



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

Monday, July 10, 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/j/84192893193?pwd=aDhMZmpzeFhNb1ZpYXZwekhTcEFXZz09>

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

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

7:00 P.M. REGULAR MEETING:

CALL TO ORDER

INVOCATION: Lancaster Interdenominational Ministerial Alliance

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Mitchell Cheatham

PROCLAMATION: Parks and Recreation Month

PUBLIC TESTIMONY/CITIZENS COMMENTS:

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

CONSENT AGENDA:

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

1. Consider approval of minutes from the Special Meeting held on May 15, 2023, and the Regular Meeting held on June 12, 2023.
2. Consider a resolution approving the terms and conditions of an agreement with American Municipal Services Corporation to perform collection services for delinquent utility accounts on behalf of the City of Lancaster.

PUBLIC HEARING:

3. Z23-02 Conduct a public hearing and consider an ordinance granting a zoning change from Agricultural Open (AO) and Commercial Highway (CH) to a Planned Development (PD) with Commercial Highway uses and a Car Wash. The properties are located at the Southeast intersection of Parkerville Road and S. I-35E, known as 1400 S. I-35E, described as Lot 1, Block A, out of the Victron Addition, and 1402 S. I-35E being 3.35 acres out of the Charles H. Bernard Abstract 128, Page 020, City of Lancaster, Dallas County, Texas.
4. M23-23 Conduct a public hearing and consider approval of an ordinance granting two special exceptions to the Medical District Corridor Subdistrict, Medical District Overlay, specifically: 1) Section 2.1 - Building Setback, and 2) Section 2.3- Minimum Development Street Frontage on a property located at 3211 West Pleasant Run Road, known as Lot 8R, Block B, out of the Beckley City Lots Addition, City of Lancaster, Dallas County, Texas.

ACTION:

5. Discuss and consider a resolution approving a Chapter 380 Economic Development Agreement with BB Holdings TX, LLC.
6. Discuss and consider a resolution ratifying an amendment to the Performance Agreement between Noble RE, LLC, and the Lancaster Economic Development Corporation (LEDC), to extend completion deadlines from December 31, 2023, to July 31, 2024.
7. Discuss and consider a resolution ratifying an amendment to the Performance Agreement between Saviana Winery, LLC and the Lancaster Economic Development Corporation (LEDC) to extend the completion deadlines from July 1, 2023, to January 1, 2024.
8. Discuss and consider appointments to the Inland Port Local Government Corporation (LGC).

EXECUTIVE SESSION:

9. In accordance with Section 551.071 of the Texas Government Code (the Texas Open Meetings Act), the City Council shall convene in executive session to confer with the City's attorney to discuss the potential dis-annexation of real estate.
10. Reconvene into open session. Consider and take appropriate action(s), if any, on closed/executive session matters.

ADJOURNMENT

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

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

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

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

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

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

Certificate

I hereby certify the above Notice of Meeting was posted at Lancaster City Hall on Thursday, July 6, 2023, @ 9:05 p.m. and copies thereof were provided to the Mayor, Mayor Pro-Tempore, Deputy Mayor Pro-Tempore and Council members.



Dori Lee
Assistant City Manager

CITY OF LANCASTER CITY COUNCIL

City Council Regular Meeting

Item 1.

Meeting Date: 07/10/2023

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:

Consider approval of minutes from the Special Meeting held on May 15, 2023, and the Regular Meeting held on June 12, 2023.

Background:

Attached for your review and consideration are the minutes of the Special Meeting held on May 15, 2023, and Regular Meeting held on June 12, 2023.

Attachments

May 15, 2023

June 12, 2023

CITY OF LANCASTER CITY COUNCIL

City Council Regular Meeting

Item 2.

Meeting Date: 07/10/2023

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

Goal(s): Financially Sound Government

Submitted by: Christine Harris Reed, Director of Finance

Agenda Caption:

Consider a resolution approving the terms and conditions of an agreement with American Municipal Services Corporation to perform collection services for delinquent utility accounts on behalf of the City of Lancaster.

Background:

The City of Lancaster utilizes credit collection agencies to collect delinquent payments for utility accounts. The previous contract with Credit Systems International (CSI), which was in effect for over 10 years, expired and the City subsequently issued RFP 2022-15 for collection services. Four vendors responded. American Municipal Services Corporation ("AMS") was chosen due to their extensive experience with municipalities and due diligence in collecting delinquent payments. AMS is to be paid a contingent fee of twenty percent (20%) of the amount collected on delinquent utility bills referred to AMS by the City. AMS agrees to invoice the City within 15 days from confirmation of payments for the previous month's collections. The invoices are due and payable within thirty (30) days. American Municipal Services will not be paid on an account if the debt is dismissed by the City for any reason.

Operational Considerations:

AMS is actively collecting delinquent debts for over 300 municipal organizations, and they are very familiar with state statutes and procedures. American Municipal Services has an average case resolution rate of 50 percent for municipal collections.

Legal Considerations:

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

Public Information Considerations:

The bid was processed in accordance with all local and state purchasing statutes. The bids were advertised in the Focus Daily News on November 13, 2022, and November 16, 2022. Bids were posted on the City's electronic procurement system, and bids were opened on November 28, 2022, and closed on December 9, 2022. Four bids were received, two of which were registered as a Minority/Women Business Enterprise (MWBE). This item is being considered at a Regular Meeting of the City Council noticed in accordance with the Texas Open Meetings Act.

Fiscal Impact:

The City currently has approximately \$510,000 in delinquent accounts that will be submitted to American Municipal Systems. American Municipal Services is to be paid a contingent fee of twenty percent (20%) of the amount collected on delinquent utility bills referred to AMS by the City. American Municipal Services agrees to invoice the City within 15 days from confirmation of payments for the previous month's collections.

Options/Alternatives:

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

Recommendation:

Staff recommends approval of the resolution, as presented.

Attachments

Resolution

Contract

CITY OF LANCASTER CITY COUNCIL

City Council Regular Meeting

Item 3.

Meeting Date: 07/10/2023

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

Goal(s): Sound Infrastructure
Quality Development

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

Agenda Caption:

Z23-02 Conduct a public hearing and consider an ordinance granting a zoning change from Agricultural Open (AO) and Commercial Highway (CH) to a Planned Development (PD) with Commercial Highway uses and a Car Wash. The properties are located at the Southeast intersection of Parkerville Road and S. I-35E, known as 1400 S. I-35E, described as Lot 1, Block A, out of the Victron Addition, and 1402 S. I-35E being 3.35 acres out of the Charles H. Bernard Abstract 128, Page 020, City of Lancaster, Dallas County, Texas.

Background:

1. **Location and size:** The properties are located at the southeast corner of Parkerville Road and S. I-35E, addressed as 1400 and 1402 S. IH-35 E and total 5.84 acres in size.
2. **Current Zoning:** The subject properties are currently zoned Commercial Highway (CH) and Agricultural Open (AO).
3. **Adjacent Properties:**
North: Agricultural Open (AO) - Undeveloped Land
South: Commercial Highway (CH) - Undeveloped Land
East: Agricultural Open (AO) - Undeveloped Land
West: City of Desoto - I-35E Service Road
4. **Comprehensive Plan Compatibility:** The Future Land Use Map of the Comprehensive Plan designates the property as Commercial Corridor. The proposed uses are consistent with the Commercial Corridor Future Land Use designation.

5. **Case History:**

Date	Body	P&Z
06/26/23	CC	Z23-02 Tabled to July 10, 2023
06/26/23	CC	M23-13 Approved Comprehensive Plan Amendment to Commercial Corridor
06/26/23	CC	M23-22 Approved Sign Exception
06/26/23	CC	M23-21 Approved Development Agreement
05/02/23	P&Z	Z23-02 Recommended approval of PD

05/02/23	P&Z	M23-13 Recommended approval of a Plan Amendment
08/06/2019	P&Z	PS19-15 Approved Final Plat
05/07/2019	P&Z	PS19-11 Approved a Preliminary Plat
08/27/2018	CC	Z18-03 Approved a SUP request for a car wash/auto detail use
08/27/2018	CC	Z18-02 Approved a rezoning request from AO to CH.
07/17/2018	P&Z	Z18-03 Recommend approval of a SUP request for a carwash /auto detail use
07/17/2018	P&Z	Z18-02 Recommended approval of a rezoning request from AO to CH.

Operational Considerations:

This is a request to rezone the subject property from Commercial Highway (CH) and Agricultural Open (AO) to a Planned Development for Commercial Highway (CH) uses and a Car Wash. The lot is currently undeveloped. The plans provided are for conceptual purposes. If the rezoning is approved, a site plan review will be required and the properties will need to be platted. The applicant has since revised the request to re-zone a 1.31 acre portion of the original 3.35 acre tract being considered. The applicant has further stated they would like to keep all uses permitted by right in the CH district. No use allowed shall be removed.

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

Consistency with the Comprehensive Plan: On June 26, 2023, City Council amended the Future Land Use Map of the Comprehensive Plan to designate the subject property as Commercial Corridor. The request is consistent with the Comprehensive Plan.

Potential Impact on Adjacent Development: A Chevron gas station and Taco Casa are currently operating to the north of the subject property. Surrounding properties to the south and east are undeveloped, and the property to the west is in the City of Desoto. Further north and south of the subject site, are commercial uses. The proposed zone change will not negatively impact the surrounding area.

Availability of utilities and access: The subject property is served by City of Lancaster sewer and water. The applicant will be responsible for connecting to utilities necessary for development. Access to the property is via the service road and Parkerville Road.

Site conditions such as vegetation, topography, and flood plain: The site is undeveloped. Upon construction of the site, factors such as vegetation, topography and flood plain issues will be addressed as part of the platting and site plan approval process and more specifically during the civil review before construction.

Timing of Development as it relates to Lancaster's Capital Improvement Plan: The City of Lancaster Capital Improvement Plan (CIP) does not have improvement plans for Parkerville Road or I-35E Service Road.

Based upon an analysis of the five (5) criteria that must be taken into consideration when reviewing a change in zoning application. The proposed zone change will aid in the City's efforts to attract more commercial development to provide an array of services for residents and visitors. Therefore, staff recommends approval.

This item appeared before the City Council on June 26, 2023 along with three (3) companion items. All related companion items, including the Comprehensive Plan Amendment (M23-13) were previously approved. The request to rezone was tabled to the next City Council meeting in an effort to gain greater clarity on the proposed uses to be included with the requested Planned Development. The City Council discussed concerns about not desiring more intensive uses, allowed in the district, along the Interstate frontage with commercial uses.

Legal Considerations:

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

Public Information Considerations:

On May 21, 2023, a notice for this public hearing appeared in the Focus Daily Newspaper. Staff mailed notifications of this public hearing to property owners within 200-feet of the subject site and zoning signs were placed on the property. Staff received two letters of support.

Options/Alternatives:

1. The City Council may approve the request, as presented.
2. The City Council may approve the request with conditions and state those conditions.
3. The City Council may deny the request.

Recommendation:

On May 2, 2023 the Planning and Zoning Commission recommended approval. Staff concurs.

Attachments

Ordinance
Exhibit A
Location Map
Letter of Intent
Letters of Support
P&Z Agenda
Draft Minutes

CITY OF LANCASTER CITY COUNCIL

City Council Regular Meeting

Item 4.

Meeting Date: 07/10/2023

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

Goal(s): Sound Infrastructure
Quality Development

Submitted by: Nyliah Acosta, Assistant Director of Development Services

Agenda Caption:

M23-23 Conduct a public hearing and consider approval of an ordinance granting two special exceptions to the Medical District Corridor Subdistrict, Medical District Overlay, specifically: 1) Section 2.1 - Building Setback, and 2) Section 2.3- Minimum Development Street Frontage on a property located at 3211 West Pleasant Run Road, known as Lot 8R, Block B, out of the Beckley City Lots Addition, City of Lancaster, Dallas County, Texas.

Background:

1. **Location and Size:** The property is located west of the intersection of West Pleasant Run Road and Park Circle Drive, addressed as 3211 West Pleasant Run Road. It is approximately a .63 acre lot in size.
2. **Current Zoning:** The subject property is zoned Planned Development-Retail (PD-R) Medical District Corridor Subdistrict, Medical District Overlay.
3. **Adjacent Properties:**
North: Planned Development (PD) - Single-Family Dwelling
South: Commercial Highway (CH) - Bank and Shopping Center
East: Planned Development (PD) - Quick Serve Restaurant
West: Commercial Highway (CH) - Commercial Uses (Shopping Center)
4. **Comprehensive Plan Compatibility:** The Future Land Use Plan of the Comprehensive Plan identifies this site as Suburban Mixed Use. The proposed restaurant is consistent with the Comprehensive Plan.
5. **Case history:**

Date	Body	Action
06/11/2007	CC	Adopted the Medical District Overlay

Operational Considerations:

The intent of the Medical District Corridor is to take advantage of undeveloped land along Pleasant Run Road and revitalize the corridor. As such, the applicant proposes to develop the site for a restaurant use.

The exceptions are as follows:

1. Building Setbacks

In order to maintain consistency of built form throughout the Medical District Corridor, buildings are required to be constructed on a defined build-to-line. Per Section 2.1, primary streets should be built 20-feet from the street rights-of-way. The proposed building is 92-feet from West Pleasant Run Road. The applicant has stated the purpose of the request is to be consistent with the building placement on adjacent lots, which do not meet the build-to line requirement. An access easement will be acquired to provide cross access to the adjoining sites.

2. Minimum Development Street Frontage

Per Section 2.3, a minimum of eighty (80%) percent of each development's total building street frontage shall be built on the build-to-lines. The project proposes that 100% of the building be located 92 feet from the front property line. No portion of the building is on the build-to-line.

The proposed project serves as infill development by utilizing vacant and underutilized parcels within existing areas. Infill development maximizes the use of urban land. The Medical District aims to revitalize the Pleasant Run Road corridor and this development aligns with the City's goal to attract commercial services for residents and visitors. Therefore, staff is in support of the request.

Legal Considerations:

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

Public Information Considerations:

On June 30, 2023, a notice for this public hearing appeared in the Focus Daily Newspaper. Staff mailed notifications of this public hearing to all property owners that are within 200-feet of the subject site, in addition to a sign being posted on the property. Staff has not received letters of support or opposition.

Options/Alternatives:

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

Recommendation:

Staff recommends approval as presented.

Attachments

Ordinance

Location Map

Site Plan

Elevations

Landscape Plan

CITY OF LANCASTER CITY COUNCIL

City Council Regular Meeting

Item 5.

Meeting Date: 07/10/2023

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

Goal(s): Financially Sound Government
Quality Development

Submitted by: Shane Shepard, Director of Economic Development

Agenda Caption:

Discuss and consider a resolution approving a Chapter 380 Economic Development Agreement with BB Holdings TX, LLC.

Background:

BB Holdings TX, LLC (BB Holdings) is redeveloping a site located at 3255 West Pleasant Run Road. Subject to approval of the incentive package, the company will demolish the existing structure and replace it with a Dutch Bros. Coffee Shop.

The project is located in a targeted redevelopment area, the Hospital District. This development will help the City remove a highly visible dilapidated building that has had code violations in the past. The existing building will be replaced with a high quality, national retail operation.

BB Holdings plans to initiate demolition of the existing building shortly after approval of this agreement and clear the site within ninety (90) days of execution of this agreement. The project is expected to be completed no later than December 31, 2024. The company plans to invest a minimum phased investment of one million dollars (\$1,000,000) in the project.

The Dutch Bros. facility will result in the addition of a minimum of thirty (30) new jobs at completion.

This agreement authorizes a site development grant, as described below:

- The City will provide a Site Development Grant of funds up to an aggregate total of **eighty thousand dollars (\$80,000)**. The funds may be used to reimburse Operator for actual expenses incurred for demolition of the existing structure, development and permitting fees and general development costs. Reimbursement of the \$80,000 to Operator will be made upon Certificate of Occupancy and commencement of operations for the Facility.
- Reimbursement of funds to Operator will be made upon completion of the following:
 - **Demolition of Existing Building.** The existing building that is located on the site must be demolished within ninety (90) days of the Effective Date of this Agreement; and
 - **Capital Investment.** At least one million dollars (**\$1,000,000**) must be invested in the Facility by December 31, 2024; and
 - **Payment of City Fees;** and
 - **Occupation of Facility.** The Operator shall occupy the Facility by **December 31, 2024**, and continue operations during the term of this Agreement; and
 - **Certificate of Occupancy.** Operator shall obtain a Certificate of Occupancy for the Facility by **December 31, 2024**; and
 - **Job Creation.** Operator will hire at least thirty (30) new employees within twenty-four (24) months of execution of this Agreement; and

- **Deadline to Sign Agreement.** The operator must sign the agreement within fourteen business days of approval of this action by City Council.

Legal Considerations:

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

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.

Fiscal Impact:

The total incentive cost will not exceed eighty thousand dollars (\$80,000) over the term of the agreement. This is a general fund incentive and was not included in this fiscal year budget; therefore, an end of year adjustment will be required.

Options/Alternatives:

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

Recommendation:

Staff recommends approval of the resolution, as presented.

Attachments

Resolution

Exhibit A - 380 Agreement

Current Building and Standard Dutch Bros Building to Replace Current Building

CITY OF LANCASTER CITY COUNCIL

City Council Regular Meeting

Item 6.

Meeting Date: 07/10/2023

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

Goal(s): Financially Sound Government
Quality Development

Submitted by: Shane Shepard, Director of Economic Development

Agenda Caption:

Discuss and consider a resolution ratifying an amendment to the Performance Agreement between Noble RE, LLC, and the Lancaster Economic Development Corporation (LEDC), to extend completion deadlines from December 31, 2023, to July 31, 2024.

Background:

A Performance Agreement in the amount of eighty thousand dollars (\$80,000) was initially approved by the Lancaster Economic Development Corporation on July 21, 2022, and ratified by City Council on August 8, 2022, by Resolution Number 2022-08-64.

Noble RE, LLC recently began construction of a new commercial structure near the southeast corner of Belt Line Road and Blue Grove Road. This facility will be located on a 0.756-acre tract of land in the retail center anchored by the Walmart Neighborhood Market. The Noble RE, LLC/Starbucks team requested special development exceptions for the project, in order for the design to conform with Starbucks brand standards. These modifications required public processes and final approval by City Council, pushing back the expected completion date for the project. The amendment to the agreement extends the deadlines for the facility to receive a Certificate of Occupancy from December 31, 2023, to July 31, 2024.

Specific changes are listed below:

- Section 2 (Term) is amended to read as follows:
 - “This Agreement shall be effective as of the Effective Date, as defined herein, and shall continue thereafter until **July 31, 2029**, unless terminated sooner under the provisions hereof.”
- Section 3(h) (Facility) is amended to read as follows:
 - **“Facility.** The word Facility means a building and improvements located on Lot 3 near the intersection of Blue Grove Road and West Belt Line Road and as depicted in **Exhibit A – Site Plan** of this Agreement, which is attached hereto and incorporated herein for all purposes. In order to qualify as the “Facility” under this Agreement, the facility must meet all of the following criteria: (1) be located within the City; and (2) obtain a Certificate of Occupancy by July 31, 2024 and maintain a Certificate of Occupancy during the remaining duration of this Agreement.”
- Section 4(a) (Occupation of Facility) is amended to read as follows:
 - “A condition to receiving the Site Development Grant is that Starbucks shall occupy the Facility by **July 31, 2024.**”
- Section 4(b) (Certificate of Occupancy) is amended to read as follows:
 - **“Certificate of Occupancy.** Developer covenants and agrees to obtain or cause to be obtained a Certificate of Occupancy from the City for the Facility located on the Property by **July 31, 2024.**”
- Section 4(d) (Capital Investment) is amended to read as follows:

- **“Capital Investment.** In order to be eligible to receive LEDC funds under this Agreement, Developer must invest not less than two hundred thousand dollars **(\$200,000)** in the Facility, (exclusive of any grant awards issued under this program) by July 31, 2024, and provide to the City receipts for the same, which for the avoidance of doubt can include any tenant improvement allowance under the Developer’s lease for the Facility.”
- Section 4(g) (Definition of and Documentation of Development Costs) is amended to read as follows:
 - “Developer covenants and agrees to obtain accurate invoices, receipts, and other written documentation regarding the amount of: (1) city fees related to permitting and construction of the facility; and (2) general development costs for which Developer is seeking reimbursement, that are actually incurred and paid for the development of the Property and improvement to the Facility by July 31, 2024.”
- Section 7(e) (Operations) is amended to read as follows:
 - “Developer will maintain its Facility within the City of Lancaster in full operations through at least July 31, 2024. Failure to do so will cause a non-remediable Event of Default and all funds disbursed under this Agreement will be returned to LEDC within thirty (30) days.”

Noble RE, LLC agreed to invest not less than two hundred thousand dollars (\$200,000) in the facility exclusive of any grant awards. Starbucks agreed to a ten-year lease of the facility.

This item appeared before the Lancaster Economic Development Corporation on June 15, 2023, and was approved.

Legal Considerations:

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

Public Information Considerations:

This item if 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 concurs with the Lancaster Economic Development Corporation recommendation for approval.

Attachments

Resolution

Exhibit A - First Amendment to Performance Agreement

Original Agreement

Draft LEDC Minutes - 06-15-23

CITY OF LANCASTER CITY COUNCIL

City Council Regular Meeting

Item 7.

Meeting Date: 07/10/2023

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

Goal(s): Financially Sound Government
Quality Development

Submitted by: Shane Shepard, Director of Economic Development

Agenda Caption:

Discuss and consider a resolution ratifying an amendment to the Performance Agreement between Saviana Winery, LLC and the Lancaster Economic Development Corporation (LEDC) to extend the completion deadlines from July 1, 2023, to January 1, 2024.

Background:

A Performance Agreement offering financial incentives of up to seventy-five thousand dollars (\$75,000) was initially approved by the Lancaster Economic Development Corporation on October 20, 2022, and ratified by City Council on January 9, 2023.

Saviana Winery is nearing completion of their renovation of the building located at 116 Historic Town Square. They will ultimately create a new outdoor patio area on the parcel located at 106 Historic Town Square. The company is unable to meet the July 1, 2023, deadline for project completion and is requesting that the completion deadline be extended to January 1, 2024, because of delays in the Texas Alcoholic Beverage Commission permitting process.

Specific changes are listed below:

- Section 3(h) (Facility) is amended to read as follows:
 - “Facility. The word Facility means a winery/tasting room and outdoor patio area located at the Property and as described and/or depicted in Exhibit A – Site Plan of this Agreement, which is attached hereto and incorporated herein for all purposes. In order to qualify as the “Facility” under this Agreement, the facility must meet the following criteria: (1) be located within the City; and (2) obtain a Certificate of Occupancy by January 1, 2024, and maintain a Certificate of Occupancy during the remaining duration of this Agreement; and (3) remain in operation in the City of Lancaster until at least December 31, 2027.”
- Section 4(b) (Occupation of Facility) is amended to read as follows:
 - “Developer covenants and agrees to occupy the Facility by January 1, 2024.”
- Section 4(c) (Certificate of Occupancy) is amended to read as follows:
 - "Certificate of Occupancy. Developer covenants and agrees to obtain or cause to be obtained a Certificate of Occupancy from the City for the Facility located on the Property by January 1, 2024.

Legal Considerations:

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

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:

The Lancaster Economic Development Corporation recommended approval at their June 15, 2023 meeting. Staff concurs with the Lancaster Economic Development Corporation for approval.

Attachments

Resolution

Exhibit A - First Amendment to Performance Agreement

Original Agreement

LEDC Draft Minutes - 06-15-23

CITY OF LANCASTER CITY COUNCIL

City Council Regular Meeting

Item 8.

Meeting Date: 07/10/2023

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

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

Submitted by: Opal Mauldin-Jones, City Manager

Agenda Caption:

Discuss and consider appointments to the Inland Port Local Government Corporation (LGC).

Background:

The Inland Port of Dallas County consists of portions of unincorporated Dallas County and the cities of Dallas, DeSoto, Ferris, Hutchins, Lancaster, and Wilmer. Interstate Highways 20 (East/West) and 45 (North/South) cross through the heart of the Port and Loop 9 (East/West) is at its southern tip.

Dallas County desires to create a Local Government Corporation (LGC) to advocate for and coordinate the construction, development, enlargement, maintenance, and operation of facilities related to port operations, including intermodal facilitation, distribution centers, railroads, rail facilities, and security initiatives for the facilitation of international trade and to aid in mitigating congestion. The draft Certificate of Formation indicates that the LGC could also exercise powers under Chapter 394, Texas Local Government Code, which provides for "a means to finance the cost of residential housing at affordable prices for residents of local governments." Dallas County has indicated "that this section of the Texas Local Government Code was inadvertently added to the resolution; however, they are committed to removing that section of the resolution."

Pursuant to Texas Transportation Code Chapter 431, a Local Government Corporation (LGC) can be created to aid and act on behalf of one or more local governments to accomplish any governmental purpose of those local governments. b) A local government corporation has the powers of a transportation corporation authorized for creation by the Texas Transportation Commission, which among other powers, includes the power to issue bonds and notes, and to assess membership dues for the constituent government organizations. Dallas County has indicated that "their only intent for bonding and indebtedness is to not restrict the organization from having debt considering the nature of reimbursable grants and needing a line of credit in some instances."

Lancaster's proposed dues, as calculated on 2020 census numbers, would be approximately \$4,128.

Pursuant to Texas Transportation Code Section 431. 006. Local Government Corporation are subject to all laws applicable to Texas non-profit corporations as set forth in the Texas Non-Profit Corporation Act.

March 2023 correspondence indicates that the LGC will be governed by a 15-person appointed board, with the following appointment allocations:

Dallas County	3
City of Dallas	3
City of Balch Springs	1
City of Cedar Hill	1
City of DeSoto	1
City of Duncanville	1
City of Hutchins	1
City of Lancaster	1
City of Mesquite	1
City of Seagoville	1
City of Wilmer	1
Total	15

Members would serve three-year terms and serve at the pleasure of the appointing authority. The LGC would retain an Executive Director, a Secretary, and such other staff as may be needed.

At the June 5, 2023, City Council Special Work Session, Council received a presentation regarding a proposal to establish an Inland Port Local Government Corporation.

At the June 26, 2023, City Council Regular Meeting, Council approved Resolution 2023-06-66, which expressed support for the proposed Inland Port Local Government Corporation and expressed an intent to join the LGC, contingent upon the receipt, review, and approval of the final Incorporation documents and naming three individuals as incorporators and one individual as an initial director.

The purpose of this item is for City Council to consider three (3) individuals to serve as incorporators and one (1) individual to serve as a director on the board. The incorporators would represent the City in review of the incorporation document.

City Council Members discussed providing suggestions for consideration.

The following individuals were suggested to serve as incorporators:

Carey Neal, Deputy City Manager
Shane Shepard, Director of Economic Development
Karl Stundins, Assistant Director of Economic Development
Jacqueline Thompson, Assistant Director of Finance

The following individuals were suggested to serve as the Director:

Taryn Walker
Clyde C. Hairston
Betty Gooden-Davis

Options/Alternatives:

1. City Council may appoint from the suggestions received.
2. City Council may make additional suggestions for consideration.
3. City Council may consider other alternatives to make appointments.

Recommendation:

This item is for City Council discussion, deliberation and action.

Attachments

Resolution

Certificate of Formation

Bylaws

CITY OF LANCASTER CITY COUNCIL

City Council Regular Meeting

Item 9.

Meeting Date: 07/10/2023

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 Section 551.071 of the Texas Government Code (the Texas Open Meetings Act), the City Council shall convene in executive session to confer with the City's attorney to discuss the potential dis-annexation of real estate.

LANCASTER CITY COUNCIL

City Council Regular Meeting

Item 10.

Meeting Date: 07/10/2023

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.