Jaglowski

Rev. 09/30/2016

MUSEUM ADVISORY BOARD

<i>Term Expires</i>	<i>Board Members</i>	<i>Oct-15</i>	<i>Nov-15</i>	<i>Dec-15</i>	<i>Jan-16</i>	<i>Feb-16</i>	<i>Mar-16</i>	<i>Apr-16</i>	<i>May-16</i>	<i>Jun 16</i>	<i>Jul-16</i>	<i>Aug-16</i>	<i>Sep-16</i>
2016	Mary Ryan	MC	P	NM	NM	P	NM	P	NM	P	NM	MC	NM
2016	Dianne McBride Allen	MC	P	NM	NM	P	NM	P	NM	P	NM	MC	NM
2016	Ellie Pope	MC	P	NM	NM	P	NM	P	NM	P	NM	MC	NM
2016	Lillian Cullors	MC	P	NM	NM	P	NM	A	NM	P	NM	MC	NM
2016	Shannon Boyd	MC	P	NM	NM	P	NM	A	NM	P	NM	MC	NM
	ALTERNATE												
2016	Clara Butler			Appt.	NM	P	NM	P	NM	A	NM	MC	NM

A = Absent

P = Present

NM = No Meeting

LQ = Lack of Quorum

MC = Meeting Cancelled

Staff Contact - Sean Johnson

Council Liaison - Councilmember Clyde C. Hairston

Revised 09/30/2016

PARKS AND RECREATION ADVISORY BOARD

LANCASTER RECREATIONAL DEVELOPMENT CORP. (4A)

<i>Meeting Attendance</i>													
<i>Term Expires</i>	<i>Board Members</i>	<i>Oct-15</i>	<i>Nov-15</i>	<i>Dec-15</i>	<i>Jan-16</i>	<i>Feb-16</i>	<i>Mar-16</i>	<i>Apr-16</i>	<i>May-16</i>	<i>Jun-16</i>	<i>Jul-16</i>	<i>Aug-16</i>	<i>Sep-16</i>
2017	Abe Cooper	A	P	NM	MC	A	P	P	MC	P	MC	NM	LQ
2017	Darwin Isham	P	P	NM	MC	P	P	P	MC	P	MC	NM	LQ
2017	Mary Sykes	P	P	NM	MC	P	P	P	MC	P	MC	NM	LQ
2016	Cecelia Rutherford	P	P	NM	MC	A	P	A	MC	A			
2016	Jerry Giles	P	P	NM	MC	P	P	P	MC	P	MC	NM	LQ
2016	Terrence Comick	P	A	NM	MC	P	P	P	MC	P	MC	NM	LQ
2016	Willene Watson	P	P	NM	MC	A	P	A	MC	P			
	ALTERNATE												
2016	Joe Smith						Appt March 28th		MC	P	MC	NM	LQ

A = Absent

P = Present

NM = No Meeting

LQ = Lack of Quorum

MC = Meeting Cancelled

Staff Contact - Sean Johnson

Council Liaison - Councilmember Nina Morris

Rev. 07/21/2016

PARKS AND RECREATION ADVISORY BOARD LANCASTER RECREATIONAL DEVELOPMENT CORP. (4B)

<i>Meeting Attendance</i>														
<i>Term Expires</i>	<i>Board Members</i>	<i>Oct-15</i>	<i>Nov-15</i>	<i>Dec-15</i>	<i>Jan-16</i>	<i>Feb-16</i>	<i>Mar-16</i>	<i>Apr-16</i>	<i>May-16</i>	<i>Jun-16</i>	<i>Jul-16</i>	<i>Aug-16</i>		<i>Sep-16</i>
2017	Abe Cooper	A	P	NM	MC	A	P	P	MC	P	MC	LQ	P	LQ
2017	Darwin Isham	P	P	NM	MC	P	P	P	MC	P	MC	LQ	A	LQ
2017	Mary Sykes	P	P	NM	MC	P	P	P	MC	P	MC	LQ	P	LQ
2016	Cecelia Rutherford	P	P	NM	MC	A	P	A	MC	A				
2016	Jerry Giles	P	P	NM	MC	P	P	P	MC	P	MC	LQ	P	LQ
2016	Terrence Comick	P	A	NM	MC	P	P	P	MC	P	MC	LQ	P	LQ
2016	Willene Watson	P	P	NM	MC	P	A	A	MC	P				
	ALTERNATE													
2016	Joe Smith						Appt March 28th		MC	P	MC	LQ	A	LQ

A = Absent

P = Present

NM = No Meeting

LQ = Lack of Quorum

MC = Meeting Cancelled

Staff Contact - Sean Johnson

Council Liaison - Councilmember Nina Morris

Rev. 09/30/2016

PLANNING AND ZONING COMMISSION

<i>Meeting Attendance</i>																
<i>Term Expires</i>	<i>Board Members</i>	<i>Oct-15</i>	<i>Nov-15</i>	<i>Dec-15</i>	<i>Jan-16</i>		<i>Feb-16</i>	<i>Mar-16</i>	<i>Apr-16</i>	<i>May-16</i>		<i>June-16</i>	<i>Jul-16</i>	<i>Aug-16</i>		<i>Sep-16</i>
2017	Lawrence Prothro	P	LQ	NM	P	MC	P	P	P	P	MC	A	A	MC	P	P
2017	Marvin Earle	A	LQ	NM	P	MC	P	A	P	P	MC	P	A	MC	P	A
2017	Cynthia Johnson			Appt./N M	P	MC	P	P	P	P	MC	P	P	MC	A	P
2016	Isabel Aguilar			Appt./N M	P	MC	P	P	P	P	MC	P	P	MC	P	P
2016	Racheal Hill	P	LQ	NM	P	MC	P	P	P	P	MC	A	P	MC	P	P

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P = Present

NM = No Meeting

LQ = Lack of Quorum

MC = Meeting Cancelled

Staff Contact - Tony Felts

Council Liaison - MPT Carol Strain-Burk

Rev. 09/30/2016

PROPERTY STANDARDS AND APPEALS BOARD

<i>Meeting Attendance</i>													
<i>Term Expires</i>	<i>Board Members</i>	<i>Oct-15</i>	<i>Nov-15</i>	<i>Dec-15</i>	<i>Jan-16</i>	<i>Feb-16</i>	<i>Mar-16</i>	<i>Apr-16</i>	<i>May-16</i>	<i>Jun-16</i>	<i>Jul-16</i>	<i>Aug-16</i>	<i>Sep-16</i>
2017	Cassondra Andrews	MC	MC	MC	NM	NM	P	NM	NM	MC	MC	MC	MC
2017	Donna Lee	MC	MC	MC	NM	NM	P	NM	NM	MC	MC	MC	MC
2016	Carolyn Morris	MC	MC	MC	NM	NM	P	NM	NM	MC	MC	MC	MC
2016	Don McCoo	MC	MC	MC	NM	NM	P	NM	NM	MC	MC	MC	MC
2016	Sue Wyrick	MC	MC	MC	NM	NM	P	NM	NM	MC	MC	MC	MC
	ALTERNATE												
2016	Carlton Terry	MC	MC	MC	NM	NM	A	NM	NM	MC	MC	MC	MC

A = Absent

P = Present

NM = No Meeting

LQ = Lack of Quorum

MC = Meeting Cancelled

Staff Contact - Jim Schlacter

Council Liaison - Councilmember Nina Morris

Rev. 09/30/2016

SIGN CONTROL BOARD

<i>Meeting Attendance</i>													
<i>Term Expires</i>	<i>Board Members</i>	<i>Oct-15</i>	<i>Nov-15</i>	<i>Dec-15</i>	<i>Jan-16</i>	<i>Feb-16</i>	<i>Mar-16</i>	<i>Apr-16</i>	<i>May-16</i>	<i>Jun-16</i>	<i>Jul-16</i>	<i>Aug-16</i>	<i>Sep-16</i>
2017	Lawrence Prothro	NM	NM	NM	MC	P	NM	NM	NM	NM	NM	NM	NM
2017	Marvin Earle	NM	NM	NM	MC	P	NM	NM	NM	NM	NM	NM	NM
2017	Cynthia Johnson			Appt./N M	MC	P	NM	NM	NM	NM	NM	NM	NM
2016	Isabel Aguilar			Appt./N M	MC	P	NM	NM	NM	NM	NM	NM	NM
2016	Racheal Hill	NM	NM	NM	MC	P	NM	NM	NM	NM	NM	NM	NM

A = Absent

P = Present

NM = No Meeting

LQ = Lack of Quorum

MC = Meeting Cancelled

Staff Contact - Tony Felts

Council Liaison - MPT Carol Strain-Burk

Rev. 09/30/2016

ZONING BOARD OF ADJUSTMENT

<i>Meeting Attendance</i>													
<i>Term Expires</i>	<i>Board Members</i>	<i>Oct-15</i>	<i>Nov-15</i>	<i>Dec-15</i>	<i>Jan-16</i>	<i>Feb-16</i>	<i>Mar-16</i>	<i>Apr-16</i>	<i>May-16</i>	<i>Jun-16</i>	<i>Jul-16</i>	<i>Aug-16</i>	<i>Sep-16</i>
2017	Deborah Taylor	NM	NM	A	P	MC	P	NM	MC	MC	MC	MC	LQ
2017	Sherri Williams			Appt.	P	MC	P	NM	MC	MC	MC	MC	LQ
2017	Margaret Brooks	NM	NM	P	P	MC	P	NM	MC	MC	MC	MC	LQ
2016	Jack McCauley	NM	NM	A	P	MC	A	NM	MC	MC	MC	MC	LQ
2016	Rebecca Torres-Swanson	NM	NM	P	A	MC	A	NM	MC	MC	MC	MC	LQ
	ALTERNATE												
2016	Syrinithnia Mann			Appt.	P	MC	P	NM	MC	MC	MC	MC	LQ

A = Absent

P = Present

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LQ = Lack of Quorum

MC = Meeting Cancelled

Staff Contact - Jim Schlacter

Council Liaison - DMPT Stanley Jaglowski

Rev. 09/30/2016



City of Lancaster Boards, Commissions and Committees Attendance Policy

Persons appointed to city boards, commissions or committees can only be effective members or alternates if they attend the groups' meetings regularly. Attendance Reports will be maintained by City staff liaisons to the boards/commissions/committees and provided to the City Council on a quarterly basis for their review. In case of excessive absences, the following shall apply:

- (a) In case of excessive absences, a board, commission or committee member or alternate shall be removed from office. Absences from three (3) consecutive meetings or a total of five (5) absences within a twelve-month period shall constitute excessive absences. This provision shall apply even if such meeting is subsequently canceled or postponed due to lack of a quorum.
- (b) The procedure for removal of a member or alternate is as follows: Immediately after a member or alternate has three (3) consecutive absences or a total of five (5) absences within a twelve-month period, the staff liaison of the board, commission or committee shall notify the president or chair in writing. The staff liaison shall notify the city secretary with recommendations in writing within five (5) days of receiving notification. The city secretary shall notify the mayor and city council in writing within five (5) days of receiving notification. The council, at its next regularly scheduled meeting, shall declare the position vacant and instruct the city secretary to notify the board or commission member in question to that effect. The council shall then appoint someone to fill the vacancy from the available alternates or publish the vacancy and make an appointment after sufficient time has passed to receive applications for the position.

LANCASTER CITY COUNCIL

City Council Regular Meeting

Item 3.

Meeting Date: 11/14/2016

Policy Statement: This request supports the City Council 2016-2017 Policy Agenda

Goal(s): Healthy, Safe & Vibrant Community

Submitted by: Rob Franklin, Fire Chief

Agenda Caption:

Consider a resolution approving the terms and conditions of an Interlocal Agreement by and between the Parkland Health & Hospital System and the City of Lancaster to provide certain biomedical on-line services, providing for funding.

Background:

Texas law requires each Advanced Life Support (ALS) ambulance providers to have a qualified medical control system. This medical control agency provides day-to-day on-line medical direction for paramedics in the field. The City of Lancaster has used the Dallas Biomedical On-Line Supervision system for these services since the inception of our paramedic program in 1986. The most recent years agreements have been through the City of Dallas, this proposed agreement would be direct with the Parkland Health and Hospital System. Other Cities that participate in the system are Dallas, DeSoto, Duncanville, Highland Park, Garland, Irving, Mesquite, Richardson, Sunnyvale, University Park, and Wills Point. All Cities share the cost of running the system. The system has been recognized as one of the best in the Nation.

Operational Considerations:

Without On-Line Supervision, the City of Lancaster will not be able to provide Ambulance Services to the Citizens of Lancaster or mutual aid to surrounding cities.

Legal Considerations:

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

Public Information Considerations:

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

Fiscal Impact:

The cost to the City of Lancaster is calculated on a per capita and EMS run volume basis for an amount not to exceed \$22,521.81 for the 2016-2017 year.

Options/Alternatives:

1. Approve the resolution as presented.
2. Reject the resolution and discontinue paramedic ambulance services.

Recommendation:

Staff recommends that City Council approve the resolution as presented.

Attachments

Resolution

Exhibit 1

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, APPROVING THE TERMS AND CONDITIONS OF THE INTERLOCAL AGREEMENT BY AND BETWEEN DALLAS COUNTY HOSPITAL DISTRICT D/B/A PARKLAND HEALTH & HOSPITAL SYSTEM AND THE CITY OF LANCASTER, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT A, FOR SERVICES RELATED TO THE BIOTEL SYSTEM; AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lancaster ("Lancaster") desires to purchase the BioTel system services from Dallas County Hospital District d/b/a Parkland Health & Hospital System ("Parkland"), and Parkland desires to sell said services to Lancaster in order to provide medical control for paramedics in the field via radio and telemetered patient data; and

WHEREAS, the Interlocal Cooperation Act, Chapter 791 of the TEXAS GOVERNMENT CODE provides authorization for any local government to contract with one or more local governments to perform government functions and services under the terms of the Act; and

WHEREAS, Parkland and Lancaster desire to enter into the Interlocal Agreement permitting Lancaster to purchase BioTel services from Parkland, which is attached hereto and incorporated herein as Exhibit 1, and authorizing the City Manager to execute said Agreement;

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

SECTION 1. The City Council hereby authorizes, approves and accepts the terms and conditions of the Interlocal Agreement by and between the City of Lancaster and Dallas County Hospital District D/B/A Parkland Health & Hospital System for BioTel System services, which is attached hereto and incorporated herein by reference as Exhibit 1; and, the City Manager is hereby authorized to execute said Agreement.

SECTION 2. That this Resolution shall take effect immediately from and after its passage, as the law and charter in such cases provide.

DULY PASSED and approved by the City Council of the City of Lancaster, Texas, on this the 14th day of November, 2016.

ATTEST:

APPROVED:

Sorangel O. Arenas, City Secretary

Marcus E. Knight, Mayor

APPROVED AS TO FORM:

Robert E. Hager, City Attorney

STATE OF TEXAS §
 §
 COUNTY OF DALLAS §

INTERLOCAL AGREEMENT

This Agreement is made and entered into by and between the DALLAS COUNTY HOSPITAL DISTRICT d/b/a PARKLAND HEALTH & HOSPITAL SYSTEM, a political subdivision of the State of Texas, located in Dallas County, Texas, ("PARKLAND") and the CITY OF LANCASTER, TEXAS, a Municipal Corporation, located in Dallas County, Texas ("CITY").

WITNESSETH

WHEREAS, the Interlocal Cooperation Act, Chapter 791, V.T.C.A., Texas Government Code provides authorization for any local government to contract with one or more local governments to perform governmental functions and services under the terms of the Act; and

WHEREAS, PARKLAND and the CITY are local governments as defined in Texas Government Code, Section 791.003(4), have the authority to enter into this Agreement, and have entered into this Agreement by action of its governing body in the appropriate manner prescribed by law; and

WHEREAS, PARKLAND provides biomedical on-line supervision pre-hospital emergency medical control services known as the BioTel/EMS System, which is staffed by physicians, paramedics, registered nurses, and clerical staff, and was created on July 1, 1980, to provide medical control for paramedics in the field via radio and telemetered patient data; and

WHEREAS, PARKLAND contracts with The University of Texas Southwestern Medical Center ("UT SOUTHWESTERN") for certain physician and other services that are a part of the BioTel/EMS System, including the provision of certain off-line services, including, but not limited to, training, protocol development, and policy development; and

WHEREAS, PARKLAND desires to contract with the CITY for the sale of BioTel/EMS System services and the CITY desires to purchase from PARKLAND the BioTel/EMS System services; and

WHEREAS, both PARKLAND and the CITY represent to one another that each respective party has the authority to enter into this Agreement and perform the obligations and duties stated herein; and

NOW THEREFORE, PARKLAND and the CITY herby enter into this Interlocal Agreement in considerations of the aforementioned recitals, and for the mutual considerations stated herein:

I.

DESCRIPTION OF SERVICES

1. For the consideration hereinafter agreed to be paid to PARKLAND by the CITY, PARKLAND shall provide medical direction for the CITY's emergency medical services, and shall provide a prehospital emergency medical direction system known as BioTel/EMS System or "BIOTEL," hereinafter called the "Services."

2. The Services are to be performed according to acceptable standard medical practices and to conform to the Scope of Service for On-line and Off-line Medical Control for the BioTel/EMS System ("Scope of Services") attached hereto as Exhibit A.

II.

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (HIPAA)

1. Except as is permitted by applicable law and to satisfy the requirements of this Agreement, PARKLAND agrees that it will not use or disclose the CITY's protected health information (PHI) for any purpose. However, the parties agree that PARKLAND will receive PHI from the CITY for treatment purposes as described in this Agreement and that such PHI will no longer be considered the CITY's PHI once it has been received by PARKLAND for these treatment purposes. After receipt by PARKLAND, the PHI received by PARKLAND belongs to PARKLAND.

2. As this Agreement is subject to the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the administrative regulations and/or guidance which have issued or may in the future be issued pursuant to HIPAA, including but not limited to the Department of Health and Human Services regulations on privacy and security, and Texas state laws pertaining to medical privacy (collectively, "Privacy Laws"), the parties .

3. agree to comply with all Privacy Laws that are applicable to this Agreement and to execute the Business Associate Addendum attached to this Agreement.

III.

COORDINATION

1. All Services under this Agreement shall be coordinated under, and performed in accordance with the Agreement and the Scope of Services to the reasonable satisfaction of the Chief of the Fire-Rescue Department of the CITY, or his/her designated representative, hereinafter called "Director." The Director shall have authority to approve payment for Services that have been properly provided in accordance with the terms of this Agreement. If at any time PARKLAND fails to properly furnish all or a portion of the Services called for by this Agreement, the CITY is authorized to withhold payment of funds associated with the Services not properly performed hereunder until any deficiency has been, if possible, cured. It is further agreed between PARKLAND and the CITY that should any dispute or questions arise respecting the reasonableness of the withheld amount of payment attributable to PARKLAND's failure to fully perform, the parties agree to meet and make a good faith effort to resolve the dispute. Prior to the CITY exercising any payment withholding under this provision, the CITY must provide PARKLAND with notice of any deficiencies and provide PARKLAND ten (10) business days to remedy any deficiencies. The CITY will release any withheld funds associated with the Services not properly performed once the deficiencies are remedied.

IV.

PAYMENT

1. The Agreement term is one (1) year. Total payments by the CITY during the Agreement term shall not exceed TWENTY ONE THOUSAND FIVE HUNDRED TWENTY ONE DOLLARS AND EIGHTY

ONE CENTS (\$21,521.81), which amount (or a portion thereof where Agreement term may exceed one year) is hereby set aside and segregated for the purpose of paying for the Services in accordance with the terms of this Agreement. Payments shall be made in equal monthly payments in the amount of \$1,793.49 and shall be made at the end of each month.

V.
TERM

1. The term of this Agreement shall commence on October 1, 2016, and terminate on September 30, 2017, unless sooner terminated in accordance with the provisions of this Agreement. The Agreement may be renewed for successive twenty-four (24) month periods upon the same terms and conditions as set forth in this Agreement. The parties shall mutually agree to any change in consideration during subsequent renewal periods.

VI.
INDEPENDENT CONTRACTOR

1. PARKLAND's status and the status of all physicians, nurses, paramedics, and other medical personnel performing work related to the BioTel/EMS System shall be that of an Independent Contractor and not any of the following: an agent; servant; employee; member of CITY's workforce; or representative of the CITY in the performance of these Services. No term or provision of this Agreement or act of PARKLAND or the CITY under this Agreement shall be construed as changing that status.

VII.
INDEMNIFICATION

1. PARKLAND, to the extent permitted by the laws of the State of Texas, shall indemnify, defend and hold harmless the CITY and all of its officers, agents and employees from any suits, actions or claims whatsoever that might arise on account of any injury or damage received or sustained by any person or property as a result of PARKLAND's conduct of any activity or operation in connection with PARKLAND's use of the BioTel/EMS System. To the extent permitted by law, PARKLAND shall pay any judgment, together with costs, which may be obtained against the CITY, or any of its officers, agents or employees as a result of such injury or damage.

2. The CITY shall give PARKLAND prompt notice of any matter covered by Subsection VII.1 above, and shall forward to PARKLAND every demand, notice, summons or process received in any claim or legal proceeding covered by Subsection VII.1 above.

3. PARKLAND shall not be obligated to indemnify, defend or hold harmless the CITY or any of its officers, agents, or employees when the injury or damage to a person or property is caused by the negligence of the CITY, its officers, agents or employees. In the event of joint and concurrent negligence of PARKLAND and the CITY, responsibility and indemnity, if any, shall be apportioned in accordance with the laws of the State of Texas.

4. The CITY, to the extent permitted by the laws of the State of Texas, shall indemnify, defend and hold harmless PARKLAND and all of its officers, agents and employees from any suits, actions or claims whatsoever that might arise on account of any injury or damage received or sustained

by any person or property as a result of the CITY's conduct of any activity or operation in connection with the CITY's use of the BioTel/EMS System. To the extent permitted by law, the CITY shall pay any judgment, together with costs, which may be obtained against PARKLAND, or any of its officers, agents or employees as a result of such injury or damage.

5. PARKLAND shall give the CITY prompt notice of any matter covered by Subsection VII.4 above, and shall forward to the CITY every demand, notice, summons or process received in any claim or legal proceeding covered by Subsection VIII.4 above.

6. The CITY shall not be obligated to indemnify, defend or hold harmless PARKLAND or any of its officers, agents, or employees when the injury or damage to a person or property is caused by the negligence of PARKLAND, its officers, agents or employees. In the event of joint and concurrent negligence of the CITY and PARKLAND, responsibility and indemnity, if any, shall be apportioned in accordance with the laws of the State of Texas.

7. No part of this Agreement shall be interpreted to constitute a waiver of any defense of the parties available to the CITY and PARKLAND under Texas law and the immunities or limits of liability granted to PARKLAND or the CITY under the Texas Torts Claim Act.

8. The provisions of this section are solely for the benefit of the parties hereto and not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

VIII. TERMINATION

1. The CITY may, at its option and without prejudice to any other remedy it may be entitled at law or in equity, or elsewhere under this Agreement, terminate further work under this Agreement, in whole or in part by giving at least one hundred eighty (180) days prior written notice thereof to PARKLAND, with the understanding that all Services being terminated shall cease upon the date specified in such notice. The CITY shall compensate PARKLAND in accordance with the terms of this Agreement for the Services properly performed prior to the date specified in such notice, following inspection and acceptance of same by the CITY's Director. PARKLAND shall not, however, be entitled to lost or anticipated profits should the CITY choose to exercise its option to terminate.

2. PARKLAND may, at its option and without prejudice to any other remedy it may be entitled at law or in equity, or elsewhere under this Agreement, terminate further work under this Agreement, in whole or in part by giving at least one hundred eighty (180) days prior written notice thereof to the CITY, with the understanding that all Services being terminated shall cease upon the date specified in such notice.

IX. NOTICES

All notices, communications and reports under this Agreement shall be mailed or delivered to the respective parties as follows:

To: PARKLAND

Dallas County Hospital District
d/b/a Parkland Health & Hospital System
5200 Harry Hines Blvd.
Dallas, Texas 75235
Attention: EVP & Chief Nursing Officer

With copy to: Dallas County Hospital District
d/b/a Parkland Health & Hospital System
5200 Harry Hines Blvd.
Dallas, Texas 75235
Attention: General Counsel, Legal Affairs

To: CITY
The City of Lancaster, Texas
211 N. Henry St.
Lancaster, TX 75146
Attention: Chief, Fire Department

With copy to: Robert Hager
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.
1800 Ross Tower
500 N. Akard Street
Dallas, TX 75201

X.
MISCELLANEOUS

1. This Agreement is entered into subject to the Charter and ordinances of the CITY, as amended, and applicable Texas State and Federal laws. The provisions of this Agreement shall be construed in accordance with the laws and court decisions of the State of Texas; and exclusive venue for any litigation that may be filed by either party hereto in connection with this Agreement shall be in Dallas County, Texas.

2. The obligations of the Parties set forth herein are expressly conditioned on the approval of this Agreement the City Council of the City of Lancaster. Notwithstanding anything to the contrary set forth herein, neither Party shall have any liability to the other unless/until this Agreement is approved by the City Council of the City of Lancaster, and if such approval cannot be obtained, this Agreement shall be null and void.

3. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions thereof and this Agreement shall be considered as if such invalid, illegal or unenforceable provision has never been contained in this Agreement.

4. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

5. This Agreement can be revised at any time by mutual consent of the parties and shall be revised by written amendment(s) to this Agreement and signed by both parties. No oral modifications can be made to this Agreement.

6. The captions to the various clauses of this Agreement are for informational purposes only and shall not alter the substance of the terms and conditions of this Agreement.

7. This Agreement embodies the complete agreement of the parties hereto, superseding all oral or written previous and contemporary agreements between the parties relating to matters in this Agreement.

Dallas County Hospital District d/b/a
Parkland Health & Hospital System

The City of Lancaster, Texas

EXHIBIT A

Scope of Services for On-line and Off-line Medical Control for the BioTel/EMS System

I. On-line Medical Direction

A. Staffing

1. Nurse staffing provided continuously 24/7/365
 - a. In addition to continuous nurse staffing 24/7/465, double coverage will be provided during peak times; however, such additional coverage may be through a paramedic.
 - b. Coordinates in-time on-line medical direction.
2. Physician staffing continuously 24/7/365
 - a. The physician responsible for coordinating all system medical control and addressing clinical issues associated with the operation of the BioTel/EMS System shall be known as the BioTel/EMS Medical Director.
 - b. The UT SOUTHWESTERN emergency medicine physicians working within the Parkland Emergency Department shall provide medical control (i.e. medical advice and direction) when requested by CITY's paramedics who are assisting patients. Adequate BioTel/EMS System physician staffing shall be maintained twenty-four (24) hours a day, seven (7) days a week, during the term of this Agreement. A physician will answer all requests for assistance either from the BioTel/EMS System room or from the Emergency Department areas twenty-four (24) hours a day, seven (7) days a week. The physician need not be present in the radio room while assigned to, and on duty with, the BIOTEL operation.
 - c. BIOTEL physicians shall respond to a field paramedic's request for assistance immediately after receipt of a call. PARKLAND will be responsible for monitoring and enforcing a sixty (60) second response time standard ninety percent (90%) of the time.
 - d. When requested, BIOTEL presently has the capability to obtain a specialized physician in the following areas: Pediatrics, internal medicine, surgical, trauma, obstetrical/gynecological, psychiatry, toxicology and cardiology. Additional sub-specialty consultation is available.
3. Miscellaneous
 - a. Only registered nurses (RNs), physicians, paramedics and clerical staff shall be assigned by PARKLAND to the BioTel program
 - b. The BIOTEL program shall be adequately staffed by at least one (1) registered nurse twenty-four (24) hours a day, seven (7) days a week throughout the duration of this Agreement. Additional personnel will be assigned as needed based upon workload. Efficiency of the system shall be maintained by PARKLAND administration. A nurse or paramedic shall monitor the radio communications at all times. Changes to the staffing model may be made, if necessary upon agreement between the CITY and PARKLAND.
 - c. All RNs and paramedics assigned to the BIOTEL program shall undergo initial training and ongoing training including the role of BIOTEL and

EMS in the community. They will review and be tested on the BioTel/EMS Treatment Guidelines and Policies and are instructed in proper communication procedures relating to the BIOTEL equipment

- d. When notified by field personnel, BIOTEL staff shall assist as needed in contacting a hospital to which a critical, priority patient is en-route, and provide that hospital with pertinent data concerning the patient.
- e. BIOTEL staff shall be responsible for assisting other medical personnel in emergency situations. BIOTEL RNs shall follow established BIOTEL RN Treatment Guideline Options according to the needs of the patient. The BIOTEL staff shall contact an Emergency Medicine physician when a request for assistance is made, and shall record all recommended treatments and maintain all appropriate records.
- f. BIOTEL staff shall ensure the proper functioning of all contracted BIOTEL equipment.
- g. Personnel assigned to BIOTEL shall utilize the current BioTel/EMS Treatment Guideline and Policy Manual enacted for the functioning of the BioTel/EMS System. PARKLAND may modify the BioTel/EMS Treatment Guideline and Policy Manual provided, however, that both the CITY and PARKLAND mutually agree upon any material changes to these procedures, unless otherwise required by law, rule, regulation, and all other applicable governmental agencies and accrediting organizations having jurisdiction over PARKLAND. PARKLAND shall make the BioTel/EMS Treatment Guideline and Policy Manual available to the CITY.
- h. BIOTEL staff shall monitor area hospital's capabilities and help coordinate EMS transports to appropriate facilities as provided in accordance with departmental procedures approved by the BioTel/EMS System Medical Director.
- i. BIOTEL staff shall maintain a current database for day-to-day medical control, as well as the monthly statistical report. The BIOTEL staff will also maintain revisions to the BioTel/EMS Treatment Guidelines and Policies and perform other tasks as needed under the direction of BIOTEL Management. A copy of the statistical report will be furnished to the CITY quarterly
- j. The BIOTEL Program Manager shall serve as the primary liaison with: Area receiving hospitals, other EMS agencies, Emergency air medical services operating in the DFW region, UT SOUTHWESTERN – Division of EMS Education, Pre-hospital providers that are not under BIOTEL medical control.

B. Additional Services

1. Social Work Program

- a. Assessment and enrolment of patients, serving as a liaison between social service agencies and CITY, and providing feedback and updates to EMS agencies.

2. Emergency Legal Assistance Program

- a. Will provide an on-call attorney licensed to practice law in the State of Texas.
- b. The Attorney will be:

- (1) Familiar with delivery of Emergency Medical Services and applicable laws pertaining thereto, including, but not limited to the Medical Practice Act and the Health and Safety Code and any other applicable laws.
 - (2) On-call twenty-four (24) hours /day, seven (7) days a week.
 - (3) Expected to provide an alternate in case of his/her absence.
3. Field Amputation Team Activation at the request of CITY field paramedics, supervisors or Chief Officers or at the discretion of BIOTEL staff consistent with BIOTEL policy.
 - a. The Team will provide supplies necessary for field amputation
 - b. The Team will be ready for transport to scene within fifteen (15) minutes of activation. Estimated time of arrival may vary depending on scene location and other factors.
4. Bloodborne Pathogen Exposure Tracking
 - a. Will provide a process for CITY personnel who have sustained a blood and/or body fluid exposure while on-duty to receive testing and subsequent follow-up with Dallas County Health Department.
5. Data collection including CITY call volume, types of BIOTEL calls, frequency and type of physician consultation, numbers of patients for whom BIOTEL is notified/contacted received by area hospitals, resource overload based on the report from North Texas Trauma Regional Advisory Committee (NCTTRAC), Emergency Legal Assistance Program, Specialty Team Activation, Trauma diversion, and any other data collection requested by CITY.
6. Maintenance of the BioTel room and facilities, and the records involving On-line Medical Control for the BioTel/EMS System, shall be provided by PARKLAND. The BioTel/EMS System room and facilities shall be available for reasonable use by the CITY's paramedics, provided that such use does not interfere with the medical operations and functions of the BioTel/EMS System office and facilities.
- C. Periodic meetings, at least quarterly, will be attempted to be scheduled between the CITY representatives and the PARKLAND and UT SOUTHWESTERN personnel who supervise the BioTel/EMS System. The purpose of the meetings shall be to assess the program and services provided and recommend improvements.

II. Off-line Medical Direction

A. Staffing

1. BIOTEL Medical Director
 - a. Have the ultimate responsibility for all clinical aspects of the EMS System and shall meet all State of Texas requirements for serving as an EMS System Medical Director.
 - b. Be immediately available 24/7/365 for consultation or problem resolution or shall arrange for an Associate EMS Medical Director to be available in his/her place.
 - c. Assign to CITY an Associate Medical Director who shall serve as CITY's day-to-day Medical Director.
2. BIOTEL Associate Medical Director
 - a. Work with CITY's Chief and EMS Command Staff to ensure that the CITY's EMS operations, administration, training and special operations

activities result in the delivery of quality out-of-hospital emergency medical care for the residents of and visitors to the CITY.

- b. Assist the CITY with the review and response to any clinical or clinical/operational complaint, concerns, unusual occurrence ("UO") or commendations that are brought to the attention of the CITY regarding EMS and will assist in the development and implementation of a comprehensive EMS Quality Management Plan.
- c. Work with the CITY's EMS Chief responsible for EMS to develop, implement, and evaluate EMS quality improvement activities.
- d. Be made aware of and will consult on the response to all EMS clinical claims (lawsuits) against the CITY.
- e. Ensure that the CITY provides reality-based training for its EMS providers.
- f. Interact outside of the hospital setting with the CITY's EMS providers.
- g. Educate and train CITY's EMS providers on all BIOTEL Treatment Guidelines and Policies.
- h. Serve as the physician liaison to other healthcare providers in the CITY.
- i. Be notified of all significant on-duty illness or injury to CITY EMS providers. The Associate Medical Director shall serve as the liaison with the treating physician(s) in the hospital where the CITY EMS provider is transported to, shall serve as the CITY EMS providers' medical advocate and shall advise the CITY's EMS leadership of the status of the CITY EMS providers' illness or injury.

B. Additional Services

- 1. May attend regular or ad hoc meetings at the request of the CITY's leadership.
- 2. May assist in the development or provision of specialized education and training for the CITY's providers.
- 3. May serve as a consultant to the CITY's 911 Communications Center. The Medical Director shall review, as requested, any EMS dispatch incidents in consultation with the 911 Center's leadership. In addition, the Medical Director participates in tape audits and the evaluation of new dispatch protocols and/or procedures as requested.
- 4. May be made aware of and will serve as a consultant in the planning and response to any EMS special event in which the CITY serves as the emergency medical provider.
- 5. May oversee the clinical aspects of the CITY's Mobile Community Healthcare Program (MCHP) and will be immediately available or arrange for an appropriate individual to be immediately available for consultation regarding any patient enrolled in that program.
- 6. In collaboration with the CITY's Chief responsible for EMS, may ensure that the CITY's policies designed to minimize the risk of exposure to blood borne pathogens are state-of-the art. Together, recommendations for changes in policy, protocol, or protective equipment are made to the CITY Chief to mitigate the likelihood of exposure to blood-borne pathogens.
- 7. May serve as advocate for the CITY's role in promoting Public Access Defibrillation and CPR training for the CITY.
- 8. May take on additional responsibilities or projects as requested by the CITY Chief following approval of the BioTel/EMS System Medical Director.

C. Hours and Rates

1. The minimum number of hours provided to CITY for off-line medical direction will be four (4) hours.
2. Additional hours for off-line medical direction will be provided at an hourly rate of \$180.00 per hour.

Business Associate Addendum
to
Interlocal Agreement

This Business Associate Addendum to the Interlocal Agreement (the "Addendum"), effective October 1, 2016 (the "Effective Date"), is entered into by and between the City of Lancaster, Texas ("Covered Entity") and the Dallas County Hospital District d/b/a Parkland Health & Hospital System, ("Business Associate").

RECITALS

This Addendum amends the Interlocal Agreement by and between Business Associate and Covered Entity, made and entered into effective the 1st day of October, 2016 (the "Agreement") by adding the provisions set forth herein, which are fully incorporated into and made a binding part of the Agreement.

Under the Agreement, Business Associate may perform or assist in performing a function or activity on behalf of Covered Entity that involves the Use and/or Disclosure of Protected Health Information (as defined in 45 C.F.R. 160.103 and as may be amended from time to time ("PHI")).

The parties desire to amend the Agreement to include certain requirements regarding the Use and/or Disclosure of PHI as required by the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"); any and all regulations promulgated thereunder including the standards for privacy of individually identifiable health information at 45 C.F.R. Parts 160 and 164 ("Privacy Rule") and the standards for the security of electronic protected health information at 45 C.F.R. Parts 160, 162, and 164 ("Security Rule") (collectively, the Privacy Rule and the Security Rule are referred to herein as the "HIPAA Rules"); any applicable state law or regulation; and the Health Information Technology for Economic and Clinical Health Act ("HITECH") provisions of the American Recovery and Reinvestment Act of 2009 ("ARRA").

NOW, THEREFORE, for and in consideration of the representations, warranties and covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

AGREEMENT

1. Terms Used. Terms used, but not otherwise defined, in this Addendum, shall have the same meaning as those terms in the HIPAA Rules.
2. Permitted Uses and Disclosures of PHI. Except as otherwise limited in the Agreement or this Addendum, Business Associate may Use and/or Disclose PHI to perform the functions, activities, or services for or on behalf of Covered Entity as specified in the Agreement provided that such Use and/or Disclosure would not violate the HIPAA Rules if done by Covered Entity. All other Uses or Disclosures not authorized by the Agreement or this Addendum are prohibited.
3. Business Associate agrees to:

3.1. Not Use and/or Disclose PHI other than as permitted or required by the Agreement or this Addendum or as Required By Law.

3.2. Use appropriate safeguards to comply with Subpart C of 45 CFR Part 164 with respect to electronic PHI and to implement and use appropriate safeguards to reasonably and appropriately protect the confidentiality, integrity and availability of PHI and to prevent the Use and/or Disclosure of PHI other than as provided for by the Agreement or this Addendum.

3.3. Report to Covered Entity, through its Privacy Officer, any Use or Disclosure of PHI not provided for by the Agreement or this Addendum within three (3) business days of discovering the unauthorized Use or Disclosure. Additionally, within three (3) business days of discovery, Business Associate agrees to report any potential Breach of unsecured PHI as that term is defined in 45 CFR 164.402 and any successful Security Incident as that term is defined in 45 CFR 164.304. Unsuccessful Security Incidents shall be reported to Covered Entity only upon request. Business Associate shall permit Covered Entity to investigate any report submitted pursuant to this provision and shall allow Covered Entity to examine Business Associate's premises, records, and practices. In the event Covered Entity is required to provide notice to Individuals impacted by a Breach caused by Business Associate or its subcontractors and agents, Business Associate shall reimburse Covered Entity for the reasonable costs relating to the provision of such notice.

3.4. Ensure that all subcontractors and agents to whom it provides PHI received from, or created or received by, Business Associate on behalf of Covered Entity sign a business associate agreement meeting the requirements of 45 CFR 164.504 and agree in writing to the same restrictions, conditions, and requirements that apply to Business Associate pursuant to this Addendum. This shall include, without limitation, ensuring that agents and subcontractors implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of electronic PHI created, received, maintained, stored, or transmitted on behalf of Covered Entity. Business Associate shall be fully liable to Covered Entity for any acts, failures or omissions of its subcontractors and agents as if the acts, failures or omissions were Business Associate's own acts, failures or omissions.

3.5. Provide access (at the request of, and in a reasonable time and manner designated by, Covered Entity) to PHI in a Designated Record Set in order to meet the requirements under 45 C.F.R. 164.524. In the event an Individual submits a request for access directly to Business Associate, Business Associate shall promptly forward the request to Covered Entity through its Privacy Officer. Business Associate is not required to provide access to PHI if it does not maintain a Designated Record Set on behalf of Covered Entity.

3.6. Make any amendment(s) (at the request of, and in a reasonable time and manner designated by, Covered Entity) to PHI in a Designated Record Set that Covered Entity directs pursuant to 45 C.F.R. 164.526. In the event an Individual submits a request for amendment directly to Business Associate, Business Associate shall promptly forward the request to Covered Entity through its Privacy Officer. Business Associate is not required to amend PHI if it does not maintain a Designated Record Set on behalf of Covered Entity.

3.7. Make internal practices, books, and records relating to the Use and Disclosure of PHI received from, created, or received by Business Associate on behalf of, Covered Entity available to Covered Entity, or at the request of Covered Entity, to the Secretary of the Department of Health and Human Services or his/her designee (the "Secretary"), in a reasonable time and manner as designated by Covered Entity or the Secretary, for the purposes of determining compliance with the Privacy Rule and this Addendum. Business Associate shall promptly notify Covered Entity of communications with the Secretary regarding PHI provided by or created by Covered Entity and shall provide Covered Entity with copies of any information Business Associate has made available under this provision. Notwithstanding the foregoing, no attorney-client, accountant-client, or other legal privilege shall be deemed waived by Business Associate or Covered Entity by virtue of this Addendum.

3.8. Document disclosures of PHI and information related to such disclosures as would be required for Covered Entity to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. 164.528 as may be amended from time to time, and incorporating exceptions to such accounting designated under the regulation. Accounting of disclosures shall be in accordance with the policies and procedures of the Covered Entity and shall be made within a reasonable time specified by Covered Entity. The first accounting in any 12 month period requested by an Individual shall be provided without charge; a reasonable charge may be made for subsequent accountings if Business Associate informs the Individual in advance of the fee and the Individual is afforded an opportunity to withdraw or modify the request. In addition, to the extent that Business Associate maintains PHI in an electronic health record, Business Associate agrees to account for all disclosures of electronic PHI upon request of an Individual for a period of at least three (3) years prior to the request (but no earlier than the Effective Date of this Addendum) as required by HITECH. Such accounting shall be directly to the Individual if requested by the Covered Entity.

3.9. Provide to Covered Entity, in a reasonable time and manner designated by Covered Entity, information collected in accordance with Section 3.8. of this Addendum, to permit Covered Entity to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. 164.528.

3.10. Ensure that all Uses and Disclosures of PHI are subject to the principle of "minimum necessary," i.e., only PHI that is the minimum necessary to accomplish the intended purpose of the Use, Disclosure, or request may be Used or Disclosed.

3.11. Mitigate, to the extent practicable, any harmful effect of an unauthorized Use or Disclosure of PHI and any Breach or Security Incident by Business Associate or its subcontractors or agents of which Business Associate becomes aware.

3.12. Provide adequate training to members of its Workforce and to its subcontractors and agents regarding the requirements of the HIPAA Rules, HITECH, and this Addendum.

3.13. Provide Business Associate's policies and procedures for maintaining the confidentiality of records in a Designated Record Set as required by the Privacy Rule and this Addendum to Covered Entity at its request.

3.14. Comply with all applicable federal and state privacy and security requirements.

4. Covered Entity agrees to:

4.1. Provide Business Associate with its notice of privacy practices if a limitation in the notice of privacy practices may affect Business Associate's Use or Disclosure of PHI under the Agreement of this Addendum.

4.2. Provide Business Associate with any changes in, or revocation of, permission by an Individual to the Use and/or Disclosure of PHI, if such changes affect Business Associate's permitted or required Uses and/or Disclosures. Covered Entity will further notify Business Associate of any restriction on the Use and/or Disclosure of PHI agreed to by Covered Entity in accordance with the provisions of 45 CFR 164.522 and any restriction requested by an Individual that Covered Entity is required to comply with in accordance with the provisions of HITECH.

5. Specific Uses and Disclosures Permitted by Business Associate. Except as otherwise limited in the Agreement and this Addendum, Business Associate may:

5.1. Use or Disclose PHI for the proper management and administration of Business Associate or to carry out the legal responsibilities of Business Associate provided that such Uses and Disclosures are required under state and federal laws.

5.2. Use PHI to provide Data Aggregation services to Covered Entity as permitted by 42 C.F.R. 164.504(e)(2)(i)(B) when such services are required pursuant to the Agreement between the parties.

6. LIABILITY LIMITATIONS. All parties agree to be responsible for their own negligent acts or omissions or other tortious conduct in the course of performance of this Agreement, without waiving any sovereign immunity, governmental immunity or available defenses available to the parties under Texas 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. All parties agree that any such liability or damages occurring during the performance of this Agreement caused by the joint or comparative negligence of the parties, or their employees, agents or officers shall be determined in accordance with comparative responsibility laws of Texas.

7. Term and Termination.

7.1. Term. The term of this Addendum shall be effective as of the Effective Date of the Agreement and shall terminate when all of the PHI provided by Covered Entity to Business Associate, or created or received by Business Associate on behalf of Covered Entity, is destroyed or returned to Covered Entity, or, if it is infeasible to return or destroy PHI, protections are extended to such PHI, in accordance with Section 7.3 below.

7.2. Termination for Cause. Covered Entity may immediately terminate the Agreement and this Addendum if Covered Entity determines that Business Associate has breached a material term of this Addendum. Alternatively, the Covered Entity may choose, in its sole discretion, to: (i) provide the Business Associate written notice of the existence of an alleged material breach; and (ii) afford the Business Associate an opportunity to cure said alleged material breach upon mutually agreeable terms. Nonetheless, in the event that mutually agreeable terms cannot be achieved within ten (10) days, Business Associate must cure said breach to the satisfaction of the Covered Entity within thirty (30) days from the date of the original notice. Failure to cure in the manner set forth in this paragraph is grounds for the immediate termination of the underlying Agreement and this Addendum.

7.3. Effect of Termination.

7.3.1. Except as provided in paragraph 7.3.2 of this Section, upon termination of the Agreement or this Addendum, for any reason, Business Associate shall return or destroy all PHI received from Covered Entity, or created or received by Business Associate on behalf of Covered Entity. This Section shall also apply to PHI that is in the possession of subcontractors or agents of Business Associate. Business Associate shall retain no copies of the PHI.

7.3.2. In the event that Business Associate determines that return or destruction of the PHI is infeasible, Business Associate shall provide in writing to Covered Entity notification of the conditions that make return or destruction infeasible. Upon mutual written agreement of the Parties that return or destruction of the PHI is infeasible, Business Associate shall extend the protections of this Addendum to such PHI and limit further Uses and Disclosures of such PHI to those purposes that make the return or destruction infeasible, for so long as Business Associate maintains such PHI.

8. Rights to Proprietary Information; Injunctive Relief. Covered Entity retains any and all rights to the proprietary information, confidential information, and PHI it releases to Business Associate. Business Associate understands and acknowledges that any disclosure or misappropriation of any of PHI in violation of this Addendum will cause Covered Entity irreparable harm, the amount of which may be difficult to ascertain, and therefore agrees that Covered Entity shall have the right to apply to a court of competent jurisdiction for specific performance and/or an order restraining and enjoining any such further disclosure or breach and for such other relief as Covered Entity shall deem appropriate. Such right of Covered Entity is to be in addition to the remedies otherwise available to Covered Entity at law or in equity.

9. Miscellaneous.

9.1. Amendment. The Parties agree to take such action as is necessary to amend this Addendum from time to time to comply with the requirements of applicable federal or state laws or regulations governing the Use or Disclosure of Individually Identifiable Health Information.

9.2. Survival. The respective rights and obligations of Business Associate under Section 7 of this Addendum shall survive the termination of the Agreement and this Addendum.

9.3. Interpretation. Any ambiguity in this Addendum shall be resolved in favor of a meaning that permits the Parties to comply with HIPAA and HITECH. The provisions of this Addendum shall prevail over any provisions in the underlying Agreement that may conflict or appear inconsistent with any provision in this Addendum.

9.4. No Third Party Beneficiary. Nothing in this Addendum is intended, nor shall be deemed, to confer any benefits on any third party.

9.5. Counterparts; Facsimiles. This Addendum may be executed in any number of counterparts, each of which shall be deemed an original. Facsimile copies hereof shall be deemed to be originals.

9.6 Effect of Addendum. Except as amended by this Addendum, the terms and provisions of the underlying Agreement shall remain in full force and effect.

9.7 Supercedure. In the event that any term or provision of any agreement between the parties conflicts with a term or provision of this Addendum, this Addendum shall control.

IN WITNESS WHEREOF, the parties hereto have caused this Addendum to be executed by their respective duly authorized representatives.

Dallas County Hospital District d/b/a
Parkland Health & Hospital System

City of Lancaster, Texas
PO Box 940, Lancaster, TX 75146

By: _____

By: _____

Name: _____

Name: Opal Mauldin-Robertson

Title: _____

Title: City Manager

Date: _____

Date: _____

LANCASTER CITY COUNCIL

City Council Regular Meeting

Item 4.

Meeting Date: 11/14/2016

Policy Statement: This request supports the City Council 2016-2017 Policy Agenda

Goal(s): Quality Development

Submitted by: Tony Felts, AICP, Interim Director of Planning and Development Services

Agenda Caption:

Z16-08 Conduct a Public Hearing and consider a Specific Use Permit (SUP) to allow a Commercial Amusement/Recreation (Indoor) use at 2705 North Dallas Avenue, Lancaster, TX, consisting of an approximately 0.68 acre tract currently zoned Retail (R).

Background:

This is a request to allow for a Specific Use Permit (SUP) to allow a Commercial Amusement/Recreation (Indoor) use.

1. **Location and Size:** The property is located at 2705 North Dallas Avenue, on the northwest corner of North Dallas Avenue and West Wintergreen Road. The tract of land is approximately 0.68 acres in size.

2. **Current Zoning:** The subject property is currently zoned R-Retail.

3. **Adjacent Properties:**

North: R-Retail (vacant)
South: R-Retail (vacant)
East: SF-4 Single Family (vacant)
West: R-Retail (New Life Church of God)

4. **Public Notification:** On September 15, 2016, a notice for this public hearing appeared in the Focus Daily Newspaper. Staff also mailed notifications of this public hearing to the 5 property owners that are within 200-feet of the subject site, and zoning signs were placed on the subject property. These actions fulfill the noticing requirement pursuant to Section 14.207 of the Lancaster Development Code (LDC). There were 2 notifications returned in support of this application, attached. There were no notifications returned in opposition to this application.

5. **Case/Site History**

Date	Body	Action	
October 4, 2016	P&Z	Recommended Denial	

Operational Considerations:

The applicant is requesting a Specific Use Permit for a 0.68 acre parcel. Pursuant to Section 14.404 of the LDC, a Specific Use Permit is required for any use identified in the Land Use Table as requiring one and for uses with standards where the standards are not being met, unless otherwise set out. Specific Use Permits allow the consideration of public welfare, operation, location, arrangement, and construction of any use for which a Specific Use Permit is sought.

The applicant is requesting a Specific Use Permit for a Commercial Amusement/Recreation (Indoor) use, which requires a Specific Use Permit to be granted in a Retail (R) district. Specifically, the applicant is requesting a total of 16 coin operated machines. Whenever an establishment contains more than four coin-operated machines, as defined by the LDC, the use is determined to be Commercial Amusement/Recreation (Indoor).

The machines, commonly known as “eight liners”, are legal under Texas law, provided, however, that the machine must be modified in such a way as to “[reward] the player exclusively with noncash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items, that have a wholesale value available from a single play of the game or device of not more than 10 times the amount charged to play the game or device once or \$5, whichever is less.” It should further be noted that on October 10, 2016, the City Council approved Ordinance 2016-10-28 which prohibits the exhibit, display, or offering for play any games of chance.

Pursuant to Section 14.1101 of the LDC, when reviewing a zoning change application, there are five (5) considerations that must be made when deciding on a zoning change application. Below is an analysis of these considerations:

Consistency with the Comprehensive Plan:

The 2016 Comprehensive Plan identifies this site as Suburban Neighborhood. The proposed change in zoning is for the addition of a Specific Use permit to an existing retail-zoned site, and, as such the request is inconsistent with the comprehensive plan.

Potential Impact on Adjacent Development:

The properties to the north, south, and east remain undeveloped, and a church building is located west of and adjacent to the property. The addition of the Specific Use Permit does have the potential to affect adjacent properties, as the gaming machines may lead to increased traffic and loitering, and may effect congestion at the site.

Availability of utilities and access:

The property is already developed with a convenience store, gas pumps, and a restaurant. The addition of the Specific Use Permit would not cause further development of buildings or increased demand on utilities. Access to the site is from North Dallas Avenue and West Wintergreen Road and is currently sufficient. However, the addition of large numbers of gaming machines may lead to loitering and parking issues.

Site conditions such as vegetation, topography and flood plain:

This site is essentially already fully developed with a building, parking and vehicle maneuvering area, and landscaping. A small portion on the northwest corner of the property is within the 100-year floodplain, however, that area of the site is trees and landscaping.

Timing of Development as it relates to Lancaster’s Capital Improvement Plan:

North Dallas Avenue is a state-maintained highway, and has been improved. Wintergreen Road is currently in the design phase for capital improvements.

Legal Considerations:

Should Council approve this request, the City Attorney will prepare an ordinance in conformance with approval.

Public Information Considerations:

On September 15, 2016, a notice for this public hearing appeared in the Focus Daily Newspaper. Staff also mailed notifications of this public hearing to the property owners that are within 200-feet of the subject site, and zoning signs were placed on the subject property. These actions fulfill the noticing requirement pursuant to Section 14.207 of the Lancaster Development Code (LDC).

There were 2 notifications returned in support of this application, attached. There were no notifications returned in opposition to this application.

Options/Alternatives:

1. Approve the SUP request.
2. Deny the SUP as recommended by the P&Z and staff.

Recommendation:

On October 4, 2016, the P&Z Commission recommended denial of the rezoning request. It is of note that with the P&Z recommended denial of the rezoning request, a supermajority (6 of the 7 members of Council) is required to approve the request. Staff concurs with the P&Z, and recommends denial of this request. On October 10, 2016 City Council approved Ordinance 2016-10-28 which prohibits the exhibit, display, or offering for play only games of chance.

Attachments

P&Z Agenda Communication w/attachments

Zoning Exhibit

Draft P&Z Minutes

Notifications

PLANNING & ZONING COMMISSION

Agenda Communication for October 4, 2016

#5

Z16-08 Conduct a Public Hearing and consider a Specific Use Permit (SUP) to allow a Commercial Amusement/Recreation (Indoor) use at 2705 North Dallas Avenue, Lancaster, TX, consisting of an approximately 0.68 acre tract currently zoned Retail (R).

Background

1. **Location and Size:** The property is located at 2705 North Dallas Avenue, on the northwest corner of North Dallas Avenue and West Wintergreen Road. The tract of land is approximately 0.68 acres in size.
2. **Current Zoning:** The subject property is currently zoned R-Retail.
3. **Adjacent Properties:**
North: R-Retail (vacant)
South: R-Retail (vacant)
East: SF-4 Single Family (vacant)
West: R-Retail (New Life Church of God)
4. **Public Notification:** On September 15, 2016, a notice for this public hearing appeared in the Focus Daily Newspaper. Staff also mailed notifications of this public hearing to all of the 5 property owners that are within 200-feet of the subject site, and zoning signs were placed on the subject property. These actions fulfill the noticing requirement pursuant to Section 14.207 of the Lancaster Development Code (LDC).

Out of the 5 notifications that were mailed to neighboring property owners, there were 2 notifications returned in support of this application, attached. There were no notifications returned in opposition to this application.

Considerations

The applicant is requesting a Specific Use Permit for a 0.68 acre parcel. Pursuant to Section 14.404 of the LDC, a Specific Use Permit is required for any use identified in the Land Use Table as requiring one and for uses with standards where the standards are not being met, unless otherwise set out. Specific Use Permits allow the consideration of public welfare, operation, location, arrangement, and construction of any use for which a Specific Use Permit is sought.

The applicant is requesting a Specific Use Permit for a Commercial Amusement/Recreation (Indoor) use, which requires a Specific Use Permit to be granted in a Retail (R) district. Specifically, the applicant is requesting a total of 16 coin operated machines. Whenever an

establishment contains more than four coin-operated machines, as defined by the LDC, the use is determined to be Commercial Amusement/Recreation (Indoor).

The machines, commonly known as “eight liners”, are legal under Texas law, provided, however, that the machine must be modified in such a way as to “[reward] the player exclusively with noncash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items, that have a wholesale value available from a single play of the game or device of not more than 10 times the amount charged to play the game or device once or \$5, whichever is less.” City staff is operating under the assumption that the machines in question are being operated in accordance with all applicable state laws.

Pursuant to Section 14.1101 of the LDC, when reviewing a zoning change application, there are five (5) considerations that must be made when deciding on a zoning change application. Below is an analysis of these considerations:

Consistency with the Comprehensive Plan:

The Comprehensive Plan identifies this site as Retail. The proposed change in zoning is for the addition of a Specific Use Permit to an existing Retail-zoned site, and as such, the request is consistent with the adopted comprehensive plan. It should be noted, however, that the City Council is scheduled to vote on the adoption of the 2016 Comprehensive Plan, and the new Comprehensive Plan designates the property as Suburban Neighborhood, which is an inconsistent zoning district.

Potential Impact on Adjacent Development:

The properties to the north, south, and east remain undeveloped, and a church building is located west of and adjacent to the property. The addition of the Specific Use Permit does have the potential to affect adjacent properties, as the gaming machines may lead to increased traffic and loitering, and may effect congestion at the site.

Availability of utilities and access:

The property is already developed with a convenience store, gas pumps, and a restaurant. The addition of the Specific Use Permit would not cause further development of buildings or increased demand on utilities. Access to the site is from North Dallas Avenue and West Wintergreen Road and is currently sufficient. However, the addition of large numbers of gaming machines may lead to loitering and parking issues.

Site conditions such as vegetation, topography and flood plain:

This site is essentially already fully developed with a building, parking and vehicle maneuvering area, and landscaping. A small portion on the northwest corner of the property is within the 100-year floodplain, however, that area of the site is trees and landscaping.

Timing of Development as it relates to Lancaster’s Capital Improvement Plan:

North Dallas Avenue is a state-maintained highway, and has been improved. Wintergreen Road is scheduled to be improved over the next couple of years.

Conclusion:

Based upon an analysis of the five (5) considerations that must be taken into consideration when reviewing a change in zoning application, staff has concluded that the proposed application has

the potential to have a negative impact upon the community, and that the proposed application does not meet the change in zoning application criteria Pursuant to Section 14.1101 of the LDC.

Options/Alternatives

- 1) Recommend approval as requested
- 2) Recommend approval with the following conditions:
 - a. That all coin-operated machines be operated in conformance with Texas State Law and City of Lancaster, Texas Codes and Ordinances including the Lancaster Development Code
 - b. That the number of coin operated machines, as defined by the LDC, be limited to sixteen (16) in number
 - c. The inspection of the premises by any law enforcement, code enforcement, or city official be allowed at any time
 - d. That all City of Lancaster Codes and Ordinances be followed at all times
- 3) Postpone consideration and direct staff
- 4) Recommend denial of the request.

Recommendation

Staff recommends **denial** of the application as requested.

Approval Process

Upon recommendation by the Planning and Zoning Commission, the City Council will conduct a public hearing and render a final decision for this item at their November 14, 2016, regular meeting.

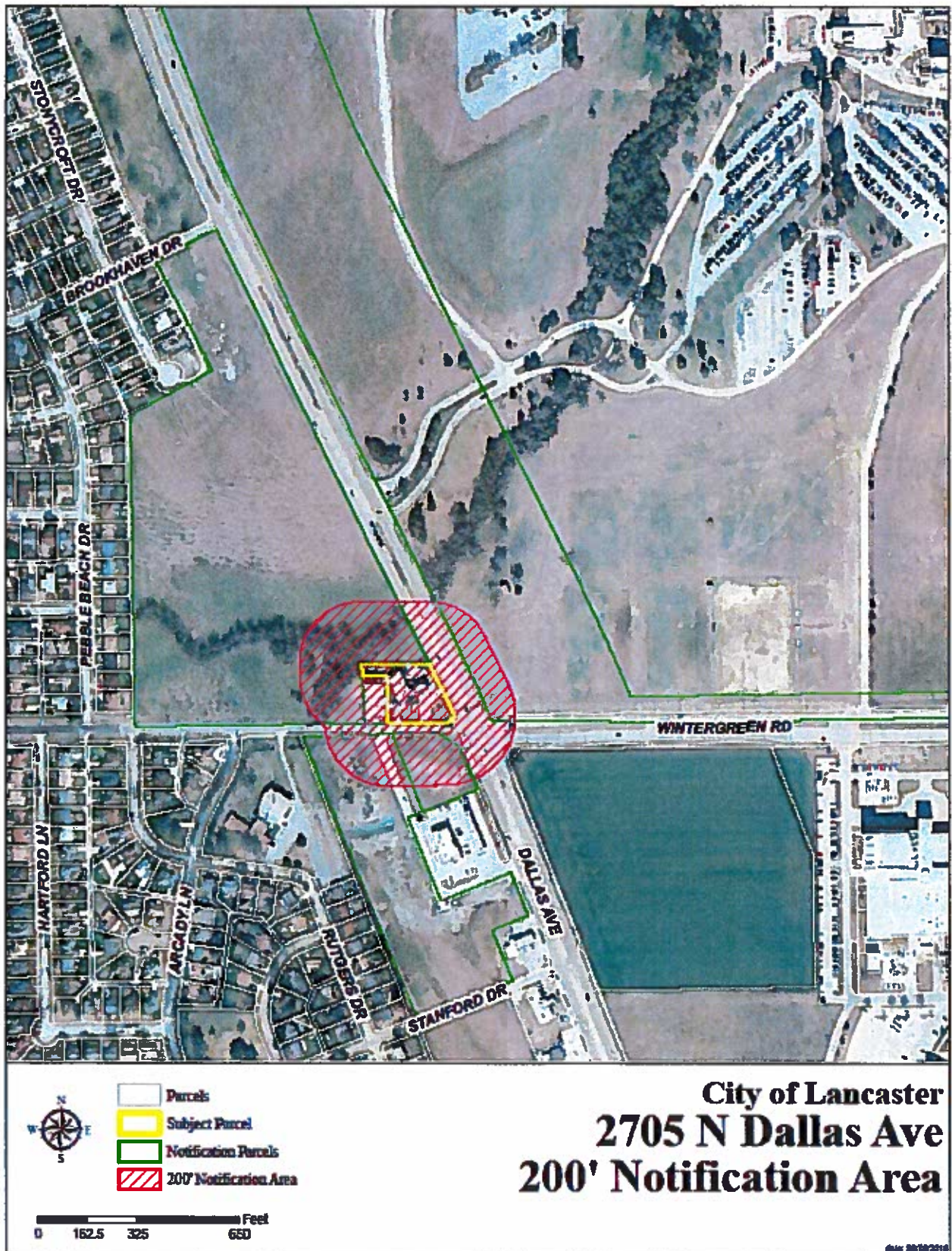
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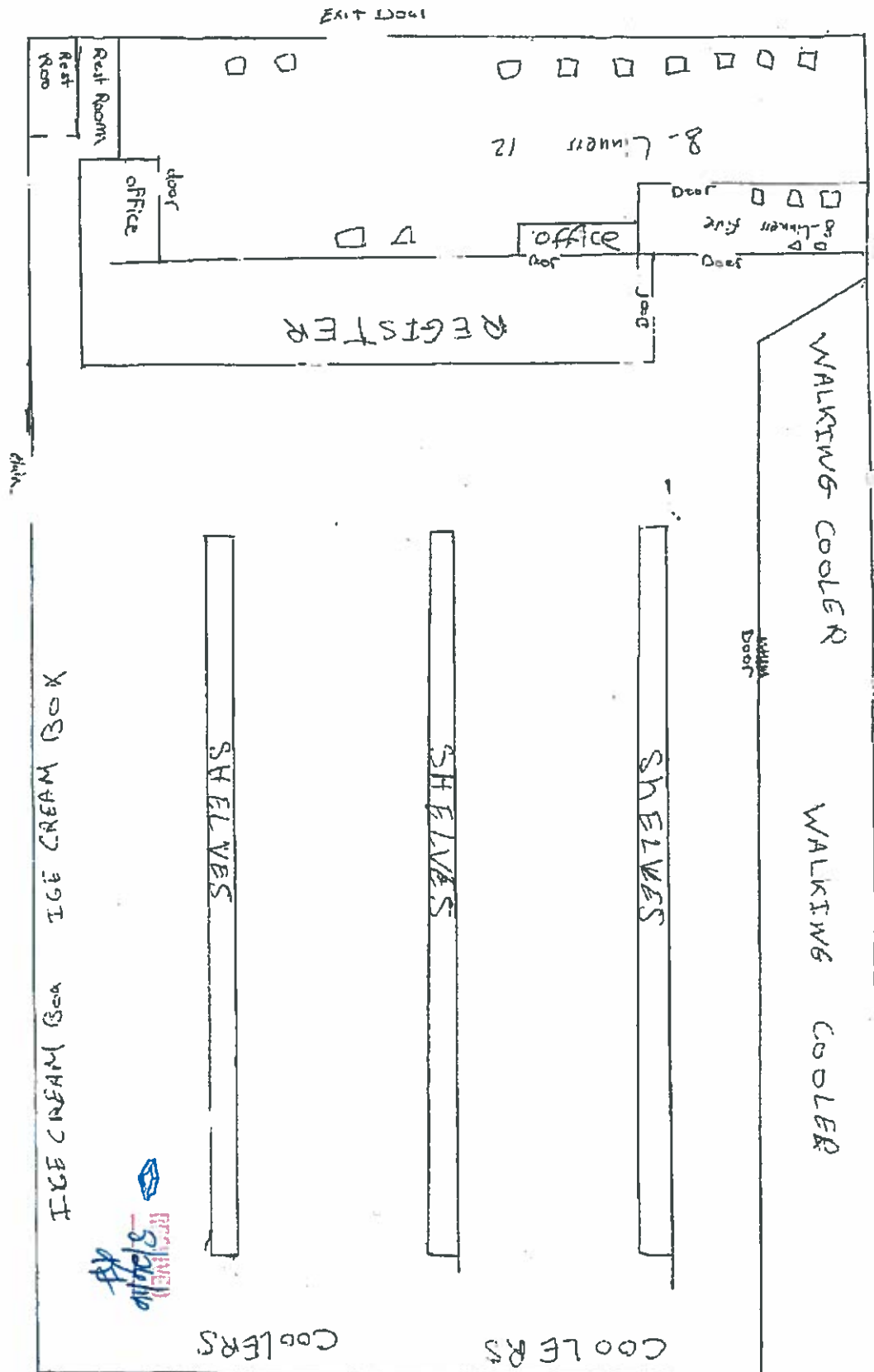
Location map
Zoning exhibit

Prepared By and Submitted By:

Tony Felts, AICP
Senior Planner

Date: October 4, 2016







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

0 162.5 325 650 Feet

City of Lancaster
2705 N Dallas Ave
200' Notification Area

CALL TO ORDER:

Chair Earle called the meeting to order at 7:00 p.m. on October 4, 2016.

COMMISSIONERS

MARVIN EARLE – CHAIR
LAWRENCE PROTHRO, VICE CHAIR - ABSENT
ISABEL AGUILAR
RACHEAL HILL
CYNTHIA JOHNSON

CITY STAFF

TONY FELTS
KELLEY FRAZIER

SENIOR PLANNER
DEVELOPMENT COORDINATOR

CITIZENS COMMENTS: (At this time citizens will be allowed to speak only on matters contained on the Planning & Zoning Commission agenda).

NO COMMENTS WERE MADE

CONSENT AGENDA:

1. Consider approval of minutes from the July 12, 2016 meeting.
2. Consider approval of minutes from the September 6, 2016 meeting.
3. HLPC 16-07 Discuss and Consider a Certificate of Appropriateness to install a six foot (6') wooden fence at the property located at 508 N. Dallas Avenue.

A MOTION WAS MADE BY COMMISSIONER HILL SECONDED BY COMMISSIONER AGUILAR TO APPROVE THE CONSENT AGENDA AS SUBMITTED.

AYES: EARLE, AGUILAR, HILL, JOHNSON
NAYS: NONE

THE MOTION CARRIED 4- 0.

PUBLIC HEARING:

4. Z16-07 Conduct a Public Hearing and Consider an Amendment to the City of Lancaster's Comprehensive Plan's Future Land Use Map and a rezoning request to amend PD-Planned Development Ordinance #2003-09-24, and as amended, to allow front entry garages for perimeter lots, setback modifications, and lot size modifications

Tony Felts, read the staff report into the record.

Bob Devillier, Camillio Properties, 1717 McKinney Avenue, Suite 1400, Dallas, Texas 75202 stated that through the meetings with the neighborhood they achieved a compromise. Approximately 40% of the properties will have front entry garages while the remaining 60% will have alley entry garages. Also as part of this compromise the minimum lot size will now be 6000 square feet opposed to the originally proposed 3,750 square foot minimum. Commissioner Aguilar noted that one of the original concerns was the tree removal and asked if this had been addressed.

Mr. Devillier stated that the way it is being addressed is that the majority of the trees will remain. Only the trees in the fence lines will be removed, and he stated that by eliminating the alleys along that side it would save several of the trees on this property.

Commissioner Johnson noted that it is important that we brand our city and that the neighborhoods should have a consistency. Rear entry garages are a key factor in the proposed Comprehensive Plan and we need to show some consistency with all the new development coming into the city. She asked if the lack of alleys was a financial issue or was there something else driving this?

Mr. Devillier noted that there were two factors in the decision to leave out the perimeter alleys. First, the whole cost of the alley would solely be covered by the one adjacent property owner versus the alleys where there is an alley between houses and they split the cost. Second, the removal of those perimeter alleys allowed for the larger lot sizes and adding them in would reduce the lot sizes or the number of properties in this addition.

Commissioner Johnson asked if other amenities are being added to account for the deletion of the alleys and if there was any conversation with the neighborhood about the sizes of the backyards.

Mr. Devillier responded what they end up with is a 30 to 40 foot backyard and the homes are significantly larger on the front entry garage products.

Mr. Felts clarified that through this compromise they were able to create the larger lots that the neighborhood wanted along with adding several areas for open space for the neighborhood.

Mr. Devillier also noted they were adding some landscaping to one of the medians in the neighborhood to add additional value. They have also already built around 70 houses in this neighborhood. They noted that they build a pretty good product and they maintain their own yards to maintain a good name for Camillio Properties.

Commissioner Johnson asked what the open space would be used for.

Mr. Felts stated it would be open space for the neighborhood and it would be up to the HOA as to how the property would be used.

Commissioner Aguilar asked if the changes have been codified.

Mr. Felts responded that the changes have not been codified as of yet. The changes were pending the outcome of this hearing to ensure that all the changes are included. After this recommendation City Staff will get the codified ordinance to City Council for final approval.

A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER HILL TO OPEN THE PUBLIC HEARING.

AYES: EARLE, AGUILAR, HILL, JOHNSON
NAYS: NONE

THE MOTION CARRIED 4 to 0.

Ms. Ivory Barnes, 511 Pecan Leaf Drive, Lancaster TX 75146, lives in the Kimble Hill Addition and she expressed her concerns about the removal of the trees along the adjacent properties, a cracked sewage line and the potential for an increase in flooding.

A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER EARLE TO CLOSE THE PUBLIC HEARING.

AYES: EARLE, AGUILAR, HILL, JOHNSON
NAYS: NONE

THE MOTION CARRIED 4 to 0.

Commissioner Aguilar asked if the Kimble Hill Addition was a part of this item.

Mr. Felts clarified that Kimble Hill was not a part of this request. They are the adjacent property owners to the south and there is concern about the drainage between these two areas. The City Engineer will be taking a look at the drainage to ensure that no flooding issues occur. There will be a detention basin to help with the additional water that will be on the property.

Commissioner Aguilar asked if there was anything that the Commission can ask of the developer to prevent this. Mr. Felts clarified that she could ask them to explain the process but the drainage issue will be addressed through their construction documents. The City ordinance states that post development there can be no more water run off than there was pre-development.

A MOTION WAS MADE BY COMMISSIONER HILL AND SECONDED BY COMMISSIONER JOHNSON TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF Z16-07 AN AMENDMENT TO THE CITY OF LANCASTER'S COMPREHENSIVE PLAN'S FUTURE LAND USE MAP AND A REZONING REQUEST TO AMEND PD-PLANNED DEVELOPMENT ORDINANCE #2003-09-24, AND AS AMENDED, TO ALLOW FRONT ENTRY GARAGES FOR PERIMETER LOTS, SETBACK MODIFICATIONS, AND LOT SIZE MODIFICATIONS.

AYES: EARLE, AGUILAR, HILL, JOHNSON

NAYS: NONE

THE MOTION CARRIED 4 to 0.

5. Z 16-08 Conduct a Public Hearing and consider a Specific Use Permit (SUP) to allow a Commercial Amusement/Recreation (Indoor) use at 2705 N. Dallas Avenue, Lancaster, TX, consisting of an approximately 0.68 acre tract currently zoned Retail (R).

Mr. Felts read the staff report into the record.

Commissioner Johnson asked if this property was a day care at one point. Mr. Felts clarified that this business was inside the existing gas station at that location.

Chair Earle asked for staff to go into more detail regarding the denial. Mr. Felts indicated that part of the basis for the denial is that there is a potential increase in traffic, crime and loitering in the area with this added use.

Commissioner Aguilar asked if there were other locations where this use currently exists in Lancaster currently. Mr. Felts indicated that there is an additional location on the current agenda and one on the next agenda. This use was brought to our attention through a citizen complaint and all locations were sent a letter indicating they were not allowed and would need to come into compliance with the ordinance. They are currently allowed by right in Commercial Highway districts. However the ones located in the (R) Retail district are not allowed without a Specific Use Permit.

Haidas Fawaz, 2705 North Dallas Avenue, Lancaster TX, expressed he has been in business since 2002 and that he wants to continue to operate his business in Lancaster. He owns the 8 acres surrounding the gas station property and would like to create more development for the City of Lancaster.

Chair Earle asked if the applicant was aware of staff concerns before this meeting. Mr. Fawar indicated he was.

A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER HILL TO OPEN THE PUBLIC HEARING.

AYES: EARLE, AGUILAR, HILL, JOHNSON

NAYS: NONE

THE MOTION CARRIED 4 to 0.

NO CITIZENS SPOKE.

A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER JOHNSON TO CLOSE THE PUBLIC HEARING.

AYES: EARLE, AGUILAR, HILL, JOHNSON

NAYS: NONE

THE MOTION CARRIED 4 to 0.

A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER JOHNSON TO RECOMMEND DENIAL TO THE CITY COUNCIL OF Z 16-08 A SPECIFIC USE PERMIT (SUP) TO ALLOW A COMMERCIAL AMUSEMENT/RECREATION (INDOOR) USE AT 2705 N. DALLAS AVENUE, LANCASTER, TX, CONSISTING OF AN APPROXIMATELY 0.68 ACRE TRACT CURRENTLY ZONED RETAIL (R).

AYES: EARLE, AGUILAR, HILL, JOHNSON

NAYS: NONE

THE MOTION CARRIED 4 to 0.

6. Z 16-09 Conduct a Public Hearing and consider a Specific Use Permit (SUP) to allow a Commercial Amusement/Recreation (Indoor) use at 2286 W. Pleasant Run Road, Suite 112, Lancaster, TX, said suite being a portion of an approximately 1.601 acre tract currently zoned Retail (R).

Mr. Felts read the staff report into the record.

Commissioner Aguilar asked what the limit is for the coin operating machines. Mr. Felts indicated that there is no limit except what limits may be set by authorizing the Specific Use Permit, the threshold for requiring the Specific Use Permit is 4.

Commissioner Johnson asked if we had the crime statics for that area. Mr. Felts indicated we did not have that information at this time.

Chair Earle asked if there were any crime complaints or reports in this area. Mr. Felts responded that the staff comment regarding the potential crime was just the potential and we do not have the data at this time.

Commissioner Hill asked if this use is in compliance with the pending Comprehensive Plan. Mr. Felts indicated the zoning (R) Retail is in line with the Comprehensive Plan however the Specific Use Permit allows for further review to determine whether the use is appropriate for the area.

Steven Yoo, 2826 West Pleasant Run Road, Lancaster, TX, indicated that the store has been in operation for 15 years total, 10 years with the previous owner and that he purchased the business 6 months ago. He stated that he has no problems at all with crime at that location.

Kim Yoo, 2826 West Pleasant Run Road, Lancaster, TX states that without the coin machines they cannot maintain this business. There are too many gas stations in this area and without the coin operated machines they would not be able keep that business running.

Chair Earle asked when the business was first opened, did the previous owner tell the city that they would be operating this coin operated business. Ms. Yoo indicated she felt like they did tell the city they would be operating the coin machines at this location. Mr. Earle asked the applicant if they have received any complaints from the neighborhood about their business. Ms. Yoo indicated they have not received any complaints.

Mr. Felts clarified that the current Certificate of Occupancy was for a convenience store/gas pump only, and does not include the coin operated machines,

A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER HILL TO OPEN THE PUBLIC HEARING.

AYES: EARLE, AGUILAR, HILL, JOHNSON

NAYS: NONE

THE MOTION CARRIED 4 to 0.

A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER HILL TO CLOSE THE PUBLIC HEARING.

AYES: EARLE, AGUILAR, HILL, JOHNSON

NAYS: NONE

THE MOTION CARRIED 4 to 0.

Commissioner Johnson expressed a concern regarding allowing these Specific Use Permits areas to pop up all over the city and that the Commission is possibly setting themselves up for a bad situation.

Chair Earle, Commissioner Hill, and Commissioner Aguilar expressed their concerns about the denial of a use that has been allowed to operate for 15 years with no interjection from the City.

Mr. Felts noted that the City Council will consider banning gaming machines at the next Council meeting.

A MOTION WAS MADE BY COMMISSIONER HILL AND SECONDED BY COMMISSIONER AGUILAR TO TABLE Z 16-09 A SPECIFIC USE PERMIT (SUP) TO ALLOW A COMMERCIAL AMUSEMENT/RECREATION (INDOOR) USE AT 2286 W. PLEASANT RUN ROAD, SUITE 112, LANCASTER, TX, SAID SUITE BEING A PORTION OF AN APPROXIMATELY 1.601 ACRE TRACT CURRENTLY ZONED RETAIL (R) UNTIL THE NOVEMBER 15, 2016 PLANNING AND ZONING COMMISSION MEETING.

AYES: EARLE, AGUILAR, HILL, JOHNSON

NAYS: NONE

THE MOTION CARRIED 4 to 0.

7. PS 16-09 Consider a Preliminary Residential Plat for Wintergreen Ridge Addition Phase 1B, being 46 lots on approximately 10.759 acres, the property is located on the east side of Woodglen Drive at the termini of Bonnywood Drive and Glen Hollow Drive. The property is more particularly described as a tract of land situated in the William Fleming Survey Abstract No. 466, City of Lancaster, Dallas County, Texas.

Mr. Felts read the staff report into the record.

Todd Winters, 201 Winco Circle, Wylie, Texas, indicated this project was approved in 2007 originally and while it is unusual to have the preliminary and final plat both go forward at the same time, most of the infrastructure is in since our approval is from 2007 so they would like to go ahead and move forward with both plats.

Commissioner Johnson expressed her concerns regarding platting and the alleys and front entry garages versus rear entry garages. Mr. Felts clarified that this plat is not related to the previous zoning case and this application is merely a plat and it has met all the zoning.

Chair Earle expressed his concern about the fencing that is standard with these types of developments and the look of them after years. Mr. Winters indicated that the supports are constructed of steel posts and no longer made of wood and that they will last longer that way.

A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER JOHNSON TO APPROVE PS 16-09 A PRELIMINARY RESIDENTIAL PLAT FOR WINTERGREEN RIDGE ADDITION PHASE 1B, BEING 46 LOTS ON APPROXIMATELY 10.759 ACRES, THE PROPERTY IS LOCATED ON THE EAST SIDE OF WOODGLEN DRIVE AT THE TERMINI OF BONNYWOOD DRIVE AND GLEN HOLLOW DRIVE. THE PROPERTY IS MORE PARTICULARLY DESCRIBED AS A TRACT OF LAND SITUATED IN THE WILLIAM FLEMING SURVEY ABSTRACT NO. 466, CITY OF LANCASTER, DALLAS COUNTY, TEXAS.

AYES: EARLE, AGUILAR, HILL, JOHNSON

NAYS: NONE

THE MOTION CARRIED 4 to 0.

8. PS 16-10 Consider a Final Residential Plat for Wintergreen Ridge Addition Phase 1B, being 46 lots on approximately 10.759 acres, the property is located on the east side of Woodglen Drive at the termini of Bonnywood Drive and Glen Hollow Drive. The property is more particularly described as a tract of land situated in the William Fleming Survey Abstract No. 466, City of Lancaster, Dallas County, Texas.

Mr. Felts read the staff report into the record.

A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER HILL TO APPROVE PS 16-10 CONSIDER A FINAL RESIDENTIAL PLAT FOR WINTERGREEN RIDGE ADDITION PHASE 1B, BEING 46 LOTS ON APPROXIMATELY 10.759 ACRES, THE PROPERTY IS LOCATED ON THE EAST SIDE OF WOODGLEN DRIVE AT THE TERMINI OF BONNYWOOD DRIVE AND GLEN HOLLOW DRIVE. THE PROPERTY IS MORE PARTICULARLY DESCRIBED AS A TRACT OF LAND SITUATED IN THE WILLIAM FLEMING SURVEY ABSTRACT NO. 466, CITY OF LANCASTER, DALLAS COUNTY, TEXAS.

AYES: EARLE, AGUILAR, HILL, JOHNSON

NAYS: NONE

THE MOTION CARRIED 4 to 0.

9. PS 16-11 Consider a Preliminary Residential Plat for Wintergreen Ridge Addition Phase 2, being 50 lots on approximately 10.91 acres, the property is located at the west terminus of Bruce Drive. The property is more particularly described as a tract of land situated in the William Rawlings Survey Abstract No. 1201 and William Fleming Survey Abstract No. 466, City of Lancaster, Dallas County, Texas.

Mr. Felts read the staff report into the record.

A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER HILL TO APPROVE PS 16-11 CONSIDER A PRELIMINARY RESIDENTIAL PLAT FOR WINTERGREEN RIDGE ADDITION PHASE 2, BEING 50 LOTS ON APPROXIMATELY 10.91 ACRES, THE PROPERTY IS LOCATED AT THE WEST TERMINUS OF BRUCE DRIVE. THE PROPERTY IS MORE PARTICULARLY DESCRIBED AS A TRACT OF LAND SITUATED IN THE WILLIAM RAWLINGS SURVEY ABSTRACT NO. 1201 AND WILLIAM FLEMING SURVEY ABSTRACT NO. 466, CITY OF LANCASTER, DALLAS COUNTY, TEXAS.

AYES: EARLE, AGUILAR, HILL, JOHNSON

NAYS: NONE

THE MOTION CARRIED 4 to 0.

10. PS 16-12 Consider a Final Residential Plat for Wintergreen Ridge Addition Phase 2, being 50 lots on approximately 10.91 acres, the property is located at the west terminus of Bruce Drive. The property is more particularly described as a tract of land situated in the William Rawlings Survey Abstract No. 1201 and William Fleming Survey Abstract No. 466, City of Lancaster, Dallas County, Texas.

Mr. Felts read the staff report into the record.

A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER HILL TO APPROVE PS 16-12 CONSIDER A FINAL RESIDENTIAL PLAT FOR WINTERGREEN RIDGE ADDITION PHASE 2, BEING 50 LOTS ON APPROXIMATELY 10.91 ACRES, THE PROPERTY IS LOCATED AT THE WEST TERMINUS OF BRUCE DRIVE. THE PROPERTY IS MORE PARTICULARLY DESCRIBED AS A TRACT OF LAND SITUATED IN THE WILLIAM RAWLINGS SURVEY ABSTRACT NO. 1201 AND WILLIAM FLEMING SURVEY ABSTRACT NO. 466, CITY OF LANCASTER, DALLAS COUNTY, TEXAS.

**AYES: EARLE, AGUILAR, HILL, JOHNSON
NAYS: NONE**

THE MOTION CARRIED 4 to 0.

A MOTION WAS MADE BY COMMISSIONER HILL AND SECONDED BY COMMISSIONER AGUILAR TO ADJOURN THE MEETING.

**AYES: EARLE, PROTHRO, AGUILAR, HILL
NAYS: NONE**

THE MOTION CARRIED 4 to 0.

THE MEETING WAS ADJOURNED AT 8:17 P.M.

Marvin Earle, Chair

ATTEST

Tony Felts, AICP, Interim Planning and Development Services Director



City of Lancaster Planning Division



NOTICE OF PUBLIC HEARING: [Case No. – Z16-08]

TO: Property Owner

RE: Conduct a public hearing and consider a Specific Use Permit (SUP) to allow a Commercial Amusement/Recreation (Indoor) use in an R – Retail zone.

LOCATION: The property is located at 2705 North Dallas Avenue and contains approximately 0.68 acres of land located on the northwest corner of North Dallas Avenue and West Wintergreen Road further described as M M Miller Abstract 874 Page 237, Tract 22, Lancaster, Dallas County, Texas. This notice and the notification area are required under Chapter 211.007 of the Texas Local Government Code.

EXPLANATION OF REQUEST: The Applicant is requesting rezoning to allow for an SUP for Commercial Amusement/Recreation (Indoor) use in an R – Retail zone.

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

☐ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: To Have more intanment and Recreation

SIGNATURE:

Billy Jones

ADDRESS:

2918 TOWN NORTH Dn LANCASTER 75134

Your written comments are being solicited in the above case. Additional information is available in the Department of Planning at 211 North Henry Street. The Planning and Zoning Commission will hold a public hearing and take action on the above case at their meeting on **Tuesday, October 4, 2016**. Meetings are typically held in the City Council Chambers, City of Lancaster Municipal Center, 211 N. Henry Street, Lancaster, Texas. The City Council will hold a public hearing and take action on the above case at their meeting on **Monday, November 14, 2016 at 7:00 pm**. This Council meeting is scheduled to be held at Grand Hall, City of Lancaster Community Park, 1700 Veterans Memorial Pkwy, Lancaster, Texas 75146

Please legibly respond in ink. If the signature and/or address is missing, your comments will not be recorded. Your response must be received in the Planning Division by 5 pm on **Wednesday, September 28, 2016** for your comments to be recorded for the Planning and Zoning Commission's and City Councils' May 2, 2016 meeting. Responses received after that time will be forwarded to the Commission and Council at the public hearing.

If you have any questions concerning this request,
please contact the Planning Division
Phone 972-275-1822
FAX 972-275-1822

RETURN BY FAX OR MAIL

City of Lancaster
Planning Department
211 North Henry Street
Lancaster, TX 75146-0940



City of Lancaster Planning Division



NOTICE OF PUBLIC HEARING: [Case No. – Z16-08]

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EXPLANATION OF REQUEST: The Applicant is requesting rezoning to allow for an SUP for Commercial Amusement/Recreation (Indoor) use in an R – Retail zone.

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

☐ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS:

We can have recreation and more entertainment

SIGNATURE:

ADDRESS:

Hunter Williams
2905 Lawdade Lancaster 75134

Your written comments are being solicited in the above case. Additional information is available in the Department of Planning at 211 North Henry Street. The Planning and Zoning Commission will hold a public hearing and take action on the above case at their meeting on **Tuesday, October 4, 2016**. Meetings are typically held in the City Council Chambers, City of Lancaster Municipal Center, 211 N. Henry Street, Lancaster, Texas. The City Council will hold a public hearing and take action on the above case at their meeting on **Monday, November 14, 2016 at 7:00 pm**. This Council meeting is scheduled to be held at Grand Hall, City of Lancaster Community Park, 1700 Veterans Memorial Pkwy, Lancaster, Texas 75146.

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RETURN BY FAX OR MAIL
City of Lancaster
Planning Department
211 North Henry Street
Lancaster, TX 75146-0940

LANCASTER CITY COUNCIL

City Council Regular Meeting

Item 5.

Meeting Date: 11/14/2016

Policy Statement: This request supports the City Council 2016-2017 Policy Agenda

Goal(s): Quality Development

Submitted by: Tony Felts, AICP, Interim Director of Planning and Development

Agenda Caption:

Conduct a Public Hearing and consider an Amendment to the City of Lancaster Comprehensive Plan and Future Land Use Map and a rezoning request to amend PD-Planned Development Ordinance #2003-09-24, as amended to allow front entry garages for perimeter lots, setback modifications, and lot size modifications. The property is located on the south side of W. Pleasant Run Road, East of Rawlins Drive. The property is more particularly described as Millbrook East, Phase 3A being a 17.488 acre tract of land situated in the William Rawlins Survey, Abstract No. 1200, Lancaster, Dallas County, Texas; and Millbrook East, Phase 3B being a 14.963 acre tract of land situated in the William Rawlins Survey, Abstract No. 1200, Lancaster, Dallas County, Texas.

Background:

This is a request to amend the current PD – Planned Development District #2003-09-24 to allow for the following modifications:

- Allow for front entry garages along perimeter lots
- Adjust setbacks
- Reduce minimum lot sizes

Please note: If the request is approved, a subdivision waiver will accompany the approval for City Council to allow for the removal of alleys for the perimeter lots in the two tracts under consideration. The subdivision waiver is not part of the zoning process.

1. **Location and Size:** The property is located on the south side of W. Pleasant Run Road, East of Rawlins Drive. The subject property is 32.451 acres in total.
2. **Current Zoning:** PD-Planned Development District #2003-09-24, as amended.
3. **Zoning (Current Land Use) on Adjacent Properties of the PD:**
 - North: R – Retail (~20% Developed single family residences)
 - South: A-O – Agricultural-Open (vacant)
 - East: A-O – Agricultural-Open (vacant)
 - West: SF5 – Single Family 5 (~45% Developed single family residences)
4. **Comprehensive Plan Compatibility:** The 2016 Comprehensive Plan identifies this site as suitable for suburban neighborhoods with a minimum 9,000 square foot lot.
5. **Public Notification:** Zoning signs were placed on the subject property. Property owner notices were sent to properties within 200 feet of the subject sites. Newspaper notices were published in the Focus Daily News, the City's newspaper of record.

6. **Case/Site History:** PD-060 (passed in 2003) was previously known as PD-057 (passed in 2002) and PD-02 (passed in 1984). The PD has evolved to decrease the density since 1984. The current request is to effectively increase the density. The PD also historically has had rear entry garages from alleys.

Date	Body	Action	
August 23, 2016	P&Z	Tabled	
October 4, 2016	P&Z	Recommended Approval	

Operational Considerations:

This is a request to amend PD #2003-09-24 to allow a front entry garage product. It should be noted that this request has been amended since the Commission first heard the case on August 23, 2016. At that time, several citizens spoke and expressed opposition to the changes to the PD proposed by the applicant. The Commission decided to hold over the case until the October 4 meeting to allow the applicant to work with the residents to attempt to find a compromise.

The applicants met with representatives from the Millbrook East PID on September 27, 2016 and formally submitted revisions to their original request on September 28, 2016. The requirements for the existing PD (PD-060 / Ordinance 2003-09-24), the original request from the applicant, and the modified request from the applicant are detailed in the table below.

	PD-060	Original Request from Applicant	Revised Request from Applicant
Setbacks (minimums)			
Front Yard	20'	20' One Story	20'
		25' Two Story	
Parking, front Yard	Not allowed	Required	Allowed only on perimeter lots
Rear Yard	10'	20'	20'
Rear Yard, Garage/Carport Face	20'	Not allowed	20' where alleys are provided
Lot Size (minimums)			
Lot Size	6,600 sq ft	3,750 sq ft	6,000 sq ft
Lot Size, if corner lot	7,000 sq ft	Not specified	6,000 sq ft
Width	60'	50'	50'
Depth	110'	70'	Variable
Portion of development by lot size			
25%	1800 sq ft	1400 sq ft	1800 sq ft
25%	1900 sq ft	1500 sq ft	1900 sq ft
50%	2000 sq ft	1600 sq ft	2000 sq ft

Please note the following request from applicant is based upon correspondence and submitted preliminary plans.

Pursuant to Section 14.1101 of the LDC, when reviewing a zoning change application, there are five (5) considerations that must be made when deciding on a zoning change application. Below is an analysis of these considerations:

Consistency with the Comprehensive Plan: This site is identified as Suburban Neighborhood, which is generally aligned with the 2016 Comprehensive Plan.

The current zoning PD-060 is consistent with both the current and proposed comprehensive plan. The proposed Comprehensive Plan states that 'front-loaded garages on narrow lots are not preferred' (August 1, 2016 Draft page 76. Front-loaded or front entry garages are not envisioned with smaller lots is the summary message from the proposed Comprehensive Plan and is consistent with the current Comprehensive Plan.

In the 2002 Comprehensive Plan, that is currently in place, in the Housing Strategies section, it prefers 'pedestrian oriented neighborhoods'; alleys with rear entry garages are from a planning perspective "pedestrian-oriented." A front entry garage could be pedestrian-oriented if considerations for setback, traffic calming measures, larger lots, and sidewalks for pedestrians are taken into account in way that achieves pedestrian-oriented design, as well as connects to the developed parts of the neighborhood in a way that appears planned, consistent with City policies, and is well designed. A front entry garage that is closer to the street than the front door of the home is not considered pedestrian oriented on small lots of the proposed size, from a planning perspective.

It should be of note that the future land uses and development strategies of the City of Lancaster have been identified by the Comprehensive Plan Advisory Committee and public in a series of community involvement opportunities and refined through numerous meetings with City Council, Planning and Zoning Commission and the Comprehensive Plan Advisory Committee.

In consideration of the comprehensive plan, as well as the will of the residents in Millbrook East, and the nature of existing development within the previous phases of Millbrook East, the applicant now proposes to provide alleys for interior lots (Phase 3A, Blocks A, B, C, and D; and Phase 3B, Blocks B and C. Alleys would not be provided along most perimeter lots (Phase 3A, Blocks E and F; and Phase 3B, Blocks A, D, and E. Where alleys are provided, rear entry garages will be required, where alleys are not provided, front entry garages would be allowed. This arrangement allows for consistency of development, variation of product, as well as allows the site to maintain the larger lot sizes (minimum 6,000 square feet that the residents expressed their desire for.

Potential Impact on Adjacent Development: The subject property is currently partially developed, and the surrounding properties are also partially developed with a large section still zoned A-O and is vacant. The potential impact on adjacent development is less of a concern than the impact on the development in and around the PD, which is the greater concern. The applicant has worked with both city staff, as well as the residents of earlier phases of Millbrook East, to develop a plan which both meets the needs of the developer, as well as the desires for continuity for the residents.

Availability of utilities and access: The subject property is served by City of Lancaster water and sanitary sewer. The applicant is not proposing any changes to the roadway and water and sewer master plan. The applicant is responsible for the installation of all utilities up to and including streets, storm water, water, wastewater, electric, cable, etc.

Site conditions such as vegetation, topography and floodplain: The subject property has been previously platted and zoned. Site conditions will be addressed if approved changes to the PD necessitate further examination. Although there is a slight increase in density over the originally approved PD, the modified request results in a negligible increase.

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

Please note: Staff previously recommended to the applicant to reach out to the neighborhood and host a Q&A to address any possible concerns the neighborhood may have. The Planning and Zoning Commission, at its meeting on August 23, 2016, also requested the applicant to meet with representatives of the neighborhood. On September 27, 2016, City Staff facilitated a meeting with representatives and the developer to address the concerns that the residents citizens had expressed at the previous P&Z meeting. The meeting was held after the developer had modified their proposal to address the concerns of the residents.

Legal Considerations:

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

Public Information Considerations:

This item is being considered at a meeting of the City Council noticed and held in accordance with the Texas Open Meetings Act. Additionally, public notice was provided to all property owners within Millbrook East Subdivision as well as all property owners within 200 feet of the subject property. Notice of the Planning and Zoning Commission meeting, as well as the City Council meeting, was published in the Focus Daily News as provided by State Law and a zoning change sign was placed on the property.

Options/Alternatives:

City Council may approve the ordinance as presented.

City Council may deny the ordinance.

Recommendation:

On October 4, 2016, the Planning and Zoning Commission, at its Regular Meeting, recommended approval of this rezoning. Staff concurs with the recommendation of approval.

Attachments

Ordinance

Exhibit A

Exhibit 1

Exhibit 2

Exhibit B

Millbrook East Phase 3A Location

Millbrook East Phase 3B Location

DRAFT October 4, 2016 P&Z Minutes

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, AMENDING THE COMPREHENSIVE LAND USE PLAN, MAP THEREOF, AND THE COMPREHENSIVE ZONING ORDINANCE OF AND MAP OF THE CITY OF LANCASTER, TEXAS, AS HERETOFORE AMENDED, BY GRANTING AN AMENDMENT TO ORDINANCE 2003-09-24, MILLBROOK EAST PLANNED DEVELOPMENT, PHASE 3A AND 3B, AS HERETOFORE AMENDED, TO AMEND THE DEVELOPMENT REGULATIONS, SITE DESIGN REGULATIONS, AND TREE PRESERVATION REGULATIONS, FOR 32.451± ACRES OF LAND LOCATED ON THE SOUTH SIDE OF PLEASANT RUN ROAD, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "B", ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES.

WHEREAS, the City Planning and Zoning Commission and the governing body of the City of Lancaster, Texas, in compliance with the laws of the State of Texas and pursuant to the Comprehensive Plan and Comprehensive Zoning Ordinance of the City of Lancaster, have given requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing of all property owners generally, and to all persons interested and situated in the affected area and in the vicinity thereof, the said governing body is of the opinion that Zoning Application No. 16-07 should be approved, and in the exercise of legislative discretion have concluded that the comprehensive Zoning Ordinance and Map should be amended.

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

SECTION 1. That Ordinance 2003-09-24, Millbrook East Planned Development, as heretofore amended and passed by the governing body of the City of Lancaster, Texas, be and the same is hereby amended to amend the Development Regulations, Site Design Standards, and Tree Preservation Regulations as described in Exhibit "A" attached hereto and incorporated herein for all purposes, for 32.451± acres of land located on the south side of Pleasant Run Road, and more particularly described in Exhibit "B" attached hereto and incorporated herein for all purposes.

SECTION 2. That all other Development Regulations and lands pertaining to Ordinance 2003-09-24, as heretofore amended, shall remain and the same shall be in full effect, except where amended by Section 1.

SECTION 3. That all conflicts with the Lancaster Development Code, as heretofore amended, and the Lancaster Code of Ordinances, as heretofore amendments, shall be resolved in favor of this ordinance.

SECTION 4. That the Official Zoning Map of the City of Lancaster be amended to reflect this change of zoning.

SECTION 5. That should any sentence, paragraph, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect validity of this ordinance as a whole, or any part of provision thereof other than the part so decided to be unconstitutional, illegal, or invalid, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

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

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

DULY PASSED by the City Council of the City of Lancaster, Texas on this the 14th day of November, 2016

ATTEST:

Sorangel O. Arenas, City Secretary

APPROVED:

Marcus E. Knight, Mayor

APPROVED AS TO FORM:

Robert E. Hager, City Attorney

Exhibit A
Planned Development District Regulations for Millbrook East Phases 3A and 3B

Purpose:

Amend Planned Development Ordinance #2003-09-24, as amended, to allow limited front entry garages for perimeter lots, setback modifications, and reduced lot sizes for Phases 3A and 3B of the Millbrook East Subdivision. All other provisions of Planned Development Ordinance #2003-09-24, as amended, not specifically overridden by these standards shall remain in full effect.

Section 1. Development Regulations

1. The minimum front yard setback shall be 20 feet.
2. The minimum rear yard setback shall be 20 feet.
3. The minimum side yard setback shall be 5 feet on each side.
4. No lot shall be smaller in area than 6,000 square feet.
5. Minimum lot width shall be 50 feet, and variable depths shall be allowed, provided that the total area of the lot is a minimum of 6,000 square feet.
6. Single-family residences shall contain no fewer than 1,800 square feet of livable space.
7. No more than 25% of all single-family residences shall be between 1,800 square feet and 1,899.99 square feet in area.
8. No more than 25% of all single-family residences shall be between 1,900 square feet and 1,999.99 square feet in area.
9. At least 50% of all single-family residences shall be 2,000 square feet or greater.

Section 2. Site Design Regulations

1. Phase 3A
 - a. Lot, Street, and Open Space Layout shall be in accordance with the site plans attached as Exhibit 1.
 - b. Front entry garages shall be prohibited, and rear entry garages with alleys shall be required, on the following Blocks and Lots according to the Site Plan attached as Exhibit 1:
 - i. Block A, Lots 1 – 9
 - ii. Block B, Lots 1 – 19
 - iii. Block C, Lots 1 – 19
 - iv. Block D, Lots 1 – 17
 - c. Front entry garages shall be permitted, and alleys shall not be required, on the following Blocks and Lots according to the Site Plan attached as Exhibit 1:
 - i. Block E, Lots 1 – 16
 - ii. Block F, Lots 1 – 7
2. Phase 3B
 - a. Lot, Street, and Open Space Layout shall be in accordance with the site plan attached as Exhibit 2.

- b. Front entry garages shall be prohibited, and rear entry garages with alleys shall be required, on the following Blocks and Lots according to the Site Plan attached as Exhibit 2:
 - i. Block B, Lots 1 – 21
 - ii. Block C, Lots 1 – 12
- c. Front entry garages shall be permitted, and alleys shall not be required, on the following Blocks and Lots according to the Site Plan attached as Exhibit 2:
 - i. Block A, Lots 1 – 25
 - ii. Block D, Lots 1 – 11
 - iii. Block E, Lots 1 – 7

Section 3. Tree Preservation

- 1. Existing trees along the perimeter of lots developed without alleys and rear entry garages shall be preserved, excepting those trees which are necessary to be removed for the installation of perimeter fencing and single-family residence construction.
- 2. All other landscaping and tree preservation requirements currently existing for the Planned Development District shall be in full force and effect.

Exhibit "1"



BENCHMARK

BASIS OF VERTICAL DATUM - CITY OF LANCASTER MONUMENT #9

3-1/2" BRASS CAP WITH "CITY OF LANCASTER MONUMENT No. 9" STAMPED ON IT, BEING APPROXIMATELY 0.3' BELOW THE GROUND, 0.4' NORTHEAST OF THE POINT OF THE INSIDE ELL CORNER OF A BACK OF CURB OF A PARKING ISLAND, NEAR THE INTERSECTION OF NORTH BLUE GROVE ROAD AND WEST PLEASANT RUN ROAD BEING EAST OF THE MOST WESTERLY ENTRANCE INTO SHOPPING CENTER ALONG WEST PLEASANT RUN ROAD YET BEING WEST OF THE NEXT ENTRANCE EAST ON WEST PLEASANT RUN ROAD.

ELEVATION=575.86

BASIS OF BEARING

BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM NORTH CENTRAL ZONE (4202) NAD 83. ALL COORDINATES SHOWN ARE SURFACE ADJUSTED. N.A.D. 83, NORTH CENTRAL ZONE WITH A COMBINED SURFACE ADJUSTMENT FACTOR OF 1.000136509

PRELIMINARY PLAT
"FOR INSPECTION PURPOSES ONLY"
APPROVED FOR PREPARATION OF FINAL PLAT

CHAIRMAN, CITY OF LANCASTER, PLANNING AND ZONING COMMISSION	DATE
ATTEST:	
SIGNATURE	DATE
NAME AND TITLE	



SITE PLAN
MILLBROOK EAST
PHASE 3A

17.49 ACRES OUT OF
XXXXXXXXXXXXXXXXX SURVEY, ABSTRACT No. XX
CITY OF LANCASTER
DALLAS COUNTY, TEXAS

BLOCK A, LOTS 1-9; BLOCK B, LOTS 1-19; BLOCK C, LOTS 1-17; BLOCK D, LOTS 1-17; BLOCK E, LOTS 1-16; BLOCK F, LOTS 1-16

CAMILLO PROPERTIES

OWNER
16641 W. AIRPORT RD
SUGAR LAND, TEXAS 77478
DIRECT: 832-500-0271
CELL: 713-906-4302

PREPARED BY:
HUNT-ZOLLARS
Hunt-Zollars, Inc. Dallas
1717 McKinney Avenue, Suite 1400, Dallas, TX 75202
Phone (214) 671-3311 Fax (214) 671-0797

AUG, 2016 SHEET _ of _



Point	Northing	Easting	Elev.	Description
1	6904746.014	2494414.035	560.52	X CUT SET
2	6904748.308	2493903.728	560.23	X CUT SET
3	6904239.937	2493942.801	556.90	X CUT SET
4	6904283.183	2494338.260	556.53	X CUT SET
5	6904318.953	2495148.554	553.36	X CUT SET
6	6904924.193	2495034.889	561.16	5/8" nail in

BENCHMARK

BASIS OF VERTICAL DATUM - CITY OF LANCASTER MONUMENT #9

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ELEVATION=575.86

BASIS OF BEARING

BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM NORTH CENTRAL ZONE (4202) NAD 83. ALL COORDINATES SHOWN ARE SURFACE ADJUSTED. N.A.D. 83, NORTH CENTRAL ZONE WITH A COMBINED SURFACE ADJUSTMENT FACTOR OF 1.000136508

PRELIMINARY PLAT

"FOR INSPECTION PURPOSES ONLY"

APPROVED FOR PREPARATION OF FINAL PLAT

CHAIRMAN, CITY OF LANCASTER,

PLANNING AND ZONING COMMISSION

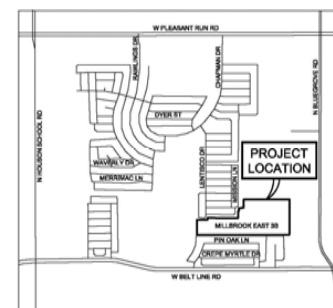
ATTEST:

SIGNATURE

NAME AND TITLE

DATE

DATE

**LOCATION MAP**

N.T.S.

SITE PLAN

MILLBROOK EAST

PHASE 3B

14.94 ACRES OUT OF
XXXXXXXXXXXXXXX SURVEY, ABSTRACT No. X
CITY OF LANCASTER
DALLAS COUNTY, TEXAS

BLOCK A, LOTS 1-25; BLOCK B, LOTS 1-22;
BLOCK C, LOTS 1-13; BLOCK D, LOTS 1-11;
BLOCK E, LOTS 1-7

CAMILLO PROPERTIES

OWNER

16641 W. AIRPORT RD.
SUGAR LAND, TEXAS 77498
DIRECT: 832-500-0271
CELL: 713-908-4302

PREPARED BY:

HUNT-ZOLLARS
Dallas
1717 McKinney Avenue, Suite 1400, Dallas, TX 75202
Phone (214) 671-3311 Fax (214) 671-0797

AUG, 2016

SHEET _ of _

PRE
This document is
of interim review
ROBERT

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LAND DESCRIPTION
MILLBROOK EAST PHASE 3A

BEING a tract of land situated in the William Rawlins Survey, Abstract No. 1200, City of Lancaster, Dallas County, Texas and being all of a portion of land described in Warranty Deed with Vendor's Lien to Armik Investment Group, LLC as recorded in Instrument No. 201500107445 of the Official Public Records of Dallas County (O.P.R.D.C.) and more particularly described as follows;

BEGINNING at a 5/8 inch iron rod found at the northeast corner of Lot 8, Block 9 of the Millbrook East Phase 2A Addition, an addition to the City of Lancaster as recorded in Instrument No. 20070069128 (O.P.R.D.C.);

THENCE, along the northerly line of said Millbrook East Phase 2A Addition the following;

North 70 degrees 14 minutes 25 seconds West, a distance of 100.05 feet to a 5/8 inch iron rod found with plastic cap stamped "Dowdy";

North 70 degrees 24 minutes 54 seconds West, a distance of 47.00 feet to a 5/8 inch iron rod found with plastic cap stamped "JBI";

South 88 degrees 53 minutes 22 seconds West, a distance of 986.69 feet to a point at the beginning of a non-tangent curve to the left having a central angle of 00 degrees 30 minutes 37 seconds, a radius of 2572.00 feet, subtended by a 22.91 foot chord which bears North 11 degrees 53 minutes 34 seconds East and from which a 1/2 iron rod found bears North 25 degrees 02 minutes 39 seconds West a distance of 0.22 feet;

Along said curve to the left an arc distance of 22.91 feet to a point from which a 1/2 iron rod found with plastic cap stamped "JBI" bears South 83 degrees 15 minutes 42 seconds West a distance of 0.22 feet;

North 78 degrees 21 minutes 45 seconds West, a distance of 147.01 feet to a 1/2 iron rod found with plastic cap stamped "JBI" at the northwest corner of Lot 2, Block 6 of the aforementioned Millbrook East Phase 2A addition and being on the easterly line of the Millbrook Phase 1 Addition, an addition to the City of Lancaster as recorded in Volume 85017, Page 3362 of the Deed Records Dallas County, Texas and being the beginning of a non-tangent curve to the left having a central angle of 11 degrees 28 minutes 22 seconds, a radius of 2425.00 feet, subtended by a 484.76 foot chord which bears North 05 degrees 54 minutes 06 seconds East,

THENCE, along the easterly line of said Millbrook Phase 1 Addition the following;

Along said curve to the left an arc distance of 485.57 feet to a point at the beginning of a reverse curve to the right having a central angle of 88 degrees 43 minutes 17 seconds, a radius of 40.00 feet, subtended by a 55.93 foot chord which bears North 44 degrees 31 minutes 34 seconds East,

Along said curve to the right an arc distance of 61.94 feet to a point from which an X Cut found bears South 87 degrees 57 minutes 28 seconds East a distance of 0.23 feet;

North 01 degrees 06 minutes 48 seconds West, a distance of 15.00 feet to a 1/2 iron rod found with plastic cap stamped "JBI" at the northeast corner of said Millbrook Phase 1 Addition, said point being on the southerly line of the Smithers Addition, an addition to the City of Lancaster as recorded in Instrument No. 20070260636 (O.P.R.D.C.);

THENCE, along the northerly line of said Armik Investment Group, LLC tract, North 88 degrees 53 minutes 22 seconds East, a distance of 1287.33 feet to a point at the northeasterly corner of said Armik Investment Group, LLC tract, said point being on the westerly line of the Millbrook East Phase 1 Addition, an addition to the City of Lancaster as recorded in Instrument No. 200503617368 (O.P.R.D.C.);

THENCE, along the westerly line of said Millbrook East Phase 1 Addition the following;

South 01 degrees 10 minutes 03 seconds East, a distance of 145.32 feet to a 1/2 iron rod found with plastic cap stamped "JBI";

South 88 degrees 54 minutes 33 seconds West, a distance of 65.03 feet to a 1/2 iron rod found with plastic cap stamped "JBI";

South 01 degrees 09 minutes 38 seconds East, a distance of 173.73 feet to a 1/2 iron rod found with plastic cap stamped "JBI" and being the beginning of a curve to the right having a central angle of 20 degrees 55 minutes 21 seconds, a radius of 905.00 feet, subtended by a 328.64 foot chord which bears South 09 degrees 18 minutes 03 seconds West,

Along said curve to the right-left an arc distance of 330.48 feet to the POINT OF BEGINNING and containing 17.49 Acres of land, more or less.

LAND DESCRIPTION
MILLBROOK EAST PHASE 3B

BEING a tract of land situated in the William Rawlins Survey, Abstract No. 1200, City of Lancaster, Dallas County, Texas and being all of a tract of land described in General Warranty Deed to Camillo Properties Ltd. as recorded in Instrument No. 201600114202 of the Official Public Records of Dallas County (O.P.R.D.C.) and being more particularly described as follows;

BEGINNING at a 1/2 inch iron rod found with plastic cap stamped "JBI" at the northwest corner of said Camillo Properties Ltd. tract, said point being on the southerly line of the Millbrook East Phase 2B Addition, an addition to the City of Lancaster as recorded in Instrument No. 20070069129 (O.P.R.D.C.);

THENCE, along the southerly line of said Millbrook East Phase 2B Addition the following;

North 89 degrees 28 minutes 04 seconds East, a distance of 171.18 feet to a 1/2 inch iron rod found with plastic cap stamped "JBI";

North 00 degrees 31 minutes 56 seconds West, a distance of 30.00 feet to a 1/2 inch iron rod found with plastic cap stamped "JBI";

North 89 degrees 28 minutes 04 seconds East, a distance of 497.32 feet to a 1/2 inch iron rod found with plastic cap stamped "JBI" and being the beginning of a curve to the left having a central angle of 00 degrees 34 minutes 47 seconds, a radius of 265.00 feet, subtended by a 2.68 foot chord which bears North 89 degrees 10 minutes 40 seconds East,

Along said curve to the left an arc distance of 2.68 feet to a 1/2 inch iron rod found with plastic cap stamped "JBI" at the southeast corner of said Millbrook East Phase 2B Addition;

THENCE, along the easterly line of said Millbrook East Phase 2B Addition the following;

North 00 degrees 31 minutes 56 seconds West, a distance of 114.99 feet to a 1/2 inch iron rod found with plastic cap stamped "JBI";

North 89 degrees 28 minutes 04 seconds East, a distance of 9.22 feet to a 1/2 inch iron rod found with plastic cap stamped "JBI";

North 00 degrees 31 minutes 56 seconds West, a distance of 47.00 feet to a 1/2 inch iron rod found with plastic cap stamped "JBI" and being the beginning of a non-tangent curve to the left having a central angle of 14 degrees 14 minutes 53 seconds, a radius of 250.00 feet, subtended by a 62.01 foot chord which bears North 82 degrees 20 minutes 37 seconds East,

Along said curve to the left an arc distance of 62.17 feet to a 1/2 inch iron rod found with plastic cap stamped "JBI";

North 75 degrees 13 minutes 11 seconds East, a distance of 17.80 feet to a 1/2 inch iron rod found with plastic cap stamped "JBI";

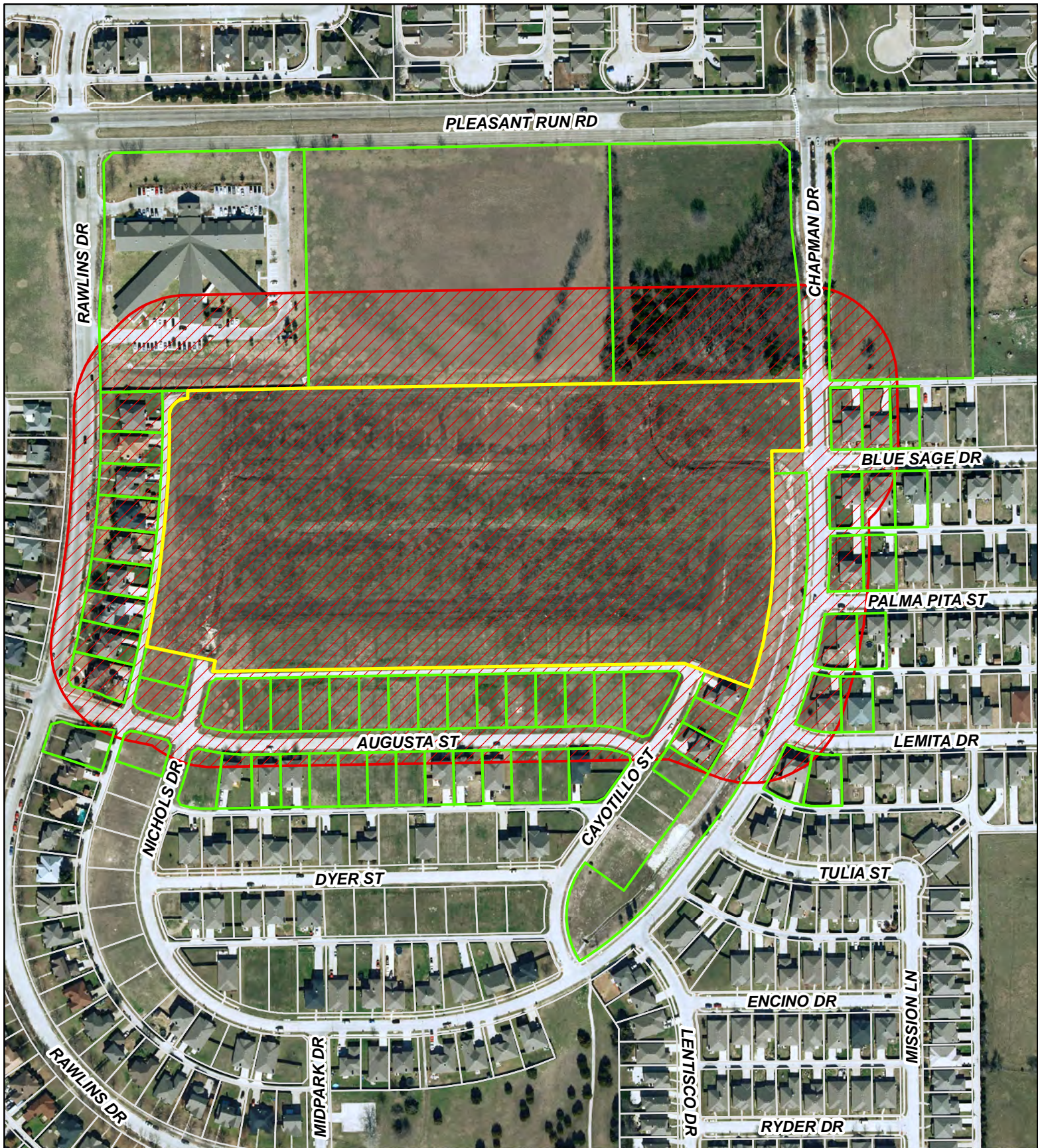
North 00 degrees 31 minutes 56 seconds West, a distance of 131.98 feet to a 1/2 inch iron rod found with plastic cap stamped "JBI" at the northeast corner of the aforementioned Camillo Properties Ltd. tract;

THENCE, departing the easterly line of said Millbrook East Phase 2B Addition, North 89 degrees 00 minutes 41 seconds East, a distance of 751.49 feet along the northerly line of said Camillo Properties Ltd. tract to a 1/2 inch iron rod found at the northeast corner of said Camillo Properties Ltd. tract;

THENCE, along the easterly line of said Camillo Properties Ltd. tract, South 00 degrees 34 minutes 41 seconds East, a distance of 577.37 feet to a point at the southeast corner of said Camillo Properties Ltd. tract from which a 1/2 inch iron rod found bears North 89 degrees 36 minutes 23 seconds East a distance of 1.34 feet;





THENCE, along the southerly line of said Camillo Properties Ltd. tract, South 89 degrees 02 minutes 57 seconds West, a distance of 1511.64 feet to a point at the southwest corner of said Camillo Properties Ltd. tract from which a 1/2 inch iron rod found bears South 10 degrees 05 minutes 36 seconds East a distance of 0.68 feet;

THENCE, along the westerly line of said Camillo Properties Ltd. tract North 00 degrees 25 minutes 15 seconds West, a distance of 246.37 feet to the POINT OF BEGINNING and containing 14.94 Acres of land, more or less.

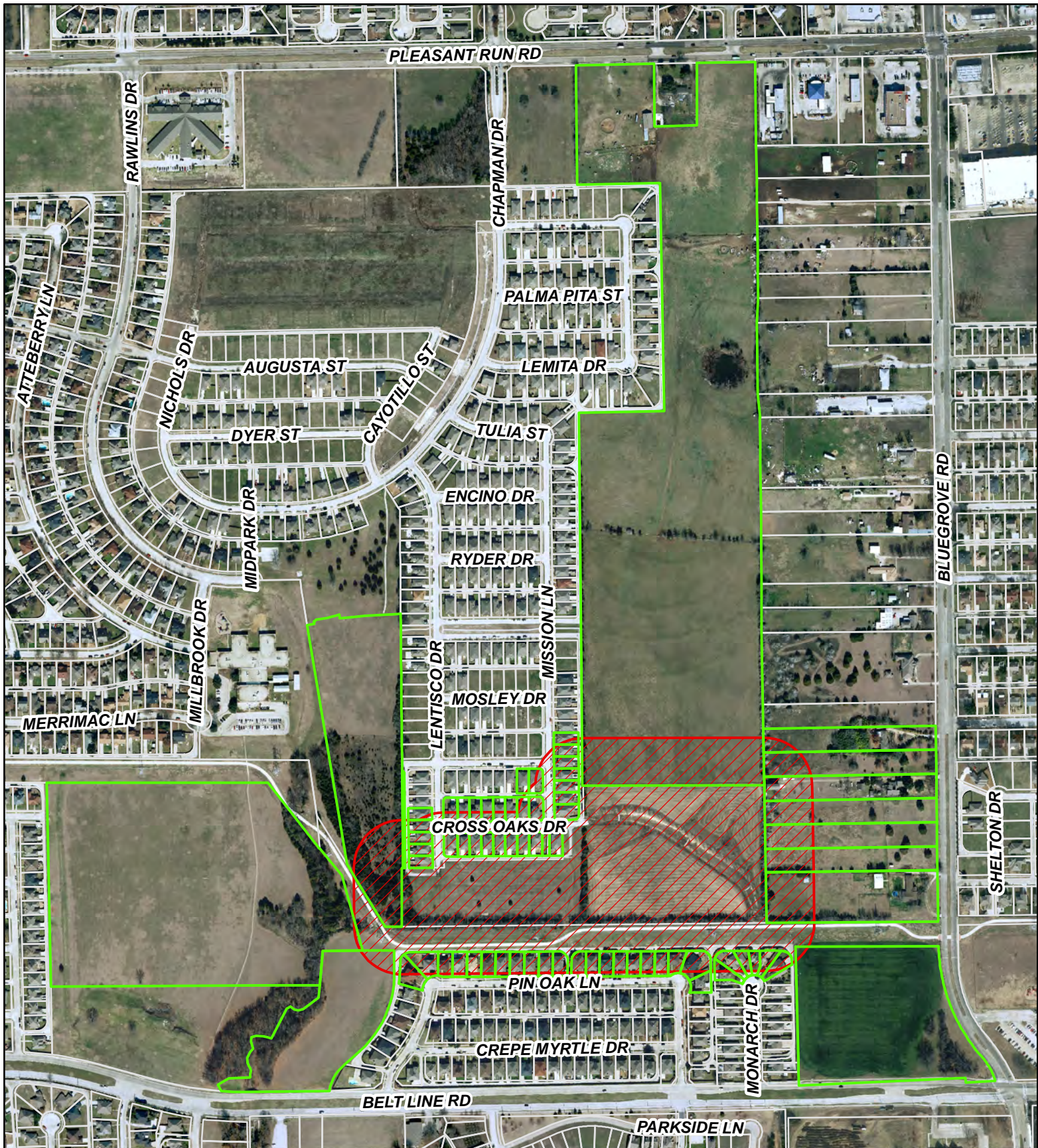


City of Lancaster
Millbrook East Phase 3A
200' Notification Area

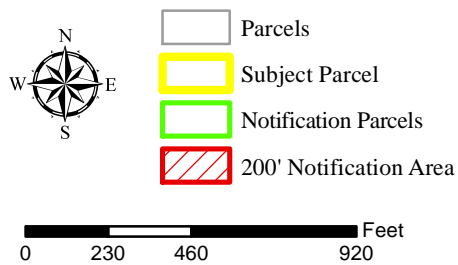


-  Parcels
-  Subject Parcel
-  Notification Parcels
-  200' Notification Area

0 115 230 460 Feet



City of Lancaster
Millbrook East Phase 3B
200' Notification Area



CALL TO ORDER:

Chair Earle called the meeting to order at 7:00 p.m. on October 4, 2016.

COMMISSIONERS

MARVIN EARLE – CHAIR
LAWRENCE PROTHRO, VICE CHAIR - ABSENT
ISABEL AGUILAR
RACHEAL HILL
CYNTHIA JOHNSON

CITY STAFF

TONY FELTS
KELLEY FRAZIER

SENIOR PLANNER
DEVELOPMENT COORDINATOR

CITIZENS COMMENTS: (At this time citizens will be allowed to speak only on matters contained on the Planning & Zoning Commission agenda).

NO COMMENTS WERE MADE

CONSENT AGENDA:

1. Consider approval of minutes from the July 12, 2016 meeting.
2. Consider approval of minutes from the September 6, 2016 meeting.
3. HLPC 16-07 Discuss and Consider a Certificate of Appropriateness to install a six foot (6') wooden fence at the property located at 508 N. Dallas Avenue.

A MOTION WAS MADE BY COMMISSIONER HILL SECONDED BY COMMISSIONER AGUILAR TO APPROVE THE CONSENT AGENDA AS SUBMITTED.

AYES: EARLE, AGUILAR, HILL, JOHNSON
NAYS: NONE

THE MOTION CARRIED 4- 0.

PUBLIC HEARING:

4. Z16-07 Conduct a Public Hearing and Consider an Amendment to the City of Lancaster's Comprehensive Plan's Future Land Use Map and a rezoning request to amend PD-Planned Development Ordinance #2003-09-24, and as amended, to allow front entry garages for perimeter lots, setback modifications, and lot size modifications

Tony Felts, read the staff report into the record.

Bob Devillier, Camillio Properties, 1717 McKinney Avenue, Suite 1400, Dallas, Texas 75202 stated that through the meetings with the neighborhood they achieved a compromise. Approximately 40% of the properties will have front entry garages while the remaining 60% will have alley entry garages. Also as part of this compromise the minimum lot size will now be 6000 square feet opposed to the originally proposed 3,750 square foot minimum. Commissioner Aguilar noted that one of the original concerns was the tree removal and asked if this had been addressed.

Mr. Devillier stated that the way it is being addressed is that the majority of the trees will remain. Only the trees in the fence lines will be removed, and he stated that by eliminating the alleys along that side it would save several of the trees on this property.

Commissioner Johnson noted that it is important that we brand our city and that the neighborhoods should have a consistency. Rear entry garages are a key factor in the proposed Comprehensive Plan and we need to show some consistency with all the new development coming into the city. She asked if the lack of alleys was a financial issue or was there something else driving this?

Mr. Devillier noted that there were two factors in the decision to leave out the perimeter alleys. First, the whole cost of the alley would solely be covered by the one adjacent property owner versus the alleys where there is an alley between houses and they split the cost. Second, the removal of those perimeter alleys allowed for the larger lot sizes and adding them in would reduce the lot sizes or the number of properties in this addition.

Commissioner Johnson asked if other amenities are being added to account for the deletion of the alleys and if there was any conversation with the neighborhood about the sizes of the backyards.

Mr. Devillier responded what they end up with is a 30 to 40 foot backyard and the homes are significantly larger on the front entry garage products.

Mr. Felts clarified that through this compromise they were able to create the larger lots that the neighborhood wanted along with adding several areas for open space for the neighborhood.

Mr. Devillier also noted they were adding some landscaping to one of the medians in the neighborhood to add additional value. They have also already built around 70 houses in this neighborhood. They noted that they build a pretty good product and they maintain their own yards to maintain a good name for Camillio Properties.

Commissioner Johnson asked what the open space would be used for.

Mr. Felts stated it would be open space for the neighborhood and it would be up to the HOA as to how the property would be used.

Commissioner Aguilar asked if the changes have been codified.

Mr. Felts responded that the changes have not been codified as of yet. The changes were pending the outcome of this hearing to ensure that all the changes are included. After this recommendation City Staff will get the codified ordinance to City Council for final approval.

A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER HILL TO OPEN THE PUBLIC HEARING.

AYES: EARLE, AGUILAR, HILL, JOHNSON
NAYS: NONE

THE MOTION CARRIED 4 to 0.

Ms. Ivory Barnes, 511 Pecan Leaf Drive, Lancaster TX 75146, lives in the Kimble Hill Addition and she expressed her concerns about the removal of the trees along the adjacent properties, a cracked sewage line and the potential for an increase in flooding.

A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER EARLE TO CLOSE THE PUBLIC HEARING.

AYES: EARLE, AGUILAR, HILL, JOHNSON
NAYS: NONE

THE MOTION CARRIED 4 to 0.

Commissioner Aguilar asked if the Kimble Hill Addition was a part of this item.

Mr. Felts clarified that Kimble Hill was not a part of this request. They are the adjacent property owners to the south and there is concern about the drainage between these two areas. The City Engineer will be taking a look at the drainage to ensure that no flooding issues occur. There will be a detention basin to help with the additional water that will be on the property.

Commissioner Aguilar asked if there was anything that the Commission can ask of the developer to prevent this. Mr. Felts clarified that she could ask them to explain the process but the drainage issue will be addressed through their construction documents. The City ordinance states that post development there can be no more water run off than there was pre-development.

A MOTION WAS MADE BY COMMISSIONER HILL AND SECONDED BY COMMISSIONER JOHNSON TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF Z16-07 AN AMENDMENT TO THE CITY OF LANCASTER'S COMPREHENSIVE PLAN'S FUTURE LAND USE MAP AND A REZONING REQUEST TO AMEND PD-PLANNED DEVELOPMENT ORDINANCE #2003-09-24, AND AS AMENDED, TO ALLOW FRONT ENTRY GARAGES FOR PERIMETER LOTS, SETBACK MODIFICATIONS, AND LOT SIZE MODIFICATIONS.

AYES: EARLE, AGUILAR, HILL, JOHNSON

NAYS: NONE

THE MOTION CARRIED 4 to 0.

5. Z 16-08 Conduct a Public Hearing and consider a Specific Use Permit (SUP) to allow a Commercial Amusement/Recreation (Indoor) use at 2705 N. Dallas Avenue, Lancaster, TX, consisting of an approximately 0.68 acre tract currently zoned Retail (R).

Mr. Felts read the staff report into the record.

Commissioner Johnson asked if this property was a day care at one point. Mr. Felts clarified that this business was inside the existing gas station at that location.

Chair Earle asked for staff to go into more detail regarding the denial. Mr. Felts indicated that part of the basis for the denial is that there is a potential increase in traffic, crime and loitering in the area with this added use.

Commissioner Aguilar asked if there were other locations where this use currently exists in Lancaster currently. Mr. Felts indicated that there is an additional location on the current agenda and one on the next agenda. This use was brought to our attention through a citizen complaint and all locations were sent a letter indicating they were not allowed and would need to come into compliance with the ordinance. They are currently allowed by right in Commercial Highway districts. However the ones located in the (R) Retail district are not allowed without a Specific Use Permit.

Haidas Fawaz, 2705 North Dallas Avenue, Lancaster TX, expressed he has been in business since 2002 and that he wants to continue to operate his business in Lancaster. He owns the 8 acres surrounding the gas station property and would like to create more development for the City of Lancaster.

Chair Earle asked if the applicant was aware of staff concerns before this meeting. Mr. Fawar indicated he was.

A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER HILL TO OPEN THE PUBLIC HEARING.

AYES: EARLE, AGUILAR, HILL, JOHNSON

NAYS: NONE

THE MOTION CARRIED 4 to 0.

NO CITIZENS SPOKE.

A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER JOHNSON TO CLOSE THE PUBLIC HEARING.

AYES: EARLE, AGUILAR, HILL, JOHNSON

NAYS: NONE

THE MOTION CARRIED 4 to 0.

A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER JOHNSON TO RECOMMEND DENIAL TO THE CITY COUNCIL OF Z 16-08 A SPECIFIC USE PERMIT (SUP) TO ALLOW A COMMERCIAL AMUSEMENT/RECREATION (INDOOR) USE AT 2705 N. DALLAS AVENUE, LANCASTER, TX, CONSISTING OF AN APPROXIMATELY 0.68 ACRE TRACT CURRENTLY ZONED RETAIL (R).

AYES: EARLE, AGUILAR, HILL, JOHNSON

NAYS: NONE

THE MOTION CARRIED 4 to 0.

6. Z 16-09 Conduct a Public Hearing and consider a Specific Use Permit (SUP) to allow a Commercial Amusement/Recreation (Indoor) use at 2286 W. Pleasant Run Road, Suite 112, Lancaster, TX, said suite being a portion of an approximately 1.601 acre tract currently zoned Retail (R).

Mr. Felts read the staff report into the record.

Commissioner Aguilar asked what the limit is for the coin operating machines. Mr. Felts indicated that there is no limit except what limits may be set by authorizing the Specific Use Permit, the threshold for requiring the Specific Use Permit is 4.

Commissioner Johnson asked if we had the crime statics for that area. Mr. Felts indicated we did not have that information at this time.

Chair Earle asked if there were any crime complaints or reports in this area. Mr. Felts responded that the staff comment regarding the potential crime was just the potential and we do not have the data at this time.

Commissioner Hill asked if this use is in compliance with the pending Comprehensive Plan. Mr. Felts indicated the zoning (R) Retail is in line with the Comprehensive Plan however the Specific Use Permit allows for further review to determine whether the use is appropriate for the area.

Steven Yoo, 2826 West Pleasant Run Road, Lancaster, TX, indicated that the store has been in operation for 15 years total, 10 years with the previous owner and that he purchased the business 6 months ago. He stated that he has no problems at all with crime at that location.

Kim Yoo, 2826 West Pleasant Run Road, Lancaster, TX states that without the coin machines they cannot maintain this business. There are too many gas stations in this area and without the coin operated machines they would not be able keep that business running.

Chair Earle asked when the business was first opened, did the previous owner tell the city that they would be operating this coin operated business. Ms. Yoo indicated she felt like they did tell the city they would be operating the coin machines at this location. Mr. Earle asked the applicant if they have received any complaints from the neighborhood about their business. Ms. Yoo indicated they have not received any complaints.

Mr. Felts clarified that the current Certificate of Occupancy was for a convenience store/gas pump only, and does not include the coin operated machines,

A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER HILL TO OPEN THE PUBLIC HEARING.

AYES: EARLE, AGUILAR, HILL, JOHNSON

NAYS: NONE

THE MOTION CARRIED 4 to 0.

A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER HILL TO CLOSE THE PUBLIC HEARING.

AYES: EARLE, AGUILAR, HILL, JOHNSON

NAYS: NONE

THE MOTION CARRIED 4 to 0.

Commissioner Johnson expressed a concern regarding allowing these Specific Use Permits areas to pop up all over the city and that the Commission is possibly setting themselves up for a bad situation.

Chair Earle, Commissioner Hill, and Commissioner Aguilar expressed their concerns about the denial of a use that has been allowed to operate for 15 years with no interjection from the City.

Mr. Felts noted that the City Council will consider banning gaming machines at the next Council meeting.

A MOTION WAS MADE BY COMMISSIONER HILL AND SECONDED BY COMMISSIONER AGUILAR TO TABLE Z 16-09 A SPECIFIC USE PERMIT (SUP) TO ALLOW A COMMERCIAL AMUSEMENT/RECREATION (INDOOR) USE AT 2286 W. PLEASANT RUN ROAD, SUITE 112, LANCASTER, TX, SAID SUITE BEING A PORTION OF AN APPROXIMATELY 1.601 ACRE TRACT CURRENTLY ZONED RETAIL (R) UNTIL THE NOVEMBER 15, 2016 PLANNING AND ZONING COMMISSION MEETING.

AYES: EARLE, AGUILAR, HILL, JOHNSON

NAYS: NONE

THE MOTION CARRIED 4 to 0.

7. PS 16-09 Consider a Preliminary Residential Plat for Wintergreen Ridge Addition Phase 1B, being 46 lots on approximately 10.759 acres, the property is located on the east side of Woodglen Drive at the termini of Bonnywood Drive and Glen Hollow Drive. The property is more particularly described as a tract of land situated in the William Fleming Survey Abstract No. 466, City of Lancaster, Dallas County, Texas.

Mr. Felts read the staff report into the record.

Todd Winters, 201 Winco Circle, Wylie, Texas, indicated this project was approved in 2007 originally and while it is unusual to have the preliminary and final plat both go forward at the same time, most of the infrastructure is in since our approval is from 2007 so they would like to go ahead and move forward with both plats.

Commissioner Johnson expressed her concerns regarding platting and the alleys and front entry garages versus rear entry garages. Mr. Felts clarified that this plat is not related to the previous zoning case and this application is merely a plat and it has met all the zoning.

Chair Earle expressed his concern about the fencing that is standard with these types of developments and the look of them after years. Mr. Winters indicated that the supports are constructed of steel posts and no longer made of wood and that they will last longer that way.

A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER JOHNSON TO APPROVE PS 16-09 A PRELIMINARY RESIDENTIAL PLAT FOR WINTERGREEN RIDGE ADDITION PHASE 1B, BEING 46 LOTS ON APPROXIMATELY 10.759 ACRES, THE PROPERTY IS LOCATED ON THE EAST SIDE OF WOODGLEN DRIVE AT THE TERMINI OF BONNYWOOD DRIVE AND GLEN HOLLOW DRIVE. THE PROPERTY IS MORE PARTICULARLY DESCRIBED AS A TRACT OF LAND SITUATED IN THE WILLIAM FLEMING SURVEY ABSTRACT NO. 466, CITY OF LANCASTER, DALLAS COUNTY, TEXAS.

AYES: EARLE, AGUILAR, HILL, JOHNSON

NAYS: NONE

THE MOTION CARRIED 4 to 0.

8. PS 16-10 Consider a Final Residential Plat for Wintergreen Ridge Addition Phase 1B, being 46 lots on approximately 10.759 acres, the property is located on the east side of Woodglen Drive at the termini of Bonnywood Drive and Glen Hollow Drive. The property is more particularly described as a tract of land situated in the William Fleming Survey Abstract No. 466, City of Lancaster, Dallas County, Texas.

Mr. Felts read the staff report into the record.

A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER HILL TO APPROVE PS 16-10 CONSIDER A FINAL RESIDENTIAL PLAT FOR WINTERGREEN RIDGE ADDITION PHASE 1B, BEING 46 LOTS ON APPROXIMATELY 10.759 ACRES, THE PROPERTY IS LOCATED ON THE EAST SIDE OF WOODGLEN DRIVE AT THE TERMINI OF BONNYWOOD DRIVE AND GLEN HOLLOW DRIVE. THE PROPERTY IS MORE PARTICULARLY DESCRIBED AS A TRACT OF LAND SITUATED IN THE WILLIAM FLEMING SURVEY ABSTRACT NO. 466, CITY OF LANCASTER, DALLAS COUNTY, TEXAS.

AYES: EARLE, AGUILAR, HILL, JOHNSON

NAYS: NONE

THE MOTION CARRIED 4 to 0.

9. PS 16-11 Consider a Preliminary Residential Plat for Wintergreen Ridge Addition Phase 2, being 50 lots on approximately 10.91 acres, the property is located at the west terminus of Bruce Drive. The property is more particularly described as a tract of land situated in the William Rawlings Survey Abstract No. 1201 and William Fleming Survey Abstract No. 466, City of Lancaster, Dallas County, Texas.

Mr. Felts read the staff report into the record.

A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER HILL TO APPROVE PS 16-11 CONSIDER A PRELIMINARY RESIDENTIAL PLAT FOR WINTERGREEN RIDGE ADDITION PHASE 2, BEING 50 LOTS ON APPROXIMATELY 10.91 ACRES, THE PROPERTY IS LOCATED AT THE WEST TERMINUS OF BRUCE DRIVE. THE PROPERTY IS MORE PARTICULARLY DESCRIBED AS A TRACT OF LAND SITUATED IN THE WILLIAM RAWLINGS SURVEY ABSTRACT NO. 1201 AND WILLIAM FLEMING SURVEY ABSTRACT NO. 466, CITY OF LANCASTER, DALLAS COUNTY, TEXAS.

AYES: EARLE, AGUILAR, HILL, JOHNSON

NAYS: NONE

THE MOTION CARRIED 4 to 0.

10. PS 16-12 Consider a Final Residential Plat for Wintergreen Ridge Addition Phase 2, being 50 lots on approximately 10.91 acres, the property is located at the west terminus of Bruce Drive. The property is more particularly described as a tract of land situated in the William Rawlings Survey Abstract No. 1201 and William Fleming Survey Abstract No. 466, City of Lancaster, Dallas County, Texas.

Mr. Felts read the staff report into the record.

A MOTION WAS MADE BY COMMISSIONER AGUILAR AND SECONDED BY COMMISSIONER HILL TO APPROVE PS 16-12 CONSIDER A FINAL RESIDENTIAL PLAT FOR WINTERGREEN RIDGE ADDITION PHASE 2, BEING 50 LOTS ON APPROXIMATELY 10.91 ACRES, THE PROPERTY IS LOCATED AT THE WEST TERMINUS OF BRUCE DRIVE. THE PROPERTY IS MORE PARTICULARLY DESCRIBED AS A TRACT OF LAND SITUATED IN THE WILLIAM RAWLINGS SURVEY ABSTRACT NO. 1201 AND WILLIAM FLEMING SURVEY ABSTRACT NO. 466, CITY OF LANCASTER, DALLAS COUNTY, TEXAS.

**AYES: EARLE, AGUILAR, HILL, JOHNSON
NAYS: NONE**

THE MOTION CARRIED 4 to 0.

A MOTION WAS MADE BY COMMISSIONER HILL AND SECONDED BY COMMISSIONER AGUILAR TO ADJOURN THE MEETING.

**AYES: EARLE, PROTHRO, AGUILAR, HILL
NAYS: NONE**

THE MOTION CARRIED 4 to 0.

THE MEETING WAS ADJOURNED AT 8:17 P.M.

Marvin Earle, Chair

ATTEST

Tony Felts, AICP, Interim Planning and Development Services Director

LANCASTER CITY COUNCIL

City Council Regular Meeting

Item 6.

Meeting Date: 11/14/2016

Policy Statement: This request supports the City Council 2016-2017 Policy Agenda

Goal(s): Quality Development

Submitted by: Tony Felts, AICP, Interim Director of Planning and Development Services

Agenda Caption:

Discuss and consider a resolution authorizing an alley waiver for Lots 1-16, Block E and Lots 1 -7, Block F in the Proposed Millbrook East Phase 3A subdivision and Lots 1-25, Block A; Lots 1-11, Block D; and Lots 1-7, Block E, Proposed Millbrook East Phase 3B subdivision, generally located on the south side of West Pleasant Run Road; East of Rawlins Drive subject to the approval of the preliminary plat and final plat; and providing an effective date.

Background:

1. Location and Size: The property is located on the south side of W. Pleasant Run Road, East of Rawlins Drive. The subject property is 32.451 acres in total.

2. Current Zoning: PD-Planned Development District #2003-09-24, as amended.

3. Zoning (Current Land Use) on Adjacent Properties of the PD:

North: R – Retail (~20% Developed single family residences)
South: A-O – Agricultural-Open (vacant)
East: A-O – Agricultural-Open (vacant)
West: SF-5 – Single Family 5 (~45% Developed single family residences)

4. Comprehensive Plan Compatibility: The 2016 Comprehensive Plan identifies this site as suitable Suburban Neighborhood.

5. Case/Site History: PD-060 (passed in 2003) was previously known as PD-057 (passed in 2002) and PD-02 (passed in 1984). The PD has evolved to decrease the density since 1984. The current request is to effectively increase the density. The PD also historically has had rear entry garages from alleys.

Date	Body	Action
August 23, 2016	P&Z	Rezoning action tabled
October 4, 2016	P&Z	Recommended Approval of rezoning request

Operational Considerations:

This is a request to grant an alley waiver for a portion of the Millbrook East Phase 3A and 3B subdivision. The waiver would cover perimeter lots in the proposed subdivisions:

- Phase 3A, Block E, Lots 1-16
- Phase 3A, Block F, Lots 1-7
- Phase 3B, Block A, Lots 1-25
- Phase 3B, Block D, Lots 1-11
- Phase 3B, Block E, Lots 1-7

All other lots within the subdivision would be provided with alleys and rear-entry garages.

This is a companion item to the previous zoning request (Z16-07). The Planned Development modification represented a compromise worked out with city staff, the developers, and the residents of Millbrook East.

Legal Considerations:

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

Options/Alternatives:

1. Approve the resolution, as presented.
2. Deny the resolution.

Recommendation:

Pursuant to the Planning and Zoning Commission's recommendation of approval for the modifications to the Millbrook East Planned Development, staff recommends Approval.

Attachments

Resolution

Millbrook East Phase 3A Site Plan

Millbrook East Phase 3B Site Plan

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, WAIVING THE ALLEY REQUIREMENT FOR THE PROPERTY DESCRIBED AS LOTS 1-16, BLOCK E AND LOTS 1 -7, BLOCK F IN THE PROPOSED MILLBROOK EAST PHASE 3A SUBDIVISION AND LOTS 1-25, BLOCK A; LOTS 1-11, BLOCK D; AND LOTS 1-7, BLOCK E, PROPOSED MILLBROOK EAST PHASE 3B SUBDIVISION, GENERALLY LOCATED ON THE SOUTH SIDE OF PLEASANT RUN ROAD; SUBJECT TO THE APPROVAL OF THE PRELIMINARY PLAT AND FINAL PLAT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Planning and Zoning Commission and the governing body of the City of Lancaster, Texas, have approved a Zoning Amendment to the existing Planned Development governing Millbrook East; and

WHEREAS, the City Council of the City of Lancaster has been presented with a request for an alley waiver for a portion of Millbrook East consistent with the Planned Development Amendment; and

WHEREAS, the City Council finds that it is in the best interest to approve such waiver subject to compliance with the conditions set forth herein;

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

SECTION 1. That the City of Lancaster, Texas, hereby waives the requirement for an alley for Lots 1-16, Block E and Lots 1-7, Block F, Proposed Millbrook East Phase 3A and Lots 1-25, Block A; Lots 1-11, Block D; and Lots 1-7, Block E, Proposed Millbrook East Phase 3B.

SECTION 2. That this resolution shall be subject to the approval of the Preliminary Plat and the Final Plat by the City of Lancaster Planning and Zoning Commission, and all applicable city approvals.

SECTION 3. That if any article, paragraph, subdivision, clause, or provision of the Resolution as hereby amended, be adjudged invalid or held unconstitutional for any reason, such judgement or holding shall not affect the validity of this Resolution as a whole or any part or provision thereof, as amended hereby, other than the part so declared to be invalid or unconstitutional.

SECTION 4. That this Resolution shall take effect immediately from and after its passage, as the law in such cases provides, and it is accordingly so resolved.

DULY PASSED and approved by the City Council of the City of Lancaster, Texas, on this the 14th day of November, 2016.

ATTEST:

APPROVED:

Sorangel O. Arenas, City Secretary

Marcus E. Knight, Mayor

APPROVED AS TO FORM:

Robert E. Hager, City Attorney



BENCHMARK

BASIS OF VERTICAL DATUM - CITY OF LANCASTER MONUMENT #9

3-1/2" BRASS CAP WITH "CITY OF LANCASTER MONUMENT No. 9" STAMPED ON IT, BEING APPROXIMATELY 0.3' BELOW THE GROUND, 0.4' NORTHEAST OF THE POINT OF THE INSIDE ELL CORNER OF A BACK OF CURB OF A PARKING ISLAND, NEAR THE INTERSECTION OF NORTH BLUE GROVE ROAD AND WEST PLEASANT RUN ROAD BEING EAST OF THE MOST WESTERLY ENTRANCE INTO SHOPPING CENTER ALONG WEST PLEASANT RUN ROAD YET BEING WEST OF THE NEXT ENTRANCE EAST ON WEST PLEASANT RUN ROAD.

ELEVATION=575.85

BASIS OF BEARING

BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM NORTH CENTRAL ZONE (4202) NAD 83. ALL COORDINATES SHOWN ARE SURFACE ADJUSTED. N.A.D. 83, NORTH CENTRAL ZONE WITH A COMBINED SURFACE ADJUSTMENT FACTOR OF 1.000136509

PRELIMINARY PLAT

"FOR INSPECTION PURPOSES ONLY"

APPROVED FOR PREPARATION OF FINAL PLAT

CHAIRMAN, CITY OF LANCASTER, PLANNING AND ZONING COMMISSION

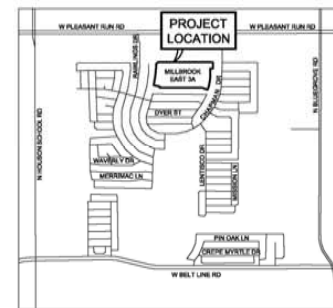
DATE

ATTEST:

SIGNATURE

DATE

NAME AND TITLE



LOCATION MAP

N.T.S.

SITE PLAN MILLBROOK EAST PHASE 3A

17.49 ACRES OUT OF
XXXXXXXXXXXXXXXXX SURVEY, ABSTRACT No. XX
CITY OF LANCASTER
DALLAS COUNTY, TEXAS

BLOCK A, LOTS 1-9; BLOCK B, LOTS 1-19; BLOCK C, LOTS 1-17;
BLOCK D, LOTS 1-17; BLOCK E, LOTS 1-16; BLOCK F, LOTS 1-16

CAMILLO PROPERTIES

16643 W. AMARILLO RD
SUGAR LAND, TEXAS 77478
DIRECT: 832-500-0271
CELL: 713-906-4302

PREPARED BY:
HUNT-ZOLLARS
Hunt-Zollars, Inc. Dallas
1717 McKinney Avenue, Suite 1400, Dallas, TX 75202
Phone (214) 671-3311 Fax (214) 671-0797

AUG, 2016

SHEET _ of _

