



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

**Monday, September 21, 2020 - 7:00 PM**



While the Mayor will be physically present at City Hall, the other Councilmembers will attend via video or audio link due to the COVID-19 emergency situation.

**IMPORTANT NOTICE: Due to the COVID-19 (coronavirus) state of emergency and consistent with the Governor's Order regarding modifications to the Texas Open Meetings Act ("TOMA"), and executive orders regarding the public will not be admitted to the physical meeting location.**

Public comments will be taken during the Public Testimony and may be made by Public Testimony form prior to 5:00p.m., and by joining the Zoom Webinar prior to 7:00p.m.

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/webinar/register/WN\\_HnO6Ne7oT8aeLHdNj0ktPQ](https://us02web.zoom.us/webinar/register/WN_HnO6Ne7oT8aeLHdNj0ktPQ)

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**

**PUBLIC TESTIMONY:**

At this time citizens who have pre-registered before the call to order will be allowed to speak on consent or action item on the agenda, with the exception of public hearings, for a length of time not to exceed three minutes. Anyone desiring to speak on an item scheduled for a public hearing is requested to hold their comments until the public hearing on that item.

**CONSENT AGENDA:**

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

1. Consider a resolution to authorize the assignment and assumption of an Economic Development Agreement between the City of Lancaster and CH Realty VII/I Dallas Houston School RD, L.P. to Economic Development Agreements between the City of Lancaster and PR I-35 Logistics Crossing Building A, LP and PR I-35 Logistics Crossing Building B, LP.

**ACTION:**

2. Discuss and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Beltline Ashmoore Public Improvement District.
3. Discuss and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Boardwalk Public Improvement District.
4. Discuss and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Glendover Estates Public Improvement District.
5. Discuss and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Lancaster Mills Public Improvement District.
6. Discuss and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Meadowview Public Improvement District.
7. Discuss and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Millbrook East Public Improvement District (PID).
8. Discuss and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Pleasant Run Estates Phase 1-A Public Improvement District.
9. Discuss and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Rolling Meadows Public Improvement District.
10. Discuss and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Tribute at Mills Branch and Tribute East at Mills Branch Public Improvement District.

**PUBLIC HEARING:**

11. Conduct a public hearing and consider an ordinance approving the proposed FY 2020/2021 budget for the fiscal year beginning October 1, 2020, ending September 30, 2021.

**ACTION:**

12. Discuss and consider a resolution ratifying the budget for the fiscal year 2020/2021 that results in an increase of revenues by 3.90% from property taxes over the previous year.

**PUBLIC HEARING:**

13. Conduct a public hearing and consider an ordinance regarding the proposed revenue increase from levying ad valorem taxes for fiscal year 2020/2021 at \$0.819736 per one hundred dollars assessed valuation of all taxable property within the corporate limits to provide revenues for current maintenance and operation expenses and interest and sinking fund requirements; providing due and delinquent dates; penalties and interest; providing a homestead exemption and disability exemption.

## **ADJOURN SPECIAL MEETING**

### **7:30 P.M. WORK SESSION:**

## **CALL TO ORDER**

1. Discuss parking pads in single family residential districts.

## **ADJOURNMENT**

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

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

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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.

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### Certificate

I hereby certify the above Notice of Meeting was posted at the Lancaster City Hall on September 17, 2020 @ 7:30 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, appearing to read "S. Arenas", is written over a horizontal line.

Sorangel O. Arenas  
City Secretary

## LANCASTER CITY COUNCIL

### City Council Special Meeting

1.

**Meeting Date:** 09/21/2020

**Policy Statement:** This request supports the City Council 2020-2021 Policy Agenda

**Goal(s):** Quality Development

**Submitted by:** Shane Shepard, Economic Development Director

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### **Agenda Caption:**

Consider a resolution to authorize the assignment and assumption of an Economic Development Agreement between the City of Lancaster and CH Realty VII/I Dallas Houston School RD, L.P. to Economic Development Agreements between the City of Lancaster and PR I-35 Logistics Crossing Building A, LP and PR I-35 Logistics Crossing Building B, LP.

### **Background:**

The developer of the property wishes to assign the Economic Development Agreement to the another entity. City Council approval is required for the assignment. The initial development agreement was approved by City Council on September 25, 2017. Crow Holdings built two new industrial buildings located at 2801 and 2901 North Houston School Road. Each building is approximately 610,000 square feet. Final finish out work is now underway. ICU Medical will occupy 2801 North Houston School Road and Mars Petcare will occupy 2901 North Houston School Road.

### **Operational Considerations:**

Upon assignment of the agreement, PR I-35 Logistics Crossing Building A, LP and PR I-35 Logistics Crossing Building B, LP will annually submit detailed verification of the real property tax report and receipts for tax payments in order to exercise the rebate.

### **Legal Considerations:**

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

### **Public Information Considerations:**

This item is being considered at a meeting noticed in accordance with the Texas Open Meetings Act.

### **Options/Alternatives:**

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

### **Recommendation:**

Staff recommends approval of resolution, as presented.

### **Attachments**

Resolution

Agreement

Original Agreement

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**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, APPROVING THE ASSIGNMENT AND ASSUMPTION OF AN EXISTING ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF LANCASTER, TEXAS AND CH REALTY VII/I DALLAS HOUSTON SCHOOL RD, L.P., A DELAWARE LIMITED PARTNERSHIP, WHICH ARE TO BE ASSIGNED AND ASSUMED BY PR I-35 LOGISTICS CROSSING BUILDING A, LP, A DELAWARE LIMITED PARTNERSHIP, PR I-35 LOGISTICS CROSSING BUILDING B, LP, A DELAWARE LIMITED PARTNERSHIP; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council adopted Resolution 2017-09-71 providing an economic development agreement between the City of Lancaster, Texas and CH Realty VII/I Dallas Houston School RD, L.P., a Delaware Limited Partnership, providing real property tax rebates; and

**WHEREAS**, PR I-35 Logistics Crossing Building A, LP, a Delaware Limited Partnership, PR I-35 Logistics Crossing Building B, LP, a Delaware Limited Partnership are acquiring the property from CH Realty VII/I Dallas Houston School RD, L.P., a Delaware Limited Partnership and requested a transfer of assignment of the Economic Development Agreement and such assignment may not be granted without written permission from the City of Lancaster; and

**WHEREAS**, the City of Lancaster recognizes how important business and community development is to the vitality and growth of Lancaster; and

**WHEREAS**, the City of Lancaster has adopted programs for promoting economic development and an Economic Development Agreement and the economic development incentives, set forth herein, are given and provided by the City of Lancaster pursuant to and in accordance with those programs; and

**WHEREAS**, the City of Lancaster is authorized by Chapter 380 of the Texas Local Government Code to issue grants in order to promote economic development by stimulating the local economy; and

**WHEREAS**, the Agreement containing the terms of the grant of incentives from the City of Lancaster is appropriate.

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

**SECTION 1.** The City Council of the City of Lancaster, Texas approves an Assignment and Assumption of an Economic Development Agreement by and between the City of Lancaster and CH Realty VII/I Dallas Houston School RD, L.P., a Delaware Limited Partnership to the City of Lancaster and PR I-35 Logistics Crossing Building A, LP, a Delaware Limited Partnership, PR I-35 Logistics Crossing Building B, LP, a Delaware Limited Partnership.

**SECTION 2.** The City Council authorizes the City Manager to execute Economic Development Agreements between the City of Lancaster, Texas and PR I-35 Logistics Crossing Building A, LP, a Delaware Limited Partnership, PR I-35 Logistics Crossing Building B, LP, a Delaware Limited Partnership.

**SECTION 3.** This Resolution shall take effect immediately from and after the date of passage and is provided by law.

PASSED and approved by the City Council of the City of Lancaster, Texas on this the 21<sup>st</sup> day of September, 2020.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Sorangel O. Arenas, City Secretary

\_\_\_\_\_  
Clyde C. Hairston, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
David T. Ritter, City Attorney

## **ASSIGNMENT OF ECONOMIC DEVELOPMENT AGREEMENT**

This ASSIGNMENT OF REAL PROPERTY TAX ABATEMENT AGREEMENT (this "**Assignment**") is executed and entered into effective as of September 14, 2020, by and between **CH REALTY VII/ I DALLAS HOUSTON SCHOOL RD, L.P.**, a Delaware limited partnership ("**Assignor**") and **PR I-35 LOGISTICS CROSSING BUILDING A, LP**, a Delaware limited partnership, **PR I-35 LOGISTICS CROSSING BUILDING B, LP**, a Delaware limited partnership (collectively, "**Assignee**").

### **RECITALS:**

A. Assignor, as seller, and Assignee (successor by assignment from PR I-35 Logistics Crossing, LP.), as purchaser, have heretofore entered into that certain Purchase and Sale Agreement (together with all addendums, amendments and modifications thereto, the "**Agreement**") dated July 8, 2020, for the purchase and sale of certain real property and improvements commonly known as I-35 Logistics Crossing, and located at 2801 and 2901 N. Houston School Road, Lancaster, Texas 75134, and more particularly described on Exhibit A hereto (the "**Property**"). All capitalized terms used herein but not defined shall have the meanings given to such terms in the Agreement.

B. Assignor desires to assign, set over and convey to Assignee all of Assignor's rights and benefits in and to that certain Economic Development Agreement dated September 25, 2017, authorized by Resolution No. 2017-09-71, between the City of Lancaster, Texas and Assignor (the "**Economic Development Agreement**"), and Assignee desires to obtain such assignment and assume the obligations of Assignor under the Economic Development Agreement, upon the terms and conditions hereinafter provided.

### **AGREEMENTS:**

NOW, THEREFORE, for and in consideration of the premises and the mutual covenants set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed, Assignor and Assignee hereby agree as follows:

1. **Assignment.** Assignor does hereby ASSIGN, TRANSFER, SET OVER, CONVEY and DELIVER unto Assignee, its successors and assigns, all of the rights, title, benefits, powers, privileges and interests of Assignor in and to the Economic Development Agreement from and after the date hereof.
2. **Assumption.** Assignee hereby assumes the liabilities, obligations, duties and responsibilities of Assignor with respect to the terms and conditions of the Economic Development Agreement from and after the date hereof.

3. Binding Effect. This Assignment is binding upon and shall inure to the benefit of the parties hereto, and their respective authorized agents and representatives, successors and assigns. This Assignment has been entered into by Assignor and Assignee solely for their benefit, and the benefit of their respective successors, assigns, authorized agents and representatives, and not for the benefit of any other persons not a party to this Assignment. No person shall be entitled to the benefits of any covenant or other agreement made herein, whether as a third party beneficiary or otherwise, except as expressly provided in this Assignment. To facilitate execution, this Agreement may be executed in as many counterparts as may be convenient or required and the parties may execute and exchange counterparts of this Agreement and any amendment hereto via attachment to electronic mail (\*.pdf or similar file types). The parties further agree that counterparts of this Agreement or any amendment hereto may be signed electronically via Adobe Sign, DocuSign protocol or other electronic platform. All such signatures may be used in the place of original "wet ink" signatures to this Agreement or any amendment hereto and shall have the same legal effect as the physical delivery of an original signature

EXECUTED as of the date first above written.

**ASSIGNOR:**

**CH REALTY VII/I DALLAS HOUSTON  
SCHOOL RD, L.P.,** a Delaware limited  
partnership

By: CH Realty VII/I Dallas Houston  
School Rd GP, L.L.C., a Delaware  
limited liability company, its general  
partner

By: Fund VII Managers, L.L.C., a Texas  
limited liability company, its manager

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_



**ASSIGNEE:**

**PR I-35 LOGISTICS CROSSING BUILDING**

**A, LP**, a Delaware limited partnership

By: PR I-35 Logistics Crossing Building A GP,  
LLC, a Delaware limited liability company,  
its general partner

By: PRISA LHC, LLC,  
a Delaware limited liability company,  
its sole member

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**PR I-35 LOGISTICS CROSSING BUILDING**

**B, LP**, a Delaware limited partnership

By: PR I-35 Logistics Crossing Building B GP,  
LLC, a Delaware limited liability company,  
its general partner

By: PRISA LHC, LLC,  
a Delaware limited liability company,  
its sole member

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

ASSIGNMENT APPROVED:

**CITY OF LANCASTER, TEXAS:**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**EXHIBIT A**

**LEGAL DESCRIPTION OF PROPERTY**

Lot 1 and Lot 2, Block A of HSR INDUSTRIAL PARK, Lot 1 and Lot 2, Block A, an addition to the City of Lancaster, Dallas County, Texas according to the plat thereof recorded in Instrument Number 201900129220, Official Public Records, Dallas County, Texas.

**RESOLUTION NO. 2017-09-71**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, REPEALING RESOLUTION NO. 2017-08-54, AND APPROVING A CHAPTER 380 AGREEMENT BY AND BETWEEN THE CITY OF LANCASTER, TEXAS, LANCASTER ECONOMIC DEVELOPMENT CORPORATION AND CH REALTY VII/I DALLAS HOUSTON SCHOOL RD, L.P., AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Lancaster, Texas passed Resolution No. 2017-08-54 on August 14, 2017, which approved a Chapter 380 Economic Development Agreement by and between the City of Lancaster, Texas ("City") and CH Realty VII/I Dallas Houston School Road, L.P. ("CH Realty"); and

**WHEREAS**, the City authorized the City Manager to execute the Economic Development Agreement between the City and CH Realty; and

**WHEREAS**, the Economic Development Agreement by and between the City and CH Realty incorrectly described the terms and conditions; and

**WHEREAS**, the City wishes to repeal Resolution No. 2017-08-54 and take action to correctly describe the terms and conditions within the Economic Development Agreement;

**WHEREAS**, the City desires to grant certain incentives to CH Realty, for the purpose of constructing a warehouse / distribution facility within the City of Lancaster, Texas; and

**WHEREAS**, the City has adopted programs for promoting economic development, and an Economic Development Agreement and the economic development incentives set forth herein are given and provided by the City pursuant to and in accordance with those programs; and

**WHEREAS**, the City is authorized by Chapter 380 of the Texas Local Government Code to issue grants in order to promote local economic development by stimulating the local economy; and

**WHEREAS**, an Economic Development Agreement containing the terms of the grant of incentives from both the City is appropriate.

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

**SECTION 1.** The City Council of Lancaster, Texas approves a Chapter 380 Economic Development Agreement by and between the City of Lancaster and CH Realty VII/I Dallas Houston School Road, L.P.; and

**SECTION 2.** The City Council authorizes the City Manager to execute the Economic Development Agreement between the City of Lancaster and CH Realty VII/I Dallas Houston School Road, L.P.; and

**SECTION 3.** That all provisions of any City of Lancaster resolution in conflict with the provisions of this resolution be, and the same are hereby, repealed, and City of Lancaster resolution no in conflict with the provisions of this resolution shall remain in full force and effect. It is expressly ordained that Resolution No. 2017-08-54, passed by the City Council of Lancaster on August 14, 2017, be hereby repealed in its entirety.

**SECTION 4.** This Resolution shall take effect immediately from and after the date of passage and is so resolved.

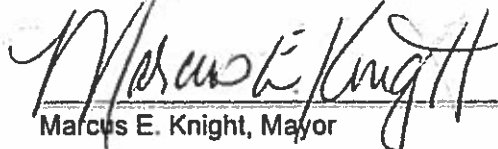
**DULY PASSED** and approved by the City Council of the City of Lancaster, Texas, on this the 25th day of September, 2017.

**ATTEST:**



Sorangel O. Arenas, City Secretary

**APPROVED:**



Marcus E. Knight, Mayor

**APPROVED AS TO FORM:**



David T. Ritter, City Attorney

**EXHIBIT 1**

**THE STATE OF TEXAS     §  
                                   §  
COUNTY OF DALLAS     §**

**ECONOMIC DEVELOPMENT AGREEMENT**

This Economic Development Agreement ("Agreement") is made by and between the City of Lancaster, Texas ("City"), and CH Realty VII/I Dallas Houston School Rd, L.P., a Delaware limited partnership (the "Company"), acting by and through their respective authorized representatives.

**WITNESSETH:**

**WHEREAS,** the Company has purchased real property in the City of Lancaster, Texas, being more particularly described in Exhibit "A" (the "Property"); and

**WHEREAS,** the Company intends to construct two buildings, each comprising approximately 610,606 square feet, and totaling approximately 1,221,612 square feet and related infrastructure for warehousing and distribution (the "Project"), for which Company intends to apply for building permits and commence construction within six (6) months from the execution of this Agreement; and

**WHEREAS,** the Company has advised the City that a contributing factor that would induce the Company to undertake the Project would be an agreement by the City to provide an economic development grant to the Company to reimburse it for a portion of the Real Property Taxes (hereinafter defined); and

**WHEREAS,** the City desires to encourage business expansions within the City that will add property tax base and generate additional sales tax and other revenue for the City; and

**WHEREAS,** promoting the expansion of new or existing businesses within the City will promote economic development, stimulate commercial activity, generate additional sales tax and enhance the Premises tax base and economic vitality of the City; and

**WHEREAS,** the City has adopted programs for promoting economic development, and this Agreement and the economic development incentives set forth herein are given and provided by the City pursuant to and in accordance with those programs; and

**WHEREAS,** the City is authorized by Article III, Section 52-a of the Texas Constitution and Texas Local Government Code Chapter 380 to provide economic development grants to promote local economic development and to stimulate business and commercial activity in the City; and

**WHEREAS,** the City has determined that making an economic development grant to the Company in accordance with this Agreement is in accordance with the City Economic Development Program and will: (i) further the objectives of the City; (ii) benefit the City and the City's inhabitants; and (iii) will promote local economic development and stimulate business and commercial activity in the City.

**NOW THEREFORE**, in consideration of the foregoing, and on the terms and conditions hereinafter set forth, and other valuable consideration the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

## **Article I**

### **Definitions**

For purposes of this Agreement, each of the following terms shall have the meaning set forth herein unless the context clearly indicates otherwise:

"Annual Grant(s)" shall mean an annual economic development grant to be paid by the City as set forth herein in an amount equivalent to 65 percent (65%) of the Real Property Taxes assessed against the Premises for a given tax year for a period of ten (10) consecutive tax years beginning with the first calendar year following the Commencement Date.

"Casualty" shall mean the Improvements are wholly or partially destroyed by fire, tornado, hurricane, earthquake, flood or similar casualty that renders the Improvements unfit for the intended purpose.

"City" shall mean the City of Lancaster, Texas.

"Commencement Date" shall mean the later of (a) January 1 of the calendar year immediately following the date a Certificate of Occupancy is issued by the City for the Company's occupancy of the Improvements; and (b) January 1, 2018.

"Company" shall mean CH Realty VII/I Dallas Houston School Rd, L.P., a Delaware limited partnership, its permitted successors and assigns.

"Company Affiliate" shall mean any entity, incorporated or otherwise, under common control with, controlled by or controlling Company. For purposes of this definition, "control" means fifty percent (50%) or more of the ownership determined by either value or vote.

"Effective Date" shall mean the last date of execution hereof.

"Event of Bankruptcy or Insolvency" shall mean the dissolution or termination of a party's existence as a going business, insolvency, appointment of receiver for any part of such party's property and such appointment is not terminated within ninety (90) days after such appointment is initially made, any general assignment for the benefit of creditors, or the commencement of any proceeding under any bankruptcy or insolvency laws by or against such party and such proceeding is not dismissed within ninety (90) days after the filing thereof.

"Event of Force Majeure" shall mean any contingency or cause beyond the reasonable control of

a party including, without limitation, acts of God or the public enemy, war, terrorist act, or threat thereof, riot, civil commotion, insurrection, government action or inaction (unless caused by the intentionally wrongful acts or omissions of the party), fires, earthquake, tornado, hurricane, explosions, floods, strikes, slowdowns or work stoppages.

"Expiration Date" shall mean the eleventh (11th) year after the payment of the first Annual Grant.

"Impositions" shall mean all taxes, assessments, use and occupancy taxes, charges, excises, license and permit fees, and other charges by public or governmental authority, general and special, ordinary and extraordinary, foreseen and unforeseen, which are or may be assessed, charged, levied, or imposed by any public or governmental authority on the Company or any property owned by Company within the City.

"Improvements" shall mean any improvements, structures or related infrastructure located on the Premises for incorporation in the Project.

"Premises" shall mean the real property described on Exhibit "A" with or without improvements.

"Project" shall mean the development of the Premises, by the design, construction and maintenance of new improvements and related infrastructure for two speculative construction warehousing and distribution buildings totaling in the aggregate approximately 1,221,612 square feet, and for which the aggregate Taxable Valuation is not less than \$20,000,000 for the first tax year following completion of the buildings.

"Real Property Taxes" shall mean, all real estate ad valorem taxes assessed and levied by the City on the Premises in accordance with state law.

"Related Infrastructure" shall mean all City development and building code requirements related to site preparation, water, wastewater, storm water, building construction and related requirements necessary to receive a "Certificate of Occupancy" issued by the City.

"Required Use" shall mean uses: (1) permitted by right in accordance with the City of Lancaster's Development Code, *Ordinance 2006-04-13*, as amended; or (2); permitted by Special Use Permit under the Development Code, and which complies with all other applicable state law and local ordinances.

"Taxable Value" shall mean the assessed value of the Premises as certified by the appraisal district, or its successor, for a given year.



## Article II

### Term

The term of this Agreement shall begin on the last date of execution hereof (the "Effective Date") and end upon Company's receipt of the last Annual Grant due and payable hereunder, unless earlier terminated in accordance with the terms hereof.

## Article III

### Economic Development Grants

3.1 **Annual Grants.** Subject to the Company's continued satisfaction of all the terms and conditions of this Agreement, the City agrees to provide the Company with an Annual Grant to reimburse the Company for Real Property Tax actually paid and incurred by the Company and attributable to the Project for up to ten (10) years. The Annual Grants are to be paid on March 1 of each calendar year, (or the immediately following business day if March 1 is not a business day), beginning with March 1 of the first full calendar year following the Commencement Date, provided the City has timely received the Real Property Taxes assessed and paid against the Premises in full for the respective tax year (i.e., the tax year immediately preceding the year in which an Annual Grant is made; and such Real Property Taxes with respect to that immediately preceding tax year are used to determine the amount of each Annual Grant).

The Incentive Payments shall be based the following criteria:

Real Property Tax Assessed Value	Years of Eligibility	Percentage of Real Property Taxes Reimbursed
\$75 million+	10	65%
\$50 million+ to \$75 million	8	60%
\$35 million+ to \$50 million	7	50%
\$20 million+ to \$35 million	5	45%
\$10 million+ to \$20 million	5	40%
\$5 million+ to \$10 million	3	30%

It is understood that the amount of the Annual Grant may vary from year to year based on the amount of the Real Property Tax Assessed Value and tax actually paid by Company for the Project. It is also understood that if the Real Property Tax Assessed Value drops to a level for which the number of years of eligibility have already been exhausted, no payment may be received that year – for example, if Real Property Tax Assessed Value has been at the \$50 million + to \$75 million level for seven years, and in year eight, the Real Property Tax Assessed Value drops to \$45 million, no Annual Grant would be due that year, as the \$35 million+ to \$50 million level has only seven years of eligibility. If Real Property Tax Assessed Value returned to the \$50 million + level the next year, a payment would be due, as that level has a total of eight years of eligibility. Real Property Tax Annual Grants shall be available only for up to the first

ten (10) years following the payment of Real Property tax for the first full calendar year after completion of the Project's construction.

Notwithstanding the foregoing, the City shall have no obligation to pay Company any Annual Grant until receipt of the Real Property Tax Report (annual, detailed verification of the Real Property Tax report including certification by Company of Real Property Tax paid to each taxing entity). The City agrees to provide the Annual Grant to Company within thirty (30) days following receipt and acceptance of the Real Property Tax Report.

For illustration purposes only, assume that the Real Property Taxes assessed against the Premises for tax year 2017 is \$100,000.00. Then, the amount of the first Annual Grant for Tax Year 2017 would be \$65,000.00 ( $\$100,000.00 \times 65\%$ ), and would be paid on March 1, 2018.

The Annual Grants herein do not apply in any Tax Year where the Value of the Real Property Improvements is less than Five Million Dollars (\$5,000,000) on December 31 of such year.

**3.2 Grant Limitations.** Under no circumstances shall City obligations hereunder be deemed to create any debt within the meaning of any constitutional or statutory provision. Further, City shall not be obligated to pay any commercial bank, lender or similar institution for any loan or credit agreement made by the Company. None of the City's obligations under this Agreement shall be pledged or otherwise encumbered in favor of any commercial lender and/or similar financial institution.

**3.3 Current Revenue.** The Annual Grants made hereunder shall be paid solely from lawfully available funds that have been appropriated by the City; provided however the City agrees during the term of this Agreement to make a good faith effort to appropriate funds each year to pay the Annual Grant for the then ensuing fiscal year. Further, the time period during which an Annual Grant may be paid shall automatically be extended by one year for every year in which the City does not appropriate funds for an Annual Grant payable pursuant to the terms of this Agreement. Notwithstanding any other provision of this Agreement, the City shall have no obligation or liability to pay any grants except as allowed by law. The City shall not be required to pay any Annual Grants if prohibited under federal or state legislation or a decision of a court of competent jurisdiction.

**3.4 Tax Protest.** In the event the Company or the owner of the Premises timely and properly protests or contests (including any motion to correct the appraisal roll) the Taxable Value and/or the taxation of the Premises, or any portion thereof, with the applicable appraisal district (or its successor), and such protest and/or contest results in a final determination that changes the appraised value and/or the Taxable Value of the Premises or the amount of ad valorem taxes assessed and due for the Premises, or portion thereof, after an Annual Grant has been paid for such Premises for such tax year, the Annual Grant for such tax year shall be adjusted (increased or decreased as the case may be) accordingly on the date of payment of the next Annual Grant payment date, or within sixty (60) business days after such determination in the event no further Annual Grant payments are due under the Agreement.

**3.5 Refunds and Corrections.** In the event the City determines in its reasonable discretion that the amount of an Annual Grant paid by the City to the Company was incorrect, the Company shall, within sixty (60) days after receipt of written notification thereof from the City specifying the amount by which such Annual Grant exceeded the correct amount to which the Company was entitled (together with such records, reports and other information reasonably necessary to support such determination), pay such amount to the City. Notwithstanding the foregoing, the City shall only be entitled to request such a refund and Company shall only be obligated to pay such refund to the City within six (6) months of the date such Annual Grant is paid by the City to

Company. If the City determines that the amount by which such Annual Grant was less than the correct amount to which the Company was entitled, the City shall, within sixty (60) days, pay the adjustment to the Company and provide such records, reports and other information reasonably necessary to support such determination. If the Company disputes the City's determination, the parties shall seek to amicably resolve the matter, subject to either party's right to pursue any available rights or remedies in connection therewith.

**3.6 Indemnification. THE COMPANY AGREES TO DEFEND, INDEMNIFY AND HOLD THE CITY, ITS OFFICERS, AGENTS AND EMPLOYEES (COLLECTIVELY FOR PURPOSE OF THIS SECTION, THE "CITY") HARMLESS FROM AND AGAINST ANY AND ALL REASONABLE LIABILITIES, CLAIMS, LAWSUITS, JUDGMENTS, BY THE STATE OF TEXAS THAT THE CITY HAS BEEN PAID ERRONEOUSLY, OVER-PAID OR INCORRECTLY ALLOCATED USE TAX ATTRIBUTED TO THE COMPANY DIRECT PAYMENT PERMIT AND THE COLLECTION OR PAYMENT OF USE TAX BY COMPANY FOR TAXABLE ITEMS USED OR CONSUMED IN THE CITY FOR ANY GRANT PERIOD DURING THE TERM OF THIS AGREEMENT (COLLECTIVELY, A "CLAIM"). IT BEING THE INTENTION OF THE PARTIES THAT THE COMPANY SHALL BE RESPONSIBLE ONLY FOR THE REPAYMENT OF ANY GRANTS PAID TO THE COMPANY HEREIN BY THE CITY THAT INCLUDES USE TAX RECEIPTS THAT THE STATE OF TEXAS HAS DETERMINED WERE PAID ERRONEOUSLY, DISTRIBUTED, OR ALLOCATED TO THE CITY, THE PROVISIONS OF THIS SECTION SHALL SURVIVE TERMINATION OF THIS AGREEMENT. THE PROVISIONS OF THIS SECTION ARE SOLELY FOR THE BENEFIT OF THE PARTIES HERETO AND DO NOT CREATE ANY OBLIGATIONS FROM OR GRANT ANY CONTRACTUAL OR OTHER RIGHTS TO ANY OTHER PERSON OR ENTITY, OTHER THAN OBLIGATIONS, IF ANY, THAT ARISE FROM THE COMPANY TO THE CITY TO PERFORM OBLIGATIONS CREATED BY THIS SECTION.**

#### **Article IV**

##### **Conditions to the Economic Development Grant**

The obligation of the City to provide the Annual Grant(s) shall be conditioned upon the Company's continued compliance with and satisfaction of each of the terms and conditions of this Agreement, including the conditions set forth below:

**4.1** During the period of time beginning on the Commencement Date and continuing thereafter until the Expiration Date, or earlier termination of the Agreement, the Company agrees to continuously own, lease or make available for lease the Improvements and shall not allow the operation of the Improvements in conformance with the Required Use to cease for more than sixty (60) days except in connection with, and to the extent of a Casualty or an Event of Force Majeure.

**4.2** The Company shall commence Project construction on the Premises within six (6) months of the execution date of this Agreement or the Agreement will terminate, subject to any

notice and cure rights allowed pursuant to Article V herein.

4.3 The Company shall not have an uncured breach or material default of this Agreement or been in arrears for any ad valorem taxes owed to the City; nothing contained herein shall preclude a good faith tax protest under section 3.4 of this Agreement.

4.4 The Company shall substantially complete construction of the Project on the Premises within eighteen (18) months of the Effective Date of this Agreement.

4.5 The Company shall comply with all the terms and conditions of this Agreement.

## **Article V**

### **Termination and Default**

5.1 This Agreement terminates upon Company's receipt of the last Annual Grant due and payable hereunder, and may be terminated prior to such date upon any one or more of the following:

- (a) by mutual written agreement of the parties;
- (b) by either party, if the other party defaults or breaches any of the material terms or conditions of this Agreement and such default or breach is not cured as described in Section 5.2 below;
- (c) by City, if any Impositions owed to the City or the State of Texas by Company shall have become delinquent and Company has not timely and properly initiated proceedings to protest or contest such taxes or Impositions and such default or breach is not cured as described in Section 5.2 below;
- (d) by City, if Company suffers an Event of Bankruptcy or Insolvency; or
- (e) by either party if any subsequent Federal or State legislation or any decision of a court of competent jurisdiction declares or renders this Agreement invalid, illegal or unenforceable in its entirety.
- (f) should Company fail to return fully signed and executed agreement(s) to the City within 30 days of approval of agreement(s) by the Lancaster City Council, the agreement(s) and the incentive offer they represent, shall be deemed to be withdrawn and shall have no further effect.

5.2 Unless and to the extent stated elsewhere in this Agreement, a party will be in default under this Agreement if that party breaches any term or condition of this Agreement and such breach remains uncured after sixty (60) calendar days following receipt of written notice from the other party referencing this Agreement, the nature of the alleged default and the steps necessary to cure such default (or, if the party in breach has diligently and continuously attempted to cure following receipt of such written notice but reasonably requires more than sixty (60) calendar days to cure, then such additional amount of time as is reasonably necessary to effect cure, as determined by both parties mutually and in good faith). Such amounts shall be due, owing, and payable to the City within sixty (60) days after the expiration of the above mentioned sixty (60) day period. The Parties acknowledge that the City will suffer damages in

the event of the Company's default under this Agreement. The Parties acknowledge that actual damages in the event of default and termination would be speculative and difficult to determine. Company's obligation to pay any amounts hereunder shall survive termination of this Agreement.

5.3 In the event the Agreement is terminated by the City pursuant to Section 5.1(b), (c), or , the Company shall not be entitled to receive any subsequent Annual Grants under this Agreement but shall have no obligation to refund to the City any Annual Grants (or portion thereof or interest accrued thereon) previously paid by the City to the Company. Under all other sections, if termination shall occur, the Company shall not be entitled to receive any subsequent Annual Grants under this Agreement and as liquidated damages pay to the City all taxes. As identified in Section 3.1, which otherwise would have been paid to the City for the Land and Improvements without benefit of this Agreement for the calendar year in which this Agreement is terminated with interest at the statutory rate for delinquent taxes as determined by Section 33.01 of the Texas Code, as amended, but without penalty.

5.4 In the event the Agreement is terminated by the City pursuant to Section 5.1(e), the Company shall, only if such legislation or court decision requires, immediately refund to the City an amount equal to the annual Grant(s) paid by the City to the Company immediately preceding the date of such termination. The repayment obligation of Company set forth in this section 5.3 hereof shall survive termination.

## Article VI

### Miscellaneous

6.1 **Binding Agreement.** The terms and conditions of this Agreement are binding upon the successors and permitted assigns of the parties hereto.

6.2 **Limitation on Liability.** It is understood and agreed between the parties that the Company and City, in satisfying the conditions of this Agreement, have acted independently, and the City assumes no responsibilities or liabilities to third parties in connection with these actions.

6.3 **No Joint Venture.** It is acknowledged and agreed by the parties that the terms hereof are not intended to and shall not be deemed to create a partnership or joint venture among the parties.

6.4 **Authorization.** Each party represents that it has full capacity and authority to grant all rights and assume all obligations that are granted and assumed under this Agreement. The undersigned officers and/or agents of the parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the parties hereto.

6.5 **Notice.** Any notice required or permitted to be delivered hereunder shall be deemed received three (3) days thereafter sent by United States Mail, postage prepaid, certified mail, return receipt requested, addressed to the party at the address set forth below (or such other address as such party may subsequently designate in writing) or on the day actually received if

sent by courier or otherwise hand delivered.

If intended for City, to:

City of Lancaster  
Attn: Opal Mauldin-Jones  
City Manager  
P. O. Box 940  
211 North Henry Street  
Lancaster, Texas 75146-0946

With a copy to:

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

If intended for Company:

CH Realty VII/I Dallas Houston School Rd, L.P.  
Attn: Asset Manager  
3819 Maple Avenue  
Dallas, Texas 75219

With a copy to:

Winstead PC  
Attn: Greg Zimmerman  
500 Winstead Building  
2728 N. Harwood St.  
Dallas, Texas 75201

6.6 **Entire Agreement.** This Agreement is the entire Agreement between the parties with respect to the subject matter covered in this Agreement. There is no other collateral oral or written Agreement between the parties that in any manner relates to the subject matter of this Agreement, except as provided in any Exhibits attached hereto.

6.7 **Governing Law.** The Agreement shall be governed by the laws of the State of Texas, without giving effect to any conflicts of law rule or principle that might result in the application of the laws of another jurisdiction; and exclusive venue for any action concerning this Agreement shall be in the State District Court of Dallas County, Texas. The parties agree to submit to the personal and subject matter jurisdiction of said court.

6.8 **Amendment.** Except as otherwise provided, this Agreement may only be amended by the mutual written agreement of the parties. Within ten (10) business days prior to the expiration of any performance deadline stated within this Agreement, Company may submit to the City Manager a written request for extension, along with a reasonable justification for the delay and the requested duration extension, but no longer than ninety (90) days. The City Manager or his/her designee may approve of the extension in writing without the need for formal amendment of this Agreement signed by both parties. Such written approval shall thereafter amend the performance deadline so stated.

6.9 **Legal Construction.** In the event any one or more of the provisions contained in this

Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

6.10 **Exhibits.** All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

6.11 **Successors and Assigns.** This Agreement may not be assigned without the City's prior written consent, which shall not be unreasonably withheld, conditioned or delayed, except to: (1) a Company Affiliate; or (2) for collateral assignment purposes for Company's lender(s). Neither the Company nor its legal representatives or successors in interest shall, by operation of law or otherwise, assign, mortgage, pledge, encumber or otherwise transfer this Agreement or any part hereof, or the interest of the Company under this Agreement in either case except to a Company Affiliate, or Company's lender(s), without obtaining the City's prior written consent. Any attempted assignment by the Company, except to a Company Affiliate, or to Company's lender(s) in violation of the terms and provisions of this Agreement shall be void and shall constitute a material breach of this Agreement.

6.12 **Estoppel Certificate.** Upon written request by Company to the City, the City will provide Company with a certificate stating, as of the date of the certificate, (i) whether this Agreement is in full force and effect and, if Company is in breach of this Agreement, the nature of the breach; (ii) a statement as to whether this Agreement has been amended and, if so, the identity of each amendment; and (iii) any other factual matters reasonably requested that relate to this Agreement.

6.13 **Recitals.** The recitals to this Agreement are incorporated herein.

6.14 **Counterparts.** This Agreement may be executed in counterparts. Each of the counterparts shall be deemed an original instrument, but all of the counterparts shall constitute one and the same instrument.

6.15 **Survival of Covenants.** Any of the representations, warranties, covenants, and obligations of the parties, as well as any rights and benefits of the parties, pertaining to a period of time following the termination of this Agreement shall survive termination.

6.16 **Conditions Precedent.** This Agreement is subject to and conditioned upon the following conditions which are conditions precedent to the obligations of the parties: (i) Company shall diligently and faithfully, in a good and workmanlike manner, make or cause the construction and finish out improvements to the Premises in accordance with all applicable state and local laws and regulations or a valid waiver thereof; (ii) Company shall obtain a Certificate of Occupancy for the Premises.

*[signatures begin on the following page]*



EXECUTED in triplicate originals on this 25<sup>th</sup> day of September, 2017.

**CITY OF LANCASTER, TEXAS**

By: Opal Mauldin-Jones  
Opal Mauldin-Jones, City Manager

**ATTEST:**

By: Sorangel O. Arenas  
Sorangel O. Arenas, City Secretary

**APPROVED AS TO FORM:**

By: David T. Ritter  
David T. Ritter, City Attorney

**ACKNOWLEDGEMENT**

THE STATE OF TEXAS     §  
  §  
COUNTY OF DALLAS     §

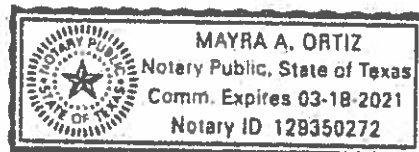
BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Opal Mauldin-Jones, City Manager of the City of Lancaster, a Texas non-profit corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said corporation, and that he executed the same as the act of said corporation for the purpose and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND SEAL OF OFFICE this the 25<sup>th</sup> day of September, 2017.

Mayra A. Ortiz  
Notary Public, State of Texas

My Commission Expires:

03-18-2021



EXECUTED on this 18 day of October, 2017.

**CH REALTY VII/I DALLAS HOUSTON  
SCHOOL RD, L.P, a Delaware limited partnership**

By: CH Realty VII/I Dallas Houston School Rd  
GP, L.L.C., a Delaware limited liability  
company, its general partner

By: Fund VII Managers, L.L.C.,  
a Texas limited liability company  
its manager

By: Ben C. Doherty  
Ben C. Doherty  
Vice President

**ACKNOWLEDGEMENT**

THE STATE OF TEXAS §  
§  
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Ben C. Doherty, Vice President of Fund VII Managers, LLC, a Texas limited liability company, manager of CH Realty VII/I Dallas Houston School Rd GP, LLC, a Delaware limited liability company, general partner of CH Realty VII/I Dallas Houston School Rd, LP, a Delaware limited partnership, known to me to be the person and agent whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of said entities, and that he executed the same as the act of said entities for the purpose and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND SEAL OF OFFICE this the 18 day of October, 2017.

Rachel Doran  
Notary Public, State of Texas

My Commission Expires:

08-09-2021



## EXHIBIT "A" LEGAL DESCRIPTION

No.: 001281127

SITUATED in the City of Lancaster, in the Marady Parks Survey, Abstract No. 1120 of Dallas Texas County, and being a part of that certain called 77.49 acre tract of land described in a deed from- Ecanae, Inc. to 12, recorded in Volume 2003011, Page 6116, Deed Records, Dallas County, Texas (D.R.D.C.T.) and being more particularly described by metes & bounds as follows:

BEGINNING at a 1/2 inch iron rod, topped with a red plastic cap, stamped "RPLS 4701" (hereinafter referred to as "with cap"), found at the intersection of the south right-of-way line of Fabrication Drive (60' wide RO.W.) and the East right-of-way line of West longhorn Drive (60' wide RO.W.) as dedicated by a Street Dedication Pint, recorded Lu Volume 67205, Page 2752, Deed Records of Dallas County, Texas (O.R.D.C.T.);

THENCE: North 89 deg. 53 min. 14 sec. East, along the south line of said Fabrication Drive, a distance of 477.50 feet to a 112 inch iron rod, with cap, found for corner;

THENCE: South 00 deg. 06 min. 46 sec, East, departing from the south line of said Fabrication Drive, a distance of 505.00 feet to a 1/2 inch iron rod, with cap, found on the north right-of-way line of South longhorn Drive (60' wide ROW.);

THENCE: South 89 deg. 53 min. 14 sec. West, along the north line of said South Longhorn Drive, a distance of 452.50 feet to a 1/2 inch iron rod, with cap, found for corner at the beginning of a curve to the right having a radius of 25.00 feet and a chord that bears North.45 deg. 06 min. 46 sec, West...35.36

THENCE: Continuing along the north right-of-way of said South Longhorn Drive and along said curve to the right, through a central angle of 90 deg. 00 min. 00 sec and along an arc distance of 39.27 feet to a 1/2 inch iron rod, with cap, set for corner at the end of said curve, on the east right-of-way line of the above mentioned West Longhorn Drive;

THENCE: North 00 deg. 06 min. 46 sec. West, along the east line of said West Longhorn Drive, a distance of 480.00 feet to the POINT OF BEGINNING and containing 241,005 square feet or 5.533 acres land.

## LANCASTER CITY COUNCIL

### City Council Special Meeting

2.

**Meeting Date:** 09/21/2020

**Policy Statement:** This request supports the City Council 2020-2021 Policy Agenda

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

**Submitted by:** Carey Neal, Assistant to the City Manager

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### **Agenda Caption:**

Discuss and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Beltline Ashmoore Public Improvement District.

### **Background:**

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

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

The taxable assessed value within the district is used to determine the rate per \$100 of assessed value necessary to meet the maintenance budget. The County Tax Collector (Dallas Central Appraisal District) will collect the districts fees and remit them to the City with our property taxes. The City directly pays all invoices received by the PID board, or management company.

The Beltline Ashmoore PID is proposing to maintain its current annual assessment of \$0.1500 per \$100 assessed value.

On September 14, 2020, City Council conducted a public hearing to provide an opportunity for residents to give comments surrounding the proposed assessment rate and there were no speakers.

### **Operational Considerations:**

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

### **Legal Considerations:**

The proposed five-year service and assessment plan are in accordance with Chapter 372 of Texas Local Government Code and have been reviewed and approved as to form by the City Attorney.

### **Public Information Considerations:**

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 PID is not expected to have any direct financial impact on the City. PIDs are a mechanism to assure financial substantiality for the neighborhood. They are considered to be a more equitable means of collecting fees to maintain the neighborhood's open spaces and common areas. The fiscal year 2020/2021 proposed service plan budget is \$82,737.86 and assessments are proposed at \$0.1500 per one hundred dollars assessed valuation.

**Options/Alternatives:**

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

**Recommendation:**

Staff recommends approval of the ordinance, as presented.

**Attachments**

Ordinance

Exhibit A

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## ORDINANCE NO.

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

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

**WHEREAS**, on September 14, 2020 a public hearing was held and all persons owning or claiming any property proposed to be assessed or any interest therein were given an opportunity to be heard, either virtually or through an agent or attorney, and all were given an opportunity to testify before the City Council and to contest the assessments proposed to be made on account of the amount thereof or because of any inaccuracy, irregularity, invalidity or insufficiency of the proceedings or contract with reference thereto, or to such improvements or on account of any matter or thing in the discretion of this governing body and on the 14<sup>th</sup> day of September, 2020, City Council conducted the public hearing and there were no speakers, the City Council closed the public hearing; and on the 21<sup>st</sup> day of September, 2020 levied assessments against property and the owners thereof in the District; and

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

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

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

**SECTION 3.** RECORD FINAL ASSESSMENT ONTO TAX ROLL: That the City Manager and her designated representatives are hereby authorized and directed to carry out the terms and provisions of this ordinance by causing the costs outlined in the final assessment roll to be recorded in the Tax Roll, the names of the property owners and in the amounts shown on said final assessment roll; and that all prerequisites to the fixing of the assessments therein against the property described and the fixing of the personal

liability of the owner or owners thereof have been performed in due time, form and manner as required by law, and no additional proof shall be required in any court.

**SECTION 4. PROPERTY CLASSIFICATION AND APPORTIONMENT**

FORMULAS: The City Council hereby establishes classifications and formulas for the apportionment of costs for various classes of property within the District as follows:

(a) **Residential lots on which construction of a home has been completed**, for these lots the assessment of \$0.1500 per \$100 of valuation through the assessment established for fiscal year 2020/2021; and

(b) **Tax exempt property and municipal property**, for these classifications the assessment of \$0.00 per \$100 of valuation.

**SECTION 5. ASSESSMENT LEVY:** That for fiscal year 2020/2021 there shall be and is hereby levied and assessed against parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sum of money set forth for in the "*Service and Assessment Plan*", labeled herein as *Exhibit "A"* and attached hereto and made a part hereof, shown opposite the description of the respective classification of the parcels of property, and the several amounts assessed against the same, and the owners thereof, with the provision that the amount assessed against each property and respective class of properties as shown in the *Service and Assessment Plan* may be adjusted for years subsequent following an annual review of the budget for the District and the *Service and Assessment Plan*.

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

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

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

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

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

**DULY PASSED** and approved by the City Council of the City of Lancaster, Texas, on this the 21<sup>st</sup> day of September, 2020.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Sorangel O. Arenas, City Secretary

\_\_\_\_\_  
Clyde C. Hairston, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
David T. Ritter, City Attorney



Account	Description	2021 FY Budget	2022 FY Budget	2023 FY Budget	2024 FY Budget	2025 FY Budget
60-0201-04-00	SUPPLIES	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00
60-0207-04-00	SIGNS	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00
60-0210-04-00	FOOD/BEVERAGES-MTGS/FUNCTIONS	2,100.00	2,100.00	2,100.00	2,100.00	2,100.00
60-0211-04-00	MISCELLANEOUS	50.00	50.00	50.00	50.00	50.00
60-0214-04-00	POSTAGE	350.00	350.00	350.00	350.00	350.00
60-0225-04-00	LANDSCAPING	8,064.91	8,064.91	8,064.91	8,064.91	8,064.91
Subtotal:		14,564.91	14,564.91	14,564.91	14,564.91	14,564.91
60-0301-04-00	MAINT-BLDGS & STRUCTURES	9,500.00	9,500.00	9,500.00	9,500.00	9,500.00
60-0371-04-00	LANDSCAPING REPAIR & MAINT	10,163.01	10,163.01	10,163.01	10,163.01	10,163.01
60-0372-04-00	IRRIGATION SYS REPAIR & MAINT	9,913.29	9,913.29	9,913.29	9,913.29	9,913.29
Subtotal:		29,576.30	29,576.30	29,576.30	29,576.30	29,576.30
60-0403-04-00	INSURANCE	4,200.00	4,200.00	4,200.00	4,200.00	4,200.00
60-0410-04-00	UTILITIES - ELECTRICITY	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00
60-0411-04-00	WATER PURCHASE PID	1,800.00	1,800.00	1,800.00	1,800.00	1,800.00
60-0413-04-00	UTILITIES TRASH DISPOSAL	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
60-0416-04-00	OTHER PROFESSIONAL SERVICES	5,061.44	5,061.44	5,061.44	5,061.44	5,061.44
60-0421-04-00	PRINTING	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
60-0423-04-00	CONTRACT MOWING	5,137.00	5,137.00	5,137.00	5,137.00	5,137.00
60-0434-04-00	SPECIAL EVENTS	4,400.00	4,400.00	4,400.00	4,400.00	4,400.00
60-0436-04-00	IMPROVEMENTS BY CONTRACTORS	6,000.89	6,000.89	6,000.89	6,000.89	6,000.89
60-0442-04-00	COMPUTER PROFESSIONAL SERVICES	2,663.57	2,663.57	2,663.57	2,663.57	2,663.57
60-0446-04-00	LEGAL SERVICES	550.00	550.00	550.00	550.00	550.00
60-0452-04-00	FILING FEES	50.00	50.00	50.00	50.00	50.00
60-0456-04-00	NEWSLETTER	500.00	500.00	500.00	500.00	500.00
Subtotal:		38,362.90	38,362.90	38,362.90	38,362.90	38,362.90
60-0537-04-00	DALLAS COUNTY TAX COLL SVCS	233.75	233.75	233.75	233.75	233.75
Subtotal:		233.75	233.75	233.75	233.75	233.75
Program number:		82,737.86	82,737.86	82,737.86	82,737.86	82,737.86
Department number: OPERATIONS		82,737.86	82,737.86	82,737.86	82,737.86	82,737.86
Fund number: 60 BELTLINE ASHMOORE - PID		82,737.86	82,737.86	82,737.86	82,737.86	82,737.86
*****	End of Report	*****				

## LANCASTER CITY COUNCIL

### City Council Special Meeting

3.

**Meeting Date:** 09/21/2020

**Policy Statement:** This request supports the City Council 2020-2021 Policy Agenda

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

**Submitted by:** Carey Neal, Assistant to the City Manager

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#### **Agenda Caption:**

Discuss and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Boardwalk Public Improvement District.

#### **Background:**

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

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

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

Boardwalk PID is proposing to maintain its current annual assessment of \$0.2000 per \$100 assessed value.

On September 14, 2020, City Council conducted a public hearing to provide an opportunity for residents to give comments surrounding the proposed assessment rate and there were no speakers.

#### **Operational Considerations:**

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

#### **Legal Considerations:**

The proposed five-year service and assessment plan are in accordance with Chapter 372 of Texas Local Government Code and have been reviewed and approved as to form by the City Attorney.

#### **Public Information Considerations:**

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 PID is not expected to have any direct financial impact on the City. PIDs are a mechanism to assure financial sustainability for the neighborhood. They are considered to be a more equitable means of collecting fees. The fiscal year 2020/2021 proposed service plan budget is \$107,577.75 and assessments are proposed at \$0.2000 per one hundred dollars assessed valuation.

**Options/Alternatives:**

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

**Recommendation:**

Staff recommends approval of the ordinance, as presented.

**Attachments**

Ordinance

Exhibit A

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## ORDINANCE NO.

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

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

**WHEREAS**, on September 14, 2020 a public hearing was held and all persons owning or claiming any property proposed to be assessed or any interest therein were given an opportunity to be heard, either in person or through an agent or attorney, and all were given an opportunity to testify before the City Council and to contest the assessments proposed to be made on account of the amount thereof or because of any inaccuracy, irregularity, invalidity or insufficiency of the proceedings or contract with reference thereto, or to such improvements or on account of any matter or thing in the discretion of this governing body and on the 14<sup>th</sup> day of September, 2020, City Council conducted the public hearing and there were no speakers, the City Council closed the public hearing; and on the 21<sup>st</sup> day of September 2020, levied assessments against property and the owners thereof in the District; and

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

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

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

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

**SECTION 4.** PROPERTY CLASSIFICATION AND APPORTIONMENT FORMULAS: The City Council hereby establishes classifications and formulas for the

apportionment of costs for various classes of property within the District as follows:

- (a) **All residential lots on which construction of a home has been completed**, for these lots the assessment of \$0.2000 per \$100 of valuation through the assessment established for fiscal year 2020/2021; and
- (b) **Tax exempt property and municipal property**, for these classifications the assessment of \$0.00 per \$100 of valuation.

**SECTION 5.** ASSESSMENT LEVY: That for fiscal year 2020/2021 there shall be and is hereby levied and assessed against parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sum of money set forth for in the “*Service and Assessment Plan*”, labeled herein as *Exhibit “A”* and attached hereto and made a part hereof, shown opposite the description of the respective classification of the parcels of property, and the several amounts assessed against the same, and the owners thereof, with the provision that the amount assessed against each property and respective class of properties as shown in the *Service and Assessment Plan* may be adjusted for years subsequent following an annual review of the budget for the District and the *Service and Assessment Plan*.

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

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

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

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

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

**DULY PASSED** and approved by the City Council of the City of Lancaster, Texas,  
on the 21<sup>st</sup> day of September, 2020.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Sorangel O. Arenas, City Secretary

\_\_\_\_\_  
Clyde C. Hairston, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
David T. Ritter, City Attorney

Department: 4 OPERATIONS

Program:

Period Ending: 8/2020

Account	Description	2021 FY Budget	2022 FY Budget	2023 FY Budget	2024 FY Budget	2025 FY Budget
64-0201-04-00	SUPPLIES	200.00	200.00	200.00	200.00	200.00
64-0210-04-00	FOOD/BEVERAGE-MTGS/FUNCTIONS	200.00	200.00	200.00	200.00	200.00
64-0211-04-00	MISCELLANEOUS	1,000.00	500.00	500.00	500.00	500.00
64-0214-04-00	POSTAGE	1,000.00	1,100.00	1,200.00	1,300.00	1,400.00
Subtotal:		2,400.00	2,000.00	2,100.00	2,200.00	2,300.00
64-0301-04-00	MAINT-BLDGS & STRUCTURES		3,000.00	500.00	500.00	3,000.00
64-0303-04-00	MAINTENANCE-MISCELLANEOUS	1,000.00	1,000.00	1,500.00	1,500.00	1,500.00
64-0305-04-00	MAINT-CLEANOUT	500.00	500.00	500.00	500.00	500.00
64-0351-04-00	MISC. MAINTENANCE	500.00	500.00	500.00	500.00	500.00
64-0371-04-00	LANDSCAPING REPAIR & MAINT	2,000.00	3,000.00	2,000.00	4,000.00	1,000.00
64-0372-04-00	IRRIGATION SYS REPAIR & MAINT	2,000.00	2,500.00	3,000.00	2,000.00	2,500.00
Subtotal:		6,000.00	10,500.00	8,000.00	9,000.00	9,000.00
64-0403-04-00	INSURANCE	4,500.00	4,700.00	4,900.00	5,100.00	5,300.00
64-0410-04-00	UTILITIES - ELECTRICITY	1,200.00	1,300.00	1,400.00	1,500.00	1,600.00
64-0411-04-00	WATER PURCHASES PID	11,500.00	12,000.00	12,500.00	13,000.00	13,500.00
64-0416-04-00	OTHER PROFESSIONAL SERVICES	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
64-0421-04-00	PRINTING	1,000.00	1,000.00	1,200.00	1,200.00	1,300.00
64-0423-04-00	CONTRACT MOWING	17,000.00	18,000.00	19,000.00	20,000.00	20,000.00
64-0434-04-00	SPECIAL EVENTS	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00
64-0436-04-00	IMPROVEMENTS BY CONTRACTORS	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
64-0437-04-00	AUDIT SERVICES	500.00	500.00	500.00	500.00	500.00
64-0442-04-00	COMPUTER PROFESSIONAL SERVICES	300.00	300.00	350.00	350.00	400.00
64-0446-04-00	LEGAL SERVICES	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
64-0450-04-00	ADMINISTRATIVE MANAGMENT FEE	7,740.00	7,933.50	8,131.84	8,335.14	8,543.52
64-0452-04-00	FILING FEES	500.00	500.00	500.00	500.00	500.00
64-0456-04-00	NEWLETTER	500.00	500.00	500.00	500.00	500.00
64-0469-04-00	STORAGE	480.00	480.00	480.00	480.00	480.00
Subtotal:		54,720.00	56,713.50	58,961.84	60,965.14	62,123.52
64-0537-04-00	DALLAS COUNTY TAX COLL SVCS	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
Subtotal:		1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
64-0602-04-00	CAPITAL-BLDG & STRUCTURE	43,457.75	37,364.25	37,515.91	34,412.61	33,154.23
Subtotal:		43,457.75	37,364.25	37,515.91	34,412.61	33,154.23
Program number:		107,577.75	107,577.75	107,577.75	107,577.75	107,577.75

[illegible]



## LANCASTER CITY COUNCIL

### City Council Special Meeting

4.

**Meeting Date:** 09/21/2020

**Policy Statement:** This request supports the City Council 2020-2021 Policy Agenda

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

**Submitted by:** Carey Neal, Assistant to the City Manager

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### **Agenda Caption:**

Discuss and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Glendover Estates Public Improvement District.

### **Background:**

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

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

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

The Glendover Estates PID is proposing to maintain its annual assessment of \$0.2400 per \$100 assessed value.

On September 14, 2020, City Council conducted a public hearing to provide an opportunity for residents to give comments surrounding the proposed assessment rate and there were no speakers.

### **Operational Considerations:**

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

### **Legal Considerations:**

The proposed five (5) year service and assessment plan are in accordance with Chapter 372 of Texas Local Government Code and have been reviewed and approved as to form by the City Attorney.

### **Public Information Considerations:**

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

**Fiscal Impact:**

The PID is not expected to have any direct financial impact on the City. PIDs are a mechanism to assure financial sustainability for the neighborhood. They are considered to be a more equitable means of collecting fees. The fiscal year 2020/2021 proposed service plan budget is \$39,753 and assessments are proposed at \$0.2400 per one hundred dollars assessed valuation.

**Options/Alternatives:**

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

**Recommendation:**

Staff recommends approval of the ordinance, as presented.

**Attachments**

Ordinance

Exhibit A

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## ORDINANCE NO.

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

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

**WHEREAS**, on September 14, 2020, a public hearing was held and all persons owning or claiming any property proposed to be assessed or any interest therein were given an opportunity to be heard, either in person or through an agent or attorney, and all were given an opportunity to testify before the City Council and to contest the assessments proposed to be made on account of the amount thereof or because of any inaccuracy, irregularity, invalidity or insufficiency of the proceedings or contract with reference thereto, or to such improvements or on account of any matter or thing in the discretion of this governing body and on the 14<sup>th</sup> day of September, 2020, City Council conducted the public hearing and there were no speakers, the City Council closed the public hearing; and on the 21<sup>st</sup> day of September, 2020, levied assessments against property and the owners thereof in the District; and

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

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

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

**SECTION 3.** RECORD FINAL ASSESSMENT ONTO TAX ROLL: That the City Manager and her designated representatives are hereby authorized and directed to carry out the terms and provisions of this ordinance by causing the costs outlined in the final assessment roll to be recorded in the Tax Roll, the names of the property owners and in the amounts shown on said final assessment roll; and that all prerequisites to the fixing of the assessments therein against the property described and the fixing of the personal

liability of the owner or owners thereof have been performed in due time, form and manner as required by law, and no additional proof shall be required in any court.

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

- (a) **Residential lots on which construction of a home has been completed**, for these lots the assessment of \$0.2400 per \$100 of valuation through the assessment established for fiscal year 2020/2021; and
- (b) **Tax exempt property and municipal property**, for these classifications the assessment of \$0.00 per \$100 of valuation.

**SECTION 5.** ASSESSMENT LEVY: That for fiscal year 2020/2021 there shall be and is hereby levied and assessed against parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sum of money set forth for in the "*Service and Assessment Plan*", labeled herein as *Exhibit "A"* and attached hereto and made a part hereof, shown opposite the description of the respective classification of the parcels of property, and the several amounts assessed against the same, and the owners thereof, with the provision that the amount assessed against each property and respective class of properties as shown in the *Service and Assessment Plan* may be adjusted for years subsequent following an annual review of the budget for the District and the *Service and Assessment Plan*.

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

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

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

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

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

**DULY PASSED** and approved by the City Council of the City of Lancaster, Texas, on the 21<sup>st</sup> day of September 2020.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Sorangel O. Arenas, City Secretary

\_\_\_\_\_  
Clyde C. Hairston, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
David T. Ritter, City Attorney

Account	Description	2021 FY Budget	2022 FY Budget	2023 FY Budget	2024 FY Budget	2025 FY Budget
54-0201-04-00	OFFICE SUPPLIES	500.00	500.00	500.00	500.00	500.00
54-0210-04-00	FOOD/BEVERAGE-MTGS/FUNCTIONS		100.00	100.00	100.00	100.00
54-0211-04-00	MISCELLANEOUS	100.00	100.00	100.00	100.00	100.00
54-0214-04-00	POSTAGE	75.00	75.00	75.00	75.00	75.00
54-0225-04-00	LANDSCAPING		2,000.00	2,000.00	2,000.00	2,000.00
Subtotal:		675.00	2,775.00	2,775.00	2,775.00	2,775.00
54-0301-04-00	MAINT-BLDGS & STRUCTURES	500.00	500.00	500.00	500.00	500.00
54-0351-04-00	MISC. MAINTENANCE	9,038.00	1,500.00	1,500.00	1,500.00	1,500.00
54-0371-04-00	LANDSCAPING REPAIR & MAINT	3,500.00	1,500.00	1,500.00	1,500.00	1,500.00
54-0372-04-00	IRRIGATION SYS REPAIR & MAINT	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00
Subtotal:		15,038.00	5,500.00	5,500.00	5,500.00	5,500.00
54-0403-04-00	CASUALTY INSURANCE	1,550.00	1,550.00	1,550.00	1,550.00	1,550.00
54-0410-04-00	UTILITIES - ELECTRICITY	750.00	750.00	750.00	750.00	750.00
54-0411-04-00	WATER PURCHASE PID	4,000.00	4,000.00	4,000.00	4,000.00	4,000.00
54-0413-04-00	UTILITIES TRASH DISPOSAL		6,000.00	6,000.00	6,000.00	6,000.00
54-0421-04-00	PRINTING	100.00	100.00	100.00	100.00	100.00
54-0423-04-00	CONTRACT MOWING	9,310.00	9,310.00	9,310.00	9,310.00	9,310.00
54-0434-04-00	SPECIAL EVENTS	500.00	250.00	250.00	250.00	250.00
54-0442-04-00	COMPUTER PROFESSIONAL SERVICES	300.00	300.00	300.00	300.00	300.00
54-0450-04-00	ADMINISTRATIVE MANAGEMENT FEE	6,900.00	6,900.00	6,900.00	6,900.00	6,900.00
54-0456-04-00	NEWSLETTER		1,838.00	1,838.00	1,838.00	1,838.00
54-0469-04-00	STORAGE	180.00	180.00	180.00	180.00	180.00
Subtotal:		23,590.00	31,178.00	31,178.00	31,178.00	31,178.00
54-0537-04-00	DALLAS COUNTY TAX COLL SVCS	300.00	300.00	300.00	300.00	300.00
Subtotal:		300.00	300.00	300.00	300.00	300.00
54-0621-04-00	SIGNS	150.00				
Subtotal:		150.00				
Program number:		39,753.00	39,753.00	39,753.00	39,753.00	39,753.00
Department number: OPERATIONS		39,753.00	39,753.00	39,753.00	39,753.00	39,753.00
Fund number: 54 GLENDOVER ESTATES - PID		39,753.00	39,753.00	39,753.00	39,753.00	39,753.00



## LANCASTER CITY COUNCIL

### City Council Special Meeting

5.

**Meeting Date:** 09/21/2020

**Policy Statement:** This request supports the City Council 2020-2021 Policy Agenda

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

**Submitted by:** Carey Neal, Assistant to the City Manager

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### **Agenda Caption:**

Discuss and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Lancaster Mills Public Improvement District.

### **Background:**

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

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

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

As this district is currently undeveloped, the proposed assessment rate of \$0.0000 per \$100 assessed valuation as there are no budgeted expenses for the 2020/2021 fiscal year.

On September 14, 2020, City Council conducted a public hearing to provide an opportunity for residents to give comments surrounding the proposed assessment rate and there were no speakers.

### **Operational Considerations:**

All PIDs require the Finance Department to maintain a separate account that will be passed on to the district. The PIDs should also help ensure that common areas will be maintained.

### **Legal Considerations:**

The proposed five-year service and assessment plan are in accordance with Chapter 372 of Texas Local Government Code and have been reviewed and approved as to form by the City Attorney.

### **Public Information Considerations:**

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 PID is not expected to have any direct financial impact on the City. PIDs are a mechanism to assure financial sustainability for the neighborhood. They are considered to be a more equitable means of collecting revenue for maintenance. The fiscal year 2020/2021 proposed service plan budget is \$0.0000 and assessments are proposed to be \$0.0000 per \$100 assessed valuation. There are currently no homes constructed at this time.

**Options/Alternatives:**

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

**Recommendation:**

Staff recommends approval of the ordinance, as presented.

**Attachments**

Ordinance

Exhibit A

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## **ORDINANCE NO.**

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

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

**WHEREAS**, on September 14, 2020, a public hearing was held and all persons owning or claiming any property proposed to be assessed or any interest therein were given an opportunity to be heard, either in person or through an agent or attorney, and all were given an opportunity to testify before the City Council and to contest the assessments proposed to be made on account of the amount thereof or because of any inaccuracy, irregularity, invalidity or insufficiency of the proceedings or contract with reference thereto, or to such improvements or on account of any matter or thing in the discretion of this governing body and on the 14<sup>th</sup> day of September, 2020, City Council conducted the public hearing and there were no speakers, the City Council closed the public hearing; and on the 21<sup>st</sup> day of September, 2020, levied assessments against property and the owners thereof in the District; and

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

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

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

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

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

- (a) **Residential lots on which construction of a home has been completed**, for these lots the assessment of \$0.0000 per \$100 of valuation through the assessment established for fiscal year 2020/2021; and
- (b) **Tax exempt property and municipal property**, for these classifications the assessment of \$0.0000 per \$100 of valuation.

**SECTION 5.** ASSESSMENT LEVY: That for fiscal year 2020/2021 there shall be and is hereby levied and assessed against parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sum of money set forth for in the "*Service and Assessment Plan*", labeled herein as *Exhibit "A"* and attached hereto and made a part hereof, shown opposite the description of the respective classification of the parcels of property, and the several amounts assessed against the same, and the owners thereof, with the provision that the amount assessed against each property and respective class of properties as shown in the *Service and Assessment Plan* may be adjusted for years subsequent following an annual review of the budget for the District and the *Service and Assessment Plan*.

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

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

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

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

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

**DULY PASSED** and approved by the City Council of the City of Lancaster, Texas,  
on the 21<sup>st</sup> day of September 2020.

**ATTEST:**

**APPROVED:**

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Sorangel O. Arenas, City Secretary

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Clyde C. Hairston, Mayor

**APPROVED AS TO FORM:**

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David T. Ritter, City Attorney

11:58 08/31/20

**City of Lancaster**  
**5 Year Budget Worksheet - PID**

**Fund: 56 LANCASTER MILLS - PID**

Department: 4 OPERATIONS

Period Ending: 8/2020

**Program:**

[illegible]

## LANCASTER CITY COUNCIL

### City Council Special Meeting

6.

**Meeting Date:** 09/21/2020

**Policy Statement:** This request supports the City Council 2020-2021 Policy Agenda

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

**Submitted by:** Carey Neal, Assistant to the City Manager

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### **Agenda Caption:**

Discuss and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Meadowview Public Improvement District.

### **Background:**

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

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

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

The Meadowview PID is proposing to maintain its annual assessment of \$0.1000 per \$100 assessed value.

On September 14, 2020, City Council conducted a public hearing to provide an opportunity for residents to give comments surrounding the proposed assessment rate and there was one speaker.

### **Operational Considerations:**

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

### **Legal Considerations:**

The proposed five-year service and assessment plan are in accordance with Chapter 372 of Texas Local Government Code and have been reviewed and approved as to form by the City Attorney.

**Public Information Considerations:**

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 PID is not expected to have any direct financial impact on the City. PIDs are a mechanism to assure financial sustainability for the neighborhood. They are considered to be a more equitable means of collecting fees. The fiscal year 2020/2021 proposed service plan budget is \$131,448.45 and assessments are proposed at \$0.1000 per one hundred dollars assessed valuation.

**Options/Alternatives:**

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

**Recommendation:**

Staff recommends approval of the ordinance, as presented.

**Attachments**

Ordinance

Exhibit A

---

## **ORDINANCE NO.**

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

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

**WHEREAS**, on September 14, 2020, a public hearing was held and all persons owning or claiming any property proposed to be assessed or any interest therein were given an opportunity to be heard, either virtually or through an agent or attorney, and all were given an opportunity to testify before the City Council and to contest the assessments proposed to be made on account of the amount thereof or because of any inaccuracy, irregularity, invalidity or insufficiency of the proceedings or contract with reference thereto, or to such improvements or on account of any matter or thing in the discretion of this governing body and on the 14<sup>th</sup> day of September, 2020, City Council conducted the public hearing and there was one speaker, the City Council closed the public hearing; and on the 21<sup>st</sup> day of September, 2020, levied assessments against property and the owners thereof in the District; and

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

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

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

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



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

- (a) **Residential lots on which construction of a home has been completed**, for these lots the assessment of \$0.1000 per \$100 of valuation through the assessment established for fiscal year 2020/2021; and
- (b) **Tax exempt property and municipal property**, for these classifications the assessment of \$0.00 per \$100 of valuation.

**SECTION 5.** ASSESSMENT LEVY: That for fiscal year 2020/2021 there shall be and is hereby levied and assessed against parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sum of money set forth for in the "*Service and Assessment Plan*", labeled herein as *Exhibit "A"* and attached hereto and made a part hereof, shown opposite the description of the respective classification of the parcels of property, and the several amounts assessed against the same, and the owners thereof, with the provision that the amount assessed against each property and respective class of properties as shown in the *Service and Assessment Plan* may be adjusted for years subsequent following an annual review of the budget for the District and the *Service and Assessment Plan*.

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

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

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

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

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

**DULY PASSED** and approved by the City Council of the City of Lancaster, Texas, on the 21<sup>st</sup> day of September 2020.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Sorangel O. Arenas, City Secretary

\_\_\_\_\_  
Clyde C. Hairston, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
David T. Ritter, City Attorney

Account	Description	2021 FY Budget	2022 FY Budget	2023 FY Budget	2024 FY Budget	2025 FY Budget
62-0201-04-00	SUPPLIES	500.00	500.00	500.00	500.00	500.00
62-0210-04-00	FOOD/BEVERAGE-MTGS/FUNCTIONS	3,600.00	3,600.00	3,600.00	3,600.00	3,600.00
62-0211-04-00	MISCELLANEOUS	2,150.00	2,150.00	2,150.00	2,150.00	2,150.00
62-0214-04-00	POSTAGE	500.00	500.00	500.00	500.00	500.00
62-0225-04-00	LANDSCAPING	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00
Subtotal:		16,750.00	16,750.00	16,750.00	16,750.00	16,750.00
62-0301-04-00	MAINT-BLDGS & STRUCTURES	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00
62-0305-04-00	MAINTENANCE - CLEANOUT	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
62-0351-04-00	MISC. MAINTENANCE	3,500.00	3,500.00	3,500.00	3,500.00	3,500.00
62-0371-04-00	LANDSCAPING REPAIR & MAINT	200.00	200.00	200.00	200.00	200.00
62-0372-04-00	IRRIGATIONS SYS REPAIR & MAINT	3,200.00	3,200.00	3,200.00	3,200.00	3,200.00
Subtotal:		13,400.00	13,400.00	13,400.00	13,400.00	13,400.00
62-0403-04-00	INSURANCE	7,000.00	7,000.00	7,000.00	7,000.00	7,000.00
62-0410-04-00	UTILITIES - ELECTRICITY	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00
62-0411-04-00	WATER PURCHASES PID	12,000.00	12,000.00	12,000.00	12,000.00	12,000.00
62-0413-04-00	UTILITIES TRASH DISPOSAL	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00
62-0416-04-00	OTHER PROFESSIONAL SERVICES	1,200.00	1,200.00	1,200.00	1,200.00	1,200.00
62-0421-04-00	PRINTING	1,600.00	1,600.00	1,600.00	1,600.00	1,600.00
62-0422-04-00	COMPUTER PROFESSIONAL SERVICES	250.00	250.00	250.00	250.00	250.00
62-0423-04-00	CONTRACT MOWING	30,050.00	30,050.00	30,050.00	30,050.00	30,050.00
62-0434-04-00	SPECIAL EVENTS	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00
62-0436-04-00	IMPROVEMENTS BY CONTRACTORS	34,898.45	34,898.45	34,898.45	34,898.45	34,898.45
62-0446-04-00	LEGAL SERVICES	1,800.00	1,800.00	1,800.00	1,800.00	1,800.00
62-0450-04-00	ADMINISTRATIVE MANAGEMENT FEE	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00
62-0456-04-00	NEWSLETTER	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
Subtotal:		98,798.45	98,798.45	98,798.45	98,798.45	98,798.45
62-0511-04-00	PROPERTY TAXES PAID BY PID	100.00	100.00	100.00	100.00	100.00
62-0537-04-00	DALLAS COUNTY TAX COLL SVCS	2,400.00	2,400.00	2,400.00	2,400.00	2,400.00
Subtotal:		2,500.00	2,500.00	2,500.00	2,500.00	2,500.00
Program number:		131,448.45	131,448.45	131,448.45	131,448.45	131,448.45
Department number: OPERATIONS		131,448.45	131,448.45	131,448.45	131,448.45	131,448.45
Fund number: 62 MEADOWVIEW - PID		131,448.45	131,448.45	131,448.45	131,448.45	131,448.45

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



## LANCASTER CITY COUNCIL

### City Council Special Meeting

7.

**Meeting Date:** 09/21/2020

**Policy Statement:** This request supports the City Council 2020-2021 Policy Agenda

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

**Submitted by:** Carey Neal, Assistant to the City Manager

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### **Agenda Caption:**

Discuss and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Millbrook East Public Improvement District (PID).

### **Background:**

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

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

The taxable assessed value within the district is used to determine the rate per \$100 of assessed value necessary to meet the maintenance plan. The County Tax Collector will collect the districts fees and remit them to the City with our property taxes. The City directly pays all invoices received by the PID board, or management company.

The Millbrook East PID is proposing to decrease its annual assessment to \$0.1100 per \$100 assessed value. In the prior year, fiscal year 2020, Millbrook East PID had an assessment rate of \$0.1500 per \$100 assessed value.

On September 14, 2020, City Council conducted a public hearing to provide an opportunity for residents to give comments surrounding the proposed assessment rate and there were no speakers.

### **Operational Considerations:**

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

### **Legal Considerations:**

The proposed five (5) year service and assessment plan are in accordance with Chapter 372 of Texas Local Government Code. The ordinance has been reviewed as approved as to form by the City Attorney.

**Public Information Considerations:**

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

**Fiscal Impact:**

The PID is not expected to have any direct financial impact on the City. PIDs are a mechanism to assure financial sustainability for the neighborhood. They are considered to be a more equitable means of collecting fees. The fiscal year 2019/2020 proposed service plan budget is \$91,832 and assessments are proposed at \$0.1100 per one hundred dollars assessed valuation.

**Options/Alternatives:**

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

**Recommendation:**

Staff recommends approval of the ordinance, as presented.

**Attachments**

Ordinance

Exhibit A

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## **ORDINANCE NO.**

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

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

**WHEREAS**, on September 14, 2020 a public hearing was held and all persons owning or claiming any property proposed to be assessed or any interest therein were given an opportunity to be heard, either virtually or through an agent or attorney, and all were given an opportunity to testify before the City Council and to contest the assessments proposed to be made on account of the amount thereof or because of any inaccuracy, irregularity, invalidity or insufficiency of the proceedings or contract with reference thereto, or to such improvements or on account of any matter or thing in the discretion of this governing body and on the 14<sup>th</sup> day of September, 2030 City Council conducted the public hearing and there were no speakers, the City Council closed the public hearing; and on the 21<sup>st</sup> day of September, 2020, levied assessments against property and the owners thereof in the District; and

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

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

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

**SECTION 3.** RECORD FINAL ASSESSMENT ONTO TAX ROLL: That the City Manager and her designated representatives are hereby authorized and directed to carry out the terms and provisions of this ordinance by causing the costs outlined in the final assessment roll to be recorded in the Tax Roll, the names of the property owners and in the amounts shown on said final assessment roll; and that all prerequisites to the fixing of the assessments therein against the property described and the fixing of the personal

liability of the owner or owners thereof have been performed in due time, form and manner as required by law, and no additional proof shall be required in any court.

**SECTION 4. PROPERTY CLASSIFICATION AND APPORTIONMENT**

FORMULAS: The City Council hereby establishes classifications and formulas for the apportionment of costs for various classes of property within the District as follows:

(a) **Residential lots on which construction of a home has been completed**, for these lots the assessment of \$0.1100 per \$100 of valuation through the assessment established for fiscal year 2020/2021; and

(b) **Tax exempt property and municipal property**, for these classifications the assessment of \$0.00 per \$100 of valuation.

**SECTION 5. ASSESSMENT LEVY:** That for fiscal year 2020/2021 there shall be and is hereby levied and assessed against parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sum of money set forth for in the "*Service and Assessment Plan*", labeled herein as *Exhibit "A"* and attached hereto and made a part hereof, shown opposite the description of the respective classification of the parcels of property, and the several amounts assessed against the same, and the owners thereof, with the provision that the amount assessed against each property and respective class of properties as shown in the *Service and Assessment Plan* may be adjusted for years subsequent following an annual review of the budget for the District and the *Service and Assessment Plan*.

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

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

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

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



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

**DULY PASSED** and approved by the City Council of the City of Lancaster, Texas, on this the 21<sup>st</sup> day of September, 2020.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Sorangel O. Arenas, City Secretary

\_\_\_\_\_  
Clyde C. Hairston, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
David T. Ritter, City Attorney

Account	Description	2021 FY Budget	2022 FY Budget	2023 FY Budget	2024 FY Budget	2025 FY Budget
63-0201-04-00	SUPPLIES	600.00	600.00	600.00	600.00	600.00
63-0210-04-00	FOOD/BEVERAGE-MTGS/FUNCTION	500.00	500.00	500.00	500.00	500.00
63-0211-04-00	MISCELLANEOUS	250.00	250.00	250.00	250.00	250.00
63-0214-04-00	POSTAGE	500.00	500.00	500.00	500.00	500.00
Subtotal:		1,850.00	1,850.00	1,850.00	1,850.00	1,850.00
63-0301-04-00	MAINT-BLDGS & STRUCTURES	20,000.00	20,000.00	20,000.00	20,000.00	20,000.00
63-0303-04-00	MAINTENANCE-MISCELLANEOUS	8,000.00	8,000.00	8,000.00	8,000.00	8,000.00
63-0351-04-00	MISC. MAINTENANCE	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
63-0371-04-00	LANDSCAPING REPAIR & MAINT	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00
63-0372-04-00	IRRIGATIONS SYS REPAIR & MAINT	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00
Subtotal:		36,500.00	36,500.00	36,500.00	36,500.00	36,500.00
63-0403-04-00	INSURANCE	6,700.00	6,700.00	6,700.00	6,700.00	6,700.00
63-0409-04-00	TRAVEL & EDUCATION	500.00	500.00	500.00	500.00	500.00
63-0410-04-00	UTILITIES - ELECTRICITY	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
63-0411-04-00	WATER PURCHASES PID	3,500.00	3,500.00	3,500.00	3,500.00	3,500.00
63-0416-04-00	OTHER PROFESSIONAL SERVICES	720.00	720.00	720.00	720.00	720.00
63-0421-04-00	PRINTING	500.00	500.00	500.00	500.00	500.00
63-0423-04-00	CONTRACT MOWING	16,032.00	16,032.00	16,032.00	16,032.00	16,032.00
63-0434-04-00	SPECIAL EVENTS	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
63-0437-04-00	AUDIT SERVICES	300.00	300.00	300.00	300.00	300.00
63-0446-04-00	LEGAL SERVICES	500.00	500.00	500.00	500.00	500.00
63-0450-04-00	ADMINISTRATIVE MANAGEMENT FEE	15,990.00	15,999.00	15,990.00	15,999.00	15,999.00
63-0456-04-00	NEWSLETTER	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
63-0469-04-00	STORAGE	240.00	240.00	240.00	240.00	240.00
Subtotal:		51,982.00	51,991.00	51,982.00	51,991.00	51,991.00
63-0537-04-00	DALLAS COUNTY TAX COLL SVCS	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00
Subtotal:		1,500.00	1,500.00	1,500.00	1,500.00	1,500.00
Program number:		91,832.00	91,841.00	91,832.00	91,841.00	91,841.00
Department number: OPERATIONS		91,832.00	91,841.00	91,832.00	91,841.00	91,841.00
Fund number: 63 MILLBROOK EAST PID		91,832.00	91,841.00	91,832.00	91,841.00	91,841.00
*****	End of Report	*****				

## LANCASTER CITY COUNCIL

### City Council Special Meeting

8.

**Meeting Date:** 09/21/2020

**Policy Statement:** This request supports the City Council 2020-2021 Policy Agenda

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

**Submitted by:** Carey Neal, Assistant to the City Manager

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### **Agenda Caption:**

Discuss and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Pleasant Run Estates Phase 1-A Public Improvement District.

### **Background:**

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

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

The PID board is required to establish a five (5) year service plan. The taxable assessed value within the district is used to determine the rate per \$100 of assessed value necessary to meet the service plan. The County Tax Collector will then collect the district's fees and remit them to the City with our property taxes. The City directly pays all invoices received by the PID board, or management company.

The Pleasant Run Estates, Phase 1-A PID is proposing to maintain its annual assessment of \$0.1800 per \$100 assessed value.

On September 14, 2020, City Council conducted a public hearing to provide an opportunity for residents to give comments surrounding the proposed assessment rate and there were no speakers.

### **Operational Considerations:**

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

### **Legal Considerations:**

The notice of public hearing was posted in accordance with the provisions of Chapter 372 in the Texas Local Government Code. The proposed five-year service and assessment plan are in accordance with Chapter 372 of Texas Local Government Code has been reviewed by the City Attorney.

**Public Information Considerations:**

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 PID is not expected to have any direct financial impact on the City. PIDs are a mechanism to assure financial sustainability for the neighborhood. They are considered to be a more equitable means of collecting fees to maintain the open space and common areas. The 2020/2021 proposed service plan is \$49,577.11 and assessments are proposed at \$0.1800 per one hundred dollars assessed valuation.

**Options/Alternatives:**

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

**Recommendation:**

Staff recommends approval of the ordinance, as presented.

**Attachments**

Ordinance

Exhibit A

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## ORDINANCE NO.

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

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

**WHEREAS**, on September 14, 2020, a public hearing was held and all persons owning or claiming any property proposed to be assessed or any interest therein were given an opportunity to be heard, either virtually or through an agent or attorney, and all were given an opportunity to testify before the City Council and to contest the assessments proposed to be made on account of the amount thereof or because of any inaccuracy, irregularity, invalidity or insufficiency of the proceedings or contract with reference thereto, or to such improvements or on account of any matter or thing in the discretion of this governing body and on the 14<sup>th</sup> day of September, 2020, City Council conducted the public hearing and there were no speakers, the City Council closed the public hearing; and on September 21<sup>st</sup>, 2020, levied assessments against property and the owners thereof in the District; and

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

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

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

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

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

(a) **Residential lots on which construction of a home has been completed**, for these lots the assessment of \$0.1800 per \$100 of valuation through the assessment established for 2020/2021; and

(b) **Tax exempt property and municipal property**, for these classifications the assessment of \$0.00 per \$100 of valuation.

**SECTION 5.** ASSESSMENT LEVY: That for 2020/2021 there shall be and is hereby levied and assessed against parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sum of money set forth for in the “Service and Assessment Plan”, labeled herein as Exhibit “A” and attached hereto and made a part hereof, shown opposite the description of the respective classification of the parcels of property, and the several amounts assessed against the same, and the owners thereof, with the provision that the amount assessed against each property and respective class of properties as shown in the Service and Assessment Plan may be adjusted for years subsequent following an annual review of the budget for the District and the Service and Assessment Plan.

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

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

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

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

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

**DULY PASSED** and approved by the City Council of the City of Lancaster, Texas, on this the 21<sup>st</sup> day of September, 2020.

**ATTEST:**

**APPROVED:**

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Sorangel O. Arenas, City Secretary

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Clyde C. Hairston, Mayor

**APPROVED AS TO FORM:**

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David T. Ritter, City Attorney

20:59 09/09/20

Fund: 61 PLEASANT RUN ESTATES - PID

**Department: 4 OPERATIONS**

#### 4 OPERATIONS

Period Ending: 9/2020

**Program:**

Account	Description	2021 FY Budget	2022 FY Budget	2023 FY Budget	2024 FY Budget	2025 FY Budget
61-0201-04-00	SUPPLIES	400.00	400.00	400.00	400.00	400.00
61-0214-04-00	POSTAGE	400.00	400.00	400.00	400.00	400.00
61-0225-04-00	LANDSCAPING	600.00	600.00	600.00	600.00	600.00
Subtotal:		1,400.00	1,400.00	1,400.00	1,400.00	1,400.00
61-0303-04-00	MAINTENANCE-MISCELLANEOUS	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
61-0351-04-00	MISCELLANEOUS	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00
61-0371-04-00	LANDSCAPING REPAIR & MAINT	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00
61-0372-04-00	IRRIGATION SYS REPAIR & MAINT	400.00	400.00	400.00	400.00	400.00
Subtotal:		9,900.00	9,900.00	9,900.00	9,900.00	9,900.00
61-0403-04-00	INSURANCE	2,250.00	2,250.00	2,250.00	2,250.00	2,250.00
61-0410-04-00	UTILITIES - ELECTRICITY	750.00	750.00	750.00	750.00	750.00
61-0411-04-00	WATER PURCHASES PID	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
61-0416-04-00	OTHER PROFESSIONAL SERVICES	2,700.00	2,700.00	2,700.00	2,700.00	2,700.00
61-0423-04-00	CONTRACT MOWING	12,000.00	12,000.00	12,000.00	12,000.00	12,000.00
61-0434-04-00	SPECIAL EVENTS	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00
61-0437-04-00	AUDIT SERVICES	300.00	300.00	300.00	300.00	300.00
61-0442-04-00	COMPUTER PROFESSIONAL SERVICES	720.00	720.00	720.00	720.00	720.00
61-0446-04-00	LEGAL SERVICES	500.00	500.00	500.00	500.00	500.00
61-0450-04-00	Administrative Management Fee	7,200.00	7,200.00	7,200.00	7,200.00	7,200.00
61-0452-04-00	FILING FEES	250.00	250.00	250.00	250.00	250.00
Subtotal:		34,170.00	34,170.00	34,170.00	34,170.00	34,170.00
61-0537-04-00	DALLAS COUNTY TAX COLL SVCS	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
Subtotal:		1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
61-0602-04-00	CAPITAL-BLDG & STRUCTURE	3,107.11	3,107.11	3,107.11	3,107.11	3,107.11
Subtotal:		3,107.11	3,107.11	3,107.11	3,107.11	3,107.11
Program number:		49,577.11	49,577.11	49,577.11	49,577.11	49,577.11
Department number: OPERATIONS		49,577.11	49,577.11	49,577.11	49,577.11	49,577.11
Fund number: 61 PLEASANT RUN ESTATES - PID		49,577.11	49,577.11	49,577.11	49,577.11	49,577.11
***** End of Report *****						

## LANCASTER CITY COUNCIL

### City Council Special Meeting

9.

**Meeting Date:** 09/21/2020

**Policy Statement:** This request supports the City Council 2020-2021 Policy Agenda

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

**Submitted by:** Carey Neal, Assistant to the City Manager

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### **Agenda Caption:**

Discuss and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Rolling Meadows Public Improvement District.

### **Background:**

Rolling Meadows is an established subdivision consisting of approximately 38.8 acres generally located on the east and west side of Rolling Hills Place and on the North side of Beltline. The subdivision has an approved Public Improvement District (PID) to provide for the maintenance of its common areas and entry features.

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

The PID board is required to establish a five (5) year service plan. The taxable assessed value within the district is used to determine the rate per \$100 of assessed value necessary to meet the service plan. The County Tax Collector will then collect the district's fees and remit them to the City with our property taxes. The City directly pays all invoices received by the PID board, or management company.

The Rolling Meadows PID is proposing to maintain its annual assessment of \$0.30 per \$100 assessed value.

On September 14, 2020, City Council conducted a public hearing to provide an opportunity for residents to give comments surrounding the proposed assessment rate and there were no speakers.

### **Operational Considerations:**

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

### **Legal Considerations:**

The proposed five-year service and assessment plan are in accordance with Chapter 372 of Texas Local Government Code and have been reviewed and approved as to form by the City Attorney.

### **Public Information Considerations:**



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 PID is not expected to have any direct financial impact on the City. PIDs are a mechanism to assure financial sustainability for the neighborhood. They are considered to be a more equitable means of collecting fees. The fiscal year 2020/2021 proposed service plan is \$98,068.64 and assessments are proposed at \$0.30 per one hundred dollars assessed valuation.

**Options/Alternatives:**

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

**Recommendation:**

Staff recommends approval of the ordinance, as presented.

**Attachments**

Ordinance

Exhibit A

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## **ORDINANCE NO.**

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

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

**WHEREAS**, on September 14, 2020 a public hearing was held and all persons owning or claiming any property proposed to be assessed or any interest therein were given an opportunity to be heard, either virtually or through an agent or attorney, and all were given an opportunity to testify before the City Council and to contest the assessments proposed to be made on account of the amount thereof or because of any inaccuracy, irregularity, invalidity or insufficiency of the proceedings or contract with reference thereto, or to such improvements or on account of any matter or thing in the discretion of this governing body and on the 14<sup>th</sup> day of September, 2020, City Council conducted the public hearing and there were no speakers, the City Council closed the public hearing; and on the 21<sup>st</sup> day of September, 2020, levied assessments against property and the owners thereof in the District; and

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

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

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

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

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

(a) **Residential lots on which construction of a home has been completed**, for these lots the assessment of \$0.3000 per \$100 of valuation through the assessment established for fiscal year 2020/2021; and

(b) **Tax exempt property and municipal property**, for these classifications the assessment of \$0.00 per \$100 of valuation.

**SECTION 5.** ASSESSMENT LEVY: That for fiscal year 2020/2021 there shall be and is hereby levied and assessed against parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sum of money set forth for in the “*Service and Assessment Plan*”, labeled herein as *Exhibit “A”* and attached hereto and made a part hereof, shown opposite the description of the respective classification of the parcels of property, and the several amounts assessed against the same, and the owners thereof, with the provision that the amount assessed against each property and respective class of properties as shown in the *Service and Assessment Plan* may be adjusted for years subsequent following an annual review of the budget for the District and the *Service and Assessment Plan*.

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

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

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

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

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

**DULY PASSED** and approved by the City Council of the City of Lancaster, Texas,  
on the 21<sup>st</sup> day of September, 2020.

**ATTEST:**

**APPROVED:**

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Sorangel O. Arenas, City Secretary

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Clyde C. Hairston, Mayor

**APPROVED AS TO FORM:**

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David T. Ritter, City Attorney

Department: 4 OPERATIONS

Program:

Period Ending: 9/2020

Account	Description	2021 FY Budget	2022 FY Budget	2023 FY Budget	2024 FY Budget	2025 FY Budget
57-0201-04-00	OFFICE SUPPLIES	1,558.00	1,558.00	1,558.00	1,558.00	1,558.00
57-0210-04-00	FOOD/BEV-MEETINGS/FUNCTIONS	150.00	150.00	150.00	150.00	150.00
57-0211-04-00	MISCELLANEOUS	500.00				
57-0214-04-00	POSTAGE	500.00				
Subtotal:		2,708.00	1,708.00	1,708.00	1,708.00	1,708.00
57-0303-04-00	MAINT-LIGHTING/MISC	6,500.00	6,500.00	6,500.00	6,500.00	6,500.00
57-0351-04-00	MISC. MAINTENANCE	18,600.00	4,241.77	4,241.77	4,241.77	4,241.77
57-0371-04-00	LANDSCAPING REPAIR & MAINT	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
57-0372-04-00	IRRIGATION MAINT & REPAIRS	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00
Subtotal:		32,100.00	17,741.77	17,741.77	17,741.77	17,741.77
57-0403-04-00	CASUALTY INSURANCE	2,500.00	2,500.00	2,500.00	2,500.00	2,500.00
57-0410-04-00	UTILITIES - ELECTRICITY	1,400.00	1,400.00	1,400.00	1,400.00	1,400.00
57-0411-04-00	WATER PURCHASE PID	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
57-0413-04-00	UTILITIES TRASH DISPOSAL	8,000.00	7,030.80	7,030.80	7,030.80	7,030.80
57-0416-04-00	OTHER/PROFESSIONAL SERVICES	20,000.00	5,000.00	5,000.00	5,000.00	5,000.00
57-0423-04-00	CONTRACT MOWING	9,000.00	9,000.00	9,000.00	9,000.00	9,000.00
57-0434-04-00	SPECIAL EVENTS	4,500.00	5,500.00	5,500.00	5,500.00	5,500.00
57-0442-04-00	COMPUTER PROFESSIONAL SERVICE	720.00	720.00	720.00	720.00	720.00
57-0450-04-00	ADMINISTRATIVE MGMT FEE	7,800.00	7,800.00	7,800.00	7,800.00	7,800.00
57-0456-04-00	NEWSLETTER	2,840.64	2,840.64	2,840.64	2,840.64	2,840.64
57-0469-04-00	STORAGE FEES	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
Subtotal:		62,760.64	47,791.44	47,791.44	47,791.44	47,791.44
57-0537-04-00	DALLAS COUNTY TAX COLL SVCS	500.00	500.00	500.00	500.00	500.00
Subtotal:		500.00	500.00	500.00	500.00	500.00
Program number:		98,068.64	67,741.21	67,741.21	67,741.21	67,741.21
Department number: OPERATIONS		98,068.64	67,741.21	67,741.21	67,741.21	67,741.21
Fund number: 57 ROLLING MEADOWS - PID		98,068.64	67,741.21	67,741.21	67,741.21	67,741.21
*****	End of Report *****					

## LANCASTER CITY COUNCIL

### City Council Special Meeting

10.

**Meeting Date:** 09/21/2020

**Policy Statement:** This request supports the City Council 2020-2021 Policy Agenda

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

**Submitted by:** Carey Neal, Assistant to the City Manager

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### **Agenda Caption:**

Discuss and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Tribute at Mills Branch and Tribute East at Mills Branch Public Improvement District.

### **Background:**

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

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

The PID board is required to establish a service plan. The taxable assessed value within the district is used to determine the rate per \$100 of assessed value necessary to meet the service plan. The County Tax Collector will then collect the district's fees and remit them to the City with our property taxes. The City directly pays all invoices received by the PID board, or management company.

The PID board is proposing to maintain its annual assessment rate of \$0.3600 per \$100 assessed valuation.

On September 14, 2020, City Council conducted a public hearing to provide an opportunity for residents to give comments surrounding the proposed assessment rate and there were no speakers.

### **Operational Considerations:**

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

**Legal Considerations:**

The proposed five-year service and assessment plan are in accordance with Chapter 372 of Texas Local Government Code and have been reviewed and approved as to form by the City Attorney.

**Public Information Considerations:**

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 PID is not expected to have any direct financial impact on the City. PIDs are a mechanism to assure financial sustainability for the neighborhood. They are considered to be a more equitable means of collecting fees. The fiscal year 2019/2020 proposed service plan is \$115,487 and assessments are proposed at \$0.3600 per one hundred dollars assessed valuation.

**Options/Alternatives:**

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

**Recommendation:**

Staff recommends approval of the ordinance, as presented.

**Attachments**

Ordinance

Exhibit A

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## ORDINANCE NO.

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

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

**WHEREAS**, on September 14, 2020, a public hearing was held and all persons owning or claiming any property proposed to be assessed or any interest therein were given an opportunity to be heard, either virtually or through an agent or attorney, and all were given an opportunity to testify before the City Council and to contest the assessments proposed to be made on account of the amount thereof or because of any inaccuracy, irregularity, invalidity or insufficiency of the proceedings or contract with reference thereto, or to such improvements or on account of any matter or thing in the discretion of this governing body and on the 14th day of September, 2020, City Council conducted the public hearing and there were no speakers, the City Council closed the public hearing; and on the 21<sup>st</sup> day of September, 2020, levied assessments against property and the owners thereof in the District.

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

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

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

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

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

(a) **Residential lots on which construction of a home has been completed**, for these lots the assessment shall not exceed \$0.3600 (lots with homes) per \$100 of assessed valuation through the assessment established for fiscal year 2020/2021; and

(b) **Tax exempt property and municipal property**, for these classifications the assessment shall not exceed \$0.00 per \$100 of valuation.



**SECTION 5.** ASSESSMENT LEVY: That for fiscal year 2020/2021 there shall be and is hereby levied and assessed against parcels of property within the District, and against the real and true owners thereof (whether such owners be correctly named or not), the sum of money set forth for in the "Service and Assessment Plan", labeled herein as Exhibit "A" and attached hereto and made a part hereof, shown opposite the description of the respective classification of the parcels of property, and the several amounts assessed against the same, and the owners thereof, with the provision that the amount assessed against each property and respective class of properties as shown in the Service and Assessment Plan may be adjusted for years subsequent following an annual review of the budget for the District and the Service and Assessment Plan.

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

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

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

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

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

**DULY PASSED** and approved by the City Council of the City of Lancaster, Texas, on this the 21<sup>st</sup> day of September, 2020.

**ATTEST:**

**APPROVED:**

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Sorangel O. Arenas, City Secretary

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Clyde C. Hairston, Mayor

**APPROVED AS TO FORM:**

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David T. Ritter, City Attorney

Account	Description	2021 FY Budget	2022 FY Budget	2023 FY Budget	2024 FY Budget	2025 FY Budget
55-0201-04-00	SUPPLIES	600.00	600.00	600.00	600.00	600.00
55-0211-04-00	MISCELLANEOUS EXPENSE	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00
55-0214-04-00	POSTAGE	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
Subtotal:		3,100.00	3,100.00	3,100.00	3,100.00	3,100.00
55-0301-04-00	GENERAL MAINTENANCE	15,000.00	15,000.00	15,000.00	15,000.00	15,000.00
55-0303-04-00	MAINTENANCE - MISCELLANEOUS					10,000.00
55-0351-04-00	MISC. MAINTENANCE	20,000.00	20,000.00	20,000.00	20,000.00	10,000.00
55-0371-04-00	LANDSCAPING	37,652.00	20,000.00	20,000.00	20,000.00	20,000.00
55-0372-04-00	IRRIGATION SYS MAINT & REPAIR	5,000.00	5,000.00	5,000.00	5,000.00	5,000.00
Subtotal:		77,652.00	60,000.00	60,000.00	60,000.00	60,000.00
55-0403-04-00	INSURANCE	4,800.00	1,300.00	1,300.00	1,300.00	1,300.00
55-0410-04-00	UTILITIES - ELECTRICITY	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
55-0411-04-00	UTILITIES - WATER/SEWER	7,500.00	7,500.00	7,500.00	7,500.00	7,500.00
55-0413-04-00	UTILITIES - TRASH DISPOSAL	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00
55-0421-04-00	PRINTING	75.00	75.00	75.00	75.00	75.00
55-0423-04-00	CONTRACT MOWING		17,652.00	17,652.00	17,652.00	17,652.00
55-0437-04-00	AUDIT SERVICES	300.00	300.00	300.00	300.00	300.00
55-0442-04-00	COMPUTER PROFESSIONAL SERVICES	720.00	720.00	720.00	720.00	720.00
55-0450-04-00	ADMINISTRATIVE MANAGEMENT FEE	9,600.00	9,600.00	9,600.00	9,600.00	9,600.00
55-0469-04-00	STORAGE	240.00	240.00	240.00	240.00	240.00
Subtotal:		34,235.00	48,387.00	48,387.00	48,387.00	48,387.00
55-0537-04-00	DALLAS COUNTY TAX COLL SVCS	500.00	500.00	500.00	500.00	500.00
Subtotal:		500.00	500.00	500.00	500.00	500.00
Program number:		115,487.00	111,987.00	111,987.00	111,987.00	111,987.00
Department number:	OPERATIONS	115,487.00	111,987.00	111,987.00	111,987.00	111,987.00
Fund number:	55 TRIBUTE MILLS - PID	115,487.00	111,987.00	111,987.00	111,987.00	111,987.00
***** End of Report *****						

## LANCASTER CITY COUNCIL

### City Council Special Meeting

11.

**Meeting Date:** 09/21/2020

**Policy Statement:** This request supports the City Council 2020-2021 Policy Agenda

**Goal(s):** Financially Sound City Government

**Submitted by:** Opal Mauldin-Jones, City Manager

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#### **Agenda Caption:**

Conduct a public hearing and consider an ordinance approving the proposed FY 2020/2021 budget for the fiscal year beginning October 1, 2020, ending September 30, 2021.

#### **Background:**

State Truth-in-Taxation and the City Charter require the City of Lancaster to conduct a public hearing on the proposed annual budget. The proposed total tax rate required to provide revenue for maintenance and operations and interest and sinking fund requirements is \$0.819736 cents per one hundred dollars (\$100.00) assessed valuation. The approval of the proposed ordinance will adopt the FY 2020/2021 budget and appropriate necessary funds for the City's operation, maintenance and debt service requirements.

The proposed budget was presented to the Lancaster City Council at a work session held on August 10, 2020 and August 24, 2020. A virtual budget town hall was held on September 3, 2020.

The first public hearing was conducted on Monday, September 14, 2020, at the City Council Special Meeting to receive comments from the public regarding the FY 2020/2021 proposed budget. There were no speakers.

This is the second and final public hearing to receive comments from the public regarding the FY 2020/2021 proposed budget.

#### **Operational Considerations:**

The proposed tax rate is \$0.819736 per \$100 assessed valuation to be assessed on taxable property to generate revenues for the maintenance, operations, interest and sinking, and street maintenance fund requirements. The proposed maintenance and operations fund requirements will decrease from \$0.5952 to \$0.580167. The proposed interest and sinking fund requirements will decrease from \$0.245725 to \$0.214569. This is a decrease from our previous year tax rate of \$0.840925, \$0.5952 for the maintenance and operations in general fund, and \$0.245725 for the interest and sinking fund. The street maintenance fund requirements will remain at \$0.025.

The total budget for all funds is \$63,738,326.

General Fund	\$30,851,444
G.O. Debt Service	\$5,045,505
Street Maintenance	\$808,835
Water/Wastewater	\$17,260,379
Airport	\$484,516
Hotel/Motel	\$41,584

LEDC/4A	\$895,924
LRDC/4B	\$3,397,073
Golf Course	\$967,337
Sanitation	\$2,043,734
E911	\$295,000
Stormwater	\$1,646,706

**Legal Considerations:**

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

**Public Information Considerations:**

Notice regarding the public hearing was posted in accordance with state law in the City's newspaper of record, Focus Daily News on September 3, 2020, as well as on the City of Lancaster website.

**Fiscal Impact:**

The proposed budget is a plan for revenues and expenditures related to the operations of the City.

**Options/Alternatives:**

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

**Recommendation:**

Staff recommends City Council conduct and close the public hearing and approve the ordinance as presented.

**Attachments**

Ordinance  
Exhibit A

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## **ORDINANCE NO.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, APPROVING AND ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE IN ACCORDANCE WITH SAID BUDGET; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Manager of the City of Lancaster has submitted to the City Council a proposed budget of the revenues and expenditures for conducting the affairs of the City and providing a complete financial plan for fiscal year 2020-2021; and

**WHEREAS**, the City Council has received the City Manager's proposed budget, a copy of which proposed budget has been filed with the City Secretary of the City of Lancaster;

**WHEREAS, THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$1,847,032 OR 7.26%, AND OF THAT AMOUNT \$889,734, IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.**

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

**SECTION 1.** That the Budget of the revenues and expenditures necessary for conducting the affairs of the City of Lancaster and providing a financial plan for the ensuing fiscal year beginning October 1, 2020 and ending September 30, 2021, as submitted by the City Manager, after the required public hearing, be and the same is hereby adopted as the Budget of the City of Lancaster for the fiscal year beginning October 1, 2020 and ending September 30, 2021 a copy of which is maintained in the office of the City Secretary, and; said budget contains all of the proposed projects and expenditures in accordance with law. (Exhibit A)

**SECTION 2.** That the appropriation for the fiscal year including the budgets of the Lancaster Economic Development Corporation (Type A) and Lancaster Recreational Development Corporation (Type B), which are hereby approved beginning October 1, 2020, and ending September 30, 2021, for the various funds and purposes of the City of Lancaster, which is attached hereto and incorporated herein as Exhibit A.

**SECTION 3.** Those expenditures during the fiscal year shall be made in accordance with the budget approved by this ordinance and made part hereof for all purposes unless otherwise authorized by a duly enacted ordinance of the City; and, said budget may be amended from time to time as authorized by ordinance of the City Council.

**SECTION 4.** That all notices and public hearings required by law have been duly completed.

**SECTION 5.** That all provisions of the ordinances of the City of Lancaster in conflict with the provisions of this ordinance be and the same are hereby repealed, and all other provisions of the ordinances of the City of Lancaster not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 6.** That should any sentence, paragraph, subdivision, clause, phase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional.

**DULY PASSED** by the City Council of the City of Lancaster, Texas on this the 21st day of September, 2020.

**ATTEST:**

**APPROVED:**

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Sorangel O. Arenas, City Secretary

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Clyde C. Hairston, Mayor

**APPROVED AS TO FORM:**

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David T. Ritter, City Attorney

# CITY-WIDE OPERATING FUND TOTALS

Fund Summary as of: 8/23/2020

TOTAL REVENUES		2018	2019	2020		2021
Fund Number	Fund	Actual	Actual	Year to Date	Budget	Proposed
	1 General Fund	29,649,178	30,865,401	27,944,317	31,206,246	30,844,725
	2 G.O. Debt Service	7,600,008	7,210,375	7,500,074	7,632,626	7,001,061
	4 Street Maintenance	-	-	751,084	765,122	808,835
	5 WaterWastewater	17,394,697	18,584,218	15,377,300	17,598,657	17,886,297
	9 Airport	414,390	436,754	366,526	565,700	507,000
	14 HotelMotel	149,662	211,829	189,660	183,429	144,661
	16 LEDC/4A	2,634,623	1,533,843	922,390	1,476,902	1,139,078
	17 LRDC/4B	3,508,775	3,447,063	1,927,303	3,670,906	2,839,583
	18 Golf Course	420,420	528,776	415,297	646,977	629,741
	19 Sanitation	2,568,625	2,728,817	2,248,323	2,512,355	2,589,310
	21 E911	292,509	298,120	307,447	239,985	257,400
	53 Stormwater	1,783,439	1,858,415	1,626,327	1,642,000	1,595,682
Total		\$ 66,416,326	\$ 67,703,611	\$ 59,576,047	\$ 68,140,906	\$ 66,243,373
TOTAL EXPENDITURES		2018	2019	2020		2021
Fund Number	Fund	Actual	Actual	Year to Date	Budget	Proposed
	1 General Fund	25,560,465	27,652,507	23,304,675	31,421,288	30,851,444
	2 G.O. Debt Service	7,400,441	5,885,786	5,452,242	5,591,820	5,045,505
	4 Street Maintenance	-	-	-	944,000	808,835
	5 WaterWastewater	16,086,124	15,665,328	16,934,269	17,183,734	17,260,379
	9 Airport	483,447	526,669	369,784	498,857	484,516
	14 HotelMotel	41,040	56,720	18,638	40,750	41,584
	16 LEDC/4A	1,027,098	1,236,801	632,023	1,465,916	895,924
	17 LRDC/4B	3,216,755	3,481,574	2,813,995	3,729,699	3,397,073
	18 Golf Course	1,068,617	1,100,143	792,443	802,628	967,337
	19 Sanitation	1,655,851	1,720,872	1,643,623	2,041,738	2,043,734
	21 E911	186,641	221,917	192,325	287,227	295,290
	53 Stormwater	1,195,801	1,284,386	1,445,792	2,067,511	1,646,706
Total		\$ 57,922,281	\$ 58,832,705	\$ 53,599,807	\$ 66,075,168	\$ 63,738,326
BALANCES		2018	2019	2020		2021
		Actual	Actual	Year to Date	Budget	Proposed
	Net Gain (Loss)	8,494,045	8,870,905	5,976,240	2,065,738	2,505,047
	Beginning Balance	9,167,699	17,661,744	26,532,650	32,508,889	32,508,889
	Ending Balance	17,661,744	26,532,650	32,508,889	34,574,627	35,013,936
	Fund Balance (audited)	27,844,362	23,006,965			
Ending Balance as % of Expenditures		30.49%	45.10%	60.65%	52.33%	54.93%

## LANCASTER CITY COUNCIL

### City Council Special Meeting

12.

**Meeting Date:** 09/21/2020

**Policy Statement:** This request supports the City Council 2020-2021 Policy Agenda

**Goal(s):** Financially Sound City Government

**Submitted by:** Opal Mauldin-Jones, City Manager

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### **Agenda Caption:**

Discuss and consider a resolution ratifying the budget for the fiscal year 2020/2021 that results in an increase of revenues by 3.90% from property taxes over the previous year.

### **Background:**

As of September 1, 2007 several laws went into effect, including House Bill 3195 as passed by the 80th Legislature. This bill requires cities to post both their preliminary and adopted budgets on their website.

It also requires cities and counties that will be raising more revenue from property taxes than in the previous year, to have a separate vote of the governing body to ratify the tax increase reflected in the budget. The FY 2020/2021 budget and tax rate results in an increase in revenues by 3.90% (percentage by which the tax rate will be higher than the effective rate calculated under Chapter 26, Tax Code) from property taxes compared to the previous year.

The legislation is specific and requires separate action by the City Council.

### **Operational Considerations:**

Resolution and action must be approved for the adoption of the fiscal year 2020/2021 budget.

### **Legal Considerations:**

The motion and resolution are pursuant to State law. The resolution has been reviewed and approved as to form.

### **Public Information Considerations:**

All public notices and hearings were provided and published in accordance with state law. This item is being considered at a meeting noticed and conducted 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 approval of the resolution with the following motion that is required by state law: "Motion to approve a budget that will result in an increase of revenue from property taxes than the previous year and to ratify a property tax revenue increase reflected in said budget."

### **Attachments**





**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, RATIFYING THE BUDGET FOR THE FISCAL YEAR 2020/2021 AS A RESULT OF THE CITY RECEIVING MORE REVENUES FROM PROPERTY TAXES IN THE 2020/2021 BUDGET THAN THE PREVIOUS FISCAL YEAR; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, following public notice duly posted and published in all things as required by law, a public hearing was held, by and before the City Council of the City of Lancaster, the subject of which was the proposed budget for the City of Lancaster for Fiscal Year 2020/2021; and

**WHEREAS**, Texas Local Government Code section 102.005(b) and section 102.007(c) passed as House Bill 3195, as adopted at the Regular Session of the 80th Legislature) requires specific language and a separate vote on a budget that will require raising more revenue from property taxes than previous year,

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

**SECTION 1.** The City Council hereby ratifies, by a record vote, the adoption of a budget for Fiscal Year 2020/2021 which results in an increase of revenues from property taxes than the previous year, with the following declaration:

Based on the Tax Rate of \$0.819736

**“THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR’S BUDGET BY \$1,847,032 OR 7.26%, AND OF THAT AMOUNT, \$889,734 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR”**

**SECTION 2.** This Ordinance shall become effective immediately from and after its passage, as the law and charter in such cases provides.

**DULY PASSED** and approved by the City Council of the City of Lancaster, Texas, on this the 21<sup>st</sup> day of September, 2020.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Sorangel O. Arenas, City Secretary

\_\_\_\_\_  
Clyde C. Hairston, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
David T. Ritter, City Attorney

## LANCASTER CITY COUNCIL

### City Council Special Meeting

13.

**Meeting Date:** 09/21/2020

**Policy Statement:** This request supports the City Council 2020-2021 Policy Agenda

**Goal(s):** Financially Sound City Government

**Submitted by:** Opal Mauldin-Jones, City Manager

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#### **Agenda Caption:**

Conduct a public hearing and consider an ordinance regarding the proposed revenue increase from levying ad valorem taxes for fiscal year 2020/2021 at \$0.819736 per one hundred dollars assessed valuation of all taxable property within the corporate limits to provide revenues for current maintenance and operation expenses and interest and sinking fund requirements; providing due and delinquent dates; penalties and interest; providing a homestead exemption and disability exemption.

#### **Background:**

State Truth-in-Taxation law, Local Government Code and the City Charter require that an ordinance levying the ad valorem taxes be read and a public hearing held at a regular or special meeting of the Lancaster City Council.

The tax rate proposed for fiscal year 2020/2021 is \$0.819736 per one hundred dollars assessed valuation on taxable property within the corporate limits. These tax dollars provide revenue for current operating and maintenance expenses and interest and sinking fund requirements. The total tax revenue will increase from properties on the tax roll in the preceding tax year by 3.90% (percentage by which the tax rate will be higher than the No-New-Revenue tax rate calculated under Chapter 26, Tax Code.) Individual taxes may increase or decrease at a rate greater or lesser depending on the change in the taxable value of each property.

This is the second and final public hearing regarding the proposed tax rate. The first public hearing was held on Monday, September 14, 2020.

#### **Operational Considerations:**

The proposed tax rate of \$0.819736 on each one hundred dollars (\$100.00) assessed value of taxable property to be apportioned and distributed as follows: \$0.605167 for the purpose of maintenance and operations (including \$0.025 dedicated to the Street Maintenance Fund), and \$0.214569 for interest and sinking fund requirements.

#### **Legal Considerations:**

The required notice and vote are being held in accordance with state law and the City Charter. The ordinance has been reviewed and approved as to form by the City Attorney.

#### **Public Information Considerations:**

Public notices were published on Thursday, September 3, 2020, in the official City publication of record, Focus Daily News and on the City of Lancaster website. Information regarding the proposed tax rate is being made available in accordance with state law and the City Charter.

#### **Fiscal Impact:**

The proposed tax rate is to cover the cost of the maintenance and operations and interest and sinking fund requirements.

**Options/Alternatives:**

1. City Council may close the public hearing and approves the ordinance, as presented.
2. City Council may close the public hearing and deny the ordinance.

**Recommendation:**

Staff recommends City Council conduct and close the public hearing, and approve the ordinance as presented with the following motion that is required by state law: I move that the property tax rate be increased by the adoption of a tax rate of \$0.819736, which is effectively a 3.90 percent increase in the tax rate.

**Attachments**

Ordinance

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## **ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS LEVYING AD VALOREM TAXES FOR FISCAL YEAR 2020/2021 AT \$0.819736 PER ONE HUNDRED DOLLARS ASSESSED VALUATION OF ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS TO PROVIDE REVENUES FOR CURRENT MAINTENANCE AND OPERATIONAL EXPENSES AND INTEREST AND SINKING FUND REQUIREMENTS; PROVIDING DUE AND DELINQUENT DATES, PENALTIES AND INTEREST; PROVIDING FOR A HOMESTEAD EXEMPTION AND DISABILITY EXEMPTION; AND PROVIDING AN EFFECTIVE DATE.**

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

**SECTION 1.** There be and is hereby levied for the fiscal year 2020/2021 on all taxable property, real, personal and mixed, situated within the corporate limits of the City of Lancaster, Texas, and not exempt by the Constitution of the State and valid State laws, a tax of \$0.819736 on each \$100.00 assessed value of taxable property, and said tax shall be apportioned and distributed as follows: \$0.605167 for the purpose of paying maintenance and operation, and, defraying the expenses of current operations, and \$0.214569 for interest and sinking fund requirements of the municipal government of the City.

**SECTION 2.** THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 0.84% AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$10.

**SECTION 3.** All 2020/2021 ad valorem taxes shall become due and payable on October 1, 2020, and shall become delinquent after January 31, 2021. If any person fails to pay the ad valorem taxes on or before the 31st day of January 2020, the penalties and interest as set forth under Section 33.01 of the Texas State Property Tax Code shall apply.

**SECTION 4.** Taxes are payable to the Dallas County Tax Assessor-Collector, Records Building, Dallas, Texas, by contract dated November 12, 2001 and amended April 2014. The City shall have available all the rights and remedies provided by law for the enforcement of the collection of taxes levied under this ordinance.

**SECTION 5.** The tax rolls as presented to the City Council, together with any supplement thereto, be and the same are hereby approved.

**SECTION 6.** All delinquent taxes shall accrue interest at the rate of one percent (1%) per month, in addition to the penalties provided for herein. All taxes that remain delinquent on July 1st of the year in which they become delinquent shall incur an additional penalty to defray costs of collection, of an amount not to exceed 20% of the amount of taxes, penalty and interest due.

**SECTION 7.** In accordance with the Texas State Property Tax Code, and effective with the passage of the ordinance, there is hereby provided an exemption of \$30,000 on homestead property for those head-of-household persons who have attained the age of 65 years prior to January 1, 2021 and an exemption of \$30,000 on disability designations.

**SECTION 8.** This Ordinance shall become effective upon its adoption as the law in such cases provides.

**SECTION 9.** All recitals are incorporated herein by reference as if fully written.

**DULY PASSED** by the City Council of the City of Lancaster, Texas on this the 21st day of September 2020.

**ATTEST:**

**APPROVED:**

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Sorangel O. Arenas, City Secretary

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Clyde C. Hairston, Mayor

**APPROVED AS TO FORM:**

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David T. Ritter, City Attorney

## LANCASTER CITY COUNCIL

### City Council Work Session

1.

**Meeting Date:** 09/21/2020

**Policy Statement:** This request supports the City Council 2020-2021 Policy Agenda

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

**Submitted by:** Bester Munyaradzi, Senior Planner

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### **Agenda Caption:**

Discuss parking pads in single family residential districts.

### **Background:**

As prescribed in the City Council rules and procedures, amended on August 2019, Section D. City Council Agenda Process, Subsection 1.b., Council Member Carol Strain-Burk requested that an item be included on this City Council Work Session for the purpose of discussing parking pads in Single Family-4 (SF-4); Single Family-5 (SF-5) and Single Family-6 (SF-6) residential districts.

On June 18, 2020, staff responded to the request of Councilmember Strain-Burk reporting new construction for paved residential front yard parking. Staff researched and provided a site plan of the residence and an excerpt from the Lancaster Land Development Code (LDC) Section 14.604 Residential Parking. The LDC does not prohibit or state any limitations regarding paving the front yard of a residential property.

On June 24, 2020, staff responded to a request of Councilmember Strain-Burk inquiring if the LDC allows a residential circular driveway. Section 14.604 of the LDC, "No required off-street parking space shall be located in the required front yard in any residential or agricultural district"; however, the LDC does not prohibit residential concrete paving on front yards.

On July 20, 2020, staff proposed to Council to add a provision under Section 14.604 of the LDC prohibiting parking motor vehicle in the area from the property line to the front facade of the residence, except in the driveway. Council requested examples of residential landscaping that would accompany homes with front yard concrete pads. Staff has provided proposed amendments for City Council to consider including in the City of Lancaster Development Code (LDC) and parking pad images to aid the City Council's discussion on residential parking pads.

The Planners' dictionary has the following definitions for parking pad:

A platform for vehicle parking, constructed on a residential parcel which slopes downward from a street.

1. Off-street parking area adjacent to a driveway which provides parking for a single motor vehicle.

Currently, the LDC and/or the Code of Ordinance do not have nor define "parking pad". However, the LDC has the following provisions on Residential Parking:

## ARTICLE 14.600 PARKING AND LOADING

## **Sec.14.604      Residential Parking**

### **a. Lots less than Five Acres.**

*Parking in Front Yards of Residential and Agricultural.* Off-street parking spaces shall be allowed in the required front yard in any residential or agricultural district on an improved/approved parking surface, except such vehicle cannot block or extend over a pedestrian or traffic right-of-way.

None of the City of Lancaster Survey cities have parking pad definition nor regulations. However, the cities of Cedar Hill, Grand Prairie and Keller have Residential Landscaping Standards for new home construction within their cities. In summary the three (3) cities require the following Residential Landscaping Standards for new home construction:

- A minimum of two (2) to three (3) inch caliper trees
- Shrubs
- Ground cover
- Irrigation system
- Maintenance
- Replacement of dead or damaged trees within 90 days.

Given the above noted residential landscaping standards from the City of Cedar Hill, Grand Prairie and Keller, the City Council could utilize the Council Goals and Objectives for Quality Development for an ordinance requiring enhanced landscaping for parking pads in the above noted residential districts. The ordinance would:

- Define "parking pad"
- Specify the location of the parking pad
- Stipulate the maximum number of parking pads per lot
- Require a minimum number and caliper inch trees
- Specify the amount of shrubs
- Require ground cover
- Necessitate the need to maintain required trees, shrubs and ground cover
- Stipulate the need to replace dead or damaged trees within 90 days.

Attached are parking pad images and the proposed amendments to residential parking to aid the City Council's discussion on residential parking pads.

### **Attachments**

PARKING PADS IMAGES

PROPOSED RESIDENTIAL PARKING AMENDMENTS

RESIDENTIAL LANDSCAPE IMAGES

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**Enhance landscape border – aligns with proposed standards (shrubs and trees)**





**Minimally enhanced landscape (trees and fewer shrubs)**



### **Minimally Enhanced Landscape Standards (low lying plants and shrubs)**



## **CURRENT REGULATIONS**

### **Sec. 14.604 Residential Parking ..... 2010 Ordinance**

#### (a) Lots Less than Five Acres. *(O#2010-10-25)*

- (1) Location. All required residential parking shall be located onsite.
- (2) Parking in Front Yards of Residential and Agriculture. Off-street parking spaces shall be allowed in the required front yard in any residential or agricultural district on an improved/approved parking surface, except such vehicle cannot block or extend over a pedestrian or traffic right-of-way.

## **PROPOSED AMENDMENTS**

### **Sec. 14.1302 Definition**

#### (a) General Definitions:

**Parking Pad.** *An off-street parking area adjacent to a driveway which provides parking for a motor vehicle*

### **Sec. 14.604 Residential Parking**

#### (a) Lots *One (1) Acre or Less*

- (1) Location. All required residential parking shall be located *off-street* and onsite.
- (2) Parking in Front Yards of Residential ~~Properties and Agriculture~~
  - A. No required off-street parking space shall be located in the required front yard *setback* in any residential or agricultural district.
  - B. *In front loading properties, a maximum of two (2) (9' x 18') parking pads shall be allowed on improved/approved parking surface within the front yard.*
  - C. *Front yard parking pads are required to have enhanced landscaping as follows:*
    - a. *Minimum of two (2) 3 inch caliper shade or screening trees are required in the street front yard*
    - b. *Residential property owner must maintain and preserve the minimum required trees unless the trees are a health/safety threat*

- c. Required trees must be replaced if they die or are removed within 90 days*
- d. Minimum of 30 gallons 2 feet tall evergreen shrubs are required to screen the parking pad*
- e. Front yard shall be planted with ornamental grass except the pedestrian and vehicular entrances*
- f. Minimum 3 inch mulch layer shall be provided in shrub beds and around the trees*
- g. Required ground cover, shrubs and grass must be replaced if they die or are removed within 90 days*



## Residential Landscape Images

