NOTICE OF WORK SESSION AGENDA
LANCASTER CITY COUNCIL
JAMES R. WILLIAMS PUMP STATION
TRAINING ROOM, 1999 JEFFERSON, LANCASTER, TEXAS

Monday, June 18, 2018 - 7:00 PM

CALL TO ORDER

1. Receive a presentation regarding the progress of the City's Retail Recruitment Program.

2. Receive a presentation and discuss a request from the Texas Department of Transportation (TxDOT) for cost sharing for the Loop 9 Project.

3. Discuss participation in the United States Department of Housing and Urban Development Fiscal Year 2018 Community Development Block Grant (CDBG) program administered by Dallas County for reconstruction of existing roadways.

4. Discuss and receive a presentation regarding the establishment of Short-term Rentals (STRs)/home share rentals regulations.

5. Discuss an ordinance(s) amending Ordinance No. 2006-04-13 (The Lancaster Development Code), Article 14.400 (Permissible Uses), Section 14.402 (e) (Use Standards) and the Land Use Tables to add (+) Permitted With Conditions and the Conditions to certain event centers where alcohol is available or served.

6. Discuss an address change for the Public Safety Building.

7. Discuss the Naming of City Facilities Policy.

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 June 14, 2018 @ 9:50 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 Work Session **1.**

Meeting Date: 06/18/2018

Policy Statement: This request supports the City Council 2017-2018 Policy Agenda

Goal(s): Quality Development

Submitted by: Shane Shepard, Director of Economic Development

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Agenda Caption:

Receive a presentation regarding the progress of the City's Retail Recruitment Program.

Background:

The City Council, during its 2016 Strategic Planning Session identified a more intentional approach to attract and recruit retailers to the City of Lancaster. In August 2016, the City entered into an agreement with The Retail Coach.

During the first year of the contract some notable efforts were:

1. Attended the Retail Live mini-conference in Austin;
2. Attended the regional ICSC conference in Dallas;
3. Participated in the Developer/Builder Luncheon; and
4. Attended the annual ICSC/ReCon Conference in Las Vegas.

City Council received an update regarding progress from year one at the June 19, 2017 Work Session. As research indicated that a successful recruitment strategy takes a minimum of 18-24 months, the City Council renewed The Retail Coach contract on July 10, 2017 to further develop a retail recruitment strategy for the City of Lancaster.

The City received a presentation from the Retail Coach on the following dates below: July 17, 2016 Work Session; August 8, 2016; Regular Meeting (entered into an agreement); December 19, 2016 Work Session, June 19, 2017 Work Session; July 10, 2017; Regular Meeting (renewed agreement for a second year); January 08, 2018 Work Session.

Since the January 2018 update, the Retail Coach provided a six month action plan and we have participated in the following activities:

1. Retail Live
2. International Council of Shopping Centers (ICSC) Deal Making
3. International Council of Shopping Centers (ICSC) Annual RECON

City Council will receive a presentation.

LANCASTER CITY COUNCIL

City Council Work Session **2.**

Meeting Date: 06/18/2018

Policy Statement: This request supports the City Council 2017-2018 Policy Agenda

Goal(s): Financially Sound Government
Sound Infrastructure

Submitted by: Rona Stringfellow, Assistant City Manager

Agenda Caption:

Receive a presentation and discuss a request from the Texas Department of Transportation (TxDOT) for cost sharing for the Loop 9 Project.

Background:

As early as 1964, the need for a new transportation facility was identified. In 1974, Loop 9 was added to the state thoroughfare plan. In April 1995, the North Central Texas Council of Government (NCTCOG) Regional Transportation Plan included Loop 9. In 2002 the environmental impact study began by Dallas County. In 2006, TxDOT became lead on the Draft Environmental Impact Statement (DEIS). The NCTCOG Mobility 2010 Plan established the alignment analysis which included Lancaster.

Loop 9 is a proposed roadway along the southern portion of the City of Lancaster's city limits. It is an element of the regional long-range transportation plan that would aid in addressing the transportation needs identified in the region. The purpose of Loop 9 is to provide a facility that would accommodate expanding transportation demands resulting from population growth and economic development in the region; increase mobility and accessibility in the region; and provide an east-west transportation facility to serve the communities in the Southern Dallas Inland Port project area.

The project engineering (schematic and environmental) is being managed by a TxDOT consultant and TxDOT Advance Project Development. The environmental clearance was completed in September 2017 with a construction letting scheduled in March of 2022.

The City received a letter from TxDOT dated March 30, 2017 requesting a resolution designating the freeway between I-35E and I-45 as State Loop 9. At the April 10, 2017 City Council Regular Meeting, Council approved a resolution to support the Texas Department of Transportation (TxDOT's) Dallas District recommendation to designate the new location freeway between I-35E and I-45 as State Loop 9.

In November 2017, staff received a notice from (TxDOT) requesting contribution from the City of Lancaster for the rights-of-way acquisition. The City of Lancaster was notified that their local participation is $448,890.05 for the cost of the rights-of-way acquisition that will be required for this project.

Operational Considerations:

The purpose of this item is to seek direction from the City Council on identifying possible funding to meet the advanced funding request for the City of Lancaster's portion of the requirement for the local participation. It should be of note that the City of Red Oak, City of Wilmer, Dallas County, and Ellis County are also being asked to participate in their proportionate share.

TxDOT has offered to allow a 3 year time frame for the City to pay the local participation as well as offered the option for a State Infrastructure Bank Loan (SIB). With regard to the SIB loan, staff has contacted our financial advisors who have indicated that these loans have to be repaid through the debt source fund would impact the City's future debt capacity. The estimated funding for this obligation over a 20 year period would be depending upon the interest rates. Additionally, the SIB transaction would be tax-exempt. This matters to the City because the City currently has a "bank qualified" lease which limits tax exempt borrowings to $10 million in a calendar year (including the lease). The SIB loan would count against the lease.

Attachments

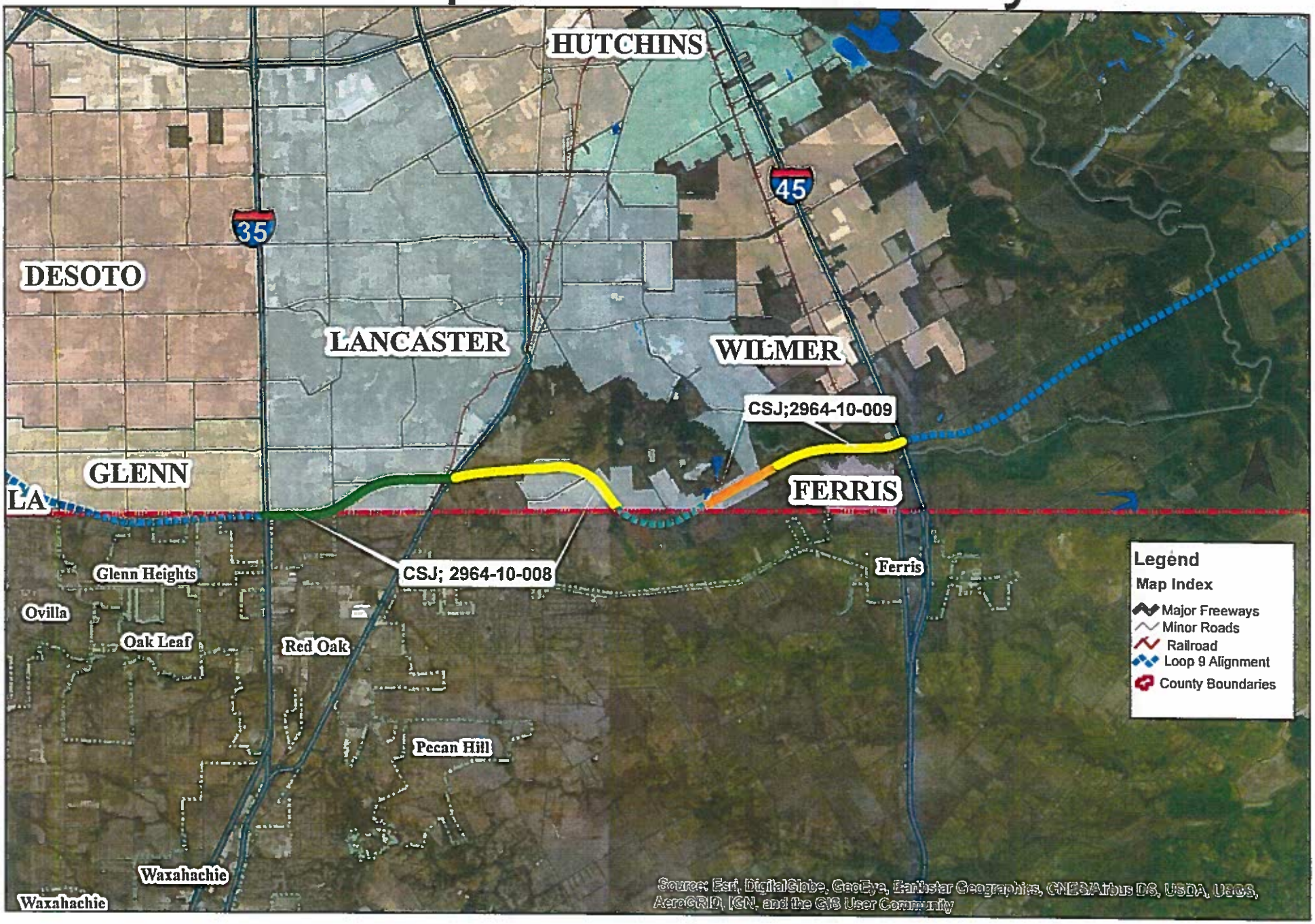
Map

Master Advanced Funding Agreement

Resolution

Fixed Rate Agreement

Loop 9: Dallas County



August 28, 2000

RE: Master Advance Funding Agreement

Ms. Susan Eaves
Director of Parks and Recreation
City of Lancaster
P.O. Box 940
Lancaster, Texas 75146

Dear Ms. Eaves:

Please find attached one (1) original fully executed Master Advance Funding Agreement (MAFA) for your use. Please be advised that this MAFA will be in force, as is, for all future Local Project Advance Funding Agreements (LPAFA) until the time that it is amended. Please coordinate with your local TxDOT Area Office for all LPAFA's needed in your jurisdiction.

If you have any questions, please contact Angela Green at (214) 320-4432.

Attachment

Sincerely,

Charles R. Tucker

Charles R. Tucker, P.E.
Director of Transportation
Planning and Development

AMG
Cc: Bostic
Mason
SPO File

STATE OF TEXAS §
COUNTY OF TRAVIS §

ORIGINAL

MASTER AGREEMENT GOVERNING LOCAL TRANSPORTATION PROJECT ADVANCE FUNDING AGREEMENTS

THIS MASTER AGREEMENT is made by and between the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the "State", and the Local Governments as identified on the signature pages and by each Attachment B (attached resolutions), acting by and through its duly authorized officials, hereinafter called the "Local Governments."

WITNESSETH

WHEREAS, the Intermodal Surface Transportation and Efficiency Act of 1991 (ISTEA) and the Transportation Equity Act for the 21st Century (TEA-21) codified under Title 23 U.S.C. Section 101 et seq., authorize transportation programs to meet the challenges of protecting and enhancing communities and the natural environment and advancing the nation's economic growth and competitiveness; and

WHEREAS, ISTEA and TEA-21 establish federally funded programs for transportation improvements to implement its public purposes; and

WHEREAS, Title 23 U.S.C. Section 134 requires that Metropolitan Planning Organizations and the States' Transportation Agencies to develop transportation plans and programs for urbanized areas of the State; and

WHEREAS, the Texas Transportation Code, Sections 201.103 and 222.052 establish that the State shall design, construct and operate a system of highways in cooperation with Local Governments; and

WHEREAS, federal and state laws require Local Governments to meet certain contract standards relating to the management and administration of State and federal funds; and

WHEREAS, the governing terms of this Master Agreement will provide for efficient and effective contract administration of the types of Local Project Advance Funding Agreements (LPAFA) listed in Attachment A; and,

WHEREAS, the Texas Government Code, Section 441.189 allows any state record to be created or stored electronically in accordance with standards and procedures adopted as administrative rules of the Texas State Library and Archives Commission; and

WHEREAS, the Governing Bodies of the Local Governments have approved entering into this Master Agreement by resolution or ordinance attached hereto and made a part of this Master Agreement as Attachment B.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, to be by them respectively kept and performed as hereinafter set forth, it is agreed as follows:

AGREEMENT

1. Period of the Agreements

This Master Agreement and the Local Project Advance Funding Agreements (LPAFAs) subject to this Master Agreement become effective when signed by the last party whose signing makes the respective agreements fully executed. This Master Agreement shall remain in effect until terminated as provided in Article 2.

2. Termination of this Master Agreement

This agreement may be terminated by any of the following conditions:

a. by mutual written consent and agreement of all parties.
b. by any party with 90 days written notice. If this Master Agreement is terminated under this clause, all existing, fully executed LPAFAs made under this Master Agreement shall automatically incorporate all the provisions of this Master Agreement.
c. by either party, upon the failure of the other party to fulfill the obligations as set forth in this Master Agreement.

3. Termination of the Local Project Advance Funding Agreement (LPAFA)

An LPAFA shall remain in effect until the project is completed and accepted by all parties, unless:

a. the agreement is terminated in writing with the mutual consent of the parties, or;
b. because of a breach of this Master Agreement or a breach of the Local Project Advance Funding Agreement. Any cost incurred due to a breach of contract shall be paid by the breaching party.
c. After the PS&E the Local Governments may elect not to provide the funding and the project does not proceed because of insufficient funds; the Local Governments agree to reimburse the State for its reasonable actual costs incurred during the project.
d. conditions for termination as specified in the LPAFA are fulfilled.

4. Amendments

a. Amendment of this Master Agreement by Notice with Mutual Consent: The State may notify the Local Governments of changes in this Master Agreement resulting from changes in federal or state laws or rules or regulations and these changes in the Master Agreement shall be incorporated into this agreement unless the State is notified by the Local Governments within 60 days. From time to time, the State may issue numbered restatements of this MAFA to wholly reflect its amendments.

b. This Master Agreement may be amended due to changes in the agreement or the responsibilities of the parties. Such amendment must be made through a mutually agreed upon, written amendment that is executed by the parties.

c. The notice of amendment and the amendment to this Master Agreement may be in an electronic form to the extent permitted by law and after a prior written consent of the parties to this agreement is made.

d. Amendments to the LPAFAs due to changes in the character of the work or terms of the agreement, or responsibilities of the parties relating to a specific project governed under this Master Agreement may be enacted through a mutually agreed upon, written amendment to the LPAFA.

5. Remedies

This agreement shall not be considered as specifying the exclusive remedy for any agreement default, but all remedies existing at law and in equity may be availed of by either party to this agreement and shall be cumulative.

6. Utilities

If the required right of way encroaches upon existing utilities and the proposed project requires their adjustment, removal or relocation, the Local Governments will be responsible for determining the scope of utility work and notify the appropriate utility company to schedule adjustments, unless specified otherwise in a specific LPAFA under other provisions of this MAFA.

The Local Governments shall be responsible for the adjustment, removal or relocation of utility facilities in accordance with applicable State laws, regulations, rules, policies and procedures. This includes, but is not limited to: 43 TAC §15.55 relating to Construction Cost Participation; 43 TAC §21.21 relating to State Participation in Relocation, Adjustment, and/or Removal of Utilities; and, 43 TAC§ 21.31 et seq. relating to Utility Accommodation. The Local Governments will be responsible for all costs associated with additional adjustment, removal, or relocation during the construction of the project, unless this work is provided by the owners of the utility facilities:

a. per agreement;
b. per all applicable statutes or rules, or;
c. as specified otherwise in a LPAFA.

Prior to letting a construction contract for a local project, a utility certification must be made available to the State upon request stating that all utilities needing to be adjusted for completion of the construction activity have been adjusted.

7. Environmental Assessment and Mitigation

Development of a local transportation project must comply with the National Environmental Policy Act and the National Historic Preservation Act of 1966, which require environmental clearance of federal-aid projects.

a. The Local Governments are responsible for the identification and assessment of any environmental problems associated with the development of a local project governed by this agreement, unless provided for otherwise in the specific project agreement.
b. The Local Governments are responsible for the cost of any environmental problem's mitigation and remediation, unless provided for otherwise in the specific project agreement.
c. The Local Governments are responsible for providing any public meetings or public hearings required for development of the environmental assessment, unless provided for otherwise in the specific project agreement.
d. The Local Governments shall provide the State with written certification from appropriate regulatory agency(ies) that identified environmental problems have been remediated, unless provided for otherwise in the specific project agreement.

8. Compliance with Texas Accessibility Standards and ADA

All parties to this agreement shall ensure that the plans for and the construction of all projects subject to this Master Agreement are in compliance with the Texas Accessibility Standards (TAS) issued by the Texas Department of Licensing and Regulation, under the Architectural Barriers Act, Article 9102, Texas Civil Statutes. The TAS establishes minimum accessibility requirements to be consistent with minimum accessibility requirements of the Americans with Disabilities Act (P.L. 101-336) (ADA).

9. Architectural and Engineering Services

Any party to this contract may have responsibility for effecting the performance of architectural and engineering services. Or, the parties may agree to be individually responsible for portions of this work. The LPAFA shall define the party responsible for performance of this work.

The engineering plans shall be developed in accordance with the applicable State's *Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges,* and the special specifications and special provisions related thereto, unless specifically stated otherwise in the LPAFA and approved by the State.

In procuring professional services, the parties to this agreement must comply with federal requirements cited in 23 CFR Part 172 if the project is federally funded and with Texas Government Code 2254, Subchapter A, in all cases.

Professional services contracts for federally funded projects must conform to federal requirements, specifically including the provision for participation by disadvantaged business enterprises (DBEs), ADA, and environmental matters.

10. Construction Responsibilities

a. Unless specifically provided for otherwise in the LPAFA, the State shall advertise for construction bids, issue bid proposals, receives and tabulate the bids and award and administer the contract for construction of the Project. Administration of the contract includes the responsibility for construction engineering and for issuance of any change

orders, supplemental agreements, amendments, or additional work orders, which may become necessary subsequent to the award of the construction contract. In order to ensure federal funding eligibility, projects must be authorized by the State prior to advertising for construction.

b. All contract letting and award procedures must be approved by the State prior to letting and award of the construction contract, whether the construction contract is awarded by the State or by the Local Governments.
c. All contract change order review and approval procedures must be approved by the State prior to start of construction.
d. Upon completion of the Project, the party constructing the project will issue and sign a "Notification of Completion" acknowledging the Project's construction completion.
e. For federally funded contracts, the parties to this agreement will comply with federal construction requirements cited in 23 CFR Part 635 and with requirements cited in 23 CFR Part 633, and shall include the latest version of Form "FHWA-1273" in the contract bidding documents. If force account work will be performed, a finding of cost effectiveness shall be made in compliance with 23 CFR 635, Part B.

11. Project Maintenance

The Local Governments shall be responsible for maintenance of locally owned roads after completion of the work and the State shall be responsible for maintenance of state highway system after completion of the work if the work was on the state highway system, unless otherwise provided for in the LPAFA or other prior existing maintenance agreement with the Local Governments.

12. Local Project Sources and Uses of Funds

a. The total estimated cost of the Project will be clearly stated in the local project agreement. The expected cash contributions from the federal, state, Local Governments or other parties will be clearly stated. The State will pay for only those project costs that have been approved by the Texas Transportation Commission.
b. A project cost estimate showing the estimated contributions in kind or in cash for each major area of the local project will be provided in the LPAFA. This project cost estimate will show how necessary resources for completing the project will be provided by major cost categories. These categories include but are not limited to: (1) costs of real property; (2) costs of utility work; (3) costs of environmental assessment and remediation; (4) cost of preliminary engineering and design; (5) cost of construction and construction management; and (6) any other local project costs.
c. The State will be responsible for securing the Federal and State share of the funding required for the development and construction of the local project. Federal share of the project will be reimbursed to the Local Governments on a cost basis.
d. The Local Governments will be responsible for all non-federal or non-State participation costs associated with the Project, including any overruns in excess of the approved local project budget, unless otherwise provided for in the LPAFA.

e. Following execution of the LPAFA, but prior to the performance of any review work by the State, the Local Governments will remit a check or warrant made payable to the "Texas Department of Transportation " in the amount specified in the LPAFA. The Local Governments will pay at a minimum its funding share for the estimated cost of preliminary engineering for the project, unless otherwise provided for in the LPAFA.
f. Sixty (60) days prior to the date set for receipt of the construction bids, the Local Governments shall remit its remaining financial share for the State's estimated construction oversight and construction costs, unless otherwise provided for in the LPAFA.
g. In the event the State determines that additional funding is required by the Local Governments at any time during the Project, the State will notify the Local Governments in writing. The Local Governments will make payment to the State within thirty (30) days from receipt of the State's written notification, unless otherwise provided for in the LPAFA.
h. Upon completion of the Project, the State will perform an audit of the local project costs. Any funds due to the Local Governments, the State, or the Federal government will be promptly paid by the owing party.
i. The State will not pay interest on any funds provided by the Local Governments.
j. If a waiver has been granted, the State will not charge the Local Governments for the indirect costs the State incurs on the local project, unless this agreement is terminated at the request of the Local Governments prior to completion of the project.
k. If the local project has been approved for a "fixed price" or an "incremental payment" non-standard funding or payment arrangement under 43 TAC §15.52, the LPAFA will clearly state the amount of the fixed price or the incremental payment schedule.
l. The Texas Comptroller of Public Accounts has determined that certain counties qualify as Economically Disadvantaged Counties in comparison to other counties in the state as below average per capita property value, and below average per capita income, and above average unemployment, for certain years. The LPAFA will reflect adjustments to the standard financing arrangement based on this designation.
m. The State will not execute the contract for the construction of a local project until the required funding has been made available by the Local Governments in accordance with the LPAFA.

13. Right of Way and Real Property

The Local Governments are responsible for the provision and acquisition of any needed right of way or real property, unless the State agrees to participate in the provision of right of way under the procedures described herein as parts A and B of this provision.

Title to right of way and other related real property must be acceptable to the State before funds may be expended for the improvement of the right of way or real property.
If the Local Governments are the owners of any part of a project site under an LPAFA, the Local Governments shall permit the State or its authorized representative access to occupy the site to perform all activities required to execute the work under the LPAFA.

All parties to this agreement will comply with and assume the costs for compliance with all the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property

Acquisition Policies Act of 1970, Title 42 U.S.C.A. Section 4601 et seq., including those provisions relating to incidental expenses incurred by the property owners in conveying the real property to the Local Governments, and benefits applicable to the relocation of any displaced person as defined in 49 CFR Section 24.2(g). Documentation to support such compliance must be maintained and made available to the State and its representatives for review and inspection.

If the Local Governments purchase right of way for a Local Governments street, title will be acquired in the name of the Local Governments in accordance with applicable laws unless specifically stated otherwise in the LPAFA and approved by the State.

If the State participates in the purchase of right of way for the state, it will be under the processes established in the following paragraphs A or B, and the selected option shall be specified in the LPAFA.

A. Purchase By the State for the State

The State will assume responsibility for acquisition of all necessary right of way for the highway project. The Local Governments will voluntarily contribute to the State funds equal to ten (10) percent of the cost of the right of way for the proper development and construction of the state highway system and shall transmit to the State a warrant or check payable to the Texas Department of Transportation when notified by the State of the estimated cost of the right of way. If the amount is found insufficient to pay the Local Governments' obligation, then the Local Governments, upon request of the State, will supplement this amount in such amount as requested by the State. Upon completion of the highway project and in the event the total amount paid by the Local Governments are more than ten (10) percent of the actual cost of the right of way, any excess amount will be returned to the Local Governments. Cost of the right of way by the State shall mean the total value of compensation paid to owners, including but not limited to utility owners, for their property interests either through negotiations or eminent domain proceedings.

B. Purchase by the Local Governments for the State

Purchase: Right of way purchases shall be a joint effort of the State and the Local Governments. Acquisition of right of way shall be in accordance with the terms of this agreement and in accordance with applicable Federal and State laws governing the acquisition policies for acquiring real property. The State agrees to reimburse the Local Governments for its share of the cost of such right of way providing acquisition when it has been authorized to proceed by the State.

Location Surveys and Preparation of Right of Way Data: The State, without cost to the Local Governments, will do the necessary preliminary engineering and title investigation in order to supply to the Local Governments the data and instruments necessary to obtain acceptable title to the desired right of way.

Determination of Right of Way Values: The Local Governments agree to make a determination of property values for each right of way parcel by methods acceptable to the Local Governments and to submit to the State's District Office a tabulation of the values so determined, signed by the appropriate Local Governments representative. Such tabulations shall list the parcel numbers, ownership, acreage and recommended compensation. Compensation shall be shown in the component parts of land acquired, itemization of improvements acquired, damages (if any), and the amounts by which the total compensation will be reduced if the owner retains improvements. This tabulation shall be accompanied by an explanation to support the determined values, together with a copy of information or reports used in arriving at all determined values. Such work will be performed by the Local Governments at its expense without cost participation by the State. The State will review the data submitted and may base its reimbursement on the values which are determined by this review. The State, however, reserves the right to perform at its own expense any additional investigation deemed necessary, including supplemental appraisal work by State employees or by employment of fee appraisers, all as may be necessary for determination of values to constitute the basis for State reimbursement. If at any stage of the project development it is determined by mutual-agreement between the State and Local Governments that the requirement for the Local Governments to submit to the State property value determinations for any part of the required right of way should be waived, the Local Governments will make appropriate written notice to the State of such waiver, such notice to be acknowledged in writing by the State. In instances of such waiver, the State by its due processes and at its own expense will make a determination of values to constitute the basis for State reimbursement.

Negotiations: The State will notify the Local Governments as soon as possible as to the State's determination of value. Negotiation and settlement with the property owner will be the responsibility of the Local Governments without participation by the State; however, the Local Governments will notify the State immediately prior to closing the transaction so that a current title investigation may be made to determine if there has been any change in the title. The Local Governments will deliver properly executed instruments of conveyance which together with any curative instruments found to be necessary as a result of the State's title investigation will be properly vest title in the State for each right of way parcel involved. The costs incidental to negotiation and the costs of recording the right of way instruments will be the responsibility of the Local Governments. The cost of title investigation will be the responsibility of the State.

Condemnation: Condemnation proceedings will be initiated at a time selected by the Local Governments and will be the Local Governments' responsibility at its own expense except as hereinafter indicated. The Local Governments will obtain from the State without cost current title information and engineering data at the time condemnation are to be indicated. Except as hereinafter set forth the Local Governments will concurrently file condemnation proceedings and a notice of lis pendens for each case in the name of the State, and in each case so filed the judgment of the court will decree title to the property condemned to the State. The Local Governments may, as set forth herein under "Excess Takings" and where it is determined to be necessary, enter condemnation proceedings in its own name. Property acquired in the Local Governments' name for the State must comply with requirements set forth in the engineering data and title investigation previously furnished to the Local Governments by the State at such time as the Local Governments conveys said property to the State. Court Costs, Costs of Special Commissioners' Hearings and Appraisal Expense: Court costs and costs of Special

Commissioners' hearings assessed against the State or Local Governments in condemnation proceedings conducted on behalf of the State and fees incident thereto will be paid by the Local Governments. Such costs and fees, with the exception of recording fees, will be eligible for ninety (90) percent State reimbursement under the established reimbursement procedure provided such costs and fees are eligible for payment by the State under existing law. Where the Local Governments uses the State's appraisers employed on a fee basis in Special Commissioners' hearings or subsequent appeals, the cost of the appraiser for updating the report, for preparing new reports, preparing for court testimony and appearing in court to testify in support of the appraisal will be paid direct by the Local Governments, but will be eligible for ninety (90) percent State reimbursement under established procedure provided prior approval for such appraiser has been obtained from the State. The fee paid the appraiser by the Local Governments shall be in accordance with the fee schedule set forth in the appraiser's contract for appraisal services with the State.

Excess Takings: In the event the Local Governments desires to acquire land in excess of that requested by the State for right of way purposes, the State's cost participation will be limited to the property needed for its purposes. If the Local Governments elects to acquire the entire property, including the excess taking, by a single instrument of conveyance or in one eminent domain proceeding, the property involved will be acquired in the name of the Local Governments and that portion requested by the State for right of way will be separately conveyed to the State by the Local Governments. When acquired by negotiation, the State's participation will be based on the State's approved value of that part of the property requested for right of way purposes, provided that such approved value does not exceed actual payment made by the Local Governments. When acquired by condemnation, the State's participation will be in the proportionate part of the final judgment amount computed on the basis of the relationship of the State's approved value to the State's predetermined value for the whole property.

Improvements: Property owners will be afforded an opportunity in the negotiations to retain any or all of their improvements in the right of way taking. In anticipation of the owner desiring to retain improvements, the State's approved value will include the amounts by which the upper limit of State participation will be reduced for the retention. It is further agreed that the upper limit for the State's participation in the Local Governments' cost for an improved parcel will be reduced as shown in the State's approved value where the owner retains an improvement which is to be moved by either the Local Governments or the owner. In the event improvements, which are, in whole or part, a part of the right of way taking are not retained by the owner; title is to be secured in the name of the State.

The State will participate in the acquisition of a structure severed by the right of way line if the part of the house, building or similar structure which lies outside the right of way cannot be reconstructed adequately or there is nothing but salvage left, provided that the State's value is established on this basis and provided that title to the entire structure is taken in the name of the State. The State shall dispose of all improvements acquired. The net revenue derived by the State from the disposition of any improvements sold through the General Services Commission will be credited to the cost of the right of way procured and shared with the Local Governments.

Relocation of Utilities on Acquired State Right of Way: If the required right of way encroaches upon an existing utility located on its own right of way and the proposed highway construction requires the adjustment, removal or relocation of the utility facility, the State will establish the necessity for the utility work. State participation in the cost of making the necessary change, less any resulting increase in the value to the utility and less any salvage value obtainable, may be obtained by either the "actual cost" or "lump sum" procedures. Reimbursement under "actual cost" will be made subsequent to the Local Governments' certification that the work has been completed and will be made in an amount equal to ninety (90) percent of the eligible items of cost as paid to the utility owner. The "lump sum" procedure requires that the State establishes the eligibility of the utility work and enters into a three-party agreement, with the owners of the utility facilities and the Local Governments, which sets forth the exact lump sum amount of reimbursement, based on a prior appraisal. The utility will be reimbursed by the Local Governments after proper certification by the utility that the work has been done, said reimbursement to be the basis of the prior lump sum agreement. The State will reimburse the Local Governments in an amount equal to ninety (90) percent of the firm commitment as paid to the utility owner. The foregoing is subject to the provision that the individual lump sum approved value shall not exceed $20,000, except as specifically approved by the State. In those cases where a single operation is estimated to exceed $20,000 the transaction will be brought to the attention of the State for determination of proper handling based upon the circumstances involved. Such utility firm commitment will be an appropriate item of right of way. The adjustment, removal or relocation of any utility line on publicly owned right of way by sufferance or permit will not be eligible for State reimbursement. The term "utility" under this agreement shall include publicly, privately and cooperatively owned utilities.

Fencing Requirements: The Local Governments may either pay the property owner for existing right of way fences based on the value such fences contribute to the part taken and damages for an unfenced condition resulting from the right of way taking, in which case the estimated value of such right of way fences and such damages will be included in the recommended value and the approved value, or the Local Governments may do the fencing on the property owner's remaining property.

Where the Local Governments perform right of way fencing as a part of the total right of way consideration, neither the value of existing right of way fences nor damages for an unfenced condition will be included in the recommended value or the approved value. State participation in the Local Governments' cost of constructing right of way fencing on the property owner's remainder may be based on either the actual cost of the fencing or on a predetermined lump sum amount. The State will be given credit for any salvaged fencing material and will not participate in any overhead costs of the Local Governments.

If State participation is to be requested on the lump sum basis, the State and the Local Governments will reach an agreement prior to the actual accomplishment of the work as to the necessity, eligibility and a firm commitment as to the cost of the entire fencing work to be performed. The foregoing is subject to the provision that the lump sum approved cost shall not exceed $20,000, except as specifically approved by the State. In the event the cost of the fencing is estimated to exceed $20,000, the transaction will be brought to the attention of the State for determination of proper handling based upon the circumstances involved.

Reimbursement: The State will reimburse the Local Governments for right of way acquired after the date of this agreement in amount not to exceed ninety (90) percent of the cost of the right of way acquired in accordance with the terms and provisions of this agreement. The State's reimbursement will be in the amount of ninety (90) percent of the State's predetermined value of each parcel, or the net cost thereof, whichever is the lesser amount.

If condemnation is necessary and title is taken as set forth herein under the section entitled "Condemnation," the participation by the State shall be based on the final judgment, conditioned upon the State having been notified in writing prior to the filing of such suit and upon prompt notice being given as to all action taken therein. The State shall have the right to become a party to the suit at any time for all purposes, including the right of appeal at any stage of the proceedings. All other items of cost shall be borne by the State and the Local Governments as provided in other sections of this agreement. If a lump sum fencing or utility adjustment agreement has been executed, the State will reimburse the Local Governments in the amount of ninety (90) percent of the predetermined lump sum cost of the right of way fencing or utility adjustment.

If the Local Governments prefer not to execute a lump sum agreement for either fencing or utility adjustments, the State will reimburse on the actual cost of such fencing or adjustments. The Local Governments' requests for reimbursement will be supported by a breakdown of the labor, materials and equipment used.

General: It is understood that the terms of this agreement shall apply to new right of way authorized and requested by the State which is needed and not yet dedicated, in use or previously acquired in the name of the State or Local Governments for highway, street or road purposes. This agreement shall also apply, with regard to any existing right of way, to outstanding property interests not previously acquired and to eligible utility adjustments not previously made, as authorized and requested by the State.

It is further understood that if unusual circumstances develop in the right of way acquisition which are not clearly covered by the terms of this agreement, such unusual circumstances or problems will be resolved by mutual agreement between the State and the Local Governments.

14. Notices

All notices to either party by the other required under this agreement shall be delivered personally or sent by certified or U.S. mail, postage prepaid or sent by electronic mail, (electronic notice being permitted to the extent permitted by law but only after a separate written consent of the parties), addressed to such party at the following addresses as noted below for the State and as noted on the signature page for the Local Governments:

State: Texas Department of Transportation
Attention: District Engineer
4777 E. Highway 80
Mesquite, Texas 75150-6643

All notices shall be deemed given on the date so delivered or so deposited in the mail, unless otherwise provided herein. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that such notices shall delivered personally or by certified U.S. mail and such request shall be honored and carried out by the other party.

15. Legal Construction

In case one or more of the provisions contained in this agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions and this agreement shall be construed as if it did not contain the invalid, illegal or unenforceable provision.

16. Responsibilities of the Parties

The State and the Local Governments agree that neither party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

17. Ownership of Documents

Upon completion or termination of this agreement, all documents prepared by the State shall remain the property of the State. All data prepared under this agreement shall be made available to the State without restriction or limitation on their further use. All documents produced or approved or otherwise created by the Local Governments shall be transmitted to the State in the form of photocopy reproduction on a monthly basis as required by the State. The originals shall remain the property of the Local Governments.

18. Compliance with Laws

The parties shall comply with all Federal, State, and Local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this agreement. When required, the Local Governments shall furnish the State with satisfactory proof of this compliance.

19. Sole Agreement

This agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the agreement's subject matter.

20. Cost Principles

In order to be reimbursed with federal funds, the parties shall comply with the Cost Principles established in OMB Circular A-87 that specify that all reimbursed costs are allowable, reasonable and allocable to the Project.

21. Procurement and Property Management Standards

The parties shall adhere to the procurement standards established in Title 49 CFR §18.36 and with the property management standard established in Title 49 CFR §18.32.

22. Inspection of Books and Records

The parties to the agreement shall maintain all books, documents, papers, accounting records and other documentation relating to costs incurred under this agreement and shall make such materials available to the State, the Local Governments, and, if federally funded, the Federal Highway Administration (FHWA), and the U.S. Office of the Inspector General, or their duly authorized representatives for review and inspection at its office during the contract period and for four (4) years from the date of completion of work defined under this contract or until any impending litigation, or claims are resolved. Additionally, the State, the Local Governments, and the FHWA and their duly authorized representatives shall have access to all the governmental records that are directly applicable to this agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

23. OMB Audit Requirements

The parties shall comply with the requirements of the Single Audit Act of 1984, P.L. 98-502, ensuring that the single audit report includes the coverage stipulated in OMB Circular No. A-128 through August 31, 2000 and stipulated in OMB Circular A-133 after August 31, 2000.

24. Civil Rights Compliance

The Local Governments shall comply with the regulations of the Department of Transportation as they relate to nondiscrimination (49 CFR Chapter 21 and 23 CFR §710.405(B)), and Executive Order 11246 titled "Equal Employment Opportunity," as amended by Executive Order 11375 and supplemented in the Department of Labor Regulations (41 CFR Part 60).

25. Disadvantaged Business Enterprise Program Requirements

The parties shall comply with the Disadvantaged/Minority Business Enterprise Program requirements established in 49 CFR Part 26.

26. Debarment Certifications

The parties are prohibited from making any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549, "Debarment and Suspension." The parties to this contract shall require any party to a subcontract or purchase order awarded under this contract to certify its eligibility to receive Federal funds and, when requested by the State, to furnish a copy of the certification in accordance with Title 49 CFR Part 29 (Debarment and Suspension).

27. Lobbying Certification

In executing this Master Agreement, the signatories certify to the best of his or her knowledge and belief, that:

a. No federal appropriated funds have been paid or will be paid by or on behalf of the parties to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

b. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with federal contracts, grants, loans, or cooperative agreements, the signatory for the Local Governments shall complete and submit the federal Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

c. The parties shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

By executing an LPAFA under this Master Agreement, the parties reaffirm this lobbying certification with respect to the individual projects and reaffirm this certification of the material representation of facts upon which reliance will be made. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31 U.S.C. §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

28. Signatory Warranty

The signatories to this agreement warrant that each has the authority to enter into this agreement on behalf of the party represented.

IN TESTIMONY HEREOF, the parties hereto have caused these presents to be executed in duplicate counterparts.

THE LOCAL GOVERNMENT:

By: Joe Tillotson

Title: Mayor

Date: July 24, 2000

ATTEST:

Marian Barnett
City Secretary

APPROVE AS TO CONTENT:

City Manager

APPROVED AS TO FORM:

City Attorney

CITY OF LANCASTER
DALLAS COUNTY, TEXAS

NOTICE INFORMATION:

Local Government: City of Lancaster, Texas
Attention: Susan Eaves, Director of Parks and Recreation
Address: P.O. Box 940, Lancaster, Texas 75146

THE STATE OF TEXAS

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By:
Jennifer D. Soldano, Director
Contract Services Office

Date: August 23, 2000

ATTACHMENT A -- FUNDING CATEGORIES UNDER THE MAFA

Federal Categories	Prefix		Federal Categories	Prefix
Interstate			**Demonstration Projects**	
Interstate	I		Hi Priority Corridor on NHS	DPR
Interstate Maintenance	IM		Rural Access Projects	DPR
Interstate 4R Discretionary	IDR		Innovative Projects	DPI
Interstate Constr. Discretionary	ID		Priority Intermodal Projects	DPM
			Congestion Corridor	IVH/ITS
Bridges			High Priority Projects	HP
Bridge Repair/Rehab On-System	BR/BH			
			Other	
National Highway System	NH			
Surface Transportation Program			Forest Highways	FH
Urban Mobility/Rehab	STP-UM			
Areas < 200,000			**STATE CATEGORIES**	
Enhancement	STP-TE			
Metro Mobility/Rehab	STP-MM		Preventive Maintenance	CPM
Urban Mobility/Rehab			Farm-to-Market/Farm-to-Market Rehab	A/AR
Urban & Rural Rehabilitation	STP-R		District Discretionary	CD
Rural Mobility Rehab	STP-RM		State Funded Rehab	C
Rail-Hwy Crossing Protective Devices	STP-RXP		Park Road	C
Rail-Hwy Crossing Hazard Elimination	STP-RXH		State Funded Mobility	C
Railroad grade Separations	STP-RGS		PASS/PASS Metro Match	C
Safety-Hazard Elimination	STP-HES		Traffic Signals, Signing & Pavement Markings	C
			Miscellaneous	C
Congestion Mitigation & Air Quality	CM		Railroad Replanking	CRX
			State Funded Landscape	C/CL
Donor State Bonus*				CLM
Any Area	DB		State Urban Street	CUS
Areas >200,000	DBM			
Areas <200,000	DBU		Others per LPAFA exception	
Minimum Guarantee	MG		Off-System Bridges Program	BROX
*ISTEA Funding Categories – Not Re-established in TEA 21				

ATTACHMENT B

RESOLUTION NO. 27-00

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO A MASTER AGREEMENT GOVERNING LOCAL TRANSPORTATION PROJECT ADVANCE FUNDING AGREEMENTS AND THREE (3) LOCAL TRANSPORTATION PROJECT ADVANCE FUNDING AGREEMENTS; REPEALING ALL RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has approved the City of Lancaster's applications for Texas Department of Transportation Enhancement Project grants; and

WHEREAS, the City of Lancaster has been awarded three (3) TxDot Enhancement Program grants;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Lancaster, Texas:

SECTION 1. That the City Council does hereby adopt the resolution authorizing the City Manager to enter into a Master Agreement Governing Local Transportation Project Advance Funding Agreements and three (3) local transportation project advance funding agreements;

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

SECTION 3. That should any part of this Resolution be held to be invalid for any reason, the remainder shall not be affected thereby, and such remaining portions are hereby declared to be severable.

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

PASSED AND APPROVED by the City Council of the City of Lancaster, Texas, this 12th day of June, 2000.

APPROVED:

MAYOR

ATTEST:

Marian Bennett
CITY SECRETARY

CITY OF LANCASTER
DALLAS COUNTY, TEXAS

RESOLUTION NO. 2017-04-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS SUPPORTING THE CORRIDOR B ALIGNMENT OF STATE LOOP 9, A FREEWAY BETWEEN I-35E AND I-45 AS DEPICTED IN EXHIBIT A; AUTHORIZING THE MAYOR TO SIGN THE RESOLUTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Department of Transportation (TxDOT) Dallas District recommends designating the new location of a Corridor B for freeway between I-35 and I-45 as State Loop 9, as depicted attached Exhibit A; and

WHEREAS, the new designation for State Loop 9 will provide a direct link from I-35E to I-45 through Dallas and Ellis Counties to serve residents and businesses; and

WHEREAS, this new roadway will address population growth, transportation demand, system linkages, and connectivity among the existing roadway facilities; and

WHEREAS, TxDOT anticipates State Loop 9 will increase mobility and accommodate expanding transportation demand due to population growth and economic development in the region; and

WHEREAS, TxDOT must add this new location to the State Highway System through a Texas Transportation Commission Minute Order; and

WHEREAS, the City of Council of the City of Lancaster recognize the potential transportation and economic benefits from such new highway location and support its designation of Corridor B as the State Loop 9.

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

SECTION 1. That the City Council hereby support the designation of Corridor B as the new location for a freeway known as the State Loop 9 Southeast Project, as depicted in Exhibit "A" and setforth in Exhibit "B" which is attached hereto and incorporated herein; and, authorizes the Mayor to execute this resolution on behalf of the City of Lancaster.

SECTION 2. That should any part of this Resolution be held to be invalid for any reason, the remainder shall not be affected thereby, and such remaining portions are hereby declared to be severable.

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

DULY PASSED and approved by the City Council of the City of Lancaster, Texas, on this the 10th of April, 2017.

ATTEST:

Sorangel O. Arenas, City Secretary

APPROVED:

Marcus E. Knight, Mayor

APPROVED AS TO FORM:

Robert E. Hager, City Attorney

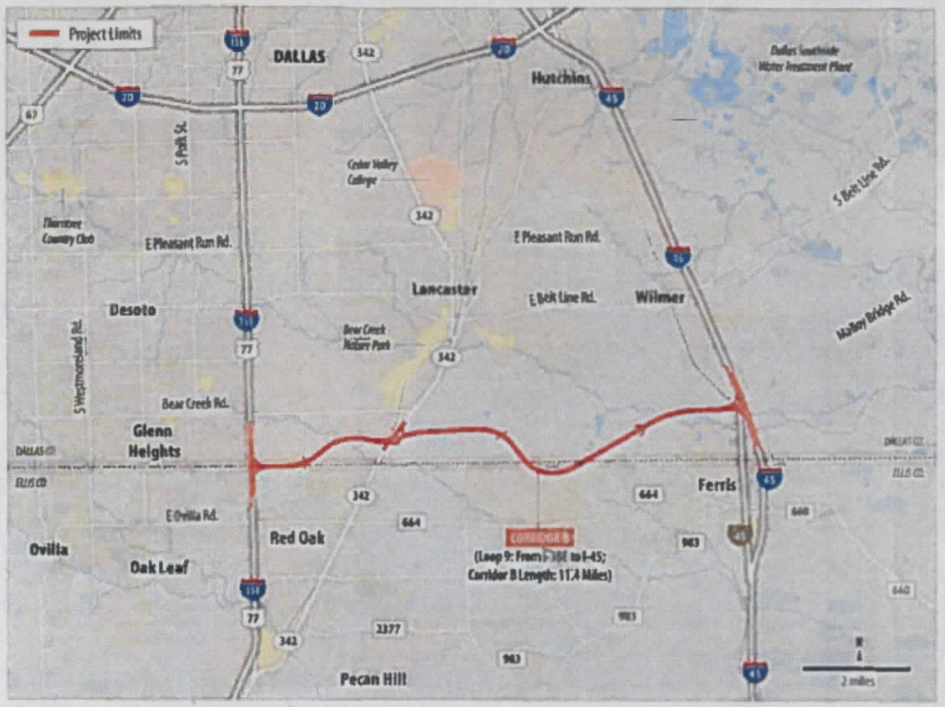
Exhibit "A"

CSJ: 2964-10-005 (DALLAS, ELLIS COUNTIES)

LOOP 9 SOUTHEAST PROJECT (CORRIDOR B: I-35E TO I-45)

DALLAS DISTRICT

"Through collaboration and innovation, provide a safe, reliable, and integrated transportation system that enables the movement of people and goods."



NOTE: Highlighted areas are not drawn to exact scale.

TxDOT graphic

PURPOSE AND NEED

The need for the Loop 9 project is to address population growth, transportation demand, system linkages, and connectivity among the existing roadway facilities. It would provide a direct link from I-35E to I-45 and would serve the residents and businesses in the area. The need for these improvements is based on population growth, transportation demand, system linkages, and connectivity among existing roadway facilities.

Loop 9 is an element of the regional long-range transportation plan that would aid in addressing the transportation needs identified in the region.

The purpose of Loop 9 would be to:

- Provide a facility that would accommodate expanding transportation demands resulting from population growth and economic development in the region
- Increase mobility and accessibility in the region
- Provide an east-west transportation facility to serve the communities in the project area

PROJECT DETAILS

Limits: I-35E to I-45

CSJ: 2964-10-005

Description: Construct 0 to 2 (ultimate 6) lane frontage roads

Estimated Project Let: March 2022

Total Length: 11.4 miles

PROJECT STATUS

The project engineering (schematic and environmental) is being worked on by a TxDOT consultant and being managed by TxDOT Advance Project Development. Currently the schematic is being designed and the environmental impacts are being researched.

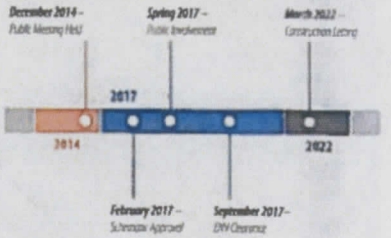
ESTIMATED PHASE 1 COST

Estimated Construction Cost	$165 M

SOURCE: TxDOT

TxDOT graphic

PROJECT TIMELINE



SOURCE: TxDOT

TxDOT graphic

PROGRAMMING STATUS

MTP (2040 Metropolitan Transportation Plan) **MTP ID:** 6.10.1	YES
UTP (2017 Unified Transportation Program)	YES
STIP (Statewide Transportation Improvement Program, 2017-2020) **PHASE:** C	YES

SOURCE: TxDOT

TxDOT graphic

PHASE 1: TYPICAL SECTION

Phase 1 will consist of one Two-Way frontage road. The right-of-way (ROW) for all phases will be purchased during Phase 1. The decision regarding which side will be built first would be made in the next study.

SOURCE: Texas Department of Transportation

PHASE 2: TYPICAL SECTION

Phase 2 will construct the other side of the paired frontage road. Each side of the frontage road will be converted to one-way operation. The median will be left open for the future Phases 3 & 4.

PHASES 3 & 4: TYPICAL SECTIONS

Phase 3 would be isolated grade separations at specific high-volume intersections

Phase 4 would be continuous mainlanes in both directions.

TxDOT graphic

CONTACT INFORMATION

Travis Owens, P.E.
TxDOT Dallas Advance Project Development
(214) 320-6625
Travis.Owens@txdot.gov

Dallas District Office
4777 E. Highway 80
Mesquite, TX 75150

Exhibit "B"

Texas Department of Transportation

4777 EAST HIGHWAY 80, MESQUITE, TEXAS 75150 | 214.463.8588 | WWW.TXDOT.GOV

RECEIVED
APR 05 2017

March 30, 2017

Highway: SL 9
Limits: from I-35E to I-45
County: Dallas and Ellis

Ms. Opal Mauldin-Robertson
City Manager
City of Lancaster
P.O. Box 940
Lancaster, TX, 75146

Dear Ms. Mauldin-Robertson,

The Texas Department of Transportation (TxDOT) Dallas District recommends designating the new location freeway between I-35E and I-45 as State Loop 9. A map showing the proposed new location route is attached to this letter.

The new designation for State Loop 9 will provide a direct link from I-35E to I-45 through Dallas and Ellis Counties to serve residents and businesses. This new roadway will address population growth, transportation demand, system linkages, and connectivity among the existing roadway facilities. We anticipate State Loop 9 will increase mobility and accommodate expanding transportation demand due to population growth and economic development in the region.

TxDOT must add this new location to the State Highway System through a Texas Transportation Commission Minute Order. As part of this approval process, the Dallas District must forward a City Council approved resolution to the Commission for their consideration. We are providing some generic examples of resolutions from local entities regarding highway designation changes to assist you in preparing a resolution.

We look forward to receiving a supportive City Council resolution. Feel free to contact Tamelia Spillman at (214) 320-4476 for additional information.

Sincerely,

J K Selman P.E.

James K. Selman, P.E.
Dallas District Engineer

Attachments

cc:

Jason Mashell, P. E., Dallas County Area Engineer, TxDOT
Darwin Myers, P.E., Ellis/Navarro County Area Engineer, TxDOT
Dan Perge, P.E., Advanced Transportation Planning & Development Director, TxDOT
Tamelia Spillman, Advanced Transportation Planning, TxDOT

County Dallas
District Dallas
ROW CSJ # 2964-10-010
CCSJ # 2964-10-008
Federal Project #:
CFDA Title: Highway Planning & Construction
CFDA # 20.205
Federal Highway Administration
Not Research and Development

STATE OF TEXAS §

COUNTY OF TRAVIS §

AGREEMENT TO CONTRIBUTE RIGHT OF WAY FUNDS (FIXED PRICE)

THIS AGREEMENT is made by and between the State of Texas, acting through the Texas Department of Transportation, (the "**State**"), and City of Lancaster, Texas, acting through its duly authorized officials (the "**Local Government**").

WITNESSETH

WHEREAS, Texas Transportation Code §§ 201.103 and 222.052 establish that the State shall design, construct, and operate a system of highways in cooperation with local governments; and

WHEREAS, Texas Transportation Code, §§ 201.209 authorizes the State and a Local Government to enter into agreements in accordance with Texas Government Code, Chapter 791; and

WHEREAS, the State has deemed it necessary to make certain highway improvements on Highway No. SL 9 from I-35E to Dallas/Ellis County line, and this section of highway improvements will necessitate the acquisition of certain right of way and the relocating and adjusting of utilities (the "**Project**"); and

WHEREAS, the Local Government requests that the State assume responsibility for acquisition of all necessary right of way and adjustment of utilities for this highway project; and

WHEREAS, the Local Government desires to enter into a fixed price joint participation agreement pursuant to 43 TAC §15.52 to contribute to the State funding participation as defined in 43 TAC §15.55 for the cost of acquiring the right of way and relocating or adjusting utilities for the proper improvement of the State Highway System;

WHEREAS, the Governing Body of the Local Government has approved entering into this agreement by resolution or ordinance dated _____, 20__, which is attached to and made a part of this agreement as Attachment A. A map showing the Project location appears in Attachment B, which is attached to and made a part of this agreement.

NOW THEREFORE, the State and the Local Government do agree as follows:

County Dallas
District Dallas
ROW CSJ # 2964-10-010
CCSJ # 2964-10-008
Federal Project #:
CFDA Title: Highway Planning & Construction
CFDA # 20.205
Federal Highway Administration
Not Research and Development

AGREEMENT

1. **Agreement Period**
   This agreement becomes effective when signed by the last party whose signing makes the agreement fully executed. This agreement shall remain in effect until the Project is completed or unless terminated as provided below.

2. **Termination**
   This agreement shall remain in effect until the Project is completed and accepted by all parties, unless:
   A. The agreement is terminated in writing with the mutual consent of the parties;
   B. The agreement is terminated by one party because of a breach, in which case any cost incurred because of the breach shall be paid by the breaching party; or
   C. The Project is inactive for thirty-six (36) months or longer and no expenditures have been charged against federal funds, in which case the State may in its discretion terminate this agreement.

3. **Local Project Sources and Uses of Funds**
   A. The total estimated cost of the Project is shown in Attachment C, Project Budget Estimate and Payment Schedule, which is attached to and made a part of this agreement. The expected cash contributions from the Federal or State government, the Local Government, or other parties is shown in Attachment C. The Local Government shall pay to the State the amount shown in Attachment C as its required contribution of the total cost of the Project and shall transmit to the State with the return of this agreement, duly executed by the Local Government, a warrant or check for the amount and according to the payment schedule shown in Attachment C.
   B. The Local Government's fixed price contribution set forth in Attachment C is not subject to adjustment unless:
      1. site conditions change;
      2. work requested by the Local Government is ineligible for federal participation; or
      3. the adjustment is mutually agreed on by the State and the Local Government.
   C. If the Local Government will perform any work under this contract for which reimbursement will be provided by or through the State, the Local Government must complete training before federal spending authority is obligated. Training is complete when at least one individual who is working actively and directly on the Project successfully completes and receives a certificate for the course entitled *Local Government Project Procedures Qualification for the Texas Department of Transportation*. The Local Government shall provide the certificate of qualification to the State. The individual who receives the training certificate may be an employee of the Local Government or an employee of a firm that has been contracted by the Local

Government to perform oversight of the Project. The State in its discretion may deny reimbursement if the Local Government has not designated a qualified individual to oversee the Project.

D. Whenever funds are paid by the Local Government to the State under this agreement, the Local Government shall remit a warrant or check made payable to the "Texas Department of Transportation Trust Fund." The warrant or check shall be deposited by the State in an escrow account to be managed by the State. Funds in the escrow account may only be applied to this highway project.

E. Notwithstanding that this is a fixed price agreement, the Local Government agrees that in the event any existing, future, or proposed Local Government ordinance, commissioner's court order, rule, policy, or other directive, including, but not limited to, outdoor advertising or storm water drainage facility requirements, is more restrictive than State or federal regulations, or any other locally proposed change, including, but not limited to, plats or re-plats, results in any increased costs to the State, then the Local Government will pay one hundred percent (100%) of all those increased costs, even if the applicable county qualifies as an Economically Disadvantaged County (EDC). The amount of the increased costs associated with the existing, future, or proposed Local Government ordinance, commissioner's court order, rule, policy, or other directive will be determined by the State at its sole discretion.

F. If the Local Government is an EDC and if the State has approved adjustments to the standard financing arrangement, this agreement reflects those adjustments.

G. If the Project has been approved for an "incremental payment" non-standard funding or payment arrangement under 43 TAC §15.52, the budget in Attachment C will clearly state the incremental payment schedule.

4. Real Property in Lieu of Monetary Payment

A. Contributions of real property may be credited to the Local Government's funding obligation for the cost of right of way to be acquired for this project. Credit for all real property, other than property which is already dedicated or in use as a public road, contributed by the Local Government to the State shall be based on the property's fair market value established as of the effective date of this agreement. The fair market value shall not include increases or decreases in value caused by the project and should include the value of the land and improvements being conveyed, excluding any damages to the remainder. The amount of any credit for real property contributed for this project is clearly shown in Attachment C.

B. The Local Government will provide to the State all documentation to support the determined fair market value of the donated property. This documentation shall include an appraisal of the property by a licensed appraiser approved by the State. The cost of appraisal will be the responsibility of the State. The State will review the submitted documentation and make a final determination of value; provided however, the State may perform any additional investigation deemed necessary, including supplemental appraisal work by State employees or employment of fee appraisers.

C. Credit shall be given only for property transferred at no cost to the State after the effective date of this agreement and the issuance of spending authority, and only for property which is necessary to complete this project, has title acceptable to the State, and is not contaminated with hazardous materials. Credit shall be in lieu of monetary contributions required to be paid to the State for the Local Government's funding share of the right of way to be acquired for this project. The total credit cannot exceed the Local Government's matching share of the right of way obligation under this agreement, and credits cannot be reimbursed in cash to the Local Government, applied to project phases other than right of way, nor used for other projects.

D. In the event the Local Government's monetary contributions to the State for acquisition of right of way, when added to its real property credits, exceed the Local Government's matching share of the right of way obligation, there will be no refund to the Local Government of any portion of its contributed money.

5. Amendments

Amendments to this agreement due to changes in the character of the work, terms of the agreement, or responsibilities of the parties relating to the Project may be enacted through a mutually agreed upon, written supplemental agreement.

6. Notices

All notices to either party by the other required under this agreement shall be delivered personally or sent by certified or U.S. mail, postage prepaid, to the following addresses:

Local Government:	State:
Opal Mauldin-Jones, City Manager	Director of Right of Way Division
City of Lancaster	Texas Department of Transportation
P.O. Box 940	125 E. 11th Street
Lancaster, TX 75146-0940	Austin, Texas 78701

All notices shall be deemed given on the date delivered or deposited in the mail, unless otherwise provided by this agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that notices shall be delivered personally or by certified U.S. mail and that request shall be honored and carried out by the other party.

7. **Remedies**
This agreement shall not be considered as specifying the exclusive remedy for any agreement default, but all remedies existing at law and in equity may be availed of by either party to this agreement and shall be cumulative.

8. **Legal Construction**
If one or more of the provisions contained in this agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, that invalidity, illegality, or unenforceability shall not affect any other provisions and this agreement shall be construed as if it did not contain the invalid, illegal, or unenforceable provision.

9. **Responsibilities of the Parties**
The State and the Local Government agree that neither party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

10. **Compliance with Laws**
The parties shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this agreement. When required, the Local Government shall furnish the State with satisfactory proof of this compliance.

11. **Sole Agreement**
This agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the subject matter of this agreement.

12. **Ownership of Documents**
Upon completion or termination of this agreement, all documents prepared by the State shall remain the property of the State. All data prepared under this agreement shall be made available to the State without restriction or limitation on their further use. All documents produced or approved or otherwise created by the Local Government shall be transmitted to the State in the form of photocopy reproduction on a monthly basis as required by the State. The originals shall remain the property of the Local Government. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

13. **Inspection of Books and Records**
The Local Government shall maintain all books, papers, accounting records and other documentation relating to costs incurred under this agreement and shall make such materials available to the State and, if federally funded, the Federal Highway

Administration (FHWA) or their duly authorized representatives for review and inspection at its office during the contract period and for four (4) years from the date of completion of work defined under this agreement or until any impending litigation, or claims are resolved. Additionally, the State and FHWA and their duly authorized representatives shall have access to all the governmental records that are directly applicable to this agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

14. State Auditor

The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under this agreement or indirectly through a subcontract under this agreement. Acceptance of funds directly under this agreement or indirectly through a subcontract under this agreement acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

15. Procurement and Property Management Standards

The parties shall adhere to the procurement standards established in Title 49 CFR §18.36 and with the property management standard established in Title 49 CFR §18.32.

16. Civil Rights Compliance

The parties to this agreement shall comply with the regulations of the U.S. Department of Transportation as they relate to nondiscrimination (49 CFR Part 21 and 23 CFR Part 200), and Executive Order 11246 titled "Equal Employment Opportunity," as amended by Executive Order 11375 and supplemented in the Department of Labor Regulations (41 CFR Part 60).

17. Applicability of Federal Provisions

Articles 18 through 23 only apply if Federal funding is used in the acquisition of right of way or the adjustment of utilities.

18. Office of Management and Budget (OMB) Cost Principles

In order to be reimbursed with federal funds, the parties shall comply with the Cost Principles established in OMB Circular A-87 that specify that all reimbursed costs are allowable, reasonable, and allocable to the Project.

19. Disadvantaged Business Enterprise (DBE) Program Requirements

A. The parties shall comply with the DBE Program requirements established in 49 CFR Part 26.

B. The Local Government shall adopt, in its totality, the State's federally approved DBE program.

C. The Local Government shall set an appropriate DBE goal consistent with the State's DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The Local Government shall have final decision-making authority regarding the DBE goal and shall be responsible for documenting its actions.

D. The Local Government shall follow all other parts of the State's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas Department of Transportation's Federally -Approved Disadvantaged Business Enterprise by Entity and attachments found at web address http://txdot.gov/business/business_outreach/mou.htm.

E. The Local Government shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. Department of Transportation (DOT)-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Local Government shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of DOT-assisted contracts. The State's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Local Government of its failure to carry out its approved program, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 USC 1001 and the Program Fraud Civil Remedies Act of 1986 (31 USC 3801 et seq.).

F. Each contract the Local Government signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: *The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this agreement, which may result in the termination of this agreement or such other remedy as the recipient deems appropriate.*

20. Debarment Certification

The parties are prohibited from making any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549, "Debarment and Suspension." By executing this agreement, the Local Government certifies that it is not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549 and further certifies that it will not do business with any party that is currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549. The parties to this contract shall require any party to a subcontract or purchase order awarded under this

contract to certify its eligibility to receive federal funds and, when requested by the State, to furnish a copy of the certification.

21. Lobbying Certification

In executing this agreement, each signatory certifies to the best of that signatory's knowledge and belief, that:

A. No federal appropriated funds have been paid or will be paid by or on behalf of the parties to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with federal contracts, grants, loans, or cooperative agreements, the signatory for the Local Government shall complete and submit the Federal Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

C. The parties shall require that the language of this certification shall be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and all sub-recipients shall certify and disclose accordingly. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31 USC §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each failure.

22. Federal Funding Accountability and Transparency Act Requirements

A. Any recipient of funds under this agreement agrees to comply with the Federal Funding Accountability and Transparency Act (FFATA) and implementing regulations at 2 CFR Part 170, including Appendix A. This agreement is subject to the following award terms: http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf and http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22706.pdf.

B. The Local Government agrees that it shall:

1. Obtain and provide to the State a System for Award Management (SAM) number (Federal Acquisition Regulation, Part 4, Sub-part 4.11) if this award provides more than $25,000 in Federal funding. The SAM number may be obtained by visiting the SAM website whose address is: https://www.sam.gov/portal/public/SAM/

2. Obtain and provide to the State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows Federal government to track the

distribution of federal money. The DUNS may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet (D&B) on-line registration website http://fedgov.dnb.com/webform; and

3. Report the total compensation and names of its top five (5) executives to the State if:

i. More than 80% of annual gross revenues are from the Federal government, and those revenues are greater than $25,000,000; and

ii. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

23. Single Audit Report

A. The parties shall comply with the requirements of the Single Audit Act of 1984, P.L. 98-502, ensuring that the single audit report includes the coverage stipulated in OMB Circular A-133.

B. If threshold expenditures of $750,000 or more are met during the Local Government's fiscal year, the Local Government must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Audit Office, 125 E. 11th Street, Austin, TX 78701 or contact TxDOT's Audit Office at http://txdot.gov/inside-txdot/office/audit/contact.html

C. If expenditures are less than $750,000 during the Local Government's fiscal year, the Local Government must submit a statement to TxDOT's Audit Office as follows: "We did not meet the $750,000 expenditure threshold and therefore, are not required to have a single audit performed for FY _____."

D. For each year the project remains open for federal funding expenditures, the Local Government will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the agreement, unless otherwise amended or the project has been formally closed out and no charges have been incurred within the current fiscal year.

24. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

County Dallas
District Dallas
ROW CSJ # 2964-10-010
CCSJ # 2964-10-008
Federal Project #:
CFDA Title: Highway Planning & Construction
CFDA # 20.205
Federal Highway Administration
Not Research and Development

THIS AGREEMENT IS EXECUTED by the State and the Local Government in duplicate.

THE LOCAL GOVERNMENT

_____
Signature

_____
Typed or Printed Name

_____
Title

_____
Date

THE STATE OF TEXAS

_____
Rose Wheeler
Contracts & Finance Director
Right of Way Division
Texas Department of Transportation

_____
Date

County Dallas
District Dallas
ROW CSJ # 2964-10-010
CCSJ # 2964-10-008
Federal Project #:
CFDA Title: Highway Planning & Construction
CFDA # 20.205
Federal Highway Administration
Not Research and Development

ATTACHMENT A
RESOLUTION OR ORDINANCE

County Dallas
District Dallas
ROW CSJ # 2964-10-010
CCSJ # 2964-10-008
Federal Project #:
CFDA Title: Highway Planning & Construction
CFDA # 20.205
Federal Highway Administration
Not Research and Development

ATTACHMENT B
LOCATION MAP SHOWING PROJECT

County Dallas
District Dallas
ROW CSJ # 2964-10-010
CCSJ # 2964-10-008
Federal Project #:
CFDA Title: Highway Planning & Construction
CFDA # 20.205
Federal Highway Administration
Not Research and Development

ATTACHMENT C
PROJECT BUDGET ESTIMATE AND PAYMENT SCHEDULE

County Dallas
District Dallas
ROW CSJ # 2964-10-010
CCSJ # 2964-10-008
Federal Project #
CDFA Title: Highway Planning & Construction
FHWA CFDA # 20.205
Federal Highway Administration
Not Research and Development

Standard Agreement to Contribute
State Performs Work
Attachment C

Description	Total Estimated Cost	State Participation		Local Participation	
		%	Cost	%	Cost
Right of Way Acquisition	$4,188,900.50	90%	$3,770,010.45	10%	$418,890.05
Reimbursable Utility Adjustments	$ 300,000.00	90%	$ 270,000.00	10%	$ 30,000.00
Joint Bid Reimbursable Utility Adjustments	$0	0%	$0	0%	$0
	$0	0%	$0	0%	$0
	$0	0%	$0	0%	$0
TOTAL	$4,488,900.50	90%	$4,040,010.45	10%	$448,890.05

Except as otherwise provided in the Agreement, the fixed amount of Local Government participation will be that amount provided above.

Exhibit "A"

LOOP 9 SOUTHEAST PROJECT (CORRIDOR B: I-35E TO I-45)

NOTE: Highlighted areas are not drawn to exact scale

TxDOT graphic

PURPOSE AND NEED

The need for the Loop 9 project is to address population growth, transportation demand, system linkages, and connectivity among the existing roadway facilities. It would provide a direct link from I-35E to I-45 and would serve the residents and businesses in the area. The need for these improvements is based on population growth, transportation demand, system linkages, and connectivity among existing roadway facilities.

Loop 9 is an element of the regional long-range transportation plan that would aid in addressing the transportation needs identified in the region.

The purpose of Loop 9 would be to:

- Provide a facility that would accommodate expanding transportation demands resulting from population growth and economic development in the region
- Increase mobility and accessibility in the region
- Provide an east-west transportation facility to serve the communities in the project area

PROJECT DETAILS

Limits: I 35E to I-45

CSJ: 2964-10-005

Description: Construct 0 to 2 (ultimate 6) lane frontage roads

Estimated Project Let: March 2022

Total Length: 11.4 miles

PROJECT STATUS

The project engineering (schematic and environmental) is being worked on by a TxDOT consultant and being managed by TxDOT Advance Project Development. Currently the schematic is being designed and the environmental impacts are being researched.

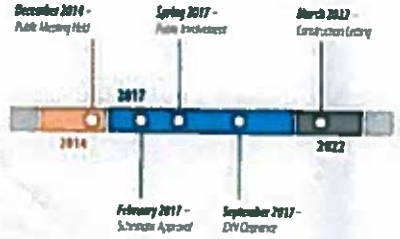
ESTIMATED PHASE 1 COST

Estimated Construction Cost	$145 M

SOURCE: TxDOT

TxDOT graphic

PROJECT TIMELINE



SOURCE: TxDOT

TxDOT graphic

PROGRAMMING STATUS

MTP (2040 Metropolitan Transportation Plan) **MTP ID:** 6301	YES
UTP (2017 Unified Transportation Program)	YES
STIP (Statewide Transportation Improvement Program, 2017-2020) **PHASE:** C	YES

SOURCE: TxDOT

TxDOT graphic

PHASE 1: TYPICAL SECTION

Phase 1 will consist of one Two-Way frontage road. The right of-way (ROW) for all phases will be purchased during Phase 1. The decision regarding which side will be built first would be made in the next study.

SOURCE: Texas Department of Transportation

PHASE 2: TYPICAL SECTION

Phase 2 will construct the other side of the paired frontage road. Each side of the frontage road will be converted to one-way operation. The median will be left open for the future Phases 3 & 4

PHASES 3 & 4: TYPICAL SECTIONS

Phase 3 would be natural grade separations at specific high-volume intersections

Phase 4 would be continuous mainlanes in both directions.

TxDOT graphic

CONTACT INFORMATION

Travis Owens, P.E.
TxDOT Dallas Advance Project Development
(214) 320-6635
Travis.Owens@txdot.gov

Dallas District Office
4777 E. Highway 80
Mesquite, TX 75150

LANCASTER CITY COUNCIL

City Council Work Session **3.**

Meeting Date: 06/18/2018

Policy Statement: This request supports the City Council 2017-2018 Policy Agenda.

Goal(s): Sound Infrastructure

Submitted by: Andrew Waits, Interim Assistant Public Works Director

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Agenda Caption:

Discuss participation in the United States Department of Housing and Urban Development Fiscal Year 2018 Community Development Block Grant (CDBG) program administered by Dallas County for reconstruction of existing roadways.

Background:

The City of Lancaster is eligible to receive $166,979.00 in Community Development Block Grants (CDBG) funds for fiscal year 2018.

CDBG funds are administered through Dallas County and may only be used on projects that eliminate blight, and community threatening condition or primarily benefit low/moderate income residents. The primary objective of the program is to develop sustainable urban communities that meet the public service and housing needs of low and moderate income households. Federal rules allow each community to tailor its program to address specific local needs.

Historically the City of Lancaster has used this funding for residential roadway projects. For the past five years council has approved over eleven roadway projects in low to moderate income areas for reconstruction.

Given the need for roadway improvements in various areas of the City, staff recommends qualifying projects. The streets listed below were identified as projects using the City's pavement management program ratings, the estimated cost within the allocated dollar amount and the location being eligible under the CDBG program.

Operational Considerations:

Street	From	To	Rating	Estimate
Willowbrook Street	Oakbrook Street	Clearbrook Street	933	
Donlee Road	Rogers	Sunny Meadow Dr.	601	
Lyle Street	Trippie Street	Franklin Street	478	
Elm Street	Arbor Lane	Donlee Road	398	
Franklin Street	Lyle Street	Cedardale Road	338	
Laurel Street	Dallas Avenue	Elm Street	302	

Legal Considerations:

A resolution will be required ratifying the selected roadway projects for submission to Dallas County.

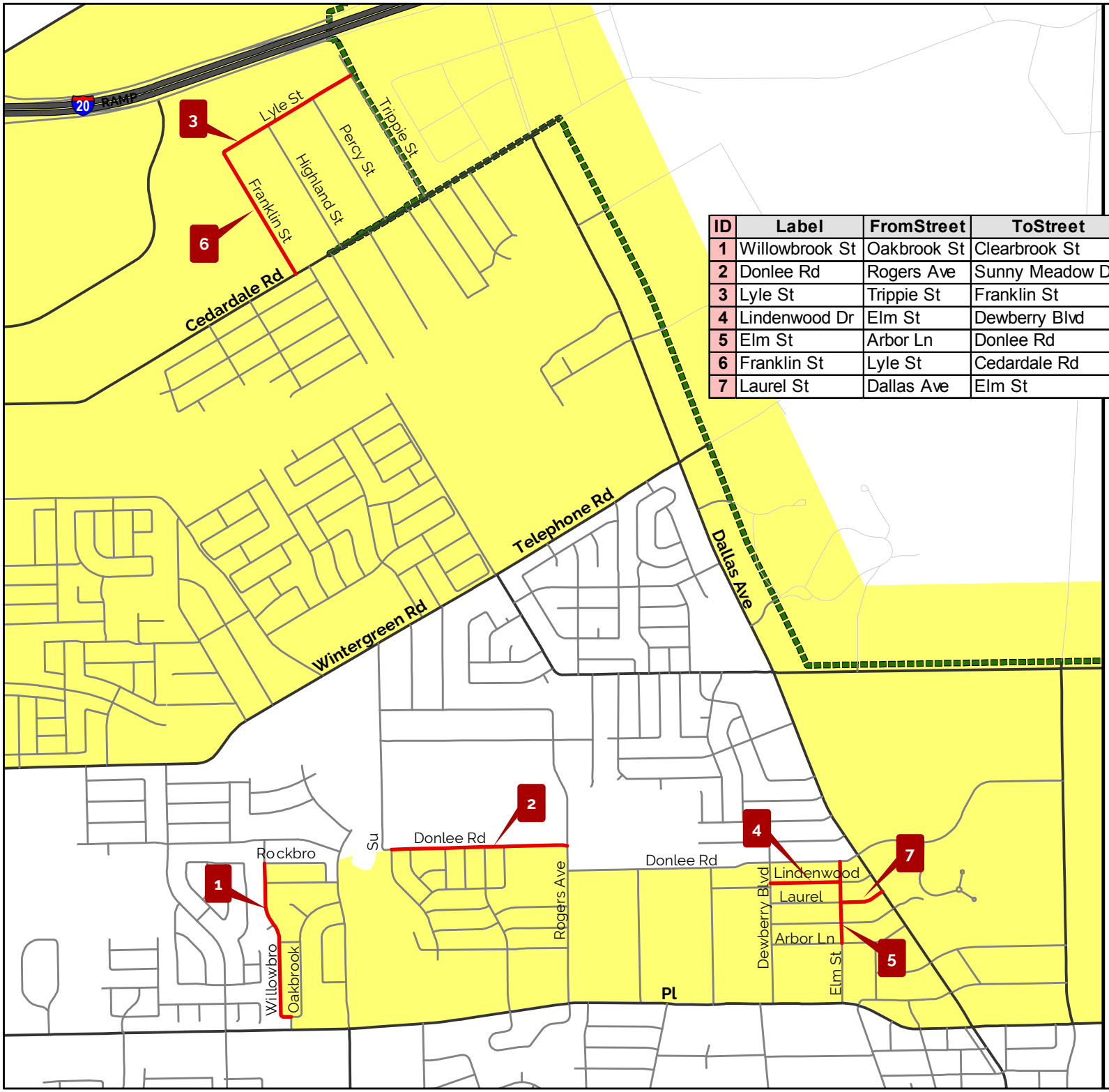
Fiscal Impact:

Dallas County has confirmed the City is eligible to receive $166,979.00 for fiscal year 2018.

Attachments

Eligible Street Repairs

City of Lancaster
Eligible CDBG Street Repairs 2018



ID	Label	FromStreet	ToStreet	Width	Miles	Tract	BG	Rating
1	Willowbrook St	Oakbrook St	Clearbrook St	24	0.4694	167.05	1	933
2	Donlee Rd	Rogers Ave	Sunny Meadow Dr	24	0.4980	167.04	1	601
3	Lyle St	Trippie St	Franklin St	22	0.4201	167.03	3	478
4	Lindenwood Dr	Elm St	Dewberry Blvd	27	0.1983	167.05	3	426
5	Elm St	Arbor Ln	Donlee Rd	27	0.2307	167.05	3	398
6	Franklin St	Lyle St	Cedardale Rd	22	0.4014	167.03	3	338
7	Laurel St	Dallas Ave	Elm St	27	0.1262	167.05	3	302

Legend

- CDBG Streets 2018
- City Limits

2010 Block Groups

- Low to Moderate Income

Lancaster

Miles
0 0.15 0.3 0.6

date: 6/14/2018

LANCASTER CITY COUNCIL

City Council Work Session **4.**

Meeting Date: 06/18/2018

Policy Statement: This request supports the City Council 2017-2018 Policy Agenda

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

Submitted by: Bester Munyaradzi, Senior Planner

Agenda Caption:

Discuss and receive a presentation regarding the establishment of Short-term Rentals (STRs)/home share rentals regulations.

Background:

During the Strategic Planning Session in June and July of 2017, Council identified the goal to establish a program to address short-term rentals.

While a few years ago, when traveling, housing options were generally staying with a friend, family or a hotel. Nowadays, sharing homes has been commonplace for as long as there are spare rooms and comfortable couches. Whether through word of mouth, ads in newspapers or flyers on community bulletin boards, renters and homeowners alike have always managed to rent out or share rooms in their living spaces.Traditionally these transactions were decidedly analog, local and limited in nature. However, with the advance of the internet and websites such as Airbnb.com and HomeAway.com it has become possible for people to advertise and rent out their homes and spare bedrooms to complete strangers from far-away with a few mouse-clicks or taps on a smartphone screen. As a result, the number of homes listed for short-term rent has grown to about 4 million, a 10 time increase over the last 5 years.

Short-term rentals (STRs), a form of Bed and Breakfast facilities, are owner–occupied private homes which offer lodging for paying guests, serve breakfast to these guests and which contain one or more guest bedrooms. In some cases the owner is not present and they rent out the entire home in lieu of a hotel stay. This rapidly growing trend has resulted in an increase of available home rentals. With this rapid growth, many communities across the country are for the first time experiencing the many positive and negative consequences of an increased volume of "strangers" in residential communities. While cities are starting to accept home sharing as a way to enhance tourism and economic development that cities have not historically captured in STR's., there are also many potential issues and negative side-effects that need regulations to protect the well-being and property of the local residents as well as the safety of the visitors by adopting sensible and enforceable regulations.

Regulations of STR's have been addressed in a variety of ways in various cities in the State of Texas from out-right prohibition to the actual licensing of the use. Staff conducted research to determine how the programs are being addressed within our survey cities. Farmers Branch after discussing the issue at one of their work session decided to wait on adopting regulations for vacation rentals and have their City Attorney contact both Airbnb and Vacation Rentals By Owners (VRBO) to ask their hosts in Farmers Branch to pay the Hotel tax. City of Coppell is moving closer to creating an ordinance that is intended to place reasonable regulations on short-term rentals. On February 6, 2018, the City of Fort Worth passed an ordinance that prohibits STR 's from their single and two family residential districts on the

same day that City of Southlake adopted an ordinance which prohibits STR's in its city. While not adopting a specific ordinance, the City of Keller classifies Short-term Rentals as Bed and Breakfast (tourist homes) which require a Specific Use Permit (SUP).

The City of San Marcos passed an Ordinance, in August of 2017, which provides for the on-line registration of STR's. The ordinance was written in response to one problem property in their Historic District. Since the ordinance was passed, they have been sending letters to known STR's with ordinance provisions enclosed and requesting that property owners register. They sent out 50 letters and received 8 responses. San Marcos staff researches the location of STR's through social media and once they determine a location, they cross reference with CAD to make sure that it is their primary residence. San Marcos STR's are limited to primary residences only that must pay hotel/motel taxes, and a $50.00 yearly fee registration. The registration process is all on-line with no inspections. The ordinance limits the occupancy to two adults per bedroom plus two adults.

The City of Austin, in 2016, adopted the most stringent short-term rental ordinance. The ordinance bans certain types of rentals throughout most of the city and places restrictions on those that remain. Among other things, the ordinance prohibits more than six (6) adults from being present at a short-term rental at any time and imposes a bedtime on guests' activities "other than sleep" after 10 p.m. To enforce these restrictions, the ordinance requires that owners and guests submit to warrantless searches by city police or code department officers of the home at "any reasonable time." The City of Austin STR's has three (3) types of STR' s, Type 1- owner occupied homes, Type 2 - not owner occupied and type 3 - multifamily and commercial. The STR's are licensed by the city and require proof of insurance, Hotel/Motel taxes and a Certificate of Occupancy after a certified, 3rd party inspection. The ordinance also has a provision that the non-owner occupied STR's of comprise no more than 3% of all units in a census tract. Notification is given to all properties within 100 feet of a short-term rental. The ordinance also requires items such as noise not exceeding 75 decibels, restrictions on outside assembly, not more than two adults per bedroom plus two adults. The City of Austin's STR's regulations have been challenged in court (refer to attached Article from TribTalk.)

The Lancaster Development Code (LDC) defines Bed and Breakfast as single family owner-occupied house offering rooms with breakfast on a nightly basis for a fee and Section 14.402 Use Standards (b) Residential and Lodging Use Conditions (3) Bed and Breakfast Operation stipulates the following conditions:

(3) Bed and Breakfast Operation:

A. A “bed and breakfast” must be located on an owner-occupied single family lot, or on an immediately adjacent lot.
B. One (1) parking space per bedroom to be rented shall be provided above the single family parking requirement.
C. No outside advertising shall be allowed on the lot unless located in a non-residential zoning district or permitted by an SUP.
D. A permanent wired smoke alarm system meeting all City codes shall be installed.
E. The premises shall pass a fire code inspection before opening and on an annual basis thereafter.
F. All applicable hotel/motel taxes shall be paid.
G. The maximum length of stay is limited to 14 consecutive days in any 30 day period.
H. Certificate of Occupancy permit shall be obtained prior to occupancy.

Staff reached websites associated with home share rentals such as AirBnB.com, HomeAway.com and ShortTermHousing.com to determine how many of these type offerings were within the City of Lancaster. AirBnB has a total of nine (9) and HomeAway has one (1) in the City of Lancaster. Short-term Housing does not give you access to home share rental properties. The website only allows you to request a quote, with no option to browse their housing stock. Staff contacted Host Compliance LLC, a leader in short-term rental compliance monitoring and enforcement solutions for local governments and they indicated that they are aware of 12 short-term rentals in the City of Lancaster.

While short-term rentals currently exist in the City of Lancaster, those numbers appear to be relatively low. However, a comprehensive ordinance that regulates Home Share Rentals may be an option to protect the well-being and property of local residents as well as the safety of visitors.

The attached article "A Practical Guide to Effectively Regulating Short-Term Rentals on the Local Government Level" produced by Host Compliance LLC outlines the following reasons for regulating STR's:

1. Increased tourist traffic from short-term renters has the potential to slowly transform peaceful residential communities into "communities of transients" where people are less interested in investing in one another's lives, be it in the form of informal friend groups or church, school and other community based organizations
2. Short-term renters may not always know (or follow) local rules, resulting in public safety risks, noise issues, trash and parking problems for nearby residents.
3. So-called "party houses" i.e. homes that are continuously rented to larger groups of people with the intent to party can severely impact neighbors and drive down nearby home values.
4. Conversion of residential units into short-term rentals can result in less availability of affordable housing options and higher rents for long-term renters in the community.
5. Local service jobs can be jeopardized as unfair competition from unregulated and untaxed short-term rentals reduces demand for local bed & breakfasts, hotels and motels.
6. Towns often lose out on tax revenue (most often referred to as Transient Occupancy Tax I Hotel Tax/ Bed Tax or Transaction Privilege Tax) as most short-term landlords fail to remit those taxes even if it is required by law.
7. Lack of proper regulation or limited enforcement of existing ordinances may cause tension or hostility between short-term landlords and their neighbors.
8. The existence of "pseudo hotels" in residential neighborhoods (often in violation of local zoning ordinances etc.) may lead to disillusionment with local government officials who may be perceived as ineffective in protecting the interests of local tax-paying citizens.

This item is for City Council discussion and consideration as identified in the Strategic Plan.

Attachments

LDC Bed and Breakfast Use Standards

San Marcos Home Share Ordinance

San Marcos Home Share Rental Application form

AirBnB Lancaster Home Share Rental Properties Map

HomeAway Lancaster Home Share Rental Properties Map

TribTalk

A Practical Guide

2. Side Setback: 3 ft.

3. Separation from other structures: 3 ft.

B. *Accessory Buildings 121-225 s.f. and up to 15 ft in Height*

1. Rear Setback: 3 ft.

2. Side Setback: Required Zoning District Setback.

3. Separation from other structures: *6 ft.*

C. *Detached Garages 226-900 s.f. and up to 15 ft. in Height*

1. Rear Setback: With Alley —*20 ft.* with garage doors facing alley, *3 ft.* without garage doors facing alley,
   Without Alley — *10 ft.*

2. Side Setback: *Required Zoning District Setback.*

3. Separation from other structures: *10 ft.*

(3) Bed and Breakfast Operation

A. A "bed and breakfast" must be located on an owner-occupied single family lot, or on an immediately adjacent lot.

B. One (1) parking space per bedroom to be rented shall be provided above the single family parking requirement

C. No outside advertising shall be allowed on the lot unless located in a non-residential zoning district or permitted by an SUP.

D. A permanent wired smoke alarm system meeting all City codes shall be installed.

E. The premises shall pass a fire code inspection before opening and on an annual basis thereafter.

F. All applicable hotel/motel taxes shall be paid.

G. The maximum length of stay is limited to 14 consecutive days in any 30 day period.

H. A Certificate of Occupancy permit shall be obtained prior to occupancy.

(4) Carport (Residential)

A. In residential districts, Carports must be open on at least two (2) sides and be located at least 20 feet behind the corner of the front façade or meet the garage setback adjacent to an alley. It must also meet the minimum required side yard setbacks for a detached garage

B. Carports which are visible from a public street must be constructed of materials matching those of the primary residential structure.

C. Carports not meeting these standards must obtain an SUP.

D. Porte-cocheres are not considered carports, and are allowed, provided that they are attached and integral with the design of the house.

(5) Duplex

A. Limited to two (2) families.

B. The dwelling must be permanently attached to a concrete foundation.

C. The primary roof pitch must be at least 4 in 12 inches.

D. The duplex must have 1-hour fire wall separating the units.

ORDINANCE NO. 2017-37

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING THE RENTAL NUISANCE ABATEMENT CODE STANDARDS CONTAINED IN CHAPTER 34, ARTICLE 7 OF THE CITY'S CODE OF ORDINANCES TO ESTABLISH REGULATIONS AND REGISTRATION REQUIREMENTS FOR HOME SHARE RENTALS OF PROPERTY FOR PERIODS OF LESS THAN 30 DAYS, TOGETHER WITH CORRESPONDING AMENDMENTS TO CHAPTER 4 OF THE LAND DEVELOPMENT CODE, SUBPART B OF THE CITY'S CODE OF ORDINANCES TO ESTABLISH HOME SHARE RENTALS AS A NEW LAND USE, SUBJECT TO THE REQUIREMENTS OF CHAPTER 34; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

1. The advent of residential rentals for periods of less than 30 days has resulted from the rapidly growing sharing economy and has recently been accepted by cities as a way to enhance tourism and economic development when regulations are in place to protect the well-being and property of the local residents as well as the safety of the visitors.

2. A subcommittee of the City Council, working with City staff has proposed regulations for such rentals of residential property in the city.

3. The Planning and Zoning Commission considered aspects of the proposal relating to the City's Land Development Code and recommended amendments to the Land Development Code to establish a new land use allowing for and regulating such residential.

4. The City Council hereby finds and determines that allowing and regulating certain residential rentals for periods of less than 30 days is in the interest of the public health, welfare and safety.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. The City Council finds the Recitals to be true and correct and the Recitals Recitals are adopted and incorporated herein.

SECTION 2. The City's Code of Ordinances is hereby amended as set forth below. Additions are indicated by underlining. Deletions are indicated by strikethroughs.

SECTION 3. Chapter 34, Article 7 is hereby amended to read as follows:

ARTICLE 7. - RENTAL ~~NUISANCE ABATEMENT CODE~~ PROPERTY STANDARDS

DIVISION 1. - ADMINISTRATION

Sec. 34.801. Administration.

Sec. 34.802. Title.

These regulations shall be known as the "Rental ~~Nuisance Abatement~~ Property Standards Code" ~~code of San Marcos, Hays County, Texas~~, hereinafter referred to as "this code", "chapter" or "provision".

Sec. 34.803. ~~Scope~~ Applicability.

The provisions of this Code shall apply to all existing and future residential rental properties, units and accessory structures.

Sec. 34.804. Purpose.

The purpose of this chapter is to safeguard the life, health, safety, welfare, and property of the occupants of single family and multi-family residential rental unit(s) and the general public by establishing minimum standards and registration requirements for certain residential rental properties and home share rental properties in the city. ~~Additionally, this chapter authorizes cumulative enforcement action against repeated or multiple violations under this chapter.~~

Sec. 34.806. ~~Applicability and administration~~ Generally.

(1) Residential rental registration shall be required before ~~apply to all registrants of rented~~ renting any residential single-family homes, accessory dwellings, manufactured/mobile homes, duplexes, and multi-family units located in the City of San Marcos for a continuous period of at least 30 days when any of the conditions set forth in Section 34.818 exist on a rental property. Voluntary rental registration is permitted under Section 34.819.

(2) Home share rental registration shall be required before renting any residential single-family homes, accessory dwellings, manufactured/mobile homes, duplexes, and multi-family units located in the City of San Marcos for a period of less than 30 consecutive days.

(3) The code official (city marshal), the marshal's authorized representatives, neighborhood services and other city personnel authorized may enforce the provisions of this Code.

Sec. 34.807. Applications ~~outline~~.

(a) *Residential Rental Application Requirements.* Application for residential rental registration shall be made upon a form prescribed by the City of San Marcos for such purposes. ~~and shall include at least the following information.~~ The following information is required of all applications and missing items or information constitute an invalid application. Additional information may be required based on individual circumstances.

(1) Registrant's name, business address, home address, telephone number, electronic mail address; or

(2) If owner is a partnership the principal business addresses, and contact (including electronic) information; or

(3) If owner is a corporation, the person registering must state whether it is organized under the laws of this state or is a foreign corporation, and must show the mailing address, business location, telephone number, electronic mail address, contact information and name of the primary individual in charge of the local office of such corporation, if any, and the names of all officers and directors or trustees of such corporation, and, if a foreign corporation, the place of incorporation; or

(4) Name, address, electronic mail address and telephone number of the property manager or management company (if any); and

(5) Street address of the rental unit; and

(6) Number of persons the rental unit is designed to occupy; and

(7) Whether there has been a change of occupancy use; and

(8) The name(s), address, electronic mail address and phone number (24-hour contact number) of designated employee(s) or authorized representative(s) who shall be assigned to respond to emergency conditions. Emergency conditions shall include but not limited to; fire, natural disaster, flood, burst pipes, collapse hazard, emergency repairs and violent crime; and

(9) Signature or electronic signature by the registrant requiring the applicant to self-certify that the information on the application is accurate and truthful under penalty of perjury under the laws of the State of Texas.

(b) *Home Share Rental Registration Requirements.* Application for Home Share Rental Registration shall be made upon a form prescribed by the City of San Marcos for such purpose. The following information is required of all applications

and missing items or information constitute an invalid application. Additional information may be required based on individual circumstances.

(1) Registrant's name, home address, telephone number, and electronic mail address

(2) Proof of possession of the premises being registered, either by warranty deed, or valid lease.

(3) If the applicant does not own the property where the premises are located, the applicant must provide written documentation, signed by the property owner before a notary public, authorizing the registrant to operate a home share rental on the premises

(4) Proof that the premises is the primary residence of the applicant, including at least two of the following: motor vehicle registration, driver's license, Texas State Identification card, voter registration, tax documents, or utility bill.

(5) Signature or electronic signature by the registrant requiring the applicant to self-certify that the information on the application is accurate and truthful under penalty of perjury under the laws of the State of Texas.

(6) Incomplete applications will not be processed and, as a result,/ any premises associated with an incomplete application will not be registered in compliance with or as required by this Division.

DIVISION 2. DEFINITIONS

Sec. 34.808. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated. Where terms are not defined, they shall have their ordinary accepted meanings.

Advertise means the act of drawing the public's attention to a home share rental in order to promote the availability of the home share rental.

Code official means city marshal or designated official who is charged with the enforcement of this Code.

Complex. See "Multi-family unit (MFU)".

Duplex Unit (DU)—(two family dwelling). As defined by the International Building and/or Residential Code.

Home Share Rental means a primary residence having fewer than five bedrooms, or portion thereof, used for lodging accommodations to guests for a period of less than 30 consecutive days. A home share rental does not include a bed and breakfast inn as defined in the City's Land Development Code, Subpart B of the City's Code of Ordinances.

Hotel Occupancy Tax means the hotel occupancy tax required to be assessed and collected for the operation of any home share rental and paid pursuant to Chapter 351 of the Texas Tax Code.

Landlord means the owner, landlord, operator, and lessor, management company, managing agent or on-site manager of a rental unit or multi-family dwelling unit.

Local responsible party means an individual located in the City of San Marcos while a home share rental is being rented and who has access to the premises and is authorized to make decisions regarding the premises.

Multi-family unit (MFU) means any building or portion thereof which is designed, built, rented, leased, or let to be occupied as three or more dwelling units or apartments. The term shall not include hotels, motels, nursing facilities, or assisted living units.

Occupant means any individual living or sleeping in a building, or having possession of a space within a building. This includes, but is not limited to, persons that reside at a residence the majority of 21 calendar days, regardless if that person pays rent or provides in-kind services. The person is not required to have a lease, contract or other legal document to be considered an occupant.

Owner means any person, agent, operator, firm, trust, corporation, limited liability company, partnership or business organization having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or code official of the estate of such person if ordered to take possession of real property by a court.

Owner-occupied rental unit a dwelling unit in which at least one owner of record of the property resides as his/her primary dwelling.

Premises means property, a lot, plot or parcel of land, easement or public way, including any structures thereon.

Primary Residence means the usual dwelling place of the owner or tenant of a residential dwelling and is documented as such by at least two of the following: motor vehicle registration, driver's license, Texas State Identification card, voter

registration, tax documents, or utility bill. For purposes of this chapter, a person may have only one primary residence.

Property. See "premises".

Registrant means owner, manager or representative of a property. For home share rentals only, it also includes a lessee of property under a lease for a period of at least 30 days..

Rental unit means a structure or portion thereof that is rented or offered for rent as a residence; including but not limited to, single-family unit, duplex unit, tri-plex, quad-plex unit, multi-family unit, manufactured or mobile home unit, town home or condominium. ~~This is not intended to regard individual rental spaces inside of a structure for separate fee related submissions.~~

Single Family Unit (SFU) as defined by the International Residential Code.

Unit. See "rental unit".

DIVISION 3. - RESIDENTIAL RENTAL PROPERTY REGISTRATION

Sec. 34.809. Residential rental property registration.

The purpose of this division is to identify and notify owners regarding minimum building standards, complaints and property maintenance codes in a timely manner. In this Division Rental Registration has the same meaning as Residential Rental Registration in Division 2.

Sec. 34.810. Registration timeline.

Each registrant or landlord of a rental unit within the City of San Marcos subject to section 34.818 shall register each such rental unit with the City of San Marcos before January 1st of each year, or as prescribed in section 34.813. If subject to provisions of section 34.818 prior to the annual deadline, registration must be completed within 14 days of notice. Notice can be in the form of mail, electronic communication, or posting on the property.

Sec. 34.811. Separate registration required.

Separate registration shall be required for each rental unit on a property. If more than one structure is on the same property, then each structure is considered a separate rental unit.

Sec. 34.812. Registration expires.

A residential rental property registration shall be valid for no more than 12 calendar months. There are no prorated registration time periods.

Sec. 34.813. Geographic designation.

The City of San Marcos, may by administrative order, divide the city into geographical areas and establish annual registration dates for rental units located within each geographical area. A copy of the geographical designation shall be on file with the code official.

Sec. 34.814. Incomplete application

Incomplete applications will not be processed and, as a result, any rental units associated with an incomplete application will not be registered in compliance with or as required by this Division. ~~residential rental property registration will not be issued.~~

Sec. 34.815. Registrant registration responsibility.

It is the ~~registrant's and/or landlord's~~ responsibility of the landlord, owner, or registrant to renew the registration for each rental unit within the City of San Marcos as prescribed by this code.

Sec. 34.816. Renewals or change of status notice required.

If a change in ownership, trade name or transfer occurs for the premise prior to the expiration of the permit, the new landlord, owner, or registrant ~~(new owner)~~ of the premise shall have 30 days from the date the change of ownership occurred to file a new registration with the City of San Marcos and pay the applicable fee.

A landlord, owner, or registrant required to register a property under this Division shall notify the new owner or transferee of the current registration and associated violations, as well as the requirement for the new owner or transferee to register under this Division. Notice shall be in writing and signed by both parties.

Sec. 34.817. Liability.

Neither the registrant, it's officers, employees, agents, representatives, or any person, who is in good faith carrying out, complying with, or attempting to comply with, release of information pursuant to the provisions of this chapter shall be liable for any such activity.

Sec. 34.818. Registration required.

Except as provided in section 34.820, a rental registration is required to operate, lease, occupy, or otherwise allow multi-family or single family rental property to be occupied by a non-owner if the following conditions exist ~~are met~~:

(1) Two or more separate notices of violation are issued for the same property within a 12-month period and the owner of the property fails to correct the violations within the time frame required by the code official; or

(2) Five or more separate code violations within a 12-month period regardless of whether the owner of the property corrects the violations within the time frame required by the code official; or

(3) Two or more citations are issued for the same property within a 12-month period.

For the purposes of this section, violations identified in the notices and citations must be related to the San Marcos Code of Ordinances, or violations of state law relating to public order and decency, controlled substances or alcohol, or public health, safety and morals ~~as adopted~~.

Sec. 34.819. Voluntary registration.

Nothing in this chapter prohibits voluntary submission of registration for convenience and expediency of landlord or owner notification. The voluntary registration submission cannot be related to any enforcement action or as a method to avoid enforcement of this chapter. For purposes of this section annual registration is not required. However, if a property that voluntarily registered meets requirements of section 34.818, the registrant must comply with this entire chapter.

Sec. 34.820. Exceptions.

The provisions of this Code do not apply to:

(1) Owner-occupied rental units; or

(2) Properties specifically registered as members, or affiliate members with property designation of the Achieving Community Together (ACT) program. However, if a property, member or affiliate withdraws or is suspended from the ACT program the~~is~~ requirements of this Division shall apply immediately.~~provision shall apply before the end of a thirty day period from date of separation~~.

Sec. 34.821. Performance.

Registered properties that do not receive further notices of violation, or have any registration violations for three contiguous years, are not required to re-register. ~~properties~~. However, ~~Should~~ a previously registered property that was required to register ~~be found in subsequent violation of provisions~~ under section 34.818 ~~or require registration after been a registered property, the property~~and has subsequent violations of section 34.818 must ~~will have to~~ re-register and maintain a registration for a period of five years.

DIVISION 4. HOME SHARE RENTALS

Sec. 34.821.1. Purpose and applicability.

The purpose of this Division is to establish regulations for the registration and use of home share rentals. The requirements of this division apply only to home share rentals located in residential only zoning districts established under the City's Land Development Code, Subpart B of the City's Code of Ordinances. Nothing in this division, however, shall be construed to be a waiver of the requirement to assess and collect hotel occupancy taxes for any residential rental for less than 30 consecutive days of property that is located outside of such residential only zoning districts or that is located in any SmartCode zoning district.

Sec. 34.821.2. Home Share Rental Registration Restrictions.

(a) It is unlawful rent, lease, or otherwise permit or allow any rental unit or premises to be operated as a home share rental unless all requirements of this code are met, including all registration requirements.

(b) Home share rental is not permitted for any property where the registrant is under suspension or revocation of the Residential Rental Registration requirements.

(c) *Registration non-transferrable*. An approved home share rental registration shall not be assigned or transferred to any person or entity. Any attempt to transfer a registration shall render the registration subject to suspension or revocation as provided in this chapter.

(d) *Only one home share rental allowed per registrant.* No registrant shall be allowed to operate or register more than one home share rental in the city, and no registration for a new home share rental shall be authorized, while another registration in the registrant's name is still active or under suspension.

(e) *Only one home share rental per property owner and affiliates of owner*. An owner of property may not have more than one home share rental unit ~~property~~ in the city that is registered or operated as a home share rental. When an owner of property registered or operated as a home share rental is a business organization,

trust or other entity, no person or entity affiliated with such business organization, trust or other entity as an organizer, officer, member, manager, shareholder, trustee, beneficiary, partner, equity owner or investor shall be allowed to register or operate an additional home share rental at a different property address in the city.

Sec. 34.821.3. Restrictions on Home Share Rentals.

(a) *Limit on occupants allowed.* No more than two adult guests per bedroom, plus no more than two additional adults ~~guests~~, shall be allowed when renting a property as a home share rental.

(b) *Other restrictions.* It is unlawful:

(1) to operate or allow to be operated a home share rental without first registering the property in which the rental is to occur with the city in accordance with this article;

(2) to operate a home share rental in any location that is not the registrant's primary residence;

(3) to operate a home share rental that does not comply with all applicable City and State laws and codes;

(4) for a registrant to operate or property owner to allow the operation of more than one home share rental within the City Limits;

(5) to operate a home share rental without paying the required hotel occupancy taxes;

(6) to offer or allow the use of a home share rental for having a party; or

(7) to fail to include a written prohibition against the use of a home share rental for having a party in every advertisement, listing, or other publication offering the premises for rent

(8) It is unlawful to offer for rent more than one rental agreement concurrently at the same rental unit in Sec. 34.821.3. Restrictions on Home Share Rentals.

Sec. 34.821.4. Brochure and Safety Features.

(a) *Informational brochure.* Each registrant operating a home share rental shall provide to guests a brochure that includes:

(1) the registrant's contact information;

(2) the property owner's contact information if the registrant is not the property owner;

(3) a local responsible party's contact information if neither the registrant nor the property owner are in the city limits when guests are renting the premises;

(4) pertinent neighborhood information including, but not limited to, parking restrictions, restrictions on noise and amplified sound, trash collection schedule, and relevant water restrictions;

(5) Information to assist guests in the case of emergencies posing threats to personal safety or damage to property, including emergency and non-emergency telephone numbers for police, fire and emergency medical services providers and instructions for obtaining severe weather, natural or manmade disaster alerts and updates.

(9) *Safety features.* Each home share rental registrant shall provide in the premises at least at least one working smoke detector and alarm and one working carbon monoxide detector and alarm per bedroom, and one working fire extinguisher. The premises shall, otherwise be in compliance with applicable building and fire codes adopted under Chapter 14 of the City's Code of Ordinances.

Sec. 34.821.5. Registration Term, Renewal.

(a) All registrations approved under this Division shall be valid for a period of one year from the date of their issuance.

(b) If the registrant has received notice of violation of any law or regulation including enforcement-action, the application for renewal shall include a copy of the notice.

(c) Upon receipt of an application for renewal of the registration, the director may deny the renewal if there is reasonable cause to believe that:

(1) The registrant has violated any ordinance of the City, or any State, or Federal law on the premises or has permitted such a violation on the premises by any other person; or

(2) There are grounds for suspension, revocation, or other registration sanction as provided in this Article.

DIVISION 54. - OFFENSES AND ENFORCEMENT

Sec. 34.822. ~~Offenses.~~ Reserved.

Sec. 34.823. Registrant/landlord offenses.

A registrant or landlord commits an offense if they:

(1) Allow operation of a rental unit that is not registered with the City of San Marcos in violation of ~~section 34.818~~ this Article;

(2) Fail~~s~~ to renew registration;

(3) Register~~s~~ past deadline of required registration; or
(4) Omit~~s~~, or provide~~s~~ false or incorrect information on application.

Sec. 34.824. Failure to comply with requirements of code.

A violation of this Article is a Class C misdemeanor offense. Any persons, firm, corporation or any others acting on behalf of said person, persons, firm or corporation violating or failing to comply with any of the provisions of this ~~Code~~ Article is subject to payment of a fine not to exceed $2,000.00 plus court costs. Each act of violation and each day upon which such violation occurs constitutes a separate offense. Additionally, this Article authorizes cumulative enforcement action against repeated or multiple violations under this Article.

Sec. 34.825. Electronic communication notice.

Electronically transmitting a copy of the notice, acknowledgment of receipt requested, to the last known electronic address of the registrant or landlord shall serve as an accepted legal standard of contact and notice under this provision.

Sec. 34.826. Suspension.

The code official may suspend a residential rental property registration or a home share rental registration for a rental property if the code official determines that:

(1) The property is declared a substandard or dangerous building by the building department, the code official, or a court of competent jurisdiction;

(2) Registrant fails to comply with a notice of violation;

(3) Registrant fails to comply with applicable requirements of this ~~chapter~~ Article.

For purposes of this section the code official must serve notice of ~~intent to suspend~~ suspension of a registration by mail, electronic notification, or posting ~~of~~ on the subject property. The suspension is effective immediately until the requirements of this chapter are met or for the duration of the suspension set forth in the notice, or

if no duration is listed in the notice, until such time as the code official lifts the suspension.

Sec. 34.827. Revocation.

(a) A court of competent jurisdiction may revoke a residential rental property registration or a home share rental registration that has been suspended pursuant to section 34.826 if the court determines that during the suspension the registrant did not comply with the requirements of this chapter, abate a notice of violation for which the suspension was ordered, or failed to comply with a court order. A suspension need not be in place in order to revoke a registration.

(b) The code official may revoke a home share rental registration that has been suspended pursuant to section 34.826 if the Director determines that during the suspension the registrant did not comply with the requirements of this chapter or abate a notice of violation for which the suspension was ordered.

Sec. 34.828. Other remedies.

Nothing in this article prevents the city from seeking injunctive relief or other civil action required to enforce this chapter including suspension of utility services, placement of liens, and posting of notices prohibiting occupancy or use.

Sec. 34.829. Rental prohibited.

Any person, landlord or registrant may not operate, lease, occupy, or otherwise allow another person to occupy a rental property without a residential rental property registration or a home share rental registration when required by this chapter or, if the property is under a suspension or revocation notice or order.

~~**Sec. 34.830. Fee schedule.**~~

Sec. 34.831~~0~~0. Time line for fees.
All fees are based on a calendar year. Prorated fees will not be allowed.

Sec. 34.832~~1~~1. Fees schedule.

The registrant of a rental property shall annually pay the city a fee to offset the city's cost of administration and registration. The amount of the fee is set by the City Council in the passage of an annual Fee Schedule. The registrant shall also pay a ~~(A)~~ A technology fee of ten dollars ($10.00) per rental unit.

Sec. 34.833~~3~~2. Late fee schedule.

Annual registration or renewals received after expiration date shall be assessed a double fee. Nothing in this section prohibits legal action for operation of a premise without a registration or operational permit.

Sec. 34.833. Sunset Review – Home Share Rental Provisions.

The provisions of this Chapter pertaining to home share rentals shall be reviewed by the city council within one year of the adoption of Ordinance No. 2017-37. Those provisions are subject to amendment or repeal upon such review or at any other time. The adoption of the home share rental provisions of this Chapter shall not be construed to create any enforceable right to the continuation of home share rentals or any right to compensation for loss, damages, costs, or expenses alleged to have been incurred in reliance upon its adoption or suffered as a result its repeal.

Secs. 34.834—34.840. Reserved.

SECTION 4. Chapter 4 of Subpart B, the Land Development Code, is hereby amended as set forth in Exhibit "A," attached hereto and made a part hereof for all purposes.

SECTION 5. In codifying the changes authorized by this ordinance, paragraphs, sections and subsections may be renumbered and reformatted as appropriate consistent with the numbering and formatting of the San Marcos City Code.

SECTION 6. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 7 All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

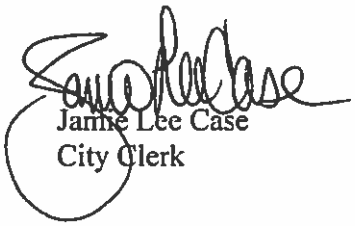
SECTION 8. This ordinance will take effect after its passage, approval and adoption on second reading.

PASSED AND APPROVED on first reading on July 18, 2017.

PASSED, APPROVED AND ADOPTED on second reading on August 1, 2017.

John Thomaides
Mayor

Attest:



Jamie Lee Case
City Clerk

Approved:

Michael J. Cosentino
City Attorney

EXHIBIT A

4.3.1.2 Land Use Matrix

	FD	AR	SF-R	SF-12	SF-8	SF-4.5	D	DR	TH	PH-21	MF-12	MF-18	MF-24	MR	MH	MU	VMU	P	NC	OP	CC	GC	HC	CBA	LI	HI
Home Share Rental (accessory use only; must comply with Ch34 of the City Code & Sec 4.3.4.8)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P		

4.3.4.8 Home Share Rentals

(a) Defined. Home Share Rental means a primary residence having fewer than five bedrooms, or portion thereof, or an accessory dwelling on premises with a primary residence that is offered for use or is used for accommodations or lodging of guests for a period of less than thirty consecutive dates. A home share rental does not include a bed and breakfast inn as defined in the City's Land Development Code, Subpart B of the City's Code of Ordinances.

(b) Purpose. The purpose of these standards is to establish regulations for the registration and use of home share rentals and to ensure, among other things, that habitation of such units is safe, hotel occupancy taxes are paid to the City in a timely fashion and to provide for the general welfare of neighborhoods, residents and visitors.

(c) Special Provisions for Home Share Rentals. All home share rentals shall:

(1) Be clearly incidental and customary to and commonly associated with the operation of the primary residential household living use;

(2) Be operated by the person or persons maintaining the dwelling unit use as their primary residence. For purposes of this provision, "person or persons" shall not include any corporation, limited liability company, partnership, firm, association, joint venture, or other similar legal entity. For purposes of this section 4.3.4.8, the term "primary residence" shall have the meaning prescribed thereto in Chapter 34 of the City Code of Ordinances;

(3) Hold a valid home share rental registration with the City pursuant to Chapter 34, Article 7 of the City Code and pay the fee identified in the City Fee Schedule;

(4) Not include rentals where the length of stay of any individual is 30 or more consecutive days during the calendar year; and

(5) Not permit more than two adult guests per bedroom offered for accommodation or lodging of guests plus an additional 2 adults.

(d) Related Provisions. Use of property for home share rentals as an accessory use is subject to compliance with provisions governing licensing and regulation of such uses under Chapter 34 of the City Code of Ordinances and may be suspended or revoked for non-compliance.

(e) Sunset Review-Home Share Rental Provisions. The provisions of this Chapter pertaining to home share rentals, including the provisions in Section 4.3.1.2, shall be reviewed by the city council within one year of the adoption of Ordinance No. 2017- 37. Those provisions are subject to amendment or repeal upon such review or at any other time. The adoption of the home share rental provisions of this Chapter shall not be construed to create any enforceable right to the continuation of home share rentals or any right to compensation for loss, damages, costs, or expenses alleged to have been incurred in reliance upon its adoption or suffered as a result of its repeal.

HOME SHARE RENTAL REGISTRATION APPLICATION FORM

Updated: August, 2017

CONTACT INFORMATION

Applicant's Name		**Property Owner**	
Applicant's Home Address		**Owner's Mailing Address**	
Applicant's Phone #		**Owner's Phone #**	
Applicant's Email		**Owner's Email**	

PROPERTY INFORMATION

Street Address of Rental Unit:

_____

Type of Dwelling:

☐ **Single Family/Duplex** ☐ **Apartment** ☐ **Condominium** ☐ **Accessory Dwelling** ☐ **Other:** _____

# of Bedrooms available for rent: _____ **Maximum Occupancy:** _____

* *Maximum occupancy = 2 adult guests per bedroom plus an additional 2 adults*

AUTHORIZATION

I understand the fees for and the process to obtain a Home Share Rental Permit and understand my responsibility to comply with the Home Share Rental Ordinance. I hereby certify and attest that this application and all required documentation is complete, accurate, and truthful under penalty of perjury under the laws of the State of Texas. I hereby submit this application and attachments for review by the City of San Marcos.

Filing Fee $50 **Technology Fee $11** ***TOTAL COST $61***

Applicant's Signature: _____ **Date:** _____

Printed Name: _____

To be completed by Staff: ***Accepted By:*** _____ ***Date Accepted:*** _____

Proposed Meeting Date: _____ ***Application Deadline:*** _____

APPLY ONLINE – WWW.MYGOVERMENTONLINE.GOV

CHECKLIST FOR HOME SHARE RENTAL REGISTRATION APPLICATION

Items Required for Complete Submittal		Staff Verification & Comments	
☐	Proof that the premises is the primary residence of the applicant, including at least two of the following : • Motor Vehicle Registration • Driver's license • Texas State Identification Card • Voter Registration • Tax Documents • Utility Bill	☐	
☐	Proof of possession of the premises being registered, either by warranty deed, or valid lease.	☐	
☐	If the applicant is not the owner, the applicant must provide written documentation, signed by the property owner before a notary public, authorizing the applicant to operate a home share rental on the premises.	☐	
☐	Application Filing Fee $50 Technology Fee $11	☐	
Additional information may be required at the request of the Department			

Lancaster | Anytime | 1 guest

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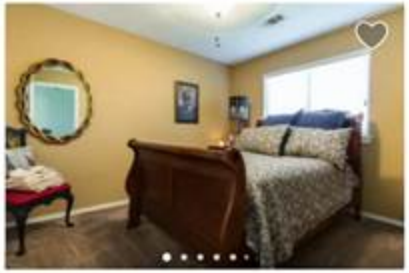
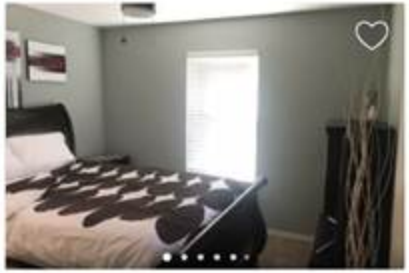


PRIVATE ROOM · 1 BED

Full sized bedroom

From $37 per night

★★★★★ 34

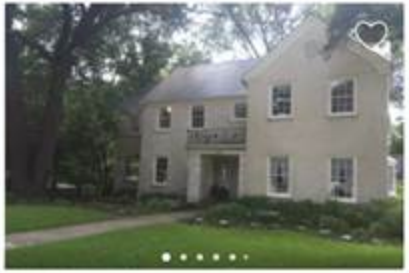


PRIVATE ROOM · 1 BED

Modern super clean room!

From $41 per night

★★★★★ 10



PRIVATE ROOM · 1 BED

Quiet Study with Private Entrance

From $50 per night

★★★★★ 10

PRIVATE ROOM · 1 BED

Pebble Creek House

From $19 per night

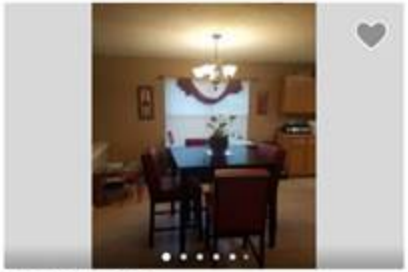
★★★★★ 3

PRIVATE ROOM · 2 BEDS

Warm, Cozy, Elegant and Inviting!

From $95 per night

1 review

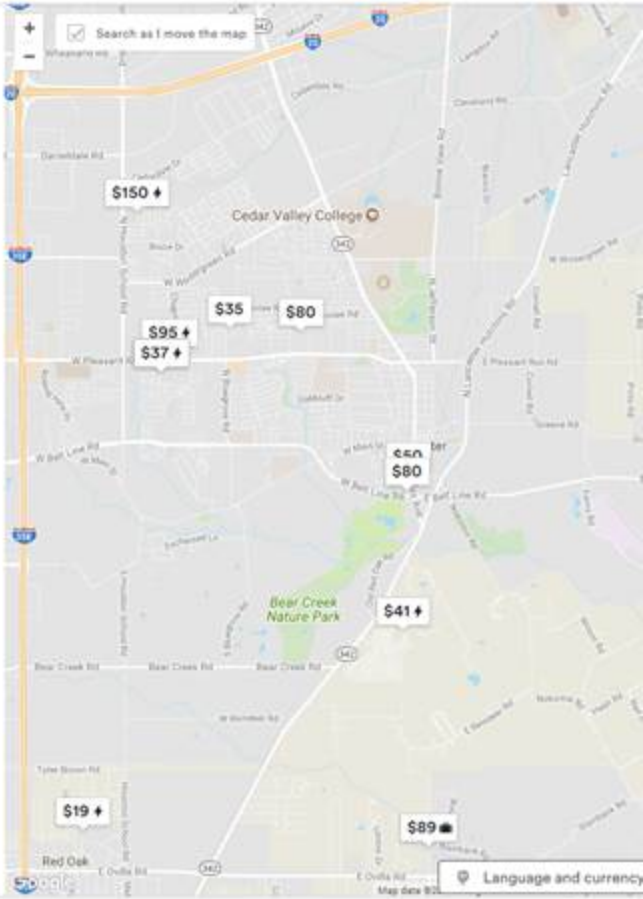


ENTIRE HOUSE · 3 BEDS

Cozy Home with 2 Bedrooms and Private Bath

From $150 per night

NEW 2 reviews



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Spacious home in Historic Neighborhood

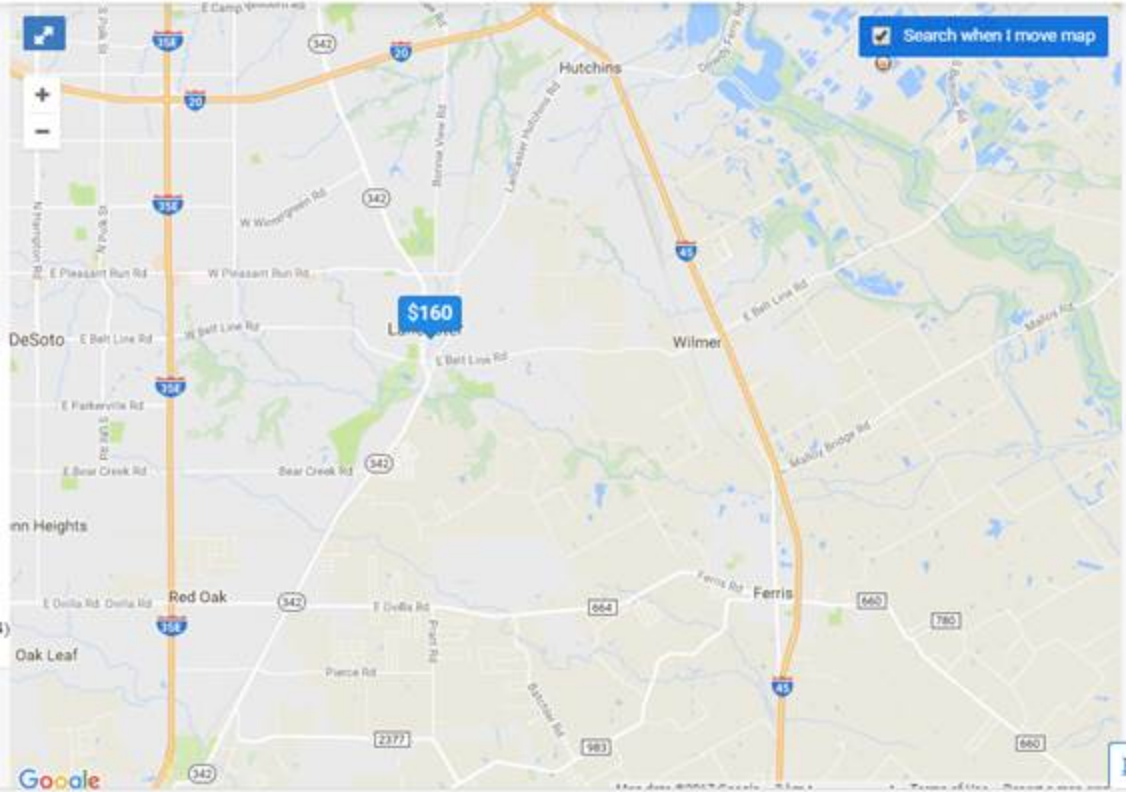
House #4221479 · 2 night min stay

Sleeps	Bedrooms	Bathrooms	sq. ft.
8	3	2	1750

Wonderful! 4.9/5

$160 per night

★★★★★ (14)



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ECONOMY

Short-term rental owners win again in Texas Courts

By Chance Weldon, Sept. 22, 2017

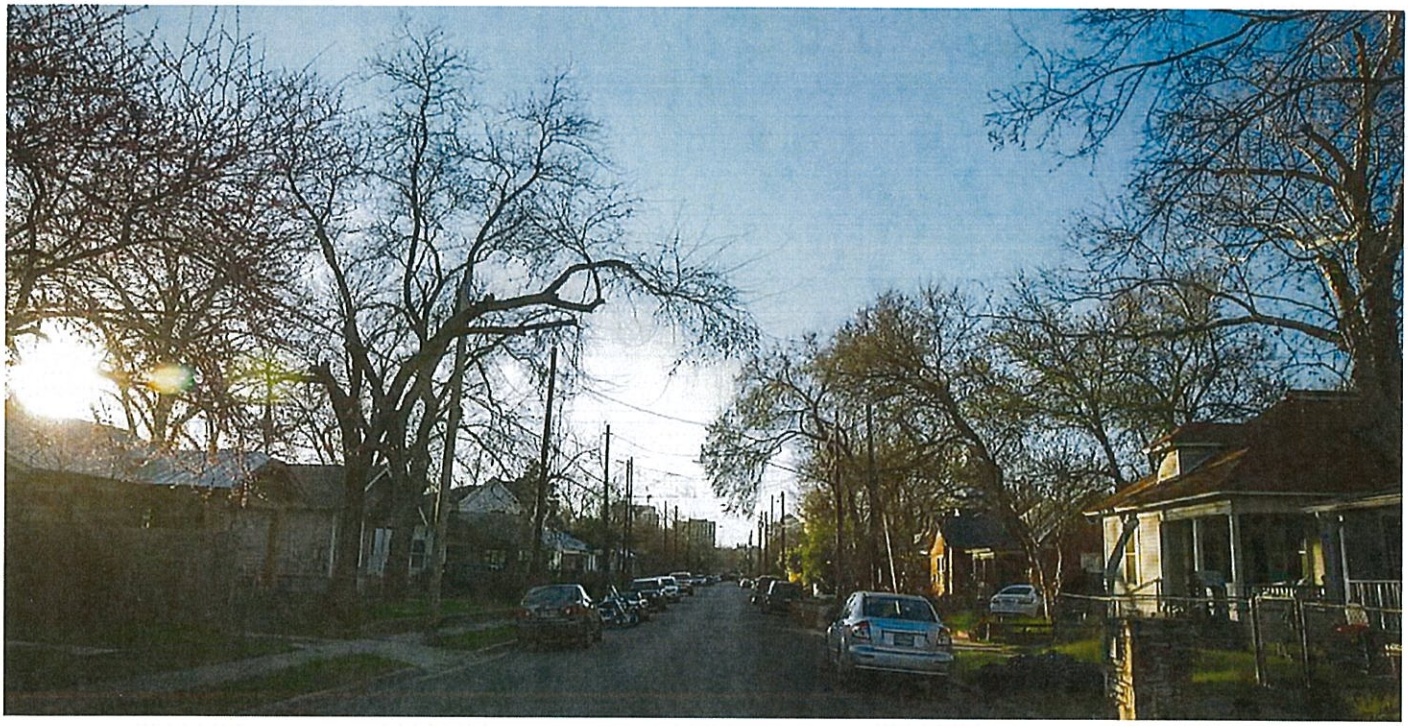

Photo by Shelby Knowles for The Texas Tribune

Owners and guests of short-term and vacation rentals in Texas recently racked up another win at the 3rd Texas Court of Appeals. On August 22, the Austin court joined a growing list of state appellate courts to hold that renting your home out for short periods of time does not magically transform it into a commercial enterprise that is incompatible with residential neighborhoods.

The court's holding was clear: "If a vacation renter uses a home for the purposes of eating, sleeping, and other residential purposes... this use is residential, not commercial, no matter how short the rental duration." An owner's "receipt of rental income from either short- or long-term rentals in no way detracts from or changes the residential characteristics of the use by the tenant."

The court's decision came in the context of a dispute over the meaning of residential use versus business use in a neighborhood's deed restrictions. But the decision has implications in a continuing debate among local governments, neighborhoods and property owners over how STRs are regulated.

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city and places arbitrary restrictions on those that remain. Among other things, the ordinance prohibits more than six adults from being present at a short-term rental at any time and imposes a bedtime on guests' activities "other than sleep" after 10 p.m. To enforce these restrictions, the ordinance requires that owners and guests submit to warrantless searches by city police or code department officers of the home at "any reasonable time."

The Texas Public Policy Foundation litigation center filed suit on behalf of several short-term rental owners and guests arguing that, among other things, the Austin ordinance violates the Texas Constitution's Equal Protection Clause by treating residential uses differently without justification. Briefs recently filed in district court by the property owners and the state of Texas, which intervened in the case to challenge the constitutionality of the ordinance, cite the city's own study, which shows that short-term rentals produce fewer nuisance-related complaints per capita than their long-term neighbors. Indeed, in the four years preceding the 2016 ordinance, the city did not issue a single citation against a licensed short-term rental owner or guest for violating the Austin's noise, trash or parking ordinances.

Despite this evidence, the city argues that because short-term rental owners use their properties to generate income, the properties are incompatible with neighborhoods and therefore subject to strict regulation or prohibition. As shown in its recent appellate opinion, the 3rd Texas Court of Appeals disagrees.

Short-term rentals have been part of Austin neighborhoods for more than a century. They have never been a problem. The ability through the internet to easily connect owners and guests in a free market environment hasn't changed that. At the end of the day, friends having dinner at a short-term rental is still just that. And families evacuating from Hurricane Harvey aren't breaking the law; they're simply seeking a dry place to sleep. If they get loud and disturb the neighborhood, they can be prosecuted just like anyone else. If not, the government should leave them alone. It doesn't matter whether they are staying for a week or a year. Or whether they rented a house online or from a newspaper advertisement. A city should not ban a harmless, otherwise lawful, use of property just because money changed hands.

While Texas cities seem to be struggling with this concept, the Texas appellate courts seem to understand it well. Your home is your castle, even if it's only for a few days.

Disclosure: The Texas Public Policy Foundation has been a financial supporter of The Texas Tribune. A complete list of Tribune donors and sponsors can be viewed here.

Chance Weldon

Attorney, Center for the American Future

CITY OF SOUTHLAKE, TEXAS

ORDINANCE NO. 1187

AN ORDINANCE OF THE CITY OF SOUTHLAKE, TEXAS, AMENDING CHAPTER 11 OF THE SOUTHLAKE CODE OF ORDINANCES "OFFENSES AND MISCELLANEOUS PROVISIONS" TO CREATE A NEW ARTICLE VI "SHORT TERM RENTALS"; PROVIDING A PENALTY OF UP TO $2,000 PER DAY FOR A VIOLATION OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; REPEALING CONFLICTING LAWS; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the short term rental of a property in the City of Southlake, with its attendant traffic, parking, noise, liter, and the influx of non-residents into residential areas is incompatible with the intent of residential districts in the City and the desires and expectations of the City's residents and is contrary to the long-standing character of the community; and

WHERAS, the short term rental of houses in residential areas of the City poses a risk of increased public nuisances, disruption of neighborhoods, and additional enforcement related issues; and

WHEREAS, the City of Southlake is empowered to enact regulations that promote the public health, safety and welfare of its citizens.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTHLAKE;

SECTION 1. The Southlake Code of Ordinances is hereby amended by adding language to the existing text that is set forth in this ordinance.

SECTION 2. Chapter 11 of the Southlake Code of Ordinances entitled "Offenses and Miscellaneous Provisions" is amended by creating and inserting a new Article VI as follows:

Article VI: Short Term Rental

Sec. 11-93 Definitions

Short term rental – the rental of any residence or residential structure or any portion of a residence or residential structure for a period of less than 30 days.

Rental - The renting, bartering, trading, letting or otherwise allowing the use of a residence or residential structure or room or rooms within a residence or residential structure. This shall not restrict, limit or interfere with any homeowner from participating in a leaseback upon the sale of a residence or residential structure.

HOST COMPLIANCE

A PRACTICAL GUIDE TO EFFECTIVELY REGULATING SHORT-TERM RENTALS ON THE LOCAL GOVERNMENT LEVEL

Ulrik Binzer, Founder & CEO Host Compliance LLC

HOST COMPLIANCE

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HOST COMPLIANCE

Introduction: The meteoric rise of "home-sharing" and short-term rentals

Sharing our homes has been commonplace for as long as there have been spare rooms and comfortable couches. Whether through word of mouth, ads in newspapers or flyers on community bulletin boards, renters and homeowners alike have always managed to rent out or share rooms in their living spaces. Traditionally these transactions were decidedly analog, local and limited in nature, but with advance of the internet and websites such as Airbnb.com and HomeAway.com it has suddenly become possible for people to advertise and rent out their homes and spare bedrooms to complete strangers from far-away with a few mouse-clicks or taps on a smartphone screen. As a result, the number of homes listed for short-term rent has grown to about 4 million, a 10 fold increase over the last 5 years. With this rapid growth, many communities across the country are for the first time experiencing the many positive and negative consequences of an increased volume of "strangers" in residential communities. While some of these consequences are arguably positive (increased business for local merchants catering to the tourists etc.) there are also many potential issues and negative side-effects that local government leaders may want to try to mitigate by adopting sensible and enforceable regulation.

How to effectively regulate home-sharing and short-term rentals has therefore suddenly become one of the hottest topics among local government leaders across the country. In fact, at the recent National League of Cities conference in Nashville, TN, there were more presentations and work sessions dedicated to this topic than to any other topic. Yet, despite more than 32,000 news articles written on the topic in recent years[i], surprisingly little has been written on how to implement simple, sensible and enforceable local policies that appropriately balances the rights of homeowners with the interests of neighbors and other community members who may only experience the negative side-effects associated with people renting out their homes on a short-term basis. This guide seeks to address this knowledge gap and offer practical advice and concrete examples of short-term rental regulation that actually works.

Why regulate home-sharing and short-term rentals in the first place?

There are many good reasons why local government leaders are focused on finding ways to manage the rapid growth of home-sharing and short-term rental properties in their communities. To name a few:

1. Increased tourist traffic from short-term renters has the potential to slowly transform peaceful residential communities into "communities of transients" where people are less interested in investing in one another's lives, be it in the form of informal friend groups or church, school and other community based organizations.

2. Short-term renters may not always know (or follow) local rules, resulting in public safety risks, noise issues, trash and parking problems for nearby residents.
3. So-called "party houses" i.e. homes that are continuously rented to larger groups of people with the intent to party can severely impact neighbors and drive down nearby home values.
4. Conversion of residential units into short-term rentals can result in less availability of affordable housing options and higher rents for long-term renters in the community.
5. Local service jobs can be jeopardized as unfair competition from unregulated and untaxed short-term rentals reduces demand for local bed & breakfasts, hotels and motels.
6. Towns often lose out on tax revenue (most often referred to as Transient Occupancy Tax / Hotel Tax / Bed Tax or Transaction Privilege Tax) as most short-term landlords fail to remit those taxes even if it is required by law.
7. Lack of proper regulation or limited enforcement of existing ordinances may cause tension or hostility between short-term landlords and their neighbors
8. The existence of "pseudo hotels" in residential neighborhoods (often in violation of local zoning ordinances etc.) may lead to disillusionment with local government officials who may be perceived as ineffective in protecting the interests of local tax-paying citizens.

In short, while it may be very lucrative for private citizens to become part-time innkeepers, most of the negative externalities are borne by the neighbors and surrounding community who may not be getting much in return. The big questions is therefore not whether it makes sense to regulate short-term rentals, but how to do it to preserve as many of the benefits as possible without turning neighbors and other local community members into "innocent bystanders". In the next sections we will explore how to actually do this in practice.

Effective short-term rentals regulation starts with explicit policy objectives and a clear understanding of what regulatory requirements can be enforced

As with most regulation enacted on the local level, there is no "one size fits all" regulatory approach that will work for all communities. Instead local regulation should be adapted to fit the local circumstances and policy objectives while explicitly factoring in that any regulation is only worth the paper it is written on if it can be enforced in a practical and cost-effective manner.

Start with explicit policy objectives!

As famously stated in Alice in Wonderland: *"If you don't know where you are going, any road will get you there."* The same can be said about short-term rental regulation, and unfortunately many town and city councils end up regulating the practice without first thinking through the community's larger strategic objectives and exactly which of the potential negative side effects

associated with short-term rentals that the regulation should try to address. As an example, the Town of Tiburon in California recently passed a total ban of short-term rentals without thinking through the severely negative impact of such regulation on its stated strategic policy objective of revitalizing its downtown. Likewise the City of Mill Valley, California recently adopted an ordinance requiring short-term landlords to register with the city, while failing to put in place an effective mechanism to shut-down "party-houses" although there had been several complaints about such properties in the past. Such oversight was clearly unintentional but highlights the fact that the topic of regulating short-term rentals is extremely complicated and it is easy to miss the forest for the trees when it comes time to actually writing the local code. To avoid this pitfall, local government leaders should therefore first agree on a specific list of goals that the new short-term rental regulation should accomplish *before* discussing any of the technical details of how to write and implement the new regulation. Any draft regulation should be evaluated against these specific goals and only code requirements that are specifically designed to address any of those concrete goals should be included in the final ordinance. Below are a few concrete examples of what such lists of concrete policy objective could look like for various types of communities:

Example A: List of short-term rental policy objectives for an affluent residential community in attractive location

- Ensure that traditional residential neighborhoods are not turned into tourist areas to the detriment of long-time residents
- Ensure any regulation of short-term rentals does not negatively affect property values (and property tax revenue)
- Ensure that homes are not turned into pseudo hotels or "party houses"
- Minimize public safety risks and the noise, trash and parking problems often associated with short-term rentals without creating additional work for the local police department
- Give permanent residents the option to occasionally utilize their properties to generate extra income from short-term rentals as long as all of the above mentioned policy objectives are met

Example B: List of short-term rental policy objectives for an urban community with a shortage of affordable housing

- Maximize the availability of affordable housing options by ensuring that no long-term rental properties are converted into short-term rentals
- Ensure that short-term rentals are taxed in the same way as traditional lodging providers to ensure a level playing field and maintain local service jobs
- Ensure that the city does not lose out on hotel tax revenue that could be invested in much needed services for permanent residents

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- Minimize public safety risks and the noise, trash and parking problems often associated with short-term rentals without creating additional work for the local police department
- Give citizens the option to utilize their properties to generate extra income from short-term rentals as long as all of the above mentioned policy objectives are met

Example C: List of short-term rental policy objectives for a working-class suburban community with ample housing availability and a struggling downtown

- Give property owners the option to utilize their properties as short-term rentals to help them make ends meet
- Encourage additional tourism to drive more business to downtown stores and restaurants
- Minimize public safety risks and the noise, trash and parking problems often associated with short-term rentals without creating additional work for the local police department
- Ensure that the city does not lose out on tax revenue that could be invested in much needed services for permanent residents

Example D: List of short-term rental policy objectives for beach town with a large stock of traditional vacation rentals

- Ensure any regulation of short-term rentals does not negatively affect the value of second homes (and thereby property tax revenue)
- Encourage increased visitation to local stores and restaurants to increase the overall availability of services and maximize sales tax collections
- Minimize public safety risks and the noise, trash and parking problems associated with existing short-term rentals without creating additional work for the local police department

Once clear and concrete policy objectives have been formulated the next step is to understand what information can be used for code enforcement purposes, so that the adopted short-term rental regulation can be enforced in a cost-effective manner.

Only adopt policy requirements that can and will be enforced!

While it may seem obvious that *only enforceable legislation should be adopted*, it is mind-boggling how often this simple principle is ignored. To give a few examples, the two California towns previously mentioned not only failed to adopt regulation consistent with their overall strategic policy objectives, but also ended up adopting completely unenforceable rules. In the case of Tiburon, the town council instituted a complete ban of all short-term rentals within its jurisdiction, but not only failed to allocate any budget to enforce it, but also failed put in place

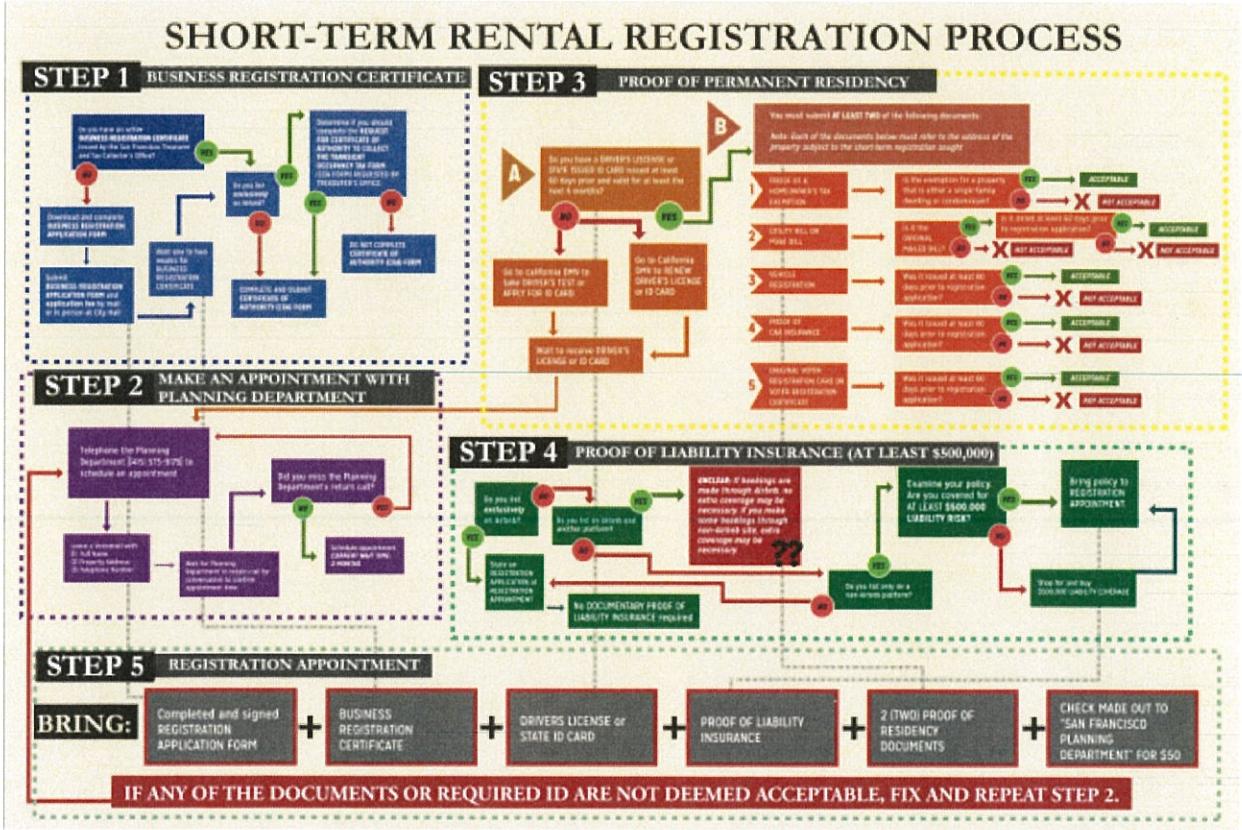
fines large enough to deter any violation of the ban. As a result, the number of properties listed for rent has remained virtually unchanged before and after the ban.

In the case of Mill Valley, the town's registration requirement turned out to be completely unenforceable as the town's personnel had neither the technical expertise, time nor budget to track down short-term landlords that failed to register. As a result, the town has had to rely exclusively on self-reporting, and unsurprisingly the compliance rate has been less than 5%.

As for local governments that require short-term rental property owners to pay tax to the local jurisdiction without allocating budget to enforcing such rules, they have found themselves in similar situations, with compliance rates in the 5% range.

Keep it simple!

Another common mistake is for cities to adopt complicated rules that are hard for citizens to understand and follow and that require large investments in enforcement. As an example, despite setting up a dedicated department to enforce its short-term rental regulation, the City of San Francisco has only achieve a 10-15% compliance rate as its regulation is so complicated and its registration process so agonizing that most people give up before even trying to follow the rules. Below is flow-chart that illustrates San Francisco's cumbersome short-term rental registration process.



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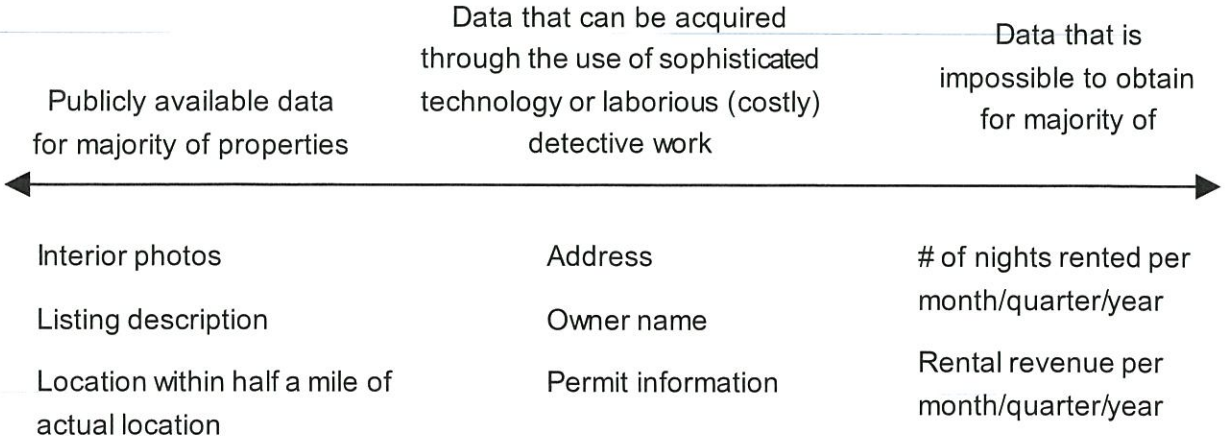
While hindsight is 20/20, it is worth noting that the registration requirements were probably well-intended and made logical sense to the council members and staff that adopted them. The problem was therefore not ill-will but a lack of understanding of the practical details as to how the various short-term rental websites actual work. As an example, San Francisco's short-term rental regulation require that property owner's display their permit number on any advertising (including online listings) whereas Airbnb's website has built-in functionality that specifically prevents short-term landlords from doing so and automatically deletes all "permit sounding" information from the listings in most locations. Likewise, San Francisco's legislation bans anyone for renting their homes for more than 90 days per calendar year, while none of the home-sharing websites give code enforcement officers the ability to collect the data necessary to enforce that rule. To make matters worse, the listing websites have refused to share any property specific data with the local authorities and have even gone as far as suing the cities that have been asking for such detailed data. Local government officials should therefore not assume that the listing websites will be collaborative when it comes to sharing data that will make it possible for local code enforcement officers to monitor compliance with complicated short-term rental regulation on the property level. Instead, local government leaders should seek to carefully understand the data limitations before adopting regulation that cannot be practically enforced. To get a quick overview of what information that can be relied on for short-term rental compliance monitoring and enforcement purposes, please see the diagram below that shows which:

1. data is publicly available on the various home-sharing websites
2. information that can be uncovered through the deployment of sophisticated "big data" technology and trained experts (or time-consuming and therefore costly detective work conducted by a town's own staff)
3. property specific details that are practically impossible to obtain despite significant investment of time and money



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So where does that leave local government leaders who want to put in place enforceable short-term rental regulation? In the next section we will explore, describe, and assess the viable regulatory tools available for local government leaders to effectively address the key issues related to taxation, regulation, social equity and economic development.

Viable regulatory approaches to managing short-term rentals

As mentioned earlier, the first step to creating effective short-term rental regulation is to document and get agreement on a set of clear and concrete policy objectives. Once this has been accomplished, putting together the actual regulatory requirements can be simplified by referring to the "cheat sheet" below, which lists the regulatory levers that can be pulled to accomplish those goals in a practical and cost-effective manner while factoring in the data limitations highlighted in the previous section.

Short-term Rental Policy Objectives and the Associated Viable Regulatory Approaches

Policy Objective	Viable Regulatory Approach(es)	Unviable Regulatory Approach(es)
Give ***law abiding and respectful*** citizens the option to utilize their homes as short-term rentals	Adopt a formal annual permitting requirement and a process for revoking permits from "trouble properties". As an example a local government can adopt a "3 strikes rule" whereby a permit is automatically revoked for a number of years in the event the local government receives 3 (substantiated) complaints about a property within a certain time frame (i.e. a 24 month period). Alternatively, a local government can adopt a rule by which a permit is automatically revoked in the event the town receives conclusive evidence (police report, video evidence etc.) that a city ordinance has been violated.	Failing to clearly specify what rules law abiding and respectful short-term landlords and their renters must comply with. Adopting regulation that does not clearly define the criteria and process for revoking a short-term rental permit.
Ensure that speculators do not buy up homes to turn them into pseudo hotels while still giving ***permanent***	Adopt a formal permit requirement and make it a condition that the permit holder verifies residency on an annual	Adopting a permitting process that does **not** formally require short-term rental permit

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residents the option to utilize their homes to generate extra income from short-term rentals	basis by submitting the same documentation as is required to verify residency for public school attendance purposes	holders to verify that they are permanent residents of the permitted property
Ensure that homes are **only** occasionally used as short-term rentals (and **not** continuously rented out to new people on a short term basis)	It is unfortunately not practically possible to enforce any formal limits on the number of times or number of days that a particular property is rented on an annual/quarterly/monthly basis, but adopting a permanent residency requirement for short-term rental permit holders (see above) can ensure that there is a practical upper limit to how often most properties are rented out each year (most people can only take a few weeks of vacation each year and they are therefore practically restricted to rent out their homes for those few weeks). There is unfortunately no easy way to deal with the tiny minority of homes where the "permanent resident" owners have the ability to take extended vacations and rent out their home continuously. That said, if the above mentioned "permanent residency requirement" is combined with rules to mitigate noise, parking and trash related issues, the potential problems associated with these few homes should be manageable. Adopting a ""permanent residency requirement" also comes with the additional side benefit that most people don't want to rent out their primary residence to people who may trash it or be a nuisance to the neighbors. The "permanent residency requirement" can therefore also help minimize noise, parking and trash related issues.	A formal limit on the number of times or number of days each property can be rented on an annual/quarterly/monthly basis is not enforceable as occupancy data is simply not available without doing a formal audit of each and every property.

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Ensure homes are **not** turned into "party houses"	Adopt a formal permit requirement and put in place a specific limit on the number of people that are allowed to stay on the property at any given time. The "people limit" can be the same for all permitted properties (i.e. a max of 10 people) or be correlated with the number of bedrooms. In addition, the regulation should formally specify that any advertisement of the property (offline or online) and all rental contracts must contain language that specifies the allowed "people limit" to make it clear to (potential) renters that the home cannot be used for large gatherings. While not bullet-proof, adopting these requirements will deter most abuse. In addition it is possible to proactively enforce this rule as all listing websites require (or allow) hosts to indicate their property's maximum occupancy on the listings.	Adopting any regulation that does not clearly define what types of uses are disallowed will be ineffective and likely result in misinterpretation and/or abuse.
Minimize potential parking problems for the neighbors of short-term rental properties	Adopt a formal permit requirement and put in place a specific limit on the number of motor vehicles that short-term renters are allowed to park on/near the property. The "motor vehicle limit" can be the same for all permitted properties (i.e. a max of 2) or be dependent on the number of permanent parking spots available on the property. In addition, the regulation should formally specify that any advertisement of the property (offline or online) and any rental contract must contain language that specifies the allowed "motor vehicle limit" to make it clear to (potential) renters that bringing more cars is disallowed. As with the "people limit" rule mentioned above,	Adopting any regulation that does not clearly define a specific limit on the number of motor vehicles that short-term renters are allowed to park on/near the property.

	adopting these parking disclosure requirements will deter most abuse. In addition it is easy to proactively enforce this rule as most listing websites require or allow their hosts to describe their property's parking situation on the listing.	
Minimize public safety risks and possible noise and trash problems without creating additional work for the local police department and code enforcement personnel	1. Require that all short-term rental contracts include a copy of the local sound/trash/parking ordinances and/or a "Good Neighbor Brochure" that summarizes the local sound/trash/parking ordinances and what is expected of the renter. 2. Require that short-term rental permit holders list a "local contact" that can be reached 24/7 and immediately take corrective action in the event any non-emergency issues are reported (i.e. deal with suspected noise, trash or parking problems) 3. Establish a 24/7 hotline to allow neighbors and other citizens to easily report non-emergency issues without involving local law/code enforcement officers. Once notified of a potential ordinance violation, the hotline personnel will contact the affected property's "local contact", and only involve the local law and/or code enforcement personnel in the event that the "local contact" is unsuccessful in remedying the situation within a reasonable amount of time (i.e. 20-30 minutes).	Adopting any regulation and enforcement processes that do not explicitly specify how non-emergency problems should be reported and addressed.
Ensure that no long-term rental properties are converted to short-term	Adopt a permanent residency requirement for short-term rental permit holders (see above) to	Adopting a permitting process that does **not** formally require short-

HOST COMPLIANCE

rentals to the detriment of long-term renters in the community	prevent absentee landlords from converting long-term rental properties into short-term rentals.	term rental permit holders to verify that they are permanent residents of the permitted property will be ineffective in preventing absentee landlords from converting their long-term rental properties into short-term rentals.
Ensure that residential neighborhoods are not inadvertently turned into tourist areas to the detriment of permanent residents	Implement one or both of the following regulatory approaches: 1. Adopt a formal permit requirement and set specific quotas on the number of short-term rental permits allowed in any given neighborhood, and/or 2. Adopt the "permanent residency requirement" for short-term rental permit holders (mentioned above) to ensure that there is a practical upper limit to how often any property is rented out each year	Adopting a complete ban on short-term rentals, unless such a ban is heavily enforced.
Ensure any regulation of short-term rentals does not negatively affect property values or create other unexpected negative long-term side-effects	Adopt regulation that automatically expires after a certain amount of time (i.e. 2-5 years) to ensure that the rules and processes that are adopted now are evaluated as the market and technology evolves over time.	Adopt regulation that does not contain a catalyst for evaluating its effectiveness and side-effects down the line.
Ensure the physical safety of short-term renters	Adopt a physical safety inspection requirement as part of the permit approval process. The inspection can be conducted by the municipality's own staff or the local fire/police force and can cover various amounts of potential safety hazards. As a minimum such inspection should ensure that all rentals provide a minimum level of protection to the renters who are sleeping in	Adopting a self-certification process that does not involve an objective 3rd party.

	unfamiliar surroundings and therefore may be disadvantaged if forced to evacuate the structure in the event of an emergency.	

In addition to the above targeted regulatory measures, local governments should adopt requirements for short-term rental permit holders to maintain books and records for a minimum of 3 years so that it is possible to obtain the information necessary to conduct inspections or audits as required. Finally, it is imperative that local governments adopt fine structures that adequately incentivizes short-term landlords to comply with the adopted regulation. Ideally the fines should be proportionate to the economic gains that potential violators can realize from breaking the rules, and fines should be ratcheted up for repeat violators. Below is an example of a fine schedule that will work for most jurisdictions:

	1st violation	2nd violation	3rd violation	4th violation
Fine for advertising a property for short-term rent (online or offline) without first having obtained a permit or complying with local listing requirements	$200 per day	$400 per day	$650 per day	Upon the fourth or subsequent violation in any twenty-four month period, the local government may suspend or revoke any permit. The suspension or revocation can be appealed.
Fine for violating any other requirements of the local government's short-term rental regulation	$250 per day	$500 per day	$750 per day	

Notes:

(a) Any person found to be in violation of this regulation in a civil case brought by a law enforcement agency shall be ordered to reimburse the local government and other participating law enforcement agencies their full investigative costs, pay all back-owed taxes, and remit all illegally obtained short-term rental revenue proceeds to the local government

(b) Any unpaid fine will be subject to interest from the date on which the fine became due and payable to the local government until the date of payment.

(c) The remedies provided for in this fine schedule are in addition to, and not in lieu of, all other legal remedies, criminal or civil, which may be pursued by the local government to address any violation or other public nuisance.

Best Practices for Enforcing Short-term Rental Regulation

To implement any type of effective short-term rental regulation, be it a total ban, a permitting requirement, and/or a tax, local governments must expect to invest some level of staff time and/or other resources in compliance monitoring and enforcement. That said, most local governments are neither technically equipped nor large enough to build the true expertise and

sophisticated software needed to do this cost-effectively. There are several reason why this is the case:

1. Rental property listings are spread across dozens (or hundreds) of different home sharing websites, with new sites popping up all the time (Airbnb and HomeAway are only a small portion of the total market)
2. Manually monitoring 100s or 1,000s of short-term rental properties within a specific jurisdiction is practically impossible without sophisticated databases as property listings are constantly added, changed or removed
3. Address data is hidden from property listings making it time-consuming or impossible to identify the exact properties and owners based just on the information available on the home-sharing websites
4. The listing websites most often disallow property owners from including permit data on their listings, making it impossible to quickly identify unpermitted properties
5. There is no manual way to find out how often individual properties are rented and for how much, and it is therefore very difficult to precisely calculate the amount of taxes owed by an individual property owner

Luckily, it is possible to cost-effectively outsource most this work to new innovative companies such as Host Compliance that specialize in this area and have developed sophisticated big data technology and deep domain expertise to bring down the compliance monitoring and code enforcement costs to a minimum. In many situations, these companies can even take on all the work associated with managing the enforcement of the short-term rental regulation in return for a percentage of the incremental permitting fees, tax revenue and fine revenue that they help their local government partners collect. ***Adopting short-term rental regulation and outsourcing the administration and enforcement can therefore be net-revenue positive for the local government, while adding no or little additional work to the plates of internal staff. What's more, getting started generally requires no up-front investment, long-term commitment or complicated IT integration.***

That said, while it is good to know that adopting and enforcing short-term regulation can be net revenue positive if done in partnership with an expert firm, it is important to note that the economic benefits are only a small part of the equation and that local government leaders should also factor in the many non-economic benefits associated with managing and monitoring the rapidly growing short-term rental industry in their local communities. These non-economic benefits are often much more important to the local citizens than the incremental tax revenue, so even if the incremental revenue numbers may not seem material in the context of a local government's overall budget, the problems that unregulated and/or unmonitored short-term rentals can cause for the neighbors and other "innocent bystanders" can be quite material and should therefore not be ignored. Or as Jessica C. Neufeld from Austin, TX who suddenly found herself and her family living next to a "party house" reminds us: *"We did not buy our house to be*

living next to a hotel. Would you buy a home if you knew a hotel like this was operating next door, if you wanted to set your life up and raise a family?"[ii].

Conclusion

It is the responsibility of local government leaders to ensure that as few people as possible find themselves in the same unfortunate situation as Jessica and her family. In this white-paper we have outlined how to make it happen - in a revenue positive way. To find out more about how we can help your community implement simple, sensible and enforceable short-term rental regulation, feel free to visit us on www.hostcompliance.com or call us for a free consultation on (415) 715-9280. We would also be more than happy to provide you with a complimentary analysis of the short-term rental landscape in your local government's jurisdiction and put together an estimate of the revenue potential associated with adopting (or more actively enforcing) short-term rental regulation in your community.

About the Author

Ulrik Binzer is the Founder and CEO of Host Compliance LLC, the industry leader in short-term rental compliance monitoring and enforcement solutions for local governments.

Ulrik got the idea to found Host Compliance when he was serving on a committee appointed by his local town council to study possible ways to regulate short-term rentals in the local community. In preparation for his work on the committee, Ulrik spent countless hours researching how other municipalities had approached the regulation of short-term rentals, and it became evident that enforcing the regulations and collecting the appropriate taxes without the support of sophisticated technology was virtually impossible. As a result, Ulrik set out to build those tools and make them available to municipalities of all sizes at a fraction of the cost of what it would cost them to build and run such technology internally.

Prior to founding Host Compliance, Ulrik served as Chief Operating Officer of Work4 Labs - an 80 person Venture Capital backed technology company with offices in Silicon Valley and Europe, and Soligent Distribution LLC - the largest distributor of solar equipment to local governments and businesses in the Americas.

Before assuming executive management roles in technology companies, Ulrik served as Vice President of the private equity firm Golden Gate Capital, as a strategy consultant at McKinsey & Company and as an Officer in the Danish Army where he commanded a 42-person Platoon and graduated first in his class from the Danish Army's Lieutenant School.

Ulrik received his M.B.A. from Harvard Business School where he was as a Baker Scholar (top 5% of his class) and earned his Bachelor of Science degree in International Business from Copenhagen Business School and New York University.

Ulrik can be contacted on (415) 715-9280 or binzer@hostcompliance.com. You can follow him and Host Compliance on twitter on @HostCompliance.

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[i] Google News accessed on 1/5/2016

[ii] New York Times article: "New Worry for Home Buyers: A Party House Next Door", October 10, 2015

LANCASTER CITY COUNCIL

City Council Work Session **5.**

Meeting Date: 06/18/2018

Policy Statement: This request supports the City Council 2017-2018 Policy Agenda.

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

Submitted by: Bester Munyaradzi, Senior Planner

Agenda Caption:

Discuss an ordinance(s) amending Ordinance No. 2006-04-13 (The Lancaster Development Code), Article 14.400 (Permissible Uses), Section 14.402 (e) (Use Standards) and the Land Use Tables to add (+) Permitted With Conditions and the Conditions to certain event centers where alcohol is available or served.

Background:

As prescribed in the City Council Rules and Procedures as amended September 2016, Section D. City Council Agenda Process, Subsection 1.b., Council member Marco Mejia requested that an item be included on the February 19, 2018 Work Session Meeting for the purpose of discussing police officer presence being required at event centers where alcohol is available or served as well as crowd size over a certain limit.

At the February 19, 2018 Work Session Meeting, the City Council discussed the need to require police officer presence being required at event centers where alcohol is available or served as well as crowd size over a certain limit. The City Council requested staff to bring an ordinance on police presence and crowd limit at events centers where alcohol is available or served. Currently, the City of Lancaster requires police presence at events serving alcohol beverage at City facilities only as stipulated on the attached Article 16.100 Parks & Recreation Code, Section 16.121 Alcoholic Beverages. There is therefore no requirements for police presence at events centers where alcohol is available or served with no size limit anywhere else in the City.

As requested by the City Council, attached is an ordinance amending the Land Use Tables by adding "+" Permitted with Conditions to events centers such as Banquet Facility, Night Club, Discoteque and Dance Hall. Banquet Facility, Night Club, Discoteque and Dance Hall or event centers on the current land use table where alcohol is available and/or served. These centers are also places where there is a need to cap the number of people permitted at a given time. The ordinance also stipulates and spells out in detail the following conditions that such event centers are required to meet:
Conditions such as:

1. Security
2. Loitering and Outside Activities
3. Noise Mitigation
4. Litter and Debris
5. Parties and activities involving minors

Please refer to the attached draft ordinance for your review and recommendations.

Attachments

Proposed Evet center Draft Ordinance

Proposed Land Use Table Excerpt

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS AMENDING ORDINANCE 2006-04-13, (THE LANCASTER DEVELOPMENT CODE), ARTICLE 14.400 (PERMISSIBLE USES), SECTION 14.402 (USE STANDARDS) SUBSECTION (e) RECREACTION, ENTERTAINMENT & AMUSEMENT USE CONDITIONS AND THE LAND USE TABLE AMENDED, TO ADD (+) PERMITTED WITH CONDITIONS AND THE CONDITIONS TO CERTAIN EVENT CENTERS WHERE ALCOHOL IS AVAILABLE OR SERVED; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ($2,000) FOR EACH AND EVERY OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lancaster, Texas has determined Ordinance 2006-04-13, (the Lancaster Development Code) Article 14.400 (Permissible Uses), Section 14.402 (Use Standards), Subsection (e) Recreation, Entertainment & Amusement Use Conditions and the Land Use Tables as amended, to add (+) Permitted With Conditions to the Land Use Tables and the Conditions to Use Standards for certain event centers where alcohol is available or served.

WHEREAS, the City Council finds this amendment to the Lancaster Development Code will serve, protect and enhance the public health, safety and general welfare and to attain to the goals of the City in the area of setting development standards.

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

Section 1. That the Lancaster Development Code be, and the same is, hereby amended by amending Article 14.400 (Permissible Uses), Section 14.402 (Use Standards), Subsection (e) Recreation, Entertainment & Amusement Use Conditions and the Land Use Tables as amended, to add (+) Permitted With Conditions to the Land Use Tables and the Conditions to Use Standards for certain event centers where alcohol is available or served.

Sec. 14.402 Use Standards

(e) Recreation, Entertainment & Amusement Use Conditions

(1) Billiard Parlor or Pool Hall

A. Any business or premises in which one (1) or more pool or billiard tables are located and used for the playing of billiards, pool or similar games and for which a fee is charged, either directly or indirectly, by means of a general admission fee, membership fee, dues or the like. Exceptions include:

1. Billiard or pool or tables kept in private residences or apartments and used without charge by members of the family or bona fide guests;

2. Billiard or pool tables on the premises of religious, charitable, educational or fraternal organizations for the use of members or their guests, and not for private profit, although a charge is made for playing; and

3. Billiard or pool tables on the premises of publicly owned facilities.

B. Businesses which contain more than 3 pool or billiard tables or similar games and for which a fee is charged, either directly or indirectly, by means of a general admission fee, membership fee, dues or the like, shall require the approval of an SUP.

(2) Carnival, Circus, or Amusement Ride (Temporary)

A. A promotional event intended to attract people to a site where there may or may not be an admission charge, and which may include such activities as rides, entertainment, game booths, food stands, exhibitions, and animal displays, and not extending greater than 14 days in duration.

B. Carnival, circus and amusement ride uses shall be no closer than 300 feet to residentially zoned land unless such setback is reduced or waived by the Planning and Zoning Commission and City Council.

C. Such events must obtain a Special Events Permit from the City of Lancaster.

(3) Commercial Amusement/Recreation (Indoor)

A. Any enterprise whose main purpose is to provide the general public with a variety of amusing or entertaining activities, including such activities as skating rinks, bowling alleys, video arcades and similar enterprises, but does not include theaters and auditoriums. It also includes establishments with more than four (4) coin operated machines as defined by City Ordinances, excluding billiard or pool halls. Exceptions include:

1. Skill or coin-operated machines kept in private residences or apartments and used without charge by members of the family or bona fide guests;

2. Skill or coin-operated machines on the premises of religious, charitable, educational or fraternal organizations for the use of members or their guests, and not for private profit, although a charge is made for playing; and

3. Billiard or pool tables on the premises of publicly owned facilities.

B. A skill or coin operated machine is defined as any coin-operated machine of any kind or character whatsoever, when such machines dispense or are used or are capable of being used or operated for amusement or pleasure or when such machines are operated for the purpose of dispensing or affording skill or pleasure, or for any other purpose other than the dispensing or vending of merchandise, music or service, as those terms are defined in Texas Revised Civil Statutes Annotated, *Articles 8801-8817.*

(5) Commercial Amusement / Recreation (Outdoor)

A. Outdoor commercial recreation and amusements, excluding drive-in theaters, but including golf courses, target ranges and skeet shoots, picnic groves, amusement parks, circus or carnival grounds, commercial amusement or recreational developments or tents, and other similar uses. This includes temporary structures used for meetings. Such uses shall be considered "temporary" if the use does not exceed 14 days. (See "Carnival, Circus, or Amusement Ride (Temporary)" above.)

B. Outdoor commercial recreational and amusement uses shall be no closer than 300 feet to residentially zoned land unless such setback is reduced or waived by the Planning and Zoning Commission and City Council.

(6) Event Centers – Banquet Facility, Night Club, Discoteque, or Dance Hall

A. Time Period – Event Centers must comply with all conditions stipulated herein at every event where alcohol beverage are available, provided and/or served and at events occurring after 6:00 pm.

B. Security – The center must provide security at every event where alcohol beverage are available, provided and/or served, and at for events occurring after 6:00 pm. Security must be by a qualified person(s) who is authorized to provide private security under Chapter 1702 of Texas Occupations Code.

C. Loitering, Outside Activities – Prolonged congregating or loitering of event attendees or participants outside the event building is prohibited. Outside activities, if any, must be in compliance with the City noise regulations as set forth in the City Code.

D. Noise Mitigation –The applicant must add noise mitigation to the existing building if determined necessary by the City to protect surrounding properties and the public health, safety and welfare

E. Litter & Debris – Any litter or debris left on the premises must be removed immediately following the event. The owner of the center is responsible for the removal of all litter and debris.

F. Crowd Size – The occupancy rate center shall meet Building and Fire Codes and shall be permanently and visibly displayed inside the building wall.

G. Minors Parties Activities – Parties and activities involving minors ages 11-17 shall require the following:

i. Reservation will not exceed 50 minors per event

ii. One Security Officer shall be required for every 25 minors

iii. Guest list must be provided. No individual will be permitted to enter the reservation unless named on the list

iv. Participants are not allowed to leave the reservation once checked in

v. No reservations will be allowed to exceed 11 PM.

vi. One chaperone (age 25 or older) shall be required for every 25 minors.

(7) Fund Raising Events by Non-Profit, Indoor or Outdoor (Temporary)

A. An event sponsored by a recognized legal non-profit organization, intended to attract people to a site where there may or may not be an admission charge.

B. Such events must obtain a Special Events Permit from the City of Lancaster for residential districts.

(8) Tennis Courts. Tennis courts shall meet standards for lighting and noise levels at adjacent residential property lines. (See Art. 14.700. Environmental Performance Standards)

Section 3. That all provisions of the Lancaster Development Code in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other provisions of the Lancaster Development Code not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 4. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, or of the Lancaster Development Code, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Lancaster Development Code, as amended hereby, which shall remain in full force and effect.

Section 5. Any person, firm or corporation violating any of the provisions of this ordinance or the provisions of the Code of Ordinances of the City of Lancaster, Texas, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Lancaster, Texas, shall be subject to a fine not to exceed the sum of Two Thousand ($2,000.00) dollars for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense.

Section 6. This Ordinance shall become effective from and after its passage and publication as required by law.

DULY PASSED by the City Council of the City of Lancaster, Texas, on the 25th day of June, 2018.

ATTEST:

_____
Sorangel O. Arenas, City Secretary

APPROVED:

_____
Marcus E. Knight, Mayor

APPROVED AS TO FORM:

_____
David T. Ritter, City Attorney

Table 1 Land Use Tables

P = Permitted **A** = Accessory Use **S** = SUP "**+**" = Permitted with Conditions

Agric.	*Residential*									*Permitted Uses*	*Commercial*					*Industrial*		
A-O	**SF-E**	**SF-4**	**SF-5**	**SF-6**	**ZL-7**	**2F-6**	**TH-16**	**MF-16**	**MH**	**Rural & Animal-Related**	**NS**	**R**	**CH**	**CS**	**TC**	**ORT**	**LI**	**MI**
										Banquet Facility +		P	P	P				
										Night Club, Discoteque, or Dance Hall +		S	P	P			S	S

LANCASTER CITY COUNCIL

City Council Work Session **6.**

Meeting Date: 06/18/2018

Policy Statement: This request supports the City Council 2017-2018 Policy Agenda.

Goal(s): Healthy, Safe & Engaged Community

Submitted by: Opal Mauldin-Jones, City Manager

Agenda Caption:

Discuss an address change for the Public Safety Building.

Background:

As prescribed in the City Council rules and procedures as amended September 2016, Section D. City Council Agenda Process, Subsection 1.b., Deputy Mayor Pro Tem Nina Morris requested that an item be included on the June 18, 2018 Work Session for the purpose of discussing changing the address of the Public Safety Building currently addressed as 1650 North Dallas Avenue, Lancaster, Texas 75134.

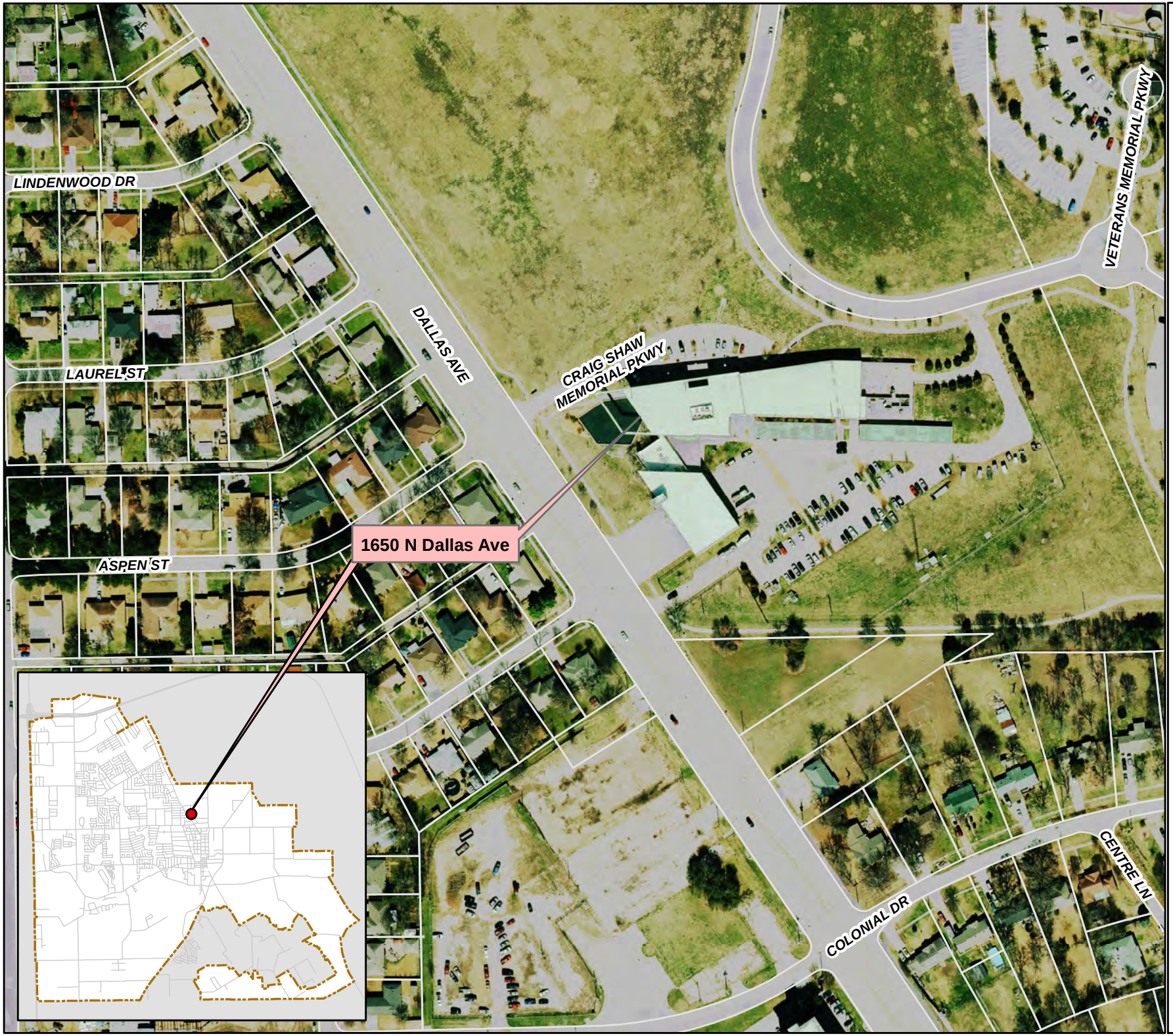
This item is for City Council discussion.

Attachments

Location Map

City of Lancaster

1650 N Dallas Ave



N
W E
S

Lancaster

Legend

- Parcels
- City Limits

0 50 100 200 Feet

date: 06/11/2018

LANCASTER CITY COUNCIL

City Council Work Session **7.**

Meeting Date: 06/18/2018

Policy Statement: This request supports the City Council 2017-2018 Policy Agenda.

Goal(s): Healthy, Safe & Engaged Community

Submitted by: Opal Mauldin-Jones, City Manager

Agenda Caption:

Discuss the Naming of City Facilities Policy.

Background:

As prescribed in the City Council rules and procedures as amended September 2016, Section D. City Council Agenda Process, Subsection 1.b., Deputy Mayor Pro Tem Nina Morris requested that an item be included on the June 18, 2018 Work Session Meeting for the purpose of discussing the Naming of City Facilities Policy adopted on February 26, 2018.

This item is for City Council discussion.

Attachments

Policy

RESOLUTION NO. 2018-02-17

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF LANCASTER, TEXAS, ADOPTING THE NAMING OF CITY FACILITIES POLICY; PROVIDING FOR THE REPEAL OF ANY AND ALL RESOLUTIONS AND ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, On April 28, 2003 adopted Resolution 2003-04-27(12) establishing the the City's offical Policy and Procedure for Dedicated Park Land Naming and on June 23, 2008, the City Council adopted Ordinance 2008-06-21 establishing the policy and procedure for street name changes and ; and

WHEREAS, The City Council requested a policy for naming municipal facilities, including a review process, public outreach, criteria and process for considering requests, and definitions in order to develop an all-inclusive city facility naming policy; and

WHEREAS, The City Council desires to implement a systematic and consistent approach for the official naming of City facilities, which include parks, buildings, streets and other publicly owned assets.

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

SECTION 1. That the City Council adopts the attached terms and condidtions, incorporated herein as the "Naming of City Facilities Policy."

SECTION 2. That all provisions of any City of Lancaster resolution or ordinance in conflict with the provisions of this resolution be, and the same are hereby repealed, and City of Lancaster resolutions or ordinances not in conflict with the provisions ofthis resolution shall remain in full force and effect. It is expressly ordainced that Ordinance 2008-06-21 and Resolution No. 2003-04-27(12), passed by the City Council of Lancaster on June 23, 2008 and April 28, 2003, respectively, be hereby repealed in its entirety.

DULY PASSED and approved by the City Council of the City of Lancaster, Texas, on this the 26th day of February, 2018.

ATTEST:

Sorangel O. Arenas, City Secretary

APPROVED:

Marcus E. Knight, Mayor

APPROVED AS TO FORM:

David T. Ritter, City Attorney

City of
Lancaster

SUBJECT: Naming of City Facilities Policy		**POLICY NO.:** Resolution 2018-02-17
APPROVED BY: City Council Resolution	**POLICY DATE:** February 26, 2018	**REVISED DATE:** N/A

I. Purpose
II. Objective
III. Scope
IV. Policy
    A. Naming Criteria
V. Municipal Facilities
    A. Procedures
    B. Guidelines
    C. Renaming Existing Facilities
VI. Park Land and Facilities
    A. Procedures
    B. Guidelines
    C. Renaming Existing Facilities
VII. Street Name Changes
    A. Procedures
        i. Reasons for Name Change
        ii. Application by Petition
        iii. City initiated Changes
        iv. Processing; Approvals or Denials; Installation of Changes
    B. Street Naming Alternatives

I. PURPOSE

This policy is implemented to establish uniform criteria and procedures, applicable to all persons, groups, firms and agencies, associated with the naming or renaming of City facilities, including buildings, parks, recreational facilities, streets and other publicly owned facilities.

II. OBJECTIVE

To establish a systematic and consistent approach for the official naming of City facilities.

To establish a policy that considers community tradition and continuity of name, while utilizing established criteria that emphasize geography, local history, community values and character, civics and service to the City of Lancaster in the naming or renaming of municipal facilities.

III. SCOPE

All City of Lancaster property and publicly owned rights of way.

IV. POLICY

The primary function of naming development areas, parks, municipal facilities, streets and honorary streets is to recognize and commemorate noteworthy persons associated with Lancaster, reflect Lancaster's heritage, and to recognize the flora, fauna, and natural features of the community. Streets and facilities should generally be named after people, places and events having made a significant impact on the quality of life within the city, and/or events of significance to the city's development.

A. Naming Criteria

i. Proposed names should generally met one of the following criteria:

1) To honor and commemorate noteworthy persons or organizations who made exceptional contributions to the City of Lancaster, including one or more of the following:

a. Demonstrated excellence, courage or exceptional service to the citizens of the City of Lancaster (sustained, continuous public service over a period of 25 years or two-thirds of the person's life space);

b. Volunteered and gave extraordinary help or care to individuals, families or groups, or supported community services or humanitarian causes;

c. Worked to foster equality and reduce discrimination;

d. Risked his or her life to save or protect others;

e. Achieved a deed or activity performed in an outstanding professional manner or of an uncommonly high standard that brought considerable benefit or great honor to the City of Lancaster;

f. Made an outstanding contribution to Lancaster;

g. Made a significant financial contribution to the City;

h. Public service as an elected official; and

i. Public service as a community volunteer.

2) To commemorate local history, places, events, culture, ethnic or gender diversity of the community, including early pioneers who have contributed significantly to the city.

3) To strengthen neighborhood identity;

4) To recognize native wildlife, natural features, or flora and fauna of the geographical or topographical features related to the City of Lancaster.

ii. The following names shall not be used:

1) When renaming a street, names of living persons for streets, other than a recognized national figure;

2) Duplicative names of streets already existing within the city;

3) Names that are similar to existing parks, properties, or facilities in the City system (or other systems in the region) should not be considered in order to minimize confusion;

4) Names which are, and could be considered discriminatory or derogatory, or that express a particular political affiliation; and

5) Names that could be considered advertising.

iii. This policy shall not affect the platting or designation of new city streets.

iv. Requests will not be considered when submitted by an individual or a group for self-nomination. The only exception to this policy is when a significant financial contribution is made and the naming is a condition of the gift.

v. There must be a well-defined connection associated with the contributions of the individuals or community organization and the City facility.

vi. The significance of the contribution from the individual/organization needs to be evaluated in terms of the service impact of the City facility. Programs and projects must be described in specific quantifiable terms.

vii. Individuals and organizations that have made contributions of regional or community wide significance may be considered for naming of facilities that serve the region or community.

viii. Individuals and organizations that have made contributions of area or neighborhood wide significance may be considered for naming facilities that serve areas or neighborhoods within the City.

ix. The City reserves the right to change the name to maintain consistency with these policies. However, the City must review prior documentation for initial naming or renaming of public property or right of way. Names that have become ingrained or widely accepted in the community should not be abandoned unless Council has amended current policy or there are compelling reasons and strong public sentiment for doing so. Historical or commonly-used place names should be preserved wherever possible

x. When City property is named for an individual/organization, this action in no way gives the individual, family members or organization naming rights over other features on the property. Features within the facility or on the property will remain eligible for naming without the consent of the individual or family members for which the property is currently named.

V. MUNICIPAL FACILITIES

A. Procedures

i. A City Council subcommittee will be formed and be responsible for recommending a name for City facilities to the entire City Council for consideration.

ii. The subcommittee will be made up five (5) individuals. Two (2) councilmembers, at least one representative from a Board or Commission which oversees the city

function of the City facility, and 2 members at large representing the public. If a relevant advisory board or commission does not exist, then the subcommittee will be made up of three (3) councilmembers.

iii. The appointments shall be made by the Mayor subject to City Council approval.

iv. The Subcommittee shall be responsible for research, study, and recommendation of a proposed name to the City Council. Recommendations, including rationale for the recommendations shall be submitted to the entire City Council in writing.

v. Any recommendation which involved the name of a person shall include the following:

1) Application

2) A biographical or informational sketch;

3) Rationale supporting the nomination; and

4) The name(s) of the person(s) or supporting group(s) responsible for the nomination.

vi. The Subcommittee shall solicit and use public input during the formation of such recommendations.

vii. The Subcommittee may also solicit and use input from City Staff during the formation of such recommendations.

viii. The Subcommittee must approve the recommendation by a simple majority.

ix. The City Council shall approve by resolution or disapprove the name recommended by the Subcommittee.

x. If the recommendation(s) is disapproved by the City Council, then the matter may be referred back to the Subcommittee fur further action.

B. Guidelines

i. City facilities shall be named at the earliest possible and most appropriate date.

ii. Facilities such as a City Hall, Municipal Court, Police Station, Fire Station, Municipal Service Center, etc. shall include the name for the function that they serve to the public in order to prevent confusion and misrepresentation of the facility's mission (such as Jane Doe Municipal Airport or John Doe Memorial Fire Station)

iii. The Subcommittee may recommend that the facility may be dedicated in honor of an individual in lieu of naming.

iv. City facility names shall be familiar to the majority of citizens, easy to recall, and unique and lasting.

v. Facilities may not be named for members of the City's staff, boards and commissions, city council, or any other official or employee (elected or otherwise) concerned with the functions and /or control of the City of Lancaster, for so long as such relationship exists.

vi. Nothing herein shall be construed to require the City Council to name every facility.

vii. Individual rooms, such as a conference room, etc., may be given a name which is different from that of the overall facility. The procedure for naming such a room shall be the same as for naming an entire facility.

viii. The Subcommittee shall not contact any individuals whose names are under consideration. It shall also keep strictly confidential all information it has received or discussed, and any recommendation(s) it makes until such decision is taken to the entire City Council for discussion and action.

ix. Once a name has been established, the Building Services Department will be responsible for the installation of appropriate signage and markers.

C. Renaming Existing Facilities

i. Proposals to rename facilities are not encouraged and should be entertained only after fully investigating and considering potential impact of dropping the current. When appropriate, facilities may be renamed. The procedure for doing so shall be the same for originally naming the facility.

ii. Public requests to rename existing facilities will be received by the City Secretary's Office and directed to the appropriate department for further investigation and evaluation against naming criteria.

VI. PARK LAND AND FACILITIES

A. Procedures

i. The Parks and Recreation Advisory Board ("Parks Board") may be notified of the need to name a park or facility by the City Council, City Manager.

ii. The Chairman of the Parks Board shall name a committee that will be responsible for recommending a name for all park lands and facilities to the Board.

iii. The committee shall be responsible for research, study, and recommendation of a proposed name to the Board. Recommendations, including rationale for the selection of the recommended name shall be given in writing.

iv. Any recommendation which involved the name of a person shall include the following:

1) Application

2) A biographical or informational sketch;

3) Rationale supporting the nomination; and

4) The name(s) of the person(s) or supporting group(s) responsible for the nomination.

v. The committee shall solicit and use public input during the formation of such recommendations.

vi. The committee may also solicit and use input from City Staff during the formation of such recommendations.

vii. The Parks Board shall also solicit and use public input during the formation of such recommendations.

viii. The Parks Board shall confirm or reject the name recommended by the committee.

ix. If the committee's recommendation is rejected by the Parks Board, then the matter may be referred back to the committee for further action.

x. All recommended names for such facilities must be confirmed by a majority vote of the members of the Parks Board.

xi. Upon confirmation, the recommended name shall be forwarded to the City Council for the consideration and final approval.

xii. The City Council shall approve by resolution or disapprove the name recommended by the Parks Board.

xiii. If the recommendation(s) is disapproved by the City Council, then the matter may be referred back to the Parks Board for further action.

B. Guidelines

i. Names for new parks shall typically be established within 90 days from the date of land acquisition or at the earliest possible time. The name of new facilities shall be established prior to the completion of construction. Names for parts or areas of parks and facilities may be established at any time.

ii. The committee may recommend that the facility may be dedicated in honor of an individual in lieu of naming.

iii. Park land and facility names shall be familiar to the majority of citizens, easy to recall, and unique and lasting.

iv. Facilities may not be named for members of the City's staff, boards and commissions, city council, or any other official or employee (elected or otherwise) concerned with the functions and /or control of the City of Lancaster, for so long as such relationship exists.

v. Nothing herein shall be construed to require the City Council to name every facility.

vi. Parts or areas within the park or recreation facility may be given a name which is different than the park or building. Such parts or areas may include (but are not to be limited to) gardens, playgrounds, athletic fields, structures, swimming pools and meeting rooms. Names for such facilities shall be established by the same criteria and procedures

vii. The committee shall not contact any individuals whose names are under consideration. It shall also keep strictly confidential all information it has received or discussed, and any recommendation(s) it makes until such decision is taken to the entire City Council for discussion and action.

viii. Once a name has been established, the Director of Quality of Life and Cultural Services will be responsible for the installation of appropriate signage and markers.

C. Renaming Existing Facilities

iii. Proposals to rename facilities are not encouraged and should be entertained only after fully investigating and considering potential impact of dropping the current. When appropriate, facilities may be renamed. The procedure for doing so shall be the same for originally naming the facility.

iv. Public requests to rename existing facilities will be received by the City Secretary's Office and directed to the appropriate department for further investigation and evaluation against naming criteria.

VII. STREET NAME CHANGES

A. Procedures

i. Reasons for Name Change

Applications for a street name change may be considered for any one (1) of the following reasons, which must be specified in the application:

1) To establish continuity of the street's name.

2) To eliminate name spelling duplication, phonetic duplication, or misspelling.

3) To bring coherence to the street numbering designation (east, west, north, south).

4) To provide a necessary roadway designation (Street, Road, Lane, Circle,

Drive, Boulevard, and similar designations).

5) To honor a person, place, institution, group entity, event or similar subject, subject to Naming Criteria listed in this policy.

6) To enhance a neighborhood through association of the street name with its location, area characteristics, history, or similar factors, subject to the Naming Criteria listed in this policy.

ii. **Application by Petition**

1) An application for a change of the name of a street may be filed by any person, group, firm or agency with the Department of Public Works in the form of a petition signed by not fewer than eighty percent (80%) of all owners, or owner's attorney-in-fact, of property abutting the subject street. "Owners" of such abutting property shall be determined by the then-current city real property ad valorem tax roll. The applicant shall make a formal request for the official application form from the Department of Public Works Engineering Division. The petition shall contain the following minimum information:

a. A detailed description of the request;

b. The owner's address, printed name, signature, and whether they oppose or suppose the street name change.

2) The application shall state the present official name of the city street, the proposed new name, and a statement of the reason or reasons from among those listed above. The application shall also indicate the name and address of each person, group, agency, or entity requesting the street name change and responsible for payment of the associated costs for signage and installation.

iii. **City Initiated Changes**

1) In all instances where it is the city's recommendation that a street name be changed, the department head shall file a request for a change of the name of a street with the Department of Public Works. The written request shall state the present official name of the city street, the proposed new name, and a statement of reason or reasons, from among those listed above, claimed for such name change.

iv. **Processing; Approvals or Denials; Installation of signs**

1) Upon receipt of a completed application form, the Public Works Department shall confirm that the petition meets the requirements provided herein and the city-initiated request meets the requirements provided herein.

2) If a completed application form is not submitted to the Public Works Department by the application within ninety (90) days of the date of the formal request for the application, the application is considered expired.

3) In all cases where the application by petition has expired or been rejected for not meeting any of the requirements provided herein, any applicant may submit a second formal request for application for the same street only after a period five (5) years from the date of the previous formal request for application.

4) Upon confirming that the petition or city-initiated request meets the requirements of this article, the Public Works Department will determine the costs associated with the installation of new city street name signs.

5) The Public Works Department will notify by mail all the property owners on

the subject street to verify the petition. The letter will also notify the residents of the cost for the installation of new city street name signs and provide contact information for the collection of payments. If more than 20% of the property owners contact the city objecting to the street name change, in writing, the City will deny the street name change application.

6) If all cases where the application by petition has been approved such approval is contingent on the city's receipt of advance payment for the costs associated with the installation of new city street name signs by the person, group, agency, or entity designated on the application as responsible for such payment.

7) All approved street name changes shall be forwarded to the Streets Division for the ordering of and installation of the new street name signs.

8) The Public Works Department shall provide a copy of each street name change to the local utility companies, all department directors, 911 administrators, Dallas Central Appraisals District, U.S. Postal Service, and county voter's registrar's office.

B. Street Naming Alternatives

i. Individuals and organizations are encouraged to consider alternatives to street renaming for the commemoration of individuals or organizations. For example, interpretative plaques at key locations on buildings or sites, or where appropriate, in sidewalks or other visible pedestrian areas.

ii. In some cases, an "Honorary Street" designation may be given to certain sections of existing streets to commemorate the lives of important community members. A commemorative street blade sign may be mounted below the official street name for a defined length of the street, if approved, at the expense of the applicants. "Honorary designations" of streets may be considered as requests for renaming facilities.

iii. For "Honorary Street" designations, the City shall develop and provide a standard sign specification for approved requests.

City Facility Naming Recommendation

NAMING RECOMMENDATION REQUIREMENTS

Date: _____

Recommending Body: _____

Recommending Body Representative(s): _____

_____

_____

_____

Proposed Name(s): _____

_____

_____

Type of Name:

☐ New Name ☐ Honorary Name ☐ Rename

Name Assigned to:

☐ Development Area ☐ Municipal Facility ☐ Park

☐ Recreational Facility ☐ Other _____

Information Required:

☐ Reason/Justification for request ☐ Site Location

☐ Biography of person ☐ Articles/newspaper clippings

☐ Family consent, if available ☐ Awards/citations

City of Lancaster
211 N. Henry Street
Lancaster, TX 75146
972-218-1300

City Facility Naming Change Request

NAMING RECOMMENDATION REQUIREMENTS

Applicant Information

Date of Application: _____

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____ E-mail: _____

Current Facility Name: _____

Proposed Facility Name: _____

Type of Name:

☐ Rename ☐ Honorary Name ☐ New Name

Reasons for Facility Name Change: _____

_____

_____

_____

_____

_____

☐ Check if reason/description is attached

City of Lancaster City Secretary Office use only:

Application Received: _____ Assigned to Department: _____

City of Lancaster
211 N. Henry Street
Lancaster, TX 75146
972-218-1300

Street Name Change

Application by Petition

NAMING APPLICATION AND REQUIREMENTS

Applicant Information

Date of Application: _____

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____ E-mail: _____

Current Street Name: _____

Proposed Street Name: _____

Type of Name:

☐ Rename ☐ Honorary Name ☐ New Name

Reasons for Street Name Change: _____

_____

_____

_____

_____

_____

☐ Check if reason/description is attached

City of Lancaster Public Works Department use only:	
Application Received: _____	
Name: _____	Title: _____

City of Lancaster
211 N. Henry Street
Lancaster, TX 75146
972-218-1300

Lancaster

STREET NAME CHANGE

Application by Petition

OWNER NAME	ADDRESS	SIGNATURE	SUPPORT	OPPOSE

City of Lancaster
211 N. Henry Street
Lancaster, TX 75146
972-218-1300

STREET NAME CHANGE

Application by Petition

OWNER NAME	ADDRESS	SIGNATURE	SUPPORT	OPPOSE

City of Lancaster
211 N. Henry Street
Lancaster, TX 75146
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