



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

**June 22, 2015 - 7:00 PM**

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**CALL TO ORDER**

**INVOCATION:** Ministerial Alliance

**PLEDGE OF ALLEGIANCE:** Councilmember Nina Morris

**CITIZENS' COMMENTS:**

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

**EXECUTIVE SESSION:**

1. City Council shall convene into closed executive session pursuant to section § 551.072 of the TEXAS GOVERNMENT CODE to deliberate the purchase and/or acquisition of real property for road improvement in the north portion of the City of Lancaster.
2. Reconvene into open session. Consider and take appropriate action(s), if any, on closed/executive session matters.

**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.

- C3. Consider approval of minutes from the City Council Regular Meeting held June 8, 2015.
- C4. Consider a resolution authorizing Dallas County to resell 534 E. 4th Street, 618 Kiowa Circle, 607 W. 8th Street, 617 Pierson Street, 3210 Baskin Drive, 4192 Portwood Drive, and 1102 Balkan Ln, tax foreclosed properties, by public or private sale, to the highest qualified purchaser, as provided by Section 34.05 of the Texas Property Tax Code.
- C5. Consider an ordinance granting a franchise for the collection and removal of commercial solid waste to Champion Waste Services, LLC.
- C6. Consider an ordinance granting a franchise for the collection and removal of commercial solid waste to Dallas Waste Disposal & Recycling, Inc.
- C7. Consider a resolution authorizing the City Manager to lease on behalf of the city of Lancaster for T-hangar and T-spot non-commercial leases at the Lancaster Regional Airport from July 1, 2015 to June 30, 2016.

- C8. Discuss and consider an ordinance amending the Code of Ordinances by amending Chapter 12, Article 12.200, "Speed Limits, generally" by decreasing the maximum prima facie speed limits on that certain portion of Pleasant Run Road, from Lancaster-Hutchins Road to the easternmost city limits from 50 miles per hour to 40 miles per hour.

**ACTION:**

9. Consider and discuss a resolution to accept dedication of a slope and grading easement to the City of Lancaster PIHV South Pointe Industrial, LLC.
10. Consider election of a Mayor Pro Tempore.
11. Consider election of a Deputy Mayor Pro Tempore.

**ADJOURNMENT**

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

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ACCESSIBILITY STATEMENT: The Municipal Center is 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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**Certificate**

**I hereby certify the above Notice of Meeting was posted at the Lancaster City Hall on June 19, 2015 @ 4:45 p.m. and copies thereof were provided to the Mayor, Mayor Pro-Tempore, Deputy Mayor Pro-Tempore and Council members.**



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Sorangel O. Arenas  
City Secretary

# **LANCASTER CITY COUNCIL**

## **Agenda Communication**

June 22, 2015

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**City Council shall convene into closed executive session pursuant to section § 551.072 of the TEXAS GOVERNMENT CODE to deliberate the purchase and/or acquisition of real property for road improvement in the north portion of the City of Lancaster.**

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**This request supports the City Council 2014-2015 Policy Agenda.**

**Goal: Professional and Committed City Workforce**

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Executive Session matters.

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**Submitted by:**

Sorangel O. Arenas, City Secretary

# **LANCASTER CITY COUNCIL**

## **Agenda Communication**

June 22, 2015

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

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**This request supports the City Council 2014-2015 Policy Agenda.**

**Goal: Professional and Committed City Workforce**

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

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**Submitted by:**

Sorangel O. Arenas, City Secretary

# **LANCASTER CITY COUNCIL**

## **Agenda Communication**

June 22, 2015

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**Consider approval of minutes from the City Council Regular Meeting held June 8, 2015.**

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### **Background**

Attached for your review and consideration are minutes from the:

- City Council Regular Meeting held June 8, 2015

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### **Submitted by:**

Sorangel O. Arenas, City Secretary

## **MINUTES**

### **LANCASTER CITY COUNCIL MEETING OF JUNE 8, 2015**

The City Council of the City of Lancaster, Texas, met in a called Special session in the Council Chambers of City Hall on June 8, 2015 at 6:30 p.m. with a quorum present to-wit:

#### **Councilmembers Present:**

Mayor Marcus E. Knight  
Carol Strain-Burk  
Stanley Jaglowski  
Marco Mejia  
Mayor Pro Tem James Daniels  
Deputy Mayor Pro Tem LaShonjia Harris  
Nina Morris

#### **City Staff Present:**

Opal Mauldin Robertson, City Manager  
Rona Stringfellow, Assistant City Manager  
Fabrice Kabona, Assistant to the City Manager  
Jim Brewer, Public Works Director  
Thomas Griffith, Fire Chief  
Mark Divita, Airport Manager  
Cynthia Pearson, Finance Director  
Alton Dixon, Purchasing Agent  
Baron Sauls, Assistant Finance Director  
Jermaine Sapp, Fleet Superintendent  
Ed Brady, Director of Economic Development  
Robert E. Hager, City Attorney  
Angie Arenas, City Secretary

#### **Call to Order:**

Mayor Knight called the meeting to order at 6:30 p.m. on June 8, 2015.

#### **Invocation:**

Alton Dixon gave the invocation.

#### **Pledge of Allegiance:**

Deputy Mayor Pro Tem LaShonjia Harris led the pledge of allegiance.

#### **Proclamation:**

Mayor Knight read a proclamation proclaiming June 20, 2015 as Juneteenth Celebration Day and invites everyone to attend the celebration on Saturday, June 20, 2015 in Cedar Hill.

Mayor Knight read a proclamation proclaiming the month of May as "Motorcycle Safety Awareness Month" which provides increase public awareness about motorcycles and to encourage safety and proper use among motorcycle riders.

#### **Citizens Comments:**

Lee Schmitt, 844 E. Beltline Road, speaking on item C15, shared his concerns about the City possibly entering into a Slope and Grading Easement agreement. Mr. Schmitt shared he contracted with Mrs. Holcomb, owner and trustee, to purchase 78 residential lots between Eaton and Springdale. If the slope and grading agreement is executed Mr. Schmitt stated that the property will be inaccessible and unable to develop. Mr. Schmitt shared that this potential agreement will take 2 – 2 1/5 acres of the property purchased and will force litigation with Mrs. Holcomb since their contract cannot

be performed. Mr. Schmitt provided letters from Mrs. Holcomb, his attorney, and is requesting further discussion on item C15.

Thomas Hillsman, 6519 Westgate Drive, Dallas, Texas, shared additional information regarding item C15. Mr. Hillsman stated the only opposition to this agreement is the ability to get the property rezoned and gaining access to the single family homes after construction. Mr. Hillsman shared that The Pauls Corporation does not need road access to their property (relevance?). Mr. Hillsman is asking for this item to be pulled so both parties involved in the potential Slope and Grading Easement agreement can discuss rezoning and replanning.

Jeffery Todd, 201 St. Paul, Denver, Co, speaking on item C15, stated he brought legal representation, and a civil engineering consultant to address concerns that were previously addressed.

Andie Chung, 500 Street, Coppell, Texas, speaking on item C15, stated she represents The Pauls Corporation in relation to the Slope and Grading Easement. Ms. Chung shared that courts have not come to a decision whether the rights-of-way is owned by the City. Ms. Chung shared that Mr. Schmitt and Mr. Hillsman have no standing to object to the proposed Slope and Grading Easement Agreement.

Alex Hancock, 2200 Victory Ave, #1107, Dallas, Texas, speaking on item C15, stated that a copy from the Engineer consultant was provided that states a road and easement cannot be provided. Mr. Hancock requests this item to be tabled until further discussion.

#### **Consent Agenda:**

City Secretary Arenas read the consent agenda.

- C3. Consider approval of minutes from the City Council Regular Meeting held April 13, 2015.**
- C4. Consider approval of minutes from the City Council Regular Meeting held May 18, 2015.**
- C5. Consider a resolution approving the terms and conditions of the City owned T-Hangar non-commercial lease from building 660-110 at the Lancaster Regional Airport.**
- C6. Discuss and consider a resolution approving the terms and conditions of an interlocal agreement by and between the City of Lancaster and Dallas County Department of Health and Human Services to provide certain health services.**
- C7. Consider a resolution authorizing Dallas County to resell 721 N Jefferson St, 112 Lindenwood Dr, 2823 Baskin Dr, and 1627 Frederick St, tax foreclosed properties, by public or private sale, to the highest qualified purchaser, as provided by Section 34.05 of the Texas Property Tax Code.**
- C8. Discuss and consider a resolution approving the terms and conditions of a Supplemental Master Road and Bridge Interlocal Agreement with Dallas County for roadway striping within the jurisdictional limits of the City of Lancaster.**
- C9. Discuss and consider a resolution authorizing the purchase of a Case 590 SN backhoe from ASCO Equipment through and interlocal agreement with Houston Galveston Area Council (HGACBuy) in an amount not to exceed \$89,782.00.**

- C10. Consider a resolution authorizing the purchases of two (2) Ford trucks from Rush Truck Center through an Interlocal Agreement with Buyboard in an amount not to exceed \$80,541.00.**
- C11. Discuss and consider a resolution authorizing publication of notice of intention to issue certificates of obligation, in an aggregate principal amount not to exceed \$4,100,000.00 (four million one hundred thousand dollars), authorizing distribution of a preliminary official statement relating to such series of certificates and authorizing certain other matters relating thereto.**
- C12. Discuss and consider a resolution authorizing the award of RFP 2014-190 for Banking Services to JP Morgan Chase; authorizing the City Manager to execute the contract.**
- C13. Consider a resolution accepting the proclamation of Doris "Dorie Miller" on behalf of the United States Conference of Mayors Supporting the Medal of Honor Award.**
- C14. Discuss and consider a resolution granting a non-exclusive license to Ridge South Dallas I, LLC granting access to perform road construction work within the right-of-way of Telephone Road at no cost to the City.**
- C15. Discuss and consider a resolution granting a slope and grading easement to the PIHV Southpointe Industrial, LLC, a Delaware limited liability company for the property depicted on Exhibits "A" and "B" and the attachments thereto, attached hereto and incorporated herein by reference; and providing an effective date.**

**MOTION:** Councilmember Morris made a motion, seconded by Councilmember Jaglowski, to approve consent items C3–C14 and exclude item C15. The vote was cast 7 for, 0 against.

**Motion:** Councilmember Strainburk made a motion, seconded by Councilmember Morris, to table item C15 until the next regular City Council meeting on June 22, 2015. The vote was cast 7 for, 0 against.

**Executive Session:**

- 1. City Council shall convene into closed executive session pursuant to:**
  - (a) Section § 551.074 of the TEXAS GOVERNMENT CODE to discuss the appointment, discipline, dismissal, evaluation and/or performance of a public officer: member of the Lancaster Planning and Zoning Commission.**
  - (b) Section § 551.071 of the TEXAS GOVERNMENT CODE to seek legal advice from the City Attorney regarding drainage and erosion liability issues and related legal issues at Mill Branch/Tribute.**
- 2. Reconvene into open session. Consider and take appropriate action(s), if any, on closed/executive session matters.**

The City Council recessed for Executive Session at 6:45 p.m. and reconvened into open session at 7:08 p.m.



With regard to Executive Session item 1(A) and 1(B):

No action to be taken relative to item 1(A) and 1(B).

**16. Consider election of a Mayor Pro Tempore.**

**17. Consider election of a Deputy Mayor Pro Tempore.**

**MOTION:** Councilmember Mejia made a motion, seconded by Council Jaglowski, to table election of the Mayor Pro Tem and Deputy Mayor Pro Tem until the next regular Council meeting on June 22, 2015. The vote was cast 6 for, 1 against.

**MOTION:** Councilmember Mejia made a motion, seconded by Councilmember Jaglowski, to adjourn. The vote was cast 6 for, 1 against.

The meeting was adjourned at 7: 15 p.m.

**ATTEST:**

**APPROVED:**

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Sorangel O. Arenas, City Secretary

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Marcus E. Knight, Mayor

# **LANCASTER CITY COUNCIL**

## **Agenda Communication**

June 22, 2015

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**Discuss and consider a resolution authorizing Dallas County to resell 534 E. 4<sup>th</sup> Street, 618 Kiowa Circle, 607 W. 8<sup>th</sup> Street, 617 Pierson Street, 3210 Baskin Drive, 4192 Portwood Drive, and 1102 Balkan Lane, tax foreclosed properties, by public or private sale, to the highest qualified purchaser, as provided by Section 34.05 of the Texas Property Tax Code.**

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**This request supports the City Council 2014-2015 Policy Agenda.**

**Goal: Financially Sound City Government**

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### **Background**

Following a judgment of the District Court of Dallas County, parcels of land were offered for sale at public auction for foreclosure of the tax liens, securing payment of delinquent property taxes, accrued penalty and interest, and court costs. These parcels are in the City of Lancaster. These parcels did not receive sufficient bid as set by law and were struck off to City of Lancaster as follows:

- 534 E. 4<sup>th</sup> Street,
- 618 Kiowa Circle,
- 607 W. 8<sup>th</sup> Street,
- 617 Pierson Street,
- 3210 Baskin Drive,
- 4192 Portwood Drive,
- 1102 Balkin Lane.

Dallas County is preparing for the resale the properties, as tax foreclosed properties, which is now in the ownership of the taxing authorities. Pursuant to Section 34.05(a) of the Tax Code, Dallas County is requesting the City of Lancaster's consent to sell said property to the highest qualified purchaser, by either public or private sale.

The sale of said properties will bring them back onto the City of Lancaster's tax roll, increasing the tax base and often recouping portions of delinquent taxes due as a result of judgments.

### **Considerations**

- **Operational** - As trustee for the City of Lancaster, Dallas County will coordinate the public or private sale of the tax foreclosed properties.

- **Legal** – Dallas County handles all legal matters associated with the public or private sale process. The resolution authorizing the resell has been reviewed and approved as to form by the City Attorney.
- **Financial** – The judgment at the time of strike off was as follows:
  - 534 E. 4<sup>th</sup> Street; \$15,090.00
  - 618 Kiowa Circle; \$16,000
  - 607 W. 8<sup>th</sup> Street; \$35,485.70
  - 617 Pierson Street; \$64,490
  - 3210 Baskin Drive; \$15,000
  - 4192 Portwood Drive; \$8,000
  - 1102 Balkan Lane; \$20,000

The City may recoup some of its back taxes, and the properties will be placed back on the tax rolls and we will begin to receive tax revenue. At this time, the City is receiving no tax revenue from these parcels. The City of Lancaster retains responsibility for the maintenance of all struck off properties until sold.

- **Public Information** – Dallas County is responsible for all applicable legal notices required under the Texas Property Code for the public sale of tax foreclosed properties.

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

### **Options/Alternatives**

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

### **Recommendation**

Staff recommends approval of the resolution as presented.

### **Attachments**

- Resolution
- Tax Foreclosed Property Map

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### **Submitted by:**

Fabrice Kabona, Assistant to the City Manager

**RESOLUTION NO. 2015-06-44**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, AUTHORIZING DALLAS COUNTY TO RESELL TAX FORECLOSED PROPERTIES BY PUBLIC OR PRIVATE SALE, TO THE HIGHEST QUALIFIED PURCHASER, AS PROVIDED BY SECTION 34.05 OF THE TEXAS PROPERTY TAX CODE.**

**WHEREAS**, this matter was briefed to the Lancaster City Council ("City Council") on June 22, 2015 wherein the City Council agreed to use this form of Resolution to provide the County of Dallas consent to sell specific properties to the highest qualified purchaser by public or private sale; and

**WHEREAS**, several parcels of land were offered for sale by the Sheriff of Dallas County, Texas, at public auction pursuant to a judgment of the District Court of Dallas County, Texas, for foreclosure of the tax liens securing payment of delinquent property taxes, accrued penalty and interest, and court costs; and

**WHEREAS**, those parcels of land which did not receive a sufficient bid as set by law were struck off to the County of Dallas, the City of Lancaster and Lancaster Independent School District (Taxing Authorities) pursuant to Section 34.01(j) of the Property Tax Code; and

**WHEREAS**, by this resolution, the County of Dallas, as Trustee for itself and the other Taxing Authorities is authorized to resell these struck off parcels of land, which did not receive a sufficient bid as set by law and to execute quitclaim deeds for said parcels conveying the right, title, and interest acquired or held by the City of Lancaster as a party to the judgment foreclosing tax liens, and

**WHEREAS**, the City of Lancaster desires to resell said parcel(s) in an expeditious manner pursuant to Section 34.05 of the Property Tax Code.

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

**SECTION 1.** The City does hereby provide specific authorization to the County of Dallas to act as Trustee to offer for sale by public or private sale the parcels of land shown in Exhibit "A," attached hereto and made a part hereof and the Lancaster City Council does hereby consent to the sale of said parcels to the highest purchaser, even if the amount tendered is less than the market value of the land specified in the judgment of foreclosure or the total amount of the judgment against the property in compliance with Section 34.05(i) of the Texas Property Tax Code, or for an amount equal to or greater than its current market value as shown by the most recent certified appraisal role, if the sum of the amount of the judgment plus post-judgment taxes, penalties, and interest owing against the property exceeds the market value in compliance with Section 34.05(j) of the Texas Property Tax Code, and each taxing unit entitled to receive proceeds of the sale consents to the sale for that amount.

**SECTION 2.** This Resolution shall take effect immediately from and after its passage in accordance with the provisions of the law.

**DULY PASSED** and approved by the City Council of the City of Lancaster, Texas, on this the 22nd day of June 2015.

**ATTEST:**

**APPROVED:**

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

\_\_\_\_\_  
Marcus E. Knight, Mayor



**APPROVED AS TO FORM:**

\_\_\_\_\_  
Robert E. Hager, City Attorney

# City of Lancaster Tax Foreclosed Property Struck Off to Dallas County June 22, 2015

ID	Address	DCAD Account #	Total Value	Floodplain	Zoning	Acres
1	617 PIERSON ST	36025500020220000	\$ 64,490	YES	SF-6	4.0760
2	534 E FOURTH ST	36000500310020000	\$ 15,090	NO	LI	0.2039
3	4192 PORTWOOD DR	36045500010080100	\$ 8,000	YES	SF-5	0.3485
4	3210 BASKIN DR	60247500080110000	\$ 15,000	NO	SF-5	0.4378
5	607 W EIGHTH ST	36078500000090000	\$ 13,000	NO	SF-5	0.4032
6	618 KIOWA CIR	36041500050090000	\$ 16,000	NO	SF-5	0.2027
7	1102 BALKIN LN	36073500040040000	\$ 20,000	NO	SF-5	0.4446

## Legend

-  City Limits
-  Foreclosed Property



0 0.375 0.75 1.5

# LANCASTER CITY COUNCIL

## Agenda Communication

June 22, 2015

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**Consider an ordinance granting a franchise for the collection and removal of commercial solid waste to Champion Waste Services.**

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**This request supports the City Council 2014-2015 Policy Agenda.**

**Goal 1: Financially sound, city government.**

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### **Background**

Article 13.1400 of the Lancaster Code of Ordinances requires all commercial solid waste operators to obtain a franchise agreement in order to collect, haul, or transport solid waste or industrial waste from commercial properties within the City of Lancaster. It is unlawful for any commercial solid waste operator to operate within the City of Lancaster without such a franchise. Champion Waste Services, LLC desires to do business in the City of Lancaster.

### **Considerations**

- **Operational** – Champion Waste Services, LLC provides hauling of commercial solid, industrial waste, and recycling. This franchise will allow them to do business in the City of Lancaster for a period of five years, unless the franchise is cancelled. In addition, Champion Waste Services, LLC agrees to carry certain insurance policies for worker's compensation, automobile and public liability in which the City shall be named as additional insured.
- **Legal** – The City Attorney has reviewed and approved as to form the attached franchise agreement.
- **Financial** – A street use fee of ten percent (10%) of the gross revenue collected from customers within the City limits by Champion Waste Services, LLC will be collected on a monthly basis.
- **Public Information** – This item is being considered at a regular meeting of the City Council noticed in accordance with the Texas Open Meetings Act.

### **Options/Alternatives**

1. City Council may grant the franchise agreement as presented.
2. City Council may deny the franchise agreement.

**Recommendation**

Staff recommends approval of the franchise agreement with Champion Waste Services, LLC.

**Attachments**

- Ordinance
  - Franchise Application from Champion Waste Services, LLC
- 

**Submitted by:**

Fabrice Kabona, Assistant to the City Manager



**ORDINANCE NO. 2015-06-03**

**AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, GRANTING TO CHAMPION WASTE SERVICES, LLC, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE, AND FRANCHISE FOR THE TERM OF FIVE (5) YEARS TO USE THE PUBLIC STREETS, HIGHWAYS, OR THOROUGHFARES WITHIN THE CITY FOR THE PURPOSE OF ENGAGING IN THE BUSINESS OF COLLECTING AND TRANSPORTING SOLID WASTE AND RECYCLABLE MATERIALS FROM COMMERCIAL AND INDUSTRIAL PREMISES AND DEVELOPMENT PROJECTS WITHIN THE CITY; PROVIDING A STREET USE FEE; PROVIDING INSURANCE REQUIREMENTS; PROVIDING FOR CANCELLATION UPON THIRTY (30) DAY WRITTEN NOTICE; PROVIDING FOR DELAYS; PROVIDING FOR NOTICES; PROVIDING FOR ASSIGNMENT BY WRITTEN APPROVAL OF THE CITY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Champion Waste Services, LLC (hereinafter "Company") desires to provide for the collection, removal and disposal of solid waste (recyclable materials) generated by businesses in the City; and

**WHEREAS**, Champion Waste Services, LLC has made application to the City requesting a franchise be granted permitting Company the use of public streets, highways, and thoroughfares within the City of Lancaster for the purposes of performing such services; and

**WHEREAS**, the City Council desires to grant to Company the right, privilege, and franchise for the term of five years to use the public streets, highways, and/or thoroughfares with the City for the purpose of engaging ;

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

**SECTION 1.** That the City Council hereby grants to Champion Waste Services, LLC, its successors and assigns, the right, privilege and franchise for the term of five (5) years to use the public streets, highways and/or thoroughfares within the City for the purpose of engaging in the business of collecting and transporting solid waste and recyclable materials from commercial and industrial premises and development projects within the City. This Franchise shall include and incorporate by reference the contents of Article 13.1400 of the City's Code of Ordinances regulating solid waste removal.

**SECTION 2.** That Company shall remit on the 15<sup>th</sup> day of each month a street use fee of ten (10%) percent of the gross revenue collected from customers within the

City limits of Lancaster. City reserves the right to audit Company's records at any time with seven (7) days prior notice.

**SECTION 3.** That Company shall assume the risk of loss or injury to property or persons arising from any of its operations under this franchise and agrees to indemnify and hold harmless City from all claims, demands, suits, judgments, costs or expenses, including expenses of litigation and attorney's fees arising from any such loss or injury. Company agrees to carry insurance during the entire term of this franchise as follows:

- (a) Worker's compensation insurance covering all employees of such franchisee engaged in any operation covered by this ordinance.
- (b) Automobile and public liability insurance in amounts not less than those established as maximum recovery limits under the TEXAS CIVIL PRACTICE & REMEDIES CODE, or in accordance with any contract with the City, whichever is higher.

Such policies of insurance shall be issued by companies authorized to conduct business in the State of Texas, and shall name the City as an additional insured. Certificates evidencing such insurance contracts shall be deposited with the City. The policy limits provided herein shall change in accordance with the provisions for maximum liability under the TEXAS CIVIL PRACTICE & REMEDIES CODE and the laws of the State of Texas relating to worker's compensation insurance.

**SECTION 4.** That this franchise may be cancelled by either party, with or without cause, at any time, upon thirty (30) days notice in writing, delivered by registered mail or in person. All written notices described herein shall be sent certified mail, postage prepaid, and addressed as follows:

If to the City:

City of Lancaster  
ATTN: City Manager  
P. O. Box 940  
Lancaster, Texas 75146-0946

If to the Company:

Champion Waste Services, LLC  
ATTN: Michelle Kuhar  
P.O. Box 565808  
Dallas, TX 75247

**SECTION 5.** That in the event that either party is delayed or hindered in or prevented from the performance of any required act by reason of strikes, lockouts, labor troubles, inability to procure materials, failure of power, restrictive governmental laws or regulations, riots, insurrections, war or other reason of a similar nature not the fault of the party delayed in performing work or doing acts required under this ordinance, then performance of that act shall be excused for the period of the delay and the period for the performance of that act shall be extended for an equivalent period.

**SECTION 6.** That no assignment of this franchise shall be valid or binding unless the assignment is in writing approved by the City of Lancaster.

**SECTION 7.** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect 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, and shall not affect the validity of the Code of Ordinances as a whole.

**SECTION 8.** This Ordinance shall take effect immediately from and after its passage, as the law and charter in such cases provide.

**DULY PASSED** by the City Council of the City of Lancaster, Texas, on the 22<sup>nd</sup> day of June, 2015.

**ATTEST:**

**APPROVED:**

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

\_\_\_\_\_  
Marcus E. Knight, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Robert E. Hager, City Attorney



CITY OF LANCASTER  
**SOLID WASTE HAULERS**  
Franchise Application



Solid waste franchise fee is 10% of the gross revenue collected from customers within the City limits of Lancaster. The payment is made monthly on the fifteenth of each month. The payment must be accompanied with the City's monthly report form.

This permit allows a company to use the public streets, highways, or thoroughfares within the City of Lancaster for the purpose of engaging in the business of collecting and transporting solid waste and recyclable materials from commercial and industrial premises and development projects within the City.

Please complete the following information and return to the Assistant to The City Manager, 211 N. Henry St., Lancaster, Texas, 75146. This franchise, if approved by City Council, shall expire in May 2020.

Business Name: CHAMPION WASTE SERVICES, LLC

Owner's (President, CEO, etc.) Name: MICHELLE KUJAR

Title: PRESIDENT

Representative's Name: JODY MCCORD

Title: CONTROLLER

Location Address: (City) 2400 VINSON ST DALLAS (State) TX (Zip) 75212

Mailing Address: (City) PO BOX 565808 DALLAS (State) TX (Zip) 75247

Phone Number: 214-637-6500

Type of Business: WASTE HAULER

Is the business a: Corporation \_\_\_\_\_ Association \_\_\_\_\_ Partnership \_\_\_\_\_

Other (name the type) LLC

Authorized Signature: \_\_\_\_\_

Date: 5/26/2015

I MICHELLE KUHA, as PRESIDENT of CHAMPION WASTE  
(Owner's Name) (Title) (Company Name)  
understand and agree to the terms of this franchise. I assign JODY MCCORD  
(Name)  
as representative of CHAMPION WASTE in dealing with the requirements  
(Company Name)  
of this permit.

Michelle Kuha, President

State of Texas  
County of DALLAS

Before me, a notary public, on this day personally appeared MICHELLE KUHA,  
known to me to be the person whose name is subscribed to the foregoing document and,  
being by me first duly sworn, declared that the statements therein are true and correct.  
Given under my hand and seal of office this 21<sup>ST</sup> day of MAY, 2015.

Jody McCord  
Notary Public Signature



# LANCASTER CITY COUNCIL

## Agenda Communication

June 22, 2015

---

**Consider an ordinance granting a franchise for the collection and removal of commercial solid waste to Dallas Waste Disposal & Recycling, Inc.**

---

**This request supports the City Council 2014-2015 Policy Agenda.**

**Goal 1: Financially sound, city government.**

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### **Background**

Article 13.1400 of the Lancaster Code of Ordinances requires all commercial solid waste operators to obtain a franchise agreement in order to collect, haul, or transport solid waste or industrial waste from commercial properties within the City of Lancaster. It is unlawful for any commercial solid waste operator to operate within the City of Lancaster without such a franchise. Dallas Waste Disposal & Recycling, Inc. desires to do business in the City of Lancaster.

### **Considerations**

- **Operational** – Dallas Waste Disposal & Recycling, Inc. provides hauling of commercial solid, industrial waste, and recycling. This franchise will allow them to do business in the City of Lancaster for a period of five years, unless the franchise is cancelled. In addition, Dallas Waste Disposal & Recycling, Inc. agrees to carry certain insurance policies for worker's compensation, automobile and public liability in which the City shall be named as additional insured.
- **Legal** – The City Attorney has reviewed and approved as to form the attached franchise agreement.
- **Financial** – A street use fee of ten percent (10%) of the gross revenue collected from customers within the City limits by Dallas Waste Disposal & Recycling, Inc. will be collected on a monthly basis.
- **Public Information** – This item is being considered at a regular meeting of the City Council noticed in accordance with the Texas Open Meetings Act.

### **Options/Alternatives**

1. City Council may grant the franchise agreement as presented.
2. City Council may deny the franchise agreement.

**Recommendation**

Staff recommends approval of the franchise agreement with Dallas Waste Disposal & Recycling, Inc.

**Attachments**

- Ordinance
  - Franchise Application from Dallas Waste Disposal & Recycling, Inc.
- 

**Submitted by:**

Fabrice Kabona, Assistant to the City Manager

**ORDINANCE NO. 2015-06-04**

**AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, GRANTING TO DALLAS WASTE DISPOSAL & RECYCLING, INC., ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE, AND FRANCHISE FOR THE TERM OF FIVE (5) YEARS TO USE THE PUBLIC STREETS, HIGHWAYS, OR THOROUGHFARES WITHIN THE CITY FOR THE PURPOSE OF ENGAGING IN THE BUSINESS OF COLLECTING AND TRANSPORTING SOLID WASTE AND RECYCLABLE MATERIALS FROM COMMERCIAL AND INDUSTRIAL PREMISES AND DEVELOPMENT PROJECTS WITHIN THE CITY; PROVIDING A STREET USE FEE; PROVIDING INSURANCE REQUIREMENTS; PROVIDING FOR CANCELLATION UPON THIRTY (30) DAY WRITTEN NOTICE; PROVIDING FOR DELAYS; PROVIDING FOR NOTICES; PROVIDING FOR ASSIGNMENT BY WRITTEN APPROVAL OF THE CITY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Dallas Waste Disposal & Recycling, Inc. (hereinafter "Company") desires to provide for the collection, removal and disposal of solid waste (recyclable materials) generated by businesses in the City; and

**WHEREAS**, Company has made application to the City requesting a franchise be granted permitting Company the use of public streets, highways, and thoroughfares within the City of Lancaster for the purposes of performing such services; and

**WHEREAS**, the City Council desires to grant to Company the right, privilege, and franchise for the term of five years to use the public streets, highways, and/or thoroughfares with the City for the purpose of engaging ;

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

**SECTION 1.** That the City Council hereby grants to Dallas Waste Disposal & Recycling, Inc., its successors and assigns, the right, privilege and franchise for the term of five (5) years to use the public streets, highways and/or thoroughfares within the City for the purpose of engaging in the business of collecting and transporting solid waste and recyclable materials from commercial and industrial premises and development projects within the City. This Franchise shall include and incorporate by reference the contents of Article 13.1400 of the City's Code of Ordinances regulating solid waste removal.

**SECTION 2.** That Company shall remit on the 15<sup>th</sup> day of each month a street use fee of ten (10%) percent of the gross revenue collected from customers within the



City limits of Lancaster. City reserves the right to audit Company's records at any time with seven (7) days prior notice.

**SECTION 3.** That Company shall assume the risk of loss or injury to property or persons arising from any of its operations under this franchise and agrees to indemnify and hold harmless City from all claims, demands, suits, judgments, costs or expenses, including expenses of litigation and attorney's fees arising from any such loss or injury. Company agrees to carry insurance during the entire term of this franchise as follows:

- (a) Worker's compensation insurance covering all employees of such franchisee engaged in any operation covered by this ordinance.
- (b) Automobile and public liability insurance in amounts not less than those established as maximum recovery limits under the TEXAS CIVIL PRACTICE & REMEDIES CODE, or in accordance with any contract with the City, whichever is higher.

Such policies of insurance shall be issued by companies authorized to conduct business in the State of Texas, and shall name the City as an additional insured. Certificates evidencing such insurance contracts shall be deposited with the City. The policy limits provided herein shall change in accordance with the provisions for maximum liability under the TEXAS CIVIL PRACTICE & REMEDIES CODE and the laws of the State of Texas relating to worker's compensation insurance.

**SECTION 4.** That this franchise may be cancelled by either party, with or without cause, at any time, upon thirty (30) days notice in writing, delivered by registered mail or in person. All written notices described herein shall be sent certified mail, postage prepaid, and addressed as follows:

If to the City:

City of Lancaster  
ATTN: City Manager  
P. O. Box 940  
Lancaster, Texas 75146-0946

If to the Company:

Dallas Waste Disposal & Recycling, Inc.  
ATTN: Richard Szarkowski  
3303 Pluto St.  
Dallas, TX 75212

**SECTION 5.** That in the event that either party is delayed or hindered in or prevented from the performance of any required act by reason of strikes, lockouts, labor troubles, inability to procure materials, failure of power, restrictive governmental laws or regulations, riots, insurrections, war or other reason of a similar nature not the fault of the party delayed in performing work or doing acts required under this ordinance, then performance of that act shall be excused for the period of the delay and the period for the performance of that act shall be extended for an equivalent period.

**SECTION 6.** That no assignment of this franchise shall be valid or binding unless the assignment is in writing approved by the City of Lancaster.

**SECTION 7.** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect 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, and shall not affect the validity of the Code of Ordinances as a whole.

**SECTION 8.** This Ordinance shall take effect immediately from and after its passage, as the law and charter in such cases provide.

**DULY PASSED** by the City Council of the City of Lancaster, Texas, on the 22<sup>nd</sup> day of June, 2015.

**ATTEST:**

**APPROVED:**

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

\_\_\_\_\_  
Marcus E. Knight, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Robert E. Hager, City Attorney



I Richard Starkowski, as PRESIDENT of DALLAS WASTE DISPOSAL  
(Owner's Name) (Title) (Company Name) \*RECYCLING INC.  
understand and agree to the terms of this franchise. I assign Jill McCagg  
(Name)  
as representative of DALLAS WASTE DISPOSAL in dealing with the requirements  
(Company Name) RECYCLING INC.  
of this permit.

State of Texas  
County of DALLAS

Before me, a notary public, on this day personally appeared Richard Starkowski,  
known to me to be the person whose name is subscribed to the foregoing document and,  
being by me first duly sworn, declared that the statements therein are true and correct.  
Given under my hand and seal of office this 14 day of MAY, 2015

Jill McCagg  
Notary Public Signature



# LANCASTER CITY COUNCIL

## Agenda Communication

June 22, 2015

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**Consider a resolution authorizing the City Manager to lease on behalf of the city of Lancaster for T-hangar and T-spot non-commercial leases at the Lancaster Regional Airport from July 1, 2015 to June 30, 2016.**

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**This request supports the City Council 2014-2015 Policy Agenda.**

**Goal: Sound Infrastructure**

---

### **Background**

The City owns and leases five rows of T-hangars (buildings 660-700) of three different sizes based off aircraft wingspan and 72 T-Spots on the ramp for outdoor parking. There are 92 units that the City rents for aircraft storage. The City T-hangars are near full occupancy most of the time. The City utilizes a standard lease reviewed and approved by the City Attorney. From the time a prospective tenant completes a lease application, and due to timing of Council meetings, the process can take up to 3 weeks before the tenant can occupy the space.

Only the City Council can execute a lease. Authorizing the City Manager to execute the airport leases with an annual resolution, will provide faster customer service and provide a maximum 48 hours wait time for the customer. This decreased processing time will provide much higher customer satisfaction, and help to make Lancaster Regional Airport more competitive.

### **Considerations**

- **Operational** - The City T-hangar and T-Spot non-commercial leases are used for private aircraft owners.
- **Legal** - The authorizing resolution was prepared and approved as to form by the City Attorney.
- **Financial** - Lease rates vary based on size of the hangar. All rates are reviewed and approved annually in the City's Master Fee Schedule.
- **Public Information** - This item is being considered at a meeting of the City Council noticed in accordance with the Texas Open Meeting Act.

**Options/Alternatives**

1. Council may approve the resolution as presented.
2. Council may reject the resolution.

**Recommendation**

Staff recommends approval of the resolution.

**Attachments**

- Resolution
- 

**Submitted by:**

Mark Divita, Airport Manager

**RESOLUTION NO. 2015-06-45**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, AUTHORIZING THE CITY MANAGER TO LEASE ON BEHALF OF THE CITY OF LANCASTER FOR T-HANGAR AND T-SPOT NON-COMMERCIAL LEASES AT THE LANCASTER REGIONAL AIRPORT FROM JULY 1, 2015 TO JUNE 30, 2016.**

**WHEREAS**, Lancaster Regional Airport has aircraft T-hangars and T-spots available for lease; and

**WHEREAS**, the City Council of Lancaster, Texas, desires to pre-authorize the City Manager to sign City T-hangar and T-spot leases on a form approved by the City Attorney; and

**WHEREAS**, the delegation to the City Manager will assist in expediting an efficient airport operation;

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

**SECTION 1.** That the City Manager is hereby authorized to utilize and execute the T-hangar and T-spot lease agreements on behalf of the City of Lancaster, Texas for Lessees at the Lancaster Regional Airport, for the period of time from July 1, 2015 to June 30, 2016.

**SECTION 2.** This Resolution shall become effective immediately from and after its passage, as the law and charter in such cases provide and shall expire on June 30, 2016, unless extended by the City Council.

**DULY PASSED** and approved by the City Council of the City of Lancaster, Texas, on this the 22<sup>nd</sup> day of June 2015.

**ATTEST:**

**APPROVED:**

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

\_\_\_\_\_  
Marcus E. Knight, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Robert E. Hager, City Attorney

# LANCASTER CITY COUNCIL

## Agenda Communication

June 22, 2015

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**Discuss and consider an ordinance amending the Code of Ordinances by amending Chapter 12, Article 12.200, “Speed Limits, generally” by decreasing the maximum prima facie speed limits on that certain portion of Pleasant Run Road, from Lancaster-Hutchins Road to the easternmost city limits from 50 miles per hour to 40 miles per hour.**

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This request supports the City Council 2014-2015 Policy Agenda.

**Goal: Sound Infrastructure**

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### **Background**

At the request of Dallas County, a speed survey was conducted by MH Corbin Traffic Analyzer to determine if the speed limit on Pleasant Run Road between Lancaster-Hutchins Road and the easternmost city limits should be decreased. The current speed is 50 miles per hour. After the speed survey was conducted it is the recommendation based upon the average safe running speed through trial runs, supported by the results from the 85<sup>th</sup> percentile data from the traffic counters, and considering the roadway design, the speed limit should be decreased to 40 miles per hour as designed.

Dallas County is proposing to reconstruct the existing Pleasant Run Road, from Lancaster-Hutchins Road to the easternmost City limits, from a two-lane undivided roadway to a 4-lane divided roadway with provisions to expand the typical section to 6-lanes in the future. The existing speed limit varies from 50 MPH to 45 MPH within this section. The proposed roadway will tie into the section of existing roadway posted at 40 MPH in the City of Wilmer.

### **Considerations**

- **Operational** – Amending this ordinance would ensure consistent design throughout the entire proposed roadway segment and would follow the recommendations resulting from the speed study that was conducted.
- **Legal** – The City Attorney has reviewed and approved the resolution as to form.
- **Financial** – The City will be responsible for making the changes to signage in this area which is a minimal expense.



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

### **Options/Alternatives**

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

### **Recommendation**

Staff recommends approval of the resolution amending the speed limit as indicated above.

### **Attachments**

- Ordinance
- Dallas County request letter
- Existing Speed Limit Map
- Speed Study Summary

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### **Submitted by:**

Rona Stringfellow, Assistant City Manager

**ORDINANCE NO. 2015-06-05**

**AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, AMENDING THE LANCASTER CODE OF ORDINANCES OF THE CITY OF LANCASTER, TEXAS, CHAPTER 12, ARTICLE 12.200, SPEED REGULATIONS, SECTION 12.203 BY DECREASING THE MAXIMUM PRIMA FACIE SPEED LIMITS ON THAT CERTAIN PORTION OF PLEASANT RUN ROAD AS DESCRIBED HEREIN FROM 50 MPH TO 40 MPH; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ERECT THE APPROPRIATE SIGNAGE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Article 12.200 provides for the regulation of speed limits on streets and roadways within the City; and,

**WHEREAS**, Dallas County has requested a speed limit change along Pleasant Run Road from Lancaster-Hutchins Road to Miller Ferry Road as part of the design and future improvements of the roadway section; and,

**WHEREAS**, the City has caused a speed limit study to be conducted of Pleasant Run Road from its point of intersection with Lancaster-Hutchins Road to its point of intersection to the eastern city limits decreased to 40 miles per hour; and

**WHEREAS**, the City has determined that Chapter 12, Article 12.200 should be amended by amending Section 12.203 by increasing the maximum prima facie speed limit on Pleasant Run Road, as described herein, from 50 miles per hour to 40 miles per hour.

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

**SECTION 1.** That Chapter 12 of the Lancaster Code of Ordinances be, and the same is, hereby amended by amending Article 12.200, Section 12.203 by decreasing the maximum prima facie speed limit on a portion of Pleasant Run Road as described herein, which shall read as follows:

**“ARTICLE 12.200 SPEED REGULATIONS**

.....

**Sec. 12.203     Streets Other Than Expressways and Freeways**

.....

<i>Street</i>	<i>Extent</i>	<i>Speed (mph)</i>
.....	.....	.....
Pleasant Run Road	From its point of intersection with Lancaster- Hutchins Road to its point of intersection with the eastern city limits.	40
.....	.....	.....”

**SECTION 2.** That the City Manager or designee is hereby directed to erect or cause to be erected appropriate signage giving notice of the speed limits and parking regulations established herein and such provision shall not be effective unless such signs or markings are in place at the time of an alleged offense.

**SECTION 3.** That all provisions of the Ordinances of the City of Lancaster, Texas, in conflict with the provisions of this ordinance be, and the same are hereby amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 4.** If any article, paragraph, or subdivision, clause, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, 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 or unconstitutional.

**SECTION 5.** This Ordinance shall take effect immediately from and after the publication of its caption, as the law in such cases provides.

**DULY PASSED** by the City Council of the City of Lancaster, Texas, on the 22<sup>nd</sup> day of June 2015.

**ATTEST:**

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

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Robert E. Hager, City Attorney

**APPROVED:**

\_\_\_\_\_  
Marcus E. Knight, Mayor



Dallas County  
Public Works

September 3, 2014

Dipak Patel  
Project Manager  
City of Lancaster, Texas  
972-218-1243

**Re:** Speed Limit Change along Pleasant Run Road from Lancaster-Hutchins Road to Miller Ferry Road

Dear Mr. Patel:

Dallas County Public Works has retained AECOM Technical Services, Inc. to perform preliminary engineering services for the improvements along Pleasant Run Road from Lancaster-Hutchins Road to Miller Ferry Road. The project includes improving the roadway section, drainage, water, and sanitary sewer. The project will include widening the roadway from an existing two-lane road to a multi-lane arterial concrete roadway with enclosed drainage.

Discussions have been held in project meetings with the City of Wilmer and the City of Lancaster regarding the existing posted speed limit along Pleasant Run Road varying from 40 mph to 50 mph. Attached is a map of the varying speed limits along Pleasant Run Road. The recently built sections of Pleasant Run Road west of Lancaster-Hutchins Road and the Miller Ferry overpass currently have posted speed limits of 40 mph. In addition, the proposed roadway section will be categorized as a **Major Thoroughfare Type A** along Pleasant Run Road between Lancaster-Hutchins Road to Miller Ferry Road and accommodate significant trucks and semi-trailer truck traffic. **Therefore it is recommended that the proposed improvements be design for a speed of 45 mph with a posted speed of 40 mph.**

If you have any questions or concerns, please give me a call.

Regards,

P. Ray Banks, P.E.  
Dallas County Public Works  
411 Elm Street, 4<sup>th</sup> Floor  
Dallas, TX 75202  
(Office) 214-653-6423





Enclosed: Pleasant Run Roadway Improvements Project – Existing Speed Limits

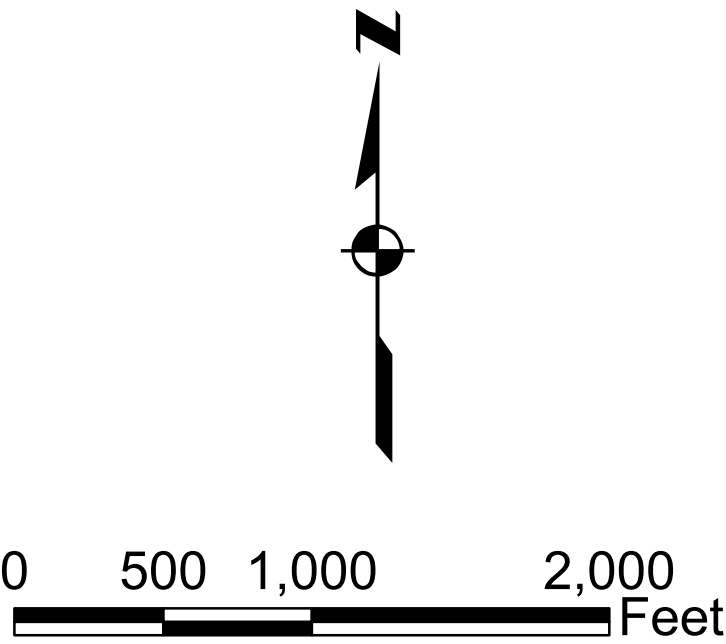




Source: Esri, DigitalGlobe, GeoEye, AeroMap, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

**Legend**

-  Road Improvements
-  City Limits
-  **XX-INCH** Proposed Water Diameter
-  **XX-INCH** Existing Water Diameter



**Pleasant Run Roadway  
Improvements Project**

**Existing Speed Limits**



AECOM TECHNICAL SERVICES, INC  
16000 DALLAS PARKWAY, SUITE 350  
DALLAS, TEXAS 75248  
WWW.AECOM.COM  
TBPE REG. NO. F-3580



**MH Corbin Traffic Analyzer Study**  
**Computer Generated Summary Report**  
**City: Lancaster**  
**Street: E. PL. run between cornell L.H.**

A study of vehicle traffic was conducted with the device having serial number 006362. The study was done in the east lane at E. PL. run between cornell L.H. in Lancaster, tx in d county. The study began on 12/03/2015 at 09:00 AM and concluded on 16/03/2015 at 09:00 AM, lasting a total of 96.00 hours. Traffic statistics were recorded in 30 minute time periods. The total recorded volume showed 4300 vehicles passed through the location with a peak volume of 71 on 13/03/2015 at [18:00-18:30] and a minimum volume of 0 on 14/03/2015 at [02:00-02:30]. The AADT count for this study was 1,075.

### **SPEED**

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 40 - > MPH range or lower. The average speed for all classified vehicles was 38 MPH with 61.83% vehicles exceeding the posted speed of 45 MPH. 61.83% percent of the total vehicles were traveling in excess of 55 MPH. The mode speed for this traffic study was 40MPH and the 85th percentile was greater than 40.00 MPH.

< to 9	10 to 14	15 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to >												
0	33	58	102	107	322	947	2542												

CHART 1

### **CLASSIFICATION**

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin. Most of the vehicles classified during the study were Passenger Vehicles. The number of Passenger Vehicles in the study was 3569 which represents 87 percent of the total classified vehicles. The number of Vans & Pickups in the study was 542 which represents 13 percent of the total classified vehicles. The number of Busses & Trucks in the study was 0 which represents 0 percent of the total classified vehicles. The number of Tractor Trailers in the study was 0 which represents 0 percent of the total classified vehicles.

< to 17	18 to 20	21 to 23	24 to >																
3569	318	92	132																

CHART 2

### **HEADWAY**

During the peak traffic period, on 13/03/2015 at [18:00-18:30] the average headway between vehicles was 25 seconds. During the slowest traffic period, on 14/03/2015 at [02:00-02:30] the average headway between vehicles was 1800 seconds.

### **WEATHER**

The roadway surface temperature over the period of the study varied between 54.00 and 82.00 degrees F. The roadway surface was Dry 100.00% of the time.

**MH Corbin Traffic Analyzer Study  
Computer Generated Summary Report  
City: Lancaster  
Street: E. PL. run between cornell L.H.**

A study of vehicle traffic was conducted with the device having serial number 006370. The study was done in the east lane at E. PL. run between cornell L.H. in Lancaster, TX in d county. The study began on 17/03/2015 at 09:00 AM and concluded on 20/03/2015 at 09:00 AM, lasting a total of 72.00 hours. Traffic statistics were recorded in 30 minute time periods. The total recorded volume showed 3957 vehicles passed through the location with a peak volume of 65 on 18/03/2015 at [16:00-16:30] and a minimum volume of 0 on 19/03/2015 at [00:00-00:30]. The AADT count for this study was 1,319.

### **SPEED**

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 40 - > MPH range or lower. The average speed for all classified vehicles was 37 MPH with 54.29% vehicles exceeding the posted speed of 40 MPH. 54.29% percent of the total vehicles were traveling in excess of 55 MPH. The mode speed for this traffic study was 40MPH and the 85th percentile was greater than 40.00 MPH.

< to 9	10 to 14	15 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to >										
0	14	31	105	212	393	986	2068										

CHART 1

### **CLASSIFICATION**

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin. Most of the vehicles classified during the study were Passenger Vehicles. The number of Passenger Vehicles in the study was 3222 which represents 85 percent of the total classified vehicles. The number of Vans & Pickups in the study was 587 which represents 15 percent of the total classified vehicles. The number of Busses & Trucks in the study was 0 which represents 0 percent of the total classified vehicles. The number of Tractor Trailers in the study was 0 which represents 0 percent of the total classified vehicles.

< to 17	18 to 20	21 to 23	24 to >														
3222	292	114	181														

CHART 2

### **HEADWAY**

During the peak traffic period, on 18/03/2015 at [16:00-16:30] the average headway between vehicles was 27.273 seconds. During the slowest traffic period, on 19/03/2015 at [00:00-00:30] the average headway between vehicles was 1800 seconds.

### **WEATHER**

The roadway surface temperature over the period of the study varied between 63.00 and 108.00 degrees F. The roadway surface was Dry 100.00% of the time.



**MH Corbin Traffic Analyzer Study  
Computer Generated Summary Report  
City: Lancaster  
Street: E. PL. run between Cornell L.H.**

A study of vehicle traffic was conducted with the device having serial number 006370. The study was done in the **west lane at E. PL. run between Cornell L.H. in Lancaster, TX in D County**. The study began on **12/03/2015 at 09:00 AM and concluded on 16/03/2015 at 09:00 AM**, lasting a total of 96.00 hours. Traffic statistics were recorded in 30 minute time periods. The total recorded volume showed 4535 vehicles passed through the location with a peak volume of 60 on 12/03/2015 at [16:00-16:30] and a minimum volume of 0 on 15/03/2015 at [04:00-04:30]. The AADT count for this study was 1,134.

### **SPEED**

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 40 - > MPH range or lower. The average speed for all classified vehicles was 38 MPH with 60.31% vehicles exceeding the posted speed of 45 MPH. 60.31% percent of the total vehicles were traveling in excess of 55 MPH. The mode speed for this traffic study was 40MPH and the 85th percentile was greater than 40.00 MPH.

< to 9	10 to 14	15 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to >										
0	18	22	82	157	405	1059	2649										

CHART 1

### **CLASSIFICATION**

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin.

Most of the vehicles classified during the study were Passenger Vehicles. The number of Passenger Vehicles in the study was 3708 which represents 84 percent of the total classified vehicles. The number of Vans & Pickups in the study was 684 which represents 16 percent of the total classified vehicles. The number of Busses & Trucks in the study was 0 which represents 0 percent of the total classified vehicles. The number of Tractor Trailers in the study was 0 which represents 0 percent of the total classified vehicles.

< to 17	18 to 20	21 to 23	24 to >														
3708	382	144	158														

CHART 2

### **HEADWAY**

During the peak traffic period, on 12/03/2015 at [16:00-16:30] the average headway between vehicles was 29.508 seconds. During the slowest traffic period, on 15/03/2015 at [04:00-04:30] the average headway between vehicles was 1800 seconds.

### **WEATHER**

The roadway surface temperature over the period of the study varied between 54.00 and 84.00 degrees F. The roadway surface was Dry 100.00% of the time.

**MH Corbin Traffic Analyzer Study  
Computer Generated Summary Report  
City: Lancaster  
Street: E. PL. run between cornell L.H.**

A study of vehicle traffic was conducted with the device having serial number 006362. The study was done in the **west lane at E. PL. run between cornell L.H. in Lancaster, TX in d county.** The study began on **17/03/2015 at 09:00 AM** and concluded on **20/03/2015 at 09:00 AM**, lasting a total of 72.00 hours. Traffic statistics were recorded in 30 minute time periods. The total recorded volume showed 3613 vehicles passed through the location with a peak volume of 67 on 19/03/2015 at [17:30-18:00] and a minimum volume of 0 on 19/03/2015 at [02:30-03:00]. The AADT count for this study was 1,204.

### **SPEED**

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 40 - > MPH range or lower. The average speed for all classified vehicles was 37 MPH with 58.21% vehicles exceeding the posted speed of 40 MPH. 58.21% percent of the total vehicles were traveling in excess of 55 MPH. The mode speed for this traffic study was 40MPH and the 85th percentile was greater than 40.00 MPH.

< to 9	10 to 14	15 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to >										
0	17	75	126	96	315	819	2017										

CHART 1

### **CLASSIFICATION**

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin.

Most of the vehicles classified during the study were Passenger Vehicles. The number of Passenger Vehicles in the study was 2932 which represents 85 percent of the total classified vehicles. The number of Vans & Pickups in the study was 533 which represents 15 percent of the total classified vehicles. The number of Busses & Trucks in the study was 0 which represents 0 percent of the total classified vehicles. The number of Tractor Trailers in the study was 0 which represents 0 percent of the total classified vehicles.

< to 17	18 to 20	21 to 23	24 to >														
2932	263	96	174														

CHART 2

### **HEADWAY**

During the peak traffic period, on 19/03/2015 at [17:30-18:00] the average headway between vehicles was 26.471 seconds. During the slowest traffic period, on 19/03/2015 at [02:30-03:00] the average headway between vehicles was 1800 seconds.

### **WEATHER**

The roadway surface temperature over the period of the study varied between 63.00 and 97.00 degrees F. The roadway surface was Dry 100.00% of the time.

# LANCASTER CITY COUNCIL

## Agenda Communication

June 22, 2015

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**Consider and discuss a resolution to accept dedication of a slope and grading easement to the City of Lancaster PIHV South Pointe Industrial, LLC.**

---

**This request supports the City Council 2014-2015 Policy Agenda.**

**Goal: Sound Infrastructure**

---

### **Background**

At the June 8, 2015, regular meeting City Council tabled this item for an opportunity to obtain additional information related to the adjacent property and rights surrounding use of the City's rights-of-way.

PIHV South Pointe Industrial, LLC (grantee) is seeking to enter an agreement with the City of Lancaster to grade and provide a slope embankment within the right of way adjacent to their property.

### **Considerations**

The City of Lancaster desires to grant a non-exclusive slope and grading easement within the rights-of-way. This would allow the grantee to access their property in order to provide improvements as a result of the construction of two new industrial buildings.

- **Operational** – The easement will be granted for the purposes of constructing, reconstructing, operating, repairing, re-building, replacing, relocating, enlarging, altering, removing and perpetually maintaining the slope embankment facilities that will be located next to the property.
- **Legal** – The resolution has been reviewed and approved as to form by the City Attorney.
- **Financial** – There are no financial implications from this project.
- **Public Information** – This item is being considered at a meeting of the City Council noticed in accordance with the Texas Open Meetings Act.

**Options/Alternatives**

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

**Recommendation**

Staff recommends approval of the resolution as presented.

**Attachments**

- Resolution
  - Exhibit "1"
  - Danieldale subdivision plat
  - Water and Sewer Map
- 

**Submitted by:**

Rona Stringfellow, Assistant City Manager

**RESOLUTION NO. 2015-06-46**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, GRANTING A SLOPE AND GRADING EASEMENT FOR THE DEPICTED ON EXHIBIT "1" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE; REPEALING ALL RESOLUTIONS IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the PIHV South Pointe Industrial, LLC, a Delaware limited liability company ("Grantee"), desires to improve its property located within the City of Lancaster; and

**WHEREAS**, there is a desire of Grantee to grade and slope a public rights-of-way for streets commonly known as Brantley Drive, Eaton Avenue, and Patman Drive, ("Improvements") as depicted in Exhibit 1, attached hereto and incorporated herein; and

**WHEREAS**, the City Council desires to grant a non-exclusive perpetual Slope and Grading Easement ("Easement") over, along, across and under the following described property, as described and depicted in Exhibit 1, more commonly known herein as: Brantley Drive, Eaton Avenue, and Patman Drive.

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

**SECTION 1.** The City Council approves and grants a non-exclusive Slope and Grading Easement to PIHV South Pointe Industrial, LLC, a Delaware limited liability company ("Grantee") for access to the rights-of-way for streets commonly known as Brantley Drive, Eaton Avenue, and Patman Drive, which are described and depicted in Exhibit 1, which attached hereto and incorporated herein as if set forth in full; and, that upon completion, the Improvements shall, upon acceptance, become the property of the City.

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

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

**SECTION 4.** That the City Manager and/or Mayor may execute such agreement on behalf of the City of Lancaster, as provided by law. and

**SECTION 5.** This Resolution shall take effect immediately from and after its passage, and it is duly resolved.

**DULY PASSED** and approved by the City Council of the City of Lancaster, Texas, on this the 22nd day of June, 2015.

**ATTEST:**

**APPROVED:**

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

\_\_\_\_\_  
Marcus E. Knight, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Robert E. Hager, City Attorney

## EXHIBIT 1

AFTER RECORDING RETURN TO:  
City Secretary  
City of Lancaster, Texas  
211 N. Henry Street  
Lancaster, TX 75146

---

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER**

**SLOPE AND GRADING EASEMENT**

STATE OF TEXAS       §  
                                  §  
COUNTY OF DALLAS   §

**KNOW ALL MEN BY THESE PRESENTS:**

That the City of Lancaster, Texas, a home-rule municipality whose mailing address is 700 East Main Street, Lancaster, Texas 75146 ("Grantor"), for and in consideration of the sum of **TEN DOLLARS** and other good and valuable consideration in hand paid by the **PIHV SOUTH POINTE INDUSTRIAL, LLC**, a Delaware limited liability company ("Grantee"), whose mailing address is c/o The Pauls Corporation, 270 Saint Paul Street, Denver, CO 80206, Attn: Chris Manley, the receipt and sufficiency of which is hereby acknowledged, has **DEDICATED, GRANTED, SOLD AND CONVEYED**, and by these presents does **DEDICATE, GRANT, SELL AND CONVEY** unto Grantee a non-exclusive perpetual Slope and Grading Easement ("Easement") over, along, across and under the following described property, to wit:

See attached Exhibit A Legal Description – Slope and Grading Easement

("the Easement Property") and depicted on Exhibit B attached hereto, including the right of ingress, egress, and regress therein, to erect, construct, reconstruct, install, replace, repair, operate, use, inspect, modify, remove and perpetually maintain slope embankment facilities, (collectively the "Facilities"), together with all necessary appurtenances and incidental improvements thereto, over, across, in, upon, under and through the Easement Property, subject to the following conditions:

1. Grantee shall have the right of ingress and egress to the Easement Property from Grantor's adjacent lands for the purposes described above during the construction, maintenance or repair of the Facilities with vehicles, equipment and personnel as is reasonably necessary for the purpose of constructing, reconstructing, operating, repairing, re-building, replacing, relocating, enlarging, altering, removing and perpetually maintaining the Facilities, and all incidental improvements thereto. If Grantee is unable to access the Easement Property due to physical barriers or conditions, then the Grantee and its successors and assigns, shall have, and are hereby granted, the right of ingress and egress over that portion of the Grantor's adjacent property



within fifteen feet (15') of the Easement Property as is reasonably necessary to and for the limited purpose of accessing the Easement Property herein granted.

2. Grantor shall retain all rights to the Easement Property, provided that Grantor's exercise of such rights does not interfere with Grantee's rights under this Easement. Grantor agrees not to interfere with Grantee's ability to use or maintain the Facilities. Interference includes, but is not limited to, physically modifying the Easement Property. Grantor shall not place any improvement or take any action, permanent or temporary, which may cause damage or jeopardize the integrity of the Facilities and/or which will affect and/or interfere, in any way, the rights granted herein. Grantee may, due to the necessity of repair and maintenance of the Facilities, remove any and all improvements to the extent necessary to make repairs. Grantee will not be responsible for loss of improvements due to failure or maintenance of the Facilities.
3. Grantor grants Grantee the right to use as much of the surface of the property that is adjacent to the Easement Property ("Adjacent Property") as may be reasonably necessary to construct and maintain the Facilities within the Easement Property that are reasonably necessary for the Grantee's purpose. Grantee will at all times after doing any work in connection with the construction, operation or repair of the Facilities, restore the surface of the Easement Property as close to the condition in which it was found before such work was undertaken as is reasonably practicable, except for trees, shrubs and structures within the Easement Property that were removed as a result of such work. As part of the grant hereby made, it is agreed between the parties hereto that any stone, earth, gravel or caliche which may be excavated in the opening, construction or maintenance of said easement may be removed from said premises by Grantee.
4. The easement rights and privileges granted herein are non-exclusive, but Grantor covenants that Grantor will not convey any other easement or conflicting rights within the area covered by this grant which unreasonably interfere with Grantee's rights granted herein and provided all such other grants comply with all applicable local, state and federal laws, ordinances, rules, regulations and/or requirements, as they exist, may be amended or in the future arising.
5. Grantor covenants that at the time of execution of this Easement Grantor is the owner of the Easement Property, that Grantor has the right to convey the Easement interest in the Easement Property, and that title to the Easement Property is free and clear of any encumbrances which would interfere with the ability to grant the Easement.

TO HAVE AND TO HOLD the above described Easement Property for the purposes herein described unto Grantee, with the right of ingress, egress, and regress therein, together with all and singular the usual rights thereto in anywise belonging, unto Grantee, its successors and assigns, forever, and Grantor does hereby bind himself, his heirs, successors, and assigns, to warrant and forever defend, all and singular, the said premises unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by through or under Grantor, but not otherwise.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

**GRANTOR:**

\_\_\_\_\_

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

Its: \_\_\_\_\_

**GRANTOR'S ACKNOWLEDGMENT**

STATE OF TEXAS                   §

§

COUNTY OF DALLAS           §

§

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2015  
by \_\_\_\_\_  
\_\_\_\_\_, on behalf of said municipality.

\_\_\_\_\_  
Notary Public, State of Texas

My Commission expires: \_\_\_\_\_

**EXHIBIT "A"**  
**LEGAL DESCRIPTION – SLOPE AND GRADING EASEMENT**

**(SEE ATTACHED)**

# EXHIBIT A

## SLOPE AND GRADING EASEMENT 77,056 SQUARE FEET OR 1.769 ACRES IN THE DANIELDALE SUBDIVISION CITY OF LANCASTER, DALLAS COUNTY, TEXAS

BEING a 1.769 acre tract of land situated in the Silas B. Runyon Survey, Abstract Number 1199 in the City of Lancaster, Dallas County, Texas, being part of Danieldale Subdivision, an addition to the City of Lancaster, as recorded in Volume 35, Page 213, Deed Records Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

COMMENCING at a found concrete TxDot right-of-way monument in the south right-of-way of Interstate 20 (a variable width right-of-way), being the northwest corner of a tract of land described as Tract Two in Special Warranty Deed to PIHV SOUTH POINTE INDUSTRIAL, LLC, as recorded in Document Number 201400276100, Official Public Records Dallas County, Texas (O.P.R.D.C.T.);

THENCE South 01 degree 48 minutes 07 seconds East, along the westerly line of said Tract Two, distance of 188.45 feet to the POINT OF BEGINNING, said point also being in the east line of Patman Drive (an unimproved public right-of-way), as dedicated in said Danieldale Subdivision;

THENCE South 01 degree 48 minutes 07 seconds East, along the common east line of said Patman Drive, and a westerly line of said Tract Two, a distance of 345.04 feet to a 1/2 inch found iron rod for corner in the north line of Brantley Drive (an unimproved public right-of-way), as dedicated in said Danieldale Subdivision, said point also being the most northerly southwest corner of said Tract Two;

THENCE North 89 degrees 05 minutes 58 seconds East, departing said east line of Patman Drive, along the common north line of Brantley Drive and a southerly line of said Tract Two, a distance of 724.42 feet to a 1/2 inch found iron rod for corner, said point being in the common east line of Eaton Avenue (an unimproved public right-of-way), as dedicated in said Danieldale Subdivision, and a westerly line of said Tract Two;

THENCE South 00 degrees 01 minute 45 seconds East, departing said north line of Brantley Drive and along said common east line of Eaton Avenue and westerly line of said Tract Two, a distance 833.92 feet to a 5/8 inch iron rod found for the southerly southwest corner of said Tract Two;

THENCE South 88 degrees 58 minutes 03 seconds West, departing said common line and crossing said Eaton Avenue, a distance of 50.01 feet to a point for corner, said point being in the west line of said Eaton Avenue;

THENCE North 00 degrees 01 minute 45 seconds West, along said west line of Eaton Avenue, a distance of 809.03 feet to a point for corner in the common south line of said Brantley Drive and west line of Eaton Avenue;



# EXHIBIT A

SLOPE AND GRADING EASEMENT  
77,056 SQUARE FEET OR 1.769 ACRES  
IN THE DANIELDALE SUBDIVISION  
CITY OF LANCASTER, DALLAS COUNTY, TEXAS

THENCE South 89 degrees 05 minutes 58 seconds West, departing said west line of Eaton Avenue and along said south line of Brantley Drive, a distance of 723.65 feet to a point for corner in the common west line of said Patman Drive and south line of Brantley Drive;

THENCE North 01 degree 48 minutes 07 seconds West, departing said south line of Brantley Drive and along said west line of Patman Drive, a distance of 370.20 feet to a point for corner;

THENCE North 89 degrees 17 minutes 04 seconds East, departing said west line of Patman Drive and crossing said Patman Drive, a distance of 50.01 feet to the POINT OF BEGINNING AND CONTAINING 77,056 square feet or 1.769 acres of land, more or less.

Bearings based on the monumented west line of Tract Two in Special Warranty Deed to PIHV SOUTH POINTE INDUSTRIAL, LLC, as recorded in Document Number 201400276100, Official Public Records Dallas County, Texas (O.P.R.D.C.T.).

 4-24-2015

ANDREW J. SHAFER  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS NO. 5017  
TBPLS FIRM NO. 10029600



**EXHIBIT "B"**  
**SURVEY PLAT – SLOPE AND GRADING EASEMENT**  
**(ATTACHED)**

# INTERSTATE HIGHWAY - 20

POINT OF COMMENCING

FND TXDOT  
MON (C.M.)

(VARIABLE WIDTH R.O.W.)

PROPOSED  
15' WATERLINE EASEMENT

OWNER  
JMJ DIRECTION OUTDOOR, LLC  
DOC. NO. 201100228492  
O.P.R.D.C.T.

N89°17'04"E  
50.01'

POINT OF BEGINNING

PROPOSED  
SOUTHPOINTE CORPORATE CENTER  
BLOCK 2, LOT 1

SLOPE & GRADING  
EASEMENT  
77,056 SQ. FT.  
OR  
(1.769 ACRES)

BRANTLEY DR.

N01°48'07"W  
370.20'

PATMAN DR.

S01°48'07"E  
345.04'

1/2" FIR (C.M.)

N89°05'58"E

724.42'

1/2" FIR (C.M.)

S89°05'58"W

723.65'

OAK FARMS BLVD.

BLOCK A

PATMAN DR.

BLOCK B

DANIELDALE SUBDIVISION  
VOL. 35, PG. 213  
D.R.D.C.T.

CRISWELL STREET

BLOCK C

809.03'

S00°01'45"E

OWNER  
PIHV SOUTH POINTE  
INDUSTRIAL, LLC  
(TRACT TWO)  
DOC. NO. 201400276100  
O.P.R.D.C.T.

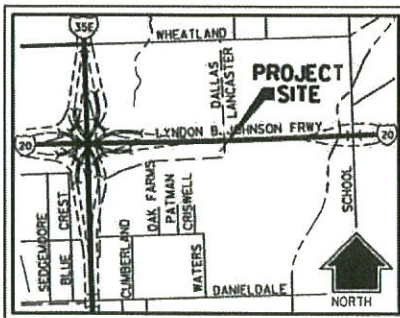
EATON AVE.

833.92'

N00°01'45"W

5/8" FIR (C.M.)

S88°58'03"W  
50.01'



LOCATION MAP

NOT TO SCALE

N



SILAS B. RUNYON SURVEY,  
ABSTRACT NO. 1199

0 100 200 300 400

SCALE: 1"=200'



## LEGEND

1/2" FIR  
5/8" FIR  
C.M.  
INST. NO.

ONE HALF INCH FOUND IRON ROD  
FIVE-EIGHTH INCH FOUND IRON ROD  
CONTROL MONUMENT  
INSTRUMENT NUMBER

## EXHIBIT A SLOPE AND GRADING EASEMENT

IN THE DANIELDALE SUBDIVISION  
SITUATED IN THE  
SILAS B. RUNYON SURVEY, ABSTRACT NO. 1199  
CITY OF LANCASTER, DALLAS COUNTY, TEXAS

FOR

PIHV SOUTH POINTE INDUSTRIAL LLC

PREPARED BY



HALFF ASSOCIATES, INC. ENGINEERS - SURVEYORS  
1201 NORTH BOWSER ROAD - RICHARDSON, TEXAS - 75081  
SCALE: 1"=200' (214)346-6200 AVO. 30592



# DALLAS COUNTY PLAT BOOKS

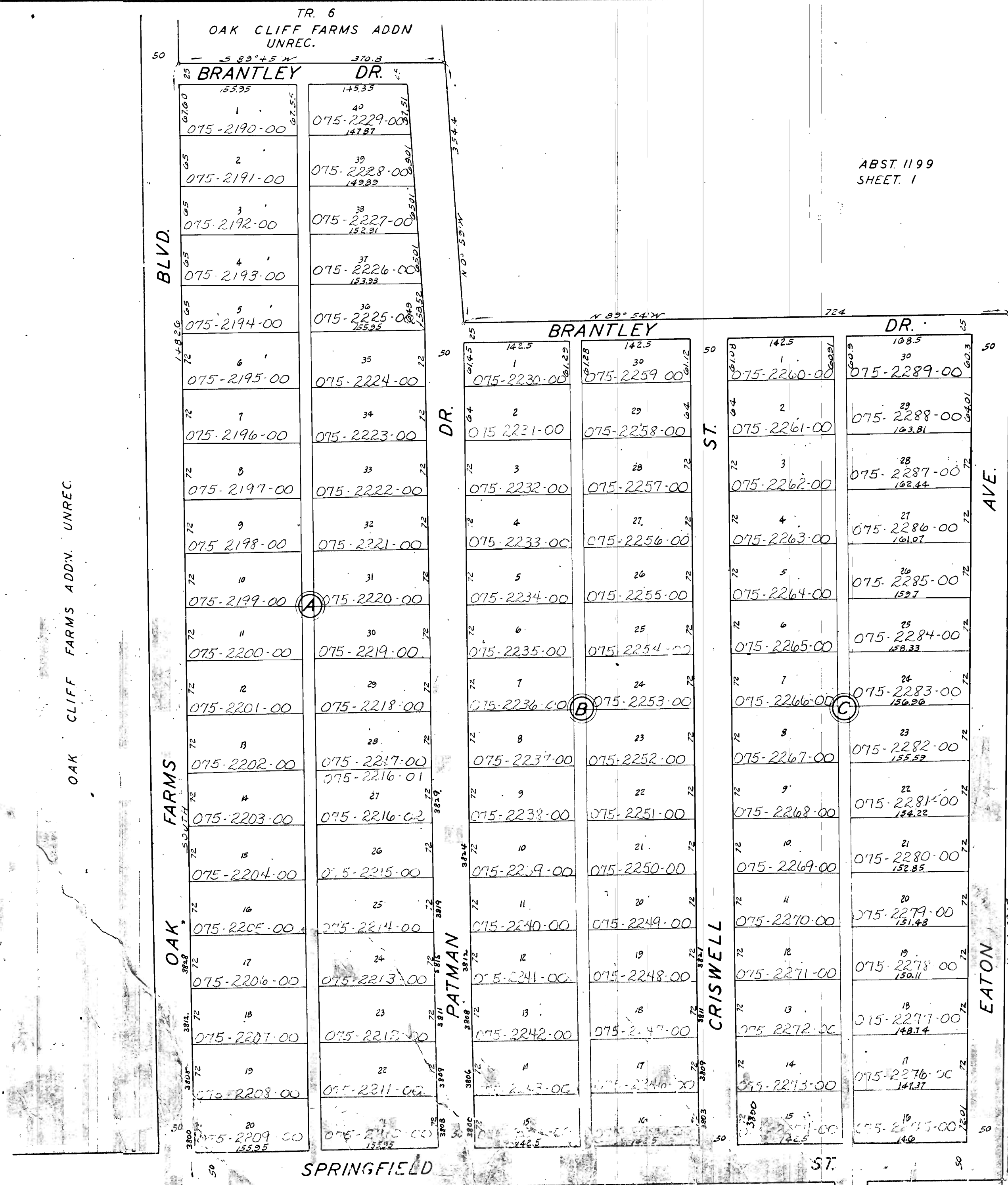
TOWN OF LANCASTER

SCALE 100 FT. EQUAL 1 INCH

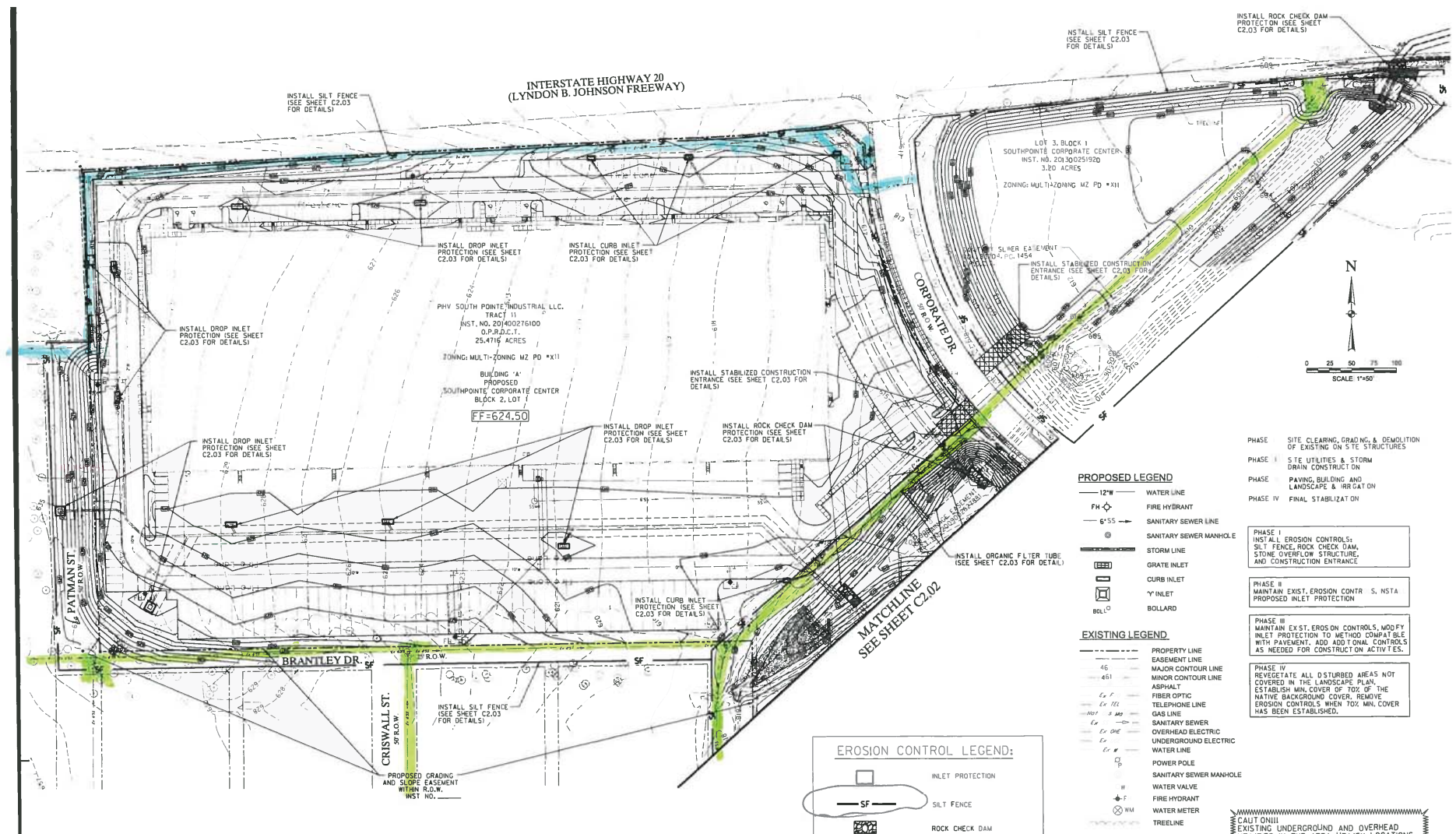
BLOCKS A B C

DANIELDALE RESUBDIVISION OF TRACTS 1 TO 5 ADDITION  
OF OAK CLIFF FARMS ADDN. UNRECORDED

FILED 4-10-58 VOL 35-213  
ABST 1199







NOTE:  
SEE EROSION CONTROL NOTES & DETAILS SHEET C2.03 FOR DETAILS AND GENERAL NOTES.

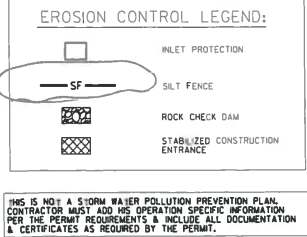
PURSUANT TO THE PROJECT REQUIREMENTS THE CONTRACTOR SHALL PREPARE A STORM WATER POLLUTION PREVENTION PLAN. THE DRAWINGS CONTAINED HEREIN ARE NOT, AND SHOULD NOT BE CONSIDERED TO BE A STORM WATER POLLUTION PREVENTION PLAN. SHOULD THE CONTRACTOR CHOOSE TO USE THE INFORMATION HEREIN, HE SHALL DO SO WITH THE PROVISION THAT HE AT A MINIMUM MEETS ALL OF THE PERMIT REQUIREMENTS FOR CONSTRUCTION ACTIVITIES UNDER THE TCEQ TPDES PERMIT NO. TXR150000 AND OTHER APPLICABLE PERMITS, RULES, REGULATIONS AND CODES.

CONTRACTOR SHALL ADD TO THE SITE MAP AT A MINIMUM, THE FOLLOWING AND SHALL ADD ADDITIONAL INFORMATION AS REQUIRED BY THE PERMIT:

1. OFF-SITE MATERIAL, WASTE, BORROW, FILL OR EQUIPMENT.
2. AREAS DISTURBED AREAS UNDISTURBED NOT SHOWN.
3. CONCRETE OR ASPHALT BATCH PLANTS
4. EQUIPMENT STORAGE AREAS
5. ON-SITE WASTE AND TRASH STORAGE
6. SANITARY WASTE FACILITIES
7. FUELING AREA
8. CONCRETE TRUCK WASHOUT LOCATION
9. REVISE PHASES SHOWN ABOVE AS APPROPRIATE FOR HIS OPERATION.

NOTES:  
1. THE TCEQ TPDES PERMIT REQUIRES SEDIMENT BASINS WHERE FEASIBLE FOR COMMON DRAINAGE LOCATIONS THAT SERVE AN AREA WITH TEN (10) OR MORE ACRES DISTURBED AT ONE TIME. SEE PART (II.F.3.(g)), OF THE TCEQ TPDES PERMIT FOR THE REQUIREMENTS.

2. THE CONTRACTOR MAY USE THE EROSION CONTROLS SHOWN ON THIS EROSION CONTROL PLAN WITH THE PROVISION THAT HE AS OPERATOR IS RESPONSIBLE FOR IMPLEMENTATION AND CONTINUING MAINTENANCE OF THE EROSION CONTROLS IN ACCORDANCE WITH THE TPDES PERMIT.



- PROPOSED LEGEND**
- 12" W WATER LINE
  - 6" S5 FIRE HYDRANT
  - 6" S5 SANITARY SEWER LINE
  - 6" S5 SANITARY SEWER MANHOLE
  - STORM LINE
  - GRATE INLET
  - CURB INLET
  - "Y" INLET
  - BOLLARD

- EXISTING LEGEND**
- PROPERTY LINE
  - EASEMENT LINE
  - MAJOR CONTOUR LINE
  - MINOR CONTOUR LINE
  - ASPHALT
  - FIBER OPTIC
  - TELEPHONE LINE
  - GAS LINE
  - SANITARY SEWER
  - OVERHEAD ELECTRIC
  - UNDERGROUND ELECTRIC
  - WATER LINE
  - POWER POLE
  - SANITARY SEWER MANHOLE
  - WATER VALVE
  - FIRE HYDRANT
  - WATER METER
  - TREELINE

- PHASE I** SITE CLEARING, GRADING, & DEMOLITION OF EXISTING ON-SITE STRUCTURES
- PHASE II** SITE UTILITIES & STORM DRAIN CONSTRUCTION
- PHASE III** PAVING, BUILDING AND LANDSCAPE & IRRIGATION
- PHASE IV** FINAL STABILIZATION
- PHASE I** INSTALL EROSION CONTROLS: SILT FENCE, ROCK CHECK DAM, STONE OVERFLOW STRUCTURE, AND CONSTRUCTION ENTRANCE
- PHASE II** MAINTAIN EXIST. EROSION CONTROL. S. INSTALL PROPOSED INLET PROTECTION
- PHASE III** MAINTAIN EXIST. EROSION CONTROLS. WOODY INLET PROTECTION TO METHOD COMPATIBLE WITH PAVEMENT. ADD ADDITIONAL CONTROLS AS NEEDED FOR CONSTRUCTION ACTIVITIES.
- PHASE IV** REVEGETATE ALL DISTURBED AREAS NOT COVERED IN THE LANDSCAPE PLAN. ESTABLISH MIN. COVER OF 70% OF THE NATIVE BACKGROUND COVER. REMOVE EROSION CONTROLS WHEN 70% MIN. COVER HAS BEEN ESTABLISHED.

**CAUTION!**  
EXISTING UNDERGROUND AND OVERHEAD UTILITIES IN THE AREA. UTILITY LOCATIONS SHOWN ARE SCHEMATIC IN NATURE AND MAY NOT ACCURATELY REFLECT THE SIZE, HORIZONTAL AND/OR VERTICAL LOCATION. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF UTILITIES PRIOR TO BEGINNING CONSTRUCTION. THE CONTRACTOR SHALL CONTACT AFFECTED UTILITIES AT LEAST 24 HOURS PRIOR TO CONSTRUCTION (1-800-DIG-TESS)

Revision	Date	Description
1	03/02/2015	ADDENDUM
2	04/23/2015	CITY COMMENTS
3	05/27/2015	MMEN

A Proposed Facility By PIHV South Pointe Industrial LLC.

**SOUTH POINTE CORPORATE CENTER**

Lancaster, Texas

LEVEL, ARD & ASSOCIATES  
ARCHITECTS, P.C.  
1105 E. 8th St.  
Suite 100  
Lancaster, TX 75246

**PRELIMINARY**

FOR INTERIM REVIEW ONLY  
THESE DOCUMENTS ARE FOR INTERIM REVIEW AND NOT INTENDED FOR PERMITTING OR CONSTRUCTION PURPOSES. THEY WERE PREPARED BY OR UNDER THE SUPERVISION OF:

BRAND M. SATTAJAJ  
10/10/08  
N  
DA E 5.27  
JOB 14901  
AVO: 30592

**EROSION CONTROL PLAN**  
**C2.01**

**HALFF**  
3803 PARKWOOD BLVD., SUITE 800, FORT SCOTT, TEXAS 75024 (214) 816-4570  
TYPE FORM #15-12  
1/15

# LANCASTER CITY COUNCIL

## Agenda Communication

June 22, 2015

---

**Consider election of a Mayor Pro Tempore.**

---

**This request supports the City Council 2014-2015 Policy Agenda.**

### **City Charter Provision**

---

#### **Background**

Section 3.05 (b) of the City Charter provides for the election of a Mayor Pro Tem and a Deputy Mayor Pro Tem. Section 3.05 (c) of the City Charter provides that the Mayor Pro Tem shall act as Mayor during the disability or absence of the Mayor and in this capacity shall have the rights conferred upon the Mayor.

#### **Options/Alternatives**

Council may elect a Mayor Pro Tem at this time or defer the action until the next regular meeting.

#### **Recommendation**

No staff recommendation. This matter is at Council's discretion.

#### **Attachments**

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

#### **Submitted by:**

Sorangel O. Arenas, City Secretary

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

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

### ***SECTION 3.03 Compensation***

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

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

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

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

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

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

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

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

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

### ***SECTION 3.06 Vacancies, Forfeiture and Filling of Vacancies***

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

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

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

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

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

### ***SECTION 3.07 Duties and Powers of the City Council***

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

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

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

# LANCASTER CITY COUNCIL

## Agenda Communication

June 22, 2015

---

**Consider election of a Deputy Mayor Pro Tempore.**

---

**This request supports the City Council 2014-2015 Policy Agenda.**

### **City Charter Provision**

---

#### **Background**

Section 3.05 (b) of the City Charter provides for the election of a Mayor Pro Tem and a Deputy Mayor Pro Tem. Section 3.05 (d) of the City Charter provides that the Deputy Mayor Pro Tem shall act as Mayor during the disability or absence of the Mayor and Mayor Pro Tem and in this capacity shall have the rights conferred upon the Mayor.

#### **Options/Alternatives**

Council may elect a Deputy Mayor Pro Tem at this time or defer the action until the next regular meeting.

#### **Recommendation**

No staff recommendation. This matter is at Council's discretion.

#### **Attachments**

Section 3.05 (d) City Charter

---

#### **Submitted by:**

Sorangel O. Arenas, City Secretary

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

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

### ***SECTION 3.03 Compensation***

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

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

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

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

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

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

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

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

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

### ***SECTION 3.06 Vacancies, Forfeiture and Filling of Vacancies***

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

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

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

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

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

### ***SECTION 3.07 Duties and Powers of the City Council***

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

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

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