



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

Monday, May 15, 2023 - 7:00 PM



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

Please click the link below for forms:

<https://www.lancaster-tx.com/1413/Notice-Regarding-Public-Participation>

Please click the link below to join the webinar:

<https://us02web.zoom.us/join/register/tZ0udeGvrTgtGNVg7rQoWZ-nZhI7g46M314R>

The meeting will be broadcast live via video at the following address:

<http://www.lancaster-tx.com/324/Watch-Meetings>

7:00 P.M. SPECIAL MEETING:

CALL TO ORDER

PROCLAMATION: National EMS Week, Mental Health Awareness Month

PUBLIC TESTIMONY/CITIZENS COMMENTS:

At this time, citizens who have pre-registered before the call to order will be allowed to speak on consent or action items on the agenda, with the exception of public hearings, for a length of time not to exceed three minutes. No council action or discussion may take place on a matter until such matter has been placed on an agenda and posted in accordance with the law. Anyone desiring to speak on an item scheduled for a public hearing is requested to hold their comments until the public hearing on that item.

ACTION:

1. Consider a resolution canvassing the returns and declaring the results of the General Election for the office of Councilmember District 4 held on May 6, 2023.

Considere una resolución para presentar los resultados y declarar los resultados de las Elecciones Generales para la oficina de Concejal Distrito 4 celebrado el 6 de Mayo de 2023.

2. Administer oaths of office, present Certificates of Election, and seat newly elected Councilmembers.
3. Discuss and consider election of a Mayor Pro Tempore.
4. Discuss and consider election of a Deputy Mayor Pro Tempore.
5. Discuss and consider appointment of City Council liaisons to City Boards and Commissions.
6. Discuss and consider appointments to the Comprehensive Plan Steering Committee.

PUBLIC HEARING:

7. Conduct a public hearing and consider a resolution authorizing: (1) a Cooperation Agreement with Texas Home Collaborative for the property located at 1605 N. Houston School Road, known as Rosemont of Lancaster granting the Housing Authority of Texarkana Texas authority to operate at the property and (2) a resolution of No Objection, allowing the project to proceed with a tax credit application. A required Tax and Equity Responsibility Act (TEFRA) hearing will also be conducted regarding the project.

EXECUTIVE SESSION:

8. In accordance with Chapter 551, Section § 551.071(1)(a) of the Texas Government Code (the Texas Open Meetings Act), the City Council shall convene in executive session to seek legal advice from the City Attorney concerning alleged water drainage claims near Lancaster Regional Airport.
9. Reconvene into open session. Consider and take appropriate action(s), if any, on closed/executive session matters.

ADJOURN SPECIAL MEETING


7:10 P.M. WORK SESSION:

1. Discuss and receive training regarding the utilization of the voting system.

ADJOURNMENT

Certificate

I hereby certify the above Notice of Meeting was posted at Lancaster City Hall on Friday, May 12, 2023 @ 5:45 p.m. and copies thereof were provided to the Mayor, Mayor Pro-Tempore, Deputy Mayor Pro-Tempore and Council members.

A handwritten signature in blue ink, reading "Carey D. Neal, Jr.", is positioned above a horizontal line.

Carey D. Neal, Jr.
Deputy City Manager

CITY OF LANCASTER CITY COUNCIL

City Council Special Meeting

1.

Meeting Date: 05/15/2023

Policy Statement: This request supports the City Council 2022-2023 Policy Agenda

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

Submitted by: Sorangel O. Arenas, City Secretary

Agenda Caption:

Consider a resolution canvassing the returns and declaring the results of the General Election for the office of Councilmember District 4 held on May 6, 2023.

Considere una resolución para presentar los resultados y declarar los resultados de las Elecciones Generales para la oficina de Concejal Distrito 4 celebrado el 6 de Mayo de 2023.

Background:

At a time posted in accordance with the Open Meetings Act and as required by the Texas Election Code § 67.004(a), the canvass of the returns is read and results declared. The Mayor asks for a motion and vote from the City Council approving the canvass and results of the general election held on May 6, 2023. Two members of the authority constitute a quorum for the purpose of canvassing an election. Election results must be canvassed not later than May 17, 2023, following the election.

Attachments

Resolution

Resolution - Spanish

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS,
CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL
ELECTION FOR THE OFFICE OF COUNCILMEMBER DISTRICT 4 HELD ON MAY 6,
2023.**

GENERAL ELECTION

LANCASTER, TEXAS

MAY 6, 2023

**CANVASS OF RETURNS AND DECLARATION OF
RESULTS OF ELECTION**

BE IT REMEMBERED THAT, on this the 15th day of May 2023, at a meeting of the City Council of the City of Lancaster, Texas, a quorum being present, the meeting was called to order and the following business was transacted.

Upon motion it was unanimously ordered that the City Council consider the official returns of a General Election held in the City of Lancaster on May 6, 2023, for the election of District 4 for a three-year term.

WHEREUPON, said official returns were opened, examined, canvassed and the results declared as follows:

CANVASS OF RETURNS AND DECLARATION OF RESULTS

WHEREAS, heretofore, the City Council of the City of Lancaster, Texas, called a General Election to be held in the City on May 6, 2023, to elect a Councilmember for District 4 for a three-year term; and

WHEREAS, immediately after said election the Presiding Judge and other officials holding said election made their returns of the results thereof to the City Council as follows, and said returns being made according to law, and duly authenticated, and it being shown that written notice of said election was posted for the time and in the manner provided by law, and all other proceedings pertaining to said election having been shown to have been done and performed at and within the manner provided by law, and all papers pertaining thereto having been returned and filed with the City Council and no protest or objection being made to or regarding any matter pertaining to said election.

WHEREAS, on March 13, 2023, City Council approved Resolution No. 2023-03-27 which declared the unopposed candidate in District 2 (Stanley M. Jaglowski) and the unopposed candidate in District 6 (Betty Gooden-Davis) to be elected to said office.

NOW, THEREFORE, be it resolved by the City Council of the City of Lancaster, Texas, after examining said returns and opening and canvassing the votes of said election, that the results of said election are as follows:

That the following number of votes was cast for the following named candidates for the office of Councilmember, District 2, to-wit:

	Total	Vote %	EV-In Person	EV Mail	Election Day	EV-ED Provisional
Keisha Wheaton	106	49.77%	71	0	35	0
Derrick D. Robinson	107	50.23%	71	0	36	0

It appears that Derrick D. Robinson received a majority of all votes cast for the office of Councilmember, District 4, Derrick D. Robinson is hereby declared to be elected to the office of Councilmember, District 4, to serve a three-year term after qualifying.

IT IS FURTHER ORDERED that this canvass and declaration of results of said election be entered in the Minutes of the City Council.

This Resolution, declaring the results of the general election, shall become effective immediately after its passage.

DULY PASSED by the City Council of the City of Lancaster, Texas, on this the 15th day of May, 2023.

ATTEST:

Sorangel O. Arenas, City Secretary

APPROVED:

Clyde C. Hairston, Mayor

APPROVED AS TO FORM:

David T. Ritter, City Attorney

RESOLUCIÓN NO.

RESOLUCIÓN DEL CONSEJO MUNICIPAL DE LA CIUDAD DE LANCASTER, TEXAS, EL ESCRUTINIO DE LOS DEVOLUCIONES Y LA DECLARACIÓN DE LOS RESULTADOS DE LAS ELECCIONES GENERALES PARA LA OFICINA DE CONCEJAL DISTRITO 4 CELEBRADA EL 6 DE MAYO 2023.

**ELECCIÓN GENERAL
LANCASTER, TEXAS
6 DE MAYO 2023**

SONDEO DE LOS RESULTADOS Y LA DECLARACIÓN DE RESULTADOS DE LA ELECCIÓN

Debe recordarse que, en este día 15 de Mayo de 2023, en una reunión del Consejo Municipal de la Ciudad de Lancaster, Texas, habiendo quórum, la reunión fue llamada al orden y el siguiente negocio fue tramitado.

Tras moción se ordenó por unanimidad que el Ayuntamiento considere los resultados oficiales de las elecciones generales celebrada en la ciudad el 6 de Mayo de 2023, para la elección de Concejales de Distrito 4, por un período de tres años.

LO CUAL, fueron abiertos los resultados oficiales, examinados, escrutados y los resultados declaran como sigue:

ESCRUTINAR LOS RESULTADOS Y DECLARACIÓN DE RESULTADOS

VISTO QUE, antes, el Consejo de la ciudad de Lancaster, Texas, la ciudad ordena una elección general que se celebrará en la ciudad el 6 de Mayo de 2023, para elegir a un concejal de Distrito 4 por un período de tres años; y

VISTO QUE, inmediatamente después de dicha elección, el Juez Presidente y otros funcionarios de la celebración de dicha elección hizo sus declaraciones sobre los resultados de la misma al Ayuntamiento de la siguiente manera, y dijeron retornos se hacen de acuerdo a la ley, y debidamente legalizados, y se muestra que la notificación por escrito de dicha elección fue publicada por el tiempo y en la forma prevista por la ley, y todos los demás procedimientos relativos a dicho que se ha demostrado que las elecciones se han realizado y realiza en y dentro de la forma prevista por la ley, y todos los documentos relativos a la misma hayan sido devueltos y presentar ante el Ayuntamiento y no protesta u objeción que se realizan para o con respecto a cualquier cuestión relacionada con dicha elección .

Visto Que que, el 13 de Marzo de 2023, Concejo Municipal aprobó la Resolución No. 2023-03-27 que declaró el candidato sin oposición en el Distrito 2 (Stanley M. Jaglowski) y el candidato sin oposición en el Distrito 6 (Betty Gooden-Davis) y por lo tanto ser declarados para ser elegidos para dicho cargo.

AHORA, POR LO TANTO, se resuelto por el Consejo Municipal de la Ciudad de Lancaster, Texas, después de examinar dicho resultados y la apertura y el escrutinio de los votos de dicha elección, los resultados de dicha elección son los siguientes:

Que el siguiente número de votos fueron emitidos por los siguientes candidatos nombrados para el cargo de concejal del Distrito 4, a saber:

	Total	Vote %	EV-In Person	EV Mail	Election Day	EV-ED Provisional
Keisha Wheaton	106	49.77%	71	0	35	0
Derrick D. Robinson	107	50.23%	71	0	36	0

Apareciendo que Derrick D. Robinson recibió la mayoría de los votos emitidos para el cargo de concejal del Distrito 4, Derrick D. Robinson se declara electo para el cargo de Concejal, Distrito 4, para cumplir un mandato de tres años después de la calificación.

ADEMÁS SE ORDENA que este escrutinio y la declaración de resultados de dicha elección se consignará en el acta del Concejo Municipal.

Esta Resolución, declarando los resultados de las elecciones generales, entrará en vigencia inmediatamente después de su aprobación.

DEBIDAMENTE APROBADA por el Consejo Municipal de la Ciudad de Lancaster, Texas, en este día 15 de mayo de 2023.

DAR FE:

APROBADO:

Sorangel O. Arenas, Secretaria de la Ciudad

Clyde C. Hairston, Alcalde

APROBADA EN FORMA:

David T. Ritter, Abogado de la Ciudad

LANCASTER CITY COUNCIL

City Council Special Meeting

2.

Meeting Date: 05/15/2023

Policy Statement: This request supports the City Council 2022-2023 Policy Agenda

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

Submitted by: Sorangel O. Arenas, City Secretary

Agenda Caption:

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

Background:

The newly elected councilmembers will be given the Oath of Office and presented with a Certificate of Election for the office of Councilmember District 2 (Stanley M. Jaglowski), Councilmember District 4 (Derrick D. Robinson) and Councilmember District 6 (Betty Gooden-Davis).

LANCASTER CITY COUNCIL

City Council Special Meeting

3.

Meeting Date: 05/15/2023

Policy Statement: This request supports the City Council 2022-2023 Policy Agenda

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

Submitted by: Sorangel O. Arenas, City Secretary

Agenda Caption:

Discuss and consider election of a Mayor Pro Tempore.

Background:

Section 3.05 (b) of the City Charter provides for the election of a Mayor Pro Tempore and a Deputy Mayor Pro Tempore. Section 3.05 (c) of the City Charter provides that the Mayor Pro-Tempore shall be a Councilmember elected by the City Council at the first regular meeting after each election of Councilmembers and/or Mayor. The Mayor Pro-Tempore shall act as Mayor during the disability or absence of the Mayor, and in this capacity shall have the rights conferred upon the Mayor.

Attachments

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

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

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

SECTION 3.03 Compensation

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

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

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

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

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

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

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

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

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

SECTION 3.06 Vacancies, Forfeiture and Filling of Vacancies

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

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

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

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

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

SECTION 3.07 Duties and Powers of the City Council

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

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

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

LANCASTER CITY COUNCIL

City Council Special Meeting

4.

Meeting Date: 05/15/2023

Policy Statement: This request supports the City Council 2022-2023 Policy Agenda

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

Submitted by: Sorangel O. Arenas, City Secretary

Agenda Caption:

Discuss and consider election of a Deputy Mayor Pro Tempore.

Background:

Section 3.05 (b) of the City Charter provides for the election of a Mayor Pro Tempore and a Deputy Mayor Pro Tempore. Section 3.05 (d) of the City Charter provides that Deputy Mayor Pro-Tempore shall be a Councilmember elected by the City Council at the first regular meeting after each election of Councilmembers and/or Mayor. The Deputy Mayor Pro-Tempore shall act as Mayor during the disability or absence of the Mayor and Mayor Pro-Tempore, and in this capacity shall have the rights conferred upon the Mayor.

Attachments

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

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

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

SECTION 3.03 Compensation

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

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

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

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

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

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

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

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

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

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

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

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

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

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SECTION 3.07 Duties and Powers of the City Council

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

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

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

LANCASTER CITY COUNCIL

City Council Special Meeting

5.

Meeting Date: 05/15/2023

Policy Statement: This request supports the City Council 2022-2023 Policy Agenda

Goal(s): Healthy, Safe & Engaged Community
Civic Engagement

Submitted by: Sorangel O. Arenas, City Secretary

Agenda Caption:

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

Background:

At the December 12, 2023 Regular Meeting, City Council made appointments to City Boards, Commissions, and Committees. Annually, Councilmembers select the boards/commissions that they would like to serve as Council liaison.

In accordance with Ordinance 2018-12-53, Section 5.01.001, Sub-section (h), "All City Councilmembers, with the exception of the Mayor, may serve as the Council liaison to the boards and commissions of the City for a period of one year. A Council liaison for each board or commissions shall be selected by the City Council by order of seniority:

- Councilmember Marco Mejia
- Mayor Pro Tem Stanley Jaglowski
- Councilmember Carol Strain-Burk
- Deputy Mayor Pro Tem Betty Gooden Davis
- Councilmember Mitchell Cheatham
- Councilmember Derrick D. Robinson

Operational Considerations:

Currently serving as liaisons are the following:

<u>Board/Commission:</u>	<u>Councilmember:</u>
Airport Board	Mejia
Animal Shelter Advisory Committee	Jaglowski
Capital Improvements Advisory Committee	Jaglowski
Civil Service Commission	Wheaton
Economic Development Corp. Type A	Mejia
Historic Landmark Preservation Committee	Strain-Burk
Library Advisory Board	Jaglowski

Museum Advisory Board	Jaglowksi
Parks and Recreation Advisory Board	Gooden Davis
Recreational Development Corp.(4B) Type B	Wheaton
Planning & Zoning Commission	Strain-Burk
Property Standards & Appeals Board	Wheaton
Youth Advisory Committee	Cheatham
Zoning Board of Adjustment	Strain-Burk

Options/Alternatives:

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

Recommendation:

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

CITY OF LANCASTER CITY COUNCIL

City Council Special Meeting

6.

Meeting Date: 05/15/2023

Policy Statement: This request supports the City Council 2022-2023 Policy Agenda

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

Submitted by: Carey Neal, Assistant City Manager

Agenda Caption:

Discuss and consider appointments to the Comprehensive Plan Steering Committee.

Background:

The Comprehensive Plan is a city's policy document that guides long-range growth, development, and service delivery. Generally, a major plan update occurs every 10 years unless community conditions significantly change (i.e. population, development), which would cause an update to occur sooner. The Comprehensive Plan establishes the City Council's vision and goals for the following key areas: Future Land Use, Transportation, Infrastructure, Economic Development, Open Space and Recreation, Community character and Design, Historic Preservation, Public Facilities. The 2016 Comprehensive Plan update was developed through the use of an 18-member Advisory Committee that consisted of two City Council members, the LISD Superintendent, as well as Lancaster residents and business owners. Additionally, there were also extensive efforts to engage and obtain feedback from the public through multiple community workshops and public hearings.

The Comprehensive Plan has also been amended to incorporate and prioritize other guiding principle documents such as the Master Throughfare Plan (updated September 2020), Parks and Open Space Master Plan (updated June 2020), Trails Master Plan (updated September 2020), Streetscape Master Plan (updated September 2020), Water/Wastewater Master Plan (updated June 2021) and the Stormwater Master Plan (scheduled adoption June 2023).

The City Council engaged in additional discussions to clarify, define and plan for the implementation of the comprehensive plan vision through the I-35E/Loop 9 corridor studies (adopted February 2021) and the Quality Residential Pattern Book and Guide to define through text and pictures the quality, character, and style of residential development the community desires (pending).

An item was placed on the City Council agenda for May 2, 2022, at the request of Councilmember Marco Mejia to discuss the 2016 Comprehensive Plan. During the discussion, City Council provided direction to request proposals for a company that would facilitate a comprehensive plan update.

On August 1, 2022, staff issued a Request for Qualifications (RFQ) and received only one proposal from Gap Strategies.

At the November 7, 2022, meeting, the City Council received a presentation from Gap Strategies regarding their community planning qualifications and experience with updating Comprehensive Plans. On November 8, 2022, a memo providing references for Gap Strategies was sent to City Council, and no additional feedback was received.

At the January 9, 2023, City Council Regular Meeting, the City Council approved Resolution 2023-01-02 approving a professional services agreement between the City of Lancaster and Gap Strategies for the purpose of updating the City's Comprehensive Plan.

Between January 31, 2023 and February 3, 2023, Council met with Gap Strategies, LLC, regarding the scope of work proposed for the City of Lancaster. In this presentation, the process was outlined which included the Council appointment of a "Comprehensive Plan Stakeholder Committee" to work closely with staff and Gap Strategies, LLC. during the overall update process.

This item was discussed and considered at the City Council Regular Meeting on May 8, 2023 and tabled until the May 15, 2023 meeting for consideration.

Operational Considerations:

City Council will appoint a 15-member advisory committee composed of the following individuals:

Development Services staff along with the City Managers Office will serve as staff resources to the committee.

Public Information Considerations:

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

Options/Alternatives:

1. City Council may approve resolution as presented.
2. City Council may deny the resolution and direct staff.

Recommendation:

Staff recommends approval as presented.

Attachments

Resolution

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS ESTABLISHING A COMPREHENSIVE PLAN STEERING COMMITTEE FOR MAKING RECOMMENDATIONS REGARDING A COMPREHENSIVE PLAN AND LAND USE MAP; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lancaster, Texas has previously determined to undertake an unqualified review of its land use plan; and

WHEREAS, a need for community involvement in addition to the required reviews has been recommended by the City's consultants; and

WHEREAS, the City Council has determined that it is in the best interest of the City to involve citizens in such a steering committee; and

WHEREAS, the City Council desires to establish such committee for the purposes of conducting the review as recommended by the City's consultants.

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

SECTION 1. That a Comprehensive Plan Steering Committee of a minimum of fifteen (15) person(s) is hereby established as ad hoc committee to perform such periodic review of the elements of the comprehensive planning process and to conduct such public meetings to receive community comment regarding the future land use plan.

SECTION 2. The Comprehensive Plan Advisory Committee of a minimum of fifteen (15) person(s) shall be appointed by the city council, as follows:

- a) Clyde C. Hairston
- b) Audley Logan
- c) Carol Strain-Burk
- d) Daniel Holden
- e) Stanley Jaglowski
- f) Joel Chambers
- g) Marco Mejia
- h) Amanda Carlisle
- i) Keithsha Wheaton
- j) Sharlonda Harrison
- k) Roger Blakely
- l) Allen Nicks
- m) Betty Gooden Davis
- n) Sherry Callaway
- o) School District Superintendent or her designee;

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

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

DULY PASSED and approved by the City Council of the City of Lancaster, Texas, on this the 8th day of May, 2023

ATTEST:

Sorangel O. Arenas, City Secretary

APPROVED:

Clyde C. Hairston, Mayor

APPROVED AS TO FORM:

David T. Ritter, City Attorney

CITY OF LANCASTER CITY COUNCIL

City Council Special Meeting

7.

Meeting Date: 05/15/2023

Policy Statement: This request supports the City Council 2022-2023 Policy Agenda

Goal(s): Healthy, Safe & Engaged Community

Submitted by: Opal Mauldin-Jones, City Manager
David Ritter, City Attorney

Agenda Caption:

Conduct a public hearing and consider a resolution authorizing: (1) a Cooperation Agreement with Texas Home Collaborative for the property located at 1605 N. Houston School Road, known as Rosemont of Lancaster granting the Housing Authority of Texarkana Texas authority to operate at the property and (2) a resolution of No Objection, allowing the project to proceed with a tax credit application. A required Tax and Equity Responsibility Act (TEFRA) hearing will also be conducted regarding the project.

Background:

City Council received a presentation at a Work Session on April 17, 2023. In June 2003 a planned development for Rosemont of Lancaster Apartments was approved. The development is approximately 22 acres and as approved required recreation and open space amenities to include a swimming pool and deck, walking/jogging trail and a 5,400sf playground, a 2,500sf multi-purpose court, landscaped perimeter, transportation and pedestrian services as identified in the attached ordinance. The property utilized Texas Department of Housing and Community Affairs tax credits in its development. Since 2009 to date, there have been over 9,000 public safety calls for service at the apartment complex which include over 1,500 calls for domestic, major, and minor disturbances and 1,434 closed and extra patrols conducted at the apartment complex.

Rosemont of Lancaster was acquired in December 2020 by Devco Residential Group. The developer is proposing renovations to the property. The developer is requesting the City to consider: three items:

1. A Cooperation Agreement with Texas Home Collaborative, a public facility corporation sponsored by the Housing Authority of Texarkana Texas (HATT) to issue bonds. 2
2. . A Resolution of No Objection, allowing the project to proceed with the tax credit application.; and
3. 3. Approval to allow a Tax and Equity Responsibility Act (TEFRA) Hearing for the project to be held.

The requested actions require the City to make several findings or affirmations, and would have several effects, the most significant of which are granting a Texarkana-based housing authority permission to operate within the City limits and providing the property a 100% property tax

exemption if it is designated as a “Section 303” project. Each of these items is discussed below:

Housing Authority of Texarkana

The Agreement would allow the Housing Authority of Texarkana (HATT) to operate and exercise its powers within the City limits of Lancaster. Pursuant to Section 392.017(d) of the Texas Local Government Code, “a regional housing authority may not undertake a housing project in a municipality unless a resolution is adopted by the governing body of the municipality and by the housing authority authorized to exercise its powers exclusively in the municipality, if any: (1) declaring a need for the regional housing authority to exercise its powers in the municipality; and (2) authorizing a cooperation agreement under Section 392.059.

Section 392.059 of the Texas Local Government Code provides that: (a) “a [housing] authority may cooperate with a municipality . . . in action taken in connection with the problems of clearing, replanning, and reconstructing slum areas and of providing housing for persons of low income in the area of operation of the authority or within the boundaries of the cooperating [municipality.],” and (b) “housing authorities may . . . plan, undertake, construct, or operate a housing project in the area of operation of one or more of the cooperating authorities.”

Tax Implications

In correspondence with the applicant, they have indicated that the project may be planned for an exemption under Texas Local Government Code Section 303.024(f) through a public facility corporation. If that exemption is granted, the property in question would be exempt from **100% of property taxes** for all taxing jurisdictions, including the City, County, ISD, Community College and Hospital Districts, etc. The other taxing entities do not have to give approval; the City Council’s agreement is enough to trigger this exemption. The applicant has asked for an indefinite “life of the project” duration to this exemption; the City has proposed a 40-year duration which has been rejected by the applicant as incompatible with the financing underwriters.

The City is also being asked to certify that the project is located in a census tract that meets certain income thresholds, that there is an unmet demand for lower income housing in the City, and that the City has had sufficient opportunity to obtain a response from the applicant regarding the tax credit application.

Legal Considerations:

The City Attorney has reviewed the resolution and agreement and requested amendments from the applicant. As of the date and time this report has been drafted, (late afternoon May 11th) the majority of the differences in City and developer contract versions have been resolved, but two issues remain in unresolved status: (1) the duration of the tax exemption requested (indefinite) and offered in the City’s draft (40 years); and (2) developer’s rejection of the City’s low-income housing audit provisions (instead relying on the IRS Audit)

Public Information Considerations:

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

Options/Alternatives:

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

Recommendation:

Staff recommends denial.

Attachments

Resolution

Cooperation Agreement

RESOLUTION # _____

**A RESOLUTION OF THE CITY OF LANCASTER, TEXAS EVIDENCING
NO OBJECTION TO THE APPLICANT'S TAX CREDIT APPLICATION;
AUTHORIZING THE HOUSING AUTHORITY OF CITY OF
TEXARKANA, TEXAS TO EXERCISE ITS POWERS AT A PARTICULAR
LOCATION WITHIN THE TERRITORIAL BOUNDARIES OF THE CITY
OF LANCASTER, TEXAS; AUTHORIZING A COOPERATION
AGREEMENT; PROVIDING FOR A SAVINGS CLAUSE; AND
PROVIDING AN EFFECTIVE DATE**

WHEREAS, the City Council is the governing body of the City of Lancaster, Texas;

WHEREAS, there exists in the City of Lancaster a shortage of safe and sanitary housing available to lower income residents at rents they can afford; and

WHEREAS, Lancaster Preservation, LLC, a Texas limited liability company (the "Applicant") proposes to acquire and rehabilitate approximately 280-unit multifamily housing development for tenants on low and moderate income that will be located at approximately the southeast corner of 1605 N. Houston School Road, Lancaster, Texas 75134 and within Dallas County, Texas known as the "Rosemont at Lancaster" (the "Development"); and

WHEREAS, the Applicant proposes to apply for financing for the Development, including Low Income Housing Tax Credits (the "Tax Credits") from the Texas Department of Housing and Community Affairs ("TDHCA"); and

WHEREAS, Housing Authority of the City of Texarkana, Texas d/b/a Village Communities of Texarkana, Texas (the "Authority") has significant experience and expertise in successfully providing, developing, financing, and managing housing projects that are affordable to lower income residents and are assets to the community; and

WHEREAS, it is contemplated that Texas Home Collaborative, a Texas public facility corporation duly organized by the Authority (the "PFC") will issue tax-exempt bonds in order to finance a portion of the costs financing of the Development; and

WHEREAS, it is further contemplated that a wholly-owned subsidiary of the Authority, Village Communities Development Corporation, a Texas non-profit corporation ("VCDC"), will serve as the Applicant's general partner; and

WHEREAS, Texas Local Government Code, Section 392.017 (d) requires that the governing body of a municipality adopt a resolution declaring a need for a regional housing authority to exercise its powers in another jurisdiction, and authorizing a cooperation agreement under Section 392.059; and

WHEREAS, the City of Lancaster has conducted a public hearing to take testimony with regard to the Development;

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

Section 1. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

Section 2. Pursuant to Texas Local Government Code, Section 392.017(d)(1), the City Council declares that there is a need for the Authority to exercise its powers in the territorial boundaries of the City of Lancaster ("City") to provide decent, safe, and sanitary housing that is affordable for lower income residents of the City. The Authority is hereby authorized to exercise its powers in the territorial boundaries of the City as set forth in the Cooperation Agreement attached hereto.

Section 3. Pursuant to Texas Local Government Code, Section 392.017(d)(2) and the Cooperation Agreement attached hereto and incorporated herein between the Authority and the City, the Authority is hereby authorized under Texas Local Government Code Section 392.059(a) to exercise its powers within the City at the specific location identified in the Cooperation Agreement. The City agrees to cooperate with the Authority to allow the Authority to provide housing for low and moderate income residents in the territorial boundaries of the City consistent with the terms of the Cooperation Agreement, and at the specific location identified in the Cooperation Agreement. The Authority and the PFC are authorized to exercise its powers under the Texas Housing Authorities Law, Texas Local Government Code Chapter 392 and the Texas Public Facility Corporation Act, Texas Local Government Code Chapter 303, respectively, to finance, plan, undertake, construct, or operate housing projects in the City, consistent with the terms of the Cooperation Agreement. The Cooperation Agreement only authorizes the Authority, VCDC, and the PFC to take action in connection with the City. The City Manager, or her duly authorized representative, is hereby authorized to execute the Cooperation Agreement on behalf of the City.

Section 4. In accordance with the requirements of Texas Government Code Section 2306.67071 and Texas Administrative Code Section 11.204(4), it is hereby found that:

- (a) Notice has been provided to the City in accordance with Texas Government Code Section 2306.67071(a);

- (b) The City has had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Application;
- (c) The City has held a hearing at which public comment may be made on the proposed Application in accordance with Texas Government Code Section 2306.67071(b); and
- (d) After due consideration of the information provided by the Applicant and public comment, the City has no objection to the proposed Application.

Section 5. The City has had sufficient opportunity to obtain a response from the Applicant regarding any questions it may have about the Development.

Section 6. As provided for in 10 Texas Administrative Code Section 11.3(e) and Section 11.4(c)(1) of the Qualified Allocation Plan, it is hereby acknowledged that the proposed Development is located on a census tract that has more than 20% Housing Tax Credit Units per total households.

Section 7. The City hereby supports the proposed Development and confirms that its governing body has voted specifically to approve the rehabilitation of the Development and to authorize an allocation of Housing Tax Credits for the Development pursuant to Tex. Gov't Code §2306.6703(a)(4).

Section 8. As provided for in 10 Texas Administrative Code Section 11.101(a)(3) of the Qualified Allocation Plan, it is hereby acknowledged that the proposed Development is located in a census tract that has a poverty rate above 40% for individuals.

Section 9. The Mayor is authorized to take any reasonable and necessary action to effectuate the direction and intention of this resolution and the Cooperation Agreement.

Section 10. The City Secretary is hereby authorized to certify these resolutions to TDHCA and the Authority.

Section 11. If any article, paragraph, subdivision, clause or provision of this resolution be adjudged invalid or held unconstitutional for any reason, such judgment or holding shall not affect the validity of this resolution as a whole or any part or provision thereof, other than the part so declared to be invalid or unconstitutional.

Section 12. This resolution shall take effect immediately from and after its passage.

DULY PASSED and approved by the City Council of the City of Lancaster, Texas, on this the 15th day of May, 2023.

ATTEST:

APPROVED:

Sorangel O. Arenas, City Secretary

Clyde C. Hairston, Mayor

APPROVED AS TO FORM:

David T. Ritter, City Attorney

PASSED this _____ day of _____, 2023.

CHAIR

ATTEST:

Secretary

**COOPERATION AGREEMENT
BETWEEN
THE CITY OF LANCASTER, TEXAS
AND
TEXAS HOME COLLABORATIVE**

This Agreement (“**Agreement**”) is made and entered into by and between the City of Lancaster, Texas (the “**City**”) a Texas home-rule City, Village Communities Development Corporation, a Texas nonprofit public facility corporation (“**VCDC**”) sponsored by the Housing Authority of the City of Texarkana, Texas, a public housing authority organized under Chapter 392 of the Texas Local Government Code (the “**Authority**”), and Texas Home Collaborative, a non-profit public facility corporation (“**Corporation**”) sponsored by the Authority,.

WHEREAS, the City desires to promote, maintain, and provide safe, sanitary, and affordable housing for low to moderate-income citizens of the City of Lancaster; and

WHEREAS, the Authority’s mission is to provide safe, sanitary and affordable housing for eligible residents and desires to support the development and operation of affordable housing through VCDC and the Corporation, its affiliate entities, each a public housing authority sponsored public facility corporation, in communities across the state of Texas; and

WHEREAS, Chapter 791 of Texas Local Government Code allows City and the Authority to enter into interlocal agreements in order to increase the efficiency and effectiveness of local governments; and

WHEREAS, Section 392.059 of the Texas Local Government Code states that authorities may cooperate with a municipality in providing housing for persons of low income within the boundaries of the cooperating political subdivision; and,

WHEREAS, the City has a need for and desires to increase its supply of quality affordable housing for the benefit of its current and future residents; and

WHEREAS, VCDC and the Corporation have identified Rosemont Lancaster Developer, LLC an affiliate of DevCo Preservation, LLC, (“**Developer**”) to act as its developer partner to acquire and rehabilitate a multifamily development more commonly known as Rosemont at Lancaster, and located at 1605 N. Houston School Road, Lancaster, TX 75134 (the “**Project**”); and

NOW THEREFORE, the City, VCDC, and the Corporation (collectively, the “**Parties**”) agree as follows:

Section 1: Purpose and Objective. The Parties agree that the purpose of this Agreement is to facilitate collaboration and coordination between the Parties in the development of the Project to be acquired and rehabilitated and operated at the Rosemont at Lancaster apartment complex located at 1605 N. Houston School Road, Lancaster, TX 75134, and within the territorial limits of the City for the purpose of providing quality, safe, and affordable housing to low and moderate income residents of the City; provided, however, that this Agreement does not amend or otherwise affect any development agreement related to the Property to which the City is a party, or extend to

a location or property other than that specifically identified herein.

Section 2: Role of VCDC and the Corporation. The responsibilities of VCDC and the Corporation under this Agreement shall include the following:

- (a) VCDC and the Corporation shall coordinate with the City to provide requested briefings to the City Council and City staff, as appropriate.
- (b) VCDC and the Corporation shall work with the developer to prepare and submit an application to the Texas Department of Housing and Community Affairs (“**TDHCA**”) for an allocation of 4% Low Income Housing Tax Credits (“**4% Credits**”) to support the Project.
- (c) Corporation shall serve as the issuer of any bonds required in conjunction with the award of the 4% Credits.
- (d) Corporation will provide to City, on an annual basis, a report containing sufficient information to enable the City to verify the Project’s compliance with affordable housing requirements, including verification of renter income, demographics, and number of occupants per dwelling unit.

Section 3: Role of the City. The City’s responsibility under this Agreement shall include the following:

- (a) City staff shall cooperate with VCDC and the Corporation and shall participate in briefings to the City Council upon the Corporation’s request, for up to two (2) Council briefings per calendar year.
- (b) The City agrees to supply the Project with the same degree of public services that it supplies to other similar development within the City.

Section 4: Term.

4.1 Agreement Term. This Agreement shall be effective upon execution by the last party whose signature renders this Agreement fully executed. Unless otherwise terminated in accordance with this Agreement, the term of this Agreement (“**Agreement Term**”) shall continue for the life of the Project (the life of the Project shall be considered to have expired if the multifamily housing operation completely ceases for a period of at least 365 consecutive days).

Section 5: Representations and Warranties.

5.1 VCDC and the Corporation hereby unconditionally warrant and represents to the City as follows:

- (a) Each of VCDC and the Corporation has the legal and financial capacity to assume responsibility for compliance with all applicable laws, regulations, rules, programs

and agreements and to enter into this Agreement and to perform all of the undertakings set forth herein. In connection with the Project, VCDC and the Corporation will comply with all legal requirements required to be met, including but not limited to the following: (i) any and all present and future judicial decisions, statutes, rulings, rules, regulations, permits, certificates or ordinances of any governmental authority in any way applicable to the Authority or the Project, including, without limitation, the ownership, use, construction, occupancy, possession, operation, maintenance, alteration, repair or reconstruction thereof, (ii) any and all covenants, conditions, and restrictions contained in any deed or other form of conveyance or in any other instrument of any nature that relate in any way or are applicable or to the ownership, use, construction, occupancy, possession, operation, maintenance, alteration, repair or reconstruction thereof, (iii) VCDC's or the Corporation's presently or subsequently effective bylaws and articles of incorporation or partnership, limited partnership, joint venture, trust or other form of business association agreement, (iv) any and all terms, provisions and conditions of any commitment which are to be performed or observed by the VCDC or the Corporation, (v) any and all leases and other contracts (written or oral) of any nature that relate in any way to the Project and to which VCDC and the Corporation may be bound and (vi) all applicable restrictive covenants, zoning ordinances, subdivision and building codes, or if no local building codes are in place, then the most recent version of the International Building Code, flood disaster laws, applicable health and environmental laws and regulations and all other ordinances, orders or requirements issued by any state, federal or municipal authorities having or claiming jurisdiction over the Project.

(b) It is a duly organized and validly existing legal entity under the laws of the State of Texas.

(c) Neither VCDC nor the Corporation are a party to any contract or agreement or subject to any charter or other legal restriction of any kind which materially and adversely affects the business, property or assets, or the condition, financial or otherwise, of the Authority. Neither the execution and delivery of this Agreement, nor compliance with the terms, conditions and provisions hereof, will conflict with or result in a breach of the terms, conditions or provisions of, or constitute a default under any law or any regulation, order or decree of any court or governmental agency, or any indenture or other agreement or instrument to which VCDC or the Corporation is subject, or will result in the creation or imposition of any lien, charge or encumbrance of any nature whatsoever upon any of the property or assets of VCDC or the Corporation pursuant to the terms of any such indenture or agreement or instrument, and will not require the approval of any federal regulatory body or of any state or local commission or authority having jurisdiction with respect thereto, unless such approval has been obtained and is in full force and effect on the date hereof.

(d) There is no action, proceeding or investigation now pending before any court or any governmental department or agency nor any basis therefor, known or believed to exist which: (i) questions the validity of this Agreement or any action or act taken or to be taken by VCDC or the Corporation pursuant to this Agreement, or (ii) is likely to result in a material adverse change in the authority, property, assets, liabilities or condition of VCDC or the Corporation which will materially and substantially impair its ability to perform pursuant to the terms of this Agreement.

Section 6: Notices. All notices and communications under this Agreement shall be mailed by certified mail, return receipt requested, or delivered to VCDC or the Corporation at the following address:

Antonio D. Williams, Secretary & CEO
Texas Home Collaborative
1611 N. Robison Road
Texarkana, Texas 75501
E-mail: awilliams@texarkanaha.org

with a copy to:
Barry J. Palmer
Coats Rose, P.C.
9 Greenway Plaza #1000
Houston, Texas 77046
E-mail: bpalmer@coatsrose.com

All notices and communications under this Agreement shall be mailed by certified mail, return receipt requested to the City at the following address:

City of Lancaster, Texas
Attn: City Manager
211 N Henry Street
Lancaster, TX 75146

with a copy to:

David T. Ritter
Brown & Hofmeister, LLP
740 East Campbell, Suite 800
Richardson, TX 75081

Notice will be considered given and completed upon actual receipt of the notice by the receiving party. Either party may change its designated address for notice purposes upon ten (10) days' prior written notice to the other party.

Section 7. Cooperation and Compliance. The parties hereto agree to cooperate with each other and provide all necessary documentation, certificates and consents and to take all necessary action in order to satisfy the terms and conditions hereof in accordance with the applicable laws, regulations and agreements relating thereto.

Section 8. Miscellaneous.

8.1 Waivers. No delay or omission by either party to insist upon the strict performance of any of the other party's obligations under this Agreement or to exercise any right or remedy

available hereunder shall impair any such right or remedy or constitute a waiver thereof in the event of any subsequent occasion giving rise to such right or availability or remedy or obligation, whether of a similar or dissimilar nature.

8.2 Assignment and Successors. No party to this Agreement will make, in whole or in part, any assignment of this Agreement or any obligation hereunder without the prior written consent of the other party. The terms, covenants, agreements, provisions, and conditions contained herein shall bind and inure to the benefit of the parties hereto, their successors and assigns and shall not bestow any rights upon any third party.

8.3 Applicable Laws, Interpretation and Governing Law. In addition to the matters specifically set forth herein, this Agreement is subject to all laws, rules, orders and regulations of the United States of America, the State of Texas, and the City of Lancaster. This Agreement shall not be construed against the party who prepared it but shall be construed as though prepared by both parties. This Agreement shall be construed, interpreted, and governed by the laws of the State of Texas, and with respect to any dispute hereunder, jurisdiction and venue shall lie with the courts of Dallas County, Texas. Should any party hereto retain counsel for the purpose of litigation to enforce, prevent the breach of any provision hereof, or for any other judicial remedy, then the prevailing party shall be entitled to be reimbursed by the losing party for all reasonable costs and expenses incurred thereby, including, but not limited to, reasonable attorneys' fees and costs incurred by such prevailing party.

8.4 Final Agreement. This Agreement constitutes the final understanding and agreement between the parties with respect to the subject matter hereof and supersedes all prior negotiations, understandings and agreements between the parties, whether written or oral. This Agreement may be amended, supplemented or changed only by a writing signed or authorized by or on behalf of the party to be bound thereby.

8.5 Approvals. Any approvals required from the parties in connection with this Agreement shall not be unreasonably withheld, conditioned or delayed.

8.6 Severability. If any term or provision of this Agreement is declared by a court of competent jurisdiction to be invalid or unenforceable, such term or provision shall be deemed severed from this Agreement and the remaining parts shall continue in full force as though such invalid or unenforceable term or provision had not been part of this Agreement.

8.7 Headings. The Section and Subsection entitlements hereof are inserted for convenience of reference only and in no way shall alter, modify or define, or be used in construing, the text of such Sections and Subsections.

8.8 Counterparts. This Agreement and any amendments hereto may be executed in several counterparts, each of which shall be deemed to be an original copy, and all of which together shall constitute one agreement binding on all parties hereto, notwithstanding that all the parties shall not have signed the same counterpart.

8.9 Further Assurances. Each party shall execute such other and further documents as may be reasonably necessary or proper for the consummation of the transactions contemplated by

this Agreement.

8.10 Parties Bound. No officer, director, shareholder, employee, agent, or other person authorized to act for and on behalf of either party shall be personally liable for any obligation, express or implied, hereunder.

[SIGNATURE PAGE TO FOLLOW]

DRAFT

EXECUTED, this ____ day of _____, 2023.

TEXAS HOME COLLABORATIVE, a Texas
non-profit public facility corporation

By: _____
Name: Antonio D. Williams
Title: Secretary & Chief Executive Officer

**VILLAGE COMMUNITIES DEVELOPMENT
CORPORATION**, a Texas non-profit public facility
corporation

By: _____
Name: Antonio D. Williams
Title: Secretary & Chief Executive Officer

CITY OF LANCASTER, TEXAS, a Texas home-
rule municipal corporation

By: _____
Name: Opal Mauldin-Jones
Title: City Manager

CITY OF LANCASTER CITY COUNCIL

City Council Special Meeting

8.

Meeting Date: 05/15/2023

Policy Statement: This request supports the City Council 2022-2023 Policy Agenda

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

Submitted by: Opal Mauldin-Jones, City Manager

Agenda Caption:

In accordance with Chapter 551, Section § 551.071(1)(a) of the Texas Government Code (the Texas Open Meetings Act), the City Council shall convene in executive session to seek legal advice from the City Attorney concerning alleged water drainage claims near Lancaster Regional Airport.

LANCASTER CITY COUNCIL

City Council Special Meeting

9.

Meeting Date: 05/15/2023

Policy Statement: This request supports the City Council 2022-2023 Policy Agenda

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

Submitted by: Opal Mauldin-Jones, City Manager

Agenda Caption:

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

Background:

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

CITY OF LANCASTER CITY COUNCIL

City Council Special Meeting

1.

Meeting Date: 05/15/2023

Policy Statement: This request supports the City Council 2022-2023 Policy Agenda

Goal(s):

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

Submitted by: Angie Arenas, City Secretary

Agenda Caption:

Discuss and receive training regarding the utilization of the voting system.

Background:

As prescribed in the City Council Rules and Procedures as amended August 2022, Section D. Council agenda process Sub Section 1.b, Councilmember Marco Mejia requested an item be placed on the work session agenda to discuss the City Council Voting System.